Welcome New Dean
Aaron Twerski

Hofstra Law Turns 35
Alan Resnick on the Bankruptcy Reform Act
Hofstra’s New Transactional Skills Program
It is with great pride that I assume the deanship of Hofstra University School of Law. It is an institution with tremendous existing strengths — and tremendous potential for growth in the years ahead.

Hofstra Law has an enormously talented faculty. Many faculty members have national and international reputations, in fields that range from Bankruptcy to Legal Ethics, Constitutional Law to Torts. Our International Law program is outstanding, and our family law curriculum and faculty is likely the best in the nation — so strong that we intend to offer an LL.M. in family law starting in the fall of 2006. We offer a wide range of courses covering all aspects of litigation and mediation to practicing lawyers from around the country — and our students have the opportunity to take those very same courses. Further expansion of skills training, in sophisticated business courses, is underway (see story, page 26).

With the advent of evening division, which is off to a very strong start, the Law School will be adding ten new faculty members over the next three years. This represents an extraordinary opportunity for growth and development, with an infusion of talented teachers and scholars throughout the curriculum.

But most important is the special spirit that pervades Hofstra Law School. We seek to educate not only technically proficient lawyers, but also lawyers who are cognizant of their special responsibility to society. For me, a great law school is one where students are clearly troubled when faced with a difficult problem. Not because it will show up on an examination but because their intellectual curiosity demands it. One where students are restless because they are impatient with a legal system that does not provide equal opportunity to the multitudes who are barred from it. One where students concern themselves not only with the law as it is, but also as it should be. One where law is viewed not merely as a profession, but as a sacred calling in the service of mankind.

When I first came to Hofstra Law in 1972, it was an exciting law school just beginning to make a name for itself. It has accomplished that task. But every institution must reinvent itself and must be reborn. I hope to have a role in that renewal.

Aaron Twerski
Dean
news & events

From the Office of...

Alumni Relations

New “Alumni of the Month” Launched
We are happy to announce a new feature on our Alumni Relations Web pages profiling a different alumnus/alumna each month. Individual alums will be recognized for their exceptional contributions to the legal profession or other chosen field and their commitment to the Law School and the community. If you would like to nominate a fellow alum, please email us at lawalum@hofstra.edu. Check each month to see who is being featured at www.hofstra.edu/law/alumnimonth!

Upcoming Events
Mark your calendars for these upcoming events with your fellow alums of Hofstra Law.

Long Island Alumni Reception
November 3, 2005
6:30 – 8:30 p.m.
Law School Atrium

NYC Alumni Reception
January 26, 2006
6 – 8 p.m.
The Princeton Club

Alumni Awards/Reunion Dinner
March 16, 2006
6 – 10 p.m.
The Princeton Club

If you have any questions or comments, please contact Director of Alumni Relations Nancy Rudolph at 631-463-5306 or visit our web page for updated information.

Enrollment Management

Hofstra University School of Law is in demand. This year we are pleased to have enrolled the most highly credentialed class in the history of Hofstra Law School. Selecting from more than 5,000 applications, we enrolled a very selective and diverse class representing a record 192 colleges and universities including, but not limited to, Brown, Columbia, Cornell, Dartmouth, University of Hawaii, Howard, McGill, Michigan, Pennsylvania, Princeton, University of Texas at Austin, Vassar, Yale and Yeshiva. Our entering class includes students who recently served overseas in the U.S. military, a CNN broadcast journalist and Emmy Award winner for her coverage of September 11, physicians, social workers, business owners, a television producer...and the list of talent goes on.

The success of our Student Ambassador program, in which 3L students visit college campuses around the nation, is reflected in the total number of out-of-state applications (more than 60 percent of the total applicant pool) and stark increase in out-of-state enrolling students (48 percent of the entering class). This year 13 student ambassadors will work together with the Office of Enrollment Management to help recruit the class of 2009.

The part-time evening program begins its second year with an entering class of 92 students. Competition for seats increased, and we received nearly 700 part-time applications, many with multiple graduate degrees and significant careers behind them. And our LL.M. program has another outstanding group of incoming students, from countries like Bangladesh, Canada, Haiti, Korea, Nigeria, Norway, Turkey and the United Kingdom.

The installation of Aaron D. Twerski as the seventh dean of Hofstra Law was recognized at an academic convocation, held on August 30, 2005 at the John Cranford Adams Playhouse at Hofstra University. A reception followed at the Law School.

The convocation included a keynote address by Judge Judith S. Kaye, Chief Judge of the State of New York. In addition, Dean Twerski’s co-author and friend James A. Henderson, Jr., the Frank B. Ingersoll Professor at Cornell Law School, delivered remarks. Aaron Twerski’s twin brother, Dr. Michel Twerski, made a surprise appearance at the event as well. In addition to many members of our alumni community, judges (including Hon. Carmen Beachamp Ciparick and Hon. George Bundy Smith), politicians, scholars and Hofstra Law friends were in attendance.

“This event set the tone and pace for the future of Hofstra Law,” said alumnus Mark Caruso, class of 1977. “Judge Kaye had some remarkable things to say about both Hofstra Law and Aaron Twerski. In addition, Dean Twerski’s goals are both exciting and extensive. I look forward to watching the growth and progress of Hofstra Law School in the coming months and years.”

Aaron D. Twerski Installed as Seventh Law School Dean at Convocation


News & Events
I. Bennett Capers  
Associate Professor, Criminal Law

For Bennett Capers, the intersection between culture and law, and in particular, literature and the law, holds a fascination that he intends to pursue both in the classroom and in his scholarship as a newly appointed associate professor of law.

“For example, I’ve used a wide range of literature, from Uncle Tom’s Cabin, to Native Son to No-No Boy to explore issues of law and race,” said Capers, who taught as an adjunct faculty member at Brooklyn Law School while working as an assistant U.S. attorney in New York’s Second District and later as a litigator at Wilkie Farr & Gallagher LLP.

At Hofstra, Capers will teach classes in criminal law, criminal procedure and law and literature. “I’m very excited about being able to bring my practical experience to the classroom,” he said. In contrast, at Columbia University School of Law, where he earned a J.D. in 1991, Capers said he “learned all about the law, but only in the abstract.”

During his nearly 10 years with the U.S. Attorney’s Office, Capers investigated and prosecuted a wide variety of federal crimes, involving narcotics, gang violence, racketeering and securities fraud. He was the lead prosecutor in more than 20 trials, authored more than 20 appellate briefs, and argued more than a dozen appeals before the Court of Appeals for the Second Circuit.

Capers received a bachelor’s degree from Princeton University, with a major in English. He was a Harlan Fiske Stone Scholar at Columbia, where he wrote for the Columbia Law Review on the topic of Sexual Orientation and Title VII. After law school, he clerked for the Honorable John S. Martin, Jr., in the Southern District of New York.

Capers said he was attracted to Hofstra Law because of its “dynamic students” and the camaraderie of its faculty. “It seems like the perfect place for me,” he said.

A Brooklyn resident, Capers is a member of the Metropolitan Black Bar Association and the National Black Prosecutors Association.

Marcia Levy  
Assistant Dean for Skills Programs

As the new assistant dean for skills programs, Marcia Levy will be talking to students and faculty and reaching out to the community to learn how she can improve skills education in the Law School.

“Through the National Institute for Trial Advocacy, I got to know many of the people at Hofstra who teach trial and pre-trial skills programs, and they are a spectacular group of faculty” said Levy, who is the Associate Director of Public and Public Service Programs for the Institute. “I am thrilled to be able to join them.”

Levy’s responsibilities for skills training do not include the clinic programs, where students learn by working on real cases. Her efforts, she said, will be directed at developing the skills of all students through mock cases, simulated practice, and externships.

Levy, also a clinical instructor, has extensive experience in teaching and international advocacy training. Since 1993, she has also been an expert commentator for CNN, Fox, MSNBC and other media outlets, offering her opinions on the criminal trials of O.J. Simpson and Kobe Bryant, for example.

In December, Levy will visit China to continue training trial lawyers. “I will be working with lawyers who want to learn oral advocacy skills even if they can’t always use them,” she said. Many trials in China, she explained, are based entirely on documents and not live witnesses, “but things are changing,” she added.

A Brooklyn native, Levy is coming to Hofstra Law from the University of Denver College of Law, where she was director of clinical programs. She has also taught at Rutgers Law School, where she developed a clinical legal education program, under a State Department grant, for three law faculties in Russia. She has also held positions at Columbia University Law School, New York University Law School and the Center for Legal Education in conjunction with City University of New York Law School.

Her legal experience includes representing indigent defendants as a staff attorney with the Federal Defender Services Unit of the Legal Aid Society and with the society’s prisoners’ rights project. She is the chair-elect at the AALS Section on Pro Bono and Public Service Opportunities and on the Executive Committee of the AALS Section on Clinical Legal Education.

