

Alumni Almanac



A BANNER YEAR: "We are the Law School of opportunity, leadership and community," said Dean Richard Revesz to guests at the September 2005 Weinfeld Gala. The black-tie affair was the official launch of the most ambitious capital campaign ever undertaken by the New York University School of Law; no other law school has attempted to raise more.

Alumni Inaugurate Ambitious New Capital Campaign

More than 300 alumni and guests of the NYU School of Law went to the New York Public Library last September to cheer the launch of an audacious \$400 million capital campaign, the largest in the school's history. Lights swept the skies as alumni, faculty and friends strolled up the library's red-carpeted grand stairway. Walking past the building's majestic columns, which were bathed, for the evening, in violet light, guests stepped into the Astor Hall for cocktails and hors d'oeuvres where one-story-tall banners proclaimed the campaign's central values: opportunity, community and leadership.

"We wowed them on Fifth Avenue tonight," said Eileen FitzGerald Sudler '74, chair of the Dean's Strategic Council and member of the Campaign Steering Committee, as she and committee member Kenneth Raisler '76 introduced the specifics of the campaign. Marking the end of the campaign's silent fund-raising phase, during which some \$165 million was raised, the gala ushered in the public phase by identifying the Law School's plans for expanding student aid and supporting numerous faculty projects. The money raised—more than \$200 million by last spring—will fund scholarships for both J.D. and LL.M. candidates, and help endow the school's distinctive Loan Repayment Assistance Program and summer public interest grants, allowing students to explore and then pursue highly competitive yet low-paying jobs that contrib-

ute to the greater good. Campaign funds will also be used to hire new faculty, increase the number of chaired professorships and support the work of the Law School's faculty-run centers and institutes. Finally, the campaign aims to increase alumni participation and to double the size of annual cash gifts.

The founder of the progressive AnBryce Scholarship and the campaign's chair, Trustee Anthony Walters '77, spoke about the sense of pride and elation that accompanies supporting education. "There is nothing more fulfilling than touching someone's life," Walters said as he introduced a film that conveyed how NYU impacts the lives of those who study and work here, and so many others who are part of the Law School community. Sudler and Raisler took the stage at the end of the evening to give the assembled



CLASS ACT: The stately New York Public Library, the site of the campaign's launch, aglow in violet light.

"In a remarkably short span of time, NYU School of Law has moved into the small handful of schools at the very top tier of legal education," said Dean Richard Revesz. "We have achieved this great success by pursuing a distinctive path in legal education. The campaign will ensure that we continue on this steep trajectory."

alumni something they hadn't had in some time—a homework assignment. Their task: to reconnect with an old classmate and tell that graduate about all that is happening at their alma mater. If those personal ties are reestablished, promised Raisler, opportunity, community and leadership will continue to thrive on Washington Square. ■

Center for Law & Business Dedicated to Lester Pollack '57

To honor Lester Pollack for more than 25 years on the Law School's board of trustees, the last eight as chairman, the NYU Center for Law & Business was renamed the NYU Lester Pollack Center for Law & Business. Pollack '57 (pictured with his wife, Geri), who has also been a member of the University's board since 1987, said, "This evening celebrates my ambitions to give back to the school that gave so much to me." He thanked Dean Thomas Cooley of the Stern School of Business and Dean Richard Revesz for bringing their two schools together to promote this interdisciplinary study.

The evening's keynote speaker was former Federal Reserve Board Chairman Paul Volcker, whom center director and Nusbaum Professor of Law and Business William Allen lauded for "the fortitude and moral leadership" necessary to eliminate double-digit inflation during the '80s.



BLAPA Honors Dutt, López and Welters

This year's Black, Latino, Asian Pacific American Law Alumni Association (BLAPA) Spring Dinner celebrated the accomplishments of Mallika Dutt '89, Professor of Clinical Law Gerald López and Law School Trustee Anthony Welters '77, who were each honored for their work on behalf of diverse communities.

As the founder and executive director of Breakthrough, Dutt uses technology and pop culture to promote human rights, particularly among young people, in the U.S. and India. Case-in-point: Breakthrough's blunt, even confrontational current ad campaign, "What kind of man are you?" informs Indians that married women are becoming infected with HIV by their husbands at alarming rates. Dutt is also the author of *With Liberty and Justice for All: Women's Human Rights in the United States* (Center for Women's Global Leadership, 1994).

López has pioneered the idea of the progressive practice of law. He teaches the Community Economic Development and Community Outreach, Education and Organizing clinics and founded the Center



From left, Mallika Dutt, Professor Gerald López and Anthony Welters were each recognized for having devoted themselves professionally and personally to giving back to their communities.

for Community Problem Solving, which in 2005 released a groundbreaking study on the health and welfare of Mexican immigrants. The center aims to help solve the social, economic and legal problems that low-income and immigrant communities face.

Welters began his distinguished career as a staff attorney at the Securities and Exchange Commission and eventually rose to become president and CEO of AmeriChoice Corporation, a leading provider of public sector health care in New York, New

Jersey and Pennsylvania. A trustee of the Law School, Welters and his wife Beatrice created the AnBryce Scholarship, which provides full tuition to J.D. students who are the first in their families to attend graduate school.

This year, BLAPA awarded four new \$1,000 clinical law and public interest graduation prizes to students Jennifer Turner '06, Susan Shin '06, Cyrus Dugger '06 and Andre Segura '06, as well as a \$10,000 public interest scholarship to Alexis Hoag '08. ■

No Time for Idle Chitchat at Mentoring Event

The First Annual Evening of 8 Minute Mentoring, sponsored by the Black, Latino, Asian Pacific American Law Alumni Association (BLAPA), took its cue from the speed-dating trend, giving each participating student a chance to sit down at a café table with an interested alumnus and make a connection. When time was up, a bell rang and the student moved on to meet with another mentor.

