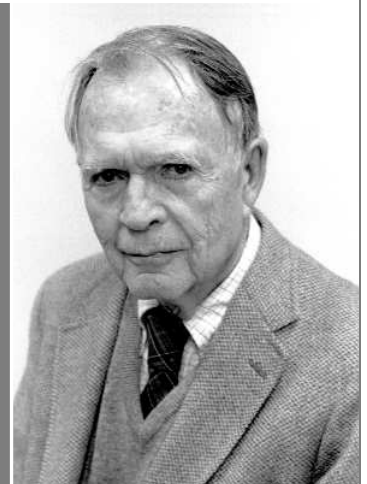
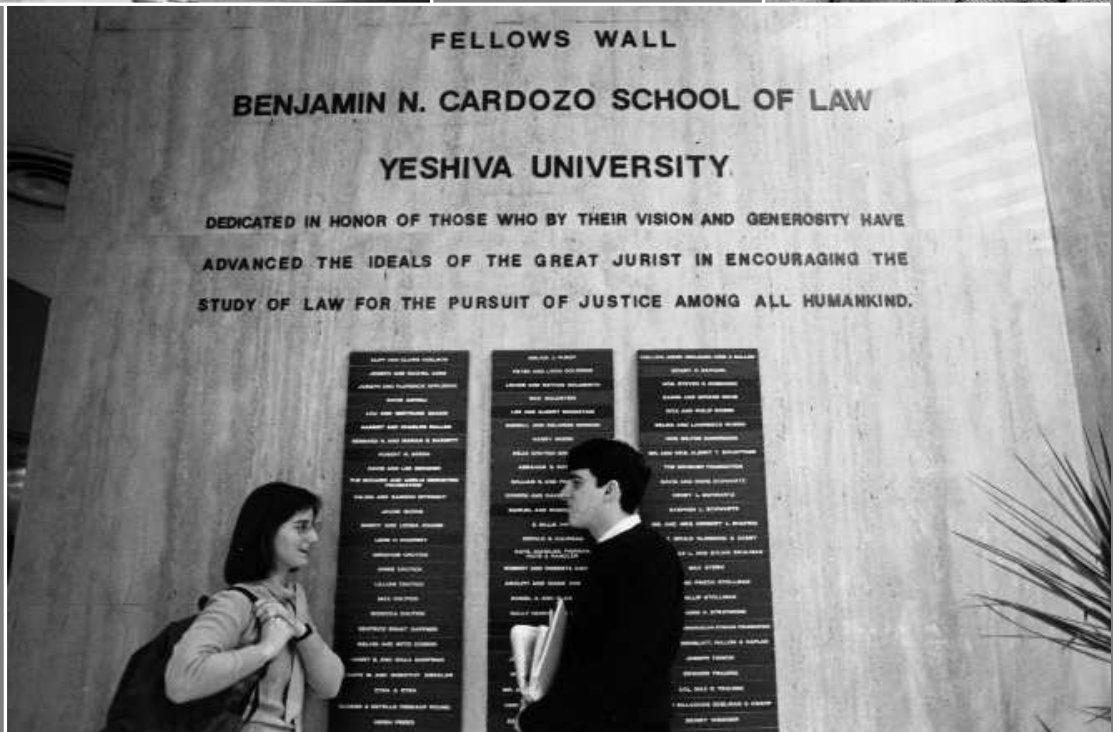


(Above left)
Cardozo's founding dean
Monrad Paulsen



Founding faculty member
Telford Taylor (right)



IN THE SPIRIT OF
CARDOZO

THE FOUNDING OF THE LAW SCHOOL

Gary Goldenberg

Wednesday, September 8, 1976. It was a seasonably warm and sunny day in New York. WABC radio was playing and replaying “You Should Be Dancing,” the Bee Gees’ number one hit. The wire services were buzzing with the news that Mao Tse-tung had died. And a group of students and faculty was anxiously gathering in a nondescript building at 55 Fifth Avenue, making a little bit of history of its own. It was the very first day of the Benjamin N. Cardozo School of Law, Yeshiva University’s bold foray into legal education. In academic circles, people were asking why Yeshiva was starting a law school and what would it add to the legal community. More than a few were wondering whether Cardozo would even survive in a city plump with law schools, including some of the finest in the nation. But those who assembled at 55 Fifth, YU’s Brookdale Center, that day had already decided that the promise of this academic venture outweighed the very real peril of careers derailed or delayed. And so the opening gavel came down. The Cardozo School of Law, the first law school under Jewish auspices outside the State of Israel, was in session.

