

Hofstra Law Report

THE ALUMNI MAGAZINE

SPRING 2005

Survival Skills for the Real World

Moot Court Program Provides Skills for Success

ALSO INSIDE

- What the Terry Schiavo Case Can Teach Us
- Corporate Governance Conference Recap
- Evening Division Takes Off





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Growing Momentum

This is a very exciting time in the history of Hofstra Law School.

Professor Aaron Twerski has been selected as Dean of Hofstra Law School and his term will begin on June 1, 2005. A man of wisdom and vision, Professor Twerski comes to us at a perfect time in our growth.

During the 2004 - 05 academic year, I have been fortunate to serve the Law School as Interim Dean as we accepted our first evening program class, as well as a full-time day class selected from our largest applicant pool ever. Their credentials are the most competitive in our history, and based on the tremendous numbers of applications arriving this year, we expect next fall's class to again break records.

Our faculty is publishing and speaking all over the country, and continues to excel in teaching and scholarship. I have been pleased to see three of our faculty recognized through their elevation to distinguished professorships: Prof. Eric Freedman as the Maurice A. Deane Distinguished Professor of Constitutional Law; Prof. Linda McClain as the Rivkin Radler Distinguished Professor of Law; and Prof. Mitchell Gans as the new Steven A. Horowitz Distinguished Professor of Tax Law. I was also pleased this year to welcome two new members of the faculty: Professor Barbara Stark and Associate Professor and Director of the Law Library Michelle Wu.

We have also had a busy calendar of significant conferences and meetings. Our Corporate Governance Conference, held in November, included such esteemed speakers as SEC Commissioner Harvey Goldschmidt, prominent corporate attorney Martin Lipton, and former Chief Justice of the State of Delaware, Norman Veasey. Our conference on the anniversary of Title VII of the Civil Rights Act, sponsored by the Hofstra Labor & Employment Law Journal, featured an array of national experts on civil rights and equal opportunity in the workplace, and will be published with a foreword by Supreme Court Justice Ruth Bader Ginsburg.

As always, the support of our alumni has played a vital role in moving the Law School forward. In addition to the creation of the new distinguished professorship in tax law, they have helped us to establish a new institute, expand programs, and endow scholarships and awards. We are very grateful to all of the alumni who have generously contributed to our annual fund.

There are many exciting new initiatives on our horizon, and Dean Twerski is eager to continue building on the Law School's momentum.

I hope you share my pride in the Law School's continued improvement, and I look forward to participating with you as the Law School continues to teach, lead and innovate.

Alan N. Resnick

Interim Dean & Benjamin Weintraub Distinguished Professor of Bankruptcy

International Summer Study Expands To Sorrento

Hofstra University School of Law has launched a new international and comparative law summer study abroad program in Sorrento, Italy. The Sorrento program is part of Hofstra Law School's comprehensive international law program which features additional study abroad programs in Curacao, The Netherlands Antilles, Nice, France and Sydney, Australia.

"Our summer abroad programs always generate a lot of interest and this new program provides wonderful opportunities for law students," said Fay Rosenfeld, Senior Assistant Dean for Student Affairs and Executive Director of International and Comparative Programs at Hofstra University School of Law.

The Sorrento Program is open to students who have completed one year of studies and who are in good standing at an A.B.A.- accredited law school. Foreign law students and law school graduates are also eligible to apply. Students will enroll in two courses, each worth one credit, for a total of two credits. The classes will be taught by distinguished faculty from Hofstra University School of Law and will focus on cutting-edge issues in International and Comparative Law. Students will have the option of combining their participation in the Sorrento program with Hofstra Law School's study abroad program in Nice, France, or possibly with other study abroad programs in Europe. Combining the Nice and Sorrento programs will enable students to earn six credits in six weeks of study in Europe. CLE credit for practicing attorneys may be available. The program is approved by the A.B.A.

The Law School offers more than 25 international law courses and the opportunity for J.D. students to concentrate their study in international law. Hofstra also is a founding member of the European American Consortium for Legal Education (EACLE) which affords Hofstra students an opportunity to study abroad at Helsinki, Ghent, Rotterdam and Warsaw.

For more information about the Sorrento Program, please call (516) 463-6166, send an e-mail to lawsummerabroad@hofstra.edu or visit the web at www.hofstra.edu/law.



Robert Muller '74 Honored

Hofstra Law School Alumnus Robert "Bobby" Muller '74 was honored at Long Island Association for Fundraising Professionals' Philanthropy Day. Bobby was honored for his outstanding work with Vietnam Veterans of America Foundation and as co-founder of the International Campaign to Ban Landmines.

Seen here, Bobby poses with (from left to right): Mary Josephine "MJ" Hannett, a Child and Family Advocacy Fellow at Hofstra Law who worked with Mr. Muller at the Campaign for a Landmine Free World; Nancy Rudolph, Hofstra Law School Alumni Director; and Lisa Berman, Coordinator for the Center for Children, Families and the Law.

Political Asylum Victory!

Students working in the Law School's Political Asylum Clinic have added another impressive victory to their record. The case concerned an asylum applicant from Chad. Litigation of the case was made extremely difficult by the challenges of obtaining supporting documentation from Chad. As the Chadian government monitors mail and telephone communications, the applicant was too concerned for the safety of his family and colleagues to allow the students to contact them.

Nevertheless, our clinic students were able to document the applicant's case so thoroughly that the Immigration Judge emphasized on the record the exceptionally high quality of their representation, the documents they submitted, and the preparation of their client. The Immigration Judge concluded the hearing by telling the applicant that the key to his case was his good fortune in getting Hofstra to represent him.



A Supreme Event in Washington, D.C.

On March 7, 2005, more than 20 Hofstra University School of Law alumni participated in a group admission ceremony in Washington, D.C. where they were admitted to the Supreme Court. After being called individually, the oath was administered to the group. Admission to the Supreme Court enables the alums to argue cases before the high court.

On Sunday, March 6, all Washington, D.C. area alumni, admitted students for the Class of 2005 from the surround-

ing area and participants in the Supreme Court admittance were invited to the Dean's Reception, held at the Willard InterContinental Washington. The Reception provided an opportunity for alumni to network with one another and discuss Hofstra Law School with potential students.

"This trip provides a wonderful opportunity for our alumni to touch base with fellow alums and familiarize future students with their positive experience at Hofstra University School of Law," said Nancy Rudolph, Director of Alumni Relations, who organized the trip. "I want to thank all of our alumni for making the event such a success!"

Student Affairs Update

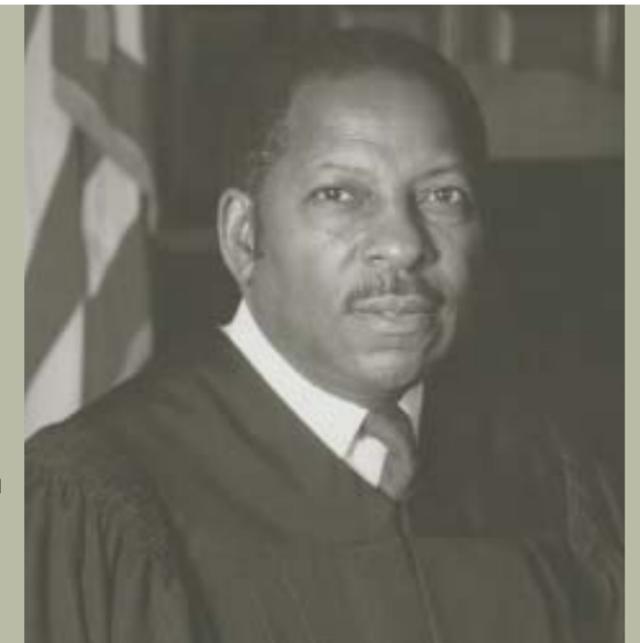
In August of 2004, BLSA, LALSA and APALSA hosted the first Minority Students Welcome Weekend. The three student organizations worked together to provide the new minority students a pre-orientation welcoming. The first day included an informal barbeque at the BLSA president's home. The second day included "The Real Deal Survivor Series," consisting of workshops on classes, time management, study habits, becoming involved in the Law School community, briefing cases, and Journal membership. Panelists included Tamara Stephen, Director of Public Sector Career Planning and Professors John DeWitt Gregory and J. Herbie DiFonzo. The organizations also provided tours of the campus. The weekend was a great success and received outstanding reviews from the new students in attendance.

Kaplan Lecture Series

The 2004-2005 Howard and Iris Kaplan Memorial Lecture was held in early February at the Law School. The Honorable George Bundy Smith, senior Associate Judge of the New York Court of Appeals in the State of New York, presented "Voting: The Challenge to Democracy".

The Kaplan Memorial Lecture Series was established in memory of Howard Kaplan, a prominent attorney whose legal career was characterized by uncommon excellence

and devotion to the highest standards of the profession. Iris Kaplan, his wife, was an enthusiastic supporter of the Lecture Series. The lecture series is supported by an endowment established by the Max and Victoria Dreyfus Foundation, Inc., and was initiated by Tony Kaplan, son of Howard Kaplan and an alumnus of Hofstra University School of Law. The goal of the Kaplan Lecture Series is to bring jurists of distinction and prominence to Hofstra School of Law to address students, faculty, alumni and the legal community on important and timely legal issues.



HONORABLE GEORGE BUNDS SMITH

Admissions Report

The Law School continues to experience extraordinary increases in both the quantity and quality of applicants. While the current national application volume for the northeast region has remained virtually flat compared to this time last year, Hofstra is one of only 8 schools nationwide experiencing an application volume increase of 30 percent or more. This increase in volume will allow us to continue to become more selective in our admissions decisions.

It is noteworthy that our out-of-state applications currently show a 51 percent increase from this time last year. This is largely a result of the increasing reputation and status of Hofstra Law School nationally as well as recruitment and yield efforts. One such effort is our Student Ambassador Program, now in its second year. The program involves a select group of our current third year students who travel to undergraduate law school fairs, give presentations to pre-law and business honor societies, conduct letter writing campaigns and telethons to admitted students, give on-campus tours and let admitted students shadow them for a day. We continually receive outstanding feedback from prospects and admitted students about this direct access to current students.

The Office of Admissions invites Hofstra Law School alumni who would like to be involved with recruitment initiatives to contact Deborah Martin, Assistant Dean for Enrollment Management at (516) 463-5916 (ext. 2) or lawadmissions@hofstra.edu.

Photo Right: Seen here at the 2004 Golf Outing are: Ferguson Jenkins, National Baseball Hall of Fame Pitcher; Patrick Cox, '96; Michael Schaffer, '96; Lee A. Fine, '91; Dean Alan Resnick; and Ed Kranepool, 1969 World Champion and 1973 National League Champion New York Mets.

Hofstra Labor and Employment Law Journal Hosts "The 40th Anniversary of Title VII of the Civil Rights Act of 1964."

The *Hofstra Labor & Employment Law Journal* hosted a symposium in commemoration of "The 40th Anniversary of Title VII of the Civil Rights Act of 1964" on February 25, 2005.

The event consisted of three panel discussions: Title VII Developments: Affirmative Action and Strategies for Protecting Undocumented

Workers; Developments in the Law of Sex Discrimination and Harassment: A Story of Evolution; and Title VII at the Crossroads: A Discussion of Disparate Impact, the Role of the EEOC and the Future of Title VII. Panelists included former United States Supreme Court plaintiffs Ann Hopkins (*Price Waterhouse v. Hopkins*) and Beth Faragher (*Faragher v. City of Boca Raton*). In addition, lawyers from the Equal Employment Opportunity Commission and other esteemed practitioners and academics from across the country were present to speak about this historic legislation.

Alumni Update

The Hofstra University School of Law Alumni Association has hosted many events recently.

The annual New York City Alumni Reception was held in late January at the Princeton Club in Manhattan. The night provided an opportunity for graduates to network, catch up with former classmates and speak with law school faculty and administrators. The first annual Happy Hour for recent graduates was held in early March at Victory Oyster Bay Chop House in Garden City. This unique evening provided a chance for our young alums to get together and network with one another. The Alumni Association hopes to make an annual tradition of the Recent Graduate event.

This year's annual golf outing, held Monday, September 27, 2004 at the Garden City Country Club, was a great success. Ferguson Jenkins, National Baseball Hall of Fame Pitcher, and Ed Kranepool of the 1969 World Champion and 1973 National League Champion New York Mets, were distinguished guests at the event. All proceeds benefited Hofstra University School of Law Scholarships. Mark your calendars for next year's event, which will be held at the Garden City Country Club on September 26, 2005. For more information, please contact Nancy Rudolph, Director of Alumni Relations, at (516) 463-6568.



Symposium notes along with an introduction by Supreme Court Justice Ruth Bader Ginsberg will be published by the *Hofstra Labor and Employment Law Journal*.

The *Hofstra Labor & Employment Law Journal* is widely regarded as one of the

premier authorities in the fields of labor and employment law. Most recently, the *Journal* was ranked the top labor and employment law journal in the country in an article published in the *Florida State University Law Review*, 26 FLA. ST. U. L. REV. 813.



Aaron D. Twerski Named Law School Dean

FROM: Stuart Rabinowitz

President and Andrew M. Boas and Mark L. Cluster Distinguished Professor of Law

I am pleased to announce the appointment of Aaron D. Twerski as the next Dean of the Hofstra University School of Law. Professor Twerski, who was selected after an extensive national search, will replace Interim Dean Alan Resnick on June 1, 2005. Professor Twerski, who is currently the Newell DeValpine Professor of Law at Brooklyn Law School, served as a member of Hofstra's Law School faculty from 1972 until 1986.

Professor Twerski is an ideal choice to lead our excellent law school to even greater stature. He is a nationally and internationally renowned scholar and a revered teacher, who possesses tremendous energy,

leadership ability, enthusiasm and integrity. Professor Twerski will bring to this position the unique combination of an in-depth knowledge of our Law School and many of its alumni as well as the perspectives on legal education that he acquired in teaching at several other distinguished institutions.

