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NEW YORK LAW SCHOOL

Magazine | Spring/Summer 2010

NAVIGATING THE LEGAL JOB MARKET



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Magazine | Spring/Summer 2010

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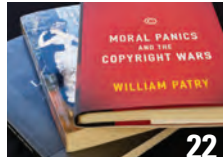
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Dean's message



Crisis and Opportunity

By Richard A. Matasar

As this issue of *New York Law School Magazine* was being produced, the Law School community celebrated its 118th Commencement, and I am beaming with pride at all that our graduates have accomplished. I wish they were entering a more promising legal marketplace; the economic crisis continues to hit our profession hard, and many students are fearful that they may not reach their goals. The faculty and staff continues to dispense advice to "hang in there," to call in chits from our former students and current friends who may be able to employ our graduates, and to deliver the best quality education we can to equip our students to be effective lawyers when they graduate. We all worry that the prospects for the future are uncertain.

Facing these conditions, many turn and run. Others throw up their arms in despair. The frightened ignore the issues and assume them away. But the bold confront the situation head-on and find an opportunity where others see crisis. I am cheered to be a part of a bold institution whose very essence is defined by students and graduates who make lemonade out of lemons, find silver linings in clouds, and understand deeply that they can make their way in tough times.

In this issue of the magazine, we present career advice from experts within and outside our community on how to navigate today's legal job market. This story, like other articles in the issue, speaks to our community of strivers.

- New York Law School students and graduates are **flexible**. They seek out employment in nonintuitive places. They take on jobs that give them experience that they later turn into even more rewarding opportunities.
- New York Law School students and graduates are **innovators**. Where others see problems, they see solutions.
- New York Law School students and graduates **add value**. In countless ways, they become indispensable to their organizations; they work harder, put in the extra effort, and place client needs before their own.

It gives me great pride as I travel to law firms, government agencies, and corporations to talk about our students and graduates as flexible innovators who add significant value to every organization with which they affiliate. This can be attributed to characteristics that are built into our community. First, we accept students who have already demonstrated through their undergraduate studies that they will work hard and achieve much. Second, we look for leaders and provide countless ways for every student to become engaged in service while they study. Third, we provide a program that asks a great deal of every student and forces each to become a creative problem solver. In short, it is no surprise that the New York Law School community responds to a crisis aggressively, seeking to make the most of every moment and to achieve everything we can.

In crisis there is opportunity . . . for those who seize the day.



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Professor Lawrence Lederman, Nature Photographer

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Lost in the Beauty of Trees:

Navigating the Legal Job Market: The Experts Weigh In

By Mona Houck '04

For law students and graduates struggling in one of the toughest job markets in memory, experts offer three words to keep in mind: patience, persistence, and perspective.

"I think patience is more important than ever," says Lisa Abrams, Director of Career Services at The University of Chicago Law School and author of *The Official Guide to Legal Specialties* (Harcourt, 2000). "Students and alums don't like to hear this, but looking for a job is kind of like a diet or exercise program. It cannot be a one-day or one-week streak."

Long-term commitment is especially important in this market, where demand for jobs greatly exceeds supply. The downturn can be traced to the 2008 collapse of Bear Stearns and Lehman Brothers, which "affected practice and hiring patterns well beyond the Am Law 200," says Meg Reuter, Assistant Dean for Career Planning at New York Law School. "Obviously, large New York City firms have a heavy clientele in financial services, so you can understand why the large firms went into a stall," she says.

Those firms have significantly contracted their hiring and are expected to hire conservatively for the next several years, says James Leipold, the Executive Director of the National Association for Law Placement in Washington, D.C. And those big-firm problems have seeped deep into the market. Many deferred associates displaced other applicants in the public interest sector, Leipold says, while state court clerkships became hard to get because judges were keeping incumbent clerks who could not find other work. And the number of applications for federal clerkships and the percentage of graduates applying for those jobs hit record highs in the past year.

"I think it's going to remain a very tough job market for this class," he says, though he predicts a thawing after that. "I think things will start to improve, but it's hard to say how much or how quickly. The legal economy really follows the national economy very closely, and we're not exactly racing toward recovery."

The wait may yield unexpected rewards. When it's especially difficult to find a position, Abrams says, "people often end up happier because they've looked harder and they usually find a better match."

"There's hiring going on," she notes, "but the attitude of many legal organizations is that we don't have to hire right now, but we would hire if we found exactly the right person."

Becoming that person means developing real skills and being able to demonstrate them, polishing and repolishing résumés, building a strong network of professional contacts, and becoming adept at interviewing.

It also means looking beyond the personal to see the big picture.

"To interview effectively and to job-search effectively, you have to have an appreciation for the pressures the employers are under and what they're looking for in this market," Abrams explains. Shift perspective to consider employers' needs, she says, and view interviews as persuasive conversations to show how you can meet those needs.

Developing a strong professional network is also crucial. "The most important thing, I find, is to make sure people are doing an actual full and complete job search," says Hillary Mantis, an author and consultant to New York Law School who provides career counseling primarily for alumni. "Many are only doing an Internet search. Or possibly they've done a mass mailing, but many of them haven't done much in the way of networking."

Mantis advises getting involved in alumni activities and joining practice area committees at bar associations. Those connections could lead to short-term projects or referrals, if not to an outright job.



Job searchers must get off line and out the door to be effective. “Intensive, face-to-face personal networking is really important,” Leipold says. “Lots of jobs are not posted or advertised; they’re stumbled into because you were in the right place at the right time.”

A recession-proof practice area may be too much to hope for, but some are recession-resistant. “There are areas that are stronger than others, but still, employers are very, very cautious in their hiring,” Abrams says. Some of the healthiest practices these days are bankruptcy and



Lisa Abrams



Stephen Furnari '98



Mariana Hogan

Abrams suggests seeking out informational interviews, starting with alumni. The key to those kinds of interviews is to ask for advice and information, not for a job. “You’re trying to build bridges with someone and gather information or intelligence,” she says. “That is so helpful in targeting prospective employers and selling yourself.”

Law schools have redoubled efforts to help students build these networking skills early. “We’re being much more strategic and much more thorough in the way that we teach students to do a job search and market themselves,” says Professor Mariana Hogan, Associate Dean for Professional Development at the Law School. “You need to know how to follow up with professional contacts in a productive way and maintain those contacts so that you are creating a network that you can build on and tap as you progress through law school and begin your legal career.”

And don’t neglect those relationships later. “Once you do find a job,” Abrams says, “you have to pay attention to keeping networks warm so if you want to make a change or are forced to make a change, you’re ready.”

The heart of the search is where exactly to find employers who are hiring.

restructuring, compliance, and litigation-heavy areas. But lawyers need to have demonstrated an interest in the area and show that they would bring value.

Small- to medium-size firms, where billing rates have been attractive to crunched companies, have been a bright spot. “Many of them have actually grown during the recession,” Leipold says, “but they don’t offset the job losses from the big firms.”

Some recent New York Law School graduates have found their first employment through a public service fellowship that arranges work for a limited term at various government agencies, nonprofit organizations, and courts. Dean Reuter says about 20 graduates were involved last year, the program’s first, and about 30 will participate this year.

The School pays students a relatively small stipend, Dean Reuter says, but the rewards have been significant. “Each agency and organization we contacted was incredibly appreciative that we’re providing graduates who can help them out. For the grads, they just have loved the work, knowing that their careers as lawyers have begun.”

Graduates also have access to a free job database on the Law School’s Career Services Web site*. And, Mantis points out, many jobs are posted by New York Law School alumni, offering a ready-made connection.

* For a free account, username, and password, contact the Office of Career Services at 212.431.2345 or career@nyls.edu.

Of course, patience and persistence don't pay the bills for lawyers between jobs. "In many cases, people have to conduct two job searches in that situation," Abrams says. "One where you're just taking care of your immediate financial needs, and then a more long-term

"It became pretty apparent to me that the only way to ensure survival in the legal market is to make sure you have a sizable book of portable business," he says. "So in October 2002, I hung



James Leipold



Hillary Mantis



Meg Reuter

search where you're working on finding something that is truly satisfying."

Temporary legal work is one option, as is work outside the legal arena. "There's no shame in taking a nonlegal job initially to keep a roof over your head," says Leipold. But, he cautions, "in this market, if you do that, it's even more important that you find ways to stay involved. You can't just walk away from the law and expect to waltz back in two years later."

It's also important, Mantis says, to keep the situation in perspective. A rough spot now is a blip in a long career. So while it's important for job seekers to find work that meets some of their needs, flexibility is also important. "If you don't find your dream job the first time," Mantis says, "you can still have a positive experience and then move on."

For some lawyers, layoffs can lead to positive events. Just ask Stephen Furnari '98, who lost his job at a big New York firm at the end of 2001, after the dot-com crash and 9/11. "At that point, corporate legal work really dried up, and there were pretty significant legal layoffs all around the city," he says.

Fortunately, Furnari had been looking ahead and quickly landed another job. Unfortunately, business was slow at his new firm and he was laid off again six months later. That led him to consider whether he would be better off on his own.

up a shingle, and I've been doing it ever since. It was one of the biggest risks I've taken in my life, but it was one of the best risks I've taken.

"The first year, I certainly didn't hit the ball out of the park," he notes. But business doubled in the second year, and again in the third year, when he matched his former firm salary.

Furnari has some practical advice for lawyers considering a similar leap: "The critical thing for anyone starting their own practice is to really look at your personal expenses and scale them way back. If you can reduce your expenses, it allows you to make a longer commitment to the success of your practice."

The current market makes him even more appreciative of his decision. "Many of my colleagues that made the cut when I got laid off have been laid off in this cycle." Now, he says, unless they have built their own book of business, those attorneys are more expensive, but not much more valuable to a firm than those with less experience. "In many ways, they're in a far worse position now than [they would be] had they been let go then."

Furnari has also found entrepreneurial success. When he began sharing space with a few other lawyers, it had a significant effect on his practice. "I noticed that very quickly, I was exchanging a lot of business with some of

the lawyers in the office,” he says.

Soon, Furnari found his own space and started filling it with lawyers. His venture, called Law Firm Suites, has expanded to 15,000 square feet with more than 40 lawyers. “It’s turned into a real vibrant community of lawyers at all different stages of their careers,” he says.

They share not only referrals but also practice tips and advice. And it allows each attorney to maintain a broader spectrum of business. “It’s kind of what you would have at a larger firm, with cross-pollination among partners, but without having to tie your economics to your neighbor,” Furnari explains.

The solo life is not the answer for everyone forced into a career change, but Furnari believes being laid off can have an upside. As difficult as it is to lose a job, he says, “you’ve got to look at it as an opportunity to really spend some time thinking about what you want to do with your life.

“Do something that’s going to inspire you or make you happy,” he says. “If you’re getting the Sunday blues every weekend because you don’t want to go back to work, you’re not doing the right thing.

“I don’t get the Sunday blues anymore,” he says. “I enjoy what I’ve created.”

The economy has also prompted law schools to do some soul searching and figure out how to develop forward-thinking students.


“I think it is critical to get the students to think strategically about their careers and be conscious about developing professionally from the very first moment they arrive in law school,” Dean Hogan says. To that end, the first-year program begins with a convocation that is “meant to inspire them to use their time in law school to think about the kind of lawyers they want to be.”

The Law School also encourages first-year students to develop relationships with career counselors and offers guidance on writing effective résumés, preparing for interviews, and building legal relationships.

Through these early efforts, Dean Hogan says, New York Law School seeks to produce graduates with a “five-point portfolio” that demonstrates a progression from law student to lawyer—a package that “will really distinguish our students in the marketplace.”

First on the list is producing integrated transcripts and résumés, so each reflects students’ interests. Next, students are urged to have three significant legal experiences, like summer work, externships, or workshops. Third, students should seek out five advisors, professors, or employers they can go to for advice and introductions. Fourth, students should be able to point to an accomplishment that demonstrates tenacity and an ability to reach a goal. It could be a legal accomplishment, like a capstone project, or something like finishing a marathon. And finally, students should produce published written work or a professional presentation.

“In a sense, the market has helped us to do this,” Dean Hogan says. “All of these things we are doing with the students, they are things that career counselors have always advised. But we are advising them to be more conscious of it earlier. And because the market is so difficult, we’ve had a more receptive audience in the first-year students.”

Keeping a sense of perspective and looking ahead can benefit students as well as experienced lawyers. Furnari, who has been through rough times and survived, offers them this advice: “When you’re in it, sometimes it’s hard not to be really worked up, but this market will get better. If they make the right moves now, I think they’ll look back at this time with some pride.” 



LOST IN THE BEAUTY OF TREES: PROFESSOR LAWRENCE LEDERMAN, NATURE PHOTOGRAPHER

By Andrea Juncos

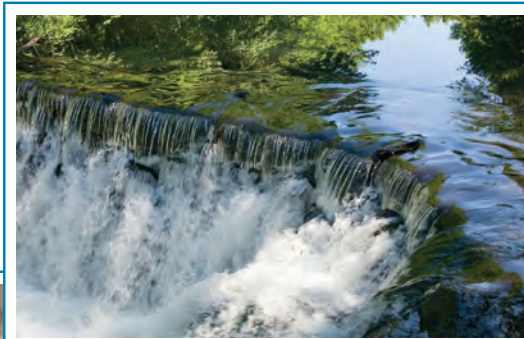


Larry Lederman, all rights reserved.

Almost a decade ago, when Distinguished Adjunct Professor Lawrence Lederman wandered across the landscape of his home in Westchester County, New York, admiring the trees, he was struck by the sight of an animal looking back at him. Only this was no animal hiding in the trees; it was the tree itself—taking on the shape of a woodland creature in the passing light. In an instant, the light changed, and the image was gone, but the impression was pressed on Professor Lederman's mind. And the corporate lawyer-turned-budding photographer decided to return with his camera to capture what he had seen.

"So I was out there stalking wild animals, that weren't really animals, in the trees," he laughs. "I was waiting for the light to hit a tree in a certain way that would reveal an animal I could see that no one else could." He compares the pursuit to staring up at the sky, envisioning figures in the clouds overhead.

Larry Lederman, all rights reserved.



Based on the collection of photos he has produced, you'd think he had been taking pictures his whole life. But nature photography is a relatively new passion for Professor Lederman. He first became interested in photographing trees around 2001, in an effort to create an inventory of the trees on his property. He went out and bought a Leica rangefinder camera and taught himself how to shoot. His first shots, he admits, were "boring" and, according to his wife, simply "looked like trees." But with practice, and a careful eye for detail, his technique improved. He experimented with light and shadow, focus and perception, and before long, his unique vision was coming through the lens.

"The trick is to get the camera to take the picture that's in your mind," he explains. "You have to have a concept of what you want to get out of a picture and get the camera to capture that. It's very difficult."

In 2003, Professor Lederman brought a selection of his photos to the New York Botanical Garden, where he has been a board member since 1996, hoping to launch an exhibit. He developed a clever slogan, aimed at marketing the exhibit against the Garden's competitor, the Bronx Zoo: "All the animals are not in the zoo." But the board of directors didn't go for it. Instead, they directed him to the products department, which jumped at the idea to create a calendar out of his works. The piece sold out, and Professor Lederman has since developed a new calendar for the Botanical Garden almost every year.

Today, Professor Lederman's photography has reached a whole new level of sophistication, and his work has been featured in exhibits in the U.S. and abroad. His fascination with trees resulted in a new collection, "The Presence of Trees," which was shown at the Ross Gallery at the New York Botanical Garden from November 18, 2009 to April 11, 2010. The exhibit showcased pictures he has taken of trees at the Botanical Garden and in Westchester at different times of day and throughout the changing seasons. His striking images celebrate everything from the vibrant colors of autumn, to the delicate opening of a springtime flower, to the stillness after a fresh snowfall in the woods. In each case, the photographs reveal Professor Lederman's reverence for the fleeting moments in nature and the beauty he sees all around him. "What you see is never the same again," he says. "Basically I'm into poetry and beauty. I'm interested in creating something that moves me."

He's also interested in depicting how nature is influenced by humanity and vice versa. "Most of the trees we see have been touched by man in one way or another, and they represent our culture. 'The Presence of Trees' is really about trees as an embodiment of our culture and the way they affect and change our lives."

Professor Lederman's other recent work includes a 2008 show at the Lehman College Art Gallery, where six of his pieces were selected for an exhibit showcasing the natural beauty of the Bronx. And for the last three years, he has been following in the footsteps of renowned 19th-century landscape painter Frederic Edwin Church, of the Hudson River School of painters. The project has taken the professor on an incredible journey, with stops in Newfoundland; Niagara Falls; Hudson, New York; Mount Desert Island, Maine; and Italy, where he was a visiting artist at the American Academy in Rome. Along the way, he has been tracing Church's path, capturing with his camera many of the same breathtaking places Church memorialized in his paintings—but with the new perspective of a 21st-century lens. Next on the photographer's itinerary are Jamaica and South America, where he will continue to explore 19th-century concepts of God and nature, and how our attitudes toward both are different today.

His adventure has already been documented in calendars produced by The Olana Partnership, the nonprofit organization that helps maintain the historic Olana estate where Frederic Church lived in the Hudson Valley. But audiences will get to see a full collection at an exhibit to be held at Olana from May through October 2010.

Professor Lederman's success as a nature photographer comes on top of an illustrious career as a corporate lawyer and law professor. He is a retired partner and chairman of the global corporate practice at Milbank, Tweed, Hadley & McCloy LLP in New York, where he is currently of counsel. Before joining Milbank, he was a partner at Wachtell, Lipton, Rosen & Katz. His book *Tombstones: A Lawyer's Tales from the Takeover Decades* (Farrar, Straus and Giroux, 1992) describes his experience as one of the most active corporate and mergers and acquisitions lawyers in the United States. For many years, Professor Lederman taught Corporate Law at New York University School of Law, his alma mater. And since 2005, he has shared his expertise with students at New York Law School, where he teaches Corporate Governance and Mergers & Acquisitions as Distinguished Adjunct Professor of Law. He also chairs

the Board of Advisors at the Law School's Center for Business Law & Policy and, through a lecture series launched by the Center in 2007, speaks regularly to students about navigating their careers.

Luckily for New York Law School, Professor Lederman has discovered another way to benefit the entire school community—he has found a permanent home for some of his most magnificent images in the Law School's brand-new academic building. Since the facility opened in 2009, he has donated 22 works, many of which are already displayed in classrooms, in the library, and in the boardroom. The sizable photos, measuring two feet by three feet and larger, represent the range of his work, and include series on Niagara Falls, trees of the Botanical Garden, a boathouse on a lake near his property, and the Bronx River. Each piece brings the raw power of nature and its awe-inspiring beauty into the modern urban complex. And the entire community is grateful for his generosity.

Professor Lederman didn't think twice about donating his photographs to the Law School's new building. He was happy to enhance the sleek new environment where he continues to teach and learn. "I would just like people to enjoy them," he says modestly. "I think the photos are all distinctive and unique, and maybe they will open people's eyes to what's around them. That's what art is supposed to do—to get people to think about it."

And for Professor Lederman, the connection between practicing law and creating art is a strong one. Both tap into his imagination and give him a great deal of satisfaction. "What you do as an artist is no different from the concept of constructing a transaction; both require a degree of imagination and application of will and intellect," he says. "I get pleasure out of constructing a complex transaction, and I get pleasure from taking an interesting photograph that sees the world in a new way."

Be sure to get a glimpse of how Professor Lederman views the world the next time you're at the Law School. His stunning portrayals of the natural world will leave you intrigued and inspired. **f**

Unpacking the Law School's Latest Bar Pass Rate

By LaToya Jordan

From 2006 to 2008, New York Law School enjoyed a consistent increase in its bar pass rate, rising from 84 to 94 percent for first-time takers, maintaining a steady lead above the New York State average. In 2009, however, the Law School saw its bar pass rate dip 10 points to 84 percent, although this rate still surpassed the state's 80 percent average for all first-time takers.

The decline appears to be part of a larger trend, with nine of the state's 15 law schools showing a drop in bar pass rates among first-time takers. Administrators at New York Law School are currently examining the factors that could have contributed to the decrease in order to figure out necessary next steps.

last three years and compare that with the prior 20 years, we have continued to do quite well. For decades, our first-time pass rate was double digits lower than that of other ABA schools. For the last several years, we have been at about the average of other ABA schools, and for two of the last three years, we've been above the average performance of ABA schools. That's really a major improvement over time, and it gives us a target to reference when we look at our performance on any given year."