(From left)
Monrad Paulsen, Dr. Norman Lamm,
John Trubin, Herbert Tenzer,
Morris Abram, and Charles Ballon



IN THE BEGINNING

The origins of Cardozo date back to the 1960s, when the trustees of Yeshiva approved a resolution authorizing the University to take the steps necessary to create a law school. It had long been President Samuel Belkin's dream to transform Yeshiva from a college into a full-fledged university, a process started in earnest with the creation of Albert Einstein College of Medicine in 1955. The addition of a law school would largely complete his vision. Belkin believed that the University could "make a significant contribution to the field of law, and that a need exists for a law school shaped by tradition, yet able to blend precedent with the complex requirements of modern society, and free to explore all avenues leading to excellence in legal education."

The University's desire for a law school went even deeper. As President Norman Lamm, who succeeded Belkin one month before Cardozo opened, recently noted, "Law is very important to Judaism. The most revered personalities in Jewish history were jurists. And in the Jewish tradition, you cannot have law without spirit, nor can you have spirit without law. Because law without spirit becomes harsh and not very human, and spirit without law becomes anarchic, moody, formless, it is not fixed, it has no structure. So, law gives structure to the metaphysical quest that is fundamental to religion."

THE FIRST DEAN

Planning for Cardozo began in earnest on April 26, 1974, when the New York State Board of Regents authorized Yeshiva University to establish a law school. (Pace's and CUNY's law schools were authorized the same day.) The man chosen to lead this effort was Morris B. Abram, YU's Board chairman, a former president of Brandeis University and a former counsel to the International Military Tribunal in Nuremberg.

Perhaps the most important decision made by Abram and his colleagues was to ask Monrad G. Paulsen, then dean of the University of Virginia School of Law, to run the new school. A respected scholar in the fields of juvenile, domestic relations, and poverty law, as well as criminal law and procedure, Paulsen gave the school instant legitimacy.

From the beginning, Paulsen made it clear that he did not intend to create another trade school. "He wanted Cardozo to emphasize the professional aspects of the law but also the law's cultural and intellectual worth, believing that a legal education should do more than just prepare people to make a living," says Lamm. "He wanted Cardozo to be a place of culture and scholarship."

Paulsen was deeply committed to the project. He would often gather faculty members to go out to dinner, rallying the troops with lines such as, "The school is a



As the newest in its network of 15 recognized schools and divisions, and in the tradition of excellence of its programs in such fields as medicine, social work, Jewish studies, and the natural and social sciences

Yeshiva University
 is pleased to announce
 that applications for admission
 are now being accepted by
Benjamin N. Cardozo
School of Law
 for September 1976

The School is coeducational and nondenominational and will be located in the University's Brookdale Center at Fifth Avenue and Twelfth Street in the Greenwich Village section of Manhattan

For further information
 Office of Admissions
 Benjamin N. Cardozo School of Law
 Yeshiva University
 55 Fifth Avenue
 New York, N.Y. 10013
 (212) 255-5600



very delicate plant, and it has to be nourished," reports Eva Hanks, a member of the founding faculty and currently the Dr. Samuel Belkin Professor of Law and Society. "He created this sense of camaraderie among the faculty, and we all felt like pioneers."

Paulsen doted on students like a proud and anxious parent. On the School's first day, he stood watch in the lobby, nervously waiting for students to show up. "One evening, Dean Paulsen left the building at the same time I was leaving," one alumna remembers. "Noting the very heavy books I carried, he insisted upon carrying my books all the way to the front of my apartment building. For a 1L, that was an extraordinary moment." When Mark Yagerman '79 won the distinction of being the first Cardozo student to publish, Paulsen proudly posted the paper in a display case outside the library.

Charming, gregarious, lovable, and brilliant are among the adjectives used to describe the founding dean. Says Lamm, "We called him our 'Great Dane,' a word play on Paulsen's outsized physique, lofty professional stature, and Nordic roots. According to Lamm, Paulsen "was an elder in the Lutheran Church and a man with very broad vision who understood the relation of a great law school to a great Jewish university."

The dean was also revered for his sense of humor, adding a welcome levity to the somber business of a law school. The student newspaper, tongue in cheek, once

castigated Paulsen for his frivolity: "Doesn't he know that law school is serious business? Rather than waste his time with idle merriment, he could be doing something really useful, like reshelving books in the library..."