The innovative event brought together alumni from all corners of the legal world, including corporate attorneys, judges, investment bankers and public interest lawyers. Among them: retired judge Betty Staton '79; legal diversity consultant Katherine Frink-Hamlett '91, president of Frink-Hamlett Legal Solutions; and Barry Cozier '75, a former associate justice of the New York State Supreme Court Appellate Division and now a member of Epstein, Becker & Green. BLAPA organizers added a second all-alumni session for legal professionals to make industry connections.

The approach, a departure from last year, when students were assigned mentors, "transformed our traditional fall reception into an exciting mentoring experience that benefited both the alumni and student participants," said Michelle Meertens '98, president of BLAPA and an assistant vice presi-



FAST TALKING: Willkie Farr & Gallagher Associate Leslie Spencer '98 shares career wisdom and life experience.

dent and corporate secretary at the Federal Reserve Bank of New York.

Many students, like Zhiping Liu '07, were interested in hearing about following a career path toward becoming a judge, and seized the opportunity to sit with Judge Gloria Sosa-Lintner '75 of New York County Family Court. Sosa-Lintner advised Liu to

be patient, get involved with local politics and try to develop what she termed a "judicial temperament" by learning from difficult cases. "Experience makes for deciphering the gray areas," said Sosa-Lintner.

In Greenberg Lounge that evening, however, it was as simple as black and white that eight minute mentoring was a success. ■

Bryan Stevenson Takes the Measure of Our Society; Betty Weinberg Ellerin Is Honored

Beneath the chandeliers of the Grand Ballroom of the Pierre Hotel on Fifth Avenue, this year's Alumni Luncheon paid tribute to two veterans of the fight for civil rights: one who sits on the bench, and the other who has spent a great deal of time arguing before it.

Before inviting the Honorable Betty Weinberg Ellerin '52, the first woman to be appointed to the Appellate Division of the Supreme Court of New York, up to the podium to accept the Robert B. McKay

Award from New York University, he was introduced by Dean Richard Revesz as "a modern-day hero" in a "society that doesn't have many heroes." Stevenson seemed eager to shift the attention away from himself. He got straight to the point.

"As a society committed to law we are required to say things that are sometimes difficult to hear," he said. "I believe we have to judge the civility of society, the commitment of our society to the law, by how it treats the poor."

15 years, the EJI has succeeded in obtaining relief in the form of new trials, reduced sentences or exoneration for more than 70 death row prisoners.

He ascribed his deep faith in the power of words to his grandmother, as he related in a story. Stevenson's grandmother, who was born of slaves and was "absolutely the dominant force in our family," once took him aside and said: "I think you're special, I think you can do anything you want to do." These words, he said, have stayed with him and encouraged him to do his best. In contrast, Stevenson said, we as a society discourage the poor and disenfranchised.

Case in point: Last February, an Alabama Supreme Court Justice called for his colleagues on the bench to "actively resist" the U.S. Supreme Court's March 2005 decision



Bryan Stevenson has won a MacArthur Foundation "Genius Award," the ACLU's National Medal of Liberty and the American Bar Association's Wisdom Award.



Betty Weinberg Ellerin, here with Thomas Newman '60, also has won the 2005 Award for Conspicuous Service from the New York County Lawyers' Association.

Award, New York's Chief Judge Judith Kaye '62 introduced her as "a sister of the judiciary" who "has been in the forefront of the fight for justice for women, indeed against injustice of any kind."

Matching the elegance of the grand setting, Ellerin gave a simple and brief acceptance speech. She invoked an English jurist, who, when told by a defendant, "My Lord as my judge and witness, I am innocent," responded with the terse reply: "He isn't, I am, you're not." With barely more volubility, she said, "[I am] inspired to redouble my efforts to be worthy of this award."

The keynote speech was delivered by Professor of Clinical Law Bryan Stevenson, who has defended death row prisoners in the South for more than 20 years. As the recipient of numerous awards, including the 1989 Reebok Human Rights Award, the 1991 ACLU National Medal of Liberty, as well as the first Martin Luther King Jr. Humanitarian

Stevenson then went on to state the powerfully disturbing facts: Sixty-one percent of inmates on death row in Alabama did not have a single witness called in their defense. Seventy percent were represented by attorneys who, by statute, could be paid only \$1,000 for any work they did outside of court to build their client's case. Thirty-one percent of black men in Alabama have lost the right to vote as a result of felon disenfranchisement legislation. In 1972, there were 200,000 people incarcerated in America's prisons; today there are 2.3 million.

"I genuinely believe we live in a system that treats you much better if you are rich and guilty than poor and innocent," he said. "It becomes necessary to say something."

In his work with the Equal Justice Initiative of Alabama (EJI), the organization that he founded and directs, Stevenson has been saying something—again and again—in courts across the South. During the past

in *Roper v. Simmons*, in which the Court struck down the death penalty for juveniles, said Stevenson. It is imperative, he stressed, that we fight for the rule of law not just "for the favored, not just for the empowered, but for everyone."

Stevenson wrapped up with a story about a black janitor he met in a courthouse in Alabama. The older man had come up to sit behind Stevenson in the courtroom, when a sheriff stepped over to shoo him away. "What are you doing here?" the sheriff asked. The janitor looked at the sheriff and said: "I came into this courtroom to tell this young man: Keep your eyes on the prize, hold on." ■

Also at the luncheon, the Law Alumni Association recognized Paul Kurland '70 for his dedicated service during his two-year term as board president, and elected Lawrence Mandelker '68 as the new board president.

Alumni Applause

Laurence Pathy '60 was made a member of the Order of Canada, the Canadian government's highest honor for lifetime achievement, on November 17, 2005.

Marc Cohen '74 was named Bankruptcy Lawyer of the Year by the Century City Bar Association on March 15, 2006. Cohen is chair of the Business Reorganization and Creditors' Rights Group in Kaye Scholer's Los Angeles office.

Wayne Positan '74, managing director of the Roseland, New Jersey law firm of Lum, Danzis, Drasco & Positan, was elected president of the New Jersey State Bar Association. He took office in May 2006.

