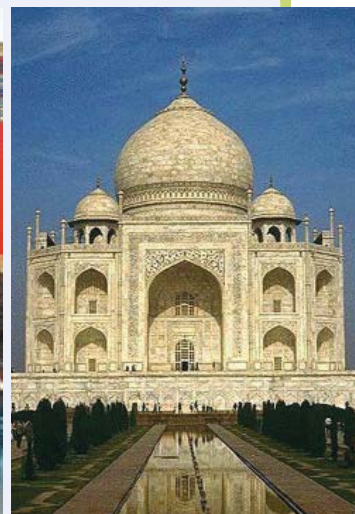


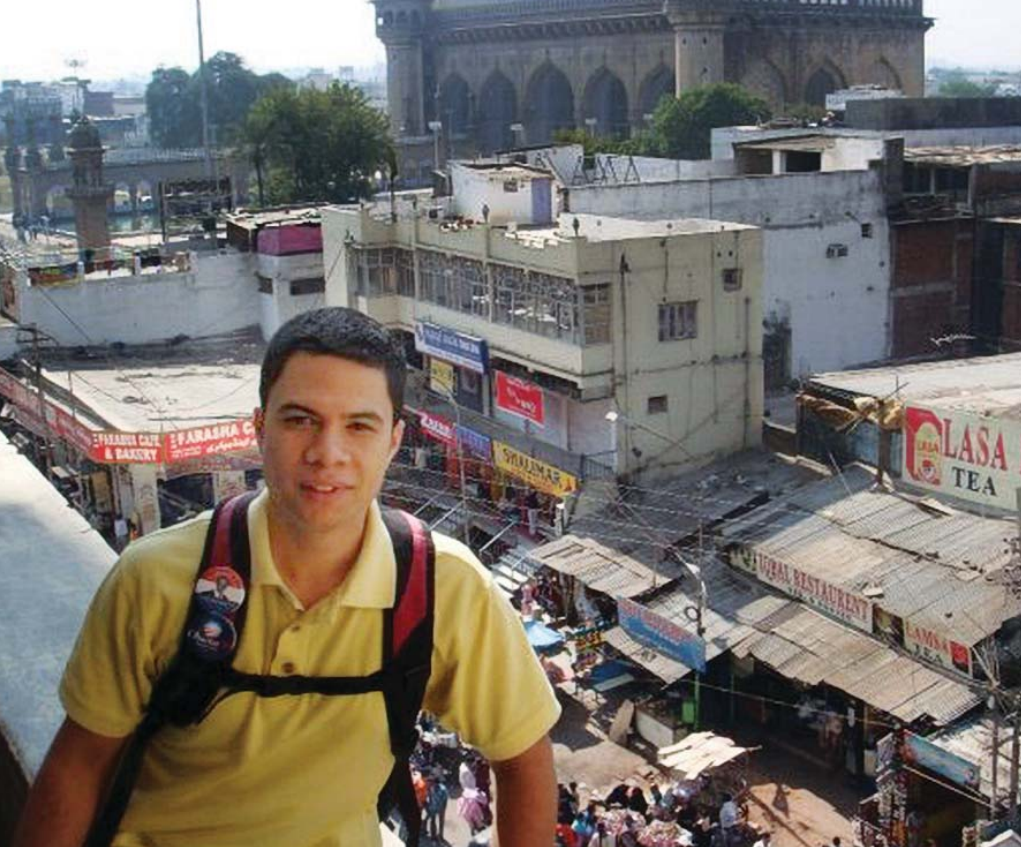
Going Global: Legal Lessons on Location

Globalization is the impetus, but a directive from the dean's office has helped to increase the number of opportunities offered by Cardozo for study and work abroad. In the past year, a more innovative form of international study was added to the curriculum. Intensive seminars of approximately 10 days, taught by Cardozo faculty and open only to Cardozo students, were scheduled between semesters. The programs included visits to law firms, courts, and businesses, as well as side adventures like sightseeing, volunteer work, and meetings with alumni living and working in the countries visited.

In January 2008, nearly 60 Cardozo students, many of them 1Ls, studied in four foreign countries in school-sponsored seminars, which used as models programs the Law School held in Japan and China in 2007. Groups visited China, India, Rwanda, and Tanzania, accompanied in one case by the dean himself. They studied Chinese business law, the Indian legal system, and justice and reconciliation in post-conflict Rwanda.

