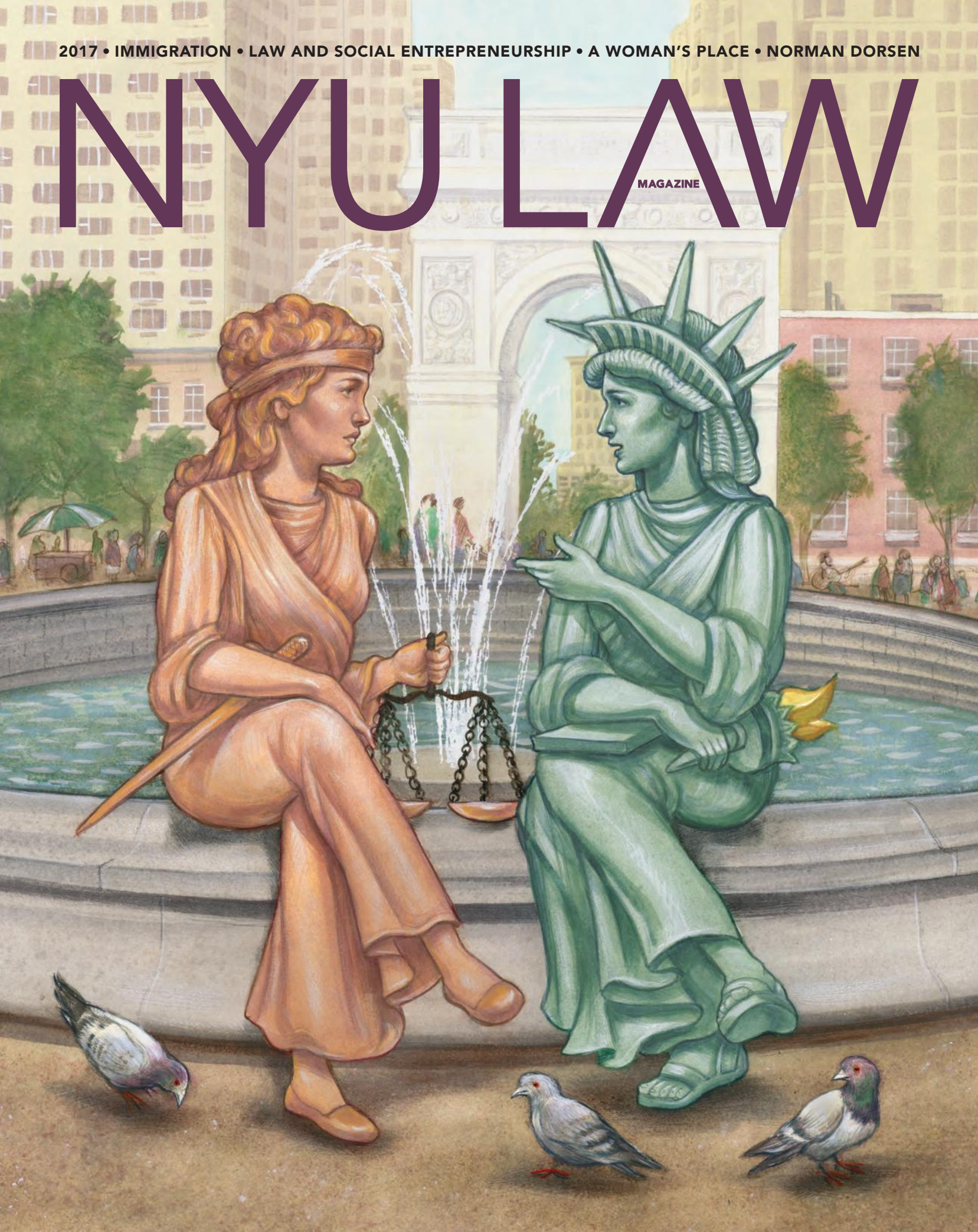


2017 • IMMIGRATION • LAW AND SOCIAL ENTREPRENEURSHIP • A WOMAN'S PLACE • NORMAN DORSEN

NYU LAW

MAGAZINE



REUNION



Illustration by Sam Kalda

Save the Date!

April 27-29, 2018

www.law.nyu.edu/reunion2018

The Morrison Memo

The beginning of a school year always brings with it fresh energy. This year, many of us at NYU Law return to campus with a sense of urgency. Recent events worldwide have placed stress on established legal norms, including freedom of the press and the legitimacy of courts and other governmental bodies. People around the globe are looking to lawyers and legal institutions to buttress the rule of law. At NYU Law, we are well suited to lead at this historic moment.

The rule of law—an enabling condition for fundamental fairness, the protection of liberty, and the promotion of equality—is not, to us, a distant ideal to be revered on a pedestal. It is a tangible concept that finds expression in how we construct our community and in the work of the individuals included within it. This perspective is not new: NYU Law welcomed women as students decades before most peer institutions, and this year we mark 125 years since the Law School celebrated its first women graduates. The Law School likewise has long been enriched by immigrants among our faculty, administration, and student body, and members of our community have been key to protecting immigrants' rights through our renowned clinical program and our new Immigrant Defense Initiative. Through our strategic plan, we have redoubled our commitment to building a diverse and inclusive community, a goal we furthered through the launch this year of the Center for Diversity, Inclusion, and Belonging and the Center on Race, Inequality, and the Law.

In their scholarship, advocacy, and professional pursuits, individual Law School faculty, students, and alumni are engaged at every level in making legal institutions more open and more just. You'll read more about some of that work in this year's magazine. A few examples: Professors Helen Scott and Deborah Burand introduced the Grunin Center for Law and Social Entrepreneurship, which unites the Law School's strengths in law and business and public service. Professor Edward Rock launched the Institute for Corporate Governance and Finance, operating at the intersections of academia and practice to encourage the development of institutional investors as a responsible force in corporate governance. Professor Philip Alston continued his work as the United Nations special rapporteur on extreme poverty and human rights. Professor Richard Brooks, the newest member of our faculty, has applied an innovative interdisciplinary approach to his scholarship on topics ranging from contract theory to

racially restrictive housing covenants. Alumni served over the course of the year at all levels and in every branch of government, participating directly in our democratic governance on both sides of the aisle. A group of students launched a bail fund to support people accused of certain low-level crimes who lack the resources to post bail. The boundless energy, creativity, and commitment of members of the NYU Law community inspire me—and give me confidence that, in these challenging times, this Law School remains poised to promote the rule of law.

Perhaps no one better personifies, or had a greater influence upon, the Law School's leadership in this area than Norman Dorsen, who passed away in July. Norman fought throughout his life for justice. A professor at NYU Law and director of its Arthur Garfield Hays Civil Liberties Program for 56 years, Norman prepared hundreds of fellows to pursue careers in the public interest; argued several landmark cases before the US Supreme Court and filed briefs in many more; and served as the ACLU's president for 15 years. Norman's remarkably rich and impactful life both advanced the causes of civil rights and civil liberties and improved this school immeasurably.

In my remarks to our graduates at Convocation last spring, I emphasized something that Norman understood deeply: that the rule of law is not inevitable. It is the product of an ongoing recommitment to a system of laws and institutions, whether or not that system yields the results we prefer in every case. I'm proud that the members of the NYU Law community are so deeply engaged in advancing this commitment—in being the load-bearing walls of our most vital legal institutions. In the year ahead, let's lead the way together.



A handwritten signature in dark ink, appearing to read 'Trevor Morrison'.

TREVOR MORRISON

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NYU LAW

MAGAZINE

4 Dicta



Students design a secure and private system for digital voting; NYU Law graduates in government serve the public; Bryan Stevenson appears in an Academy Award-nominated documentary; the Brennan Center for Justice works to keep citizens informed; and Brenda Berkman '78 recalls her fight to become a firefighter.

37 The People



Students teach patent law to professionals; the NYU Law community addresses bail injustice; Ria Tabacco Mar '08 advocates for LGBTQ rights; Douglas Hand '97 takes the measure of fashion law; and the Muslim Law Students Association builds community and understanding.



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NEW FACULTY
The Law School welcomes contracts and corporate law expert Richard Brooks.

57 Arguments & Opinions



Faculty turn to the problem of income inequality; Lily Batchelder upends common wisdom on business taxes; Cynthia Estlund considers the Chinese labor problem; José Alvarez asks if an international rule of law exists; three IP professors weigh in on cheerleader uniforms; and Mark Geistfeld looks at the complexities of liability for driverless cars.

69 Proceedings



Sonia Sotomayor focuses on diversity and inclusion; in separate appearances, Joe Biden and Rachel Maddow talk plainly about the 2016 election; Loretta Lynch and others help inaugurate a new center with a candid conversation about race, inequality, and the law; experts discuss sanctuary cities; and Preet Bharara stresses prosecutors' roles in improving reentry for former prisoners.

81 Relevant Parties



Judge Raymond Lohier '91 and Ambassador David Pressman '04 speak at Convocation, and graduates offer their own reflections; the Law Alumni Association remembers and celebrates Judith Kaye '62; and alumni reconnect at Reunion 2017.

96 Closing Statements



Through film production, Broadway, entertainment law, and talent representation, Marc Platt '82 has made his mark on the entertainment industry for more than three decades.

DIGITAL ASSETS



Located throughout the magazine, these icons indicate stories with additional video or photo content, which can be accessed online at www.law.nyu.edu/magazine.

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The Civil Libertarian

During his 56 years at NYU Law, Norman Dorsen (1930–2017) trained three generations of civil liberties leaders, led the ACLU, and helped guide the Law School to enduring greatness.

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Immigration: Real Lives



Amid a national debate on immigration, scholarship and advocacy at the Law School combine with a long history of people coming to America in search of a better life.

18

The Game Changers



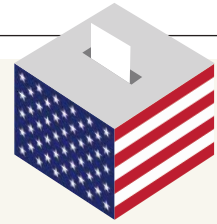
Through student initiative, expert thought leadership, key partnerships, and a recently launched center, NYU Law defines the field of law and social entrepreneurship.

24

A Woman's Place



Today, 125 years after first graduating women, NYU Law prepares them for leadership and works to make the profession more conducive to their advancement.



Right on Voting Rights

In 2015, Sudler Family Professor of Constitutional Law Richard Pildes won a major voting rights case in the US Supreme Court. In January, he won again in the same case, which had been remanded to federal district court in Alabama. A three-judge panel accepted claims that one-third of the state's black-majority election districts were unconstitutional racial gerrymanders.



A Clinic Victory

The Law School's Reproductive Justice Clinic won a federal court ruling in April striking down Wisconsin's "unborn child protection" law, which authorized involuntary treatment and incarceration of pregnant women who had used controlled substances or alcohol. The court found the law unconstitutionally vague. "Clinic students played a key role in developing and executing our legal strategy," says Alyson Zureick '14, a clinic teaching fellow and supervising attorney.

PILLAR ILLUSTRATION: ISTOCK/SIRA ANAMWONG



Kirby

Securing Votes

As businesses and government entities struggle to fend off cybercrime, concerns about the possibility of cyberattacks disrupting the democratic process are growing. In response, a team of students from NYU Law and NYU Tandon School of Engineering designed a secure and private system for digital voting. Called Votebook, the project took first place in a cybersecurity

case study challenge hosted by the *Economist*.

Demonstrating the importance of grounding technical solutions in an understanding of legal and policy issues, Kevin Kirby '17 and Tandon teammates Anthony Masi and Fernando Maymi used blockchain technology (the apparatus behind the alternative currency bitcoin) to design a system that would create a public ledger of votes and

enable a voter to see if his or her vote was counted.

Voters would still register and show up to the polls just as they do in our current system. But at the conclusion of the election, the ledger of data for each voting machine would be released to the public at large to allow for auditing. Each voter could then check to see if his or her vote was counted by entering a set of unique values that only the voter would know.

The teammates, participants in A Scholarship for Service Partnership for Interdisciplinary Research and Education (ASPIRE), a National Science Foundation-funded program at the NYU Center for Cybersecurity that aims to produce cybersecurity specialists, were awarded \$10,000 for taking first place in the challenge.

Survival Stories

"If you're sitting in this room, it means you come from a line of people who were able to survive whatever they had to. Somebody somewhere in your line had to overcome poverty or war or famine or devastation or terrible health or injustice. I think our disconnection from those stories—our disconnection from understanding that history—is so deep that we sometimes think we can't survive what we can survive. Those struggles tell you about power." —**SHERRILYN IFILL '87**, addressing the audience at the launch of the Center on Race, Inequality, and the Law





“Changing a sculpture by placing another sculpture near it is simply not actionable. We don’t want to let artists start suing curators because they don’t like who their work is displayed next to.”

Emily Kempin Professor of Law **AMY ADLER**, responding in *Artsy* to *Charging Bull* artist Arturo Di Modica saying he was considering a lawsuit over placement of the *Fearless Girl* statue opposite his iconic Wall Street sculpture



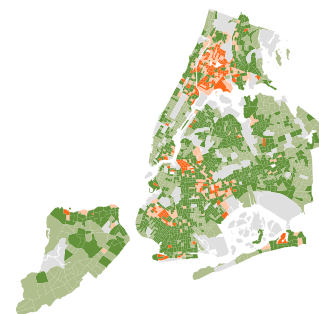
Reflections on Government Service

These are, most would agree, unusual times in American politics and government. Voters are polarized on a range of issues, and the current political and media environment appears to do more to foster divisions than bridge divides.

A sizable number of NYU Law graduates serve or have served in government—at all levels and in every branch. Many who are no longer public officials continue to participate in our nation’s democratic governance through such means as litigation, lobbying, or work in public-interest organizations.

Given the tenor of the times, the Law School reached out to alumni with current or recent government experience and asked them to reflect on their roles.

What concerns do they have about the current environment, and how is it possible to operate successfully within it? Are there ways to be more effective operating outside government than within it? And what advice would they give to current students considering government service? See their responses on the Law School website: www.law.nyu.edu/news/reflections-on-government-service.



CoreData includes more than 100 indicators on housing and neighborhoods in New York City.

Cityscape

Last December, the Furman Center for Real Estate and Urban Policy launched CoreData.nyc, an online hub for New York City housing and neighborhood data incorporating city, state, and federal data sets. CoreData.nyc, the most comprehensive source for property-level subsidized housing information, has a database of properties receiving government subsidies searchable by address that can also be explored through filters or on a map. In addition, the site’s features provide public access to data on housing markets, affordability, land use, demographics, and neighborhood conditions.



Immigration law scholar and Professor of Clinical Law **NANCY MORAWETZ '81** is a Greenwich Villager through and through. Not only did she attend NYU Law and return to teach at the institution, but she has also lived in the neighborhood since age four.

MORAWETZ ILLUSTRATION: RYAN MCAMIS

Justice in the Spotlight

Few law professors can say they’ve appeared in an Academy Award-nominated film, but Bryan Stevenson did just that last year when he was featured in the documentary *13th*. The film, directed by Ava DuVernay, sparked conversation and critical acclaim for its analysis of race, justice, and mass incarceration in the United States.

The professor of clinical law has been frequently recognized in the media for his work with prisoners on death row, and for calling attention to the history of slavery, lynching, and other forms of racial terrorism in America. This year, Stevenson also made an appearance in a *60 Minutes* segment called “Life After Death Row” to talk about Ray Hinton, his client who was exonerated 27 years after he was sentenced to death. Stevenson has represented Hinton for the past 16 years through the Equal Justice Initiative.



"I do not buy post-factual, and I don't buy alternate facts. I do still believe in truth.... Truth is how we won marriage equality and acknowledgment of equal dignity, vanquishing demonization of LGBT people as parents, vanquishing legal disparagement of LGBT people as incapable of meaningful relationships and families and love."

HAYLEY GORENBERG '92, accepting the Alumna of the Year Award from OUTLaw



Hanna, Richardson, and Namaki

Giving Back on Break

Among NYU Law students devoting spring recess to public service were three 1Ls volunteering at Mental Health Advocacy Services, a California-based nonprofit organization that provides free legal assistance to people with mental disabilities. The students were able to assist with the organization's monthly legal clinic, write letters for low-income clients facing traffic tickets and parking fines, and conduct outreach to military veterans.

"I was able to interact face to face with new and existing veteran clients, doing intakes and discussing the legal and health issues that they face," said Lauren Richardson '19. "Coming from a military family, this aspect of the trip was very meaningful to me."

For Chantalle Hanna '19, this was her first experience working with clients in a legal capacity. "I encountered clients who were facing eviction, who sought assistance in applying for public benefits

and appealing decisions denying them the benefits they needed," she says.

Ana Namaki '19 reflected on the power—and the limits—of the law when it comes to addressing behavioral mental health crises: "Listening to the diverse difficulties each [client] faced taught me about the services available to those with disabilities, but also about the barriers to receiving those services and how such services are insufficient in many respects."

NYU LAW STUDENTS AND GRADUATES SECURED
37 TOTAL FEDERAL APPELLATE CLERKSHIPS
DURING THE 2015-16 ACADEMIC YEAR, INCLUDING

4

at the US Court of Appeals for the Ninth Circuit

6

at the US Court of Appeals for the District of Columbia Circuit

11

at the US Court of Appeals for the Second Circuit



Pleasing the Court

At this year's Deans' Cup, NYU Law students won a decisive 81-64 victory over Columbia Law. During the halftime faculty game, Dean Trevor Morrison led NYU professors and administrators to their own 7-2 victory. The annual event helps raise funds for public interest law programs.



Who is
ZOEY OROL '13?
Demonstrating
fast reflexes and a
breadth of knowledge,
this Big Law associate
was a *Jeopardy!*
contestant early
this year and won,
taking home
\$4,400
in winnings.



**"As an immigrant
rights lawyer, I have
had the privilege of
representing women
who have faced
incredible amounts of
oppression in a terrible
system and have
not only survived
but thrived."**

Associate Professor
of Clinical Law
ALINA DAS '05,
accepting the Woman of
Distinction Award from the
Women of Color Collective



Budget policy. Entitlements. Tabby cats. In addition to his
interest in tax policy, Wayne Perry Professor of Taxation
DANIEL SHAVIRO is also an ailurophile. He currently shares
his home with felines Buddy, Gary, Seymour, and Sylvester.



8,488
NUMBER OF
LAW FIRM INTERVIEWS
CONDUCTED DURING
EARLY INTERVIEW WEEK
IN AUGUST 2016

Advocating for the World's Poorest

Philip Alston has a second
job that has taken him to
more than two dozen coun-
tries on nearly every con-
tinent. As United Nations
special rapporteur on
extreme poverty and human
rights, Alston, John Norton
Pomeroy Professor of Law,
conducts research and analy-
sis in numerous nations and
reports his findings to the
UN Human Rights Council.

Alston's mandate recog-
nizes that extreme poverty
is more than just a lack of
income—it extends to social
exclusion and the lack of
access to basic services.
Poverty can be both a human
rights issue and a conse-
quence of human rights viola-
tions. In addition to visiting
countries including Romania,
Chile, and the Sudan, Alston
also conducted research
stateside, analyzing extreme
poverty in New York City,
Florida, Louisiana, and
elsewhere in the US.

After visiting Saudi Arabia
in January 2017, Alston urged
the Saudi Arabian govern-
ment to view social protec-
tion as a human right and to
improve its social services for
the poor. The human rights
scholar also called on the
government to enhance gen-
der equality. "The driving
ban should be lifted, and
women should no longer need
authorization from male
guardians to work or travel,"
Alston said in a statement
from the UN. In China, Alston
acknowledged the nation's
achievements in alleviating

extreme poverty in recent
years but also noted that
human rights protections
were lacking. He noted that
many rights are not recog-
nized in legislation, no insti-
tutions promote these rights
as human rights, and there is
no accountability mechanism.
In addition, the crackdown
on human rights lawyers that
began in 2015—along with
new laws designed to limit
the roles of NGOs—has made
it more difficult for citizens
to influence policymaking
or to contest alleged viola-
tions, said Alston.



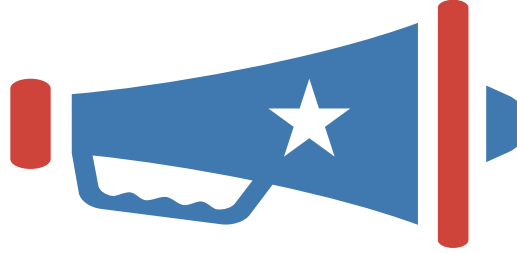
The Brennan Center's Civics-Minded Reports

During and after a 2016 US presidential election cycle that raised numerous polarizing social and political issues—including the question of whether the election itself would be legitimate—NYU Law's Brennan Center for Justice strove to keep citizens informed and to offer policy proposals through a succession of reports targeting areas of confusion and limited public knowledge.

In the run-up to the November election, "Crime in 2016: A Preliminary Analysis" proffered data countering campaign-trail claims of a

nationwide crime wave, while another report found that spending by outside groups in 10 key Senate races was outpacing spending by the parties and candidates themselves. During the early days of the Trump administration, "Noncitizen Voting: The Missing Millions," based on interviews with local election

administrators from 42 jurisdictions across 12 states, uncovered only about 30 incidents of suspected noncitizen voting. Other reports examined criminal justice actions undertaken by President Trump in his first 100 days and partisan bias resulting from gerrymandering in US House races.



The Brennan Center also offered proactive solutions. "Election Integrity: A Pro-Voter Agenda" outlined a six-part plan to help minimize electoral fraud through measures such as modernizing voter registration, ensuring the security and reliability of voting machines, and adopting common-sense voter ID proposals that do not present undue barriers to voting. In "A Federal Agenda to Reduce Mass Incarceration," the center put forth an affirmative agenda for ending mass incarceration and reforming the criminal justice system through suggested legislative and executive actions. (Read more about the Brennan Center on page 52.)



Kirdahy (right) with his husband, playwright Terrence McNally

In the Spotlight

Tom Kirdahy '88 has produced two new Broadway musicals, *Anastasia* and *Bandstand*. They snagged two Tony Award nominations each, and *Bandstand* won for choreography. Kirdahy pursued a longstanding interest in theater after working as an attorney for a not-for-profit AIDS organization for 20 years. *Anastasia*, which debuted in April, is based on the animated movie starring Meg Ryan and John Cusack.



Good Fellows

Oscar Londoño '17 and Oluwadamilola (Dami) Obaro '17 were selected as 2017 Skadden Fellows. The two-year fellowship supports 30 awardees nationwide while they pursue projects at public interest organizations of their choice. Londoño is working at the Community Justice Project and the Miami Workers Center to create a community legal clinic for low-wage domestic workers, while Obaro is working at the Urban Justice Center Community Development Project to provide representation and advocacy for low-income New Yorkers facing debt collection lawsuits.

Cool Gunnings

NYU Law Revue, a musical parody of the law school experience written, produced, and performed by law students, is a decades-old Law School tradition. This year's edition—*Cool Gunnings*—was Law Revue's 43rd. It told the story of two 3Ls from NYU who travel to London to compete in the (fictional) League of Law Students (LOLS) Championships.



A Better Colombia

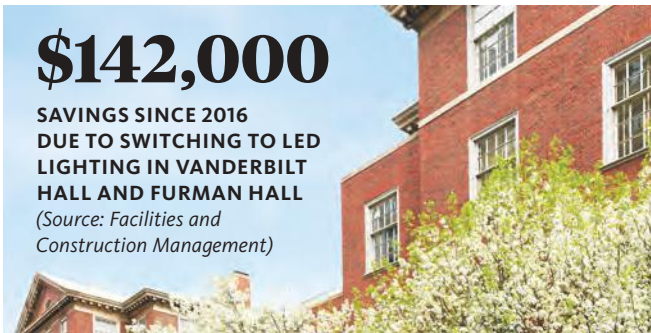
Before Camilo Romero '12 was born, his family escaped a violent civil war in their home country of Colombia. Now he has founded ReGeneración Colombia, a project that seeks to empower youth living in war-torn regions of the country by training them in civic engagement and artistic expression. Through leadership programs, voter guides aimed at youth, and children's books that tell Colombia's story of conflict, the organization aspires to arm future generations with tools to achieve peace.



Academia, meet adventure. Professor **SALLY MERRY**, who teaches at the Law School as an affiliated professor of anthropology, is as comfortable wielding a 40-pound pack on the hiking trail as she is examining benchmarks of governance. She has camped in the woods of Maine and the Sierra Nevada for many years.

\$142,000

**SAVINGS SINCE 2016
DUE TO SWITCHING TO LED
LIGHTING IN VANDERBILT
HALL AND FURMAN HALL**
(Source: Facilities and
Construction Management)



"If one is going to advocate for a world where the rights of human beings are everywhere, north and south, east and west, if we're looking for peace and stability, if we're looking for equitable inclusion, if one had to invest in one area...I would say the investment is in girls' education."

CAROL BELLAMY '68, accepting the Alumna of the Year Award from Law Women

O Captain! My Captain!

Forty years ago, the New York City Fire Department allowed women, for the first time, to take the test to become firefighters. About 450 women passed the written test and were eligible to take the physical exam, but only 90 did so. One official described the physical test as the toughest

one the department had given. The women all failed the physical test.

One of them, Brenda Berkman '78, then a 3L, believed the test was discriminatory and asked Professor Laura Sager, who headed the NYU Law Women's Rights Clinic, to represent her in

what would become a contentious class action lawsuit, *Brenda Berkman et al. v. The City of New York*. Debevoise & Plimpton served as co-counsel, and numerous NYU Law students, including Vicki Been '83, now Boxer Family Professor of Law, worked on the suit.

In 1982, a federal judge ruled in Berkman's favor, ordering the city to redesign the physical test and requiring the FDNY to appoint 45 of the original applicants to the department. That fall, Berkman graduated from the Fire Academy, becoming an official firefighter. She would serve the FDNY for 24 years, retiring in 2006 as a captain.



Berkman in 1992

"We saw that women ahead of us had struggled to get women the right to vote, the right to practice law and practice medicine, the right to go to college and follow their dreams," says Berkman. "We'd seen how other women ahead of us had really fought for gains that we were the beneficiaries of, so it didn't make sense for me to give up just because some people were resisting change."



The battle over immigration
is about law and policy—
and people.

By Michael Orey

Graphic adaptations by Eleanor Davis

Real Lives

When in 1780, at the age of 19, Albert Gallatin left his native Switzerland for America, it was in pursuit of what so many others coming here have sought: the chance to build a new life in a land of seemingly limitless possibility. Highly educated and steeped in Enlightenment thinking, Gallatin found himself steadily drawn into Pennsylvania politics and then onto a national stage. During his rise, Gallatin's Federalist opponents used his immigrant status against him, once to disqualify him from serving as a US senator, and later to label him a "Frenchman," insinuating that he was an agent of France at a time of US-French tensions. Nonetheless, Gallatin went on to serve as secretary of the treasury under Presidents Jefferson and Madison and then as a distinguished diplomat. In 1830 he became one of the founders of New York University and was a champion of its goal of offering education to all, regardless of religion, national origin, or social background.*

More than 200 years after Gallatin's arrival in America, his experience seems particularly resonant. Throughout US history, questions have been raised about how welcoming the country should be of immigrants and what kind of danger some may present, and Donald Trump made such concerns a focal point of his campaign and his presidency. NYU, meantime, exemplifies the extent to which immigrants are integral to the fabric of our society. University President Andrew Hamilton and Law School Dean Trevor Morrison hail from Britain and Canada, respectively, and a significant portion of faculty, administrators, students, and

alumni come from countries around the globe. (See the graphic portrayals of four from the Law School on pages 12–15.)

Then there is Gallatin's dedication to public service, which has lived on as institutional commitments of both the University and the Law School since their inception. A prime example: work done by the Law School's Immigrant Rights Clinic (IRC), co-taught by Professors of Clinical Law Alina Das '05 and Nancy Morawetz '81. For two decades, IRC students have represented individuals—defending against deportation or challenging detention, for example—and worked with other organizations to pursue advocacy campaigns, legislation, and litigation to broadly advance immigrant rights. The IRC's impact has also been greatly magnified by the large number of its alumni who have gone on to take positions in (and in a number of cases found and lead) other clinics, advocacy organizations, and government offices dedicated to the same cause.

President Trump's executive orders on immigration drew immediate legal challenges from a number of Law School graduates—among them Das; Omar Jadwat '01, director of the Immigrants' Rights Project at the American Civil Liberties Union (ACLU); and Washington State Attorney General Bob Ferguson '95—and in short order they won court rulings staying enforcement of the travel bans. The suddenness with which the first order in particular had been implemented threw the lives of thousands of travelers and their friends and family members into chaos, and the stays offered immediate relief. In June, the US Supreme Court

**Gallatin: America's Swiss Founding Father*, Nicholas Dungan, New York University Press (2010)

ruled that part of a revised travel ban could go into effect and said it would hear arguments on the lawfulness of the ban in October.

Reflecting on this litigation, Ferguson says it serves as “an important reminder of the massive impact the law can have on a deeply personal level for many thousands of people around our country. ...Yes, we’re arguing constitutional principles or procedural aspects of any particular litigation, but we always remember that real lives are going to be impacted by what we do and whether or not we’re successful. And that is why I went to law school, honestly.”

A HISTORY OF CONCERN

Concerns about unfair targeting and severe treatment of immigrants arose well before the ascent of Trump. Morawetz founded the IRC in 1999 in response to a comprehensive immigration overhaul passed three years earlier under President Bill Clinton. The new laws “were extremely complicated and harsh,” says Morawetz, and “remain the essential architecture for immigration enforcement” today. During a roundtable discussion at the Law School in the spring of 2009—just after the end of President George W. Bush’s administration—Morawetz and others expressed deep concern about the multitude of people who had been deported or held in immigrant detention over the previous decade, as well as an enforcement dragnet purportedly targeting dangerous criminals and terrorists that primarily swept up those who were neither.

But as the Obama administration got under way, it disappointed immigrant advocates by keeping many of the practices in place. In fact, in three cases heard by the US Supreme Court during its 2016–17 term, Das, Morawetz, and Professors Adam Cox and Mitchell Kane contributed to amicus briefs challenging a variety of immigration detention and deportation practices—all of which were defended during Obama’s final months in office by his solicitor general. (Kane, the Gerald L. Wallace Professor of Taxation, was on sabbatical and looking to perform some pro bono work, so he teamed up with Morawetz on one of the briefs. Several students and alumni pitched in on briefs as well: Terry Ding ’18, Anthony Enriquez ’13, Rachel Levenson ’18, and Rhidaya Trivedi ’17.)

Still, few would dispute that things became dramatically different in the Trump administration. It began with candidate Trump’s pronouncements during the presidential race, including a statement on his campaign website calling for “a total and complete ban on Muslims entering the United States until our country’s representatives can figure out what’s going on” and comments to the media such as, “We’re having problems with the Muslims, and we’re having problems with Muslims coming into the country.”

Trump also accused the Mexican government of “forcing their most unwanted people into the United States,” including rapists and killers. His call for a wall along the US-Mexico border quickly established itself as “this rhetorical device to further separate us and to further create this divide between immigrants and everyone else,” says Claudia Carvajal Lopez ’18, who trekked across the desert from Mexico to the US when she was four (see page 12). “It was very disheartening to see the way he would talk about it and his supporters rallied behind it, and it is now viewed as a way to discriminate and harass. There are kids at schools chanting, ‘Build the wall!’ as a way to bully Latino kids or Muslim kids, brown kids.”



NANCY MORAWETZ '81



ADAM COX

The rhetoric prompted a shift on another front as well. While there were “a large number of arrests and deportations under the Obama administration,” Morawetz says, “there were limits.” There was, she explains, “an appreciation of how bad it would be to have full implementation of enforcement—it was a recognition of the central role of prosecutorial discretion.” That changed under Trump. “Simply by calling for a crackdown in speeches, interviews, and broadly worded executive orders,” Morawetz observes, “Trump signaled to immigration and border protection agents that they could and should engage in more aggressive enforcement.” Eventually, some of President Trump’s proclamations were also translated into directives by Immigration and Customs Enforcement (ICE) leadership.

At a presentation to NYU Law alumni at Reunion weekend in April, just as the president was completing his first 100 days in office, Morawetz documented changes that were already evident—ICE arrests were up 32 percent from January 20 to mid-March over the same period in 2016, for example, and the number of arrestees with no criminal records had more than doubled. President Trump, in short, could significantly tighten laws governing immigration without Congress taking any action.

This came as no surprise to Cox, who is the Robert A. Kindler Professor of Law. In 2009, he and Yale Law Professor Cristina Rodríguez published an article outlining how structural changes to immigration law during the second half of the twentieth century, combined with congressional deadlock, had resulted in the

CONTINUED ON PAGE 16

The following pages depict the immigrant experiences of four members of the NYU Law community:

Claudia Carvajal Lopez '18

Cesar Francia '14

Associate, Arent Fox

Tolga Ergunay

Associate Dean for Innovation and Chief Information Officer

Samuel Estreicher

Dwight D. Opperman
Professor of Law

The illustrated text is adapted from interviews with each of the individuals.



CLAUDIA CARVAJAL LOPEZ '18

I WAS FOUR WHEN WE CROSSED THROUGH THE DESERT FROM MEXICO.

IN SCHOOL I REMEMBER BEING REALLY ASHAMED.

IT WAS SOMETHING I HAD TO HIDE AND MAKE EXCUSES FOR.

WHY I COULDN'T START DRIVING.

WHY I COULDN'T GET MY FIRST JOB.

I GOT MY GREEN CARD ON JANUARY 10TH. I WAS VERY RELIEVED, BUT I ALSO FELT GUILTY. I KNOW A LOT OF PEOPLE THAT ARE STILL IN LIMBO.

THE LAST PRESIDENTIAL ELECTION HAS MADE ME BECOME VERY, VERY OPEN ABOUT WHAT IT MEANS TO BE UNDOCUMENTED AND WHAT IT MEANS TO BE AN IMMIGRANT.

MY FAMILY COULD BE RIPPED APART.

WE'VE HAD HARD CONVERSATIONS ABOUT WHERE MY EIGHT-YEAR-OLD BROTHER SHOULD GO IF WE'RE SEPARATED.

WE ALL COME FROM SOMEWHERE.

I ASK PEOPLE TO LOOK AT THAT.

NO WALL NINGUN SER HUMANO ES ILEGAL

TOLGA ERGUNAY, CIO

WHEN I FLEW HERE FROM TURKEY IN 1989, IT WAS JUST TO VISIT A FRIEND.



BUT ONCE YOU REALIZE IT'S REALLY DIFFERENT HERE, YOU KIND OF FALL IN LOVE WITH IT.

THE IDEAS AND IDEALS IN THIS COUNTRY, THEY RESONATE.



THIS IS MUCH MORE THAN "OH, I HAVE A NICE JOB, THIS IS A GOOD INCOME."

NO, IT'S MORE THAN THOSE KIND OF THINGS.

THIS IS THE PLACE I WOULD LIKE TO STAY.



I GOT MARRIED. I BECAME A CITIZEN. I HAD A DAUGHTER.



MOST PEOPLE WERE IMMIGRANTS AT DIFFERENT POINTS. BUT NOW HERE'S THAT CONVERSATION OF "OH, THEY ARE CRIMINALS" AND SO FORTH.



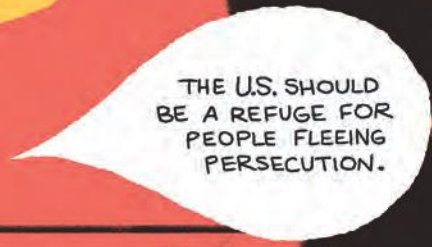
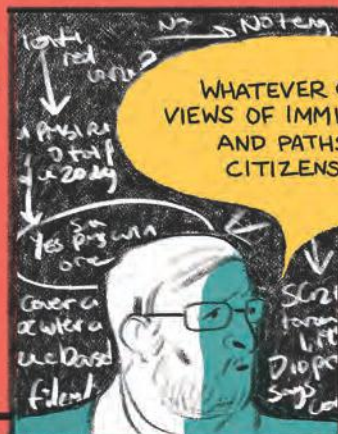
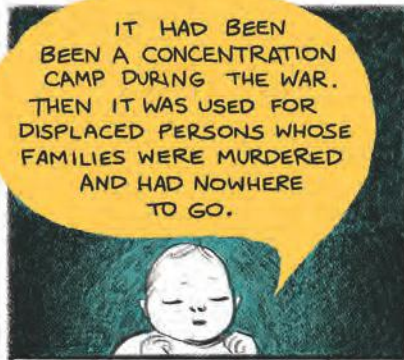
THOSE WERE NOT THE IDEALS I FELL IN LOVE WITH IN THE '90S.