THE FOUNDING FACULTY

On the strength of his reputation, Paulsen recruited a faculty embodying the very best of American legal education, including many with an Ivy League pedigree. It would be his greatest legacy to Cardozo. Among the founding faculty were such established scholars as Lester Brickman, Leslie Ellen Gerwin, Edward de Grazia, Malvina Halberstam, Eva Hanks, John Hanks, Richard Hobert, Sybil Landau, Peter Lushing, Jonathan Silver, and Telford Taylor.

Without question, the star of the faculty was Taylor, former chief United States prosecutor at Nuremberg, an authority on the laws of war, and an early and vocal opponent of Senator Joseph R. McCarthy. "For almost seven decades, from the days of FDR's New Deal through to the early 1990s, Taylor embodied the best of American legal liberalism," noted *The New York Times*.

The most striking characteristic of the early faculty was its scholarly diversity, with interests extending well beyond the normal legal discourse into the realms of economics, philosophy, history, political science, and literary

theory. It was also extraordinary in that one-third were women. This eclectic mix would become the standard.

“We didn’t hire somebody because they wanted to do tax or evidence or contracts, we hired people because we thought that they were interested in ideas and in intellectually pursuing those ideas,” says Professor Halberstam. “Then we gave them freedom to do what they wanted and it worked.”

“As a new school, we had to take chances. Again, Monrad was indispensable here. His instincts were superb. We made our share of mistakes, but we didn’t make that many,” adds Hanks.

THE PIONEERS

A handful of professors, Paulsen and Taylor in particular, came to Cardozo to play out the last act in their illustrious careers; they had little to lose in joining a new enterprise. It was a different story for the younger scholars, some of whom gave up tenured posts to come to the School and would have suffered serious career setbacks if Cardozo languished or folded.

Still, the biggest risk-takers a quarter-century ago were the students. Cardozo was a work in progress, with an untested, unaccredited curriculum. The Brookdale Center was still undergoing renovations, the library’s collection was incomplete, and student housing was nonexistent. There was no placement office to speak of and no network of alumni to help students find internships or jobs. What were they thinking?

By and large, the first enrollees took the risk because of Yeshiva’s reputation. “The University had proven itself with Einstein,” says David Korzenik ’79, a partner in the Manhattan firm of Miller & Korzenik. “It also had its own web of alumni, which was pretty supportive.” In addition, he was impressed with the faculty, especially

Paulsen, and their scholarly approach to the law. “I was not interested in going to a school with a straight practice approach,” he says.

According to his classmate, Mark Yagerman, now a partner with Smith Mazure Director Wilkins Young Yagerman & Tarallo, “Everybody knew that YU had started Einstein and it was a great success. So in my mind it was a no-brainer. I knew it would have its rough spots to start, but I felt that ultimately I would get a good education.” Yagerman insists, “I would have gone to Cardozo no matter where I had gotten into law school.”

Applicants for the Class of ’80 had a little more information to work with. “Much to my surprise,” says Gary Galperin ’80, “my pre-law advisor told me that he was already getting good feedback about Cardozo.” He gave Cardozo a second look and in the end chose it over other area schools.

THE FIRST CLASSES

Exactly 300 students—137 women and 163 men—registered for classes at Cardozo in September 1976, beginning 85 semester hours of study leading to the Juris Doctor degree. Half of the student body hailed from New York City, 57 from Long Island, 30 from upstate, 28 from New Jersey, a handful from the rest of country, and two from Europe. Ninety-six colleges were represented. The tuition was \$3,500 a year.

It was a diverse group in many respects. Forty-six percent of the class were women, twice the national average. The average age was 25, also higher than the norm. Both statistics reflected the fact that many Cardozo enrollees were pursuing graduate studies after starting families or switching careers, bringing to the School diverse life experiences. Adding to the mix, there were observant Jews straight out of the Yeshiva system, as expect-



Founding faculty member Eva Hanks (on right)



ed, but also Catholics who had spent their childhoods in parochial schools.

Academically, the class was all over the curve, with mediocre students who couldn't get into more established schools, a handful of shining stars (including a future United States Supreme Court clerk and a future justice of the New York State Supreme Court), and many capable minds in between.

