



Yearbooks and Newsletters

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5-2006

## The Restatement Volume 25, No. 4

Touro College Jacob D. Fuchsberg Law Center

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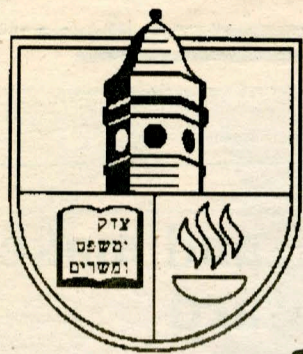
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### Recommended Citation

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# *The* **Restatement**

*The Student Newspaper of The Jacob D. Fuchsberg Law Center At Touro College*

May, 2006

Volume 25, No. 4



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Annual Award  
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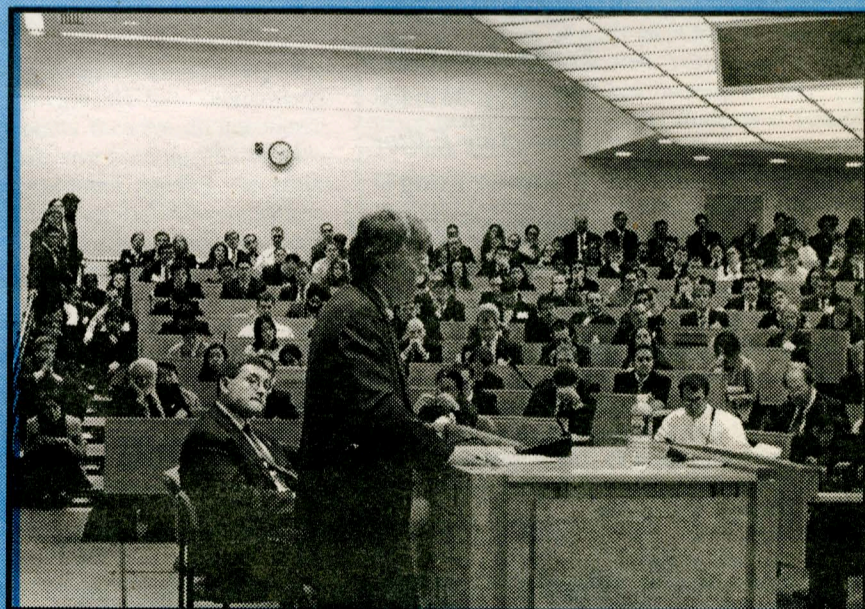
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# The Dean's Report

By Lawrence Raful

## Accreditation Team applauds Touro's staff and students, and makes sound recommendations for helping us move forward



Let me begin this last Dean's column of the year by thanking Greg Misener and all those members of *The Restatement* staff who are graduating in May. I have enjoyed each of the issues this past year and I especially thank

the members of the paper for their heartfelt and moving tribute to Deborah Hecht, of blessed memory. I know Deborah's family was also moved and touched by the tribute. So thanks to Greg and the staff for a wonderful contribution to the life of Touro Law this past year.

I want to briefly end this year by telling all of you about the just completed ABA/AAALS re-accreditation visit this past March, a ritual that every American law school endures every seven years. As you know, we spent many months preparing for the seven member site inspection team, including the preparation of a massive amount of supporting documents and the compilation of a self-study plan - a roadmap for what we'd like to accomplish in the next seven years. Although the actual written report will not arrive until May or June I can report to you on the exit interview that the team conducted with Touro President Dr. Bernard Lander and I.

The team members were very pleased with their visit. First and foremost, they are tremendously excited by the potential for the

new campus in Central Islip. They believe that the new building, the site next to courthouses, and the new curricular offerings, can only build our reputation and assist our students in a more complete and well rounded education. They share our view that the move to CI will support the growth of employment opportunities for Touro students on Long Island, and in the greater New York City metropolitan area.

The team was complimentary of our faculty and staff, and while they understood that the library collection and the space set aside for individual student study and for study groups was unacceptable at this point, they loved the plans for the new library and our desire to grow our Law Library collection. To a person, the team raved—really, they were very enthusiastic—about the students they met at Touro. One exact quote was, "Each of us wants to take one student back with us to our schools!" So let me publicly thank SBA president Carrie Townsend and all the folks who attended the student reception for the team, for putting forward our very best effort.

The team's suggestions and concerns did not surprise us, nor will it surprise you. They believe we need a wider breadth of course offerings, especially in the business area. They would like to see us extend library hours if at all possible. They are quite concerned about bar passage rates, although they praised the steps we are taking to address this issue. The team urged us to take more active measures to improve employment opportunities for students, while at the same time they praised the number of non-alumni lawyers and judges who support Touro by offering externships, internships, and serving as adjuncts.

All in all, the exit interview was positive and supportive, and I believe that we will receive a strong report from this team. They share our enthusiasm for the future, and we believe we will make good on our promise to build something special in Cen-

tral Islip. We want our graduating seniors of the Class of 2006 to be proud of their alma mater, and to those who leave us this spring, we say good bye and wish you only the best in the future.



## From The Editors Desk

Greg Misener

### A Final Tribute to Dr. Hecht

Having been a writing TA for Dr. Hecht, I had the opportunity to speak at her memorial service held at Touro on Wednesday, March 8th. Among the things that I appreciated and loved about Dr. Hecht was that we had a lot in common. We were both fans of writing and fans of each other. I love her work, and she always told me she loved mine. She loved to be optimistic, and I've always tried to live my life that way. So, in her memory, I would like use my last column to stress the importance and benefits of the discipline that we both loved and shared.

At the memorial, I quoted an editorial written in an issue of the *New York Sun* published in 1890. In reference to words, it said, "with all their apparent independence they seem to be little vessels that hold in some puzzling fashion exactly what is put into them." I believe that statement is true. This means that how strongly you feel about your case will come across to the judge in your brief; your sincerity will come through in a love letter written to a spouse or significant other; and how passionate you feel about a subject will come across to the reader of your article. In your life these feelings and emotions will need to be conveyed to some very important people, but your emotion and message could be obscured if you're unable to effectively express yourself.

Dr. Hecht's advice for better writing was to write, and write often. There are always opportunities to write. Your memorandum, brief, and third-year writing requirement are the only writing assignments you are required to accomplish in your law school career, but classes will often offer a writing

assignment in lieu of a final. Writing competitions occur several times throughout the year that offer both writing experience and reward.

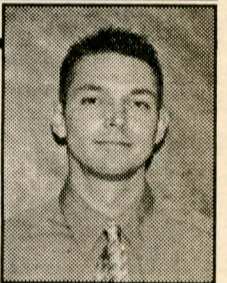
ANYONE CAN WRITE FOR THE RESTATEMENT! If there is an issue you would like to write about, or an experience you would like to share, the Restatement will entertain any articles submitted.

To further improve your writing I would recommend going to the Writing Center. Everyone can benefit from the Writing Center. I don't believe there are any bad writers among those who have made it this far in their academic career. Most "bad writers" just need to relearn a few grammatical rules to make their writing effective. Even good writers can benefit from refreshing their skills with the tools provided at the Writing Center. It has seemed that most students were able to improve their writing skills with only a few sessions.

Lastly I will suggest that writing is one way to leave a part of yourself behind for future generations. Because you put a piece of yourself into each article, note, or brief, the more you write the more you leave behind for others to remember you by. So please write, if for nothing more than to share a part of yourself with your great-great grandchildren.

Thanks for letting me be your Editor-in-Chief this past year, and thank you Dr. Hecht...for everything.

Greg Misener



Greg Misener

## The Restatement

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May, 2006

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Submission Policies

*The Restatement* welcomes submissions from all students, faculty and staff. You may write on any topic.

Items may be e-mailed to [Jamie-Lang@tourolaw.edu](mailto:Jamie-Lang@tourolaw.edu). Disks may also be submitted but must be labeled with your name and telephone number.

The opinions expressed in *The Restatement* are those of the writers and do not necessarily represent the views of the newspaper's staff, Touro Law Center, its faculty, students or administrative staff.

*The Restatement* will not accept anonymous letters to the editor, but will consider withholding the name of a writer upon request.

*The Restatement* reserves the right to edit articles and letters to the editor for brevity, clarity and accuracy.

### MEET THE NEW EDITOR: JAMIE LANG

I am looking forward to the year ahead as the new Editor-in-Chief of *The Restatement*. I'd like to thank Greg for this wonderful opportunity, and commend him on a job well done. We all wish him the very best of luck as he embarks on his legal career.

I am a first-year student at Touro. I received my Bachelor of Arts degree in Communication from The George Washington University in Washington, DC. After graduating from college, I spent two years working in the field of public relations in New York City.

Next semester will be an exciting time for Touro as the law school moves to Cen-

tral Islip. *The Restatement* will continue to recognize the accomplishments of our students, faculty and alumni. *The Restatement* will also feature articles on current legal issues. I'm very interested in what's on the Touro student's mind, and I encourage students to share their thoughts by writing letters to the editor.

I am currently putting together a staff to begin working on *The Restatement*. If you are interested in writing for *The Restatement*, please contact me at [Jamie-Lang@tourolaw.edu](mailto:Jamie-Lang@tourolaw.edu). If you would like to submit a

letter to the editor, please drop it in my mailbox or email it to me.





# District Attorney Kathleen Rice Goes on the Record with Touro

By Adam Paterno

In November, 2005, Kathleen Rice '91 unseated eight-term Nassau County District Attorney Dennis Dillon, and joined the ranks of a growing number of Touro graduates who have attained success in the political realm. Rice is the first woman in the history of Nassau County to hold the position of D.A. and credits Touro for developing her passion for our country's legal system. In early March, Ms. Rice sat down with the Restatement for an interview on Touro, working in the public sector, and her plans for Nassau County

*Q: When you graduated from Touro in 1991, what motivated you to enter a career of public service?*

A: I always wanted to serve the public and be a voice for those who did not have one. It was during my third year of law school that I had a four-credit internship with the Legal Aid Society in New York City. The internship really ignited my interest in becoming a prosecutor, and compelled me to serve my community in that manner.