Levy has a 15-year-old son, and says she loves to travel. “My interest in international work helps my travel bug,” she says, “and I get to meet local people who show you their real world.”
Laura Appleman  
Visiting Assistant Professor, Criminal Law  

In her five years of arguing appellate briefs and motions on behalf of indigent clients, Laura Appleman saw that the quality of lawyering her clients had received at trial was often substandard. And that, she maintains, raises ethical questions.

“Criminal law and ethics seem to me to naturally go together,” said Appleman, who joined the Hofstra Law faculty this fall as a visiting assistant professor. “Does our criminal justice system provide a quality of representation that is responsible, especially for the poor?”

Appleman served as appellate counsel at the nonprofit Center for Appellate Litigation in Manhattan for five years, during which she presented approximately 50 oral arguments in New York courts. The experience also sparked her interest in criminal procedure and sentencing, the latter of which she is pursuing by “working out the ramifications” of the U.S. Supreme Court’s decisions in the Blakely and Shepard cases for future publication.

In those decisions, the court found that the Constitution does not permit judges to find facts that increase applicable sentencing ranges beyond the maximum: only juries may do so. Yet, she points out, parole boards and probation counselors have the authority to make decisions that can increase sentences beyond the maximum.

As a result, she says, there is a need to consider how the Supreme Court’s new rule affects parole and probation as well as the ethical implications for those institutions.

Appleman says she was attracted to Hofstra by its Legal Ethics Institute, headed by Monne Freedman and Roy Simon, the congeniality of the faculty in general, and “the balance between scholarship and commitment to teaching.”

She will teach classes in criminal law, legal ethics, the law-making process and race and the law. “In that course, I’ll be looking at anti-discrimination law over the past 60 years,” she says. “The law mirrors what’s happening in society, and particularly with disability law and Title IX, for example, the law pushes the boundaries, which is fascinating.”

Appleman, 33, received a law degree from Yale University, where she was the book review editor for the Yale Journal of Law & the Humanities. She received a bachelor’s and master’s degree from the University of Pennsylvania, both in English. She is married and lives in Manhattan.

Miriam Albert  
Visiting Associate Professor, Business Law  

Miriam Albert taught Business Law at Fordham Business School for seven years before coming to Hofstra Law last year as director of admissions. Now she is moving back into the classroom full time as a visiting associate professor to teach classes in business law.

She is delighted at the change.

“The opportunity came to get back to teaching, and I realized how much I missed that and how much I wanted to get back to research and writing,” she said. “It’s like fate, actually.”

While working as director of admissions, Albert taught Business Drafting, a writing course in which students learned to draft basic corporate documents. “The experience made her a ‘fan of Hofstra students.’”

“The students are really smart, and in general have intellectual curiosity,” she said. “They bring in questions, they call you on everything. It’s fun to do.”

Albert said she is also looking forward to having time for research and publishing. Subjects of her previous articles include viatical settlements, anti-dilution provisions in options and warrants, and protecting online auction buyers from fraud. “They’ve done a lot of the things I suggested,” she said, referring to E-Bay. “I don’t know if they made those changes because of my article, but I’m glad buyers are better protected, although it’s still more ‘buyer beware’ online than in store transactions.”

Her research interests are now focused on the interplay between offshore bank privacy laws and U.S. securities laws.

Albert received a J.D. and M.B.A. in finance from Emory University and an LL.M. in corporate law from New York University School of Law. She earned a bachelor’s degree in economics from Tufts University.

Before turning to teaching, Albert practiced corporate law at various firms, including Stroock & Stroock & Lavan in Manhattan, where she handled public and private financings, mergers and acquisitions, foreign exchange transactions and immigration matters.

Her teaching career began at Widener University School of Law in Harrisburg, Pennsylvania. Prior to coming to Hofstra, she spent seven years as an assistant professor of legal and ethical studies at the undergraduate and graduate business schools at Fordham University. Albert has been a stand-up comic and a Pilates instructor, but put both activities on hold since adopting her daughter, Kassie, now a toddler, from an orphanage in Russia. While comedy, Pilates and law teaching might seem far removed from each other, to Albert they have similarities. “You have to figure out who your audience is and then get the audience to come along with you on a journey,” she explained.
Miriam Cherry
Visiting Professor, Employment Law

On the very day that Miriam Cherry went to Hofstra to present at a conference on the 40th anniversary of Title VII of the 1964 Civil Rights Act, the Law School invited applications for visiting professorships. “It was serendipity,” recalled Cherry. “The students seemed incredibly nice and had put together this entire conference, which was very unusual. I met and had put together this entire conference, which was very unusual.”

“On health and safety problems, yes, a whistleblower is protected, but not on accounting fraud.”

“So Sarbanes-Oxley tries to fill the gaps, but I argued that there are so many situations where whistleblowers can fall through the cracks that these cases should be uniformly covered by the law.”

When she was an associate at Berman, DeValeria Pease Tabacco Burt & Pucillo in Boston, she was involved in accounting fraud cases, including those against Symbol Technologies and WorldCom.

Cherry’s other interests include dance, visiting historic places, science fiction writing and gardening but not, as she points out, all at the same time.

Susan Joffe
Visiting Assistant Professor, Legal Writing

Susan Joffe remembers her years attending Hofstra University’s Law School as among the happiest of her life, a time when she reveled in the intellectual stimulation.

This fall, Joffe will be back at Hofstra Law, but this time she will be on the other side of the desk as a visiting assistant professor teaching legal writing, research and appellate advocacy.

“I’m very excited about it because I’m looking forward to the contact with the students and because I know how important legal writing is in every phase of the law,” said Joffe, who will leave her position as senior counsel at Holland & Knight LLP, where she specializes in labor and employment law. “In my field, every phase of the practice depends on writing cogently, precisely and persuasively.”

Joffe began her career teaching English composition and other writing classes to undergraduates at colleges, including Nassau Community and Five Towns College. But a longstanding interest in the law motivated her to take the LSATs and do so well that Hofstra Law gave her a full merit scholarship to attend.

She graduated first in her class while serving as articles editor of the Hofstra Law Review, and managed this feat while her two children were still in elementary school.

She went from Hofstra Law to clerking for Federal District Court Judge Reena Raggi, who has since ascended to the Second Circuit Court of Appeals. But her interest in employment law was sparked by a summer working on ERISA cases at Paul, Weiss, Rifkind, Wharton & Garrison in Manhattan. After three years with that firm, she moved to the former Rains & Pogrebni, a boutique firm specializing in labor and employment law, before joining Holland & Knight in Manhattan.

Among her many publications and presentations on alternate dispute resolution, privacy in the workplace and other current issues in employment law, Joffe is a contributing author to the “Discrimination/Retaliation” section of the Family and Medical Leave Act treatise to be published by the American Bar Association in 2006.

Joffe, who lives on Long Island, has served as a volunteer small claims arbitrator and has mentored students in LaGuardia High School’s moot court/mock trial program. In her local community, Joffe is a leader in her synagogue’s social action programs, and is a founding member of the Merrick Bellmore Bikur Cholim, which coordinates visits to the ill, blood drives and charitable activities.
Aaron Twerski:

By Mindy Ferrantino Wolfe

In a very real sense, Dean Aaron Twerski is every bit an alumnus of Hofstra University School of Law. A professor of law from 1972 through 1986, and the interim dean from 1977 to 1978, Aaron Twerski returned to his Hofstra roots this past June to lead the Law School through what promises to be a period of unprecedented growth.

When Dean Twerski was approached last fall by his old friend, University President Stuart Rabinowitz, with the prospect of becoming dean, his first reaction was an unequivocal “no.” After all, he had a very tranquil life as a law professor at Brooklyn Law School since 1986; his career writing, teaching and consulting was rewarding; he saw things as very rosy, so why change? But something happened during that conversation. As Dean Twerski says, “Stuart Rabinowitz put a bee in my bonnet. Depending on what I saw here, this could be an interesting, new challenge.”

So what motivates this gentleman, a preeminent authority in the areas of products liability and tort law, to take on a challenge that he admits he could work at 20 hours a day and still not finish? “While I still intend to write and teach, at a lesser pace, of course, this is an exciting time at the Law School. It is about to take off. The value of a Hofstra degree is directly proportionate to the strength of the reputation of the Law School.” How does the dean intend to make it possible for the Law School to reach these heights? With the advent of the part-time evening division and other growth initiatives, there is the opportunity over the next three years to hire 10 new faculty members, which will place an imprint on the character of the Law School. Five slots are aggressively being recruited for the coming year. As the dean remarks, “The faculty at Hofstra Law can hold its own with the best anywhere. The faculty includes many prolific scholars, but this is also a strongly student-oriented faculty. They have their priorities right. When the faculty of a law school retains its sight on the students, its mission has been accomplished.”

The dean is adamant when the subject of law as a calling versus law as a job creeps into a conversation. His voice rises when he says that attorneys have to view the law as a calling.
ing, a dedication to clients and justice. He has told students that if they do not respond to clients in a humane way, “they should go out and sell shoes.” Regardless of the practice area, Twerski reminds his students that people’s lives are in their hands.

