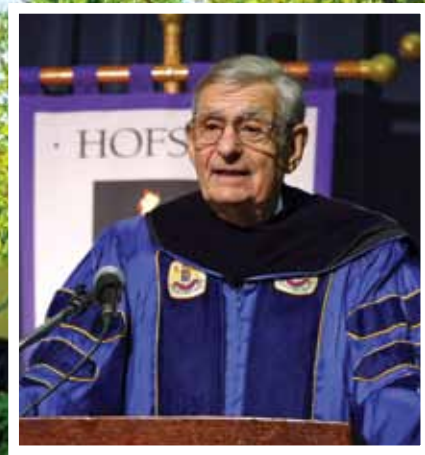


HOFSTRA LAW

R E P O R T

SPRING 2012

THE MAGAZINE OF MAURICE A. DEANE SCHOOL OF LAW AT HOFSTRA UNIVERSITY



A MOMENTOUS GIFT AND A NEW NAME FOR HOFSTRA LAW

Hofstra Law has been rededicated in honor of Maurice A. Deane '81, a graduate committed to academic and professional excellence [p.4](#)

Network with your fellow alumni online through LinkedIn!



law.hofstra.edu/LinkedIn

Join your fellow alumni in our LinkedIn group, Alumni of Hofstra Law.

This online community is a private group open only to your peers from Hofstra Law. By joining the group you will be able to:

- Search for other Hofstra Law alumni by geographic region or practice area
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- Build your network by connecting with 2,000 (and growing!) Hofstra Law alumni

- Participate in timely and relevant discussions of interest to you

The group is growing fast and can serve as your go-to source for getting in touch with other graduates.

Join today at law.hofstra.edu/LinkedIn to begin taking advantage of this resource!

From the Dean

The last five years have been times of growth and success for the now formally named Maurice A. Deane School of Law at Hofstra University. With your ongoing support, the future for this law school remains bright despite the challenges now facing the legal profession and legal education.



We could not wish for a more exciting and diverse place to teach law and prepare our students for the America, and the world, in which they will be practicing law, leading businesses, setting policy and making laws.

From its inception, Hofstra Law has been envisioned as an innovator, an institution designed to make a difference. We have continued this tradition and responded quickly and forcefully to the changes in the profession, which require our students to be “profession-ready” at graduation. To accomplish that task, we aspire to give our students a broad intellectual and ethical framework; hone their analytical, writing and speaking abilities; prepare them for an increasingly global practice; and provide them with an understanding of the needs of clients as well as the business demands and pressures of the profession.

This vision has driven curricular innovation and ongoing change. Over the last five years we have expanded our in-house clinical offerings through innovative practicum courses and a unique prosecutorial clinic to allow a growing number of students to learn to represent clients while in law school.

We have also continued to expand our simulation offerings. The NITA-based Trial Techniques Program, now in its 36th year, is the keystone of the experientially focused segment of the curriculum, in which many students engage as early as their first year. Upper-level offerings include a rich array of courses in trial strategy and practice, alternatives to litigation and transactional practice, all of which require students to make oral presentations and draft briefs.

Small businesses expand sales abroad, couples adopt from abroad and criminal gains are hidden in off-shore accounts — our students are exposed to this transnational world not only through their first-year course work, but also through their J.D. and LL.M. classmates, an increasing number of whom hail from abroad. We also offer a range of experiences abroad, including new spring-break programs in Cuba and Ecuador. We have built relationships with some of the most highly regarded law schools around the

globe, and we continue to expand academic and practice-based opportunities to prepare our students for the globalized practice in which they will forge their careers.

To complement the in-class experience, we have developed a truly innovative leadership and professional development

program. It allows students to identify their strengths and relate those qualities to different practice areas. It also enables them to begin the practice of law better prepared by developing strategic skills, such as business writing and making presentations, and crucial “soft” skills, such as effective communication, initiative and leadership. An employer survey found that our students are better prepared than most — surely a credit to these initiatives.

As our superb faculty and administration have responded to these various challenges, we could not wish for a more exciting and diverse place to teach law and prepare our students for the America, and the world, in which they will be practicing law, leading businesses, setting policy and making laws.

Bringing you back to Hofstra Law, figuratively and literally, has been crucial to our success. So many of you have given generously of yourself — your time, your insights, your financial resources — to allow us to accomplish so much in such a short period of time.

I trust you will continue to support your alma mater on its path to becoming the best it can be under the leadership of Eric Lane, the Eric J. Schmertz Distinguished Professor of Public Law and Public Service, who has been named interim dean. Dean Lane’s long-standing career in public service and the legal academy and his deep commitment to Hofstra Law make him an exceptional choice for this role, which I know he will fill with vigor, vision and initiative.

Thank you for making these five years wonderful and exciting for me. May our paths cross again in the future.

With my sincere regards,

A handwritten signature in dark ink, appearing to read "Nora V. Demleitner".

Nora V. Demleitner
Dean and Professor of Law

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DEPARTMENTS

4 News

41 Faculty Notes

52 Recognition &
Stewardship

57 Class Notes

SPOTLIGHT

35 Joanne F. Goldstein '74
By Andrew Clark

38 Carlos García-Pérez '88
By David A. DeCicco

PERSPECTIVES

19 Laying the Groundwork
for Afghanistan's
Future
By Courtney K. McGrory

28 Giving Graduates
a Leg Up
By Andrew E. Berman

31 Trinh Tran 3L

32 News From the Clinics

IN FOCUS

48 The Real Politik of
Writing and Reading
Statutes
By Interim Dean Eric Lane

50 In Favor of a 'Bail-In'
By Professor J. Scott Colesanti

51 How Marriage Became
Optional
By Professor J. Herbie DiFonzo

Contents



Photo at left and inset cover photo by Brian Ballweg

ON THE COVER

4 **A Momentous Gift and a New Name for Hofstra Law School**

On April 27 the Hofstra community convened to honor Maurice A. Deane '81 for his legacy of service and generosity and to officially name the Maurice A. Deane School of Law at Hofstra University. More than 300 alumni, administrators, faculty, students and distinguished guests, including keynote speaker Senator Charles E. Schumer, attended the convocation and celebrated with the honoree at a reception in the Hofstra University Club.

Main cover photo by Aakaash Bali

FEATURES

11 **Viewpoint** ***Sexual Reorientation*** :

By Professor Elizabeth M. Glazer :

Professor Elizabeth Glazer examines the social and legal discrimination that bisexual individuals face through a short review of the recent success of the gay and lesbian antidiscrimination movement and the continued exclusion of bisexuals from those victories.



15 **At Issue** ***Bioethics: Forging a New Frontier*** :

By Kristen McMahan :

Professor Janet Dolgin analyzes several different facets of the continuing health care debate, discussing the oral arguments the Supreme Court heard in March, the perceived economic challenges of the Affordable Health Care Act of 2010 for the middle class, and personal technology's impact on the present and future of health care.



24 **Perspectives** ***Nassau County Youth Court: Giving Kids a Second Chance*** :

By Courtney K. McGrory :

Maurice A. Deane School of Law at Hofstra University students and professors rally around the idea of youth courts, describing several benefits for both teens who need a second chance and the overburdened juvenile court system.



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HOFSTRA LAW REPORT welcomes **letters to the editor** and **Class Notes** submitted on the Hofstra Law website at law.hofstra.edu/StayConnected or sent by mail or e-mail to the addresses above.

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News

A Momentous Gift and a New Name for Hofstra Law School

MAURICE A. DEANE '81 IS ANYTHING BUT a typical law



school valedictorian. Before enrolling in Hofstra Law School at the age of 50, Deane forged a long and highly successful career as the man who built Endo Laboratories into one of the largest privately held pharmaceutical companies in the nation and facilitated its sale to DuPont, where he continued to work until his retirement. But Deane

did not slip quietly into retirement. Instead he embarked on a new career as a Hofstra Law student and laid the foundation for a 30-year relationship with Hofstra. This year, that remarkable relationship culminated in a \$20 million gift to the school and the naming of Hofstra Law as the Maurice A. Deane School of Law at Hofstra University.

"Naming a school is among the highest honors a university can bestow — something reserved for those who have demonstrated extraordinary commitment and dedication to an institution. There are few people who fit that description better than Maurice Deane," said Hofstra University President Stuart Rabinowitz, former professor and dean of the School of Law.

Rededicating the school in Deane's honor is a natural extension of the long history shared by the man and the

institution. A brilliant law student and mentor, Deane was an active member of the class who graduated with awards in both constitutional law and evidence. The award currently bestowed on the law school valedictorian each year at graduation is now named the Maurice A. Deane Award in his honor.

After graduating, Deane deepened his commitment to the school in many ways. Deane was a member of the board of trustees from 1982 to 2007, serving as its chair from 1989 to 1991 and then named as chair emeritus in 2008. In these roles, Deane guided the university with particular attention to academic excellence and provided financial support to ensure this excellence, including endowing a Distinguished Professorship in Constitutional Law, a law school scholarship and, not least, a \$20 million gift to enhance academic quality at the Law School.

“Maurice has been among the strongest advocates for Hofstra and our law school,” said Marilyn B. Monter ’76, then-chair of the board of trustees. Deane has advocated not only with his financial resources, but also with his time and insight as a member of the Alumni Mentor Program and a committee member for several key events, including the University’s 75th Anniversary and Annual Gala.

Deane and his wife, Barbara, have been active volunteers and generous benefactors to many causes and organizations beyond the Hofstra community. The family has been involved with Mount Sinai Medical Center, where the Barbara and Maurice A. Deane Prostate Health & Research Center is named in their honor. Deane has been a trustee of the North Shore University Hospital and has supported numerous organizations, including Hebrew Union College and Temple Beth El in Great Neck.

“Rededicating the school to someone who has clearly made his mark on the community, an individual with such a deep commitment to academic and professional excellence, seems a fitting way to close out the law school’s 40th anniversary year,” noted Dean Nora V. Demleitner. “This naming serves as the perfect bridge between a proud past and a promising future.” **H**

Eric Lane Named Interim Dean



PROFESSOR ERIC LANE

has been named interim dean of the Maurice A. Deane School of Law at Hofstra University. Lane, who is also the Eric J. Schmertz Distinguished Professor of Public Law and Public Service, has taught at Hofstra Law for more than three decades.

“Eric is a dedicated and longtime member of the Hofstra community

who is well-respected on campus and beyond as a teacher, scholar, public servant and consensus-builder,” said Hofstra University President Stuart Rabinowitz. “For more than 30 years, he has been a contributor to, and caretaker of, the reputation of Hofstra Law, and his knowledge of the school’s history and vision for the future make him ideal for this position.”

Lane is well-known beyond the Hofstra University campus for his public service, particularly in New York City government. He is also the author of three books. *The Genius of America: How the Constitution Saved Our Country and Why It Can Again* (with Michael Oreskes) has been called a “must read” about the origin of the Constitution and its modern applicability. Lane’s two textbooks (with the Honorable Abner A. Mikva) on the legislative process and statutory interpretation have been used in law schools nationally. He is also the author of often cited articles on the legal framework for governmental decision-making.

“Hofstra Law is an extraordinary law school, and I am delighted to have the privilege to work with its distinguished faculty, dedicated administrators and exceptional students and alumni,” said Lane. **H**

New Faculty Appointments

IN SEPTEMBER, SUSAN SAAB FORTNEY joined the Maurice A. Deane School of Law at Hofstra University as the new Howard Lichtenstein Distinguished Professor of Legal Ethics and director of the Institute for the Study of Legal Ethics. Fortney, who succeeded Roy D. Simon, the Lichtenstein Professor since 2003, came to Hofstra Law from Texas Tech University School of Law, where she was a professor and interim dean. She joined the full-time faculty with a J.S.D. and an LL.M. from Columbia University School of Law, a J.D. from Antioch School of Law and a B.A. from Trinity University.

An expert in law firm governance and ethics and a prolific legal scholar, Fortney has conducted various empirical studies that focus on the culture, ethics, peer-review practices and billable-hour expectations of law firms. She completed a national cross-profession study of lawyers practicing in firms, government and corporate offices, in addition to co-authoring the nation's first textbook on legal malpractice law, *Legal Malpractice Law: Problems and Prevention*.

Before joining academia, Fortney practiced law in the public and private sectors. She started her career after law school as briefing attorney for Chief Justice Carlos Cadena of the Fourth Court of Appeals of Texas and continued her public service as an attorney with the Division of Corporation Finance and the Division of Enforcement at the U.S. Securities and Exchange Commission. Fortney later entered private practice, handling securities and corporate

matters, which allowed her to develop an expertise in business and coverage litigation while she handled legal malpractice and directors' and officers' liability cases.

"We are delighted to welcome Susan to Hofstra Law," said Dean Demleitner. "As a renowned scholar of law firm ethics, Susan will add an exciting new dimension to our faculty, curriculum and scholarship, while advancing our institutional goal to prepare ethical lawyers."

IN MAY 2011, COURTNEY L. SELBY was named associate dean for information services, director of the law library and assistant professor of law. Selby joined Hofstra Law from the University of Tulsa College of Law, where she was the collection development and instructional services law librarian and a member of the legal research teaching team. "Courtney's experience and energy for her work are impressive," said Dean Demleitner. "She is a rising star in her field who will help us expand our library offerings and technology services."

Selby is actively involved with the American Association of Law Libraries and is a member of the Social Responsibilities, Academic Law Libraries and Technical Services Special Interest Sections. She has chaired three committees within these professional groups and is also completing a two-year term as the contributing editor for collection development for Technical Services Law Librarian. Selby received a B.A. in sociology from the University of

Tulsa, a J.D. from the University of Tulsa College of Law and an M.L.I.S. from the University of Oklahoma. **H**



• Susan Saab Fortney

• • •



• Courtney L. Selby

• • •

Honoring Alums on the 10th Anniversary of the 9/11 Terrorist Attacks



- *Hofstra Law participates in the National Day of Service and Remembrance at the Garden City Bird Sanctuary.*
- . . .

AS MILLIONS OF PEOPLE IN THE U.S. AND ABROAD

commemorated the 10th anniversary of the 9/11 terrorist attacks in New York, Washington, D.C., and Pennsylvania, the Maurice A. Deane School of Law at Hofstra University community honored the tragic events with thoughtful discussion and community service.

On Monday, September 12, 2011, Hofstra Law professors Eric M. Freedman and Julian Ku, along with first-year law student and 9/11 responder Joe Cammarata, led a panel discussion on the political and legal ramifications of the terrorist attacks. In addition to generating rich academic discussion about the war on terrorism, the event honored three alumni who lost their lives on that day: Joni Cesta '91, Neil D. Levin '81 and Glenn J. Winuk '87 (see sidebar).

The commemorative events also included a National Day of Service and Remembrance, a program inspired by Winuk, who lost his life while participating in the rescue effort at the World Trade Center, one and a half blocks from his law office. Hofstra Law students, faculty and staff participated in community service projects in Nassau County with Habitat for Humanity, the Garden City Bird Sanctuary and the Long Beach Animal Rescue. On that day, nearly 50 volunteers from Hofstra Law made a difference in their community by building a home for a local family in need, refurbishing a bird sanctuary and preparing animals and their surroundings for adoptions. **H**

Remembering Our Hofstra Law Alumni

JONI CESTA '91 was a graduate of Cornell University and Hofstra Law. Cesta, 37, was in-house counsel for A.L. Sarroff, a securities trading firm near the World Trade Center. On September 11 she was visiting a client in the World Trade Center. Joni loved nature and the outdoors, and Long Island's Planting Fields Arboretum was one of her favorite places. She was an avid traveler. A Bellmore resident, Joni left behind her husband, Adam Kriftcher, and her father, John Cesta, of Florida.

NEIL D. LEVIN '81 was the executive director of the Port Authority of New York and New Jersey. He was appointed to the Port Authority leadership in March 2001 by Governor George E. Pataki of New York and acting Governor Donald DiFrancesco of New Jersey. Previously, Levin had been appointed to the top jobs in the state banking and insurance departments. His office was on the 68th floor of 1 World Trade Center, the first tower to be hit by a hijacked airplane. Levin, who grew up in Atlantic Beach, New York, was a member of Hofstra University's board of trustees and received Hofstra Law's Distinguished Alumnus Award.

GLENN J. WINUK '87, a native of Jericho, New York, was a decorated volunteer firefighter and EMT who worked as a partner at Holland & Knight LLP in the law firm's downtown Manhattan office. The 9/11 Day of Service and Remembrance was initiated in 2002 by David Paine and Glenn's brother Jay Winuk, who successfully lobbied Congress to recognize September 11 as the National Day of Service and Remembrance. On April 21, 2009, President Barack Obama signed the honorary day into law. **H**

More Than 130 Hofstra Law Alumni Named New York Super Lawyers

MORE THAN 130 ALUMNI OF THE MAURICE A. DEANE School of Law at Hofstra University were named by *Super Lawyers* magazine as top attorneys in the New York metropolitan area for 2011, up from last year's total of 122. For the second consecutive year, Hofstra Law ranks No. 9 among the top 10 law schools nationwide with graduates featured on the New York Super Lawyers list.

Three Hofstra Law alumni were named to the Top 100 New York Super Lawyers list: **DAVID W. BRAND '75** of Brand, Glick & Brand, P.C.; **JUDITH A. LIVINGSTON '79** of Kramer, Dillof, Livingston & Moore, who was also named one of the Top 50 Women New York Super Lawyers for the sixth consecutive year; and **BEN B. RUBINOWITZ '81** of Gair, Gair, Conason, Steigman, Mackauf, Bloom & Rubinowitz. **DONALD L. SAPIR '75** of Sapir & Frumkin LLP was named one of the top 25 lawyers in Westchester. Another 56 Hofstra Law alumni were recognized as rising stars in the legal field nationwide.

Also, **MARC M. DITTENHOEFER '76** of Blank, Goolnick & Dittenhoefer was featured in the *Super Lawyers* article "The Largest Pro Bono Effort in History" for his work with Trial Lawyers Care, an organization of the New York State Trial Lawyers Association that advocates for victims of the 9/11 terrorist attacks. **H**

This is really a homecoming for me. Growing up on Long Island, I've always known about Hofstra and its role in the legal community."

New Alumni Relations Director Jodie Sperico



LAST SEPTEMBER, JODIE SPERICO joined the Maurice A. Deane School of Law at Hofstra University as director of alumni relations. Sperico steps into the role with 10 years of experience, including insight from her role as alumni relations director at Catholic University's Columbus School of Law in Washington, D.C. In that

capacity, she worked closely with graduates, donors, students and volunteers, as well as the Career Services, Admissions, Financial Aid and Development offices.

Previously, Sperico served as the senior volunteer relations coordinator and student advancement coordinator at the Council for Advancement and Support of Education in Washington, D.C., where she was responsible for conferences, meetings and training the organization's most senior volunteers, including the board of trustees.

"This is really a homecoming for me," says Sperico about her new role at Hofstra Law. "Growing up on Long Island, I've always known about Hofstra and its role in the legal community."

Despite Hofstra Law's relatively short history, Sperico is struck by the number of prominent graduates among the ranks of its alumni, who currently number nearly 10,000. "My job is to engage them and make sure they feel connected to the school," she says.