*Q: How did Touro prepare you for your first position in the Brooklyn District Attorney's office, and for an overall successful career as an attorney?*

A: It was at Touro where my passion and understanding of the legal system really took off. Touro, as a school, was always aware of social issues; not just in the courses it offered, but by its general philosophy. Touro really emphasized to students the importance of being aware of what is going on in society, and I believe the school made me more aware too. My favorite course at Touro was in trial advocacy, which gave me a taste of what it would be like to be a prosecutor, and, I must say, it was an accurate gauge.

*Q: What do you remember most vividly about your time as a law student at Touro?*

A: I made some very good friends who remain good friends today. I also remember there being a strong sense of community in the school. It was a small school with a team atmosphere and a philosophy I admired.

*Q: Next year Touro will move to Central Islip and will be in close proximity to the federal courts, creating a law campus. How do you see this move changing, if at all, the type of attorneys that Touro produces?*

A: Anytime you have a law school affiliated or in close proximity to the courts, it raises the awareness of the students to the importance of the law. In addition, it will allow students to receive more practical experience while in school. The new campus will create a symbiotic relationship where the courts and students will both benefit mutually. The students will be motivated to get a better idea of what is out there for them in the legal profession, while the courts will be able to draw on the resources of the student body and the school itself.

*Q: In your view, what is the role of a District Attorney, and why did you choose to campaign for this particular office?*

A: I spent my whole career as a prosecutor and never thought about doing anything else. I wanted to take that passion and bring it home to my family in Nassau County. I believed this office was ready for a change, and I believe that my agenda will make people actually safer in Nassau, and also bring back a sense of accountability. My goal is to make this the best

DA's office in the country. I plan to meet this goal by remaining focused on deterring crime, and by making changes in the office to better deter some of the more modernized types of crime. I also want to get the community more involved, and to make them feel like they have a stake in what I do as a DA too. I cannot do my job effectively without law enforcement and the community behind me.

*Q: What experience did you draw from your position as a U.S. Attorney in Philadelphia, and how did that affect your career and decision to move back to Long Island?*

A: In Philadelphia I had much more exposure to white-collar crime as opposed to violent crime in Brooklyn. Both experiences provided me with a different frame of mind. One required more long-term investigation, the other focused on a proactive approach to crime fighting. From both offices, I learned to be tough on criminals and to make the community safer through crime prevention. Now, as a prosecutor, I can apply my long-term vision to the community. I realize that I will never be able to prevent crime completely. My goal, however, is to deter it by being tough on those who are caught, and to put people on notice.

*Q: What do you consider the greatest aspect of your job, and what do you consider the least enticing aspect?*

A: There is no least enticing aspect to this job. I enjoy spending my time during the day with the assistants, and watching them on trial, and partaking in the community at night. The best part of this job is the degree of change for the better you are able to make, and being able to witness the tangible results that come of it. The good that you bring to peoples lives is incredible, and I feel very fortunate to be able to that. I guess the one drawback to this job is that this is a political position, and there are politics involved. Fortunately the politics are on the backburner now and I can focus on the best part: putting forth an agenda I am confident will make Nassau County a better place.

*Q: Under a new drunk driving policy you recently announced, first-time offenders with a BAC of at least 0.13% will be charged with a misdemeanor and will be offered no plea deal. Under Dennis Dillon's policy the offender would receive a violation, which is not a crime. Some critics of your new policy argue that it is extremely unfair to first-time offenders if they do not cause any accidents or deaths. How do you respond to this criticism?*

A: In our society, drunk driving is regarded as an acceptable crime, which should not be the case. We have more deaths caused by DWI in Nassau County than we do intentional murders. That is astounding. We have to remind the criminal that they put themselves in that position, and that they made that choice. You do not prevent that type of behavior by giving them a traffic ticket. Making the crime a violation sends a message that it is a socially acceptable crime because all that is required of the offender is a day in court. If someone is stuck with a conviction, it will not prevent him or her from anything but from partaking in that conduct again, which is exactly what I am trying to do.

*Q: What are your future plans of the Nassau DA's office?*

A: In addition to further tackling drunk driving, we are in the process of creating new bureaus, such as the economic crime bureau. I want to do a more efficient and better job in addressing white-collar crime in Nassau, whether it is in our

*(Continued on page 8)*

## New Faculty Joins Touro

Expansion of the Law Center necessitates expansion of the faculty. Two new Contracts professors will join Touro's full-time staff at the beginning of the 2006-2007 academic year. Meredith Miller and Jack Graves will teach Contracts and Business Organizations to fill the gap left by Prof. Grant, and will expand the business law curriculum.

Professor Miller is leaving Temple Law School in Philadelphia to join the Touro staff, while Professor Graves will join us from Franklin Pierce Law Center in New Hampshire where he served as a visiting professor. Both professors bring a great deal of secular and academic experience to the Law Center.

Professor Miller is admitted to the bars of the States of New York and Massachusetts, as well as the Eastern and Southern Districts of New York and the Supreme Court of the United States. Professor Miller graduated from Brooklyn Law School where she was an Edward V. Sparer Public Interest Law Fellow, and served as the Executive Articles and Research Editor of the Brooklyn Law Review. After law school, she clerked on the Central Staff of the New York State Court of Appeals in Albany, New York.

After clerking, she was a litigation associate at Proskauer Rose in New York City, where she worked on various complicated commercial and pro bono matters in federal and state courts.

Professor Miller is presently an Abraham L. Freedman Fellow and Lecturer in Law at Temple Law School. At Temple, she taught Civil Procedure, Legal Research and Writing, Contracts, Business Organizations and E-Commerce. She is currently a contributing editor at ContractsProf Blog - a member of the law professor blogs network ([http://lawprofessors.typepad.com/contractsprof\\_blog](http://lawprofessors.typepad.com/contractsprof_blog)).

In addition to her interest in law, Professor Miller has a background in the arts; she studied Visual Art as undergraduate at Union College, with a focus in printmaking.

When asked what she likes about teaching Professor Miller said, "I find law teaching exciting because of the questions. I approach teaching as an exchange of ideas, not a lecture filled with my own descriptive and normative pronouncements of the law. I attempt to bring my students as close as possible to legal doctrine, so that they can analyze the law critically and assess it on both practical and theoretical levels. I have found that insightful questions from my students have informed my scholarship and helped me to maintain a dynamic view of the law and its effect on the individuals and institutions it is meant to serve. I have heard wonderful things about the students at Touro, and I look forward to this exchange."

When asked what she looks forward to most about working for Touro she exclaimed, "I look forward to the benefits of Touro's new building as well as its location in New York State. At Temple Law School, I always felt a little guilty about responding to students' questions with the caveat that my answer was based on my knowledge of New York law or the norms of practice in New York City. It will be nice to be teaching at a school where answering questions based on New York law does not need a disclaimer. Having clerked at the New York State Court of Appeals, and having worked in both large and small law firms, as well as public interest and government organizations in New York, I feel a deep connection to New York and look forward to sharing my varied practice experience with the students at Touro."

Prior to law school, Professor Graves spent 15 years in business management, most recently serving as the President of Lowe Alpine Systems, an international manufacturer and distributor of active outdoor sports equipment and apparel. He then earned his law degree from the University of Colorado in 1994. During law school, he served as an Articles Editor for the Law Review, as a Teaching Fellow in Contracts, and graduated Order of the Coif. Following law school, Professor Graves clerked for the Honorable David M. Ebel on the United States Court of Appeals for the Tenth Circuit.

After his clerkship, Professor Graves joined the firm of Chrisman, Bynum & Johnson, P.C. (later becoming the Boulder, Colorado office of Faegre & Benson LLP) and ultimately became a member of the firm. He spent 6 years practicing civil litigation, trials, and appeals, with an

*(Continued on page 8)*



# Federalist Society holds Annual Student Symposium

## Conservative organization shows marked growth say supporters

By Ronald Ramo

There are two great misconceptions about conservatives. First, it is believed Conservatives are a bunch of "ditto-heads" who never disagree with the Republican Party. Second, that they are a mentally devoid group, who only get support from fear and hate tactics.

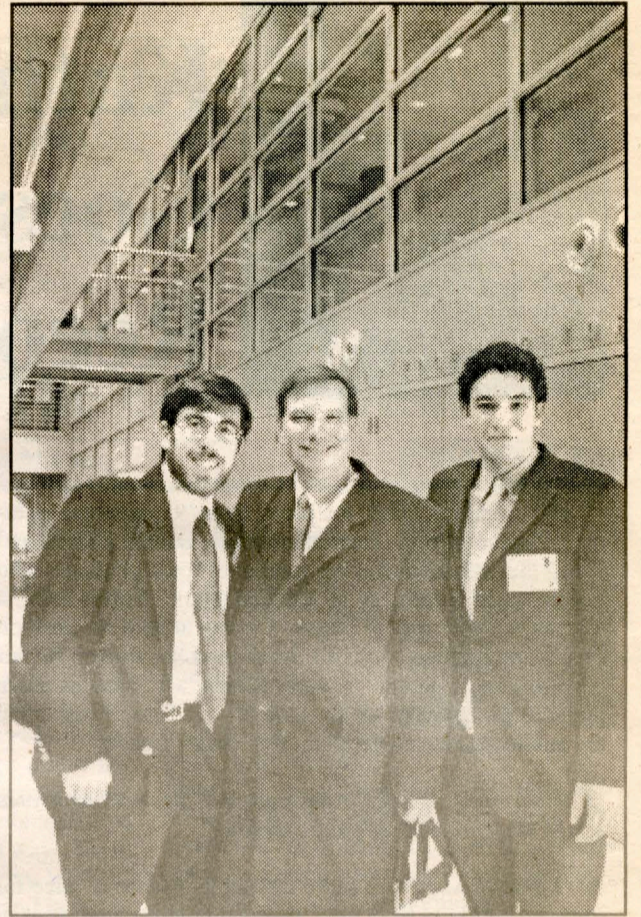
The Federalist Society is an organization that is trying to dispel both of these myths, and their premiere event to do this is the Annual Student Symposium. This year, the symposium was held at the prestigious Columbia University Law School in New York City. The theme for this year's symposium was "International Law and the State of the

policy and our lives.

The symposium began on Friday night with a discussion on "What is an International Rule of Law?" moderated by the Honorable Dennis G. Jacobs from the 2nd Circuit Federal Court of Appeals. The discussion focused on what composes international law, whether is it a natural law or only the positive law of treaties, and to what extent the United States should follow it. Afterward, there was a reception where one could meet a diverse group of law students from around the country as well as members of the bench, bar and government.