When asked about his vision for the Law School, the dean rattle off several in quick succession: To build on the excellence of the faculty; to expand the number of out-of-state students, now at about 50 percent, in order to draw from an even greater pool of highly-qualified students; and to create new programs, strengthen existing ones, and foster an overall emphasis on skills programs. Building on the school’s prominence in litigation training, which has been at the core of its mission since its founding in 1970, Dean Twerski is set on creating an innovative array of programs to prepare students for their legal careers. According to Marshall Tracht, vice dean and professor of law, “Combining traditional legal scholarship with simulation and actual practice opportunities prepares students for the real world of legal practice. Dean Twerski has embraced this model and is dedicated to making Hofstra Law’s skills program one of the most extensive in the country.”

Twerski has added two clinics this year—a Securities Arbitration Clinic that will begin in January and a Not-For-Profit Corporate Clinic that will begin in September—bringing the total number up to seven. The Law School has long been the Northeast Regional Center for the National Institute for Trial Advocacy, the nation’s leading provider of advanced litigation training for experienced attorneys, and NITA programs provide a number of unique opportunities for students to develop their skills alongside experienced litigators. Other skills programs run the gamut from Appellate Advocacy to Courtroom Criminal Procedure to Mediation Clinic to Pretrial Skills, and dozens of others equally varied and compelling.

The dean grows passionate when speaking about Hofstra’s International Law program. Citing the extraordinary strengths of the school’s 28 International Law courses, he comments, “International Law is an area of importance in the world today. Globalization is a fact of life and students must be trained for it. I am committed to strengthening the school’s already impressive International Law and Corporate Law programs.”

This commitment is in even greater evidence when the dean speaks of another area of the law. “Family Law has long been a stepchild of most law schools in the country, but it is the area that most people come in contact with the law.” Hofstra Law has an exceptionally deep and talented pool of family law faculty, and a range of family law programs probably unequalled in the country. With a masters program in Family Law in the planning stages, and such existing programs as the Center for Children, Families and the Law, the Parent Education and Custody Effectiveness Program, the Child Advocacy Clinic and a wide range of traditional classroom and simulation courses, the dean envisions Hofstra continuing its role in the forefront of Family Law research and education. Then there’s the area of Torts. Just the mention of the subject brings a special gleam to Twerski’s eyes. Tort law has always fascinated him for its elemental human interaction. He states that Tort case books have the most absorbing stories. “Torts represent a violation of what is good and decent in human behavior. It’s the human element that makes it so interesting to me. These stories encompass all the facets of people’s lives.” The Dean has represented both defendants and plaintiffs in tort litigation. When asked if he’s represented so-called “Bad guys,” the Dean responded that it’s not always clear that a defendant is at fault. On both sides of the tort equation, he states that no one can guarantee the results of a case, regardless of how it might appear going in.

While Twerski’s zeal carries through to any number of subjects, he is especially fervent when the subject turns to discrimination. “In 1966, I was a teaching fellow at Harvard, which was sort of a guaranteed entrée into the world of law schools. But when my fellowship was over, all the other fellows had five or six offers to teach from various law schools. I didn’t even have one. I realized that no one would hire me because of the way I looked. In the end, it was late in the hiring season and Duquesne University lost a faculty member and they needed someone, and that’s how I got my break ... Unfortunately, someone who looks Chasidic today still has a problem.” Relating to his experience 40 years ago, he states, “I have no place for discrimination. Having experienced it first hand, it will not happen on my watch. With efforts, including outreach, scholarships, student group involvement, and a very engaged Admissions office, we are working hard to attract a diverse student body.”

“International Law is an area of importance in the world today. Globalization is a fact of life and students must be trained for it.”

Dean Twerski has a special message to the alumni readers of the Hofstra Law Report: “This is an exciting time in the history of the Law School. We need your involvement, and I don’t mean just financial support. There are 1,000 different ways for alumni to help grow your law school. Participate in events, hire our graduates, get involved in your bar associations, contribute to our profession and the well-being of your law school. I hope to keep our alumni well-informed on all that is going on here. With information, you can take pride in the merits of Hofstra University School of Law.”

The Law School Founded with the Purpose of Training Great Lawyers Stays True to Its Mission

By Frances Cerra Whittelsey

When the Hofstra University School of Law admitted its first class in 1970, it was the first new law school to be organized in New York State in 40 years. But its novelty went beyond the chronological. The founding dean, Malachy Mahon, decided at the outset that the faculty would be a "mix of doers, thinkers and those inclined to continuing active public service" and excellent teachers; that the curriculum would not be structured "principally for corporate service but would equally stress professional responsibility and opportunities to serve the public;" and that clinical programs would involve the law school with the community around it to a degree that was unprecedented at the time among law schools.

Dean Mahon’s prescription for an excellent law school — which he describes in a history he wrote of those early years — has been followed ever since. The school has grown much larger than he anticipated. Nevertheless, it “is every bit as good as I had hoped,” he says, a jewel of impressive size which is attracting ever larger numbers of applicants and outstanding faculty from all across the country.

Today, the school’s greatest strength continues to be the excellence of its faculty, many of whom play integral roles in some of the most contentious and important public issues in law while also emphasizing teaching and scholarship.

The story of how the school has flourished is a story of dedication and unrelenting effort by key individuals, some of whom have been with the school since its founding.

In his history, Dean Mahon describes an early effort to recruit an established professor from another university, only to have his overture brushed off dismissively. He was not discouraged. The first person he hired was the school’s first librarian, Eugene M. Wypyski, whom Mahon had known at Fordham. Then, he tapped another Fordham colleague, Robert M. Hanlon, as assistant dean and associate professor. Soon, he no longer had to worry about being brushed off: he had 200 applications for the founding faculty positions.

Ultimately, he settled on David K. Kadane, corporation counsel for the Long Island Lighting Company; Judith T. Younger, New York State assistant attorney general; Eric
J. Schmertz, renowned labor lawyer; Burton C. Agata, senior counsel to the National Commission on Reform of Federal Criminal Laws; and, Professor Josephine Y. King, law professor from Buffalo Law School.

“Intimate” and “inspirational” might be the best words to describe the fledgling law school when its first class of 79 students started classes. Among that first group were Charles Cummings, Jack Farley and Roslind Gordon. “It was basically a three- to four-room tiny building with a library in the basement,” recalls Cummings, now a partner at Baker & McKenzie, the largest law firm in the world. “There were six faculty, and we knew their kids, their family lives, their cars— we had terrific access.”

Professor Kadane organized the school’s first community legal clinic. Working there profoundly affected Mahon. “There were six faculty, and we knew their kids, their family lives, their cars—we had terrific access.”

Professor Kadane organized the school’s first community legal clinic. Working there profoundly affected Mahon. “There were six faculty, and we knew their kids, their family lives, their cars—we had terrific access.”

Gordon found a role model and lifetime friend in another faculty member, Judith Younger, who later became the first woman dean of a law school (Syracuse University Law School). Gordon remembers how the students became involved in basic decisions. “There was a debate about whether we should have a traditional law review or something else,” she said. “We had a vote and the traditionalists won—I was one of them.”

Gordon is vice president and human resources legal counsel worldwide for Pitney Bowes. The Hofstra Law Review she and her classmates founded has since been cited authoritatively by state and federal courts including the U.S. Supreme Court.

The very first student admitted was Jack Farley, a Vietnam veteran who had lost a leg in combat and “wanted a career I could do with my head.” He found his classmates “exceptionally diverse with wonderful minds.” During his 16-year term as a judge on the United States Court of Appeals for Veterans Claims, Farley now retired, hired 11 Hofstra grads to be his clerks.

With the first students enrolled and in classes, and the library stocked with 65,000 volumes, Dean Mahon and the founding faculty succeeded in gaining accreditation from the American Bar Association in that very first year. “The speed of the approval, which came after repeated visits to the school by representatives of the ABA, was remarkable.”

During the second year of operation, Mahon received a recommendation from a Harvard professor to hire “an extremely able man” who, as an Orthodox Jew, was not pleased with the educational options available to his children in Pittsburgh, where he was a tenured full professor at Duquesne Law School. Two weeks after visiting Hofstra, Aaron Twerski was offered and accepted an appointment as professor at Hofstra.

Also that year, Mahon finished recruiting all of the initial faculty members the school required. Among the final group hired in 1972 was Stuart Rabinowitz, now president of Hofstra University, who had graduated from Columbia Law School only three years earlier. This initial faculty was unusually diverse, including three African-Americans, one Puerto Rican and five women.

In August, 1972, satisfied that the fledgling law school was well-established, Dean Mahon announced his intention to give up the leadership role in favor of teaching. But he is still at Hofstra, occupying a chair as the Siggi B. Wilzig Distinguished Professor of Banking Law.

The search for a second dean culminated with the appointment of Monroe Freedman in 1973. “That was concrete evidence to us that after three years of existence, Hofstra Law could already attract a brilliant, well-known and very charismatic new leader,” remembers Stuart Rabinowitz. A scholar of legal ethics, Freedman emphasized professional responsibility and ethics in the training of new lawyers.