Professor Twerski is a prolific scholar of international renown who is the co-reporter for the American Law Institute's Restatement of Torts Third: Products Liability, for which he received the prestigious designation of "R. Ammi Cutter Reporter" for his outstanding performance. He is the author of five books and more than 70 articles in scholarly journals about torts, products liability and conflict of laws. A Professor of Law at Brooklyn Law School since 1986, he previously taught at our University where he also served as Interim Dean from 1977-78 and as Associate Dean from 1975-77. He also taught at Duquesne University School of Law from 1967-71.

Professor Twerski has been a Visiting Professor at Cornell Law School, Boston University and the University of Michigan. A Teaching Fellow at Harvard School of Law from 1966-67, he was a Trial Attorney with the United States Department of Justice, Civil Rights Division - Honors Program, 1965-66. He holds a Juris Doctor, cum laude, from Marquette University, where he was the Student Editor of the *Marquette Law Review*. In addition, Professor Twerski has an A.B. in Talmudic Law from Beth Medrash Elyon Talmudic Research Institute and attended Ner Israel Rabbinical College.

He received a Bachelor of Science in Philosophy from the University of Wisconsin-Milwaukee, where he was a member of the Phi Eta Sigma National Honor Fraternity.

I thank Professor Alan Resnick for his dedicated service as Interim Dean during this academic year. We are fortunate that Dean Resnick has been and continues to be a leading faculty member at our University. I also thank the search committee, chaired by Provost Herman A. Berliner and comprised of members of the faculty, administration, and trustees. The committee interviewed nine candidates and recommended three impressive finalists. Dean Twerski will report to Provost Herman A. Berliner who reports directly to me.

Please join with me and Provost Berliner in welcoming back Aaron Twerski and wishing him well in his new role as Dean.

Professor Eric Freedman professor Linda McClain professor

Two Outstanding Scholars Honored with Distinguished Professorships

BY FRANCES CERRA WHITTELEY

It had been a good week for Professor Eric M. Freedman. Legal decisions in the United States and Great Britain had turned back government efforts to hold suspected terrorists indefinitely without access to the courts. And, he had testified to a committee of the New York State Assembly about the legal flaws of death penalty statutes and had found the committee receptive to his arguments.

All of this had Freedman smiling, not only because the rulings and his testimony aligned with his view of constitutional law, but also because he had played a key role in coordinating the different cases. "I function as consultant to many related litigations with the aim of keeping all the lawyers on the same page," said Freedman, his right index finger making circles in the air that suggested the global nature of his work. Here, in his office at Hofstra University School of Law, the newly named Maurice A. Deane Distinguished Professor of Constitutional Law functions as the hub of an international effort to safeguard human rights.

"These are the most significant cases I'm likely to see in my lifetime, and I'm in a unique position to help," he said.

At the ceremony honoring Freedman's installation as distinguished professor last November, Professor Anthony Amsterdam praised him for his study of America's history of civil rights "lapses and recoveries" and for his effort to educate the public on these matters. Amsterdam, the Judge Edward M. Weinfeld Professor of Law at New York University School of Law and one of the most influential legal scholars of his generation, also lauded Freedman for his work to secure due process for the Guantanamo prisoners. "In exposing the injustices and oppressions of Guantanamo to the censure of the world, and in bringing the world's censure to the attention of the U.S. Supreme Court," said Amsterdam, "Eric Freedman has once again played a prominent and pioneering role."

Freedman, 51, has also been honored for his 15-year pro bono effort to free Earl Washington, Jr. from death row

in Virginia. Washington was released in 2001 after DNA testing proved his innocence.

Working on all of these matters, as well as teaching, means that Freedman is likely to be sending e-mails at 4 a.m. "I'm never really off duty," he admits. A native of Manhattan, he lives there still with his wife, Melissa Nathanson, also an attorney. Freedman was introduced to his future wife by his sister, Alix Freedman, a Pulitzer Prize-winning reporter for *The Wall Street Journal*. Freedman's father was the foreign editor at *The New York Times*, and he attributes his interest in civil liberties to his exposure to journalism. In fact, he seriously considered a career in journalism before deciding to attend Yale Law School. He joined the Hofstra Law School faculty in 1988 after working as a litigator at the firm of Paul, Weiss, Rifkind, Wharton & Garrison in New York and Washington.

Freedman currently serves as reporter to the American Bar Association's Guidelines for Defense Representation in Capital Cases. A prolific author, his book, *Habeas Corpus: Rethinking the Great Writ of Liberty* was published in 2002.

Freedman says current actions by the federal government to ignore constitutional rights are particularly dangerous because the war on terror may never have an official end. "If the courts uphold repressive legislation, if the public closes its mind to alternative ideas and we close our borders to the streams of cultural enrichment that have led to the success of this country," he says, "then the terrorists will have won beyond their wildest dreams." ☺



ERIC FREEDMAN

There are few, if any, more controversial topics in America today than the state of marriage and same-sex marriage. But for Professor Linda McClain, applying feminist legal theory to these issues is the core of her scholarship and a forthcoming book, and she is anything but shy about wading into the controversy.

McClain, who joined the Hofstra faculty in 1991 and began teaching feminist legal theory, among other related subjects, was installed in March as the Rivkin Radler Distinguished Professor of Law.

"If you accept the basic premise that families are important, then what is your vision for shoring them up?" asked McClain as she discussed her book, *The Place of Families: Fostering Capacity, Equality and Responsibility*, which will be published by Harvard University Press in the fall. "I have a serious problem with the ambivalence about women's equality and the idea that gains in equality have made it harder to have stable marriages."

McClain added that she is not prescribing how individual couples work out their shared responsibilities. However, she insists, the government should not be promoting a marital state based on sexist stereotypes.

Furthermore, McClain not only supports same-sex marriage, but also urges that recognition be given to non-sexual family units. "Older women forming households with other elderly women, friends living with friends - if government support and recognition can contribute to stability, why not other kinds of families?" she asked. She said that, for example, laws involving medical decisions, care-giving leave and inheritance should apply to such nontraditional households if the members choose to register as families.

McClain says her interest in feminism began at Oberlin College where she explored the subject while majoring in religious studies. She earned a J.D. from Georgetown University and an L.L.M. from New York University, and then practiced litigation at Cravath, Swaine & Moore for five years.

"Linda is simply brilliant," said Martha Albertson Fineman, whom McClain regards as a mentor, and who is the director of the Feminism and Legal Theory Project as well as the Robert W. Woodruff Professor of Law at Emory University. "Her papers on everything from TV soap operas to the institution of marriage are all approached in a very creative and interesting way." Martha Minow, the William Henry Bloomberg Professor of Law at Harvard University, who gave the lecture at McClain's installation, calls her "independent and courageous."

McClain lives in Manhattan with her husband, Jim Fleming, a law professor at Fordham, and two daughters, Sarah, 9, and Katherine, 7.

McClain injected herself into another controversy last fall when she and Joanna Grossman, also a Hofstra Law professor, took on Arnold Schwarzenegger's use of the term "girlie-man" in a *Findlaw Writ* column. They wrote that when viewed in the context in which he first used the term to criticize California legislators for supposedly representing special interest groups girlieness meant "a lack of guts... an inability to speak with an independent mind and get things accomplished." This implies that only "real men" have the capacity for strong leadership. "We will continue to see women in disproportionately small numbers in leadership positions in government and in business as long as this stereotype reigns," they wrote.

McClain said she is grateful to Hofstra for supporting a groundbreaking conference on marital law last year. "I think Hofstra is starting to build real strength in gender law and public policy," she said. "I'd like to find a way to build on that strength to set up an institute here to encourage scholarship and teaching on gender equality." ☺



LINDA MCCLAIN

Can't Argue with Success

An Expanding Moot Court Program Makes its Case

Just five years after a restructuring of Hofstra's moot court program, the Law School is receiving unprecedented acclaim and recognition for its students' performances in moot court competitions, including top awards in the Long Island competition and finishing among the top teams in the nationally recognized Conrad B. Duberstein Bankruptcy Law Moot Court Competition and the Robert F. Wagner, Jr. Labor and Employment Law Competition. For Professors Barbara Barron and Kathleen Beckett, the architects behind these recent achievements, the outstanding performances are a dream come true – a dream only realized with the hard work and dedication of some of Hofstra's recent alumni.

Professor Barbara Lukeman, class of 2000, watched nervously as the team of Hofstra 2Ls approached the bench to begin their argument in this year's Long Island Moot Court Competition, sponsored by the Nassau Academy of Law. She had spent countless hours coaching these eager attorneys-to-be, part of her responsibility as one of Hofstra's newest legal writing instructors. She was confident they knew the material – she had made certain of that. During evening, weekend and early morning practice sessions she grilled them ruthlessly from all sides, helping them refine their arguments and, more importantly, find their own voices to impart their knowledge to the bench.

"It's not simply a matter of understanding the problem at hand," she would tell them repeatedly. "It's finding just the right way to convey your understanding that matters. If you can't figure out how to respond to questions while at the same time putting forth your own argument, you're doomed."

It was advice the students took to heart. After all,

Lukeman was an alumna who had participated in this very competition in 1998, and in 1999 was a member of the first team of Hofstra students to win a trophy in the regional division of the National Moot Court Competition, sponsored by the American College of Trial Lawyers and the Association of the Bar of the City of New York. Before returning to Hofstra to teach, she spent four years as a litigator in the Long Island office of Nixon, Peabody, and had come back to Hofstra over the years as a volunteer for moot court competitions.

Lukeman used every insight gleaned from her experience to help train the two handpicked teams for the mid-March competition. Briefs were due in February, and for two solid months, working nearly every day, the students focused on oral arguments, honing their presentations, working on brief and off brief, trying to pick apart the case intellectually, searching for subtle nuances and loopholes.

Explained Professor Barbara Barron, who also coached the team and who oversees all moot court activities as co-director of Hofstra's program: "Moot court is all about

taking the written ideas and transforming them into living concepts. It's a dialogue with the bench where you're educating the bench. In trial work, your job is to reveal the facts. Here, it's a combination of knowing the law and articulating the law, as well as being able to factually persuade. It has more layers in terms of the presentation and performance."

"These are skills you can't learn through lectures or books," adds Lukeman. "You have to practice constantly, talking out loud, thinking as you go, adjusting and readjusting your argument."

Because Hofstra was sending two teams this year, Lukeman used the additional team to her advantage, often pitting one team against the other during practice. She was proud of her students' hard work, talent and

determination. "They really gave it their all," she said. Now, it was time to find out if her coaching would pay off.

Over the course of the two-night competition, the five prominent local judges and practitioners tore the law students' arguments to shreds, pounding them with esoteric questions and testing their legal acumen. "It was quite nerve-wracking," said Lukeman, "and I wasn't the one up there performing."

But her anxiety proved unnecessary. After repeated rounds of superb arguments, the finals came down to a familiar battle: Hofstra v. Hofstra. "It was very gratifying," Lukeman said triumphantly. Hofstra students Victoria Fetterman, Michael Reiner and Jack Einhorn took first place and the Best Brief Award, while Sunny Singh, Krista Smokowski and Justin Alfano came in second. Victoria





Fetterman also won the Best Oralist Award. After the competition was over, the judges on the panel roundly praised the two teams, saying their performances were superior to those of many of the attorneys who appear before them daily in their courts.

“They were far more prepared than I was,” said Lukeman. “But a lot has changed since then.”

When Lukeman came to Hofstra in 1997, there were no alumni coaches, no student moot court association, not even a moot court seminar. “The trial teams were very well supported, but for moot court, well, it was very ad hoc back then,” she remembers. “We just sort of found out about the Long Island competition and asked if we could compete, and suddenly, we were the team.”

Galvanized by their experience in the local competition, Lukeman and two classmates, David Warren and Marissa Coyne, who also graduated in 2000, decided to enter the National Moot Court Competition in 1999. “When we won runner up for best brief, it was a true honor,” she said, recalling bringing home the trophy to show then Dean Stuart Rabinowitz. “He was so proud of us,” she

said. “He told us he thought it was time for the Law School to get a trophy case.”

But that was just the beginning. “We still didn’t have a defined program,” she said. Although Hofstra students had entered various competitions over the years, the school’s program wasn’t formalized. “We always did the Long Island competition, and every year we sent a team to compete at the regional level of the National Moot Court Competition,” said Professor Kathleen Beckett, who traditionally coached those teams and who now serves with Barron as co-director of the moot court program. “But as far as other national competitions, it really depended on whether individual students – or individual professors – were interested.”

The year after Lukeman and her teammates won their award, fellow classmate Declan Butvick ’00 decided he also wanted to compete – this time in the Conrad B. Duberstein Bankruptcy Law Moot Court Competition, the only national competition in the bankruptcy field. “I was in Professor Resnick’s bankruptcy course and I heard something about the competition,” Butvick recalled recently. “I couldn’t believe that Hofstra had one of the

most nationally recognized professors in all of bankruptcy law and yet we didn’t participate in this. For me, it was a no-brainer.”

Butvick and his teammate, Elizabeth Rutkowski ’00, didn’t get past the preliminary rounds but “it was the highlight of my law school experience,” he said. “There were all these prominent lawyers and judges and academics, and there were teams from all over the country. It was very intimidating but I learned so much during the preparation. It was terrific, really terrific.”

Still, it was clear that Hofstra needed a lot more than student enthusiasm to field top-notch moot court teams. “There was a lot of talent at Hofstra, but it wasn’t being developed,” said Butvick. This was particularly surprising given the tremendous strength of the school’s trial advocacy programs.

Professors Barron and Beckett, who helped coach Butvick, agreed. “Clearly there were more students showing interest,” Barron said. “It just became obvious that we needed to channel their enthusiasm and rethink our whole approach.”

So she and Beckett began to develop a formal moot court program - much like the one that already existed for trial teams. “In order to be really successful we needed to attract students to moot court right away, in their first year of law school,” Barron said. “And over the years we needed to develop these students’ talents so that they could compete successfully in nationals by the time they reached third year.”

Barron remembered that, when she was a Hofstra student in the early ’80s, the school had a student-run moot court association. “But somehow, by the time I came back to teach in 1995, it had disappeared,” she said.