The next day commenced with a discussion on how, if at all, international law limits the War on Terror; former Justice Department Staffer John Yoo was among the panel members. Essentially, the subject of debate was whether national security pre-empted following international agreements. The next discussion focused on the enforceability of International Tribunal Decisions in the United States; inspired by the recent *Medellin v. Dretke* decision, the panelists debated if such decisions should be binding when the United States is not a party. After this debate lunch was served and enjoyed by all.

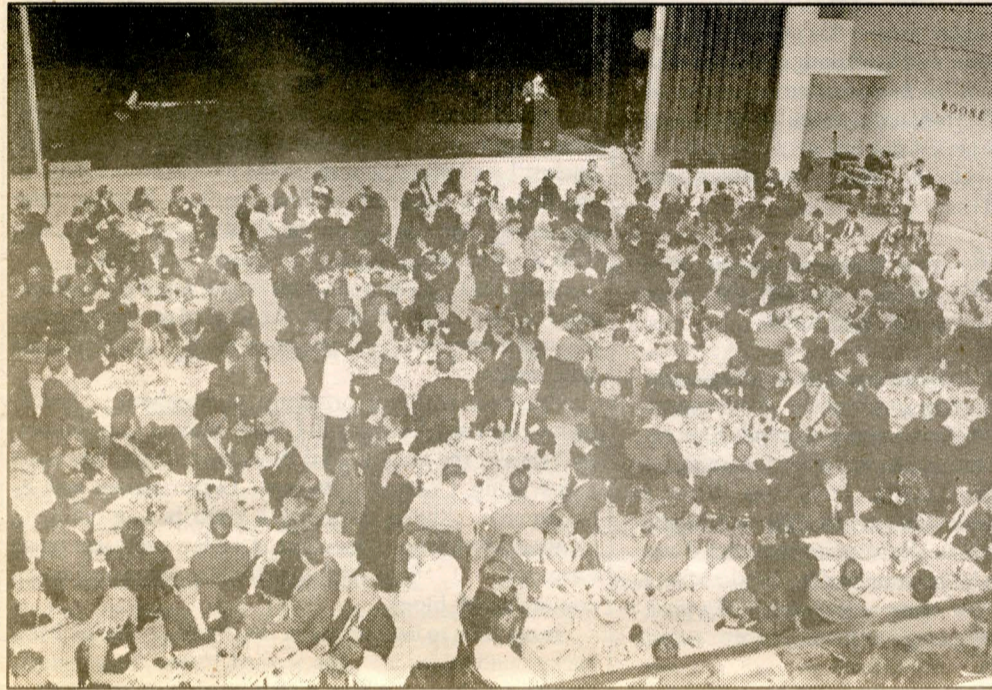
After lunch, John Bolton, the American Ambassador to the United Nations gave a speech discussing proposed reforms of the United Nations. Afterward, there was a debate moderated by the Honorable Alex Kozinki of the 9th Circuit Federal Court of Appeals on the powers of the Executive in International Affairs. Finally, the intellectual discourse ended with a panel discussion on the use of interna-



Ronald Ramo with keynote speaker John Fund and another Federalist Society member.

tional law and foreign case law as authorities in Constitutional decisions; among the panelists was the Honorable Frank Easterbrook. The panel examined whether the United States has such unique traditions that foreign law is irrelevant to the American Constitution.

The symposium ended with a banquet and keynote speech by the Wall Street Journal's Chief Editor, John Fund. His speech reflected what we all noticed that weekend: that the Federalist Society is growing and becoming more influential in the areas of law and government policy. But the Federalist Society is more than a group dedicated to advancing an agenda, it is a group that engages in debate and considers multiple viewpoints. It is an organization that promotes civic and political virtue in a time where those are precious commodities.



John Fund, Chief Editor for the Wall Street Journal was keynote speaker at the Federalist Society Banquet.

Constitution." The conference speakers were among the foremost minds on both sides of the debate in the area of International and Constitutional Law. The topics ranged from "How Does International Law Limit the War on Terror" to "Foreign and International Law Sources in Domestic Constitutional Interpretation." In other words, the Symposium examined how international law affects national

## Renaissance Law Society

By Stephanie Adduci

The Renaissance Law Society (RLS) is a new student organization at Touro. It is an organization dedicated to revolutionizing how the public views lawyers as well as exploring how lawyers should act. This student run organization is modeled on the ideology of the National Renaissance Lawyer Society (info at [www.renaissancelawyer.com](http://www.renaissancelawyer.com)).

The RLS promotes concepts such as Therapeutic Jurisprudence (when you listen to clients with a sensitivity that allows you to be aware of the psychological and emotional issues they are battling), Collaborative Law (a team approach for solving legal issues where all parties work towards a settlement), Community Lawyering (using the legal system - to address an issue in a community in a broad perspective rather than focusing only on a particular client-the focus is on correcting the ill of society that led your client to his legal predicament), and Peacemaking/Piece-Building (dedication to peaceful conflict resolution).

Since RLS is a new organization here at Touro, new members have a real chance to mold it into an established organization; be part of an evolution and a revolution. So much of our life right now is focused on the education of how to become a "lawyer." It is important, however, to also focus on how to "be a lawyer"; we must be cognizant of the fact that we are also just people dealing with other people when times are complicated.

The Renaissance Law Society of Touro can introduce you to concepts not explored in conventional classrooms. Please watch for flyers for upcoming events; we welcome all who are interested. If you have any questions please contact Stephanie, Treasurer at [Stephanie-Adduci@tourolaw.edu](mailto:Stephanie-Adduci@tourolaw.edu) or Roy Woo, President at [Roy-Woo@tourolaw.edu](mailto:Roy-Woo@tourolaw.edu). We hope to see you in April.

## Women's Bar Association Date Auction Raises Over \$2,000 for Kids Charity!



Patricia Wright being auctioned off by Auction Emcee Pierre Bazile. At left, everyone enjoys the event.

By Michelle Cohen

President, Women's Bar Association

On February 9th the Women's Bar Association held its second annual date auction at Finley's. The proceeds benefited Toys of Hope, a local non-profit organization benefiting underprivileged children and families throughout Long Island. This year the auction raised \$2,156, which is more than twice the amount raised last year. Approximately fifteen Touro students were auctioned off, putting aside their pride to raise money for a good cause. The highest bid was

for Jamie Larkin, a second year SBA representative, who went for a record \$300! Those who made the highest bids received gift certificates from various restaurants and stores including Blue Honu, Cactus Salon, Starbucks, and American Express. During the event members of the Women's Bar Association sold raffle tickets for Pieper Bar Review gift certificates, which three lucky Touro students won. Thanks to all those who bid and supported this event.

# New honor society publishes electronic journal

by Stephanie M. Adduci, Editor-in-Chief



Maurice Mitchell of the Long Island Progressive Coalition.

The Journal of Race, Gender & Ethnicity is a student-run electronic journal that serves to enrich the educational experiences of students and the law school community by providing a scholarly forum for the study of issues surrounding race, gender, ethnicity, and the law. Participation provides an avenue for students to practice and enhance their research, writing, and editing

skills. Staff members are selected through a writing competition, based on writing and analytical skills.

Journal members read submissions authored by law faculty and practitioners from across the country, and learn a great deal about current issues and topics of concern to the legal community. In addition, we provide a valuable opportunity for publication by student authors. The skills gained from working on the Journal gives students a competitive edge in the job market. Employers look for credentials such as Journal membership on legal resumes, because the training is highly valued and the skills learned are indispensable to legal employment.

The Journal of Race, Gender & Ethnicity is an honor society on the same level as the *Touro Law Review* and Moot Court. Although the journal is fairly new to the Touro family, we have strong support from both faculty and staff. Since our inception, we have held symposiums on both affirmative action and racial segregation. Our last symposium explored the prevalence of racial segregation on Long Island, and included speakers from the Nassau County Legislature, the Long Island Progressive Coalition, NY



Lenka Richards, Editor-in-Chief of the Journal of Race, Gender and Ethnicity.

ing our symposium and Journal. We are currently putting the finishing touches on our first issue which will go online by the end of the current school year.

Next year will be an exciting year for the Journal. The new editorial board is already reviewing articles for publication, and is also beginning to consider the topic of next year's symposium. Due to the fact that our last two symposiums and our upcoming issue have focused predominately on issues of race, and in an effort to vary our subject matter, next year the Journal will work to provide a more balanced forum on the issues of gender, race, and ethnicity than it has in the past.

In order to be eligible to compete for a position on the



Cathryn Harris of Erase Racism, and Ann Sullivan and Diane Goins of NY ACORN.

ACORN, and Erase Racism. As a result of our hard work in both planning and advertising our symposium this year, the Long Island Business News wrote a story featuring

Journal of Race, Gender & Ethnicity, you must be either a full-time first year student or a part-time second year student, and you must be in the top 50 percent of your class. Since final grades will not be in until after the competition begins, the Journal suggests that all who believe that they will make it into the top 50% should be sure to either pick up or download the competition packet and compete.

In order to pick up a competition packet, come to the Journal office on Monday, May 22nd from 12pm-2pm or 5pm-6:30pm. The Journal Office is located downstairs in the Student Lounge, by the ping-pong table. In order to download a competition packet online, you must join our Westlaw TWEN course titled Journal of Race, Gender & Ethnicity (2006-2007), go to the competition page, and download the competition packet. The competition packet will be available online ONLY on Monday, May 22nd from 10:00am-10:00pm. Further instructions on how to successfully compete online and your competition number will be delivered to all first year full-time and second year part-time student mailboxes. Good luck to all.

## Women should not have to choose between motherhood and a career

By: Allyson Kohlmann,

3L, Notes and Comments Editor of Journal of Race, Gender and Ethnicity

At a recent New York State Bar Association Committee on Women meeting, Hon. Judith S. Kaye, Chief Judge of the New York State Court of Appeals, described the evolution of women in the legal workplace as a "glacial pace of change."

"We put people in space, clone sheep, e-mail from planes, sift millions of bits of data onto a microchip, download thousands of songs to iPods, but we're still having trouble trying to find ways to fit a child into a career," she said.

