

RESUME

Leon Friedman

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Hofstra Law School
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Born: February 6, 1933
New York, New York

EDUCATION

LL.B. Harvard Law School, 1960 (cum laude, Legal Aid Bureau)(graduated 52 in class of 468)

Harvard Graduate School of Arts and Sciences,
Government Department (1955-1956)

A.B. Harvard College, 1954 (magna cum laude)

WORK EXPERIENCE

1974 to present;

Hofstra University School of Law

Joseph Kushner Distinguished Professor of Civil Liberties Law, Hofstra University School of Law; teaching Copyright, Constitutional Law, Criminal Law, Criminal Procedure, Constitutional Torts, Federal Courts, Entertainment Law, Advanced Constitutional Litigation Seminar;

February 1973 to August 1974:

American Civil Liberties Union; Committee for Public Justice;

Serving both as executive director of Committee for Public Justice and staff attorney, ACLU; arranging conferences or publications on civil liberties issues such as FBI, government secrecy, Grand Juries, independent prosecutor; as ACLU attorney

worked on matters relating to criminal procedure, the protection of privacy, First Amendment issues, antiwar cases, wiretap cases, rights of government employees.

1970 to January 1973:

The Association of the Bar of the City of New York

Associate Director, Special Committee on Courtroom Conduct, work on comprehensive study of courtroom conduct sponsored by Ford Foundation with Professor Norman Dorsen of New York University Law School; report published in 1973 by Pantheon Books under title *Disorder in the Court* (with Norman Dorsen).

1967 to 1970:

Chelsea House Publishers, New York City

General Counsel for book publishing and film production company, handling copyright problems, book publishing contracts, relations with authors, general corporate matters.

1960 to 1967:

Kaye, Scholer, Fierman, Hays and Handler, New York City

Associate in Law firm, specializing in copyright, literary property, trademark, antitrust, federal court litigation in these areas.

MILITARY SERVICE:

Sergeant, U.S. Army, 70th Tank Battalion, 1st Cavalry Division, stationed in Camp Fuji, Japan, 1955-57; honorable discharge; served as Personnel Sergeant; U.S. Army Reserves, Cambridge, Mass. 1957-1960; Battalion sergeant major.

PUBLICATIONS

<u>Books</u>	<u>Publisher</u>	<u>Publication Date</u>
The Justices of the United States Supreme Court (Their Lives and Major Opinions) (4 th revised edition) (editor and contributor)	Facts on File	April, 2013

Brown v. Board (editor) Analysis of Oral Argument In Brown v. Board Of Education	New Press	May, 2004
The Justices of the United States Supreme Court: Their Lives and Major Opinions (3d revised edition) (editor and contributor)	Chelsea House Publishers	July, 1995
The Supreme Court Confronts Abortion: The Record in the <i>Casey</i> Case in the Supreme Court	Farrar, Straus & Giroux, Inc.	August, 1993
The Civil Rights Act of 1991 (co-author)	ALI/ABA Committee on Continuing Legal Education	August, 1993
The Nixon Presidency: Politician, President, Administrator; with Professor William Levantrosser)(3 vols)	Greenwood Press	Vol. I: Sept. 1991; Vol. II: Sept. 1992 Vol. III: January, 1993
Know Your Government: The United States Supreme Court	Chelsea House	Dec., 1986
Entertainment Industry Contracts (Volume 3, Book Publishing)	Matthew Bender	October, 1986 (annual updates though 2013)
The Burger Court (editor and contributor)	Chelsea House/ R.R. Bowker Co.	Aug., 1978
United States v. Nixon (editor)	Chelsea House/ R.R. Bowker Co.	Oct., 1974

Disorder in the Court (with Norman Dorsen)	Pantheon Books	Dec., 1973
*The Law of War (editor)	Random House	Oct., 1972
Unquestioning Obedience to the President: the ACLU case against the Legality of the War in Vietnam (with Burt Neuborne)	W.W. Norton	May, 1972
The Wise Minority	Dial Press	Feb., 1971
Obscenity (editor)	Chelsea House	June, 1970
**The Justices of the U.S. Supreme Court, 1789-1969 (editor and contributor)	Chelsea House/ R. R. Bowker Co.	Dec., 1969
Argument (editor)	Chelsea House	Oct., 1969
The Civil Rights Reader (editor)	Walker & Co.	July, 1968
Southern Justice (editor and contributor)	Pantheon Books	Nov., 1965

* Named as one of the outstanding reference books of the year by the American Library Association.

**Awarded Scribes Award as the outstanding book on legal subject published in 1970.

Articles

Books

“Analysis of Supreme Court decisions, 2017-2018 Term,” PLI 20th Annual Supreme Court review seminar, August 2018, PLI Supreme Court Handbook, August, 2018

“Analysis of Supreme Court decisions, 2016-17 Term,” PLI 19th Annual Supreme Court review seminar, August 2017, PLI Supreme Court Handbook, August, 2017

“Analysis of Supreme Court decisions, 2015-16 Term,” PLI 18th Annual Supreme Court review seminar, August 2016, PLI Supreme Court Handbook, August, 2016

“Analysis of Supreme Court decisions, 2015-16 Term,” PLI 17th Annual Supreme Court review seminar, August 2015, PLI Supreme Court Handbook, August, 2015

Annual Updates in *Entertainment Industry Contracts* (Volume 3, Book Publishing Contracts)

“Analysis of Supreme Court decisions, 2014-15 Term,” PLI 17th Annual Supreme Court review seminar, August 2014, PLI Supreme Court Handbook, August, 2014

“Analysis of Supreme Court decisions, 2013-14 Term,” PLI 16th Annual Supreme Court review seminar, August 2014, PLI Supreme Court Handbook, August, 2014

Biographical essays on Justices Stephen Breyer, William Rehnquist, John G. Roberts, William Kennedy, Sonia Sotomayor and Elena Kagan in *Justices of the United States Supreme Court: Their Lives and Major Opinions*, (published in April, 2013)

Annual Updates in *Entertainment Industry Contracts* (Volume 3, Book Publishing Contracts)

“Analysis of Supreme Court decisions, 2014-15 Term,” PLI 17th Annual Supreme Court review seminar, August 2014, PLI Supreme Court Handbook, August, 2014

“Analysis of Supreme Court decisions, 2013-14 Term,” PLI 16th Annual Supreme Court review seminar, August 2014, PLI Supreme Court Handbook, August, 2014

“Analysis of Supreme Court decisions, 2012-13 Term,” PLI 15th Annual Supreme Court review seminar, August 2013, PLI Supreme Court Handbook, August, 2013

“Analysis of Supreme Court decisions, 2011-12 Term” PLI 14th Annual Supreme Court review seminar, August 2012, PLI Supreme Court Handbook, August, 2012

“Latest Attorneys Fees Jurisprudence, including *Lochren v. Suffolk County*”
25th Annual Section 1983 Litigation Forum
PLI Section 1983 Civil Rights Handbook, October, 2008.