Just before graduation, Lukeman and her teammates revived the Moot Court Association, writing a new charter and appointing a board to take their places the following year. Professors Barron and Beckett were appointed faculty advisers, and together they began planning the next phase: an in-house competition for 1Ls and 2Ls that would be run by students and judged by faculty and alumni.

“I thought it would be the most direct way to spur interest in moot court,” Barron recalls. “When we told Stuart Rabinowitz the idea he suggested a seminar. We proposed the course to the faculty and the rest, as they say, is history.”

A Split Decision

BY FRANCES CERRA WHITTELSEY

In the fictitious town of Springfield, USA, there were no adult bookstores or sex shops, and the town wanted to keep it that way, turning down six applications for permission to open one.

But a business owner appealed a court decision upholding the town’s denial of his application. Last fall, his case came before a panel of five judges who heard arguments pro and con from Victoria Fetterman and Sunny Singh, both second-year students at Hofstra University School of Law.

Singh and Fetterman were the finalists in the moot court competition supervised by the school’s Moot Court Association, a student-run organization. Started in 2000, the association has grown quickly from a handful of students to a membership of nearly 50 by the fall, 2004 semester. For years Hofstra has competed in moot court competitions with other

schools, but the association provides students with intramural competition and rigorous practice in writing appellate briefs and arguing them. “Moot court is a fabulous way to develop the skills of a lawyer,” said Barbara Barron. “Lawyers are called mouthpieces for a reason. The better you can speak, the better the career.” Barron is a legal writing instructor, special professor of law and, with Kathleen Beckett, co-director of Hofstra’s Moot Court Program.

Students who participate in moot court also have an advantage when it comes to getting their first job. Involvement in “moot court is one of the criteria firms look for,” said Dan Gibbons, 30, president of the association. “It’s proof you went above and beyond.”

Forty students began writing 25-page briefs last summer on the Springfield case. The third-year students who run the association and act



FEATURE

continued from previous page

as mentors to the younger students devised the case.

"We grade the briefs, and then we have five practice rounds of oral arguments," said Dave Smith, 24, vice president of the association. Following these practice rounds, five competitive rounds are held, judged by senior members of the association.

The senior members of the Moot Court Association also supervise a competition in the spring for first-year students, preparing written briefs for them. The 1Ls then concentrate on developing their skills at oral argument.

The finalists in the Springfield case argued it before a panel that included Justice Stephen A. Bucaria, a Hofstra alumnus and New York State Supreme Court Justice, Nassau County; Peter J. Mastaglio, a partner in the firm of Cullen and Dykman, Bleakley Platt LLP; and Hofstra Professors Robin Charlow, Richard Neumann, Jr., and Lawrence Kessler, the

Richard J. Cardali Distinguished Professor of Trial Advocacy.

"The town uses the ordinance as a pretext" to restrict speech, Fetterman, 23, of Alexandria, Virginia, argued on behalf of the business owner. "It is too broad and rests unbridled decision-making power in the town."

Singh, also 23, a Long Islander from Hicksville, pressed his counter-argument. "The ordinance is a content-neutral licensing scheme," he said. "It was enacted to limit the secondary effects" of adult businesses, including crime and prostitution.

After interrupting and challenging them repeatedly during each of their 10-minute presentations, the panel retired to consider its verdict.

When the panel returned, Justice Bucaria had nothing but praise for both students, saying that they would spend years in practice before running into such tough questioning again. The winner?

Fetterman, in a split decision.

In 2000, Barron and Beckett announced the Samuel M. Kaynard Memorial Moot Court Competition, named in honor of the late and much-beloved professor, who had volunteered to coach for the Robert F. Wagner, Jr. Labor and Employment Law Moot Court Competition, the only other national competition that Hofstra participated in regularly. "Sam made certain that Hofstra was involved in that competition every year," remembers Barron. "It felt like the best way to honor him and all that he did for the school."

In addition to the new intramural contest, Beckett and Barron introduced the first Moot Court Competition Seminar, an invitation-only course offered to the most promising students from Appellate Advocacy. Most of the students entering the seminar also became involved with the student-run Association, which eventually took over full responsibility for running the new intramural competitions.

Moot Court Association President Daniel Gibbons outlined Hofstra's 2L competition, explaining that "unlike the first years, who only compete on oral arguments, the second-year students have to draft a brief and submit it to the Association. We then read the briefs and grade them. The next semester, the competition continues with oral presentations in front of Association members, faculty and alumni. The process culminates in a final round in front of the entire student body." Based on their performance in the competition, the Association extends invitations to students to join their ranks and continue the cycle.

Barron smiles as she recalls the hard work that went into making those first in-house competitions a success. "We had to start advertising and really pushing students to participate," she said. "Professor Beckett and I funded [the competitions] out of our own pockets. It took a lot of time and energy."

But even as she remembers the early struggles, you get the feeling she would do it again in a heartbeat. "I think moot court is the most important thing you can get involved with in law school," she states unequivocally. "Every student should be exposed to it."

Early on, Barron asked Kevin Schlosser '84, who is now head of litigation at Meyer, Suozzi, English, Klein, to lend a hand with the program. At the time, Schlosser was a partner at Barron's former law firm, Ruskin, Moscou & Faltischek P.C., and he convinced the firm to endow the first Moot Court Seminar Competition. In time, as the competition grew and the demands on her time



increased, Barron began routinely reaching out to alumni and practitioners, asking for help with the seminar and other jobs like coaching, judging and reading briefs. "This was the last missing piece of the program," she said. "When we went to competitions, we noticed a lot of teams had alumni coaches. We needed to get our alumni involved, too."

"It's a win-win," Beckett explained. "Alumni can earn CLE credit by helping and we get the benefit of their experience."

I think moot court is the most important thing you can get involved with in law school. Every student should be exposed to it.

Many of the alumni involved are like Lukeman – recent graduates who got a taste of moot court competition as students and, as she explains, "just fell in love." They all have strong feelings for Hofstra and want to see the school enhance its reputation through competition. "It's a great way to get our name out there," said Kim Luckey, who graduated in 1999 and now helps coach. "I feel honored to be part of it."

"I was absolutely stunned when I came back and saw this full-blown program, with all of these dedicated students involved," said Chris Caruso '00, who this year volunteered to help coach the Duberstein team alongside Butvick. "I competed on the Wagner – we didn't do very

well. It was just a couple of teams without any real structure, and as I was leaving we were trying to get the internal competition off the ground. I can't believe how far they've come in such a short period."

These days, Barron's seminar course, which she teaches with Rona Platt, who graduated Hofstra in 1994, attracts 10 to 12 applicants for every slot, while more than 100 students compete in the intramural contest, now sponsored by The Bank of America, or participate in the student-run Association. And that's in addition to the outside competitions: Duberstein, Wagner, Nationals, Long Island and the Prince Evidence Moot Court Competition are all standard now, and others are added from year to year. This year, for example, a Hofstra team traveled to Vienna to compete in the annual Willem C. Vis International Commercial Arbitration Moot. Hofstra's participation was prompted, as in the past, by a group of students who heard about the moot and wanted to get involved.

Interim Dean Alan Resnick, who has often worked with the Duberstein Competition team, is proud of the school's new, comprehensive Moot Court program. "It's so exciting to see how it's all coming together," Resnick said. "It has really turned into a synergy of sorts, with the intramural competitions feeding into the Moot Court Association, and the Association feeding into the seminar, and the seminar students moving on to the national competitions. It builds on our history of excellence in trial advocacy, taking it to the appellate arena."

The structure is clearly successful. This year's team

Below: "I tell my students to take a look at the front page of *The New York Times* or any major newspaper – on any day, it is all about the law." – Professor Barbara Barron



performances were among the best in school history. Not only did Hofstra make a clean sweep of the Long Island competition, this year's Duberstein team made it all the way to the semifinals and the Wagner team reached the quarterfinals. Both of these teams made use of alumni: Kim Luckey and Erica Feynman, class of 2002, worked as assistant coaches while a host of other alumni pitched in as they could.

This kind of support is allowing students to "step it up a notch," said 2L Michael Reiner, who became involved during his first year and competed in this year's Long Island contest. "The program at Hofstra is far more than an association; we're a cohesive family. In order for us to do well it really takes a fine-tuned unit, and that's what we've become."

Justin DeCamp, a third-year who was part of this year's winning Duberstein team, said he feels much more prepared to be a litigator after competing. "How many law students can say they've already argued a case in a real courthouse before a panel of federal bankruptcy judges?" he said, his voice filled with pride. "It's priceless experience."

Andrez Carberry, also a 3L, said he is certain moot court helped him land a job in the New York City Corporation Counsel's office. "In my interviews a lot of people asked



me about the competitions," he said, "and I was able to explain just how I saw the issue. It made for great conversation and allowed me to show my strengths and prove I knew how to compose an argument."

Third-year student David Smith, vice president of the Moot Court Association, said the organization gives students a valuable opportunity to practice being a lawyer instead of just learning about the law. "In class you learn how to listen and analyze, but moot court members desire a greater challenge – they welcome the opportunity to be pressed on

an issue by a fire-breathing judge who expects them to scroll through the case law in their head and come up with a reasoned response in a split second. That's what moot court does for you."

In the future, the Association hopes to expand its responsibilities, becoming more like an academic program than a student organization. "We want to go beyond hosting lectures and judging briefs," said President Daniel Gibbons. "We would like to draft our own problems for the in-house competition, which takes a tremendous amount of legal research." Eventually, Gibbons hopes the moot court association will evolve into a co-curricular activity much like Law Review, where students earn honors and credit for their work.

Professors Barron and Beckett support the idea of expanding the Association's role and praise the students for their extraordinary commitment. "They don't get any formal recognition from the school now," said Beckett. "They just get the experience and the joy of participating."

Other schools treat their moot court associations like honor societies, explained Barron, saying she hopes Hofstra will move in that direction. "As the program grows and gets more firmly established, we can expand in all sorts of ways," she said. "We want to keep it growing."

Barron is already working closely with Professor Stefan Krieger, director of the Trial Advocacy Program, to merge the two programs into a single entity. "Our goal is to have a completely seamless organization," said Barron. "There's no reason for moot court and trial advocacy to be separate."

Starting next year, in-house competitions will be integrated so that trial teams will handle a case initially, and then moot court teams will take over on appeal. Barron hopes this shift in organization will allow them to reach even more students and give Hofstra yet another edge in outside competitions.

Looking back on the progress thus far, Barron said: "I feel like we've taken this embryo and grown it into a full-blown person. It's been an exhilarating experience." ☺

Previous pages: Barbara Barron works with her Moot Court team members at the Law School; Page 9, Daniel Gibbons, Melanie Lee, Professor Barron and Victoria Fetterman; Page 10, Professor Barron, Melanie Lee and Farrel Donald and at the bench (L - R) are Michael Reiner, Daniel Gibbons, Krista Smokowski (standing), Jack Einhorn, Andrez Carberry; Page 13 left, Victoria Fetterman, Daniel Gibbons, Andrez Carberry and Krista Smokowski; Page 13 right, Melanie Lee and Michael Reiner watch Professor Barron.

Left: Moot Court Winners, seated front row, Duberstein winner Stan Roberts; seated second row, Wagner Labor winners John Ellis, Natalie Edie and Andrez Carberry; seated back row, Long Island team winners Jack Einhorn, Victoria Fetterman, Michael Reiner, Justin Alfano, Krista Smokowski and Sunny Singh. Standing along rail are alumni coach Erica Feynman, Professor Barbara Barron, Professor Barbara Lukeman and Alumni coach Kim Luckey. Missing from photo is Duberstein winner Justin DeCamp.

The Family Law Education Reform Project: Genesis and Prospects

BY J. HERBIE DIFONZO



The last two decades have seen substantial – even dramatic – changes in the practice of family law, most particularly the infusion of nonlegal professionals into the court system.

As these changes have occurred, however, law school curricula and teaching have remained relatively static. The result, predictably, is that young lawyers entering family law practice often find themselves unprepared for what they encounter. A substantial and growing gap between family law teaching and family law practice undermines the best efforts of new family lawyers, and leaves them ill prepared to assist families and children in separation, divorce and dependency matters. Today's family lawyers need a thorough understanding of the appropriate – and inappropriate – uses of dispute resolution services, the emotional impact of

family conflict, case management processes in the family courts, and the rise and critique of unified family courts. Yet the materials from which most family law professors teach contain nary a word on any of these topics.

The goal of the Family Law Education Reform (FLER) Project is to provide family law teachers with the ideas, tools and materials they need to bring family law teaching in line with family law practice, and to help students become effective and reflective family law practitioners, leaders and policy makers. FLER is a joint project of Hofstra University Law School's Center for Children, Families and the Law, and the Association of Family and Conciliation Courts (AFCC). The course modules and model curricula that will emerge from this project will be designed to provide the next generation of family lawyers with an understanding of the range, complexity and interdisciplinary nature of family law practice. They will stress sensitivity to the legal, emotional and process needs of family members. More grandly, it is our hope that future generations of family lawyers will not only provide more informed and effective advocacy to the families they serve, but will also serve as catalysts for positive change in their broader communities.

“Traditional” family law teaching materials emphasize litigated cases, nearly to the exclusion of everything else. What message does this emphasis convey to students? One strong possibility is that students conclude that litigation is the norm in family law, with the “good” lawyer being the one who wins cases for his or her client. The published materials rarely, if ever, describe the tightrope family lawyers walk in an area where the outcomes for all parties and their children are inherently linked. Indeed, a student may study assiduously in many family law courses and never see the literature documenting the harm children suffer from intractable parental conflict. Discussion of the pervasiveness of domestic violence is also missing from many traditional family law materials, as is treatment of the rapidly expanding phenomenon of unrepresented litigants in family court.

Published materials rarely, if ever, describe the tightrope family lawyers walk in an area where the outcomes for all parties and their children are inherently linked.