Chief Judge Kaye's mention of children and maternity leave are not new topics in the legal profession. What is new to the discussion is an increasing amount of female politicians, and thus an increase in the amount of maternity leave from public office. Maternity leave from any job can be difficult, but when combined with the demands of public office, it creates new challenges and issues that deserve attention.

In April of 2001, when the governor of Massachusetts, Paul Celucci, accepted an Ambassadorship to Canada, Jane Swift made history. When Celucci went to Canada, Swift, then Lieutenant Governor, took over the position of State Governor. In becoming acting governor, Swift became the first female governor of Massachusetts, and the youngest Governor in the nation at age thirty-six. Swift also became the first pregnant Governor in our nation's history, and subsequently the first Governor to give birth while in office.

While making all this history Swift was under criticism from members of the press and the public, and was even the subject of a 60 Minutes segment. Swift conducted state business from her maternity ward bed, prompting the Governor's Council to ask the Massachusetts Supreme Court if it was constitutional for Swift to conduct their meetings by speakerphone. One has to wonder if a politician would be criticized for conducting official business from a hospital bed after heart surgery.

One radio talk show listener voiced the opinion of many of Swift's critics: "She can't make up her mind. Is she go-

ing to be a governor or is she going to be a mother?" Why does she have to choose? In the eyes of many Americans, Jane Swift has to choose between a job she presumably loves and being a mother, presumably another job she loves. In fact, Swift withdrew from the race for governor in 2002, indicating "she could not successfully juggle the increasing - and often competing - duties of gubernatorial candidate, chief executive, and mother." Why do women have to choose between family and career?

Carrie Townsend, Student Bar Association President, shares this sentiment, "although the law provides protections for maternity leave, it cannot protect against the stigma women still face for taking maternity leave. Because of that, I feel that as a woman, I still have to make the choice

but also on the local level as well. Touro's own Christine Malafi, 1991, and now Suffolk County Attorney, was faced with this choice early in her career in public office. Regardless of her ultimate choice, the fact remains that under the current state of US law, Ms. Malafi's actions should not be criticized or teased, but respected. Maternity leave is a legal right and should be treated as such.

In a recent Newsday article, ABC's World News Tonight co-anchor Elizabeth Vargas announced that she and husband Marc Cohn are expecting their second child in late summer. Of Vargas' pregnancy, ABC News President David Weinstein said that he told Vargas, "that during such a difficult time for all of us it's good to get such wonderful, life-affirming news."

**“ We put people in space, clone sheep, e-mail from planes, sift millions of bits of data onto a microchip, download thousands of songs to iPods, but we're still having trouble trying to find ways to fit a child into a career. ”**

**Hon. Judith S. Kaye, Chief Judge  
New York State Court of Appeals**

between having a family or being successful in my career.”

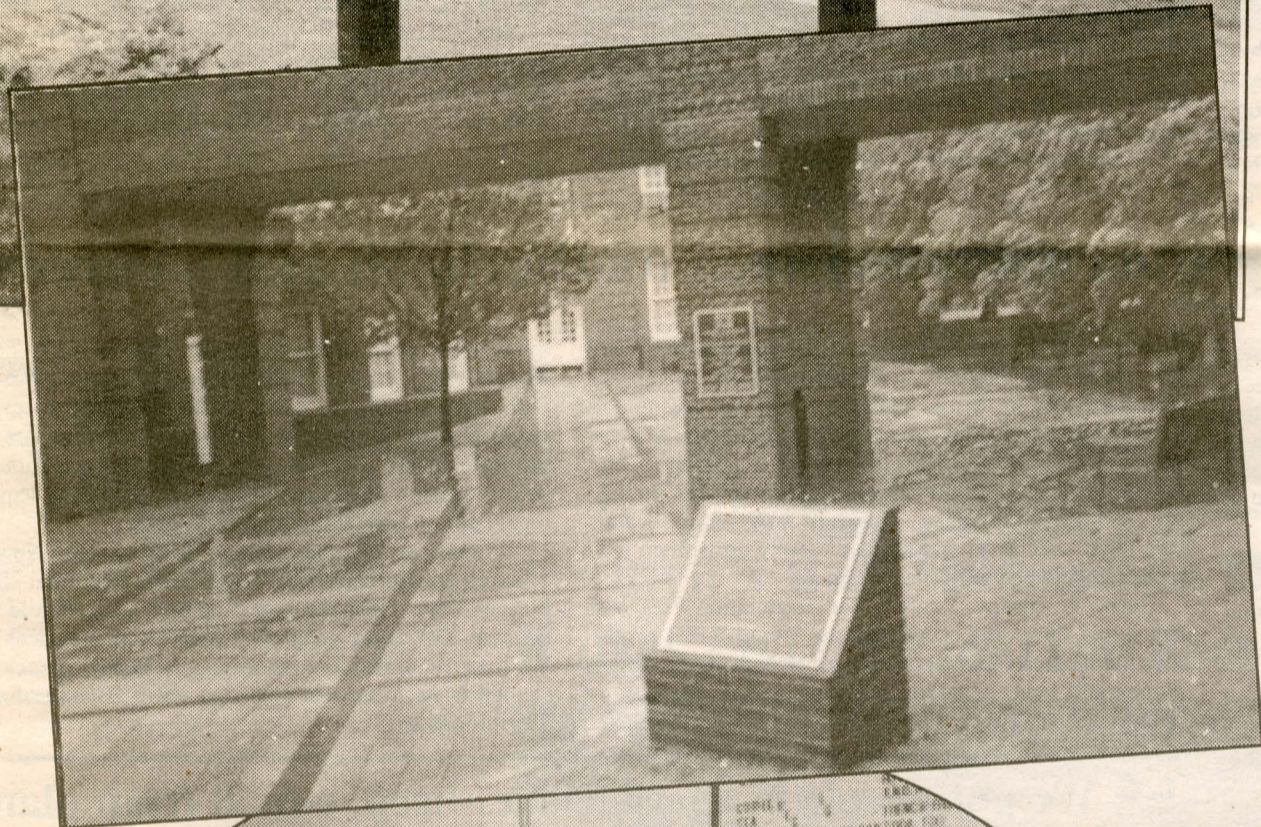
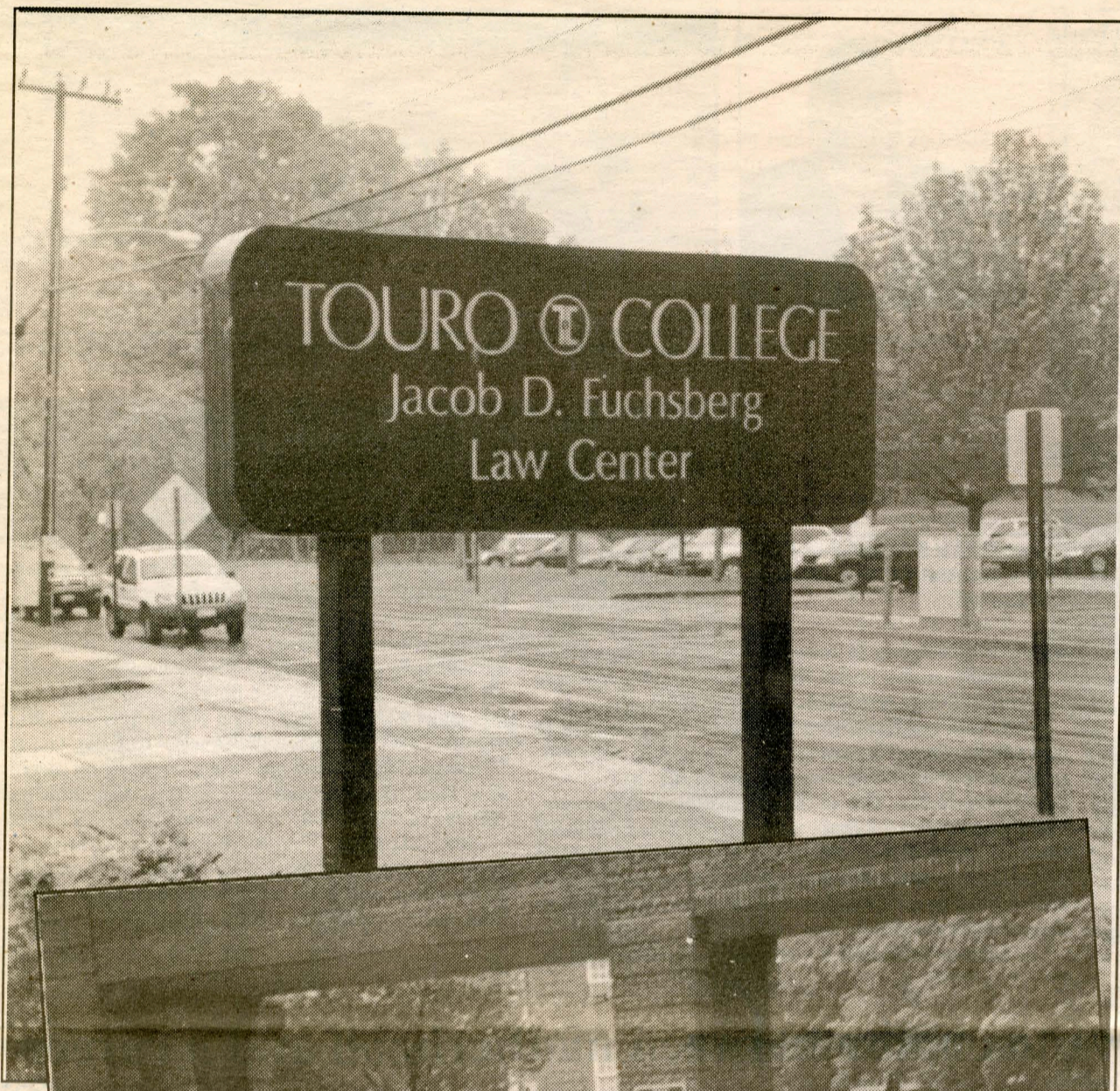
Another famous example is a talented female attorney, who risked losing custody of her children. Marcia Clark prosecuted O.J. Simpson for the murder of his wife, Nicole and Ron Goldman. After the trial was over, Clark's husband sued for custody of their two children. He argued that "[Clark] spent all her time at work." Men do not have to choose between career and family. So why should women have to choose? In a search of custodial cases, there are none apparent where a father lost custody of his children because he worked too much.