“Latest Attorneys Fees Jurisprudence, including *Arbor Hill v. County of Albany*”
24th Annual Section 1983 Litigation Forum
PLI Section 1983 Civil Rights Handbook, October, 2007.

“Separation of Powers and the Watergate Affair,”
in *Watergate and The Resignation of Richard M. Nixon: Impact of Constitutional Crisis*
Congressional Quarterly, August, 2005

“Substantive and Procedural Aspects of Copyright Litigation,”
PLI Advanced Seminar on Copyright Law, May, 2005, May 2004, May, 2003;
PLI Advanced Copyright Handbook May, 2005, May 2004, May, 2003

“Constitutional Contributions of Judge Matthew Perry,”
in *Matthew J. Perry: The Man, His Times, and His Legacy*
South Carolina University Press, June, 2004

“Section 1983 Challenges to Unjust Convictions”
23d Annual Section 1983 Litigation
PLI Section 1983 Civil Rights Handbook, October, 2006.

“First Amendment Retaliation”
22d Annual Section 1983 Litigation
PLI Section 1983 Civil Rights Handbook, October, 2005.

“Federalism Cases,”
21d Annual Section 1983 Litigation
PLI Section 1983 Civil Rights Handbook, October, 2004.

“New Developments in Section 1983 Cases” PLI 16th Annual Section 1983 Civil Rights
Handbook, October, 2002, 2001.

“Relationship Between Title VII, Section 1981, 1983, ADEA, The Equal Pay Act, and State
Causes of Action for Employment Discrimination,” Employment Discrimination and Civil
Rights Actions in Federal and State Courts, ALI/ABA Course of Study, September 2005,
April, 2004, May, 2003, February, 2002, May, 2001, February, 2000

“Public Employment Litigation,” Employment Discrimination and Civil Rights Actions in
Federal and State Courts, ALI/ABA Course of Study, September, 2005, April, 2004, May,
2003, February, 2002; May, 2001, February 2000

“Anatomy of a State Action Case,” PLI 16th Annual Section 1983 Civil Rights Handbook,
October, 2000.

“The New Federalism,” PLI Supreme Court Review, 2000

“Executive Privilege,” in *Encyclopedia of the American Constitution (Supplement II)*, (MacMillan, 2000)

Sample Memorandum of Law In Support of Attorney Fee Request, Employment Discrimination and Civil Rights Actions in Federal and State Courts, ALI/ABA Course of Study, February, 2000;

"Supreme Court Cases Relating to Employment Discrimination and Civil Rights, October Term 1996-97 and 1997-98," Employment Discrimination and Civil Rights Actions in Federal and State Courts, ALI/ABA Course of Study, February, 1998;

"New Developments in Civil Rights Litigation and Trends in Section 1983 Actions," ALI/ABA Course of Study, May, 1997, August, 1996, June, 1995.

Model Attorney's Fee Litigation Papers, Employment Discrimination and Civil Rights Actions in Federal and State Courts, ALI/ABA Course of Study, August, 1996;

"Constitutional Torts," in PLI Civil Rights Handbook, 1999, 1998, 1997, 1996, 1995, 1994, 1993, 1992, 1991, 1990, 1989, 1988, 1987, 1986;

"Freedom of Speech: Should it be Available to Pornographers, Nazis and the Klan," in *Group Defamation and Freedom of Speech* (Monroe H. Freedman and Eric M. Freedman, eds.), Greenwood Press, 1995;

Justice Potter Stewart in Leon Friedman and Fred L. Israel, eds., *The Justices of the United States Supreme Court*, published by Chelsea House Publishers, July, 1995;

Justice Stephen Breyer in Leon Friedman and Fred L. Israel, eds., *The Justices of the United States Supreme Court*, published by Chelsea House Publishers, July, 1995;

Justice Byron White in Leon Friedman and Fred L. Israel, eds., *The Justices of the United States Supreme Court*, published by Chelsea House Publishers, July, 1995;

Chief Justice Warren E. Burger in Leon Friedman and Fred L. Israel, eds., *The Justices of the United States Supreme Court*, published by Chelsea House Publishers, July, 1995;

"The Civil Rights Act of 1991: Procedural Issues," ALI/ABA Video Law Review Study, 1992;

"The Civil Rights Act of 1991: Limitations Period and Attacks upon Consent Decrees," PLI Civil Rights Handbook, February, 1992;

"War Crimes," in *The Encyclopedia of Crime and Justice*, (Macmillan/Free Press, 1983);

"Discretion and Public Prosecution," in *Social Psychology and Discretionary Law*, edited by Professor L.E. Abt and Professor I.R. Stuart, published by Van Nostrand Reinhold Company in January, 1979;

"The Democratic Party, 1860-1884," in Arthur Schlesinger, Jr. ed., *History of U.S. Political Parties*, (New York, 1973);

"The Election of 1944," in Arthur Schlesinger, Jr. ed., *History of American Presidential Elections*, (New York, 1972);

Biographical articles on John Rutledge, Alfred Moore, Salmon P. Chase, Joseph P. Bradley and Charles Whittaker in Leon Friedman and Fred L. Israel, eds., *The Justices of the U.S. Supreme Court, 1789-1969*, (New York, 1969);

"The Federal Courts of the South," in Leon Friedman ed., *Southern Justice*, (New York, 1965).

Articles in Magazines, Journals, Newspapers or on Web:

"How Democrats Could Preserve Settled Law, Like Roe, Even With a New Conservative Justice," [National Law Journal](#), July 5, 2018

"Donald Trump and the Constitution," [Huffington Post](#), December 28, 2017,

Should Judith Clark Be Paroled," [Huffington Post](#), January 16, 2017

"Donald Trump and the Constitution," [Huffington Post](#), December 28, 2016

"Is the Electoral College System for Choosing Our President Constitutional," [Huffington Post](#), November 18, 2016

"Why Do We Have the Electoral College," [Huffington Post](#), November 10, 2016

"Who Will Vote for Donald Trump for President and Why," [Huffington Post](#), May 5, 2016

"Confirming a Justice in an Election Year," [Huffington Post](#), March 25, 2016

"How the Election Will Shape the High Court," [National Law Journal](#), March 7, 2016

"Why Does the White Lower Middle Class Vote Republican," [Huffington Post](#), October 31, 2015

"Why Juries Reject the Insanity Defense," [National Law Journal](#), July 17, 2015

"Suing Mario Cuomo," Huffington Post, January 4, 2015

"The Fiftieth Anniversary of Fighting Southern Injustice," Huffington Post , July 9, 2014

"How I Met James Brown," Huffington Post, July 7, 2014

"The Death of the 'Hurricane' and the Criminal Justice System Failures," National Law Journal, April 28, 2014, (with Myron Beldock and Lewis Steel)

"The Legal Problems of the Mambo Kings," Huffington Post, October 24, 2013

"The Myth of States Rights," Huffington Post, October 8, 2013

"The Supreme Court vs. the Voter," National Law Journal, July 10, 2013

"Justice Ruth Bader Ginsburg: Equality's Architect." National Law Journal, March 11, 2013 (with Joanna L. Grossman)