Scott Fein (LL.M. '81) and his firm, Whiteman Osterman & Hanna, received the *National Law Journal's* Annual Pro Bono Award and the New York State Bar Association President's Pro Bono Award for their work on *Brown v. State*, a civil rights case that involved widespread racial profiling by state police in Oneonta, New York.

Marc Platt '82 won a Golden Globe on January 16, 2006, as the producer of the HBO miniseries *Empire Falls*, based on the novel by Richard Russo.

Phoebe S. Eng '89 was appointed to the board of directors of the Ms. Foundation for Women. Eng is the creative director of The Opportunity Agenda, a New York City-based think tank that works to increase opportunity and bolster human rights in the United States.

Russell Gewirtz (LL.M. '92) wrote the screenplay for Spike Lee's recent movie *Inside Man*, released in March 2006.

Daniel Nissano '92 is the author of *FutureShop* (Penguin, 2006), in which he explores the "new auction culture" and the phenomenon of temporary ownership. The *Wall Street Journal* named it one of the five best consumer culture books ever written.

Heather Howard '97 was appointed policy counsel for Governor Jon Corzine of New Jersey in December 2005. Howard previously served as Corzine's Senate chief of staff.

Bridget A. Brennan Voci '97, a member of Semanoff, Ormsby, Greenberg & Torchia in Jenkintown, Pennsylvania, was named a 2005 Pennsylvania "Rising Star" by *Law & Politics* magazine.

Alina Das '05 was named an Open Society Institute Soros Justice Fellow. Das will work at the New York State Defenders Association to create reentry and reintegration strategies for immigrants in the criminal justice system.

Landmark Rights Protected...

Arguing before the Supreme Court, a lawyer just 10 years out of school stands up for girls' health



Jennifer Dalven, center, standing in front of the U.S. Supreme Court shortly after arguing an intensely watched abortion case during a time of unprecedented transition on the bench.

To call Jennifer Dalven's first argument before the Supreme Court a challenge would be an understatement. It was November 2005 and the stakes were high—she was representing Planned Parenthood in the Court's first abortion case in six years, just at a time when the Court was undergoing some key changes. Chief Justice William Rehnquist had died and been succeeded by John Roberts Jr.; a swing vote on many abortion cases, Justice Sandra Day O'Connor had announced her retirement over the summer; and Harriet Miers, President Bush's choice for that seat, had just withdrawn her nomination. What's more, Justice Samuel Alito had been nominated, but not yet confirmed, so even on the day she argued, Dalven could not be sure that Justice O'Connor would remain on the Court to decide the case. "The Court became an ever-changing landscape," says Dalven '95 of the months leading up to the argument. "We had to prepare for a case when we didn't know who the members of the Court would be. We just put forth the arguments we thought were most persuasive." Indeed, in the end, *Ayotte v. Planned Parenthood of Northern New England* turned out to be Justice O'Connor's last opinion before retirement.

In January, the Supreme Court reached a unanimous decision in favor of Planned Parenthood. It found that a 2003 New Hampshire law, which prevents doctors from performing an abortion on a teenager until 48 hours after a parent has been notified, cannot be upheld because it does not allow an exception for medical emergencies. Instead of striking down the law, however, the justices sent the case back to the lower

court in New Hampshire to determine whether the law should be fixed to include the medical emergency exception.

"The case raised other issues [like what legal test must courts use to decide whether to strike down an abortion law that might harm women], but they dodged those by writing a very narrow opinion, and that helped them achieve consensus," said Dalven. As the *New York Times's* legal reporter Linda Greenhouse wrote after the hearing, "Abortion law was not about to undergo a major change in the hands of the new Roberts court, at least not yet."

Dalven, who worked as a peer educator at a family planning clinic back when she was in high school, has had a long-standing interest in reproductive rights. After law school she clerked for Judge Pierre Leval in the Second Circuit and then in 1997, after just one year at Paul, Weiss, Rifkind & Garrison, she joined the ACLU Reproductive Freedom Project.

"One of the advantages of working for a public interest institution is that they let lawyers have such fabulous experiences," said Dalven. "I'd only been out of law school for 10 years and they had no qualms about letting me argue in front of the Supreme Court. They said, 'It's your case, you get to argue it.'"

As grateful as she is for the favorable ruling, Dalven said, "I am concerned that this ruling will embolden legislators to pass unconstitutional laws that are dangerous to women, and force more and more women to go to court with their doctors to protect their rights and get the care they need. Striking down the entire law would have been the right thing and I'm hoping this will still be the outcome." ■

Photo: Judy G. Rolfe

...And New Rights Created

Counselor convinces the highest court in Colombia that abortion is a human rights issue

In a landmark 5-3 decision last May, the Constitutional Court of Colombia ended the country's complete ban on abortion. Mónica Roa (LL.M. '03) successfully argued that the total criminalization of abortion violated Colombia's obligations to international human rights treaties that guarantee a woman's right to life, health, dignity and equality. The law now includes exceptions if the mother's life or health are at risk, if the fetus is severely malformed, or if the pregnancy is a result of rape or incest.

"I am Colombian and I wanted to do something about the issue," says Roa, a Bogotá native. She sued on behalf of Women's Link Worldwide, a clearinghouse that seeks to help women's rights advocates around the world develop effective legal strategies. Roa currently serves as the program director of the organization, which has offices in Bogotá and Madrid.

While several bills to liberalize Colombia's abortion law had failed over the past 30 years, Roa believed she had a good shot of winning when she filed suit in April 2005. The Constitutional Court had recently recognized the legal value of international human rights arguments and used them to solve constitutional challenges in cases related to



Roa opened the door to abortion rights in Colombia.

health, children and women's participation in politics. "I argued that the Court should be consistent and also recognize the legal status of these international human rights arguments when deciding the issue of abortion," says Roa.

Before this ruling, an average of 400,000 Colombian women each year risked their health and lives to seek illegal abortions. The government estimated that unsafe abortions were the third leading cause of maternal mortality.