To the next dean, John Regan, fell the responsibility of regularizing the relationship between the law school and the students it served.}

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A Legacy of Shared Memories

Unites Generations of Hofstra Law Families

When Kim Schecter was growing up, she often heard her mother say that a law school education was invaluable because it makes you think like a lawyer. As with many bits of repeated parental wisdom, this one fell on ears that were not receptive, at least not at that time. But 10 years after she graduated from college, Kim realized that she did want a legal education after all, and she wanted it to be at Hofstra, the very same school her mother attended.

Now, as she completes her final year, she admits to giggling when she realizes that she is probably sitting in the very same front-row chairs, in the very same class-rooms, where her mother sat. Her decision to attend Hofstra Law also resulted in flying to Nice, France, with her mother in the summer of 2004. There they both attended Hofstra Law’s international program, studying together and attending lectures by U.S. Supreme Court Justice Ruth Bader Ginsburg.

Melissa Schoffer has been following in her father’s footsteps from the very beginning, first attending the same high school he did, then the same college, Rutgers’s University. So, it wasn’t a surprise, when she decided to go to Hofstra Law. A 2005 graduate, she frequently studied in the John Falk Room, named for a former Hofstra Law student who died in a plane crash and whose mother endowed a scholarship in his name.

Rhona Silver also conveyed her enthusiasm for the school to her daughter. Silver, class of 1980, is the owner of the Huntington Town House, one of Long Island’s premier catering establishments. “I would not own the Huntington Town House if I had not gone to law school,” says Silver. She explained that because of her law school education, she had been able to think through how to purchase the Town House after its owner died and left it as part of his estate.

Silver’s daughter, Rebecca, graduated last May, and Silver took part in the ceremony. “Hooding my daughter was one of the most special moments of my life,” she says. “I was honored.”

Last spring, Melissa noticed that photos of Falk’s study group had been hung in the room. And there in the photos, looking out at her while she studied, was her father, Leo, class of 1977. He had been Falk’s best friend.

Such are the delicious experiences enjoyed by the sons and daughters of Hofstra Law alumni, members of families who have made Hofstra a tradition and a legacy that they hope will be passed down to coming generations. These second-generation Hofstra Law students heard nothing but superlatives about the school from their parents.

“My children knew how thrilled I was with my education at Hofstra Law and that I treasure the school,” said Barbara Greenberg, class of 1983, and mother to Kim Schecter and her brother, James Greenberg, class of 1998.

“I didn’t urge my daughter to be a lawyer, but I said if she wanted to go to law school, it had to be Hofstra Law,” said Leo Schoffer, Melissa’s father. “The professors were fantastic, I loved the classes and made friends I still have.”

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BY FRANCES CERRA WHITTELSEY

Unites Generations of Hofstra Law Families

When Kim Schecter was growing up, she often heard her mother say that a law school education was invaluable because it makes you think like a lawyer. As with many bits of repeated parental wisdom, this one fell on ears that were not receptive, at least not at that time. But 10 years after she graduated from college, Kim realized that she did want a legal education after all, and she wanted it to be at Hofstra, the very same school her mother attended.

Now, as she completes her final year, she admits to giggling when she realizes that she is probably sitting in the very same front-row chairs, in the very same class-rooms, where her mother sat. Her decision to attend Hofstra Law also resulted in flying to Nice, France, with her mother in the summer of 2004. There they both attended Hofstra Law’s international program, studying together and attending lectures by U.S. Supreme Court Justice Ruth Bader Ginsburg.

Melissa Schoffer has been following in her father’s footsteps from the very beginning, first attending the same high school he did, then the same college, Rutgers’s University. So, it wasn’t a surprise, when she decided to go to Hofstra Law. A 2005 graduate, she frequently studied in the John Falk Room, named for a former Hofstra Law student who died in a plane crash and whose mother endowed a scholarship in his name.

Rhona Silver also conveyed her enthusiasm for the school to her daughter. Silver, class of 1980, is the owner of the Huntington Town House, one of Long Island’s premier catering establishments. “I would not own the Huntington Town House if I had not gone to law school,” says Silver. She explained that because of her law school education, she had been able to think through how to purchase the Town House after its owner died and left it as part of his estate.

Silver’s daughter, Rebecca, graduated last May, and Silver took part in the ceremony. “Hooding my daughter was one of the most special moments of my life,” she says. “I was honored.”
and the university as a whole, says Rabinowitz. This set the stage for Eric Schmertz, who became dean in 1982. Schmertz developed the school’s labor law curriculum and founded the nationally prominent Labor and Employment Law Journal. Seeking to gain further respect and support for the faculty, he also succeeded in establishing 16 distinguished professorships. Furthermore, he gained a commitment from the university to build a new law library, and began the first outside fundraising effort. Like Mahon, Schmertz stayed on at Hofstra after his years as dean. Today, he is professor emeritus and the Edward F. Carlough Distinguished Professor of Labor Law as well as Special Assistant to the President.

Rabinowitz built on the work of his predecessors. “I wanted the faculty to be part of the national scholarly debate,” he recalled. He encouraged their participation in the public forum by getting the university and the law school faculty to include a merit component in their pay. He also provided summer research grants that amounted to the equivalent of pay for a summer course, and increased the number of sabbaticals.

He also began the school’s first capital campaign, raising $15 million for building renovations and scholarships.

It was also during Rabinowitz’s tenure as dean that the school initiated its international programs and greatly expanded its clinics. Students can now attend international programs in Nice, France, Sydney, Australia, and Sorrento, as well as a three-week winter session on the Caribbean island of Curaçao. The Nice program has been taught by Supreme Court Justices Antonin Scalia and Ruth Bader Ginsburg.

Clinic students have prevented the deportation of individuals seeking political asylum in the United States, but who have difficulty explaining or documenting their need for protection. In fact, as of spring, 2005, the political asylum clinic had an unprecedented 10-0 winning record, the result of painstaking research and scores of hours interviewing clients. For example, a Nepalese man, a political activist, had been brutally beaten by Maoists before fleeing to the United States. Thanks to the students, he was granted asylum.

In the housing rights clinic, other students won a case this year that will force the Rent Guidelines Board in Nassau County to make proper findings of fact before raising rents. In another on-going housing case involving 150 Latino immigrants living in a neglected apartment building, students are working to stop condemnation of the building and have forced the landlord to make repairs.

In 2001, when Rabinowitz became president of the university, David Yellen took over as dean. Under Dean Yellen and Interim Dean Alan Resnick, the Law School launched its Evening Division. This part-time program was designed for students, typically with full-time jobs or family responsibilities, to complete law school over a period of four to four-and-a-half years. Approximately 90 students were enrolled in the first year. Interest in the program continues to rise in the quantity and quality of applications, with this year’s class consisting of 92 students.

A student today can get a joint J.D./M.B.A. in conjunction with the Hofstra University Frank G. Zarb School of Business. The Law School also offers an LL.M. Degree with concentrations in American Legal Studies for foreign law graduates and International Law for U.S. and foreign law graduates and International Law for U.S. and the school undertook a comprehensive review of the curriculum, expanded areas of established excellence such as trial advocacy and alternative dispute resolution, and developed courses in areas of growing importance such as intellectual property and health law.

The 1970 founding vision for Hofstra Law was a faculty comprised of a “mix of doers, thinkers and those inclined to continuing active public service.”
foreign law graduates and starting next year will offer an LL.M. in Family Law.

In 2002, Hofstra Law established a fellowship program for up to three incoming students with a history of advocacy for children who have not been in school for a very long time. “Hofstra Law seemed to really be behind me and my goals, more so than the other universities that accepted me,” he said. Fiske, 25, was a geology major at Ohio State University, but said the Iraq war, and the Bush administration’s support for the Defense of Marriage Act that passed in his home state, changed his career direction. “The only thing I can thank the Bush Administration for is helping me to realize that I want to spend my life fighting their concept of America,” he said. Fiske graduated from college in December, 2003, but took time off to work and travel.

Another special program, the Child Advocacy Fellowship Program, supports up to six students who intend to pursue careers in that field of law. They receive scholarships and paid summer externship stipends. In return, they commit to three years of work in public service child and family advocacy after graduation.

A first-year student this fall who is benefiting from that program is John D’Alessandro, 43, a just-retired detective supervisor. He organized Westchester County’s program for investigating child abuse and neglect and wants to expand his work with children and families into legal advocacy. “There are no other schools in this area that offer anything related to child abuse,” he said. When he came to the campus for interviews and meetings, he said, he “couldn’t believe the dedication of the professors and the opportunity to have upper class and alumni mentors” who would be available to help “someone like me who hasn’t been in school for a very long time.”

Professor Andrew Schepard, director of Hofstra’s Center for Children, Families and the Law, is the editor of the Family Court Review, a leading family law journal. It is sponsored by the Association of Family and Conciliation Courts and published at Hofstra with the help of a student editorial board.