"The Supreme Court versus Congress," Huffington Post, June 4, 2012

"Where Our Nation Has Failed," Huffington Post, January 17, 2012

"Why is the Federal Government Surrendering its Best Argument to Defend the Attack on the Health Care Law," Huffington Post, November 17, 2011

"How to Become the 51st State," Huffington Post, August 24, 2011

"The Dissent That Changed America," National Law Journal, July 11, 2011 (with Judge Richard Mark Gergel)

"The Constitutionality of the Federal Health Care Law," Huffington Post, May 13, 2011

"Can the President Legally Continue to Use Military Force in Libya?" Huffington Post, April 29, 2011

"Fixing the Deficit by Getting Help From the Top 1%," Huffington Post, April 18, 2011

"Reviewing the 2009 Supreme Court term," 27 Touro Law Rev. 33 (2011)

"Business Decisions, in the 2009 Supreme Court Term," 27 Touro Law Rev. 199 (2011)

"Time for a Wealth Tax," The Nation, December 13, 2010, p. 4

"Reducing the Deficits Through a Wealth Tax," Portside.org, June 10, 2010

“Look to the Historical Record of the Second Amendment,” National Law Journal, February 25, 2008, p. 21

“William Taylor’s ‘The Passion of My Times,’” 31 Vermont Law Rev. 949 (2007)

“Challenging Unjust Convictions under Section 1983,” 23 Touro Law Rev. 27 (2007).

“Inequality Counts,” The Nation, May 26, 2006 (web)

“U.S. is Violating Accord on POW’s,” Newsday, January 26, 2004

“200 Years Ago, The Supreme Court Hit the Big One,” Newsday, September 2, 2003

“The Effect of Buckhannon on the Awarding of Attorneys’ Fees,” 19 Touro L. Rev. 607 (2003)

“Constitutional Limits to the Fight Against Terrorism,” 19 Touro Law Rev. 97 (2002)

“Can American Taliban guerrilla John Walker Be Convicted of Treason,” Insight Magazine, January 4, 2002.

“It Won’t Be Easy to Convict John Walker,” New York Times, December 29, 2001

“Overruling the Court,” American Prospect, August 27, 2001, p.12

“Should Porn Ads Be on TV,” Newsday, August 26, 2001, p. B7.

“Questions for Ashcroft,” The Nation, February 5, 2001

“Court Battle Could Lead to Bad Law,” Newsday, December 12, 2000, p.A45

“A Better Kind of Wealth Tax,” American Prospect, November 6, 2000 at 18-19.

“The Federalism Cases,” 17 Touro L. Rev. 271 (2000)

“Qualified Immunity When Facts Are in Dispute,” 16 Touro L. Rev. 857 (Spring, 2000).

“No More Hurricane Carters”, New York Times, January 17, 2000, p. (reprinted in Seattle, San Diego and Albany papers)

“Police Minorities Gulf Must be Narrowed” Newsday, February 28, 2000, A45 (also in Deseret News).

“Supreme Court Federalism Decisions,” 16 Touro L. Rev. 243 (Winter, 2000).

“Intent, Purpose and Motivation in Constitutional Litigation,” 15 Touro L. Rev. 1607 (Summer, 1999)

“Line Item Veto and Separation of Powers,” 15 Touro L. Rev. 983 (Spring, 1999).

“Definition of War Crimes and Their Use in the International Criminal Tribunals for the Former Yugoslavia and Rwanda,” 3 Hofstra Law and Policy Symposium 9 (1999).

“How a Good Ruling Might Injure Artists,” Newsday, April 16, 1998, p. A53 (reprinted in Tulsa News)

“The Assisted Suicide Cases in the Supreme Court,” 14 Touro Law Review 415 (Winter, 1998)

“Freedom of Speech: How Does the New York Constitution Compare to the United States Constitution,” 14 Touro Law Review 594 (Spring, 1998).

“High Court is Flexing Too Much Muscle,” Newsday, July 1, 1997, A33

“Race Again Tilts Scale in O.J. Simpson Case,” Newsday, February 6, 1997, p. A49 (also reprinted in Pittsburgh Post-Gazette, Atlanta Journal, St. Louis Post-Dispatch, San Jose Mercury News).

“A Snare the Wealth Tax,” The Nation, January 7, 1997, p. 23.

“The Scary Shift Toward Corporate News,” Newsday, November 27, 1995, p. A21. (also reprinted in Memphis Commercial Appeal, December 3, 1995)

“Evidence, Reason May Simply Not Count,” Newsday, October 4, 1995, p. A35.

“O.J. Trial: Don't Blame the Messenger,” Newsday, April 26, 1995; also appeared in Pittsburgh Post-Gazette, Arizona Republic, Atlanta Journal.

“Let the Victim Confront the Victimizers,” Newsday, February 15, 1995;

“Innocence and The Death Penalty,” 23 Hofstra L. Rev. 633 (Spring, 1995).

“Symposium, The Supreme Court and Local Government Law, The 1992-93 Term: Retroactivity, Equal Protection and Standing,” 10 Touro Law Review 503 (Winter, 1994).

“O.J. is More Equal Than Others,” Newsday, October 24, 1994, also in St. Louis Post-Dispatch, Philadelphia Inquirer.

“Television and Violence: a Symposium: Introduction,” 22 Hofstra L. Rev. 775 (Summer, 1994)

“Symposium, The Supreme Court and Local Government Law, The 1991-92 Term: Commerce Clause, Preemption and 10th Amendment cases,” 9 Touro L. Rev. --- (1993).

“A Modest Proposal to Net the Rich,” The Nation, May 31, 1993, p. 725

“Purloined Letter?” The Nation, December 28, 1992, p. 797.

“The Retroactivity Battle: The Civil Rights Act of 1991,” New York Law Journal, February 19, 1992, p. 3. (with Prof. Martin Schwartz)

“Quoting History,” The Nation, June 10, 1991, p. 759.

“Symposium, The Supreme Court and Local Government Law, The 1989-90 Term: Section 1983 Cases.” 7 Touro L. Rev. 285 (1991).

“The Framers, on War Powers,” New York Times, November 27, 1990, page A23.

“Drawing Up Book Contracts with Commonwealth Publishers,” New York Law Journal, August 31, 1990, p. 5.

“Copyright Wrongs,” The Nation, March 19, 1990, p. 368.

“Symposium, The Supreme Court and Local Government Law, The 1988-89 Term: Section 1983 Cases,” 6 Touro L. Rev. 5 (1990).

“Copyright Chaos, 1989,” The Nation, June 5, 1989, p. 759.

“Section 1983 Developments,” Trials, Evidence, Civil Practice and Effective Litigation Techniques, ALI/ABA Course of Study, February, 1990.

“Don't Allow Libel Laws to Gag Critics,” Newsday, April 28, 1988, p. 93.

“Crime and Publication,” New York Newsday, April 27, 1987, p. 52.

“When Publishers, Book Club Meet,” New York Law Journal, January 23, 1987, p. 5.

