Dear Friends and Colleagues,

The success of the Benjamin N. Cardozo School of Law has been built in large part by the scholarship of our intellectually ambitious faculty. In 2012, Cardozo Law was ranked among the top 25 schools for scholarly impact, based on the number of citations faculty received from 2007 to 2011. The study* found Cardozo among the schools that “appear to be firing on all cylinders in scholarly pursuits....” Brett Frischmann, Myriam Gilles, Justin Hughes, Marci Hamilton, Barry Scheck, Anthony Sebok, Alex Stein, Stewart Sterk and Ed Zelinsky are among our most cited faculty members.

The impact of Cardozo's faculty extends far beyond what can, however, be discerned from citation studies. The culture at Cardozo encourages scholarship that focuses on big-picture issues and yields major payoffs—both in terms of shaping scholarship in a field of law and impacting the legal system. For example, Barry Scheck's pioneering work on DNA evidence, which led to the creation of the Innocence Project here at Cardozo, is transforming the criminal justice system around the country.

The following pages bring together the scholarly accomplishments of the Cardozo faculty from 2010 to 2012. They make clear that scholars at Cardozo are continuing to transform their fields in ways that are analogous to the impact of DNA evidence on the criminal justice system.

For example, Brett Frischmann's book *Infrastructure: The Social Value of Shared Resources* offers a new and interdisciplinary approach to evaluating infrastructure systems of all kinds, from highways and bridges to the Internet. It has generated a frisson of discussion as its implications are appreciated.

Marci Hamilton's book *Justice Denied* has produced legislative enactments and debate across the country concerning the role of institutions such as churches and schools in shielding sexual abusers of children. She has carried her work forward through involvement in litigation and legislative advocacy around the country.

Alexander Reinert is an accomplished civil rights litigator who argued *Ashcroft v. Iqbal* before the Supreme Court. His scholarship on how the *Iqbal* decision should be interpreted offers a persuasive analysis for states and lower courts that is now being adopted by court systems.

Michel Rosenfeld is recognized as a pioneer in comparative constitutional law and a preeminent scholar in legal philosophy whose work offers a new theory on constitutional secularism and comparative constitutionalism. He has formulated a disciplined approach to examining various problems that confront all constitutional democracies.

These are only a few examples of the groundbreaking work that is being generated by the faculty at Cardozo Law. The Cardozo faculty produces scholarship that poses hard questions and then answers them in ways that provoke discussion, debate and change. At the core of the school's mission is the promotion of justice and the improvement of our legal system.

On top of all this, Cardozo professors are known for their warm relationships with students and for their willingness to foster and participate in the robust intellectual life of the school. I invite you to explore this sampling of their recent scholarship.

Matthew Diller
Dean and Professor of Law

BRETT FRISCHMANN
Professor of Law
Director, Cardozo Intellectual Property & Information Law Program
J.D., 2000, Georgetown University

Brett Frischmann is an innovative and accomplished scholar in intellectual property and internet law. Professor Frischmann’s casebook, Cyberlaw: Problems of Policy and Jurisprudence in the Information Age (4th ed. 2010) (with Patricia Bellia, Notre Dame, Paul Berman, University of Connecticut, and David Post, Temple University Beasly School of Law) is one of the leading works in the field.

Professor Frischmann's scholarship is heavily interdisciplinary, engaging scholars in law, economics, political science, and engineering. His most recent work focuses on the relationships between infrastructural resources, property rights, commons, and spillovers.

Professor Frischmann’s work has been the focal point of serious and sustained engagement among scholars. For example, the Review of Law and Economics published an exchange between Frischmann and economist Harold Demsetz about Demsetz’s seminal property rights article.

The work of Professor Frishmann also has served as the basis for several special-issue journals and conferences. The Cornell Law Review published a special issue in 2010 dedicated to his article, Constructing Commons in the Cultural Environment, which he co-wrote with Michael Madison and Katherine Strandburg. The issue included commentary by renowned professors such as the late Elinor Ostrom, a Nobel Laureate in Economic Sciences.

A major interdisciplinary conference held at New York University, with over two dozen experts in areas including law, political science, economics and anthropology, used the same article as its framework. In 2013, Oxford University Press will publish a book based on the Constructing Commons project and the work generated at the NYU conference.

As a scholar, one of the things that I’m most proud of is to have had others engage with my work directly in the literature. The deep, sustained, productive exchange and development of ideas shows me that I’ve contributed something meaningful, and helped to move the ball forward.

I enjoy interdisciplinary work. We tend to think and analyze things in silos. What I often do in my scholarship—and in my teaching—is cut across different areas that people keep analytically separate, and show that there are important lessons to be learned.

—Brett Frischmann

RECENT PUBLICATIONS

Featured Book
Infrastructure: The Social Value of Shared Resources (Oxford University Press 2012)

Infrastructure resources are the subject of many contentious public policy debates, including what to do about crumbling roads and bridges; whether and how to protect our natural environment; energy policy; even patent law reform, universal health care, network neutrality regulation, and the future of the Internet. Each of these involves a battle to control infrastructure resources, to establish the terms and conditions under which the public receives access, and to determine how the infrastructure and various dependent systems evolve over time.
Infrastructure: The Social Value of Shared Resources devotes much needed attention to understanding how society benefits from infrastructure resources and how management decisions affect a wide variety of interests. The groundbreaking book links infrastructure, a particular set of resources defined in terms of the manner in which they create value, with commons, a resource management principle by which a resource is shared within a community. The infrastructure and commons ideas have broad implications for scholarship and public policy across many fields, such as environmental economics, intellectual property, and Internet policy.

Review of Infrastructure: The Social Value of Shared Resources
“Frischmann’s new book provides essential guidance for the analysis of diverse types of infrastructure resources and how policies affect the effectiveness, efficiency, fairness, and sustainability of outcomes. Rarely can one find such a broad and useful foundation for digging in and understanding the complexities of modern infrastructures. An extraordinary book.”
—Elinor Ostrom, Indiana University, Co-Recipient, Sveriges Riksbank Prize in Economic Sciences in Memory of Alfred Nobel, 2009

Other Recent Publications:
Compliance Institutions in Treaties, 7 REVIEW OF LAW AND ECONOMICS 89 (2011) (with James Hartigan, University of Oklahoma)
Intergenerational Progress, 2011 WISCONSIN LAW REVIEW 123 (with Mark McKenna, University of Notre Dame)
Constructing Commons in the Cultural Environment, 95 CORNELL LAW Review 657 (2010) (with Michael Madison, University of Pittsburgh, and Katherine Strandburg, NYU)

Myriam Gilles specializes in torts, class actions, and aggregate litigation. Professor Gilles is particularly interested in the dynamic, cooperative relationship between public and private models of civil law enforcement; the recent and significant restrictions in the rules governing the certification of both damages and injunctive classes; and the creation of new limitations upon standing, particularly in consumer class actions.

Professor Gilles has written extensively about challenges to class action waivers in arbitration agreements and has been critical of the Supreme Court’s decision in AT&T Mobility v. Concepcion, which upheld such waivers. She has also written about the Gulf Coast Claims Facility, which was established by British Petroleum in the aftermath of the 2011 Deepwater Horizon oil spill, and other private–public administrative compensation schemes in the Obama era.

All the doctrinal developments of recent years circumventing the reach of class actions pale in import next to the Supreme Court’s game-changing decision in AT&T Mobility v. Concepcion—a decision that means that companies that touch consumers’ day-to-day lives will now place themselves beyond the reach of aggregate litigation by simply incorporating waiver language in their standard-form agreements. For me, the question is, where does this leave civil law enforcement in the United States? If the “private
attorney general” role assumed by class action lawyers over the past several decades is on the decline, what or who will fill the resulting enforcement gap? As I argued in a recent article, the role assumed by class action lawyers over the past several decades may give way to a world in which state attorneys general make unprecedented use of their parens patriae authority.

—Myriam E. Gilles

**RECENT PUBLICATIONS**


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**MARCI A. HAMILTON**

Professor of Law
Paul R. Verkuil Chair in Public Law
B.A., 1979, Vanderbilt University
M.A., 1982 (Philosophy), M.A., 1984 (English), Pennsylvania State University
J.D., 1988, University of Pennsylvania

Marci A. Hamilton is one of the United States’ leading First Amendment and church/state scholars and writes extensively on issues arising in clergy sex abuse and religious land use cases. Professor Hamilton has contributed bi-monthly columns on constitutional issues to the legal resources websites FindLaw.com and Justia.com for over 12 years. She was named one of the 2012 Women of the Year in Pennsylvania by The Legal Intelligencer, the oldest law journal in the United States.