Ethnically, however, diversity was lacking—a situation not unique to Cardozo. There were few minorities on campus and none among the faculty. This would eventually become a source of conflict between students and administrators.

NO ORDINARY SCHOOL

Year one of the curriculum, designed by Paulsen, featured basic courses in property, contracts, torts, civil procedure, criminal law, professional responsibility, and legal writing, while years two and three offered a variety of elective subjects and clinical experiences designed to equip the student with the tools required for the professional practice of law or other activities. The School also offered courses in comparative law, law in the Middle East, and Judaic influence on the modern legal system. (The clinics would begin in 1978 with the arrival of faculty member Barry Scheck.)

By all accounts, the curriculum was thorough and rigorous, effectively blending Socratic teaching and clinical experience. The faculty was tough and provocative, with towering figures like Paulsen and Taylor adding an unmistakable gravitas to the atmosphere on campus.

Galperin, now an assistant district attorney and chief of the Special Projects Bureau in New York County District Attorney's Office, recalls the day when a particularly haughty student was firmly but gently dressed down

in Taylor's classroom. The student had challenged the professor's interpretation of a case, and the two argued back and forth until Taylor let it go. But the next day, Galperin recounts, "Professor Taylor said to the student, in front of the class, 'By the way, I thought so yesterday, but I wanted to double check. I actually argued that case before the Supreme Court, and you're not right.'"

Adds Galperin, "Although it was a brand-new school, you felt as if you were a part of the centuries-long tradition of legal education."

Of course, some professors were decidedly less experienced. Nonetheless, says Rosemary Byrne '80, an attorney with Corporate Credit, based in Westchester County, NY, "What struck me most about the faculty in the early days was how vested their interest was in the success of the Law School. You could sense it every minute of every day."

LASTING BONDS

Partners in this grand experiment, the first class and the first faculty quickly forged deep and lasting bonds. "What was unique for us is that this faculty not only served as our teachers, but they also served as our upperclassmen," said Korzenik at a 1996 reception honoring the founding faculty. "And I say that with a certain emotion, because there was something very intimate, zealous, and caring about the way in which they carried out that task.... I... think of how often their classes would stop at the end of the hour, and then simply resume again outside the hallway.... They eased the first-year student's natural anxieties...."

Not surprisingly, this student-faculty dynamic changed over time. "When the next class arrived," Hanks recalls, "all 300 went into shock and developed a case of sibling rivalry. They would come and complain because, instinc-

Lawrence A. Vogelman, former assistant director of clinical education (on left) with Prof. Barry Scheck, director of clinical education





BENJAMIN N. CARDOZO SCHOOL OF LAW
OF YESHIVA UNIVERSITY
55 FIFTH AVENUE • NEW YORK, N. Y. 10003 • 790-0200

MORRIS B. ABRAM
Chairman of the Board

November 30, 1978

Mr. Sam Hartstein
Yeshiva University
500 West 185th Street
New York, New York 10033

Dear Mr. Hartstein:

I have informed Dr. Lamm that, according to plan, I wish to be relieved as Chairman of the Board upon the graduation of the first class in June.

In order to insure a smooth transition, I have asked Charles Ballon, Chairman of our Nominating Committee, to begin an immediate search for another Chairman. I am anxious to involve the entire Board. It would be helpful, therefore, if you could give thought to the problem in the few days before our next meeting on Thursday, December 7 to which you might bring a list of names you feel the Committee should consider in their deliberations.

It has been rewarding to have been in on the founding of a significant legal academic institution. I have, moreover, enjoyed immensely my association with each of you.

I look forward to seeing you then.

Cordially,


Morris B. Abram

MBA:sw



Students at a party celebrating accreditation by the ABA in 1982

tively, they realized it was no longer a special, close-knit group. We were now going to turn into a law school.”

Korzenik had a different perspective on this transition. “It was nice to see new faces,” he says. “I think we had gotten tired of each other after a time. It was refreshing, and it made us confident that the place was working.”

NOT QUITE PARADISE

But a well-oiled machine it was not. Problems abounded. One reason was the School’s size. Initial plans called for a class size of 250, yet 300 were enrolled. Financial constraints applied by the University didn’t help. The primary reason, perhaps, was the dean. For all his abilities as a lawyer and a leader, Paulsen was, by all accounts, a lax administrator. “It was very hard on the students,” admits Prof. Lester Brickman, who served as an administrator without portfolio in the early years. “We didn’t have a registrar. We didn’t have a business manager. The associate dean was a part-time position. We had no budget. We did not have the infrastructure of a law school.”