“Devising a Contract for Ghost Writers and their Famous Subjects,” New York Law Journal, January 9, 1987, p. 5.

“Chief Justice Warren E. Burger: The Community's Protector,” American Bar Association Journal, July 15, 1986.

“Don't Meddle with Habeas Corpus,” New York Times, December 7, 1985.

“Parratt v. Taylor: Opening and Closing the Door on Section 1983,” 9 Hastings Constitutional Law Quarterly, 545 (Spring 1982).

“The Reagan Attack on Civil Liberties,” New York Times, May 17, 1982.

“The Carey Crime Bill,” New York Times, June 16, 1978.

“The Good Faith Defense in Constitutional Litigation,” 5 Hofstra Law Review, 501 (Spring, 1977).

“How to Obtain Your Government File,” Ms. Magazine, June, 1977.

“The Special Prosecutors Report,” Newsday, March 18, 1976.

“Meeting the FBI,” New York Review of Books, October 17, 1974.

“It's No Way to Police Lawyers,” New York Times, March 16, 1974.

“Courtroom Disorder: As American as Apple Pie,” Juris Doctor, January, 1974 (with Norman Dorsen).

“Up Against the Burger Court,” Civil Liberties Review, September, 1973.

“The Future of Legal Services,” New York Law Journal, August 14, 15, 16 and 17, 1973.

“Alimony - A Special Kind of Debt,” New York Times, March 25, 1973.

“Sovereign Immunity - The State in the Dock,” New York Times, February 18, 1973.

“Child Custody - 'Fathers Don't Make Good Mothers', Said the Judge,” New York Times, January 28, 1973.

“Press and Court - A Conflict Between Two Rights,” New York Times, December 17, 1972.

“Homosexuals - Out of the Closet, Into the Classroom,” New York Times, November 26, 1972.

“Judges - How Should They Be Picked,” New York Times, October 8, 1972.

“Obscenity - The Movies That Have No Ratings,” New York Times, September 3, 1972.

“Private Clubs Under the Law,” New York Law Journal, July 31, 1972.

“Disclosure: When is a Secret Not a Secret,” New York Times, June 25, 1972.

“Prosecution: Is it Fair to Pick and Choose,” New York Times, June 11, 1972.

“The Grand Jury: Sword or Shield,” Committee for Public Justice, May, 1972.

“Can Lawyers be Revolutionaries,” Juris Doctor, April, 1972.

“Privilege: A Test of Senatorial Immunity,” New York Times, April 30, 1972.

“War Powers Bill Defended,” New York Times, December 31, 1971

“Rehnquist: He Was A Very Elusive Target,” New York Times, December 12, 1971.

“Grand Juries: Strange Doings by the 'Honest Countryman'” New York Times, November 7, 1971.

“Kennedy Justice,” Juris Doctor, February, 1971.

“Criminal Code: A Plan To Bring Order Out of Chaos,” New York Times, January 17, 1971.

“Political Power and Legal Legitimacy: A Short History of Political Trials,” Antioch Review, Summer, 1970.

“Judicial Activism - The Supreme Court and the Idea of Progress,” Commentary, 1970.

“Conspiracy and Due Process - The Trial of Dr. Spock,” Commentary, December, 1969.

“Conscription and the Constitution: The Original Understanding,” 67 Michigan Law Review 1493, June, 1969.

“Sacco, Vanzetti and the Scottsboro Boys,” New Republic, March 27, 1969.

“Legal Gouging,” New Republic, February 1, 1969.

“Free Tom Mooney,” New Republic, June 22, 1968.

“Obscenity in the Courts,” New Republic, June 22, 1968.

“Literature and Crime,” Encounter, August, 1967.

“The Ginzburg Decision and the Law,” American Scholar, Winter, 1966-67.

DRAMA

Co-author of THE TRIAL OF LEE HARVEY OSWALD (with Amram Ducovny);
Produced on Broadway, ANTA Theater, November, 1967. Made into television movie by
Charles Fried Productions, with Lorne Greene, Ben Gazzara.

AWARDS

In June 2003, I was given the Hope Award by Providence House for my work on behalf of imprisoned women

In June, 2000, I was given an award by the New York Criminal Bar Association for my work in the “Hurricane” Carter case.

In February, 2000, I was given an award by the National Association of Criminal Defense Lawyers for my work on Supreme Court amicus briefs for the NACDL.

In January, 1998, I was given an award from the New York State Bar Association for Legal Scholarship and Public Service.

JUDICIAL APPOINTMENTS

I have been appointed, by order of federal District Court Judge Leonard D. Wexler of the Eastern District of New York, to be a special master to supervise discovery in federal court litigation dealing with the Shoreham nuclear power plant (LILCO v. Stone & Webster Engineering Corp. 91 Civ. 2894 (LDW)(E.D.N.Y. 1991);

LITIGATION

Since 1962 I have worked on trial litigation and appellate argument as a cooperating counsel for various public interest groups in a variety of fields, including the First Amendment, copyright, civil rights, Section 1983 cases, criminal procedure, Executive branch power, obscenity, privacy, wiretapping, public employment, legal services, and freedom of information cases. Among the cases I have had major responsibility for are the following:

Supreme Court Cases: I have written briefs in the following cases:

Woodford v. Garceau, 123 S.Ct. 1398 (2003)

I wrote a brief for the Association of the Bar of the City of New York on an issue dealing with habeas corpus.

United States v. Drayton, 122 S.Ct. 2105 (2002)

I wrote a brief for the National Association of Criminal Defense Lawyers on a search warrant issue.

Duncan v. Walker, 121 S.Ct. 2120 (2001)

I wrote an amicus brief for the National Association of Criminal Defense Lawyers (NACDL) on an issue relating to Federal habeas corpus.

New York Times v. Tasini, 121 S.Ct. 2381 (2001)

I wrote an amicus brief for the Authors' Guild and various authors (including Jacques Barzun, James Gleick, Justin Kaplan, Nicholas Lehman, John Lukacs, Robert Massie, and Jean Strouse on copyright control of electronic rights to articles.

Saucier v. Katz, 121 S.Ct. 2151 (2001)

I wrote the amicus brief for the Association of the Bar of the City of New York in a case involving qualified immunity in cases involving excessive force.

United States v. Brzonkala, 120 S.Ct. 1740 (2000)

I wrote the amicus brief for the Association of the Bar of the City of New York in a case involving Federalism and the power of Congress under the Commerce Clause.

Smith v. Robbins, 120 S.Ct. 746(2000)

I wrote the amicus brief for the National Association of Criminal Defense Lawyers (NACDL) on an issue relating to the requirements of an Anders brief.

Florida Prepaid v. College Savings Bank, 119 S.Ct. 2219(1999)

I wrote the amicus brief for the Association of the Bar of the City of New York in a case involving Federalism and the Eleventh Amendment.

Campbell v. Acuff-Rose Music, Inc, 114 S.Ct. 1164 (1994)

I wrote an amicus brief for PEN American Center on the issue of fair use under the copyright law in parody cases, involving 2-Live Crew and a parody of "Pretty Woman;"

Albright v. Oliver, 114 S.Ct. 807 (1994)

I wrote the ACLU amicus brief in a case dealing with the question of whether malicious prosecution is a constitutional tort and thus actionable under Section 1983.