Dean Matasar points out that a small percentage of students can effect a major difference in bar pass rates, given that there were approximately 300 people from New York Law School sitting for the bar exam in July 2009, with every three students counting as one percentage point. "A swing from one year to the next of nine points could be based on 27 students, and that is a very low number when you think about what factors could influence someone's performance," he says. Such factors could include job loss, lack of funds to enroll in a bar review course, health issues, or family emergencies.

One area where there was a considerable decline was within the Evening Division, showing a pass rate of 71 percent, down 17 percent from the previous year. Law School administrators believe that the tough economy could have played a role in the decline. It's possible that some evening students, many of whom work full time during the day, couldn't afford to take time off to do the necessary studying for the bar exam or were working overtime as jobs were lost and companies relied on fewer people to get work done. "It was also the first year that the private lending market had no bar loans available for graduates of law schools," Dean Matasar adds.

Another area that may have accounted for the decline was with test-takers who sat for the New York bar exam for the first time, even though they had graduated from the Law School a number of years ago. These alumni, who have already been admitted elsewhere, may not



"One thing that's critical for us to look at is how we've done against the performance of all ABA-accredited law schools," Dean and President Richard A. Matasar says. "Even though we were slightly below the average performance of all ABA schools in New York [88 percent], if you look at our performance over the

have been as prepared for the exam as recent graduates taking an exam for the first time.

Even with the lower percentages, there is still positive news to be shared. Students from the Day Division passed the bar at 88 percent, the same average rate as first-time takers in New York from ABA-accredited law schools. And the top half of the class passed at 98 percent, demonstrating this group's continued success in achieving high rates. Moreover, when the results for all bar examinations taken in any state are added to the New York results, 87 percent of 2009 graduates were admitted to a bar in some jurisdiction.

Since the jump in the bar pass rate in 2006, and subsequent increases in 2007 and 2008, the Law School has been showcasing the success of the Comprehensive Curriculum Program (CCP), established in 2003 to support students in the bottom quarter of their class after their first year. And with good reason—in 2009, students in CCP passed the bar at a rate 17 percent higher than similarly ranked classmates.

Professor Kris Franklin, Director of the Academic Skills Program, teaches Principles of Legal Analysis (PLA), a specialized course where students may be identified as potential candidates for CCP. PLA focuses on individualized attention and small class numbers to teach students fundamentals of legal analysis and

is required for first-year students in the bottom third of their academic sections. PLA students whose grade point averages fall in the bottom 25 percent at the end of their first year are then placed in CCP.

“The interesting thing is that none of these programs, CCP or PLA, are typically focused on bar prep. So why have we seen such spectacular improvement in the bar results since we’ve been requiring students to do this?” Professor Franklin asks. “I think the answer is attention—intensive faculty and student attention to the intricacies of legal analysis. What we’ve found is that this affects everything, because for the students that PLA and CCP helps, it helps them in all of their classes, which is definitely going to help them perform better on the bar exam since they’ve mastered the material in a deeper way.”

Professor Joseph L. Marino, Director of the Applied Skills Program, teaches two of the required courses for the CCP program and has some ideas for what steps the Law School should take next. “I believe we need to continue identifying students who would benefit from courses like New York Law in National Perspective, and get them in the class, as well as other classes that are bar oriented. We need to investigate external reasons as to why those who were very close to passing failed, and keep our students focused on their strengths of writing when studying for the bar.”

According to Dean Matasar, once the specific issues that impeded the success of students in the Evening Division have been pinpointed, the Law School will develop a method for identifying problems earlier and provide both resources and support to guide students toward getting their best scores on the bar exam.



PROFESSOR JOSEPH L. MARINO: BAR PASS GUIDANCE COUNSELOR



Left to right: Megan Natale 3L with Professor Joseph L. Marino.

When New York Law School reached its first record-high bar pass rate of 84 percent in 2006, surpassing the New York State pass rate for the first time, many people were acknowledged for their role in helping students succeed. One name that kept coming up was Professor Joseph L. Marino, and his name continues to be brought up when the Law School's bar pass accomplishments are mentioned.

Professor Marino, Director of the Applied Skills Program, has been with the Law School since 1994, but has more than 35 years of experience in preparing students for the bar exam. His father, Joe Marino Sr., founded the Marino Bar Review in 1946 and helped prepare students such as Geraldine Ferraro and former New York governors Mario Cuomo and Hugh Carey. Professor Marino gladly picked up the baton in the family business in 1975 and counts the late John F. Kennedy Jr. as one of his many success stories.


His expertise was first tapped by the Law School in 2000 by Harry H. Wellington, Professor of Law and Dean Emeritus, who asked Professor Marino to develop coursework after the 1999 bar pass rate ended up at 58 percent. The first course Professor Marino developed was New York Law in National Perspective, which covers eight major subject areas in a comparative context: contracts and sales, corporations, criminal law

and procedure, evidence, real property, torts, trusts, and wills. After the first run of the class, the bar pass rate reached 72 percent in 2000 and remained relatively steady at that rate until the major increase in 2006.

Another course Professor Marino developed is Consolidated Legal Analysis (CLA), where students learn more about legal analysis, engage in constant drills, and participate in numerous writing workshops. Students also meet once a week with adjunct professors, trained by Professor Marino, in a smaller group setting to receive more individualized instruction.

“These classes have a rigorous workload, but it is done with a purpose,” says Professor Marino, who also teaches New York Practice. “The purpose sometimes can get obscured by the demanding schedule. However, one of the most gratifying aspects of teaching is hearing from the students during bar review when the reason behind the hard work becomes clear to them.”

In 2003, with the implementation of the Comprehensive Curriculum Program (CCP), designed to provide intensive support to struggling students, both New York Law in National Perspective and CLA became requirements in the program. The first cohort of CCP students took the bar in 2006, and the rest is New York Law School history.

“Professor Marino’s work on the courses he’s developed has been tremendously helpful to our students, and the combinations of these courses have been very influential,” Dean Matasar says. “Professor Marino reaches a huge percentage of our students, and we know that his expertise has been helpful in providing them with the guidance they need to pass the bar exam and be successful after that as well.” 

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SELECTED CENTER UPDATES

SPOTLIGHT

Center on Business Law & Policy



Top: Members of the Center on Business Law & Policy attend the Center's November 13, 2009 Duty of Good Faith symposium.



Bottom: (left to right) Professor Faith Stevelman and Hon. Carolyn Berger, Associate Justice, Supreme Court of Delaware, at the Duty of Good Faith symposium.

On November 13, 2009, the Center on Business Law & Policy and the *New York Law School Law Review* presented a symposium analyzing the nature and importance of the evolving fiduciary duty of "good faith." The symposium—titled "The Delaware Fiduciary Duty of Good Faith after Disney: Meaningful or Mickey Mouse?"—featured corporate scholars from the U.S. and the U.K. speaking on four panels.

The speakers addressed the meaning and impact of good faith in light of the Delaware Supreme Court's recent redefining of the contours of the duty, which expressly placed it within the duty of loyalty in *Stone v. Ritter* (2006), and perhaps narrowed the duty in *Lyondell v. Ryan* (2009), by stressing that "an arguably imperfect attempt" to carry out fiduciary duties should not be equated with a violation of good faith. Delaware Associate Supreme Court Justice Carolyn Berger, the author of *Lyondell*, commented on the presentations.

"We were happy to convene so many leading scholars and practitioners to discuss this increasingly important topic," said Professor Howard S. Meyers, the Center's Associate Director. "The topic was especially timely given the state of today's economy and the public's perception of business leaders and their responsibility to disclose information to investors."

"The conference was very successful," said Professor Peter C. Kostant, an expert in corporate and securities law, and the organizer of the event. "The fiduciary duty was examined from numerous perspectives, and we have received excellent submissions from the distinguished participants that will be published in our *Law Review*. Our students also enjoyed attending the panels and meeting an extremely personable sitting Delaware Supreme Court Justice."

Center on Financial Services Law

The fall 2009 semester marked the launch of the LL.M. in Financial Services Law program, which offers more than 40 courses involving all aspects of the global financial services industry. Offerings include six courses on derivatives law and products, a similar number of courses on banking law, and several individualized courses such as Audit, Examination, and Inspection Proceedings Involving Financial Institutions; Bank Secrecy Act and Anti-Money Laundering Regulation; Employment Law and Executive Compensation Issues; Global Compliance Issues Facing Financial Institutions; Hedge Funds: Their Regulation and Structure; Insolvency Issues Affecting Financial Institutions; and Prime Brokerage and Securities Financing. Courses are taught by some of the leading legal experts in their respective fields, many of whom are New York Law School graduates.

Led by Professor Ronald H. Filler, the Center on Financial Services Law also established an Associates Program in which second- and third-year students work on various projects and assignments related to financial services law. Three committees have been established so far. One is focused on creating a Web site for the Center that will post current legal and regulatory developments, new case developments, various articles, and other important newsworthy issues involving the financial services industry. A second committee is working on establishing a journal on financial services industry matters where practitioners, academics, alumni, and students can submit papers or articles for publication. And a third student committee is developing a speaker's forum that will bring senior governmental and industry executives to the Law School to deliver major policy speeches, and will create CLE programs that address current legal and regulatory issues facing the financial services industry.

Center for International Law

In his C.V. Starr Lecture on October 20, 2009, Justice Richard J. Goldstone reflected on his role as head of the United Nations Fact Finding Mission on the Gaza Conflict, which investigated alleged violations of international human rights laws by Hamas and the Israel Defense Forces from December 2008 to January 2009. “This would be the first time that a resolution coming out of the [UN] Human Rights Council would not be biased against Israel,” Justice Goldstone said. He noted that he had consented to lead the mission only if the Human Rights Council, which has passed more resolutions against Israel than against any other nation, broadened its mandate to investigate atrocities committed by all groups.

He also described the decades-long development of international criminal law, beginning with the Nuremberg trials, which held Nazi officials liable for war crimes, and continuing through the current era, which has seen the creation of a permanent International Criminal Court and the development of the UN’s ad hoc tribunals to prosecute war crimes committed in Cambodia, Rwanda, Sierra Leone, and the former Yugoslavia, among other nations.

Justice Goldstone, who served as the Chief Prosecutor of the UN International Criminal Tribunals for the former Yugoslavia and Rwanda, observed that politics played a role in deciding which atrocities to prosecute first. “If you don’t understand the politics of international justice,” he said, “you don’t understand international justice.” When Serbia protested the prosecution of its officials in the Balkans conflict of the 1990s, Justice Goldstone replied, “You have no basis of complaining to be the first. The international community has to start somewhere.”



Justice Richard Goldstone reflects on his role in leading the UN Fact Finding Mission on the Gaza Conflict at the October 20, 2009 C.V. Starr Lecture.

Center for New York City Law

At the City Law Breakfast on October 16, 2009, Robert D. LiMandri, Commissioner of the New York City Department of Buildings, outlined several new programs and strategies aimed at bringing a higher level of safety and accountability to city construction sites. These strategies include using GPS devices to track the whereabouts of safety inspectors, launching a new unit to oversee construction sites, and uploading more information online to create a detailed zoning resource for the public.

Commissioner LiMandri explained how the Buildings Department also helps other city agencies fulfill their mandates. At times, inspectors with the Buildings Department review sites together with the city’s police, fire, and parks departments. The Buildings Department has also strengthened testing of amusement park rides to ensure their safety and compliance.

Commissioner LiMandri reviewed the 12 new safety laws recently passed by the New York City Council. These laws will expand the Buildings Department’s enforcement powers to better protect the public. He emphasized that his mandate is public safety, and that he intends to be a strict enforcer of the city’s building codes, even if it requires shutting down construction sites.

“We are here to protect New Yorkers from dangers they can’t always see, and we are raising standards across the board—not only for ourselves, but for the industry,” Commissioner LiMandri stated.



Top: (left to right) Department of Buildings Commissioner Robert D. LiMandri and Professor Ross Sandler, Center for New York City Law Director.

Bottom: Commissioner LiMandri presented “New Initiatives at Buildings” at the October 16, 2009 City Law Breakfast.

Center for Real Estate Studies



Top: (left to right) William G. Lashbrook III, Nathan Taft, Professor Andrew R. Berman, and Cherie Santos-Wuest at the October 15, 2009 Breakfast Forum.

Bottom: (left to right) Panelists Marc Lasry '84, Joseph P. Forte, Professor Berman (moderator), and Norman J. Radow '81 at the November 18, 2009 Breakfast Forum.

The Center for Real Estate Studies hosted two Breakfast Forums during the fall 2009 semester. With each successful breakfast, New York's real estate community increasingly relies upon the Center as a vital source for networking and information sharing.

On October 15, 2009, the Center hosted its Third Annual Breakfast Forum on Sustainable Real Estate Development with a focus on "Responsible Property Investment." The keynote speakers included William G. Lashbrook III, Senior Vice President of PNC Real Estate Finance; Cherie Santos-Wuest, Director of Global Social and Community Investments at TIAA-CREF; and Nathan Taft, Director of Acquisitions at Jonathan Rose Companies. The speakers shared their experiences in this new field, where real property development is pursued with a simultaneous commitment to profit, people, and the planet.

On November 18, 2009, the Center hosted a Breakfast Forum on "Distressed Debt and Alternative Real Estate Investments," exploring a range of expert perspectives on today's distressed debt markets. Professor Andrew R. Berman, the Center's Founding Director, moderated a panel of distinguished speakers that included Joseph P. Forte, Partner at Alston & Bird LLP; Marc Lasry '84, Chairman and CEO of Avenue Capital Group; and Norman J. Radow '81, President of The RADCO Companies. The speakers, who are all industry leaders, shared some of their successful strategies for investing in distressed real estate, identified traps to avoid when investing, and made predictions on distressed debt investing as the U.S. economy recovers from the recession.

Institute for Information Law & Policy



Top: Panelist Professor Lateef Mtima of Howard University addresses the societal impacts of the proposed Google Book Search settlement at the October 2009 D Is for Digitize conference.

Bottom: Panelist Daniel Reetz explains the mechanics of his homemade book scanner at the conference.

On October 8–10, 2009, the Institute for Information Law & Policy presented "D Is for Digitize," a conference focused on the complex Google Book Search settlement. Professor James Grimmelmann, as Director of the Institute's Public Interest Book Search Initiative and a leading expert on the Google Book Search settlement, organized the conference at New York Law School to provide a forum for addressing the numerous issues that have emerged and are most relevant to society at large. An interdisciplinary lineup of academics and practitioners examined the settlement through the lenses of copyright, civil procedure, antitrust, information policy, literary culture, and the publishing industry. The conference was timed to coincide with the rescheduled fairness hearing in the Google Book Search case, which was held on October 7, 2009 in Manhattan, just five blocks from the Law School.

Panelists and attendees discussed the legal aspect of the settlement itself, the ramifications of the settlement on the publishing industry, the potential effects of digitization on literary culture as a whole, and where public policy stands in such a battle for copyrights. The conference was prepared and managed by student volunteers who either worked for the Public Interest Book Search Initiative or were simply interested in the future of copyright law. Roughly 150 guests attended in person, and dozens more watched the live stream online. Dean and President Richard A. Matasar gave opening remarks, Professors Richard Chused and Camille Broussard ran a series of panels, and many other New York Law School professors and librarians turned out to show their support.


Justice Action Center



Top: JAC students who are working on the Safe Passage Immigration Project for their capstones this year (left to right): Luz Maria Restrepo 3L, Amy Bower 4L Evening Division, and Kiran Siddiqi 3L.

Bottom: (left to right) Safe Passage Co-directors Professors Lenni B. Benson and Lindsay A. Curcio.

The Safe Passage Immigration Project at the Justice Action Center (JAC) provides legal assistance to unrepresented minors seeking special immigrant juvenile status in family and immigration court. On November 14, 2009, the project held a “Know Your Rights” presentation and immigration screening at the SCO Family of Services in Queens, New York. JAC capstone students presented on various topics, such as the process for gaining special immigrant juvenile status, the consequences of lacking an immigration status, what to do if an immigration officer searches you, and alternative immigration benefits. The presentation was followed by a game designed to introduce the many available types of immigration status and the various kinds of relief for which one may apply.

After the presentation and game, volunteer attorneys and students interviewed children, birth parents, and guardians to determine whether the children present at the event were eligible for special immigrant juvenile status and to answer their questions about various other immigration issues. The students who volunteered at the event were Amy Bower 4L Evening Division, Daniel Chu 1L, Mary Frakes 3L, Michele Gallo 2L, Mark Heron 2L, Luz Maria Restrepo 3L, Viviana Salcedo 1L, Kiran Siddiqi 3L, Bijitha Varghese 2L, and Olga Zagika 1L. Volunteer attorneys in attendance included New York Law School Professors Lenni B. Benson, Lindsay A. Curcio, and Richard D. Marsico (Center Director), as well as alumni Veronica Frosen '09, Alissa Sandman '07, Rosanna Servidio '09, and Martha Voelz '09. Morris Heney, Director of SCO Family of Services, was also present. 

Introducing: *The Obiter Dictum* The Law Review's New Web Publication



The Obiter Dictum is an innovative Web-based publication that complements the printed *New York Law School Law Review*. The online publication presents legal scholarship in a briefer, more digestible format and contains interactive blogging and tagging features. The editors encourage all visitors to contribute to the site's content through virtual commentary and feedback. They also hope to expand *The Obiter Dictum* to include student submissions from the entire New York Law School community.

www.theobiterdictum.org

Student Spotlight: Two Entrepreneurs Develop Online Real Estate Venture

A couple months before graduation, two New York Law School students already have an award-winning technology venture in the works. Classmates and business partners Michael McGrath 3L and Edward Valentini 3L are preparing to launch Nelbee, a Web-based application that gives users a “beeline to real estate,” as the company tagline says.

McGrath and Valentini met at law school orientation and became quick friends and colleagues. Their idea for a new business went through many revisions before crystallizing into the real estate venture now known as Nelbee (<http://nelbee.com>). McGrath, who has experience in real estate, and Valentini, whose background is in software technology and engineering, combined their skills to streamline the scheduling processes involved in buying, selling, and renting properties. Nelbee allows buyers to search for available properties, schedule appointments with a broker or seller, and fill out paperwork—all through one comprehensive site.

The end result, calculated by McGrath and Valentini, is an estimated eight hours of time saved in a given week for all parties involved. Their entirely online system eliminates the constant phone tag involved in the process and ends the monopoly that brokers hold on listings, as appointments will be based on time availability rather than broker availability. The site also allows users to access and submit all the necessary disclosure forms online, rather than having to get to a broker’s office. “Everything is in real time,” says Valentini. “Where Nelbee is going to be different from the competition is that you’re going to be able to do the scheduling right away and get the confirmation right away.”


In addition to starting their entrepreneurial careers, McGrath and Valentini have also maintained stellar academic careers: both converted from part-time to

full-time students as Harlan Scholars—participating in Moot Court and *Law Review*, among other activities. How do they do it? McGrath recently became a father to Annuelle Sebine, the namesake of Nelbee, and therefore spends a lot of midnight hours at his desk, and Valentini is a self-proclaimed “night owl” by nature.

Of attending law school while developing their business venture, Valentini says, “I want to do something where I can combine my interests, and Nelbee is the perfect way because I can have that software hands-on experience but also have the legal input. It’s the perfect match!”

At this stage in their thoroughly planned timeline, the duo has a prototype completed and is working on a pitch video for investors, with plans to launch the site after they take the bar exam this summer. Future developments include an iPhone application designed to further enhance Nelbee’s functionality and accessibility. McGrath is also constantly networking, travelling to as many local venture capital events as he can to find that right investor who will help launch Nelbee.

Even in the face of an adverse economy, both are confident they’ll succeed. “This is a great opportunity for us because if we can get off the ground, we’ll have carved such a niche for ourselves that by the time real estate is back in full swing, we’ll be in a perfect position to have a viable product that people know already, that they’ve used. There will be a huge demand,” states McGrath.

And the product has already received praise even before its launch. In 2009, Nelbee was named a regional winner for New York state in FundingPost’s Pitching Across America contest—the largest nationwide venture capital contest of its kind. With positive indications such as this, McGrath and Valentini couldn’t be more encouraged. 



New York Law School Students Present to International Scholars on the Constitution and Intelligence Agencies


Thanks to the technology of videoconferencing, six New York Law School students presented papers on constitutional approaches to fighting terrorism at a conference held in Florence, Italy, on November 13, 2009, from their seminar room on campus in Manhattan. The students—Katherine Greenier 3L, Adam Jason 3L, Jamie Kleidman 3L, Julie Kottakis 3L, Juliana Moran 3L, and Jenna Norys 2L—are enrolled in The Constitution and Intelligence Agencies, a yearlong, project-based learning course taught by Professor Stephen J. Ellmann, Associate Dean for Faculty Development and Collaborative Learning.