Sperico is charged with making those connections, no matter how distant they may be. While many alumni are in the New York metropolitan area, Sperico will continue to help Hofstra Law reach out to its alumni across the country — and, increasingly, around the world — to build strong relations that benefit the alumni and student communities alike. **H**

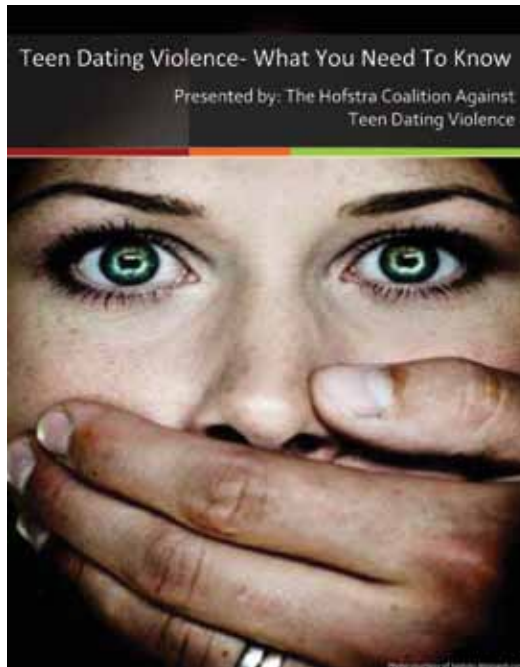
Students Shine Spotlight on Teen Dating Violence

DAY ONE, AN ORGANIZATION

DEDICATED TO preventing domestic violence, has found that teaching young people about healthy relationships and ways to avoid dating violence can reduce incidents of physical and sexual dating violence by 60 percent. Inspired by this research, 3Ls Nicole Rynston, Samantha Sandler, Rei Watanabe and Shirin Zarabi founded the Hofstra Coalition Against Teen Dating Violence (HCATDV).

The students began their research while enrolled in Professor Barbara Barron's Domestic Violence Seminar, which examines the legal consequences of domestic violence and considers its psychological origins. In addition, the course looks at the effects on children exposed to domestic violence, and the law's response. With Professor Barron's advisement, the students expanded their research paper and published HCATDV's first brochure, *Teen Dating Violence — What You Need To Know*.

"Teens are increasingly exposed to violence and are watching popular television shows that depict physical abuse," says Zarabi. "Social learning is the most relied upon explanation for dating violence, and



• Teen Dating Violence brochure cover
• • •



ONLINE CONTENT

A downloadable version (PDF) of the *Teen Dating Violence* brochure is available at law.hofstra.edu/HLR

we realized the importance of educating parents and children on the growing issue." The brochure highlights the warning signs of dating violence and offers advice for both parents and teens on how to deal with being in or knowing someone in an abusive relationship. The brochure includes facts and characteristics of dating violence and lists resources for reporting abuse in New York City and on Long Island.

During October's Domestic Violence Awareness Month, HCATDV members joined by victims of abuse presented throughout the Nassau County Courts. They distributed HCATDV's brochure and

answered parents' questions on teen dating violence.

"The coalition teaches parents and children what teen dating violence is, how to prevent it and what to do if they are confronted with it," says Barron. "The HCATDV provides valuable resources and outreach for those who need it."

The group is working on expanding distribution of the brochure and hopes to present in local middle schools and high schools. **H**

Social learning is the most relied upon explanation for dating violence, and we realized the importance of educating parents and children on the growing issue.

Marilyn B. Monter '76 Honored as Hofstra's Alumna of the Year

ON FRIDAY, SEPTEMBER 23, MARILYN B. MONTER '76

was named Hofstra University's Alumna of the Year at the annual Alumni Awards Dinner. The awards ceremony, which was held in conjunction with the University's annual Fall Festival, took place at The Garden City Hotel in Garden City, New York.

"I accepted this award, not for what I have accomplished, but for what President Rabinowitz and the board have accomplished these last few years," Monter said.

Monter recently completed her term as chair of the board of trustees of Hofstra University, and her tenure was marked by many milestones in Hofstra's history, including the accreditation of the Hofstra North Shore-LIJ School of Medicine, the entrance of its first class this past fall and the recent announcement of a new

School of Engineering and Applied Science.

Monter was named chair of the board of trustees in October 2008 and had served as a member of the board since 2003.

Monter is executive vice president of the Holiday Organization, Inc., a Westbury-based real estate development company, founded in 1951 by her father,

Gerald Monter. The Holiday Organization is the developer of the various Hamlet communities on Long Island, as well as several Colony communities in South Florida. In addition, the company developed

three golf-course communities on Long Island, which include one private and two public facilities.

After earning a J.D. from Hofstra Law, Monter served as the assistant dean of the Law School, and then became an in-house attorney for Allied Chemical Corporation (now Honeywell International Inc.). She joined the Holiday Organization in 1984.

Monter is recording secretary of the Suffolk Y Jewish Community Center, vice chair of Planned Parenthood of Nassau County and a member of the board at The INN. She previously served on the boards of the North Shore-Long Island Jewish Health System, The Feinstein Institute for Medical Research and The Elmezzi Graduate School of Molecular

Medicine, and is a former trustee of Friends Academy in Locust Valley, New York.

In 2005 Monter was named a "Woman of Distinction" by *Distinction* magazine, and in 2008 and 2009 she was honored by *Long Island Business News* as one of the Top 50 Most Influential Women on Long Island. **H**



I accepted this award, not for what I have accomplished,
 “ but for what President Rabinowitz and the board
 have accomplished these last few years. ”

Sexual Reorientation

By Elizabeth M. Glazer, Associate Professor of Law

When the characteristic is hair or eye color, or even skin color that serves as a proxy for race, it is unremarkable for individuals to deviate from their general “type” when choosing a specific person as their partner. When the characteristic is sex, an individual’s deviation becomes problematic, both socially and legally.

Some people prefer blondes. Some people prefer brunettes. Some people prefer people with blue eyes, while others prefer people with brown eyes. Some people might even prefer to date people of a particular race. But when those individuals deviate from their preferences — going on a date with a brunette when one typically prefers blondes, marrying the brown-eyed girl after searching Match.com for women with blue eyes or entering into a relationship with an African-American man after a string of dating only those of other races — they do not experience an inquisition like the one imposed by Ted Olson on his own client, Sandy Stier, a plaintiff in *Perry v. Brown*, the federal lawsuit challenging the constitutionality of California’s Proposition 8 ballot initiative that restricted marriage to opposite-sex couples.

Stier had been married to a man before entering into a relationship with Kris Perry, a woman and the named plaintiff in the *Perry* case. Stier and Perry wish to marry, and have brought suit because of their inability to do so as a result of Proposition 8. Because they claim that Proposition 8 discriminates against people on the basis of their sexual orientation, Olson asked Stier: “How convinced are you that you are gay? You’ve lived with a husband. You said you loved



him. Some people might say, ‘Well, it’s this and then it’s that and it could be this again.’ Answer that.”

Olson’s reference — albeit so replete with demonstratives that it avoids describing anything at all — is likely entirely clear. When the characteristic is hair or eye color, or even skin color that serves as a proxy for race, it is unremarkable for individuals to deviate from their general “type” when choosing a specific person as their partner. When the characteristic is sex, an individual’s deviation becomes problematic, both socially and legally. Bisexual author Maria Burnham wrote recently in the *Huffington Post* of the experience of attending her first lesbian party where her advances toward a woman to whom she admitted her bisexuality were rebuffed. She was immediately counseled by another attendee to identify instead as lesbian because of the prevailing distrust of bisexuals, whom

gays and lesbians perceive as untrustworthy and not serious and therefore unacceptable sexual partners.

The socially enforced exclusion of bisexuals has persisted as a result of long-existent myths that bisexuals are promiscuous, greedy (as a result of their “refusal” to “pick” a sex to which to experience sexual attraction), duplicitous and closeted. Recent media attention devoted to the experience of some African-American men who live on the “down low” by

having primary romantic relationships with women while engaging in secret sex with men has generated an

additional myth that bisexuality is a bridge for the HIV infection from the gay population to the straight population.

Bisexuals have experienced not only social exclusion but also political and legal exclusion. The movement for lesbian and gay rights — now often referred to as the movement for lesbian, gay, bisexual and transgender, or “LGBT,” rights — has achieved impressive victories, such as the 2010 repeal of the military’s “don’t ask, don’t tell” policy, the Obama administration’s 2010 refusal to defend the federal Defense of Marriage Act (DOMA) on the basis of its declaration that DOMA was unconstitutional, the legalization of same-sex marriage in seven states and the District of Columbia since 2003, and the adoption by some states of antidiscrimination statutes protecting against discrimination on the basis of sexual orientation in employment and public accommodations contexts.

But success has come at a cost. In order to achieve victories, advocates for gays and lesbians have employed what scholars have termed a “homo kinship” model by arguing that but for gays’ and lesbians’ differences, they are just like everybody else. This is a sensible strategy because a lawyer’s task in proving discrimination — whether on the basis of sexual orientation or any other characteristic — is to demonstrate that her client suffered discrimination *because of* a particular characteristic. The presence of confounding variables is thus an unwelcome distraction

series with more than two heterosexual members violated Washington’s public accommodation statute protecting against discrimination on the basis of sexual orientation. NAGAAA invoked this rule in disqualifying from competition San Francisco’s D2 softball team, which the league had determined by a panel vote of about 25 people to include three bisexual members after questioning these team members in front of the panel about the extent of their sexual attraction to men and women.

The inquisitions of Sandy Stier and softball players

“The exclusion of transgender individuals from successive drafts of the Employment Nondiscrimination Act (“ENDA”) — a proposed federal law which would offer protection from employment discrimination on the basis of sexual orientation and, according to the latest version, gender identity — was justified because their inclusion was thought to prevent ENDA’s passage.”

from this task, and the homo kinship model eliminates confounding variables from cases brought by LGBT rights advocates.

The effort to eliminate confounding variables has also effected the exclusion of members of the LGBT community who are unlike everybody else, namely transgender individuals and bisexuals. The exclusion of transgender individuals from successive drafts of the Employment Nondiscrimination Act (ENDA) — a proposed federal law that would offer protection from employment discrimination on the basis of sexual orientation and, according to the latest version, gender identity — was justified because their inclusion was thought to prevent ENDA’s passage.

Bisexuals have also been excluded from the legal and political effort to obtain rights for LGBT people. A lawsuit filed in Seattle in 2010, *Apilado v. North American Gay Amateur Athletic Alliance* (NAGAAA), has been called a “legal first” because it was brought on behalf of bisexuals. The lawsuit — which has now settled — alleged that NAGAAA’s rule that no team could participate in the world

Steven Apilado, LaRon Charles and Jon Russ were motivated by a discomfort with bisexuality. Though bisexuality can be defined any number of ways and some definitions of bisexuality (including, importantly, an individual’s own definition upon which she characterizes her own sexual orientation) may not include any or all of Stier, Apilado, Charles and Russ, their stories are instructive in understanding the reason that bisexuals have been excluded from the political and legal efforts to obtain rights for LGBT people.

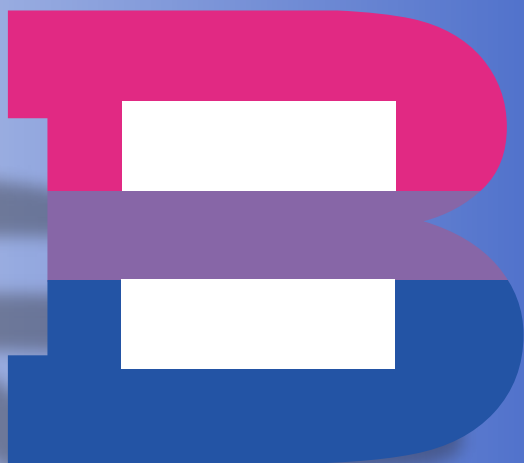
The discomfort with bisexuality causing discrimination that arguably violates statutes protecting against discrimination on the basis of sexual orientation is not different in kind from the discomfort with bisexuality apparent at lesbian parties. Both can be explained as a discomfort with the unpredictability of a bisexual orientation. For the object of Maria Burnham’s momentary affection, that unpredictability posed a personal risk perceived to be too large to engage in any further conversation. For antidiscrimination law, that unpredictability poses a risk

that bisexuals experience discrimination because of their conduct, as opposed to their status.

Antidiscrimination law is inherently limited. Statutes such as the public accommodations statute in Washington protect people from discrimination based on a limited number of protected characteristics, such as race, sex, religion and, in some states, sexual orientation. Thus, people who experience discrimination can only obtain legal relief if they can demonstrate that their discrimination happened because they possessed a characteristic mentioned in the

acted like a man. In protecting Hopkins, the Supreme Court announced its theory of sex stereotyping, under which sex discrimination would be protected in instances in which a plaintiff's conduct failed to conform to expectations about the plaintiff's conduct because of the plaintiff's status.

Like sex, sexual orientation comes with expectations. The expectation to partner with a member of a particular sex is chief among such expectations. An individual's sexual orientation could productively be understood to comprise two concepts. An individual's "general orientation" is the



“Discrimination because an individual's specific orientation fails to conform to his general orientation should qualify as discrimination on the basis of sexual orientation because an individual's behavior failed to conform to stereotypes about sex.”

statute upon which their claim is based. This demonstration becomes more difficult when discrimination occurred because its victim not only *was* a member of a particular race or sex but *acted* in a particular way.

Antidiscrimination law has been reluctant to protect against discrimination for behaviors that are stereotypically associated with characteristics upon which discrimination is prohibited, exemplified by its failure to protect an African-American woman who experienced discrimination for wearing her hair in cornrows. However, in a notable Supreme Court case, *Price Waterhouse v. Hopkins*, Ann Hopkins won her discrimination lawsuit against her employer, Price Waterhouse, for denying her bid for partnership because she acted too masculine. Though Hopkins brought a claim for sex discrimination, the discrimination she suffered did not occur simply because she was a woman but because she *was* a woman who had

sex toward which people in the world perceive an individual to be attracted. An individual's "specific orientation" is the sex of an individual's chosen partner or partners. Discrimination because an individual's specific orientation fails to conform to his general orientation should qualify as discrimination on the basis of sexual orientation because an individual's behavior failed to conform to stereotypes about sex.

The nature of bisexuality resists conformity with such an expectation, leading to the inquisitions in Perry and *Apilado*. Inquisitions like these could be avoided, as could the law's reluctance to protect against discrimination on the basis of a bisexual orientation, by revising the law's understanding of sexual orientation and applying the logic of *Price Waterhouse v. Hopkins* to sexual orientation discrimination. **H**



ONLINE CONTENT Links to the complete versions of two journal articles on which this piece is based, "Sexual Reorientation," 100 *Georgetown Law Journal* 997 (2012), and "Optimizing Orientation," 100 *Georgetown Law Journal* 1105 (2012), are available at law.hofstra.edu/HLR

Bioethics

Forging a New Frontier

By Kristen McMahon



The American health care system has two great moral imperatives — individual rights and communal solidarity — that often clash, particularly when bioethics enter the fray. However, if the system is ever to be effectively overhauled, these conflicting interests must be reconciled and nurtured.

That rare and difficult task is precisely the mission of Janet Dolgin, the Jack and Freda Dicker Distinguished Professor of Health Care Law at the Maurice A. Deane School of Law at Hofstra University and professor of science education at the Hofstra North Shore-LIJ School of Medicine. Through an interdisciplinary approach of academic research, coursework and community engagement, Dolgin hopes to

“It is the mission of those in the law and medical fields to work together to develop solutions.”

find creative solutions that address critical problems of health care in America, from federal health care reform to the delivery of health care services by professionals.

“Everyone needs to come to the table in order to develop solutions to rising problems in the ethical delivery of health care.”

Controversy over the Affordable Health Care Act of 2010 is reaching a crescendo. The U.S. Supreme Court heard oral arguments in two related cases in March, and the Court is expected to hand down its decision by late June. While the legal issues in, and potential ramifications of, the cases are complex, Dolgin asserts

that the attitudes and motivations of people opposed to expanding health care is what ultimately drives the debate, both in the courts and among the public.

Dolgin explains: “The debate over universal health care has been both fascinating and troubling. The reasons for this are intense and opaque, and have much to do with class interests in our society.”

In order to shed light on these issues, Dolgin is working on a research project in collaboration with her former student Katherine Dieterich '05, who teaches at the Hofstra University School of Education, Health and Human Services. Together, Dolgin and Dieterich will publish a book that examines the reasons why many Americans are so vehemently opposed to universal health care. The book will tackle such complicated issues as obesity as a marker of class, reproductive care for



• Janet Dolgin
• • •

poor women, and popular and legislative responses to the programs that provide health care to poorer populations.

“In resisting the expansion of such programs, opponents often describe beneficiaries of these programs as people who are unwilling to work for their own health care coverage, which implies that people are poor because they are

lazy,” notes Dolgin. “While this notion is discomforting, to put it mildly, it unfortunately is spread throughout the debate around expanding health care coverage.”

In one of her recent articles, “Class Competition and American Health Care: Debating the State Children’s Health Insurance Program,” published in the *Louisiana Law Review*, Dolgin explores this idea further. She notes that opposition to universal health care coverage has a special meaning to Americans who live above the poverty line yet below a level identifying them as “well off.” People within this broad economic group worry about being displaced in this hierarchy by those whose status would improve should health care coverage become available to everyone.

While this logic may seem counterintuitive, Dolgin asserts that arguments presented by those who oppose expanding



health care coverage play into the fear of many Americans that empowerment of lower-income groups will threaten their own tenuous standing in the nation's class hierarchy, particularly in uncertain economic times.

Also on the research side, Dolgin, along with co-author Lois Shepherd from the University of Virginia, is recasting the *Bioethics and the Law* casebook to impart a stronger focus on bioethics as it relates to public health, social justice and population health. But for Dolgin, academic research alone cannot address these complicated issues. As co-director of the newly established Bioethics Center at Hofstra University, she is working vehemently to implement initiatives, events and research activities that will promote education and effect change through public-policy initiatives and legislation.

"Advances in technology and health care have collided to create a system that affects every person in our society, as well as society as a whole," says Dolgin. "It is the mission of those in the law and medical fields to work together to develop solutions that address bioethical dilemmas and increase awareness among the public and the professional communities charged with representing its interests."

In order to achieve this outcome, the center is taking an interdisciplinary approach to the study of bioethics. Since efforts to reform health care in America have generally not been focused in this way, the work of the center will be innovative and ultimately will provide a humanistic model of universal health care that protects the rights of everyone it represents.

Samuel Packer, M.D., co-director of the Bioethics Center

and professor of ophthalmology at the Hofstra North Shore-LIJ School of Medicine, notes that the Bioethics Center plans to reach deep into the health care problems that have yet to be solved, such as appropriate care at the beginning and end of life, reproductive medicine, stem cell research and resource allocation. "We hope to engage the rich intellectual resources of the Hofstra faculty, as well as our community, in these efforts," he says. "Our goal is to hear the voices of many, especially the vulnerable. After listening, we will actively reflect and then act."

Among the Bioethics Center's first initiatives was the April 24 conference that addressed the health care and medical industries' use of Internet cloud-based applications and social media. It was intended to draw members of the law, medical and business communities, along with computer scientists and students.

"Social media networks and mobile device apps have grown exponentially in the last several years," says Dolgin. "They have become significant collection tanks for both business and personal data, raining upon us from the Internet cloud." Dolgin believes that more and more people will store their medical information on the Internet cloud for access by their physicians and health care providers, especially if accessibility improves the quality of care and drives down the cost of insurance premiums and taxes.

But such availability and access pose the dilemma of privacy. Conference participants had an opportunity to explore how to manage the cloud, as well as secure it and

“Advances in technology and health care have collided to create a system that affects every person in our society, as well as society as a whole.”



use it in an ethical manner. “Everyone needs to come to the table in order to develop solutions to rising problems in the ethical delivery of health care,” adds Dolgin.

In addition to her work developing the cutting-edge Bioethics Center, Dolgin continues to contribute to the field of health care law through her academic coursework. She regularly teaches courses in bioethics and the law and is exploring the possibility of instituting a course examining the legal uses of neuro-imaging.