For the past 15 years, Professor Hamilton’s scholarship and advocacy has focused on fighting child sex abuse. She is the First Amendment and constitutional law advisor for victims in clergy abuse cases involving many religious institutions as well as in the related federal bankruptcy cases filed by the Milwaukee Archdiocese, Portland Archdiocese, Spokane Diocese, and San Diego Diocese. Currently, she is representing the first alleged victim to file civil charges against former Penn State Assistant Coach Jerry Sandusky; Second Mile, the charity he established; and Pennsylvania State University. She is also actively advocating for the passage of “window statutes” in various state legislatures to allow victims of sex abuse to bring claims that would otherwise be barred by statutes of limitations. So far, this effort has been successful in California, Delaware, Hawaii.
and Guam, and is pending in Massachusetts, New York, Pennsylvania, and Wisconsin. Other notable advocacy achievements include her successful argument before the United States Supreme Court in *Boerne v. Flores*, a seminal federalism and church/state case holding the Religious Freedom Restoration Act unconstitutional. In September 2012 she received the 2012 Frank Carrington Champion of Civil Justice Award from the National Crime Victim Bar Association.

Professor Hamilton founded and directed the Cardozo Intellectual Property & Information Law Program, and established and advises Cardozo Advocates for Kids, a student-run group that organizes cutting-edge conferences on children’s issues in the justice system.

Professor Hamilton clerked for Justice Sandra Day O’Connor of the United States Supreme Court and for Judge Edward R. Becker of the United States Court of Appeals for the Third Circuit.

I believe that as scholars it is our obligation to challenge false assumptions. We need to look at issues from a wide variety of angles, and challenge each other as well as society. Unfortunately, the academy too often follows an orthodoxy that obscures as much as it enlightens. When I first started writing about religious liberty issues, I joined the chorus of scholars who assumed that more religious liberty is good in itself. Over the years, though, I have learned that more religious liberty can also be a source of oppression and abuse. I wrote *God vs. the Gavel: Religion and the Rule of Law* to challenge the pervasive Pollyanna attitude toward religion. I have always followed my passion, whether it is the protection of authors and artists from overly aggressive publishers or children from sexual abuse in religious organizations. I am fortunate to be at Cardozo, which fosters original scholarship and the pursuit of justice in so many ways.

—Marci A. Hamilton

**RECENT PUBLICATIONS**

**Featured Book**

*Justice Denied: What America Must Do to Protect Its Children* (Cambridge University Press 2012)

Professor Hamilton proposes the elimination of the arbitrary barrier that has kept survivors of childhood sexual abuse out of court: the statute of limitation. Removing this procedural barrier permits the millions of survivors to make public the identities of their perpetrators and to receive justice and much-deserved compensation. Standing in the way, however, are formidable opponents such as the insurance industry and the hierarchy of the Roman Catholic Church. Professor Hamilton predicts a coming civil rights movement for children and explains why it is in the interest of all Americans to allow victims of childhood sexual abuse the chance to seek justice when they are ready.

Review of *Justice Denied: What America Must Do to Protect its Children*

“Professor Hamilton combines genuine sensitivity to the plight of survivors of childhood sexual abuse with in-depth expertise in the working of the legal system.”

—Barbara Bennett Woodhouse, Director, Center on Children and Families, Fredric G. Levin College of Law, University of Florida

**Other Recent Publications:**

**Articles**


**Book**

*Fundamentalism, Politics and the Law* (Mark Rozell, co-ed., George Mason University, Palgrave Macmillan 2011)

**Book Chapter**

Lela Porter Love is nationally recognized as a pioneer in mediation. Along with two decades of teaching, training, consulting and writing in the dispute resolution field, Professor Love serves as a mediator, arbitrator, and dispute resolution consultant in a wide range of cases. She served as chair of the American Bar Association Section of Dispute Resolution and initiated the first International Mediation Leadership Summit at the Peace Palace in the Hague.

As the recipient of two prestigious Lifetime Achievement Awards conferred by the International Academy of Mediators (2012) and the American College of Civil Trial Mediators (2010), Professor Love has repeatedly garnered the recognition of her peers for her significant contributions toward promoting and strengthening the practice and public understanding of conflict resolution. In 1985, she founded Cardozo’s Mediation Clinic, which was among the first clinical programs in the country to train law students to serve as mediators. Professor Love is a certified trainer for community dispute resolution centers in New York State. She has developed and delivered mediation theory and practice courses at a variety of domestic and international law schools; within the United States, these courses typically satisfy state certification requirements for court-annexed mediation assignments.

Professor Love has co-authored three law school textbooks that are considered foundational within the field.

*The underlying values and vision of the mediation process are as compelling and laden with potential as ever. Today’s litigator must understand negotiation and mediation mindsets, strategies, and skills or else she will disserve her client. It is highly likely that the litigated case will settle before trial, and the quality of the settlement will be determined, in part, by the lawyer’s mediation representation skills.*

—Lela P. Love

**NEW PUBLICATIONS**

**Featured Book**

*Stories Mediators Tell* (Eric Galton co-ed., ABA Publishing 2012)

Professor Love’s latest book is a collection of stories by prominent mediators that gives a window into the otherwise private mediation room. The authors are motivated by the belief that mediation is not well understood—even its practitioners are often limited to their own experiences, particularly given confidentiality strictures.

**Review of Stories Mediators Tell**

“Stories Mediators Tell is a multi-faceted gem of concrete illustrations of the mediation process. Filled with ‘aha’ moments of insights from the best in the mediation field, mediators, lawyers, clients, disputants, and parties have a rare opportunity to look inside the ‘black box’ of mediation confidentiality and watch how the ‘magic’ happens with vivid descriptions of ‘breakthrough moments’ or more subtle moments of human interaction, empathy, understanding and practical problem solving. A must-read!”

—Carrie Menkel-Meadow, Chancellor’s Professor of Law, University of California, Irvine School of Law
Other Recent Publications:

**Book**

Dispute Resolution: Beyond the Adversarial Model (Aspen Casebooks 2d ed. 2011) (with Carrie Menkel-Meadow, Georgetown University Law, Andrea Kupfer Schneider, Marquette University Law, and Jean Sternlight, UNLV–Boyd School of Law)

**Book Chapters**


**Article and Commentary**


Trick or Treat: The Ethics of Mediator Manipulation, 17 Dispute Resolution Magazine 17 (Fall 2010) (with Jim Coben, Hamline University)

Deborah Pearlstein is a noted scholar working at the intersection of constitutional law and international law, focusing on U.S. foreign relations law. In the last two years, she has been published by four prestigious law reviews. She is a leading human rights advocate and has co-authored multiple reports on the human rights impact of U.S. national security policy, including Command’s Responsibility, the first comprehensive accounting of detainee deaths in U.S. military custody since 2002. The report received extensive media attention worldwide.

Professor Pearlstein believes that upholding human rights in the pursuit of national security is a vital national interest. This conviction prompted her to take on the role of founding director of the Law and Security Program at Human Rights First, where she led the organization’s efforts in research, litigation, and advocacy surrounding U.S. detention and interrogation operations. She also worked closely with members of the military and intelligence communities on projects including launching a series of off-the-record workshops designed to address key policy challenges in U.S. counterterrorism efforts. Still an active contributor to the field, Professor Pearlstein was appointed in 2009 to the ABA’s Advisory Committee on Law and National Security.

Before embarking on a career in law, Professor Pearlstein served in the White House as a senior editor and speechwriter for President Clinton. She
clerked for Justice John Paul Stevens of the U.S. Supreme Court and for Judge Michael Boudin of the U.S. Court of Appeals for the First Circuit.

Historically, scholars and judges often assumed that the courts would—and should—play a limited role in cases implicating questions of foreign affairs and national security. But as some of the more troubling aspects of government counterterrorism efforts post-9/11 have become apparent, and as the volume of cases potentially included in the foreign relations category has expanded, it has become harder to insist that the judicial branch should opt out of all involvement. Cases involving domestic surveillance or detention—as well as cases involving the EPA's regulation of greenhouse gasses—all now implicate major questions of international affairs and national security. And in a half-dozen landmark cases in the past decade, the courts have not opted out. Rethinking what role the courts can most helpfully play in protecting individual rights, and in promoting effective and accountable government, is one of the great challenges for constitutional and international law in the coming decades. Much of my recent scholarship is focused on examining just such questions of the judicial role.