This choice is not only being asked on the national level,

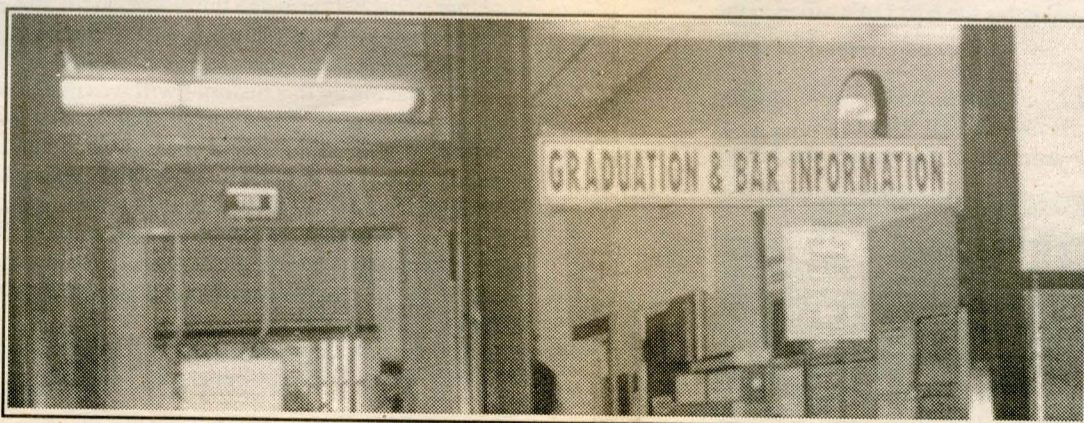
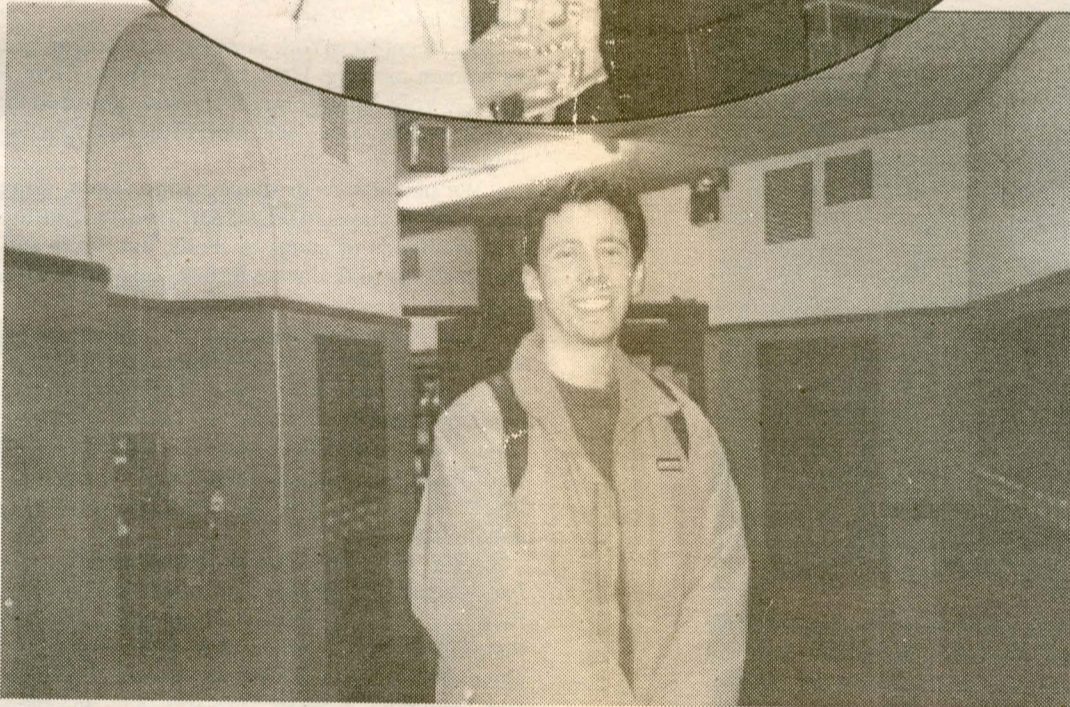
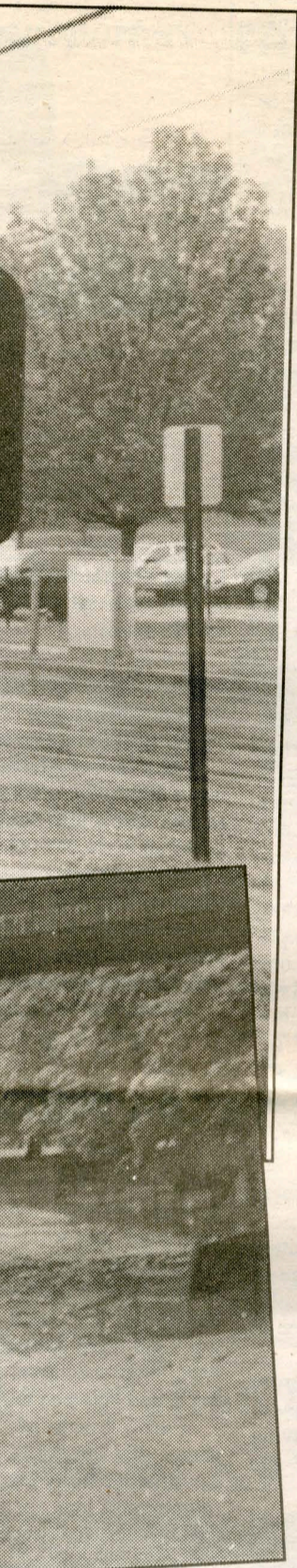
I agree with Mr. Weinstein's sentiments, and only wish that there were more people in the legal and academic community who felt the same way. Pregnancy and maternity leave should not be seen as a political liability or blemish on a woman's resume. And the law protects this opinion. Maternity leave needs to be respected, especially by those of us in the academic community who are responsible for shaping the opinions and minds of the next generation of lawyers.

And while Chief Judge Kaye speaks of her appointment to the high court as a "great honor," she said that her daughter being sworn in as a member of the bar was her "biggest thrill."