Most recently, Dolgin once again co-taught Law and Medicine, Cooperative Professionalism in collaboration with Packer. During the course, students from Hofstra Law and medical students who were completing their clinical rotations at Nassau University Medical Center (NUMC) explored the manner in which lawyers and physicians might respond to a wide range of clinical and bioethical dilemmas that occur in hospital settings. Like the Bioethics Center, this course aims to bridge the gap between the legal and medical fields and encourage young lawyers and doctors to work together as they prepare to embark on their respective careers.

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- • •

Dolgin also oversees Hofstra Law’s health law fellows in her capacity as director of the Law School’s Institute for Health Law and Policy. The institute is dedicated to meeting the need for education and training of attorneys in the rapidly expanding field of health law. The fellows are trained to represent medical providers, patients and the health care industry with an eye toward advancing health law policy. Beyond their coursework, the fellows help plan events for the institute, such as the April 24 Bioethics Center conference.

“The debate over issues in health care — from broad legislation to individual service delivery — is a complicated issue that goes right to the core of class competition in our society, and resolution can only come through education, awareness and advocacy from within the system,” says Dolgin. “We are way past the point where applying band-aid solutions can fix a system that is so broken.”

Resolving these complicated issues may be a mammoth task, but Dolgin is certainly up to the challenge. **H**



Laying the Groundwork for Afghanistan's Future { One Law Student at a Time

By Courtney K. McGrory

Each of these students is
“incredibly talented and
will help build a brighter
and more just future for
their country.”

As the United States prepares to withdraw troops from Afghanistan, establishing a rule of law is the crux of the region's future. Law schools across the U.S., including the Maurice A. Deane School of Law at Hofstra University, are helping to institute law and order at the grass roots level: educating the next generation of Afghan lawyers, judges, advocates and educators.

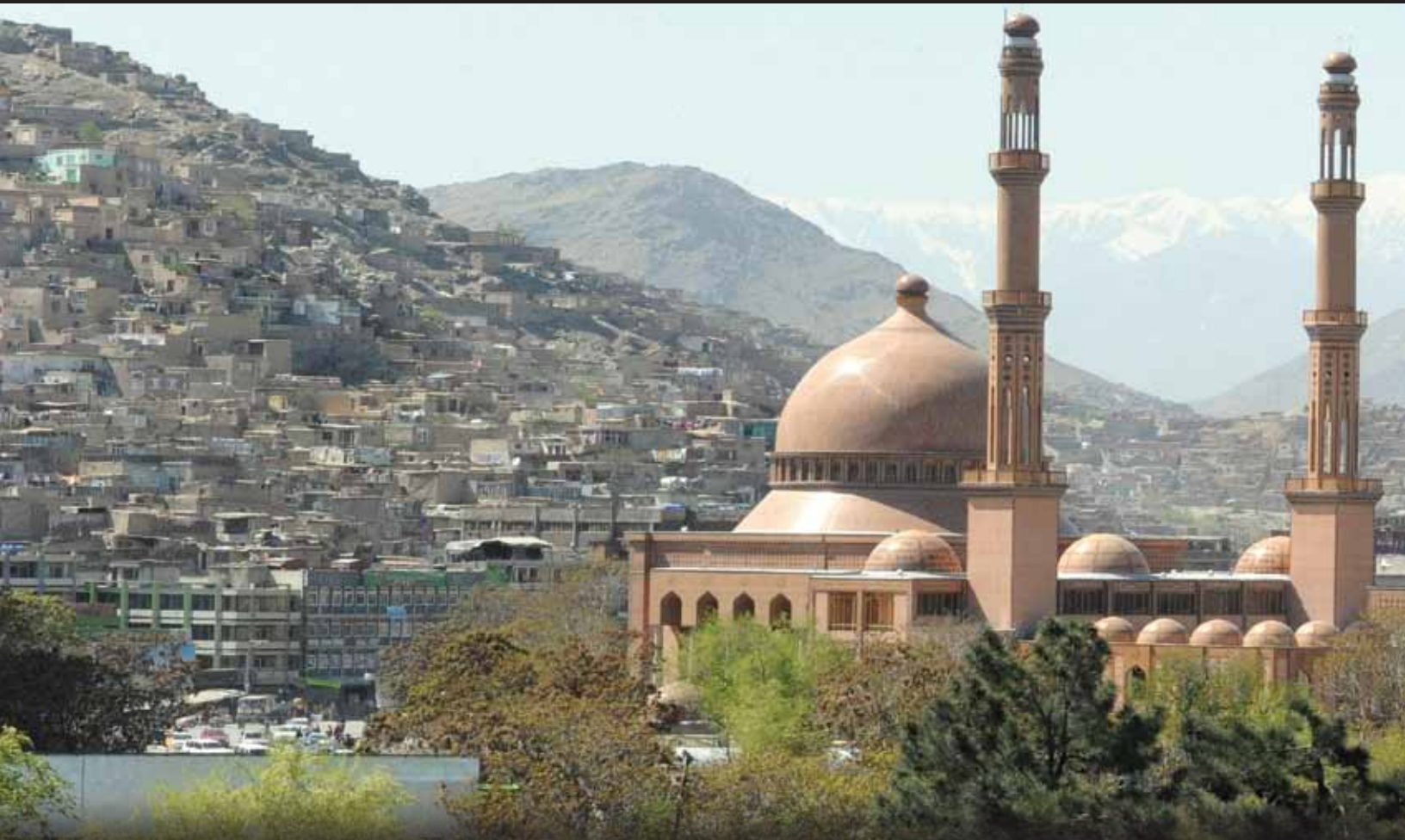
In September 2011, some of those roots took hold when Hamid Durani, Mohammed Essa Karimi and Abdul Samad Keramat arrived at Hofstra as part of the Law School's participation in the Public-Private Partnership for Justice Reform in Afghanistan (PPP). Established in 2007 by former Secretary of State Condoleezza Rice, the PPP is based on the simple idea that Afghanistan's future is inexorably tied to its legal system and that system's ability to deliver justice. Over the past four years, the partnership has funded a number of small yet high-impact projects, most notably its program that sponsors Afghan legal professionals seeking Master of Laws (LL.M.) degrees at U.S. law schools.



Because no graduate-level legal education exists in Afghanistan at the moment, Afghan lawyers and judges must look abroad to gain a more expansive understanding of different areas of the law, including international, commercial, human rights and intellectual property. Yet many are unable to afford program tuition, let alone the cost of

traveling and living abroad.

But thanks to the PPP, which combines government funding and support from private institutions, 10 scholars, including three women, are pursuing higher legal degrees at Hofstra Law, Catholic University, Harvard and Stanford during the 2011-2012 academic year. In addition to tuition,



Afghan legal scholars also receive grants for travel and living expenses, and they are paired with legal mentors who help them make the most of the program.

To be sure, the students are not the only ones gaining from the exchange. Although this is the first year that Hofstra Law is hosting students for the program, the school is already benefiting in numerous ways, says Jeffrey Dodge, assistant dean for global initiatives & multicultural affairs. “Hamid, Keramat and Essa bring an incredibly rich understanding of Shariah law to our classrooms, which allows for valuable comparative discussions,” says Dodge. In addition, their presence adds greater perspective to the student body and demonstrates Hofstra Law’s commitment to having one of the leading international law programs in the U.S.

At the heart of this student exchange program is the commitment that alumni will return to Afghanistan and apply their new skills and knowledge to foster a stronger legal system. Many already have: Some work for the United Nations in Kabul and at the Afghan Ministry of Foreign Affairs. One opened a private law firm in Afghanistan. Another created a guide to Afghan laws to share his learning and guide judges and lawyers across the country.

More promise to follow in their footsteps, including the Hofstra Law students who will go forward and make their own mark. Dodge, who has personally advised the students since their arrival, is certain of their ability to make a difference:

“Each of these students is incredibly talented and will help build a brighter and more just future for their country.”

Afghan lawyers and judges
“must look abroad to gain a more
expansive understanding of
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PPP Afghan LL.M. Student Profiles

The Reformer

Mohammed Essa Karimi

Place of Birth: Jaghori,
Ghazni Province



Why did you study law?

I grew up in a village where there were neither government institutions nor law enforcement agencies of any kind. Local elders and clergy resolved all disputes, and most of their decisions favored the more powerful party. I always thought about how these disputes could have been resolved more fairly. After moving to Pakistan when I was 16, I learned what it was like to live in a country with judicial institutions. I saw how laws, rather than guns and violence, governed disputes and crimes in modern societies, and when I returned to my home country in 2002, I was determined to study law and work on strengthening the rule of law.

What is your legal experience?

Since receiving my law degree from Kabul University Law School in 2006, I interned in the lower house of Afghanistan's parliament,

and was a legal assistant at the United States Agency for International Development, where I worked to privatize state-owned enterprises in Kabul. More recently, as a legal consultant with the Afghanistan Justice Sector Support Program, I supported the Afghanistan Attorney General's Office to expand its organization, work on policy development and design programs to educate legal professionals about the new Afghan Constitution, adopted in 2004, and Afghan laws.

What will you do with your LL.M. degree?

When I go back to Afghanistan, I will probably continue to work with the Attorney General's Office, where I can help promote the rule of law, particularly the aspect of fair trial that many villages do not have. Reforming the system will take time, but I can do small things that can bring about big changes.

Have you enjoyed any particular Hofstra Law classes, and why?

I have enjoyed all my classes, but especially my legal research and writing class with Professor Juliana Campagna. The course has helped me understand the sources of law and how lawyers practice in the United States. I have also learned a great deal from my classmates in this course, who come from many different countries.

The Professor

Abdul Samad Keramat

Place of Birth: Khogyani,
Nangarhar Province



What are your impressions of the U.S. legal system as a professor of Shariah law?

Shariah law, the moral code and religious law of Islam, and common law are very different legal systems in principles and sources, though both are designed to lead communities and solve problems. I have gained a greater understanding of Shariah law by studying common law, which has also introduced me to legal areas that are not advanced in Afghanistan, such as tax regulation, business organization and employment law.

What has been unique about your time at Hofstra Law?

Professor Eric Lane invited me to prepare a presentation about Shariah law for his Constitutional Theory class. I was surprised that so many students and professors attended the presentation. And I appreciated that Professor Lane

was so encouraging with his time and support. He even asked the IT department to tape the presentation for future use. This says a lot about the school's culture; it shows that there is value for everyone's efforts and ideas at Hofstra University.

What do you think Hofstra Law students learned from your guest lecture?

Shariah law is really vast, and it is difficult to present it in merely one lecture. But at least more Hofstra students were introduced to this widespread legal system that is used in many countries in the Middle East, as well as Asia and Africa.

Has taking classes at an American law school influenced your style of teaching?

At Hofstra University the style of teaching is different from class to class and from professor to professor, but in general students are expected to work hard and come with good ideas. Professors encourage students to participate in class, which creates an active and rich discussion. I hope to transfer this approach and work with my students to gradually apply it in my classes.

The Human Rights Activist

Hamid Durani

Place of Birth: Kabul City, Kabul



Why did you study law?

I witnessed the effects of civil war and violence of the Taliban regime in my country, particularly their toll on human rights. I graduated with a law degree from Herat University in 2005 and am using my degree to establish a better framework and rule of law to secure human rights, especially for women.

How would you describe women's rights in your country?

They have few rights: They are forced into marriage, some at a young age, and many are beaten. Much of this discrimination comes from Afghan culture and even Afghan laws. It is my life goal to work for their rights and improve these laws, and I have been inspired by Mrs. Maria Bashir,

Afghanistan's first female chief prosecutor, with whom I worked with for more than three years.

What challenges have you faced as a lawyer in Afghanistan?

In 2007 I became a private criminal defense lawyer in a society where most accused persons are not aware of their right to an attorney, if even such an attorney were available. There is a general lack of lawyers all over the country, and the role of a defense attorney is largely unknown in Afghanistan. It was a big challenge for me, but I did not give up.

What is most striking about living in the U.S. and being part of Hofstra Law?

There is such social freedom and peace here in the U.S., which I did not have in Afghanistan. I appreciate that there are LL.M. students from different countries, which gives me greater perspective and the opportunity to learn about other legal systems. Taking classes with so many American J.D. students also gives me the chance to learn more about U.S. culture. **H**

“Much of this discrimination comes from Afghan culture and even Afghan laws. It is my life goal to work for [women's] rights.”



*Assistant District Attorney
Kara Kaplan '01 with
Youth Court participants*

Nassau County Youth Court

{ Giving Kids a Second Chance

By Courtney K. McGrory

“The courts are a valuable learning experience for students who, in the course of running the courts, learn about the justice system, make critical decisions and acquire public-speaking and leadership skills.”

It is a truism that kids make stupid mistakes, such as drinking at a school football game and scrawling graffiti. Misdemeanors like these land many Nassau County adolescents, especially those from underprivileged backgrounds, in the juvenile court system and on a slippery slope toward more serious crimes. But a youth court launched by the Nassau County District Attorney's Office and supported by the Maurice A. Deane School of Law at Hofstra University is helping adolescents take a different path.

Youth courts, also known as student, peer and teen courts, are an alternative to the justice system's more traditional family and criminal courts. Youth courts consist of high school student volunteers who act as attorneys, juries, bailiffs and clerks in a system that considers cases of defendants, usually referred to as "respondents" in the youth court system, up to age 17, who have committed nonviolent, low-level crimes, such as theft, vandalism, underage drinking and first-time possession of marijuana. After committing such crimes, minors are referred to the youth court system; their voluntary participation in the system allows them to avoid a formal criminal record and often set a new course for themselves.

Hofstra Law Professor Andrew Schepard views youth courts as providing valuable alternative dispute resolution and has advocated for their growth as a member of the American Bar Association's Youth at Risk Commission and the New York State Permanent Commission

of Justice for Children. He says, “It’s a very good thing to give kids another chance — the longer their formal court record, the less their opportunities.”

Perhaps no one knows the value of a second chance better than Stefan Campagna 3L. At age 16, Campagna was arrested in Sarasota, Florida, for breaking and entering. After a youth court heard his case, his peers sentenced him to 150 hours of community service and 18 terms of jury duty. Campagna says, “About halfway through my jury duty service, I realized that I would be back in the court system one day, either as a defendant or on the other side of the law.” He came out on the right side of the law as a reformed student who graduated from high school and college, and began working as a youth court mentor. His involvement led to an interest in a legal career and to Hofstra Law, where he took a Family Law class with Schepard in his second year.

“Stefan found his way through the youth court system, and it was a life-changer for him,” says Schepard, who recruited Campagna and classmate Rob Castillo 3L to assist the Nassau County District Attorney’s Office as it developed and launched a countywide youth court in 2011.

Under the leadership of Nassau County District Attorney Kathleen Rice, Nassau’s youth court program started as a school-based model in Hempstead High School designed to keep kids out of the court system. Assistant District Attorney Kara Kaplan ’01, who oversees the program, says, “Getting to children early and teaching them about the consequences of crime is one of the most important initiatives we can undertake. The youth court gives young offenders an early look at the consequences of breaking the law.”

Restorative Justice and Widespread Benefits

Each year, approximately 125,000 youth appear before youth courts in more than 1,000 community-based programs nationwide. While some respondents may feel relieved to have fellow students consider their case, they are by no means skirting justice. Youth court respondents go through a process that is similar to a juvenile court proceeding. “Once I get the

call from probation, I do the intake, find a student advocate for the defendant and set a court date,” says Kaplan. “We can focus on the principles of restorative justice, which allows the jury to be creative in terms of sentencing, so it has really been a positive experience for the kids and families involved.”

Youth courts have a lot of flexibility in handing down a sentence that corresponds to respondents’ needs and interests. Sentences often require respondents to complete community service, serve as a juror for future youth court hearings, write apologies and even tour a jail. Campagna, who put in more than 40 hours a week working with youth court volunteers while he was an extern for the DA’s office, believes that youth court sentences are more effective than those handed down by juvenile court. He argues, “The kids do a better job of sentencing because they understand their peers and know what will help them.”

Since its inception, the Nassau County Youth Court has expanded. It is now supported by a social worker and an additional ADA, and the court has trained more than 50 Nassau County students, who have adjudicated more than 100 cases. While the DA’s office continues to track the long-term outcome of each case, most sentences have been able to keep kids out of trouble and out of court. This trend mirrors the national recidivism rates for youth courts, including those explored in a 2002 Urban Institute study that reviewed criminal relapse in youth sentenced by teen and juvenile courts in Alaska, Maryland, Arizona and Missouri. The study found that, on average, the recidivism rate among teen court youth was 6 to 9 percent, compared with 23 to 27 percent for those handled by the traditional process.

In addition to lower rates of criminal relapse, youth courts offer a number of other compelling benefits. They relieve overburdened juvenile courts, provide cost savings and move young offenders from arrest to disposition in a matter of days or weeks, whereas traditional courts can take months. Perhaps most importantly, they cut down on juvenile crime and give kids a second chance at a better future. Campagna says, “Kids hear a story like mine, and they realize that [making a mistake]



• *Stefan Campagna 3L*

“About halfway through my jury duty service, I realized that I would be back in the court system one day, either as a defendant or on the other side of the law.”

In the Nassau County Youth Court ... it is the students who write opening and closing statements, question witnesses, conduct cross-examinations and issue verdicts and sentences.



is not an end to their lives. ... I'm showing kids that there are positive outlets where they can redirect their energy."

Youth courts provide positive outlets for many adolescents, not merely those on trial for a crime. The courts are a valuable learning experience for students who, in the course of running the courts, learn about the justice system, make critical decisions and acquire public-speaking and leadership skills. Some volunteers and respondents even develop an interest in pursuing a legal career as a result of their early exposure to the law. In the Nassau County Youth Court, the DA's office and Hofstra Law mentors give guidance and are present during all proceedings, but it is the students who write opening and closing statements, question witnesses, conduct cross-examinations and issue verdicts and sentences. "It's amazing to see 14-year-olds do what it took us entire semesters to learn in law school," says Campagna, with a laugh. Kaplan adds, "Students take this commitment seriously. They really rise to the occasion."

Nassau County high school students are not the only ones rising to the occasion. When Castillo joined Campagna in training youth court volunteers, he realized that lecturing them about court proceedings would not work. "We needed to get their attention," he says, which meant getting to know the students and understanding how to engage them. Castillo's youth court involvement has also honed some valuable legal and communication skills. He explains, "You get answers from students you don't expect. You learn to think on the fly and ask the right questions." Castillo and Campagna, in addition to classmate Dan Brown 3L, who got involved in the training effort last summer, get the further benefit of working closely with the ADA. "Kara makes us think of things we might not consider," says Castillo.

A Growing Partnership and the Next Frontier

As the number of cases handled by the Nassau County Youth Court has grown, so too has the partnership between the DA's office and Hofstra Law. "Community partnerships have been critical to the success of this program, and I am grateful

to the administration, faculty and students of Hofstra Law for their invaluable support," says Rice.

This support has taken many forms — for example, Hofstra Law recently secured a grant from the Hermanowski Family Foundation, founded by Joan Hermanowski '76, that will allow Hofstra Law to expand its involvement in the Nassau County Youth Court program.

Kaplan believes that the Nassau County Youth Court, particularly its partnership with Hofstra Law, can be used as a model for other youth courts in the state. (Although there is no statewide youth court program, many youth courts, including Nassau County's, belong to the Association of New York State Youth Courts, which promotes, organizes and supports youth courts throughout the state.)

Beyond student involvement and financial support, Hofstra Law has been home to the Nassau County Youth Court since September 2011. Moving the training sessions and hearings to campus has accommodated the youth court's rapid growth and given rise to new opportunities for high school and law students alike. While the setting allows respondents and volunteers to step foot on a college campus for the first time, it also makes it easier for more Hofstra Law students to take part in the program and succeed Campagna, Castillo and their classmates when they graduate in May.