—Deborah Pearlstein

**RECENT PUBLICATIONS**

**Articles**

The Soldier, the State, and the Separation of Powers, 90 Texas Law Review 797 (2012)


**Book Chapter**

My empirical work is focused on examining difficult questions about how law is applied and developed in courts that have not traditionally been the focus of much empirical literature. I’m more interested than most in the work of the district courts, and I think one can’t really study that work unless one takes a close look at cases that never make it to reported databases such as Westlaw and Lexis. This kind of work is important because a lot of legal doctrine is based on assumptions about what happens when particular doctrine is applied in courts and in lawsuits. I think many of those assumptions are incorrect. I try to use empirical work to test those assumptions. That’s true about my work on heightened pleading, Bivens litigation, and my current project on the resolution of motions to dismiss after Iqbal and Twombly.

—Alexander A. Reinert

**RECENT PUBLICATIONS**

*Revisiting “Special Needs” Theory Via Airport Searches, Northwestern University Law Review (forthcoming); 106 Northwestern University Law Review Colloquy 207 (2012)*

*Release as Remedy for Excessive Punishment, William and Mary Law Review (forthcoming 2012)*

*Pleading as Information-Forcing, Law and Contemporary Problems (forthcoming 2012)*


*Public Interest(s) and Fourth Amendment Enforcement, 2010 University of Illinois Law Review 1461 (2010), adapted and reprinted in 38 Search and Seizure Law Report 45 (2011)*


*Procedural Barriers to Civil Rights Litigation and the Illusory Promise of Equity, 78 University of Missouri-Kansas City Law Review 931 (2010)*


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**MICHEL ROSENFELD**

Justice Sydney L. Robins Professor of Human Rights
Director, Program on Global and Comparative Constitutional Theory
J.D., 1974, Northwestern University

Michel Rosenfeld is recognized throughout the world as a preeminent scholar in comparative constitutional law as well as a pioneer in legal philosophy working at the crossroads of continental philosophy, deconstruction, critical theory, and Anglo-American philosophy. Professor Rosenfeld writes about the relationship between law, ethics, and politics, and has articulated a theory of comprehensive pluralism.

Among his many honors, Professor Rosenfeld has received the French government’s highest and most prestigious award, the Legion of Honor. In the spring of 2013, Professor Rosenfeld will be in residence at the University of Paris 1 Panthéon-Sorbonne as the Fulbright-Tocqueville Distinguished Chair. In 2007–2008, he held an International Blaise Pascal Distinguished Research Chair at the École Normale Supérieure in Paris, an honor also held by 20 Nobel
laureates; he is only the second legal scholar to be awarded this prestigious chair. He was a Distinguished Visiting Professor at the University of Toronto and held the Fresco Chair in Jurisprudence at the University of Genoa in 2007, and the Chaim Perelman Chair in Legal Philosophy at the Free University of Brussels in 2011.

Professor Rosenfeld is a prolific writer and is the co-author of one of the two principal casebooks of comparative constitutional law, the co-editor of The Oxford Handbook of Comparative Constitutional Law, and the author of numerous books and articles, several of which have been translated into at least ten foreign languages. He is co-editor-in-chief of the International Journal of Constitutional Law (I•CON) and a former president of the International Association of Constitutional Law (1999–2004). Professor Rosenfeld is currently president of the United States Association of Constitutional Law.

Professor Rosenfeld explains the genesis of his theory of comprehensive pluralism:

In dealing with the relationship between law and morals or ethics, I became convinced that no single conception of the good could convincingly emerge as the ultimate source of all normative validity and legitimacy, and, hence, I rejected all accounts that came under the rubric of philosophical monism. On the other hand, I found the proposition that each norm and value can be justified only from the standpoint of the conception of the good of those who are committed to it unconvincing and dangerous, thus refusing to embrace philosophical relativism. I sought, instead, to elaborate a systematic account of pluralism that avoided the pitfalls of both monism and relativism, and came up with a theory I labeled “comprehensive pluralism.”

— Michel Rosenfeld

**RECENT PUBLICATIONS**

**Featured Book**

**Law, Justice, Democracy and the Clash of Cultures: A Pluralist Account (Cambridge University Press 2011)**

This book argues that a political and legal philosophy based on pluralism is best suited to confront the problems of the twenty-first century. Pointing out that monist theories such as liberalism have become inadequate and that relativism is dangerous, the book makes the case for pluralism from the standpoint of both theory and its applications. The book engages with thinkers such as Spinoza, Kant, Hegel, Rawls, Berlin, Dworkin, Habermas, and Derrida, and with subjects that are at the center of current controversies, including equality, group rights, tolerance, secularism confronting religious revival, and political rights in the face of terrorism.

**Review of Law, Justice, Democracy and the Clash of Cultures: A Pluralist Account**

“Michel Rosenfeld began a project more than a dozen years ago of articulating a doctrine of ‘comprehensive pluralism’ that could respond to the problems that liberal democratic societies face, given the facts of both reasonable and unreasonable challenges to the core values of the Enlightenment project. Sadly, events since 9/11 have made the political and normative task he set for himself even more urgent, a testament to the prescience of that early work. His new book tackles the problems of the present, exemplified in the confrontation between the West and the Muslim ‘other,’ with great frankness and clarity. Once again the reader is treated to the rare talent of a thinker who is genuinely himself pluralist, and who can thus show that mainstream political philosophy and constitutional and legal theory, on the one hand, and postmodern and social theories, on the other, are engaged in a common debate in which all have something valuable to contribute.”

— David Dyzenhaus, Professor of Law and Philosophy, University of Toronto

**Other Recent Publications:**

**Articles and Essays**


10 X 10 in Honor of Norman Dorsen, 10 International Journal of Constitutional Law, n.1 (forthcoming 2012)


Books

Constitutional Secularism In an Age of Religious Revival (Susanna Mancini co-ed., University of Bologna, Oxford University Press forthcoming 2012)

Repenser le Constitutionnalisme à l’âge de la mondialisation et de la privatisation [Rethinking Constitutionalism In the Age of Globalization and Privatisation] (Hélène Ruiz-Fabri co-ed., Univ. Paris I, Panthéon-Sorbonne Press 2011)

The Identity of the Constitutional Subject: Selfhood, Citizenship, Culture and Community (Routledge 2010)

Comparative Constitutionalism: Cases and Materials (West Group 2d ed. 2010) (with Susanne Baer, University of Michigan, Norman Dorsen, NYU, and Andras Sajo, Central European University)

Book Chapters

Introduction, in Oxford Handbook of Comparative Constitutional Law (2012) (with Andras Sajo)

Comparative Constitutional Analysis in United States Adjudication and Scholarship, in Oxford Handbook of Comparative Constitutional Law (2012)

Constitutional Identity, in Oxford Handbook of Comparative Constitutional Law (2012)

Unveiling the Limits of Tolerance: Comparing the Treatment of Majority and Minority Religious Symbols in the Public Sphere, in Law, State and Religion in the New Europe: Debates and Dilemmas (Lorenzo Zucca and Camil Ungureanu, eds.) (Cambridge University Press 2012) (with Susanna Mancini)

RECENT PUBLICATIONS

Review of The Identity of the Constitutional Subject: Selfhood, Citizenship, Culture, and Community (Routledge 2010)

“The challenge of pluralism, writes Michel Rosenfeld, is to forge a political structure held together by a fixed set of norms while leaving room for an accommodation with those who do not accept those norms. The promise and the difficulties of this necessary project are the subjects of Rosenfeld’s magisterial synthesis of political, psychological, theological and theoretical perspectives on the subject of constitutionalism. The result is a trenchant and historically nuanced exploration of issues no one and no nation can afford to ignore.”

—Stanley Fish, Professor of Humanities and Law, Florida International University
Anthony Sebok is a respected expert on mass torts, litigation finance, comparative tort law, and legal philosophy. Professor Sebok’s casebook, Tort Law: Responsibilities and Redress (3d ed. 2012) (with John Goldberg, Harvard University, and Benjamin Zipursky, Fordham University), has been widely adopted by many leading law schools. He also has become one of the nation’s leading experts on (and advocates for) third-party investment in litigation.