The following accounts give some of the flavor of these exciting and memorable experiences.





“I learned what a billion people feels like, discovered the nuances of a third-world nation coming into its own, and picked up on much of Indian life.”

—LEE PHAM '10

India the Magnificent

BY BARTON BEEBE, PROFESSOR OF LAW

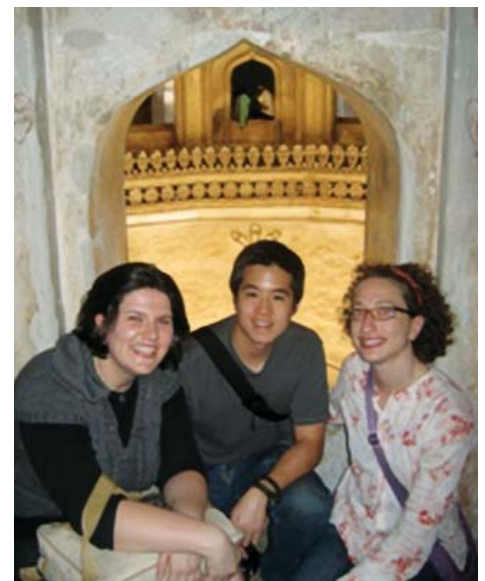
For 10 days in January 2008, 16 intrepid students joined Prof. Justin Hughes, Director of Alumni Affairs Barbara Birch, and me in what turned out to be a magnificent tour of India.

We began in Hyderabad in the south of India, where we stayed in the very comfortable guest facilities of the National Academy of Legal Studies and Research (NALSAR) University of Law, one of India's leading law schools. There, Cardozo students attended a variety of lectures specially prepared for them by NALSAR faculty members on such topics as the Indian political and business systems, women and the law in India, the Indian constitution, and intellectual property rights in India.

In what turned out to be one of the most memorable aspects of the tour, our students also met with NALSAR law students and sat in on classes. Admission to NALSAR is extremely competitive—the school admits approximately 80 students per year, drawn from a nation of over one billion people. In the classroom, these students engaged quite spiritedly in discussion, sometimes requiring the professor to pound the lectern to quiet everybody down and move on to the next topic. Professor Hughes and I had the honor of attending a class led by Prof. Vepa Sarathi, a nonagenarian former Indian Supreme Court Justice, who held the attention of his class by standing before it and lecturing apparently effortlessly without notes and in detail for an hour. In his presence, the students were noticeably more reserved, if not affectionately reverential.

After a few days in Hyderabad, which also included a bit of sightseeing and shopping (and an evening at one of the city's most exclusive nightclubs, complete with deafening music and Manhattan-priced drinks), we flew to New Delhi. The students stayed at a YWCA located in the center of the capital and were joined for part of the visit by Cardozo LL.M. graduate Vasundhra Prasad '02, who is working in Bangalore (see p. 50). A visit to the Supreme Court of India to watch its proceedings, said participant Lee Pham '10, was a privilege: “The Indian take on the adversarial system was a departure from what one would expect in a typical American courtroom to say the least, and mirrored the classroom environment that we experienced at NALSAR.”

After visiting the Supreme Court, our delegation was very graciously received by Dr. H. R. Bhardwaj, the Indian Union Minister for Law & Justice (a position roughly equivalent to the US Attorney General's). Over tea in his office, Dr. Bhardwaj talked with us for more than an hour about various issues in Indian and American law. Dr. Bhardwaj possessed the extraordinary quality of some political figures who, despite their enor-



mous responsibilities, appear to have all the time in the world to talk to you. It was a very memorable afternoon.

Sevanti Ninan, the editor of India's only active, independent, media-watch Web site, invited us to her home to discuss media and censorship in India, and to offer us a delicious lunch. In addition, students attended a presentation by Dominic Keating, attaché for intellectual property issues at the US Embassy in New Delhi, who discussed India's enforcement of its intellectual property laws, with a focus on medicine and genetic resources.

The last meeting was at Kaden Boriss Partners, where Managing Partner Hemant Batra led a panel on Indian law, and the Cardozo contingent was seated with a number of the firm's associates and partners.

The schedule also included a day for sightseeing, which provided, according to Lee Pham, "lessons all around me that could not be taught by Indian dignitaries or in the classroom. I learned what a billion people feels like, discovered the nuances of a third-world nation coming into its own, and picked up on much of Indian life."