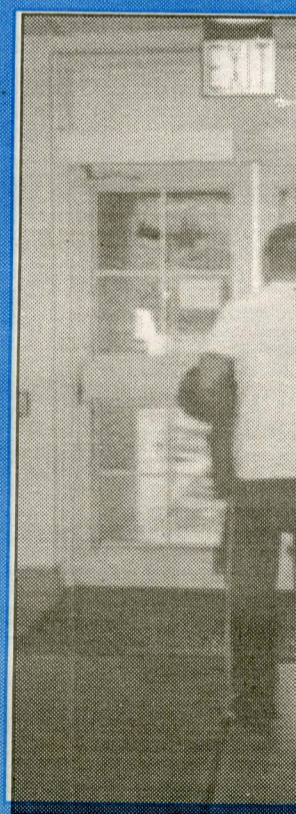
# ANOTHER SCHOOL



# SCHOOL YEAR COMES

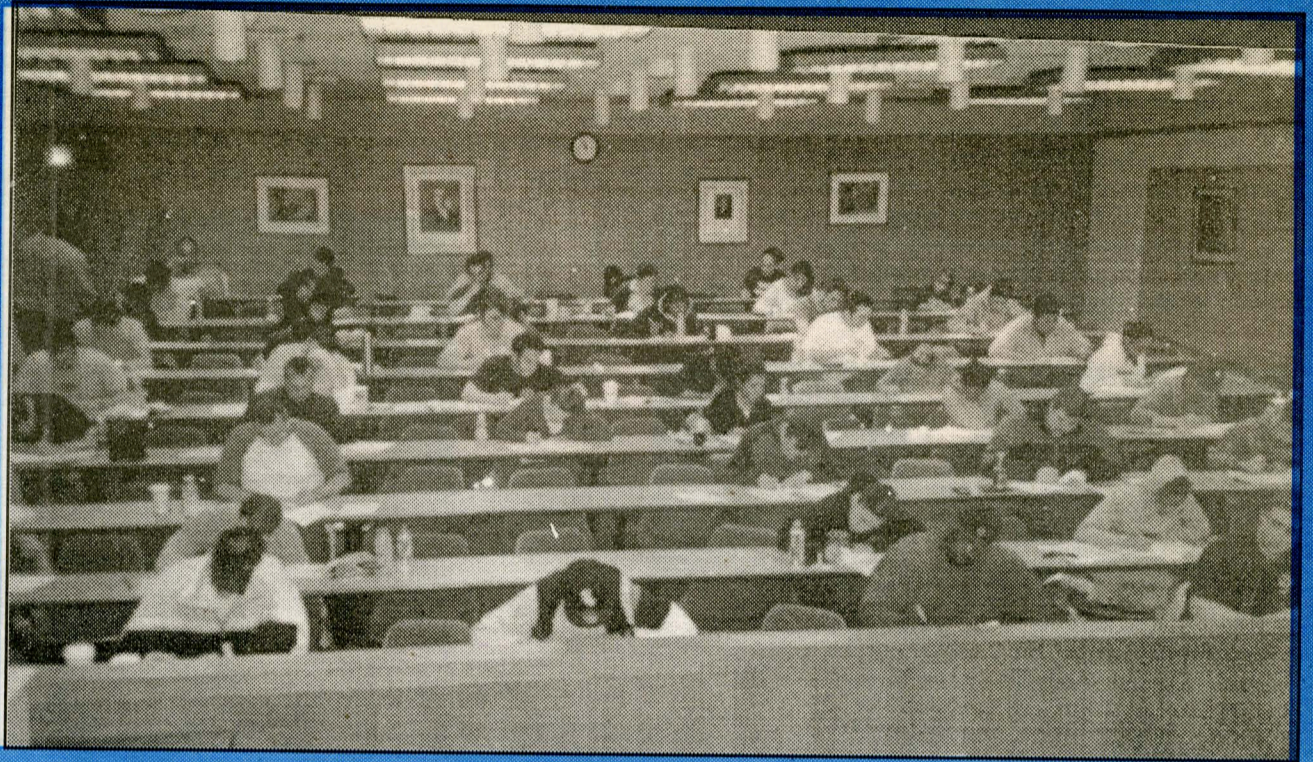


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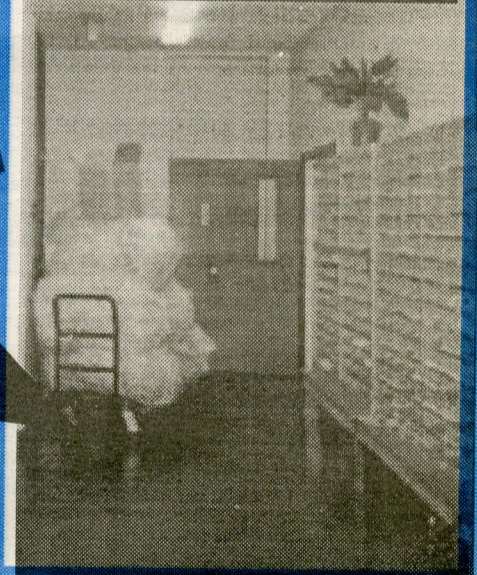
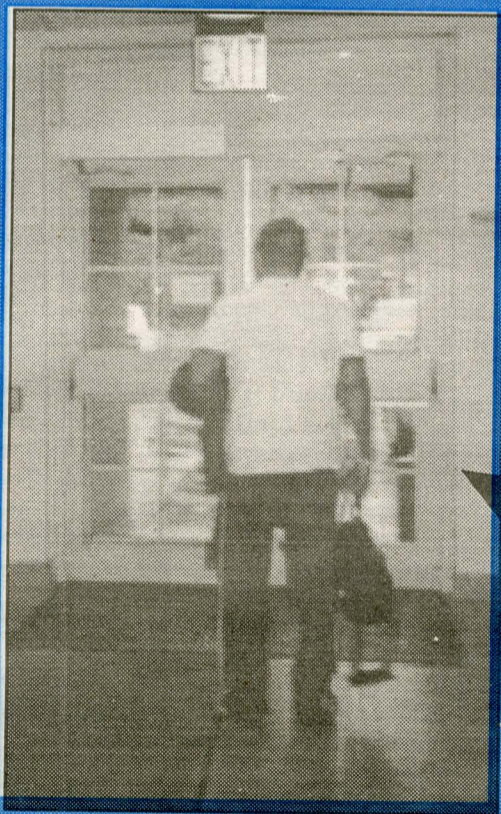
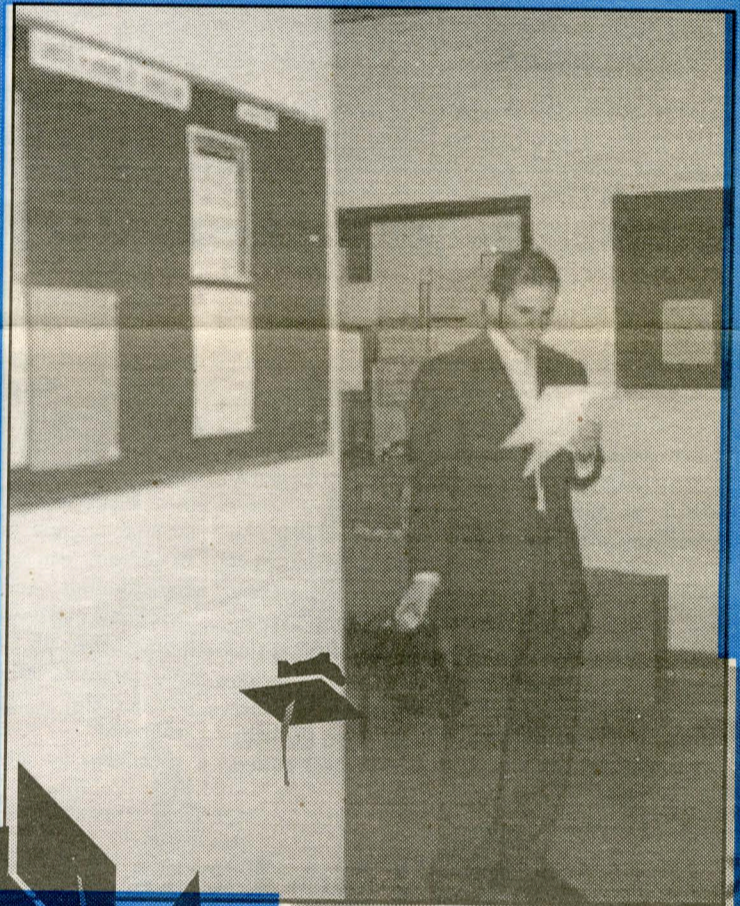




# COMES TO A CLOSE



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Over!





# BLSA Hosts Annual Award Banquet

By Rob Huntley

On April 8th, 2006, the Black Law Students Association (BLSA) held the 11th Annual Award Banquet and Gala. The event was held at the Coral House in Baldwin, NY.

The evening started with a cocktail hour at 8 p.m., guests had an opportunity to mingle, drink and be merry with each other. The official program began around 9 p.m., and attendees were greeted by the comical talents of Duane Warner, BLSA NYC REP, who was the event MC. The Honorable Valerie Bullard gave a thoughtful keynote address. The BLSA 2005-2006 President Robert Huntley made a few brief remarks pointing towards hope for the future.

A unique feature of the BLSA Banquet is that BLSA members are encouraged to bring family and friends. This year's attendees got to witness Professor Beverly McQueary Smith receive BLSA's Lifetime Achievement Award for her years of dedicated service to the organization. The program continued with the new BLSA Executive Board being introduced and sworn in by 2005-2006 NBLSA Northeast Region Chairperson and Touro BLSA member Karen Delfyett. The program concluded with an inspiring and forward looking speech by the new BLSA President Sandra Irby. At

the conclusion of the program the partying began and for two hours patrons enjoyed the open bar and music on the dance floor. By the end of the night everyone was either sweaty from dancing or tipsy from drinking.



At left, Robert Huntley, 2005-06 BLSA President; Judge Valerie Bullard and Deanna Everett, NBLSA Northeast Mock Trial Coordinator. At right, top photo, Prof. Beverly McQueary Smith, Quynnda Henry, Touro Law '04. Above, the new E-Board, from left to right, Sandra Irby, president; Tanisha Williams, treasurer, Lauren Bernard, secretary, Simone Demelo, Patricia Wright-Day, vice president. Not pictured is Derell Wilson Night, vice president.

## Conference helps student refocus on goals

As I sat in a Roundtable discussion held by the Women's Bar Association on March 8th in the Faculty Conference Room and worked with the WBA to make Women's History Month noticeable, I was reminded of why I came to law school. As a woman, I have always felt disadvantaged. Throughout my life I have always felt that I had to work just a little bit harder than my male counterparts. My mother tells me regularly that I was born a feminist, always trying to outdo my older brother. She told me (and others) how, when I was little, she used to on a daily basis find my underwear in the yard because I would go to the bathroom outside, not thinking it was fair that my brother could go outside and I was expected to go inside. I have no memory of this, but as I look back at this little girl, always struggling, always fighting, always breaking the norm, I wonder if I am really that different than her. Granted, I do not take my underwear off and go to the bathroom on the lawn anymore, but I am still struggling, fighting, and breaking the norm. In the past month I have been pondering what women have accomplished over the years and how I fit into this great history of women's rights.

I look back at the first wave of feminism, Susan B. Anthony and Elizabeth Cady Stanton pushing for a woman's right to vote. Alice Paul and Lucy Burns finished this fight in 1920, when the 19th Amendment was passed and women finally won the right to vote. The second wave pushed for political, economic, and social rights such as the right to have access to contraception and abortion, the right to work and have a career, and the ability to be paid equally for that work. Betty Friedan, who died recently on February 4, 2006, was one of the major players in this wave. Her book *The Feminine Mystique* was an inspiration to me when I read it in high school, and again in college and law school. She founded the National Organization of Women, a now powerful organization that fights for women's rights. The third wave of feminism is what I am a part of now. This is the only movement that I have ever known. This wave is less concrete and more conceptual. It is about expanding what is meant my gender and sexuality and using those definitions in a way that make women equal.

As a woman who is part of this wave of feminism, I often wonder what my role is and what I will contribute to the

women's rights movement. I have been fighting all my life and am now at a point where I can actually make a difference. I saw many intelligent, strong women at the WBA Roundtable. Women who have made change, worked hard, and gained respect. But at the same time I saw struggle in their eyes, as if there is still more to accomplish. I wonder when will true equality be a reality? Is it possible, in this patriarchal society, for it to be a reality? I feel these questions are fruitless. They are so intangible that one cannot even begin to come up with an answer. But what I do know is that women just need to keep fighting. And that fight does not have to be active. We cannot all expect to achieve the greatness of Susan B. Anthony, Elizabeth Cady Stanton, Alice Paul, Lucy Burns, or Betty Friedan, but what we can do is work hard, stay strong, and demand equality, excellence, and respect from those around us.

I came to law school to be an advocate for women and their struggles in life, and I have found that in that process I am also becoming an advocate for myself and for all of the things I want to achieve. I have put myself in situations that I never

thought I would be in five years ago. I would never have imagined prior to coming to Touro that I would be the President of the Student Body and work with so many amazing women, and gain the respect of so many men and women around me. As my final "Last Word," and my final chance to tell it like it is, as I so often do, I felt that it was important to me to give you a little glimpse into women's rights and struggles. I imagine that most people will not read this, but for those of you who made it to the end I encourage you to challenge yourself the way I have challenged myself. I cannot promise that you will not fall every once in awhile; I know I have had my share of failures. But what I can promise is that you will learn to be strong and eventually you will see yourself as a different person who has grown into something that you never could have imagined. I have so much more to accomplish in my life, and I am looking forward to the challenge. To those who have helped me through this stage of my life, I would like to thank you for fighting with me, supporting me, standing strong with me, and, most importantly, for respecting me.



## The Last Word

by Carrie Townsend, SBA President

## New Faculty at Touro

(Continued from page 3)

emphasis on commercial and corporate litigation. He practiced before Colorado state and federal courts, as well as the Delaware Court of Chancery.