Professor Sebok writes extensively about litigation finance and mass restitution litigation involving tobacco, handguns and slavery reparations. He studies the way that tort law expands and contracts in different social and political contexts. This has led him to study the influences affecting tort reform and various substitutes for tort law, such as the 9/11 Victims Compensation Fund. In addition, Professor Sebok studies how political culture and values influence tort law in the United States as compared to other countries, such as Germany. He is currently writing a book with Mauro Bussani of the University of Trieste on comparative tort law, looking at how political culture informs the rules of tort liability.

Right now I’m interested specifically in the tension between two very distinct parts of American political culture—the current suspicion that Americans sue too much and more deeply rooted popular faith in markets. These collide when a plaintiff tries to sell a piece of her lawsuit to a third-party investor. About half the states allow outside investors to purchase a partial interest in the outcome of litigation. At the same time, there is a growing reaction against this market. The critics of investment in litigation admit that they are paternalists who want to deny people the right to sell one kind of property—all or some of the damages resulting from the successful conclusion of a lawsuit. I think the arguments made against investment in litigation are, despite the sincerity of those who make them, in tension with Americans’ central faith in markets—so much so that I have come to suspect that the arguments against investment in litigation are an expression of an irrational taboo that I simply do not share. I am interested in what motivates the critics of investment in litigation. I think, in the end, that the critics think of lawsuits as qualitatively different from other forms of property—that a plaintiff’s interest in a damage award is not like her interest in intellectual property, or land, or a business venture. They reject the idea of the commodification of litigation. In my article, The Inauthentic Claim, I defend the idea that a lawsuit is just property.

—Anthony Sebok

**RECENT PUBLICATIONS**

**Articles**


*What is Wrong About Wrongdoing?*, 38 Florida State University Law Review (2012)

*The Inauthentic Claim*, 64 Vanderbilt Law Review 61 (2011)

*Betting on Tort Suits After the Event: From Champerty to Insurance*, 60 DePaul Law Review 453 (2011) (Symposium on Uncertainty in Tort Law)

**Book Chapters**


Report

Alex Stein specializes in evidence, economic analysis of law-enforcement mechanisms, and medical malpractice. As a leading scholar and prolific writer in these areas, he is widely cited in academic literature, called upon for expert opinion in court, and invited to present his work at conferences and symposia around the world. Professor Stein is currently on the editorial board of the International Journal of Evidence & Proof and was among the founding editors of Theoretical Inquiries in Law.

Professor Stein's celebrated book Foundations of Evidence Law broke new ground in the understanding of the law of evidence, arguing that evidence law is not geared toward the ascertainment of truth, but instead allocates the risk of error in fact-finding. The book changed the focus of evidence scholarship and became the most reviewed book in the field, as well as one of the most reviewed books in law generally.

Professor Stein's newest publication addresses a critical, but hitherto unacknowledged, problem of our legal system:

Theodore Roosevelt famously captured the fundamental tenet of our free society by saying that “No man is above the law and no man is below it.” Unfortunately, many people in our free society are “below the law” as our legal system—with all its outstanding achievements—delivers justice predominantly to those who can afford paying for good attorney representation. The article, The Relation-al Contingency of Rights, which I will soon be publishing in the Virginia Law Review (together with Professor Gideon Parchomovsky from Penn Law School), demonstrates that rights afford their holders meaningful protection only against challengers who face higher litigation costs than the rightholder. Contrariwise, challengers who can litigate more cheaply than a rightholder can force the rightholder to forfeit the right and thereby render the right ineffective. This phenomenon is disturbing, and the article offers ways to fix it.

—Alex Stein

“Stein's book has much to commend it: [it] makes a robust argument that the modern tendency toward minimizing the regulation of evidence is ill-conceived and that evidence law should develop in exactly the opposite direction; articulates an elegant unified theory of evidence law, whose central component is the principle of maximal individualization; [and] uses these various ideas to resolve some of the troubling paradoxes of the law of evidence, well captured by the famous blue bus hypothetical. ... From these theoretical perspectives, he brilliantly critiques various evidentiary rules, sometimes justifying and sometimes condemning those rules [and] provides a creative theoretical foundation for both civil and criminal litigation.”

—Professor Ronald Allen, Wigmore Chair, Northwestern University Law School and leading evidence scholar in the United States

RECENT PUBLICATIONS
Property scholarship often assumes that information about property rights—the scope of rights, the boundaries between them, their value, how to transfer them—is nearly costless. In a world where they are costless, market transactions often ensure efficient allocation of property resources, and the role of law is largely to provide the right incentives and deterrents to make people use the market. Otherwise, law should stay out of the way. Much of my scholarship, however, explores areas where determining who owns what property rights, or how those rights should be transferred, is costly. As the cost of ascertaining property rights increases, rules that reinforce market allocations can often punish people who cannot reasonably be expected to bear those costs. My scholarship explores the ways in which current legal doctrine protects people who reasonably forego the cost of learning more about property rights, and suggests that property law should more often take account of the cost of learning about property rights.

—Stewart Sterk

Recent Publications

**Articles**

- *Structural Obstacles to Settlement of Land Use Litigation*, 91 Boston University Law Review 227 (2011)

**Books**

- Land Use Regulation, Cases and Materials (Foundation Press 2011) (with Eduardo M. Peñalver, Cornell University)
- Estates and Trusts, Cases and Materials (Foundation Press 4th ed. 2011) (with Melanie Leslie, Cardozo Law, and Joel Dobris, UC Davis)
- Trusts and Estates (Concepts and Insights Series, Foundation Press 2d. ed. 2011) (with Melanie Leslie)
Recent Faculty Scholarship

MICHÈLLE ADAMS
Professor of Law
Co-Director, Floersheimer Center for Constitutional Democracy
Constitutional Law, Civil Rights Law
B.A., 1985, Brown University
J.D., 1989, City University of New York
LL.M., 1994, Harvard University

Michelle Adams’ scholarship focuses on racial equality and the law, with an emphasis on affirmative action and integration. Professor Adams clerked for Magistrate Judge James C. Francis IV of the United States District Court for the Southern District of New York. She codirects the Floersheimer Center for Constitutional Democracy and serves on the board of directors of The Innocence Project.

RECENT PUBLICATIONS
Racial Inclusion, Exclusion and Segregation in Constitutional Law, 28 Constitutional Commentary (forthcoming 2012)
Is Integration a Discriminatory Purpose?, 96 Iowa Law Review 837 (2011)

PARIS R. BALDACCI
Clinical Professor of Law
Director, Housing Rights Clinic
Director, LGBT Litigation and Leadership Practicum
Family Law, Elder Law
B.A., 1965, University of Scranton
Ph.D., 1974, Marquette University
J.D., 1987, City University of New York

Paris Baldacci has developed and coordinated significant cases in the areas of landlord/tenant law and public housing entitlements, and advocated for judicial reforms to assure access to justice for unrepresented litigants. He lectures and writes on tenant succession rights and access to justice issues.

RECENT PUBLICATIONS
Litigating Succession Rights Cases of Non-Traditionally Recognized Families in Rent-Regulated Apartments in New York State, Legal Services of New York CLE Series (December 2011)

RICHARD BIERSCHBACH
Associate Professor of Law
Criminal Law, Administrative Law
B.A., 1994, J.D., 1997, University of Michigan

Richard Bierschbach’s scholarship focuses on the intersection of criminal law and procedure, with an emphasis on the relationship of procedural and institutional design to substantive criminal law concerns. Professor Bierschbach clerked for Judge A. Raymond Randolph of the U.S. Court of Appeals for the D.C. Circuit, and for U.S. Supreme Court Justice Sandra Day O’Connor. He co-chairs the Amicus Practice Committee of the American Bar Association’s Criminal Justice Section.

RECENT PUBLICATIONS
Dr. Bleich is a world-renowned expert on Talmudic jurisprudence and family law.

**Recent Publications**

**Featured Book**

*Contemporary Halakhic Problems, Volume VI* (KTAV Publishing 2012)

As part of a series analyzing the application of Jewish law to current social, political, technological, and religious problems, this volume examines the use of torture as a weapon against terrorism, sacrificing human lives for the protection of society, enforcement of heter iska agreements (permissible ventures in lieu of interest bearing loans) in American courts, malpractice liability, contemporary medical questions, and other societal issues.

