



# THE COMMENTATOR

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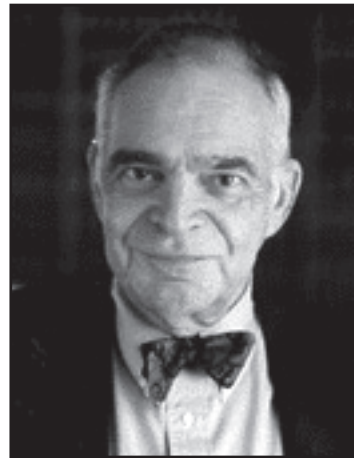
## Lowenfeld: A Man of Many Accomplishments

By JOCELYN L. BURGOS '06

At its 101st annual meeting, the American Society of International Law awarded its prestigious Manley O. Hudson medal to NYU Professor Andreas Lowenfeld, in honor of his prolific scholarship and outstanding achievements in the field of international law. Thus far, Lowenfeld has written 18 books, 115 articles, and 34 book reviews on such diverse topics as aviation law, conflict of laws, international economic law, and international litigation and arbitration. He has also served as counsel, expert, or *amicus* in some of the most prominent international law cases before the Supreme Court, the Iran-US Claims Tribunal, and the International Court of Justice. In addition, he was Associate Reporter for the American Law Institute's *Restatement (Third) of the Foreign Relations Law of the United States* and co-Reporter for the ALI's project on Recognition and Enforcement of Foreign Judgments: Analysis and Proposed Federal Statute.

During the Hudson Medal Luncheon that was held in Professor Lowenfeld's honor, he and Harold Koh, Dean of Yale Law School, engaged in a conversation

about a topic that has long been of interest to Lowenfeld – that of the distinction, or lack thereof, between public and private international law. Nearly twenty-five years ago, Lowenfeld expressed his opinion on the topic in a report on teaching international economic transactions: "In interna-



tional law (and perhaps in all law) the distinction between the 'private' and the 'public' side doesn't really belong. One cannot advise or defend private clients without an understanding of the powers and limitations of governments, and one cannot advise or participate in government without a grasp of how private firms and their

legal counsel operate." It is this position which underlies Lowenfeld's work, both as a scholar and as a practitioner. He believes it even more today than he did twenty-five years ago.

According to Lowenfeld, he did not set out to be a legal scholar – or even a lawyer, for that matter. His decision to attend law school was motivated by a desire "to learn something useful and see what comes of it." After a year of working at Harvard's Russian Research Center, he was accepted to and enrolled in Harvard Law School. Although he studied both international and comparative law, Lowenfeld's favorite law school courses were Civil Procedure and Conflict of Laws. Nearly forty years later, Lowenfeld's interest and expertise in procedure, conflict of laws, and international and comparative law would lead him to write one of the legal academy's leading international litigation casebooks, *International Litigation and Arbitration* (now in its second edition).

In 1955, shortly after his graduation from Harvard Law School, Lowenfeld was drafted into the U.S. Army; he served for

*Continued on page 6.*

## NYU Teams Excel in International Arbitration Moot Competition

By WANGUI W. KANIARU '07

NYU School of Law gave a strong performance at the recently concluded Willem C. Vis International Arbitration Moot Competition in Vienna and Hong Kong. The Moot featured more than 200 universities from all over the world. Both NYU teams successfully advanced through four rounds of competition, marking the first time for NYU to have two teams place in the top 10 at both the Vis Moot East and the Vis Moot Vienna. In addition to Honorable Mentions for their separate written submissions, several members of both teams were recognized for outstanding advocacy skills. Rashida Allie (LLM '07), Philipp Groz (LLM '07), Michael Howe (LLM '07), Wangui Kaniaru (JD '07), Rahim Moloo (LLM '07), Jeena Shah (JD '07), Stacia Sowerby (JD '08), and Ramona Vijayarasa (LLM '07) participated in the moot. The competitions took place from March 19-25 in Hong Kong and March 31-April 5 in Vienna.