Professor Graves began his full-time teaching career as a visiting professor at the University of Colorado School of Law during the 2001-02 academic year. He then spent three years as a member of the faculty at Stetson University College of Law, where he taught Contracts, as well as a variety of courses in domestic and international commercial law and dispute resolution. Following Stetson, Professor Graves spent the 2005-06 academic year as a fall Visitor at the University of Syracuse and a spring Visitor at Franklin Pierce Law Center. Professor Graves has also coached teams from Stetson and Franklin Pierce in the Willem C. Vis International Commercial Arbitration Competition.

When not teaching, writing, or thinking about law, Professor Graves is an avid outdoor enthusiast, where he runs, cycles, rock climbs, and kayaks.

When asked what he looks forward to most about working for the Law Center, Professor Graves said, "I look forward to the chance to work with a great group of colleagues on the Touro faculty—some of whom I already know, and all of whom I look forward to getting to know better."

## DA Goes on the Record

(Continued from page 3)

school system or in corporate boardrooms. It is important we send the message that those who betray the public's trust will be prosecuted. I also want to further modernize this office to match the intensity and sophistication of the criminals in the 21st century in order to make this the best DA's office in the country.

*Q: Lastly, you accepted Dean Rafal's invitation to address this year's graduating class from Touro. What do you anticipate the bedrock of your message to this year's graduating class to be?*

*A: I am incredibly honored to address the school I graduated from in 1991 and to be in such a position. I intend on delivering a hopeful and positive message, one that emphasizes getting involved and serving your community. Students should undertake a feeling of collective responsibility for their community. Doing so will make themselves proud, and will make their school proud as well.*



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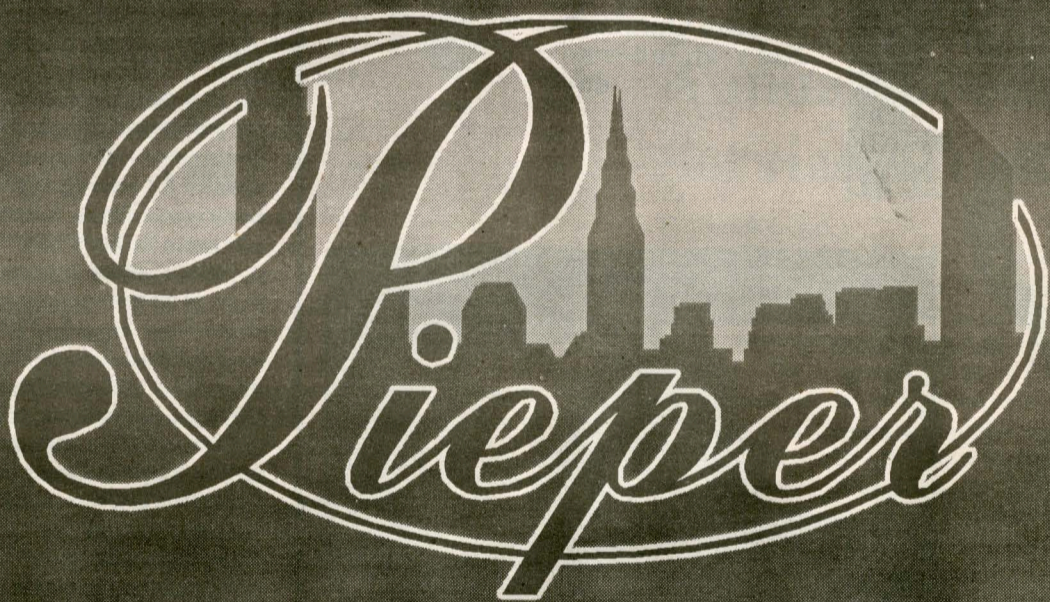
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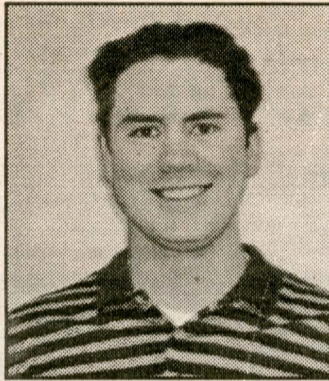
*Pieper People Pass!*



# THE STREET

**QUESTION:** How, if at all, do you feel the school's move to Central Islip will affect you?"

I believe the school's move to Central Islip will provide an invaluable access to the Justice System. If the school is able to successfully and fully integrate the classroom with the courtroom all Touro students will benefit. Additionally an updated facility with an improved library, network and classrooms will provide students with an ideal atmosphere for legal education.



**Patrick Finley - 1st year, full-time day**

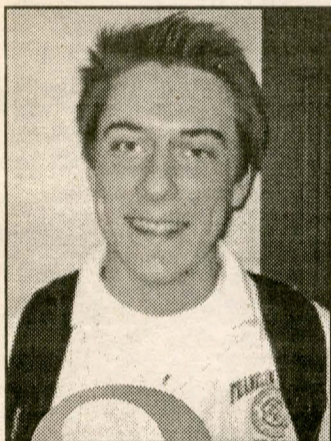
If the school gets the recognition it needs to improve its rank it should especially affect recent alumni

**Davina Amiri - 3rd year, graduating**



I believe the move to Central Islip will improve the reputation of the school, which will benefit the Alumni in the long run.

**Sean Quinlan - 2nd year, full-time day**



With a shorter commute I'll save a lot of money in gas and time.

**Amanda Bagatta - 2nd year, part-time evening**

## Follow-up to last issue: The Street: Federalist Society Debates Bush Surveillance

On Monday, March 20, 2006, the New York Chapter of the Federalist Society held a debate at the University Club in Manhattan regarding President Bush's authorized warrant-less wiretapping of phone numbers known to be linked to al Qaeda.

Robert Levy, Senior Fellow of Constitutional Studies at the Cato Institute, argued against the wiretaps, while David Rivkin Jr., a partner at Baker & Hostetler, LLP, argued Bush's position. Second Circuit Court of Appeals Judge, Dennis Jacobs, acted as moderator for the event. All parties agreed that secretive nature of the wiretaps makes discussion of this topic difficult; information as to exactly who and what are being tapped is not available to the public.

Levy was the first to speak, arguing that Congress has the power to limit the President's war time power, and that Congress did that through the Foreign Intelligence Surveillance Act (FISA).

FISA regulates the gathering of foreign intelligence. FISA gives the President two options when gathering foreign intelligence through electronic surveillance. First, the President may, through the Attorney General, and for the period of one year, conduct warrant-less electronic surveillance on foreign powers or their agents subject to various disclosure and minimization requirements, including the requirement that the surveillance minimizes the acquisition of nonpublic information of unconsenting US citizens. Second, the President can obtain a warrant through a special court that was established by FISA to satisfy its purposes.

Levy preemptively attacked the argument that the Authorization for Use of Military Force (AUMF) passed by Congress in 2001 gives the President the power to circumvent FISA. Levy echoed sentiments of several members of Congress who have said that when they voted for AUMF they did not believe they were extending the President's power this far.

Rivkin rebutted Levy's argument by say-

ing that the individual subjective intent of certain members of Congress would not rule the day if this issue were taken to court, but judges will look to the specific language of the statute. The specific language contained in the AUMF states, "the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons." Rivkin argued that the wiretaps are necessary, and are being used against persons within the scope of AUMF.

Both Rivkin and Levy agreed that the AUMF authorized the gathering of "battlefield intelligence;" however, this term is not defined. Therefore, Rivkin argued that America could be considered a battlefield since the US was attacked on September 11th, and continues to be a target for attack. Rivkin believes that if the US is defined as a battlefield then FISA should not apply to the wiretaps in question, because FISA applies to foreign intelligence, not battlefield intelligence. Levy argues that battlefields are where battles are actually being fought. As battles are not being waged on US soil at this time, then the intelligence being gathered through the wiretaps is not battlefield intelligence but foreign intelligence, thereby placing the wiretaps within the scope of FISA.

Rivkin concluded by saying that he merely highlighted the major arguments in favor of the President's position, and that several more arguments exist. "None are slam dunks, but they're all colorable."

Levy ended saying America needs to be protected, and further attacks must be stopped, "but we are still bound to the law. If we can't accomplish our goals through the current law the law needs to be changed, not broken."

## Attorneys raise money for One in Nine

On Friday night, April 7, 2006, in a sold-out performance at the Hilton Long Island/Huntington, 250 attorneys helped raise \$25,000 for local charity One in Nine — The Long Island Breast Cancer Action Coalition. The event featured the good natured roasting of Nassau County attorney Paul Siminerio by a cast of his zany colleagues. Suffolk County Exec. Steve Levy and Islip Town Councilwoman Pamela Greene attended the fund-raising event as well as a virtual Who's Who from the legal, political, and social communities.

The event was first organized five years ago by founders Dennis and Sheri Chase of Braunstein & Chase, L.L.P. after a colleague's wife passed away from breast cancer. Since its inception, the event has grown substantially both in popularity and in the money raised through the event. "Five years ago, the event was planned on the back of a legal pad," explains Dennis. "We considered ourselves to be incredibly fortunate to have 166 people in attendance and yet, raise only \$5,000. Thanks to a generous donation from an anonymous benefactor, in the last four years the donations to One in Nine reached an estimated \$50,000 to date."

Dennis' wife stated that, "each year was a learning experience. With the creation of our

not-for-profit foundation, the unbelievable support of our sponsors Summit Pharmacy and Enright Court Reporting, and through the generosity of this year's honoree, we were able to raise \$25,000 this year alone - nearly doubling the funds raised in the past four years combined!"

Among those in attendance were long time supporters Stephen and Jacqueline Siben, of Siben & Siben, LLP, and Jacqueline's husband David Manning, Executive Vice President of Corporate Affairs for KeySpan Energy. The President and Vice President of One in Nine, Geri Barish and Louise Levine were also in attendance. James R. Winkler of Winkler & Winkler, LLP; Sheryl L. Randazzo of Randazzo & Randazzo, LLP; Scott M. Karson of Lamb & Barnosky, LLP; as well as several administrative and local district judges came to show their support in the fight against breast cancer.

On October 16, 2006, Dennis and Sheri Chase are being honored by One in Nine as the first recipients of the Hewlett House Hall of Fame Award for Community Commitment to the Fight Against Cancer. A reception/fundraiser will be held at Carlton on the Park. Tickets may be purchased by calling at (516) 374-3190.