In reality, today’s family courts incorporate a wide variety of dispute resolution procedures and are populated by professionals from multiple disciplines. Many jurisdictions have unified family courts that group a range of issues – from divorce and custody to juvenile crime to child support – under one roof, with a single judge. Specialized courts for domestic violence, drug abuse, and permanency planning also dispense both mental health and legal services, involving the courts in interventions in the family that are designed to meet therapeutic goals. As a result, family court judges do not serve only as adjudicators - they may also oversee a multi-disciplinary group of service providers all engaged with the children and families whose cases are before the court. This complex mix of professions, skills and roles is still evolving. In addition to lawyers and judges, mediators, custody evaluators, guardians ad litem, parent educators and parenting coordinators are all powerful actors in today’s family courts. Indeed, today’s family lawyer works in a world where understanding the work of dispute resolution and mental health professionals may be as essential as knowledge of governing statutes and constitutional doctrine.

Teaching Family Law: What Are the Goals?

The FLER Project has tentatively identified five goals, broadly defined, that family law courses try to achieve. These goals are elaborated in the Initial Draft of Findings and Recommendations, drafted by the co-reporters, which is available at the Hofstra University Web site at www.hofstra.edu/academics/law/law_center_family.cfm.

1) LEGAL ARCHITECTURE:

Introducing students to a body of law consisting of seminal cases and sample statutes and regulations. Taken together, these cases, statutes and regulations form a basic architecture within which the practice of family law takes place.

2) LARGER CONTEXT:

Placing family law in a larger context. Family law has a rich history to which many disciplines have contributed, and it is strongly affected by a range of forces – economic, religious, psychological and demographic, among others.

3) INTERDISCIPLINARY NATURE:

Giving law students an accurate picture of the many ways in which family law is practiced, and introducing the multiple actors, from many disciplines, who play important roles both within and as adjuncts to the family courts.

4) NECESSARY SKILLS:

Providing students with the skills needed to be excellent family law practitioners.

5) CULTURAL WINDOW:

Opening a window on a troubled area of American law and culture and inviting intelligent, energetic and idealistic young people to get involved.

The FLER Project aims to draw interested parties into a discussion that will, we hope, proceed on at least four levels: (1) Are these the right goals for family law courses and curricula? (2) If they are not, or if they are too limited, what should be added or changed? (3) If these are sound goals, are law schools achieving them? (4) If not, who and what needs to change?

Recent Wingspread Conference

To date, several significant meetings have been held across the country at which law professors and other professionals involved with family law and the family courts have exchanged information and ideas. The Initial Draft of Findings and Recommendations served as a touchstone for a major conference. AFCC, The Center for Children, Families and the Law at Hofstra University School of Law, and the Johnson Foundation hosted the Wingspread Conference on Family Law Education Reform from March 3 to 5 in Racine, Wisconsin. Founded in 1959 by H.F. Johnson, Jr., the Johnson Foundation is dedicated to sponsoring conferences in the public interest on issues ranging from arms control to education to sustainable development, and much more. Wingspread, the last of Frank Lloyd Wright’s prairie houses, originally built as a home for the Johnson family, is the Foundation’s conference facility.

The conference served as a forum for integrating the perspectives and expertise of organizational leaders in family law into the teaching modules and curricula. Because the overarching goal of the project is to close the gap between teaching and practice, it is critical to involve those who can support and inform the process, help to facilitate dissemination of information, and encourage the organizations they represent to endorse the project and promote its goals.

The product of this conference will be a revised Report on the State of Family Law and outlines for model curricula and teaching modules. These will be presented for additional feedback to an interdisciplinary group of family law practitioners at the Annual Conference of the Association of Family and Conciliation Courts, May 18-21, 2005, in Seattle, Washington. It is anticipated that this will be followed by revisions until satisfactory documents are completed. We hope that the final report will spark a thorough reevaluation and reaffirmation of the role of family law in the law school curriculum, with the aim of improving legal practice and, ultimately, the lives of spouses, parents and children. ☺

Note: J. Herbie DiFonzo is a professor at Hofstra University School of Law and co-reporter for the Family Law Education Reform (FLER) Project. I want to first thank my co-reporter, Mary O’Connell, professor of law at Northeastern University, for carrying the lion’s share of this work. Thanks also to Andrew I. Schepard, director of Hofstra University Law School’s Center for Children, Families and the Law, and to Peter Salem, executive director of the Association of Family and Conciliation Courts. Additional funding for the FLER Project has been provided by the JAMS Foundation. Finally, this project relies mightily on the ideas and labor of an enthusiastic group of Hofstra students: Heather Abissi, Sharon Clarke, Alexis Collentine, Danielle Passano and Marion Perry.



Above Top: Seen here at the Wingspread Conference are (standing, left to right): Alexis Collentine, CAF Fellow and 2L at Hofstra Law School; Chris Beam, Director of the Johnson Foundation; Peter Salem, Executive Director of AFCC; Mary O’Connell, Co-Reporter of Family Law Education Reform; Andrew Schepard, Director of the Center for Children Families and the Law; Herbie DiFonzo, Co-Reporter of Family Education Reform, (seated) Leslye Hunter, President of AFCC; and Lisa Berman, Coordinator of the Center of Children, Family and the Law.

Photo courtesy Brad Jaeck, Photographic Design Ltd.

Above Bottom: Family Law Education Reform Faculty Advisory Committee at their meeting at Hofstra Law School in November, 2004.

Where We Are and Where We're Going

BY TODD FELTS

Corporate Governance:

When Victor Futter set out to organize a conference on corporate governance, he attracted a group of speakers that no one else could assemble. The result was a significant conference for corporate directors and their advisors at Hofstra Law School.

Indeed, Professor Futter, special professor of law and special assistant to the dean at Hofstra School of Law, envisioned an event with larger social as well as professional significance – directly addressing issues that have led to a critical loss of public confidence in our corporate institutions.

The results confirmed Professor Futter's expectations and justified his commitment. Hofstra School of Law's October 15, 2004, conference, "The Changed World of Corporate Governance: A Conference for Corporate Directors and Their Advisors," was a major academic, professional and media event. U.S. Securities and Exchange Commissioner Harvey Goldschmid keynoted the conference, and presenters included such profession leaders as Martin Lipton of Watchell, Lipton, Rosen & Katz and E. Norman Veasey, former chief justice of the Supreme Court of Delaware.

"Victor Futter's vision could not have had more

relevance than at this point in time, when investors are complaining that they are not being heard by corporate directors – who, in turn, have failed to prevent the high-profile scandals that continue to be front-page news," observed Alan Resnick, Hofstra Law's interim dean. "The legacy of this conference will endure.

Clearly law schools can and should play a key role in fostering a deeper ongoing discussion of the corporate governance issues that so decisively affect the marketplace.

I'm delighted that students, faculty, CEOs, board directors, and numerous attorneys had the opportunity to hear and discuss solutions at Hofstra."

The conference, co-sponsored by the Frank G. Zarb School of Business, melded important business trends as well as the legal and ethical issues related to the struggle for corporate transparency. "An abiding sense of caution has to some extent deterred companies from undertaking significant mergers, particularly in regard to hostile takeovers," commented Lipton.

Despite a pickup in the first half of 2004, M&A activity remains far below the levels recorded in 1999 and 2000, Lipton added.

It was Commissioner Goldschmid who, in his keynote speech, sounded the most optimistic note on the evolution of corporate governance and the reinvigoration of public confidence. Goldschmid supported his optimism with specifics, including one plan he outlined for giving investors more power to nominate corporate board candidates. He predicted that the full SEC will approve this plan. "There is simply too much merit in the shareholder access approach for it to be rejected over the long term," Goldschmid explained.

Among the other speakers, Judge Veasey explored

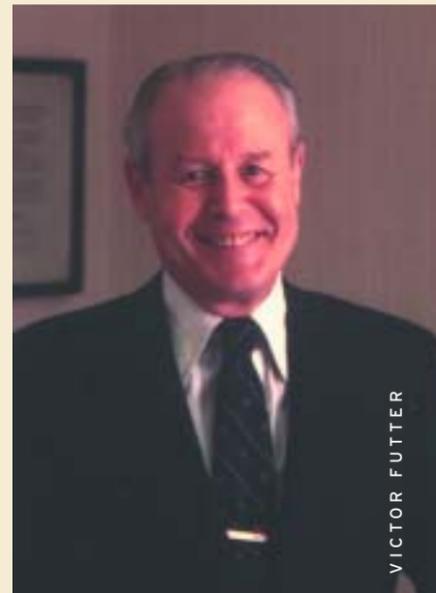
conflicts of interest and Hofstra Law Professor David Yellen overviewed white collar crime issues. R. Franklin Balotti of Richards Layton & Finger discussed certifications by CEOs and CFOs, and Curtis H. Barnette, chairman emeritus, Bethlehem Steel Corporation, provided insight into "Duty of Care – How to Be Independent and How to Assert Independence."

John C. Coffee, Jr. Professor Columbia University School of Law, led a compelling discussion on handling shareholder nominations. James P. Melican, former executive vice president, International Paper Company, provided guidelines for nominating and corporate governance committees, and A. Gilchrist Sparks III, a partner at Morris, Nichols, Arsht & Tunnell, expanded on the loyalty duty and its importance.

Sullivan & Cromwell's Janet T. Geldzahler outlined the role of compensation committees, and Dan L. Goldwasser of Vedder, Price, Kaufman & Kammholz did so for audit committees. Two professors from the Frank G. Zarb School of Business presented: Scott Green, who is also the director of audit and compliance at Weil, Gotshal & Manges, discussed finance committees in the context of investment policy, and Richard C. Jones addressed the question, "What should a director focus on in a corporation's financial statements?"

There was also a larger value to the conference, especially palpable when the participants gathered for a reception at its conclusion. Clearly, law schools can, and should, play a key role in fostering a deeper ongoing discussion of the corporate governance issues that so decisively affect the marketplace. Professor Futter could not attend the conference because of illness, but, due to his effort, Hofstra Law showed itself to be a pioneer in expanding the role of the academic community as a forum for public dialogue in this key area.

As Dean Resnick put it, "Victor has enriched Hofstra immeasurably and, without his efforts, this conference and its long-term benefits would have not been possible." ☺



VICTOR FUTTER

What the Schiavo Case Will Not Teach Us -

Unless We Look



There are many ways of looking at the Terry Schiavo case, but not all of them have received equal attention.

BY ROBERT A. BARUCH BUSH AND JOSEPH P. FOLGER

As it evolved, the case was presented in the media mainly as a clash between conflicting individual rights and personal beliefs – the rights and beliefs of the husband, the parents, and Terry herself. Most of what we heard and saw encouraged us to think of it in these terms. But despite the widespread coverage of these tragic events, no one has suggested that the Schiavo case can be looked at from a very different but equally valuable point of view: It is a dramatic example of what can happen when serious conflict confronts ordinary people with extraordinarily difficult choices and sharp differences.

From this perspective, the unexamined aspect of the

case is the conflict itself, between her husband and her parents, over what each thought was best for Terry and themselves. It may sound odd to say this conflict was unexamined. But with all the enormous press coverage, we know very little about how the conflict actually evolved. We know little about whether or how the sides of this family tried to talk through these difficult issues, and how their apparent inability to do so contributed to the escalating and ultimately tragic scenario that played out publicly around Terry's death. We know little about the failed conversations between these people and the reasons why these conversations went awry. As a result, we learn little, as a society, about the valuable lessons that this case might teach. Lessons about how conflicts that start out as normal disagreements can degenerate into deep enmity on all sides. Lessons that might help others who struggle with conflicts that are of similar gravity in their own families and communities.

We do not learn, for example, what factors made it hard for the husband and parents, at some point, to keep talking things through and maintain some level of recognition of their different perspectives. So that they instead wound up demonizing, and demonized by, each other. We are not challenged to imagine what kind of

different dialogue might have taken place that could have allowed each side to understand the other and make decisions based on that understanding – even if agreement or acceptance of the other's point of view was ultimately not possible. We do not sense the ways in which both sides experienced a terrible helplessness and isolation, because of their inability to sustain a basic human connection with each other as they all faced the illness and death of a loved one.

Mediation could inspire our citizenry to learn that conflicts need not add the insult of demonization to the injury of disagreement.

This view of the Schiavo case – as a classic instance of the difficulties of working through painful and divisive conflict without mutual demonization – comes very naturally to the many Americans familiar with the process called mediation. Conflicts like those that the parents and husband faced in this instance are worked through daily in mediation sessions across the country. But the public rarely gets to see this kind of struggle reach the point of closure, when people work through difficult conflict interaction that is steeped in emotion and filled with profound differences, even in fundamental beliefs.

As two professionals who have worked in the mediation field for over 30 years, we have tried to bring this view of conflict and the potential value of mediation to the public at large. This has been a difficult challenge. One reason is that the public is seldom given the chance to see the real assistance that can be provided in such painful and challenging situations. Reality-based shows premised on marital, neighbor or colleague conflicts present intense conflicts without giving any idea of how they might be transformed with the assistance that a skillful third party can provide. These shows thrive on the escalation of conflict without support for its transformation. We see third parties like judges who settle issues but do so in ways that actually decrease the chances that the parties will ever be able to talk constructively with each other again. Or we see therapists who tell people in conflict what to do based on relatively little information about the parties' lives and with little concern for their individual capability.

Even when the public does hear about mediation in the news or in films, it is portrayed as a process in which recalcitrant parties are cajoled or bullied into compromising and “splitting the baby” by mediators who are experts in manipulation and arm-twisting. But when parties are faced with profound and truly irreconcilable differences, as in the Schiavo case, what good is any of this?

What is almost never shown to the public is how a skilled mediator, far from cajoling and bullying, can help parties have difficult and conflictual conversations in ways that strengthen their own choices and also offer each person greater understanding of the other – no matter how profound and intractable their differences. So that, no matter what else happens, people emerge from the process with their sense of their own humanity, and each other's, intact. Instead of leading to mutual demonization, the conflict ends in humanization – whatever the concrete outcome. Those familiar with this remarkable phenomenon know that it is attainable in all kinds of contexts, from family conflicts like the Schiavo case, to conflicts in business, academia, the workplace, and the community.