The videoconference was part of a two-day workshop, “Constitutional Responses to Terrorism: Focus on Intelligence Agencies and Their Oversight,” presented by the European University Institute’s Law Department, in collaboration with the International Association of Constitutional Law’s Research Group on Constitutional Responses to Terrorism.

Students presented their research on a range of topics related to the constitutionality of antiterrorism tactics, including government use of private military contractors;

electronic surveillance; the limits of secrecy (for example, in the context of photos from Abu Ghraib); detention of terrorists during wartime based on secret evidence; and the CIA-run Predator drone program.

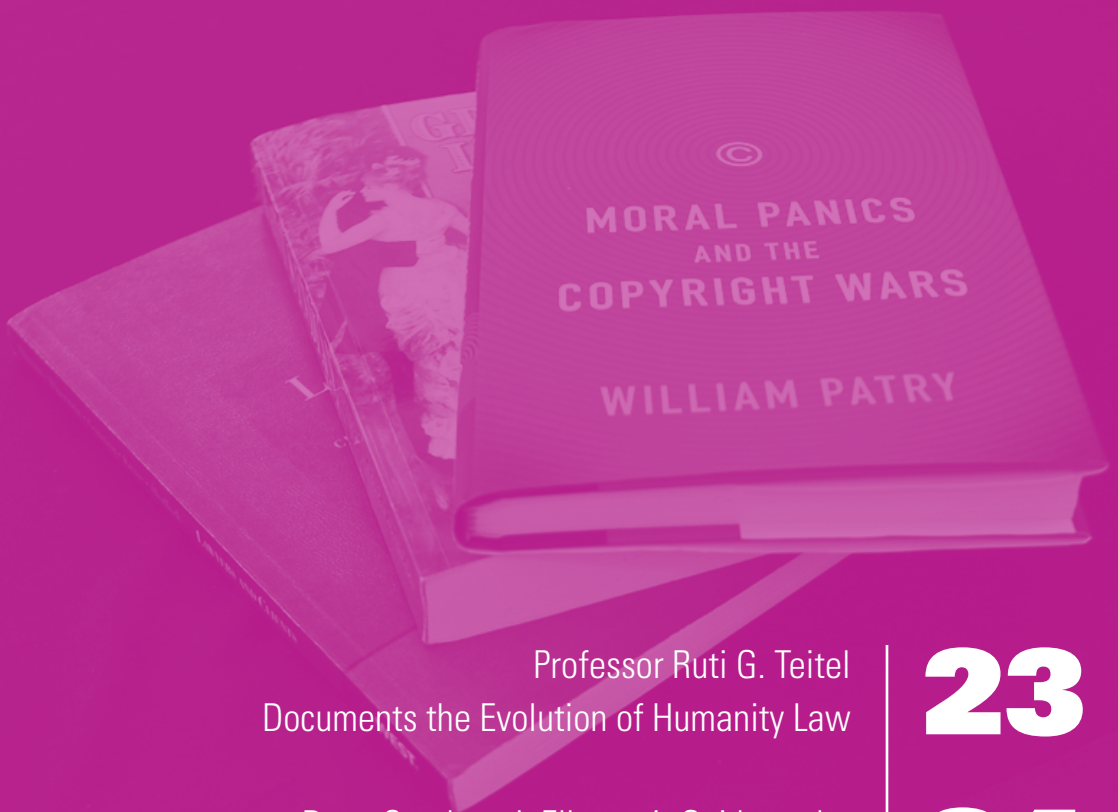
Each presentation was followed by a Q&A session and commentary provided by participants in the workshop in Italy. Dean Ellmann remarked on how the comments, which spoke to students’ paper topics from a European and international law-minded perspective, helped the students to think about their own arguments. And student Jenna Norys reflected on the value of presenting to experts representing an international audience. “It was great to have prepared extensively and become a source of some authority . . . and then get to confront others who are working on similar topics from different perspectives. The individual who commented on my paper is doing some prep work on a similar issue for the United Nations, so it was great to have an open conversation about the topic with him.”

The students have been invited by one of the workshop organizers to submit their final papers for potential publication in a journal. 

Left to right:
Jenna Norys 2L, Julie Kottakis 3L, Jamie Kleidman 3L, Dean Stephen J. Ellmann, Adam Jason 3L, Juliana Moran 3L, Katherine Greenier 3L.



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Professor Ruti G. Teitel

Documents the Evolution of Humanity Law

By Edie Sachs



When Professor Ruti G. Teitel wrote her first book, *Transitional Justice*, she did much more than publish a book. She became the originator of an entirely new area of international law. Today, there are academic centers, courses, colloquia, and seminars at institutions all over the world dedicated to the study of transitional justice—a term coined by Professor Teitel in 1991. Now she hopes to accomplish a similar feat with her forthcoming book, *Humanity's Law*, to be published in November 2010 by Oxford University Press (which published *Transitional Justice* in 2000).

Essentially, *Humanity's Law*, which chronicles the evolution and impact of an emerging area of international legal scholarship referred to as “humanity law,” is an outgrowth of the *Transitional Justice* project. Transitional justice looks at the political and legal processes operating in states transitioning from repressive or autocratic regimes to democratic societies. Humanity law is in many ways a product of transitional justice: a fundamental shift in international law that focuses on the rights of human beings and their affiliative groups, rather than the interests of states and state-based institutions.

“In the late 20th century, a great destabilization took place as a result of gradual decolonization, increasing globalization, and the end of the Cold War,” says Professor Teitel. “Many more states have emerged, and levels of political violence, both interstate and intrastate, have escalated. These conflicts have brought a range of interventions and engagements in the name of ‘humanity’—starting with Somalia, through to the Balkans, Iraq, and Afghanistan.”

According to Professor Teitel, the law of humanity, a regime that spans human rights, criminal justice, and the

laws of war, is shaping the discourse of international relations in an unstable and insecure world. “At issue is a wide expansion of legality, taking as a departure point classic conceptions of state sovereignty and state interests, and moving towards the incorporation of humanitarian concerns as a crucial element in the justification of state action in the international system,” she says.

Her research process relied heavily on legal sources, including proceedings of the European Court of Human Rights and the Inter-American Court of Human Rights, as well as landmark opinions from international criminal tribunals from Nuremberg to the former Yugoslavia. In these opinions, she noted the apparent reorientation of international law: “The courts were making a point of reading into their charters that their goals were largely concerned with protecting human beings.”

She also reached all the way back to the works of Hugo Grotius, a 17th-century Dutch jurist, philosopher, and theologian regarded as a “founding father” of contemporary international law.

As passionate as Professor Teitel was about *Humanity's Law*, she found it a challenge to balance work on the book with her ever-expanding list of activities and obligations. At the Law School, she teaches courses including Transitional Justice, Transnational Law, and Comparative Law, and runs a seminar and workshop in International Human Rights. She has become more involved over the years with the School's Center for International Law and serves as its Associate Director. She is also Chair of the Global Law and Justice Colloquium.

Externally, Professor Teitel has taught at institutions around the world, including Tel Aviv University Law School, the University of Ulster, and the University of Siena, and she will be a visiting professor at The Hebrew University of Jerusalem in 2010. She is also a visiting professor at the London School of Economics Global Governance, where she collaborates on a research project on transitional justice and global civil society. This project allows her to “work more closely with issues on the ground” and with policymakers for areas such as the Balkans and Afghanistan—prime locations where the processes of transitional justice have helped produce the growing phenomenon of humanity law. ■

Dean Stephen J. Ellmann's Guide to the Ins and Outs of Interviewing and Counseling Clients

By LaToya Jordan



All law students are taught the fundamentals of interviewing and counseling their clients. But in the real world of practice, there are many issues that may arise that challenge the lawyer-client relationship. How can students learn to recognize and manage these issues?

Some answers can be found in a new book by Professor Stephen J. Ellmann, Associate Dean for Faculty Development and Collaborative Learning. He co-wrote *Lawyers and Clients: Critical Issues in Interviewing and Counseling* (West, 2009) with four other law school professors—Robert D. Dinerstein, Isabelle R. Gunning, Katherine R. Kruse, and Ann C. Shalleck. Rather than a textbook of basic techniques, says Dean Ellmann, the book is “meant to help students to reflect on the most difficult issues that we, as a group, have come to see in interviewing and counseling over the years.”

Some of these issues include connecting with clients from a range of different backgrounds, in terms of race, gender, sexual orientation, and class, as well as with “atypical clients” such as preadolescent children, the elderly, or those with psychosocial or mental disorders. The book also explores whether lawyers need to seek the truth from their clients, and how lawyers might make use of narrative theory to understand clients’ stories. In addition, the authors examine communication strategies for talking to clients about the law in an understandable way.

Almost every chapter features an extended, fictional lawyer-client dialogue (or dialogues) to illustrate a particular issue, followed by a thorough analysis of the lawyers’ approaches, and closing with questions that

challenge students to think more critically about what they’ve just read. One of the guiding principles the authors based their analyses on is “engaged client-centeredness,” which requires that lawyers collaborate with their clients, offering support, expertise, and even disagreement, all with the ultimate aim of enabling the clients to shape the goals for the representation.

Because *Lawyers and Clients* examines a range of topics, Dean Ellmann thought it would be best to partner with a group of writers. With five busy authors in four different cities, the professors divided up the writing. For instance, Dean Ellmann wrote three chapters, “Truth and Consequences,” “Engaging in Moral Dialogue,” and “Fast Talking: Lawyering Expertise and Its Impact on Interviewing and Counseling.” But all five authors participated in the discussion and revision of every chapter.

Lawyers and Clients is geared towards students and clinical law teachers, and it appears to have started to reach its intended audience. Since its release in October 2009, the book has been adopted by six law schools and will hopefully continue to be tapped by professors who teach interviewing and counseling. Dean Ellmann believes the book will guide students in thinking through important issues they might not have thought about when first learning how to speak with clients. In addition, he says, the authors set out to contribute to the scholarship of clinical teaching. “It happens that in this particular academic field, quite a lot of the real movement forward in how we as a group of teachers think about issues has actually been articulated first in textbooks, so I hope we are in this tradition.”

Dean Ellmann is an expert on legal ethics, constitutional law, South African law, and clinical legal education, with the latter informing his writing for *Lawyers and Clients*. He says “the book would have been hard to write without experience as both a lawyer and a clinical law teacher.” He is the founder of the Clinical Theory Workshop and is currently planning a conference for the fall 2010 semester to celebrate the Workshop’s 25th anniversary, and to reflect on “25 Years of Clinical Scholarship: What Have We Learned and What Should We Work On Next?”

Professor Peter Johnson '96 Puts Grant's Indian at Center Stage

By Andrea Juncos

When Robert E. Lee surrendered to Ulysses S. Grant in 1865, ending the Civil War, an unlikely scribe documented the terms of defeat. There in the Appomattox Court House, among the decorated leaders of the Confederate and Union armies, a Seneca Indian chief named Ely S. Parker sat with pen in hand, etching the birth of a unified nation into stone.

Parker was Grant's military secretary and a lieutenant colonel in his army. His only mention in Grant's memoirs is in a footnote describing his role at Appomattox. It is with this footnote, and this critical moment in American history, that Adjunct Professor Peter Johnson '96 begins his new self-published novel, *Grant's Indian* (2009).

Grant's Indian is a fictional account of Parker's real-life adventures. It traces Parker's journey from his youth in upstate New York, fighting to save his tribe's land as a translator and negotiator in Washington, D.C., to his appointment as Commissioner of Indian Affairs in Grant's presidential cabinet, to his final career pushing paper in the New York City Police Department. Along the way, Parker resigns from his cabinet post under charges of fraud, earns and loses thousands of dollars in the stock market, and weds a white society belle young enough to be his daughter. He first meets Grant in a bar fight in Illinois, and the two develop a lifelong bond.

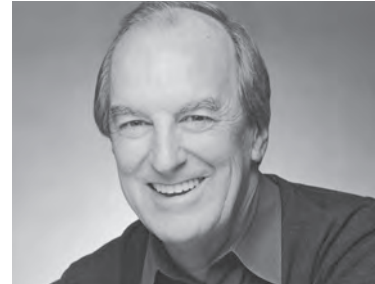
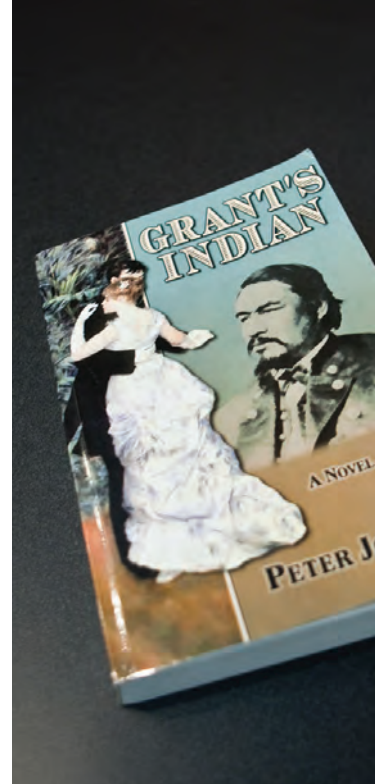
And those are just the facts. With this compelling plot line, Professor Johnson found Parker's story to be the perfect framework for his first novel. "I thought it was a riot that a guy became famous for his handwriting," he says. "And the bare outlines of his story are so improbable. I thought, why hasn't anybody written a novel about this?"

So Professor Johnson started a book project that took three nonconsecutive years, spread out over three decades, amidst a busy career as both an actor and a lawyer. With limited historical resources available, part of the fun was filling in the gaps in Parker's story. "There are all these holes that make his story very sketchy in terms of biography, but wonderful in terms of emotion. I loved having those 'eureka' moments where you realize: I know how to fix this!"

Professor Johnson uses one of these moments to illustrate a central theme in the novel: Parker's struggle between two identities—Seneca and American. Records show that Parker didn't make it to his own wedding, leaving his bride and Grant, who was to give her away, standing at the altar. The couple married in secret a few days later, but to this day, no one knows what happened in between. In the book, Parker is shown dressing in white man's wedding garb, suddenly appalled at the sight of himself in the mirror. Feeling like an imposter, he drowns his distress in whiskey and throws himself into the Potomac River, yelling the names of his Indian ancestors, only to wake up the next day having missed the event.

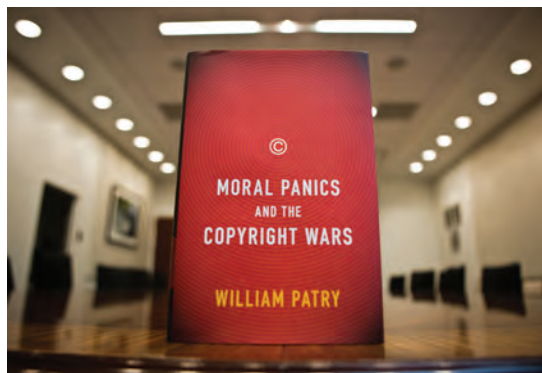
Above all, Professor Johnson's Parker is a man who longs to be at the center of the action. In the first half of the book, he spends many frustrating years blocked from pursuing his goals because of his race—he was originally barred from joining the military, and despite studying law, was never allowed to take the bar exam. Parker was finally permitted to serve in the army when Grant intervened. And after fighting alongside Grant in one of the bloodiest battles of the war, Parker reflected, "They were the happiest 40 days of my life."

Professor Johnson's background as a theater and voice-over actor shines through in his writing, with vivid language and plenty of action in every scene. The online bookstore Audible.com has published the audio book, with Professor Johnson performing all 40 voices. His next novel, about a group of 19th-century actors, features a scene at The Players, the historic Manhattan actors' club, where he is a member. ■



William Patry Discusses the Copyright Wars with Students at New York Law School

By Diana Barnes-Brown



From the 1800s, when copyright was called a “right created by God,” to the present partisan discussions of pirates, parasites, and tyrants, one thing has remained consistent: views on copyright are deeply held, and often not purely objective.

William Patry, author of *Moral Panics and the Copyright Wars* (Oxford University Press, 2009), should know. He has been copyright counsel to the U.S. House of Representatives and a policy advisor to the Register of Copyrights. He also authored *Patry on Copyright* (Thomson West, 2007), a seven-volume treatise that has been compared to Melville Nimmer’s eponymous work on the topic. Currently, Patry is Senior Copyright Counsel at Google, Inc.

Moral Panics, Patry notes, “wasn’t so much an explanation of the elements of the law itself, but a discussion of the surrounding discourse,” directed at a broader audience. Indeed, at just 266 compelling pages, the book is slimmer and more accessible than many contemporary novels.

Patry discussed *Moral Panics* with students at New York Law School on November 2, 2009. Professor James Grimmelmman, who invited Patry to speak, remarks, “Few of the students there had firmly established views on copyright, so it was a valuable opportunity to look inside how we talk about copyright, examine the assumptions we make, and ask important questions.” Professor Grimmelmman adds that the students were not alone in gaining new insight. “As professors, we know the law; we know the landmark cases. But in addition to his encyclopedic knowledge of the law itself,

Patry knows the really compelling stories and can contextualize them within the larger history.”

With *Moral Panics*, Patry wanted to pierce the fog of polarized discussion by criticizing dominant rhetorical, linguistic, and political approaches to copyright. “Metaphors, by making a direct association, are more powerful than similes, where the association is indirect,” he writes. Thus, “copyright owners do not say ‘X acted like a pirate,’ but instead that ‘X *is* a pirate.’

“The use of metaphors in the copyright wars is almost entirely negative, the result of calculated political strategies to completely demonize opponents to make them appear to be ‘bad’ people.” This, Patry argues, is exactly what current approaches to copyright get wrong.

Patry, who considers himself a centrist, is concerned above all with crafting laws that work. “You have to step back and decide the law’s purpose. Is it a recognition of how great authors are? Is it a tool of hegemonic capitalists? Or can it accomplish certain goals, such as providing incentives for creating things that wouldn’t be created otherwise?”

But, rather than make arguments about specific laws, Patry is quick to scrutinize the larger process, citing a belief among some policymakers that “being seen as doing something is more important than actually getting it done.” This has led to more demonizing, and to arguments for increased jail time and financial penalties, “but people won’t respect the law if it’s an overreaction.”

In place of overreaction, Patry advocates a changing legal landscape where artists are protected, consumers are respected, and substance—in the form of empirically vetted solutions—trumps style. He also hopes that if these changes are enacted, consumers will respond by approaching copyright with renewed respect. But until this social contract is repaired, he warns, copyright law could remain largely ineffective.

“Once you’re in the business of selling things to a body of consumers you simultaneously terrorize, don’t expect people to respect you. Don’t expect the law to work.” ■

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FULL-TIME
FACULTY ACTIVITIES

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ADJUNCT
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FACULTY SPOTLIGHT:
PROFESSOR FRANK W. MUNGER
STUDIES CAUSE LAWYERS IN THAILAND



[Deborah N. Archer]



[Robert Blecker]



[Elise C. Boddie]



[Michael Botein]



[Elizabeth Chambliss]



[Stephen J. Ellmann]

Full-Time Faculty Activities

Compiled by Melissa Scalzo

The following items represent a sampling of the activities of our full-time faculty from the fall 2009 semester.

Deborah N. Archer

Scholarly Presentations

Panelist, "The School-to-Prison Pipeline," at the Southeastern Association of Law Schools' 62nd Annual Meeting, Palm Beach, Florida (August 2009).

Testimonies and Legal Consultation

Acted as one of the attorneys in a class action lawsuit filed by the American Civil Liberties Union and the ACLU of Florida against the Palm Beach County School District, charging that low high school graduation rates demonstrate a violation of students' constitutional right to high-quality education (November 2009).

Robert Blecker

Publications

Letter to the editor, "Learning from the Madoff Case," THE NEW YORK TIMES (July 1, 2009).

Elise C. Boddie

Appointments

Serves on a six-person blue-ribbon task force appointed by the Montclair, New Jersey, Superintendent of Schools to propose revisions to the school district's student assignment plan in light of the U.S. Supreme Court's 2007 decision in *Parents Involved*, which limits the use of race in student assignment in voluntary integration programs (2009).

Scholarly Presentations

Panelist, speaking about the broader implications of the U.S. Supreme Court ruling in *Ricci v. DeStefano*, at a meeting of the New York City chapter of the Labor and Employment Relations Association (November 2009).

Panelist, "New Scholars Colloquia," at the Southeastern Association of Law Schools' 62nd Annual Meeting, Palm Beach, Florida (August 2009).