Jocelyn Burgos (LLM '06), who had previously participated in the Vis Moot, coached the Hong Kong team. In addition, Flavia Mange (LLM '07) provided extensive research assistance during the drafting of written submissions and preparation for oral arguments. "The Moot was definitely one of the highlights of my time at NYU," said Mange. Mange, who is currently writing a dissertation on interim measures in litigation and arbitration in Brazil, noted that the level of arbitrator panelists and student advocacy was illuminating. "Being part of a team inspired me to pursue establishing a Vis team in Sao Paulo when I return to complete my Masters at the Universidade de Sao Paulo," she said. Inaugurated in 2004, the rapidly growing Vis Moot East in Hong Kong featured 48 universities from Australia, the U.S., Canada, Germany, Brazil, Thailand, India, Indonesia, Japan, and Korea. In addition to advancing to the final elimination rounds, the team, featuring Allie, Kaniaru, Shah, and Sowerby, placed second out of 48 schools in the general rounds. All four participants also received Honorable Mentions for outstanding advocacy skills. "In a field that has traditionally been dominated by men, it was very empowering to be part of a six-woman team in Hong Kong and perform so well," Shah said. "Participating in the Vis Moot refined

my brief writing and oral advocacy skills in a way that no law school class had been able to do, and opened up a legal field to me that is not really emphasized in the law school curriculum."

Giorgio Mandelli (LLM '07), who previously participated as an arbitrator and coach while working as an international arbitration solicitor in London, coached the Vienna team. In its 14th year of existence, the Vienna Moot featured a record number of 177 teams from universities from all over Europe, North America, Brazil, Asia and Australia. The NYU team, featuring Groz, Howe, Moloo, and Vijayarasa, placed 11th in the general rounds and, ultimately tied for ninth place in the final rounds. In addition, Groz and Vijayarasa received Honorable Mentions for outstanding advocacy skills. "As a Swiss-trained lawyer, the Moot was a great opportunity to develop my advocacy skills in English," Groz noted. "It also gave me valuable first-hand experience in understanding the different approaches lawyers trained in civil law and common law jurisdictions bring to the same issues."

"The Vis Moot in Vienna was definitely the highlight of my year," Howe noted. "I started this process in September knowing nothing about international sales or commercial arbitration. I left Vienna with a great deal more knowledge, a new-found confidence in my oral advocacy skills, and a large new group of friends from around the world. I would recommend the experience to anyone," Howe said. Named after the late Willem Cornelis Vis, Executive Secretary of the Vienna Diplomatic Conference that created the UN Convention on Contracts for the International Sale of Goods (CISG), the Vis Moot aims to promote the study and practice of international commercial arbitration. Students prepare written submissions and oral arguments on a legal problem applying the CISG and other uniform commercial law in the context of arbitration. The long-running competition has been the basis of international arbitration seminars at various schools, where students participate in a semester-long research, writing, and oral advocacy course in preparation for the Moot. NYU's team was selected in September 2006 and prepared independently while being coached by current and former students.

*Continued on page 4.*

## Students Open Dialogue with Professors About 1L Pedagogy

By JULIA FUMA '07

On March 1, 2006, five NYU law students presented a best practices document to a number of 1L professors. The document came about after a series of meetings with Vice Dean Clay Gillette and Assistant Dean for Student Affairs Yvette Bravo-Weber about how NYU could do a better job of making the 1L classroom experience a more inclusive environment for a diverse range of students.

The group of students in the conversations included two students from each ALSA and CoLR. The conversation came as a result of the fact that while "there is a general feeling that 1L year is terrible for everyone, there is a specific type of isolation that seems to be common among 1Ls that come from traditionally marginalized groups," said Navneet Grewal '07, one of the student involved in the initial conversations. "There is a lot of literature on better ways

to bring these voices into the classroom." After a few conversations with Gillette and Bravo, the two of them indicated that many 1Ls were interested in the issue and wanted to meet directly with students. About 20 students showed up to the March 1st meeting. According to Grewal: "The response was overwhelmingly positive. There were a couple of eye rollers, but for the most part, the professors were quite engaged, asking questions and sharing their own strategies and concerns. A few were even taking notes!"

According to Diana Reddy '08, the best practices document is important because, for the most part, professors do not have training as teachers. She said that the most important part of the document is the one that asks professors to situate themselves and examine their own assumptions. Professors will sometimes have perspectives about the law of which they do not realize that students are not cognizant.

Gillette has been very pleased with the document and the meetings. He said that he had not heard

from many faculty but those he had heard from had been positive. "I know that some faculty have adjusted their teaching style in response to the concerns expressed. For instance, some faculty have sought student feedback prior to the end-of-semester evaluations, and some faculty have been more explicit in explaining their own perspectives on a subject and inviting disagreement. The faculty and administration truly appreciate these efforts to make create a more educationally productive environment," said Gillette.