Unfortunately, it is difficult to make this kind of mediation visible to the public. For example, one television producer considered developing a reality-based program about it. After watching tapes of mediation sessions, he was strongly affected. Still, he concluded that “this is powerful stuff, but it's slow and hard to edit – a mass audience will think they're ‘watching grass grow’ if it's presented in reality show format.” Perhaps other popular formats can demonstrate the real promise of mediation. The transformation of difficult human conflict is often slow and painful work, as any experienced mediator well knows. But the impact of witnessing this transformation is enormously valuable. It keeps thousands of volunteer and professional mediators dedicated to doing this difficult work all across the country. And it could inspire our citizenry to learn how conflicts need not add the insult of demonization to the injury of disagreement.

The personal tragedy of the Schiavo case cannot be erased, but some good can come of it if our society can use this occasion to learn important lessons. Some of those lessons obviously have to do with the substantive issues involved with end-of-life decisions, and those issues will probably be given great attention in coming months and years. But there are also lessons to be learned about how conflict can be addressed more productively and humanely in our society – through processes like mediation – so that those who face conflict are helped to hold on to their common humanity even while they struggle over their differences. So far, this lesson has not been mentioned, in all the discussion of the Schiavo case. We think that increased attention to this lesson could be one of the most important “legacies” of the struggle the Schindler and Schiavo families have gone through. ©

Robert A. Baruch Bush is a professor at Hofstra Law School; Joseph P. Folger is a professor at Temple University. The second edition of their book The Promise of Mediation has recently been published by Jossey-Bass.

Hofstra Nights: The Evening Division Takes Off

BY FRANCES CERRA WHITTELEY



Hofstra law school's evening division enrolled 90 students in its inaugural class this fall. The students, 56 percent of them male, at an average age of 29 compared to 24 for day-timers, take three courses each semester. About two-thirds of students also hold full-time jobs. They will complete the program in four years with attendance during at least one summer session. As this is written, applications for the fall, 2005 class are being processed, and demand is “absolutely meeting expectations,” according to Maureen Kessler, director of the program.

Below, three members of the first class reveal their varied motives for taking on the challenge of evening law school and their reactions to their first semester.

Hanita Wishnevski

With her third child in his last year of high school, the time had come for Hanita Wishnevski, 55, to pursue her long-held goal of attending law school. But she wanted to do so while continuing to work full-time as the administrative director of Hillel, the Jewish student organization at Hofstra.

At the very moment that Wishnevski came to her deci-

sion, Hofstra announced it was inaugurating its evening law school. “It was ‘bashert,’ Yiddish for things that are meant to be,” said Wishnevski during a lunchtime break from her job at Hofstra Hillel. “After I had my first child, I didn't go to law school because I figured it was too intense, so I got my master's in communication arts instead.” A career in video production and communications followed.

Now, as she juggles her full-time job and evening law school, she is finding the routine as intense as she expected, but doable. “With my family, it's ‘Oh, hi,’” she said, laughing, “On Friday nights at dinner we catch up.” The required reading, about 60 pages per week for each class, means that “weekends don't exist - I just study.”

But she finds the courses “fascinating” and says she is impressed with the expertise and depth of her professors. After she completes the four-year program, she expects to practice “some kind of law that probably makes no money, like working with the indigent elderly,” she said, laughing again. The only thing she believes she is missing by attending law school at night is as much connection with the other students as day students enjoy. “It's hard to hang out after class,” she says. “We have other responsibilities - and we're tired!”

Michael Prywes

After successfully producing his first feature film, one thing was clear to Michael Prywes: being a producer meant constantly dealing with contracts - hundreds of them, in fact. "There have been legal issues-contracts and negotiations - on every project I've done," said Prywes,

One of the things that's different about an evening program is that people are coming back from the real world, and they're eager to discuss issues. So it's a lot more dynamic than I imagined.

30. "So I realized that law is a huge part of the entertainment industry and that I should go to law school at night while I'm pursuing my film career."

In fact, Prywes used his new knowledge for practical advantage right after taking first-semester finals. He served papers on the individuals who dropped out of a project still owing him money. He said he hopes - and expects - the move will force a quick settlement rather than litigation.

Prywes is also enjoying evening law school for other reasons. "One of the things that's different about an evening program is that people are coming back from the real world, and they're eager to discuss issues (in class). So it's a lot more dynamic than I imagined."

Prywes' first feature film was *Returning Mickey Stern*, starring Joe Bologna and Connie Stevens, among others, and was theatrically released in New York, Los Angeles and elsewhere.

Prywes lives in Forest Hills, Queens, with his wife, Devra, who is pursuing her M.B.A. in the evening. As a result, he said, his long hours do not result in "my missing out on too much time with my wife."

Frank Dolisi

Frank Dolisi used to talk constantly with colleagues about the malpractice suits that plague his profession. Now Dr. Dolisi has found a better use for his time: doing the reading assignments for his law school classes.

Dolisi, a Garden City obstetrician and gynecologist in his 14th year of practice, no longer wants to just complain about the malpractice problem. As a personal mission, he has taken on fixing the system that results in so many malpractice lawsuits. Attending the evening program at Hofstra, while continuing his medical practice, is moving him toward that goal.

"The general public doesn't realize the crisis situation that many ob-gyns and hospitals are in," he said, "and that if it continues this way a lot of people are going to get hurt. I feel a moral obligation to try to prevent that by helping to find a solution."

Dolisi said malpractice suits are driving good doctors out of practice while patients are paying for unnecessary "defensive" tests and losing the services of caring physicians.

Dolisi is married, with three children, and said that so far he has been able to keep up with his law school assignments while still attending his sons' basketball games. Sandra, his wife of 20 years, who is pursuing a master's in education, has been "very supportive," he says. ☺

Left: Hanita Wishnevski, Frank Dolisi and Michael Prywes pose for a picture early in the evening, before 6:00 classes start.

Previous Page: The diverse careers and lives of profiled evening students are showcased through personal items brought to the photo shoot including Michael's film lens, Frank's lab coat and Hanita's family photos and favorite pass time, crossword puzzles.



BY FRANCES CERRA WHITTELSEY

She calls them kids even though most of them are over the age of 21, and when she watches them graduate each year, she's as proud as if they were her own children. That's because, as director of Hofstra University School of Law's Office of Career Services, Diane Schwartzberg realized long ago that successfully matching students with prospective employers requires getting to know them as people, not just sets of grades.

And once she knows them, her ability to remember them is legendary.

"Who knows why I remember what I remember," said Schwartzberg, who likes to poke fun at herself. "I know at least 40 to 50 kids per class. Multiplied by 25 years, I keep up with quite a number of our alumni. And I love to do it. I truly believe that our alumni are crucial to the success of Hofstra Law School."

Schwartzberg, 58, can be found behind the big desk in her office, in which many students think she keeps a drawer full of job openings waiting just for them. On

November 1, 2004, she celebrated 25 years at the Office of Career Services, where she started part-time as a secretary and kept moving up until she reached her present post. As the administrator of longest standing with the law school, she has become its institutional memory, a resource that can't be matched.

She was once asked by a member of an accreditation committee if she liked her job. "I said, 'This job was made for me'," she recalled. "It's true. Many times students come in and just pour out their hearts. I love to talk, but I love to listen. I'm interested in each and every student. I take the time to get to know these students, and work hard to match them with appropriate jobs and mentors." Schwartzberg also functions as the highly efficient center of a network of alumni. She relies on them to help provide jobs not only for new graduates, but also for other alumni who decide they want a change. "Our alumni are the reason we are so successful in job placement, mentoring and beyond," says Schwartzberg. "They are a truly special group of individuals who always look out for each other, no matter what year is printed on the Hofstra Law degree. It is a cycle of success of which I am glad to be a part." Her ability to read personalities and



remember them allows her to create successful matches between employers and job seekers time and time again. “Diane has a special gift for understanding personalities,” said Greg Rabinowitz, a principle of Kramer & Rabinowitz, LLC, a firm that specializes in matrimonial law. He said that when he graduated from Hofstra in 1990, the major law firms were downsizing. Two weeks before his wedding, he was unemployed and discouraged. That was when he went to see Schwartzberg.

She sent him out immediately for an interview with a lawyer she knew. “She told me, ‘your personalities will click,’” Rabinowitz remembers. She was right. “We became like father and son. She’s a matchmaker, like in ‘Fiddler on the Roof.’”

Jack Farley, class of 1973, calls Schwartzberg his “fairly godmother, counselor and friend for every day” of the 15-year term he has completed as a judge on the U.S. Court of Appeals for Veterans Claims. During his tenure, he hired 11 Hofstra graduates as law clerks, each of them with her “essential” recommendation, he says. “A federal judge can receive upwards of 1,500 applications for judicial clerkships each year, and the selection process can become a tedious exercise in rejection rather than

selection,” said Farley. “Diane simplified my task beyond measure” because she fully understood the qualities he needed in his clerks.

Schwartzberg, who lives in Wantagh, Long Island, and has been married for 38 years, decided it was time to return to the work force when her sons were 8 and 10 years of age. Now, she has two grandsons, whose photos decorate her work area. To relax, she frequently goes to the beach to walk and enjoy the seashore. “This is a place where I am always happy,” she says. “I bring a book and a thermos of coffee and I enjoy complete solitude by the shore.”

Diane is one of three counselors at the Law School’s Office of Career Services, headed by Senior Assistant Dean for Career Services Caroline Levy. Within nine months of graduation, between 94 and 96 percent of the graduating class find employment. Job openings for new graduates have not been plentiful for the past four years, Schwartzberg reports, but recently, she says, “There has been an uplifting change,” which she expects to continue.

“I’ll be retired before the next downswing,” she predicts, “like an athlete who goes out at the top of her game.” ☺

New Faces at Hofstra

Hofstra Welcomes Five New Faculty & Administrators to the Law School

Barbara Lukeman
Legal Writing Instructor

Barbara Lukeman remembers what it was like to be a student, having graduated from Hofstra Law School only 5 years ago. Her connection to both the Law School and law students has helped Lukeman transition from a successful practicing lawyer to a successful legal writing instructor.

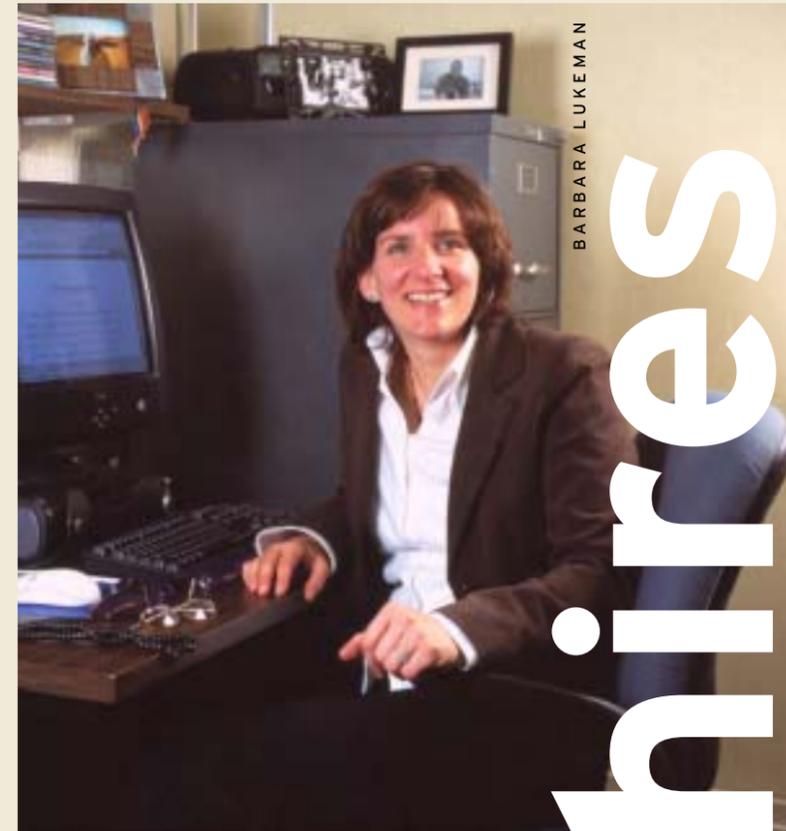
Upon graduation in 2000, Lukeman began her legal career with Nixon Peabody, LLP. She worked as a defense attorney in the product liability and toxic tort group. In the Fall of 2003, she decided to take a position as an adjunct legal writing instructor. One year later, she left her practice and took a full time position teaching at Hofstra.

“I love practicing law,” says Lukeman, “but I also love teaching. I believe it is a truly worthwhile career and I feel as if I belong in the classroom. I enjoy the personal connection with students and the ability to make a difference in their lives as law students and beyond the classroom as practicing attorneys.”

I enjoy the personal connection with students and the ability to make a difference in their lives as law students and beyond the classroom as practicing attorneys.

Lukeman spends a lot of time planning and grading for her Legal Writing and Research class. She imagined her biggest hurdle might be motivating students, but finds her students to be eager to learn. “The students are a big part of what makes this job so great,” says Lukeman.

In addition to teaching, Lukeman loves to travel. Her travels have taken her to such exotic places as the Sahara Desert, Thailand, Hong Kong, Antarctica, Russia, Argentina, and beyond. She spends as much time as she can exploring and traveling the world. Lukeman looks forward to continuing a career in academia. She lives on Long Island with her teenage daughter, Amelia, and her partner Monique.



BARBARA LUKEMAN

Series



Previous Page: Diane Schwartzberg in her office in the Joan F. Axinn Hall at the Law School.

This page left: Diane's life on a shelf includes yearbooks, family photos and more.

Bottom: Students think Diane's desk drawers house files of job openings waiting just for them. In reality, the contents are much less enticing - try office supplies!

Right: Diane's "deskcape" includes many shells from the shores of Long Island, her happy place on the weekends.



Keep in touch

...with Diane and Hofstra Law! Send Diane a message, let her know where you work, how you are doing. In the event that your firm or agency is hiring, we will be happy to accommodate you either in an on campus situation or resume referral. Let's stay connected.

You can email Diane directly at lawdzs@hofstra.edu.

Division of the United States Department of Justice where he worked on a number of higher education cases (1997-1998).

Dawes has also worked as an educator. For five years, he was an Associate Professor in the Department of African American Studies at the John Jay College of Criminal Justice, a senior college of the City University of New York. At John Jay College/CUNY, Dawes taught Race and Law classes to undergraduates and served as a pre-law advisor. After five years of teaching at the college-level, Dawes worked for a short time in the New York City public school system teaching social studies classes to high school students enrolled in a law academy program at a large public high school in Brooklyn through the New York City Teaching Fellows program.