YOU REALIZE THAT THE WORLD IS CHANGING.

MAYBE HUMANITY GOES TWO STEPS FORWARD, A STEP AND A HALF BACK.



SAMUEL ESTREICHER, PROFESSOR

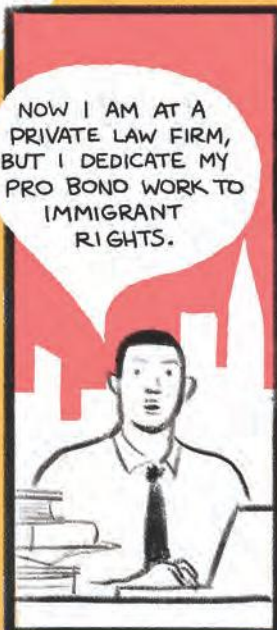


CESAR FRANCIA '14

I WAS FOURTEEN IN 2002 WHEN MY MOTHER AND I PACKED OUR BAGS AND MOVED TO MIAMI. WE LEFT A NIGHTMARE SITUATION IN VENEZUELA.



NOW I AM AT A PRIVATE LAW FIRM, BUT I DEDICATE MY PRO BONO WORK TO IMMIGRANT RIGHTS.



BEING LATINO, BLACK, GAY, AND AN IMMIGRANT, I AM VERY TROUBLED BY WHAT'S BEEN HAPPENING IN AMERICA. ALL OF MY IDENTITIES ARE BEING ATTACKED AT ONCE.



AND NOW VENEZUELA IS EXPLODING TO A LEVEL WE HAVEN'T SEEN BEFORE...

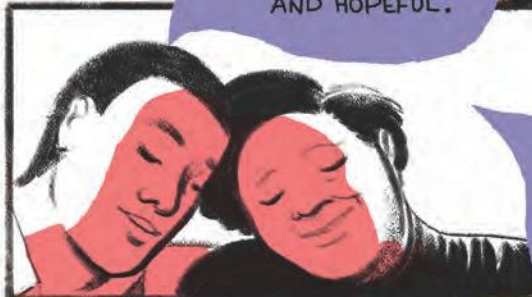
...SO WE BROUGHT OUR FAMILY OVER. ALL TEN OF THEM ARE HERE WITH US.



I BOUGHT A HOUSE AND WE ALL LIVE THERE TOGETHER. I'M HELPING THEM LEARN ENGLISH.



AS IMMIGRANTS, WE ARE RESILIENT AND HOPEFUL.



IMMIGRANTS ARE WILLING TO ENDURE HARDSHIP BECAUSE OF HOPE FOR A BETTER TOMORROW.

**What can we do?
What should we do?...
Well, these solutions
start at home.**



ALINA DAS '05

CONTINUED FROM PAGE 11

president being the nation's principal immigration policymaker. That continued to be the case under Presidents Obama and Trump, Cox says, observing that for the Trump administration "it's actually in some ways easier, because their vision for immigration enforcement is one that is shared in significant respects by a lot of the line-level enforcement bureaucracy." (The ICE union endorsed candidate Trump.) Cox and Rodríguez are updating and expanding their analysis for a forthcoming book.

Other scholarship by Cox that has renewed salience now is a 2014 empirical study of the Secure Communities immigration enforcement program, which led to the detention and deportation of hundreds of thousands of people. The study (co-authored with Thomas Miles of the University of Chicago Law School) concluded that the program had not served its central objective of making the country safer, since it led to no meaningful reductions in crime. The Obama administration discontinued the program, but the current administration reinstated it in January.

EXECUTIVE ORDERS, JUDICIAL RESPONSES

Even before Trump took office, the NYU community began planning for a changed environment. As a onetime student in, and now co-teacher of, the IRC, Das had long represented clients from outside the University facing detention and deportation, but says she never had to worry about NYU students. While undocumented immigrants had enrolled at both the University and the Law School, she says that reprieves offered by programs like Deferred Action for Childhood Arrivals meant they had not been targeted with "the onslaught of enforcement tactics that I've seen many of our clinic clients face." Her concerns on that front changed with the election and broadened to include Muslim students.

In late November, Das helped organize a "know your rights" teach-in for the University community that more than 650 people attended. "But," Das says, "it was clear from the kind of questions we were receiving that we needed to do more." As 2016 drew to a close, the University began looking for solutions. At the Law School, Dean Morrison explored possible steps. Das came to him with the idea of a "rapid response apparatus," and out of that was born the NYU Immigrant Defense Initiative (IDI), established to assist NYU students and staff at risk of deportation. There had been, recalls Das, "this overwhelming sense of 'What can we do? What should we do?' and then a sense of, 'Well, these solutions start at home.'"

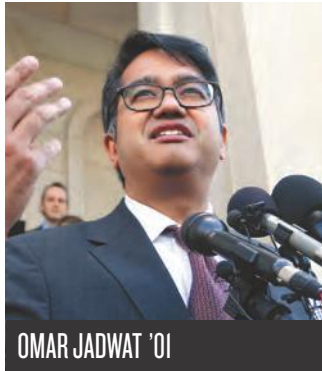
IRC students conduct initial screenings of individuals seeking help from the IDI and may refer those needing representation to Wilmer Cutler Pickering Hale and Dorr, which, in an arrangement worked out by Morrison, agreed to take the cases on a pro bono basis.

On Friday, January 27—five days after the IDI was announced University-wide—President Trump issued his first executive order on immigration. Temporarily barring entry into the US by individuals from seven predominantly Muslim nations, and by all refugees, the action quickly drew a number of members of the NYU Law community to the front lines.

On Saturday, University Provost Katherine Fleming emailed Das about a situation unfolding at John F. Kennedy International Airport (JFK). US Customs and Border Protection (CBP) had detained a PhD student trying to return to NYU from her native Iran after winter break. CBP agents were telling detainees that they had to withdraw their applications for admission to the US and take the next available flight to the country they came from. If they refused, CBP would seek an expedited removal order with a five-year ban on returning to the US and place them on the next flight out on the airline they came on.

From her Brooklyn home, Das worked the phones and began drafting a habeas petition to challenge the student's detention as unlawful. In the early evening, laptop in hand, she got in a taxi and headed to JFK. Arriving at the airport, she recalls, she encountered "something that I never thought I would see in my lifetime." At least two dozen individuals had been detained pursuant to the executive order. Their family members, some broken down in tears, were clustered in the arrivals area trying to find out what was happening, fearing that their loved ones might be deported, and knowing, Das says, "that it was essentially based on religion." Protesters massed outside terminals, phalanxes of police in riot gear blocked building entrances, and the CBP was not allowing detainees to speak to attorneys.

Trump's executive order also sent Jadwat from the ACLU's Immigrants' Rights Project springing into action. "There had been rumors this order was coming," says Jadwat, who is also an adjunct professor at the Law School. "We had been strategizing about ways to challenge it legally. But our strategy was for a situation that was not as fast-moving and chaotic." Reports of CBP detentions at airports began coming in on Friday evening, and Jadwat and his team worked through the night, filing an emergency motion in federal court in Brooklyn on Saturday. At the conclusion of a hearing that evening, US District Judge Ann Donnelly of the Eastern District of New York issued an order staying the immigration ban nationwide, the first of several such rulings from federal courts.



OMAR JADWAT '01



KWAME ANTHONY APPIAH

Judge Donnelly's order still needed to be communicated and enforced, and Das remained at JFK, working with others through the night to get CBP agents to stop putting people on planes. Her client, the PhD student, was released at about 10:30 Sunday morning, but Das didn't head home until late afternoon, when other detainees she had been assisting had been freed.

On the other side of the country, Washington State Attorney General Ferguson and his staff engaged in their own weekend work marathon. With a lawsuit filed Monday, January 30, in federal court in Seattle, Washington became the first state to challenge the executive order, claiming it violated constitutional guarantees of religious freedom and equal protection. Four days later, US District Judge James Robart of the Western District of Washington also ordered a nationwide stay on the ban.

A revised version issued by the Trump administration in March again drew lawsuits from Jadwat, Ferguson, and others, and it too was stayed by federal courts. Jadwat argued an appeal to the US Court of Appeals for the Fourth Circuit, which in late May upheld a stay issued by a federal district court in Maryland. NYU filed amicus briefs in support of suits filed by Ferguson and the State of Hawaii. Citing NYU's mission statement, the University wrote: "NYU is deeply concerned that the executive order will have a significant adverse impact not merely on its numerous current and prospective international students and scholars, but on the ability of the University as a whole to fulfill its mission as a global educational institution for all of its constituents, 'fitting for all and graciously open to all.'"

IN SEARCH OF COMMON GROUND

As is the case with other policy areas, President Trump's forceful statements and actions on immigration can provoke equally strong responses. But the sharpness of the exchanges, and the breadth of divide they imply, can obscure areas where Americans might find common ground.

Many would agree, for example, that countries have a right to control their borders. "I don't think there's anything wrong in principle with the idea that you don't let everybody in," says Professor of Philosophy and Law Kwame Anthony Appiah, who was born in Britain and raised in Ghana and has explored cultural, national, and religious identity in his scholarship (see story on page 67). "That's part of what it is to have nations, and as long as distinctions are based on permissible reasons, it's the task of a democracy to figure out what to do about inclusion." Permissible reasons, he is quick to add, do not include those that discriminate against people based on their sex, race, or religion, and

nations have a moral and legal obligation to admit asylum seekers—people forced to flee their home countries due to fear of persecution.

While Appiah, who became an American citizen in 1997, has no doubt that immigrants provide a massive overall economic benefit to the US, he allows that some people might be better off if they didn't face competition from immigrants. But, he notes, if incomes are depressed because employers can pay poor immigrants on the cheap (in some cases in violation of wage laws and other labor protections), his favored solution is not to blame immigrants, but to assure that all workers earn a decent income. As for the millions of immigrants who are here illegally, Appiah says, a country is within its rights to expel them, but here too he advocates a different approach: giving them a chance to legalize their status. "A decent society," he says, "seeing people embedded and interdependent with us, should want to take away the fear of sudden extraction from the life they know."

Cesar Francia '14 moved from Caracas, Venezuela, to Miami when he was 14 (see page 15). Following last fall's election, he began reading *Hillbilly Elegy: A Memoir of a Family and Culture in Crisis*, J. D. Vance's chronicle that illuminates the plight of the white working class in Appalachia and the Rust Belt. "I'm in the business of 'How can we see each other as people?' and 'How can we connect as people?'" Francia says. One task for immigrant advocates who hope to bridge the divide, he says, is "fact correction"—making sure people have accurate information about the role immigrants play in American society. But, Francia adds, "We also need to have as much storytelling as possible to share aspects of our community to try to help people understand who we are—you know, to put a human face on this issue." □

Michael Orey is public affairs director for the Law School.



BOB FERGUSON '95

Real lives are going to be impacted by what we do and whether or not we're successful.



The Game Changers

NYU Law embraces training to advise socially minded businesses in the emerging field of law and social entrepreneurship.

On an April afternoon, Assistant Professor of Clinical Law Deborah Burand is exuberant about the day's seminar in her International Transactions Clinic. Her students, divided into groups, are about to engage in mock negotiations concerning the formation of an impact investment fund with lawyers from the Social Impact Finance group at the law firm Reed Smith. It isn't just the thoughtful and complex questions the students ask that are energizing Burand; it is the promise, she says, of a generation of lawyers "doing good by doing deals" in an area of law that did not exist a decade ago.

Burand, who brought her groundbreaking expertise in this space to the Law School in 2015, knows better than anyone that the time is right for law and social entrepreneurship. "Millennials are part of a generation that wants to make its mark in this world," she says. Market research bears this out: According to a 2017 survey conducted by consulting firm Deloitte, three-quarters of millennials believe businesses have the power to solve social problems, and 2016 Economist Intelligence Unit research revealed that a whopping 93 percent think social impact is key to their investment decisions, describing the generation as "blurring the lines between investment and philanthropy, seeking investment opportunities that will have a positive social impact on communities around the world." As this trend has become more evident, says Burand, "there is a growing interest in reimagining the role law schools can play in advancing the field of social entrepreneurship and impact investing."

In a modern, global business climate, private and government investors are showing more interest in social enterprise—commercial endeavors that support the well-being of people and the environment—in a variety of geographic and legal



Scott and Burand

spaces. And it appears that good works are good business. The Global Impact Investing Network, which tracks money going into socially beneficial projects, counts \$114 billion in assets currently under management by the more than 200 fund managers, foundations, banks, family offices, pension funds, insurance companies, and government-backed development finance institutions who responded to this year's Annual Impact Investor Survey. With a convincing majority of respondents reporting that their expectations were met or exceeded for both the impact (98 percent) and financial performance (91 percent) of their investments, it is unsurprising that those surveyed plan to invest

another aggregate \$25.9 billion in 2017.

Just as today's law students are being drawn to work with social entrepreneurs and impact investors, there is a need for skilled legal advice in this rapidly developing field. Increasingly, lawyers are hired to advise corporate clients on social, governance, and environmental issues, but few law firms have specialties in social finance and social entrepreneurship in the same way that a growing number of international banks do. "We will have more US law firms developing practice groups in social impact finance," says Professor Helen Scott, who co-directs the Mitchell Jacobson Leadership Program in Law and Business. "It's a growing phenomenon."

NYU Law is a pioneer in this field, launching the Grunin Center for Law and Social Entrepreneurship—the first center of its kind at a leading law school. "Social entrepreneurship is very much the kind of thing NYU Law is suited for," says Scott, who co-founded the center with Burand, "because it combines business law with a long-term focus on the public interest." Dean Trevor Morrison agrees: "The Law School has a proud tradition of innovation.

By Linda Sandler
Additional reporting by Leslie Hart
Illustration by Sebastián Thibault



Clockwise, from top left: Abigail Nelson, Episcopal Relief & Development; Julia Bell '13 and Clark Wohlferd '06, White & Case; ITC student Mana Ghaemmaghami '18; Alex Stein '13, New Fortress Energy; conference attendees; Jay Grunin '67

We are excited to be able to prepare students for work in a field that not only will be rewarding to them, but also will provide much-needed guidance for social entrepreneurs as they navigate unfamiliar or uncertain legal spaces.”

Endowed by Jay Grunin '67 and Linda Kalmanowitz Grunin '67 (see sidebar on page 22) and the Jay and Linda Grunin Foundation, and partnering with Ashoka, a global network of social entrepreneurs, the center serves as the home for Burand's International Transactions Clinic (ITC) as well as Adjunct Professor of Clinical Law Stephanie Abramson's Business Law Transactions Clinic (BLTC)—both of which have attracted great student interest. The Grunin Center also supports the expansion of NYU Law's offerings of classes, fieldwork, clinics, and seminars, combining traditional training in corporate, securities, and tax law with specialized classes like Law & Business of Social Entrepreneurship and Financing Development, and reading groups focused on community development and microfinance, among other specialties. And it embraces student-run organizations, such as the Social Enterprise & Startup Law Group (SE-SL), founded in 2009, and other student-led initiatives in the area.

This includes the work of Shawn Pelsinger '09, LLM '10 and Robert Esposito, who were both Jacobson Fellows in Law & Social Enterprise at NYU Law during the 2013–14 academic year. Seeing that lawyers and entrepreneurs were scrambling to keep up with proliferating laws applicable to the field, they harnessed their shared knowledge of the emerging areas of social enterprise law, big data, data visualization, and interactive maps to put together the Social Enterprise Law Tracker. It allows entrepreneurs and legal practitioners to keep up with the most current information about social enterprise by visualizing the changes in relevant laws across the US. Sponsored by NYU Law and

NYU Stern School of Business, the tracker also gives information on specific legislation and displays an animated timeline showing the increasingly rapid progression of state actions nationwide. Going forward, the Grunin Center will involve the SE-SL in maintaining, updating, and expanding the tracker.

These endeavors illustrate the Grunin Center's mission to improve the legal systems that affect social entrepreneurs and to extend NYU Law's leadership role in this field through three key initiatives: knowledge creation, knowledge dissemination, and community building.

As part of its commitment to advancing a community of legal practice, the center partnered last spring with the Impact Investing Legal Working Group (IILWG)—a professional network of lawyers representing numerous organizations—founded by Burand, SE-SL co-founder Aaron Bourke '09, and other lawyers. Together, the Grunin Center and IILWG convened at NYU Law more than 250 lawyers from around the globe for the center's inaugural conference, “Legal Issues in Social Entrepreneurship and Impact Investing—in the US and Beyond.” They came from law firms, foundations, international and domestic financial institutions, government agencies, impact investment firms, social enterprises, nonprofit organizations, and universities. Conference participant Madison Ayer, chairman of Honey Care Africa, which partners with small farmers in an East African honey-and-snack business, speaks to the need for more and better legal advice in this arena, a sentiment echoed by many attendees: “As things are now, 50 percent of my time as CEO is spent on structuring deals and devising the right capital structure. It's hard to change things for the better, and this takes time away from doing the investing.”

Attendees also agreed that there is a strong need for more training in this field at law schools. NYU Law and



the Grunin Center have already begun addressing that need, building a network of well-trained lawyers specializing in social enterprise work. For the second year since the ITC's launch at NYU Law, attorneys in the White & Case New York and Paris offices have collaborated with students to provide legal support and advice to a faith-based institution that is in the process of making its first impact investment. And several alumni, including Bourke, who also co-founded Reed Smith's Social Impact Finance group, returned to campus to help with the ITC last spring.

Next year's conference is poised to expand its reach: In a post-conference survey, the overwhelming majority of respondents indicated that they were "very likely" to recommend the conference to others and offered positive feedback. Acclaimed one attendee, "[W]e have created an amazing community—unlike any other I have seen in the legal field."

Says Burand, "Effective lawyers will find ways to work within the rules and unlock opportunities for entrepreneurs and impact investing. Lawyers are also key to developing new rules." □



After more than 100 people showed interest, Raz, today an associate at Paul, Weiss, Rifkind, Wharton & Garrison, and Bourke, then a 3L, started the Law & Social Entrepreneurship Association (now SE-SL) with like-minded peers. "Every social entrepreneur needs a good lawyer, and we wanted to build a community of those lawyers to serve those who want to make the world a better place," she says.

Bourke became interested in the area following a volunteer position at the Foundation for Sustainable Development in India, where he worked on a project to start a youth center in Udaipur, Rajasthan. "After that, I thought I would do training in the field," he recalls. "I felt I needed concrete skills if I wanted to make a change in the world. NYU Law had a reputation as a good school focused on public interest. It also focused on international law, which I was interested in." At the Law School, Bourke found a setting where he could explore these themes with fellow students, and learned of companies that were tackling social and economic problems in developing countries. "It sounded like a win-win approach to social enterprise," he says.

Still going strong today, the SE-SL helps to train NYU Law students for roles in social innovation, entrepreneurship, and venture capital by coordinating educational events, career panels, and networking opportunities. The group also partners with outside organizations like Ashoka to provide pro bono legal services to entrepreneurs, allowing members to gain valuable lawyering experience.

"The student group helped to build momentum, and I'm very proud to see so many students now able to build expertise in social enterprise," Raz says.

Joyce Chang '17, who served as SE-SL co-chair for two years, traveled with the group to Morocco and Cambodia to meet with local entrepreneurs and forge connections for the future. Now headed to Cooley in San Francisco to apply her skills in support of startups, social enterprises, and nonprofits, Chang underscores the importance of law schools taking notice of this movement: "As someone who attended NYU Law specifically because I had an interest in pursuing social entrepreneurship, it is really exciting to see that in three years the school has secured funding, set up a center, and charted out a vision forward because they noticed that it was a trend."

The strong community of support that has developed fosters diverse perspectives and ways of entering and operating within the field. Peter Egziabher '17 had a pre-law school résumé that included US congressional intern, Google account recovery specialist, and management consultant for a \$7 billion technology hub outside Nairobi, Kenya. American-born Egziabher, whose family is from Eritrea, entered law school

SYSTEM-CHANGING IDEAS TO SERVE THE COMMON GOOD

Student Pioneers

From a Seed of Interest to Global Growth

Keren Raz '10 first became interested in how the law interacted with social enterprise during college while in Asia studying economic development. "I became fascinated by the way businesses were coming up with innovative solutions to solve problems," she says. "That brought me to law school with a goal to get more explicit training in social enterprise." Once at NYU Law, Raz spent a year surveying demand for a student organization in the field. "I thought there would be a community like that, but I learned that in the legal field there were few who even knew about social enterprise," she says. "Once students knew, they wanted a group."



Chang, fourth from left, and Egziabher, far right, with SE-SL members in Cambodia

Meaningful Partnerships

Jay Grunin '67 stood at the front of classroom 216 in Vanderbilt Hall last February, addressing the faculty, students, and members of the administration gathered to mark the room's dedication to him and to his wife Linda Kalmanowitz Grunin '67 in recognition of their generosity. By establishing the Grunin Center for Law and Social Entrepreneurship at NYU School of Law, the Grunins have ensured that the Law School can bring appropriate focus and commitment to this burgeoning area of practice.

As students also stood and described the work they did through the clinics the center will now support, it was clear that these endeavors have meaning for their own lives and career directions in addition to promoting positive social change around the world. And though the formal launch of the center was still months away, this small



ceremony had deep significance for the Grunins, who met in the classroom more than 50 years ago. Jay joked that he was lucky to draw the interest of one of the only 10 women in their class of 300, but he also described the real connection they developed, finding ways to “accidentally” encounter each other for increasing periods of time in the break between their respective classes held in the space. The plaque that now hangs in room 216 honors their romance as well as the philanthropy their partnership ultimately engendered, growing what Jay refers to as their “mom-and-pop” law practice at the Jersey Shore in Toms River, New Jersey, to a successful firm and expanding their interests to include real estate and other investments.

Jay elaborated on the importance of the center—and of giving back—at its inaugural conference in May, describing when he and Linda “realized the time was right to do something for the Law School, which was so instrumental in giving us the training and mindset to be the kind of lawyers we had only dreamed of becoming.”

He continued, “It is the audacious hope of Linda and myself that social entrepreneurship becomes a major sector of the law with elements combining both public and private law. A legal sector focused on social impact, which in turn would increase the scalability of sustainable solutions to some of the world’s largest and seemingly intractable challenges, is certainly an endeavor worthy to aspire to.”



with the goal of launching a fund to invest in African startups. “I have a strong interest in venture capital, and I’ve observed that many leading venture capitalists are former attorneys,” Egziabher notes. “Yet it’s very difficult to envision a path from law school into venture capital, mostly because it’s not a traditional field for an attorney to enter.” At NYU Law, he adds, “I was exposed to areas beyond my own conception of what a lawyer or a businessperson could do.”

With the SE-SL group, Egziabher was able to travel to South Africa and participate in the Cambodia trip as well. “What SE-SL gave us Americans who had not been to Cambodia,” he says, “was a language of social enterprise that allowed us to connect to social entrepreneurs on the ground there.”

Back at home, Egziabher served as a co-founder of the NYU Law Venture Capital Group as a way to pool resources and gain entrée into the New York City venture capital community. He credits the faculty and administration for their support in “plugging into the alumni network as well as the broader business community in New York City.”

Next steps for Egziabher, who says he is “primarily interested in how technology can advance social change,” include a voter registration fellowship with the Law School’s Brennan Center for Justice. After that, he has options: “NYU Law has given me a strong legal foundation so that when I pursue work either as an investor, an entrepreneur, or as an attorney, I will be able to understand some of the core challenges that social entrepreneurs must face.” □

Where Profit Meets Purpose

Redefining the Bottom Line with the Business Law Transactions Clinic

Stephanie Abramson, who co-directs the BLTC, can think of many moments when her students felt they made a difference. One recent deal was particularly gratifying for them: the launch of a bakery in Brownsville, Brooklyn, by three women through a not-for-profit venture capital firm dedicated to creating commercial growth in underserved neighborhoods. “There was no commercial hub in the vicinity, and the women wanted to start a bakery that also had a place for community meetings,” says Abramson, who is also the director of Law and Business Experiential Classes and a Law School trustee. “Students worked on the operating agreement, lease, and employment contracts, and they had to negotiate with very able counsel for the venture capital investor. It was very satisfying for them to see it launch.”

Her popular clinic provides students with the opportunity to develop analytical, planning, editorial, and counseling skills in the context of client projects and reality-grounded classwork. They learn about a business lawyer’s multiple roles in assessing, planning, and managing corporate transactions. Among other things, that involves gaining familiarity with legal documents as business communications and learning how to communicate complex legal concepts, factual matters, and tactical choices in simple, concise, organized, and understandable ways.

For Michael Fahner '17, whose assignments included advising a sustainable candlemaker that uses some of its profits to



Fahner

help support the distribution of solar lamps to communities in need, the experience gained in the clinic was invaluable. He credits it with helping prepare him to succeed as a first-year associate with a Big Law firm. “One of the great things about the clinic is an opportunity to work with practitioners who have years of experience,” says Fahner. “You’re paired off with

professors who have seen all kinds of deals. As you begin your career, you can avoid rookie mistakes because you’ve already experienced some of these deals with the helping hand of these mentors.” □

A Virtuous Circle

Crossing Borders to Make a Better World with the International Transactions Clinic

A mutual interest in discovering a way to create a new type of partnership model in East Africa led Galen Welsch and Randy Welsch to conceive of their social franchise company, Jibu, which brings safe drinking water to underserved urban communities. Galen Welsch, featured on the *Forbes* list of 30 Under 30 Social Entrepreneurs, came to the space after working at a Moroccan hospital during a stint with the Peace Corps, where he grew frustrated with its dependence on donations. “I felt the best way to bring changes is to root things locally, and I started thinking, ‘How can we partner with local entrepreneurs?’”

Because he was planning a franchise operation in Kenya, Rwanda, and Uganda, he needed a way to ensure quality controls at the franchise businesses setting up shop with Jibu’s filtration systems and water bottles. That was when he turned to NYU Law’s ITC.

Launched by Burand in the fall of 2015, the ITC provides an opportunity for students to supply legal services to such clients—mainly social enterprises and impact investors—that

are conducting cross-border transactions in emerging markets. ITC students, Burand says, “are doing international transactions with a level of complexity you see on Wall Street. Moreover, they’re learning to handle these issues in countries where the legal environment is uncertain.”

Welsch is quickly expanding Jibu with ongoing advice from the ITC. “I’m enormously grateful for Deborah, her students, and her clinic. The students established the nuts and bolts of our cornerstone agreements,” he says.

Shreyas Kale JD/MBA ’17, one of the students who worked with Jibu, experienced as a child what it is like to lack direct access to clean water when he traveled to rural India for months at a time to visit his grandmother. Boiling drinking water despite 100-plus-degree heat was a fact of life. Because of this awareness, he found the experience to be personally fulfilling as well as an opportunity to learn about the challenges of franchising a company and enforcing safety protocols.

It is precisely this combination of business acumen, legal expertise, and social conscience that is defining lawyers in the emerging field of law and social entrepreneurship. Kale, a former Bloomberg and IBM software engineer, is confident that his dual law and business degrees have prepared him well for his future work in patent law at Baker Botts in Washington, DC. He credits the client experience and interaction he gained through the ITC with helping him to “build a better business and legal practice moving forward.” In the growing field of social entrepreneurship, Kale is sure NYU Law initiatives will make a difference: “We’re creating lawyers to be able to give back to the local NYU community and the broader society.” □



Kale

Linda Sandler is a freelance writer and editor, often focusing on financial and investment markets. She previously worked at Bloomberg and the Wall Street Journal.



Children with Jibu drinking water in Kampala, Uganda



A WOMAN'S PLACE

BY JILL FILIPOVIC (2008)



The women of NYU Law have been making history since 1892. Facing modern challenges for women in the legal profession, they won't stop now.

In 1973, when Carol Ziegler graduated from NYU School of Law, it was a banner year for women's rights: That January, the US Supreme Court decided *Roe v. Wade*, the case legalizing abortion rights across the United States. That May, it ruled on *Frontiero v. Richardson*, holding unconstitutional the denial of benefits to military husbands that were available to military wives. A few months later, Billie Jean King beat Bobby Riggs in the Battle of the Sexes, in what was then the most-watched tennis match in history. The feminist movement seemed to be hitting its stride. But still, the US was a vastly unequal place. While she was in law school, "the law of married women was still in effect in many states," says Ziegler, who helped write a part of the *Roe* brief while at NYU Law. "Women could not have a credit card without their husband's written consent. Or own a business. Or own property. You couldn't prosecute a rape in New York unless the testimony of a woman was corroborated by another witness. The level of injustice was so manifest it was low-hanging fruit."



MILHOLLAND



LING-COHAN



ZIEGLER



ONYEKWELI



DIAGOSTINO GREENBERG

While the barriers women face—both in and outside the legal profession—may not be as blatant as they once were, women in the law continue to encounter complex obstacles to success. Today, 125 years after NYU Law graduated its first women, a look back to recent history contextualizes the Law School's modern challenge: preparing women to be leaders in the profession while also making the structures of that profession more conducive to women's advancement.

NYU Law student organizations including Law Women and the Women of Color Collective (WoCC), as well as the recently launched Women's Leadership Network, offer resources for students and alumnae, including professional skill-sharing and mentorship. "The Law School has done an amazing job in reshaping, reforming, and making itself a better place," Ziegler says.

LEADING CHANGE

NYU Law has long been a leader for women in a field that has often been hostile to their entry, opening its doors to women in 1890. In her 1991 *NYU Law Review* article, "Restless Women: The Pioneering Alumnae of New York University School of Law," Phyllis Eckhaus (1985) describes the experiences and contributions of the Law School's early women graduates. She notes that while uptown Dean Harlan Stone of Columbia Law School was promising to admit women "over my dead body*," the women of the early twentieth century were graduating from NYU at a rate unparalleled by other law schools. Indeed, before American women had collectively earned the right to vote, the Law School had graduated more than 300 of them.

Still, of the 140 members of the class of 1916, just six were women. But the women of NYU Law made their mark, on the school and in the Greenwich Village neighborhood that housed it. As Eckhaus recounts, a few of these female grads—feminists, socialists, and radicals of various stripes—formed Heterodoxy, a Village social club for "women who did things and did them openly." Elinor Byrns (1907) declared herself "a restless woman," happy primarily in the company of the similarly agitated. Alumnae formed the Women

Lawyers' Club. Crystal Eastman (1907) worked with feminist leaders Alice Paul and Lucy Burns to establish the congressional committee that, after protests, riots, and nearly a quarter century of stagnation, eventually succeeded in getting women's suffrage debated in Congress. NYU Law alumnae Byrns and Jessie Ashley (1902) worked with Elizabeth Cady Stanton's daughter Harriot Stanton Blatch to organize the first march for women's suffrage in 1910. As they paraded down Fifth Avenue, NYU Law student Inez Milholland (1912) led the way, sitting atop a white horse. In the years that followed, Eckhaus observes, women led some of the most exciting movements of their time, including suffrage and birth control. NYU Law alumnae were often on the forefront of those issues, too: Jessie Ashley and Ida Rauh (1902) engaged in civil disobedience to promote contraception and women's health, passing out pamphlets about birth control in Union Square in violation of their era's repressive Comstock Law—the same law that put Planned Parenthood founder Margaret Sanger in jail.

A half century later, when the second wave of the feminist movement was in full swing, NYU Law women were again at the helm—in the Law School and outside of it. Janice Goodman (1971) co-founded the first Women and the Law committee at NYU in 1968 and pushed to open what is now the Root-Tilden-Kern Public Interest Scholarship to female law students; after graduating, she was a founding partner at the country's first explicitly feminist law firm. Nancy Duff Campbell (1968) helped found the group that would go on to become the National Women's Law Center. And NYU Law taught one of the country's first-ever Women and the Law courses, which Ziegler and her friend and classmate Elizabeth Schneider (1973), now a professor at Brooklyn Law School, helped generate while they were both still students.

"We created this class," Ziegler says, "and then we hired the teacher to teach it to us." This, she adds, was a necessary counter to what the women of her era saw as a hypermasculine law school environment. Just 15 percent of Ziegler's graduating class was female—but many of her male classmates thought there were enough women among their ranks. "We did a poll once and asked

*Karen Berger Morello, "N.Y. Court Once Denied a Woman's Bar Admission," *New York Law Journal*, May 1, 1986, 40

all of the students, ‘Approximately what percentage of women do you think there are in the class?’ and the male answer was over 50 percent. They perceived us as being the majority of the students of the Law School, but we were in fact a relatively small group,” Zeigler says.

“When the vibe from the front of the room got nasty, it was directed at anybody in the room, or grossly sexist in ways that it’s hard to believe are true,” she recalls. “There were two kinds of women who appeared in law school cases—there was the ditzy blonde and the irresponsible widow. I would walk out of the room.”

As more women entered law school and then began to teach, the pedagogy changed. The “firsts” began to mount: NYU Law counts as its alumnae the first female federal circuit judge, the first female state supreme court judge, and the first female chief judge of the New York State Court of Appeals (see story on page 92).

In 1990, NYU Law’s biggest benefactor was a woman for the first time: alumna Filomen D’Agostino Greenberg (1920), who passed away in 2000 at 101. Students know her name through the eponymous residence hall, lounge, scholarship, and professorial chair and other faculty support that make up her legacy at the Law School.

NOT JUST THE NUMBERS

Now women are beginning to outnumber men in the Law School’s halls—in 2016, female students made up 55 percent of the 1L class. The same year, according to the American Bar Association (ABA), women’s enrollment outpaced that of men in law schools across the country for the first time in American history. But that statistic belies a more complicated reality: A 2016 report by Deborah Jones Merritt, of the Ohio State University Moritz College of Law, and Kyle McEntee, of Law School Transparency, found that women are disproportionately attending lower-ranked schools compared to men and as a result start their careers at a disadvantage, less likely to be hired for prestigious or well-paying jobs. Likewise, the top law schools in the US generally have more men than women on their student rolls, making NYU Law an outlier even among its peer institutions.

One downstream effect of this law school gender gap: equal representation in positions of power has been slow to come.

“The most ongoing challenge is to achieve parity,” Justice Doris Ling-Cohan (1979) says, “for people to be fully represented in all areas of the legal world, from judges to law clerks to firm partners, associates and the public interest community, executive directors, corporate boards in corporate America.”

While women make up nearly half (48.7 percent) of summer associates, as noted in a 2017 ABA report, they are just 18 percent of equity partners at US law firms and hold only a quarter of general counsel positions in *Fortune* 500 companies.

Representation among law school leadership is only marginally better: fewer than one-third (31.1 percent) of law school deans are women. Women hold barely one in four judgeships. Female graduates are more likely to work in public interest, helping the destitute and vulnerable. That work is often undercompensated—a dynamic NYU Law tries to offset with its public interest loan forgiveness program—but across the legal field, male lawyers continue to outearn their female counterparts. According to the US Census Bureau, on average female lawyers working full time make 77 percent of what male lawyers are paid. And women find themselves at subtler disadvantages, too. For example, a recent study by Tonja Jacobi and Dylan Schweers of Northwestern Pritzker School of Law found that the female justices of the US Supreme Court are much more likely to be interrupted than the men on the court—and the interruptions come from their male colleagues, who are less keen to interrupt one another. For decades, female judges and lawyers have been noting, anecdotally, similar experiences.

“When I first graduated and I would go to court, nobody assumed I was a lawyer,” Ling-Cohan says. “Everybody thought I was a translator—anything but the lawyer. I wish that things were different, but...so many women come up to me with the same story.”

With women graduating from law school in greater numbers, and women helping each other navigate a traditionally male-dominated profession, more women than ever before are charting successful legal careers—even if their numbers aren’t yet on par with men’s. Ling-Cohan has seen these changes firsthand. “When I ran for judge 20 years ago, people would say, ‘You don’t look like a judge,’” she says. “I didn’t look like a judge because it wasn’t what they were used to.”

Whether or not they faced the additional barriers attendant to racial bias, women who were pioneers in their professions say that this kind of representation is crucial to getting more women into fields in which they are underrepresented, including law. Seeing someone who looks like oneself doing a particular job makes it seem possible—a dynamic Ziegler’s career illustrates.