Brecht v. Abrahamson, 113 S.Ct. 1710 (1993)

I wrote part of the ACLU amicus brief in a case dealing with the appropriate "harmless error" standard to be used in federal habeas corpus cases.

City of Burlington v. Dague, 112 S. Ct. 2638 (1992).

I wrote part of the ACLU amicus brief in a case dealing with the award of enhancements of attorneys' fees in statutory fee cases.

Simon & Schuster v. Members of the New York State Crime Victims Board, 112 S. Ct. 501 (1991).

I wrote the ACLU amicus brief in a challenge to the constitutionality of New York State's "Son of Sam" law.

Gentile v. State Bar of Nevada, 111 S. Ct. 2720 (1991).

I wrote the ACLU amicus brief in a case dealing with the free speech rights of lawyers.

Zinorman v. Burch, 494 U.S. 113 (1990).

I wrote the ACLU amicus brief in a case dealing with the extension of *Parratt v. Taylor* to other types of cases where the existence of alternate state remedies precludes a Section 1983 claims.

Greer v. Miller, 483 U.S. 756 (1987).

I wrote the ACLU amicus brief in a case dealing with application of the harmless error rule in habeas corpus cases.

Hilton v. Braunskill, 481 U.S. 770 (1987).

I wrote the ACLU amicus brief in a case dealing with release of successful habeas corpus petitioners while their case is on appeal.
Kimmelman v. Morrison, 477 U.S. 365 (1986).

I wrote the ACLU amicus brief in a case dealing with the application of *Stone v. Powell* in habeas corpus proceedings. The Supreme Court upheld our position.

Harper & Row, Publishers, Inc. v. Nation Enterprises, 471 U.S. 539 (1985)

I acted as co-counsel in a copyright infringement case dealing with the "fair use" doctrine in reporting on news events.

Hudson v. Palmer, 468 U.S. 517 (1984)

I wrote part of the brief dealing with the issue of the effect of alternate state court remedies and how they effect federal civil rights actions under Section 1983.

Burnett v. Grattan, 468 U.S. 42 (1984)

I wrote the ACLU brief dealing with the statute of limitations problems in Section 1983 cases.

O'Dell v. Espinoza, 456 U.S. 430 (1982)

I wrote a major portion of the ACLU amicus brief dealing with the use of deadly force in a Section 1983 case.

Kissinger v. Halperin, 452 U.S. 713 (1980)

I wrote an amicus brief in a case involving national security wiretaps and the “good faith” defense.

Gomez v. Toledo, 446 U.S. 635 (1980)

I wrote the ACLU amicus brief on the burden of proving good faith in a Section 1983 action.

Stafford v. Briggs, 444 U.S. 527 (1979)

I wrote the major portion of the brief dealing with proper venue for suing federal officials.

Baker v. McCollan, 443 U.S. 137 (1979)

I wrote the ACLU amicus brief in a case dealing with the nature of the constitutional right protected by Section 1983.

Louisiana v. Burch, 441 U.S. 130 (1979)

I wrote the ACLU amicus brief in a case involving the constitutionality of 5 to 1 jury verdicts.

Procurier v. Navarette, 434 U.S. 555 (1978)

I wrote the ACLU amicus brief in a case involving official immunity for negligent invasion of Constitutional rights.

Nixon v. General Services Administration, 433 U.S. 425 (1977)

I represented Lillian Hellman, an intervening party, in a successful defense of Congressional control of President Nixon's tapes and papers.

Stone v. Powell, 428 U.S. 465 (1976)

I wrote the ACLU amicus brief in a major case dealing with the assertion of Fourth Amendment rights on federal habeas corpus.

Paul v. Davis, 424 U.S. 693 (1976)

I wrote a major portion of the brief in a case dealing with the constitutional protection against the dissemination of arrest information.

Taylor v. Hayes, 418 U.S. 488 (1974)

I wrote an amicus brief in a case dealing with a court's contempt power over lawyers.

Holder v. Banks, 417 U.S. 187 (1974)

I wrote an amicus brief in a case dealing with a court's power to remove lawyers from a case over the objection of the client.

Gillette v. United States, 401 U.S. 437 (1971)

I wrote the brief in a major draft law case dealing with the problem of selective conscientious objection.

Grove Press v. Maryland Board of Censors, 401 U.S. 480 (1971)

I wrote an amicus brief in a major obscenity case dealing with the film "I Am Curious, Yellow."

Carroll v. Princess Anne County, 393 U.S. 175 (1968)

I wrote the major portion of the ACLU brief in a case that established that ex parte, temporary restraining orders cannot be issued against the exercise of constitutional rights.

Fields v. City of Fairfield, 375 U.S. 248 (1963)

I wrote the major portion of the ACLU brief in a case involving an injunction against the exercise of First Amendment rights.

Gideon v. Wainwright, 372 U.S. 353 (1963)

I wrote the major portion of the ACLU amicus brief filed in the case which established the right to counsel in any criminal proceedings in the states.

Federal Court of Appeals Cases: Cases Argued or Briefs Written.

Vilkhu v. City of New York, 2010 WL 1571616 (2d Cir. Apr. 21, 2010)

I argued a case dealing with the award of attorneys fees under the Civil Rights Attorneys Fees Award Act.

Lochren v. County of Suffolk, 344 Fed. Appx 706 (2d Cir. 2009)

I argued an important attorneys fees case in the Second Circuit.

American Academy of Religion v. Napolitano, 573 F.2d 115 (2d Cir. 2009)

I represented PEN American Center, an important writers group, in a case involving the government's refusal to grant a visa to a visiting scholar, Tariq Ramadan, who wished to speak to our organization.

Clark v. Perez, 510 F.3d 382 (2d Cir. 2008)

I argued a case dealing with federal habeas corpus for an imprisoned New York State inmate.

Newcombe v. Brown, 209 Fed. Appx. 11 (2d Cir. December 12, 2006)

I successfully represented James Brown in a copyright infringement case involving "It's a Man's, Man's, Man's World."

United States v. Yusif, 461 F.3d 374 (3d Cir. 2006)

I argued a suppression motion before the Third Circuit.

Harris v. Artuz, 100 Fed. Appx. 56 (2d Cir. June 14, 2004)

I successfully argued a habeas corpus case dealing with ineffective assistance of counsel.

Rodriguez-Freytas v. New York City Transit Authority. 95 Fed. Appx. 392 (2d Cir. 2004)

I argued a case dealing with the award of attorneys fees under the Civil Rights Act.

Byrd v. Brown, 94 Fed. Appx. 1 (2d Cir. 2003)

I argued a copyright case dealing with the standards for infringement.

New York Coastal Partnership, Inc. v. U.S. Dept. of Interior, 341 F.3d 112 (2d Cir.(N.Y.) Aug 18, 2003)

I argued a case dealing with the Corps of Engineers and the protection of Fire Island.