Michael Botein

Scholarly Presentations

Panelist, "Law and Pornography," at the Southeastern Association of Law Schools' 62nd Annual Meeting, Palm Beach, Florida (August 2009).

Elizabeth Chambliss

Scholarly Presentations

Participant, "The Economic Downturn and the Legal Profession," a symposium held at Fordham University School of Law, New York (October 2009).

Delivered keynote address at the New York State Judicial Institute on Professionalism in the Law's Convocation on Lawyer Independence at Fordham University School of Law, New York (October 2009).

Stephen J. Ellmann

Scholarly Presentations

Panelist, "Curricular Reform and Legal Scholarship," at the Southeastern Association of Law Schools' 62nd Annual Meeting, Palm Beach, Florida (August 2009).

"Marking the Path of the Law," keynote address at the Society of Law Teachers of Southern Africa 2009 Conference at the University of KwaZulu-Natal, Pietermaritzburg, South Africa (July 2009).

Publications

LAWYERS AND CLIENTS: CRITICAL ISSUES IN INTERVIEWING AND COUNSELING (West Academic Publishing, October 2009).

War Powers, *Chapter 23C in* CONSTITUTIONAL LAW OF SOUTH AFRICA (S. Woolman et al. eds., 2nd ed. Revision Svc. 1, Juta 2009), a revised and republished version of War Powers Under the South African Constitution, *chapter in* LAW AND RIGHTS: GLOBAL PERSPECTIVES ON CONSTITUTIONALISM AND GOVERNANCE (P.E. Andrews & S. Bazilli eds., Vandepas Publishing, 2008).

Media References and Appearances

Lawyers Want Admitted Al-Qaida Member Released, The Associated Press (October 2009).



[Ronald H. Filler]



[Anne Goldstein]



[Annette Gordon-Reed]



[James Grimmelmann]

Ronald H. Filler

Appointments

Public Director, NYSE Liffe U.S. Exchange, a subsidiary of NYSE Euronext (2010).

Public Director, National Futures Association (2010).

Member, Editorial Advisory Board, NY BUSINESS LAW JOURNAL (2009).

Scholarly Presentations

Testified before the U.S. Commodity Futures Trading Commission's (CFTC) Global Markets Advisory Committee on the need for greater customer protection laws and regulations related to the insolvency of financial institutions, CFTC Headquarters, Washington, D.C. (December 2009).

"Financial Reform: Fraud Examined/The Washington Outlook," presented at Sussex County Community College's lecture series "Restoring Responsibility: Ethics in Today's World," Sussex County Community College, Newton, New Jersey (September 2009).

Publications

Financial Services Law at New York Law School, 13 NY BUSINESS LAW JOURNAL 69 (Spring 2009).

Projects

Established the LL.M. in Financial Services Law Program at New York Law School (Fall 2009).

Taught International Capital Markets Law at the Summer Abroad Law Program co-sponsored by Tulane University Law School and the Center for Commercial Law Studies at Queen Mary University of London (July 2009).

Anne Goldstein

Scholarly Presentations

Moderator, "Invigorating the First Year and Other Required Courses," at the Southeastern Association of Law Schools' 62nd Annual Meeting, Palm Beach, Florida (August 2009).

Annette Gordon-Reed

Awards and Recognition

Winner of several awards for her book, *THE HEMINGSES OF MONTICELLO: AN AMERICAN FAMILY* (W.W. Norton, 2008), including the New Jersey Council for the Humanities Book Award (October 2009); the nonfiction prize of the 12th Annual Library of Virginia Literary Awards (October 2009); and the 2009 Frederick Douglass Book Prize (September 2009).

Scholarly Presentations

Discussion and book signing for *THE HEMINGSES OF MONTICELLO: AN AMERICAN FAMILY*, hosted by the National Archives, Washington, D.C. (December 2009).

Lectured on *THE HEMINGSES OF MONTICELLO: AN AMERICAN FAMILY* at The Mount, the estate of author Edith Wharton, sponsored by Edith Wharton Restoration, Lenox, Massachusetts (August 2009).

Media References and Appearances

Pulitzer Winner Works to Open Race Dialogue, *HOUSTON CHRONICLE* (October 2009).

Appeared as a guest on *REAL TIME WITH BILL MAHER*, HBO (September 2009).

"An American Tale: The Triumph over Adversity" on National Public Radio's *TALK OF THE NATION* (July 2009).

James Grimmelmann

Scholarly Presentations

"The Google Book Settlement: Books, Computers, and the Law," co-sponsored by the Earle Mack School of Law and the iSchool at Drexel University's College of Information Science and Technology, Drexel University, Philadelphia (December 2009).

Conference Chair, "D Is for Digitize," New York Law School (October 2009).

"Saving Facebook," keynote address at the Open University of Catalonia's Fifth Internet, Law and Politics Conference: The Pros and Cons of Social Networking Sites, Barcelona, Spain (July 2009).

Publications

The Google Settlement: Why It Matters, *PUBLISHERS WEEKLY* (November 23, 2009).

Saving Facebook, 94 *IOWA LAW REVIEW* 1137 (2009), and online supplement, "Saving Facebook: A Response to Professor Freiwald," 95 *IOWA LAW REVIEW BULLETIN* 13 (2009).

OBJECTIONS TO THE GOOGLE BOOKS SETTLEMENT AND RESPONSES IN THE AMENDED SETTLEMENT: A REPORT, White Paper, New York Law School Public Interest Book Search Initiative (2009).

Projects

Created the Web site The Public Index (<http://thepublicindex.org>), a clearinghouse for the study and discussion of the Google Books settlement, with NYLS students as part of the Public Interest Book Search Initiative at the Institute for Information Law & Policy (2009).



[Lawrence M. Grosberg]



[Dan Hunter]



[Randolph N. Jonakait]



[Gerald Korngold]



[Molly Land]



[Arthur S. Leonard]

Testimonies and Legal Consultation

Amicus brief, Institute for Information Law & Policy at New York Law School, *Authors Guild v. Google Inc.*, United States District Court, Southern District of New York (September 2009).

Lawrence M. Grosberg

Scholarly Presentations

"The Court Evaluator as Mediator," a paper on the use of mediation in guardianship proceedings, presented at the annual conference of the National Academy of Elder Law Attorneys, Jersey City, New Jersey (November 2009).

Dan Hunter

Appointments

Fellow, Center for Democracy & Technology (August 2009).

Randolph N. Jonakait

Publications

The Juror Factor: Race and Gender in America's Civil Courts, 19 *LAW AND POLITICS BOOK REVIEW* 780–787 (October 2009) (book review).

The Rise of the American Adversary System: America Before England, 14 *WIDENER LAW REVIEW* 323–356 (2009).

Rasul v. Bush: Unanswered Questions, article in *HABEAS CORPUS: THEORY AND PRACTICE* (G. Chandana, ICAFI University Press, 2008).

The (Futile) Search for a Common Law Right of Confrontation: Beyond Brasier's Irrelevance to (Perhaps) Relevant American Cases, article in *HEARSAY EVIDENCE: LIMITS AND LIMITATIONS* (A. Sabitha, ICAFI University Press, 2008).

Media References and Appearances

NYC Astor Trial Shines Light on Jury-

Room Strife, *The Associated Press* (October 2009).

Gerald Korngold

Scholarly Presentations

"The Aftermath of the Subprime Crisis," presented at a property law colloquium offered jointly by Brooklyn Law School and Pratt Institute's Graduate Center for Planning and the Environment (October 2009).

Publications

Supplement to *PRIVATE LAND USE ARRANGEMENTS: EASEMENTS, REAL COVENANTS, AND EQUITABLE SERVITUDES* (Juris Publishing, 2004) (2009).

Private Conservation Easements: A Record of Achievements and the Challenges Ahead, 21 *LAND LINES* 8–13 (October 2009).

Molly Land

Scholarly Presentations

Moderator and invited participant, the First International Conference on Crisis Mapping (ICCM 2009), co-hosted by the Harvard Humanitarian Initiative and the Department of Political Science at John Carroll University, Cleveland, Ohio (October 2009).

"Culture, Conflicts, and International Law," presented at the Seventh Annual Works in Progress Intellectual Property (WIPIP) Conference, Seton Hall University School of Law, Newark, New Jersey (October 2009).

Moderator, "Challenges and Opportunities of Technology for Human Rights," at "The Next Generation of Human Rights," a conference presented by the Leir Retreat Center, Ridgefield, Connecticut (September 2009).

"Health Information and Human Rights," a lecture hosted by the Information Society Project at Yale Law School (September 2009).

"Culture, Conflicts, and International Law," presented at the Ninth Annual Intellectual Property Scholars Conference held at the Benjamin N. Cardozo School of Law (August 2009).

Invited participant, "Gathering of the Access to Knowledge Global Academy," hosted by the Information Society Project at Yale Law School (August 2009).

Arthur S. Leonard

Scholarly Presentations

"Federal Courts, The Nine Supremes, and LGBT Equality," presented at the National LGBT Bar Association's 2009 Lavender Law Conference, Brooklyn, New York (September 2009).

"The Defense of Marriage Act: Time to End Marriage Discrimination," presented at The LOFT: The LGBT Community Services Center for the Lower Hudson Valley, White Plains, New York (September 2009).

Publications

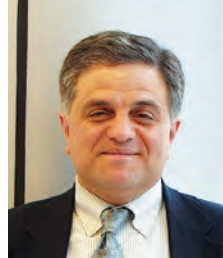
Has a Tipping Point Been Reached in the Quest for Legal Recognition of Same-Sex Relationships, 25 *CIVIL RIGHTS LITIGATION AND ATTORNEY FEES ANNUAL HANDBOOK* 501 (2009).

SEXUALITY LAW, 2nd ed. (Carolina Academic Press, 2009) (with P.A. Cain).

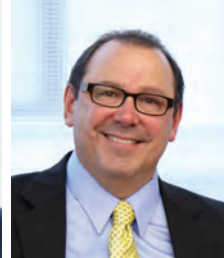
Guns, Gays, and the Full Faith and Credit Clause, *GAY CITY NEWS* (August 6, 2009), one of numerous articles written between July 1, 2009 and December 31, 2009 as contributor to *GAY CITY NEWS*.



[Jethro K. Lieberman]



[Richard D. Marsico]



[Richard A. Matasar]



[Howard S. Meyers]



[Beth Simone Noveck]



[Rudolph J.R. Peritz]



[Michael L. Perlin]

Media References and Appearances

Lawyers Say Statute Wording Could Benefit Lowe, KBOI-2 TV, Boise, Idaho (October 2009).

Commentary: Signs Point to a Gay-Friendly Sotomayor, THE DETROIT NEWS (August 2009).

IBM Heiress Case Pushes Legal Boundaries, CONNECTICUT LAW TRIBUNE (August 2009).

Massachusetts Case May Be the Key in Gay Marriage Fight, THE NATIONAL LAW JOURNAL (August 2009).

Murky Law Helps Lowe, Experts Say, THE SPOKESMAN-REVIEW (August 2009).

Jethro K. Lieberman

Publications

THE CUMULATIVE SUPPLEMENT, SECOND SERIES 2008–2009 to A PRACTICAL COMPANION TO THE CONSTITUTION: HOW THE SUPREME COURT HAS RULED ON ISSUES FROM ABORTION TO ZONING; the book is also available electronically for the first time (Dialogue Press, 2009).

Richard D. Marsico

Publications

The Community Reinvestment Act, *Chapter 23 in* BUILDING HEALTHY COMMUNITIES: A GUIDE TO COMMUNITY ECONOMIC DEVELOPMENT FOR ADVOCATES, LAWYERS AND POLICYMAKERS at 403–412 (R. Clay Jr. & S. Jones, eds., American Bar Association, August 2009).

Richard A. Matasar

Scholarly Presentations

“Equipping Our Lawyers: Law School Education, Continuing Legal Education, and Legal Practice in the 21st Century,” presented at the 2009 Critical Issues Summit, co-sponsored by American Law

Institute-American Bar Association Continuing Professional Education (ALI-ABA) and the Association for Continuing Legal Education (ACLEA), Scottsdale, Arizona (October 2009).

Panelist, “Plenary Session: Roundtable Discussion on the Future of Legal Education, Particularly in Light of Difficult Economic Times” at the Southeastern Association of Law Schools’ 62nd Annual Meeting, Palm Beach, Florida (August 2009).

Howard S. Meyers

Media References and Appearances

Introduced New York State Comptroller Thomas P. DiNapoli at a press conference held at New York Law School to announce the launch of a new financial advocacy Web site, www.yourmoneynewyork.com (September 2009).

Beth Simone Noveck

Scholarly Presentations

Panelist, “Discussion on Web 2.0 Technologies and Participating Democracy,” at the Fifth Annual William G. McGowan Forum on Communications, Technology and Government, presented by the National Archives, Washington, D.C. (November 2009).

Featured speaker on the use of technology to improve development, Administrator’s Forum of the U.S. Agency for International Development (USAID), Washington, D.C. (September 2009).

Media References and Appearances

Top Five Women Who Impacted Technology in 2009, CHIP CHICK (January 2010).

Obama’s Open-Government Director Opens Up, CNET NEWS (December 2009).

Transparency, Open Government and Climate Change, THE GOV MONITOR (December 2009).

Law Professors from Across the Land Serving in Obama Administration, THE BUSINESS INSIDER (September 2009).

Rudolph J.R. Peritz

Appointments

Appointed visiting research professor of law and economics, LUISS Guido Carli University, Rome, Italy, for the spring 2010 semester; he will work on a co-edited collection on intellectual property and human rights, and a book project currently titled THE POLITICAL ECONOMY OF PROGRESS (2009).

Awarded a Fernand Braudel Senior Fellowship at the European University Institute (EUI) in Florence, Italy, for spring 2011 (2009).

Scholarly Presentations

“A General ‘Fair Use Clause’ - A Workable Concept in Copyright and Patent Law?” presented at the 2009 International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP) Congress, “Horizontal Issues in IP Law—Uncovering the Matrix,” Vilnius, Lithuania (September 2009).

Michael L. Perlin

Scholarly Presentations

“Neuroimaging Evidence in the Criminal Trial Process: Recent Developments, the Role of Attitudes, Some Unasked Questions, and Predictions for the Future,” half-day workshop presented at the 29th Annual Conference of the National Academy of Neuropsychology, New Orleans (November 2009).



[Ross Sandler]



[David Schoenbrod]



[Houman B. Shadab]



[Richard K. Sherwin]

Panel moderator, “Adjudicative Competencies,” and presenter, “My Brain Is So Wired: Neuroimaging and Competency to Be Executed” at the 40th Annual Meeting of the American Academy of Psychiatry and Law, Baltimore (October 2009).

“The U.N. Convention on the Rights of Persons with Disabilities and the Future of Institutional Mental Disability Law in the United States: The Dawn of a New Era,” lecture presented at the University of the Pacific McGeorge School of Law, Sacramento, California (September 2009).

Publications

Considering Pathological Altruism in the Law from Therapeutic Jurisprudence and Neuroscience Perspectives, *chapter in PATHOLOGICAL ALTRUISM* (B. Oakley et al., eds., Oxford University Press, forthcoming 2010).

“Too Stubborn to Ever Be Governed by Enforced Insanity”: Some Therapeutic Jurisprudence Dilemmas in the Representation of Criminal Defendants in Incompetency and Insanity Cases, 33 *INTERNATIONAL JOURNAL OF LAW AND PSYCHIATRY* (forthcoming 2010).

Oh Mercy: Blood on the Cusp, *contribution in MONTAGUE STREET: THE ART OF BOB DYLAN*, Volume 1, Issue 1 (Winter 2009).

“And I See Your Brain”: Access to Experts, Competency to Consent, and the Impact of Antipsychotic Medications in Neuroimaging Cases in the Criminal Trial Process, 2009 *STANFORD TECHNOLOGY LAW REVIEW* 4 (November 2009).

MENTAL DISABILITY LAW: CIVIL AND CRIMINAL, 2009 CUMULATIVE SUPPLEMENT (LexisNexis, 2009) (with H.E. Cucolo '03).

“Where Souls Are Forgotten”: Cultural Competencies, Forensic Evaluations, and International Human Rights, 15 *PSYCHOLOGY, PUBLIC POLICY, AND LAW* 257–77 (2009) (with V. McClain).

“Simplify You, Classify You”: Stigma, Stereotypes and Civil Rights in Disability

Classification Systems, 25 *GEORGIA STATE UNIVERSITY LAW REVIEW* 607 (2009).

“It’s Doom Alone that Counts”: Can International Human Rights Law Be an Effective Source of Rights in Correctional Litigation? 27 *BEHAVIORAL SCIENCES AND THE LAW* 675 (2009) (with H. Dlugacz '91).

Testimonies and Legal Consultation

Participated as *amicus* in the case of *Tomas v. Jiri* before the Constitutional Court of the Czech Republic in support of the Mental Disability Advocacy Center and the Czech NGO “League of Human Rights,” through the Justice Action Center’s International Mental Disability Law Reform Project (December 2009).

Participated as *amicus* with a coalition of human rights lawyers in the case *Algodonero v. Mexico* before the Inter-American Court of Human Rights through the Justice Action Center’s International Mental Disability Law Reform Project (July 2009).

Ross Sandler

Awards and Recognition

Accepted the 2009 Annual Award from the Municipal Art Society of New York, on behalf of the Center for New York City Law (July 2009).

Appointments

Elected as one of three trustees of the newly constituted Hayden Planetarium Authority (2009).

Publications

The Scandal of Reform: The Grand Failures of New York’s Political Crusaders and the Death of Nonpartisanship, *NEW YORK LAW JOURNAL* (December 3, 2009) (book review).

Free from Court Decrees, *THE NATIONAL LAW JOURNAL* (August 3, 2009) (with D. Schoenbrod).

Free from Decree: The Supremes Decide for Democracy, 19 *CITY JOURNAL* 10 (Summer 2009) (with D. Schoenbrod).

David Schoenbrod

Publications

The Cap-and-Trade Bait and Switch, *THE WALL STREET JOURNAL* (August 24, 2009) (with R.B. Stewart).

Free from Court Decrees, *THE NATIONAL LAW JOURNAL* (August 3, 2009) (with R. Sandler).

Free from Decree: The Supremes Decide for Democracy, 19 *CITY JOURNAL* 10 (Summer 2009) (with R. Sandler).

Houman B. Shadab

Scholarly Presentations

“Hedge Funds and the Battle for Credit Risk Transfer” at the Canadian chapter of the Alternative Investment Management Association’s monthly luncheon, Toronto (October 2009).

Speaker, “Offshore Financial Markets Post Madoff: Challenges, Opportunities, and Solutions for Private and Institutional Clients,” hosted by Stuarts Walker Hersant and RBC Wealth Management, Harvard Club of New York (June 2009).

Richard K. Sherwin

Scholarly Presentations

“Law’s Life on the Screen,” keynote address at the “Intersections of Law and Culture 2009” conference, Franklin College, Lugano, Switzerland (October 2009).

“Law’s Screen Life,” keynote address at the “Imagining Legality: Where Law Meets Popular Culture” symposium, University of Alabama School of Law, Tuscaloosa, Alabama (September 2009).

Faculty member, The Persuasion Institute 2009, presented by the Habeas Assistance and Training Counsel and the Office of Defender Services/Training Branch, Administrative Office of the United States Courts, held at Cornell University (September 2009).

Invited panelist, “On Cognitive Neuroimaging and the Cultural Construction of Meaning,” and “Therapeutic Justice and the Mediatization of Criminal Type-casting,” at the 31st Congress of the International Academy of Law and



[Faith Stevelman]



[Cameron Stracher]



[Peter J. Strauss]



[Nadine Strossen]

Mental Health, held at New York University Law School (June/July 2009).

Publications

Imagining Law as Film (Representation Without Reference?), *chapter in* LAW AND THE HUMANITIES: AN INTRODUCTION (A. Sarat, M. Anderson, & C.O. Frank, eds., Cambridge University Press, 2010).

The Narrative Construction of Legal Reality, 6 JOURNAL OF THE ASSOCIATION OF LEGAL WRITING DIRECTORS 88 (Fall 2009).

What Screen Do You Have in Mind? Contesting the Visual Context of Law and Film Studies, *chapter in* STUDIES IN LAW, POLITICS, AND SOCIETY (A. Sarat, ed., Elsevier, 2009).

Faith Stevelman

Scholarly Presentations

"Globalization and Corporate Social Responsibility: Challenges for the Academy, Future Lawyers, and Corporate Law," presented at "Aspen in New York: Capitalism and the Future" sponsored by the Aspen Institute, New York (November 2009).