When she was considering what to do with her life, her working-class background meant she hadn’t met many lawyers, and certainly no female ones. After college, she took a job as a political speechwriter for Eugene Nickerson, a federal judge in Brooklyn, whose wife, Mary-Louise, had been in his class at Columbia Law. “He said to me, ‘Why aren’t you going to be a lawyer?’” Ziegler recalls. “And I said, ‘I don’t know. How do I do that?’ And I spoke to both of them, and here was a woman lawyer. A real woman lawyer. It was no longer abstract.”

That opened a door.

Now, the women of NYU Law are trying to open even more doors—or kick them down if they have to.

“We want to acknowledge that the legal profession could be doing a lot better in terms of supporting the advancement of women’s careers, and to work with leaders in the industry to figure out how they can do that.”

JULIE EHRLICH (2008)

TRANSFORMATIONAL NETWORKS

When Ling-Cohan was at the Law School, she was one of just two Asian American women in her class. “As a woman of color at NYU, during that period of time, I felt very isolated,” she says. “There weren’t that many of us.” And in the early days of her judgeship, she didn’t see many people in the courtroom who looked like her, either. “I remember sitting in the large motion part with probably 100 to 200 attorneys, and I could count the women on one hand,” she says. “And I could count the people of color maybe on half a hand. [But recently] I did a trial where everybody involved was a person of color. I did a trial with two women, one on each side.”

Now she comes back to NYU Law with some regularity, especially to meet with the Women of Color Collective. “I think I would have benefited from having role models,” she says. “And WoCC has regular gatherings, they invite speakers, it’s really a community.”

Nonny Onyekweli (2016) was one of the many female law students who took advantage of what WoCC had to offer. One of the more helpful functions of WoCC, she says, is the group’s Sister Circles, which serve as honest, informal group discussions; at the beginning of the school year, WoCC invites female faculty of color to participate as well. “Our professors had different experiences when they were in law school,” Onyekweli says, and so it was helpful to share experiences and hear them talking about “ways they coped, the ways they found spaces to shine.” For Devika Balaram (2019), WoCC co-chair, “the day-to-day process of becoming a lawyer for a lot of minority groups can sometimes feel very alienating—even as it’s empowering to be learning the language of the law,” she says. And WoCC, she continues, “is a place that lets me feel that NYU supports all of me.”

Law Women, another affinity group

on campus, plays a similar role, hosting events to discuss issues like sexual violence, working on professional development skills, and pairing 1Ls with 2Ls and 3Ls for mentorship. “When I was a 1L, it was just incredibly helpful to be able to talk to my 2L mentors,” says Chelsea Anelli (2018), 2016–17 Law Women co-chair. She cites help navigating how to find a job for 1L summer, how to go through Early Interview Week, what kinds of firms to look for, or how a lawyer dresses, “just these basic fundamental things that sometimes get overlooked when you’re starting out law school... How do you put it all together?”

In 2017, Sheila Birnbaum (1965) and Jeannie Forrest, former vice dean for development and leadership initiatives (see story on page 41), launched NYU Law’s Women’s Leadership Network (WLN) to connect students and alumnae for mentorship and sponsorship, help young lawyers navigate the early days of their careers, and create a leadership pipeline to get more female lawyers at the table in firms, companies, and nonprofits. Forrest debuted a series of podcasts featuring NYU Law alumnae sharing anecdotes and advice about what has allowed

them to succeed, explaining how they have navigated professional challenges, and offering specific tips on how to be one’s own best advocate in the workplace. The network also works closely with student organizations, including the WoCC and Law Women, to support their programming and help connect them with alumnae and resources at the Law School so they can thrive.

“When I went to law school, it was very different than it is today,”

Birnbaum says, because there were no female professors and so few female students. After graduating, Birnbaum and her fellow female lawyers worked to change New York’s rape laws, doing away with the corroboration

66

**The challenges are
very different now...
But women still
face challenges that
men do not.**

SHEILA BIRNBAUM (1965)

A Global Focus on the Law and Women’s Rights

NYU Law faculty, students, and alumni are working to promote women’s rights across the globe. Professor of Clinical Law Margaret Satterthwaite (1999) focuses her research on issues including the rights of migrant women, human rights in Haiti, and the use of social science in human rights fact-finding. Students in her Global Justice Clinic and other mentees such as Beatrice Lindstrom (2010) (see story on page 44) have gone on to do significant work in the field of international human rights.

Current students often make use of the Law School’s summer grants to complete international internships focused on women’s rights. This summer, Ariel Geist (2019) traveled to Kuala Lumpur, Malaysia, to work at the International Women’s Rights Action Watch Asia Pacific, an NGO devoted to implementing the human rights of women through the lens of the Convention on the Elimination of All Forms of Discrimination Against Women. Stephanie Sebastian (2019) spent her summer in

Johannesburg, South Africa, at the Initiative for Strategic Litigation in Africa, an initiative that promotes sexual rights and women’s human rights throughout the continent.

Alumnae such as Vrinda Grover (LLM 2006) and Mallika Dutt (1989) have built careers working toward equality for women. In 2013, *Time* named Grover to its annual list of the 100 most influential people in the world for her work, including helping to draft the Criminal Law Amendment to India’s law against sexual assault. Dutt is the founder and former president and CEO of Breakthrough, an organization that uses technology and pop culture to promote human rights in the US and India and works to prevent violence against women by changing cultures that enable it. In accepting a 2016 Skoll Award for Social Entrepreneurship, Dutt said: “I created Breakthrough to build a culture of human rights where the norms of equality, justice, and, indeed, fierce compassion live in the smallest corners of the world.”

requirement, and to push for no-fault divorce. The profession has changed, she says, but it's still not where she wants it to be. "The challenges are very different now," Birnbaum says. "But women still face challenges that men do not." She states that the mission of the WLN, in part, is to help women overcome those challenges "so we can have a more equal playing field."

To continue to do that work, the WLN is also evolving. In September, Professor Florencia Marotta-Wurgler (2001) will become its faculty director, and Julie Ehrlich (2008), an adjunct clinical professor and the assistant dean for strategic initiatives and chief of staff at NYU Law, will be the new executive director. Both women say they sought out their new roles because of personal and professional experience observing the impact of gender inequity and advocating for women's rights. For Ehrlich, that came from her position just out of law school at the American Civil Liberties Union's Women's Rights Project, clerking in Brooklyn and on the Second Circuit, and working at a small firm where she routinely represented women who faced discrimination for their gender or for being pregnant. "I worked at great places," Ehrlich says, "but by representing my clients and working for judges, I got to see firsthand some of the challenges women can face in the workplace."

For Marotta-Wurgler, the passion for advancing women in the field came more circuitously, after a career that was spent largely in the company of men. Her academic work in law and economics, empirical study, and law and contracts puts her squarely in the faculties that are among the most male. Her mentors, professors, and colleagues, she says, were almost all men for most of her professional life, and she didn't mind it—they were very good, and she didn't feel like her own gender impeded her advancement. But then Yale Law School invited her to give a talk on one of her papers, and the audience that filled the room to hear her speak was almost all women.

"It felt different—it was so comfortable," Marotta-Wurgler says. "It made me realize I hadn't experienced anything different from the status quo."

Among the priorities of the new leadership team is making sure there are more women in every room. The ultimate goal is to get the legal profession closer to gender parity and ensure that women are able to thrive. Of course, that takes individual skill-sharpening, but women's rights advocates, female lawyers, and law students alike agree that women's individual choices alone can't be the whole of the road map to change. The plan, Ehrlich says, is "to work with our students, alumnae, and partners in the legal profession to think about how we might change structures to be more conducive to women's leadership going forward. We want to acknowledge that the legal profession could be doing a lot better in terms of supporting the advancement of women's careers, and to work with leaders in the industry to figure out how they can do that. At the same time, we want to work with our students to support them in figuring out how to succeed in the legal profession as it's currently constructed."

Marotta-Wurgler's own experience moving from one of the only women in the room to a room full of women sparked her dedication to rethinking conventional solutions and getting creative about promoting women's leadership. For her, the goal isn't just numerical balance; it's the promise of a richer life brimming with opportunity, whatever paths a woman chooses to walk down



BALARAM



BIRNBAUM



EHRLICH



MAROTTA-WURGLER

and wherever she chooses to follow a new one. "What if there's something that could enable you to realize your potential more?" she asks. "What if making some changes increased opportunities for women and could increase their happiness?"

For many female lawyers, these unrealized opportunities and still-to-come changes are frustrating and sometimes even career-ending—women still drop out of the legal profession at much higher rates than men. But there is clearly growing attention to lingering problems: Women's success in the law is increasingly the topic of professional affinity groups, panel discussions, and news stories. Now, 125 years after women first held an NYU Law degree, a historical perspective highlights not only the work to be done but also the progress that has been made. Ziegler graduated exactly 100 years after *Bradwell v. Illinois*, the US Supreme Court decision upholding a state rule barring women from practicing law, on the ground that "[t]he natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life."

"My mother was born in 1923," Ziegler says, only three years after women gained the right to vote. "I added back and realized that many of these older male teachers at NYU [when I was a student] had grown up in a time when women didn't vote. And it struck me, full in my face, how fast these changes have come." □

PHOTOS
ONLINE

Jill Filipovic (2008) is the author of The H-Spot: The Feminist Pursuit of Happiness. She is a contributing opinion writer to the New York Times and a weekly columnist for CNN.com and Cosmopolitan.com. Her reporting on law, politics, and international affairs has appeared in the Washington Post, Time, Foreign Policy, the Guardian, and other publications.

This piece has been edited as the original version omitted citing the 1991 NYU Law Review article, "Restless Women: The Pioneering Alumnae of New York University School of Law," by Phyllis Eckhaus (1985). Material from Eckhaus's article contributed significantly to our story, and NYU Law Magazine regrets this omission.

NYU Law's First Citizen

BY ATTICUS GANNAWAY

Before he was a chaired professor at NYU School of Law, a US Supreme Court litigator, or the president of the American Civil Liberties Union (ACLU), Norman Dorsen was the subject of a full-page letter to his father, written by his boss, John G. Adams, the general counsel of the US Army, on March 30, 1955, Adams's penultimate day on the job.

It was less than a year after the conclusion of the Army-McCarthy hearings, where Dorsen—fresh out of Harvard Law—assisted Adams and Army Special Counsel Joseph Welch. In April 1954, 20 million viewers were riveted as Senator Joseph McCarthy and his chief counsel, Roy Cohn, locked horns with Adams and Army Secretary Robert T. Stevens over McCarthy's allegations of Communist sympathizers in the Army's ranks.

On June 9, Welch spoke in defense of a young lawyer, Fred Fisher, whom McCarthy was attempting to smear as a potential Communist. Welch's famous words irrevocably destroyed McCarthy in the public's eyes: "Have you no sense of decency, sir? At long last, have you left no sense of decency?"

Adams left government service the following March—but not before he sent Dorsen's father the letter about his son Norman, who co-authored the Army's lengthy brief regarding the circumstances that precipitated the hearings.

Wrote Adams, "I never heard him complain regardless of the number of hours of overtime involved; I found him always willing, perceptive, appreciative of the complications of the problem, tactful and courageous, and earnestly desirous of furthering the cause however possible consistent with honor. He became and remained a pillar of strength on whom we placed a near to intolerable burden week after week."

The Army-McCarthy hearings snuffed out the government careers of Cohn, Adams, and even Stevens, who resigned a few months after Adams's exit. At the same time, however, the hearings inspired Dorsen to pursue what became one of the longest and most brilliant civil liberties careers in modern American law.

Not long after his superiors departed, Dorsen left his first lieutenant position at the Pentagon for a Fulbright grant at the London School of Economics, having been forever altered by one of the starkest morality plays of the twentieth century. He was 24 years old.

A YOUNG MAN IN A HURRY

Dorsen was born in the Bronx in 1930 to Arthur and Tanya Dorsen, immigrants from Eastern Europe. According to David, Dorsen's only sibling, born in 1935, Dorsen was aware of civil liberties issues early on. "He was concerned about the rights of African Americans from a very young age," David recalls. "He was conscious of it much, much earlier, I think, than his contemporaries."

Dorsen graduated from the prestigious Bronx High School of Science at age 15 and enrolled at Columbia College, continuing to live at home. At Columbia, Dorsen joined Phi Beta Kappa and played basketball, becoming the JV team's high scorer as a sophomore and later making varsity. At the same time, the young man's budding worldview resulted in lively dinner conversations. "Our parents' views were rather traditional," says David, who also became a lawyer. "I think they were surprised that Norman went off in a way that really challenged the system as a major component of his professional life."

Through 56 years and seven deans, Norman Dorsen, who passed away in July, played a peerless role in the upward trajectory of NYU Law. At the same time, he led the way on some of the most important civil liberties work of the past half century.



In the fall of 1950, Dorsen matriculated at Harvard Law School as part of the first class to include women and later became an editor of the *Harvard Law Review*. Following his electric stint at the Pentagon and the Fulbright year in London, Dorsen clerked first for Judge Calvert Magruder of the US Court of Appeals for the First Circuit and then for US Supreme Court Justice John Marshall Harlan II.

After taking a corporate law position at the prestigious firm Dewey, Ballantine, Bushby, Palmer & Wood, Dorsen said, the job felt like the wrong fit. In 1960, upon managing a losing Democratic campaign in a US House race, Dorsen considered three options: He could stay in politics, work for the State Department, or teach.

NYU Law, meanwhile, needed a new director for its Arthur Garfield Hays Civil Liberties Program, established two years earlier as the first program of its kind to prepare law students for civil liberties careers through hands-on training. The program was not yet functioning at peak level when then-Dean Russell Niles invited Dorsen to his office. He wanted to know if the young lawyer would be interested in heading the program.

"I said to myself, 'If this works out, I'll be in good shape,'" remembered Dorsen.

On March 1, 1961, he became NYU Law's newest assistant professor and the third director of the still-fledgling Hays Program. The first two directors had each served for one year. Dorsen would remain for 56.

AN INSTITUTION BUILDER

There are two parallel narratives of Dorsen's tenure at NYU Law. One involves his indefatigable efforts to help guide the Law School to its latter-day position in the uppermost tier of American legal education. The other revolves around his tireless devotion to the Hays Program and how its activities enabled him to undertake wide-reaching civil liberties work related to almost every significant social justice issue of the past six decades.

"I knew him as a legend," says John Sexton, who joined the NYU Law faculty in 1981, was named dean in 1988, and became University president in 2002. Sexton says that throughout his 14-year deanship, Dorsen was his most valued source of input on virtually every major decision, and Sexton eventually nicknamed Dorsen "uber-dean" to underscore his institutional importance.

In a 1991 *NYU Law Magazine* article by Dorsen on the Law School's history, he depicted an institution whose quality and reputation had sometimes been questioned since its founding in 1835. "In the 1960s there were great internal struggles based on sharp differences of educational philosophy and, sometimes, of personality," Dorsen wrote. Discussing some

divisions within the faculty, Dorsen continued, "I was young and on the side of change, and I worked hard at it."

One impetus for change came in 1965 when Dorsen, upon making tenure, collaborated with fellow professors on a memo to the dean and the rest of the faculty. Asserting that rapid urbanization and social change necessitated a fresh approach to legal education, the memo argued for better allocation of resources and greater faculty involvement in setting institutional policies. "If a law school, or for that matter any institution, does not grow or alter to meet the challenges that changing conditions inevitably present," Dorsen and his colleagues warned, "it is not merely standing still—it is declining, and it will be regarded as such."

Dorsen took advantage of opportunities for transformation. After Robert McKay became dean in 1967, Dorsen helped guide programmatic improvements and the addition of quality faculty. "Before we knew it," he recounted, "NYU was spoken of in some quarters as one of the top law schools in the country. This was something of an exaggeration at the time, but nevertheless the school was definitely moving in that direction." Progress continued in the late 1970s and 1980s as the Law School's national reputation as a public interest leader grew.

Throughout, Dorsen chaired a seemingly endless succession of committees and wrote report after report. Among other tasks, he helped revise the required curriculum, structure the Clinical Program, recast the LLM and JSD programs, and facilitate first-year elective courses—the kind of unheralded work that made a tangible impact on the quality of the Law School's education.

Among Dorsen and Sexton's most significant mutual endeavors—a "tremendous leap forward," per Sexton—was the creation of the Hauser Global Law School Program. In late 1992, Sexton proposed that Dorsen conceptualize and then run an iconoclastic new program that would draw international faculty and scholars to NYU Law, weave international and transnational legal perspectives throughout the general curriculum, and promote comparative and global legal scholarship. When Dorsen demurred, explaining that he did not have comprehensive knowledge of international law and the global legal scene, Sexton replied: "You're not caught in any disciplinary boxes, yet you're universally respected." Relenting, Dorsen served as the program's founding director from 1994 to 1996 and as its faculty chair from 1996 to 2002. He set the new enterprise on a steady course instrumental to making the Law School a universally recognized leader in global and international law, now an intrinsic part of its institutional identity.

"I would say that Norman Dorsen is the single most important person in the recent history of our law school," Sexton asserts.

Dorsen with Justice William Brennan Jr.; with Sylvia Law and Helen Hershkoff; with Burt Neuborne; with Hays Fellows, 1979



“I would say that Norman Dorsen is the single most important person in the recent history of our law school.” JOHN SEXTON

A CIVIL LIBERTARIAN

As crucial as pushing NYU Law closer to greatness was for Dorsen, the bulk of his devotion flowed to the Arthur Garfield Hays Civil Liberties Program. The constitutional issues forming the majority of the fellows’ work have shifted throughout the six decades of the program’s existence, encompassing many of the most pressing civil liberties problems of the past half century: free speech and separation of church and state in the 1950s and 1960s, gender discrimination and the Vietnam War in the 1970s, LGBTQ-related discrimination in the 1980s and 1990s, and, most recently, immigration and checks on executive power, with racial discrimination constituting a through line. Throughout, Dorsen played an active role.

With the fellows’ help, he wrote amicus briefs in major cases such as *Gideon v. Wainwright* (1963), which established criminal defendants’ right to government-appointed counsel; *New York Times Co. v. United States* (1971), which made possible the publication of the Pentagon Papers; and *United States v. Nixon* (1974), which compelled the sitting president to turn over the secret White House recordings related to the Watergate scandal.

But Dorsen did more than draft. In a four-year period, he argued six cases before the US Supreme Court, winning four and narrowly losing two. The most high-profile victories include his first argument, *In re Gault* (1967), which secured due process rights for juveniles in delinquency proceedings, and *Levy v. Louisiana* (1968), which established constitutional rights for children of unmarried parents. One loss, *United States v. Vuitch* (1971), was the first abortion case heard by the court. The next such case was *Roe v. Wade* (1973), for which Dorsen helped write the brief and served as counsel of record.

The frequent collaboration of Dorsen and the Hays Fellows with the ACLU led to Dorsen’s election as the ACLU’s general counsel in 1969—a position he held for seven years. Burt Neuborne—the Norman Dorsen Professor of Civil Liberties at NYU School of Law—remembers Dorsen as an effective litigator. Neuborne recounts a time when he asked Dorsen to make an oral argument before the Second Circuit about the Vietnam War’s unconstitutionality that Neuborne had not managed to successfully execute on previous occasions. “In the space of 20 minutes, he turned what was a fringe argument into a mainstream argument,” recalls Neuborne. “I watched as the judges’ faces went from a kind of stony resistance to a kind of puzzled concern. And then all of a sudden the argument was taken seriously.”

Although Dorsen enjoyed litigating, when the ACLU needed a new board chairman (later president) in 1976, he answered the call. Dorsen faced organizational infighting and a legal landscape less embracing of civil liberties arguments than had existed during the Warren Court. A particular flash point was a 1977 case in which the ACLU defended American Nazis’ right to march through Skokie, Illinois; many critics said the ACLU had overstepped a moral boundary. Dorsen, ever faithful to First Amendment principles, told the *New York Times*, “If we

don’t belong in Skokie, I don’t know where we belong.” In the end, there was no march in Skokie; instead, a rally occurred elsewhere. But the issues are no less divisive 40 years later, after Dorsen’s passing. The ACLU’s grappling with how to approach potentially violent demonstrations in the wake of events in Charlottesville, Virginia, highlights the crucial utility of what the *Times* called Dorsen’s “magic touch for healing organizational wounds.”

Dorsen’s cool judgment helped the organization run a gauntlet of hot-button issues during his 15 years at the helm. “Norman was responsible for the transformation of the ACLU from a relatively small fringe group of intellectuals that had very little practical influence and that could meet in a phone booth on the Upper West Side into a massive organization that is the nation’s civil liberties safety net,” explains Neuborne, who served as national legal director during part of Dorsen’s presidency.

“Among law teachers and scholars, Norman Dorsen was the very best,” says US Supreme Court Justice Ruth Bader Ginsburg, another former ACLU colleague. “Ever mindful that law exists (or should exist) to serve the general welfare, he strived mightily to promote justice, equal and accessible to all. From my days in law school, when Norman was clerking for First Circuit Judge Magruder, through the years he led the ACLU and thereafter, I benefited from his wit and wisdom. The works of his fine hand will continue to guide and inspire legions of jurists, lawyers, and law students.”

A COLLEAGUE AND A FAMILY MAN

Neuborne still marvels at Dorsen’s ability to achieve consensus among the strongly opinionated ACLU board members, depicting Dorsen as a maestro of meetings: “When he was presiding over the board, he could literally orchestrate the debates the way you would lead an orchestra by timing who spoke when. And he never used this power to unfairly skew the debate.”

Dorsen brought the same talent, Neuborne adds, to his Law School endeavors. “I watched him preside over committee after committee, dealing with difficult issues that could have torn the faculty apart.”

Neuborne freely opines that he would not have been hired to teach at NYU Law if not for Dorsen’s championing, and similar stories are told by several Hays alumni, including Elizabeth K. Dollard Professor of Law, Medicine and Psychiatry Sylvia Law ’68, a Hays co-director since 1977; Stephen Gillers ’68, Elihu Root Professor of Law; and Fiorello LaGuardia Professor of Clinical Law Martin Guggenheim ’71.

Invariably, Dorsen’s colleagues mention his high standards and exacting attention to detail. “Norman was a master at litigation, but also at producing powerful documents, whether they’re founding documents for an organization or a committee report or a governing document or a brief,” says Law. While known more for his civil liberties work than his scholarship,

CONTINUED ON PAGE 36

1930
BORN
New York City

1946-50
Enters **COLUMBIA COLLEGE** at 16 and plays basketball



1950-53
Attends **HARVARD LAW SCHOOL** and is a *Harvard Law Review* editor



1953-55
Serves as assistant to the Army secretary's general counsel during the **ARMY-MCCARTHY HEARINGS** (pictured above, Counsel John G. Adams, seated, and Dorsen standing at far left)

1955-56
Studies at the London School of Economics on a **FULBRIGHT GRANT**

1956-57
Clerks for Chief Judge Calvert Magruder of the **US COURT OF APPEALS FOR THE FIRST CIRCUIT**



1957-58
Clerks for **US SUPREME COURT** Justice John Marshall Harlan II (pictured above with fellow clerks)

1958-60
Practices at **DEWEY, BALLANTINE, BUSHBY, PALMER & WOOD** in NYC

1960
Manages the **CONGRESSIONAL CAMPAIGN** of William vanden Heuvel

1970-72
Serves as executive director of the **SPECIAL COMMITTEE ON COURTROOM CONDUCT**, NYC Bar Association

1972-74
Serves as founding president of the **SOCIETY OF AMERICAN LAW TEACHERS**



1965
Marries Harriette Koffler '66

1967
Jennifer born

1969
Caroline born

1973
Annie born



1961-2017
Serves on the **NYU LAW** faculty
Directs the **ARTHUR GARFIELD HAYS CIVIL LIBERTIES PROGRAM**



1967
In US Supreme Court case **SEE V. CITY OF SEATTLE**, argues that warrant is required for search of private commercial premises

1963
Writes amicus brief in **GIDEON V. WAINWRIGHT**

1966
Argues US Supreme Court case **IN RE GAULT**, establishing rights of juveniles to due process in delinquency hearings

1968
Argues US Supreme Court case **LEVY V. LOUISIANA**, advocating for rights of nonmarital children

1969
Brings a **PETITION FOR US SUPREME COURT REVIEW** of alleged discrimination against a gay serviceman

1975-77
Chairs **US DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE's** Review Panel on New Drug Regulation



1968
Publishes **FRONTIERS OF CIVIL LIBERTIES** with a preface by Robert F. Kennedy (author)

1971
Publishes **THE RIGHTS OF AMERICANS** (editor)

1971-95
Serves as general editor of ACLU's **50-BOOK SERIES** on rights of vulnerable populations

1967
Publishes *Emerson, Haber, and Dorsen's* **POLITICAL AND CIVIL RIGHTS IN THE UNITED STATES** (co-author)

1974
Publishes **NONE OF YOUR BUSINESS: GOVERNMENT SECRECY IN AMERICA** (co-editor with Stephen Gillers '68)

1984
Publishes **OUR ENDANGERED RIGHTS** (editor)



1969-76
Serves as **ACLU** general counsel

1976-91
Serves as **ACLU** president

1970
Argues US Supreme Court case **LAW STUDENTS CIVIL RIGHTS RESEARCH COUNCIL, INC. V. WADMOND** to protect First Amendment rights during the NY State bar admission process

1971
Argues US Supreme Court case **TATE V. SHORT** on behalf of a man imprisoned when he could not pay a fine

Writes amicus brief in **PENTAGON PAPERS** case

1970-73
Helps write petitioner's brief and is counsel of record in **ROE V. WADE**

1971
Argues **UNITED STATES V. VUITCH**, the first abortion case to reach the US Supreme Court

1974
Writes amicus brief in **UNITED STATES V. NIXON** (Nixon tapes)



1981
Becomes Frederick I. and Grace A. Stokes Professor of Law at **NYU LAW**

Receives honorary degree from **RIPON COLLEGE**

1983
Receives the **MEDAL OF LIBERTY** from the French minister of justice

1987-88
Is a **FULBRIGHT DISTINGUISHED LECTURER** in Argentina

1992
Is honored with **HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW** tribute

Receives honorary degree from **JOHN JAY COLLEGE OF CRIMINAL JUSTICE**

1995-96
Chairs **US TREASURY's** Citizens Review Panel investigating improper law enforcement conduct

1995-2000
Serves as chairman of **LAWYERS COMMITTEE FOR HUMAN RIGHTS**

1996-2004
Becomes founding president of **US ASSOCIATION OF CONSTITUTIONAL LAW**



1994-2002
Serves as founding director and faculty chair of **HAUSER GLOBAL LAW SCHOOL PROGRAM** (pictured below with Rita Hauser in 2012)



1998
Celebrates **HAYS 40TH REUNION** with Gloria Steinem



2000-08
Serves on Governing Board of the **INTERNATIONAL ASSOCIATION OF LAW SCHOOLS**

2003-09
Founds and serves as editorial director of **INTERNATIONAL JOURNAL OF CONSTITUTIONAL LAW**, which publishes tributes in 2010 and 2012

1986
Organizes **JAMES MADISON LECTURE** with Justice William Brennan Jr.



2008
Marks **HAYS 50TH REUNION** with Justice Ruth Bader Ginsburg (pictured above, right) and Anna Deavere Smith



PHOTOS
ONLINE

2001
Organizes **JAMES MADISON LECTURE** with Justice Stephen Breyer



2013
ACLU inaugurates **DORSEN PRESIDENTIAL PRIZE**, honoring lifetime contributions to civil liberties (pictured below with ACLU Executive Director Anthony Romero)



Left: In 1976 with Roger Baldwin
Above: Attends a pro-choice rally



2015
Burt Neuborne becomes the inaugural **NORMAN DORSEN PROFESSOR OF CIVIL LIBERTIES**



2002-15
Serves as **COUNSELOR TO NYU PRESIDENT** John Sexton



1994
Receives **GREAT TEACHER AWARD** from the Society of American Law Teachers

2000
Receives **ELEANOR ROOSEVELT MEDAL**, presented by Bill Clinton (pictured below)

2001
Receives dedication from **NYU ANNUAL SURVEY OF AMERICAN LAW**

2007
Receives Association of American Law Schools' **LIFETIME ACHIEVEMENT AWARD**





Dorsen with John Sexton, 2013; with Jennifer, Caroline, and Annie, circa 1977; reading the *New York Times*, 1978; with wife Harriette

CONTINUED FROM PAGE 33

Dorsen also co-edited three casebooks, wrote or edited 13 other books, and served as editor of the ACLU's 50-book series on the rights of vulnerable populations.

"One of the great pleasures of my professional career was finding a typo in something he wrote," says Gillers with a smile. "I gloated over that."

Despite Dorsen's array of professional activities, his personal life, he said, was equally rich. Dorsen first met Harriette Koffler '66 in Spring 1965. They went on their first date that September and were married on Thanksgiving Day. Together they had three daughters: Jennifer, who works in K-12 STEM teacher education; Caroline, an NYU academic like her father; and Annie, a theater director and writer.

Even through his grueling schedule, the family almost always dined together. "Our dinners were real conversations about what was happening in the world," Caroline recalls. Failing to read the *New York Times* was "a sin," she notes, and Dorsen refused to go on vacation anywhere he couldn't obtain a copy.

He was an understanding father, Caroline says, as his children grew up. In 1985, years after the Dorsen family moved to the San Remo building on Manhattan's Upper West Side, Madonna was rejected as a prospective tenant by the building's co-op board, of which Dorsen was a member. The *New York Post* telephoned his apartment for a statement, and though Dorsen wasn't home to comment, his daughters were. The *Post* story's lede: "The American Civil Liberties Union has defended the right of Nazis to march in Skokie, Ill., but Madonna apparently doesn't rate such support." Remembers Caroline, "Someone else could have been angry and embarrassed and shocked and all of those things." But her father, she says, shrugged it off.

In 2008, Harriette, a successful lawyer in her own right, was diagnosed with cancer; she died three years later at the age of 68. "She was a fabulous person, personally and professionally and politically," says Law. "And Norman missed her enormously."

A LUCKY MAN

For Dorsen's pivotal institutional role, Neuborne long ago dubbed him NYU Law's "First Citizen" ("uber-dean" also remains in currency). "I've always been happy that he was well appreciated in the halls of the Law School," says Guggenheim, "and that he knew that."

Few benefited more from Dorsen's esteemed position than his students. "He was extremely effective in opening doors for young civil liberties students and lawyers who wanted to get into academia," observes Law. "And Norman had feet in both worlds. He was respected by judges and by fancy professors from elite schools. And he knew the civil rights and civil liberties community. He could make those connections." Hays co-director Helen Hershkoff adds, "If there's any part of Norman's legacy that I think was most important to him, it's the more than 300 Hays Fellows the program has created and sent off into the world."

Dorsen also connected past and present. "He was not just the keeper of the institutional memory," Dean Trevor Morrison explains, "but the custodian of a set of institutional values in the school: the excellence of the faculty, the engagement of the school in issues that really matter."

Reflecting on Dorsen's legacy, Hershkoff, Herbert M. and Svetlana Wachtell Professor of Constitutional Law and Civil Liberties, speaks to Dorsen's sense of a longer historical arc for both law and Law School: "Everything he did was to ensure that institutions would be created, structures would be in place, norms would be created, junior people would be developed and encouraged, and the work would carry on."

At 86, Dorsen readily recounted the details of the McCarthy battle and the finer points of his Supreme Court arguments. "I even then wondered whether I would ever do anything again that was as important as working on those hearings," he said. "And, of course, I'm not sure what the answer is."

Through an often unglamorous accumulation of committee work and strategic litigation and steady advocacy, Norman Dorsen devoted his life to civil liberties, declining to claim as much credit as he might have for his many victories, large and small. Reflecting on his likely unique longevity as a law professor at a single school, Dorsen said, "When you're that person, first of all, you count your blessings. Second of all, especially since the institution has prospered so well, you consider yourself a very lucky man."

To untold numbers of students and colleagues, the luck was always mutual. □

Senior Writer Atticus Gannaway is the author of a children's novel.

PERSONAL PHOTOS COURTESY OF THE DORSEN FAMILY

"The works of his fine hand will continue to guide and inspire legions of jurists, lawyers, and law students." JUSTICE RUTH BADER GINSBURG



The People

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*Sidra Mahfooz '18, Razia Hamid '18, and Nealofar Panjshiri '18
were the 2016–17 co-chairs of the Muslim Law Students Association.*

Interdisciplinary Innovators

NYU Law students spearhead a patent law workshop for scientists, engineers, physicians, and entrepreneurs.

The semester had ended, but one classroom at the Massachusetts Institute of Technology (MIT) was packed with dozens of MIT postdoctoral researchers and engineering graduate students, Harvard University physicians and biologists, and Boston-area entrepreneurs. They came to learn about patent law in a four-hour workshop taught by four NYU Law students.



Wu, Jin, Pymiento, Hou

The workshop, “Patent Law Essentials: What Scientists, Engineers, Physicians & Entrepreneurs Need to Know,” is an entirely student-run endeavor. It was created by Stephen Hou ’17, an MIT alumnus who left the technical field to pursue law, and since its launch in 2016, more than 300 people have taken the workshop around the world. It has been presented at NYU Law, MIT, the Chinese University of Hong Kong, and the University of Pennsylvania, as well as via livestream at NYU Abu Dhabi, Harvard, Stanford University, and the Scripps Research Institute.

Covering the basics of US patent law, the workshop identifies key issues that inventors should know, highlights recent patent law developments, and draws examples ranging from computer software to the pharmaceutical industries. “Nothing like this exists at other universities,” Hou says. “We explain the nitty-gritty of patent law, how it applies to inventors, and best practice tips.”

Hou is positioned to bridge the gap between the workshop’s attendees, many of whom have minimal or no legal expertise, and the labyrinthine

intricacies of patent law because, in addition to his engineering background, he has also worked in the patent field. Hou served as a technical specialist at Finnegan, Henderson, Farabow, Garrett & Dunner, a boutique patent law firm, before entering law school, and spent two summers at the patent prosecution and client counseling group of Morrison & Foerster.

As a 2L, Hou conceived the idea for the workshop when he realized his knowledge of patent prosecution would be valuable to researchers in many scientific and technical fields. He then recruited three fellow NYU Law students who were also electrical engineers steeped in patent law. Julian Pymiento ’17, who holds two degrees from NYU Tandon School of Engineering, co-chaired the patent committee for the NYU Law Intellectual Property and Entertainment Law Society. Chih-Yun (Steve) Wu ’17 worked for three years in patent prosecution for startup and corporate clients. And Ryan Hyunjong Jin ’18 previously worked as an engineer at Samsung, where he was a finalist in the company’s Creative Lab competition—and is the inventor of a digital micro-mirror device and image sensor technology that have been granted patents.

The course has attracted not only postdoctoral researchers in engineering and medicine, but also venture capitalists and startup CEOs. Part of the seminar, Pymiento says, is simply breaking down barriers. Terms such as “novelty requirement” or “date of conception,” he adds, have specific meanings that are not obvious to nonlawyers. But because the four law students began their careers as engineers, they understand the knowledge gap that researchers frequently face.

One point of pride, Hou says, is that attendees have benefited from the workshops in tangible ways. After attending the workshop at MIT, one MIT researcher decided to modify his lab and publication practices to avoid accidentally preempting his own patentability. Several attendees have also said they are glad to be armed with sufficient knowledge as they approach patent lawyers about their inventions.

For Hou and his colleagues, the gratification of sharing their legal knowledge is rivaled only by the thrill of creating and delivering the workshops. “It has been a very entrepreneurial project,” Hou says. “It’s rare to have a project that you created on your own take off like this, with so many people across the world becoming interested.” □

Michelle Tsai

Five Years Out

Jeramie Scott '12 discusses his career thus far in information privacy and national security law.

Five years after graduating from law school, Jeramie Scott '12 serves as national security counsel at the Electronic Privacy Information Center (EPIC) and works on some of today's most pressing privacy issues. He has helped EPIC file high-profile amicus briefs in the US Supreme Court on issues concerning government surveillance, and earlier this year Scott published a research paper that examines how the US government uses private-sector social media monitoring companies in the surveillance of private citizens, including groups such as Black Lives Matter protesters.