For his part, Campagna is still considering a number of post-graduation prospects, including returning to his home state of Florida, where he has supported the youth court system since his first encounter with it as a student. No matter where his work takes him, Campagna will continue to participate in juvenile justice projects, including the Nassau County Youth Court. "The kids in that program have become family to me," he says.

Like a big brother, Campagna knows all too well that positive energy makes a world of difference when you are dealing with adolescents who have made mistakes: "We're setting higher expectations and telling kids, 'We believe in you. We trust you.' And kids really respond to that" — especially when the message is coming from a jury of one's peers. **H**

Community partnerships
“have been critical to the
success of this program.”





The Job Hunt

{ Giving Graduates a Leg Up

By Andrew E. Berman

The challenges of the global economy have created a new competitive norm in the legal market. In this saturated environment, employers are aggressively redefining their hiring goals and reassessing the essential competencies and skills they require from new lawyers. Graduates are now expected to perform in ways that new associates previously were not typically asked to do so early in their careers. In addition to a thorough understanding of the law, employers increasingly want graduates to possess essential business and leadership skills, such as networking, client development, emotional intelligence and the ability to market business.

In response to these heightened expectations, the Maurice A. Deane School of Law at Hofstra University has implemented the Professional Success and Leadership Development Program. Associate Dean and Dean for Professional Development Victoria Roberts '90 has made it a top priority to train students in the essential skills and competencies that differentiate Hofstra Law graduates and make them desirable to employers in this economy. "Employers are looking for students who bring more to the table," she says. "They want students who build client relationships with confidence, who can create professional networks; students who are team-oriented and proactive about the business imperatives of their employer. We are teaching our students how to define and communicate their differentiators, how to identify their unique strengths and value, and relate it to the market. We have surveyed practitioners, recruiters, consultants and alumni and brought these measurables and benchmarks into the law school experience."

This training directly impacts students' ability to create hiring opportunities through building relationships with the legal community.

"Boot Camp 2012" :
... :

Alumni are enthusiastic and on board with the program. They are eager to speak about these issues and share their hard-earned knowledge with students. “This type of training is the ‘secret handshake,’” says corporate attorney Jane Myers ’79. “We didn’t learn the importance of these techniques and strategies until we were out seven or eight years.” Roberta Karp ’83, who provided the seed money to launch the program, and others have donated funds in support, recognizing the need for and importance of developing these skills.

Along with essential doctrinal and skills training, the Professional Success and Leadership Development Program provides a third track of programming for students. Developed with Assistant Dean for Career Services Michael Ende and Assistant Dean for Student Affairs Lisa Monticciolo, this unique program gives Hofstra Law students an edge because they are trained to meet the new market needs.

The signature event of the program is the Success Strategies Boot Camp. Hofstra Law hosted its third annual Boot Camp during the January intersession. This year’s program featured separate full-day sessions for 1Ls and for 2/3Ls. The programs were attended by more than 150 students and had panels and breakout sessions led by accomplished lawyers, academics and consultants. Siobhain McCarthy, managing director of global attorney development

at Paul Hastings LLP, delivered the keynote, defining for the students the essential competencies and skills that all lawyers must eventually master for career success.

“The information provided is so immensely important to a success-



• Left to right: Sean Romanoff, Consultant, Exec|Comm LLC; Victoria Roberts, Associate
• Dean and Dean of Professional Development; Siobhain McCarthy, Managing Director
• of Global Attorney Development, Paul Hastings LLP; Michael J. Ende Assistant Dean
• for Career Services; and Jay Sullivan, Managing Partner, Exec|Comm LLC
• . . .

Along with essential doctrinal and skills training, the Professional Success and Leadership Development Program provides a third track of programming for students.

ful career in any field, but especially for the highly competitive legal field. This ... information should be required of all students,” said Sam Scroggins 2L. “I learned more about myself today than I have in 25 years. ... I am able to now approach problems, communicate, listen and think in such a different way. ... Today was the most beneficial law school experience I have had thus far in terms of practicability and applicability.”

The 1L program, “Communicating With Impact,” focused on both writing and oral presentation skills. Exec|Comm, one of the leading con-

sultants to the legal community on communication skills, led workshops on maximizing professional presence; strengthening speaking, writing and listening skills; and audience-focused presentations.

Shannon & Manch, a top professional development consultant to the legal community, conducted the 2/3L program. Students developed skills based on enhanced self-awareness and an understanding of the core competencies of leadership, and received a personal assessment of strengths and areas for potential development. The workshop included a mix of lecture, breakout sessions, role-play, problem-solving challenges and case studies. Participants learned how their own unique skills and traits influence their work and leadership styles, and what skills are needed to maximize personal effectiveness in a professional work environment.

“These workshops provided students with an expanded idea of how to target their career, act in an interview and network,” said Ian Bel 2L.

The Professional Success and Leadership Development program not only allows students to develop critical new skills, it gives them a key differentiator and a leg up in the hiring process. “We’re providing a unique offering to the legal community that most other law schools do not,” says Roberts. These business essentials speak to employers’ bottom-line needs and help Hofstra Law graduates stand out in today’s market. **H**

The Student Experience

Trinh Tran 3L

As the managing editor of *Family Court Review*, one of Hofstra Law's five law journals, Trinh Tran manages staff and oversees article selection, development and editing for this unique publication, which is written not only by lawyers and law professors, but also by other professionals, including doctors, social workers and psychologists. Despite the workload, Tran appreciates the added insight and experience.

Tran also pursues her professional and personal interests as president of the Asian Pacific American Law Student Association. Last year, the association reenacted the 1949 Tokyo Rose trial in which the United States falsely convicted Japanese-American broadcaster Iva Toguri for transmitting slanderous broadcasts during World War II. "It was a very successful production," says Tran. "Not many students knew about the trial or her eventual pardon. It highlighted some of the prejudices that many Americans, including Muslim Americans, face today."

Tran had a long track record of community involvement before coming to Hofstra Law; in fact, her activism is what ultimately led her to law school. After graduating from college, Tran was a Peace Corps volunteer for two years in Mali, where she helped women develop their micro-businesses. "When I joined the Peace Corps, people teased me by asking if I thought I could change the world," she says. But the Peace Corps showed Tran that broader change starts on a more personal level.

Tran, who is focusing her studies in immigration, family and civil rights law, believes that a legal career will allow her to do just that. She adds, "It's a good fit, really. You work with a client one-on-one and find ways to work out their problems." **H**



“For Trinh Tran, law school is about more than taking classes — it’s also about being part of the school community: ‘Hofstra makes time for students to get involved in organizations they are interested in.’”

News From the Clinics



• *Farmingdale Village*

“The student interns successfully argued that there was enough evidence for a reasonable juror to find that the village’s redevelopment plan had a disparate impact on the Hispanic population, which resulted in a disproportionate deprivation of affordable housing.”

Law Reform Advocacy Clinic Keeping the ‘Fair’ in the Fair Housing Act

Since 2006, nearly 50 student interns in the Law Reform Advocacy Clinic have diligently represented nine Latino tenants in a case against the Village of Farmingdale for violations of the Fair Housing Act.

The lawsuit, which was brought in federal court, alleges that the village recruited a private developer to purchase and renovate a 54-unit apartment complex that housed predominantly Hispanic tenants. As part of the redevelopment plan, it is alleged, the village, motivated by hostility toward Latino day laborers, intentionally targeted the only Hispanic neighborhood by eliminating the existing affordable housing in the area. While only 12.6 percent of the village’s population is Latino, the plan resulted in the displacement of 21 percent of the Latino population and only 1.2 percent of the non-Hispanic white population.

After years of work on the case, the law students and their clients achieved a significant victory in March of 2011 when they overcame a motion for summary judgment brought by the village, convincing U.S. District Court Judge Denis Hurley to send the case to trial. The student interns successfully argued that there was enough evidence for a reasonable juror to find that the village’s redevelopment plan had a disparate impact on the Hispanic population, which resulted in a disproportionate deprivation of affordable housing.

Over the past six years, the hardworking students at the Law Reform Clinic have litigated this case under the supervision of Professor Stefan Krieger. Their goal has been to achieve justice for their clients while ensuring further protection for future tenants from violations by municipalities of the Fair Housing Act. This recent decision means that the case of *Rivera v. Incorporated Village of Farmingdale* will proceed to a full trial on the merits. **H**

Child Advocacy Clinic Representing Undocumented and Unaccompanied Youth

“Carlos” came to the United States from El Salvador with his sister when he was 15 years old. His mother left the family to come to California years earlier, and his father had been killed, leaving Carlos and his sister with no one to care for them. Hoping to escape poverty and gang violence in El Salvador, Carlos and his sister hired “coyotes” to smuggle them across the Mexican border

the U.S. They also took care to explain to Carlos that legal guardianship gave his aunt and uncle the ability to make decisions on his behalf but that it did not terminate his relationship with his mother.

Carlos was enthusiastic about staying with his relatives and was already attending Brentwood High School. The Child Advocacy Clinic worked with Carlos to prepare a motion petitioning the Family Court to grant legal guardianship to Carlos’ aunt and uncle. The student interns collected information to demonstrate to the judge assigned to their case that: Carlos was

Without the right to free government-appointed representation, minors like ‘Carlos’ must obtain free legal assistance through such organizations as Hofstra Law’s Child Advocacy Clinic, or they will often have to represent themselves.



into Texas in hopes of joining their mother. During their journey, the siblings were separated, and Carlos was detained by federal border patrol agents.

Because Carlos’ mother was an illegal alien, she did not step forward, and with no right to government-appointed counsel, Carlos could have been forced to face deportation proceedings alone. Fortunately, Carlos had an aunt and uncle living in the U.S., who came to pick him up and take him to their home in Brentwood on Long Island. However, even though Carlos was safely with his relatives, because he had no legal guardian, he was an unaccompanied youth for immigration purposes.

The Child Advocacy Clinic took the case to help secure legal guardianship status for Carlos with his aunt and uncle at their residence in Brentwood. Carlos did not speak much English and was understandably nervous when he met with the student interns at the clinic. The student interns quickly worked to gain his trust and establish a relationship, assuring Carlos that he was their client and that it was their job to help him and represent his wishes before the judge. They told him that if his petition was granted, he would stay with his aunt and uncle and would be able to apply for special immigrant juvenile status (SIJS), allowing him to stay in

under the age of 21 and had been abused, neglected or abandoned; reunification was impossible; and it was not in Carlos’ best interest to return to El Salvador. On the day of the hearing, the judge granted Carlos’ petition for guardianship, along with “special findings,” which must be obtained in order to establish Carlos’ eligibility for SIJS before an application is made to U.S. Citizenship and Immigration Services.

After their successful day in court, the Child Advocacy Clinic referred Carlos to a nonprofit organization that would then take him through the process of obtaining legal status in the U.S. With SIJS status, Carlos could then become a permanent resident, allowing him to live and work legally, obtain financial aid for college and apply for U.S. citizenship within five years.

The Department of Homeland Security detains approximately 8,000 unaccompanied and undocumented minors each year, a number that is rapidly growing from year to year. Without the right to free government-appointed representation, minors like Carlos must obtain free legal assistance through such organizations as Hofstra Law’s Child Advocacy Clinic, or they will often have to represent themselves. **H**

“The student interns were able to negotiate a settlement for their client that allowed ‘Harriet’ to recoup her entire investment along with some pecuniary compensation, while avoiding arbitration.”



Securities Arbitration Clinic Protecting Seniors From Unscrupulous Investors

“Harriet,” age 67, was a retired public school teacher and cancer survivor living alone on a fixed income. In 2009, Harriet received a cold call from a stockbroker, promising to help her with her investment strategy.

Harriet agreed to a meeting, where she told the broker that she was looking for a safe way to maximize her savings while receiving periodic payments. She warned the broker that she did not want to get involved in anything risky that might require a long-term investment before yielding a profit. The broker recommended a variable annuity. He explained to her that a variable annuity was essentially a combination of mutual funds with insurance features that would keep her capital investment intact while providing her with a monthly income.

However, upon receiving statements showing her invested savings quickly dropping from \$20,000 to \$15,000 over a period of a few months, Harriet got nervous and told her broker she wanted out. After removing her money, Harriet was hit with surrender fees leaving her with only \$11,000 from her initial investment. Believing she had been victimized, Harriet turned to the students at the Securities Arbitration Clinic, who have experience representing low-income individuals with fraud claims.

The student interns at the clinic informed Harriet that her broker violated fiduciary duties that he owed to her as a client, which ensured that her investment

was suitable and appropriately managed. The interns explained to Harriet that due to the surrender penalty, a variable annuity requires a long-term investment objective. They told her that variable annuities carry high fees, which make them particularly attractive to broker-dealers but threaten to eat up a large portion of any potential gains from a retired, short-term investor.

Through careful research, the student interns learned that many states had enacted legislation to prevent some of the consequences befalling seniors who are victimized by unscrupulous brokers pushing variable annuities. The fact that, by cold-calling Harriet, the broker likely violated his ethical duties only added fuel to the fire.

Harriet’s contract with her broker contained an arbitration clause, requiring resolution by the Financial Industry Regulatory Authority, which regulates all securities firms doing business in the United States. However, before proceeding to arbitration, the student interns, accompanied by their supervisory lawyer, met with the broker and his lawyer. Armed with a memorandum supporting the strength of their argument, the student interns were able to negotiate a settlement for their client that allowed Harriet to recoup her entire investment along with some pecuniary compensation, while avoiding arbitration.

Without representation by organizations like the Securities Arbitration Clinic, low-income investors often find that the deck is stacked against them when they are forced to represent themselves before FINRA, especially if they are challenging action by well-funded financial institutions. **H**

Joanne F. Goldstein '74

{ Making Her Mark

By Andrew Clark

No matter what stage of life you are in, you should never fear a shift in careers, says Joanne Goldstein '74. It's a scary proposition, she admits. And Goldstein can speak from personal experience. After spending nearly her entire career in the private sector of labor law, Goldstein has spent the past four years tirelessly working for the public.

But for Goldstein, who is currently Secretary of Labor and Workforce Development for her home state of Massachusetts, having the opportunity to serve the public is an opportunity that she just had to seize. "At the time, when I had the opportunity to work for the state, it wasn't

something I had originally planned on," says Goldstein. "But it's something that I would recommend to everybody. Jobs in the public sector are something to keep an open mind about. Give back whenever you can, whether it's to a state or to a city. If you ever have the opportunity to do public service, do it."

Goldstein was appointed to her current post at the beginning of 2010 by Governor Deval Patrick after only three years with the state. She was originally appointed chief of the Fair Labor Division by Massachusetts attorney general and former Senate candidate Martha Coakley. During Goldstein's time in that role, her main focus was enforcing wage and hour laws in the state.



• Joanne F. Goldstein '74,
• Massachusetts Secretary
• of Labor and Workforce
• Development
• • •

Give back whenever you can, whether it's to a state or
“to a city. If you ever have the opportunity to
do public service, do it.”

Since being elevated to secretary, Goldstein’s tasks have changed as she is now in charge of roughly 1,700 state employees. In her current job, Goldstein oversees the state’s five labor and workforce regulatory agencies — Career Services, Unemployment Assistance, Labor Standards, Labor Relations and Industrial Accidents. “Day to day, it’s a lot of fun,” Goldstein says, “though it’s incredibly challenging and fast-paced. There is a great diversity of issues that we face.”

Just one year into her new job, Patrick reappointed Goldstein to the same post as he began his second term in office. Being able to continue to help out the working class is something that Goldstein cherishes. In fact, it’s the reason she decided to become a lawyer in the first place.

“The reason that I went to law school was so that I could use my degree to help the world,” says Goldstein. “I really became interested in the field of social economic justice and decided to work in the area of unionized labor, since that’s an area that can help so many different people.”

Even if you’ve been doing something for a number of years, it never hurts to go ahead and try something new.

Rising Through the Ranks

As a member of the second graduating class in the history of the Maurice A. Deane School of Law at Hofstra University, Goldstein says she had a unique relationship with the Law School, as both were trying to find their

identities. According to Goldstein, Hofstra Law afforded her certain opportunities, such as spending an entire semester working during her third year, which was instrumental in giving her a leg up as she began her career.

“Hofstra provided me with a wonderful foundation for my legal career,” says Goldstein. “The school was a very exciting and interesting place to be. Hofstra took a chance on me, and in turn, [I] took a chance on the school. And my experience at the school turned out to be spectacular.”

It was a Hofstra Law connection that helped land Goldstein her first job in the legal world. As Goldstein was looking for work out of law school, her mentor, Professor Eric Schmertz (who later led Hofstra Law as dean), encouraged the partners of the Boston-based firm Angoff, Goldman, Manning, Pyle and Wagner to look at his former student. She was ultimately hired as an associate and became the first woman to practice union-side labor law in the state.

After eight years at the firm — and with a second child on the way — Goldstein felt she was at a point where she should start her own employment and labor law practice. Representing a gamut of different unions, Goldstein specialized in the utilities field. For more than a decade, she established a strong track record in labor law and was ultimately offered a position as general counsel for the Utility Workers Union of America in 1996. The new position — which was based out of both Massachusetts and Washington, D.C. — was replete with challenges for Goldstein. She was tasked with overseeing all union legal matters and leading the way for national union policy in areas such as safety issues and health care.

Working for the betterment of unions is a responsibility that Goldstein has held dear to her heart since graduating



Photo by Matt Bennett/Office of the Governor, Commonwealth of Massachusetts

The reason that I went to law school was so that
 “I could use my degree to help the world. ...
 I ... decided to work in the area of unionized labor,
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law school. When asked about what she thought was the most critical issue facing the field of labor law today, she said that recognizing the importance of unions is first and foremost.

“There is less recognition today about how important unions are, both historically and currently,” says Goldstein. “Amidst the economic crisis the country is facing, it has forgotten that unions are this organic vehicle which helps the middle class exist.”

Transitioning Into the Public Realm

Goldstein’s appointment by Coakley in 2007 marked her first foray into the public sector. It was something that she hadn’t quite considered before, but Goldstein felt that the opportunity to serve her home state could not be passed up. Though she’s spent only four years in the public arena, Goldstein has realized that there are trials and tribulations to both private and public practice.

“There are differences amongst the sectors, though I like both very much,” Goldstein says. “With the private sector there are more resources to work with and there is less public scrutiny attached to your work. And there is more opportunity to follow your own individual ideas. With the public sector, there are less resources, but you really get to help a large number of people. Both fields have their advantages.”

These days, Goldstein wears many hats for the state.

In addition to her job as secretary, she is a member of Patrick’s Cabinet and is part of a separate five-member “Development Cabinet,” which works toward increasing job and economic growth within the state.

However, her chief focus is overseeing the state’s labor agencies. It’s a job that comes with many challenges attached to it, she says: “The biggest challenge of the job is to keep the economic engine of the state running. You have to do things such as matching employers and employees. And Massachusetts is a growing state, which adds to the challenge. Then there’s a secondary challenge of trying to work within the confines of your resources. You always are trying to do more with less and utilizing what you have in the most efficient way.”

To make things even sweeter for Goldstein, in addition to having an impact on the lives of thousands in Massachusetts on a daily basis, she also has the opportunity to serve the place where she grew up. A native of Worcester — a city situated roughly an hour west of Boston — Goldstein has had no regrets about her decision to leave private practice behind and switch careers.