"Reading the Modern Corporation and Private Property from the Perspective of Economic Sociology and Feminist Legal Theory" at "In Berle's Footsteps," a symposium celebrating the launch of the Adolf A. Berle, Jr. Center on Corporations, Law, and Society, Seattle University School of Law (November 2009).

Moderator, "The Delaware Duty of Good Faith after *Stone v. Ritter* and *Lyondell v. Ryan*," panel at "The Delaware Fiduciary Duty of Good Faith after Disney: Meaningful or Mickey Mouse?" symposium sponsored by the Center for Business Law & Policy and the NEW YORK LAW SCHOOL LAW REVIEW, New York Law School (November 2009).

"Regulatory Competition, Choice of Forum, and Delaware's Stake in Corporate Law," presented at the Law & Business Program Seminar Series, Vanderbilt University Law School, Nashville, Tennessee (October 2009).

"Reading Corporate Law after a Winter's Tale: Narrative and Indeterminacy in Delaware Doctrine and the Curious Construction of Equitable Authority," presented at the Business Law and Narrative Symposium, Michigan State University College of Law, East Lansing, Michigan (September 2009).

Presented research on W. R. Grace & Co. at the Association of American Law Schools Mid-Year Meeting's Conference on Business Associations, Long Beach, California (June 2009).

Projects

Commissioned by Professor Geoffrey P. Miller of New York University Law School to comment on his paper, "A Modest Proposal for Fixing Delaware's Broken Duty of Care" (December 2009).

Invited to be a reviewer of the forthcoming casebook CORPORATIONS, Wolters Kluwer/Aspen Publishers (December 2009).

Cameron Stracher

Scholarly Presentations

Moderator, "Social Media—Vulnerabilities and Liabilities," a panel of the two-part conference "Social Media for Lawyers," produced by Gothamedia Ventures and sponsored and hosted by the Program in Law and Journalism, New York Law School (October 2009).

Conducted seminar on errors and omissions insurance coverage for media companies at the Yale Club, New York (September 2009).

Publications

Running Without a Narrative, THE NEW YORK TIMES (October 31, 2009).

Usain Bolt Versus the House Cat, THE WALL STREET JOURNAL (August 23, 2009).

Receding Hairlines, THE WALL STREET JOURNAL (July 24, 2009).

Media References and Appearances

Top Lawyers, THE WASHINGTONIAN (December 2009).

"Bolt vs. Cheetah," THE BRIAN LEHRER SHOW, WNYC Radio (August 2009).

Peter J. Strauss

Awards and Recognition

Honored at the second annual benefit of Selfhelp Community Services Inc.'s Evelyn Frank Legal Resources Program, New York (December 2009).

Nadine Strossen

Scholarly Presentations

Panelist, "Who Will Speak for the Child? Human Rights at Home and the Convention on the Rights of the Child," presented by the American Constitution Society for Law and Policy, NYU School of Law's Center for Human Rights and Global Justice, and the PEN American Center, NYU School of Law (December 2009).

"Defending Freedom of Speech Even for the Speech We Hate," lecture, Annual Chautauqua Lecture Series, Eastern Kentucky University, Richmond, Kentucky (October 2009).

Debated abortion policy with Scott Klusendorf, President, Life Training Institute, sponsored by Carolina Students for Life at the University of North Carolina, Chapel Hill, North Carolina (October 2009).

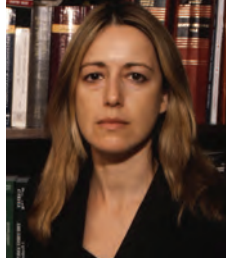
Panelist, "The Many Kinds of Speech: Obscenity, Public Parks, Elections," at The Cato Institute's annual Constitution Day symposium, Washington, D.C. (September 2009).

Guest speaker, Johnson County First Amendment Foundation's 10th Anniversary program and reception, Johnson County Community College, Overland Park, Kansas (September 2009).

"What Does Freedom of Speech Mean for Students and Teachers?" lecture delivered at a leadership training conference for New York City public school teachers, The Graduate Center of the City University of New York (July 2009).

Publications

The Regulation of Extremist Speech in the Era of Mass Digital Communications: Is Brandenburg Tolerance Obsolete in the



[Ruti G. Teitel]



[Ann F. Thomas]



[Marshall Tracht]



[Mark Webbink]

Terrorist Era?, 36 PEPPERDINE LAW REVIEW 361–371 (March 2009).

Cybercrimes v. Cyberliberties, *Chapter 8 in* INTERNET POLICY AND ECONOMICS: CHALLENGES AND PERSPECTIVES at 111–140 (L. Pupillo and W.H. Lehr, eds., Springer, 2009).

American Exceptionalism, the War on Terror, and the Rule of Law in the Islamic World, 32 HARVARD JOURNAL OF LAW & PUBLIC POLICY 495–501 (2009).

Media References and Appearances

Becoming Nadine Strossen, MINNESOTA LAW & POLITICS (August/September 2009).

Ruti G. Teitel

Appointments

Member, Editorial Board of HUMANITY, an international journal of human rights, humanitarianism, and development, University of Pennsylvania Press (October 2009).

Scholarly Presentations

Conference organizer and moderator, “Reflections on Fall 1989” panel, at “The Fall of the Wall—Then and Now—Politics, Law, and Culture” presented by New York Law School’s Global Law and Justice Colloquium, The New School for Social Research, and the NYLS Student Division of Lawyers Without Borders, New York Law School (November 2009).

Panelist, book launch for TRANSFORMING SOCIETIES AFTER POLITICAL VIOLENCE: TRUTH, RECONCILIATION, AND MENTAL HEALTH by Brandon Hamber, co-sponsored by Columbia University’s Center for the Study of Human Rights, Program on Forced Migration and Health, and International Trauma Studies Program, and by the International Conflict Research Institute (INCORE), Columbia University (November 2009).

“The Wages of Just War,” presented at a conference on “Human Rights, Democracy, and Democratization” co-sponsored by the Carnegie Council for Ethics in International Affairs and the Oxford Uehiro Centre for Practical Ethics at Oxford University, New York (November 2009).

“Cross Judging: Tribunalization in a Fragmented but Interconnected Global Order” (a paper co-authored with R.L. Howse), presented at the Globalization, Law and Justice Workshop Series sponsored by the University of Toronto Faculty of Law, Toronto (October 2009).

“Religious Freedom in Turkey: The Case of the Ecumenical Patriarchate,” presented at Fordham University School of Law (September 2009).

Participant, International Association of Law Schools (IALS) Conference on Constitutional Law, presented by American University Washington College of Law and Georgetown University Law Center, Washington, D.C. (September 2009).

Ann F. Thomas

Scholarly Presentations

Panelist, “Women and the Question of Equality During Times of Economic Crisis,” at “Women, Law, and the Economy,” a symposium presented by the WOMEN’S RIGHTS LAW REPORTER at the Rutgers School of Law–Newark (November 2009).

Marshall Tracht

Appointments

Chair of the Association of American Law Schools’ Section on Post-Graduate Legal Education (January 2010).

Appointed to the American Bar Association’s Curriculum Survey Committee (November 2009).

Scholarly Presentations

“Ground Lease Issues in Bankruptcy,” presented at the American Bar Association Section of Real Property, Trust & Estate Law’s Ground Leasing Committee teleconference (November 2009).

“Ethical Issues in Confronting Transactional Lawyers,” presented at the American Bar Association Section of Real Property, Trust & Estate Law’s Community Outreach Program (October 2009).

Panelist, “Legal and Legislative Issues Arising from the Real Estate, Housing, and Foreclosure Crisis,” at the Southeastern Association of Law Schools’ 62nd

Annual Meeting, Palm Beach, Florida (August 2009).

Mark Webbink

Scholarly Presentations

“Critical Issues and the Future of Open Source and Free Software,” delivered at “Open Source and Free Software 2009: Benefits, Risks, and Challenges in Today’s Economic Environment,” presented by the Practising Law Institute, New York (November 2009) and Webcast in San Francisco (December 2009).

Panelist, “Discussion on Web 2.0 Technologies and Participating Democracy,” at the Fifth Annual William G. McGowan Forum on Communications, Technology, and Government, presented by the National Archives, Washington, D.C. (November 2009).

Served as subject matter expert for IBM’s Smart Work Jam Session “Beyond Boundaries: Collaborating Beyond the Boundaries of Traditional Organizations,” video and Web presentation (September 2009).

Guest speaker, Computer Science 82: Technical and Social Analysis of Information and the Internet course, Duke University, Durham, North Carolina (September 2009).

Spoke about the Peer to Patent project at the Nassau County Bar Association’s Intellectual Property Law Section Luncheon (with Chris Wong ’08) (August 2009).

Projects

Launched Peer to Patent Australia project with Queensland University of Technology and IP Australia (December 2009).

Media References and Appearances

As EU Softens Line on Oracle, Grassroots Push Back, MAIN JUSTICE (December 2009).

“An Inside Look at the Peer-to-Patent System,” LAWYER2LAWYER, an Internet radio show on the Legal Talk Network (August 2009).

Interviewed about Peer to Patent on Federal News Radio’s THE DAILY DEBRIEF (July 2009). **f**

Adjunct Faculty Activities

Compiled by Melissa Scalzo

The following items represent a sampling of the activities of our adjunct faculty from the fall 2009 semester.

Steven C. Bennett

Publications

A PRIVACY PRIMER FOR CORPORATE COUNSEL (Aspatore/Thomson Reuters, 2009) (Editor).

Ethics of Lawyer Social Networking, 73 ALBANY LAW REVIEW 101–125 (2009).

The Lawyer as Information Manager, 37 CAPITAL UNIVERSITY LAW REVIEW 729–744 (2009).

R.B. Bernstein

Awards and Recognition

Finalist, 2010 George Washington Book Prize, for THE FOUNDING FATHERS RECONSIDERED (Oxford University Press, 2009).

Editor's Note: Professor Bernstein is the second New York Law School faculty member to be a finalist for this prize in the last two years, a record that no other institution has matched; Professor Annette Gordon-Reed won the prize in 2009 for THE HEMINGSES OF MONTICELLO: AN AMERICAN FAMILY (W.W. Norton, 2008).

Media References and Appearances

THE FOUNDING FATHERS RECONSIDERED, 82 THE NEW ENGLAND QUARTERLY 732–735 (December 2009) (book review by Charles F. Hobson).

Required Reading, THE NEW YORK POST (July 2009).

Judith Bresler '74

Appointments

Joined the World Intellectual Property Organization (WIPO) Panel of Arbitrators and Mediators (July 2009).

Scholarly Presentations

Panelist, "Expert Appraisals: Practice and Ethics," Second Annual Art Litigation and Dispute Resolution Institute, presented by the CLE Institute of the New York County Lawyers' Association, New York (November 2009).

Attended the WIPO Arbitration Workshop, presented by the World Intellectual Property Organization (WIPO) Arbitration and Media Center, Geneva, Switzerland (October 2009).

Publications

Art Law: Beware of Timely Diligence, WHITEWALL: CONTEMPORARY ART AND LIFESTYLE MAGAZINE (October 2009).

Lindsay A. Curcio

Scholarly Presentations

Panelist, "On My Own: Going Solo," at the 12th Annual American Immigration Lawyers Association (AILA) New York Chapter Immigration Symposium, "Setting the Stage for a New Era," New York (December 2009).

"Business Immigration: Waivers for Employees Who May Be Inadmissible to the United States," delivered at the International Employment and Business Immigration Law 2009 symposium, presented by the Center for International Legal Studies, Salzburg, Austria (October 2009).

Projects

Acted in a re-creation of a radio play at the 34th Annual Friends of Old Time Radio Convention with the Those Were the Days Radio Players (Chicago and East Coast Group,) Newark, New Jersey (October 2009).

Michael Dalewitz

Appointments

Appointed adjunct professor at New York Law School, where he co-leads the School's new e-discovery course (August 2009).

Anthony DiSarro '86

Publications

Use of Rule 21 to Create Jurisdiction *Nunc Pro Tunc*, NEW YORK LAW JOURNAL (September 23, 2009).

Lucas A. Ferrara

Media References and Appearances

Guest Columnist, THE NEW YORK TIMES Real Estate Q&A Blog: Expert Advice for Owners and Renters (September–December 2009).

David L. Glass

Appointments

Appointed Counsel to the law firm Arent Fox LLP, where he advises clients on banking and bank regulatory matters (November 2009).

Appointed Associate Director of New York Law School's new Center on Financial Services Law (July 2009).

Editor's Note: In conjunction with this appointment, the NY BUSINESS LAW JOURNAL, for which Professor Glass is Editor in Chief, is now officially sponsored by New York Law School.

Peter Johnson

Publications

GRANT'S INDIAN (Audible.com, October 2009) (original audiobook).

Michael Kliegman

Scholarly Presentations

Panelist, "Private Equity Fund Issues in the Current Market: Defaulting LPs, Carried Interest Renegotiation, and Taxation of Carried Interest," 2009 ABA Annual Meeting, Chicago (August 2009).

Publications

Worthless Stock or Securities: Timing and Character Issues Revisited, 111 JOURNAL OF TAXATION 70 (August 2009) (with A. Turkenich).

Debt Losses: Timing and Character Issues Revisited, 111 JOURNAL OF TAXATION 8 (July 2009) (with A. Turkenich).

SINGLE ENTITY REORGANIZATIONS: RECAPITALIZATIONS AND F REORGANIZATIONS. 3rd Rev. (BNA Tax & Accounting Portfolio) (Tax Management Inc., 2009).

Anna Kozoulina '00

Appointments

Selected to serve on a three-month detail to the IRS's Large and Mid-Size Business (LMSB) Division Counsel's headquarters office, where she was involved in a number of international tax projects coordinated by the IRS on the national level, including a Report of Foreign Bank and Financial Accounts (FBAR) filing project, global high wealth industry project, and withholding tax compliance project (August–November 2009).

Kathryn LaFortune

Scholarly Presentations

"To Dream the ALMOST Impossible Dream: Getting an NGRI for Your Client: Societal Misperceptions and Some General Reflections," presented at the Patrick A. Williams Criminal Defense Institute, Midwest City, Oklahoma (June 2009).

Publications

The Role of Suggestibility in Determinations of Miranda Abilities: A Study of the Gudjonsson Suggestibility Scales, 34 LAW AND HUMAN BEHAVIOR 66–78 (May 2009) (with R. Rogers, K.S. Harrison, J.E. Rogstad, & L.L. Hazelwood).

Projects

Received a contract to perform psychological evaluations for the U.S. District Court for the Northern District of Oklahoma for the U.S. Probation Office (2009).

Lawrence Lederman

Scholarly Presentations

"Deconstructing Lyondell; Reconstructing Revlon," presented at "The Delaware Fiduciary Duty of Good Faith after Disney: Meaningful or Mickey Mouse?" symposium, sponsored by the Center for Business Law & Policy and the NEW YORK LAW SCHOOL LAW REVIEW, at New York Law School (November 2009).

Projects

The Presence of Trees, a photography exhibit in the Ross Gallery at the New York Botanical Garden, Bronx, New York (November 2009–April 2010).

David T. Moldenhauer

Publications

The Foreign Lender Memorandum and the Definition of a U.S. Office, 125 TAX NOTES 1200 (December 2009).

Limitation on Treaty Benefits for Deductible Payments (Letter to the Editor), 124 TAX NOTES 283 (July 2009).

F. Peter Phillips

Scholarly Presentations

Keynote speaker, "Employee Dispute Resolution Symposium," presented by Saint Louis University and the law firm of Ogletree Deakins, in conjunction with AAIM Management Association and the Association of Corporate Counsel–St. Louis Chapter, St. Louis (November 2009).

"Mediation Across the Sectors," presented at the International Bar Association's Annual Conference, Madrid, Spain (October 2009).

"Contract Drafting of ADR Clauses" and "From a Blank Slate: Imagining the Future of Private Commercial Dispute Resolution," presented at the Union Internationale des Avocats (UIA) World Forum of Mediation Centres, Florence, Italy (October 2009).

Publications

MANAGING FRANCHISE RELATIONSHIPS THROUGH MEDIATION (BookSurge Publishing, 2009) (Editor).

Russell J. Pinilis

Publications

Policy Over Substance, 124 TAX NOTES 1004 (September 7, 2009); 55 TAX NOTES INTERNATIONAL 1141 (September 28, 2009); and 2009 TAX NOTES TODAY 171–177 (September 8, 2009).

David G. Samuels

Scholarly Presentations

Chair, “Challenges Facing Charitable Organizations with Underwater Endowments,” a three-credit CLE program presented by West LegalEdcenter and the New York City Bar (December 2009).

Speaker, “Everything You Need to Know About Getting and Serving on Non-Profit Boards,” a CLE program sponsored by the New York County Lawyers’ Association, New York (October 2009).

Publications

Underwater Endowments Pose Risks to Charitable Corporations, *NEW YORK LAW JOURNAL* (August 31, 2009).

Anne Marie Santangelo

Awards and Recognition

Received a Lifetime Achievement Award from the New York State Fraternal Order of Police for her contributions to its legislative agenda, at the NYC Sanitation Police Lodge 13 25th Anniversary Dinner, Stuart Thomas Manor, Farmingdale, New York (November 2009).

Christina Spiesel

Scholarly Presentations

“Law on Display: The Digital Transformation of Legal Persuasion and Judgement,” presented to a technology and ethics group at Trinity College, Hartford, Connecticut, and to the Science, Technology, and Utopian Visions Working Group of the Whitney Humanities Center at Yale University (Fall 2009).

Publications

LAW ON DISPLAY: THE DIGITAL TRANSFORMATION OF LEGAL PERSUASION AND JUDGEMENT (New York University Press, October 2009) (with N. Feigensohn).

Barry Temkin

Media References and Appearances

Your Practice: Listserv Postings Raise Ethical Issues, *LAWYERS USA* (August 2009).

Steven Tillem

Scholarly Presentations

Panelist, “Securities and Financial Products,” Ninth Annual LMSB Financial Services Industry Conference, sponsored by the Tax Executives Institute’s New York Chapter, New York (October 2009).

Panelist, “Taxation of Financial Products and Transactions,” Practising Law Institute (PLI) seminar, New York (April 2009).

Media References and Appearances

Ruling on Offshore Loan Origination Unique to Facts, *IRS Officials Stress*, *DAILY TAX REPORT* (October 2009).

IRS Identifies Red Flags in Financial Products Transactions, 123 *TAX NOTES* 273 (April 2009).

Benjamin Weinstock


Appointments

Appointed Chair of the New York State Bar Association Real Property Law Section’s (RPLS) task force on the Power of Attorney statute in New York (2009).

Appointed the RPLS’s representative to a multi-section working group of the New York State Bar Association, tasked with recommending corrective action for the Power of Attorney statute (2009).

Member, special task force set up by the RPLS to deal with the pending Title Insurance Agent Licensing legislation and the new title insurance regulations proposed by the New York State Insurance Department (2009).

Publications

Power of Attorney Statutory Overhaul Set to Take Effect, *NEW YORK LAW JOURNAL* (August 24, 2009) (with M. Levin). 

Faculty Spotlight: Professor Frank W. Munger Studies Cause Lawyers in Thailand

By Andrea Juncos

In the United States, public interest law is a respected profession that can lead to lasting social change and even enormous political influence. President Barack Obama, for example, started his career as a community organizer and civil rights attorney. But what role do public interest lawyers play in other parts of the world? And what can we learn from their experiences? Professor Frank W. Munger, an expert in social science research and global human rights, brought these questions to Thailand, where he has been examining the careers of “cause lawyers,” lawyers who advocate for social causes. His work has important implications for students and lawyers in the United States and around the globe.

Thailand’s unique political and cultural history made it a fascinating landscape for Professor Munger’s research. Unlike many of its neighbors in Southeast Asia, Thailand has never been colonized by another nation. But it was heavily influenced by the Western values of nearby colonizers—in 1932, Thailand overthrew its absolute monarchy and established a parliamentary form of government under a constitution. Since then, it has alternated between periods of parliamentary democracy and military rule. The country adopted an extraordinary, liberal constitution in 1997, creating a system of administrative courts and other institutions for oversight of government, and the Thai people are still navigating the relationship between these new developments and their traditional practices.

“At the heart of the political culture of the country,” says Professor Munger, “a fundamental conflict is still being worked out between Western-style democracy and something many Thai feel more comfortable with, which may have leanings in a more authoritarian direction. For this reason, paying close attention to Thailand and countries like it will teach us a lot about what a very important sector of the world is going to be about.”