**Other Recent Publications:**

**Articles**

- *Zayin Tuwei ha-Ir be-Iram ke-Bet Din o ke-Melekh be-Irma [Seven Trustees of the City: Is Their Authority that of a Court or of a Monarch?]*, *Sha'arei Zedek*, Vol. XV (forthcoming 2012)
- *Substitution of Lottery Tickets*, *Tradition* (Spring 2012)
- *Product Liability*, *Tradition* (Spring 2012)
- *Piscatorial Parasites*, *Tradition* (Spring 2011)
- *Entering a Non-Jewish House of Worship*, *Tradition* (Summer 2011)
- *May a Sabbath-Desecrator Drink Wine?*, *Tradition* (Fall 2011)
- *Spontaneous Generation and Halakhic Inerrancy*, *Tradition* (Winter 2011)
- *Gemirat Da'at al-pi Nihuta de-Mizvah ve-al-pi Dina de-Malkhuha [Finality of Interest Due to Satisfaction in Performing a Mitzvah or Due to the Law of the Land]*, *Bet Yitzhak* (2010)
- *Halva'ah Tzemudah Le-Hityakrut Haba'ah Mahmat Ribuy Sharei Kesef [Debt Indexed to Inflation Attributable to Increase in Money Supply]*, *Bet Yitzhak* (2011)
- *Sacrificing the Few to Save the Many*, *Tradition* (Spring 2010)
- *Laser Circumcision*, *Tradition* (Fall 2010)

**Book**

*Be-Netivot ha-Halakhah [In the Pathways of Jewish Law], Volume IV* (Yeshiva University Press 2011)

**Book Chapters**

- *Sacrificing the Few to Save the Many, in Contending with Catastrophe: Jewish Perspectives on September 11th* (Michael J. Broyde ed., K'hal Publishing 2011)
- *Pre-Implantation: Genetic Diagnosis and Jewish Law, in The Value of Human Life: Contemporary Perspectives in Jewish Medical Ethics* (Refoel Guggenheim et al. eds., Feldheim Publishers 2010)
LESTER BRICKMAN
Professor of Law
Ethics, Torts, Litigation
B.S., 1961, Carnegie Mellon University
J.D., 1964, University of Florida
LL.M., 1965, Yale University

Lester Brickman is nationally recognized for his expertise in legal ethics, contingency fees, mass torts, and asbestos litigation. He is a sought-after featured speaker and presenter at legal and business conferences. Professor Brickman’s writings are widely cited and he is frequently quoted in the press.

RECENT PUBLICATIONS

Featured Book
Lawyer Barons: What Their Contingency Fees Really Cost America (Cambridge University Press 2011)

Professor Brickman examines how contingency fees distort our civil justice system, influence our political system, and endanger democratic governance. Although some believe that lawyers manipulate the justice system to serve their own ends, few are aware of the high costs that come with contingency fees. This book sets out to change that, providing a window into the underworld of contingency fees that the bar and the courts not only tolerate but even nurture and protect. Contrary to a broad academic consensus, the book argues that the financial incentives for lawyers to litigate are so inordinately high that they perversely impact our civil justice system and impose other unconscionable costs.

Review of Lawyer Barons: What Their Contingency Fees Really Cost America
“Lester Brickman is a man with a mission: To expose the waste and fraud that permeates the system of tort liability as it has grown up over the past forty years in the United States. Brickman is an indefatigable researcher who understands the keys to unlocking the secrets of the tort system. What is truly striking about Lawyer Barons is not just the massive amount of evidence presented but the tenacity with which he tracks down just about every scrap of available evidence on a particular problem and melds it into a compelling narrative that reads as a coherent whole.... Anyone who reads this book will quickly conclude that tort reform belongs back on the national agenda.”
—Richard Epstein, Lawrence A. Tisch Professor of Law, NYU Law School, Peter and Kirsten Bedford Senior Fellow, Hoover Institution

Other Recent Publications:

Articles
Unmasking the Powerful Force that has Mis-Shaped the American Civil Justice System, 4 Global Competition Litigation Review, No. 3, 169 (2010)

MICHAEL BURSTEIN
Assistant Professor of Law
Intellectual Property Law, Corporate Law
B.A., 1999, Yale University
J.D., 2004, New York University

Michael Burstein is an emerging scholar in the field of patent law. His background in molecular biophysics and biochemistry, ethics, politics, economics and law are foundational to his research on the institutional structures—both private and public—that shape innovation. Professor Burstein clerked for Judge A. Raymond Randolph of the U.S. Court of Appeals for the District of Columbia Circuit, and served as a Bristow Fellow in the Office of the Solicitor General, U.S. Department of Justice.

RECENT PUBLICATIONS

Rules for Patents, 52 William & Mary Law Review 1747 (2011)
David Carlson is a prolific writer and noted specialist in bankruptcy, jurisprudence, and commercial law.

**RECENT PUBLICATIONS**

**Featured Book**

*Consumer Bankruptcy* (Vandeplas Publishing 2d ed. 2011)

Professor Carlson’s second edition of *Consumer Bankruptcy* is a casebook focusing solely on the unique issues that arise under the United States Bankruptcy Code when an individual with primarily consumer debts files for bankruptcy. The book fully explores the complexities introduced in 2005 with the enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act, legislation that clearly sets out consumer bankruptcy as a very technical subspecialty in the field of bankruptcy. Covered in this book are the barriers to entry by a consumer into chapter 7 liquidation, issues relating to discharge of debt, chapter 13 plans, and chapter 13 cases converted to chapter 7 cases.

**Other Recent Publications:**

**Articles**

- *Where Corporations Are: Why Casual Visits to New York are Bad for Business*, 76 Albany Law Review

**Book**

*The Law of Debtors and Creditors* (Vandeplas Publishing 2010)
Susan Crawford is a leading expert on intellectual property and information law. Currently, she is a columnist for Bloomberg View and Wired.com and is a member of Mayor Bloomberg’s New York City Council on Technology and Innovation. She also served as Special Assistant to the President for Science, Technology, and Innovation Policy (2009) and co-led the FCC transition team between the Bush and Obama administrations.

**RECENT PUBLICATIONS**

**Articles**

*The Communications Crisis in America*, 5 Harvard Law & Policy Review 245 (2011)


**Op-Eds**

**Bloomberg View**


**Wired.com**


**The New York Times**


Laura Cunningham
Professor of Law
Tax Law
B.S. 1977, University of California, Davis
J.D., 1980, Hastings College of Law, University of California
LL.M., 1988, New York University

Professor Cunningham’s scholarship focuses on issues arising in the federal taxation of partners and partnerships, and on the federal wealth transfer taxes.

Recent Publications:

Featured Book

This book avoids neither the hard questions nor the conceptual difficulties, providing readers with a firm understanding of partnership taxation. Each chapter begins with a basic explanation of the relevant provisions and the roles that they play in the overall structure of Subchapter K and includes an increasingly detailed discussion of the specific rules, incorporating multiple illustrative examples. Each chapter builds on the earlier chapters, leading readers through Subchapter K’s seamless web.

Mitchell L. Engler
Professor of Law
Tax Law, Contracts

Mitchell Engler studies current issues surrounding tax law, tax policy, and contracts. Professor Engler is a frequent contributor to policy organizations and has been published by major newspapers and legal journals, including The Wall Street Journal.

Recent Publications:

The Untaxed King of South Beach: LeBron James and the NBA Salary Cap, 48 San Diego Law Review 601 (2011)


Peter Goodrich
Professor of Law
Director, Law and Humanities
Contracts, Jurisprudence, Film and Law, Gender and Law
LL.B., 1975, University of Sheffield
Ph.D., 1964, University of Edinburgh

Peter Goodrich has written extensively in legal history and theory in the areas of law and literature and semiotics. He is managing editor of Law and Literature and he is on the editorial board of Law and Critique.

Recent Publications:

Featured Book

The Scene of the Mass Crime takes up the unwritten history of the peculiar yet highly visible form of war crimes trials. These trials are the first and continuing site of the interface of law, history, and film. From Nuremberg to the contemporary trials in Cambodia, film, in particular, has been crucial both as evidence of atrocity and as the means of publicizing the proceedings. Drawing on a fascinating diversity of public trials and filmic
responses, from the Trial of the Gang of Four to the Gacaca local courts of Rwanda to the filmic symbolism of 9/11, from Soviet era show trials to Nazi People's Courts, leading international scholars address the theatrical, political, filmic and symbolic importance of show trials in making history, legitimating regimes and, most surprising of all, in attempting to heal trauma through law and through film.