Grewal has said that while she is not sure of the extent of the change in professors, she has heard from current 1Ls that their professors have done things like making explicit what theoretical perspective they teach from (for instance, law and economics), that being of the suggestions developed in the best practices meeting.

*See Standards, page 7.*

## Misleading Headline Overstated Adler's Influence, Minimized Importance of Committee and Faculty

Editor,

The April 5 issue of *The Commentator* included the following headline: "Adler Takes Away Journal Credits, Goes After More." Although I am flattered that the reporter and editors at *The Commentator* believe I have so much influence, the headline is misleading. As the article under the headline accurately explains, the faculty recently voted to limit future writing credit to work done under the supervision of a faculty member. This vote followed a recommendation of a committee comprised of faculty and student members. The act was by no means unilateral. I emphasize this only because I would



not like your readers to believe that the opinion of any one faculty member or administrator can determine something as important as what

work counts toward a degree.

Then there is the "Goes After More" portion of the headline, which refers to the fact that the Curriculum Committee is considering whether credit for board work on journals and moot court should continue to receive credit after the 2007-08 academic year. There is no doubt that work on these boards is substantial and important. The question the Committee is considering is whether academic credit for such work is appropriate. A number of our peer schools, Harvard and Chicago, e.g., treat such work as extracurricular and do not grant credit. The Curriculum Committee (which includes student members) may or may not recommend that we follow in this regard, and even if the Committee does recommend such action, the faculty may or may not approve. Whatever happens, though, I want to assure all students that the process is a deliberative one and that the journals and moot court have been heard on the matter.

Finally, I want to address a quote in the article, attributed to [a student], one that suggests the administration has been "reluctant with information" and "adversarial." There have been two meetings so far with the journal and moot court boards, and apart from the inherent conflict in even honest differences of opinion, there has been, to my knowledge, no action that can be described as adversarial. Let me apologize, though, if there is an impression that the administration has been hesitant to disclose information or has taken an adversarial stance. I would welcome any opportunity to improve on either count. The work done by the journals and moot court is highly valued by the administration, regardless of what credit is awarded.

Barry E. Adler  
Vice Dean  
Charles Seligson Professor

## A Response: Explode The Commentator?

Dear Julia,

First of all, your jokes are funny! Your puns are clever. Ms. Julia Fuma, you are far and away the driest wit that the students at New York University School of Law have been graced with to run their *Commentator*. And I will take advantage of your open letter (from the April 5, 2007 issue, inviting me to take over as editor-in-chief of *The Commentator*) to be vain and self-centered for several paragraphs. Then I'll be vain and self-centered but offer a suggestion that I vainly think might be constructive.

The reductionist in me wants to say that moral problems and practical problems are the same in that they force us to make decisions about what we value. They also serve as narrowing devices by insidiously or at least subtly making us accept some things as a given. For example, a question about what to have for lunch assumes that I will, indeed, have lunch. And it forces me not just to make a decision about what I want to eat, but perhaps about where I want to spend my money, what resources I want to consume, and with whom I wish to dine.

So to your offer. I greatly appreciate the opportunity to consider serving as editor-in-chief of *The Commentator*. To my knowledge, no one in my family has ever been EIC of a publication, much less one of this caliber. And you're right – there's much good that can be done in that position. At the helm of this ship I could steer it down a path of advocacy and activism; chart a course for humour and satire; or I could close my eyes, spin the wheel, and let the tides and the winds take us where clichés aren't passé and metaphors always seem fresh. Or I could simply mandate British spellings (gratuitous "u"s and zeds instead of esses).

I've decided I can't accept your offer. My respect and appreciation for *The Commentator* as an institution, and as a valued part of the NYU Law experience, compel me to make this decision. Selfishly or prudentially, I put myself first: there has to be a limit as to how much I can do, and I draw the line at EIC. My fiancée and soon-to-be wife (one and the same), my

clinic, the *Review of Law & Social Change*, classes (well, papers), and Law Students for Choice all require that I be at least semi-functional – that I have some time for the gym, and some time for sleep.

So, that was the vain bit (and I got to write all that without having to commit to be EIC!).

But I think this is a chance to explode the question. Do we need *The Commentator*? I believe we do. Does *The Commentator* need an editor-in-chief? I believe it does, in its current form. Does *The Commentator* need to retain its current form? I'm not so sure – it could go completely online and resemble a blog with regular or occasional contributors, for example.