“I really encourage shifting in one’s professional life,” says

Goldstein, a mother of three and grandmother of two who now lives in suburban Boston with her husband. “Even if you’ve been doing something for a number of years, it never hurts to go ahead and try something new.” **H**





Photo courtesy of the Office of Cuba Broadcasting

Carlos García-Pérez '88

{ Radio Free Cuba –
{ The Next Generation

By David A. DeCicco

Growing up in Puerto Rico, Carlos García-Pérez '88 learned to dream of a free Cuba, the country his parents fled many years before. Today he is helping the Cuban people make informed decisions about their futures in a unique and unexpected way as the director of the Office of Cuba Broadcasting (OCB), which is dedicated to both providing objective information and holding government accountable.

OCB's roots go back to 1983, when President Ronald Reagan established Radio Free Cuba, a 24-hour, Spanish-language news-and-information broadcast service to Cuba, to fight communism and weaken Fidel Castro. Although the Castro regime continues to exist, operations such as Radio Free Cuba, which is now known as Radio and TV Martí, have arguably succeeded in their efforts to undermine the dictatorship by providing objective information in a country where press censorship and intimidation are rampant.

At first glance, García-Pérez might have seemed an unlikely choice for a journalistic director whose international broadcasts would promote freedom and democracy. Born in Miami and raised in Puerto Rico, García-Pérez graduated from Duquesne University in Pittsburgh, where he studied economics and international relations. García-Pérez pursued another family dream when he became a student at the Maurice A. Deane School of Law at Hofstra University. (His father's plans for a legal career were interrupted when he fled Cuba after the revolution.)

After graduating from Hofstra Law, García-Pérez became a member of the Puerto Rico and Florida bars and built a successful career as a commercial litigator. He was a partner at Goldman Antonetti & Córdova, one of Puerto Rico's largest law firms, when President Barack Obama recommended his appointment to OCB in September 2010.



His background in law, international business experience and longstanding advocacy of the Cuban-American community make him a natural for the job.



While García-Pérez's path to journalist-advocate was indirect, his background in law, international business experience and longstanding political involvement within the Cuban-American community made him a natural for the job. And it gave him the opportunity to pursue a lifelong passion for promoting a free Cuba.



Photo courtesy of the Office of Cuba Broadcasting

Eleven months into his new job, García-Pérez returned to Hofstra Law to share his experience and insight with fresh-faced 1L students at orientation in August 2011. His message: Pursue your dreams, wherever they lead.

García-Pérez himself has been undaunted by changing career directions, which he learned from his Hofstra Law professors. When 1Ls asked about inspiring professors, García-Pérez described Janet Dolgin, the Jack and Freda Dicker Distinguished Professor of Health Care Law and director of Hofstra Law's Institute for Health Law and Policy, who taught securities law when he was a student. "I admire that will to reinvent oneself," he said. "In my case, it was changing from law to journalism."

For García-Pérez, his legal and professional skills, many of which were cultivated during his time at Hofstra Law, and his strong Cuban identity and interest in a free society made it an easy transition. In addition, his willingness to learn new skills came in handy as it became apparent that social media would be a critical component moving forward if he were to continue the reinvention of Radio and TV Martí.

Building on earlier changes to the content of the broadcasts to meet more objective journalistic standards, García-Pérez has put a keen focus more on making the programming more relevant to Cubans in their day-to-day lives and has placed an even greater emphasis on sharing news and information within Cuba. For example, programs



“I admire that will to reinvent oneself.”

now provide valuable information to small-business owners without Internet access. His ability to adapt and advocate made it possible for him to bring about the change necessary to align values, resources and programs with the mission of the organization.

As with any quasi-political position, García-Pérez is learning to deal with criticism of Radio and TV Martí's \$30 million budget and indeterminate audience. Last year, Rep. Betty McCollum of Minnesota introduced the Stop Wasting Taxpayer Money on Cuba Broadcasting Act to end U.S. taxpayer funding for Radio and TV Martí. In an April 1, 2011, press release, she noted, "Independent surveys of the program found that up to 99 percent of Cubans never hear or see these broadcasts because the Cuban government blocks the signal, and the information that does get through is largely ignored by the Cuban people." (Currently, the bill has 10 co-sponsors and rests with the House Committee on Foreign Affairs, where its future is uncertain at best.)

Other surveys have documented effective broadcasts and listenership, including a *Miami Herald* survey last spring which found that 43 percent of Cubans who had immigrated to the U.S. within the preceding six months had listened to Radio Martí, while 6.5 percent of them had watched TV Martí. These numbers bode well for OCB, which has had difficulty measuring and reporting listenership with any degree of precision, given the obvious challenges associated with surveying its target audience.

Yet despite these difficulties, Radio and TV Martí have survived in the face of criticism about public funding and efficacy. Some of its supporters have no doubt watched with great interest the role that media has recently played in the wave of democratic revolutions sweeping across North Africa and the Middle East. While media sites like Twitter and YouTube may not be the reason for these revolutions, they have certainly provided a stage for unobstructed information.

As García-Pérez leads the next generation of Radio and TV Martí, he is broadcasting the same kind of unobstructed information that may one day lead to a family dream shared by millions of Cuban-Americans. **H**

Publications, Activities and Honors, January-December 2011

MIRIAM R. ALBERT*Professor of Skills*

Publications: “Ten Tips for a Successful Transition from Law School to Law Practice,” *Business Law Today* (May)

Activities: Albert presented “Bridging the Gap: Integrating Ethical Issues and Skills Training into Traditional Doctrinal Contracts Teaching” with Jennifer Gundlach at the sixth annual Conference on Contracts at Stetson University College of Law in February. • She presented “Bridging the Gap: Integrating Ethical Skills Exercises to Enrich Learning in First Year Courses” with Gundlach at the Institute for Law Teaching and Learning Summer 2011 Conference at New York Law School in June. • In July she spoke on a panel at the SEALS titled “Contracts: A Fresh Look at Classic Doctrines and Cases.” • She was appointed staff editor at the *American Business Law Journal* and to the editorial board of *Business Law Today*.

ALAFAIR S. BURKE*Professor of Law*

Publications: *Long Gone* (Harper) • “DSK and TMI,” *The Huffington Post* (July 5)

Activities: Burke delivered a lecture at the U.S. Attorney’s office in Washington, D.C., on prosecutors’ obligations to disclose exculpatory evidence to the defense in February. • She participated in the “Should Good People Be Prosecutors?” debate in March. • She presented “Prosecutors and Peremptories” at the University of Iowa College of Law’s conference “Batson at Twenty-Five: Perspectives on the Landmark, Reflections on Its Legacy.” • She presented “Why Community Prosecutors Need Community Defense Lawyers,” co-authored with Bruce Green, at the Community Prosecution and Community Defense Conference at Wake Forest University School of Law in November.

BENNETT CAPERS*Professor of Law*

Publications: “Giving a Blessing to Bias,” “Room for Debate” series: *Are Religion and Marriage Indivisible?*, *The New York Times* (June 29) • 99 *California Law Review* (2011)

Activities: Capers discussed the personification of justice at the Yale Law School colloquium “Courts: Representing and Contesting Ideologies of the Public Spheres.” • He presented “Real Rape Too” and his work in progress “Real Women, Real Rape” at a faculty workshop at Suffolk Law School in February. • He participated in the “Should Good People Be Prosecutors?” debate in March. • He participated in the 2011 Criminal Justice Roundtable at Yale Law School in April. • He was an invited commentator for a panel on criminal law at the 2011 AALS Workshop “Women Rethinking Equality.”

Honors: Capers was appointed to serve on the New York State Judicial Screening Committee by Governor Andrew Cuomo.

ROBIN CHARLOW*Professor of Law*

Activities: Charlow participated in the “Should Good People Be Prosecutors?” debate in March. • She was a guest lecturer for the North Shore Middle School Mock

Trial class. • She presented her paper “Batson ‘Blame’ and Its Implications for Equal Protection Analysis” at the University of Iowa College of Law’s conference “Batson at Twenty-Five: Perspectives on the Landmark, Reflections on Its Legacy” in October.

J. SCOTT COLESANTI*Associate Professor of Legal Writing*

Publications: “Harmony or Cacophony? A Preliminary Assessment of the Responses to the Financial Crisis at Home and in the EU,” 1 *Harvard Business Law Review Online* 60 (2011)

Activities: Colesanti served as attorney-advisor to the Roslyn High School Mock Trial Team. • He presented “Global Responses to the Financial Crisis: Will They Work” at the Investment Section of the Society of Actuaries annual meeting in New Orleans in May.

RONALD J. COLOMBO*Associate Professor of Law*

Publications: “Cooperation with Securities Fraud,” 43 *Securities Law Review* (2011)

Activities: Colombo was invited to serve as a two-week guest blogger for The Conglomerate. • He participated in

“Legal elites must come to terms with a reality driven by the grass-roots electorate: judicial elections are here to stay. Given this reality, we should focus on balancing important First Amendment rights to financially support campaigns with due process concerns about fair trials.”

— James Sample in his April 18 *New York Times* op-ed, “You Get the Judges You Pay For”

“Here’s the thing about criminal cases — especially rape cases. You look at them from one angle, and the government has a slam dunk. You look from another, and reasonable doubt starts popping up. That’s why we have juries and judges. Even in our rough and tumble system where the vast majority of cases don’t go to trial, it’s why we have discussions between counsel and plea negotiations.”

— **Alafair S. Burke**, discussing the Dominique Strauss-Kahn case in her July 5 article for *The Huffington Post*, “DSK and TMI”

the Federal Bar Council’s panel “Insider Trading” in February. • He participated in the Notre Dame symposium “Corporate Governance and Business Ethics in a Post-Crisis World” in April. • He reviewed developments following the *Morrison v. NAB* case with leading securities lawyers in October. • He served as co-counsel and co-author of an amicus brief in the Second Circuit case *Elliott Associates v. Porsche*, No. 11-447.

NORA V. DEMLEITNER

Dean and Professor of Law

Publications: “Using the pardon power to prevent deportation: legitimate, desirable, or neither in a federal system?” 12 *Loyola Journal of Public Interest Law* 365 (2011) • “Politics of fear tactics,” *The National Law Journal* (June 27) • “Colliding or Coalescing: Leading a Faculty and an Administration in the Academic Enterprise,” 42 *Toledo Law Review* 605 (2011)

Activities: Demleitner chaired a subcommittee of the ABA Corrections Committee that drafted ABA resolutions on the voting rights of convicted offenders and on prisoners’ residency. • She was a keynote speaker at an event at the Nassau County Supreme Court in March. • She presented “Still Struggling With Its Identity: Legal Education Then and Now” at the Hofstra Cultural Center conference “1935: The Reality and the Promise” in April. • She gave the lecture “Native American Sex Offenders: More Harsh Federal Punishment or an Alternative Way Forward after Booker” at the Race and Criminal Justice in the West Conference at Gonzaga Law School in September. • She spoke at the symposium “Breaching Borders: State Encroachment in the

Federal Immigration Domain?”, co-sponsored by the Center for Law and Government at Washburn University School of Law and the *Washburn Law Journal*.

Honors: Demleitner received the Leadership in Law Award from *Long Island Business News*. • She received an award from the Nassau County Supreme Court judiciary for her commitment to justice, education and equality.

J. HERBIE DIFONZO

Professor of Law

Publications: “Technology in Academic Success: Creating an Online Learning Community,” *The Learning Curve* (January) • “Hofstra’s Family Law with Skills Course: Implementing FLER (the Family Law Education Reform Project),” 49 *Family Court Review* 685 (2011) (with Andrew Schepard) • “How Marriage Became Optional: Cohabitation, Gender, and the Emerging Functional Norms,” 8 *Rutgers Journal of Law & Public Policy* 521 (2011)

Activities: DiFonzo spoke at the ABA Health Law Section Public Health and Policy Interest Group’s member teleconference “Medical Marijuana: A Public Health Legal Conundrum?” in June. • He and Andrew Schepard presented “Family Law Education Reform and the Family Law Judiciary” at the annual conference of the National Council of Juvenile and Family Court Judges in July. • He gave the lecture “Parenthood in the Twenty-First Century: The Evolving Functional Norms” at the “Challenges and Creating and Maintaining the Family” panel at Hofstra Law’s “Exploring the American Family” conference in November.

Honors: DiFonzo’s course Family Law With Skills has been selected by Educating Tomorrow’s Lawyers (ETL) as a model of exemplary innovative teaching.

ERIC M. FREEDMAN

Maurice A. Deane Distinguished Professor of Constitutional Law

Publications: “Dimension I: Habeas Corpus as a Common Law Writ,” 46 *Harvard Civil Rights-Civil Liberties Law Review* 592 (2011) • “Further Discussion of No-Fault Divorce and Due Process,” *New York Law Journal* (March 16) • “Weakening the Rule of Law,” *The New York Times* (May 25)

Activities: Freedman spoke at the *Vermont Law Review*’s 11th annual symposium “New Perspectives on Capital Punishment” in February. • He presented “Current Issues in Habeas Corpus for Seasoned Practitioners” at the annual Habeas Corpus Training for Capital Post-Conviction Attorneys in July. • He presented “Mental Illness as an Exclusion from the U.S. Death Penalty” at the 32nd Congress of International Association for Law and Mental Health in Berlin in July. • He presented at the NAACP Legal Defense Fund’s 32nd Annual Capital Punishment Training Conference in July. • He participated in the symposium “From Brown (1954) to Brown (1963) and Beyond” at Hofstra University in October.

MONROE H. FREEDMAN

Professor of Law

Publications: “Henry Lord Brougham and Resolute Lawyering,” 37 *The Advocate’s Quarterly* 403 (2011) • *Understanding Lawyers’ Ethics*, 4th Edition (LexisNexis)

“The only winners in the Madoff scandal are the lawyers, but that’s the nature of the beast.”

— **Ronald Colombo** to CNNMoney on February 16, discussing Bernard Madoff’s Ponzi scheme that victimized thousands but allowed lawyers and consultants to reap millions in payments

Activities: In January Freedman moderated the NYSBA panel “Ethical Considerations in the Practice of Animal Rights Law.” • He spoke on criminal defense lawyers’ ethics at the annual meeting of the Florida Association of Criminal Defense Lawyers in June. • He participated in a FOX News debate on the Justice Clarence Thomas recusal case in December. • He served as guest at The George Washington University Law School reunions of the classes of 1961, ’66 and ’71.

Honors: Freedman was honored in a special tribute at the American Board of Criminal Lawyers annual meeting in Washington, D.C., in October.

LEON FRIEDMAN

Joseph Kushner Distinguished Professor of Civil Liberties Law

Publications: In *The Huffington Post*: “Fixing the Deficit by Getting Help from the Top 1%” (April 18); “Can the President Legally Continue to Use Military Force in Libya?” (April 29); “The Constitutionality of the Federal Health Care Law” (May 13); “Why Is the Federal Government Surrendering Its Best Argument to Defend the Attack of the Health Care Law?” (November 17); and “Where Our Nation Has Failed” (December 13).

Activities: Friedman participated in the South Carolina Historical Society colloquium “J. Waties Waring and the Dissent that Changed America” in May.

LINDA GALLER

Professor of Law

Activities: Galler was a featured speaker at the New York Law School Graduate Tax Program Annual Tax Lawyering Workshop, presenting “What Is Substantial Authority in Light of Mayo and Current Trends in Treasury Guidance?” in April. • She was a featured speaker at “Foreign Bank Account Reporting Amnesty II: The Good, The Bad and The Ugly” in June. • She was a featured speaker at “Tax Aspects of Real Estate Transactions” in November.

MITCHELL GANS

Rivkin Radler Distinguished Professor of Law

Activities: Gans moderated the conference “Estate Planning in 2011 and Beyond,” hosted by Hofstra Law in partnership with the American College of Trust and Estate Counsel, in March.

ELIZABETH M. GLAZER

Associate Professor of Law and Co-Director for the LGBT Fellowship

Activities: Glazer’s paper “Sexual Reorientation” was chosen for presentation at the New York City Junior Faculty Colloquium.

Honors: Glazer was selected by Hofstra Law students as 2011 Teacher of the Year.

DANIEL J.H. GREENWOOD

Professor of Law

Publications: On *Dissent Magazine’s* Arguing the World blog: “The General Welfare” (February 1); “Misreading the Commerce Clause” (February 4); “Fix the Dams!” (February 23); “Don’t Blame Liberal Individualism for the Nuclear Crisis” (March 18); “Calvin Coolidge Lives! A Budget of Shame” (April 11); “Unemployment Is a Political Choice” (June 2); “What to Do about the Debt Ceiling” (July 25); and “The Appalling Deficit Deal” (August 1) • “Law Schools, Grades and Scholarships,” *The New York Times* (May 7) • “Market Irrationality in the Law School ‘Arms Race,’” *The Huffington Post* (May 6)

Activities: Greenwood was invited to contribute to the American Constitution Society blog on *Citizens United*.

FRANK GULINO

Associate Professor of Legal Writing, Director of Student Advocacy Programs and Faculty Advisor to Moot Court Board

Publications: Deputy editor, William Herbert, ed., “Asia/Pacific,” 45 *International Lawyer* 455 (2011) • Deputy editor, Arnold S. Rosenberg, et al., “International commercial transactions, franchising, and distribution,” 45 *International Lawyer* 191 (2011)

Activities: Gulino was invited to grade written memorials and judge two rounds of oral argument in the Mid-Atlantic Super Regional Round of the Philip C. Jessup International Law Moot Court Competition at The George Washington University Law School in February. • He served as a memorial judge in the 2011 Hardy C. Dillard Competition and as a brief screener for the Scribes Brief-Writing Award competition. • He served as deputy editor for the annual Year in Review issue of *The International Lawyer*. • He selected and coached the Hofstra Moot Court Team, which was named regional champion of the Region II Rounds of the National Moot Court Competition in November.

JENNIFER GUNDLACH

Senior Associate Dean for Academic Affairs and Clinical Professor of Law

Activities: Gundlach presented “Bridging the Gap: Integrating Ethical Issues and Skills Training into Traditional Doctrinal Contracts Teaching” with Miriam Albert at the sixth annual Conference on Contracts at Stetson University College of Law in February. • She presented “Bridging the Gap: Integrating Ethical Skills Exercises to Enrich Learning in First Year Courses” with Albert at the Institute for Law Teaching

“Justice Thomas should not be sitting on a case or reviewing a statute that his wife has lobbied for. If the judge’s impartiality might reasonably be questioned, that creates a perception problem.”

— **Monroe H. Freedman** to *The New York Times* on February 5, on the ethical issue of Justice Clarence Thomas’ remaining independent despite his wife’s conservative activism

and Learning Summer 2011 Conference at New York Law School in June. • She was elected to the board of trustees of the Judge David L. Bazelon Center for Mental Health Law in Washington, D.C.

SUSAN H. JOFFE

Associate Professor of Legal Writing

Activities: Joffe served on the Brief-Writing Award committee for Scribes, the American Society of Legal Writers. • She presented at the 2011 Western Regional Legal Writing Conference at the University of San Francisco Law School in August. • She presented to the group Personal Enrichment in Retirement at Hofstra University in October.

for Finance Regulation and Economic Development at the Chinese University of Hong Kong in April. • He gave the lecture titled “Taming Globalization” to the faculty at the Chinese University of Hong Kong in April. • He gave a series of lectures at the Chinese University of Political Science and Law in Beijing, including “Legal Aspects of the U.S. War on Terrorism” and “The Debate over Judicial Review in the United States,” in April. • He was a panelist at the American Society of International Law Teaching International Law Interest Group Workshop at Pace University School of Law in May. • He served as counsel for an appellate brief in the Second Circuit on behalf of international law scholars defending the legality of an anti-suit injunction under international

ERIC LANE

Interim Dean and Eric J. Schmertz Distinguished Professor of Public Law and Public Service

Publications: *A Report Card on Civic Literacy*, Brennan Center for Justice at NYU School of Law (2011) (with Meg Barnette) • “New Yorkers, your civic ignorance is showing: We’re government illiterates, no thanks to schools,” *New York Daily News* (April 20)

Activities: Lane participated in the NY1 Online “Inside City Hall” discussion on civil knowledge.