Even more surprising than the legal victory, however, was the impact this high-profile case had on public opinion in this

predominantly Catholic and conservative country. In May 2005, one month after Roa filed, 85 percent of Colombians were against abortion in all circumstances. By the time the decision came out, more than 60 percent supported the partial liberalization of abortion. For the first time, Colombians were talking about abortion as a human rights issue, and a matter of gender equality, social justice and public health. "Priests used to be the main sources [for quotes in the media]," says Roa. But now "doctors, feminists, lawyers and human rights activists" are sought for their opinions on abortion.

Roa believes that there will eventually be broader liberalization of abortion in Colombia. "I don't know how long it will take and what the debate in Congress will be, but I am very clear that the cause is not over and that society is better prepared to face that kind of debate now."

If anyone understands the challenges—and dangers—of trying to bring about change in a resistant society, it is Roa, who was assigned bodyguards by the government after receiving threats. "Every time I go out and see the light of recognition in someone's eyes, I think, 'This person is either going to insult me or thank me.'" ■

Guests of the Roundtable

The Dean's Roundtable Luncheons are intimate gatherings where alumni can discuss their career paths with a dozen or so students. Dean Richard Revesz's guests during the 2005-06 academic year included:

Paul Appelbaum '98

Cofounder and former President, SeamlessWeb

Todd Arky '98

Executive Vice President, SeamlessWeb

Gary Claar '91

Managing Director, JANA Partners

Ulrika Ekman '90

Managing Director and General Counsel, Greenhill & Co.

Frank Fernandez (LL.M. '84)

EVP, Secretary and General Counsel, The Home Depot

Victor Ganzl (LL.M. '81)

President and CEO, The Hearst Corporation

Charles Heilbronn (LL.M. '80)

Executive Vice President, Chanel

Laurence Heilbronn (LL.M. '82)

Treasurer, St. Bernard's School

Robert A. Kindler '80

Vice Chairman of Investment Banking, Morgan Stanley

Charles Mele '81

EVP, General Counsel and Secretary, Emdeon

Rachel Robbins '76

Former General Counsel, Citigroup International

Marshall Rose '61

Chairman and CEO, The Georgetown Group

Michael I. Roth (LL.M. '75)

Chairman and CEO, The Interpublic Group

James A. Shpall '82

President, Applejack Wine & Spirits

Judah Sommer '70

Managing Director, Goldman Sachs

William Toppeta '73 (LL.M. '77)

President, International, MetLife

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Debating a (Tax) Law of Unintended Consequences

Making amendments to already complicated tax rules is always a tricky business; the possibility of creating unintended problems looms large. That's exactly what happened in June 2005, when the Internal Revenue Service implemented revisions to Circular 230, said Michael Desmond, tax legislative counsel at the U.S. Department of the Treasury, in the sixth annual lecture on Current Issues in Taxation sponsored by the NYU School of Law Graduate Tax Program and the Tax Practice of KPMG.

The revisions to Circular 230 were intended to combat fraudulent tax shelters, but spawned controversy instead. Tax profes-

sionals immediately criticized them, arguing that the stringent requirements for giving written advice prevented lawyers from advising clients properly and that the regulations are extraordinarily complex, necessitating costly training for tax practitioners. Desmond and the other speakers—Professor Deborah Schenk (LL.M. '76), KPMG partners Frank Lavadera (LL.M. '89) and Lawrence Pollack (LL.M. '88), and Kostelanetz & Fink partner Bryan C. Skarlatos (LL.M. '91)—explored how Circular 230 might impede lawyers from doing their jobs. They noted that strict regulation on written advice left some tax professionals feeling that they can no longer counsel clients about thorny situations in writing. Boilerplate disclaimers on emails were of no help, said Lavadera, since these standard addenda have become so routine that they're virtually ignored, like "white noise." The IRS is taking such criticism to heart, said Desmond, and exploring the possibility that "the rules are actually having the opposite effect of what was intended, by curtailing good written advice between lawyers and taxpayers."

Schenk took a contrarian position on Circular 230, concluding that the tax professionals' complaints were exaggerated. "My reaction over the last year has been that the level of rhetoric was really quite extraordinary," she said. "The protests—my career is over; life as we know it will come to an end; and I'll never be able to send another email—always struck me as a lot of lawyers and accountants whining." ■



Michael Desmond, tax legislative counsel at the U.S. Department of the Treasury.



Mary C. Bennett, senior official at the Organisation for Economic Co-operation and Development.

International Tax: Lost in Translation

How do you define discrimination against foreigners in international tax law? That was the question Mary C. Bennett of the Organisation for Economic Co-operation and Development (OECD) addressed in the 10th annual David R. Tillinghast Lecture on International Taxation last fall.

In "Nondiscrimination in International Tax Law: A Concept in Search of a Principle," Bennett, a former partner at Baker & McKenzie, now head of the Tax Treaty, Transfer Pricing, and Financial Transactions Division at the OECD's Centre for Tax Policy and Administration, explained that the U.S. and various other nations that comprise the OECD and the European Union have agreed in principle that they won't discriminate against foreign nationals for tax purposes. This would include direct discrimination, such as taxing a foreign national more harshly than a domestic national "in the same circumstances," and indirect discrimination, such as not allowing nonresidents to take the same deductions as residents.

But the nondiscrimination principle is formalized in different ways in bilateral tax treaties than it is in the E.C. Treaty. Additionally, courts in the E.U. and the U.S. don't interpret the principle the same way at all. National courts in the E.U. countries, Bennett said, have been more willing to look beyond the language of the law to determine whether the law affects noncitizens differently than citizens. American courts, on the other hand, have so far tended to look at the terms of the law alone. The result: inconsistent interpretations of the nondiscrimination principle across different jurisdictions, something Bennett sees as an intriguing challenge. "The topic interested me for a long time," she said, "largely because it's so baffling." ■

Analyzing Tax Reform

Just 10 days after President Bush's bipartisan panel delivered its 272-page report in November 2005 on how to fix the biggest problems in the United States tax system and how to promote economic growth for all Americans, the Graduate Tax Program held "Tax Policy in the News: Perspectives on the Recommendations of the President's Tax Reform Panel."