If we have someone willing to take the reins of *The Commentator* and ensure that the publication, as we know it today, continues to be published next year, then I am happy to support that person to the extent (great or small) that I supported you – they will undoubtedly not be able to create your cult of personality, but my allegiance is to the institution and the idea. And the free dinners.

But if we don't, then I am also willing to sit down, over the summer, with the administration and with other interested students and question some of the underlying assumptions about *The Commentator*. In a time when fewer students are interested in printed publications and have experience with them, when students have ever-increasing demands on their time, and when readership is presumably low for all newspapers (not just *The Commentator*) it may make sense to consider alternative ways to serve the community while requiring less extensive and regular commitment from a core group of people.

This dialog may be "open" in name only – if we're the only two people reading this, then so be it. But if someone out there is paying attention and has thoughts to share – if they wish to become involved, or express why they don't want to be involved, or offer suggestions for what *The Commentator* can become – then please email Julia.

Ben Kleinman '08

## THE COMMENTATOR

*The Student Newspaper of  
New York University School of Law*

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## The Commentator Thanks You For Another Great Year

*The Commentator* is looking for photographers, news, arts, sports and opinions writers, as well as a comic artist or crossword designer to bolster the spring semester staff.

Contact [asgehring@nyu.edu](mailto:asgehring@nyu.edu).

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## International Moot Court Benefits from NYU Faculty Assistance

*Continued from page 1*

The teams benefited from practice rounds featuring NYU faculty, including Professor Linda Silberman, and visiting professors, adjunct faculty, and experts in the field, including Professors Janet Walker, Richard Hulbert, Loukas Mistelis and Franco Ferrari. Former Vis participants and coaches, including Joanna McGinley (LLM '06), Quang Trinh (LLM '06), Jean Ho (LLM '08), and Yulia Andreeva (LLM '04) also provided valuable assistance. Team members participated in several practice moots in various locations in the city, including Skadden Arps, Clifford Chance, Debevoise & Plimpton and Fordham University School of Law, featuring diverse panels comprised of various faculty and practitioners around the city.

## Fracture Is Fractured: Half Thriller, Half Comedy

By MADELINE ZAMOYSKI '08

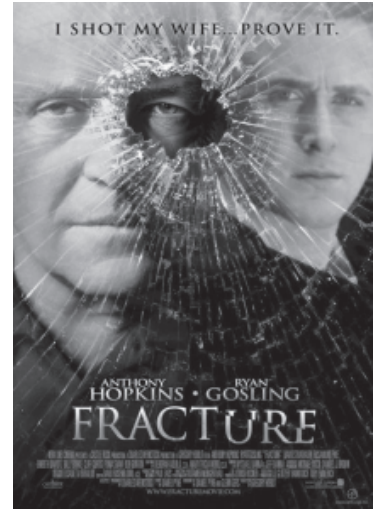
After shooting his wife, Anthony Hopkins is put on trial and proceeds to play with the prosecuting Assistant District Attorney (Ryan Gosling) in a way that is a pure pleasure to watch. The main attraction of the film lies with the interaction between Hopkins and Gosling which combines the elements of a psychological thriller with a fairly consistent string of humor. The glee that Hopkins takes in being the villain almost makes the entire movie worthwhile. However, the rest of the movie proves itself to

be fairly lackluster. Most people will see the "twist" coming about a mile away. And by "a mile away," I mean the entire 5280 feet. The movie also attempts to incorporate a side story about Gosling looking to join a large corporate firm and, of course, the obligatory love interest which builds mainly on batting eye lashes and long stares across crowded rooms. These storylines end up taking more time than they need to and dragging things out.

Here's the skinny: If you enjoy a clever villain with a quick wit, Hopkins delivers. Gosling also gives a great performance as

an immediately likable and cocky DA. However, the incorporation of comedy in a thriller does mangle the mood from time to time (though it's still fun to watch), and the side story of Gosling's corporate and romantic aspirations ultimately fall flat and long, like a bookmark... except it's not really something you'd want to come back to.

My verdict: Netflix it./Catch it on TV. (Possible verdicts: (1) See it. See it NOW. (2) See it if you can. (3) Netflix it./Catch it on TV. (4) Turn away, it's not worth watching. (5) Close your eyes, this is crap.