Other Recent Publications:

**Articles**

- *Disciplines and Jurisdictions*, 48 English Language Notes 176 (2011)

**Book Chapters**


**Flores quae faciunt coronam or The Flowers of Common Law**, in Law and Art (Oren Ben-Dor ed., Routledge 2011)


**Law, in Critical Terms For Media Studies** (W.J.T. Mitchell & Mark B.N. Hansen eds., Chicago University Press 2010)

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**MALVINA HALBERSTAM**

Professor of Law

International Law

B.A., 1957, Brooklyn College

Malvina Halberstam is a member of Cardozo’s founding faculty, and has extensive experience in issues involving individual rights, international law, the application of the constitution to the conduct of foreign affairs and the administration of criminal justice. She clerked for Judge Edmund Palmieri of the U.S. District Court for the Southern District of New York, served as an assistant district attorney under Frank Hogan, was a reporter for the American Law Institute (Model Penal Code Project), and served as counselor on international law in the U.S. Department of State, Office of the Legal Advisor.

**RECENT PUBLICATIONS**

MICHAEL E. HERZ
Arthur Kaplan Professor of Law
Co-Director, Floersheimer Center for Constitutional Democracy
Administrative Law, Environmental Law
B.A., 1979, Swarthmore College
J.D., 1982, University of Chicago

Michael Herz writes on a variety of public law topics and is noted for his expertise on administrative law. He clerked for Associate Justice Byron R. White of the U.S. Supreme Court and for Chief Judge Levin H. Campbell of the U.S. Court of Appeals for the First Circuit. Professor Herz is a public member of the Administrative Conference of the United States and was the chair of the ABA's Section of Administrative Law and Regulatory Practice from 2011 to 2012.

RECENT PUBLICATIONS

Featured Book
The Content and Context of Hate Speech: Rethinking Regulation and Remedies (Peter Molnar, Central European University, co-ed., Cambridge University Press 2012)

The contributors to this volume consider whether it is possible to establish carefully tailored hate speech policies that are cognizant of the varying traditions, histories, and values of different countries. Throughout, there is a strong comparative emphasis, with examples (and authors) drawn from around the world. All the authors explore whether or when different cultural and historical settings justify different substantive rules in light of the concern that such cultural relativism can be used to justify content-based restrictions and so endanger freedom of expression.

Other Recent Publications:
Books
Elements of Law (Lexis Nexis 2d ed. 2010) (with Eva Hanks, Cardozo Law, and Steven S. Nemerson, University of Minnesota)

JUSTIN HUGHES
Professor of Law
Intellectual Property Law
B.A., 1982, Oberlin College
J.D., 1986, Harvard University

Justin Hughes’ work focuses on copyright and related rights, trademarks, geographical indications, and international intellectual property issues; he is also the founder and faculty director of the law school’s Indie Film Clinic, the first of its kind. He clerked for the Lord President of the Malaysian Supreme Court in Kuala Lumpur.

Since November 2009, Professor Hughes has served as Senior Advisor to the Undersecretary of Commerce for Intellectual Property. In June 2012 he led the U.S. delegation at the World Intellectual Property Organization’s (WIPO) Diplomatic Conference in Beijing. The conference successfully adopted the Beijing Treaty on Audiovisual Performances, which provides a platform for the harmonization of actors’ rights globally. Professor Hughes was widely credited with resuscitating efforts for the treaty after major negotiation breakdowns occurred in both 1996 and 2000.

RECENT PUBLICATIONS

The Photographer’s Copyright—Photograph as Art, Photograph as Database, 25 Harvard Journal on Law and Technology (2012)

KYRON J. HUIGENS
Professor of Law
Criminal Law, Legal Theory
B.A., 1981, Washington University
J.D., 1984, Cornell University

Kyron Huigens brings his experience as a prosecutor and criminal defense attorney to his scholarly study of theories of punishment. He is frequently published in major law journals including the Harvard Law
Recent Publications

Article
Provocation at Face Value, Marquette Law Review (forthcoming)

Book Chapter

ARTHUR JACOBSON
Max Freund Professor of Litigation & Advocacy
Legal Theory, Jewish Law

Arthur Jacobson’s scholarly work has focused on the idea of dynamic jurisprudence. He co-edited, along with internationally acclaimed scholar Bernhard Schlink, Weimar: A Jurisprudence of Crisis, recognized by many legal theorists as an invaluable overview of the perils and promise of constitutional development in states that lack an entrenched tradition of constitutionalism.

MELANIE B. LESLIE
Professor of Law
Trusts and Estates, Nonprofit Law
B.A., 1983, University of Oregon J.D., 1991, Benjamin N. Cardozo School of Law

Melanie Leslie’s scholarship focuses on wills, trusts and fiduciary duties in the trust, corporate and nonprofit contexts. Professor Leslie clerked for Justice Gary S. Stein of the New Jersey Supreme Court.

Recent Publications

Article
Outsourcing Incompetence, 32 Cardozo Law Review 1225 (2011)

Book Chapters
Hate Speech and Self-Restraint, in Regulating Hate Speech: Content, Context, and Remedies (Michael Herz & Peter Molnar eds., Cambridge University Press 2010) (with Bernhard Schlink)
Reason’s Prophet, in Spinoza Now (Dimitris Vardoulakis ed., University of Minnesota Press 2010)

Other Recent Publications:

Book
Estates and Trusts, Cases and Materials (Foundation Press 4th ed. 2011) (with Stewart E. Sterk, Cardozo Law, and Joel C. Dobris, UC-Davis Law)

Articles
Why Directed Trusts Are Not Inconsistent with New York’s Prohibition of Exoneration Clauses, Trust Documents, Trusts and Estates Law Section Newsletter (New York State Bar forthcoming 2012)
Peter Markowitz's research, scholarship and teaching is focused at the cutting edge of immigration rights and policy reform. He founded the school’s Katherine O. Greenberg Immigration Justice Clinic; the clinic’s work has received national media coverage through such major news outlets as The New York Times.

**RECENT PUBLICATIONS**

*Deportation Is Different*, 13 University of Pennsylvania Journal of Constitutional Law 1299 (June 2011)

*Secure Communities by the Numbers: An Analysis of Demographics and Due Process*, Research Report, Warren Institute, University of California, Berkeley Law School (Oct. 2011) (with Aarti Kohli, UC-Berkeley Law, and Lisa Chavez)


Sheri Rosenberg has worked with the United Nations and the U.S. government in the areas of civil rights and international human rights with a specific focus on issues of discrimination, equality and genocide. She founded the Human Rights and Genocide Clinic and directs the Human Rights Program. She was lead counsel for the plaintiff in the landmark case before the Grand Chamber of European Court of Human Rights which ruled in 2009 that the exclusion of Jews and Roma from Bosnia’s highest state offices is unlawful discrimination. The Human Rights Program has received several prestigious research grants.

**RECENT PUBLICATIONS**

*Articles*  
*Genocide Is a Process, Not an Event*, 7 Genocide Studies and Prevention 16 (2012)  

**Policy Brief**  
*A Common Standard for Applying the Responsibility to Protect (R2P)*, APC R2P Brief, Vol. 2 No. 6 (2012)

Jessica Roth's interest in criminal law scholarship is founded on her work as an assistant U.S. attorney in the Southern District of New York where she often served as lead prosecutor. She clerked for the Honorable Denise Cote of the U.S. District Court for the Southern District of New York and for the Honorable John M. Walker, Jr., of the U.S. Court of Appeals for the Second Circuit.

**RECENT PUBLICATIONS**

*Articles*  

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Peter L. Markowitz  
Associate Clinical Professor of Law  
Director, Kathryn O. Greenberg Immigration Justice Clinic  
*Immigration Law*  
B.A., 1994, Wesleyan University  
J.D., 2001, New York University School of Law

Sheri Rosenberg  
Assistant Clinical Professor of Law  
Director, Program in Holocaust and Human Rights Studies  
Director, Human Rights and Genocide Clinic  
*Human Rights Law, International Law*  
B.A., 1989, New York University  
J.D., 1994, Benjamin N. Cardozo School of Law  
LL.M., 2003, Columbia University

Jessica Roth  
Assistant Professor of Law  
Criminal Law, Evidence  
B.A., 1992, Harvard-Radcliffe College  
J.D., 1997, Harvard University
DAVID RUDENSTINE
Sheldon H. Solow Professor of Law
Constitutional Law
J.D., 1969, New York University

David Rudenstine is a widely recognized constitutional scholar and author; he was dean of Cardozo Law from 2001–2009. Professor Rudenstine is the author of the critically acclaimed The Day the Presses Stopped: A History of the Pentagon Papers Case. He is the primary author of Prison Without Walls: Report on New York Parole and author of Rights of Ex-Offenders. Professor Rudenstine spent two years as a Peace Corps volunteer in Uganda.

