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## Stein Center for Law and Ethics Annual Report 2013 to 2014

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*Stein Center for Law and Ethics*

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# LOUIS STEIN CENTER FOR LAW AND ETHICS

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## The Stein Center for Law and Ethics 2013-2014 Annual Report

The Louis Stein Center for Law and Ethics serves the Fordham Law School community, the legal profession and the public in multiple ways. It contributes to developing future lawyers who are committed to promoting the public good through law reform, public service and the maintenance of high ethical standards, while at the same time helping those lawyers-to-be gain experiences and build connections in order to successfully commence their legal careers. It seeks to improve the legal profession and the legal system while modeling how to do so. It encourages scholarship that explores how ethical values inform and improve the legal profession, which, in turn, solidifies Fordham Law's reputation among practitioners and academics in the legal ethics arena.

The Stein Center is directed by Professor Bruce Green, the Louis Stein Chair. It is co-directed by Vice Dean Sheila Foster, the Albert A. Walsh '54 Chair in Real Estate, Land Use, and Property Law; Professor Russell Pearce, the Edward and Marilyn Bellet Chair in Legal Ethics, Morality and Religion; and Professor Jennifer Gordon. Sherri Levine is the Center's Associate Director.

We remain grateful to the Stein family for their support of the Stein Center and the Stein Scholars Program, starting with Louis Stein '26 for having had the foresight to establish these programs, and continuing with his granddaughter Sally Bellet '76, who honors his legacy and vision to this day.

This Annual Report describes the public programs and scholarly symposia organized by the Stein Center, as well as the efforts taken to support, oversee and expand the Stein Scholars Program, which trains students to be leaders and prepares them for careers "in the service of others." All of our endeavors contribute to raising the profile of Fordham Law School among alumni, practitioners and the broader academic community.

### I. PUBLICATIONS

The work of the Stein Center is visible in two types of publications, the *Fordham Law Review's* special annual ethics issue, and the Stein Center's quarterly e-newsletter, Stein Center News. Additionally, the Stein Center plays a pivotal role in encouraging and fostering legal scholarship in three key ways: 1) convening and hosting the Legal Ethics Shmooze; 2) organizing and hosting Legal Ethics Scholars' Roundtables; and 3) facilitating and promoting students' notes.

#### A. *Fordham Law Review*

As a result of the annual ethics conference sponsored by the Stein Center for Law and Ethics, the *Fordham Law Review* has recently published a book containing multiple articles on important aspects of ethics and the legal profession. In fact, the Stein Center's collaboration with Fordham

law journals began more than 18 years ago, when the *Fordham Law Review* committed to working with the Center's faculty to publish an annual book on ethics and the legal profession. The articles in the *Fordham Law Review* legal ethics collections regularly lead the list of its most frequently cited articles.

This year's *Fordham Law Review* ethics issue (Vol. 82, No. 6), which stems from the October 2013 **Lawyers' Monopoly on the Practice of Law** colloquium (photo below), contains articles by such well-regarded experts in the field as Benjamin Barton, Michele DeStefano, John Dzienkowski, Renee Newman Knake, Leslie C. Levin, John McGinnis, Lisa Nicholson, Paul Paton, Russell Pearce, Deborah Rhode, Laurel Rigertas, John Sahl, Anthony Sebok, Carole Silver, Laurel Terry, and Jessica Dixon Weaver, as well as a foreword by Brad Wendel of Cornell Law School. You can find the issue here: <http://fordhamlawreview.org/symposia/46>.

During the colloquium and in the published articles, participants grappled with questions such as whether restrictions on the practice of law serve a societal purpose or merely protect the profession; where is professional regulation heading; what are lawyers' obligations to increase access to justice and how can it be done; what can we learn from the global context and international models; and are there any dangers to deregulation?



As always, the intended audience for this special legal ethics issue of the *Fordham Law Review* is broad and includes practicing attorneys, judges, law professors, law students and professional responsibility professors across the country. The Stein Center will publicize this volume to nationally-recognized faculty experts, to highlight Fordham Law's efforts to engage in important national debates.

Moreover, plans are well underway for our Fall 2014 ethics colloquium, **The Challenge of Equity and Inclusion in the Legal Profession: An International and Comparative Perspective**, which will take place on October 16 and 17, 2014 at Fordham Law School. The 2014 ethics colloquium is being co-sponsored by Stanford Law School's Center on the Legal Profession and the Centre for Professional Legal Education and Research at the University of Birmingham Law School. The articles arising from this colloquium will be published in a special Spring 2015 *Fordham Law Review* book and we expect many cutting-edge articles on a broad range of contemporary issues affecting the legal profession.

Specifically, speakers from the United States and the United Kingdom will explore such themes as: the ways the legal profession is diversifying compared to the racial and gender background of

those practicing at the higher echelons; the different ways inequality manifests itself in the two jurisdictions; the causes of the disadvantages experienced by the lower status groups; and alternative ways each jurisdiction is addressing diversification.