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# Remember the Memories



*"I'm pretty sure that's actually a coke. I know it looks like a drink and I look really drunk, but I think I had just finished a paper and that's a coke."*



## Professor Celebrating 40th Year at NYU

*Continued from page 1.*

two years in the Psychological Warfare Unit, writing analyses of messages that had been intercepted from Pyongyang, Beijing, and Moscow. When he completed his service, Lowenfeld moved to New York and began to practice with a small law firm that specialized in international law. It was a natural fit, given his interest in the field and his affinity for foreign languages (he is fluent in Spanish, German, and French). After three years of working with Hyde and de Vries, Lowenfeld moved on to the State Department.

In 1961, he joined the Legal Advisor's Office as Special Assistant to the Legal Advisor. By the time he left the State Department in 1966, Lowenfeld had also served as Assistant Advisor for Economic Affairs and as Deputy Legal Advisor. During those five years, he made incredible and long-lasting contributions to US policy in the field of international law: he wrote the amicus brief articulating the position that was ultimately adopted by the Supreme Court with respect to the act of state doctrine in *Banco Nacional de Cuba v. Sabbatino*; he was the head of the US delegation to the Montreal Convention, which eventually led to the elimination of "tragically" low liability maximums for victims of international air accidents; he drafted important revisions to the Panama Canal treaty; and he worked on the expansion of East-West trade.

Before leaving the State Department, Lowenfeld co-authored an extensive article, *The United States and the Warsaw Convention*, with his friend and colleague,

Allan Mendelsohn. It was published in the Harvard Law Review in January 1967; the professor credits the article with opening the doors to his eventual appointment at NYU. When he wrote the article, he had not yet decided to pursue an academic position although, he says, "the thought had occurred to me." The next step in his career was a prestigious appointment as one of the first Fellows of Harvard's Kennedy Institute of Politics; the Institute has since become the Kennedy School of Government, but in 1966, when Lowenfeld was selected as a Fellow, it was in its inaugural year. During his year as a Fellow, Lowenfeld co-authored *International Legal Process: Materials for an Introductory Course*. The book introduced an innovative approach to international law teaching: a problem-oriented approach that demanded that students understand the real-world political and economic context of the legal problems they studied. In addition to two volumes of text, the *Materials* included an extensive Documents Supplement which contained not only international conventions and the constitutive documents of selected multilateral organizations, but also US statutes and regulations touching upon international law and foreign relations. Many of the chapters of this 1968 work eventually became books of their own, one of which is the leading treatise, *International Economic Law* (he is currently working on the second edition). Lowenfeld had successfully identified in his first book what would become the most important international law issues in the coming years.

In the Fall of 1967, Lowenfeld and *International Legal Process* arrived at NYU Law School. During his first year at NYU, he taught International Law and Conflict of Laws in the fall, and International Economic Law and Aviation Law in the Spring. Forty years later, Lowenfeld continues to challenge his students in and out of the classroom. Although he no longer uses *International Legal Process*, he continues to present his students with the most cutting-edge legal issues, issues with which private practitioners, scholars, and governments continue to struggle. In addition to contributing to the intellectual and professional development of his students, Lowenfeld's willingness to share his work and ideas have positively influenced the work of many of his colleagues, including Professors Rochelle Dreyfuss, Eleanor Fox, and Linda Silberman. "He has always been incredibly generous with sharing his ideas, bringing in others to work on issues that were important to him," says Professor Linda Silberman, who credits Lowenfeld with her transition into the field of international litigation.

Lowenfeld is quick to point out, however, that his teaching has not been limited to international law courses. He has taught a wide range of the more traditional domestic courses – Civil Procedure, Torts, and Legal Institutions, among others. His advice to students who ask him what they need to do to become an international lawyer is to "become a good lawyer." When they ask him what classes they should take, Lowenfeld responds with, "Take Accounting, Tax, Federal Courts,

Corporations, and at least some of the core courses. Certainly take Conflicts, but don't over-specialize in international law and 'law and x' courses." Those students who take courses with Lowenfeld learn, over the course of the semester, effective lawyering skills in addition to substantive information. He encourages his students to "read the statute, and not just the latest case interpreting the statute – sometimes judges get it wrong." He consistently reinforces the importance of book-based research to students who undertake to write papers under his supervision: "You can't find everything on-line," he says. "The bookshelves have better information than Wikipedia."