Professor Noël Cunningham moderated a discussion among a distinguished group of experts that included Alan Auerbach, professor of economics and the law at the University of California, Berkeley, School of Law; William Gentry, associate professor of economics at Williams College; Maya MacGuineas, director of the Fiscal Policy Program at the New America Foundation and Michael Graetz, the Justus S. Hotchkiss Professor of Law at Yale Law School. They examined the expansive report, which, among

other things, recommended paring back the home mortgage deduction for higher priced homes and eliminating deductions for state and local taxes paid. Auerbach, who this year cotaught the Tax Policy and Public Finance Colloquium with Professor Daniel Shavero, cited the limitations placed on home mortgage deductions as one measure that would benefit individuals with lower housing price points. Gentry, who served as a part-time consultant to the president's advisory panel, questioned the permanence of the current tax cuts and wondered whether taxes would eventually have to be raised to reduce the deficit.

In the end, the report received mixed reviews. Each expert found flaws, but also saw benefits; at least one or two things on the table will benefit everybody. As Graetz said, the advisory panel's report has a certain "smorgasbord quality."

The Press: A Right to Be Wrong?



From left, panelists George Freeman, Professor Diane Zimmerman, Martin London and Madeleine Schachter.

The First Amendment right to free speech and a person's protection against defamation were debated—at times passionately—during “Freedom of the Press or License to Libel,” the Law Alumni Association’s Annual Fall Lecture. The panel discussion, moderated by Samuel Tilden Professor of Law Diane Zimmerman, focused on the public’s growing reliance on up-to-the-minute news, and measures that

prevent libel, correct any misinformation and provide adequate retribution to parties that have been defamed.

To focus the debate, Zimmerman detailed a scenario in which a newspaper prints a story stating a retired judge placed violations on a piece of property in order to lower its price for her own benefit. The judge alleges that the article is incorrect and her image has been tarnished. The question:

Did the paper do the right thing in running the story if it later turned out to be false?

George Freeman, an assistant general counsel of the *New York Times* and adjunct professor of media law in NYU’s journalism department, felt it did, pointing out that the media has to balance accuracy with timely news reporting. He said that a well-informed public trumps the feelings of public officials. If a story proves to be wrong, Freeman said, that can be remedied on the corrections page.

Freeman’s approach struck Martin London ’57, a partner at Paul, Weiss, Rifkind, Wharton & Garrison, as inadequate; he considers the corrections page to be too little, too late. London argued that papers take too many risks on stories because they can afford to; courts have typically ruled in favor of the media. Still, London saw Freeman’s larger point, conceding that “there is no question that breathing room is needed for the press,” but cautioned that there is no value in defamation. Madeleine Schachter ’82, vice president and deputy general counsel of the Hachette Book Group, also sought the middle ground: “Information is more important,” she said. “Even if erroneous information is a part of it.” ■

Chris Quackenbush Remembered

Last spring, the Law School dedicated a portrait in memory of Chris Quackenbush ’82, who died September 11, 2001, in the World Trade Center attacks. Quackenbush, a founding principal of Sandler O’Neill & Partners investment banking division, had a stellar career; his background included stints in mergers and acquisitions at Skadden, Arps, Slate, Meagher & Flom and at Merrill Lynch Capital Markets. A member of the Law School’s Board of Trustees since 1998, he created the Jacob Marley Foundation, which

supports programs for underprivileged children and endows a scholarship at the Law School. Quackenbush also served on the board of the University of North Carolina’s Educational Foundation. His portrait now hangs in the John Sexton Student Forum in Furman Hall. Pictured in front of it are, from left, Thomas O’Brien, secretary and treasurer of the Jacob Marley Foundation; Carlton Brown, the foundation’s president; Diana Holden, the foundation’s executive director; and Quackenbush’s widow, Traci.



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Attention For One Who Avoids It

This profile of Jeffrey Friedlander '70, by Joyce Purnick, appeared on December 19, 2005 in the New York Times.

This is for the quiet ones, the many men and women who make the city work by doing their jobs with little notice or acclaim while others compete for attention so easily (if fleetingly) won.

Last week, while the head of the transit union sneered at the public on camera; the governor campaigned for president, gun laws and the death penalty while punting on the transit talks; and the president went into televised defensive mode, Jeffrey D. Friedlander did what he usually does.

He worked in the city's Law Department on such matters as eminent domain and the next bond sale—with time out Thursday evening for a little-noticed City Hall ceremony where Mayor Michael R. Bloomberg and fans honored him for his service.

Mr. Friedlander, 58, is the city's first assistant corporation counsel, and has been with the city's law office for 35 years. He has worked under 6 mayors and 12 corporation counsels and today is second in command.

He supervises divisions, writes and reviews mayoral legislation, advises the mayor and city agencies, negotiates with the City Council, and is in charge when the corporation counsel is not around.

He could have left for more money, but here he is, still mastering the legal intricacies of subjects broad and diverse because this is New York, a "nation within a nation," as it says on a playful map from the 1939

World's Fair that hangs in Mr. Friedlander's impossibly neat office.

Some would find that daunting, almost as intimidating as advising mayors as different as David N. Dinkins and Rudolph W. Giuliani. Mr. Friedlander finds it energizing.

"At different junctures I've asked myself, are there legal issues more involved, more meaningful day in day out," he said in his Church Street office on Friday. "Is there a client more meaningful than the City of New York?"

His bosses are grateful that his answer has always been no. "I can say, 'Jeff, how do I solve this problem?' and I will quickly get the right answer, no ego, no politics," said the current corporation counsel, Michael A. Cardozo.

As Mr. Friedlander sees it, politics is not what distinguishes mayors. What does? In his soft murmur of a voice, he offered some discreet observations.