RECENT PUBLICATIONS

PROPORTIONALITY IN THEORY AND PRACTICE: INTERNATIONAL AND INTERDISCIPLINARY PERSPECTIVES
This conference held in September 2011 examined the concept of proportionality in different contexts, including philosophy, administrative and constitutional law, economics, and military affairs. Panelists included Professor Rainer Forst, Johan Wolfgang-Goethe-University; Professor Bernhard Schlink, Humboldt University; Hon. Andras Sajo, European Court of Human Rights; and Professor Joseph Raz, Oxford University and Columbia University. From left, Professor Bodo Pieroth, Westfälische Wilhelms-Universität-Institut für Öffentliches Recht und Politik, Germany; Professor Martin Loughlin, London School of Economics; Professor Michael Herz, Cardozo School of Law.
LESLIE SALZMAN
Clinical Professor of Law
Director, Cardozo Bet Tzedek Legal Services
Alternative Dispute Resolution, Client Interviewing and Counseling, Disability Law, Elder Law
B.A., 1978, Tufts University
J.D., 1981, New York University

Leslie Salzman’s scholarship and advocacy efforts revolve around the rights of individuals with physical and mental disabilities.

BARRY C. SCHECK
Professor of Law
Co-Director, Innocence Project
Criminal Law, Forensic DNA
B.S., 1971, Yale University
J.D., M.C.P., 1974, University of California, Berkeley

Barry Scheck is known for his landmark litigation setting standards for forensic applications of DNA technology. His work has shaped the course of case law across the country, leading to an influential study by the National Academy of Sciences on forensic DNA testing, as well as to important state and federal legislation. Since founding the Innocence Project in 1992 with Peter Neufeld at Cardozo School of Law, 292 people have been exonerated through DNA testing in the United States, including 17 who were at one time sentenced to death. Professor Scheck is a commissioner on New York’s Forensic Science Review Board, a body that regulates the state’s crime and forensic DNA laboratories. He is first vice president of the National Association of Criminal Defense Lawyers and serves on the board of the National Institute of Justice’s Commission on the Future of DNA Evidence. In 2000, Professor Scheck and Peter Neufeld co-authored with Jim Dwyer Actual Innocence: Five Days to Execution and Other Dispatches from the Wrongly Convicted (Doubleday 2000).

JEANNE L. SCHROEDER
Professor of Law
Corporate Law, Legal Theory
B.A., 1975, Williams College
J.D., 1978, Stanford University

Jeanne Schroeder’s scholarly interests range from commercial law doctrine to feminist jurisprudential theory. Her current work is on recent developments in the law of money and payment systems to Article 8 of the Uniform Commercial Code and in developing a feminist theory of law and economics incorporating the political philosophy of G. W. F. Hegel and the psychoanalytic theories of Jacques Lacan.
RECENT PUBLICATIONS

Articles


Book Chapter

CARLTON M. SMITH
Clinical Associate Professor of Law
Director, Tax Clinic
Tax Law

Carlton Smith, director of Cardozo Law’s Tax Clinic since 2003, has written amicus briefs on important tax controversy issues in the Third, Fifth, Ninth, and Federal Circuit Courts of Appeals and in the Supreme Court. His amicus brief in Mayo Foundation v. U.S. (2011) was cited and addressed by the Supreme Court. Tax Analysts, Inc. named him one of the ten tax persons-of-the-year for 2011 for his litigation and advocacy on behalf of low-income taxpayers. Professor Smith clerked for the Honorable Arthur L. Nims III, of the U.S. Tax Court.

RECENT PUBLICATIONS

Articles and Notes
Cracks Appear in the Code’s “Jurisdictional” Time Provisions, Tax Notes (forthcoming 2012)

Tax Court Should Reject Twombly/Iqal Plausibility Pleading, 136 Tax Notes 835 (Aug. 13, 2012)


The Tax Court Keeps Growing Its Collection Due Process Powers, 133 Tax Notes 859 (Nov. 14, 2011)

Innocent Spouse: Let’s Bury that “Inequitable” Revenue Procedure, 131 Tax Notes 1165 (Jun. 13, 2011)

Friedland: Did the Tax Court Blow Its Whistleblower Jurisdiction?, 131 Tax Notes 843 (May 23, 2011)


Equitably Tolling Innocent Spouse and Collection Due Process Periods, 126 Tax Notes 1106 (Mar. 1, 2010).

Does Collections Due Process Violate the Appointments Clause?, 126 Tax Notes 777 (Feb. 8, 2010)
EDWARD D. STEIN
Vice Dean
Professor of Law
Director, Gertrud Mainzer Program in Family Law, Policy, and Bioethics

Family Law, Sexual Orientation/Gender and Law

B.A., 1987, Williams College
Ph.D., 1992, Massachusetts Institute of Technology
J.D., 2000, Yale University

Ed Stein has been Cardozo’s Vice Dean since 2009. He is the author of numerous articles, chapters and books on legal, philosophical, and scientific topics and is a frequent lecturer and conference participant.

His current research focuses on issues at the intersection of family law and sexual orientation, and gender and the law. Professor Stein has contributed to Huffington-Post.com and FindLaw.com and has written a blog for the American Constitution Society Blog. He clerked for Judge Dolores Sloviter, Court of Appeals for the Third Circuit.

RECENT PUBLICATIONS

Articles
The Topography of Legal Recognition of Same-Sex Relationships, 50 Family Court Review 181 (2012)
The Treatment of Gender-Variant and Gender-Dysphoric Children and Adolescents: Common Themes and Ethical Reflections, 50 Journal of Homosexuality 480 (2012)


Looking Beyond Full Relationship Recognition for Couples Regardless of Sex: Abolition, Alternatives, and/or Functionalism, 28 Journal of Law and Inequality 345 (2010)

Book Chapters

Seeing Sexual Orientation Through the Lens of Gender, in Queer Philosophy: Presentations of the Society of Lesbian and Gay Philosophy (Raja Halwani ed., Rodopi forthcoming)

PROSECUTORIAL OVERSIGHT: A NATIONAL DIALOGUE IN THE WAKE OF CONNICK V. THOMPSON

In February 2012, panelists from all aspects of the criminal justice system discussed the issue of prosecutorial misconduct in the wake of the U.S. Supreme Court’s decision in Connick v. Thompson. From left, Shauna Friedman and Ross E. Firsenbaum, senior associates at WilmerHale; Ellen Yaroshesky, professor of law and director, Jacob Burns Center for Ethics in the Practice of Law at Cardozo School of Law; Hon. Richard Buchter, New York Supreme Court; Sarah Jo Hamilton, Principal at Scalise & Hamilton, LLP; Hon. Elisa Koenderman, New York Supreme Court Judge; John Thompson, founder and director of Resurrection After Exoneration and Voices of Innocence; and Maddy deLone, executive director of the Innocence Project.
MARTIN STONE
Professor of Law
Legal Theory, Law and Humanities
B.A., Brandeis University
J.D., Yale University
B. Phil, Oxford University
Ph.D., Harvard University

Martin Stone is one of the nation’s leading scholars of the philosophy of law. He has written widely on torts, Wittgenstein, formalism, and interpretation. In addition to his scholarly pursuits, Professor Stone is an accomplished pianist.

RECENT PUBLICATIONS
Legal Positivism as an Idea About Morality, 61 University of Toronto Law Journal 313 (2011)

SUZANNE L. STONE
Professor of Law
University Professor of Jewish Law and Contemporary Civilization
Director, Center for Jewish Law and Contemporary Civilization
Law and Humanities, Jewish Law
B.A., 1974, Princeton University
J.D., 1978, Columbia University

Suzanne Stone writes and lectures on the intersection of Jewish thought, legal theory, and the humanities. Professor Stone is the co-editor-in-chief of Diné Israel, a peer review journal of Jewish law, co-edited with Tel Aviv Law School. She is also on the editorial boards of the Jewish Quarterly Review and of Hebraic Political Studies. She clerked for Judge John Minor Wisdom of the Fifth Circuit Court of Appeals.