Since 1932, Thailand’s economy has grown, its society has urbanized, and the quality of life has improved. Growth has strained traditional Thai ways of life, and there have been 19 military coups—the latest in 2006—and 18 constitutions, including the current one adopted in 2007. “There are many wonderful things about Thai culture,” says Professor Munger, “and at the same time, there are many problems, including human rights violations such as human trafficking, extra-judicial killings by police, and violent attacks on human rights workers.”

Amidst all of these dangers and developments, the number of Thai cause lawyers has increased in the last 60 years. But little is known about their experiences, or their impact. In 2006, with a grant from the Law School Admission Council, Professor Munger set out to uncover their stories. His research breaks new ground as one of the first studies to examine lawyers’ careers in a developing Asian society.

Since 2006, Professor Munger has conducted hundreds of interviews with Thai cause lawyers and their clients, as well as law professors, government officials, corporate lawyers, and other members of Thai society. The process has taken him all over the country, from the thriving metropolis of Bangkok in central Thailand to the poorest rural communities of the northeast. He has spent much of his time in Chiang Mai, where a large number of nongovernmental organizations (NGOs) are concentrated.

Based on his interviews, Professor Munger has created a “collective biography” of cause lawyers in Thailand over the last 60 years. His findings point to four distinct generations of cause lawyers representing different periods in Thailand’s political history. The first generation emerged in the 1950s under a ruthless military dictatorship that lasted until 1973, when a student-led uprising established a brief period of



Professor Munger (seated at center) with environmental law students at Thammasat University Law School in Bangkok, Thailand.

democracy. The second generation comprises lawyers who are members of the so-called “October generation,” students who participated in the uprising on October 14, 1973. Lawyers who entered the profession in the 1980s and 1990s constitute a third cohort. And the fourth generation started practicing law after Thailand’s liberal constitution was adopted in 1997.

Another dimension of the study is the role cause lawyers have played in three social movements—women’s rights, environmental rights, and slum rights. Professor Munger chose the first two movements based on their parallels in Western culture. “Both are very powerful movements in the United States, and there’s a whole international community that talks about those things. So I wanted to understand the relationship between the Western and Thai movements which seem similar, but might in fact be quite different,” he explains. The slum rights movement presents an opposite example. “We don’t have slums the way the third world does. The movement doesn’t have the perfect parallel to the U.S. so it can’t pick up the rhetoric of any movement in Western countries.”

In a series of law review articles about the project, Professor Munger highlights narratives of lawyers who have been most influential in their specific generations and movements. Among his interviewees is Thailand’s best known, and possibly first, human rights lawyer, who defended activists and political prisoners over 30 years in private practice. Others include an October generation lawyer who helped establish a network of NGOs in the 1980s, and an environmental rights litigator who has won many landmark victories in the nation’s new administrative court.

Charting their career paths shows how the field of cause lawyering has developed over time, and how each generation has benefited from the work of the previous generation. “The narratives reveal how individuals situated themselves in relation to others in a field of power, creating a map of the opportunities, institutions, resources, and intergenerational influence experienced by each generation of Thai cause lawyers,” he writes.

Professor Munger, who has a Ph.D. in sociology and a J.D. from the University of Michigan, has used ethnographic research methods in many of his projects—for example, his studies of the role of law in the lives of ordinary people confronting poverty, conditions of low wage labor, and the impact of the 1992 Americans with Disabilities Act. As in his other studies, he has found his Thai interviewees to be “amazingly open,” even high-ranking government officials who might otherwise be tight-lipped about the inner workings of the courts. “The willingness of my interviewees to share their lives with me makes my research possible,” he says. Professor Munger has worked on his Thailand project with a team of research assistants, including students at the Law School.

For scholars and lawyers alike, there are many lessons to be gained from Professor Munger’s work. The experiences of Thai cause lawyers may provide insights for tackling human rights issues. “In the West we often think that addressing human rights problems requires more law, more courts, more lawyers. But is that necessarily true? It’s worth studying a group of lawyers in Thailand . . . to see what pragmatic decisions they make about the use of law, and when it works and when it doesn’t.”

He also feels that there are larger lessons about the differences between common law and civil law systems, and the value of importing each into other countries, as well as the impact of constitutionalism on a nation that is otherwise economically successful. At the most abstract level, he adds, the project has payoffs for America’s relationship with the rest of the world. “For years, the World Bank has been saying that in order to have development, a country has to have a good rule of law system, with courts and litigation. But China, which doesn’t have a rule of law system, is burying the West. So what’s happening?”

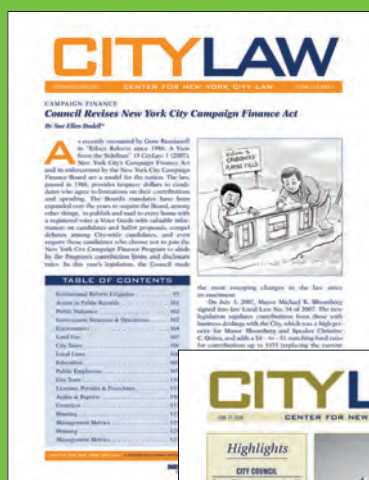
Professor Munger has written several articles exploring these questions and is also working on a book. He plans to bring what he’s learned into the classroom at New York Law School, where he teaches Constitutional Law, Social Welfare Policy, Land Use, and seminars on contemporary justice, poverty, and globalization issues. **f**

Professor Munger meets scholar-activist Jamnong Chitnirat at Chumchon Thai Slum Foundation in Bangkok.



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Center for
NEW YORK CITY LAW
at New York Law School



alumni events

We are pleased to present a snapshot of some of the many alumni events that took place throughout the fall 2009 semester.

September 14, 2009: A Conversation with Judge Judy '65

Hon. Judith Sheindlin '65, renowned for her hit courtroom TV show *Judge Judy*, returned to her alma mater on September 14, 2009, where she received a standing ovation both before and after her talk. The Law School community was delighted to welcome her back, and the Events Center in the School's new building was standing room only. Students who had the privilege of being in the same room with Judge Judy listened intently as she shared insights from her career with the crowd. She took questions from the audience and participated in a number of photo opportunities with her biggest fans, her New York Law School family.



October 2009: The Spotlight Luncheon Series

In October 2009, members of the Law School community had the opportunity to meet some of its most outstanding alumni, hear many fascinating stories, and receive practical advice about each graduate's area of expertise. On October 6, the Law School welcomed back Lawrence N. Field '63, real estate mogul and Chairman and CEO of NSB Associates, Inc., for a lunchtime discussion with more than 150 students. On October 14, three successful entrepreneurs discussed how the legal training they received here prepared them for success. Guest speakers included Lev J. Ekster '09, Founder and Proprietor of CupcakeStop, a mobile cupcake company; Joseph A. LoCicero '84, President and CEO of The Segal Company, a leading actuarial, employee benefits, and human resources consulting firm; and Andrew J. O'Connell '97, CEO of Guidepost Solutions LLC, a global investigative and security services company. Lastly, on October 28, James A. Tricarico Jr. '77, Principal and General Counsel at Edward Jones, returned to discuss the current financial climate.



October 1, 2009: Dean's Council Theater Night

Dean's Council members and their guests met at the theater on October 1, 2009 to view the Second Stage Theatre's production of *Let Me Down Easy*. This one-woman show explores the power of the human body and human spirit through a series of first-person accounts from sources including Lance Armstrong and former Texas Governor Ann Richards. The play was conceived, written, and performed by Anna Deavere Smith. After the show, guests enjoyed a private reception and a conversation with Smith, Director Leonard Foglia, and Second Stage Theatre Artistic Director Carole Rothman.

The Dean's Council recognizes generous alumni and friends who contribute \$5,000 or more to the Law School annually. To learn more about becoming a member, please contact Seth Rosen '99, Assistant Vice President of Development, at 212.431.2169 or seth.rosen@nyls.edu.



October 7, 2009: Staten Island Reception for Alumni and Friends

Anthony F. Bisignano '82 did it again. On October 7, 2009, he hosted another fabulous party for New York Law School alumni and friends working or residing in Staten Island at The Lake Club in Clove Lakes Park. Participating guests met, networked, and reconnected with other graduates from Staten Island, and heard the latest news about the Law School and its new building.



October 13, 2009: Reunion 2010 Kickoff Reception

Jeffrey D. Knowles '75 and Michael J. Volpe '90, both partners with Venable LLP, graciously hosted the New York Law School Reunion 2010 Kickoff Reception on October 13, 2009 at Venable in Manhattan. The reception was for all alumni from class years ending in "0" and "5" who were considering joining their Reunion Committee. Guests had the opportunity to meet with Dean Richard A. Matasar, hear an insider's update on all of the remarkable things going on at the Law School, and enjoy great food and drinks with wonderful company.



October 21, 2009: Long Island Reception for Alumni and Friends

On October 21, 2009, Anthony A. Capetola '70—trustee, alumnus, highly sought-after trial attorney, and award-winning restaurateur—graciously hosted the annual Long Island Reception for New York Law School alumni and friends at The Carltun at Eisenhower Park in East Meadow, New York. Attendees were treated to delicious food and drinks and thoughtful remarks by the guest of honor, Justice Thomas Phelan '71, New York State Supreme Court.

The Office of Development and Alumni Relations is always looking for new hosts and fresh locations. If you are interested in hosting a regional event, please contact Tara Regist-Tomlinson, Assistant Vice President of Alumni Relations, at 212.431.2808 or tara.regist-tomlinson@nyls.edu.



December 1, 2009: BLSA Scholarship Cocktail Reception

On December 1, 2009, Dean Matasar and alumni of the Law School's Black Law Students Association (BLSA) hosted a cocktail reception in the Grand Gallery of the School's new building for the New York Law School BLSA Alumni Network. The reception provided an opportunity for BLSA alumni to reconnect and meet current BLSA members. BLSA alumni Arletha Miles-Boyce '95, Emerson S. Moore II '99, John B. Webb '98, and Charles A. Whites '01 announced a new BLSA Alumni Network Scholarship Initiative aimed at attracting and retaining more African American students. The initiative is intended to cushion the cost of law school by endowing as many scholarships designated for BLSA members as possible.

To learn more about establishing a scholarship at New York Law School or participating in an existing BLSA scholarship, please contact Suzanne Davidson, Associate Dean and Vice President for Development and Alumni Relations, at 212.431.2818 or suzanne.davidson@nyls.edu.



December 3, 2009: The 2009 Holiday Party

The New York Law School Alumni Association and the Student Bar Association hosted their second annual alumni-student holiday party on December 3, 2009 in the Law School's new building. With cocktails and dinner in the beautifully decorated Events Center, students, alumni, faculty, staff, and friends enjoyed the holiday season together, reconnected, networked, and met new friends.



MERINGOLO & ASSOCIATES, P.C.

alumni at

Meringolo & Associates, P.C.

By Christine Pakkala

Meringolo & Associates, P.C. is a five-person law firm in Manhattan that was founded by John C. Meringolo '99 in 2007. All but one of the members are graduates of New York Law School. Meringolo, at the helm, is only 36, but he has carved an enviable career in the arena of criminal defense. He has tried a number of high-profile cases including *United States v. Gregory DePalma* as lead attorney, and as co-counsel in *United States v. Thomas Carbonaro* and *United States v. Edmund Boyle*. He was also part of the team that defended John A. "Junior" Gotti, of the Gotti crime family.

In addition to these attention-getting federal criminal defense cases, the firm handles a number of federal and state civil cases, covering a broad range of issues such as Securities and Exchange Act 10b-5 fraud, common law fraud, negligence, Article 78 proceedings, and contract disputes.

"I strongly believe in giving back," Meringolo says of his firm's close connection to the Law School, where he assists in Professor Frank A. Bress's Trial Advocacy class, speaks at "Lunch with a Lawyer" events, and recruits current students for externships at his firm. "Whether you have time or money, you should find a way to show your appreciation to your school."

New York Law School externs are invited to actively engage in many aspects of firm life, from attending trials as observers to writing motions and briefs. And they are grateful for the opportunity to gain invaluable experience.

"Mr. Meringolo introduces us to judges, allows us to take part in client and trial strategy meetings, and always considers our input," extern Jerome Greco 2L says. "He and his associates [Andrea Hoyos '08 and Paul Cagno '99] often take time out of their busy schedules to explain relevant legal issues, procedural requirements, and the workings of the legal profession."

Reflecting on her externship experience, Alissa Kelman 3L adds, "I was able to observe and work on cases in all stages of litigation, from filing complaints to deposing witnesses to attending trials at the state and federal levels. . . . Mr. Meringolo graciously informed me of the case developments and invited me to attend client meetings and strategy meetings with assisting counsel and court."

The hands-on training the firm provides exposes students to the particulars of criminal defense and, in some cases, launches their careers in the field. "There are endless details and issues to keep track of in a criminal defense case, and learning how to mentally organize them is quite a challenge," says Anjelica Cappellino 2L. "The most important thing I've realized is that being an attorney is, particularly in these fields, a 24-hour-a-day job. My time spent at this externship has solidified my interest in this career path."



“Everyone in the United States Deserves a Fair Trial”

JOHN C. MERINGOLO '99

John C. Meringolo is the first to admit that he defends individuals accused of some pretty awful crimes: murder, racketeering, embezzlement. Yet, even through the most difficult defenses, he has always followed the advice of his mentor, famed trial attorney James LaRossa, for whom he worked from 2003 to 2007: Work hard and always have empathy for your clients.

Meringolo has taken the advice to heart. Meringolo & Associates has defended a number of high-profile individuals, including John A. Gotti, who was charged with racketeering and murder conspiracy in his fourth trial in 2009.

Defending Gotti was “unlike any other case” Meringolo has handled because prosecutors had “double the manpower.” Meringolo’s team went head-to-head with prosecutors from the United States Attorney’s offices from the Southern District of New York and Middle District of Florida, as well as the FBI from New York and Florida.

Meringolo says the “arduous task” could not have been accomplished without his hard-working team putting in marathon hours and fiercely believing in Gotti’s right to the best defense.

It’s a point of pride for Meringolo to protect the rights of anyone facing seemingly insurmountable odds at trial. Some of the other clients that Meringolo has represented include reputed captain of the Gambino crime family Gregory DePalma, and David H. Brooks, who is accused of a \$196,000,000 insider-trading scheme. More recently, he defended Richard Lucente, a Staten Island doctor charged with the illegal sale of steroids.*

“Everyone in the United States deserves a fair trial. That’s the cornerstone of the freedoms that we enjoy as United States citizens,” Meringolo says. “When there comes a day the government or local D.A. can indict people just because they don’t like them, you can be sure there will come a day when they will indict and convict people we do like.”

Meringolo is a fierce champion of his fellow New York Law School graduates and chooses several students for externships each year. “Mr. Meringolo involves all of the externs intimately in each aspect of the matters he handles,” extern David DeStefano 2L says. “Nobody is given a trivial task or busy work.”

In fact, Meringolo emphasizes to his interns the hard work behind each headline case. “It’s not about the sex appeal of the case or the notoriety one may gain. It’s about working hard—harder than the other lawyer,” he says. “And most importantly, it’s about working in the best interest of your client.”

The Bensonhurst, Brooklyn, native came from modest means. He grew up with his father, a union representative, who helped frame his strong work ethic and family values.

When a childhood friend, firefighter Joseph P. Graffagnino, died in the infamous fire at the former Deutsche Bank building in 2007, Meringolo was asked by the family to represent them.

“I love the Graffagnino family as if they were my family. It is an honor and privilege to represent Joey’s family, and I hope he knows I will do the best I can for his children.”

** Editor’s Note: After this article was written, Meringolo provided the following update: During jury selection in People v. Doctor Lucente, the Kings County prosecutor offered Dr. Lucente 10 years in prison. Dr. Lucente chose to go to trial even though he faced 30 years in prison. After three weeks of trial and intense cross-examination of more than 20 prosecution witnesses, including medical experts, the Kings County District Attorney’s Office capitulated and offered Dr. Lucente a non-incarceration sentence in May 2010.*

Giving a Voice to a Diverse Range of Clients

ANDREA HOYOS '08

"It opened the door for what it was like to be a criminal defense lawyer," Andrea Hoyos says of her 2007 externship at Meringolo & Associates, which eventually led to her position as an associate at the firm. Criminal defense, she says, is the purest part of the law because of the enormous stakes for the clients.

"The public has a limited version of the story," she says. "Giving a voice to my clients and helping them tell their stories is to me the most important part of being a trial lawyer." The fact that she is fluent in English, Spanish, and Portuguese means that she can offer a voice to people from a diverse range of cultures.

When this article was written, Hoyos and her associates were preparing to go to trial, representing a doctor from Staten Island in a case—unlike the recent John A. Gotti trial, where she was part of the defense team—that has not attracted much media attention.

"He's had virtually no contact with the criminal justice system," she says of Dr. Richard Lucente, who was charged with 76 counts of criminal sale of steroids to more than 200 clients from 2005 to 2007—including one bodybuilder who died.*

"He has a story to tell, and so far he's been unable to tell it. I believe that we have a duty to give this kind of client as excellent a defense as a client . . . who knows what to expect from a trial."

Hoyos was born in Florida and raised in Brazil and Colombia. She graduated *magna cum laude* from Florida International University.

In college, where she majored in psychology, Hoyos already had her eye on a legal post-graduate education. She designed a study called "Effects of Inadmissible Evidence on Jurors' Perceptions of Evidence at Trial and Its Impact on Verdicts" that won first place at the Undergraduate Psychology Research Conference at St. Thomas University in Miami Gardens, Florida.

Even though Hoyos was already interested in criminal defense, Professor Richard K. Sherwin's Torts class at New York Law School intrigued her enough to take three additional classes with him. "His lectures on the use of visual persuasion were groundbreaking," she says.

As for the Gotti trial, Hoyos says the aspect of the trial that was most surprising to her was "the amount of paper." The last indictment covered charges reaching back to 1983, and volumes exceeding 3,000 pages were reviewed before trial.

"There was a lot to read, and a lot that the prosecutors were trying to allege. It was hard to not only defend him but to comfort him. We couldn't promise any kind of result."

Hoyos says the kind of work she's involved with at her firm is what she always dreamed of doing. For law students wishing to follow in her footsteps, she says the best quality for young lawyers to possess is a work ethic.

"There will be good days and bad days, but if you have a dream or a goal and you work hard for it, you'll get there."

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Helping Every Client to Be Seen as an Individual

PAUL CAGNO '99

Paul Cagno always knew he wanted to be a lawyer. But he vividly recalls the moment when he knew what kind of lawyer he wanted to be. It was during a Trial Advocacy course at New York Law School, and Cagno was the prosecutor in a “shaken baby” case.

“I stood up to make my opening statement and I thought to myself: Wow, this is what practicing law is all about,” Cagno recalls. “I still love going to court and making an argument.”

Cagno, a trial attorney at Meringolo & Associates, focuses his practice on automobile accidents, construction site accidents, and lawsuits involving falls and medical malpractice cases.


“What I really enjoy about personal injury law is that anyone who has been injured as a result of someone else’s negligence—even if they don’t have a penny—can retain a top attorney to represent them. The clients only pay an attorney fee if we can recover damages.”

Most cases require acquiring knowledge about a specific injury. Cagno brings in expert witnesses but also familiarizes himself with the technical aspects of the injury by reading medical texts.

The Toms River, New Jersey, native studied criminal justice and psychology at Kutztown University, and an understanding of human behavior flavors his law practice. Getting insurance companies and opposing counsel to see his client as an individual, not just another injury, is vital, he says. Cagno says he confronts the issue head-on by acknowledging that the insurance adjusters may have handled thousands of claims of a certain kind of injury. But he will ask them to think about his client alone.

“People can get desensitized,” he says. “They might say, ‘All you have here is a non-displaced fracture, and your client will be back to work in a few months.’ My job is to point out that life may never be the same for my client, that his injuries have changed the course of his life and the lives of his family. When a worker is hurt on the job in a construction accident, it can cause the loss of income for the whole family. I have to bring it back to reality for the sake of my clients. I try to educate my adversary as to who my client is.”

Cagno points to a recent case in which a concrete laborer came to him with shoulder and back injuries suffered in a parking garage construction accident. He had not returned to work since his accident. The client, age 33 and the father of five, was being pushed by his original attorney to accept a \$150,000 settlement. After paying a workers’ compensation lien on the settlement and attorney fees, the laborer would have been left with less than \$60,000, Cagno says. He took the case and eventually secured a \$1.5 million settlement.

“He moved to Pennsylvania,” Cagno says. “I just got a picture of his kids playing in front of his snow-covered house. That’s the most rewarding thing.” 