"Koch was the most open," he said. "You'd go into a meeting, he'd ask the youngest person a question, and he'd listen." Giuliani? "He had a more closed circle." Mr. Dinkins, whom he's known since his premayoral days? "A friend." Mayor Michael R. Bloomberg? "Different. But he does listen to advice."

"Mayors share more than they may realize," he added. "Regardless of who's mayor, education, public safety, social services, the budget—those are the issues. That's what the city is about."

Of the dizzying variety of subjects Mr. Friedlander has worked on—from gay rights and campaign finance reform to the emer-



IN THE LIMELIGHT: Jeffrey Friedlander, assistant corporation counsel for New York City.

gency legislation needed after Sept. 11—his proudest accomplishment is drafting anti-apartheid legislation in the 1980's, under which the city's largest public employee pension fund could divest itself of investments in companies doing business in South Africa.

Reforms in South Africa made it unnecessary, but he still considers it "one of the most meaningful things I ever did."

Mr. Friedlander, one of four brothers born to an insurance broker and an elementary public school teacher, grew up near Tompkins Square Park, developed a fascination for American history at Seward Park High School and pursued his interest at Hunter College.

At New York University School of Law, one of Mr. Friedlander's professors, who was also in the very job Mr. Friedlander has now, suggested that he apply to an honors program in his office. The student followed the advice of his mentor, Norman Redlich (a future corporation counsel), joined the city's Law Department right out of law school, and, professionally speaking, he was home.

Personally speaking, home is a brownstone in Boerum Hill that Mr. Friedlander shares with his wife, Marjory Karukin Friedlander, a librarian, and their daughter, Julia, a senior at Princeton. He is not all work. A trip to Burgundy awakened an interest in wines, he collects inkwells from the American Arts and Crafts period, and he is a deacon of the All Souls Unitarian Church in Manhattan.

Mr. Friedlander has, of course, thought of moving on, and knows he could earn much more with a private law firm than he does with the city (about \$180,000 a year). But he stayed, and sounds as if he will as long as he can, for the most basic of reasons: "I love being here."

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OUTLaw Announces the Creation of an NYU School of Law LGBT Alumni Network.

The LGBT Network will:

- Create a greater sense of community among past and present LGBT Law School students
- Facilitate mentoring relationships and networking opportunities
- Provide a means for LGBT alumni to share their experiences with the law school community

If you are interested in joining the network, please email Karlis Kirsis '07,

OUTLaw Alumni Outreach Chair at kpk245@nyu.edu

2006 Reunion

Nostalgia mingled with substantive discourse at the weekend's four panel discussions: "Guantánamo and the Rule of Law," which featured Adjunct Professor Donald Francis Donovan and Brennan Center Associate Counsel Aziz Huq and was moderated by Hiller Family Foundation Professor of Law David Golove; "Dealing with Talent: The Entertainment Lawyer at Work," with the participation of Craig Balsam '86, Thomas Tyrrell '71, Marvin Josephson '52 and L. Londell McMillan '90 and Dwight D. Opperman Professor of Law Samuel

Estreicher as moderator; "The Supreme Court at a Crossroads," with panelists Matthew D. Brinkerhoff '90 and Christopher J. Meade '96 joining moderator Burt Neuborne, the Inez Milholland Professor of Civil Liberties; and "Responding to Corporate Crime: Compliance and Enforcement in the Post-Enron Era," which featured Samuel Buell '92, Kathryn Reimann '82 and Walter Ricciardi '78 and was moderated by Norma Z. Paige Professor of Law Jennifer Arlen '86.

The festivities carried on into the night at the Waldorf, where catching up at dinner, music and the cha-cha were the only items left on the docket. ■

Law Alumni Association Awards

Jay Furman '71, The Vanderbilt Medal

George Lowy '55, Judge Edward Weinfeld Award

Joel Ehrenkranz '61 (LL.M. '63), Alumni Achievement Award

Jennifer Arlen '86, Legal Teaching Award

Steven Banks '81, Public Service Award

Vanita Gupta '01, Recent Graduate Award



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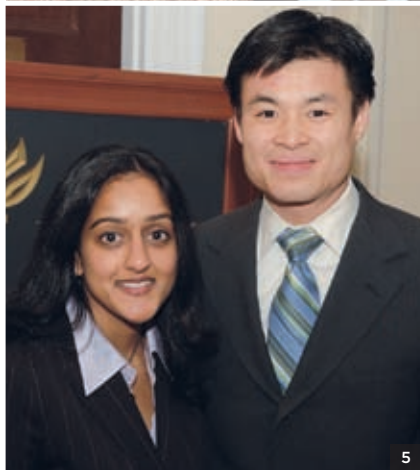
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(1) The entertainment law panel discussion featured, from left, moderator Professor Samuel Estreicher with L. Londell McMillan, Marvin Josephson, Thomas Tyrrell and Craig Balsam. (2) LL.M. graduates from 2001 enjoying their fifth-year reunion. (3) Vanderbilt Medal winner Jay Furman and his wife, Victoria Moran. (4) Maxroy Mitchell '96 and his wife, Tynetta. (5) Recent Graduate Award winner Vanita Gupta with guest Chinh Le. (6) The swinging dance floor at the Waldorf.

From Paris to the “Paris of the Americas”

As a preeminent international legal institution, the NYU School of Law has a growing community of alumni pursuing their livelihoods all over the globe. Each year, faculty members attending conferences or conducting work outside of the Big Apple serve as Law School ambassadors and catch up with alumni, as they did last year in Florence, Italy (Professors Samuel Estreicher and Richard Stewart), Chicago (Professor Estreicher), Cape Town, South Africa and Shanghai, China (Professor Eleanor Fox), Atlanta, Georgia and Monterrey, Mexico (Professor Barry Friedman) and Tel Aviv, Israel (Professor Joseph Weiler). Dean Richard Revesz also made trips to Paris, Geneva and Buenos Aires to greet prospective students and keep alumni informed of news from Washington Square.



Dean Revesz, center, with president of the NYU Club of France Laurence Rahmil (M.C.J. '96), fourth from left, and other guests at the Paris reception.