This coming fall will mark the 40th anniversary of Lowenfeld's teaching at NYU. Throughout his tenure, he has consistently made his students the focus of his career. According to the professor, he will only take on cases that are in some way related to his teaching, which in recent years has included Conflict of Laws, International Litigation, and International Economic Transactions. By adopting this student-centered approach to his practice, the professor ensures that he remains on the cutting edge of legal issues and that his students are exposed to the kinds of issues they will face in their practice. Students have often run into Lowenfeld in the library where, just as he advises them to do, he conducts his academic and professional research "in the books."

When he does get away from the books – either reading them or writing them – Lowenfeld is much of a "Renaissance man." He has

extensive knowledge of art, music, literature, history – essentially *everything*. He is also a devoted husband, father, and grandfather. Both of his children, Julian and Marianna, attended NYU Law School. Julian is a private practitioner and a poet; he has translated and published some of Pushkin's work from Russian into English. Marianna is an attorney with the Criminal Division of Legal Aid in Brooklyn.

Lowenfeld's wife Elena, who he always refers to as "a very elegant woman," has a Master's degree in music and a long career in university and public-school teaching. She has been singing with the Collegiate Choral Society for as long as she and Lowenfeld have lived in New York, and recently performed at Carnegie Hall. For the last fifteen years, Elena has also been a docent at the Metropolitan Museum of Art. When asked if there was anything else he wanted to tell his students, he asked me to share with them his Good Marriage Recipe or, what he refers to as the "Fifteen-Day Rule": "If I have to go somewhere for more than fifteen days, Elena has to come with me. If she can't, then I won't go." One need only observe Lowenfeld and Elena together to see that his Recipe has worked.

Listening to Lowenfeld describe his life – his career, his family, his personal and professional passions – it is easy to see why Dean Koh's closing words at the Hudson Medal Luncheon were: "I am reminded of what Duke Ellington once said, upon listening to Louis Armstrong improvising a trumpet solo: 'I could listen to that man play all night.'"

## Americans on Hold: Profiling, Citizenship and the "War on Terror"

April 24, 2007

6:00 PM

Furman Hall

Room 214

The Center for Human Rights and Global Justice at NYU School of Law invites you to the launch of its new report on the human rights implications of discriminatory profiling in citizenship applications. Since September 11, 2001 counter-terrorism efforts have increasingly informed immigration policy and have institutionalized a policy of discrimination against Muslim immigrants, or those perceived to be Muslim on the basis of their name or national origin. Increased security checks in the citizenship application process, triggered by a substantial expansion of name-check procedures, have disproportionately and illegally delayed the processing of thousands of applications from Muslim, South Asian, and Arab men. Based on primary research conducted by the NYU School of Law's International Human Rights Clinic, the report documents the impact of these extended name checks on the lives of those experiencing citizenship delays, sometimes for years on end. A security check dragnet is breaking up families, engendering fear and insecurity, and disenfranchising entire communities. *Americans on Hold* analyzes both the delays and their impact within an international human rights framework, and offers specific policy recommendations to help end discrimination in the granting of citizenship and other human rights violations associated with these delays.

*Student Presentation & Discussion:***Understanding, Engaging, & Teaching Students of Color**

*Presented by Rachel Germany, Navneet Grewal, E. Tammy Kim, Sarah Parady, and Johnathan Smith on March 1, 2006*

*(and repeated to Lawyering Faculty on March 24, 2006)*

**Best Practices**

*These practices were compiled after speaking with a number of students and faculty members about the greatest obstacles to increasing student of color participation in the first-year classroom and what could be done to overcome such hurdles. The list is not meant to be exhaustive, nor are the practices mutually exclusive. Obviously, professors should tailor the practices to fit their own pedagogical preferences.*

**Situating Oneself**

- As professors it is important to acknowledge one's point of view and choice of theory. For example, in teaching torts, I could tell my students that, while I plan to present the material from a law and economics perspective, there are other theories and perspectives on the subject matter that are equally as important and valuable.

**Examining Assumptions**

- While it is often helpful to personalize topics to emphasize their relevance, it is also important to avoid assuming that certain experiences are common to most or all students. Comments such as, "you all come from the suburbs" or "you will be spending lots of time on discovery at your big firms" or "when your baby-boomer parents were growing up in America" can make the classroom a less comfortable place for students whose backgrounds differ from the norm.