RECENT PUBLICATIONS
Book Chapters
The Jewish Law of War: The Turn to International Law and Ethics, in Just Wars, Holy Wars, and Jihad (Sohail Hashmi ed., Oxford University Press 2012)
Law Without Nation or Law Without State: The Case of Halakha, in Law Without Nations (Austin Sarat et al. eds., Amherst Series in Law, Jurisprudence, and Social Thought 2010)

JULIE C. SUK
Professor of Law
Comparative Law, Gender and Law
A.B., 1997, Harvard University
J.D., 2003, Yale University
M.Sc., D.Phil., 2004, University of Oxford

Julie Suk is an eminent scholar of comparative equality law. Her research has developed a transnational perspective on the theory and practice of antidiscrimination law. She clerked for Judge Harry T. Edwards of the U.S. Court of Appeals for the D.C. Circuit.

RECENT PUBLICATIONS
Articles

Book Chapters


Symposia/Invited Contributions
European Gender Quotas and the Work-Family Conflict, Michigan State University Law Review (forthcoming 2012)

From Antidiscrimination to Equality: Stereotypes and the Life-Cycle in the United States and Europe, 60 American Journal of Comparative Law 75 (2012)

Shorter Pieces

From Interest Convergence to Solidarity, Columbia Journal of Race and the Law Online Special Feature (2012) (Symposium on Derrick Bell)

Featured Expert (An Interview/Conversation with Professor Suk), in La discrimination en droit du travail comparé: mises en perspective américaines (forthcoming 2012)

Peter Tillers’ scholarship focuses on evidential inference and fact investigation in legal settings. He maintains that multiple methods of marshaling and analyzing evidence are important in trials, in pretrial investigation and informal fact discovery, and in other domains.

○ RECENT PUBLICATIONS

Articles
Introduction, 11 Law, Probability, and Risk (special issue on artificial evidence and evidential inference law) (forthcoming 2012) (also guest editor)

The Structure and the Logic of Proof in Trials, 10 Law, Probability and Risk 1 (2011)

Trial by Mathematics—Reconsidered, 10 Law, Probability and Risk 167 (2011)

Bayes Wars Ravidius—An Exchange, 8 International Commentary on Evidence 1 (2010)

Book Chapters
Are There Universal Principles or Forms of Evidential Inference? Of Inference Networks and Onto-Epistemology, in Evidence, Inference and Enquiry (William Twining et al. eds., Oxford University Press/ British Academy 2011)

Richard Weisberg is an internationally renowned scholar, litigator and professor. He was the founding director of the law school’s Program on Holocaust/Human Rights Studies and the Floersheimer Center for Constitutional Democracy. Professor Weisberg is also a pioneer in the growing Law and Literature movement worldwide; his stagings of legal dilemmas in great fictional works have won notices from The New York Times, the National Law Journal, and The New Yorker magazine. Recently, he was sworn in as the White House appointee to the U.S. Commission on the Preservation of America’s Heritage Abroad by Supreme Court Justice Stephen Breyer. In 2008, Professor Weisberg was awarded the French Legion of Honor by President Nicolas Sarkozy.

○ RECENT PUBLICATIONS

Articles
In Defense of Flexiphobia, Cardozo Law Review (forthcoming 2012)


Book
Rechtsgeschichten (German translation of The Failure of the Word and Poetics) (Suhrkamp forthcoming 2012) (preface by Bernhard Schlink, Cardozo Law)

Book Chapters
Shylock’s Jewish Lawyers, in Shylock’s Character (Gertrude Mainzer & Michael Shapiro, eds., Columbia University Press forthcoming 2012)

Law and Literature as Survivor, in Teaching Law and Literature (Austin Sarat et al. eds., Modern Language Association 2011)

RECENT PUBLICATIONS
Privacy and Utility in Data Sets, 84 University of Colorado Law Review (forthcoming 2013)
Collateral Censorship and the Limits of Intermediary Immunity, 87 Notre Dame Law Review 293 (2011)

FELIX WU
Associate Professor of Law
Information Law, Intellectual Property Law, Privacy Law
B.A., 1996, Harvard University
Ph.D., 2005, J.D., 2005, University of California, Berkeley

Felix Wu’s doctorate studies in computer science are foundational to his information law scholarship, which spans freedom of speech, privacy law, and intellectual property law. He clerked for Judge Sandra L. Lynch of the U.S. Court of Appeals for the First Circuit.

CHARLES M. YABLON
Professor of Law
Civil Procedure, Corporate Law, Legal Liability Law
B.A., 1972, Columbia University
J.D., 1975, Yale University

Charles Yablon is noted for his analytical scholarship on legal liability issues. He has written extensively on corporate law, jurisprudence and civil procedure and teaches corporations, mergers and acquisitions, and comparative corporate governance. Professor Yablon serves as the director emeritus of the Samuel and Ronnie Heyman Center on Corporate Governance. He was clerk to Chief Judge Irving R. Kaufman, U.S. Court of Appeals for the Second Circuit.

RECENT PUBLICATIONS
Madison’s Full Faith and Credit Clause: A Historical Analysis, 33 Cardozo Law Review 125 (2011)
Ekow Yankah’s scholarship analyzes the intersection of analytical jurisprudence, criminal law and political theory. His latest work explores the appropriate role of virtue in law generally and criminal law particularly.

**Ekow N. Yankah**
Professor of Law
Criminal Law, Legal Theory
B.A., 1997, University of Michigan
J.D., 2000, Columbia University
B.C.L., 2002, Oxford University

**ELLEN C. YAROSHEFSKY**
Clinical Professor of Law
Director, Jacob Burns Center for Ethics in the Practice of Law
Ethics, Professional Liability Law
B.A., 1969, J.D., 1975, Rutgers University

Ellen Yaroshefsky is a nationally recognized expert on ethics and criminal law. Professor Yaroshefsky is an active advocate in civil and disciplinary matters and serves as an expert witness on legal ethics issues.

She has received a number of awards for litigation and received the New York State Bar Association award for Outstanding Contribution in the Field of Criminal Law Education. Professor Yaroshefsky is the director of Cardozo Law’s nationally recognized Intensive Trial Advocacy Program.

**RECENT PUBLICATIONS**

**Articles**

**Book Chapter**
*Prosecution Ethics in Context* (with Bruce A. Green, Fordham Law), in LAWYERS IN PRACTICE (Leslie C. Levin & Lynn Mather eds., University of Chicago Press forthcoming 2012)
Edward Zelinsky's scholarship focuses on corporate taxation, estate and gift tax, federal income taxation, pensions, profit sharing, and fringe benefits. He lectures professional groups on tax issues and has testified before Congress—most recently, before subcommittees of the House Judiciary Committee.

**Featured Book**
The Origins of the Ownership Society: How the Defined Contribution Paradigm Changed America (Oxford University Press 2012)

Professor Zelinsky examines a fundamental reality that baby boomers face as they plan for their retirements, finance their children's educations, and provide for their families' medical expenses: America today is a defined contribution society. His book describes the defined contribution revolution, its causes, and its implications. For lawyers, the book provides useful insights into the network of individual accounts that are now central features of the U.S. income tax for retirement, medical and health savings. For those concerned about public policy, the book provides useful guidance regarding our options in providing for the retirement of the mass numbers of baby boomers, and in preparing young Americans for the medical costs of their older years.

Review of The Origins of the Ownership Society
“This is an extraordinarily important, very well-written and thoroughly researched book. It is probably also the most insightful pension book of the decade. Zelinsky is exactly right when he says that there has been a paradigm shift from traditional defined benefit plans to defined contribution plans. Of special note, this book is technically stout: Zelinsky discusses all of the important ideas relating to pensions and cites virtually all of the key literature.”
—Jonathan Barry Forman, Alfred P. Murrah Professor of Law, University of Oklahoma College of Law

**Other Recent Publications:**

California’s Once and Future “Amazon” Law, 62 State Tax Notes 83 (2011)

Winn and the Inadvisability of Constitutionalizing Tax Expenditure Analysis, 121 Yale Law Journal Online 25 (2011)

Lobbying Congress: Amazon Laws in the Lands of Lincoln and Mt. Rushmore, 60 State Tax Notes 557 (2011)

The Siren Song of State Amazon Laws: The Colorado Example, 59 State Tax Notes 695 (2011)


The Constitutionality (and Futility) of Colorado’s Amazon Law, 58 State Tax Notes 113 (2010)


The False Modesty of Department of Revenue v. Davis: Disrupting the Dormant Commerce Clause Through the Traditional Public Function Doctrine, 29 Virginia Tax Review 408 (2010)