Olivier Dutheil de Lamothe, member of the French Conseil d'Etat and justice at the French Constitutional Council, far left, with alumni in Paris.



Dr. Willi Dietschi (M.C.J. '72), standing at left, president of NYU.CH, the Swiss alumni association, receives a gift of appreciation from Dean Revesz.



Professor Ronald Noble, secretary general of Interpol, with Evelyn Fiechter-Widemann (M.C.J. '76), left, and Dr. Aleya El Bindari Hammad in Geneva.



Horacio Becar-Varela Jr. (M.C.J. '56), left, with Julio C. Saguier (M.C.J. '88), president of La Nación, S.A., who hosted the reception in Buenos Aires.



Roxana Kahale (M.C.J. '90), left, with Juan Curutchet (LL.M. '92), center, and Michael Rattagan (M.C.J. '93) at the Buenos Aires reception.

Packing Power for Students on the Road

RaShelle Davis '07 was excited about spending a semester at the University of Amsterdam; only one thing could make the experience even better—connecting with an alumni mentor there. Davis, who is planning a career in international law, approached Dean Richard Revesz, the Office of Career Services and the Office of Alumni Relations for help. They not only found her a mentor—Thomas Buergethal '60, a judge

on the International Court of Justice (ICJ) in The Hague—but one who gave her a highly coveted internship, too. “Being at the ICJ was a great experience,” says the AnBryce Scholar. “I actually got to sit in on the 2006 *Bosnia-Herzegovina v. Serbia-Montenegro* genocide hearings.”

Davis's experience was the catalyst for Students on the Road, a new program that matches students abroad with alumni liv-

ing in the area. “As much as we would like to, the faculty and I are unable to visit all of the places where we have alumni,” says Revesz. “This program is designed to connect these accomplished people with one another, with our students and with the work the Law School is doing now.” Next year, students traveling to 18 international destinations, including Ghana, Argentina and Estonia, will plug into this powerful network in order to generate the most memorable and worthwhile experiences possible. ■

A Firefighter and a Trailblazer

For 24 years, FDNY Captain Brenda Berkman has been proving courage is gender neutral.

Shunning lawyerly business suits to don the blue uniform of the New York Fire Department—as a woman, no less—Brenda Berkman ’78 knows what it means to follow Robert Frost’s proverbial road less traveled. “I knew I was in for a struggle, but I’m the eternal optimist. Maybe it’s that mid-western thing,” says the native Minnesotan.

A no-nonsense woman with the lean physique of the former marathon runner she is, a penetrating gaze and a surprisingly quiet and low voice, Berkman, 54, was the main subject of *Taking the Heat: The First Women Firefighters of New York City*, a documentary narrated by Susan Sarandon that conveys the isolation, harassment and danger these pioneering women endured. The film had its world premiere at Tishman Hall last February, and later aired on PBS.

The facts are that in late 1977, about 500 women signed up for the first NYC firefighter entrance exam that wasn’t restricted to men. Of those who passed the written test, 89 continued to the physical one. All of them, including Berkman, failed. In 1979, Berkman filed a highly publicized, lengthy and contentious lawsuit that challenged the exam’s validity. A federal judge in 1982 upheld Berkman’s claims—that the feats required in the physical exam weren’t essential to fire fighting and discriminated against women—and a new exam and training program were ordered. Later that year, Berkman joined the fire academy’s first class of 47 women trainees.

But the real battle was just beginning. The women were routinely harassed. One particularly dangerous act was to drain the women’s air tanks so that when they were called to a fire they either had to run in without oxygen or be considered cowards. The women were shut out of meals and were subjected to obscenities, verbal abuse, physical violence, sexual molestation and even death threats from other firefighters. “Not all men participated in the harassment,” Berkman says. However, those men who stood up to defend the women became targets themselves.

“There was a lot of opposition to having women in the firehouse,” says Berkman’s attorney, Clinical Professor of Law Laura Sager, who was then the director of the Women’s Rights Clinic at NYU School of Law. “It was a guys’ club.” In many ways, fire fighting still is. “There is still a misogynist climate that goes on in fire departments all over the world because some people still believe that this is a man’s job,” Berkman says.

Indeed, Berkman has earned two promotions by virtue of passing exams. Now as captain of Engine 239 in Brooklyn, she is the first to rush into a burning building. “Any firefighters who say they have never been frightened at an incident are either lying or crazy,” she says.

She has earned a measure of respect and has “a very good relationship” with her all-male engine company, she says, while noting



A HERO’S WELCOME: Berkman returned to the NYU School of Law last February for the world premiere of a documentary about New York City’s women firefighters. She is seen here in a still from that film.

that working with another woman would be a plus. “But I’m so far along in my career. I’m not going to spend my last few years agonizing about whether I’d like to be a lot happier. I’m taking it for what it is, right now.”

Young women firefighters are grateful to Berkman for paving the way. “I don’t think a lot of us would have the courage to do this job if it weren’t for Brenda,” says Regina Wilson, 37, who joined the force in 1999. Berkman’s efforts have not only enabled women to work side by side with men, says Wilson, but have led to even small improvements that loom large in the everyday life of a firefighter, like “having shoes and shirts that fit, female bathrooms in the firehouse and lingo that is gender friendly.”

Even as a child, Berkman challenged the status quo. “One of my earliest memories is of trying to get into the [then-boys-only] Little League,” she says. At school, she wanted to take shop, but was forced to study home eco-

nomics; she liked math but was discouraged by a teacher. She irked high school authorities by organizing forums for voters to quiz school board candidates. “I thought that kids should have some say in what kinds of things they could pursue,” she says.

Berkman graduated summa cum laude from St. Olaf College in Northfield, Minnesota, then in 1975 earned her M.A. in history from Indiana University, where she met her now ex-husband, Kenneth Gordon, and moved to New York. She attended the NYU School of Law while working at her father-in-law’s law firm—whose client roster included the Uniformed Fire Officers Association. It was in part getting to know the fire officers

through her job that piqued her interest in joining the FDNY.