At Hofstra, Dawes will be working with student organizations, individual students and alumni on a variety of matters, particularly issues related to the recruitment and retention of students of color. He looks forward to working with Hofstra alumni interested in mentoring Hofstra Law students.

CALLING OUR ALUMNI:

Elliott Dawes is looking for interested alumni to work with him in his role as Assistant Dean for Multicultural Affairs, particularly alumni interested in mentoring students of color. If you are interested in participating, please contact him at (516) 463-5865 or at lawead@hofstra.edu.

**Maureen C. Kessler
Director of Part-Time Programs and Graduate Admissions & Special Professor of Law**

Maureen Kessler has always been interested in education. She recalls returning to graduate school while working full time and being in awe of the experience – for what she was learning and what she was realizing about herself. She truly loved academia. So, upon receiving a Masters of Divinity Degree from Union Theological Seminary, Kessler retired from the position she held for more than 22 years as Vice President and Associate General Counsel of Goldman, Sachs & Co. and, shortly thereafter, began her career at Hofstra Law School.

“I feel that Hofstra is a perfect fit for me,” says Kessler. “I am very happy in my position. I particularly enjoy the diverse aspects of my job, from establishing new policies, to problem solving, to being in the classroom.”

Maureen is responsible for part-time programs at Hofstra,

including the newly initiated evening division. She enjoys working with students on a personal level and coordinating with the Law School’s administration to set policies and procedures. “Everything we do for the evening program and students is ground-breaking,” says Kessler. “I enjoy collaborating with administrators, professors, staff and students to achieve success in the program and set a precedent for the future.”

Maureen is also responsible for graduate admissions. She helps in the effort to recruit and retain regional, national and foreign students for the LL.M. program. This year, she hosted Thanksgiving dinner at her home for the foreign students. “I think it is important to build connections with the international students and it is really important to make sure they are getting the most out of their experience, both in and out of the classroom,” she says. She looks forward to growing the graduate law program and staying connected with the students.

In addition, Maureen teaches Corporate Finance at the Law School. “I love the classroom. I truly enjoy being able to transfer what I have learned in practice to students who are eager to learn.” She has taught Legal Research, Writing and Appellate Advocacy at New York Law School in the past and looks forward to continuing teaching Hofstra Law students.



ELLIOT DAWES, MAUREEN KESSLER, GERARD ANDERSON AND MIRIAM ALBERT

In addition to her career at Hofstra Law School, Maureen is an ordained minister in the United Church of Christ, and currently acts as a chaplain for the Nassau County Juvenile Detention Center. She and her husband Len, a construction attorney, have three sons; Kevin, Tom and John.

**Gerard Anderson
Director of Financial Aid**

Gerard Anderson heads one of most frequently visited offices at the Law School. As Director of Financial Aid, he is responsible for providing funding and financial guidance for newly admitted and continuing students as well as working with our alumni on matters relating to their student loans. “Funding a legal education is overwhelming to many,” said Anderson. “I enjoy helping our students, their families and our alumni work through the financial aid process.”

The Hofstra Law community benefits from Anderson’s vast experience in the field. He has worked as Director of Financial Aid at Teachers College, Columbia University and Brooklyn Law School. His work experience in financial aid also includes positions at SUNY Downstate Medical Center and The Graduate Faculty of Political and Social Sciences at The New School for Social Research. At Hofstra, he has an open door policy for those in need of immediate attention and direction and speaks at various forums to provide guidance to targeted populations, such as study abroad information sessions, accepted student receptions, open houses, and more.

Anderson sympathizes with all students who are confronted with skyrocketing debt levels that may affect their career choices. He works with Hofstra Law students on an individual basis to find solutions to financing their education that enable them to focus on their studies, not on their debt.

“Each student is in a different situation when they enter law school – some already have mounting debt from undergraduate studies, others have full-time responsibilities in addition to law school classes. Every situation is unique,” says Anderson. “I try to be sensitive to each student’s needs and provide them with the appropriate help and resources.”

Anderson lives on Long Island with his wife Annegret and 12 year old daughter Kristina.

Hofstra Law School is indebted to the many alumni and friends who have generously donated to provide scholarship support for our students. These gifts are a crucial part of attracting a quality and diverse student body and remain a priority for our financial aid office as well as our development office. If you are interested in learning more, please contact Margaret Sirot, Assistant Dean for External Relations at (516) 463-4317.

**Miriam Albert
Director of Admissions and Special Professor of Law**

Miriam Albert’s life has changed drastically in the past 9 months and she has never been happier. Once a single law professor, stand up comic and certified Pilates instructor on the Upper West side of Manhattan, she is now working mother of a toddler on Long Island, acting as the Director of Admissions and a Special Professor of Law at Hofstra. “The path I took to get here had many turns, but I ended up in the right place,” says Albert.

Having always enjoyed logic and problem solving, Albert thought law school would be a natural progression after graduating from Tufts University. She earned a merit scholarship to Emory University, where she graduated with a J.D./M.B.A. She worked for big firms in both Philadelphia and Manhattan including Stroock & Stroock & Lavan. After years of practicing law, Albert decided it was time to return to academia. She started as an administrator with adjunct responsibilities at Widener Law School. Realizing her true love for teaching, she moved to the legal writing faculty at Widener. She then attended New York University School of Law where she earned an LL.M. in Corporate Law. Then, Albert took a full-time faculty position at Fordham University, where she taught business law to undergraduate and MBA students. Finally, she accepted a job at Hofstra Law School, where she looks forward to a long and successful career.

“The Hofstra community is unlike any other,” says Miriam. “My daughter and I have been embraced by the people here on a level I didn’t expect. And, the students at Hofstra Law School are unlike those at any other place I have attended or worked. They are so dedicated, and non-competitive with each other. I have never experienced anything like it.”

In her roles as Director of Admissions and Special Professor of Law, Albert’s experience as a student, professor, and law school administrator will be beneficial, allowing her to relate to students on many levels. Albert enjoys making a positive difference in the lives of students and contributing to their education and their lives.

She is very impressed by the quality of the applicant pool this year and the continued growth that Hofstra experiences year after year. “I am glad to be a part of Hofstra and to keep the momentum going. I believe the faculty, administration and alumni are to thank for the continued success of Hofstra. We are a school that is designed to help its students succeed, and it is a wonderful place to be.” ©

Selected Publications, Activities and Honors of Hofstra Law School Faculty

Matthew Bodie

Associate Professor of Law

Activities: Bodie gave a presentation, "Information and the Union Representation Election: Technology as a Means to More Rational Decision making," at the Next Wave Organizing Conference at New York Law School on January 28 • He also presented a paper "Questions about the Efficiency of Employment Arbitration Agreements" at a New York University School of Law Labor and Employment Law Workshop on January 31

Alafair S. Burke

Associate Professor of Law

Broadcast Appearance: Burke appeared on Good Day New York to discuss the verdicts in the cases against Scott Peterson and Daniel Pelosi

Robert A. Baruch Bush

Harry H. Rains Distinguished Professor of Arbitration and Alternative Dispute Settlement Law

Publication: *The Promise of Mediation: The Transformative Approach to Conflict* (2nd ed., Jossey-Bass/Wiley, 2005) (with Joseph P. Folger)

Activities: Bush gave the keynote speech and presented a workshop at the First

Annual Conference on Transformative Mediation, "Ten Years After 'The Promise of Mediation': Looking Back, Looking Forward," in Philadelphia on November 7-8 • He also served as lead presenter for a seminar on transformative mediation at Arizona State University on January 25-26

Honor: Bush received two grants from the Hewlett Foundation, one to explore reasons for minority nonparticipation in ADR, the other to research the occurrence and nature of transformative "turning points" in conflict interaction

Nora V. Demleitner

Professor of Law

Publications: Risk Assessment: Promises and Pitfalls, 16 *Federal Sentencing Reporter* 161 (2004) • Misguided Prevention: The War on Terrorism as a War on Immigrant Offenders and Immigration Violators, 40 *Criminal Law Bulletin* 550 (2004) • A Vicious Cycle: Resanctioning Offenders, in *Civil Penalties, Social Consequences* (Mele & Miller, eds., 2005)

Activities: Demleitner gave a presentation entitled "A New Start? Foreign Convictions, Sentencing and Collateral Sanctions" at a conference on "The Legal Barriers to Reentry in Ohio: The ABA Collateral Sanctions in Theory and Practice," at the University of Toledo College of Law in September • She presented "The Growing Gap Between Citizen and Non-Citizen Offenders: The Reentry Movement Meets Re-entry Offenses," at the Immigration Law Teachers' Workshop at the University of Maryland

School of Law in June • She gave a presentation entitled "Felon Disenfranchisement: An Update," at the AALS Annual Meeting in San Francisco on January 6 • She participated on a panel on comparative law and human rights at the American Society of Comparative Law Conference, held at the University of Michigan School of Law in October • She also participated on a panel entitled "Prison Expansion and Reform," convened as part of Hofstra's Day of Dialogue on October 13

J. Herbie DiFonzo

Professor of Law

Publications: Juvenile Justice: Back to the Future?, 42 *Family Court Review* 673 (2004) (book review) • In Praise of Statutes of Limitations in Sex Offense Cases, 41 *Houston Law Review* 1205 (2004)

Activities: DiFonzo participated in "Family Law Education Reform Project: An Update, Family Law Education Reform Project, Workshop of the American Association of Law Schools, Alternative Dispute Resolution and Juvenile & Family Law Sections," San Francisco in January • In November, he attended, "Family Law Education Reform Project: Snapshots of Our Start, Family Law Education Reform Project," co-sponsored by Hofstra University and the Association of Family and Conciliation Courts in Hempstead, NY • He participated as co-facilitator in a roundtable discussion titled "Do Family Law and Family Courts Meet the Needs of 21st-Century Parents and Children?," held at Hofstra University in November • DiFonzo also gave the Peter

E. Herman Prize for Literary Excellence Lecture, "Unbundling Marriage: Interpreting the Legal and Cultural Changes in Family Structure", at Hofstra University in October

Honor: DiFonzo co-authored the "Initial Draft of Findings and Recommendations" for the Family Law Education Reform Project, which was published in December at <http://www.law.missouri.edu/aals/adr/FLERP.htm>.

Janet Dolgin

Jack & Freda Dicker

Distinguished Professor of Health Care Law

Activity: Dolgin lectured about shifts in the doctor/patient relationship at Long Island Jewish Hospital in October and about public health to medical residents at Nassau University Medical Center in December

Eric M. Freedman

Maurice A. Deane

Distinguished Professor of Constitutional Law

Activity: On December 15, Freedman testified before committees of the New York Assembly considering re-statement of the death penalty

Leon Friedman

Joseph Kushner Distinguished Professor of Civil Liberties Law

Publication: "Separation of Powers, in Watergate and the Resignation of Richard Nixon: Impact of a Constitutional Crisis" Harry Jeffrey & Tomas Maxwell-Long, eds., 2004

Activity: Friedman gave a presentation on "Candy and Obscenity" at the New York Public Library in Manhattan in December

Broadcast Appearance: He appeared on Court TV to discuss the gag orders issued in the Laci Peterson case

Scott Fruehwald

Legal Writing Instructor

Publication: The Rehnquist Court and Horizontal Federalism: An Evaluation and a Proposal for Moderate Constitutional Constraints on Horizontal Federalism, 81 *Denver University Law Review* 289 (2003)

Linda Galler

Professor of Law

Publication: ABA Section of Taxation Report of the Task Force on Judicial Deference, 57 *Tax Lawyer* 717 (2004) (with Irving Salem and Ellen P. April) (reprinted in 104 *Tax Notes* 1231 (Sept. 13, 2004))

Activities: In September, she presented "Judicial Deference to Administrative Pronouncements in the Tax Area," to the American College of Tax Counsel Board of Regents and "In Pursuit of Tax Shelter Promoters - How Many Arrows Does OPR Have in Its Circular 230 Quiver?" to the ABA Section of Taxation Committee on Standards of Tax Practice • She participated in a web cast on December 1, which was sponsored by the American Bar Association Section of Taxation and entitled "Circular 230 and the IRS Office of Professional Responsibility: Highlights, New Developments, and the Impact of the American Jobs Creation Act of 2004"

Mitchell Gans

Steven Horowitz Distinguished Professor of Tax Law

Publications: Possible Strategy to Make Fuller Use of Each Spouse's Exemption, *Probate Practice* (July 2004) • Some Good News About Grantor Trusts, 31 *Estate Planning* 467 (October 2004) • Gifts by Fiduciaries by Tax Options and Elections, 18

Probate & Property (November/December 2004) • Estate Tax Decoupling, *New York Law Journal* (June 25, 2004)

Activities: Gans taught a course on estate-and-gift tax valuation at NYU Law School, broadcast to IRS attorneys across the country via satellite during the Fall semester • He gave lectures about deference in tax practice at the University of Miami Institute on Estate Planning on January 11 and before the New York Estate Planning Council on January 18 • He also lectured about family limited partnerships at the New York County Lawyers' Association on January 24 and at the NYU Institute on Federal Taxation on October 29

John DeWitt Gregory

Sidney and Walter Siben Distinguished Professor of Family Law

Activities: On November 5, Gregory participated in a round-table discussion for the Hofstra Law/AFCC program "Do Family Law and Family Courts Meet the Needs of 21st Century Parents and Children?" • He was a participant in a collaborative project of scholarship, presentation and publication on the American Law Institute's Principles of the Law of Family Dissolution at Harvard Law School on October 14-15. His talk addressed Chapter 4 of the Principles, Property Division • Gregory participated in a meeting of the House of Delegates of the New York State Bar Association, of which he is an appointed member, in Albany, New York on November 6, 2004

Joanna Grossman

Professor of Law and Associate Dean for Faculty Development

Publications: Fear and Loathing in Massachusetts: Same-Sex Marriage and Some Lessons from the History of Marriage and Divorce, 14 *Boston University Public Interest Law Journal* (forthcoming 2005) • Grossman continues to write regular columns for *FindLaw's Writ* on family law, sex discrimination and other issues

Activities: Grossman was named one of Long Island's 40 Under 40 by *Long Island Business News (LIBN)*

Grant M. Hayden

Professor of Law

Publications: The False Promise of One Person, One Vote, 102 *Michigan Law Review* 213 (2003) • Resolving the Dilemma of Minority Representation, 92 *California Law Review* 1589 (2004)

Activity: Hayden participated on a panel entitled "Voting Rights and Barriers" as part of a symposium on law and democracy sponsored by the George Washington Law Review at the Library of Congress on November 15

Broadcast Appearance:

Hayden was interviewed on *Good Day New York* regarding legal issues surrounding the 2004 presidential election

James E. Hickey, Jr.