Jasper v. Bovina Music, Inc., 314 F.3d 42, 2003 Copr.L.Dec. P 28,547, 5 U.S.P.Q.2d 1207 (2d Cir.(N.Y.) Dec. 20, 2002)

I argued a case dealing with federal jurisdiction and the copyright clause.

Planned Parenthood of Cent. New Jersey v. Attorney General of State of New Jersey, 297 F.3d 253, 53 Fed.R.Serv.3d 287 (3rd Cir.(N.J.) Jul 11, 2002)

I argued a case dealing with attorneys fees under the civil rights act.

New York 10-13 Ass'n v. City of New York, 36 Fed. Appx. 8 (2d Cir. May 21, 2002)

I argued a case dealing with the City improper actions relating to the pension plan of the New York City Police.

United States v. Wilson, 290 F.3d 347, 82 Empl. Prac. Dec. Par. 41,062, 351 U.S.App.D.C. 261 (D.C.Cir. May 09, 2002)

I argued a case dealing with the composition of the United States Civil Rights Commission.

Walsh v. City of New York, 29 Fed. Appx. 292 (2d Cir. Feb. 12, 2002)

I argued a case dealing with a Fourth Amendment violation by the New York City Police.

Suntrust Bank v. Houghton Mifflin, 268 F.3d 1257 (2001)

I wrote an amicus brief for PEN American Center and various First Amendment groups in a case dealing with copyright protection over a parody of "Gone with the Wind."

Mentavlos v. Anderson, 249 F.3d 301 (4th Cir. 2001)

I represented one of the women enrolled at the Citadel who was harassed out of the school and argued the appeal.

Paramount Pictures Corp. v. Carol Publishing Group, Inc., 181 F.3d 83 (2d Cir. 1999)

I argued a case dealing with the fair use doctrine in federal copyright law.

Quarantino v. Tiffany & Co., 166 F.3d 422 (2d Cir. 1998)

I wrote an amicus brief in a successful appeal dealing with the proper determination of attorney's fees under the Civil Rights Attorney's Fees Award Act.

Levin v. McPhee, 119 F.3d 189 (2d Cir. 1997)

I argued an appeal which upheld the dismissal of a libel case against the author, John McPhee, and his publisher, Farrar, Straus & Giroux, Inc.

Luciano v. Olsten Corp., 109 F.3d 111 (2d Cir. 1997)

I argued a case dealing with the proper determination of attorney's fees under Title VII.

SSC Corp. v Town of Smithtown, 66 F.3d 502 (2d Cir. 1995)

I argued a case dealing with the dormant Commerce Clause and local laws dealing with flow control of solid waste, winning one part of the case and losing another.

Jane L. v. Bangerter, 61 F.3d 1505 (10th Cir. 1995)

I argued a case on behalf of the ACLU on the proper methodology for determining an attorneys' fee under the Civil Rights Attorneys' Fee Award Act in an action dealing with Utah's restrictive abortion law.

San Filippo v. Rutgers, 30 F.3d 424 (3d Cir. 1994)

I argued a case dealing with the vagueness doctrine in the context of University regulations.

Grant v. Bethlehem Steel, 973 F.2d 96 (2d Cir. 1992)

I argued a case dealing with the determination and computation of attorneys fees under the federal Civil Rights Attorneys Fees Award Act.

Huntington Branch NAACP v. Town of Huntington, 961 F.2d 1048 (2d Cir. 1992)

I argued a case dealing with the award of contingency risk enhancement in statutory fee cases.

Wright v. Warner Books, 953 F.2d 731 (2d Cir. 1991)

I wrote an amicus brief for PEN American center dealing with the issue of fair use of unpublished materials in a biography.

Rivera v. United States, 928 F.2d 592 (2d Cir. 1991)

I wrote an amicus brief for the NYCLU and the Puerto Rican Legal Defense Fund on a civil rights case against the DEA for an improper drug raid against certain Hispanic apartment dwellers.

Simon & Schuster v. Frischetti, 916 F.2d 777 (2d Cir. 1990).

I wrote an amicus brief for PEN American Center and the NYCLU dealing with the constitutionality of the Son of Sam Law.

SCEA v. Campbell, 883 F.2d 1251 (4th Cir. 1989).

I argued and wrote the briefs in a case dealing with retaliatory legislation against a teachers professional group because public policy positions they had taken.

Carter v. Rafferty, 826 F.2d 1299 (1987).

I successfully argued an appeal involving the grant of habeas corpus relief to Rubin "Hurricane" Carter whose conviction was reversed on constitutional grounds.

In re Agent Orange Product Liability Cases, 818 F.2d 216 (2d Cir. 1987).

I successfully argued an appeal dealing with the fee-sharing arrangements among counsel in product liability litigation.

Carter v. Rafferty, 781 F.2d 993 (3d Cir. 1986)

After obtaining a writ of habeas corpus for Rubin "Hurricane" Carter, I successfully argued an appeal allowing his continued release from prison, pending further appeals in the case.

Mitchell v. Cuomo, 748 F.2d 804 (2d Cir. 1984)

I won a preliminary injunction against the closing of a New York state prison on Long Island on the ground that the closing might affect the Eighth Amendment rights of the prisoners.

Stop the Olympic Prison v. U.S. Olympic Committee, 489 F.Supp. 1112 (S.D.N.Y. 1980), affirmed ___ F.2d ___ (2d Cir. 1981)

I argued a successful First Amendment defense to a trademark infringement action.

Teague v. Alexander, 662 F.2d 79 (D.C. Cir. 1981)

I worked on the appeal of a anti-Vietnam War activist who was singled out for a tax audit because of his political activities.

Eikenberry v. Callahan, 653 F.2d 632 (D.C. Cir. 1981)

I argued a successful appeal dealing with retroactivity of a law changing the jurisdictional amount in a federal question case.

Blackburn v. Goodwin, 608 F.2d 919 (2d Cir. 1979);

Grove Press v. Central Intelligence Agency, 608 F.2d 926 (2d Cir. 1979);

Grove Press v. Angleton, 649 F.2d 121 (2d Cir. 1981)

I argued three cases dealing with long-arm jurisdiction in constitutional tort cases.

Smith v. Nixon, 606 F.2d 1183 (D.C. Cir. 1979)

I represented Hedrick Smith, a New York Times reporter, in his suit based on the illegal wiretap of his home for 3 months, reversing the grant of summary judgment dismissing his suit.

Krause v. Rhodes, ___ F.2d ____ (6th Cir. 1978)

I represented an author appealing a gag order imposed in the Kent State litigation, prohibiting access to some of the pretrial material gathered in the case.

In re Possible Violations of 18 USC 371 (Appeal of Maren), 564 F.2d 567 (D.C. Cir. 1977)

I argued an appeal from a holding of civil contempt of a witness who refused to answer certain questions before a grand jury on religious grounds.

Clark v. Rose, 531 F.2d 56 (2d Cir. 1976)

I argued a challenge to the constitutionality of a section of the New York Election Law dealing with the selection of primary candidates by a political party.