Some of **The Challenge of Equity and Inclusion** participants will include: Julie Ashdown (Law Society); Louise Ashley (Kent Business School); Sweetha Ballakrishnen (Stanford); Devon Carbado (UCLA School of Law); Richard Collier (Newcastle Law); Michele Goodwin (University of Minnesota Law); Bruce Green (Fordham Law); Stacey Hawkins (Rutgers Law); Sonia Katyal (Fordham Law); Savita Kumra (Brunel Business); Jonathan Lampthey (London School of Economics); Russell Pearce (Fordham Law); Deborah Rhode (Stanford Law School); Hilary Sommerlad (Birmingham Law School); Steven Vaughan (Birmingham Law School); Eli Wald (University of Denver Law); Lisa Webley (University of Westminster School of Law); and Kevin Woodson (Drexel School of Law).

## **B. Stein Center News**

This year, the Stein Center will again publish four editions of Stein Center News, an e-newsletter. Stein Center News includes announcements about programs and events, articles about topical issues, profiles of Stein Scholars alumni, commentary about current controversies in public interest law or legal ethics, and photos showcasing the best moments of Stein Center and Stein Scholars Program activities. During the 2013-2014 year, we featured over a dozen Stein alumni discussing such diverse topics as mentoring, indigent defense work, and pro bono efforts at private firms.

In addition to reaching the Stein Scholars alumni community, Stein Center News is also distributed to thousands of contacts, including all current Fordham students and faculty, lawyers involved in professional responsibility or legal ethics, area law professors, and more. In this way, Stein Center News helps to raise the profile of the law school by keeping the work of the Center and the Stein Scholars Program at the forefront of the minds of the broader legal community. The Stein Center News is accessible from the home page of the Stein Center (<http://law.fordham.edu/stein>).

## **C. Scholarship Incubator**

By convening the Legal Ethics Shmooze, hosting Legal Ethics Scholars' Roundtables, and encouraging students to write notes on important legal issues, the Stein Center serves as one of the most important incubators of legal ethics scholarship in the country.

### **1. Legal Ethics Shmooze**

In June 2008, the Stein Center collaborated with Columbia, Georgetown, Harvard and Stanford Law Schools to conduct a two-day Legal Ethics Shmooze. Approximately twenty senior and junior scholars from around the country came to Fordham to discuss future scholarship on the legal profession. Each participant contributed a paper that fit within one of several predetermined themes, which included: access to justice, cause lawyering, lawyers' identity and

role, and the role of lawyers in governance. Participants discussed works in progress and received feedback in order to strengthen their scholarship for future publication.

The expectation at the time was that one of the other law school co-sponsors would host the next Shmooze, but no school stepped forward, so the Stein Center offered to host and organize the **Second Legal Ethics Shmooze** in June 2013. With the Stanford Center on the Legal Profession and Touro Law Center as co-sponsors, twenty-two senior and junior scholars from across the country again came to Fordham Law School to present works-in-progress and discuss scholarship pertaining to legal ethics and the legal profession.

The **Second Legal Ethics Shmooze** was so successful, that the Stein Center convened three law schools (New York Law School, Cardozo Law School and Touro Law Center) to organize the **Criminal Justice Ethics Shmooze**, which we will host on June 9-10, 2014 at Fordham Law School. Twenty-three criminal justice scholars have prepared draft papers, which they will present to the group for feedback and suggestions, thereby extending our reputation as the primary incubator of legal ethics scholarship in the country.

More information about the 2013 **Legal Ethics Shmooze** and the upcoming **Criminal Justice Ethics Shmooze** can be found on pages 11-13 of the Annual Report.

## 2. Legal Ethics Scholars' Roundtable

Launched in 2012 by Susan Fortney, Director of the Institute for the Study of Legal Ethics at Maurice A. Deane School of Law at Hofstra University, and Bruce Green, Stein Center Director, the **Legal Ethics Scholars' Roundtable** also nurtures the development of legal scholarship by providing opportunities for area legal ethics professors to discuss their work in progress.

In addition to generally supporting and promoting the Roundtables, this year, the Stein Center hosted two Roundtable discussions (Scott Cummings from UCLA School of Law on March 3 and Margaret Tarkington from J. Reuben Clark Law School at Brigham Young University on October 7) and Stein Co-Director Russell Pearce spoke at another. For more information about the Roundtable, please go to page 13 of the Annual Report.

## 3. Students' Notes

Students interested in writing notes on issues pertaining to legal ethics and the legal profession are supported throughout the process by Stein Directors Bruce Green and Russell Pearce. Both teach small 2L seminars - Ethics in Criminal Advocacy and Lawyers and Justice - where students are encouraged to write papers that can be the foundation for a publishable note. Both also provide extensive feedback and supervision throughout the note-writing process. Finally, the Mary Daly Prize in Legal Ethics, which is awarded to a graduating student who publishes the most significant writing relating to lawyers' professional responsibility and/or the legal profession, also promotes note-writing by publically recognizing it.

This year, the Mary Daly Prize was awarded to Jason Tortora '14, author of the note "Reconsidering the Standards of Admission for Prior Bad Acts Evidence in Light of Research on

False Memories and Witness Preparation,” 40 *Fordham Urb. L.J.* 1493 (2013). Other student scholarship on legal ethics that resulted from involved note supervision by Professors Green and Pearce includes the following: 1) “Principles, Politics and Privilege: How the Crime-Fraud Exception Can Preserve the Strength of the Attorney-Client Privilege for Government Lawyers and their Clients,” by Michael W. Glenn ‘14 (40 *Fordham Urb. L.J.* 1447); 2) “Employer Monitoring of Employee Email: Attorney-Client Privilege Should Attach to Communications that the Client Believed were Confidential,” by Alex DeLisi ‘14 (81 *Fordham L. Rev.* 3521); and 3) “Finally Some Improvement, But Will it Accomplish Anything? An Analysis of Whether the Charitable Bail Bonds Bill Can Survive the Ethical Challenges Headed its Way,” by Alex Petrossian ‘14 (40 *Fordham Urb. L.J.* 2013).