THEO LIEBMANN

Director of Clinical Programs and Clinical Professor of Law

Publications: “Charting a Better Future for Transitioning Foster Youth,” American Bar Association (2011) (with Miriam Aroni Krinsky)

Activities: Liebmann helped coach the Hempstead High School Mock Trial Team, which advanced to the third round of the New York State Mock Trial Tournament in March. • He gave the lecture “The Impact of Immigration Law on Family Law Practice: Collateral Consequences and Collateral Opportunities” at the Hofstra Law conference “Exploring the American Family” in November. • He led a presentation to New York Family Court judges, hearing officers and referees on special immigrant juvenile status.

SERGE MARTINEZ

Associate Clinical Professor of Law and Co-Director for the LGBT Fellowship

Honors: Martinez was awarded a Fulbright grant to teach during the 2011-2012 academic year at the National Taiwan University College of Law in Taipei.

ASHIRA OSTROW

Associate Professor of Law

Honors: Ostrow was the co-winner of the 2011 AALS Scholarly Papers Competition for her article “Process Preemption in

“History will record the triangulation of [the Obama] administration as a more permanent weakening of the rule of law than any of the radical follies of its opponents.”

— Eric M. Freedman in a May 25 letter to the editor of *The New York Times* in response to the editorial “A Conflict Without End” on a House bill that “would allow attacks not just against Al Qaeda and the Taliban but also any ‘associated forces that are engaged in hostilities against the United States’”

FRED KLEIN

Visiting Assistant Professor of Law

Activities: Klein was appointed to a special task force formed by the Nassau County Bar Association to deal with problems at the embattled Nassau County police crime lab.

JULIAN KU

Professor of Law

Activities: Ku presented “The U.S. Constitution and International: Libya as a Case Study” at Fudan University School of Law in Shanghai in March. • He gave the lecture “Globalization and the U.S. Constitution” at a seminar hosted by the Center for Chinese and Comparative Law at the City University of Hong Kong’s School of Law in April. • He gave the lecture “The Limits of Corporate Rights Under International Law” at the Center

law. • He presented “International Law and the War on Terror: a Ten-Year Retrospective” at the International Law in Crisis conference in September. • He presented his paper “China and the Future of International Adjudication” at the University of Maryland Carey School of Law as part of “China, Taiwan, and International Law: A Symposium in Honor of Hungdah Chiu.” • He filed a brief amicus curiae in support of appellees in *Doe v. Nestle*. • He was a panelist for “Endless Wars 2: Global Security and U.S. Policy, Post 9/11” at Hofstra University’s Day of Dialogue IX in October. • He spoke at the career development panel “Fulbright, Princeton LAPA, and Other Research Leave Opportunities” at the Hofstra Law conference “Exploring the American Family” in November.

Federal Siting Regimes,” 48 *Harvard Journal on Legislation* 289 (2011).

ALAN N. RESNICK

Benjamin Weintraub Distinguished Professor of Bankruptcy Law

Activities: Resnick presented “Enhancing Disclosure in the Bankruptcy Process” at the 15th Biennial Judge Joe Lee Bankruptcy Institute at the University of Kentucky in June.

JAMES SAMPLE

Associate Professor of Law

Publications: “General Electric’s \$0 Tax Bill: A Citizens United Perspective,” *The Huffington Post* (March 25) • “You Get the Judges You Pay For,” *The New York Times* (April 18) (with Erwin Chemerinsky) • “Stanching the Cash Flow,” *The American Prospect* (September 19) (with Erwin Chemerinsky) • “Lawyer, Candidate, Beneficiary, AND Judge? Role Differentiation in Elected Judiciaries,” *The University of Chicago Legal Forum* (2011)

Activities: Sample spoke at the University of San Francisco Law School’s symposium, “Democracy, Inc? *Citizens United*, Corporate Expenditures & the Future of Campaign Finance Law” in February.

ANDREW SCHEPARD

Director of the Center for Children, Families and the Law and Professor of Law

Publications: “The Law and Children” column, the *New York Law Journal*: “Raising New York’s Age of Criminal Responsibility for Juveniles” (January 28); “Jurisdiction, Due Process and No-Fault Divorce” (March 14); “Law and Children: Collateral Consequences for Young People Convicted as Adults” (May 9, October 31) • “Family Law Education Project Seeks Law School Curricular Reform,” *Unified Family Court Connection* (Winter 2011) • *Family Court Review*: “Hofstra’s Family Law with Skills Course: Implementing FLER (the Family Law Education Reform Project)” (October 2011) (with J. Herbie DiFonzo); “Mental Health Consultants and

“We, the people, are sleepwalking through America’s decline.

We are at the point that unless we quickly address our disengagement from and ignorance of the way our government works, through aggressive teaching of the basics in our schools, the nation’s very strength and prosperity will be at stake.”

— Eric Lane in an April 20 *New York Daily News* op-ed about the findings of his study on New Yorkers’ civic literacy

Child Custody Evaluations: A Discussion Paper” (October 2011) (authored by the Association of Family and Conciliation Courts Child Custody Consultant Task Force, for which he served as a reporter)

Activities: Schepard presented “*Kramer v. Kramer* Revised” at the 2011 Gilvary Symposium on Law, Religion and Social Justice at the University of Dayton Law School in January. • He helped coach the Hempstead High School Mock Trial Team, which advanced to the third round of the New York State Mock Trial Tournament in March. • He was a featured speaker at the Barry University School of Law symposium “The Future is Now: Collaborative & Therapeutic Family Law” in March. • He presented at the Interdisciplinary Forum on Family Law and Mental Health of New York in March. • He presented the workshop “Intimate Partner Violence Best Practices: The Uniform Collaborative Law Act Raises the Bar” at the conference of the Association of Family and Conciliation Courts in June. • He and J. Herbie DiFonzo presented “Family Law Education Reform and the Family Law Judiciary” at the National Council of Juvenile and Family Court Judges annual conference in July. • He presented “Families Do Matter: Changes in Divorce Practice 1960-2011” to the Family Law Section of the American Bar Association at the ABA meeting in Toronto in August. • He was reappointed as chair of the Policy and Advisory Committee of the Commission on Youth at Risk of the American Bar Association for 2011-12. • He presented “Ethical Issues: Zealous Advocacy versus Best Interests of Children” at a joint conference of the American Academy of Matrimonial Lawyers and the Association of Family and Conciliation Courts in Philadelphia in September. • He participated in the Marquette Law School conference “The

Future of Court ADR: Mediation and Beyond” in September. • He delivered the keynote address, “‘I Get No Respect’ — Improving the Public Perception of Family Lawyers in Law School and Beyond,” at the 2011 Family Law Annual Conference of the Oregon State Bar Family Law Section in October.

Honors: Schepard’s course Family Law With Skills was selected by Educating Tomorrow’s Lawyers as a model of exemplary innovative teaching.

NORMAN I. SILBER

Associate Dean for Intellectual Life and Professor of Law

Activities: Silber co-hosted the panel discussion “Media Portrayals of the Non-Profit World” at Yale Law School in February.

JUDD SNEIRSON

Visiting Associate Professor of Law

Activities: Sneirson gave the lecture “The Sustainable Corporation and Shareholder Profits” at the *Wake Forest Law Review* 2011 Business Law Symposium in April. • He presented his paper “An Intellectual History of Shareholder Primacy, from *Dodge v. Ford* through the Rise of Financialism” at the First Annual Sustainable Companies Conference, “Toward Sustainable Companies: Identifying New Avenues,” at the University of Oslo in August.

BARBARA STARK

*Professor of Law and
Hofstra Research Fellow*

Publications: “What’s Left?” (review of *International Law on the Left: Re-examining Marxist Legacies* (Susan Marks, ed., 2008) 42 *George Washington International Law Review* 191 (2011) • “At Last? Ratification of the Economic Covenant as a Congressional-Executive Agreement,” 20 *Transnational Law & Contemporary Problems* 107 (2011) • “The Women’s Convention, Reproductive Rights, and the Reproduction of Gender,” 18 *Duke Journal of Gender Law & Policy* 261 (2011). • “Introduction: A Celebration of Virginia Leary,” 104 *Proceedings of the Annual Meeting (American Society of International Law)* 3 (2011)

Activities: Stark presented her paper “The Reproduction of Gender and the Constitution” at the Duke Law & Gender

International Law from the Bottom Up” at the Inaugural Research Forum of the American Society of International Law at UCLA Law School in November.

AMY R. STEIN

*Assistant Dean for Adjunct Instruction and
Professor of Legal Writing*

Activities: Stein presented the CLE program “Legal Writing Check-Up: A Writing Workshop” at the Nassau County Bar Association in February. • She presented “Extra, Extra, Teach all about it” at the Capital Area Legal Writing Conference at The George Washington University Law School in February. • She served as a brief judge for the National Moot Court Competition in Child Welfare and Adoption Law in March. • She co-chaired the 23rd Annual Moot Court Competition at Plainview-Old Bethpage/John F. Kennedy High School in April.

Regulation of Interracial Marriages” at the University of California Irvine School of Law conference “Persistent Puzzles in Immigration Law” in February, at the Rutgers-Camden School of Law as part of its law school faculty workshop series in March and at the 2011 AALS Workshop on Women Rethinking Equality in June. • She delivered the Neil Gotanda Lecture, “Law and Memory: What (Marginalized) Asian American Cases Remind Us About Citizenship, Race and Identity,” at the University of California, Berkeley, School of Law in February. • She presented a paper as part of the plenary panel “Defensive Sovereignty: Property, Race, and Resistance” at the UCLA School of Law Fifth Annual Critical Race Studies Symposium, “Race and Sovereignty,” in March. • She is teaching a new Hofstra Law course, Immigration Enforcement at the Border, co-sponsored by the National Center for Border Security & Immigration, a Department of Homeland Security Research Center. • She presented her paper “Revisiting Birthright Citizenship” and participated in an author-meets-reader panel on the novel *Tierra y Libertad: Land, Liberty and Latino Housing*, by Steven W. Bender, at the Law and Society Association annual meeting in San Francisco in June. • She presented her paper “Racially Inadmissible Wives: Uncovering Immigration Law’s Role in Restricting Interracial Marriages” as a panelist for “Race, Nationality, and the Family” at the 2011 AALS Workshop on Women Rethinking Equality in June. • She presented two papers, “The Hidden Costs of Immigration Law’s Closet” and “Critical Race Pedagogy: On Teaching Race in Property Law,” at LatCrit XVI in San Diego in October and also served on a panel of former participants in the LatCrit Student Scholars Program. • She co-chaired the Hofstra Law conference “Exploring the American Family” in November.

Honors: Villazor was named one of three winners of the 2011 Lawrence A. Stessin Prize for Outstanding Scholarly Publication for “Rediscovering *Oyama v. California*: At the Intersection of Property, Race and Citizenship,” 87 *Washington University Law Review* 979 (2010).

“Religious exemptions allow marriage discrimination to continue. Such exemptions, indirectly, give their blessing to other forms of discrimination. To permit religious discrimination is to permit private discrimination. So this is my hope: that having the religious exemptions will serve as a reminder that there are still many battles to be fought — and to be won.”

— **Bennett Capers** in a June *New York Times* “Room for Debate” discussion about the indivisibility of religion and marriage

Symposium on Reproductive Rights in February. • She presented “International Law from the Bottom Up: Fragmentation and Transformation” at the Law & Society Annual Meeting in San Francisco in June. • She presented “The Women’s Convention, Reproductive Rights, and the Reproduction of Gender” at the 2011 AALS Workshop on Women Rethinking Equality in June. • She presented “Surrogacy in America” at the International Society of Family Law’s 14th World Conference in Lyon in July. She organized and moderated a panel on International Surrogacy at the International Law Weekend at Fordham Law School in October. • She presented “Fragmentation and Transformation:

ROSE CUISON VILLAZOR

Associate Professor of Law

Publications: “The Other Loving: Uncovering the Federal Regulation of Interracial Marriages,” 86 *New York University Law Review* 1361 (2011). • “Improving, Not Overhauling,” “Room for Debate” series *The Case Against Law School*, *The New York Times* (July 21) • “The Role of Blood Quantum,” “Room for Debate” series *Tribal Rights vs. Racial Justice*, *The New York Times* (September 15)

Activities: Villazor presented her paper “The Other Loving: Immigration Law’s

VERN R. WALKER

Professor of Law and Director of the Research Laboratory for Law, Logic and Technology

Publications: “A Framework for the Extraction and Modeling of Fact-Finding Reasoning from Legal Decisions: Lessons from the Vaccine/Injury Project Corpus,” 19 *Artificial Intelligence & Law* 291 (2011)

Activities: Walker presented “Empirically Quantifying Evidence Assessment in Legal Decisions” at the Second International Conference on Quantitative Aspects of Justice and Fairness in Fiesole, Italy, in February. • He joined the advisory board for the *European Journal of Risk Regulation*, published by Lexion Verlagsgesellschaft in Berlin. • He joined the program committee for Argumentation 2011, an international conference on alternative methods of argumentation in law. • He co-taught two courses in Pisa in May and June: Comparative Regulation of Services and Products in Health Care, and Comparative Health Care Liability: Compensation for Medical Accidents. • He presented

“Although national emergencies have often triggered broad responses against unpopular groups,

we do not face a national emergency because of dangerous noncitizen offenders roaming the streets. We have a regime that is constitutional but already heavily tilts toward detention and punishment rather than release under supervision. There is no ostensible reason to overhaul this system so as to create a domestic Guantánamo.”

— **Nora V. Demleitner** in her June 27 op-ed in *The National Law Journal* regarding a House bill that would permit indefinite detention of noncitizens

“Meaning, Logic, and the Systematization of Law: Kelsen, Wittgenstein and Information Architecture” at the workshop “Fundamental Concepts and the Systematization of Law” at the JURIX 2011 conference in Vienna in December and was elected to chair the International Program Committee of this workshop.

**ONLINE CONTENT**

View the latest faculty publications, activities, honors and more at law.hofstra.edu/Blogstra

New Books by Hofstra Law Faculty

**LINDA GALLER**

Regulation of Tax Practice

With Michael Lang, LexisNexis, 2010

One of seven titles in the LexisNexis Graduate Tax Series, *Regulation of Tax Practice* explores

ethics rules governing accountants who provide tax services and how they relate to those who concurrently maintain professional licenses as lawyers and accountants. The book differs from others on the topic because it focuses on primary source materials other than the Code, regulations and judicial decisions rendered by federal judges.

**JOANNA L. GROSSMAN**

Inside the Castle: Law and the Family in 20th Century America

With Lawrence Meir Friedman, Princeton University Press, August 2011

Inside the Castle is a comprehensive social history of 20th-century family law in the United

CO-WINNER OF THE 2011 DAVID J. LANGUM, SR. PRIZE IN AMERICAN LEGAL HISTORY

States, showing how vast changes in society have reconstituted the American family. From gay rights to no-fault divorce, families have taken on new and different forms, dissolving into a collection of independent individuals. But the family has persisted as a central institution in society and modern family law, as always, reflects the social and cultural facts of family life. Grossman's book tells the story of that institution and explores the ways in which law tried to penetrate and control this realm of personal life.

**JULIAN KU**

Taming Globalization: International Law, the U.S. Constitution, and the New World Order

With John Yoo, Oxford University Press, February 2012

“In their provocative new book, John Yoo

and Julian Ku vigorously defend the primacy of the U.S. Constitution in every area of globalization — trade, treaties and more. Yes, the U.S. often must cooperate with other countries to tackle global problems, but it must do so in line with Constitutional principles. Their arguments are compelling, their prose is vigorous, and their analysis is often surprising.”

— *Melanie Kirkpatrick, Senior Fellow, Hudson Institute, and Former Deputy Editorial Page Editor, The Wall Street Journal*

The Real Politik of Writing and Reading Statutes

By Eric Lane, Interim Dean and
Eric J. Schmertz Professor of Public Law and Public Service

How much work does language do in the interpretation of statutes? This question returns me to the persistent argument of Justice Antonin Scalia that statutory language should and can do almost all of the work for courts in statutory interpretation cases. I agree with the “should,” but with respect to the “can,” in most appellate court cases statutory language cannot provide the ergs needed to answer the litigated question.

The Scalia Doctrine of Limiting Congressional Reach

Justice Scalia ascended to the Supreme Court under the banner of textualism — an interpretive theory that demands that judges follow the law as it is written. Cases that reach the Supreme Court or the states’ highest courts typically involve complex questions of statutory interpretation that courts cannot always resolve by examining a statute’s plain meaning.

Sometimes, even when a statute’s language is clear, judges will ignore it. The primary reason for judges’ dismissal of plain statutory language is almost always their distaste for the consequences of applying a statute as it was written. Often, a court is sympathetic (or unsympathetic) to the plight of a particular party or to the particular policy expressed in a statute. But for the most part, courts do not nakedly announce their disobedience to the law. They do not want to confess their constitutional sins. Rather, they dress up their decision in language intended to convince the public that, despite the particular law’s clear command, the legislature never intended its application in this particular case.

They dress up their decision in language intended to convince the public that, despite the particular law’s clear command, the legislature never intended its application in this particular case.

Of course, this is a construct. If the language of a statute is clear, a court should never find that extratextual evidence is sufficient to support a contrary statutory meaning. But the Court has not always remained faithful to this principle. *Holy Trinity Church v. United States* is an example of judicial disregard for clear statutory language. In *Holy Trinity Church*, the Court decided whether a church that imported a foreign minister violated a statute that prohibited U.S. employers from paying for or assisting in the importation of foreigners “to perform labor or service of any kind” in U.S. territory.

The Court could not bring itself to find that Congress had meant to include a minister within the definition of foreigners imported “to perform ... service of any kind.” Reading the statute through the screen of its own Christian vision of America, the Court found this outcome distasteful and absurd and rationalized its disregard: “It is a familiar rule that a thing may be within the letter of the statute and yet not within the statute, because not within its spirit nor within the intention of its makers.”

Despite notable cases like *Holy Trinity Church*, courts have generally honored their duty to apply clear statutory language as it was written, even prior to Scalia’s appointment to the bench. Yet, at the time of Scalia’s first judicial post in 1982, public perception, fueled by Ronald Reagan’s first presidential campaign in 1980, fomented the belief that judicial activism was a widespread problem.

These exaggerated claims of pervasive judicial lawmaking were, to a large extent, referring to the Court’s

1979 decision in *United Steelworkers of America, AFL-CIO-CLC v. Weber* (*United Steelworkers*). In *United Steelworkers*, the Court held that the Civil Rights Act of 1964 allowed a racially based job preference against a white person. The majority claimed that the anti-discriminatory purpose of the Civil Rights Act was limited to protecting minorities, and that this perceived limitation trumped the statute's broad, inclusive and clear anti-discriminatory language, because the complainant in *United Steelworkers* was white.

For this type of judicial overreaching, Scalia's commitment to textualism is a corrective approach. But it is not Scalia's textualism that has made him unique. It is his persistent refusal to use legislative history as a source for statutory meaning in situations where the statute itself does not provide a clear answer to the question before the Court. The litany of disavowals is familiar to readers of the Court's opinions: "I join the opinion of the Court [or the dissent], excluding, of course, its resort ... to what was said by individual legislators and committees of legislators"



Scalia's stated objection to legislative history is not the product of the entire legislature, but rather the product of a lesser body within the legislature or even of individual members of Congress. First, this reliance on committee reports offends his view of the Constitution's Presentment Clause and of Article I generally. Second, Scalia complains that committee reports, overall the most probative evidence of legislative meaning short of statutory language, are unread by members of Congress and are the products of their unsupervised staff.