Nixon v. Sampson, 389 F. Supp. 107 (D.D.C. 1975)

Nixon v. Richey, 513 F.2d 430 (D.C. Cir. 1975)

I argued various related matters dealing with former President Nixon's attempt to regain his tapes and papers.

In re Williams, 509 F.2d 949 (2d Cir. 1975)

I worked on an appeal relating to the standards for holding recalcitrant witnesses in contempt.

Noel v. Chapman, 508 F.2d 1023 (2d Cir. 1975)

I worked on a challenge to certain discriminatory aspects of the Immigration laws.

Thompson v. Gallagher, 489 F.2d 443 (5th Cir. 1973)

I successfully argued a challenge to discriminatory laws against veterans with less than honorable discharges from the army.

United States v. Falk, 479 F.2d 616 (7th Cir. 1973)

I wrote the ACLU amicus brief in a case dealing with the principle of selective enforcement in a federal criminal proceeding.

Holtzman v. Schlesinger, 484 F.2d 1307 (2d Cir. 1973)

DaCosta v. Laird, 448 F.2d 1368 (2d Cir. 1971)

Orlando v. Laird, 433 F.2d 1039 (2d Cir. 1971)

Berk v. Laird, 429 F.2d 302 (2d Cir. 1970)

I was with the ACLU lead counsel and argued a number of cases dealing with the legality of the Vietnam War.

McGee v. United States, 465 F.2d 357 (2d Cir. 1972)

United States v. McCord, 466 F.2d (2d Cir. 1972)

Meyers v. United States, 446 F.2d 37 (2d Cir. 1971)

I argued and briefed a number of cases involving proper sentencing procedures to be applied in draft cases.

Federal District Court Cases

Williams v. Metro-North Railroad Co., 2018 WL 3368713 (S.D.N.Y. (July 10, 2018)

I represented successful attorneys in an action under Title VII of the 1964 civil rights act, seeking their fees.

Restivo v. Nassau County, 06-CV-6720, 2015 WL 8481878 (E.D.N.Y. December 8, 2015)

I represented successful attorneys in a civil rights case under the Civil Rights Attorneys' Fees Award Act.

United States v. City of New York, 877 F.Supp.2d 57 (E.D.N.Y. 2012)

I am one of the attorneys representing minority applicants for the fire department of New York City, working to secure fees under the Civil Rights Attorneys Fees Award Act. .

Hicks v. Bush, 2007 WL 902303 (D.D.C. March 23, 2007); 452 F.Supp.2d 88 (D.D.C. September 21, 2006); 397 F.Supp.2d 36 (November 14, 2005); *In re Guantanamo Detainee Cases*, 344 F.Supp.2d 174 (D.D.C. 2004)

I was one of the lawyers defending David Hicks, an Australian imprisoned in Guantanamo in a series of cases attacking the government military commissions in Guantanamo.

Turner v. Shriver, 327 F.Supp.2d 174 (E.D.N.Y. 2004)

I won a habeas corpus case dealing with the failure of the state to produce exculpatory evidence at the trial.

Jasper v. Bovina Music, Inc., 2001 WL 34873542 (S.D.N.Y. April 26, 2001)

I represented the Isley Brothers in a contract dispute between the older Isley Brothers and the younger Isley Brothers. We won at trial.

Mejia v. City of New York, 119 F.Supp.2d 232 (E.D.N.Y. 2000).

I represented an individual in a *Bivens* case against The City of New York.

New York Criminal Bar Association v. Newton, 33 F.Supp.2d 289 (S.D.N.Y. 1999)

I represented a criminal bar association in a dispute over the selection of judges to hear criminal cases.

Smith v. Beasley, 946 F. Supp. 1174 (D.S.C. 1996)

I was one of the counsel in a three-judge court Voting Rights Act case which successfully struck down certain racially gerrymandered districts in the South Carolina General Assembly.

Alameen v. Coughlin, 892 F. Supp. 440 (E.D.N.Y. 1995)

After being appointed by the Court to represent the plaintiffs, a group of Moslem prisoners who were denied the right to wear religious Khikr beads, I won an injunction against the state prison authorities.

Finley v. NEA, 795 F. Supp. 1457 (C.D. Calif. 1992)

I filed an amicus brief for PEN American Center on the constitutionality of the NEA funding act.

Unger v. Cohen, 718 F. Supp. 185 (S.D.N.Y. 1989).

I represented various plaintiffs in a police excessive force case.

Lewis v. Fishkin, 710 F. Supp. 506 (S.D.N.Y. 1989)

I represented the plaintiffs in a successful suit dealing with religious freedom relating to vaccination.

Smith v. Nixon, 664 F. Supp. 601 (D.D.C. 1987).

I successfully argued a case relating to the expungement of illegally secured wiretap records relating to a New York Times reporter.

Hearn v. Meyer, 664 F. Supp. 832 (S.D.N.Y. 1987).

I represented an author in an important copyright infringement case relating to the fair use doctrine.

Carter v. Rafferty, 621 F. Supp. 1151 (D.N.J. 1985).

I represented Rubin "Hurricane" Carter in a habeas corpus case where the petition was granted by the District Court, and Carter's conviction was reversed.

Eikenberry v. Rooney, (D.D.C.)

I represented Peter Eikenberry in a lawsuit against the FBI for making available information on its files to his election opponent.

Cole v. Kearney, (S.D.N.Y.)

Blackburn v. Kearney, (S.D.N.Y.)

I represented the plaintiffs in a lawsuit against former FBI officials for illegal wiretapping and break-ins. The case was settled with the payment of substantial damages.

Abromovitz v. Ahern, 96 F.R.D. 208 (D. Conn. 1982)

I represented the plaintiffs, prominent members of the New Haven community, in a class-action lawsuit against New Haven police for illegal wiretapping. The case was settled with the payment of almost \$2,000,000 to the plaintiffs.

Stonehill Communications, Inc. v. Martuge, 512 F. Supp. 349 (S.D.N.Y. 1981)

I worked on a successful challenge to the interpretation of the manufacturing clause of the Copyright Act.

Chemung County Welfare Rights Organization v. Crampton, ____ F. Supp. ____ (D.D.C.1975)

I successfully argued a challenge to restrictions on the activities of Legal Services lawyers.

Smith v. Ehrlich, 430 F. Supp. 818 (D.D.C. 1975)

I argued a challenge to political activities of legal services lawyers.

Navasky v. CIA, (S.D.N.Y.)

I represented Victor Navasky in a Freedom of Information Act lawsuit against the CIA to discover what publishing activities the CIA secretly financed.

United States v. Spock, (D. Mass.)

I acted as one of the trial counsel for Michael Ferber in the prosecution of five antiwar activists for conspiracy to violate the draft laws.

United States v. Zimmerman, (S.D.N.Y.)

United States v. Berkowitz, (E.D.N.Y.)

United States v. Besente, (C.D. Calif.)

United States v. Friedenthal, (D. Wisc.)

I argued a number of cases dealing with the constitutionality and application of the selective service system regulations.