## II. STEIN SCHOLARS PROGRAM

The Stein Scholars Program continues to play a key role in students’ professional development, while advancing Fordham’s mission to cultivate lawyers “in the service of others.” Specifically, the Stein Scholars Program offers approximately 60 Fordham Law School students with an expressed desire to work in public interest law an opportunity to receive tailored academic guidance, mentorship, community, leadership development, support and hands-on experience in charitable, non-profit, government and pro bono law settings. The Stein Scholars Program offers student-student, faculty-student, and alumni-student mentorship, as well as frequent workshops and conversations on career options and current issues of importance to the public interest community. The alumni network of Stein Scholars now exceeds 420 graduates and those graduates can be found in nearly every area of the legal profession.



Through academic coursework and exposure to a variety of public interest law practices, the Stein Scholars Program provides participating students with a firm grounding in legal ethics, the analytical tools needed to examine the role of lawyers in society, practical experience and training, and opportunities for developing relationships with practitioners in a variety of fields. Moreover, the Program contributes to Fordham’s reputation as a pioneer and leader in the fields of ethics and public interest law.

### A. Internships

The Stein Scholars Program includes an internship component that gives students the opportunity to work in public interest law settings during their 1L and 2L summers. These internships, supported by stipends available through the generous support of the Stein family, facilitate the development of skills and experiences needed to be effective attorneys, provide exposure to

different institutions and the role lawyers play in each, and promote the cultivation of contacts and connections necessary when embarking on careers in public interest law.

Here are some of the places Stein Scholars will be interning this summer:

US Securities & Exchange Commission	New York Legal Assistance Group
Camden County Prosecutor (NJ)	Safe Horizons
Legal Aid Society Juvenile Rights Div.	Federal Defenders (OR)
US DOJ Counterterrorism (DC)	Safe Horizons Immigration Project
Manhattan District Attorney	Global Justice Center**
Federal Defenders of NY EDNY*	Sanctuary for Families
UN High Commissioner for Refugees	United Nations (Vienna)
NYS Attorney General's Office	Urban Justice Center
Public Defender Service of DC (DC)	Staten Island Legal Services
CA Attorney General's Office (CA)	The Bronx Defenders (Family & Criminal)
Legal Action Center	Legal Aid Society Criminal Appeals Bureau
Part of the Solution (POTS)	Louisiana Center for Children's Rights (LA)
The Door	Legal Aid Society***
Vera Institute of Justice	USAO SDNY**
Brooklyn Defender Services	Natural Resource Defense Council
Center for Reproductive Rights	National Labor Relations Board
Legal Aid Society (LGBT Law & Policy)**	NYS Department of State

\* Thomas J. Concannon Memorial Internship Fund

\*\* The Charles H. Revson Law Student Public Interest Fellowship

\*\*\* The Ann Moynihan Fellowship

## **B. Collaborations with Public Interest Organizations and Practitioners**

During their second year, Stein Scholars enroll in two courses dealing with ethics and public interest law. In the Fall semester, Stein Scholars choose between Professional Responsibility: Lawyers and Justice, which focuses on civil practice, and Ethics in Criminal Advocacy, which examines the ethical responsibilities of lawyers who work in the criminal justice system.

In the Spring of their second year, Stein Scholars enroll in the Advanced Seminar in Public Interest Lawyering. In the Advanced Seminar, students work in small groups on projects in conjunction with public interest law offices and practitioners in New York City. These group projects enable Stein Scholars to apply the principles considered in the classroom to real life situations, while also providing opportunities to cultivate collaboration and teamwork skills. By working in conjunction with a public interest legal organization on a project intended to protect or expand the rights of the disenfranchised, the Advanced Seminar not only helps prepare students to engage in meaningful work that will make a difference, but it fosters exposure to practicing lawyers in compelling and diverse fields. Here is a list of the sponsoring organizations and projects recently undertaken by Stein Scholars during the Spring 2014 semester:

- Four students worked with The Door Legal Services to develop workshop curricula in Spanish on topics and issues affecting Spanish-speaking youth who have adjusted immigration status via green cards. The materials addressed questions such as “where can I get a driver’s license?” and “how do I get a social security card?”
- Four students designed a project in conjunction with The Center for Reproductive Rights to determine the viability of extending access to affordable reproductive healthcare at the state level, with a focus on eight states.
- Four students teamed up with the New York Lawyers Assistance Group (NYLAG) Veterans’ Project to create a manual for pro bono attorneys working on veterans’ appeals. These same students also prepared an hour and a half PowerPoint training for NYLAG attorneys on the appeals process.



**Students Jacqueline Barkett, Allison Job, Elizabeth Langton and Katie O’Hare with NYLAG attorney Kevin Kenneally**

- Four students worked together with the New York County Lawyers’ Association Task Force on Professionalism to better understand relationships between prosecutors and defense attorneys, by studying – through multiple interviews and observations – the relationships and dynamics in play at several area mental health courts.
- Three students undertook a project with Legal Services NYC–Bronx to create a pro bono manual that attorneys can use to assist victims of workplace crime obtain U Visas.