Grades came out late and transcripts were hard to obtain. The closest thing the School had to a cafeteria was a handful of vending machines. Some students grumbled that security in the Brookdale Center was lax, and everyone complained about the ever-broken elevators.

Mention of the elevators brings a smile to Galperin’s face now, but 22 years ago, he was not so pleased. “It was so Cardozo-like that during the two days we were taking the bar exam, they were drilling on the elevators,” he says. “Finally, I got up and said to the proctor, ‘You absolutely have to get this to stop.’ It was so typical of not thinking ahead in crucial ways.”

Complaints about the career services office filled many a column inch in the *Cardozo Law Forum*, the student newspaper. In reply, Dean Paulsen expressed his feelings of kinship with the Class of ’79 because “they took the risk,” but added that no law school delivers jobs. “A law school,” he said, “can deliver you at best an opportunity to sell yourself.” Changes to the Office were eventually made, though not in time to help the first few classes.

Another issue was the academic schedule. Fall semester exams fell in January, so the School remained in session over the Christmas holidays, an obvious source of discontent for non-Jews. More than a few students grumbled that the library was closed on Saturdays, the Jewish Sabbath. “We went to Norman Lamm with the argument that the medical school library is open, so the law school library should be open,” says Korzenik. “Lamm explained that the medical school library was open because it involved issues of health, and so under Jewish law this was permissible.”

THE BRICKMAN INTERREGNUM

Plagued with poor health and personal troubles, Paulsen remained at Cardozo through the spring of 1980, dying a few months later. Upon Paulsen's departure, Brickman was asked to become acting dean. He accepted reluctantly, knowing that there were pressing tasks at hand. One of those was securing the School's ABA accreditation. Brickman was nonplussed to learn, just before a critical ABA site visit, that the accreditation paperwork was incomplete. "We had three days left to file, and we almost failed," he recalls. "If we had not gotten our accreditation, or if it had been postponed, half our student body would have transferred; faculty would have left; and we would have been permanently barred from the upper echelon of law schools." The School was accredited, of course, and none of the acting dean's fears came to pass.

Brickman faced other crises as well, including a row with the student newspaper over minority enrollments. "The editors were far to the left—Berkeley '60s-type students," he recalls. "They and others had decided that the law school was not sufficiently diverse." And it wasn't, he admits, but only because the School lacked the wherewithal to do much about it. By and large, qualified minorities chose established schools with more aggressive marketing campaigns and more tempting financial aid packages.

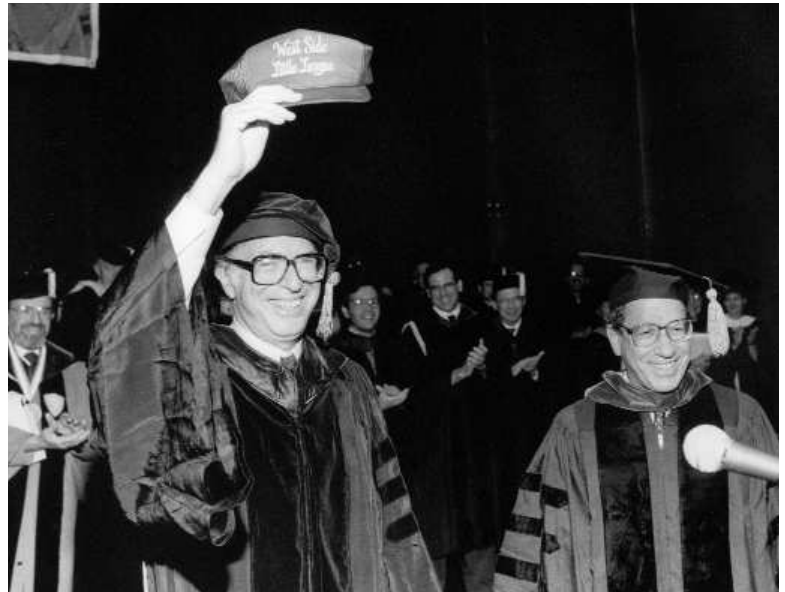
Ellen Cherrick '80, director of admissions at the time, concurs. Cardozo was an unknown quantity among pre-law students, she says. "Prospective applicants would ask, 'I'm black and not Jewish; does that bar me from applying?' More important, they would come on campus and see no minorities, and it would become a self-fulfilling prophecy. We tried all kinds of special outreach efforts."