During the years since the school established a first-year moot court program under Dean Malon, moot court has come to involve second- and third-year students as well. Hofstra Law teams regularly earn top awards in the Long Island competition and finish among the top teams in national competitions. First- and second-year students compete in-house, writing and arguing appellate briefs under the supervision of third-year students who devise the cases and act as mentors to the younger students. The finalists in the intramural competition argue their cases before a panel of faculty, alumni and guest jurists. More than 100 students compete in the intramural contest or participate in the student-run competition.

At 35, Hofstra Law is still a young law school, but the ranks of alumni have now grown to include nearly 8,000 lawyers. “We are starting to develop a strong alumni network,” said Rabinowitz. “We have riches in trial litigation, negotiating and counseling. Some of the best trial lawyers in the country are graduates.”

This fall, the new class numbers 270 full-time students and 92 part-timers, most of whom attend the evening division that enrolled its first class in fall, 2004. At a time when most law schools are seeing a decline or flattening in the number of students applying, Hofstra is defying the trend. There were more than 5,000 applicants for this year’s class, compared to 1,800 in 2000.

As testimony to the growing national reputation of the school, more than 50 percent of the students are coming to Hofstra from outside the New York area.

But has Hofstra Law achieved its goal of becoming a great law school? Outside entities like U.S. News & World Report have set their own criteria, and by their lights, Hofstra Law does not rank in the top 50 nationally. It’s a judgment that rankles Rabinowitz, who points out, for example, that the magazine doesn’t take into account the extraordinary talent of Hofstra’s faculty or the success of its graduates.

With a strong alumni association, robust fund-raising, its graduates moving into the highest echelons of private law practice as well as in government and the non-profit sector, an outstanding physical plant and library, world-class faculty dedicated to both teaching and scholarship, visiting lectures from three Supreme Court justices, and strong leadership in the person of Aaron Twerski, the new dean, wider recognition of Hofstra’s faculty or the success of its graduates.

For the Love of Bankruptcy

Alan Resnick on the Bankruptcy Reform Act, Teaching and a Career-long Dedication to Hofstra Law

By Mindy Ferrentino Wolfle

A conversation with Alan Resnick, a member of Hofstra Law’s faculty for more than 30 years and its interim dean from June 2004 to June 2005, is liberally peppered with words of passion and enthusiasm. This from the man who is a nationally recognized authority on bankruptcy law, a man who has been appointed by the late Chief Justice William H. Rehnquist not once, but three times, to the Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States. Both erudite and down to earth, Professor Resnick’s extracurricular activities took him to Washington, D.C., this past summer with the mission of making procedural sense of a law he passionately argued against.

On April 14, 2005, Congress passed the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (S.256). Signed into law by President George W. Bush on April 20, the Act is viewed as one of Bush’s biggest second-term legislative victories. But Resnick, who serves as editor-in-chief of Collier on Bankruptcy, and is the author of Bankruptcy Law Manual, a widely used treatise, among dozens of other scholarly writings, has been vocal in his opposition to the Act. He is not alone in his opposition; at least 100 bankruptcy professors have rallied against the Act for almost eight years.

Resnick’s major criticisms: “The devil is in the details of the law. This five-hundred page bill is more burdensome and onerous for the consumer. When you state the reason for reform, it sounds like a bill that makes sense. But when you look at the details, it becomes clear that a title which includes the term ‘Consumer Protection’ is a terrible misnomer.”
Professor Resnick clearly believes that people should pay what they reasonably can to satisfy their debts, yet the formula used to determine what debtors should pay is grievously flawed. Simply stated (although it is difficult to simply state the arcane methods set by the new law), the Act establishes a means test to determine whether a debtor is eligible for Chapter 7 relief, which generally discharges unsecured debts, or must file under Chapter 13, which requires debtors to repay certain creditors in installments over three to five years. Sounds logical and fair, no? As Resnick explains, the rub is in the formula on which the means test is based. In theory, after computing monthly income versus expenses, what’s left over goes to creditors. The so-called left over income pushes people out of the Chapter 7 eligibility realm and into the Chapter 13 province. Once the debtor is forced into Chapter 13 bankruptcy, all disposable income must be devoted to pay creditors over the next five years. However, the means test is based on Internal Revenue Service guidelines of what expenses should be, not what they really are.

Even more unfathomable is the government’s method of determining “current income.” Resnick provides a representative example: A laid-off individual who had been earning $10,000 a month files for bankruptcy one month later, when income is reduced to $1,600 a month in unemployment insurance benefits. The means test calls for monthly income to be computed as the average of the last six months of earnings, despite the obvious fact that the individual no longer has this income. As Resnick says, “The determination of income less expenses is make believe. This bill was the deliberate design of the credit card industry to close the door of the bankruptcy courts to many consumers, and to force consumers to pay more.”

Resnick further cautions on the adverse effect the Act will have on small businesses, which account for more than 99% of the country’s 24 million businesses. The bill places onerous requirements on financially troubled small business owners and entrepreneurs who want to file Chapter 11 to reorganize their businesses. Resnick states, “This bill makes it more difficult to save a small business. The result will be more liquidations and terminations of small businesses and less reorganization. The bill is clearly anti-small business.”

Resnick expressed these views before a House of Representatives subcommittee when he testified on behalf of the National Bankruptcy Conference, an organization consisting of 6% of the leading bankruptcy lawyers, judges, and professors who study the operation of bankruptcy laws and propose reform. Resnick, a member of the Conference for more than 20 years, serves on its executive committee.

Professor Resnick has spent much of the summer working as a member of an elite team charged with drafting and promulgating the procedural rules to implement the Act. The day after the President signed the Act into law, Resnick was in Washington at a meeting of the Judicial Conference’s Advisory Committee on Bankruptcy Rules to map out how to put the legislation into practice. He sees his role as promul-
Mitch Gans

By
Frances Cerra Whittelsey

while I may have lost the battle, it’s now the law of the land and I have assumed responsibility for making the system work the best that it can.”

preparation for the classroom. And he loves his students, some of whom he met when he was a 26-year-old, first-year law instructor at Hofstra. Those feelings are returned by the students. Professor Resnick’s evaluations are always among the best at the Law School, with students praising his extraordinary command of the material along with his ability to bring the material alive. He can do this, in part, because he is so intimately involved in bankruptcy scholarship, policy and practice at every level. Professor Resnick has a working affiliation with Fried, Frank, Harris, Shriver & Jacobson LLP; the prominent international firm, where he regularly consults on complex corporate reorganization cases with Brad Scheler, chair of the firm’s Bankruptcy and Restructuring Department and a 1977 graduate of Hofstra Law. Brad attended the very first class taught by Resnick — Contracts — and they became lifelong friends. Vivek Melwani, a partner in the same department at Fried Frank, is a former student and 1994 Hofstra Law alumnus, and several of the young associates doing bankruptcy work at the firm are Resnick’s former students. Resnick views his practice with similar personal satisfaction — being able to save viable companies in financial crisis, reorganizing to reduce debt, changing the debt structure, even making creditors into shareholders. He is part of a solution to save jobs and to rehabilitate rather than liquidate. When it comes to a failed bankruptcy case, Resnick likens it to “turning off the lights and then you have unemployment.”

Professor Resnick’s expertise is in high demand and, as usual, he has a full complement of speaking engagements throughout the fall. He will be a speaker at Bankruptcy and Reorganization conferences at NYU, and the University of Texas, and at the National Conference of Bankruptcy Judges. A listing of his published books and articles on the Fried Frank Web site takes up nearly six pages, and his speaking engagements comprise another Web page.

Resnick describes his year as interim dean of the Law School as “interesting, exciting, and a terrific learning experience.” It was one year to do something he’d never done before, and a real eye-opener after 31 years at Hofstra Law, which put the faculty into a new light for him. “I saw just how wonderful and talented the faculty here is, and I got to know and appreciate the administration and staff in a way I never had before. Working together with [Vice Dean Marshall Tracht, the assistant deans, and the other administrators] made me realize just how knowledgeable and dedicated the Law School administration is. People who were formerly acquaintances became trusted colleagues. I also got to work with Stuart [Rabinowitz, Hofstra University President] again. We were ‘the kids’ back in the 1970s, when we were young faculty members. It was an enormous pleasure being interim dean with Stuart at the helm of the University. It also was terrific dealing with [Provost and Senior Vice President for Academic Affairs] Herman Berliner on a daily basis. I was extremely fortunate to have had the opportunity to work with such talented academic leaders.”

Professor Mitchell Gans was at home in the kitchen, his laptop sharing the breakfast table with a pot of coffee and the broad sheets of The New York Times. His classes on tax and estate law were over for the spring, so Gans was using his free time to pursue his hobby: tax and estate law.