Scott's work is a result of his long-held fascination with issues of information privacy, and when he first entered law school, he already knew that he wanted to pursue a career in privacy law. Scott recalls that, as an undergraduate in the early 2000s, he became interested in the implications for privacy rights as he learned of technology companies collecting information on users. "This struck me as something that would need to be addressed, given what I felt was the importance of privacy in the context of a functioning democracy," Scott says. "And I saw real opportunities to explore the area at NYU Law."

Scott's experiences as an NYU Law student prepared him well, he says, for his current role: In addition to serving as EPIC's national security counsel, Scott is also the director of EPIC's Domestic Surveillance Project. He focuses in particular on privacy issues created by surveillance programs that employ drones, biometrics, big data, and license plate readers. He has worked on issues surrounding the FBI's biometric database, called Next Generation Identification, helping provide the public with information about how it works through Freedom of Information Act (FOIA) lawsuits. "We revealed to the public that the FBI was willing to accept a 20 percent error rate for their facial recognition technology and exposed the continued disregard for the privacy risks associated with facial recognition," Scott says.

Scott gained experience with FOIA requests as a law student. While interning at the Liberty and National Security Program at NYU School of Law's Brennan Center for Justice, he worked on FOIA requests to different law enforcement agencies

across the country and contributed to a 2013 report, "National Security and Local Police."

Scott cites privacy law courses taught by Alfred B. Engelberg Professor of Law Katherine Strandburg and Senior Fellow Ira Rubinstein (for whom he worked as a research assistant) as being particularly helpful in preparing him for his chosen career path. Strandburg introduced him to the Information Law Institute's Privacy Research Group, a weekly meeting of students, professors, and industry professionals to discuss privacy in the digital age. A national security course taught by Professor Samuel Rascoff has been especially relevant to Scott's work on government surveillance issues, he says, explaining

"It goes hand in hand that the public should be able to enjoy maximum privacy, while the government should be as transparent as possible."

JERAMIE SCOTT '12

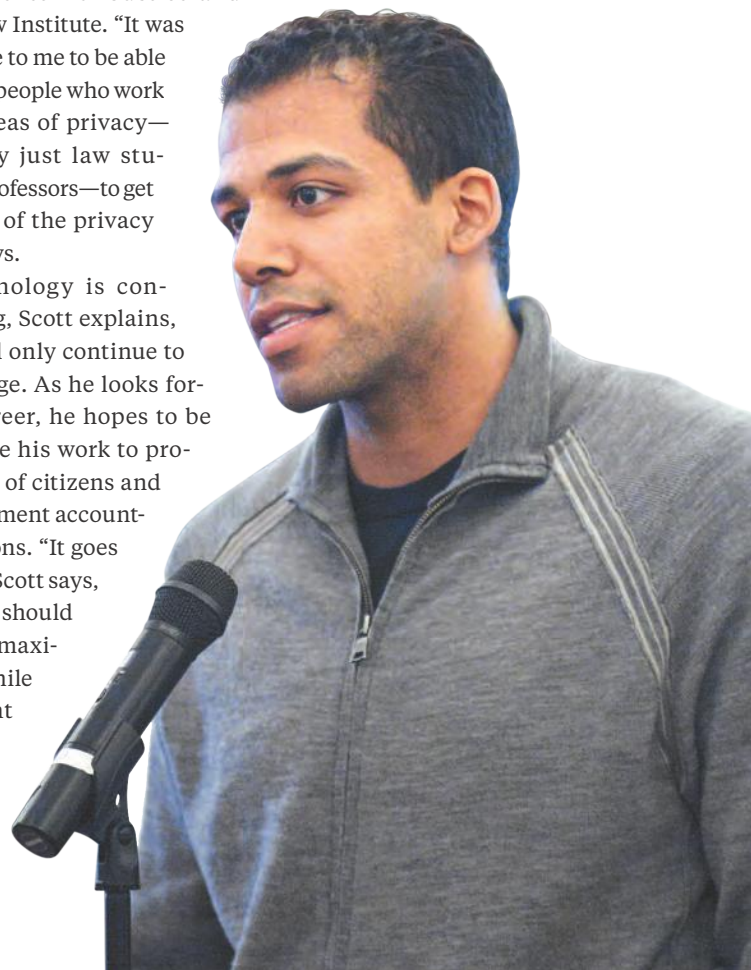
that it provided the basis for his understanding of how the Patriot Act enabled the National Security Agency's surveillance programs.

For current students interested in this area of law, Scott advises that it is crucial to seek out the Law School's many resources, including the Center for Cybersecurity as well as

the Brennan Center for Justice and Information Law Institute. "It was very informative to me to be able to interact with people who work on different areas of privacy—not necessarily just law students and law professors—to get a good breadth of the privacy realm," Scott says.

Since technology is constantly evolving, Scott explains, privacy law will only continue to grow and change. As he looks forward in his career, he hopes to be able to continue his work to protect the privacy of citizens and hold the government accountable for its actions. "It goes hand in hand," Scott says, "that the public should be able to enjoy maximum privacy, while the government should be as transparent as possible." □

Rachel Burns



A Conversation with Preet Bharara



Teaching Criminal Justice Reform

Michael Bosworth, who most recently served as deputy assistant and deputy counsel to President Barack Obama, joined the Law School last spring as a senior fellow with the Center on the Administration of Criminal Law. Before his White House appointment, Bosworth worked as special counsel to then-FBI Director James Comey Jr. Prior to that, he was an assistant US attorney for the Southern District of New York, where he was co-chief of the Complex Frauds Unit. Last spring, Bosworth taught the Executive and Criminal Justice Reform Seminar.

Last spring, Preet Bharara joined the Law School as a distinguished scholar in residence. Bharara came to NYU Law at the conclusion of his tenure as US attorney for the Southern District of New York, one of the longest for anyone holding that position. Several weeks into his time at the Law School, Bharara and Dean Trevor Morrison held an open conversation about the end of his time as US attorney, highlights of his career, and his advice for students interested in joining the Department of Justice (DOJ).

When Morrison asked whether he had any favorite cases or issues that he worked on during his tenure, Bharara responded that one of the key distinctions of a good US attorney is to value all cases equally: “You are judged as a professional by making sure that you put the same level of effort, integrity, and excellence into the small cases as well as the big—as the cases that everyone is watching because they’re high profile.”

Some of the high-profile cases Bharara oversaw included numerous insider trading charges and cases growing out of Bernard Madoff’s Ponzi scheme, as well as public corruption prosecutions against politicians working at the city and state levels. Bharara also pointed to work that garnered less press that he said was nevertheless important:

He was able to combat gang violence, making cities such as Newburgh and Yonkers safer. “People don’t appreciate the wide range of things that you can do at a US attorney’s office,” he said.

Reflecting on the breadth of work he did in the Southern District of New York, Bharara encouraged students interested in public service to seek out positions at the DOJ. Morrison noted that some students who were interested in joining the department



had wondered whether the change in presidential administrations should cause them to rethink their plans. In response, Bharara stressed the independence of the US attorney’s offices. “The mass of what goes on...is not political and doesn’t become political, no matter who the president is,” Bharara said. “My job was not to serve the president, whether that’s Barack Obama or Donald Trump or anyone else. It was to serve the public, and to serve the interests of justice.” □

National Security Expertise

Lisa Monaco joined the Law School last spring from the White House, where she was assistant to the president for homeland security and counterterrorism. As the president’s homeland security advisor, she coordinated policy development and crisis response to terrorist attacks, cyberincidents, and public health emergencies and natural disasters.

Monaco is now a distinguished senior fellow at NYU Law, affiliated with the Center on Law and Security (CLS) and the Center for Cybersecurity. In April, Monaco participated in a CLS event on the geopolitical challenges facing the United States (see story on page 75).

Prior to her White House appointment, Monaco spent 15 years in various positions at the Department of Justice, including as assistant attorney general for national security, where she established the first nationwide network of national security cyberspecialists and led a division of more than 300 lawyers responsible for national security cases and policy. Before leading the national security division, she was principal associate deputy attorney general—the deputy attorney general’s primary advisor on criminal policy, law enforcement, national security, and civil litigation matters.

Monaco also served for three years as counsel and chief of staff to FBI Director Robert Mueller III, and before that, worked as an assistant US attorney, including as a member of the Enron Task Force. She began her legal career as a law clerk to Judge Jane Roth of the US Court of Appeals for the Third Circuit. □



The Out-of-the-Box Thinker



After more than two decades of service, Jeannie Forrest departs the Law School.

Several years ago, Vice Dean Jeannie Forrest found herself on a street corner in Florence, Italy, with Justice Sandra Day O'Connor. The two were on the verge of arriving late to a Law School conference at NYU Florence, waiting for a bus that would seemingly never come. "I said, 'Well, cowboy up,' and the justice responded, 'Now you're talking my language,'" Forrest recalls. "And we walked so fast we didn't have much time for conversation, but I always remembered that moment of connection."

Connecting with people—whether stranded in a foreign country or standing in the Vanderbilt Hall lobby—is one of Forrest's great talents, a result of what Dean Trevor Morrison describes as her "deep humanity." Forrest holds a PhD in counseling psychology from NYU, and in the two decades she has worked at NYU Law, her knowledge of psychology has helped her spearhead a multitude of innovative programs, including the Law School's leadership initiatives and the new Women's Leadership Network (see story on page 24). Led by Forrest, the Law School developed an emotional intelligence training program in which students learn to cultivate the self-awareness and relationship skills essential for strong leadership.

"Jeannie is one of the most dynamic, innovative, out-of-the-box thinkers I've ever met—she's a real pioneer," says Rachel Robbins '76, senior independent nonexecutive director at Atlas Mara and an NYU Law Trustee. "She's got a warmth that makes everyone comfortable and want to work with her."

When asked what brought her to NYU Law in 1994, Forrest says, with characteristic modesty, "I type really fast." A graduate student at the time, Forrest was looking for any University job when she was hired by the Law School's Institute of Judicial Administration. And while she could indeed type

fast—an impressive 103 words per minute—the NYU Law community quickly learned the many other ways in which Forrest's well of intelligence and interpersonal insight could help strengthen the school. In Forrest's 23 years at NYU Law, she has served in positions including associate dean for development and alumni relations as well as vice dean, tasked with overseeing student services and special events.

As the vice dean for development and leadership initiatives—her most recent role—Forrest secured the two largest individual gifts in NYU Law's history. Over the years, her development efforts have enabled the Law School to expand scholarships and financial aid and to nourish faculty research and campus intellectual life. "Her tireless dedication to NYU

Law—together with her combination of intelligence, wisdom, compassion, and wit—has had a transformational impact on the Law School community," says Morrison.

Now, Forrest is departing the Law School to embark on her next chapter. "I'm leaving with my heart really full of love for this place and for the people here," Forrest says. "I've been

a psychologist surrounded by lawyers, thinking differently than the people I'm surrounded by. But I've also been infected by good lawyerly thinking, and I've been seized with this notion that the rule of law is what makes a difference in the world, and that's how genuine change happens."

If "lawyerly thinking" has changed Forrest, her own creativity has certainly left its mark on the school to which she has devoted so much of her time, work, and wisdom. "In some ways, she leaves an enormous void," says Richard Revesz, Lawrence King Professor of Law and dean emeritus. "But, on the other hand, so many of us are better people and more effective professionals because we had the privilege of working with her. All that will persist. And NYU Law is so much better as a result." □

Rachel Burns

Leading Admissions

Cassandra "Sandy" Williams, already a well-known figure in the NYU School of Law community, was named the Law School's new assistant dean for JD admissions last year. Williams previously spent five years as the department's director, with a focus on expanding outreach to prospective NYU Law students and collaborating with constituencies across the Law School to make its admissions process more effective and responsive.



1940–2017

Joseph Forstadt



Joseph Forstadt '64, a long-serving member of the Law Alumni Association Board and a Weinfeld Fellow, passed away on March 23 at age 77. A prominent figure in New York City government,

Forstadt began his career with positions such as staff counsel to Governor Nelson Rockefeller's Citizen's Commission on Reapportionment of the New York State Legislature and deputy commissioner of the Department of Licenses under Mayor John Lindsay.

In 1969, Forstadt joined Stroock & Stroock & Lavan, where he spent 45 years as a litigator specializing in real estate, insurance, and commercial interests. While at the firm, Forstadt continued to work in city government, serving as the owners' representative on the New York City Rent Guidelines Board under Mayors Ed Koch, David Dinkins, and Rudolph Giuliani '68. He also founded the Association of Law Secretaries to the Justices of the Supreme and Surrogate's Courts in the City of New York—and in 2015, the group created an award in his honor.

1940–2017

Ciro Gamboni

NYU Law Life Trustee **Ciro Gamboni** '65 passed away on April 23 at age 76. Gamboni spent nearly his entire legal career at Cahill Gordon & Reindel, having joined the firm immediately after graduating



from NYU Law. From 1966 to 1969, he served as an officer in the Judge Advocate General's Corps of the US Army. He then returned to Cahill, where he was named partner in 1974. He retired from the firm as senior counsel in

2016. Gamboni was a deeply dedicated member of the NYU Law community: In addition to serving as a trustee, Gamboni was a Weinfeld Patron and a member of John Sexton's Council on the Future of the Law School. A lover of theater and dance, Gamboni was a member of the Lincoln Center Theater Patron Committee; chairman of 42nd Street Theatre Row and the Circle Repertory Company; and member of the boards of the Actors Studio, the Drama League of New York, and the Martha Graham Center of Contemporary Dance.

1937–2017

Anthony Gooch

Anthony "Tony" Gooch '63, LL.M. '64, a retired partner of Cleary Gottlieb Steen & Hamilton, passed away on January 24 at age 79. A graduate and lifelong dedicated supporter of the Law



School's Root-Tilden-Kern Program, Gooch met NYU Law Trustee Florence A. Davis '79 at a luncheon and later learned they were both RTK alums. Gooch and Davis were married in 2009. Gooch

had an illustrious career, spending 40 years working in Cleary Gottlieb's Paris, Brussels, Rio de Janeiro, and New York offices. After his retirement, he returned to school, earning a master's in international affairs from Columbia's School of International and Public Affairs in 2005. During his retirement, Gooch also served as director of the Chamber Music Society of Lincoln Center and as a member of the Rockefeller University Council, and spent time informally advising current NYU Law students.

1942–2017

Michael Levine



Michael Levine, distinguished research scholar and senior lecturer, passed away last winter at age 75. He had a long, varied, and distinguished career in academia and in industry,

and served the Law School for over 10 years.

A licensed pilot, Levine had a long and deep involvement with aviation throughout his career. As a law student, he wrote a highly influential note on the case for rate deregulation. He helped implement that vision in the late 1970s, when he served on the US Civil Aeronautics Board as general director of international and domestic aviation. Later in his career, he served as executive vice president of Northwest Airlines and Continental Airlines, and as president and CEO of New York Air.

In a statement to the community, Dean Trevor Morrison said: "Mike was a generous and thoughtful colleague, an original thinker, a lively instructor, and a vigorous and active participant in the intellectual life of the Law School."

1917–2016

Justice Rose Luttan Rubin

NYU Law Life Trustee Justice Rose Luttan Rubin '42 passed away last fall at age 99. She had a long and distinguished legal career, much of it in public service. In 1973, Rubin joined the bench as a judge on the New York



State Court of Claims and acting justice on the New York Supreme Court. She was elected in 1982 as a justice of the New York Supreme Court. In 1993, she was appointed chief admin-

istrative law judge in the Office of Administrative Trials and Hearings by then-Mayor Rudolph Giuliani '68.

Rubin was deeply committed to the Law School. Together with her husband, Herbert Rubin '42, she endowed the Herbert and Rose Rubin Professorship in International Law, currently held by José Alvarez, as well as the annual Herbert Rubin and Justice Rose Luttan Rubin International Law Symposium, which celebrated its 22nd anniversary last fall.

1966–2016

Kenneth Thompson



Kenneth Thompson '92, Brooklyn's first African American district attorney, passed away on October 9 at age 50 after a battle with cancer. "Ken was a visionary leader, a trailblazing district

attorney, and a courageous voice for reform of the criminal justice system," said Dean Trevor Morrison.

Thompson was inspired to pursue law enforcement by his mother, a police officer. After graduating from NYU Law, Thompson served as special assistant to Ronald Noble, then–assistant secretary of the US Treasury; was assistant US attorney for the Eastern District of New York; and spent 14 years in private practice before becoming Brooklyn district attorney. In that role, Thompson sought to eliminate practices that undermined both law enforcement and community relations with police, launching the Conviction Review Unit to investigate suspected wrongful convictions.

Rafiq Kalam Id-Din II '00, president of NYU Law's Law Alumni of Color Association, said that Thompson "represented the very best of us, the epitome of a social justice warrior in every way."

1922–2017

Norma Z. Paige



NYU Law Life Trustee Norma Z. Paige '46 passed away on June 5 at age 94. Paige, a talented attorney and businessperson, served on the Board of Trustees for more than 20 years. After

earning her JD, she founded a law firm, Paige & Paige, with her husband, Samuel Paige LLM '51. In 1959, she co-founded the Astronautics Corporation of America, a privately held company that designs, develops, and manufactures electronic navigation systems used in land, sea, and aerospace vehicles.

Throughout her career, Paige was a steadfast member of the NYU Law community. She established scholarships to support NYU Law students and also endowed the Norma Z. Paige Professorship of Law, held by Professor Jennifer Arlen '86. For her dedication to the school, Paige received the Law Alumni Association's (LAA) Alumni Achievement Award, the LAA Judge Edward Weinfeld Award, the Arthur T. Vanderbilt Medal, and the NYU Alumni Meritorious Service Award.

1931–2017

George Zeitlin

George Zeitlin LLM '61 passed away on January 19 at age 86. Zeitlin's colleagues and students remember him as a lively instructor, a generous mentor, a wise counselor, and an



unshakable optimist. His connection to NYU Law spanned over 50 years.

After serving as deputy tax legislative counsel in the Treasury Department during the Kennedy administration, Zeitlin

became a full-time professor of tax at NYU Law in 1966—a position he held until 1984. He served as associate dean of the Graduate Tax Division from 1975 to 1982 and continued to teach part-time in the Law School's tax program until a few years ago. Zeitlin was also a longtime member of the law firm Chadbourne & Parke. He was counsel to the firm while on the Law School's full-time faculty, and joined the firm as a partner in 1982, after stepping down as associate dean.

Redress for Haiti's Cholera Victims

When Beatrice Lindstrom '10 decided to become a human rights lawyer, she says, "suing the United Nations was very far from my mind." But as a staff attorney for the Institute for Justice & Democracy in Haiti (IJDH), Lindstrom has spent years doing precisely that: She has played a key role in litigation holding the UN accountable for Haiti's cholera epidemic.

In 2010, after Haiti was hit by a devastating earthquake, Lindstrom went to work for the Bureau des Avocats Internationaux (BAI), the Haitian partner organization of IJDH. When reports of cholera began

coming in from around the country, Lindstrom says, it quickly became clear that the source of the outbreak was a UN peacekeeper base that had allowed waste to contaminate the water source.

After it emerged that the UN would not admit liability, BAI asked Lindstrom to develop a legal response—a difficult task, due to the UN's broad legal immunities. Lindstrom and the team at BAI and IJDH filed claims against the UN on behalf of 5,000 Haitian cholera victims, demanding that the UN take action to address their losses, prevent future outbreaks, and make a public apology admitting liability for the epidemic.

When the UN rejected those claims, Lindstrom took the lawsuit to the US District Court for the Southern District of New York, then to the US Court of Appeals for the Second Circuit. "I went to the oral argument in the Second Circuit," says Professor Margaret Satterthwaite '99, "and she was just so incredibly poised that it felt like she had already done 50 oral arguments before an appellate court—and yet this is really her big debut as a lawyer."

Although the Second Circuit upheld the UN's immunity in the case, the UN eventually publicly admitted to playing a role in the cholera outbreak. But Lindstrom and her colleagues are seeking more than an apology: "Our hope is that the UN will provide the kind of remedy that would meet victims' rights, and it won't be necessary to pursue the case further." □

Lindstrom outside the federal courthouse in Manhattan



The Firm Founder

John Walker '93 had spent the majority of his career as a partner at Dentons—a multinational law firm that employs more lawyers than any other firm in the world—when he decided to embark on a new venture. Walker joined Jennifer Yu Sacro, then a litigation partner at Palmer, Lombardi & Donohue, to establish Sacro & Walker, a commercial law firm focused on litigation.

Walker and his partner shared a common vision of creating a firm that prized diversity in the workplace, work-life balance for its employees, and affordable legal fees for its clients. The partners believe that diverse backgrounds help the firm serve diverse markets and come up with creative solutions for clients who themselves come from varied backgrounds. It was also important to both Walker and his partner—each a parent of young children—to build an environment in which they and their employees would be able to balance work and home life.

When Walker began his career at Dentons—then called Sonnenschein Nath & Rosenthal—the Los Angeles office was relatively small and focused on litigation for the insurance and commercial aircraft industries. Those early years enabled him to develop a strong background in commercial and complex business litigation. When Walker became a partner in 2000, he had established himself as an accomplished advocate with expertise in defending individuals and businesses against tort and breach of contract claims.

At Sacro & Walker, in addition to representing large companies, Walker explains, the firm's rate structure makes it possible to work for the underserved legal market of individuals who cannot afford the rates at larger law firms but do not qualify for free legal services.

Walker credits the importance Sacro & Walker places on building community—both within the firm and among the markets it serves—to his experience as a law student: "Opening our law firm has been in step with the values I learned at NYU Law and the school's emphasis on community." □



The Price of Freedom



NYU Law students, faculty, and alumni are helping to address the injustices of the bail system.

Unable to pay a \$1,000 bail, New York City resident Miguel Padilla spent a week on Rikers Island in 2015. He didn't want to be away from his family while awaiting trial, so he pleaded guilty to get out. The city paid more than \$450 per day to keep him in jail, and Padilla paid as well: He lost his job for missing a day of work and now has a criminal record. His crime? Driving with a suspended license, a misdemeanor.

Padilla's case exemplifies the staggering difference in outcomes for the poor versus the better off in the criminal justice system. More than 90 percent of misdemeanor defendants who cannot post bail plead guilty, according to 2013 data from Brooklyn Defender Services (BDS). In contrast, of those who can post bail, only 40 percent plead guilty.

At the same time, New York has become a center of activity for those focused on combating what they view as socioeconomic injustice inherent in the bail system. And within the NYU Law community in particular, a number of students, faculty, and alumni are making the case for reform.

In 2007, Bronx Defenders Executive Director Robin Steinberg '82 co-founded the Bronx Freedom Fund to aid defendants accused of misdemeanors, though the fund eventually ran into regulatory roadblocks. Undaunted, Steinberg helped convince state legislators to pass a law in 2012 facilitating 501(c)(3) charitable bail organizations. The Bronx Freedom Fund, the first such organization in New York State, resumed operations and has provided bail for more than 1,200 clients to date.

The new law also encouraged others to champion the cause, including Scott Hechinger '10, BDS senior staff attorney, and Joshua Saunders '06, former BDS senior staff attorney and now managing attorney of the King County (Washington State) Department of Public Defense's Associated Counsel for the

Accused Division. The two co-founded the Brooklyn Community Bail Fund (BCBF), which launched in April 2015. The nonprofit bails out misdemeanor defendants in cases in which bail has been set no higher than \$2,000—the upper limit dictated by the 2012 statute. The BCBF also connects clients with support services such as those provided by social workers and employment lawyers.

Hechinger and Saunders created the fund—a two-year endeavor independent of BDS—because they felt hamstrung in trying to defend clients in pretrial detention. It is much more difficult to mount a robust defense, Hechinger explains, once bail is set and the client is incarcerated.

"Bail affects the outcome of the case," says Hechinger, not based upon the merits, zealotry of the advocacy, or the office's resources, "but based solely on money." To date, the BCBF has helped more than 2,000 defendants. Since the fund is a revolving one, it depends on clients to appear for their court dates, allowing bail to be recouped and used again. Ninety-five percent of the fund's beneficiaries appear as scheduled, despite having no financial incentive to do so.

The BCBF has already offered guidance to potential nonprofit bail funds across the country, as well as one housed at NYU Law and run by students: Washington Square Legal Services Bail Fund, which launched in September 2016—two years after Hunter Haney '15 hatched the concept while working for the summer at New York County Defender Services.

Realizing, as Hechinger and Saunders had, that the ability to pay bail drastically affects legal outcomes, Haney approached Professor of Clinical

CONTINUED ON NEXT PAGE



Steinberg



Hechinger



Saunders

CONTINUED FROM PAGE 45

Law Sarah Burns, executive director of Washington Square Legal Services (WSLS), the nonprofit entity under which most of the Law School's clinics operate. With help from the Business Law Transactions Clinic (see story on page 18), Haney and Burns determined how WSLS could become a 501(c)(3) charitable bail organization.

The WSLS board approved the plan in May 2015. Meanwhile, Haney, soon to graduate at the time, recruited Adam Murphy '17—who in turn enlisted the help of Tristen Edwards '17—to see the WSLS Bail Fund to fruition. Murphy and Edwards spent an entire academic year coordinating with administrators across NYU to ensure they were following proper procedures. They also sought advice from the BCBF. Murphy spent seven months becoming a licensed bail bond agent; Edwards wrote and rewrote a comprehensive operations manual. They had to fundraise, since the enterprise depends entirely on outside contributions.

The WSLS Bail Fund is now an official student organization. Student case managers look at referrals from New York County Defender Services and recommend whether to pay a defendant's bail. Clinical

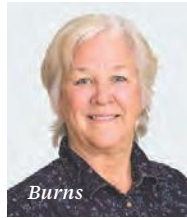
Professor of Law Claudia Angelos, the organization's faculty supervisor, is the final arbiter. Then a student licensed as a bail bond agent goes to a detention facility to make payment. Case managers continue to check in with clients to remind them of upcoming court appearances; students also explain

to clients that their successful attendance allows the fund to use the returned bail money to help someone else.

"I think that really resonates with people in a way that transcends the posted collateral that's supposed to incentivize them to come back," says Murphy.

Burns points out the pedagogical value of the bail fund: "Many of these students will go into criminal justice work understanding in a much more on-the-ground way...what their clients face and how the system works."

For Edwards, the immediacy of the impact made by the bail fund she helped create is particularly meaningful. "It's something that you can actually do in order to directly combat this issue that is just so devastating to so many people," she says. "It also allows you to realize that there is creativity, that there's room within this seemingly very rigid system to create change." □ *Atticus Gannaway*



Burns



Murphy



Angelos



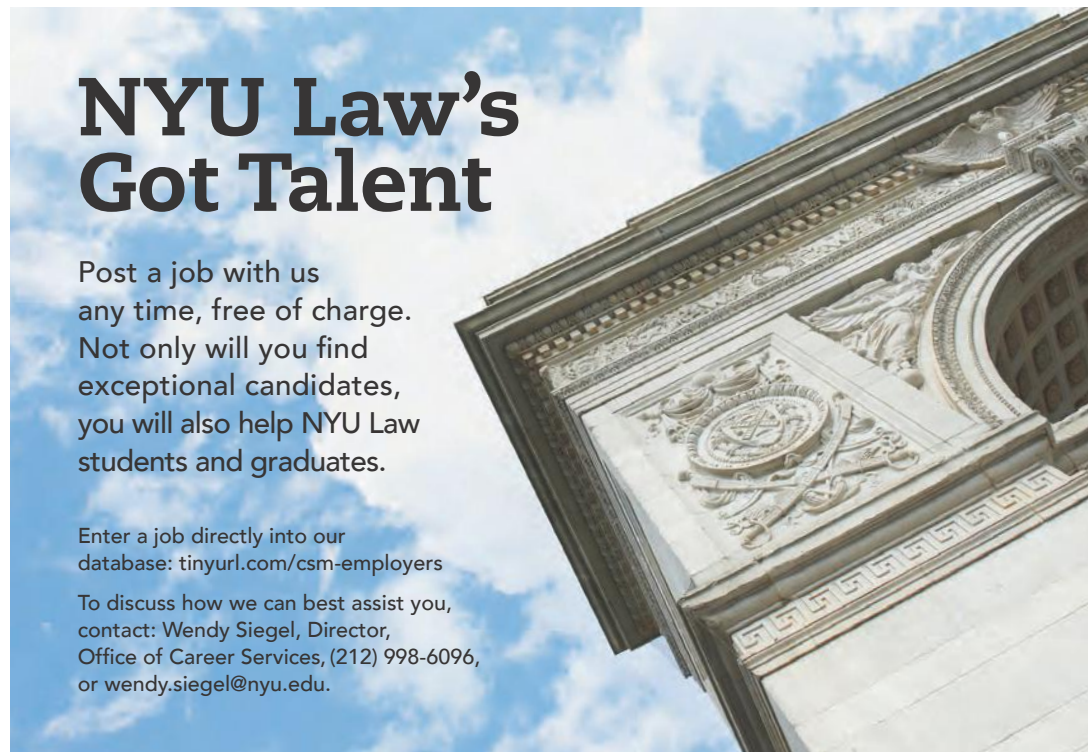
Edwards

NYU Law's Got Talent

Post a job with us any time, free of charge. Not only will you find exceptional candidates, you will also help NYU Law students and graduates.

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To discuss how we can best assist you, contact: Wendy Siegel, Director, Office of Career Services, (212) 998-6096, or wendy.siegel@nyu.edu.



Protecting the Rights of Muslims in America

Johnathan Smith '07 brings a decade of civil rights experience to Muslim Advocates.

As a Root-Tilden-Kern Scholar at NYU Law, Johnathan Smith '07 knew that he wanted to use his legal career to fight for civil rights and racial and social justice. Ten years in, Smith has wholeheartedly devoted himself to those causes, having worked for the NAACP Legal Defense and Educational Fund (LDF) and the Department of Justice (DOJ) Civil Rights Division and now serving as the legal director at Muslim Advocates.

Smith credits his experience in the Criminal Defense and Reentry Clinic, taught by Professors of Clinical Law Anthony Thompson and Kim Taylor-Thompson, and the Juvenile Defender Clinic, taught by Vice Dean Randy Hertz, with helping him to develop legal skills crucial to the work he does now as a civil rights advocate. "Among the many things that made Johnathan a remarkable clinic student is the degree of commitment he brings to everything he does," says Hertz. "And he always went the extra mile to do whatever could be done for each of his clients."

While still a law student, Smith was hired as an intern at the LDF by Vanita Gupta '01. After graduating, Smith received a Fried Frank Civil Rights Fellowship, which gave him the opportunity to work for two years at the law firm Fried, Frank, Harris, Shriver & Jacobson and two years back at LDF, where he stayed several years following the completion of his fellowship.

Smith reunited with Gupta when, during the last two years of the Obama administration, he worked in the DOJ Civil Rights Division under her leadership. "Johnathan has incredible empathy for communities impacted by unfair laws and policies," says Gupta. "He has keen litigation prowess and an ability to see around the corner."

At the DOJ, in addition to addressing housing and employment discrimination—matters he also worked on at LDF—Smith added issues including LGBTQ rights and religious discrimination to his portfolio. "We were committed to working with the American Muslim communities so that they would view the federal government as a resource and a partner," he says.

This year, following the January executive order blocking travel to the US from seven predominantly Muslim countries, Smith led Muslim Advocates in filing a lawsuit challenging the order on behalf of the Universal Muslim Association of America—the largest Shia Muslim organization in the country. The

challenge, Smith explains, argued that the executive order violated the American Shia community's freedom to worship, because it prevented Shia religious scholars and clergy, many of whom reside in Iran, Iraq, and Syria, from being able to visit Shia communities in the US. On May 11, a federal judge in DC issued an order staying consideration of the preliminary injunction motion in light of the other nationwide injunctions in place against the executive order (see story on page 10).



In addition to advocacy on the national level, Smith and Muslim Advocates are working to protect individual Muslim communities across the country. In early March, Muslim Advocates filed a lawsuit on behalf of a small congregation in Culpeper, Virginia, that had been denied a permit needed in order to build a mosque. Muslim Advocates ultimately entered into a settlement agreement, and the county agreed to provide the congregation with the permit as well as expenses and damages. "More importantly," Smith says, "they can now move forward and actually construct their mosque and have the kind of religious community that so many other people take for granted."

These victories help Smith feel energized and optimistic about the work that he does. "Muslim Advocates," he says, "is on the front lines of fighting discriminatory policies not just on the federal level, but any place that they arise. Our work is in the proud tradition of civil rights organizations—protecting the most oppressed segments of our society and keeping our country accountable by holding it to the standards and ideals that we profess in our Constitution." □ Rachel Burns

Beginning to Think Like a Lawyer

At the High School Law Institute, NYU students teach local high schoolers about the law.

On Saturday mornings, before most teenagers are out of bed, high school students from across New York City and New Jersey commute to NYU Law to attend classes at the High School Law Institute (HSLI). This student-run program, created more than 20 years ago, runs annually from October through March and brings together precocious high schoolers with an interest in the law and teams of current NYU Law students who teach them.



Wong (right)
with HSLI students

The HSLI class of 2017 comprised 104 students in five sections, taught by 27 teachers. HSLI describes the ideal students for the program as those who recognize the impact of the legal system, wish to learn more about how it concretely affects society, and are preparing themselves to serve and advocate for others. Alongside a sister program at Columbia Law School, HSLI offers free academic programming in constitutional and criminal law as well as mock trial and moot court. Each lesson contains background information, discussion questions, classroom activities, and homework. “The kids we serve are committed to thinking deeply,” says HSLI chairman Andrew Wong ’18, who was a classroom teacher before entering law school. Seeing his students’ motivation “makes me want to do my best to bring out their interests and to meet their expectations,” he says.

Like Wong, many HSLI teachers have taught in classrooms, have tutoring experience, or have been part of educational organizations including Teach for America and AmeriCorps. For others, it is their first time teaching a large class. HSLI teachers receive initial training and ongoing support throughout the

year and are also provided with detailed curricula created by experienced HSLI instructors and board members. Madhuri Swarna ’19, who had never taught a large class before, says that her experience with HSLI has affected her career aspirations: “I always knew I wanted to get into academia eventually, but HSLI made me realize how much I actually love teaching.”

Caitlin Dortch ’19, who was an eighth-grade science teacher for three years, saw HSLI as an opportunity to combine her background in teaching and future career in the law. “For law students, it’s useful to rehash what they’ve learned in class and make sure they really understand it. Because if you don’t understand it, you can’t teach it,” she says. “The kids ask some really insightful questions, so it makes you really think about [subjects] in a critical way.”

High schoolers apply to the program for varied reasons. Some are already considering attending law school and pursuing a legal career, like Erika Castillo, a high school student from New Jersey who calls NYU her “dream school” and recently completed her second year at HSLI. Others have been inspired by fictional television prosecutors. Students can enroll in the program up to four times, and HSLI statistics show that students generally return at least once. “I had a really good first year, and I definitely learned a lot,” says Castillo. “I spent the whole week looking forward to Saturdays and going to HSLI. When I found out they had a second year, I had to do it.”

The program ends with graduation in March, when students put their knowledge to the test in capstone activities. Paired with their counterparts from Columbia Law, first-year students compete in a mock trial, while returning students compete in a moot court. Student teachers from both law schools act as bailiffs, and attorneys preside over the competitions. While there are many factors that contribute to HSLI’s success, Wong suggests that a “core appeal” of the program is the model of law school students with access to accomplished faculty who are willing to teach. “The reason I went to NYU Law in the first place is that this school has the strongest commitment to social justice and to broadening young people’s horizons,” Wong says. “I feel like HSLI is a great way of tying together both of those things.” □
Wilson Barlow

 PHOTOS ONLINE

Championing LGBTQ Rights

Recognized in the National LGBT Bar Association “Best LGBT Lawyers Under 40” Class of 2016, Ria Tabacco Mar ’08, a staff attorney with the ACLU’s Lesbian Gay Bisexual Transgender & HIV Project, has firmly established herself as a commanding public interest advocate through her work on behalf of LGBTQ rights.

Mar attended the Law School as a Root-Tilden-Kern Scholar. One of her formative experiences was participating in the Juvenile Defender Clinic taught by Vice Dean Randy Hertz. “The lessons from that clinic transcend criminal law,” Mar says. “Randy taught us about narrative and how to tell a compelling story through advocacy, whether written or oral.”

Early in her career, as an attorney with the NAACP Legal Defense and Educational Fund, Mar utilized those skills through her work on several amicus briefs in marriage equality cases, drawing parallels between current opposition to same-sex couples and earlier opposition to interracial couples.