The teams’ efforts culminated at the end of the semester with deliverables for each organization and final presentations to the class.

Additionally, each year, we bring several Stein graduates back to the school to talk with the Advanced Seminar students about issues having to do with the legal profession, including mentoring, public interest lawyering and leadership. This semester’s Stein speakers included: Udi Ofer ‘01, Executive Director of ACLU-NJ; Rose Rodriguez ‘99, Special Assistant to the Commissioner at the NYS Department of Labor; Daniel Gross ‘07, founding Executive Director of Brandworkers International; and Alycia Guichard ‘04, founder of SPLASH Health Spot. These conversations consistently proved to be vital ways to expand the students’ connections and understanding of the world of public interest law, while simultaneously providing opportunities for graduates to remain engaged with the law school.

### C. Roundtables

During the 2013-2014 academic year, current Stein Scholars organized six roundtables on a variety of compelling contemporary legal issues. By conceptualizing and producing the panels, Stein Scholars expanded their knowledge about key legal and policy issues and enhanced their leadership skills, while also connecting with practicing attorneys from multiple fields and types of practices.



Here is a brief description of this year's topics: 1) on October 30, Stein Scholars hosted ***Shelby County and the Forgotten Promise of the Voting Rights Act***, which featured several experts on the recent efforts to suppress voting in the U.S.; 2) on November 6, the students hosted a panel discussion called ***The End of Fear City?***, which addressed the future of crime and the criminal justice system in NYC; 3) on February 26, Stein Scholars produced a well-attended panel called ***Ending the War on Marijuana? The Legalization Movement in New York and the Nation***; 4) on March 12, the Stein Scholars Program sponsored an event titled ***The Prison-Industrial Complex: The Prisons, the Profits and the Communities Affected***, which explored the causes and implications of the prison-industrial complex; 5) on March 26, the Stein Scholars Program hosted a panel entitled ***Guns: Violence, Policy, and the Second Amendment***, which was inspired by the art exhibit *Palas por Pistolas/Shovels for Guns* by artist Pedro Reyes; and 6) on April 2, Stein Scholars and Prisoners' Rights Advocates hosted ***Surviving Justice***, a presentation by Shujaa Graham, an exonerated Death Row inmate, who was wrongfully incarcerated at San Quentin in California.

### D. Mentorship Program with Alumni

For the second year in a row, the Stein Center organized a Mentorship Program, whereby 2L, 3L and recently graduated Stein Scholars were matched with Stein Scholars alumni based on common areas of interest or practice. Mentors were asked to meet with their mentee at least twice during the school year and to communicate on an as-needed basis via phone, email or Skype. Approximately 26 students and 14 recent graduates participated in the Mentorship Program. The ability to develop a relationship with a Stein graduate who has experience in the student's field of interest, or practices in an area of law that the student wants to learn more about, is invaluable.

One match involved Jenny Edelman '14 and Louis Piels '00. Jenny, who wants to pursue a career in health care law and policy, was thrilled when Louis accepted our request to participate in the Stein Alumni Mentorship Program, because he is Associate General Counsel at New York-Presbyterian Hospital.

Here is what Jenny had to say when asked about the mentor relationship: *“Mr. Piels is a fantastic mentor! At our first meeting, I learned about the many different types of cases he and other members of the General Counsel team at the hospital face on a daily basis. There are so many different aspects of health care law and each member of his team works on something unique.”*

## **E. Fundraising**

We continued the fundraising campaign initiated in conjunction with last year’s 20<sup>th</sup> Anniversary Celebration of the Stein Scholars Program, in order to raise additional funds to provide grants to 3L Steins (Class of 2014) to help offset the cost of the bar review and bar exam. Last year, eight \$1,000 grants were provided to graduating Steins. This year, grants totaling \$9,000 were provided to nine 3Ls, all of whom are committed to pursuing a public interest law career.

Here is a quote from one of last year’s grant recipients: *“The bar review grant that I received allowed me to cut back on hours at my part-time job and concentrate on preparing for the bar. It made a huge difference during a very difficult time, even as many of my classmates who had accepted positions in the private sector were not faced with the same financial stress. I’m very grateful for the support of alumni and hope to help the Stein Scholars Program provide the same assistance to next year’s graduates.”* –Melissa Kohilakis ’13

This year, we have received contributions from approximately 40 Stein Scholars alumni and we hope to increase the rate of participation before the end of the fiscal year.

## **F. Scholarships**

This past year, the Stein Center continued to administer the Bellet Scholarship, which was initiated by Sally Bellet ’76 in order to support one Stein Scholar from each class who demonstrates a particular commitment to leadership in the public interest. Through support and mentoring, Bellet Scholars are encouraged to develop the leadership skills and values needed to become future ethical legal leaders.

Additionally, with the assistance of the Development office, we helped to administer and award a new scholarship and a new public interest prize -- the Kirpalani Scholarship and the Monsignor James J. Murray Prize for Achievement in Public Service. The Kirpalani Scholarship was awarded to an incoming law student who is committed to combating domestic violence. The Prize for Achievement in Public Service was awarded to a 2014 graduate who is pursuing a career in criminal justice.