China Blog, I Mean Smog

BY DIANA LEWIS '10

Diana Lewis had just finished her first semester of law school when she joined a group of 15 students, Professors Eric Pan and Charles Yablon, and Haijing Qiu, The Heyman Center administrator, for a whirlwind week in China, leaving New York just after New Year's. Edited entries from her journal are below.

SATURDAY

After 21 hours of traveling (and four very bad movies), our group is exhausted. We rush out of the airplane and head directly for Starbucks, many missing the health notice for "enty" passengers, which warns that if you have a high fever and difficulty breathing, you should "wear mask timely and report to the inspected and quarantine officer." This makes sense. If you have difficulty breathing inside the airport, you'd probably drop dead when hit with the heavy gray Beijing air that lurks outside. I take two puffs off my asthma inhaler, commenting on how similar the taste of albuterol is to that of Beijing. Only a chemist could figure out the precise odors we are inhaling, but Haijing, our program coordinator, informs us that this is the aroma of powdered coal and burnt tar.

We arrive at the hotel and see a giant Christmas tree, tastefully decorated, in the center of the lobby across from the reception desk. Isn't this supposed to be a Communist country? Haijing tells me that Christmas is celebrated throughout China, but not as a religious holiday. It's more like Halloween than Easter.

SUNDAY

On the bus ride out to the Mutianyu Great Wall, we pass several small villages where peasants toil in lean-tos, their animals standing idly nearby in the dirt. Men with weathered faces and Mao caps push wheelbarrows and smoke cigarettes. We see nothing with color. All the fern trees are covered in soot. The blanket of industrial dirt touches everything. As we approach the Great Wall, we pass an entranceway that reads "Hakuna Matata." I think back on the lyrics from *The Lion King* and wonder how the villagers feel about Hakuna Matata.



MONDAY

Our first meeting is with an insurance and financial company.

The speaker begins his presentation by teaching us a little Chinese. People in China speak different dialects—Mandarin, Cantonese, Shanghainese—but they all write the same. Although it is not really a phonetic system, the speaker assures us it is simpler than it looks.

He gives us an overview of the Chinese government, describing its approach to the economy as "the Bird" and "the Cage." The government lets the bird (the economy) fly free for a while, but they don't want to lose control of it, so they then put the bird in the cage. The Chinese government is alternately letting the bird fly freely, then grabbing it and putting it in the cage.

He points out weaknesses in the economy. He discusses pollution and tells us that when Hu Jintao tried to institute Green GDP (GDP that factors in the negative effects on the environment), the growth in the country sank to zero. He tells us that the government cooks the economic growth numbers and that foreign enterprise in the country is more efficient than the state-owned sector.



Great Wall

“Today’s protest makes me wonder about the future of the current government. Will the citizens become so wealthy and powerful that they will demand more civil rights? More accountability?”

—DIANA LEWIS '10

Next we meet with members of a large international law firm. Among other things, we talk about corruption. They tell us that in China corruption usually happens at the local, not the central, level. We discuss the Foreign Corrupt Practices Act (FCPA), which poses a problem for many foreign companies doing business in China. Gift giving to facilitate a transaction is permitted so long as it does not rise to a certain level; however, that line is often gray (like most of China!). People exchange gifts during Chinese New Year. Is that bribery? GM giving out Super Bowl tickets to clients. Is that bribery?

We discuss enforcement and consistency of enforcement in Chinese intellectual property (IP) law. They say that the struggle with IP is that developing markets like China want to expand, while developed countries want to protect their products. If one has a large enough market, like China does, you can set your own technical standards for IP. They say that clients often choose to protect their products in ways other than patents. They do it with trade secrets. Going to court in China is usually a last resort.

WEDNESDAY

Today is a free day. The group visits Mao’s Tomb, Tiananmen Square, and the Forbidden City.

Waiting on line for Mao’s Tomb is a telling experience. We are told to stand four deep in a line and walk forward in an orderly fashion. The group of red-capped Communists behind us has no trouble doing this. We, on the other hand, are incapable of accomplishing the task.

The line files quickly past the preserved body of Mao. Some people think it is a wax replica. I tend to agree. Mao’s head appears to be glowing, as if a halo had been placed around it. Everything else is dark—his uniform, his shoes, the room—but there is a distinct luminosity to the head.