Most recently, at the ACLU, Mar represented David Mullins and Charlie Craig, an engaged couple in Denver, Colorado, who were turned away from Masterpiece Cakeshop and told the bakery did not serve same-sex couples. Mar argued—and won—the case before the Colorado Court of Appeals. “She really dug into very complex First Amendment law and put together powerful arguments about why the First Amendment does not entitle public accommodations to discriminate,” says ACLU Senior Staff Attorney Leslie Cooper ’95.

After the Colorado Supreme Court rejected an appeal, Masterpiece Cakeshop petitioned the US Supreme Court to review the case. In June, the court agreed to hear the appeal. “There is no license to discriminate just because the basis of your discrimination is religious belief,” Mar asserts. “In the 1960s, you saw businesses argue that religion gave them the right to discriminate against African American customers, and the courts said no. In the 1970s and ’80s, we heard employers arguing that religion should give them the right to discriminate against women, and the courts said no. There’s nothing about discrimination based on sexual orientation that requires a different answer.” □

A Pipeline for Diversity

On a muggy July morning, Dean Trevor Morrison was explaining to a classroom of students the fundamentals of constitutional law. Posing a question about affirmative action, Morrison called on a student who stood and confidently gave a well-reasoned answer. Had he seemed nervous, it would have been understandable—he had only recently finished eighth grade.

Legal Outreach, a nonprofit organization that prepares underserved New York City youth to compete academically, has partnered with NYU Law since 2009 to bring an iteration of its Law and Justice Institute to Washington Square. The summer program for rising ninth-graders from New York’s public schools occurs at five other local law schools. But while the version at NYU Law, dubbed Pathways to Achievement and Community Transformation (PACT), employs the same curriculum as the others, it is unique in that the students are all young men of color.

NYU Law and Legal Outreach joined forces to address an insufficient diversity pipeline—that is, the disproportionately low number of minority students from underserved communities who pursue legal studies. An Access Group Center for Research & Policy Analysis report found that, despite recent gains, a mere 25 percent of JD degrees awarded annually go to minority students. And in New York City, only slightly more than half of black and Hispanic male students complete high school in four years.

Legal Outreach runs PACT, while the Law School provides space and other support. “We’re constantly looking for innovative, effective ways of increasing the diversity of our student population and the practice in general,” says Lisa Hoyes ’99, NYU Law’s assistant dean for public service. “We’re not just talking strictly racial diversity, which is of course extraordinarily important, but socioeconomic diversity as well... NYU’s interest is to reach out to students who may one day join our Law School community, but also to help improve the world.” □



Teaching American Indian Law



One Friday afternoon, ACLU Senior Staff Attorney Stephen Pevar, adjunct professor at NYU Law, faced a dilemma: His work on behalf of the Standing Rock Sioux Tribe's efforts to stop the building of the Dakota Access Pipeline required him to participate in a conference call that occurred at the same time his course, American Indian Law, met. His solution: giving his students a firsthand look at the law in action, inviting them to listen in on the call as 40 lawyers across the United States discussed litigation strategy. Students were excited to hear this behind-the-scenes conversation, made possible by Pevar's extensive work in the field.

In addition to taking on issues that are currently making headlines, Pevar's course covers how American Indian law intersects with many areas of law, including environmental, civil rights, criminal, and tax. Pevar's students approach the material with an equally diverse set of interests. Alexander Walker '17 took the seminar in part due to the environmental law issues raised during the course, and

in part hoping to gain a background that will be helpful for his post-graduation position as an associate at Pillsbury Winthrop Shaw Pittman, a firm that has represented several tribal clients and often works with the Department of the Interior and the Bureau of Indian Affairs.

For Ray Fadel '17, his interest in American Indian law stems from his own Native American heritage. "Professor Pevar is a remarkable person to have at the Law School," says Fadel. "He really cares about his students and has a great deal of insight. And because of his perspective as a litigator, we get to see how this area of law is addressed in the real world."

Pevar is thrilled to be able to introduce a new generation of lawyers to the area of law that has formed his life's work. "It's a labor of love for me," he says. "I'm delighted that there are students who are interested in learning about this, and over time, I hope more and more students take these courses and help the United States fulfill the promises we've made to Indian tribes." □

Solving Cybersecurity Challenges

It was anything but a typical law school assignment: In 1,000 words, design a secure email system consistent with a new draft law on encryption. For students in NYU Law and NYU Tandon School of Engineering's new joint Cybersecurity Law and Technology Seminar, however, the assignment was yet another opportunity to grapple with policymaking and technology in an interdisciplinary fashion—just as cybersecurity experts do outside of academia.

Randal Milch '85, former general counsel of Verizon and now a distinguished fellow at the Law School's Center on Law and Security (CLS) and Center for Cybersecurity (CCS) and a member of NYU Law's Board of Trustees, co-teaches the seminar with two CCS co-founders: Zachary Goldman '09, executive director of CLS, and Nasir Memon, professor of computer science and engineering at NYU Tandon. The seminar examines germane topics that include national security, cybercrime, and cybersecurity regulation, and devotes equal time in each session to law and engineering issues. The goal, says Goldman, is to develop a sophisticated understanding of the ways in which law and technology are deeply interdependent.

Caroline Alewaerts LLM '17 sought out the cybersecurity seminar because her prior work as an associate at Baker McKenzie in Brussels frequently involved privacy and cybersecurity issues. "Knowing the law is not enough," Alewaerts asserts. "You have to understand the underlying technology if you want to give good advice." Likewise, Liming Luo, a computer science PhD student at Tandon, relished classroom discussions where students from each discipline helped each other understand thorny technical issues. As cybersecurity concerns grow more relevant across countries, the topical and collaborative nature of the CCS seminar serves as a mirror to prepare students in both fields for what they will likely encounter in their professional careers. "In the real world, cybersecurity problems are fixed by engineers and lawyers working together," Milch says. "It was important to see if they could complement one another." □



Goldman, Milch

Society's Helper

Chantá Parker '06 works to improve the country's public defense systems.

Chantá Parker '06 defines herself as a “helper.” And it is through this lens, she says, that she relates to the world. That disposition led Parker to NYU School of Law, where she uncovered a strong interest in becoming a public defender. Eleven years after graduating, Parker has already held a wide range of positions as a public defender, working for the Orleans Public Defenders (OPD), Neighborhood Defender Service of Harlem (NDS), and Legal Aid Society. Parker now serves as the special counsel for new initiatives at the Innocence Project, where she brings her individual representation experience to bear on larger, systemic criminal justice issues.

An alumna of the Criminal Defense and Reentry Clinic, taught by Professors Anthony Thompson and Kim Taylor-Thompson, and the Juvenile Defender Clinic, taught by Professor Randy Hertz, Parker notes that her experiences in both clinics inspired her to make public defense her life's work: “My clinic community was really important in preparing me to think about what it would be like to be a public defender and to know that there were folks I could talk to about the challenges I was going through.”

Even as a student, Taylor-Thompson explains, Parker was very thoughtful about how she wanted to address the systemic issues she saw in the criminal justice system: “She realized that in order to be able to assess policy and to make the kind of judgments that will help clients and their communities, you need to start with individual representation and understand that fully before you can think about the larger picture.”

After completing a program at Gideon's Promise, an organization that trains public defenders, Parker accepted a position at OPD. It was there, Parker says, that she witnessed firsthand systemic problems such as lack of resources for public advocates and the injustice of people held in jail for minor drug arrests without a set bail. She faced similar issues in her position at NDS, but there, she was able to work more on holistic representation, connecting clients to social services.

One of Parker's strengths, Taylor-Thompson notes, is her ability to bring her empathy for her clients to court. In one instance, Parker successfully advocated for a judge to release her client—charged in a minor drug possession case—who had stage-four liver cancer, to allow him to spend time with

his mother before he died. “It was a heartbreaking case,” Parker says. “But I'm proud of it because I do believe that no matter what someone has done, they deserve to die with dignity.”

Now, at the Innocence Project, Parker is looking to develop strategies to address what she considers to be a crisis in indigent defense nationwide. Co-founded by Peter Neufeld '75, the Innocence Project focuses on exonerating the wrongly convicted using DNA testing and reforming the criminal justice system to prevent future wrongful convictions.

There, Parker says, she is investigating how wrongful convictions can happen not only on a major case level, but on minor issues as well. In particular, she says, there are 10 million cases filed per year at the misdemeanor level, and

over 95 percent of them end in guilty pleas.

“There's this pressure from the court to resolve cases quickly,” Parker says, so often people proceed without the advice of an attorney, to which they legally have a right. It's an issue entrenched in the country's criminal justice system, Parker says, and adds that she is just beginning her advocacy to fix it: “The first step is to do public education—just letting folks know what is really happening in misdemeanor courtrooms across the country.”

Taylor-Thompson sees Parker's latest role as the natural next step in what is already an impressive public interest career. “When she was in the Law School, we caught glimpses of the amazing lawyer she would turn out to be,” Taylor-Thompson says. “It's been lovely to watch her progression and to really see her blossom into this fierce advocate. She's really a powerful voice for her clients.” □
Rachel Burns

“My clinic community was really important in preparing me to think about what it would be like to be a public defender.”

CHANTÁ PARKER '06



A Powerhouse for Advocacy

At NYU Law, the Brennan Center for Justice, founded in honor of a US Supreme Court legend, uses a multipronged approach to pursue social justice.

NYU Law's Brennan Center for Justice has been unique from its inception. Founded through the efforts of dozens of former clerks of US Supreme Court Justice William Brennan Jr., who raised \$5 million for the center's endowment, the center now has a \$16 million annual budget—all of it funded by outside donors. It is also the only NYU Law center to have been inaugurated at the US Supreme Court, at a 1995 event attended by six current and former justices in addition to Brennan himself.

A nonpartisan law and policy institute dedicated to social justice, the Brennan Center, per its mission statement, strives “to hold our political institutions and laws accountable to the twin American ideals of democracy and equal justice for all.” With more than 80 employees total working in its New York and Washington, DC, offices, the Brennan Center covers a comprehensive spectrum of issues, with the work organized primarily into three broad divisions. The Democracy Program is focused on voting rights, campaign finance reform, redistricting integrity, and a fair and independent judiciary; the Justice Program promotes a criminal and civil justice system that embodies “equal justice for all”; and the Liberty & National Security Program seeks to help achieve a balance between effective national security policies and respect for constitutionalism and the rule of law. In addition to its regular staff, the center hosts fellows who are experts in their fields, such as former US Representative Donna Edwards, *60 Minutes* legal analyst Andrew Cohen, retired FBI agent Michael German, former *New York Times* editorial board member Dorothy Samuels, and *Roll Call* columnist Walter Shapiro.

Michael Waldman '87, the Brennan Center's president since 2005, has overseen a significant expansion and transformation in the mission of the center during his dozen years as its leader. Waldman, the author of influential books including *The Second Amendment: A Biography* (2014) and *The Fight to Vote* (2016), is particularly well placed at the intersection of justice, policy, and effective messaging: During the Clinton administration, he served as

special assistant to the president for policy coordination before becoming director of speechwriting.

“We've become more nationally known, we've focused on some big issues, and we've augmented our litigation skill that we had from the start with a real focus on public advocacy and policy development and public education,” says Waldman. “The

way we see it, winning in the court of public opinion is critical to winning in a court of law or making deep change.”

The center has been particularly active as a champion of voting rights. In 2011, when 19 states passed more than two dozen new laws making it harder to vote, the Brennan Center issued a study

concluding the legislation could create voting barriers for as many as five million people. The study triggered a lead *New York Times* piece and helped convince the Justice Department to investigate, Waldman notes. The center joined other organizations in litigation that, by Election Day 2012, had fended off every one of the new laws.

The 2016 US election brought the Brennan Center's voting rights advocacy into the spotlight once more when Republican presidential candidate Donald Trump alleged widespread voter fraud. The Brennan Center's “rock-solid research,” says Waldman, “shows that you are more likely to be struck by lightning than to commit in-person voter fraud in the United States, as an empirical matter.... When you hear these claims of voter fraud, it's not a claim. It's a lie.”

Trump's Electoral College victory prompted the center to alter its strategy. With Justice Antonin Scalia's Supreme Court seat now filled by a conservative appointee, the Brennan Center has shifted its timetable and thinking on trying to overturn cases such as *Citizens United v. Federal Election Commission* to achieve campaign finance reform. The center anticipates an uphill climb on other issues, including criminal justice reform (Trump speaks of a national crime wave that the center's widely referenced research refutes) and judicial independence.

“In many ways, the [current] challenges to democracy are more profound than we've addressed at any point in the Brennan Center's history,” says

“In many ways, the [current] challenges to democracy are more profound than we've addressed at any point in the Brennan Center's history.”

MICHAEL WALDMAN '87

CONTINUED ON NEXT PAGE



Vicki Been '83 Returns to NYU Law

Vicki Been '83, Boxer Family Professor of Law, returned to NYU Law this year from a three-year leave during which she served as commissioner of the New York City Department of Housing Preservation and Development (HPD), the nation's largest municipal housing agency.

One of Been's key accomplishments in her time at HPD was the successful creation and launch of a 10-year plan to build or preserve 200,000 affordable apartments for New Yorkers in all five of the city's boroughs. By the time Been departed the agency, the plan had already financed the construction of nearly 21,000 new homes and preserved the affordability of over 41,000 existing ones, putting the city ahead of schedule.

Been's stint as commissioner has also prompted her to undertake a new book on how cities should

respond to community fears of gentrification and the resulting neighborhood changes. She will collaborate with former colleague Carl Weisbrod '68, who recently stepped down as director of the New York City Department of City Planning and chairman of the New York City Planning Commission.

As she returns to teaching and her position as faculty co-director of the Furman Center for Real Estate and Urban Policy, Been has shifted from a local to a federal focus. "We've built a lot of the foundation over the past three years that is needed to get that affordable housing built," she says, "but now the big challenge is going to be on the federal front. This is an area where the Furman Center's work can be particularly helpful in showing the federal government the value of affordable housing." □

CONTINUED FROM PAGE 52

Waldman. Among the center's stream of recent reports are "The Chosen One: Thoughts on a Better, Fairer, and Smarter Way to Choose Presidential Nominees," "The Islamophobic Administration," and "How Many Americans Are Unnecessarily Incarcerated?" A report about foreign interference in US elections was released in June.

The Brennan Center and the Law School maintain an actively symbiotic relationship. NYU Law students frequently serve as legal interns and also work on projects with Brennan Center attorneys through the Law School's Brennan Center Public Policy Advocacy Clinic. Justice Program Counsel Matthew Menendez '07 teaches the semester-long clinic.

"The Brennan Center is a unique organization," says Menendez. "There aren't many places that do both empirical analysis and policy proposals, legal analysis, federal advocacy, state advocacy, local advocacy, communications, strategic impact litigation. We really have the Swiss Army knife of legal tools at our disposal. One of the points of the clinic is to show students that being a lawyer can involve a wide range of skills, and part of doing effective advocacy work is knowing when to use what skill."

Danielle Vildostegui '17, who took the clinic last fall, says she and her fellow students learned about the center's various components as well as the general process of public policy advocacy, with guest speakers discussing topics such as researching and writing reports, fundraising, and engaging unlikely allies. "You get a broader scope of what the Brennan Center is doing on a day-to-day basis outside of your singular fieldwork," says Vildostegui.

NYU Law faculty and alumni also play a key role at the center. Law School professors comprise one-third of the Board of Directors, and the Brennan Center's staff list is peppered with Law School alumni, including Waldman, who underscores the importance of the Brennan Center's relationship with NYU Law as it advocates for social justice. "We gain enormously from being able to draw on the energy and skill of the students, the involvement with the faculty, and many other things," Waldman says. "Because we're rooted in one of the best law schools in the world, that enables us to have rigor and credibility and independence in doing that work. And now those values are being tested in ways that they have not been in a long time. We feel we have been getting ready for this moment for 20 years." □
Atticus Gannaway

A Passion for Fashion (Law)

As a partner at Hand Baldachin & Amburgey, Douglas Hand '97 represents some of the biggest names in the fashion industry.

Douglas Hand '97 grew up in Orange County, California, but he has a fondness for sweaters, tweeds, and earth tones that makes him particularly suited to life on the East Coast. It is New York City's status as one of the fashion capitals of the world, however, that originally drew him to study at NYU for his JD/MBA. "There are just so many creative people in the city," he says. Now, as a partner at Hand Baldachin & Amburgey (HBA), Hand participates in the industry that inspires him as a legal representative for some of fashion's biggest players.

Hand honed his legal skills after law school as a member of the mergers and acquisitions practice of Shearman & Sterling, where he worked in both the New York and Paris offices. "I gravitated toward M&A because, in a large law firm, the M&A group still represents one of the true generalist-type practices," says Hand. "If you're buying or selling a company, you might wrestle with real estate issues, intellectual property issues, environmental issues, antitrust issues, and more."

Those generalist skills became essential when Hand, along with two former Shearman & Sterling colleagues, founded HBA, a boutique law firm specializing in venture capital, M&A, real estate, and intellectual property. Building his own firm gave Hand the chance to bring his expertise to focus primarily

on the fashion industry—something he had not been able to do in Big Law. Designers Phillip Lim and Charlotte Ronson and design label Rag & Bone were among his earliest clients. "They weren't household names at the time. Today, certainly in the fashion industry, they are. And I had the good fortune of being able to grow alongside them," Hand says.

One of the knottiest issues that Hand, now a seasoned fashion lawyer, regularly confronts is the mismatched paces of the fashion and legal industries. "The cycle of fashion is a swift one, and the cycle of legal protection is not. The process of even attempting to protect certain designs just does not keep pace with how quickly seasonal changes in fashion are occurring," Hand says.

"To tell a client that you might not be able to get a ruling on a particular dispute within 12 months is almost like telling them you'll get it to them when they've retired."

Hand's personal passion for fashion comes in handy when he has to communicate these issues to his clients.

"Doug has really become part of the fashion community," says Nicole Marra '96, general counsel of Gucci, noting that Hand serves on the board of the Council of Fashion Designers of America (CFDA). "He understands the needs of his clients, both in the traditional legal sense and from a business perspective as well." Hand was involved in the CFDA's decision to bring New York Fashion Week: Men's back to the city—a project that he found particularly rewarding given his own interest in menswear.

Last spring, Hand brought his fashion law expertise to the Law School, where he taught a seminar on fashion law and business. New York City provided the perfect backdrop, Hand says, as he shared his own fashion industry experience with students. "There's a thriving retail community down in SoHo and up on Madison Avenue, there's the Garment District, and so many ancillary parts of the fashion industry that are great, and compelling, and all located here in New York," he says. "As a law student, that all really inspired me to become part of the industry." □
Rachel Burns

"The cycle of fashion is a swift one, and the cycle of legal protection is not. The process of even attempting to protect certain designs just does not keep pace with how quickly seasonal changes in fashion are occurring."

DOUGLAS HAND '97





Mahfooz, Hamid, Panjshiri

Building Community

The Muslim Law Students Association promotes solidarity and understanding of Islam.

Hissan Bajwa '05, general counsel at startup Breather, recalls that when he began law school in the fall of 2002, he felt a lack of community among the few Muslim students at NYU Law. "It was just a year after 9/11, and there was a lot going on in terms of Muslim American issues," Bajwa says. "And I felt that we didn't have a foundation for a community at the Law School. So, I thought I should change that." Bajwa began a petition to start what was then called the Islamic Law Students Association—and by the spring of 2003, it became an official student organization.

Fourteen years after its founding, the group Bajwa started—now called the Muslim Law Students Association (MLSA)—continues to serve as an important resource for Muslim students at the Law School. "MLSA helps make law school feel like home," says Nealofar Panjshiri '18, one of MLSA's 2016–17 co-chairs, along with Sidra Mahfooz '18 and Razia Hamid '18. Panjshiri adds that, for students who have the experience of being the only Muslim member of a class, "having that community is really important for your own well-being."

The Islamic Center at NYU (ICNYU) is a focal point for Muslim life that serves the wider NYU population. MLSA participates in ICNYU's regularly held halaqas, gatherings for the discussion of topics related to Islam. "One role we play is to connect all the law students to these broader services that ICNYU runs," says Panjshiri. Both Mahfooz and Panjshiri emphasize the importance of ICNYU, explaining that many similar student organizations at other law schools do not have the support of an equivalent Islamic center.

Imam Khalid Latif, executive director of ICNYU and a University chaplain, notes that the law students who are connected to ICNYU through MLSA are themselves good resources for the center. "We've seen law students be present in helping with a lot of social justice-oriented work, advocacy work, and providing a lot of support in terms of students who are interested in applying to law school," says Latif.

In addition to working with ICNYU, to help foster connections and friendships among Muslim students, MLSA organizes dinners at the beginning of each semester and on the eve of religious holidays. Other events are focused on examining legal issues that particularly affect Muslims and promoting a broader understanding of Muslim life. This year's events included an open mic night with the Muslim Writers Collective of New York City; a fundraising dinner for the Syrian American Medical Society, co-sponsored with the Middle Eastern Law Students Association; and a panel on the ripple effects of Islamophobia (see story on page 78), co-sponsored with several Law School centers and other student organizations.

MLSA has been particularly active in creating opportunities for students to respond to the events of the 2016 US election and the Trump administration's executive orders on travel and immigration. After the announcement of those executive orders, MLSA co-organized an emergency phone bank to call representatives and ask that they take action against restrictive immigration legislation. MLSA also coordinated a group of students to participate in a rally in response, led by the Council on American-Islamic Relations.

Panjshiri and Mahfooz note that they have observed increased social consciousness and political activism within MLSA and beyond. "It's great to see more people are becoming politically involved," says Mahfooz. "More people are asking questions to get more information about their rights, or about Islamic norms."

As students react to the changing political environment, the co-chairs note that it has been extremely helpful to be able to draw on the feelings of solidarity and togetherness within MLSA—which is true to Bajwa's original vision for the resource he created. "The group has transformed into something that's much bigger than what it was," Bajwa says. "I think it really enriches the NYU Law fabric and culture." □ Rachel Burns and Atticus Gannaway

New Faculty

RICHARD BROOKS

Professor of Law

When the Woods Hole Oceanographic Institution placed a camera on Martha's Vineyard's South Beach, it was to monitor shore erosion. Richard Brooks had a different idea and got permission to use it to collect data on how whites and blacks arrayed themselves on the beach in relation to each other—part of a larger study he is doing of racial interaction on the island that, much to his wife's consternation, he conducts during family vacations there.



Nominally a contracts and corporate law specialist, Brooks has brought his wide-ranging and hard-to-categorize scholarship to NYU Law, where he is teaching in the fall and will formally become a full-time tenured faculty member in January. He was previously the Charles Keller Beekman Professor at Columbia Law School, which he joined in 2013 from Yale Law School, where he also held a chaired professorship.

A feeling of intellectual kinship drew Brooks to NYU. "NYU Law's appeal is that so many of the faculty are broadly engaged in areas that matter to me," he says. "People are not confined to niches, so if your interests cut across topics, you don't have to sacrifice your broader concerns to feel a sense of community." He was also impressed by the number of faculty members who are foreign born. "I think that's just part of a larger engagement in global and diverse perspectives," says Brooks, who lived in Jamaica until moving to Connecticut when he was seven.

With a PhD in economics from the University of California, Berkeley (as well as a JD from the University of Chicago), Brooks often engages in work

with a strong empirical bent, though he notes that he is also "very skeptical about data generally." In 2015, in a case before the US Supreme Court, he co-authored an amicus brief assailing data purporting to show that affirmative action harms its intended beneficiaries.

Much of what Brooks does also seems downright anthropological, such as his current project examining forms of address people use with each other ("Sir," "Doctor," "Master"), which, he says, "exert a profound influence on our civil, political, and social lives." Indeed, in describing his approach as a scholar, Brooks points to French anthropologist Claude Lévi-Strauss and one of his oft-repeated assertions: "Every contract is an averted war and every war a failed contract," as Brooks paraphrases it.

"When I think about contracts, it really is about social organization," Brooks explains. That perspective informs *Saving the Neighborhood: Racially Restrictive Covenants, Law, and Social Norms*, a 2013 book he co-authored with Yale Law's Carol Rose that explores the history of race restrictions in real estate deeds and their lingering influence long after they were outlawed. He is also a co-author of a traditional contracts casebook.

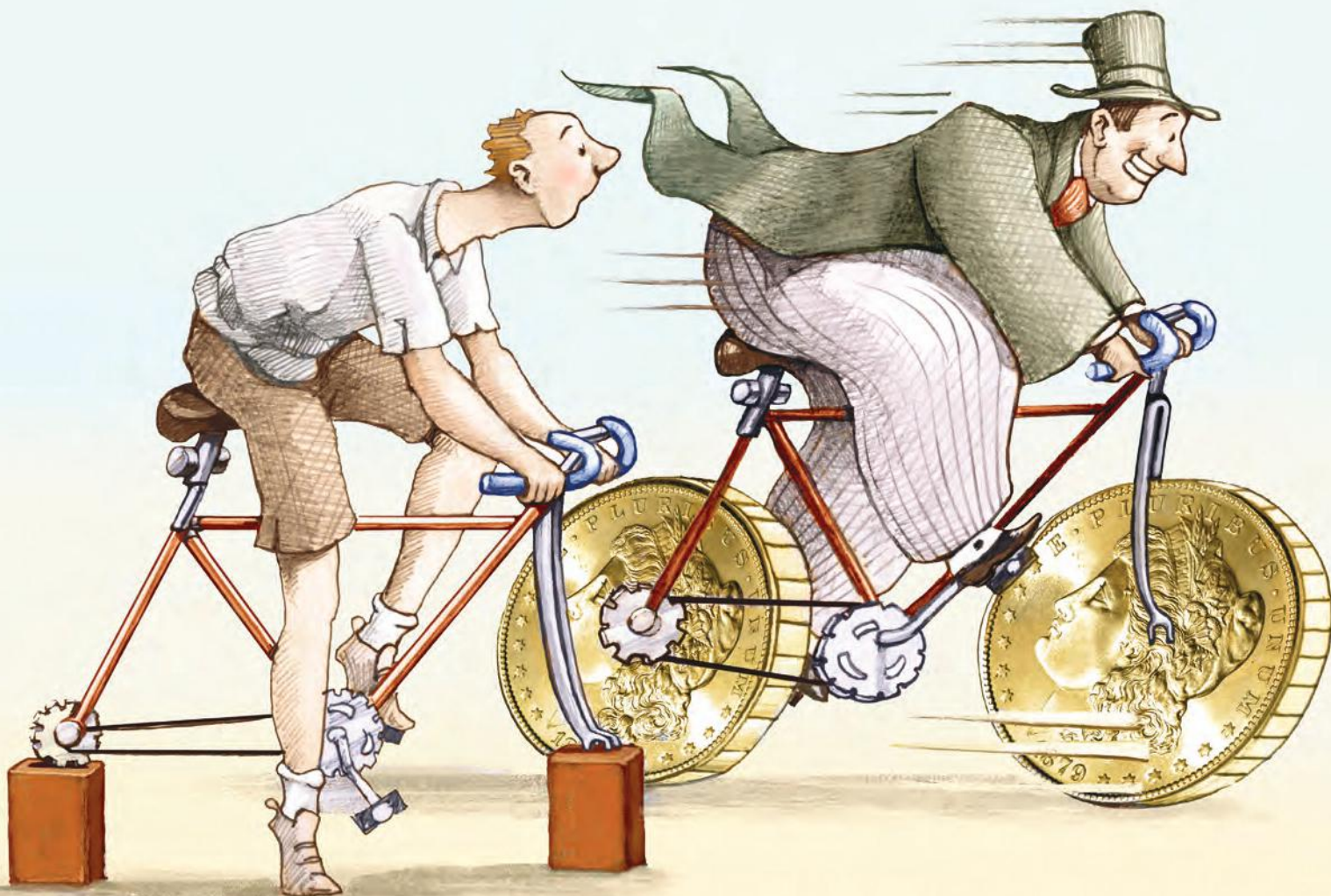
"Rick is curious about a lot of things, and he helps other people with their ideas," says Rose. "I don't collaborate often, but we fed on each other's ideas." She notes that their collaboration often took place in New Haven coffee shops, and a coffee shop might be a good place to look for Brooks now that he's relocated to Washington Square. "I like working in public spaces," he says. "The noise and the buzz kind of help me to focus." Plus, he has loved coffee ever since he was a child, when his Jamaican grandmother would make it for him heavily sweetened with condensed milk.

Brooks might also be found on a squash court or checking out a comic book shop with his 11th-grade daughter. (His son is a freshman at Brown University, and his wife, Heidi, a PhD psychologist, is on the faculty of the Yale School of Management.)

In coming to NYU, Brooks has reunited with his PhD thesis adviser from Berkeley, Professor Daniel Rubinfeld, who now teaches at the Law School. "As a student of law and economics," Rubinfeld recalls, "Rick showed great enthusiasm, incredible breadth of thinking, and the dedication that made him an excellent prospect for success in the field."

Success on the beach has proved more challenging. After waves from an offshore hurricane disrupted his data gathering on Martha's Vineyard, Brooks moved his project inland. But there's still the issue of the Vineyard being meant for relaxation, not research. "I've really got to cut that back," he says with a laugh, contemplating his family's trip there during the summer of 2017. □

Michael Orey and Linda Sandler



Arguments & Opinions

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The Problem with Income Inequality

Daniel Shaviro and others at NYU Law examine extreme wealth concentration.

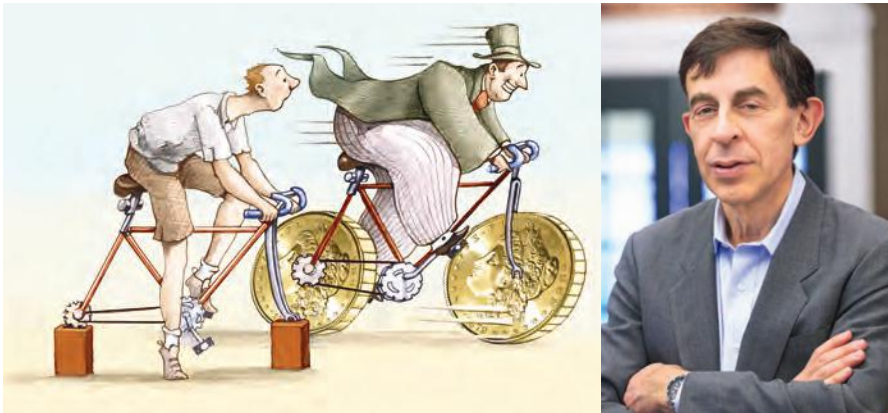
During the 2016 US presidential campaign, a democratic socialist decrying the wealth gap became a serious contender for the Democratic nomination, and a billionaire capitalist won the election with heavy support from the economically marginalized working class. At the same time, the issue of income inequality has garnered a good deal of scholarly attention from NYU Law faculty, including in the Fall 2016 Colloquium

Rentiers, Arrivistes, and the Point-One Percent: What Literature Can Tell Us About High-End Inequality. Works such as Jane Austen's *Pride and Prejudice*, F. Scott Fitzgerald's *The Great Gatsby*, and Tom Wolfe's *The Bonfire of the Vanities* offer "evidence that otherwise is hard to match regarding vertical social interactions," he writes in his book's opening chapter. Using Austen's novel, for instance, he shows fierce status battles between those in the 0.1 percent and the humbler merely rich, who are terrified of sliding down the income scale.

One question examined in both the colloquium and Shaviro's book is whether we are just being envious if we object to the superrich or if there are "legitimate" issues of relative status and power to be addressed by legislators. Shaviro has produced extensive scholarship on rival tax bases, including examination of proposals to replace the income tax with a consumption tax. In the current climate, he fears such a change would be "just a poorly designed giveaway to the superrich."

Shaviro is not alone at NYU Law in examining income inequality. Professor of Law and Public Policy Lily Batchelder has published several articles exploring the optimal taxation of large wealth transfers and has documented how low-income families with fluctuating incomes are penalized by the tax system, and proposed practical solutions. In October 2016, she published an article assessing the effects of then-candidate Donald Trump's tax plan on low- and middle-income families relative to top earners. (Read more about Batchelder's work on the opposite page.) Scholarship by Professor of Law David Kamin '09 includes a 2016 report for the Washington Center for Equitable Growth, "Taxing Capital: Paths to a Fairer and Broader U.S. Tax System," and a *Tax Notes* article, "How to Tax the Rich." Professor Ryan Bubb and Herbert Peterfreund Professor of Law and Professor of Philosophy Liam Murphy have led 1L reading groups that examine economic inequality from political-economy and philosophical perspectives, respectively.

"Income inequality is the economic issue of our time," Shaviro says. "Runaway plutocracy is literally destroying our democracy and our country's promise of widespread economic opportunity." □
Linda Sandler



on High-End Inequality, co-taught by Wayne Perry Professor of Taxation Daniel Shaviro.

"High-end inequality" refers to the enormous gap between the superrich—not the 1 percent, but the 0.1 percent—and the rest of us. The superrich held 22 percent of US wealth as of 2012, and Shaviro has long been interested in this rarefied cohort and its social impact. He conceived of the colloquium three years ago when Robert Frank, a professor of economics at Cornell University who advocates taxing the rich to stem conspicuous consumption, visited the Law School. Frank, whose books include *The Darwin Economy: Liberty, Competition, and the Common Good*, joined Shaviro to teach the multidisciplinary colloquium, whose participants included leading legal scholars, economists, social scientists, and philosophers.

No single discipline has all the answers, notes Shaviro, adding that the topic has required him to become "an intellectual arbitrageur" synthesizing the partial analyses of specialists in a range of fields. Because some issues raised by economic inequality are hard to evaluate through narrow economic approaches that ignore sociological insights, Shaviro has embarked on a book titled *Enviers*,



Unconventional Wisdom

Lily Batchelder's latest scholarship points to behavioral considerations that may upend thinking on business tax reform.

“Assume a can opener” is the punch line of a joke about an economist proposing how to open a can of tuna fish while stranded on a desert island. As federal lawmakers prepare to put forth a plan for corporate tax reform, they may be relying on another dubious assumption made by many economists: that when businesses incorporate tax consequences into their investment decisions, they look at the precise taxes they will pay.

In a new working paper, Professor of Law and Public Policy Lily Batchelder calls that assumption into question. From 2010 to 2014, while serving as majority chief tax counsel to the Senate Finance Committee, Batchelder spoke to dozens of executives from *Fortune* 100 companies and regularly asked them about taxes and investment decisions. Her paper, which grew directly out of those conversations, weighs in on a central debate in business tax reform: whether to allow firms to immediately deduct the cost of investments (expensing) or to instead require them to deduct some or all of the cost over time (depreciation and amortization).

The question may sound arcane, but getting the answer right is critical to what many consider a core objective: spurring businesses to invest more in the United States as opposed to abroad.

Over the past several decades, Batchelder notes, tax reform advocates have swung back and forth between the two approaches “in ways that are not clearly partisan.” Most recently, President Trump and House Republicans have proposed expensing. What’s more, Batchelder writes, “the conventional view among academics is that expensing is clearly the better approach.” This view is rooted in traditional models of corporate finance theory that assume firms base their investment decisions on marginal tax rates—maximizing the net present value of their future expected after-tax cash earnings.

But the reality, Batchelder found, appears quite different. Nearly all of the executives she spoke to said that, when making investments, they account for taxes by focusing on their statutory or financial-accounting tax rate (which ignores the value of expensing), not the marginal rate. This is roughly akin to an employee failing to consider tax benefits when deciding how much to contribute to a 401(k). But these were big corporations. “Some of them,”

Batchelder points out, “have tax departments with hundreds of tax lawyers, accountants, and economists, so I was really struck that they were using these shorthand measures of their tax liability rather than working through all the specific tax consequences.” She found these anecdotal conversations were backed up by extensive empirical evidence in accounting and corporate finance literature.

“These potential behavioral considerations matter for business tax reform,” she writes, “because they mean firms would respond less to the positive

investment incentives created by expensing than traditional corporate finance theory suggests.” While noting that the empirical evidence is still nascent, she estimates that a tax scheme based on depreciation and amortization—not expensing—would generate more US investment, at least by public and very large companies (holding revenue constant through a rate adjustment).