Professor of Law & Director of International and Comparative Law Programs

Honors: Hickey was named to the Board of Editors of *Ius Gentium*, an international law journal • Hickey has been named Chair of the ABA Special Committee on Restructuring of the Electric Industry

Activities: Hickey delivered a guest lecture at Warsaw

University Law School on November 26, 2004 entitled "The Legal Power of Regional Organizations to Use of Force Without Security Council Authorization" • He was Editor, 1 ABA Energy Committees Newsletter, No. 2 • He participated in the Annual Meeting of the European American Consortium For Legal Education (EACLE) in Ghent Belgium from May 19-21

Bernard Jacob

Alexander M. Bickel Distinguished Professor of Communications Law

Honor: Jacob was appointed to the Committee on Character and Fitness of the First Department of the Appellate Division in New York

Julian Ku

Associate Professor of Law

Publication: Beyond Formalism in Foreign Affairs: A Functional Approach to the Alien Tort Statute, *Supreme Court Review* (forthcoming 2005) (with John Yoo)

Activities: Ku gave a talk at Emory Law School on October 21 entitled "The Third Wave: The Alien Tort Statute and the War on Terrorism," and a talk entitled "The Structural Tension of Customary International Law" at Santa Clara Law School on January 28 • He presented a paper entitled "Treaty Delegations and the New World Court Order" at the International Legal Studies Workshop at UC-Berkeley on January 2-3 • Ku also spoke at a conference on "Civil Liberties in Wartime" in Miami on January 16

Theodor S. Liebmann

Clinical Instructor & Attorney-In-Charge of Hofstra Child Advocacy Clinic

Publication: The High Stakes

in Temporary Removal Determinations, *New York Law Journal* (July 9, 2004) (with Andrew Schepard)

Activity: With Lauris Wren, he delivered a lecture entitled "The Role of the Family Court in Special Immigrant Juvenile Status Cases" to an audience of Family Court judges, court attorneys and law guardians on September 22

Linda McClain
Rivkin Radler Distinguished Professor of Law

Publication: The Girlie Men Slur and Similar Insults: How They Show the Persistence of Sex-role Stereotypes, *FindLaws Writ* September 14 (with Joanna Grossman)

Activities: McClain presented "A Liberal Feminist Approach to Associations" in a speaker series for the New York Society for Women in Philosophy on November 5 at CUNY Graduate Center • She also gave a presentation entitled "Models of Sex Education: Women as Gatekeepers or Self-Governing Subjects?" at the Feminist Sexual Ethics Project Colloquium held at Brandeis University on October 10-11

Alan N. Resnick
Interim Dean and Benjamin Weintraub Distinguished Professor of Bankruptcy Law

Activity: Resnick presented "The Formulation of a Chapter 11 Plan of Reorganization" at the NYU Bankruptcy and Reorganization Workshop on September 14

Honor: Resnick became a member of the Executive Committee and Chairman of the Legislative Drafting Committee of the National Bankruptcy Conference

Andrew I. Schepard

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

Publications: Divorce, Custody and Visitation in ADR Handbook for Judges (Donna Siembra & Susan M. Yates, eds., 2004) • Schepard has also written several columns in *New York Law Journal*

Activities: Schepard participated in a symposium about "Expert Testimony by Child Custody Evaluators" in Nashville on October 14 • He moderated a roundtable, "Do Family Law and Family Courts Meet the Needs of Twenty-First Century Parents and Children?," held at Hofstra on November 5 • Schepard gave the keynote address to the Conference of the Florida Chapter of the Association of Family and Conciliation Courts in Tampa, Florida on November 12 • He made a presentation as part of the Kids First Professional Education Series in Freeport, Maine on November 19

Michael R. Siebecker
Associate Professor of Law

Publications: Review of Gay Rights and American Law by Daniel R. Pinello, 119 *Pol. Sci. Q.* 387 (2004)

Norman I. Silber
Professor of Law

Activity: Silber gave a presentation entitled "The Nonprofit Do Not Call Exemption Considered as a Matter of Social Policy" at the Annual Conference for the Association for Research on Nonprofit Organizations and Voluntary Associations on November 19 • He also gave a presentation on "Legal Education Curriculum for Nonprofit Studies" at Indiana University on November 5 • Professor

Silber presented "With All Deliberate Speed" at the Center for the Study of Law & Culture at Columbia Law School on October 12

Honor: Silber was elected to membership as a Fellow of the American Law Institute on October 22

Roy D. Simon
Howard Lichtenstein Distinguished Professor of Legal Ethics

Publications: What Partners Want from New Associates, *New York Law Journal* (August 20, 2004) • Should New York Adopt a 30-Day Blackout Rule?, *New York Law Journal* (Nov. 19, 2004) • Simon continues to write several columns in *New York Professional Responsibility Report*

Barbara Stark
Visiting Professor of Law

Publication: Introduction: Practical Applications and Critical Perspectives in International Family Law, 38 *Family Law Quarterly* 475 (2004)

Activity: Stark gave a presentation entitled "The ALI Principles on Separation Agreements: 'Fairness' and International Human Rights" at Harvard Law School on October 15

Honors: Stark was appointed to the Editorial Advisory Board of the *Encyclopedia of Human Rights*, published by Routledge • She was also appointed Chair of the Family Law Committee of the International Law Association (American Branch)

Vern R. Walker
Professor of Law

Activities: Walker presented "Judicial Review of Risk Assessment in the European

Union" at the Annual Meeting of the Society for Risk Analysis on December 8 in Palm Springs • He also gave an invited lecture at Erasmus University in Rotterdam on November 5, entitled "Risk Regulation and the Emerging World Government."

Lauris Wren
Clinical Instructor

Activity: With Theo Liebmann, Wren delivered a lecture entitled "The Role of the Family Court in Special Immigrant Juvenile Status Cases" to an audience of Family Court judges, court attorneys and law guardians on September 22

David N. Yellen
Max Schmertz Professor of Law

Activities: Yellen testified before the United States Sentencing Commission on November 17 • He made a presentation on "What White Collar Criminal Lawyers Need to Know About the Current Crisis in Federal Sentencing" at the American Bar Association White Collar Crime Committee Luncheon on November 12 • He gave the Reuschlein Distinguished Lecture at Villanova Law School on October 27 and gave a faculty workshop at Temple Law School, both on the sentencing law in the wake of *Blakely v. Washington* • At the Hofstra Law School Symposium on "The Changed World of Corporate Governance," he gave a presentation about "White Collar Crime and Sarbanes-Oxley" • Yellen also participated in a conference at Stanford Law School on October 8-9 about "The Future of American Sentencing"

Alumni Association Board of Directors

The following is the newly elected 2004-2005 Hofstra Law School Alumni Association Executive Board and Class Representatives.

Executive Board

Michael Kimack '95
Chairman

Richard Mandaro '94
Vice President, Alumni Awards Dinner

Eugene Levy '73
Vice President, Fundraising

Marilyn Cashman '98
Vice President, Law School Relations

Tom McKeivitt '96
Vice President, CLE/Tech

Chris Caruso '00
Secretary/Treasurer

Class Representatives

1973 Eugene F. Levy

1975 Jeff Goldblatt

1977 Paul Blutman

1978 Denise Sher

1979 Matthew Fusillo

1980 Jan D. Goldman

1981 Corey Bearak

1982 Kevin Rockitter

1983 Barbara Greenberg

1984 Peter Shafran

1985 Laurie B. Gold

1987 Ronald Maggiore

1988 Myra Sencer
and Thomas Oliva

1989 Janis Noto

1990 Leslie Berkoff

1991 Robert Bergida

1992 Christopher Senior

1993 James Joseph

1994 Richard S. Mandaro

1995 Michael Kimack

1996 Tom McKeivitt

1997 Michael Kneis

1998 Marilyn Cashman
and Eric Goldsmith

1999 Brian Michels

2000 Anthony DeVito

2001 Melissa Negrin

2002 Carrie-Anne Tondo

2003 Patrick Fife

2004 Michael Schnipper

▼ Class of '74

Dr. Robert O. Muller spoke at Monmouth College on October 20, 2004, regarding whether the military draft should be reinstated. His lecture was titled "Call to Duty". Last fall, Mr. Muller toured the nation to discuss the subject.

▼ Class of '78

Michael D. Patrick penned an article, "Cap on 2005 H-1B Visas expected to be reached

soon," in the September 27, 2004 issue of the *New York Law Journal*. Mr. Patrick is a member of Fragomen, Del Rey, Bernsen & Loewy.

▼ Class of '80

Merrie S. Frankel teaches a graduate course in Real Estate Capital Markets as an adjunct associate professor at NYU. She was also named a Trustee of the Urban Land Institute where she is vice-chairperson of the New York District Council. While on this Council,

she started UrbanPlan, a real estate course that is given in many New York high schools.

▼ Class of '84

Rick Collins is a nationally recognized legal authority on anabolic steroids and performance-enhancing substances. He recently presented on the "Legal Issues and Implications of Testosterone and Growth Hormone Therapy" at the largest ever world congress on anti-aging medicine and life extension, attended by over 4,000 physicians and scientists in Las Vegas, NV. Mr. Collins' lecture focused on the fine points of distinguishing lawful prescribing practices from illegal dispensation.

Rick also was a speaker and panelist at a conference on sports law and ethics entitled, "Winning at All Costs: Today's Addiction" held in Chicago, IL, in February and featuring broadcaster Bob Costas as the keynote speaker.



Father Francis Garbanzos was awarded by the Catholic Women's League for his work as a theologian (liberation theology) and educator (juvenile delinquents) on the double occasion celebrating his 30 years' ordination to the priesthood and the 75 years of his parents' marriage. He is the only priest-attorney licensed to practice in New York, New Jersey,

Connecticut, District of Columbia and Florida.

Andrew Oringer joined the board of directors of the Make-A-Wish Foundation of Metro New York. The mission of the Make-A-Wish Foundation is to grant the wishes of children with life-threatening medical conditions to enrich the human experience with hope, strength and joy.

Mr. Oringer heads the Clifford Chance U.S. ERISA and Executive Compensation practice. In this capacity, Andrew counsels clients on their employee benefit plans and programs as well as fiduciary issues arising in connection with the investment of employee benefit plan assets. He also represents employers and executives in the negotiation of executive employment and termination agreements.

▼ Class of '88

Risa Glaser was honored as an Outstanding Volunteer by the Make-A-Wish Foundation of Metro New York at its Annual Volunteer Recognition event in New York City on November 23, 2004. Ms. Glaser was recognized by the Foundation for her demonstrated enthusiasm and dedication to the Make-A-Wish mission. Risa is a consultant for Glaser Associates in Great Neck, NY. She advises owners of companies on legal, financial, and management issues, throughout the tri-state area.

Douglas J. Hayden has been named chair of the New York State Bar Association's 3,900-member Torts, Insurance and Compensation Law Section. Mr. Hayden serves as General Attorney & Chief Legal Officer for the New York State Insurance

Fund (NYSIF), where he oversees the legal department with offices across the state. Prior to this position, he served as Deputy General Attorney in charge of litigation, for NYSIF. He is currently village justice for the Village of Floral Park and previously served as village prosecution and as an Assistant District Attorney in Nassau County.

▼ Class of '89

Emily F. Franchina was elected secretary of the NCBA board of directors. Ms. Franchina, a shareholder in the firm Franchina & Giordano, P.C. is an attorney whose areas of concentration include Elder Law and Estate Planning. Emily has been active in the Association, and its Membership Committee, which she chairs and the WE CARE Fund advisory board.



Steven Tugander, a trial attorney in the New York Field Office of the United States Justice Department's Antitrust Division, has been named chair of the New York State Bar Association (NYSBA) 550-member Antitrust Law Section. He investigates and prosecutes numerous criminal antitrust cases affecting various industries in jurisdictions located throughout the Northeast. Mr. Tugander has served as secretary and vice-chair on the Executive Committee of the section. In addition to

his service with the NYSBA, Steven is an active member of the New York Inn of the Court and the SUNY Stonybrook Attorney Alumni Group.

▼ Class of '90

Leslie Ann Berkoff, a partner at Moritt Hock Hamroff & Horowitz, has been elected chair of the board of directors of the International Women's Insolvency & Restructuring Confederation. The organization is an international professional association that works to enhance the professional status and reputation of women in the insolvency field. Leslie was honored in this year's 40 Under 40 Class by the *Long Island Business News* on January 25th.

▼ Class of '91

Michele A. Silva joined the Matrimonial Department of the law firm of Phillips Nizer LLP in New York City. Admitted to practice in New York State and the U.S. District Court for the Southern District of New York, Michele is a member of the Bar Associations of Westchester County and Northern Westchester County, and the Westchester Women's Bar Association. She is a frequent faculty lecturer for the National Business Institute on probate and other estate matters.

▼ Class of '92

Kenneth M. Labbate joined the law firm of Mound Cotton Wollan & Greengrass as a partner in the New York City office. Ken currently defends all aspects of insurance-related matters including coverage work, disputes and complex litigations arising from labor and employment, prod-

uct liability, malpractice and property claims. Mr. Labbate was a former partner of Ohrenstein & Brown, LLP.