Both criticisms are wrong. Constitutionally, Article I is not a barrier to the use of legislative history in cases of statutory interpretation. As Professor James Brudney has rightly written,

Article I of the Constitution authorizes Congress to organize itself in fulfillment of its legislative mission and requires Congress to publish a record of its legislative proceedings. ... [D]ating from the earliest Congresses, were the determination to favor detailed public reporting of floor debates and the decision to create permanent standing committees that produced oral and then written committee reports. ... [T]hese innovations led to the development of legislative history as a means

of informing and persuading members of Congress regarding the bills on which they were to vote.

Scalia's second criticism of committee reports is strange, particularly given the absence of any evidence that it is true. While statistically it must be assumed that there are instances in which legislative staffers insert unauthorized material into legislative committee reports, such conduct is rare and would most likely end in the offender's termination.

The use of probative legislative history — legislative history on which Congress relies to establish meaning — is both constitutional and, in Justice Stephen Breyer's words, "natural." "Legislative history helps a court understand the context and purpose of a statute."

Legislative history also limits judicial law making (although Justice Scalia would disagree). Courts use legislative history to inform their understanding of statutes' intended legislative meanings — a process that enhances, rather than inhibits, judicial deference to Congress's law-making authority. The choice before courts in such cases is not

between clear text and probative legislative history. Rather, the choice is almost always between probative legislative history and "whatever."

For Scalia, the "whatever" is either selected canons of statutory construction or a form of the "reasonable man test," through which he hopes to find a meaning that is "reasonable, consistent, and faithful to [the statute's] apparent purpose." Of course, legislative history cannot be employed in this effort. Scalia characterizes this approach as a theory of statutory construction that gives meaning to the phrase "a government of laws." But, in practice, this characterization is false.

Rather, Justice Scalia's aversion to the use of legislative history is more political than epistemological, more about freedom from what Scalia noted as "the fetters of text and legislative intent in applying statutes" than about finding the meaning of a statute. His goal is not merely to find the meaning of a statute in a particular case; more broadly, it is to systematically limit the legislative reach of statutes. It is the latter that necessitates Scalia's canon of reading statutes narrowly. **H**



ONLINE CONTENT A link to the complete version of this article, including a panel discussion about the real work of reading statutes, as published in 76 *Brooklyn Law Review* 967 (2011) is available at law.hofstra.edu/HLR

In Favor of a ‘Bail-In’

{ How a Trillion Dollars Might Be Better Used to Start a Recovery

By *J. Scott Colesanti, Associate Professor of Legal Writing*

Between October 2008 and February 2009, the U.S. federal government took unprecedented action to keep a short list of very large corporate entities out of bankruptcy. Specifically, the Treasury Department appropriated approximately \$1 trillion from sources unknown to, in large part, buoy the coffers of companies believed to have been victimized by a collective myopia on Wall Street. Spanning two presidential administrations, the philosophy of this economic rescue belied partisan ties; overall, the monies contemplated were simply unfathomable.

Simply put, if we agree that immediate and massive government spending was warranted, that unfathomable amount of money should have been spent elsewhere.

Not just because the handout was not always needed, as Congress later learned from executives disclosing pressure from the government to accede to the recovery plan, nor consistently successful, as 130 banks fell *after* the famed Troubled Asset Relief Program (TARP) was implemented.

Not just because the gift money could not be monitored, although excesses and waste in the form of Super Bowl events and notorious bonuses pervaded the headlines throughout 2009. And not just because the overseer of the bailout funds herself excoriated both the greed of banks and the blameless cash that rescued them.

Not just because the economic collapse may have been gamed by the Wall Street savvy. Not just because discreet groups of market victims were reimbursed for market losses under disputed calculations. Not just because the printing

of bailout money devalued American currency worldwide. And not just because the bailouts largely failed in their lofty goals of forestalling home foreclosures, minimizing unemployment and loosening credit, although the data on each of these topics is harrowing and unavoidable.

The bailout is arguably most culpable of ignoring market realities by shunning broad support for faltering stock market prices in favor of rescuing a one-page roster of financial giants. These drastic and selective lifelines did little for the many entities and individuals who had trusted

the stock market to act within reason. Concurrently, the most harmful blow struck by the bailouts may have been to the faith of the retail investor, who has come to realize that, in times of exigency, he shall be last on the lifeboats.

Accordingly, it can be posited that, in terms of maintaining an economy that both benefits from and trusts the stock market, the bailout money would have better served

the masses had it been allocated across the spectrum of stocks comprising the Dow Jones Industrial Average (DJIA). Such direct government intervention — equally costly and almost as unprecedented — would have served the dual purpose of, first, over the short term, permitting pension and retirement fund administrators the breathing room to diversify holdings and, second, over the long term, comforting both institutional and individual stock market participants that their savings and investments were just as vital as the well-being of corporations and corporate bonuses. **H**



ONLINE CONTENT A link to the complete version of this article, including more about the efficacy of the bailouts, an analysis of the DJIA since 2008 and an alternative investment solution of government funds, as published in 25 *St. John's Journal of Civil Rights and Economic Development* 483 (2011), is available at law.hofstra.edu/HLR

How Marriage Became Optional

{ Cohabitation, Gender, and the Emerging Functional Norms

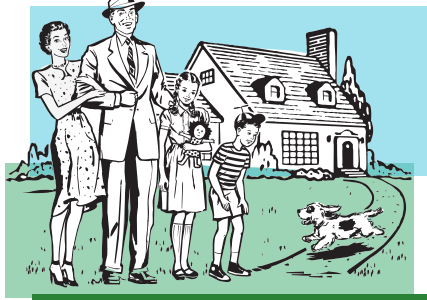
By J. Herbie DiFonzo, Professor of Law

In 1953, sociologist Ray E. Baber confidently asserted that the “opportunity which marriage affords for constant and complete companionship with the person most loved, with the full sanction of society, is its greatest single attraction.” Another mid-20th century text, Paul H. Landis’ *Making the Most of Marriage*, referred to the “long-accepted idea that marriage is the *natural state* for adults.” Landis noted that marriage “has a more prominent place in both our aspirations and realizations than ever before in American history.” His sociology text equated marriage with the drive to establish family life. Several headings in his chapter on “Needs Fulfilled by Marriage” reflected the era’s rock-solid perception that true love and family life always commence at the altar: “Marriage Meets the Need for Love and Emotional Security”; “Marriage Meets the Need for Status and Appreciation for Personal Worth”; “Marriage Answers the Need for Companionship”; and “Marriage Meets the Physiosexual Need for Response.”

In the middle of the 20th century, almost half of all women were married by age 20, and eight out of 10 were married by age 25. In 1960, two-thirds of all Americans in their 20s were married. But by 2008, just over one-quarter of 20-somethings were wed. According to the Census Bureau’s American Community Survey, married-couple family households constituted only 49.7 percent of all households in 2009.

Children’s living arrangements have also undergone substantial change. In the past generation, the percentage of children in the United States who live with two married parents has markedly declined. In 1971, 83 percent of children under the age of 18 lived with two married parents, while in 2010 only 66 percent did so. The half-century that followed the 1960s has virtually ended the stigma associated with illegitimacy and single parenthood. It also significantly

enhanced the status of women, thus increasing the potential for their economic self-sufficiency.



These seismic social changes have fundamentally altered our conceptions of what makes a family. The family now encompasses a collection of diverse, sometimes fragile but usually hearty domestic arrangements that comprise the so-called postmodern family — single mothers, blended families, cohabiting couples, lesbian and gay partners, and multigenerational families, in addition to heterosexual married couples and their children.

Consider these items from three recent years, each radically at odds with the predominant view of family life in the mid-20th century:

- In 2007, almost three in 10 of the unmarried women who gave birth were living with a cohabiting partner.
- In 2008, more than six out of 10 women with a birth in the past year were in the labor force.
- In 2010, Illinois became the 11th state to pass a “civil union” law, which will allow unrelated adults, regardless of gender, to share “the same legal obligations, responsibilities, protections, and benefits as are afforded or recognized by the law of Illinois to spouses.”

Although our society still exhibits a “cultural ambivalence about families not based on genetic ties,” social acceptance of a wider range of family forms has increased. This multiplicity of family structures means that marriage has become an optional arrangement for creating a family. How did this happen? And where is the American family headed, in both cultural and legal terms? This article sketches out a framework for analysis of this central social question and argues that family law is moving in the direction of adopting functional norms for determining family composition and adjudicating family disputes. **H**

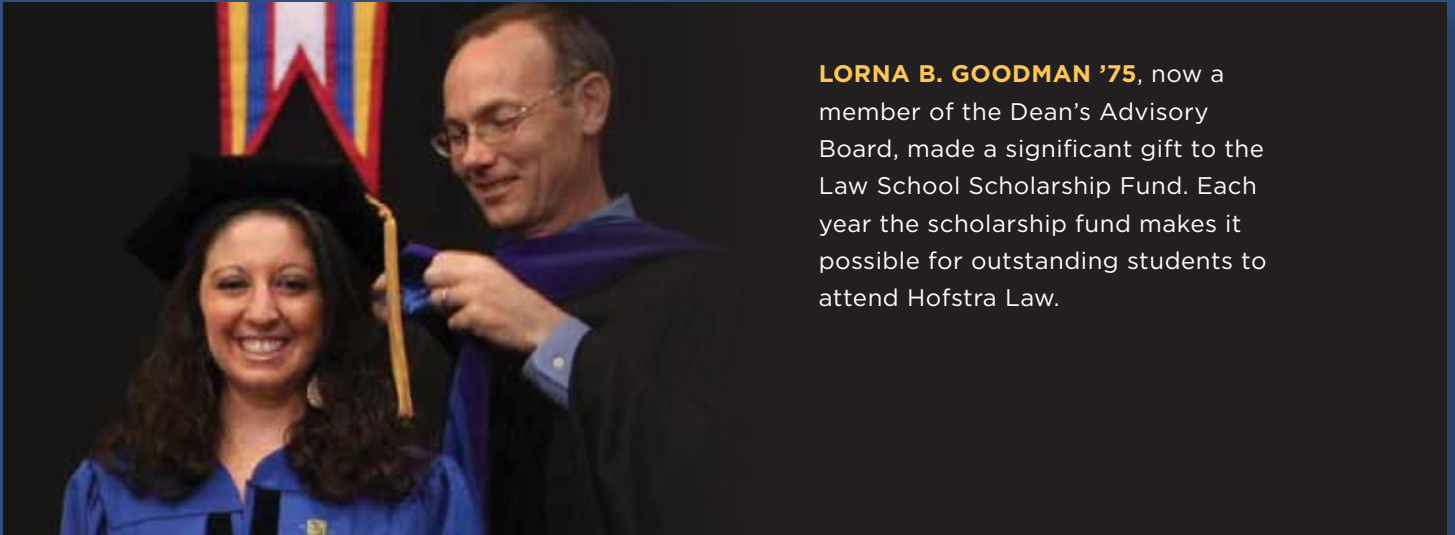


ONLINE CONTENT A link to the complete version of this article, including more about the decline of marriage, cohabitation, the role of gender and emerging functional norms, as published in 8 *Rutgers Journal of Law & Public Policy* 521 (2011) is available at law.hofstra.edu/HLR

Recognition & Stewardship

“Your contributions have touched the lives of each and every student who will graduate from Hofstra Law in the next few years and go on to make a difference in their communities and in the world. Our students have proved themselves to be leaders here on campus — both in the classroom and through student clubs and organizations — and beyond the campus as volunteers for nonprofit organizations and representatives of the Law School at trial and moot court competitions, and through their writing in journals and other publications. Your impactful contributions have made many of these experiences possible and have enhanced the learning and development of our students. Thank you!”

— Dean Nora V. Demleitner



LORNA B. GOODMAN '75, now a member of the Dean's Advisory Board, made a significant gift to the Law School Scholarship Fund. Each year the scholarship fund makes it possible for outstanding students to attend Hofstra Law.

MARK P. SCHNAPP '76, a member of the Dean's Advisory Board, made a generous contribution to the Law School Dean's Discretionary Fund in memory of his classmate Marvin Gutter '76. The fund supports special programs, conferences and lectures at Hofstra Law.



In memory of his father, **SANFORD P. "SANDY" ROSEN '78** established the Solomon Rosen Endowed Award for Teaching Excellence. This award is given to a junior faculty member who is widely recognized as an inspiring, challenging and excellent teacher. Alan N. Resnick (pictured at left), now the Benjamin Weintraub Distinguished Professor of Bankruptcy Law and a junior faculty member when Sandy attended Hofstra Law, inspired this generous gift.

CATHERINE SAMUELS '79 established the Tom Wales Public Justice Fellowship to encourage Hofstra Law students to pursue careers in the public sector. The endowment is named for her classmate and former editor-in-chief of the *Hofstra Law Review*, who was shot and killed in his home in Seattle in 2001 while serving as an assistant U.S. attorney. His murder remains unsolved.



ALUMNI GIVING BACK

Alumni participation at events and conferences was higher than ever. Thank you to these alumni, firms and businesses who contributed greatly by hosting events:

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SANDRA LEE TYTEL '81 made a generous gift that helped fund scholarships for deserving entering Hofstra Law students.



The Eric J. Schmertz Memorial Scholarship was established to honor the late Eric J. Schmertz, founding faculty member and Dean of Hofstra Law from 1982-1989. The scholarship is made possible through a lead gift from **COLLERAN, O'HARA & MILLS L.L.P. AND ADDITIONAL SUPPORT FROM ALUMNI, FRIENDS AND FAMILY**. The scholarship will recognize outstanding entering Hofstra Law students, with a preference for those with an interest in labor and employment law.



The Maurice A. Deane School of Law at Hofstra University is grateful to the many alumni, parents, friends, law firms, foundations and corporations who helped support our mission through charitable contributions made between September 1, 2010, and August 31, 2011 (FY2011). We thank the following donors for their leadership support at the Dean's Circle level of \$1,000 and above.

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40th Anniversary Gala

We thank the following major donors who helped to make the 40th Anniversary Gala at Yankee Stadium the most successful fundraiser in the history of the Maurice A. Deane School of Law at Hofstra University.

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April 1-December 31, 2011**1973**

Charles J. McEvily, partner at DaSilva Hilowitz & McEvily, was elected president of the New York Family Law American Inn of Court. He also was honored for his pro bono services to domestic violence victims through the Legal Resource Network at a recognition luncheon hosted by Nassau County's Coalition Against Domestic Violence on June 10.

1974

Hon. Maryanne Trump Barry, judge for the U.S. Court of Appeals for the Third Circuit, was the undergraduate speaker at Fairfield University's commencement on May 22 and was presented with an honorary doctor of laws degree.

Rene P. Fiechter, assistant district attorney and director of community affairs in the Nassau County District Attorney's Office, was elected president of the Long Island American Academy for Professional Law Enforcement in July.

Joanne F. Goldstein,

Massachusetts secretary of labor and workforce development, was honored in November by the Worcester Educational Development Foundation with one of its first Distinguished Alumni and Friends awards.

1975

Lance J. Lieberman joined Cozen O'Connor in July when the firm added 19 lawyers from Cohen Pontani Lieberman & Pavane, an internationally recognized New York-based intellectual property law firm. He has been practicing intellectual property law since 1976.

1976

Sandra Gumerove, vice president of the board of directors of AHRC Nassau, was presented with the Hodgson/Jacobs Law Award by NYSARC. The award is presented to an attorney who resides and practices in New York state and has demonstrated a sincere interest in and commitment to the area of disability law.

Howard Jurist, partner at Goodman Jurist & Pandolfo, was elected president of the board of directors of AHRC Nassau in Brookville, NY.

1977

Brian S. Conneely, partner at Rivkin Radler, was honored by the Suffolk County Bar Association for his dedication and service to the association.

Hon. Paula J. Hepner, supervising judge for the Kings County and Richmond County Family Courts, presented two workshops at the 74th Annual Conference of the National Council of Juvenile and Family Court Judges in New York City on July 24-27: "Culturally Competent Practices for Meeting the Needs of LGBT Youth in the Dependency and Juvenile Justice System" and "Where Is Evidence Leading Us Now? Current Trends in Research, Performance Measurement, and Program Evaluation."

Martin E. "Marty" Kohler, criminal defense attorney at Kohler & Hart in Milwaukee, was a panelist for "Legal Issues in the Workplace: The Employer and Employee Perspective" at the Wisconsin Medical Society's seminar "For the Record: Best Practices for the Employer, Employee and Clinic" on May 24.

1978

Marlene Monteleone is managing partner at Bivona & Cohen. The firm is among the less than 6 percent of all firms nationwide with a woman in that leadership role.

Michael D. Patrick, partner at Fragomen, Del Rey, Bernsen & Loewy, wrote the column "State Immigration Laws: The Next Battleground," which appeared in the December 2011 issue of *The Metropolitan Corporate Counsel*.

Neal R. Platt, partner at Shwal & Platt and adjunct professor at Hofstra Law, had his article "Good Will Enduring: How to Ensure that Trademark Priority Will Not be Destroyed by the Sale of a Business" quoted in a treatise by J. Thomas McCarthy, of counsel at Morrison Foerster.

1979

Patti Ann Alleva, the Rodney & Betty Webb Professor of Law and Faculty Development Fellow for Teaching and Learning at the University of North Dakota School of Law, was selected for inclusion in the National Best Law Teachers Study, which is trying to discern what type of teaching produces exceptional learning in students.

Ilene S. Cooper, partner at Farrell Fritz, was honored in May at Touro Law Center's commencement ceremony with the Adjunct Professor of the Year award. She has been a professor at Touro for 17 years and also serves on Touro's board of governors. She also joined the steering committee and Long Island advisory board of Friends of Karen, which provides financial, emotional and advocacy support to families of children with life-threatening illnesses.

Kieth I. Rieger, an attorney at Barrocas & Rieger, was honored for his pro bono services to domestic violence victims through the Legal Resource Network at a recognition luncheon hosted by Nassau County's Coalition Against Domestic Violence in June.

1980

Stuart U. Goldfarb was named president and CEO of Atrinsic, a marketer of direct-to-consumer subscription products and an Internet search-marketing agency, on June 1.

Alan B. Koslow, shareholder and director of gaming and hospitality law at Becker & Poliakoff, spoke at the International Masters of Gaming Law conference in May.

Clare Hodgson Meeker is an award-winning author of eight published books. Her most recent book, *Soccer Dreams*, which tells the story of a Kenyan boy and how his love for soccer brings him from Africa to Seattle, was published on April 1. Meeker teaches writing and makes author appearances in elementary and middle schools throughout Washington and Oregon. She also teaches writing for children to adults at Richard Hugo House, a writers cooperative in Seattle.

1981

Edmund M. "Ed" Emrich, counsel at Shearman & Sterling, is also an accomplished, self-taught photographer whose main subject is cityscapes. A new exhibition of his work, *New York, New York* — 36 large-scale photographs featuring highlights of the city — was at the Salamatin Gallery in Manhasset, NY, from September 23-October 29.

Ben B. Rubinowitz, partner at Gair, Gair, Conason, Steigman, Mackauf, Bloom & Rubinowitz, was inducted into the Inner Circle of Advocates, an invitation-only group limited to 100 members considered to be among the best plaintiff attorneys in the U.S. and "lawyers of excellent character and integrity."

Michael C. Stuart joined Cozen O'Connor in July when the firm added 19 lawyers from Cohen Pontani Lieberman & Pavane, an internationally recognized New York-based intellectual property law firm.

1982

David B. Feldman joined Moses & Singer in July as partner in the firm's employment and labor group.