Those not grounded in the finer points of corporate finance may find parts of Batchelder’s paper, “Accounting for Behavioral Considerations in Business Tax Reform: The Case of Expensing,” a bit technical. But Batchelder understands that scholars need to translate their work into something accessible to a broader audience. At the Law School, she teaches the Communicating Academic Work to Policymakers Seminar, an outgrowth of the Furman Public Policy Scholarship Program. The one-unit course helps students who have written a major academic paper find ways to communicate policy proposals in those papers to the public; they participate in a mock briefing and may draft an op-ed or prepare a fact sheet or an infographic.

And Batchelder practices what she preaches. After uploading the 30,000-word text of her tax reform article to SSRN, she posted a more conversational 900-word version on *Forbes’s Business in the Beltway* blog and the Tax Policy Center’s *Tax-Vox* blog. At the conclusion of her blog post, Batchelder boils down the essence of her article—and her message to lawmakers. “Economists may wish that firms behaved in line with the assumptions in their traditional models,” she writes, “but Congress should construct tax policy based on how firms actually do business, not how they operate in theory.”

In short: Don’t assume a can opener. □
Michael Orey



The Chinese Labor Dilemma

Cynthia Estlund examines how the Communist government is responding to demands for reform from the world's largest workforce.

Catherine A. Rein Professor of Law Cynthia Estlund's newest book, *A New Deal for China's Workers?*, focuses on the rapidly evolving labor landscape for workers in the world's second-largest national economy and the implications of those changes for the rest of the globe. Comparing the current state of Chinese labor with the United States' labor-employer conflicts in the twentieth century, Estlund considers

is recognized by many as an appendage of the Communist Party whose mission is more to placate the workforce than to respond to workers' needs.

"Clearly in part they're trying to mollify workers so that they won't be up in arms, demonstrating and striking," Estlund explains. "They're trying to nudge their economy higher up the supply chain and to build up consumers' purchasing power."

Workers' growing bargaining muscle has led to significant public labor unrest prompting international headlines in recent years—including a string of employee suicides at Foxconn and widespread strikes at Honda factories. Thus far China has defied outside expectations by generating stunning economic growth and modernization without moving toward democracy, and without opening up significant space for independent labor activism, which historically has been linked with democratization. Estlund is interested in the dilemmas that China faces in seeking to solve the problem of labor strife without allowing workers to form independent unions.

"How does top-down control by the Chinese Communist Party affect the union's ability to actually represent the workers?" she asks. "And if the union can't represent the workers, how is it supposed to help the government get a handle on collective unrest?"

Comparisons between US labor conditions in the first decades of the twentieth century and the Chinese workforce's current issues are interesting and useful in some ways but potentially misleading

in other ways, Estlund asserts. American workers' unrest disrupted the economy and posed a real challenge to social order, far beyond what Chinese workers' protests have thus far done, but in the United States employees had a voice that those in China do not: the vote.

Despite the dysfunctions of the current system, Estlund is impressed by what China has accomplished: "It was a closed, poor, totalitarian society until 1976. The economy and institutions of governance were in shambles after the chaos of the Cultural Revolution. It's remarkable that, since then, they've brought hundreds of millions of people out of poverty. However critical we might be of some things they do, we do have to balance that picture a little bit. We have a lot to learn from China about political and economic development in the modern world." □ *Atticus Gannaway*



whether Chinese workers are poised to make major breakthroughs in industrial relations and labor law. She also suggests that the Chinese government has responded with reforms rather than repression to nascent worker organizing in order to tamp down the potential rise of an independent labor movement.

Seven years ago, Estlund began devoting the bulk of her research efforts to the evolving labor relations scene in China. "The rise of strikes and the government's many-faceted efforts to figure out how to deal with rising labor unrest were very evocative and dramatic to me," says Estlund. "They raised really interesting questions about what's going on in China, and how it's similar to and different from what happened in our country in the New Deal period, when labor activism was surging and our current labor law regime began to take shape."

As China has modernized its economy, workers have begun to agitate more strongly for increased wages, improved labor standards, and a voice in decisions about those matters. The country's sole labor union, the All-China Federation of Trade Unions,



Is There an International Rule of Law?

José Alvarez examines the question in a new book.

In his latest book, *The Impact of International Organizations on International Law*, José Alvarez, Herbert and Rose Rubin Professor of International Law, sets the issue of legal accountability of international organizations (IOs) against a larger paradox: The proliferation of IOs over the past half century, he writes, has made it harder to say what constitutes international law. “If today we question, with good reason, whether the ‘international rule of law’ exists, one reason for doubts may be the ways that IOs engage in ‘law making,’” writes Alvarez.

The dominant framework for understanding public international law, he explains, has long been legal positivism. Under that view, law within nations is created by institutions—legislatures, courts, and executive agencies. But in the international sphere, institutions have not been invested with the power to create binding legal rules. Thus, positivists

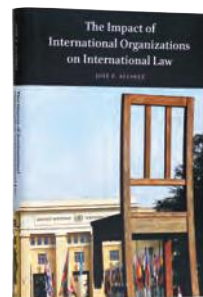


say, international law emerges only from rules that nations consent to through treaties, custom, or general principles.

The reality, Alvarez demonstrates, is quite different. Myriad IOs turn out work product that must be regarded in some fashion as law. Opinions issued by international tribunals, IO-generated codes of conduct for businesses, and commission reports are just some examples. An international lawyer, Alvarez says, would be committing malpractice if he or she ignored this informal or “soft” law.

The informality of international law—in short, its sharp departure from legal positivism—is in many ways welcomed by Alvarez. Across a multitude of areas, it has given rise to a meaningful apparatus of global governance. But it also has its shortcomings, he notes.

“One reason why it is difficult to make IOs accountable is the relative dearth of clear primary rules that we can say with assurance IOs are subject to,” Alvarez writes. “The IO challenge to legal positivism is not the only reason for this gap in international law—but it certainly helps to explain that uncertainty.” □



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As technology infiltrates practically everything we buy, Jason Schultz assesses personal property rights in the digital age.

Jason Schultz, professor of clinical law and director of NYU Law's Technology Law and Policy Clinic, formerly served as a senior adviser on intellectual property and innovation in the White House Office of Science and Technology Policy. He co-authored *The End of Ownership: Personal Property in the Digital Economy* with Aaron Perzanowski of Case Western Reserve University School of Law.

Why did you write *The End of Ownership*? For a very long time, if you bought something, you owned it. As technology and the law have gotten more com-



plex, there's been a dramatic but gradual shift to a more ambiguous way of owning things—eventually to where we might never own anything. The shift has been happening behind the scenes, through digital device lockdowns and endless click-through licensing agreements that nobody—not even lawyers—pays attention to. Writing this book was a way to say, “We have to decide what kind of world we want to live in when we live in a digital economy.”



How do digital products challenge traditional notions of ownership?

When we stream something from Netflix, it's temporary. When we pay for something and take it home with us, there's a set of cultural and economic expectations—we get to keep it as long as we want and do whatever we want

with it as long as we're doing it in our home, with our friends or with our family, not exploiting it for some other purpose. Ownership is about our expectations

and relationship to the things we buy, and that is exactly what the law has always provided until now.

In what way do the licensing agreements that come with digital products affect consumer rights?

They are harming consumers in terms of what we can actually do with the things we buy—the kind of privacy we have when we own versus when we license and the competition issues that come up when we want to switch from one device to another. If you buy a car that has software in it, or if you buy a smart refrigerator, or a smart TV, it's not

until you get home and turn it on that a licensing agreement pops up. You're not going to return it or call up the company and negotiate. These kinds of dynamics really put us in a position of vulnerability, where it's take it or leave it, and you can't really leave it.

How does the question of ownership come up in the Internet of Things?

net of Things? With the Internet of Things, you don't know exactly what you own. Take the iPhone. According to Apple, you may own the physical case—the hardware—but Apple owns all the software and all the data. Expand that to all Internet of Things items—if it's a car, television, or fitness tracker, all those devices have contested ownership inside them.

Is there a way these questions around ownership get resolved?

I expect there will be a major court case and judges will have to look at “Do we really own anything anymore in the digital economy?” There'll be an opportunity, I think, in the next three to five years for a court to lay down new law, and I hope it's favorable law for consumers. □

Leslie Hart

This interview has been edited and condensed.

Copyrighting Cheerleader Uniforms

Three NYU Law IP professors filed briefs in a US Supreme Court case closely watched by the fashion industry.

The stripes, chevrons, and color blocks on cheerleader uniforms were up for debate at the US Supreme Court when it heard arguments in October 2016 in *Star Athletica, LLC v. Varsity Brands, Inc.* The case centered on whether Varsity Brands could copyright its uniform designs, and many believed it could help clarify a major but murky issue for the fashion industry: the kinds of intellectual property (IP) protections that are available for its products. In a 6–2 decision in March 2017, the court ruled in favor of Varsity Brands.

Three of NYU School of Law’s IP professors—Scott Hemphill, Christopher Jon Sprigman, and Jeanne Fromer—filed amicus briefs in the case, and each took a different perspective on the question.

Hemphill, whose research focuses on the law and economics of competition and innovation, made an argument in support of Varsity Brands’ copyright claim. Joined by Harvard Law School’s Jeannie Suk Gersen—with whom he has written several articles on design copyright and IP in fashion—Hemphill proposed a test of separability that would give broad copyright protections to clothing and apparel designers. “Innovation in fashion is an important form of creativity equal with the more traditional areas that get copyright protection without controversy,” Hemphill said. “Our test gives a fair amount of room for innovators to get protection for their works.” In the *Varsity Brands* case, he said, “uniforms would be protectable because the surface adornment—the particular patterns of chevrons and stripes—is not dictated by the utilitarian considerations of covering the body, keeping somebody warm, etc.”

In a brief in support of Star Athletica, Sprigman and a group of other IP professors proposed a test in which a design element must not only be separable from the useful article but also be able to stand alone as a work of artistic expression in order to qualify for copyright protection. This, Sprigman said, is in keeping with how copyright has traditionally been treated in the fashion industry: “Courts have held

that, for the most part, copyright does not apply to fashion designs, because they consider fashion—or, in this case, apparel—to be a function in itself.”

In their filing in support of Star Athletica, Fromer and co-author Christopher Buccafusco, of Benjamin N. Cardozo School of Law, asserted that most design is inseparable from function, because clothing can change the way the wearer is perceived. “Many of the design choices that are being claimed as copyrightable have the functional effect of accentuating parts of the cheerleader’s body, elongating the body, and enhancing the body’s curves,” Fromer said.

The three NYU Law professors approached the case from different perspectives, but they agreed on one thing: the benefit of one another’s discourse.



“It’s been great working on this brief in this building, because with folks like Chris and Jeanne ready at hand, it makes for a really fun chance to discuss the issues,” Hemphill said. Fromer concurred, adding: “The fact that we have such a vibrant assortment of views really highlights the depth and breadth of the group we have working on IP at NYU Law.” □ Rachel Burns



VIDEO ONLINE

Keeping Corporate Crime—and Corporate Cops—in Check

The rule of law should run in both directions, says Jennifer Arlen.

PROFESSORIAL PUBLICATIONS

A Sampling of Recent Faculty Books

Kwame Anthony Appiah

As If: Idealization and Ideals, Harvard University Press, 2017

Franco Ferrari

(editor) *Limits to Party Autonomy in International Commercial Arbitration*, Juris, 2016

Mervyn King

(co-author) *Chief Value Officer: Accountants Can Save the Planet*, Greenleaf Publishing, 2016

Samuel Rascoff

(co-editor with Zachary Goldman '09, executive director of the Center on Law and Security) *Global Intelligence Oversight: Governing Security in the Twenty-First Century*, Oxford University Press, 2016

Stephen Schulhofer

(co-editor) *Surveillance, Privacy and Trans-Atlantic Relations*, Hart Publishing, 2017

Jeremy Waldron

One Another's Equals: The Basis of Human Equality, Belknap Press, 2017

Prosecutors targeting corporate wrongdoing these days routinely run afoul of the rule of law, argues Jennifer Arlen '86, Norma Z. Paige Professor of Law, in an article in the *Journal of Legal Analysis*. Her focus is on government attorneys' use of deferred prosecution agreements (DPAs) to regulate the future conduct of corporate criminal defendants.

Under DPAs (and non-prosecution agreements), companies generally admit to criminal wrongdoing and agree to pay fines, while avoiding formal conviction. Prosecutors also regularly mandate that firms take specific steps, such as changing their governance or business practices, or hiring a monitor, and a company's violation of a mandate can create new criminal liability. But as Arlen points out, government lawyers face few restrictions in crafting demands. In one DPA provision, for example, then-US Attorney and now-New Jersey Governor Chris Christie, chairman of the President's Commission on Combating Drug Addiction and the Opioid Crisis, required Bristol-Myers Squibb to endow a \$5 million ethics chair at Seton Hall University School of Law, his alma mater. (The Justice Department has since moved to curtail mandates of this sort.)

Typically, Arlen notes, prosecutors enforce duties created by legislatures or regulators. Through DPA mandates, they themselves impose new legal obligations on firms. "It's not just that prosecutors have the authority to create new duties," Arlen says, "but that an individual US attorney can do this on his own. He doesn't have to act through a commission or get public notice and comment, so there's no check on the degree to which he might be influenced by, say, the political process." Nor are DPA mandates subject to judicial review.

DPAs came into widespread use following the 2002 indictment of accounting giant Arthur Andersen for shredding documents related to its work for Enron Corp. Andersen's conviction for obstruction of justice was ultimately overturned, but

not before clients fled, the firm collapsed, and 75,000 employees lost their jobs. The massive collateral harm led prosecutors and corporations alike to reassess how to proceed with allegations of wrongdoing.

That issue has drawn the attention of several of Arlen's Law School colleagues, including Rachel Barkow, Segal Family Professor of Regulatory Law and Policy and faculty director of the Center on the Administration of Criminal Law (CACL), and Harry First, Charles L. Denison Professor of Law. CACL devoted a daylong conference to DPAs, and papers submitted for the conference were collected in a 2011 book, *Prosecutors in the Boardroom: Using Criminal Law to Regulate Corporate Conduct*. First discussed DPAs in a 2010 *North Carolina Law Review* article.

Arlen's interest in corporate crime is long-standing: In 1992 she co-authored an article in the *University of Illinois Law Review* arguing that individuals, rather than corporations, should be liable for securities fraud. In a 1994 article, published in the *Journal*

of Legal Studies, Arlen demonstrated that corporations should not be held strictly liable for employees' crimes, because that creates a disincentive for companies to help prosecutors and adopt effective compliance programs. Arlen and Stuyvesant P. Comfort Professor of Law Geoffrey Miller co-founded, and are co-directors of, the Program on Corporate Compliance and Enforcement.

More recently, DPA mandates have drawn Arlen's attention. In a recent article in the *University of Chicago Law Review*, she and co-author Marcel Kahan, George T. Lowy Professor of Law, conclude that the mandates can be appropriate, but only in limited situations. And, as she argues in the *Journal of Legal Analysis*, their use is currently too unfettered. "While prosecutors need discretionary authority to impose [DPA] mandates in appropriate circumstances," she writes, "their authority must be adequately constrained to ensure that power is exercised in conformity within the rule of law. At present, it is not." □ Rachel Burns



Unwarranted

In a new book, Barry Friedman urges public participation in determining policing policies.

What if questions of policing are not best addressed by policing agencies or the courts but by the public? In *Unwarranted: Policing Without Permission*, Barry Friedman, Jacob D. Fuchsberg Professor of Law and Affiliated Professor of Politics, considers how mass surveillance, stop and frisk, and other policing tactics directly affect communities. Friedman draws upon constitutional law expertise to present his case, citing lawsuits and sharing real-life stories of people who have been influenced by dramatic policing techniques. In January, Friedman, who is also founder and director of the NYU Law Policing Project, discussed inherent challenges in the debate about policing and how recent events informed his writing process.

How are Edward Snowden's leaks and the shooting of Michael Brown in Ferguson linked? In the space of a few months, two things grabbed the headlines: Edward Snowden told us what the government was doing in terms of surveilling us in the name of national security, and police confronted a very angry public about an officer-involved shooting in Ferguson, Missouri. Both caused a lot of conversation and a lot of consternation, but mostly everybody has seen them as different phenomena. In *Unwarranted* I explain that they are the same thing: a failure of democratic accountability around policing.

You mention that new policing tools and techniques have made everyone suspects. How so? In the old days, policing was all about going after the bad guy. We moved to a model where we're trying to keep people from doing bad things in the first place, so we've put up cameras everywhere. We have airport security to check everybody getting on an airplane. That makes all of us suspects in a way. That's perfectly fair, but it requires a completely different set of safeguards.

What should those safeguards be? The old-style idea of "Let's get a warrant and have probable cause" made sense, but when all of us are the focus of government surveillance, we need to make sure that the government is not discriminating against an individual or a particular set of individuals for the wrong reasons.



How is the Policing Project working to bridge the gap in communication between police and the communities they serve? It doesn't always seem like the police and the public are in communication with one another, and part of the problem is that they speak different languages. I think the police can sometimes be defensive if they're criticized, [while] the public feels it's their right to criticize what the police are doing, and unfortunately this chasm develops. We're trying to bring people together in conversation to ask questions about reasonable expectations to put on the police. "Do you want stop and frisk? Do you want drones? Do you want CCTV? Do you want consent searches and stopping of automobiles?" These are not questions that the police should have to answer by themselves. We should all confront these questions and reach a common ground.

Why is it imperative for the public to engage in a conversation about policing? We are riven as a society over the issue of policing: You're for the police and you back them or you're against the police and you're angry with them. And if you just stop and think about it, that makes no sense. I think there's room for forward thinking around policing. I think it's critical. We all need the police and need a successful system of policing. I have two kids. I want them to live in a safe place,

and I want them to like the police and respect what the police do. I live not far from the World Trade Center, and I watched the events unfold on September 11, 2001. I realize exactly how important a safe, healthy society is, but to get there we all have to have a voice in how we're policed. We do have to back up the police, but to back up the police, we have to be involved, we have to be consulted, we have to be allowed to have an opinion. That's really critical.

□ Leslie Hart

▶ VIDEO ONLINE

This interview has been edited and condensed.

BICOASTAL COLLABORATION

The Policing Project worked with the LAPD earlier this year, collecting public feedback on the issue of when footage from body cameras should be released and compiling it into a report submitted to the Los Angeles Police Commission. The Policing Project has worked on similar projects with the NYPD and police in Camden, New Jersey.



Moving Targets

Ryan Goodman examines how the laws of targeting apply to the modern battlefield.

As part of Operation Tidal Wave II, a military initiative that takes aim at the oil infrastructure of ISIL (or ISIS), the US has been targeting ISIL tanker trucks, wells, and refineries. Oil is a key source of revenue for ISIL that is used to pay fighters and purchase supplies. However, according to Ryan Goodman, Anne and Joel Ehrenkranz Professor of Law, there has been debate regarding whether oil production facilities are targetable under the law of armed conflict (LOAC).

Goodman specializes in LOAC, national security law, and international human rights law. He is also founding co-editor-in-chief of the national security online forum *Just Security* and previously served as special counsel to the general counsel of the Department of Defense. Goodman synthesized his recent research on the law of targeting in his latest article, "The Obama Administration and Targeting 'War-Sustaining' Objects in Noninternational Armed Conflict," which has been published in the *American Journal of International Law*.

The essence of LOAC is the basic rule that only military personnel and military objects are targetable while civilians and civilian objects are entirely off-limits. However, especially on the modern battlefield, this basic rule can become complicated as the line between civilian and military blurs. Goodman's article examines the legality of targeting objects that aren't directly military but contribute as a source of revenue to the enemy's war effort.

To describe how the law of targeting can lead to complex ethical and legal debates, Goodman uses the example of a civilian munitions factory worker.

"Everyone agrees that the munitions factory is targetable because it's a military target, or it's a 'war-fighting' target," he says. "But the people working inside the factory, if they're civilians working on the assembly line, are not targetable." This requires a proportionality analysis, Goodman explains, to determine if casualties can be avoided, and, if

not, if they are proportional to the benefit gained from destroying the target.

This question has come into focus during the fight against ISIL, especially in the context of Operation Tidal Wave II. While some scholars still believe oil transport vehicles would not be targetable at all, Goodman argues the vehicles should be considered targetable "war-sustaining" objects and that a proportionality analysis must be conducted.

Herein lies the distinction between "war-fighting" and "war-sustaining" objects. "The biggest difference is the tightness of the causal connection," Goodman explains. "War-fighting resources are more directly linked [to military operations], such as oil that's being used to fuel military machines.... War-sustaining resources are one step out from that in the causal chain." ISIL oil facilities—including transport vehicles—are considered war-sustaining since revenue gained from selling oil is used to continue the group's armed activities.

While most existing scholarship on targeting argues against war-sustaining objects as valid targets, Goodman uncovered precedents of the US and other states targeting these kinds of objects dating back to the nineteenth century and as recent as this decade. Some of the evidence he found was buried in a footnote in a respected treatise on the Geneva Conventions, which points back to the American Civil War, when cotton bales were considered a legitimate military target because they were the chief export of the Confederacy, and thus indirectly their chief source of military supplies. From there, Goodman discovered several examples in which the US, NATO, and others targeted war-sustaining objects, such as the targeting of poppy fields controlled by the Taliban between 2008 and 2014.

But, Goodman says, "The academic literature has yet to catch up to that history." Goodman considers his article "one effort" in closing this gap between existing scholarship and evolving perspectives on targeting. Understanding the law of targeting is crucial to modern warfare, Goodman explains, because "a lot is at stake with counterterrorism operations due to political pressure to pull back on restrictions that have been in place for decades and to erode the Geneva Conventions." At the same time, Goodman acknowledges that in American fighting forces, "there's a very strong commitment to adhering to the laws of war. It's part of the internal code that one's fighting justly.... It's really important that we understand our foundational commitments." □

Wilson Barlow



A Fighting Chance for Democracy

John Ferejohn investigates the intertwined histories of armed conflict and the expansion of democratic rights.

Forged Through Fire: War, Peace, and the Democratic Bargain by John Ferejohn, Samuel Tilden Professor of Law, and Frances McCall Rosenbluth, Yale University professor, traces the origins of the links between armed conflict and democracy's expansion.

According to Ferejohn and Rosenbluth, the parallel evolutions of forms of government and martial technology greatly influenced the degree of rights enjoyed by the non-aristocracy. Everything changed when the rise of gunpowder weapons necessitating a large infantry forced the elite to concede some rights to the wider populace. Beginning in eighteenth-century Europe, the book asserts, wars of mass mobilization led to the form of democracy we now know, with the major powers developing huge standing armies requiring broad participation by the lower classes.

The co-authors argue that technological advances have obviated the need for massive infantries, along with attendant pressures to widen the scope of

democracy. "The abolition of conscription, the rise of the professional army, the automation of warfare, the increased use of robotics and remoteness are things which make ordinary people less important to defending the homeland," says Ferejohn.

And ordinary citizens, the co-authors assert, are vital for democracy and for a nation to succeed. War puts such an urgent demand on the state, Ferejohn explains, that the state requires support from the general populace. But the book suggests that the lessening need for bodies in the wake of technological advancements may be detrimental to democracy. While war may not be the only reason a government requires mass participation, unless everyday citizens are key to some such endeavor, Ferejohn worries that democracy may atrophy. With this concern looming, Ferejohn poses the question: "Are we evolving technologically in a way that ordinary citizens are not needed to be more than consumers and voters?" □



Mistaken Identities

Kwame Anthony Appiah examines how we define ourselves, and one another, in the BBC's Reith Lectures.

Professor of Philosophy and Law Kwame Anthony Appiah explored how race, religion, nationality, and sexuality exist, shape, and potentially determine who people are in a series of addresses titled "Mistaken Identities" that he delivered for BBC Radio's flagship Reith Lectures. A renowned philosopher and cultural theorist, Appiah focused his lectures on four central bases of identity—creed,

country, color, and culture—and the inherent assumptions and misconceptions around them. "There is much contention about the boundaries of all of these identities," he said. "And the way we often talk about these identities can be misleading."

Appiah argued that, though we tend to think it is religious doctrine that drives religious practice, a look back in time reveals it is often the other way around: Practice changes, and understanding of scriptural passages evolves to accommodate the change. Similarly, Appiah argued, national identity is more fluid

than we tend to think. Recognizing that nations are invented also means they're always being reinvented, he contends. "What makes 'us' a people," he said, "ultimately, is commitment to governing a common life *together*."

On the subject of race, Appiah noted that genetic science has disproved the notion of "racial essences," and yet a fixation on such difference persists. A way forward, he suggested, rests with the "cosmopolitan impulse" that draws on what people have in common. In his closing lecture, he invoked the words of dramatist Terence the African writing more than two millennia ago: "I am human, I think nothing human alien to me." Appiah concluded: "Now there's an identity worth holding onto." □





Rules of the Road

Mark Geistfeld outlines a liability scheme for driverless cars.

In spring of 2016, Mark Geistfeld, Sheila Lubetsky Birnbaum Professor of Civil Litigation, sat in a Tesla Model S, his hands hovering inches from the wheel as the car, in self-drive mode, navigated itself down Manhattan's West Side Highway. The possibility of a crash would be top of mind for many people in this situation, but probably not in the way it was for Geistfeld. In an article forthcoming in the *California Law Review*—informed in part by his Tesla ride—he offers an in-depth exploration of the kind of liability regime that might govern accidents involving self-driving vehicles.



The wide range of conclusions reached by other commentators on this question, Geistfeld notes at the outset of his article, has produced significant legal uncertainty. Business hates uncertainty, and Geistfeld points to concerns that unknowable outlays for

legal judgments and insurance could drive up the costs of making (and buying) autonomous vehicles, and even lead manufacturers to delay their rollout.

Resolving this is important, Geistfeld notes, because emerging automobile technology is likely to dramatically improve public safety. Currently, driver error causes the vast majority of motor vehicle crashes, and the toll is enormous—more than 30,000 fatalities and 2 million injuries in the US each year. Driverless cars are expected to make far fewer errors, and once they are widely deployed, the number of deaths and injuries should see a huge drop. Worry about liability persists, however, because while driverless cars will reduce accidents, they will not eliminate them. Some will be caused by the malfunction of the vehicle's operating system, and others will occur even when that system functions as designed.

How will the law evaluate liability in these circumstances? In cases that would traditionally have turned on claims of negligence against a human driver, will courts now have to decide if an autonomous vehicle's operating system was at "fault"? Does a crash necessarily mean the design of that system was unreasonably dangerous? Geistfeld's

article, "A Roadmap for Autonomous Vehicles: State Tort Liability, Automobile Insurance, and Federal Safety Regulation," seeks to answer these questions.

When Geistfeld dug into these issues, he found more clarity than confusion. Methodically applying long-standing legal doctrines to twenty-first-century automobile technology (with side trips into insurance and federal regulation), Geistfeld's "roadmap" addresses the interests of the industry and the public alike. "The subtext," he says, "is that tort issues that people think are really uncertain and can go one way or the other oftentimes haven't been sufficiently well thought out." For driverless cars, the liability questions are "not as up in the air as everyone is making it seem right now."

But tort expertise wasn't enough for Geistfeld to arrive at his conclusions. He also studied the computer programming of driverless cars and found "systemic legal implications" that other commentators had missed. For example, the vehicles use data-based machine learning that "trains" them to drive, and what each car learns is shared with an entire fleet. One implication under established product liability law: If aggregate fleet data shows that an autonomous vehicle performs at least twice as safely as a conventional vehicle, a manufacturer may avoid liability.

Looking at software also led Geistfeld to consider the frightening prospect of a hacker gaining control of a driverless car or even of cyberterrorists infiltrating an entire fleet. Under these scenarios, he concludes, manufacturers would likely face strict liability (requiring a plaintiff to prove only that a product caused harm, not that it was the result of fault, such as negligence), though he also outlines ways courts or policymakers might limit this liability.

For his latest scholarship, Geistfeld says his intended audience is the autonomous vehicle industry itself. With the exception of cybersecurity, which he says remains an area of legal uncertainty, carmakers should find his overall conclusions reassuring. The final sentence of his article reads: "The road ahead is clear." ▣ *Michael Orey*



Proceedings

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Former US Attorney General Loretta Lynch speaks at the launch of NYU Law's Center on Race, Inequality, and the Law.

Centered on Diversity

Supreme Court Justice Sonia Sotomayor helps launch NYU Law's Center for Diversity, Inclusion, and Belonging.

The launch event for NYU Law's Center for Diversity, Inclusion, and Belonging, featuring US Supreme Court Justice Sonia Sotomayor, came just two days after the conclusion of a presidential campaign that brought to the forefront of the national conversation many of the issues with which the center engages.



Sotomayor



Yoshino

The center provides a hub for faculty and students pursuing research related to diversity and inclusion; fosters an inclusive NYU Law community through extracurricular activities and cooperation with student affinity groups and other key Law School institutions; and contributes to the broader national and international dialogue.

The conversation between Sotomayor and Kenji Yoshino, Chief Justice Earl Warren Professor of Constitutional Law and director of the center, was based largely on her bestselling memoir, *My Beloved World*. Yoshino asked Sotomayor about a compliment she once received for “arguing like a guy.” Unpacking what that stereotype meant, Sotomayor said, “To be an effective lawyer, you do have to have a certain amount of bravado...a certain sense of understanding how to control the space you’re in.”

When the topic turned to gender, Sotomayor revealed that she had always felt her Latina identity had been more of a career hurdle than being a woman until her judicial nomination processes changed her views. There has been, she said, an “active preference for men in judicial roles. Good judges were men. You rarely had people defining what made a good judge with any of the characteristics that are usually ascribed to women.” Seldom are judges praised for their compassion, she said, but rather for being “thoughtful” or “patient.”

The double standards extend to the Supreme Court, Sotomayor added. “Justice Scalia was ‘penetrating.’ I am ‘aggressive.’...I don’t think I’m any less tough than he was, but I don’t think I’m any more tough than he was.” As a judge of the US District Court for the Southern District of New York, she once encountered a marshal who called her “honey.”

Once the event opened up into a Q&A session with the audience, an NYU Law alumna who had once been Sotomayor’s student described her encounters with gender bias in the course of her career and her disappointment that there was not yet a woman president. She asked Sotomayor for advice.

“No matter what happens that we don’t like, we have to pick ourselves up and keep working and doing what we think is right,” said Sotomayor, who offered suggestions on how to change one’s workplace for the better.

The final question came from a young man who had become engaged to his boyfriend only two months earlier and now worried about his future marriage: “Could you talk about the role of the court in defending and expanding rights for diverse Americans at a time when they’re so afraid about the way things might be going?”

Pointing out that state governments can confer rights just as the federal government can, Sotomayor reminded him how organizing for causes was a longstanding American tradition whose effect was that “those positive things that people value and want to hold onto are tougher for others to take away.” □ Atticus Gannaway

“No matter what happens that we don’t like, we have to pick ourselves up and keep working and doing what we think is right.”

SONIA SOTOMAYOR

PHOTOS
ONLINE

Biden on the State of the United States

Former Vice President Joe Biden helped NYU Law usher in its inaugural Sidley Austin Forum in Washington, DC, in December, delivering remarks during the daylong program, titled “A New American Political System?” In a series of panel discussions, experts on election law, media, and politics assessed the upheaval of the 2016 US presidential campaign and its potential long-term impact.

Supported by a gift from Sidley Austin, the annual forum will explore topics critical to American democracy. NYU Law’s Legislative and Regulatory Process Clinic, taught each fall semester in Washington by Bob Bauer and Sally Katzen, co-hosts the series. Bauer and Katzen are professors of practice and distinguished scholars in residence at the Law School.

Biden offered reflections on his more than 40 years in public life and commented on the presidential race. The contest had been “ugly,” “divisive,” and “coarse,” he said, adding, “I find myself embarrassed by the nature of the way in which this campaign was conducted.” Noting the program of discussions at the Sidley Austin Forum, he said, “You’re addressing some of the most interesting and emerging issues of modern-day politics.”

Sidley partner and former US Representative Rick Boucher led the forum’s first panel, on the role of political parties. Bauer moderated a panel on campaign finance, and Katzen led Jen Psaki, former White House communications director, and Ruth Marcus, *Washington Post* deputy editorial page director and columnist, in a discussion about the changing roles of news media and social media.



Addressing those who are lamenting the political environment more generally, Biden acknowledged the concerns and offered solace. “There’s a sense in the country that our institutions aren’t working, and maybe we can never get them to work,” he said. “For a lot of folks, it feels that we’re more divided than we’ve ever been in our history and that the election brought out the worst in the political system.” But the 1960s and 1970s, he noted, were marked by deep social trauma: assassinations, civil rights and anti-war protests, and riots that set cities aflame. “Things were a hell of a lot worse then than they are now,” Biden said. “The nation was a hell of a lot more divided than we are now.” As fractured as things were, he said, “we made it through...those years and that whole era. America was divided, but it didn’t come apart.” □



VIDEO
ONLINE

Bias-Busting

This year’s Center for Diversity, Inclusion, and Belonging Speaker Series included Brian Welle, Google’s director of people analytics, who discussed implicit biases; Professor Iris Bohnet (below) of Harvard University’s John F. Kennedy School of Government, who considered solutions to gender bias; and Sherrilyn Ifill ’87, president and director-counsel of the NAACP Legal Defense and Educational Fund, who highlighted “post-truth” civil rights narratives.

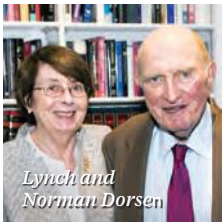


A Chair’s Parting Words

Last November, two months before stepping down from one of the longest chairships in SEC history, US Securities and Exchange Commission (SEC) Chair Mary Jo White delivered a comprehensive speech at NYU Law encompassing changes she pursued during her tenure and potential future developments for her agency. In “A New Model for SEC Enforcement: Producing Bold and Unrelenting Results,” White discussed the commission’s enforcement activities since her 2013 appointment. “By every measure, the SEC’s enforcement program has been a resounding success,” said White. “While numbers are a small part of the story, in the last three fiscal years, we have brought record numbers of enforcement actions, obtained unprecedented monetary remedies in the billions of dollars, and returned hundreds of millions of dollars to harmed investors.” The agency’s priorities in the ensuing years, she said, have included a new “investigate to litigate” philosophy emphasizing the need for staff to investigate potential wrongdoing with an eye to producing a trial-ready record. □

Shading Truth

In the James Madison Lecture, Judge Sandra Lynch of the US Court of Appeals for the First Circuit examined instances when the executive branch gave the US Supreme Court inaccurate information. In *Korematsu v. United States*, for instance, which upheld the constitutionality of Japanese American internment camps during World War II, the solicitor general suppressed critical evidence. “It is the job of the third branch to get it right,” said Lynch.



Lynch and Norman Dorsen



Election Dissection

One week after Donald Trump was elected president, MSNBC host Rachel Maddow (above, right) joined a panel of NYU Law experts to consider the ongoing impact of the election. Moderated by Dean Trevor Morrison, the event also included Samuel Issacharoff, Bonnie and Richard Reiss Professor of Constitutional Law; Myrna Pérez, deputy director of the Democracy Program and leader of the Voting Rights and Elections project at the Law School’s Brennan Center for Justice; and Richard Pildes (above, left), Sudler Family Professor of Constitutional Law.

The Brennan Center’s agenda in the election’s aftermath, Pérez said, includes protecting and preserving minority rights, working to instill confidence in the election system, and pursuing reforms to increase voter participation, which she characterized as far too low. It is crucial, she argued, to discern where democracy’s infrastructures had failed. “We had from all corners of the country a general distrust and lack of confidence in our system,” she said.

For Issacharoff, the election raised issues related to the erosion of long-standing institutions. After almost two centuries of channeling politics through two major parties, he argued, the dynamic has shifted: “There were outsiders to the parties”—Bernie Sanders and Trump—“who basically took them over, who found that they were shells that couldn’t protect themselves.” Parties once controlled money, civil service jobs, and the nominating process but have lost considerable power in all those areas, he said, resulting in diminished influence.

The decline of the private-sector union, another formerly robust institution, has also weakened the traditional Democratic Party base, Issacharoff suggested, as white working-class supporters with social views diverging from those of the party become increasingly alienated without organized labor as a unifying force.