Unswayed, the newspaper started organizing a protest rally, which they hoped would draw the attention of the major papers. Brickman fought back, threatening a libel suit.

The students ultimately backed down, learning a hard lesson in lawyering.

"The early years were a terrific struggle," he concludes. "It was an enormous drain on me personally." Brickman served two years as acting dean and declined an offer to take the job permanently, believing that an outsider would be able to establish better relations with the University.

Lester Brickman was succeeded by Monroe Price, fresh from the UCLA School of Law. Price set out not to reinvent the School but to build on its existing strengths. "I thought the Law School could take advantage of its relationship to New York City in better ways and estab-



Monroe Price
was dean
for nine years

THURSDAY, JULY 15, 1982

Yeshiva U. Appoints Dean at Law School

Monroe E. Price, a faculty member of the Law School at the University of California at Los Angeles, has been named the new dean of Yeshiva University's Benjamin N. Cardozo Law School.

Mr. Price, who is 43 years old, succeeds Lester Brickman, who has been acting dean at the school since the death in 1980 of Monrad G. Paulsen, the first dean of the law school.

A graduate of Yale University Law School, Mr. Price was the court-appointed referee from 1976 to 1978 to monitor the planning and implementation of school desegregation in Los Angeles.



Founding faculty member
Lester Brickman became
acting dean in 1980



WHAT'S IN A NAME?

Other names for the School of Law must have been considered, but “Cardozo” was an obvious choice. Benjamin N. Cardozo (1870–1938) was appointed an associate justice of the US Supreme Court by Herbert Hoover in 1932, succeeding Oliver Wendell Holmes. Cardozo was a leading advocate of sociological jurisprudence, and his views on the relation of law to social change made him one of the most influential judges in America. A Sephardic Jew active in several Jewish movements, Cardozo was awarded an honorary doctorate by YU in 1935. “It is most fitting that Yeshiva’s School of Law be named in tribute to a man who was the very expression of the Judaic commitment to the law,” said Dr. Samuel Belkin, YU’s president. “We will endeavor to create a school which might be equal to Justice Cardozo’s integrity, wisdom, scholarship, and judicial responsibility.”



Prof. Edward de Grazia (left), a member of the founding faculty

lish more links to business and industry.” Like Paulsen, Price believed the School had a responsibility to do more than prepare lawyers to practice law. “We’ve always had as our motto Justice Cardozo’s famous quote, “The final cause of law is the welfare of society,”” he says. “The clinics, like the Innocence Project, were one answer to that—the idea that a law school should be warranted in a society, that it should try to help deal with significant issues.” Price, now the Joseph and Sadie Danciger Professor of Law, remained in the post for nine years.

THE BURDEN

With a small career services office and no network of alumni, the first graduates were largely left on their own to find employment. Even so, members of the class of ‘79 fared well, with many landing jobs in top law firms and high-profile government agencies. The Brooklyn D.A.’s office alone took seven graduates.

Once employed, the first alumni had the dual burden of proving themselves and their alma mater. “We felt that we had to succeed because if we failed, Cardozo failed,” says Byrne.

NOT A BEAT MISSED

Clearly, a fair share of students was disappointed with Cardozo in the early years. But just as many, if not more, were contented.

“With all the rough edges, there was not a beat missed. We got a great education—that’s the bottom line,” says Yagerman.

Even back then, *Law Forum* editor Paul H. Weinstein ‘80, who vociferously criticized the School, admitted that Cardozo was “sound and effective.”

“There were growing pains, but I accepted them,” agrees Korzenik. “That was the way I assumed it was going to be. The reason I was there was the faculty, and I was totally delighted with them.”

Cherrick acknowledges that there were drawbacks, but there were unusual opportunities, too. The *Law Review*, the student newspaper, and moot court competitions, for example, were all waiting to be created. “Nothing had been carved in stone, so if you had the initiative, you could make it happen,” says Cherrick, who was asked to become assistant dean for admissions during her second year, which would never have happened at a mature law school.

Byrne agrees: “I expected that they would train me to be a lawyer and get me a law degree, but I went in believing I was on my own, and they didn’t owe me a job. As it happened, Cardozo opened the door for me to go to work for a big Wall Street law firm. I have no regrets. The School gave me an extraordinary education.” ■