▼ Class of '93

James P. Joseph was honored as the Pro Bono Attorney of the Month for October 2004. Mr. Joseph's designation results from a demanding three-and-a-half year matrimonial case he closed last summer. He devoted more than 196 hours to his client, a woman in economic peril and suffering from emotional devastation. The NCBA, in partnership with the Nassau/Suffolk Law Services Committee, Inc. sponsors the Volunteer Lawyers Project (VLP) to provide needy citizens with access to the legal system. Mr. Joseph is one of many NCBA attorneys volunteering their time and expertise to the county's indigent residents. James heads James P. Joseph & Associates, P.C., a Garden City firm of four lawyers devoted exclusively to matrimonial and family law. His path to his specialty began shortly after his admission to the bar, and he has practiced almost exclusively in these areas of law.

Charles G. Roberts was elected partner at Cadwalader, Wickersham & Taft LLP, one of the world's leading international law firms. Mr. Roberts, an attorney in the London Capital Markets Department, focuses his practice on mortgage securitization and has represented underwriters, issuers and institutional investors in numerous public and private offerings in both the United States and Europe. He is a governor of the European Chapter of the Commercial Mortgage Securities Association (CMSA), Chair of

its Regulatory Committee in Europe and Chair of the International Committee of the CMSA. He is admitted to practice in England and the State of New York.

▼ Class of '94

Dennis C. O'Rourke, a partner at Ruskin, Moscou Faltischek, where he is a member of the Corporate & Securities Department, was honored in this year's 40 Under 40 Class by the *Long Island Business News* on January 25th. Dennis represents issuers and underwriters in initial public offerings, secondary offerings, private placements and mergers and acquisitions. He has worked with emerging growth companies in various corporate transactions, including corporate finance and bank financing.

John M. Griem, Jr. has been named partner in Milbank, Tweed, Hadley & McCloy's Intellectual Property Litigation Group in the New York office. Formerly an associate, his practice concentrates on patent litigation and encompasses patent and trademark licensing and prosecution as well as trademark and false advertising litigation. Mr. Griem, who joined Milbank in 1998, has worked with a number of leading technology companies to protect and challenge intellectual property rights. Recently his practice has expanded to include representing pharmaceutical companies in consolidated patent litigation against potential generic competitors, as well as litigation in the fields of medical products, consumer electronic products and semiconductors.

Jacqueline Harounian is an associate with the law firm of Jerome Wisselman in Great Neck, NY, one of the largest

matrimonial law firms on Long Island. Ms. Harounian is a frequent speaker on family law issues, and has had several articles published. Jacqueline and her husband, Maurice, have four children, ages 4 months to 13 years.

William C. Kolb was elected partner at the law firm of Mound Cotton Wollan & Greengrass. Mr. Kolb practices in the areas of insurance law, liability defense, products liability, toxic torts and complex litigation and appeals in various state and federal courts. Mound Cotton Wollan & Greengrass is a leading law firm primarily engaged in the conduct of insurance, reinsurance, and commercial litigation. Founded in 1933, the firm has 86 lawyers and is based in New York's financial district, with additional offices in London, San Francisco, Newark and Garden City, Long Island.

Stephen Shimony and Stacy Shimony (Hirsch) '95 are pleased to announce the birth of their daughter, Rebecca Morgan, on September 13, 2004.

▼ Class of '95

Sheri Gilbert Pardo, is an Assistant General Counsel in the employment group at the accounting firm Ernst & Young LLP. Sheri and her husband have two boys, Luke and Griffin, and live in Westfield, NJ.

▼ Class of '96

Michele McGuire is a trial attorney for Russo & Apozanski in Westbury, NY. Her husband, **Dave Gardi '96**, is Labor Relations Counsel for the NFL Management Council in Manhattan. They have a two year old son, Chase Alexander, and are expecting

their second child in the spring of 2005.

Samuel L. Spitzberg has completed his tour as a criminal defense attorney in Iraq where he earned the Bronze Star Medal. He recently returned to the United States and will return to civilian life this summer.

Tamara Stephen, Director of Public Sector Career Planning at Hofstra University School of Law, reviewed the video, "So Goes A Nation: Lawyers & Communities", that briefly profiles the interaction of three legal organizations and their communities in the November 2004 issue of the *NALP Bulletin*.

▼ Class of '97

Troy L. Cady has joined DKW Law Group as an associate in the firm's corporate practice group, where he'll focus on bankruptcy and creditors' rights matters.



Joseph P. Villanueva has formed the law offices of Villanueva & Villanueva. His primary practice areas include civil rights litigation, criminal defense and cases of significant personal injury. Prior to forming the firm, Mr. Villanueva served as an attorney for NYC and a senior trial attorney to a Fortune 100 Company.

▼ Class of '98

Danielle Leventhal Elias has opened her private practice in Staten Island, NY. She spe-

cializes in Estate Planning, Elder Law and Estate Administration which includes the preparation of Wills, Trusts, Powers of Attorney, Health Care Proxies and Living Wills, Probate, long term care, planning, Medicaid planning for nursing home and home care, tax planning, asset protection and real estate transactions.

Keven H. Friedman and **Rebecca Kranz** were married on October 10, 2004 in Atlanta, GA, by Rebecca's father, Rabbi Philip Kranz.

David Samuel Greenhaus was married to Alissa Beth Ticotin on March 26, 2005. David is an associate in the Melville, NY office of Jackson Lewis, a New York law firm.

Gregory Matalon has announced along with Howard Capell and Robert Barnett the opening of their new law practice, Capell, Barnett & Matalon. The full-service law firm, offering counsel in business, financial, tax and personal matters, is located in Jericho, NY. George is a member of the New York State Bar Association, Liaison to the Tax Law Section and House of Delegates; Nassau County Bar Association and is a trustee of the Kew-Forest School. Mr. Matalon co-chairs the school's evaluation by the New York State Association of Independent Schools. George continues to lecture on the topics of estate planning, small-business issues, tax matters and IRS laws, among others.

Jeffrey Schoen is an Assistant Director for the Licensing Division Waterfront Commission of New York Harbor. He and his director oversee a department of about 16 employees, including other management personnel who are responsible for the

licensing of all companies and dockworkers who handle waterborne (mostly containerized) freight in the port of New York and New Jersey.

▼ Class of '99

Peter Arcuri and **Jill Holzapfel** were married on August 18, 2004 in Negril, Jamaica. Peter is an attorney for Weinreb and Associates in West Babylon, NY.

Samuel Walker and his wife became the proud parents of a baby boy, Zander.

▼ Class of '00

Thomas A. Kenniff was commissioned as a JAG officer in the fall of 2003. Thomas is



a member of the National Guard and is an Assistant District Attorney in the Westchester County D.A. office. However, last summer his unit (42nd Infantry Division) was called to do a 12 month tour of duty in support of Operation Iraqi Freedom. It is the first time since World War II that the entire 42nd Infantry Division has been activated and deployed. The 42nd is famous for having liberated the infamous Dachau concentration camp. While in the theatre, Mr. Kenniff will serve as the Chief Legal Assistance office for the division, providing for the legal needs of the division and individual soldiers. Upon his return in late 2005 or early 2006, Thomas will return to

his job with the Westchester DA's office and continue serving as a reservist in the military. His email address in Iraq is Thomas.Kenniff@US.army.mil. He would welcome hearing from Hofstra Law School alumni.

Angelo Skartsiaris and **Natalie Anne Tartamella** were married on August 1, 2004 in St. James, NY. Angelo is an attorney with a practice in Melville, NY.

Penny Stefanakis (Mavromihalis) and **Michael Stefanakis '99** were married in 2000 and became the proud parents on October 9, 2004 of their first daughter, **Sophia Paraskevi**.

Richard J. Soleymanzadeh settled a case involving a 37 year old man (Brian Prins) who was incarcerated in Nassau County Correctional Facility for possession of stolen transmission parts and, at the time was fighting a drug addiction. The suit against the County, commenced in 1996, claimed various Civil Rights, religious and Constitutional violations. For approximately six years, Brian litigated the case pro se, working and conducting research from the prison law library during his incarceration/rehabilitation. Mr. Soleymanzadeh took the case pro bono. Upon his release from prison, Mr. Prins created and built what is now a thriving telecommunications business, which provides communication for the families and friends of inmates across the country at a substantially reduced rate. Brian Prins' company, is named, "Outside Connection". It cuts into the multimillion-dollar revenues currently cornered by agreements between the big telephone companies and the correctional departments.

Rich has his own practice in Garden City focusing on contract, real estate litigation and transactional work.

▼ Class of '01

Andrea Silverstein Glaser has joined the Somerville, NJ, law firm of Norris, McLaughlin & Marcus, P.A. as an associate in the commercial litigation department.

Jason B. Gurdus has joined the law firm of Rivkin Radler in the Insurance and Coverage Litigation Practice Group as an associate in the Uniondale office. Mr. Gurdus' practice concentrates on insurance coverage, municipal liability and civil rights matters and litigation.

Benjamin P. Malerba, III, has joined the Insurance and Coverage Litigation Practice Group of Rivkin Radler as an associate in the Uniondale office. Mr. Malerba concentrates his practice on insurance coverage, employment discrimination, municipal liability and civil rights matters and litigation.

▼ Class of '02

Anthony J. Ficara is an associate in the Condominium and Cooperative Law Department of the law firm of Certilman Balin. Mr. Ficara represents sponsors of condominium, cooperative and home owner association developments and conversions throughout the United States. Prior to joining the department, he practiced in the firm's Real Estate Group where he concentrated in all aspects of commercial and real estate, including contracts, leases, new construction closings, commercial and residential lending and land use.

Craig Handler joined the Melville, NY, law firm of

Kushnick & Associates as an associate and will focus on construction, commercial and real estate litigation. Mr. Handler was previously an associate with Jones, Hirsch of New York.

▼ Class of '03

Thomas J. Foley, Esq. has been appointed as a Lawyer to the Court of Appeal of England and Wales at the Royal Courts of Justice, again, being the first citizen of the United States to hold this position. Mr. Foley has various responsibilities including the case management of over a hundred live applications before the court to drafting briefs to assist the court. Mr. Foley has recently organized a visit from the International Law Section of the American Bar Association to the Court of Appeal in London. The delegation included ABA President, Mr. Robert Gray and Justice Stephen Breyer from the United States Supreme Court. Mr. Foley now lives in London with his fiancé, Kristin I. Kiepler, former Administrative Assistant to the Dean of Hofstra Law School. A small spring wedding is planned.

Brian D. Geldert and **Carrie Seiden** were married on January 15, 2005 at Temple Israel in Lawrence, NY. Carrie works as an Assistant District Attorney in Bronx County, NY, and Brian is practicing in the Business Finance and Restructuring department at Weil, Gotshal & Manges LLP. They met at Hofstra University School of Law and currently live in New York City.

Sarah Meg Papineau and **Robert P. Kowalczyk** are engaged to be married. A wedding in Mystic, CT, is planned for July 2005. Sarah

Meg is an associate with the firm of Cramer, Alissi & Fontaine, P.C. in Hartford, CT.

Karen Perino and **Carl Gravano** were married on September 25, 2004 in East Islip, NY. Karen is an attorney with Capell, Barnett and Matalon, LLP, in Jericho, NY.

▼ Class of '04

Michael A. Leon is working in Delaware for the firm of Richards Layton & Finger in the Corporate Litigation Department.

Harvey Manes, M.D., is the winner of the New York State Bar Association's Entertainment, Arts & Sports Law Section's Law Student Initiative writing competition. Harvey is an orthopedic surgeon as well as a 2004 graduate of the Law School

Dahlia Abrams married **Matthew Miller '03**.

In Memoriam

Joseph Rizzo '04 It is with deep sadness that we note the passing of Joseph Rizzo '04, who died suddenly on March 26, 2005.

Joe worked at the Suffolk County District Attorney's Office and truly loved his job. In fact, the seal of the DA's office was displayed at his wake along with his Hofstra Law school diploma and pictures of his Law School graduation, among his prized possessions.

According to many of his law school friends, Joe was known as an upbeat and outgoing individual. A true family person, Joe was the oldest of three boys who loved family gatherings, chose to live at home, and truly enjoyed his life and lived it to the fullest.

One Distinguished Evening

The Hofstra Law Alumni Association hosted the Distinguished Alumni Awards Dinner and Class Reunion on March 16, 2005 at the Princeton Club in Manhattan. More than 215 alumni, friends, faculty and staff of Hofstra Law School attended the event. This year's honorees were Ernesto Marrero, Jr. '82, Hon. David I. Weprin '80 and E. David Woycik, Jr. '80.

"These recipients, as well as our past recipients, have distinguished themselves in their respective fields and have, in turn, become ambassadors for Hofstra University School of Law representing the talent, diversity of practice, and success achieved by our graduates," said Michael Kimack '95, Chair of the Hofstra Law School Alumni Association.

At the dinner, Professor Leon Friedman was presented with the "Stewie", the Stuart Rabinowitz Outstanding Faculty Award. In addition, graduates from Hofstra Law School classes of '75, '80, '85, '90, '95, '00 gathered for their class reunions. A special thanks to the Alumni Class Reunion Committee Members for their support of the dinner:

ERNESTO MARRERO, JR. '82



Class of '75
Jeffrey Englander
Kent Mosten

DAVID I. WEPRIN '80



Class of '80
Jan Goldman
David Lazer

DAVID WOYCICK, JR. '80



Class of '85
William Condon
Marie Hoening
Margery Weinroth

Class of '90
Leslie Berkoff
Ralph Cathcart
Cheryl Filkowski
Andrew Harris
Scott Rutsky

Class of '95
Michael Kimack

Class of '00
Christopher Caruso
Anthony DeVito
Joel Weintraub

Make a Difference as a Mentor

The Offices of Alumni Relations and Student Affairs are excited to announce our new and improved Alumni Mentoring Program!

This program matches alumni with first-year students who share similar legal interests. Mentoring provides an opportunity for alumni to offer professional guidance and share law school experiences. Participants have found the program to be enriching and enjoyable for mentor and mentee alike.

If you are interested in becoming a mentor, please contact:
Nancy Rudolph, Director of Alumni Relations
lawnr@hofstra.edu
(516) 463-6568

Stay in Touch!

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 Law School community.

If you have moved or changed your contact information, please let us know. Send news and information to:

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