## **G. Stein Alumni Advisory Board**

The Stein Alumni Advisory Board, which consists of one representative from each Stein Scholars graduated class, for a total of 20 Advisory Board members, continues to actively support the work of the Stein Center and the Stein Scholars Program. For a list of current alumni members of the Advisory Board, please go to our website: <http://law.fordham.edu/louis-stein-center-for-law-and-ethics/31833.htm>. The Advisory Board meets regularly and maintains contact

with classmates via emails in between in-person meetings. Recently, the Advisory Board was instrumental in conceiving and implementing events such as the 20<sup>th</sup> Anniversary Celebration, the Hot Topics lecture series, and the upcoming Stein Alumni Awards Reception, as well as in initiating the new Stein Alumni LinkedIn group.

## H. Stein 20<sup>th</sup> Anniversary Celebration

We ended last year with a terrific celebration to mark the 20th Anniversary of the Stein Scholars Program. The event took place on June 6, 2013 at the art gallery of Marianne Boesky '95, a member of the first class of Stein Scholars. Before an enthusiastic crowd of 150 students, graduates and law school staff, heartfelt remarks were shared by Assistant Dean Tom Schoenherr, Stein Center Director Bruce Green, Judge Joanne Quiñones '97, Marianne Boesky '95 and Dean Michael M. Martin.



A more official reminder of what we were celebrating on June 6 is contained in proclamations presented to the Stein Scholars Program on the occasion of the 20<sup>th</sup> Anniversary by New York State Senator Brad Hoylman, New York State Assemblymember Linda Rosenthal, and New York City Councilmember Gale Brewer. A copy of the text of one of the proclamations can be found in the September 2013 issue of Stein Center News: <http://law.fordham.edu/louis-stein-center-for-law-and-ethics/30442.htm>.

The 20<sup>th</sup> Anniversary Celebration was a wonderful way for Stein Scholars alumni to re-ignite connections with each other and the law school, while also allowing students in the Program to meet and develop bonds with graduates employed in jobs across the legal profession.

## III. THE ACADEMY, THE BAR AND FORDHAM ALUMNI

During this past academic year, the Stein Center organized and sponsored many events that fostered connections with the academy, the bar and Fordham Law alumni. Some programs were designed principally for legal academics, as was true of **The Legal Profession's Monopoly on the Practice of Law**, and will be the case with the upcoming **Criminal Justice Ethics Shmooze** and **The Challenge of Equity and Inclusion in the Legal Profession: An International and Comparative Perspective**, while other projects have been directed primarily at practitioners, as was the focus of two CLE programs, **Attorney Client Privilege and Selective Waiver in Bank Regulation** and **Ethics for In-House Counsel: New Developments and Future Challenges**.

Some programs, on the other hand, are designed to bring together Fordham Law attorneys and students, as was the goal of both Hot Topics events - **Using Law to Empower Underserved**

**Communities and Family and Children's Rights: Challenges, Accomplishments and Emerging Issues** – as well as with the inaugural conference call, **Tips for Transitioning from Private Firm to Nonprofit/Government Entity**. Finally, this year we expanded our Mentorship Program to match Stein graduates with more senior graduates, to enable Steins to assist fellow Steins with issues such as job transitions, work/family balance and career advancement.

## **1. The Academy**

### **A. The Legal Profession's Monopoly on the Practice of Law**

This year's annual ethics colloquium co-sponsored by the Stein Center and the *Fordham Law Review* was entitled **The Legal Profession's Monopoly on the Practice of Law**. Through deliberations among distinguished panelists from across the country, this colloquium analyzed and reappraised the legal, ethical and practical issues at play in the legal profession. A review of topics addressed and participating academics can be found above on page 2.

### **B. The Legal Ethics Shmooze**

Both last year and this year, the Stein Center prioritized convening the Legal Ethics Shmooze. The Shmooze is designed to provide nationally-recognized legal ethics scholars a chance to consider and discuss emerging topics in the field. In addition to collegial interchange, its object is to promote legal ethics as an important area for future scholarship, provide ideas about where such scholarship might take us, and promote Fordham Law School's reputation as the central place to discuss and debate these issues.

#### 2013 Second Legal Ethics Shmooze

The Stein Center for Law and Ethics, Touro Law Center and the Stanford Center on the Legal Profession co-sponsored the **Second Legal Ethics Shmooze** on June 18-19, 2013 at Fordham Law School. Participants included:

- Rebecca Aviel, University of Denver Sturm College of Law
- Benjamin Barton, University of Tennessee College of Law
- Lara Bazelon, University of California, Hastings College of the Law
- Susan Carle, American University Washington College of Law
- Elizabeth Chambliss, New York Law School
- Michele DeStefano, University of Miami School of Law
- Nora Engstrom, Stanford Law School
- Howard Erichson, Fordham Law School
- Susan Fortney, Hofstra Law
- Bruce Green, Fordham Law School
- Justin Hansford, St. Louis University School of Law
- Renee Knake, Michigan State University College of Law
- Samuel Levine, Touro Law Center
- Russell Pearce, Fordham Law School
- Dana Remus, University of New Hampshire School of Law

- Deborah Rhode, Stanford Law School
- Becky Roiphe, New York Law School
- Carole Silver, Indiana University Maurer School of Law
- Eli Wald, University of Denver Sturm College of Law
- Brad Wendel, Cornell Law School
- Alice Woolley, University of Calgary, Faculty of Law
- Ben Zipursky, Fordham Law School

Some of the critical and cutting-edge topics that were discussed at the **Second Legal Ethics Shmooze** included: the intersection of law and corporate compliance; problems with settlement class actions; changes in the American legal market; whether there is a market for limited (non-JD) law school training; the costs and consequences of the “lawyer lending” industry; judicial regulation of civil litigation; and barriers to non-lawyer’s involvement in the delivery and financing of legal services.