Almost 25 years after her victory, however, what rankles her most is how tenuous the hard-fought gains have been. “After 9/11 the buzzword was ‘the brothers,’” says Captain Peter Gorman, president of the Uniformed Fire Officers Association. In the six months after 9/11, the FDNY hired just one woman among more than 600 recruits, and today just 29 of the city’s nearly 11,500 firefighters are women. Gorman agrees with Berkman that the city doesn’t do enough to recruit women or minorities. He notes that the city rarely uses women in their promotional efforts.

“I am proud that I challenged and continue to challenge the fire service for the benefit of women and the larger community,” Berkman says. “Being forced to conform to narrow stereotypes of what you can and can’t do with your life, that hurts men as much as women.” ■

The Right Place at the Right Time

A breathtaking view of the Golden Gate Bridge, a perch over the shimmering waters of Marina del Rey or the promise of genuine Southern hospitality were some of the added attractions for Law School guests as they caught up with one another at receptions in seven U.S. cities.

Trustee Sloan Lindemann Barnett '93 in San Francisco, Richard Marmaro '75 in Los Angeles and William Brewer III (LL.M. '78) in Dallas graciously opened their beautiful homes to alumni, faculty and admitted and prospective students. In addition, other generous hosts included Paul Berger '57

in Washington, D.C., Joseph Collins '75 in Chicago, Chris Compton '68 in Palo Alto and Lawrence Green '77 in Boston. They all invited Law School alumni to cocktails, and encouraged their guests to mix, mingle and keep up with the latest news emanating from Vanderbilt Hall. ■



SAN FRANCISCO: From left, Dean Revesz with Joseph Miller (LL.M. '67), reception host Sloan Lindemann Barnett and Assistant Dean Kenneth Kleinrock.



LOS ANGELES: Richard Marmaro, a partner at Skadden, Arps, Slate, Meagher & Flom, welcomes guests at his Marina del Rey home.



WASHINGTON, D.C.: Host Paul Berger, a retired partner at Arnold & Porter, addresses the alumni and prospective students mingling at his firm's offices.



BOSTON: Lawrence Green, a partner at Burns & Levinson, hosted an April reception at a reception hall called the State Room.



DALLAS: From right, host William Brewer III, Skye Brewer, Dean Revesz and Kit Sawers, executive director of the Bickel & Brewer Foundation.

Another First for Fox

Law Women announces Alumna of the Year award



Professor Fox proudly displays her award alongside students Elise Roecker, left, and Carolyn Walther '07.

Law Women honored Professor Eleanor Fox '61 with its first Alumna of the Year Award at their Alumnae Reception last March, in recognition of the many ways in which she has led the way for female attorneys. In a warm and well-received speech, Fox, the Walter J. Derenberg Professor of Trade Regulation, who teaches Antitrust Law, International and Comparative Competition Policy, European Union Law and Torts, briefly sketched her long and distinguished career. She recalled that when she went to work for the U.S. attorney's office in the 1960s, it was believed that women shouldn't "get their hands dirty," so she was placed in the civil division, not the criminal one. Fox followed her philosophy of doing her best possible work no matter the circumstances, however, and that led her to become the first female partner at a major Wall Street firm, Simpson Thacher & Bartlett. "It never was suspected I would be a partner," said Fox, by way of explaining how she eventually became one: through quiet, unassuming diligence.

As Elise Roecker '07, cochair of Law Women, observed in her introductory remarks, Fox's impact has been far-reaching. "It is safe to say she has broken open antitrust law," said Roecker, noting that Fox has advised two presidents, Clinton and Carter (for the latter, she served as commissioner of the National Commission for the Review of Antitrust Laws and Procedures); several countries including South Africa, Indonesia and Russia; and the European Union.

In her speech, Fox emphasized the importance of finding mentors, naming several inspirational female faculty members in the audience, including Sylvia Law '68 and Linda Silberman. But mentors can be men, too. "I had the good fortune of having a per-

son or two blaze a path for me," she said, adding that former dean Norman Redlich (LL.M. '55) had appointed Fox an associate dean in charge of the J.D. division from 1987 to 1990; to date, Fox is the only woman to have held that position.

Breaking barriers has been a way of life for Fox. Among her many posts, she has served as the first female chair of both the New York State Bar Antitrust Law Section and the Section on Antitrust and Economic Regulation of the Association of American Law Schools, and as the first female vice chair of the ABA Antitrust Section.

Fox has made "extraordinary contributions to the legal world," said Roecker, and it is important "to pay tribute to her humanity in an all-too-often cold profession." That humanity is something Fox relishes. In addition to her books on antitrust and European Union law, mergers and central European competition policy, she has written a comic novel, *W.L., Esquire* (Marando Press, 1977), about women in the male-dominated legal profession. Fox clears time in her busy schedule to have lunch with her 1Ls, and goes above and beyond to keep her students engaged in the classroom. Every year she recites a poem she wrote about Benjamin Cardozo's opinion in *Palsgraf v. Long Island Railroad Co.* and proximate cause. Said Roecker: "I can tell you my class, at least, applauded." The assembled guests responded to Fox the same way. ■

Lawrence P. King Room Dedicated

Family and friends gathered last September to dedicate a Vanderbilt Hall classroom in honor of Lawrence P. King. The room was decorated with mementos including King's Sir Harold Acton medal and a student cartoon of the professor in action. Dean Richard Revesz, the Lawrence P. King Professor of Law, talked about King's four decades on the faculty and his "tremendous passion" for

bankruptcy law, a field in which King was considered the expert. He introduced Leonard Rosen '54, a longtime friend and colleague, who spoke of King's "passion for the law, what it is and what it should be." Among King's accomplishments was his founding of the Lawrence P. King and Charles Seligson Workshop on Bankruptcy and Business Reorganization.



Dean Richard Revesz, left, Leonard Rosen and Denis Cronin converse in the King Room.