This is how it has been for Gans since he was 19, and his study of accounting came to an interaction with the law. Ever since, says the newly installed Steven A. Horwitz Distinguished Professor of Tax Law, his vocation, avocation and passion have been the body of laws that “at bottom, decide who that you retain the gift tax even while repealing the estate tax until the year 2010. Just as extraordinary, agreed the speakers at Gans’s installation, he is a student favorite, voted Professor of the Year in 2005 and 2004 despite what many legal decisions. Their evaluations of the class were so favorable that NYU asked him to help revise their tax offerings with regard to estates and trusts to teach a class on that subject in fall 2005. His influence has also been felt nationally. In 2001, because of an article on the estate and gift taxes that Gans wrote with Blattmachr, the U.S. Senate decided to retain the gift tax even while repealing the estate tax until the year 2010. Just as extraordinary, agreed the speakers at Gans’s installation, he is a student favorite, voted Professor of the Year in 2005 and 2004 despite what many people might regard as the dryness of his subject. “I think I’m fairly empathic and very sensitive to my audience, and that enables me to hear the unasked question or to appreciate quickly where I may be failing to get something across,” explained Gans, who has a broad and easy smile. “Also, my passion for the material comes through, and I think they become inspired as a result.”

Few professors are as thoroughly a product of Hofstra as Gans. He received a bachelor’s degree in accounting from Hofstra and then a law degree from Hofstra Law in 1974. After clerking for the Honorable Jacob D. Fuchsberg of the New York State Court of Appeals, he joined the firm of Simpson, Thacher & Bartlett, but was recruited for the Hofstra faculty in 1978.

Gans grew up in Long Beach, and now resides on Long Island with his wife, a psychologist, and their 17-year-old daughter. When asked about hobbies, Gans talked about time with his family and his cultural interests. But, to a very large extent, he finds his stimulation in the world of law, which never ceases to fascinate him. He found a kindred spirit in Blattmachr, whom he met while he was at Simpson, Thacher in the 1970s. Virtually every day, Gans is in touch with his friends by e-mail and telephone as the two co-author articles and use each other as both sounding board and invaluable resource.

“What makes the interaction so wonderful,” explained Gans, “is that he brings me the questions and problems of every-day practice, which I can then bring to the students, and I bring him the academic perspective. It’s the perfect relationship.”
When Hofstra Law was founded its mission was clear: to combine traditional methods of doctrinal learning and legal analysis with training in real-world skills to produce graduates prepared to actually practice law. At Hofstra Law, students would learn not only to think like lawyers, but also to act like lawyers. Hofstra Law became one of the first law schools in the country to offer faculty-supervised legal clinics and to expand the curriculum to include a wide variety of hands-on, experiential courses like Courtroom Criminal Procedure, Pretrial Practice, and The Prosecutor’s Role. The school became the regional home of the National Institute for Trial Advocacy (NITA), and gained a distinct reputation for providing skills training with depth and rigor.

Most of the effort focused on litigation: how to construct a theory of the case, for example, or how to examine an expert witness. But more recently, Hofstra Law has expanded its focus on skills-based training to the transactional side of practice, too, offering a host of new courses designed specifically to help law students navigate the business world.

“These classes are nothing like what we’ve taught before,” explains Professor Richard K. Neumann, Jr., a leading expert in legal writing and reasoning. “We are taking students inside the business world and teaching them how to manage face-to-face business negotiations, how to convert complex business deals into successful contracts, how to think like corporations and financial institutions.”

It might take years to master such skills working in a law firm. Hofstra Law students, however, will have a clear advantage by gaining valuable experience in the classroom, participating in new courses like Transactional Lawyering, Real Estate Negotiation and Complex Corporate Transactions.

“Just as we’ve given students unparalleled opportunities to hone their litigation skills, we are developing a curriculum in commercial law that will allow students to excel in corporate practice,” said Dean and Professor of Law Aaron D. Twerski. “We are committed to expanding our skills-based model to reflect all aspects of commercial law and addressing the specific needs of business practitioners.”

In spring 2006 the Law School will open a Securities Arbitration Clinic, in which students will represent small investors in arbitrations against brokers and securities dealers. “This marks the next stage in the evolution of our clinical offerings,” said Vice Dean and Professor of Law Marshall Tracht. “It is our first business-oriented clinic and will provide not only the chance for students to learn the skills of arbitration, but also the opportunity to study and understand the inner-workings of securities markets.”

Traditionally, this sort of business knowledge was taught strictly in business schools. But over the years, as lawyers’ roles have expanded and evolved in the commercial arena, the legal academy has begun to recognize the importance of addressing business practices in greater depth.
“Business schools have a different focus on the material, one that’s not always appropriate for law students,” said Tracht, who earned an M.B.A. from Wharton. “Some of the material may overlap but it is taught from a different point of view.”

For example, in Professor Neumann’s course Transactional Lawyering, students learn by actually negotiating a business deal over the course of the semester, experiencing firsthand the legal issues that arise in a real-world context: “I give them a scenario — let’s say an apparel manufacturer wants to use a tennis player to advertise its products — and it’s up to the students to negotiate the contract to make this happen.”

“Students representing the manufacturer must brainstorm about all the things that could potentially go wrong, things the manufacturer must be protected from, like what if the player is arrested for drunk driving or gets into a brawl. Would the manufacturer have the right to cancel the contract?” asks Neumann.

The intellectual exercise teaches lawyering foresight, how to strategize, how to use contract law to get favorable results for your client, how to negotiate face-to-face over language. “It becomes a form of horse-trading and gives them hands-on practice in putting a deal together.”

As the negotiations progress, Neumann leads the students in deconstructing the process. “We talk about why certain concepts ended up in the contract, what their goals were and to master legal concepts by working with them extensively within a specific factual context. This past July, Professor Neumann co-chaired a national conference titled “Teaching Contract Drafting,” which took place at Northwestern University School of Law. He gave the keynote address, sharing his passion for this skills-driven approach and urging law professors from around the country to broaden their teaching methods. “We must teach law students how to do the work of lawyering,” said Neumann. “Businesses expect attorneys to be intimately familiar with the world of commerce, to be fully prepared to meet their needs. It’s imperative that we expand our curricula to fulfill this requirement.”

Neumann has plenty of support at Hofstra for his point of view: “There is no excuse for law schools to continue teaching the same way they taught 100, 50 or even 25 years ago given today’s typical law practice,” said Adjunct Professor Emanuel B. Halper, who has worked in real estate law and development for the past four decades.

Halper joined Hofstra Law’s faculty to teach Real Estate Negotiation and Commercial Leasing, two increasingly popular courses. Relying on his extensive experience, he walks students through negotiations over leases, construction financing, mortgage applications, and teaches other important skills, like how to read a land survey or interpret a loan document.

“These aren’t things you learn from a textbook or case law,” Halper states emphatically. “You have to know how the world really functions day-to-day. You can’t do mortgages if you don’t understand how the Federal Reserve System operates. You can’t lead financing negotiations without a solid understanding of the economics underlying the deal.”

Understanding how to successfully negotiate a deal is equally important. “There’s a real art to learning how to get somebody to agree to something you want,” he continued. “Students have to be able to see how the deal works for both sides, to think like the borrower and the lender. It’s vastly different from advocacy, where you’re all for your client and no one else matters. In real estate, if you act like that, you’re going to get eaten alive.”

Halper encourages his students not to be intimidated by “all the convoluted language and preposterous jargon” that routinely finds its way into real estate documents. “Most of this verbiage is of no significance whatsoever. It’s language that’s been copied from one generation to another to another,” he tells his students. “I’m teaching students how to get rid of that jargon,” he said. “It’s OK to use grammar just like you were taught in high school — you don’t just sprinkle commas everywhere.”

Similarly, Adjunct Professor Len Connolly, who worked in corporate securities and mergers and acquisitions at Dechert LLP shows students how poor business drafting can torpedo a deal. “We look at all kinds of business documents — employment agreements, commitment letters from financing companies, loan agreements — and dissect each one.”

In his Business Drafting course, Connolly gives students a transaction scenario — say the acquisition of one company by another — and then lets them loose to draft all of the necessary documents to make the transaction happen. “We deal a lot with the mechanics of corporate law and finance law,” he explained.

Most of Connolly’s students are third years who have already taken Business Organization. “They come out with a basic understanding, but they still would be lost if a client came in and asked them to merge A Corporation into B Corporation. That’s a whole different story.”

During the semester, students produce three to four significant writing assignments, which Connolly reviews line-by-line, word-by-word, inserting comments as needed. “It can take me hours to grade a single paper,” he said. “But I don’t know of any other way to do it that would be really beneficial.”

Adjunct Professor Jeff Seltzer also makes his Complex Corporate Transactions course as realistic as possible. “I give them tight deadlines to meet and assign an enormous amount of reading and research,” he explained. “This is what it’s like to be a big corporate lawyer. The roles are all blamed — you’re a lawyer, an accountant and a business manager — and I try to give them a flavor of that.”

Seltzer’s course materials include a mix of Harvard Business School case studies, Wall Street Journal articles, nonfiction books, and magazine pieces — anything that will illuminate how large transactions are put together. “We do a section on venture capital and entrepreneurs, we study actual transactions and proxy statements, we talk about the role of investment bankers and accountants, how to be an effective advisor. I really try to give them a framework they can use later in practice.”

Seltzer is tough on his students and makes no apologies. “Better to make your mistakes here than when you’ve got hundreds of millions of dollars at stake,” he chided. “This is the best experience they can get — at least until they’re called on to do it for real.”
Recent Publications, Activities and Honors of Hofstra Law Professors

Matthew Bodie
Associate Professor of Law
Activity: Bodie gave the first annual invited author’s lecture for the Georgia Law Review in Athens, Georgia on February 7.