#### 2014 Criminal Justice Ethics Shmooze

This year, the Stein Center for Law and Ethics, Cardozo School of Law, New York Law School and Touro Law Center are co-sponsoring the **Criminal Justice Ethics Shmooze** on June 8-10, 2014 at Fordham Law School.

Expected participants will include:

- Miriam Baer, Brooklyn Law School
- Michael Cassidy, Boston College of Law
- Meredith Duncan, University of Houston Law Center
- Tigran Eldred, New England Law
- Roger Anthony Fairfax, The George Washington University Law School
- Monroe Freedman, Hofstra Law
- Bennett Gershman, Pace Law School
- Bruce Green, Fordham Law School
- Lissa Griffin, Pace Law School
- Erica Hashimoto, University of Georgia School of Law
- Peter Joy, Washington University Law
- Samuel Levine, Touro Law Center
- Laurie Levenson, Loyola Law School
- Kevin McMunigal, Case Western University School of Law
- Janet Moore, University of Cincinnati School of Law
- Jane Campbell Moriarty, Duquesne University School of Law
- Ellen Podgor, Stetson Law
- Jenny Roberts, American University Washington College of Law
- Rebecca Roiphe, New York Law School
- Abbe Smith, Georgetown Law
- Ron Wright, Wake Forest University School of Law
- Ellen Yaroshefsky, Cardozo Law
- Steven Zeidman, CUNY School of Law

**Criminal Justice Ethics Shmooze** papers and conversations will focus on questions of criminal procedure and professional conduct relating to prosecutors, defense lawyers and the institutions in which they work. Specifically, junior and experienced faculty members will be seeking feedback on ideas pertaining to issues such as: new defense counsel obligations to disclose the source of real evidence; prosecutorial discovery violations; threats by prosecutors; the duty to communicate; plea bargaining; the relationship between moral courage and indigent defense representation; and prosecutorial accountability in the information age.

### **C. The Challenge of Equity and Inclusion in the Legal Profession: An International and Comparative Perspective**

The Stein Center for Law and Ethics and the *Fordham Law Review* are co-sponsoring **The Challenge of Equity and Inclusion in the Legal Profession: An International and Comparative Perspective**, a one and a half-day colloquium on October 16-17, 2014 at Fordham Law School. This colloquium will incorporate expert academics from more than 15 institutions between the United States and the United Kingdom. The participants will gather to dissect and analyze topics at the core of the legal profession from historical, contemporary and international perspectives. More information about this colloquium can be found above on pages 2-3.

### **D. Legal Ethics Scholars' Roundtables**

This past year, the Stein Center also hosted two **Legal Ethics Scholars' Roundtables**. Scott Cummings, from UCLA School of Law (pictured below), spoke at Fordham Law School on March 3 about his paper titled "Reframing the Role of Law in Social Change." Margaret Tarkington, based at J. Reuben Clark Law School at Brigham Young University, shared her work-in-progress titled "Lost in the Compromise: Free Speech, Criminal Justice, and Attorney Pretrial Publicity" at Fordham Law School on October 7.

In addition, Stein Center Co-Director Russell Pearce spoke at an off-campus **Legal Ethics Scholars' Roundtable** on November 8 about a piece that he worked on with Renee Newman Knake (Michigan State University College of Law) and Noel Semple (University of Toronto Faculty of Law) called "A Taxonomy of Legal Services Regulation: Understanding Why Australia, England and Wales Embrace Innovation and Market Competition While Canada and the United States Adhere to Tradition and Professional Autonomy."



The **Legal Ethics Scholars' Roundtable** was formed to provide opportunities for area legal ethics professors to discuss their work in progress.

## E. **International Legal Ethics Conference 2016**

Plans are already underway for the **International Legal Ethics Conference (ILEC) VII**, which the Stein Center will host at Fordham Law School in July 2016. The ILEC will involve over 300 members of the legal profession from around the world. Beginning in 2004, the ILEC has convened biannually in order to: 1) establish momentum and greater awareness of the ethical and moral foundations of modern lawyering throughout the world; and 2) cement legal ethics in the law curriculum of the future and in scholarship and practice more generally. The International Association of Legal Ethics (IAOLE), the umbrella organization, will be a resource to us as we identify the themes for the 2016 conference, issue the call for papers and schedule the hundreds of panels and discussions that will span the three-day convention.

### 2. **The Bar and Fordham Law Alumni**

#### A. **Hot Topics Panels**

The Stein Center hosted two Hot Topics panels this year, **Using Law to Empower Underserved Communities** and **Family and Children's Rights: Challenges, Accomplishments and Emerging Issues**.