**Supplemental Readings**

- With limited class time, professors may struggle to maintain the pace set by the syllabus, making it difficult to incorporate alternative theories and perspectives. However, one can do so by providing supplemental readings either in class or distributed electronically through Blackboard. For example, as a contracts professor teaching the *Walker-Thomas* case, I could distribute an article using the lens of critical race theory.

**Varying Presentation Methods**

- It goes without saying that different students learn differently, not only according to personality, but along the lines of culture as well. This is not an indomitable hurdle, however. By diversifying one's presentation methods throughout the semester, one can better ensure a more comfortable learning environment for all students. For example, I could change the types of questions I ask, use a different method of encouraging discussion, or vary how I teach cases, perhaps by asking students to view the facts from the perspective of the jury.

**Contextualize the Learning Process**

- Some of the cases and issues discussed during the first-year are particularly contextual and value-laden, and students may bring extra-curricular topics or observations to bear on the in-class discussion. Topics like rape, abortion, and the death penalty, for instance, are all widely discussed in our society. As a professor, it is important to be mindful of this phenomenon and to set the learning within a broader context. I can also recognize that some students may have *personal* experiences with topics like low-income housing, abortion, rape, and death, and I can discuss such topics with particular sensitivity.

**Distributing Evaluations**

- It is tempting to wait for the final course evaluation to get feedback from one's students, but it may be more effective to distribute and collect evaluations earlier in, or even several times throughout, the semester. This not only assists professors in identifying problems and improving the class substantively (for example, one could modify the syllabus based on students' feedback), but it also signals to the students an interest in and concern for their experience and suggestions.

**Communicating with other Professors**

- Since first-year students take a number of classes, it would be useful for professors teaching in the same subject area (for example, all the criminal law professors) or teaching the same group of students (for example, all the professors who teach Section 4) to meet and collaborate, by sharing syllabi, teaching suggestions, or by discussing more general concerns or questions.

**Tackling Tough Issues**

- Throughout the semester, controversial topics may be raised in class, involving issues of difference such as race, gender, class, or sexual orientation. It is difficult and at times uncomfortable to talk about these issues, but because they are so significant socially and legally, they should not be summarily dismissed, especially when they are brought up by students in the class. As a professor, I can begin by acknowledging the difficulty of such subjects and both the importance and relevance of discussing them.

**Student Participation**

- Student participation is a vital aspect of classroom learning. Although it may seem more democratic to open up the discussion to volunteers, social science literature demonstrates that this is the least inclusive way to proceed. Thus, the Socratic Method can encourage participation, as long as it is used in a manner that allows for diverse voices to be heard. For example, I might employ a modified Socratic method by organizing students into scheduled panels to respond to questions, while being mindful of how I call on students in order to avoid tokenism (the phenomenon in which a person of a particular group is made to represent the generalized perspective of that group).
- Social science literature also indicates that certain students may naturally feel more comfortable participating in the law classroom than others. As such, I may choose not to base grades on class participation. Alternatively, if I do decide to reward or penalize students based on class participation, I may reserve the right to take into account individual circumstances when I deem it appropriate.
- It is also important to pay attention to the manner in which students respond to issues. For example, if I notice a student who was previously silent become animated while discussing a certain topic, I can make an effort to include her voice more substantially. Quieter students may also be encouraged to participate through use of a Blackboard discussion forum.
- Spending time with students outside of class can help make students feel more comfortable talking during class. Using the school-subsidized student-faculty lunch program, reaching out to students by email, encouraging students to come to office hours, and calling on students by name are simple ways to make the classroom more personal and inclusive.

**Setting Parameters for Classroom Dialogue**

- Insensitive comments by students also have a tremendous impact on classroom dynamics. As the facilitator of classroom dialogue, my reaction to those comments carries weight, and my silence may be interpreted as approval. When professors establish standards and procedures for responding to racist or inappropriate comments before problems arise, dealing with situations as they occur becomes easier.
- As such, I may tell students at the beginning of each semester that, although I encourage free and open dialogue, I have the highest expectations of my students; I expect all students to conduct themselves with respect, courtesy, and dignity toward their fellow students, regardless of the issues being discussed and the viewpoints being expressed. I may also tell students that I will make my best effort to address speech that could be perceived as inflammatory or disrespectful, and that I encourage students to approach me if they feel that such speech has been articulated by their fellow students and has gone unaddressed.

# Remember the Memories