After the Forbidden City, Alisa [Tova Levien '09] and I

head over to Wangfujing Market, famous for its street food. I start my culinary journey with three small scorpions on a stick and am surprised by how good they taste! I don’t know what, if anything, is done with the poison, but this is a crunchy delight.

THURSDAY

Professor Pan is waiting in Shanghai with a bus to take us to our first meeting. The smog is so dense I feel like I am visiting a carburetor. Many people in the group are having trouble breathing.

Our host starts our tour with a visit to the Staples Asia Shanghai store. It looks nothing like the American store; instead of well-stocked aisles, there seems to be almost no stock at all. Our host explains that what we see are floor displays. In China, everything is delivered. Customers pick out the models and quantities they want, and their items are delivered to their offices.

Next we meet with one of the premier Chinese law firms. They have 315 lawyers, 71 partners, and 30 US-qualified attorneys. The firm has five offices in China, one in Hong Kong, and one in New York City. One of our presenters proudly describes the firm’s successes. Their client list includes BMW, Ikea, Yahoo, Pfizer, Merck, Nokia, Hewlett-Packard, Disney, HBO, and Wal-Mart.

We discuss remedies for trademark infringement. We learn that one mistake foreign businesses make is not registering their trademarks in China. This gives Chinese hawks the opportunity to steal the trademarks. Damages for trademark infringement in China are low because there is no risk for a judge if he gives a small award, but there could be a large outcry if he gives too large a reward. Hefty damages could also encourage more lawsuits.

The pollution is really starting to affect me. I skip dinner because I am having trouble breathing.

FRIDAY

Our final meeting is with an American company that does start-up businesses in China.

The company started as the dream of two Americans and now employs over 200 people. Their biggest project is a luxury train from Beijing to Tibet branded “Tangula,” after the famous Tibetan mountain range. Set to launch in September, the trip will take five days and cost \$5,000. The project is a joint venture with a government-owned railway. Our host tells us that one of the things his company gets from the deal is the Tangula trademark. This amazes me. It is akin to the American government granting a private enterprise the Grand Canyon trademark.

SATURDAY

It is our last full day in China. Haijing invites a small group to lunch at a local restaurant for her aunt’s 50th birthday. Four of us cram into her uncle’s new-looking car and are immediately treated like family. Everyone is excited at the opportunity to experience some real local flavor.

As we drive, Haijing’s uncle tells us to look up: the tops of the skyscrapers are in the shapes of teapots and lotuses. He explains that all of the buildings are built according to rules of feng shui so that they are in harmony with their surroundings. The goal of feng shui is for everything to flow together. The location of the entrance, where the building faces, and the shape of the roof are all carefully considered. I am always skeptical of feng shui, but it certainly seems to have had a remarkable effect on the Shanghai skyline. With almost no hard edges, the buildings are incredibly easy on the eyes. New York can certainly learn a lesson or two from Shanghai.

People’s Square is the hub of the city. It is home to Shanghai City Hall, the Shanghai Urban Planning Exhibit Hall, and the Shanghai Museum, a building designed to look like a Chinese cooking pot. I climb onto a wall to get a good

photo of middle-class residents protesting the magnetic levitation train (maglev) that the government plans to build through their neighborhood. The demonstrators are worried about the health risks the train poses and the decrease in their property values. Shanghai has made many of its citizens wealthy, but because of their newfound wealth, citizens are now demanding more responsibility from their government. They want to protect their assets. Today’s protest makes me wonder about the future of the current government. Will the citizens become so wealthy and powerful that they will demand more civil rights? More accountability? Like many of China’s questions, this deserves that most typical of law school answers: “Maybe.”

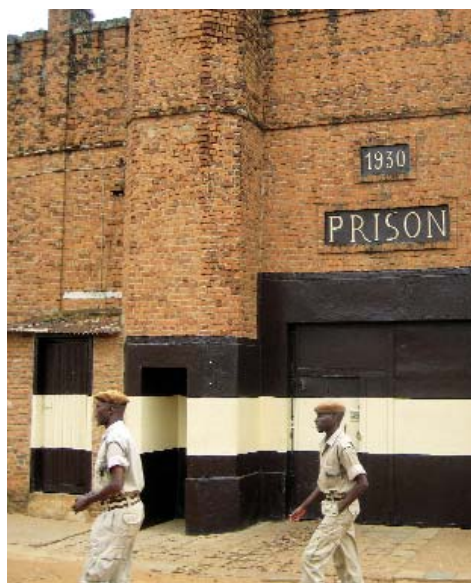
At dinner I ask Professor Pan if I can come on the trip again next year.