Class notes

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Class Notes

Compiled by Melissa Scalzo

1938

Richard Woodman was featured in Utica, New York's *Observer-Dispatch* in December 2009 in an article about his legal career, which spans seven decades. At age 96, he is still practicing as a partner at Woodman and Getman in Waterville, New York. He was honored by the Oneida County Bar Association in December for more than half a century of service to the field of law.

1950

Eugene Brannigan is active in the Nassau County Bar Association's Lawyer Assistance Program Committee in Mineola, New York, helping lawyers deal with depression and alcohol and drug addiction.

1967

Hon. Arthur Doran Jr. was elected Chairman of the Yonkers (New York) Municipal Housing Authority Board of Commissioners in August 2009. Doran is retired after serving as a Yonkers City Court judge for more than 20 years. (City of Yonkers)

1968

John Ferrara Jr. has retired after 31 years at Praxair, Inc. in Danbury, Connecticut, where he was Senior Counsel and Managing Attorney.

1969

Edward Klein published the article "The Rise of Sustainable Packaging" in the September 2009 issue of *Food Product Design* magazine, produced by Virgo Publishing. Klein is the Vice President of Environmental Affairs at Tetra Pak, Inc. (*Food Product Design*)

William Weisenberg is the Assistant Executive Director of the Ohio State Bar Association and the Chair of the American Bar Association's Standing Committee on Judicial Independence.

1974

G. Timothy Hardin was elected a fellow of the American College of Real Estate Lawyers (ACREL) in May 2009. He was one of only 27 lawyers elected to ACREL in the United States in 2009. Hardin is the Vice President of Fidelity National Title Insurance Company in Dallas, Texas, where he manages the Dallas operation of the national title services division.

1975

Richard Wall joined the law firm of Stefankiewicz & Barnes, LLC in North Wildwood, New Jersey, as Of Counsel in fall 2009. He concentrates his practice on tax matters for businesses and individuals, providing advice, planning, and representation before the IRS and state tax authorities. (Stefankiewicz & Barnes)

1976

Sybil Shainwald received the 2010 Edith I. Spivack Award, presented by the Women's Rights Committee of the New York County Lawyers' Association. The award is given to individuals who have dedicated themselves to advancing the status of women and women's rights. Shainwald is the President of the Law Offices of Sybil Shainwald and a trustee of New York Law School.

1979

Michael J. Stanton participated in a seminar titled "Hot Tips in Family Law 2009: Judicial Notice and Burdens of Persuasion" on October 3, 2009 at the New

Jersey Law Center in New Brunswick. The seminar was sponsored by the New Jersey State Bar Association's Family Law Section in association with the New Jersey Institute for Continuing Legal Education. Stanton is a member of Norris McLaughlin & Marcus, P.A. in Bridgewater, New Jersey, where he practices matrimonial and family law. (Norris McLaughlin & Marcus)

1980

Hon. Robert C. Mulvey was appointed Administrative Judge of the New York State Unified Court System's Sixth Judicial District in July 2009. He has served as a justice of the Supreme Court in the Sixth Judicial District since 2001. (New York State Unified Court System)

Charles Radcliffe joined First Republic Securities Company, LLC in fall 2009 as Managing Director in the Manhattan office. Radcliffe works with individuals, families, businesses, foundations, and nonprofit organizations to help meet their investment needs. (First Republic Bank)

Arnold Stream has been selected as Chair of the Insurance Law Committee of the New York County Lawyers' Association. Stream is a counselor at Burns, Russo, Tamigi & Reardon, LLP in Garden City, New York. (NYCLA)

1981

Mark Conrad served as an adjunct professor at New York Law School teaching Sports Law during the fall 2009 semester. In addition to his full-time position as Associate Professor of Law and Ethics at Fordham University's undergraduate and graduate schools of business, he has also taught at Columbia University's sports management program.

James White is the new leader of the Riverdale-Yonkers Society for Ethical

Culture in the Bronx, New York. He spoke at its opening platform in the society meeting house on September 13, 2009. White also gave a talk called "Healthcare Is a Right" at the society on September 27, 2009. (*The Riverdale Press*)

1982

David Cohen joined Sichenzia Ross Friedman Ference LLP in Manhattan as Counsel in January 2010. His practice focuses on bankruptcy matters, including creditors' rights and reorganizations, commercial litigation, and transportation and cargo matters.



Francine L. Semaya was named one of *Business Insurance* magazine's "Women to Watch" for 2009. She was selected for her accomplishments in the field of legal insurance regulatory matters. Semaya is a partner with Nelson Levine de Luca & Horst in Manhattan, where she chairs the firm's insurance regulatory group. (Nelson Levine de Luca & Horst)

Harry Wallace, the current Chief of the Unkechaug Indian Nation, was featured in an article in *New York* magazine on October 4, 2009. The article detailed the long battle between New York City's Mayor Michael R. Bloomberg and Wallace's tribe in Long Island over the sale of tax-free cigarettes in the state of New York. (*New York*)

1983

Barbara Cohen was honored by Berkeley College in fall 2009 with the New York Outstanding Teaching Award, given to faculty members who demonstrate commitment to the success of Berkeley

College students by being a role model. Cohen is the Chair of Liberal Arts and Sciences, New York, in Berkeley's School of Liberal Arts. (Berkeley College)

William J. Rita and Ena Marini got married at the Samoset Resort in Rockport, Maine, on February 7, 2009. The couple is pleased to announce the birth of their son William Fabrizio Rita at Saint Vincent's Hospital in Manhattan on November 24, 2009. Rita runs a full-service law firm in Manhattan.

1984



Eric Gurgold, an estate planning attorney, has been elected a stockholder with the firm Henderson, Franklin, Starnes & Holt, P.A. in Fort Myers, Florida. (Henderson Franklin)

Robert Schaffer has joined the Manhattan office of McDermott Will & Emery LLP as a partner. His practice focuses on patent prosecution, patent litigation, and transactional work predominantly with pharmaceutical and biotech industries. (McDermott Will & Emery)

1985

Hon. Judith N. McMahon, Supreme Court Justice in Richmond County, New York, received the Elizabeth A. Connelly Leadership Award from the Staten Island Women's Political Caucus on October 24, 2009, at the group's Women in Leadership Forum. (*Staten Island Advance*)

Nicholas Pellitta has been named President of the Board of Trustees of Hunterdon Prevention Resources, a social services agency based in Flemington, New Jersey.

He will serve a two-year term. Pellitta is a member of Norris McLaughlin & Marcus, P.A. in Bridgewater, New Jersey, where he specializes in litigation. (Norris McLaughlin & Marcus)

James J. Quaglietta has retired to Palm Harbor, Florida, after a federal taxation and estate planning career that spanned four decades.

Lee Zimet has been appointed Chairman of the New York State Society of CPAs (NYSSCPA) Bankruptcy and Financial Reorganizations Committee. The term of the appointment will begin on June 1, 2010. Zimet works for Deloitte Tax LLP in Manhattan.

1986

The Rev. Dr. Scott Albergate joined St. Paul's Episcopal Church in New Orleans as Pastor in fall 2009. (*The Times-Picayune*)

Blanche Lark Christerson spoke during the Knowledge Congress Webcast "Estate Tax Legislation—2010 Is Here: What Now?" on February 22, 2010. She is a managing director at Deutsche Bank Private Wealth Management. (Knowledge Congress)

Louis Crespo Jr. has been appointed Chair of the Civil Rights and Liberties Committee at the New York County Lawyers' Association. He is a special referee of the New York State Supreme Court, New York County. (NYCLA)

Marc S. Dobin recently re-opened his law firm, Marc S. Dobin, P.A., in Jupiter, Florida, where his practice focuses on securities and investment-related litigation and regulation. The firm represents brokerage firms, individual brokers, and public customers. Dobin also started a blog called *Lawyers Are from Jupiter*.

1987

Rep. Eliot Engel published the article "Iran Meddling in Latin America" in the October 27, 2009 issue of the *Latin American Herald Tribune*. He is a congressman for New York's 17th District, and he chairs the Committee on Foreign Affairs' Subcommittee on the Western Hemisphere. (*Latin American Herald Tribune*)

Edward L. Larsen, of the law firm Edward L. Larsen, Esq., P.A. in Naples, Florida, was named as the Legal Aid Service of Collier County's "Pro Bono Attorney of the Month" for September 2009. In addition to running his own practice, Larsen is an active member of the Foreclosure Task Force, helping to plan outreach events and to provide pro bono legal services to the public at these events. He is also a panel member of the Collier Lawyers Care Pro Bono Program.

George A. Smith has been a partner in the law firm of Murphy & Lambiase in Goshen, New York, since 2008. He specializes in litigation.

1988

Mary Mastropaolo has been appointed Chair of the Municipal Affairs Committee at the New York County Lawyers' Association. She is General Counsel for the Office of the Public Advocate of the City of New York. (NYCLA)

1989

Jo Ann Brighton spoke at the American Bankruptcy Institute's (ABI) 2009 Winter Leadership Conference in La Quinta, California, in December 2009. She was also a panelist at a symposium presented by the *DePaul Business & Commercial Law Journal* on April 16, 2009, and the journal subsequently published a transcript of the panel, "For Better or Worse: Chapter 11 in the Post-BAPCPA Downturn" (Vol. 7, No.

4). Brighton also published an article in the February 2010 issue of the *ABI Journal*, "TOUSA: Do Lenders Have the Responsibility to Protect Borrowers from Their Own Bad Judgment?" (Vol. XXIX, No. 1). Brighton is a partner with K&L Gates LLP in Charlotte, North Carolina.

Eric Dale has been elected Secretary of the Fairfield County (Connecticut) Bar Association. He is a partner in the Stamford, Connecticut, office of Robinson & Cole LLP. (*Stamford Advocate*)

1990

James F. Faraguna recently released *America Lives in Brooklyn: From West Point to Street Vendor*, a book honoring America's veterans through poems, essays, and letters. He is a private practitioner and grassroots activist specializing in veteran advocacy.

Cindy Rose is the Executive Director of Digital Entertainment at Virgin Media in London. She leads the company's TV strategy, including the development of its digital platform and video-on-demand service. (Virgin Media)

1991

Jennifer Manner was appointed Deputy Chief of the Federal Communications Commission's Public Safety and Homeland Security Bureau in Washington, D.C., in summer 2009. (FCC)

Thomas Quaadman was featured in the September 2009 issue of *The Metropolitan Corporate Counsel* in a Q&A article titled "SEC-Mandated Proxy Access: Don't Change a System That Works." Quaadman is Executive Director for Financial Reporting Policy and Investor Opportunity at the U.S. Chamber of Commerce's Center for Capital Market Competitiveness in Washington, D.C. (*The Metropolitan Corporate Counsel*)

1992

James O'Neill was formally sworn in on December 1, 2009 as District Attorney of Forsyth County, North Carolina. Formerly an assistant district attorney, O'Neill was appointed by Governor Bev Perdue to finish out the term of the previous D.A., who retired after 19 years in office. (*Winston-Salem Journal*)

Sean Prosser, a partner in the San Diego office of Morrison & Foerster LLP, was recognized by *Best Lawyers in America 2010* for his expertise in securities litigation and corporate governance/compliance law. He also was named in *San Diego Super Lawyers 2010*.

1993

Susan Friery was elected a partner with Kreindler & Kreindler LLP, where she focuses on general tort, medical malpractice, product liability, and aviation litigation. She works in the firm's New York, Boston, and Los Angeles offices and resides near Boston. (Kreindler & Kreindler)

1995



Jonathan Grosser, a partner in the real estate practice group at Stradley Ronon Stevens & Young, LLP, in Philadelphia, has

been appointed Chair of the Montgomery County Board of the American Red Cross, Southeastern Pennsylvania Chapter. This is the second largest chapter in the nation, providing relief to families in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties. (Stradley Ronon Stevens & Young)

Michael Pagano was elected to the board of governors of the Indiana State Bar Association at its 2009 annual meeting. He will

represent District 1 and his term will expire in 2011. Pagano is Magistrate of Indiana's Lake Superior Court, County Division 3, in Crown Point, Indiana. (*Gary Post-Tribune*)

1996

Theodore Davis, an attorney and arbitrator based in Long Island City, New York, is an active supporter of the Make-A-Wish Foundation of Metro New York. In August 2009, Davis participated in his ninth annual 33-mile walk along the coast of Fire Island to raise money for the organization. Since 2001, he has raised more than \$40,000.

Daniel Dubree was appointed Assistant Director of the Federal Bureau of Investigation's Information Technology Operations Division in Washington, D.C., in July 2009. He oversees the operations and maintenance of the FBI's information technology systems worldwide. (FBI)

Mary Beth Kissane was named one of four new board members for the National Investor Relations Institute (NIRI) in fall 2009. Kissane is a principal at the Manhattan office of Walek & Associates, an independent financial and corporate public relations firm. (NIRI)

Helen Ullrich joined the Board of Trustees of Orange County Community College, State University of New York, in September 2009. Appointed by Governor David Paterson, she will serve until the summer of 2013. Ullrich is Managing Partner of Bergstein & Ullrich, LLP in Chester, New York. (SUNY Orange)

1997



Alba Alessandro has been named a partner at Hodgson Russ LLP in Manhattan, where she is a member of the firm's insurance and reinsurance practice group. (Hodgson Russ)

Howard Bernstein was appointed Chief Compliance Officer in October 2009 for Merriman Curhan Ford Group, Inc., a financial services firm with offices in San Francisco and Manhattan. He oversees the implementation of compliance and regulatory best practices on behalf of the firm's stakeholders. (*San Francisco Business Times*)

John Kheit has been named a partner at Chadbourne & Parke LLP in Manhattan. His practice focuses on intellectual property and litigation. (*Computer Business Week*)



Andrea Barton Reeves joined HARC, Inc. as Vice President of Administration in fall 2009. HARC is a nonprofit organization in Hartford, Connecticut, that helps people with intellectual disabilities and their families. (HARC)

David Werbel was appointed Assistant General Counsel at GTECH Corporation in fall 2009. GTECH is a gaming technology services company based in Providence, Rhode Island.

1998

Christopher Crawford is Of Counsel to Hafeez & Youssef PLLC, a newly established law firm in Plymouth, Michigan. Crawford focuses on insurance defense and coverage, personal injury, family law, and appellate practice. He is also a managing attorney with LegalEase Solutions LLC, an offshore legal support company. (*The Examiner*)

Daniel Jacobson has been appointed General Counsel for Bruderman Brothers, Inc., a private broker-dealer based in Long Island, New York. (Bruderman Brothers)

Deborah Meyer joined the medical malpractice defense practice in the Manhattan office of LeClairRyan as Counsel in November 2009. (LeClairRyan)

2000

Gregory Dell was recently named a partner at Wilson Elser Moskowitz Edelman & Dicker LLP in Manhattan. (Wilson Elser)

Bernadette Kelly Kirwin was promoted to partner at Mound Cotton Wollan & Greengrass in Manhattan in January 2010. She specializes in litigating complex insurance coverage disputes. (Mound Cotton)

2002

David Arrick launched Butch Bakery, a masculine alternative to the average cupcake shop, in New York City in December 2009. With flavors and packaging geared toward male customers, Butch Bakery cupcakes are available for delivery in Manhattan, Brooklyn, and Queens and will soon be in storefront bakeries. Previously, Arrick was a securities attorney on Wall Street. (Butch Bakery)

Elisa Gerontianos has been recognized as a 2009 Empire Counsel Honoree by the New York State Bar Association for her commitment to pro bono work. She volunteers regularly for the New York City Department of Small Business Services and the Lawyers Foreclosure Intervention Network at the Association of the Bar of the City of New York. She is also a board member on Manhattan's Community Board 4, chairing its Clinton/Hell's Kitchen Land Use Committee, and serves on the Board of Directors of the Citizens Campaign for the Environment. Gerontianos is a founding partner of Weinberg & Gerontianos, P.C. in Manhattan.

2003

Jacqueline Olschan was one of only 30 business leaders to be named a 2009 MS Corporate Achiever by the National Multiple Sclerosis Society, Connecticut Chapter. MS Corporate Achievers is a recognition program honoring some of Connecticut's most influential leaders while raising critically needed funds to ensure ongoing

scientific research. A longtime supporter of the chapter, Olschan is an associate at Sandak Hennessey & Greco LLP in Stamford, Connecticut. (*Stamford Plus*)

Amy Onder was featured in an article in the *National Law Journal* titled "The Challenge of Being a GC in an Always-On Environment" on July 30, 2009. She serves as Corporate Counsel to iXP Corporation, an innovation company in Cranbury, New Jersey. The company designs emergency communications systems for municipal and state law enforcement, fire and emergency medical services departments, and campus safety departments. (*National Law Journal*)

Daniel Parisi wrote "But My Lawyer Said My Visa Was Approved," an article published in *Immigration Daily* in October 2009. Parisi is an associate at ASG Immigration in London.

Megan Penick has been elected as an independent director of China Wind Systems, Inc., a leading supplier of forged products and industrial equipment to the wind power and other industries in China. She serves on the company's audit and compensation committees. Penick owns Penick & Associates LLC in Tarrytown, New York, where she works with U.S. and China-based companies in developing corporate governance best practices. (*China Wind Systems*)

Cherita Thomas was appointed Assistant Corporate Secretary for the Pall Corporation by the Board of Directors on July 16, 2009. She assumed this role in addition to her responsibilities as the company's Securities and Exchange Commission attorney.

2004

Neda Shahidyazdani co-founded SYM Law Group LLP, which opened in summer 2009 in Los Angeles. The firm specializes in immigration law and criminal law.

2005

Rebecca McCarthy is an associate attorney with Asser Law Group, P.C. in Phoenix, Arizona. She focuses on all aspects of immigration law, including the area of removal defense and criminal immigration law. (Asser Law Group)

Jeffrey Mullen is the founder and Chief Executive Officer of Dynamics Inc., a Pittsburgh-based company that produces and manufactures "next-generation" payment cards. In September 2009, the company announced that it closed an initial, over-subscribed \$5.7 million Series A round of financing led by Adams Capital Management. (Dynamics Inc.)

Andres Munoz was appointed one of 10 new assistant district attorneys in the office of District Attorney Richard A. Brown in Queens, New York, in October 2009. (*The Queens Gazette*)



Michael Suarez joined Goldberg Segalla LLP as an associate in summer 2009. He practices general litigation in the firm's White Plains, New York, office. (Goldberg Segalla)

Evan White was featured in the *National Journal* on August 28, 2009 in an article paying tribute to the late Senator Edward Kennedy, titled "People Were Going to Washington." White recounted his experience as a teenager testifying about his battle with Lyme disease at a hearing chaired by Senator Kennedy. Currently, White is a labor and employment attorney in New York.

2006

Evan Landa specializes in personal injury and family law at The Edelsteins Faegenburg & Brown LLP in Manhattan. (*The New York Times*)

2007

Jennifer Nelsen has joined the Houston office of Weil, Gotshal & Manges LLP as an associate focused on complex commercial litigation. (Weil, Gotshal & Manges)

2008


Ken Biberaj, the Vice President of Manhattan's Russian Tea Room, was recently approved by the New York State Banking Department to serve on the Board of Directors of Hanover Community Bank in Garden City Park, New York. Biberaj was also featured in an article in *Crain's New York Business* on December 6, 2009, titled "A Russian Revival on the Menu." The story highlights Biberaj's efforts to revamp the restaurant's menu to appeal to a wider audience. (*Crain's New York Business*)

Samantha Fredrickson is working with the New York Civil Liberties Union as the Nassau County (New York) Chapter Director.

Johanna Miller is working as Public Policy Counsel for the New York Civil Liberties Union in Manhattan.

2009

Anthony Bruno was named the runner up in the annual George Jay Joseph Education Law Writing Award competition for his paper, "Is Achieving Equal Education Possible? An Empirical Study of New York State Public Schools." He received an offer of publication from St. John's University's *Journal of Civil Rights and Economic Development* for its summer 2010 issue. Bruno currently works as a law clerk in the staff attorney's office of the U.S. Court of Appeals for the Second Circuit.

Lesley Portnoy is an associate in the New York office of Baker & Hostetler, where he handles a variety of litigation and transactional matters. (Baker & Hostetler) 

The Not-So-Secret Life of “Lawless Lizzie”: Elizabeth Valandingham ’02, Roller Derby Champ

By Edie Sachs

Watching her flying around the track in fishnets and a miniskirt, long blond hair spilling from under her helmet, you might not guess that “Lawless Lizzie” is actually a very law-abiding citizen. In fact, this fearless competitor in women’s flat track roller derby is a lawyer—one who just made partner at the Morristown, New Jersey-based firm of O’Donnell McCord & DeMarzo, PC.