Alafar S. Burke
Associate Professor of Law
Publications: CLOSE CASE (Henry Holt & Co. 2005) Broadcast Appearances: Burke appeared on Court TV’s Catherine Crier Live on March 1 to discuss the arrest of the BTK serial killer. She was inter- viewed on March 17 on Good Day New York about current celebrity trials. She was also interviewed by WMUR-DCO radio on April 7 about the Michael Jackson trial.

Bennett Capers
Associate Professor of Law

Robin Charlow
Professor of Law
Broadcast Appearances: Charlow appeared on WMW radio’s morning show on March 22 and TV55 on March 24 and 25 to discuss the Terri Schiavo case.
Activities: Charlow presented “The Elusive Meaning of Religious Equality” at the Law, Culture, and Humanities conference in Austin, Texas on March 11.

Nora V. Demleitner
Professor of Law
Broadcast Appearances: Demleitner appeared on WMW’s morning show on April 25 to discuss the use of Taer Stunners by police.
Activities: Demleitner gave a presentation, entitled “The School Board Scandal: Sentencing of the Culprits,” at Roshon High School in New York on February 7. She also gave a paper at the conference on “Sentence in the United States” and taught a short course on Women’s and Children’s Human Rights.

David A. Diamond
Professor of Law
Activities: Diamond gave a presentation, “Federal Litigation — The First Half,” as part of a Nassau County Bar Association program on federal courts in April.

Janet Dolgin
Jack & Felicia Dicker Distinguished Professor of Health Care Law

Eric M. Freedman
Professor of Law
Activities: Diamond gave a presentation, “Federal Litigation — The First Half,” as part of a Nassau County Bar Association program on federal courts in April.

Janet Dolgin
Jack & Felicia Dicker Distinguished Professor of Health Care Law

Eric M. Freedman
Professor of Law
Publications: Mend It or End It? The Revised ABA Capital Defense Representation Guidelines as an Opportunity to Reconsider the Death Penalty, 2 OHIO STATE JOURNAL OF CRIMI- NAL LAW 663 (2005)
Activities: Freedman appeared on a panel at “The Great War: Developments in the Law of habeas Corpus,” a symposium held at Cornell Law School on April 2 • He also spoke about the war on terror and the rule of law as part of the International Scene Lecture Series at the Hofstra Cultural Center on March 9.

Honors: Freedman submitted invited testimony to the Constitution Subcommittee of the House Judiciary Committee for a hearing on a proposal to amend federal habeas corpus statute for the benefit of Terri Schiavo.

Monroe H. Freedman
Professor of Law
Activities: Freedman gave the Labor lecture at Valparado Law School, entitled “An Ethical Manifesto for Public Defenders,” on March 17 • He also made presentations to the American Board of Criminal Lawyers on “JuryNullification” and to the N.Y. State Mental Health Lawyers on “Ethical Problems in Representing Incompetent Clients.”

Leon Friedman
Joseph Kushner Distinguished Professor of Civil Liberties Law
Honors: Friedman received the Stuart Rabenowitz Outstanding Faculty Award from the Hofstra Law School Alumni Association.

Scott Fruehwald
Professor of Legal Writing

Linda Galler
Professor of Law
Honors: He was installed as the first Monroe H. Freedman Professor of Tax Law on April 20. He received an “Excellence in Writing Award” from the Probate and Property Section of the ABA.

Mitchell Gans
Steven A. Horowitz Distinguished Professor of Tax Law

John DeWitt Gregory
Sidney and Walter Silver Distinguished Professor of Family Law

Joanna L. Grossman
Professor of Law and Associate Dean for Faculty Development
Activities: Grossman gave a faculty workshop on “The Portability of Marriage” at the University of North Carolina School of Law on March 24. She presented a paper on same-sex marriage at the Law and
FACULTY NOTES

Hofstra Law Report Fall 2005

Stefan H. Krieger
Professor of Law

Julian Ku
Associate Professor of Law

Activity: Ku launched Opinio Juris, a blog devoted to international law that attracted more than 3,000 visitors in its first two weeks.

Theo Liebmann
Clinical Professor


Alan N. Resnick
Benjamin Weismut Distinguished Professor of Bankruptcy Law

Andrew Scheppard
Professor of Law and Director of The Center for Children, Families and the Law


Norman L. Silberman
Professor of Law

Roy D. Simon
Howard Lichtenstein Distinguished Professor of Legal Ethics

Barbara A. Stark
Professor of Law

Marshall E. Tracht
Vice Dean and Professor of Law
Publications: Securities, in DEBTOR-CREDITOR LAW (Eisenberg, ed., Matthew Bender 2005)

Aaron D. Tverski
Dean and Professor of Law

Vern R. Walker
Professor of Law
Publications: Restroring the Individual Plaintiff to Tort Law by Rejecting “Junk Logic” About Specific Causation, 16 ALABAMA LAW REVIEW 381 (2004)

Activity: Walker presented a paper, entitled “A Default-Logic Model of Factfinding for United States Regulation of Food Safety,” at Maastricht University in the Netherlands in February. Honors: He was elected Chair of the Risk Science & Law Specialty Group of the Society for Risk Analysis in December.

Lauren Wren
Associate Clinical Professor
Publications: Weg gave a lecture at the University of Wisconsin- Madison on March 4 about protecting legal services to immigrants and undocumented individuals.

Michelle M. Wu
Associate Professor of Law; Director of the Deans Law Library Publications: Why Print and Electronic Resources are Essential to the Academic Law Library, 97 LAW LIBRARY JOURNAL 233 (2005)
Updates from Alumni throughout the World

74. Steven T. Kneuwer was honored as a Distinguished Alumna by the Hofstra Law Women on April 13, 2005 at their Spring Luncheon. HULW is a student-run organization dedicated to addressing women’s issues both in law and society as a whole. The organization is designed to introduce law students to female alumni in the community through a series of alumni-related events. Hofstra Law Women is also involved in volunteer work and fundraising for women’s issues, including raising money for victims of domestic violence and participating in the “Making Strides” walk to raise money for breast cancer.

76. Steven H. Schlesinger recently won $60,000 in poker at Foxwoods Resort Casino during the New England Poker Classic. Steven, managing partner of the Garden City law firm Izaak Schlesinger Hoffman, gives young lawyers a copy of a classic book by poker legend Mike Caro, The Book of Tell—The Body Language of Poker, which describes when players are bluffing and when they aren’t. Steven credits this book with helping him to learn so much about people and this skill has helped him become a good lawyer.

78. Leif H. Bohnstein was named Suffolk County’s Pro Bono Attorney of the Month for June 2005 by Nassau/Suffolk Law Services. Leif has devoted 297 hours to 130 cases since January 2000. A member of the Suffolk County Bar Association, the New York State Bar Association, the American Bankruptcy Institute, and an associate member of the National Association of Chapter 13 Trustees, Leif serves on the Board of the Suffolk County Bar Pro Bono Foundation. He has been a solo practitioner in Lake Ronkonkoma, NY, since 1980.

80. Robert Abrams has been teaching Selected Problems in New York Practice at Hofstra University School of Law since the spring semester 2004.

81. Peter A. Janoff, a lawyer in the area of real-estate management and a former prosecutor with the district attorney’s office in the Bronx, has become the general manager of the Fallsides Center mall in West Nyack, NY. Peter is a founding partner of Janoff and Gurevich, a real estate law firm in Manhattan, and most recently, principal of the Designer Outlet Gallery in Secaucus, N.J.

82. Jeffrey L. Nash is the recipient of the 2005 Camden County College (CCC) Pro-Bono/Disto-Beneficio Public Service Award. Unanimously chosen by the college’s board of trustees, Jeffrey received the award at CCC’s commencement ceremony on May 21. Each year CCC presents the award to exemplary individuals who have demonstrated the highest level of service benefiting both the college and the community. Jeffrey was chosen for his leadership and steadfast commitment to develop and expand the college, including his aggressive efforts to establish state-of-the-art campuses in Cherry Hill and Camden. Jeffrey concentrates his practice in the subrogation and recovery group at Cogan O’Connor’s Cherry Hill office. He is a Camden County freeholder and vice chairman of the Delaware River Port Authority. He is also the recipient of the 2004 New Jersey Boy Scouts of America Distinguished Citizen Award.

83. Richard H. Weiner has been named the 107th President of the Bergen County Bar Association. He is the managing partner of the Hackensack law firm of Aronsohn Weiner and Salerno PC, where he concentrates in the areas of commercial litigation and family law. Richard has been an active member of the Bergen County Bar since 1983 and a member of the board of trustees for 12 years. He is also a member of the Trial Attorneys of New Jersey and the New Jersey State Bar Association.

84. Douglas M. Lieberman and James C. Markotis, partners and founders of Markotis & Lieberman, a general practice firm in Hixsonville, NY, recently celebrated the 15th anniversary of the firm.