“Not for credit,” he replies. Maybe I’ll do it anyway.

Twelve Days in Africa

Visits to an overflowing prison, a holiday party with secondary school children orphaned by the Rwandan genocide, a law school with no books, a local community tribunal for trying criminals and airing grievances, and a memorial to dead children added up to the experience of a lifetime for the 16 Cardozo students and 3 faculty and staff members, including Dean David Rudenstine, who traveled to Rwanda and Tanzania. They were there to study justice and reconciliation in postconflict Rwanda, a new offering in Cardozo’s expanded international programming.

At an informal slide show for fellow students several weeks after their return, participants spoke about the Rwandan part of the trip. They were deeply moved by the





magnitude of the Rwandan people's suffering, where one million died in 100 days. Their eyes were opened to an alternative "legal" system, called Gacaca, that evolved from the traditional tribal method of resolving civil claims and functions much like an alternative dispute resolution center. With fewer than 300 lawyers (from a decimated legal system) currently in the country, the Rwandans are using the Gacaca, a community gathering, held under a tent, without lawyers or due process, for genocide proceedings—to accuse, punish, acquit, or reconcile.

Cardozo students witnessed a Gacaca session with a translator. Participant Margaret Paz '09 said that although some might criticize this route to justice, it is "the best the Rwandans can do with no money, no attorneys, no legal court system, and thousands of lower-level cases."

Organizers and leaders of the genocide are tried at the International Criminal Tribunal for Rwanda in Arusha, Tanzania, which was also on the itinerary. According to Paz, Rwanda has no death penalty; those convicted of mid-level crimes get 7- to 12-year sentences, while the highest offenders receive life imprisonment.

The group met law students and faculty at National University of Rwanda Law School in Butare. Clara Schauman '09 said, "These are the new lawyers that will rebuild Rwanda's courts and legal system, but they have no books." At the slide show, she asked Cardozo students to donate their used law books and to consider making donations to the orphans with whom the Cardozo group spent a day.

Schauman explained that meeting the orphans deepened her understanding of the trauma suffered by the Rwandan people by hearing stories of the genocide from those who suffered from it. Cardozo students formed relationships with

the children, watched a theatrical production, and played a game of soccer.

Next, they experienced a stunningly different place, Rwanda's biggest prison, built by the Belgians in the 1930s. Inside, there were no guards or guns. Students were shocked to find themselves face-to-face with actual genocidaires (perpetrators of genocide)—wearing crisp pink and orange uniforms. Their guide was the executive secretary of prisoners, a prisoner himself, elected by his inmates. The prisoners run their own radio station, make up the rules and punishments, and keep things under control. Students described the prison as looking like a beehive, with no cells but thousands of individual shacks and boxes piled on top of each other. One student said, "It was mind-boggling to see thousands of prisoners crammed together governing themselves in a seemingly ordered fashion."

The group met with government officials, including the Ministers of Justice and Internal Security, representatives of NGOs and the US embassy, and representatives of victims groups, all of whom shared an insider's view of the situation in Rwanda.

Prof. Sheri Rosenberg, director of the Program in Holocaust and Human Rights Studies, who organized and accompanied the students on the trip, laid a wreath on behalf of Cardozo students atop a mass grave at a genocide memorial. Within the site, there is an area dedicated to the children killed, which, according to the students, was especially powerful and emotional.

According to Dean Rudenstine, who spent time in Africa in the 1960s as a Peace Corps volunteer, "This was a two-week-long ongoing conversation as we tried to understand what we were seeing and learning."

Memorial Day in Japan

BY RICHARD BIERSCHBACH, PROFESSOR OF LAW
AND AMY SUGIN, DIRECTOR OF GRADUATE AND
INTERNATIONAL PROGRAMS

Memorial Day 2007 marked the beginning of Cardozo's first seminar abroad in Japan. We boarded a plane at JFK International Airport for a long-haul flight to Tokyo with 18 Cardozo students, who would spend the next eight days studying the Japanese legal system. The students who participated made up a diverse group—eight 1Ls, nine 2Ls, and one LL.M. Some were widely traveled, including one who had been on four previous study abroad programs; others had never been outside the United States and applied for their first passports in preparation for the trip.