On October 8, 2013, five Stein Scholars alumni returned to campus for a panel presentation entitled **Using Law to Empower Underserved Communities**. Stein Scholars students and graduates were energized by the remarks shared by Afua Atta-Mensah '04, Urban Justice Center, Safety Net Project Supervising Attorney; Kamal Essaheb '06, National Immigration Law Center, Immigration Policy Attorney; Carmen Huertas-Noble '02, CUNY Law Community & Economic Development Clinic, Founder and Director; Erin Miles Cloud '11, Bronx Defenders, Family Defense Practice Attorney; and Richard Saenz '10, Queens Legal Services, HIV/LGBT Advocacy Project Staff Attorney.



Before a crowd of approximately 50 students, alumni, and faculty, the speakers discussed the systemic challenges confronting the respective communities they serve and their role as advocates, as well as their efforts to empower their constituents to advocate for justice and change. With the intersection of race, class, national origin, and sexual orientation as the backdrop for many of the remarks, the speakers described lessons learned, goals achieved, and their day-to-day work in family court, fighting deportations, expanding the pool of affordable housing, and protecting public benefits.

The panel, which was introduced by Stein Scholar Alex Guiterman '14 and moderated by Stein Scholar Angelica Kang '16E, concluded with a robust question and answer period, followed by a reception.

Then, on April 7, the following five Stein graduates spoke at the Spring Hot Topics panel, **Family and Children's Rights: Challenges, Accomplishments, and Emerging Issues**: Stacy Charland '04, Staff Attorney at Bronx Defenders; Susan Cordaro '04, Appellate Attorney at Children's Law Center; Louise Feld '02, Senior Policy Associate for Food and Economic Security at Citizens Committee for Children; Sandy Rosin '06, Litigation Supervisor at Center for Family Representation; and Lauren Wenegrat '00, Director of Legal Services - Family Foster Care at Good Shepherd Services. The panelists were introduced by Stein Scholar Mairead Maguire '15 and the event was moderated by Stein Scholar Liz Ling '15.



The speakers talked about topics such as the role of race and poverty in the family court system; proposed pending legislation designed to protect children's relationships with non-biological adults; the relationship between food and nutrition and children's rights and well-being; lack of affordable housing as a barrier to family reunification; and the development and expansion of trauma-informed family courts.

The event was co-sponsored by the Youth Advocacy Law Association, Suspension Representation Project, Lincoln Square Neighborhood Children's Law Project and Family Advocacy Clinic.

By bringing alumni with expertise in a variety of cutting-edge areas of law together with students interested in pursuing those and related areas of law, the Stein Center assists in the professional development of students, at the same time providing mechanisms for graduates to stay connected to Fordham Law School.

## **B. Conference Call: Tips for How to Transition from Private Firm to a Nonprofit/Government Entity**

Over 20 students and recent graduates dialed-in on March 6 to listen to five Stein graduates share tips on making the switch from private firm to non-profit/government entity. Andrew Chapin, Director of Public Interest Scholars & Counseling, moderated the call, which included the following participants: Gail Eckstein '03 (from Reed Smith LLP to the NYC Department of

Education); Erica Gersowitz '07 (from Kaye Scholer LLP to the Laura and John Arnold Foundation); Adam Libove '07 (from Troutman Sanders LLP to NYC Department of Investigation); Nicholas Mitchell '07 (from Allen & Overy LLP to Independent Monitor of the Denver Police and Sheriff Departments); and Seema Saifee '04 (from Kramer Levin Naftalis & Frankel LLP to the Innocence Project).

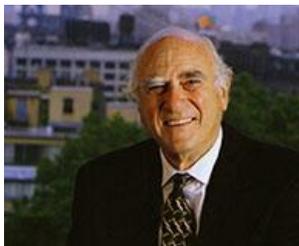
The speakers provided suggestions on how to: effectively position oneself to make the transition; identify issues to consider before making the switch; get started with the search and transition; and decide if it is time to make the change. After the panelists each described their career moves, participants were given the opportunity to ask questions. You can listen to a recording of the call here: <https://vimeo.com/90063360> Email [achapin@law.fordham.edu](mailto:achapin@law.fordham.edu) for the password.

### **C. Alumni-to-Alumni Mentorship Program**

This year, we launched a new program, an alumni-to-alumni mentorship program. Fifteen Stein graduates signed up and have been matched with more senior attorneys located throughout the United States. Stein alumni mentees asked to be matched with more experienced Stein graduates for a variety of reasons, including assistance on transitioning to a new type of practice, advice on advancing at their current place of employment and suggestions on maintaining better work/family balance in the non-profit sector. For example, a recent graduate practicing in the field of labor and employment law was matched with a more senior associate in the same field for advice on how to advance at his own firm. Another recent graduate who is interested in teaching was matched with a Stein graduate who is currently working as a teaching fellow. Finally, a Stein graduate who wants to understand how to best shift from international work to developing a domestic immigration practice was paired with an attorney who is already established in that arena.

### **D. Fordham-Stein Prize Dinner**

First awarded in 1976, the Fordham-Stein Prize is presented annually to a member of the legal profession whose work embodies the highest standards of the legal profession. Before a large crowd of distinguished judges, practitioners and Fordham alumni on November 20, 2013, this year's Fordham-Stein Prize was awarded to the Honorable Jack B. Weinstein (EDNY).



**The Honorable Jack B. Weinstein**

At the conclusion of his remarks, Judge Weinstein announced the creation of the Evelyn and Jack Weinstein Fund for Law and Social Work to support scholarships. For additional information about the Fordham-Stein Prize and a list of past recipients, please go to our website: <http://law.fordham.edu/louis-stein-center-for-law-and-ethics/1953.htm>.