85. The Honorable Fred Seraphin is Florida’s first Haitian-American judge and was appointed on October 15, 2001 to serve on the County Court bench by Governor Jeb Bush. He is also a professor at Barry University where he teaches criminal law and civil procedure. In 1995, he returned to Haiti as part of the US Department of Justice Felon Trial Project. At the end of the project, he assisted in prosecuting those charged with several high profile political and humanitarian murders. He also returned to Haiti in 2002 and participated in multiple programs for judicial reform.

86. James Brukner has become associated with the firm of Desena & Sweeney and will practice in the areas of negligence and insurance defense. For the past ten years, Mr. Brukner has concentrated his practice on defense negligence, litigation and real estate matters.

88. Drew Fonrose is the Republican candidate for the mayor of Glen Cove, NY. He is the chairman of the Glen Cove NAACP Education Council, a member of the Coalition for Glen Cove, a founder of the Glen Cove Community Action Group and a mentor in the Glen Cove Youth Board Program. Drew was also a recent candidate for the Glen Cove School Board.

89. Andrea Phoenix has been elected president of the Women’s Bar Association of the State of New York. The organization’s first black president, she is a family law practitioner and law guardian who is of counsel to the Baldwin Firm of Stephen Bilis & Associates.
Leslie Berkoff, a partner in Garden City’s Mintom Hoyt Hamroff & Horowitz, was recently selected to serve on the Board of Editors for the Journal of Bankruptcy Law. The Journal is published for senior executives and in-house counsel at banks, bank holding companies, diversified financial services companies, regional and community-based commercial banks, thrift institutions, mortgage companies and other commercial businesses involved with borrowers and other kinds of debtors, as well as those outside professional advisors including attorneys in private practice.

Leslie has also been honored by the Child Care Council of Nassau Inc. for her volunteer advocacy on behalf of children’s rights. The council is a not-for-profit organization offering child care counseling and referrals to families as well as professional development and technical assistance to active and potential child care providers. Mrs. Berkoff is a partner in Mintom Hoyt’s Bankruptcy and Creditors’ Rights practice group where she concentrates her practice in the area of bankruptcy, litigation, corporate transactions and corporate workouts and represents a variety of corporate debtors, trustees, creditors and creditors’ committees.

Robyn Jaslow has been named the 2005 Humanitarian Honoree by the Nassau County Chapter American Cancer Society in Syosset. Robyn was diagnosed with breast cancer several years ago and became an advocate in the fight against the disease. She is a member of the Board of Visitors for the Cancer Center in Valley Stream. She counsels women newly diagnosed with breast cancer, facing them and/or the removal of ovaries. Robyn and her husband, Howard, have two sons.

Cheryl Glick married Jason Saywer, a chef, and bought a home in River Edge, NJ. Cheryl closed her private practice and has joined Centercom, a telecommunications company in New Jersey, as its in-house counsel.

Rob Baroni is a candidate for District Court Judge in the Town of Hempstead. While at Hofstra Law School, Rob was elected President of the student body and has successfully pursued a law career in the public sector for the past 13 years. He has served as Counsel to the Hempstead Town Board and is currently a Deputy Town Attorney. Rob is married to Maggie McKenna and they live in Levittown, NY. For more information about Rob, visit his web site at www.FriendsOfRobPia.org.

Michael Baroni is the first general counsel for BSH Home Appliances Corp., a wholly owned U.S. subsidiary of the German firm BSH Bosch and Siemens Hauserate GmbH—which is itself a joint venture of Germany’s Robert-Bosch GmbH and Siemens AG. BSH makes and markets dishwashers, ovens, washers, dryers, small appliances and vacuums. Its major brands include Bosch, Thermador and Gaggenau. Michael is a one-attorney law department for the company.

Michael C. Schmidt was one of four featured speakers at the Problem Employees & The Law Seminar in Melville, NY, on June 28, 2005. Michael’s presentation, titled “An Ounce of Prevention: Prepare for the Worst,” focused on employment at will, the covenant of good faith and fair dealing, implied contracts, anti-discrimination compliance, maintaining employee files, and how to avoid wrongful discharge claims, as part of the full-day event addressing a wide spectrum of employee issues. He practices in Cozen O’Connor’s New York Midtown office and concentrates his practice in commercial litigation and labor and employment law, focusing on large and small business issues pertaining to employer-employee relations, employment handbooks and policies, compliance with federal and state laws and litigation of employment discrimination and sexual harassment disputes.

Karl J. Wiemer has joined Stroock & Stroock & Lavan LLP in the firm’s Corporate Practice Group as Special Counsel. He has experience in all aspects of complex financial transactions, including: senior, mezzanine, subordinated and hybrid structures; second lien lending; acquisition finance; workout and restructuring; DIP and Chapter 11 exit financing; and asset based lending. Karl has represented lending institutions, investment funds, equity sponsors and borrowers. Prior to joining Stroock & Stroock, Karl served as of counsel in the New York office of Bingham McCutchen LLP.

Andrew Gould is the managing partner of Wick Phillips, Dallas, TX, and represents employers in all facets of labor and employment law, including defense of corporations in federal and state law discrimination, harassment and wrongful termination matters. He regularly counsels corporations concerning restrictive covenant law, strategic employment decisions, restructurings, labor union relations and the Americans with Disabilities Act. Andrew is Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization and is a member of the City of Dallas Commission on Innovation and Productivity.

Joseph A. Materazo and Elias Natalia Materazo are pleased to announce the birth of their son, Joseph. Joseph was born on February 5, 2005. Joseph is a partner in Churbuck, Calabria, Jones and Materazo P.C. in Hicksville, NY.

Karen Rucker, RN, has been named partner in the law firm of Giovannielli & Milici, LLP, Diamond Bar, CA.

John Dover has just returned from his second tour in Iraq as an Army JAG during which he was awarded the Purple Heart and the Bronze Star Medal. His primary focus was Operational Law, to include Law of Armed Conflict and International Law. His previous deployments included a tour in Bosnia, the Horn of Africa, Micronesia, Thailand and Korea.

David Pfeffer became a partner at Arten Fox, New York City.

John A. Madison has a new position at the U.S. Treasury’s IRS Chief Counsel office. He works in the Office of the
Colleen Williams (Nime) is a senior legal recruiter for Ann Israel and Associates in Manhattan. In June 2002, she married Joseph Patrick Williams, a trial attorney for Weitz & Luxenberg.

Clay Stephens, a partner at Alesia and Associates in Rockville Centre, NY. Stephens was married on December 31, 2004 at the Crescent Beach Club in Bayville, NY. She is with the social aspect, as their membership consists of people in their 20s, 30s and 40s. You can find more information at their website www.lijc.com.

Gina M. Pelletieri has joined the Litigation & Appeals Practice Group. Robert E. B. Hewitt joined the Professional Liability and Litigation & Appeals Practice Groups. Robert has been a law clerk for the Honorable Dennis E. Milten, at the U.S. Bankruptcy Court in Brooklyn.

Alesia and Salvatore were married on December 31, 2004 at the Crescent Beach Club in Bayville, NY. She is with Alesia and Associates in Rockville Centre, NY.

Clay Stephens has been working as a Corporate Counsel, practicing primarily in real estate, for Goody’s Family Clothing, Inc., a 380 store regional clothing chain headquartered in Knoxville, TN, since 2003. Prior to joining Goody’s, he obtained an LL.M. in Real Property Development from the University of Miami (FL) in 2002.

Yolanda Schilling was working at Holland & Knight in New York City and is now a Jag Court construct and will be serving the United States overseas in the Embassy in Iraq.

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What's going on in your life? Marriage? Children? New career? Promotion? Opened your own firm? We want to share the news with your classmates and the entire Hofstra Law community!

If you have moved or changed your contact information, please let us know. Send news and information to:
Law School Alumni Office
121 Hofstra University
Hempstead, NY 11549-1210
E-mail: lawschool@hofstra.edu

In Memoriam
It is with deep sadness that we report the passing of Brian R. Gish, Jr., ’03 who died suddenly on June 11, 2005. Brian was a proud graduate of Hofstra University School of Law and an attorney at Siben & Siben LLP.

Joseph Rizzo Scholarship Announcement
The Joseph M. Rizzo Endowed Memorial Law Scholarship, has been established in honor and memory of Joe. This scholarship will be given to a Hofstra Law student each year who embodied the qualities and attributes that Joe possessed. Any contributions would be greatly appreciated in order to help keep Joe’s memory alive. They can be sent to: Nancy Rudolph, Director of Alumni Relations, Hofstra University School of Law, 121 Hofstra University, Room 244, Hempstead, NY 11549-1210.

Building a Tradition of Excellence
Honor Roll of Donors: Fiscal Year 2004—2005
Hofstra Law’s tradition of excellence is made possible by the continuing support of alumni, parents and friends as well as law firms, foundations and corporations. These generous gifts provide scholarships for students, enrich our academic programs, support faculty research, and enhance the experience of all our students.

The Law School gratefully acknowledges all contributions for fiscal year ’04—’05.