Maddow was mindful of her own profession’s weakened state. She pointed to the nature of online news content that results when Google ad dollars go to the pages that receive the most traffic, whether the information is accurate or not. “If that’s going to be the way we curate our media now, it’s like taking a drink out of a puddle.”

Pérez said she worried about prejudice against racial, ethnic, and religious minorities that could arise from populist ire. Maddow voiced concern about reports that Trump might continue to hold rallies as president. “If he keeps up the kind of personal attacks that he has on individual Supreme Court justices like Justice Ginsburg, if he continues to attack the legitimacy of protest against him, if he then starts holding intimidating mass rallies of his own supporters, we’re into a different lane of American politics than we’ve ever seen before.”

Pildes, who provided counsel to the Clinton campaign on Election Day in Pennsylvania, offered

“We had from all corners of the country a general distrust and lack of confidence in our system.”

MYRNA PÉREZ

some broader perspective, speaking of the thousands of lawyers in every part of the federal government who place constraints on potential executive overreach when a Congress of

the same party might not. The US Supreme Court, too, he said, could well play a similar role.

“My concern there is less about the court but what Trump might do in response to that,” said Pildes, “because anytime any institution has stood in his way, he’s tended to try to delegitimize that institution. If he does that in the sense of not following a command from the US Supreme Court, then we are really in the realm of massive constitutional crisis.” □ *Atticus Gannaway*

Confronting the Complexities of Race

The launch of NYU Law's Center on Race, Inequality, and the Law includes a trio of leaders in civil rights.

Last February, the launch of NYU Law's Center on Race, Inequality, and the Law featured Loretta Lynch, former attorney general of the United States; Sherrilyn Ifill '87, president and director-counsel of the NAACP Legal Defense and Educational Fund (LDF); and Professor of Clinical Law Bryan Stevenson, executive director of the Equal Justice Initiative, in a wide-ranging conversation about issues at the intersection of law, civil rights activism, and socioeconomic ills.

Introducing the panel, Professor of Clinical Law Anthony Thompson, the center's faculty director, gave his sense of the national mood. "We're witnessing an uptick in hate crimes and hate speech," he said. "We're here to reorient a country that seems to have lost its way."

In the context of that polarized environment, Ifill expressed pride in being an NYU Law alumna. The Law School, she said, "was a culture that recognized the importance, the power, the nobility of being a civil rights lawyer and nurtured that." She also lamented that "the velvet rope has been removed from what used to be the shame of being racist, of being misogynistic."

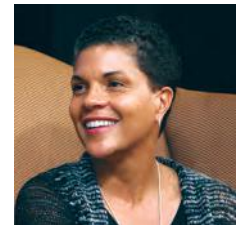
Lynch considered the newly elevated importance of nongovernmental entities such as LDF and the Center on Race, Inequality, and the Law: "What you're

really seeing, which we have not seen in 50 years, is the peeling away of the role of government, away from protecting the disenfranchised, away from speaking to those who don't have a voice, away from lifting up people who've been pushed down." She cited voter ID laws and transgender rights as examples.

Stevenson stressed the importance of story as a potent tool alongside the law. The more progressive side, Stevenson argued, had lost the "narrative battle" going back all the way to genocide committed by white settlers against Native Americans. "Now we're living at a time where that thriving narrative of racial difference...has manifested itself, and now we're dealing with the consequences of that."

The panelists extolled the importance of local grassroots efforts, whether in seeking office or working to make schools and police forces more responsive to citizens. For Stevenson, mindset was the key: "You have to see hopelessness as a kind of toxin that will kill your ability to make a difference."

Lynch appealed to the future lawyers in the room to take up the cause of equality. "This is hard work," she said. "It has always been hard work, but it is the best work that you will ever do, the work of bending your shoulder and making this world a little bit better." □
Atticus Gannaway



Better Justice

At the annual Derrick Bell Lecture on Race in American Society, Michelle Alexander, author of the bestseller *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, discussed her shifting perceptions about criminal justice: "This is the time where we need to be willing as civil rights advocates and activists to stand with the criminals... to challenge the routine criminalization of African Americans."



NYU President Andrew Hamilton, Stevenson, Lynch, Thompson, Dean Trevor Morrison, and Ifill

Guiding the Way to Good Governance

The Institute for Corporate Governance and Finance showcases Martin Lipton's "New Paradigm for Corporate Governance."

At the Institute for Corporate Governance and Finance launch last March, a panel of leaders examined the "New Paradigm for Corporate Governance" proposed by Martin Lipton '55, sparking a spirited conversation about the fundamental challenges of ensuring long-term economic prosperity.



Rock



Lipton

Dean Trevor Morrison praised Lipton, who is a member of NYU Law's Board of Trustees, and his continued commitment to the Law School: "No one has done more for this law school over 60-plus years than this man, and his role in helping see to the launch of this institute is just one example." Morrison also spoke about the institute's director, Professor Edward Rock, whose career in corporate law and corporate governance facilitated the formation of an institute that intersects academia and practice and law and finance.

NYU Law Adjunct Professor David Katz '88, partner at Wachtell, Lipton, Rosen & Katz, noted that because the institute has access to many institutional investors, corporations, academics, and professionals, there is a unique opportunity to facilitate crucial corporate governance dialogues among investors. And since the institute's flagship program consists of roundtables conducted under the Chatham House Rule, Katz said, these key players will be able to "make progress in ways we haven't been able to in the past."

Rock introduced Lipton and his "New Paradigm," putting it in the context of recent global political decisions. He noted that the old vision—that the goal of the corporation should be to maximize shareholder value—was not something voters of the world found compelling. "We have to come up with a new way of conceptualizing what corporate governance should be," Rock said. "A new paradigm. And not how it compares to some ideal vision, but how it compares to politically plausible alternative ways of organizing what we do."

Lipton, who co-founded Wachtell, Lipton, Rosen & Katz, recently developed a corporate governance framework to resist "short-termism" and short-term attacks by financial activists that contradict long-term economic growth. "The 'New Paradigm' starts with the premise that its purpose is to promote long-term investment and to set parameters for the two principal players: the business corporation and the major institutional investors and asset managers," said Lipton. Under his model, if a corporation and its board and management are pursuing well-conceived strategies, investors will support the company rather than financial activists looking for short-term gains.

Following Lipton's presentation, Matthew Mallow '67, LLM '68, vice chairman of BlackRock, praised the "New Paradigm" for its efforts to improve corporate transparency and fiduciary duty. Jean-Pierre Rosso, vice chairman of the World Economic Forum USA, also commended Lipton's framework.

Robert Schumer, chair of the Corporate Department at Paul, Weiss, Rifkind, Wharton & Garrison, was skeptical of the framework, pointing out the prevalence of high-speed, short-term trading as an obstacle. Chief Justice Leo Strine Jr. of the

Delaware Supreme Court argued that while the "New Paradigm" was a nod in the right direction, fundamental problems were not being addressed, such as end investors having too little power.

Lipton responded with an appeal to practicality: "In the long run, we need to redo it, but that happens only in a dream world. We're not going to redo the whole structure. We have to take it step by step." □
Michelle Tsai

"We have to come up with a new way of conceptualizing what corporate governance should be."

EDWARD ROCK

Eye on National Security

As North Korea, China, Russia, Syria, ISIL (or ISIS), and cybersecurity dominated the headlines, NYU Law's Center on Law and Security (CLS) served as a locus for in-depth examinations of key national security issues. Events have focused on terrorists' use of social media, the shifting strategic territory of counterterrorism and the law, and the Middle East and the Trump administration.

At one event, roughly 100 days after President Trump took office, top national security experts addressed the geopolitical challenges facing the United States. The speakers, all former senior officials in the Obama administration, included Distinguished Senior Fellow Lisa Monaco, former assistant to the president for homeland security and counterterrorism; CLS Board of Advisors member and former CIA deputy director David Cohen; Colin Kahl, associate professor at Georgetown University's Walsh School of Foreign Service and former deputy assistant to the president and national security advisor to the vice president; and Adewale Adeyemo, senior advisor at the Center for Strategic and International Studies and former deputy national security advisor for international economics.

The group expressed alarm over what they deemed the lack of strategy on numerous fronts. According to Cohen, the Trump administration operated under a "policy of maximum pressure" with



Cohen



Monaco



North Korea in order to enter into negotiations with Kim Jong-un. Cohen argued that this engagement is dangerous: "I'm concerned that we are manufacturing a crisis with North Korea in a situation where we don't know what our endgame is."

This lack of strategy extends to counterterrorism, Monaco noted. She observed that while the ongoing strikes in Iraq were a continuation of the approach pursued by President Obama, it was unclear how the current administration would address ISIL's ability to deploy foreign fighters and exploit social media. "The immigration and travel ban feeds into ISIS's recruiting narrative—that the West is in a war against Islam," said Monaco. "Far from having a strategy to counter ISIS, we've seen one step that feeds it." □

Tackling Tax

During the annual NYU/KPMG Lecture on Current Issues in Taxation, Dean Emeritus David Schizer of Columbia Law School considered the possibilities for business tax reform. Arguing that a diversified tax base in which corporate profits are taxed at the corporate and shareholder levels was best, he added, "We should do the hard work of fixing the many flaws that we know are in both of those taxes."



Law in Battle

Former Department of Defense General Counsel Jennifer O'Connor discussed "Applying the Law of



Targeting to the Modern Battlefield" in an event hosted by the Center on Law and Security last November. Her speech focused on how the law is used to strike terrorist groups in places such as Syria and Afghanistan.

"Following the law sends a powerful message to those who live in the countries where our military operates and throughout the world that we will fight only our adversaries and not civilians, and we will treat everyone fairly and humanely, even when our foes do not do the same," she said. "We are following the law because it reflects our core values, the very principles that we are fighting to protect and preserve—in short, it reflects who we are."

Technology Officers

On his penultimate day in office as New York City police commissioner, William Bratton gave the keynote address at an NYU Law symposium, "Policing and Accountability in the Digital Age." Co-sponsored



by the Brennan Center for Justice and the Law School's Policing Project, the symposium examined the ways in which policing is being transformed by the use of technology such as location tracking, predic-

tive policing, social media, and body cameras. Of the NYPD, Bratton said, "We are the leading department in this country, if not the world, in our embrace of, our creativity, and our use of technology. And we are very mindful of all the responsibilities that come with that."



Marden Victor

At this year's Orison S. Marden Moot Court Competition, arguments were presented to Judge Bernice Donald of the US Court of Appeals for the Sixth Circuit and Judge Robert Sack of the US Court of Appeals for the Second Circuit. Mathura Sridharan '18 took home the competition's top award for Best Oral Advocate, as well as the award for Best Brief Writer.

Patently Eminent

The *NYU Annual Survey of American Law* dedicated its 74th volume to Judge Pauline Newman '58 in her 33rd year on the bench of the US Court of Appeals for the Federal Circuit in honor of her long and prolific career. At the dedication in February, Newman's colleagues on the court and in the field of intellectual property and patent law, as well as several of her former clerks, spoke with great respect for her scholarship, eloquence, and devotion to her work.

Newman's colleague Judge Raymond Chen '94 said, "She has consistently been able to work through the sometimes convoluted legal frameworks and technologically difficult factual records to reach wise and just decisions that always help to remind us of the core principles underlying our laws." Pauline Newman Professor of Law Rochelle Dreyfuss spoke about Newman's reputation as an author of many dissents. "The first Justice Harlan is often called the great dissenter, but within the world of patents, that title unquestionably goes to Judge Newman," she said.

Newman has written 202 dissents—the most, Dreyfuss noted, of any federal circuit judge. Dreyfuss also observed that, even in her dissents, Newman's views tend to be those that ultimately prevail. The US Supreme Court has taken up



nine cases in which Newman authored a dissent. Eight of those times, the court agreed with her.

In accepting the dedication, Newman spoke about the changes in the role of technology—and, by extension, patent law and the US Court of Appeals for the Federal Circuit—in US culture and the economy during the three decades of her judicial career. With an eye to current events, Newman noted, "I'm happy to see that again, perhaps, it's finally coming to be understood that the judiciary is not the least dangerous branch after all." □

Judges Without Borders



McLachlin



Beinisch

The selection of Supreme Court judges, politicization of the judiciary, and dialogue between the courts of different nations were discussed as Chief Justice Beverley McLachlin of the Supreme Court of Canada and Dorit Beinisch, former president of the Supreme Court of Israel and distinguished jurist in residence at NYU Law, joined Dean Trevor Morrison for a frank conversation last October about the international politics of judging.

Although selecting Supreme Court justices in the US was a major issue in the 2016 US presidential election, McLachlin and Beinisch agreed that the politicization of the Supreme Court is something to be avoided. The separation of authority between the judicial and political branches of government can become particularly difficult when it comes to questions of national security, Morrison pointed out. Even in these cases, however, "the court's attitude is that we don't defer" to politicians, Beinisch said. McLachlin added, "We must justify that any infringement on liberties represent reasonable intrusions in a free and democratic state—something that the government has the onus to show."

Beinisch and McLachlin also observed a key difference between the US Supreme Court and the Supreme Courts of Israel and Canada: While there is great debate in the US as to whether justices may cite decisions from other nations, in both Canada and Israel it is a frequent practice. "We look with gratitude to the decisions of other countries whenever they can help," McLachlin said. □

The Law as It Lives

The NYU Law Forum convenes a multidisciplinary array of experts to illuminate cutting-edge issues of law and policy.

The 2016–17 NYU Law Forum brought together journalists, academics, politicians, and business professionals to address a variety of legal and public policy issues. Among the topics featured during the lunchtime discussion series were transgender rights, election law, reproductive justice, and trademarks.

An October Forum titled “Brexit: Now What?” looked at the implications of Britain’s departure from the European Union. Professor of Economics and Law—and former Bank of England governor—Mervyn King downplayed concerns that Brexit would give a boost to Euroskeptic parties on the continent, noting that other countries “don’t slavishly follow what the British do.” That proved prescient, as populist candidates in the Netherlands and France suffered defeat in elections in the spring. Still, King and other panelists pointed to aspects of the EU’s governance structure that present barriers to further integration among member states and could even lead to an erosion of unity. “The whole European project is politically very fragile and vulnerable,” said Ladislav Vyhnanek LL.M. ’14, assistant professor of law at Masaryk University in the Czech Republic.

The changing political climate around the globe has also exposed the fragility of human rights protections, and this was the focus of “Human Rights in an Illiberal Age,” a February Forum. Professor of Clinical Law Margaret Satterthwaite ’99, who moderated the discussion, noted that common tactics of populist regimes that have gained power in many countries include fanning hatred of minority populations and moving to dismantle or disrupt democratic institutions of the state and society. John Norton Pomeroy Professor of Law Philip Alston observed that the surge in populist and nationalist sentiment in many regions has been driven in good part by economic insecurity of the middle classes, who have seen “their access to jobs, the wages they get, the prospects they have...



Gadde



Satterthwaite



King



Alston

undermined over the last 40 years or so.” The overall human rights framework, said Alston, needs to expand to encompass social rights, which include the right to an adequate standard of living. (Alston is the United Nations special rapporteur on extreme poverty and human rights; see page 7.)

A Forum in March featured an appearance by Vijaya Gadde ’00, general counsel of Twitter and a trustee of the Law School. A week before Gadde’s Forum appearance, President Trump had told Fox News, “I think that maybe I wouldn’t be here if it wasn’t for Twitter.” When Professor Christopher Jon Sprigman asked how she felt about that, Gadde responded with a broader view. “I look at

what Twitter means in the world and what type of conversation it’s enabled,” she said. “And to me there’s nothing better than having a political discourse in plain and open view and having access to your elected officials and being able to hold them accountable.” That said, Gadde acknowledged that Twitter has its limits as a political platform: “Twitter is not to be the sole tool for political diplomacy or political dis-

course. It can’t be. It’s 140 characters. It should not be driving an entire policy agenda or an entire administration.” □ Michael Orey

“To me there’s nothing better than having a political discourse in plain and open view and having access to your elected officials and being able to hold them accountable.”

VIJAYA GADDE ’00

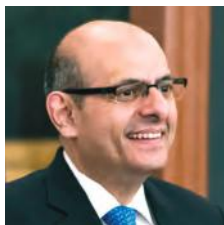
Talking Trade

NYU Law’s Institute for International Law and Justice organized a talk with Roberto Azevêdo, director-general of the World Trade Organization (WTO). Azevêdo assumed office in 2013 and counts among his accomplishments the successful negotiation of the Bali Package. Azevêdo discussed his work at the WTO and the increased multilateralism the organization has implemented since his coming on board as well as trade liberalization and protectionism.



Consider the Source

Porus Kaka, president of the International Fiscal Association, examined source taxation in the annual David R. Tillinghast Lecture on International Taxation. Determining the jurisdiction that is properly the source of income and has a claim to collect taxes on those funds can be complicated, as Kaka illustrated with a joke: “The source of this speech is found to be located in Mumbai and not in New York, so I can receive the honorarium without withholding US tax.”



Sanctuary Cities

One day after President Trump signed an executive order cutting off funding for locations known as sanctuary cities, experts from NYU Law, media, and government gathered at the Law School to tackle key questions around the issue.

The event was divided into two panels, and the first, composed of Alina Das '05, associate professor of clinical law and co-director of the Immigrant Rights Clinic; Melissa Mark-Viverito, New York City Council speaker; and Dara Lind, journalist at Vox, explored what characterizes a sanctuary city and how such localities might respond to the executive order.

Trump's executive order targets jurisdictions that “willfully refuse to comply with 8 U.S.C. 1373,” a law prohibiting federal, state, and local authorities from restricting government officials from sharing information about immigration or citizenship status with immigration authorities. Das, who called the order “pretty clearly unconstitutional,” noted that most sanctuary cities do not violate this law and have enacted provisions that are outside of it.

In the second half of the program, panelists including Adam Cox, Robert A. Kindler Professor of Law, and Kate Brick, director of state and local initiatives at the Partnership for a New American Economy, discussed the myriad ways immigrants contribute at the state and local levels and the roles that cities and states might play in immigration policy during the Trump administration.



Over the course of the last century, Cox explained, state and local governments have had dwindling power to shape immigration policy. This is good, in his view, because constitutional law has evolved to disempower states from being able to make immigrants' lives more difficult.

On the other hand, noting arguments in support of local policymaking around immigration issues, Cox pointed to the California Trust Act, which prevents local jails from holding people for immigration purposes. He suggested that any state could emulate states such as California in diverging from federal approaches. “Those states have an idea of what national policy should be,” said Cox, “and they're using the instruments they have to organize change.” □

Navigating the Intersection

In this year's Latinxs in the Law Lecture, “Lawyering Across Identities: The Intersection of Latinx and LGBT Rights,” Iván Espinoza-Madrigal '05, executive director of the Lawyers' Committee for Civil Rights and Economic Justice, considered the challenges faced by attorneys advocating for people who do not fit neatly into one predetermined category. Espinoza-Madrigal discussed a case where he pursued national origin, sex, pregnancy, and race discrimination claims on his client's behalf. Only by resisting the pressure to over-



simplify civil rights litigation, he argued, could advocates maximize the potential for real change: “We should respect and take into account our clients' full identities and lived experiences.”



Regarding Islam

At “Regarded As' Muslim: Islamophobia and Its Ripple Effects,” panelists considered how Islamophobia has “intersected with xenophobia, with anti-blackness, with a whole host of issues that cut at the heart of the way we treat people of different races and religions in this country,” said Associate Professor of Clinical Law Alina Das '05. Other panelists included Imam Khalid Latif, NYU's first Muslim chaplain and executive director of its Islamic Center; Suman Raghunathan, executive director of South Asian Americans Leading Together; and Arjun Sethi '08, adjunct professor at Georgetown University and Vanderbilt University law schools.

Gender Equity in Cybersecurity

The “Women Leaders in Cybersecurity: Closing the Gender Gap” conference, organized by the NYU Center for Cybersecurity (CCS), brought together cybersecurity leaders to discuss the profession’s gender inequity and suggest ways to bolster opportunities for women and young girls to enter the industry. “This gender gap in STEM in computer science was always very visible to me,” said Nasir Memon, co-founder of the center, during introductory remarks, and he discussed how women leaders and mentors in STEM fields like cybersecurity are integral to achieving greater gender balance.

A group of women who are cybersecurity professionals convened last October in panels and discussions about the future of their field. The speakers hailed from a wide range of industries, emphasizing the number of potential career tracks within cybersecurity. Brigadier General Jennifer Buckner, of the US Cyber Command, and Renee Forney, then-acting deputy chief information officer for the US Department of Energy, spoke about their careers in public service. Other panelists, such as Katherine Fithen, chief privacy officer at the Coca-Cola Company, and Sandie Ritucci, vice president of technology at Goldman Sachs, focused on opportunities in the private sector. Emily Vacher, director of trust and safety at



Facebook, spoke about transitioning from her previous position as a supervisory special agent for the FBI to her current role at Facebook and provided insight into both the public and private sectors.

The conference split up midday for a pair of Q&A sessions with experts. One focused on women in management and at senior levels, and another on entering cybersecurity and negotiating midcareer changes.

Other participants included CCS co-founder Zachary Goldman ’09, NYU Law adjunct professor; Judi Germano, senior fellow at CCS and NYU Law’s Center on Law and Security; and Emily Poole ’18, a cyber scholar at CCS. □

Markets and Nuances

In the annual Hayek Lecture last October, Professor Emeritus Robert Ellickson of Yale Law School articulated a complex view of typical classical liberalism, offering a limited defense of taxes and regulation by “praising nineteenth-century New York, insulting twentieth-century New York, and challenging anarcho-capitalists,” advocates of an unfettered free market. Ellickson, while opposed to rent control and zoning ordinances, allowed that markets alone cannot always produce widely beneficial public works such as the Brooklyn Bridge or an orderly street grid.



Answering the Call



Strive Masiyiwa, founder of the international telecommunications group Econet Wireless, engaged in conversation with Chelsea Piers president and co-founder Tom Bernstein in March at an NYU Law Leadership Mindset event. Masiyiwa encountered strong government resistance to launching a mobile network in Zimbabwe and spent several years in litigation. “We became the only company in the world licensed by a constitutional court,” he said.

Masiyiwa, who serves on the Advisory Board of NYU Law’s Bernstein Institute for Human Rights, urged students to make change wherever they are. In

2014, during the Ebola outbreak, he gathered leaders from some of the largest corporations in Africa. Working together, they mobilized 850 nurses and doctors to go to the affected communities. “Philanthropy has nothing to do with having money,” he said. “It’s just a desire to seek change and look for solutions.” □

Finding a Reentry Way



Not Just a Number

At the Center for Labor and Employment Law's discussion "Artificial Intelligence & Employment Law: 'People Analytics' & 'Big Data' in Personnel Decisions," Jenny Yang '96, US Equal Employment Opportunity Commission (EEOC) chair, discussed the EEOC's examination of the increasing use of big data in organizations' selection procedures. "We know at the EEOC that the use of big data and artificial intelligence is fundamentally changing how employment decisions are made," said Yang.

Last April, the ninth annual conference of NYU Law's Center on the Administration of Criminal Law (CACL), "Disrupting the Cycle: Reforming Reentry," explored how prosecutors and other law enforcement officials can help former inmates navigate the often-tortuous transition to post-incarceration life.

Keynote speaker Glenn Martin, founder and president of JustLeadershipUSA, an organization dedicated to halving the US correctional population by 2030, was fresh off of what he considered an astounding victory: One week earlier, New York City Mayor Bill de Blasio announced the decision to close Rikers Island, the city's main jail complex, which has long been plagued by allegations of the abuse of inmates. CACL Faculty Director Rachel Barkow, introducing Martin's speech, said, "It is nothing short of miraculous what he has accomplished."

Martin was intimately familiar with New York's notorious jail complex: He first had been incarcerated there as a teenager, charged with shoplifting and unable to pay \$1,500 in bail. "In my personal reentry experience

and my subsequent work to end mass incarceration in America, I've come to view our criminal justice system as a giant conveyor belt that culminates in a human grist mill," he said.



Martin



Bharara

Binary thinking, Martin said, played a large role, with neat categories for victims and for offenders coupled with a failure to acknowledge that many people were both. He argued that this approach extended to reentry programs, "where the measurement of success for ex-offenders is reduced to recidivism, with little attention paid to trauma, healing, and repairing the harm."

Later in the day, Distinguished Scholar in Residence Preet Bharara, former US attorney for the Southern District of New York, emphasized the role of prosecutors in improving reentry: "Over time, people who are spending careers in prosecution—in particular, those leaders at the top like the attorney general of a state or US attorney or chiefs of divisions—need to be thinking more broadly about how we do a better job in the criminal justice system, particularly with respect to reentry." □

Responsibility Begins at Work

The NYU Program on Corporate Compliance and Enforcement's conference "Expanding Individual Accountability for Corporate Misconduct" assembled academics, compliance officers, enforcement officials, general counsel, and white-collar defense attorneys to discuss the evolving state of legal and regulatory enforcement. Mark Steward, director of enforcement and market oversight at the UK's Financial Conduct Authority (FCA), delivered the keynote speech and focused on the FCA's Senior Managers Regime, created to place greater emphasis on individual wrongdoing. "The overriding purpose of the regime," he said, "is



Steward

to improve genuine accountability in firms by removing ambiguous or bureaucratic structures that have impeded or obfuscated clear lines of responsibility within firms."

Defending Dissent



Hom

The annual Robert L. Bernstein Institute for Human Rights symposium convened scholars and activists to discuss the growing crackdown on dissent around the globe and how to defend

fundamental rights. Calling the conference to order, Professor Margaret Satterthwaite '99, the Bernstein Institute's faculty director, said, "We live in a time of contracting democracy and liberalism and expanding authoritarianism and nationalism."

In the opening panel of the two-day symposium, presenters discussed attacks on dissent, with particular focus on Egypt, Russia, China, and the countries of sub-Saharan Africa. Sharon K. Hom '80, executive director of Human Rights in China and director of the Bernstein Institute's China and International Human Rights Law Research Program, moderated as experts spotlighted trends that threaten dissent and other critical human rights values.



Relevant Parties

82 *Members of the Class of 2017 share reflections on their time at NYU Law*

88 *Family hooding album* 90 *A reception for scholars and donors*

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93 *A LACA celebration* 94 *Snapshots from Reunion 2017*

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Graduating students Nahuel Maisley LLM '17 (left) and Russell Rennie '17 bear the NYU School of Law banner at Commencement on the field of Yankee Stadium.



For Graduating Students, a Time of Reflection

Members of the Class of 2017 share their favorite experiences and memories from law school and hear from Convocation speakers including Judge Raymond Lohier '91 and former Ambassador David Pressman '04.

After finishing their last law school papers and exams, but before sitting for the bar, the Class of 2017 was able to breathe a collective sigh of relief and turn to more festive matters: celebrating the achievement of graduating from NYU School of Law. As their families and friends gathered for NYU Commencement at Yankee Stadium and NYU Law Convocation at Madison Square Garden, the students also had a chance to reflect on their time at the Law School and the memories, achievements, and lessons they will take with them as they embark on the next stages of their careers.

"I found a physical, spiritual, and mental home here at NYU with the social justice community, and I think that was reinforced by the number of clinics that there were, the amazing advocates that are here, and the faculty that's supportive of people pursuing public interest careers," said John Cusick '17. "All of my friends were super supportive—even if we were applying to the same things—looking at cover letters,

giving each other tips about interviews. Having that level of collaboration and support among the students is something you don't really expect to find at law school. I love NYU for that."

For Julian Pymonto '17, the opportunities afforded by his involvement with various student groups were especially memorable. "Certain organizations like the Social Enterprise & Startup Law Group, the JD/MBA Association, and the Asia Law Society had trips abroad that allowed me to learn more about how our law fits in the context of international law," he said.

This year's graduating class was particularly inspired to give back to their alma mater. At the JD ceremony, Samantha Coxe '17 presented the Class of 2017 gift to Anthony Welters '77, chairman of the Board of NYU

School of Law, while at the LLM/JSD ceremony, Melissa Passman LLM '17 presented the gift to Law Alumni Association President Joe Ehrlich '97. The combined JD and LLM/JSD classes raised \$84,000 from over 200 students and added 37 Weinfeld

"I found a physical, spiritual, and mental home here at NYU with the social justice community, and I think that was reinforced by the number of clinics that there were, the amazing advocates that are here, and the faculty that's supportive of people pursuing public interest careers."

JOHN CUSICK '17

Fellows to the Weinfeld Program—the highest number of new Weinfeld Fellows in class gift history.

Thinking about her time at the Law School, Coxe placed particular importance on the community she found. “One of the great things that comes to mind about going to NYU Law is the diversity and the inclusion in the student body—not only the diversity in students’ backgrounds but also in beliefs, pursuits, and goals,” she said. “I think that NYU Law does an amazing job of bringing in the most varied intellectual people and really fostering a sense of camaraderie and supporting us every step of the way.”

At NYU Commencement, Welters, who is also vice chairman of the NYU Board of Trustees and a trustee of NYU Langone Medical Center, was in turn honored for his service to NYU Law and the University at large and received the Albert Gallatin Medal for Outstanding Contributions to Society. Carl Weisbrod ’68, former chairman of the New York City Planning Commission and a senior fellow at NYU’s Marron Institute of Urban Management, received the Lewis Rudin Award for Exemplary Service to New York City in recognition of his transformative role in the economic development of the city over the past four decades. Graduating students in attendance at Yankee Stadium also had the chance to hear from the University’s graduation speaker: musician, songwriter, and producer Pharrell Williams, who was the 2015 NYU Tisch School of the Arts artist in residence.

At NYU Law Convocation the following day, Dean Trevor Morrison spoke to both the JD and LLM/JSD Classes of 2017, remarking that regardless of their post-graduation plans, the graduates would now have an opportunity to help sustain the rule of law in the US and abroad. “At times like these, it is worth emphasizing that the rule of law is not inevitable,” he said. “As lawyers, you are the load-bearing walls of our legal institutions.”

Graduating students reflected on how they already had the opportunity to begin to serve as these “load-bearing walls” during their time at the Law School. Yilu Zhang ’17 was grateful that in her third year, she decided to participate in the Technology Law and Policy Clinic. “It was just a wonderful opportunity to engage with the law in a different way outside of the normal classroom setting,” she said. “The peers that I engaged with and the faculty and

“[The Technology Law and Policy Clinic] was just a wonderful opportunity to engage with the law in a different way outside of the normal classroom setting. The peers that I engaged with and the faculty and clients that I had the privilege of working with really expanded my horizons and shaped how I am as a lawyer in a way I couldn’t have accessed otherwise.”

YILU ZHANG ’17



Scholten



Pressman



Williams



clients that I had the privilege of working with really expanded my horizons and shaped how I am as a lawyer in a way I couldn’t have accessed otherwise.”

Another student noted that he had a chance to do something in law school that few lawyers get to do during the course of their careers: “Arguing in front of Justice Elena Kagan for the Marden Moot Court last year was a neat opportunity,” said Gabriel Panek ’17. “I don’t know where else but law school you would have the ability to do such a thing—except before the Supreme Court. But you have to go to law school first to get there.”

During the Convocation ceremonies, Rhidaya Trivedi ’17 and Anna Scholten LLM ’17 acted as the Law School’s student voices. Trivedi encouraged

her classmates to work toward “a world of restoration, less retribution,” and reminded them of the importance of seeking to understand those with different opinions. Scholten, noting that the world had changed drastically during the one year that the LLM class spent at the Law School, nevertheless praised what she described as the “violet optimism” that she found at NYU Law during a time when many are concerned about the state of law and democracy throughout the world.

In his address to the JD class, Judge Raymond Lohier '91 of the US Court of Appeals for the Second Circuit spoke of his background as an immigrant from Canada and also recounted his father's experience as an exile from Haiti. “The story of our country, the United States, is the story of the exile,” said Lohier, pointing to the exile of the Puritans from England to America as well as that of Native Americans from the lands that were taken from them. “It is a story that should inspire all of us in this room today to prize diversity and inclusion.” Lohier made the observation that American democracy is still



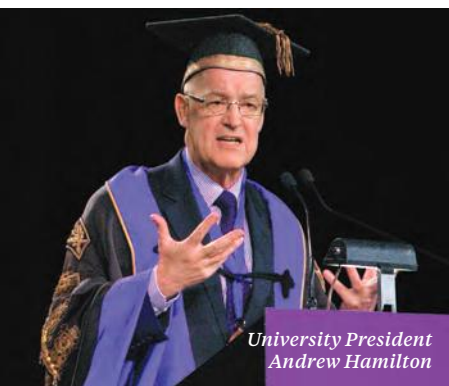
PHOTOS
ONLINE

“The story of our country, the United States, is the story of the exile. It is a story that should inspire all of us in this room today to prize diversity and inclusion.”

JUDGE RAYMOND LOHIER '91

young. To the graduating students, he said: “In this country change is still possible. And you can change it for the better.”