Each day in Japan brought exposure to a new and interesting aspect of Japanese law and culture. Mornings began with breakfast together at the hotel, located in the heart of the city. Following breakfast, the group gathered in a seminar room for a roundtable discussion of the assigned reading materials, which were intended to introduce students to a different part of the Japanese legal landscape each day—corporate law, criminal law, civil litigation, and the like. Then everyone would pile into taxis or hop on the Tokyo subway to head off to a site visit and learn firsthand about the area of law discussed from members of Japan's legal, business, and political communities.

The itinerary included meetings with Bear Stearns Japan, the Tokyo office of the American law firm Morrison & Foerster, and the Japanese law firms of Matsuo & Kosugi and Nishikawa & Partners, among others. One of the highlights was a private dinner with Senator Kotaro Tamura, member of Parliament and Parliamentary Secretary of the Cabinet Office for Economic and Fiscal Policy and Financial

“Each meeting, encounter, and experience was powerful and moving. The trip transformed my perspective. For some of us, it has opened up a new career path. For others it was a window into a new country or continent. This trip has given me the courage to be a better advocate. And I am only one of many that have been empowered.”

—KATHERINE HWANG '09

Services. The Senator, who provided some fascinating insights into the workings of the Japanese political system and the major issues of the moment, insisted on sticking around to pose for photos, and the next day, to everyone's great delight, blogged about the group.

In addition to the curriculum and preplanned visits, students had plenty of time to explore the city, which they did with enthusiasm. Shopping for the latest high-tech gadgets amid the lights of Tokyo's Akihabara “Electric Town,” getting up at 5 a.m. to watch the tuna auction and eat sushi for breakfast at the world-famous Tsukiji fish market, wandering the gardens and temples of the ancient city of Kyoto, cheering with the locals at a minor-league baseball game—it is hard to believe how much we packed in.

At a networking reception on the final evening, hosted by Tom Silecchia '98, about 25 Japanese and Western attorneys practicing in Tokyo came to meet and mingle with the students. Since then, several students have stayed in touch with contacts they made; Cardozo has hosted a visiting delegation of the Tokyo Bar Association; and participants from Cardozo and Tokyo have eagerly encouraged the Law School to make it an annual event. Indeed, a repeat visit, led by Prof. Ed Stein, leaves on May 26, 2008. ■



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Traveling

I've always considered a J.D. degree to be a passport to anywhere. It indicates in part that the holder is able to write clearly, think creatively, and speak with authority. It is also evidence that the person has passed the rigors of law school and has the intellectual capacity to do most any job. In the following pages you will meet some of our graduates who have gone on to careers in the arts, not-for-profit administration, business and finance, and journalism. They illustrate how their legal education has fostered a way of thinking they use daily—in their careers and their personal lives—that helps them successfully navigate their worlds.

We have all heard much about the impact of globalization on our economy, our laws, and our culture. The importance of being comfortable in our newly emerging global society cannot be stressed enough. It is a capacity that we believe can be acquired and have, therefore, established new educational opportunities abroad to encourage that ability. The most recent is a series of intensive seminars whereby our students—as early as their first year—can travel to an international location while studying with a member of our faculty. The groups visit with government officials, law students, young associates and partners at law firms, judges, and business leaders and gain an informed perspective on what globalization looks like from outside of the United States. This past January, I was fortunate enough to go to Rwanda and Tanzania with one of the groups. The experience was gratifying on so many levels that I have told some that it was "life changing." As a result, I intend to write about it soon. I hope that you find the comments and photos contributed by other participants to be indicative of the extraordinary experiences we shared.

As many of you may know, I recently informed Yeshiva University President Richard Joel and Cardozo Board Chair Kathy Greenberg that I will step down as dean in June 2009. My time as Cardozo's dean has been richly rewarding and profoundly satisfying. Now, after many years, I look forward to a sabbatical, to writing once again about public law issues that have long been important to me, and spending more time in the classroom.

I am certain that the next academic year will be as intense and exciting as the previous ones and marked with many Cardozo accomplishments. I also look forward to one last round of visits and get-togethers with our graduates around the country. Now, let me just say thanks for the support you have given Cardozo and the trust and confidence you have expressed in me. I am truly grateful for it.



DAVID RUDENSTINE