Mitchell S. Iden is a partner at Graubard Miller. He specializes in corporate law, representing numerous privately held companies in all commercial and business matters.

Hon. A. David Paterson, former governor of New York, delivered the commencement address at Paul Smith's College on May 15.

Leo Spandorf passed away on August 14. He began his second career as a tax attorney after a long, successful career in his CPA firm, Kohleriter & Spandorf. He is survived by his wife, Bernice, and his children.

Evan Torgan of Torgan & Cooper was inducted into the Inner Circle of Advocates, an invitation-only group limited to 100 members considered to be among the best plaintiff attorneys in the U.S. and "lawyers of excellent character and integrity."

1983

Brad R. Becker is a partner at Becker Harrow in New York.

Patricia Galteri, an attorney at Meyer, Suozzi, English & Klein, was honored for her pro bono services to domestic violence victims through the Legal Resource Network at a recognition luncheon hosted by Nassau County's Coalition Against Domestic

Violence in June. She was also appointed chair of the board of advisors of the Long Island Community Foundation, an organization that promotes philanthropy and community building throughout Long Island.

Marc L. Hamroff, managing partner at Moritt Hock & Hamroff, was appointed adjunct professor of law at Hofstra Law. He taught the course Secured Transactions, which deals with Article 9 of the Uniform Commercial Code and related matters, during the spring semester. In September he was appointed vice chair of the board of directors for the Long Island chapter of the American Heart Association, and in October he was appointed to the board of directors of the Risk Management Association (RMA) of Long Island.

Bari Jane Wolfe Rogers was named managing director of the Depository Trust and Clearing Corporation (DTCC) in July. Before joining DTCC, she served as managing director at Barclays Capital.

Hon. Robert A. Ross passed away on May 15 from an aortic aneurysm. He ran a private law practice in Kew Gardens for 18 years and served as a village justice in Oyster Bay Cove before winning election in 2002 as a New York State Supreme Court justice. He is survived by his wife, Bara; daughters, Malina, Hailey and Brielle; mother, Selma; and siblings, Alan and Lenore.

Sharon H. Schick is of counsel at Caplin & Drysdale in the Washington, DC, office.

Hon. Joseph P. Spinola, former justice of the New York State Supreme Court, Nassau County, retired from the bench and is now partner at Helwig, Henderson, Ryan & Spinola. In September was named the top individual mediator in New York state in the 2nd Annual *New York Law Journal* Reader Rankings.

1984

Marc C. Gann, partner at Collins, McDonald & Gann, completed

his term as president of Nassau County Bar Association. He continues to play an important role within the association, providing counsel to the NCBA Crime Lab Task Force, which he created during his tenure as president.

Warren S. Hoffman, partner at Hoffman & Behar, was presented with a 2011 President's Award in May by then-Nassau County Bar Association President Marc Gann in recognition of his extraordinary hard work and dedication as chair of the grievance committee.

1985

Scott A. Berger joined Kirkland & Ellis as partner in the real estate practice group of the New York office on June 1.

Laurel R. Kretzing, partner at Jaspan Schlesinger, received the *Long Island Business News* 2011 Top 50 Most Influential Women in Business Award on May 19.

1986

Judith A. Eisen, partner/director at Garfunkel Wild, received the *Long Island Business News* 2011 Top 50 Most Influential Women in Business Award on May 19.

Russell J. Fishkind, partner in the personal wealth, estates and trusts department at Saul Ewing, wrote the book *Probate Wars of the Rich and Famous: Probate Wars of the Rich and Famous* (John Wiley & Sons, September 2011).

Ellen F. Kessler, partner at Ruskin Moscou Faltischek, received the *Long Island Business News* 2011 Top 50 Most Influential Women in Business Award on May 19.

Jeff S. Korek, partner at Gersowitz Libo & Korek, was named to *New York Magazine's* "Best Lawyers in New York" for the fifth consecutive year.

Joseph T. Lee and his wife, **Rina M. Capicotto '88**, are attorneys at JLRC Law Firm.

1987

Anthony J. Licatesi is a litigation partner at Rubin & Licatesi.

Howard M. Rudolph, an attorney with Rudolph & Associates in West Palm Beach, FL, was named to the 2011 Florida Legal Elite list.

1988

Nancy J. Burner is a member of the Legal Advisory Board of the Long Island Chapter of the Alzheimer's Association and was reappointed by the New York State Court of Appeals to serve a third term as one of only seven trustees of the New York Lawyers' Fund for Client Protection.

Christopher E. Kent joined Farrell Fritz as partner in the firm's land use, municipal and zoning practice group. He is the former chief deputy county executive of Suffolk County.

Hon. Sallie Manzanet-Daniels, associate justice of the New York State Supreme Court, Appellate Division, First Department, was elected a trustee of Marymount Manhattan College in April.

1989

Kevin M. Barry is a partner at Rossway Moore Taylor & Swan in Vero Beach, FL.

P. Joseph Campisi was promoted to vice president and associate general counsel, transactional practice group, at Bristol-Myers Squibb Company.

Kim Ciesinski joined the matrimonial law firm of Tabat, Cohen, Blum & Yovino in May. She is expanding her legal services to include divorce mediation and collaborative law. She was also named a Cambridge Who's Who Professional of the Year in matrimonial law in June.

Maria C. Diglio is a partner at Blodnick, Conroy, Fazio & Diglio.

Kathleen M. Furey joined Robinson & Cole as a partner in the real estate practice group of the New York office in May. In October she was inducted as a fellow of the American College of Mortgage Attorneys.

Laura Peck passed away on October 5, 2011. She was a member of the law firm Bearden,

Lewis & Thomas in Boca Raton, FL, and specialized in real estate and commercial law. She is survived by her husband, **Ronald Lewis '87**.

1990

Leslie A. Berkoff, partner at Moritt Hock & Hamroff, was named by the American Bankruptcy Institute as co-editor-in-chief of its *Healthcare Bankruptcy Manual* (2nd edition).

Andrew M. Harris is a Chicago-based legal reporter for Bloomberg News. He lives with his wife, Shawn, and their dogs, Lulu and Chuck.

Debra L. Rubin, partner at Rubin & Rosenblum, was honored for her pro bono services to domestic violence victims through the Legal Resource Network at a recognition luncheon hosted by Nassau County's Coalition Against Domestic Violence in June.

1991

Jaspreet S. Mayall, partner at Certilman Balin Adler & Hyman, was reappointed for a second four-year term to the Committee on Character and Fitness for the Second, 10th and 11th Judicial Districts by the Appellate Division, Second Department, of the Supreme Court of the State of New York. He also served as master of ceremonies at the Nassau County 65th Independence Day of India celebration in Mineola in August.

1992

David L. Cohen joined the municipal securities division of the Securities Industry and Financial Markets Association (SIFMA) as managing director and associate general counsel

Stephen M. Trezza is an attorney at the Arizona Law Group of Trezza & Associates.

1993

Michael L. Baroni, general counsel at Palace Entertainment, was featured as a top attorney in business in Orange County, CA, in *OC Metro* magazine in August. He also started the Entertainment, Sports & Marketing Law Section

of the Orange County Bar Association and works with the Constitutional Rights Foundation, giving presentations to high schoolers on founding principles and fundamental rights, and with Big Brothers Big Sisters.

1994

John M. Griem, Jr., joined Loeb & Loeb as partner in the patent litigation practice in the firm's New York office. He concentrates his practice on intellectual property litigation, particularly pharmaceutical and biotech patent litigation.

Jacqueline M. Harounian,

partner at Wisselman, Harounian & Associates, was appointed to the board of directors of the Yashar chapter for lawyers and judges, a Nassau County Bar Association group and a chapter of the Nassau Region of Hadassah. She is also serving as vice president of publicity.

Joel H. Katz, vice president, associate general counsel and chief ethics officer for CA Technologies, joined the faculty for Consero's Corporate Compliance and Ethics Forum 2012.

Joseph H. Lemkin, chairman of the bankruptcy practice group at Parker Ibrahim & Berg, was appointed in July to the Rutgers University Alumni Association board of directors for a three-year term.

Donald G. Lussier

joined Saul Ewing as partner. He previously worked at the law firm of Dionne & Gass, which combined with Saul Ewing in July.

1995

Phelan Wolf, a real estate broker with Brown Harris Stevens, was elected to the Amagansett School Board for a three-year term commencing July 1.

1996

Michael Cardello III, partner at Moritt Hock & Hamroff, was appointed in August by the Nassau County Bar Association to serve as chair of its commercial litigation committee.

Deborah J. Chadow, who runs her own practice in Great Neck, was honored for pro bono services to domestic violence victims through the Legal Resource Network at a recognition luncheon hosted by Nassau County's Coalition Against Domestic Violence in June.

Adam S. Neidenberg, co-founder of LaVan & Neidenberg, is pleased to announce that EZ Claim, the firm's joint venture with Group Business Software, was a finalist in the Industry Solution Providing Business Value category for the 17th annual IBM Lotus Awards.

1998

Timothy R. McGrath was honored for his pro bono services to domestic violence victims through the Legal Resource Network at a recognition luncheon hosted by Nassau County's Coalition Against Domestic Violence in June.

Jeremy J. Wolk, associate at Nixon Peabody, was elected president of the board of directors of the Jewish Community Center of Greater Rochester in Rochester, NY.

1999

Lori G. Adelson joined Arnstein & Lehr in December as of counsel in the firm's Fort Lauderdale, FL, office. Her practice focuses on labor and employment litigation.

John P. Gross joined the National Association of Criminal Defense Lawyers in April as indigent defense counsel in the association's national office in Washington, DC. Previously, he was visiting assistant professor of law at Syracuse University School of Law and acting director of the school's criminal defense clinic.

Jordan S. Linn was appointed in June to the New York State Bar Association's electronic communications committee.

2000

Louis J. Dagostine, associate at Ciulla & Donofrio, was named a 2011 Connecticut "Rising Star" by *Super Lawyers* magazine.

Wendy J. Keenan was named partner at Wilson Elser Moskowitz Edelman & Dicker in April. She works in the firm's New York office as claims and monitoring counsel on behalf of international and domestic insurers.

Jason M. Kurland, partner in the real estate practice group at Certilman Balin Adler & Hyman, was named by *Long Island Business News* as one of Long Island's "40 Under 40" rising stars.

2001

June Reunion

Brad R. Aronstam announced the opening, in May, of a new law firm: Seitz Ross Aronstam & Mortiz.

Thomas M. DeMicco was named partner at Wilson Elser Moskowitz Edelman & Dicker in April. He is a member of the product liability practice group in the firm's White Plains office.

Joady B. Feiner was honored for her pro bono services to domestic violence victims through the Legal Resource Network at a recognition luncheon hosted by Nassau County's Coalition Against Domestic Violence in June.

Melissa Negrin-Wiener, partner at Genser Dubow Genser & Cona, and **Lynn Rubino '11**, law clerk at the same firm, co-authored the article "Same Sex Marriage: The Benefits and Burdens on Medicaid Recipients," 61 *Nassau Lawyer* 9 (November 2011).

2002

June Reunion

Brian S. Devery and his wife, **Stephanie N. Devery**, have their own practice, the Devery Law Group.

Adam J. Peretz is president of Peretz Family Law & Mediation. The practice focuses on divorce litigation and mediation.

2003

Orit Goldring opened The Goldring Firm, which specializes in labor and employment law.

2004

Emilia Rakowicz joined Bryan Cave in October as an associate in the firm's New York office.

Teresa L. Staples married Scott Reichel on November 11 (11-11-11) and is living outside Austin, TX.

Jessica Zimmerman joined L'Abbate, Balkan, Colavita & Contini in August as an associate in the Attorney Liability Practice Group.

2005

Andrez Carberry, employment counsel at Avon Products, was selected as a New York State Bar Association Labor and Employment Law Section Diversity Fellow for 2011-2012.

Pierre E. Debbas is a founding member of Romer Debbas. The firm specializes in commercial and residential real estate transactions.

Holly E. Rich joined Littler Mendelson as an associate at the firm's Philadelphia office. She provides labor and employment counseling and defense services to employers.

2006*June Reunion*

Mary I. Bresnan and Shay Moraly were married in June.

Alexis Collentine, an attorney at the Legal Aid Society and a 2006 Child and Family Advocacy Fellow at Hofstra Law, co-presented the seminar "Family Law Education Reform and the Law School Family Law Curriculum" at the 74th Annual Conference of the National Council of Juvenile and Family Court Judges in New York City on July 24-27.

Amanda Dickens married Jay Aronow on September 4.

Corey Fitelson joined Reveille as business affairs coordinator. He works directly for David Kekst, executive vice president, business operations and legal, and with the business affairs department.

C. William Gaylor III, an attorney at Morici & Morici, was honored for his pro bono services to

domestic violence victims through the Legal Resource Network at a recognition luncheon hosted by Nassau County's Coalition Against Domestic Violence in June.

2007*June Reunion*

Emin Guseynov joined Orrick, Herrington & Sutcliffe in December 2011 as a managing associate in the banking and debt capital markets group and corporate group in the firm's New York office.

Robert M. Harper, associate at Farrell Fritz, was appointed vice chair of the governmental relations and legislation committee of the New York State Bar Association's Trust & Estates Law Section.

Jack Piana, assistant district attorney in Suffolk County, married Lisa Anne Giugliano in October.

2008

Kerrin A. Bowers joined Ingerman Smith as an associate in September 2011. She focuses her practice on education and labor law.

Laura B. Daly and **Paul M. Zaragoza '09** are engaged.

Lisa Godfrey, assistant district attorney in Ulster County, is engaged to David Bondarenka.

Frances Kweller is the founder of Kweller Prep Advanced Tutoring & Educational Services.

Linc C. Leder joined Virginia & Ambinder as an associate. He works on ERISA cases involving employer benefit contributions.

Vincent White and **Jesse Rose** formed the White Rose Group, a boutique litigation law firm, in March.

Joshua Wolf, assistant corporation counsel at the New York City Law Department, received a pro bono award at the New York City Bar Association's Municipal Affairs Awards dinner on June 16. Chief Judge Loretta A. Preska of the U.S. District Court for the Southern District of New York presented the awards.

2009

Andrea Friedman and **Sari Friedman '80** are working together as a mother-daughter team, concentrating in matrimonial and family law.

Allison J. Henig joined McCabe, Collins, McGeough & Fowler as an associate. The firm specializes in insurance law, with a broad range of practice areas.

Nana S. Japaridze joined Reed Smith as an associate in June. She and **Richard Facundo** were married in the country of Georgia in September.

Jennifer Karapetian is deputy district attorney in the Santa Barbara County District Attorney's Office in Santa Maria, CA.

Justin A. Levy is an associate in the New York office of Latham & Watkins.

Sonja R. Pollack is an associate in the New York office of Latham & Watkins.

Michael S. Ryan joined Morgan, Lewis & Bockius as an associate in the firm's intellectual property practice.

Annemarie V. Tackenberg is an associate in the New York office of Latham & Watkins.

2010

Andrea E. Batres joined The Taub Law Firm as an associate.

Melissa J. Broyles joined the New York City Administration for Children's Services.

Lauren Chartan, LL.M., a family law attorney at Wisselman, Harounian & Associates, started a group for parents and family members who want to learn what can be done to help protect the rights of a bullied child or young adult.

Jerry Granata joined McCabe, Collins, McGeough & Fowler as an associate. He works closely with insurance claims adjusters regarding case development.

Jordan A. Jodre is an associate in the New York office of McGivney & Kluger. He practices in the areas of asbestos, toxic torts and general liability. He is also a member of the firm's sports and entertainment department, MK Sports & Entertainment Group, where he leads the entertainment division.

Kevin D. Kay is an associate in the New York office of Latham & Watkins.

Andrew "Drew" Mollica, who left his job as a jockey's agent to become a lawyer, was featured in *The New York Times'* series *Postcards From Saratoga Springs* on August 12. He was also named Pro Bono Attorney of the Month for August by the Nassau County Bar Association.

Aneeba Rehman is an associate at Valli Kane & Vagnini, where she specializes in civil rights, labor and employment law.

Jonathan S. Scheine helped his father, Ed Scheine, open The Business Corners, a co-working center in which independent business professionals can work side-by-side, networking and building partnerships that could lead to collaboration on future projects.

Todd A. Schwartz is an associate in the mortgage foreclosure litigation practice at Frenkel Lambert Weiss Weisman & Gordon.

2011

Michelle L. Contino joined the real estate practice group at Certilman Balin Adler & Hyman in August as an associate.

In Memoriam

Leo Spandorf '82
Hon. Robert A. Ross '83
Laura Peck '89
Robin W. Levine '96

**ONLINE CONTENT**

View class notes for 2012 and an archive of earlier class notes at

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With grateful appreciation to the adjunct members of our faculty, many of whom are alumni, for their service during the 2011-2012 academic year

ROBERT M. ARCHER

HON. LEONARD B. AUSTIN '77

LESLIE R. BENNETT

STEVEN C. BENNETT

DEBORAH BERGER

LEE B. BERGSTEIN

ROBERT P. BIANCAVILLA

HON. JOSEPH F. BIANCO

RICHARD A. BOCK '96

LAWRENCE JAY BRAUNSTEIN

NANCY J. BURNER '88

ANDREZ CARBERRY '05

RALPH H. CATHCART '90

PETER C. CONTINO

CRAIG M. COOLEY

HON. R. BRUCE COZZENS

HON. EDMUND M. DANE

MATTHEW DEL FORTE

JACK B. EVANS '08

ERICA R. FEYNMAN '02

HON. KENNETH L. GARTNER

ASHLEIGH M. GARVEY '10

DOLORES GEBHARDT '84

JAMES F. GESUALDI

GEORGE A. GIULIANI

BARRY D. GOLDBERG

MARC L. HAMROFF '83

ROBERT M. HARPER '07

CAROL CASAZZA HERMAN '84

JOHN M. HOGAN '76

HON. RICHARD I. HOROWITZ '87

MICHAEL D. JAFFE '80

ALAN L. JAKIMO

GARY E. KALBAUGH

ELENA KARABATOS

DAVID A. KAUFMAN

AVI Z. KESTENBAUM

BRIAN G. KLEIN '10

SPENCER D. KLEIN '89

HON. GARY F. KNOBEL

LAWRENCE G. KURLAND

BARRY D. LITES

KIMBERLY A. LUCKEY '99

BARBARA A. LUKEMAN '00

ANDREW H. LUPU

LEWIS R. MANDEL

HON. EDWARD W. MCCARTY III

GERARD C. MCCLOSKEY '08

CHRISTOPHER T. MCGRATH

JANIS M. MEYER '81

ANDREW L. ORINGER '84

L. PETER PARCHER

DAMIAN J. PIEPER

JOHN G. PIEPER

TROY G. PIEPER

JACK M. PLATT '77

NEAL R. PLATT '78

RONA L. PLATT '94

ROXANE POLAK

SETH A. PRESSER '07

ELIZABETH K. QUINN '05

ANDREW W. REISS '98

JOHN L. RIVKIN

JARED R. ROSENBLATT '03

MICHAEL E. RYAN

LOUIS A. SCARCELLA '77

ROBERT C. SCHWENKEL

RITA A. SETHI

GRANT A. SHEHIGIAN '07

WILLIAM M. SKEHAN

DAVID R. SMITH '05

LISA A. SPAR

MICHAEL STEINBERG

DANIEL M. SULLIVAN

MICHAEL F. VECCHIONE

BENNETT J. WASSERMAN '74

PHILIP WEINBERG

JOEL WEINTRAUB, M.D. '00

PATRICK J. YOUNG '85

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Monday, March 4, 2013

Supreme Court of the United States
Washington, D.C.

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