### 3. The Bar and CLE

#### A. Ethics Programs for Practitioners

This Spring, the Stein Center co-sponsored two ethics CLE programs aimed at two different types of practitioners. The first program pertained to attorney client privilege and bank regulation (February 24) and the second event was a half-day conference on ethical issues confronting in-house counsel (March 20).

On February 24, 2014, the Stein Center for Law and Ethics, the Fordham Corporate Law Center, and Cardozo Law School's Center on Corporate Governance co-sponsored a panel on ethics in bank regulation called **Attorney Client Privilege and Selective Waiver in Bank Regulation**, which was based on an article by Fordham Law Professor Bruce Green entitled "The Attorney-Client Privilege – Selective Compulsion, Selective Waiver, and Selective Disclosure: Is Bank Regulation Exceptional?" available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2280676](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2280676).



Michael H. Stone, Senior Fellow, The Samuel and Ronnie Heyman Center on Corporate Governance at Cardozo School of Law, moderated the panel, which consisted of the following speakers: Thomas C. Baxter, Jr., General Counsel & Executive Vice President, Federal Reserve Bank of New York; Bruce Green, Louis Stein Chair & Director of the Stein Center for Law and Ethics at Fordham Law School; Deborah Morris, Deputy Enforcement Director, Consumer Financial Protection Bureau; John F. Savarese, Partner, Wachtell, Lipton, Rosen & Katz; and Harry J. Weiss, Partner, WilmerHale.

Before a packed audience, the panelists addressed and debated selective disclosure and selective waivers, as well as broader issues having to do with the realities of investigations and bank regulation. A March 5, 2014 *New York Times* article titled "A Standoff of Lawyers Veils Madoff's Ties to JPMorgan Chase" quotes two of the panelists, Bruce Green and Thomas Baxter, Jr.

On March 20, 2014, the complex ethics issues faced by in-house counsel took center stage at a conference chaired by Fordham Law alum James Bernard '95 and hosted by Fordham Law School's Stein Center for Law and Ethics and the Office of CLE and Public Programming.

During four panels and a keynote address at **Ethics for In-House Counsel: New Developments and Future Challenges**, participants learned about ethical boundaries in corporate drafting and

negotiating; conflicts; recent ethics developments: and how to avoid pitfalls when interviewing employees.



Karla Sanchez '95, Executive Deputy Attorney General for Economic Justice, New York State Attorney General's Office, was the keynote speaker and panelists included: the Honorable Jed S. Rakoff, U.S. District Judge, S.D.N.Y.; Mark G. Califano, Senior Vice President and Managing Counsel, American Express; Lauren Shy, Legal Director, Global Compliance and Ethics Department and Privacy Counsel, PepsiCo, Inc.; James Bernard '95, Partner, Stroock & Stroock & Lavan LLP; Joel Cohen, Partner, Stroock & Stroock & Lavan LLP; Gordon Eng '05, General Counsel & Chief Compliance Officer, SKY Harbor Capital Management, LLC; Yvette M. Garcia '95, General Counsel, Rockefeller & Co.; Bruce Green, Louis Stein Professor, Director Stein Center for Law and Ethics, Fordham University School of Law; Michele Hirshman, Partner, Paul, Weiss, Rifkind, Wharton & Garrison LLP; Devika Kewalramani, Partner, Moses & Singer LLP; Jennifer Paradise, General Counsel, White & Case LLP; Kathleen Scanlon, Law Offices of Kathleen M. Scanlon, PLLC; and Tina Stark, Visiting Professor of Law, Fordham University.

Several of the panelists are either Fordham alum (Bernard, Eng, Garcia and Sanchez) or visiting/adjunct Fordham faculty (Scanlon, Cohen and Stark), so the event helped showcase Fordham Law School in multiple ways. Four Ethics CLE credits were provided for attendance at the four panels.

## **B. Criminal Justice Forensics and International Arbitration & Mediation Conferences**

The Stein Center is co-sponsoring two upcoming conferences of importance to the legal profession. On June 6, 2014, the ABA Criminal Justice Section and the Stein Center for Law and Ethics will present **Prescription for Criminal Justice Forensics** conference. This fifth annual day-long conference will bring together distinguished panels of speakers - including academics, prosecutors, defense lawyers, judges, scientists and others - to discuss cutting edge forensic evidence issues in the criminal justice arena. Topics to be covered in this year's program include: legal updates, post-conviction litigation in discredited science cases, National Institute of Justice Research Agenda, updates on firearm and toolmark research, DNA profiling and Lab Code of Ethics.

Then, on June 12 and 13, the Stein Center is co-sponsoring the Ninth Annual Fordham Law School Conference on **International Arbitration and Mediation**, which will feature panels on

investor state arbitration, international ethics, arbitration of international trade disputes, arbitration of international tax disputes and international mediation.

#### **IV. CONCLUSION**

The Stein Center is proud to be a part of Fordham Law School and excited to continue to offer programs and symposia that explore contemporary issues having to do with legal ethics and the legal profession, facilitate publication of special journal issues on these critical topics, and do our part to train the next generation of ethical, proactive and proficient lawyers committed to practicing law “in the service of others.”