Woman's Bar Association

# A Woman's Place: Become a Successful Attorney!

By: Michelle Cohen  
President, Women's Bar Association

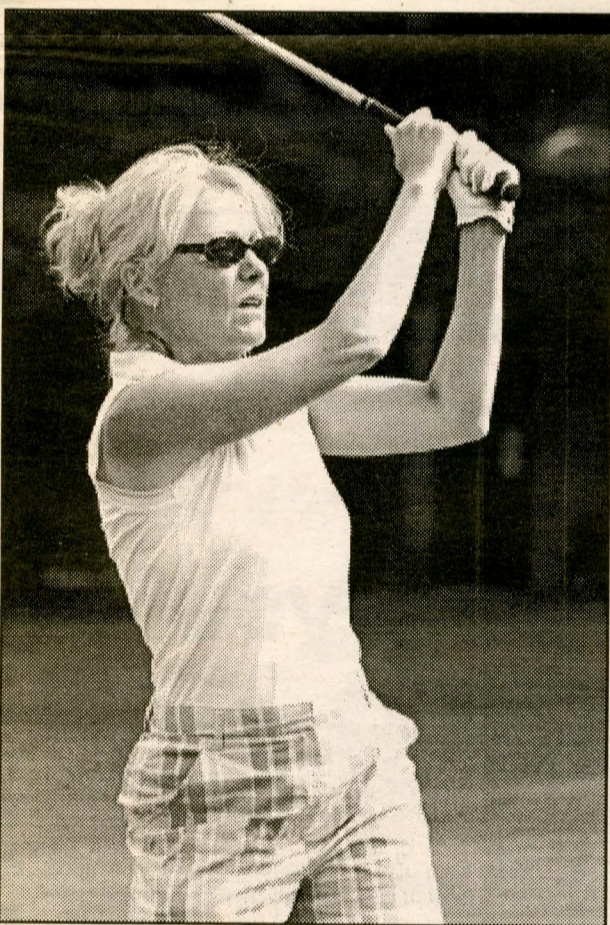
On March 8th the Women's Bar Association sponsored an event called Women in the Legal Profession, where numerous speakers discussed their experiences as women lawyers. Other organizations co-sponsored the event including BLSA, LGLSA, and SALSA, by providing speakers representing their respective organizations.

Professor Eileen Kaufman, representing the WBA, spoke mostly about obstacles for women professors. Susan Halatyn, a Touro alum, discussed different situations she has experienced being not only a woman lawyer, but also a lesbian. One disturbing story she recalled was when opposing counsel in one of her cases called her a "dyke." Debra Newman, another Touro alum, recently retired from her career as a prosecutor at the U.S. Justice Department. Nutan Christine Shah works for a private firm where she is not only one of the few women at the firm, but is also only one of two lawyers that are ethnic minorities. She discussed the issue of maternity leave, and said that unfortunately women are forced to choose between having children and becoming a partner in a firm. Meeta Patel represented the Pace Women's Justice Center. She works mainly with domestic violence victims and shared the advantages and disadvantages of what it is like to be a woman helping other women overcome domestic violence.

Overall the event was a great success. Students asked each speaker many questions and everyone gained a fresh perspective on what it is like to be a woman and work in the legal profession.



## Touro to Host Popular Golf Tourney for Fallen 9-11 Alum



Touro Law Center will host its fourth annual Susan M. Dietrich Clyne Memorial Golf Outing on Monday, August 28, at Muttontown Club in East Norwich, N.Y.

The popular event honors the memory of the 1988 Touro graduate, lost in the World Trade Center attack on September 11, 2001. Proceeds benefit the Susan M. Dietrich Clyne Computer Fund for the Central Islip Capital Campaign.

This year's event also honors Douglas C. Manditch, Senior Executive Vice President and Chief Operating Officer of New York Commercial Bank.

The all-day tournament offers brunch, dinner and cocktails, as well as numerous prizes including a hole-in-one car courtesy of Hempstead Ford. For ticket and sponsorship information, call 631-421-2244, ext. 472, or visit [www.TouroLaw.edu](http://www.TouroLaw.edu).



# Kathleen Rice, to address Class of 2006

N.C. District Attorney is a 1991 graduate of Touro Law Center

Nassau County District Attorney Kathleen Rice will give the Commencement Address at Touro College Jacob D. Fuchsberg Law Center's 24<sup>th</sup> Annual Commencement at 2 p.m. on Sunday, May 28, at Avery Fisher Hall, Lincoln Center, in New York City. Over 200 students are expected to receive their *juris doctor* degrees in the ceremony.

Ms. Rice, who earlier this year became the first woman elected District Attorney in Long Island's history, is a 1991 graduate of Touro Law Center. In her address, she will share her path from Touro Law student to a district attorney trail-blazer.

A Garden City native, Ms. Rice's career has been spent fighting for victims and victims' families and advocating for a legal system facing ever-changing challenges and opportunities.

"As a prosecutor, I was able to advocate for the most vulnerable in our society," Ms. Rice said during her swearing-in speech. It was that spirit of fighting for justice that was instilled in her during her years at Touro.

Growing up sharing a house with nine siblings, Ms. Rice said that it was not only her family life that taught her the art of politics, but also the importance of education. "My parents' strong belief in the importance of education allowed me the opportunity to go to college and law school," she said. "It was at Touro where I began to develop a passion for the legal system for which I have so much respect. I was able to see, first-hand, how the system could work and how the process affects the lives of so many people living in this country."

"We are very proud of Kathleen's accomplishments and are honored to have her back with us as Commencement Speaker," said Touro Law Center Dean Lawrence Raful. "She is a tremendous role model for our graduates, showing them that they too can fight for justice through a career in public service."

## Touro Idol comes to Huntington

On March 23, in front of a packed Auditorium, Idol came to Huntington, NY to find talent amongst the students at Touro. No, I am not talking about American Idol, I am talking about Touro Idol!

This year, the SBA put a twist on its Annual Talent Show to create the first ever Touro Idol. Hosting the show was Ronald Ramo, who I must say was just as entertaining as Ryan Seacrest from the actual reality show. Imitating the judges from American Idol were J.R. Reynolds, Lauren Silverman, and Robert Mehran, Jr. They played their parts well, and got to sit right on stage to see the amazing show. Along with the entertainment of the judges and the host came students with real American Idol like talent. The night began with Amanda Becker's beautiful voice emanating through the Auditorium. Following Amanda was a guitar serenade by Greg Newman who was accompanied by Jake Wisniewski on the bongos. Jake Wisniewski completed the act with his own guitar solo. Davina Amiri showed off her amazing voice and new found ability to play the guitar. The first session ended with a newcomer to the Talent Show, Dave Mattingly on guitar and vocals.

After Intermission, Amanda Becker recaptured the audience with some music from *Rent*. Following the Broadway number was the ever entertaining Howard Raber on guitar and vocals. Lenka Richards, who has been a constant crowd favorite in the three years she has participated in the talent show, sang with Davina Amiri as back up. Ellyn Wilder strutted her stuff at the end of the night to These Boots are Made for Walking. The night was completed with an imitation of George W. Bush by David Weintraub. The last act was enough to send everyone off to Finleys for the Women's Bar Associations first ever Sadie Hawkins Dance.

The audience members were encouraged to vote for their favorite candidate and on Monday the votes were tabulated to discover that the winner of the first ever Touro Idol was Ellyn Wilder. In second place was Amanda Becker followed closely by Dave Mattingly. The winners received a gift certificate to Pieper Bar Review. The entire night was sponsored by Pieper Bar Review and the Student Bar Association.



In 1999, Ms. Rice became an Assistant United States Attorney, appointed by then-Attorney General Janet Reno to serve in the Philadelphia office. In Philadelphia, Ms. Rice was able to utilize one of the largest and most sophisticated United States Attorney's Offices in the country in her prosecution of white collar crimes, corporate fraud, dead-beat parents and public corruption, as well as federal drug and gun cases. In 2003, Ms. Rice received the Director's Award from then-Attorney General John Ashcroft for Superior Performance as an Assistant United States Attorney for the successful prosecution of corrupt City of Philadelphia plumbing inspectors.

During the spring of 2005, Ms. Rice left the United States Attorney's office to return to Long Island and to give back to the community that raised her and her nine siblings. In November of that same year, Ms. Rice was victorious in her first run for public office. Since the victory, she has been working closely with other law enforcement agencies and with the many communities of Nassau County as she addresses growing problems like gang violence, public corruption, internet crime and consumer fraud. Kathleen Rice is a graduate of Garden City High School, Catholic University and Touro Law Center. She is a resident of Locust Valley, New York.



**SBA**  
President JR Reynolds

On behalf of the Executive Board of the SBA and our General Council, I would like to thank the students for bestowing upon us the honor of serving as your representatives for the upcoming academic year. As President, I will work tirelessly to reaffirm your faith, and

continue to earn your trust. I will strive to be a President who not only has the courage to lead, but also the humility to serve.

Next year will be a particularly difficult year because of the great unknown. I will work with the administration to ensure that our transition to Central Islip is as smooth as possible. There will be challenges, but I am certain that by working together, we will be able to overcome. I invite all students to actively get involved in the SBA. Next year is truly an opportunity for all of us to leave our footprints in the sand. Regards

JR Reynolds

## Annual Goods and Services Auction held

By Jamie Lang

On Wednesday, April 5th, the 12th Annual Goods and Services Auction raised over \$40,000 to benefit the Public Interest Law Fellowship Program. The fellowships will be awarded to students pursuing Public Interest internships this summer. The program included a silent auction followed by a live auction and awards ceremony. Auction prizes were donated by professors, administrators and alumni. Silent auction prizes included Dean Lawrence Raful's parking spot, a martini party thrown by Professor Kaufman and Assistant Dean Linda Howard Weissman, and an evening sailboat excursion with Professor Silver. Live auction items included lunch with District Attorney Kathleen Rice, a week stay in Vermont, and tickets to various New York sporting events. The awards ceremony also recognized thirteen outstanding Public Interest attorneys working in top Long Island firms.



### Correction

In the last issue of *The Restatement*, an article, "The Men and Mission behind the Marquee" incorrectly reported that Harvey Kash was a veteran of WWII. Although Kash did serve in the 101st Airborne, he performed his military service during the Korean War. *The Restatement* apologizes for the error.



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