“Lawless Lizzie” is the *nom de derby* of Elizabeth Valandingham ’02, who started skating with the Morristown Madams team in 2007.

“One evening, I was in Morristown with a few friends at a restaurant which was located around the corner from a local roller rink,” Valandingham recalls, “and our waitress, who just happened to be the team captain of the Madams, said, ‘Hey, you should go check out the roller derby tonight.’ So I did—and I fell in love.”

Valandingham had never been on skates before in her life. But the skaters were very welcoming and happy to teach her the skills she needed to join the team. The sport requires new members to pass various skills tests in areas such as jumping, blocking, and skating with speed before they can compete.

Competitions are called “bouts,” and each bout is divided up into short periods called “jams.” During a jam, a team’s “jammer” must try to score points by passing as many of the opposing team’s skaters as possible. In the process, “pivots” and “blockers” skate defensively and try to keep the other team’s jammer from passing them. Valandingham is a blocker for her team.

Is roller derby a dangerous sport? “There are regulations pertaining to the types of physical contact permitted between skaters, but you can definitely get hurt,” says Valandingham, who hasn’t sustained any serious injuries to date. “It’s a fast-paced, full-contact sport that is very athletic and competitive.” It also promotes a great deal of loyalty and trust among teammates.

Valandingham characterizes roller derby as a family-friendly sport that donates a portion of the proceeds of bouts to local charitable organizations. As a result, bouts are often attended by local dignitaries and politicians, which has had the added benefit for Valandingham of furthering her career.

“I’ve been able to meet a lot of influential people who find themselves intrigued and impressed by my ‘alternate lifestyle.’ And clients have told me that they have more confidence in me as an attorney because of roller derby.”

The sport also enables her to keep up with New York Law School classmates who come to her bouts. “It’s been valuable in helping me stay connected with other alumni,” she says.

At her firm, Valandingham focuses on real estate, tax, municipal, and land use law. She handles property tax appeals, represents town planning boards, and functions as the town attorney for various municipalities. She also serves as the public defender for the town of West Caldwell, New Jersey.

Recently, Valandingham used her legal expertise to establish a new women’s roller derby league called the Jersey Derby Brigade. The new league consists of two teams: the Corporal Punishers, which absorbed a majority of the skaters from the now-retired Morristown Madams; and a “B” team called the Major Pains, which is for skaters who are less experienced and/or want to participate recreationally rather than competitively. Valandingham is considering additional options for the league, possibly including a noncontact competitive team and a kids’ team.

“This is an up-and-coming sport, and I’m trying to get the word out to anyone who might be interested in participating,” she says. “You don’t even have to get on skates to get involved. Fund-raising, marketing, contracts, licensing—there’s so much to do.”



ALUMNI

Class of 1950

Anthony Bonarrigo • November 8, 2009

Peer Pedersen • November 4, 2009

James L. Quinlan • January 14, 2010

Class of 1953

Dominick Caiafa • November 25, 2009

Class of 1957

Robert G. Gilmore • October 29, 2009

Class of 1959

Robert Mullen • January 16, 2010

Class of 1960

James J. Hearn • January 3, 2010

Class of 1961

Patrick J. Foley • October 21, 2009

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Class of 1970

Steven Finz • September 17, 2009

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Class of 1973

Richard F. Johnston • January 7, 2010

Stuart M. Schurman • August 7, 2009

Class of 1980

Prabhudas C. Parekh • October 1, 2009

Class of 1981

Rick Wagner • September 21, 2009

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Class of 1986

Charles P. McGlade • March 27, 2010

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Patrick J. Foley '61

The New York Law School community mourns the passing of Patrick J. Foley, Class of 1961, one of the Law School's most distinguished graduates. He died on October 21, 2009 at age 79.

In an interview with the Law School in 2008, Foley said: "When I look back on my life, I'm proud of how hard I worked and what I achieved." And he had every reason to be. Foley spent 32 years with American International Group, Inc. (AIG), culminating in his retirement in 1995 as Vice President and Associate General Counsel. He was also General Counsel of AIG's domestic insurance companies.

A man with infinite energy and creativity, Foley had his own definition of retirement: He served as a director for three of AIG's subsidiary companies, and founded two successful companies, for which he served as President—Foley Atlantis Consultants, an advising and consulting company based in South Florida, and Foley Atlantis Holding Corp., a real estate company. Challenged in recent years by illnesses, neither his great sense of humor nor his incomparable talent for storytelling wavered, and his thirst for knowledge and new challenges flourished unabated.

Foley was a sergeant in the United States Marine Corps in the early 1950s. He started his career as an assistant underwriter for Atlantic Mutual Insurance Company. It was in his next position, as an account executive at Hagerdorn & Company, that he realized "how important law was to the insurance industry and that if I wanted to advance, I'd have to get a law degree," he said.

Foley attended New York Law School as an evening student, graduating in 1961. Several faculty members made strong impressions on him, including Adjunct Professor Joseph T. Arenson, who taught Wills, Trusts, and Estates at the Law School for more than 40 years. Another memorable professor was Max Reich, who taught Civil Procedure and Evidence. "He was probably the best teacher there," said Foley. "He didn't use a textbook. He worked from advance sheets—cases that had been decided within the past year by the Court of Appeals. So we were studying current, actual cases almost as soon as they were decided."

An active, prominent member of the Law School community throughout his life, Foley served as a director of the Alumni Association and continuously provided generous support. In 1986, he established the Patrick J. Foley '61 Scholarship Fund with additional funding provided by both AIG and his wife Ann through a matching gift from her employer, IBM. Since its inception, the Patrick J. Foley Scholarship has been instrumental in enabling Evening Division students who work in the insurance industry to achieve a legal education.

"My wife Ann and I decided to give to the Law School because we wanted to support New York Law School, an excellent learning institution that gave me a great education. The Patrick J. Foley '61 Scholarship, awarded to an Evening Division student working in the insurance industry, is how we show our support."

The Foley Family Foundation named the network operating center on the fifth floor of the Law School's new building. The "Patrick J. Foley '61 Network Operating Center" bears a plaque that reads: "In honor of Patrick J. Foley '61, who knew all, saw all, remembered all, and kept it to himself."

The Law School is grateful to both Mr. Foley and Mrs. Foley, whose passing we also mourned in 2009. We extend our condolences to their children John and Maura, and their granddaughter Nicole. **i**

Ari Kiev '88

The Law School community mourns the loss of Ari Kiev, Class of 1988, a well-known psychiatrist, lawyer, and author. He died on November 18, 2009 at age 75.

A New York City native, Dr. Kiev was born in the Bronx and grew up in Washington Heights. He graduated from Harvard in 1954 and then earned his M.D. at Cornell Medical College. Early in his career, he studied how other cultures address mental health issues—an interest that took him across the globe and led to the publication of several books, including *Transcultural Psychiatry* (Free Press, 1972). He also focused his research on depression and suicide prevention. After completing his training in psychiatry at Johns Hopkins University and the Institute of Psychiatry at the Maudsley Hospital in London, Dr. Kiev became the head of social psychiatry at Cornell, where he founded and directed the Suicide Prevention Clinic. In 1970, he established the Social Psychiatry Research Institute in Manhattan.

Dr. Kiev developed an interest in the psychology of athletic performance, based on his interactions with Olympic athletes at his sons' gym. For several years, he coached Olympic and professional athletes to help them conquer their fears and maximize their performance. He became the first psychiatrist to be appointed to the United States Olympic Committee's sports medicine committee.

In the 1990s, Dr. Kiev applied his work with top athletes to the financial industry, training Wall Street traders to help them achieve their maximum potential. He saw many parallels between the two fields and taught traders relaxation and visualization techniques so they could cope with the intense pressures of the industry and excel in their careers. He coached traders at the New York hedge fund SAC Capital Advisors for 16 years.

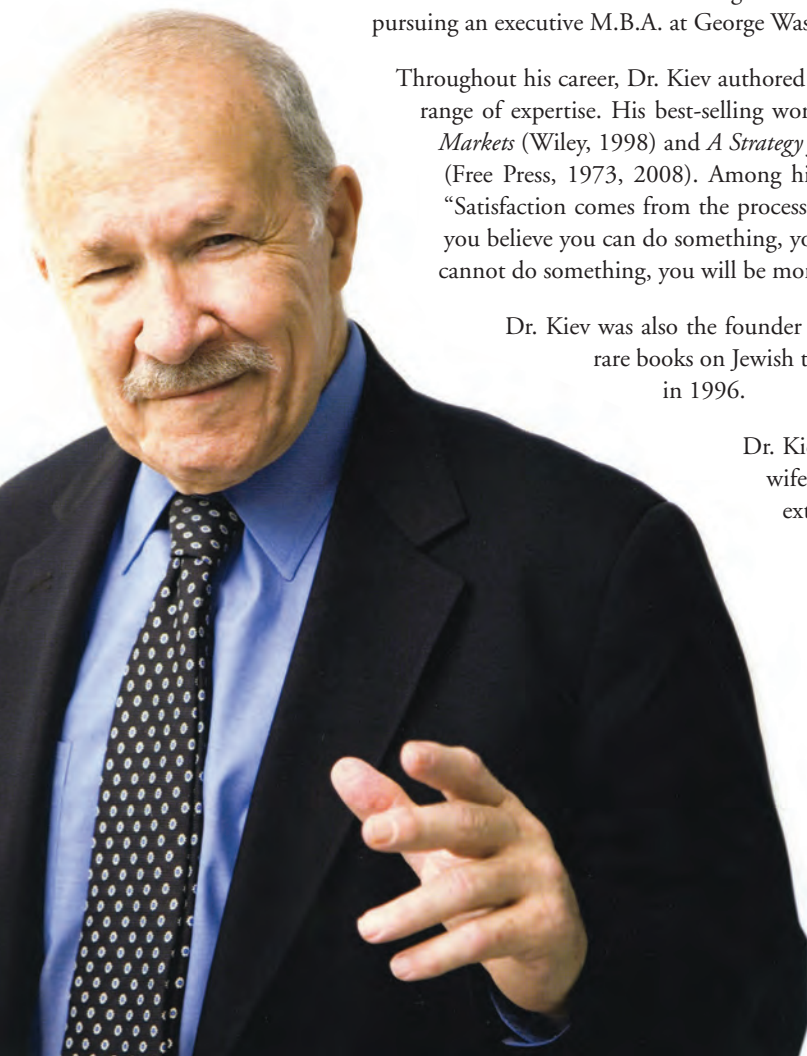
Dr. Kiev served as an expert witness in several court cases, which inspired him to pursue a law degree at New York Law School. He enrolled in the Evening Division and graduated in 1988. A lifelong student, Dr. Kiev was pursuing an executive M.B.A. at George Washington University at the time of his death.

Throughout his career, Dr. Kiev authored more than 20 books reflecting his varied interests and wide range of expertise. His best-selling works include *Trading to Win: The Psychology of Mastering the Markets* (Wiley, 1998) and *A Strategy for Daily Living: The Classic Guide to Success and Fulfillment* (Free Press, 1973, 2008). Among his memorable quotes from *A Strategy for Daily Living* are: "Satisfaction comes from the process of pursuing your vision, not the attainment of it," and "If you believe you can do something, you will never give up because of obstacles. If you believe you cannot do something, you will be more inclined to give up early."

Dr. Kiev was also the founder of the Kiev Foundation, which donated more than 15,000 rare books on Jewish theology to George Washington University's Gelman Library in 1996.

Dr. Kiev resided in Park Ridge, New Jersey, and is survived by his wife Phyllis, two sons, and four grandchildren. The Law School extends condolences to his entire family.

The Law School is grateful to Dr. Kiev's family for providing the source material for this article. **A**



Steven Finz '70, a law professor and provider of continuing legal education, died September 17, 2009 in Santa Rosa, California, from a heart infection. He was 66.

Professor Finz was the founder and director of Advance College of Continuing Legal Education, a business that offers lawyers and judges CLE credits from courses on audiotapes that he wrote and recorded. He was Chair of the Torts Department at Western State University College of Law (now Thomas Jefferson School of Law) in San Diego until 1990. He was also an adjunct professor at National University Law School in San Diego and served on the faculty of the California Appellate Justice Institute in 2000. Professor Finz frequently spoke at law conferences throughout California and he authored many law-related articles, including regular features in *Plaintiff*, a magazine for Northern California plaintiffs' attorneys, and *Advocate*, a publication of the Consumer Attorneys Association of Los Angeles.

A New York native, Professor Finz graduated from Bronx High School of Science and Queens College of the City University of New York. After graduating from New York Law School in 1970 and establishing his legal career in the city, Professor Finz embarked with his wife and three children on a two-year, cross-country journey that eventually led them to San Diego, where he started teaching at Western State University. Later, he managed a full working farm alongside his teaching career. In 1994, Professor Finz and his wife moved to Sea Ranch, California, where he continued to run his CLE business. He is survived by his wife Iris, their three children, four grandchildren, and his brother and sister.

Rose M. Mankos '99 died in a tragic subway accident in Manhattan on March 11, 2010. She was 48 years old. A resident of the Stuyvesant Town neighborhood of Manhattan, Mankos previously worked as a senior court analyst at the state Office of Court Administration's Continuing Legal Education program, last working there in February 2008. She was admitted to the New York bar in 2001. Mankos is survived by her mother, who resides at a nursing home in New Jersey; her father, who lives in North Bergen, New Jersey; and a brother who lives in Pittsburgh.

Rick Wagner '81, a Brooklyn lawyer known for his work on behalf of the poor, died suddenly at his home from what appeared to be a heart attack on September 21, 2009. He was 65.

Wagner was the director of litigation for Brooklyn Legal Services Corporation A, which has offices in Williamsburg and East New York. He became a well-respected figure in the Brooklyn community for using civil racketeering laws against predatory landlords and protecting impoverished homeowners from foreclosure. He was known among family, friends, and colleagues for his colorful language and bold sense of humor.

Wagner grew up in the Five Towns area of Long Island. After graduating from New York Law School in 1981, he worked at the Center for Constitutional Rights and later founded his own firm. He joined Legal Services in 1985. He is survived by his sister, brother-in-law, and a nephew. **F**

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John F. Hylan, Class of 1897
96th Mayor of New York City

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Professor Cyril C. Means Jr.
Constitutional Law Scholar Whose Work
Influenced *Roe v. Wade* Decision

John F. Hylan, Class of 1897 96th Mayor of New York City

By Amelia Jonakait

A railroad man at heart, Mayor John F. Hylan, Class of 1897, was instrumental in the development of one of the most extensive public transit systems in the world—the New York City subway system. But before he made a name for himself in urban affairs, Hylan began life on his family’s farm in upstate New York. By age 19, he realized agrarian life didn’t suit him, so with only \$4.50 in his wallet and a new bride at his side, he relocated to Brooklyn, New York.

Hylan found work at the Brooklyn Union Elevated Railroad, eventually rising to the position of locomotive engineer. While working on the railroad, Hylan decided to explore a whole new track and enrolled at New York Law School. He graduated in 1897 and began a career in politics.

Although Hylan was fired from his engineer job for allegedly almost running down his supervisor while he was crossing the tracks—Hylan claimed wrongful discharge, although some say he was studying a law book while driving—his interest in the subway system never subsided, and his role in the political arena grew. He became a judge in the Kings County court, and was then lured by Tammany Hall (the political machine of the Democratic Party) to run against fellow New York Law School alumnus John Purroy Mitchel, Class of 1901, as mayor of New York City. Hylan defeated Mitchel in the 1917 election, aided by the backing of newspaper magnate William Randolph Hearst, who shared Hylan’s support for municipal ownership of utilities, to become the 96th mayor of New York. He served two terms from 1918 to 1925.

As mayor, Hylan pursued his interests in the railroad and public transit by devoting his time and energy to the creation of a unified subway system—at that time, individual subway lines were operated by privately-owned companies. He owed his reelection in 1921 to his opposition to a state plan that would raise the five-cent subway fare. He subsequently created a transit commission to construct a system that was city-controlled rather than independently owned.


Hylan’s opposition to privatization also applied to private banking. In a famous speech against big business in 1922, he said: “The real menace of our Republic is the invisible government which like a giant octopus sprawls its slimy



legs over our cities, states, and nation. At the head is a small group of banking houses generally referred to as ‘international bankers.’ This little coterie . . . run our government for their own selfish ends.”

Hylan was given the moniker “Honest John” by his supporters, and in his “Rules for City Employees,” he demonstrated his belief in a strong work ethic: “[City workers] must not roll in city automobiles with cigars in their mouths . . . [or] be conspicuous at baseball games when they should be in their offices.” On the other hand, he remained faithful to the will of Tammany Hall, and was also widely believed to be firmly in Hearst’s back pocket.

In 1925, Hylan was defeated in his bid for reelection in the primaries by another Law School alumnus, Senator James J. “Jimmy” Walker, Class of 1926, who served as mayor from 1926 to 1932. In his last year in office, Hylan reconfigured part of the transit system and created the city-owned and -operated Independent Subway System (ISS). But his larger dream didn’t become a reality until after his death, when the ISS and the other privately-owned companies merged, finally creating a centralized citywide subway system.

Hylan died in his home in Forest Hills, Queens, in 1936 at the age of 67. In his memory, the major Staten Island roadway Southfield Avenue, which runs almost the entire length of the borough, was renamed Hylan Boulevard. 

Professor Cyril C. Means Jr. Constitutional Law Scholar Whose Work Influenced *Roe v. Wade* Decision

By Edie Sachs

Professor Cyril C. Means Jr., who taught at New York Law School from 1965 to 1989, was a specialist in constitutional law, but he gained a national profile because of his connection to the U.S. Supreme Court's decision in *Roe v. Wade*. He authored two seminal law review articles on the history of abortion that were relied on heavily by the Supreme Court justices and cited numerous times by Justice Harry Blackmun in his opinion.

In 1968, Professor Means, a co-founder of the National Association for the Repeal of Abortion Laws (NARAL—the organization that later evolved into the National Abortion Rights Action League), was appointed by Governor Nelson Rockefeller to a special commission charged with reviewing and considering possible changes to New York State's abortion laws. (The chairman of this commission was Hon. Charles W. Froessel '13, LL.M. '14, the former judge of the New York State Court of Appeals.)

Professor Means undertook a study of the law of abortion from a historical perspective. He published the results of his research in the form of two articles in the *New York Law Forum*, the precursor to the *New York Law School Law Review*. In 1968, he published "The Law of New York Concerning Abortion and the Status of the Foetus, 1664–1968: A Case of Cessation of Constitutionality," 14 *New York Law Forum* 411; and in 1971, "The Phoenix of Abortional Freedom: Is a Penumbra or Ninth-Amendment Right About to Arise from the Nineteenth-Century Legislative Ashes of a Fourteenth-Century Common-Law Liberty?" 17 *New York Law Forum* 335.

In Professor Means's view, abortion was an English common law liberty, and the abortion laws of the past existed mainly to protect a woman from a surgical procedure deemed more dangerous than childbirth. But with the advance of medical science and the improvement of surgical techniques, the danger to women's health no longer existed. Using a well-known principle of common law, *cessante ratione legis, cessat et ipsa lex*: "when the reason

for a law no longer exists, the law itself ceases to exist," he argued that laws banning abortion had become obsolete.

The Supreme Court adopted Professor Means's reasoning. Justice Blackmun cited his articles seven times in his written decision, and Sarah Weddington, the young lawyer arguing the case on behalf of "Jane Roe," later observed that the justices had copies of the professor's articles with them on the bench. Weddington herself referred to his version of abortion history three times in her oral argument.

Since that time—continuing well beyond his death in 1992 up until the present day—pro-life activists and scholars have singled out Professor Means as a special target of criticism for his influence on the *Roe* decision. The unfortunate consequence is the overshadowing of his scholarly pursuits and accomplishments in other areas such as adoption, surrogacy, and presidential scholarship, not to mention his fine reputation as a teacher of law.

At New York Law School, Professor Means was well regarded by both students and fellow faculty members. In the May 2007 issue of the "Alumni Connections" newsletter, Alan W. Clark '77, a Law School trustee, noted him as "a great constitutional law professor." And Professor Arthur S. Leonard, who served together on the faculty with him for seven years, still appreciates the assistance Professor Means provided him by recommending a source for a law review article.

"Even though he was one of the most distinguished members of the faculty, he was always interested in everyone else's research and activities, and was always ready to be helpful," says Professor Leonard. "He had great intellectual curiosity and was a font of information. He never stopped learning, which is the mark of a true scholar." ■

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