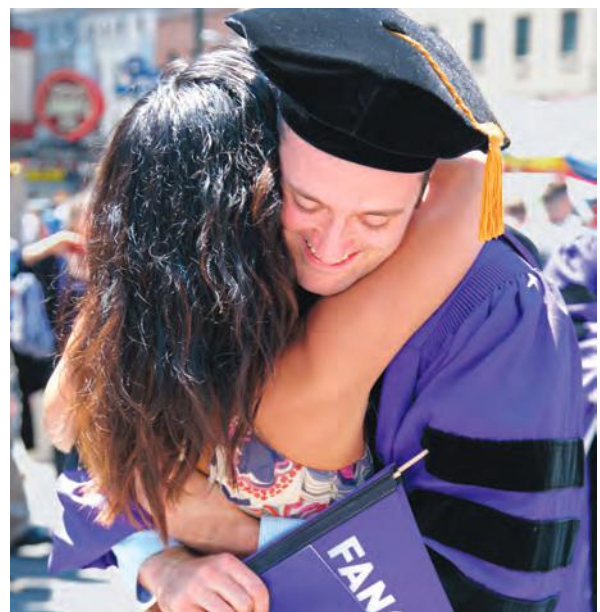
Ambassador David Pressman '04 encouraged the LLM/JSD Class of 2017 to work toward effecting change on a personal scale. A human rights lawyer who has served as the United States ambassador to the United Nations for special political affairs, Pressman recently transitioned out of government and into a role as a partner at Boies Schiller Flexner. In order to change the system from the inside, he said, lawyers must find small and unexpected opportunities to influence people who may not share their views. “Engage people who disagree with you,” Pressman urged. “And strive to make them, like you, into a force for justice.” □
Rachel Burns and Wilson Barlow



University President
Andrew Hamilton



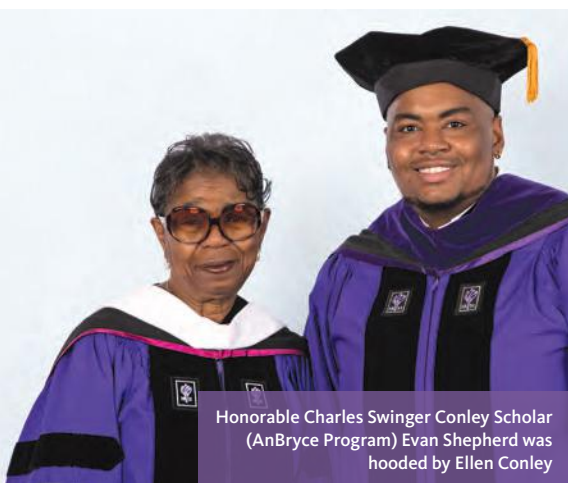
Lohier



The Class of 2017 Scholars and Donors



Derrick Bell Scholar for Public Service (LACA)
Lucy Zhou was hooded by Janet Dewart Bell



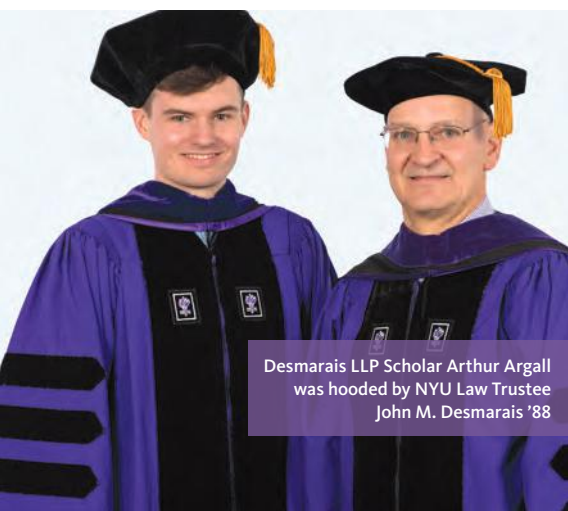
Honorable Charles Swinger Conley Scholar
(AnBryce Program) Evan Shepherd was
hooded by Ellen Conley



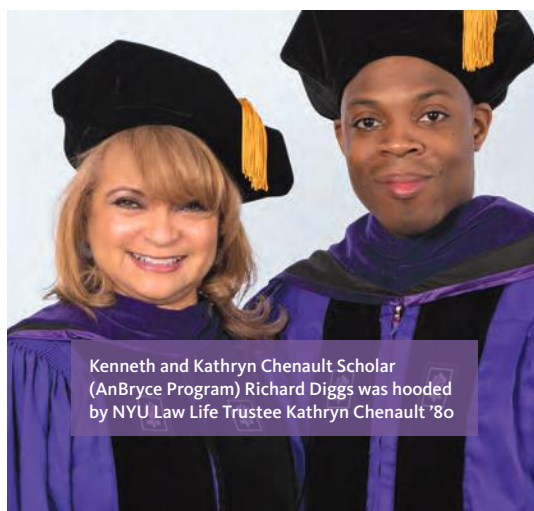
NYU Law Trustee Florence Davis '79 hooded Zawadi Baharanyi (Starr Foundation Scholar,
Root-Tilden-Kern Program), Clinton Agresti (C.V. Starr Scholar), Kyle Ezzedine (Maurice R.
Greenberg Scholar), Bingxin Wu (C.V. Starr Scholar), and Run Bo Lu (C.V. Starr Scholar)



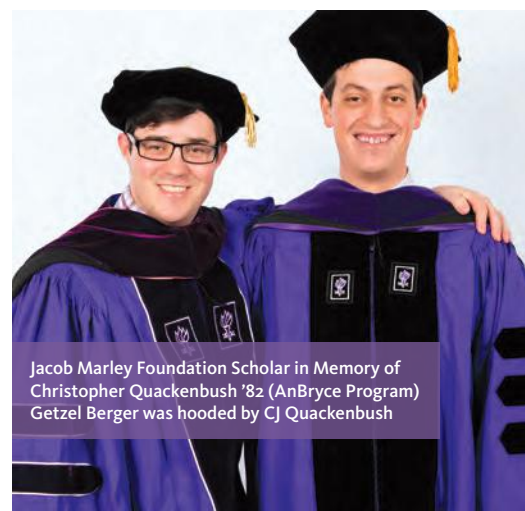
The Honorable Jesse Furman hooded Furman Academic and Public Policy Scholars
Alex Schindler, Ann Jaworski, Grace Leeper, Nathan Yaffe, Alexandra Bursak,
Hillary Smith, Elizabeth Organ, Riane Harper, and Max Yoeli



Desmarais LLP Scholar Arthur Argall
was hooded by NYU Law Trustee
John M. Desmarais '88



Kenneth and Kathryn Chenault Scholar
(AnBryce Program) Richard Diggs was hooded
by NYU Law Life Trustee Kathryn Chenault '80



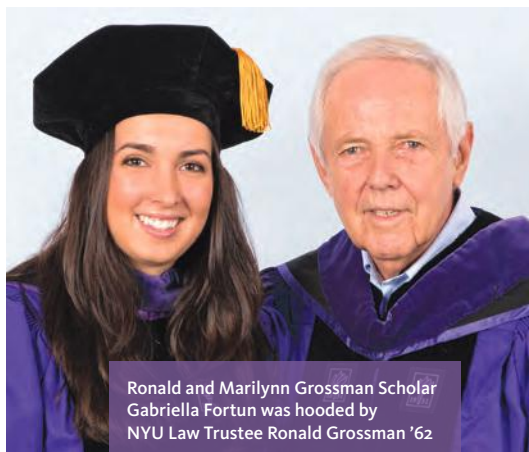
Jacob Marley Foundation Scholar in Memory of
Christopher Quackenbush '82 (AnBryce Program)
Getzel Berger was hooded by CJ Quackenbush



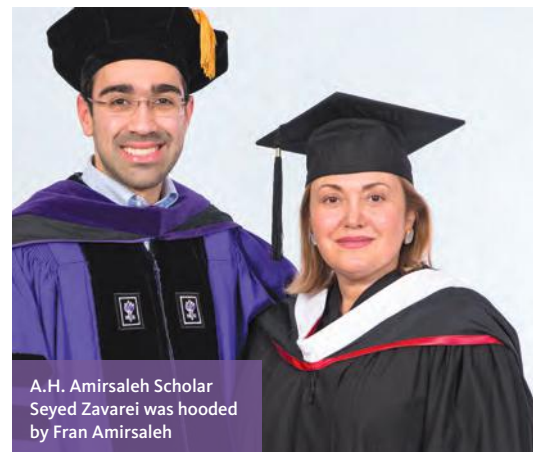
Anthony Walters '77, chairman of the Law School's Board of Trustees, and his wife, Ambassador Beatrice Wilkinson Walters, hooded graduates with scholarships within the AnBryce Program: Raymond Fadel, Jason Kuo (William Randolph Hearst Scholar), Breck Wilmot, Eboni Blenman, Jiaqian Zhou, Evan Shepherd (Honorable Charles Swinger Conley Scholar), Samuel Lacy, Lauren Webb (Julie and Marc E. Platt Scholar), Getzel Berger (Jacob Marley Foundation Scholar in Memory of Christopher Quackenbush '82), Maybelline Mena-Hadyka (John D. Grad Memorial Scholar), and Richard Diggs (Kenneth and Kathryn Chenault Scholar)



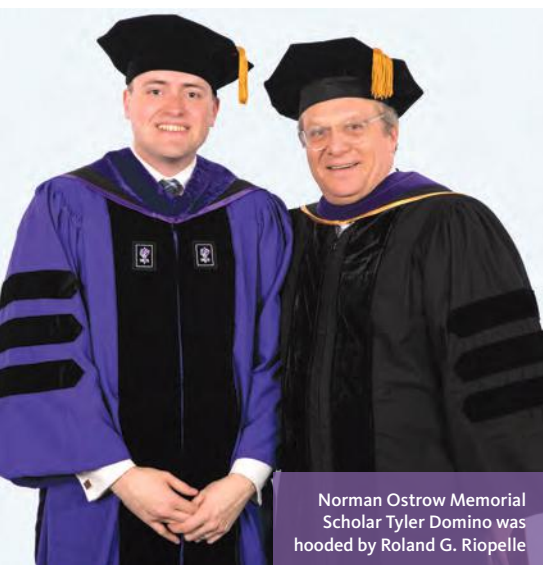
Rosenfeld Macaulay Pipeline Scholar Jennifer De Jesus was hooded by NYU Law Trustee and Professor Gerald Rosenfeld



Ronald and Marilyn Grossman Scholar Gabriella Fortun was hooded by NYU Law Trustee Ronald Grossman '62



A.H. Amirsaleh Scholar Seyed Zavarei was hooded by Fran Amirsaleh



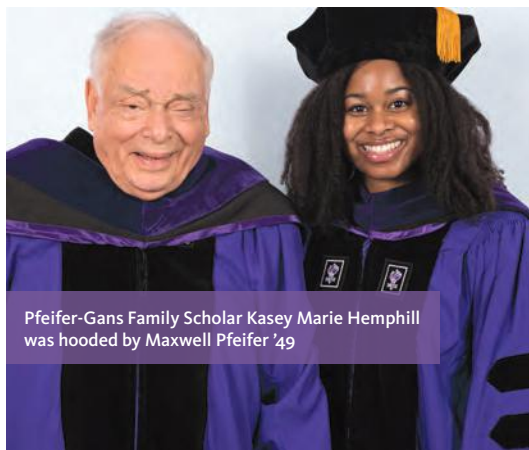
Norman Ostrow Memorial Scholar Tyler Domino was hooded by Roland G. Riopelle



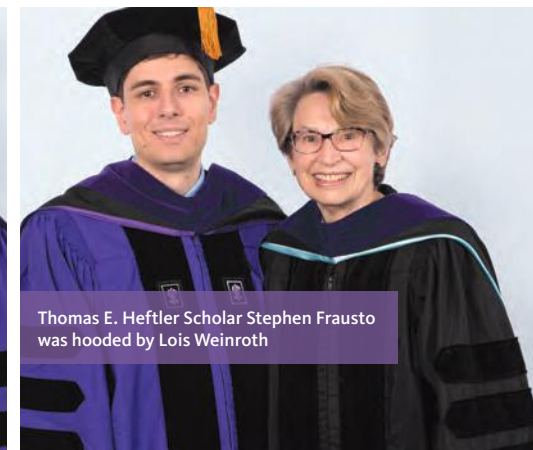
Professor Gráinne de Búrca hooded Hauser Global Law Scholars Tawakalitu Folake Alabi (T.D. Kenneson Foundation Scholar), Nahuel Maisley (Thomas M. Franck Scholar in International Law), Jaroslav Mencik (Michael A. Schwind Scholar in Global Law), Giulia Checcacci (Michael A. Schwind Scholar in Global Law), Daniel Blum, and Mintewab Abebe (not pictured: Ismael Franco Gonzalez, Starr Foundation Global Law Scholar; Aleksi Peltonen; and Sherin Shefik, Martin and Eva Domke Scholar)



Julianna B. Manzi Scholar Ellen Campbell was hooded by Julianna Manzi '13



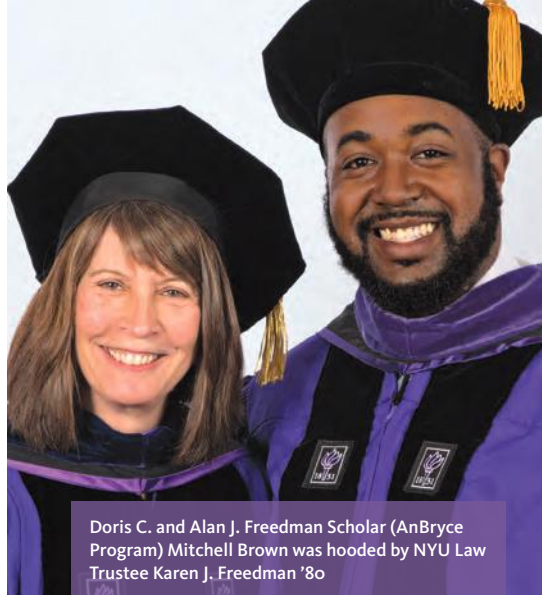
Pfeifer-Gans Family Scholar Kasey Marie Hemphill was hooded by Maxwell Pfeifer '49



Thomas E. Heftler Scholar Stephen Frausto was hooded by Lois Weinroth



Sinsheimer Service Scholar Jean-Luc Adrien was hooded by NYU Law Life Trustee Warren J. Sinsheimer LLM '57



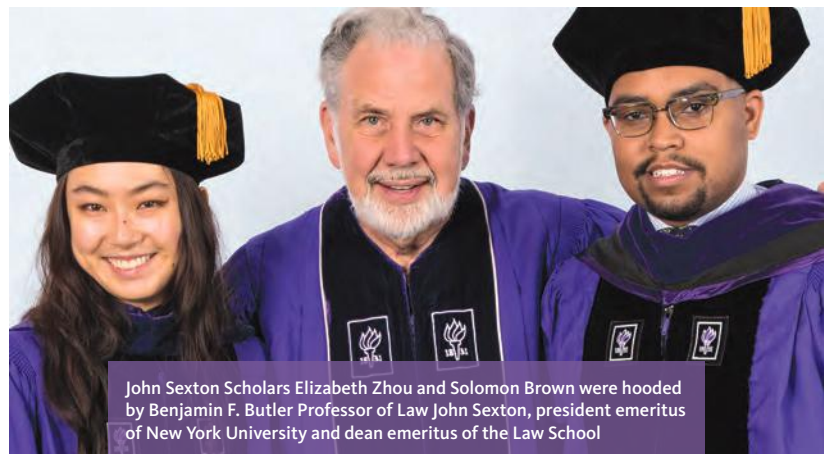
Doris C. and Alan J. Freedman Scholar (AnBryce Program) Mitchell Brown was hooded by NYU Law Trustee Karen J. Freedman '80



Herbert & Rose Hirschhorn Scholar Ivette Sanchez was hooded by Nancy Karlebach



Latinx Rights Scholars Mariel Villarreal and Juliana Morgan-Trostle were hooded by Professor Alina Das '05



John Sexton Scholars Elizabeth Zhou and Solomon Brown were hooded by Benjamin F. Butler Professor of Law John Sexton, president emeritus of New York University and dean emeritus of the Law School



NYU Law Trustee and Professor Gerald Rosenfeld and Professor Helen Scott hooded Jacobson Leadership Program in Law and Business Scholars Amy Larsen, Lauren Wiseman, Arash Ardalan, Joyce Chang, Samantha Ku, Daniel Peck, Mohammad Islam (Nordlicht Family Scholar), Mikaela Dealissia, and Tal Elmatad (not pictured: Alexander Allard; Jennifer Kalmanides; Penny King; and Ronald Stubblefield, Charles Klein Scholar)



Nordlicht Family Scholar (Jacobson Leadership Program) Mohammad Islam was hooded by Ira Nordlicht '72 and Professor Helen Scott



Wilf Family and Wilf JD Merit Scholars Michael Ramsey and Jaehyun Jung were hooded by NYU Law Trustee Elana Wilf Tanzman '12

The Class of 2017

Family Tradition



Sonya Chung with her fiancé,
Robert Lewis Briggs '15



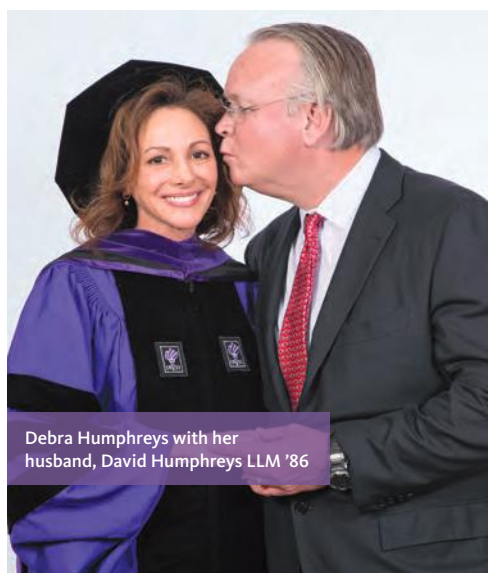
Joseph Jarashow with his mother,
Deena Epstein Jarashow '87



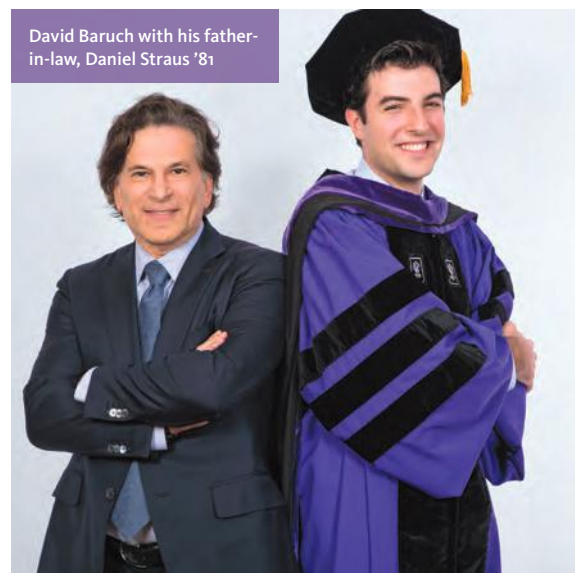
Jesse Wagner Klinger with his parents, NYU Law Trustee Alan Mark Klinger '81
and Susan Debra Wagner '81, and his brother Zachary Wagner Klinger '15



Anna Parnes with her
mother, Lois J. Radisch '84



Debra Humphreys with her
husband, David Humphreys LLM '86



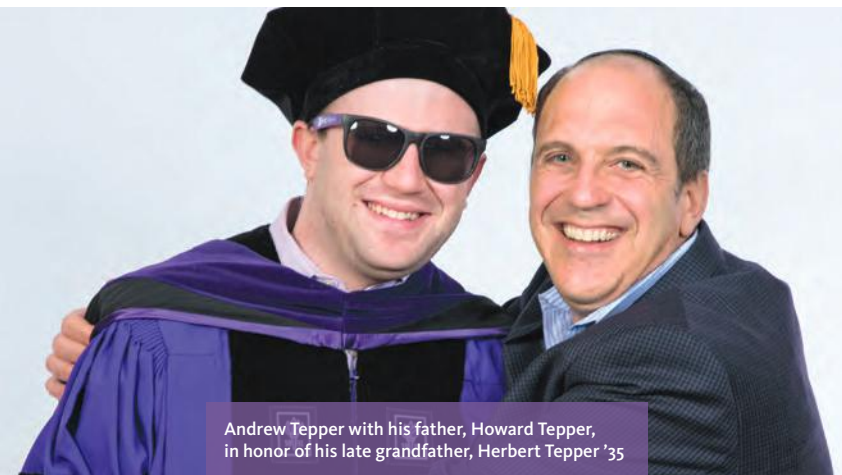
David Baruch with his father-
in-law, Daniel Straus '81



Benjamin Tobin with his father, Bruce Tobin LLM '83



Robert Rosengarten with his father, Moses Rosengarten '80



Andrew Tepper with his father, Howard Tepper, in honor of his late grandfather, Herbert Tepper '35



Wen Jie Pek with his sister, Jane Pek '08



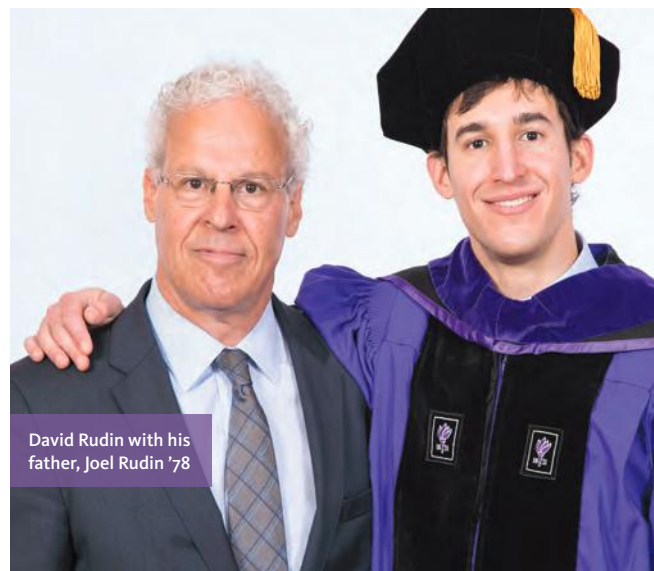
Eva Paloma Treves with her brother, Renato Raymundo Treves LLM '12



Andrew Martin Harris with his parents, Law Alumni Association Board Member John Harris '85 and Marcy Harris '86



Adam Murphy with his father, James Murphy '89



David Rudin with his father, Joel Rudin '78

Celebrating Support for Students

It is a priority at NYU Law to ensure that students receive the financial aid they need. In each of the last three classes, at least 50 percent of the incoming JD class received a scholarship award. Each year at the Scholarship Reception, students who have received scholarships have the chance to meet the donors who are supporting their time at the Law School. Displayed here is a selection of photos from the annual event.



Scholarship Reception
Student Speaker:
Claudia Carvajal Lopez '18
(Honorable Charles Swinger Conley
Scholar within the AnBryce Program)



**Filomen M. D'Agostino Scholarship for Civil Rights;
Filomen M. D'Agostino Scholarship for Women and Children:**
David Malkin '67 and Jessica Malkin '02 with scholars



**Kia Motors Scholarship
in Law and Business:**
David Malech and
Ijeamaka Obasi JD/MBA '18



Latinx Rights Scholarship:
Dean Trevor Morrison and Professor Alina Das '05 with scholars



Stuart Z. Katz Scholarship:
Stuart Z. Katz '68 and
Guy "Jack" Mathews '19



Furman Academic Scholarship; Furman Public Policy Scholarship:
Honorable Jesse Furman with scholars



**Institute for International Law and Justice (IILJ)
Joyce Lowinson Research Scholarship:**
Joyce Lowinson with scholars



Bonnie and Richard Reiss Scholarship:
Caleb Seeley '17, Bonnie and Richard Reiss '69,
Krista Bailey '19, and Verónica Casellas '18



Michael R. Roberts '15 Scholarship:
Marc Roberts, Nancy Cohen Roberts,
and Katherine Rouse '18



Wilf Family Scholarship; Wilf Graduate Tax Scholarship; Wilf JD Merit Scholarship:
Leonard Wilf LLM '77 with scholars



A.H. Amirsaleh Scholarship:
Mahyar and Fran Amirsaleh and
Seyed Zavarei LLM '17



**Honorable Charles Swinger Conley
Scholarship within the AnBryce Program:**
Claudia Carvajal Lopez '18, Ellen Conley,
and Evan Shepherd '17



**Derrick Bell Scholarship
for Public Service (LACA):**
Janet Dewart Bell and Lucy Zhou '17



AnBryce Scholars:
Anthony Walters '77, Dean Trevor Morrison, Professor and
Dean Emeritus Richard Revesz, and Thelma Duggin with scholars

The Legacy of Judith Kaye '62



Rivera Talks State Courts

Making the observation that the 2016 election brought “a reinvigorated discussion of the role of the state courts in protecting individual rights and access to justice,” Jenny Rivera '85, associate judge of the New York State Court of Appeals, spoke at the 2017 Law Alumni Association Luncheon on the breadth of issues addressed at the court where she presides. “Our court has generated leading cases for over a century,” Rivera said. “Within our state, we continue to interpret our constitution broadly to provide greater protections than the US Constitution.”

The 2016 Law Alumni Association Fall Conference, co-sponsored by the *NYU Law Review*, honored Judith Kaye '62, former chief judge of the New York State Court of Appeals, who passed away last year. The first woman to serve as New York's top jurist, Kaye was known for her efforts to reform the New York court system and for her critical decisions on issues including the death penalty and LGBTQ rights.

Helaine Barnett '64, chair of New York's Permanent Commission on Access to Justice and a lifelong friend of Kaye's, recalled: “Judith was brilliant, compassionate, a doer, and had an amazing work ethic.... She set as one of the court system's highest priorities that low-income New Yorkers have equal access to the courts and the legal system.”

During her 15 years as chief judge, Kaye established courts that specialized in issues such as mental health and domestic violence, ensuring that New

York's courts were focused not only on punishment but also on building solutions to problems facing the citizens of the state. “Judge Kaye's legacy is not a thing of the past but something she has left within all of us,” said Lisa Schweitzer '96, a partner at Cleary Gottlieb and a former clerk to Kaye.



At the Law School, one piece of Kaye's legacy, the Judith S. Kaye Scholarship, will cover full tuition for a student committed to pursuing a career in the area of LGBTQ rights. Kaye famously wrote an eloquent dissent in *Hernandez v. Robles* (2006), which denied same-sex couples the right to be married. “There are many areas in which

Judge Kaye was absolutely a transformative figure,” said Dean Trevor Morrison. “But her work on the court in that area stands out as especially important, and we celebrate that and her legacy through this scholarship.” □



This year's Hauser Global Law School Program Annual Dinner occurred exactly one week before a fateful national election in the Netherlands served as a closely watched referendum on nationalist politics. The dinner's featured conversation between former Italian Prime Minister Giuliano Amato, now a judge of the Constitutional Court of Italy, and University Professor J.H.H. Weiler, co-director of the Jean Monnet Center for International and Regional Economic Law & Justice, focused on a timely topic: Europe after Brexit.

In their conversation, Amato and Weiler suggested that Europe is reeling, not only from Brexit

but also from the victory of Donald Trump in the US and similar political stirrings elsewhere in Europe. The strength of the EU and its multinational ideals have been sorely tested, Amato said, by a recent flood of immigrants and overlapping onslaughts including an economic and financial crisis and deadly terrorist attacks.

Brexit, Weiler argued, is only part of the picture; in his view, the UK had never been wholly enthusiastic about being a member state. Continental Europe and its disaffected citizens, Weiler added, were the source of the real worry: “There's a feeling of disappointment, a feeling of skepticism. Euro skepticism is not marginal.”

Amato named an “overdose of austerity” as a major factor in member states' economic difficulties. Consensus on issues related to previously held common values such as human rights protection, tolerance, and EU solidarity had also fractured, Amato said.

In the end, Weiler acknowledged there are reasons for cautious optimism, as did Amato, who contrasted the older generations with the younger: “I admire the children of our primary schools...that live with diversity as their ordinary lives. The color of the skin, the religion, the attitudes are not so important. They are children, and they learn how to live together without problems, without difficulties, without fear.” □

Celebrating the LACA Community

Hundreds of alumni, faculty, administrators, and students gathered for the annual Law Alumni of Color Association (LACA) Spring Dinner to celebrate the achievements of LACA members. Each year, the event also serves as an occasion for alumni to connect with one another, current students, and faculty.

The evening's activities began with the presentation of the Derrick Bell Scholarship for Public Service to Nicolas Duque-Franco '18, who serves as an editor of the *NYU Review of Law & Social Change* and executive co-chair of the Latino Law Students Association.

The President's Distinguished Leadership Award was then presented to Professor of Law Paulette Caldwell. "She has paved the way for a generation of women of color to find our voices," said Professor of Clinical Law Kim Taylor-Thompson, who referred to Caldwell as the most influential voice on intersectionality in the United States. Caldwell spoke of her pride in LACA members' success over the years and reminisced about attending the first LACA dinners, when only a few tables in Greenberg Lounge were needed. "It thrills me when I come here to see how LACA has grown enormously, not only in size, but in power and influence at NYU Law, in the legal profession, and in the nation," she said.

Three recipients were honored with this year's Distinguished Alumni Achievement Award: Lorna Schofield '81, district judge for the US District

Court for the Southern District of New York; Lida Rodriguez-Taseff '92, partner at Duane Morris; and Anthony Foxx '96, former US secretary of transportation. Schofield shared the story of her immigrant mother, who came to the United States from the Philippines and raised Schofield as a single parent, noting, "There are many roads to success in this country."

Praising the LACA community, Rodriguez-Taseff said, "Family is the place you can rely on when you are scared and challenged. This is truly a family."

Foxx paid tribute to the ways that LACA has supported him and many others, and he exhorted the audience to work to make a difference. "I ran [for office] because there was a little voice inside of me that said it was time for a change in my community," he said. "Part of the reason you're here tonight is because there's a little voice inside of you saying there's a contribution you want to make. Being in the community of people who are wrestling with the same issues and questions is enormously powerful." □



Caldwell



Foxx



Rodriguez-Taseff



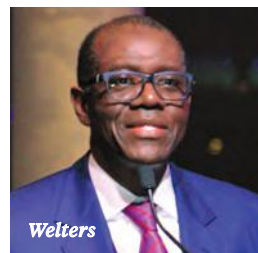
Schofield

A Fête for Sheila Birnbaum '65

NYU Law Trustee Sheila Birnbaum '65, partner at Quinn Emanuel Urquhart & Sullivan, was honored at this year's Weinfeld Gala with the Judge Edward Weinfeld Award, which recognizes distinguished alumni who graduated from the Law School 50 years ago or more. Held this year at the Whitney Museum of American Art, the gala celebrates donors who give at the \$5,000 level and higher annually, or \$1,000 or more during each of their first 10 years as alumni. In addition to Birnbaum's acceptance of her award, Dean Trevor Morrison, NYU Law Board of Trustees Chairman Anthony Walters '77, and then-Vice Dean for Development and Leadership Initiatives Jeannie Forrest each gave remarks. □



Birnbaum



Walters



PHOTOS ONLINE
FOR THIS PAGE

Reminiscing at Reunion 2017

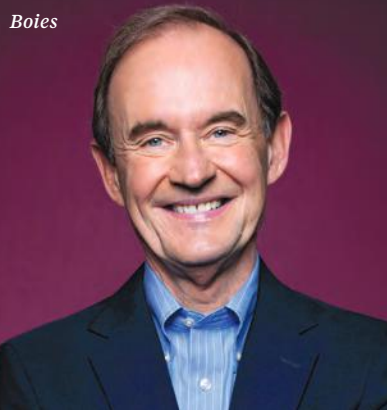
In late April, alumni gathered at the Law School to celebrate Reunion 2017. Over three days, attendees had the chance to go on walking tours, revisit their law student days at special classes taught by current NYU Law faculty, and reminisce at a variety of receptions, class dinners, and an all-reunion dance.



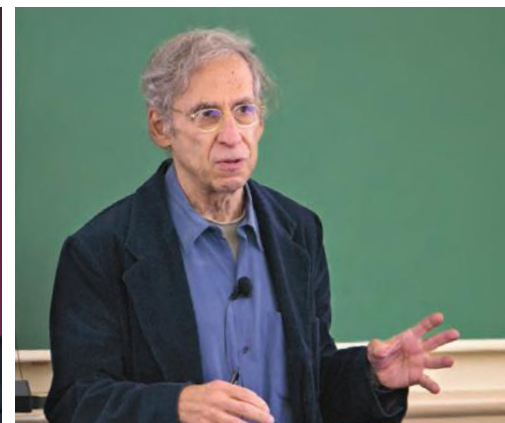
Blank (left)



Ifill



Boies



During the Reunion weekend, alumni received awards from the Law Alumni Association. Professor of Tax Law Joshua Blank LLM '07 (above), vice dean for technology-enhanced education and faculty director of the Graduate Tax Program, was recognized with the Legal Teaching Award, which honors great teachers for scholarship and for extraordinary dedication to the education and training of law students. Sherrilyn Ifill '87 (right, top), president and director-counsel of the NAACP Legal Defense and Educational Fund, was the recipient of this year's Public Service Award, which recognizes alumni who forge careers in public service and honors those who profoundly affect society. And David Boies LLM '67 (right, bottom), chairman of Boies Schiller Flexner, received the Alumni Achievement Award, which recognizes graduates' significant professional achievements and commitment to the continued development of the Law School.



Ehrlich (left)

This year, the Reunion weekend happened to coincide with the birthday of Joseph Ehrlich '97 (left), president of the Law Alumni Association. In honor of the occasion, a cake was served at his class dinner, and his wife, Katie Rosman, led his fellow alumni in singing a round of "Happy Birthday."



Hernández (second from left)



Damaris Hernández '07 (above), partner at Cravath, Swaine & Moore, was honored with the Recent Graduate Award, which recognizes the professional achievements of alumni who graduated no more than 10 years ago. Hernández, who was featured on the cover of last year's *NYU Law Magazine*, is a graduate of the Law School's AnBryce Scholarship Program and last year became Cravath, Swaine & Moore's first Latina partner.



*Marc Platt '82 has been a giant in the entertainment industry for more than 30 years. He has served as president of production for three film studios (Orion Pictures, TriStar Pictures, and Universal Pictures), produced Broadway hits, practiced as an entertainment attorney, and handled business affairs at a major talent agency. He now heads Marc Platt Productions, a production company for feature films, television, and theater. This year, his critically acclaimed film *La La Land* was nominated for 14 Academy Awards, tying the record for the most nominations. Platt, who produced *Wicked*, *Bridge of Spies*, *Legally Blonde*, and *Into the Woods*, among many other credits, recently spoke with Editorial Director Samantha Dillard about his illustrious career.*

You've said that you entered law school in part to learn the business side of entertainment. What made you choose law school instead of business school? When I was a senior at the University of Pennsylvania, I produced a small Off-Broadway musical, and I discovered that most of the people involved around me were professionals in the Broadway business or entertainment attorneys. The business of entertainment was filled more with attorneys than it was with MBAs.

What did you imagine your career path to be when you entered law school? I wanted to be a Broadway producer. Through my brief but intense legal experience, I was really introduced to the film business, and my ambition grew beyond the theater into the film world as well. It took me a long time to get to where I thought I'd be when I entered law school and a very long time to produce my first Broadway show, and it was lucky for me that show was *Wicked*.

Has your legal background given you any advantages throughout your career as a producer? It certainly has helped me navigate the process involved in getting and bringing projects to fruition. I understand the mindset, language, and what the sensitivities of the other side are, and it definitely makes me more effective in helping facilitate agreements. It has for sure made me a more effective producer on the business side. My business acumen, which I developed from being a lawyer and obtaining my law degree from NYU, definitely made a vast difference in my day-to-day life as a producer and has given me a strong advantage.

Has any one project of yours been a particular passion project? I have to say most of my projects are passion projects or I wouldn't pursue them. Years ago, I made a film called *Philadelphia*. That film was inspired by a number of things that were going on in the world around me and a lot of people that I knew. It was a time where the subject matter was very taboo and very challenging to get a project like that made, even as chairman of a company. But I did, and that remains one of my personal crowning achievements of my career.

What kinds of projects do you see yourself drawn to in the future? I think one of the things I love most about what I do is that I don't have an answer for that. I can't tell you exactly what I'm doing a year or two from now. I know the *Wicked* film is in the makes, I know I've got films I'm shooting now that I'll be in post-production for, but an idea or script or book or filmmaker

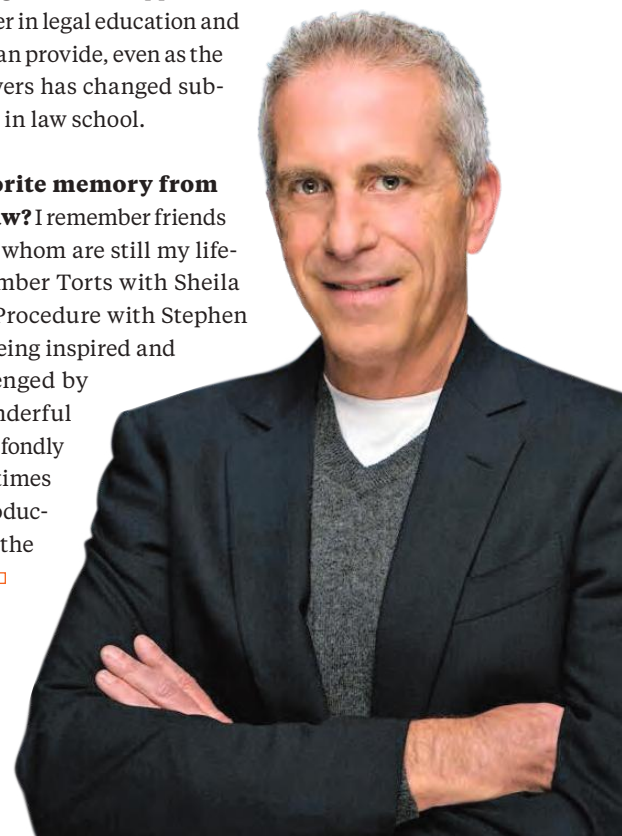
may come into my office tomorrow that I don't know about today, and that's going to all of a sudden take up all of my time and creative energy a year from now. I'm always looking for entertaining ideas. I'm always looking to bring joy into the world. I'm always looking for stories that can be musicalized because I love music so much. But mostly, I happily can't tell you.

You and your wife established the Julie and Marc E. Platt Scholarship within the AnBryce Program. What compelled you to give back to the Law School, and why in that way? As someone who benefited from a law school education and could afford it, it's my way of giving back to that institution and showing my gratitude for that education and all that I've benefited from it. It was easy to want to help those individuals who are worthy of such a law school experience and who couldn't afford it. I'm happily and proudly a participant in that program.

Do you have advice for lawyers interested in using their law degree in a less traditional way? I think one should distill out the skills that one learns from law school, which is a more academic theoretical discipline, and give it a few years of practical application. In my instance, my transactional skills certainly gave me and continue to provide an advantage of getting things done, being able to make agreements happen, make deals. I'm a big believer in legal education and what the law degree can provide, even as the marketplace for lawyers has changed substantially since I was in law school.

Do you have a favorite memory from your time at NYU Law? I remember friends that I made, some of whom are still my life-long friends. I remember Torts with Sheila Birnbaum '65, Civil Procedure with Stephen Gillers '68, and just being inspired and provoked and challenged by professors was a wonderful thing. I also remember fondly participating—sometimes writing, directing, producing, and starring—in the Law School musical. □

This Q&A was edited and condensed. Read a longer version online.



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