State Court Cases:

Turner v. State of New York, 50 Misc.3d 1217(A) (Ct .of Claims, December 11, 2015)

I was the attorney in a successful claim against the State of New York under the Unjust Conviction and Imprisonment Act.

Genger v. Genger, 123 A.D.3d 445 (1st Dept, 2015)

I was successful in an appeal of a case involving failure to pay on a promissory note.

Albunio v. City of New York, 23 N.Y.3d 65 (2014)

I successfully argued a case in the New York Court of Appeals dealing with the award of attorneys fees under the civil rights acts.

County of Suffolk v. Long Island Power Authority, 119 A.D.3d 940 (2d Dept. 2014), 117 A.D.3d 770 (2d Dept. 2014). 100 A.D.3d 656 (2d Dept. 2012)

I argued a series of cases dealing with a conflict between Suffolk County and LIPA.

Genger v. Genger, 107 A.D.3d 576 (1st Dept. 2013) 87 A.D.3d 871(1st Dept. 2011)

I successfully argued cases dealing with the enforceability of a promissory note.

Harbatkin v. New York Department of Records and Information Services, 19 N.Y.3d 373 (2012)

I participated in a case dealing with New York Freedom of Information Law.

TPR Investment Associates v. Fischer, 87 N.Y.S.3d 876, 929 N.Y.S.2d 138 (1st Dept. 2011)

I successfully argued an appeal defending against a fraud action.

Galison v. Greenberg, 51 A.D.3d 466, 856 N.Y.S.2d 622 (1st Dept. 2008)

I successfully argued an appeal dismissing a libel action.

Turner v. State, 50 A.D.3d 890, 854 N.Y.S.2d 778 (2d Dept. 2008)

I argued a case dealing with the application of the Unjust Conviction Law on behalf of a person seeking damages because he was actually innocent of the crime of which he was convicted, which conviction was overturned on a writ of habeas corpus.

Sightseeing Tours of America v. Air Pegasus Heliport, Inc., 40 A.D.3d 354 (1st Dept. 2007)

I successfully argued an appeal dealing with fees at a local heliport.

DeCostole Carting Inc. v. Business Integrity Commission, 2 A.D.3d 225 (1st Dept. 2003)

I argued an appeal dealing with the failure to award a waste-carting license.

Coleman v. Seldin, 181 Misc.2d 219 (Sup. Ct. Nassau Cty. 1999).

On behalf of the New York Civil Liberties Union, I represented some minority homeowners in Nassau County attacking the tax assessment system because it was racially discriminatory. The case was settled with a total change in the system.

Stahl v. Rhee, 220 A.D.2d 39, 643 N.Y.S.2d 148 (2d Dept. 1996)

I successfully argues an appeal in which a trial judge appointed a guardian ad litem to settle a case which the mother of the infant plaintiff objected to.

Manginaro v. County of Nassau, 221 A.D.2d 603, 634 N.Y.S.2d 181 (2d Dept. 1995)

I was successful in part in a case dealing with damages in a medical malpractice case.

Armstrong v. Simon & Schuster, 85 N.Y.2d 373 (1995)

On behalf of PEN American Center, I joined with other media groups in an important libel case before the New York Court of Appeals.

Children of Bedford v. Petromelis, 77 N.Y.2d 718 (1991)

I represented Jean Harris before the New York Court of Appeals in a case dealing with the constitutionality of the Son of Sam law, arguing her case before the Court.

In the Matter of Baby "M." (New Jersey Supreme Court)

I was one of Mary Beth Whitehead's lawyers and wrote the constitutional law sections of her brief to the New Jersey Supreme Court, attempting to regain parental rights over her child.

State v. Carter, 85 N.J.300 (1981), 91 N.J. 86 (1982).

I argued Rubin "Hurricane" Carter's appeal to the New Jersey Supreme Court, following his second conviction for murder. (The conviction was later overturned on federal habeas corpus).

Congressional and Other Testimony

I have testified before Congress and prepared written testimony on a number of occasions on behalf of the American Civil Liberties Union, PEN American Center or the Committee for Public Justice. I have also testified before other governmental bodies as well, as indicated below.

House Judiciary Committee, May 20, 1993, on bills dealing with restrictions on federal habeas corpus.

Senate Judiciary Committee, June 13, 1984, on bills relating to taping wire or oral communications.

House Judiciary Committee, March 8, 1984, on bills relating to nonconsensual recording of telephone conversations.

House Judiciary Committee, February 23, 1984, on bills relating to the VCR tape royalty provisions ("The Consumer Video Sales-Rental Amendment of 1983").

Senate Judiciary Committee, May 12, 1983, on the Comprehensive Crime Control Act.

House Judiciary Committee, March 10, 1983, on the Exclusionary Rule.

House Judiciary Committee, March 10, 1982, on bills relating to the Exclusionary Rule in criminal trials.

Senate Judiciary Committee, November 21, 1981, on bills relating to copyright infringement (audio and video recordings).

Senate Judiciary Committee, November 12, 1981, on bills relating to the Exclusionary Rule.

Senate Judiciary Committee, July 8, 1981, on bills to amend Section 1983 by granting cities and counties the right to raise the good faith defense.

House Banking Committee, June 5, 1980, on bills relating to banks and narcotics money flow in South Florida.

House Ways and Means Committee, April 17, 1980, on bills to permit search of outgoing travellers.

Senate Judiciary Committee, May 9, 1978, on federal habeas corpus jurisdiction.

House Government Operations Committee, March 7, 1978, on laws relating to control of Presidential papers.

Senate Judiciary Committee, January 31, 1978 on confirmation of William Webster as FBI Director.

House Judiciary Committee, June 1, 1977, on H.R. 94 and other bills dealing with grand jury reform.

House Judiciary Committee, March 2, 1977, on amendments to the Federal Rules of Criminal Procedure.

Judicial Conference of the United States, January 13, 1977, on proposed rules in the Federal Rule of Criminal Procedure.

Presidential Documents Commission, December 8, 1976, hearings on control of Presidential papers.

House Judiciary Committee, August 30, 1976, on proposed habeas corpus rules.

New York State Commission on Investigation, January 27, 1976, on grand jury secrecy.

House Judiciary Committee, February 26, 1975, on proposed amendments to the Federal Rules of Criminal Procedure.

House Judiciary Committee, February 6, 1975, on control of government wiretapping.

Government Committees

I have been appointed part of an advisory committee to the Judicial Conference of the United States, dealing with Long Range Planning for the federal judiciary, in particular dealing with the appropriate size of the federal judiciary (Circuit Judge Otto Scopil, 9th Circuit, Chairman); I have been a member of an consulting committee working with the Office of Technological Assessment in Congress on copyright modifications for new technological uses.

Hofstra Activities

I have organized a number of conferences at the Law School covering communications law and the First Amendment, including a conference on Television and Violence and Massive Media Coverage of Criminal Trials as well as conferences on the legal profession and the Supreme Court.

I acted as co-conference chairman of a major conference on the Presidency of Richard M. Nixon, part of the Hofstra Presidential Conference Series. Numerous officials of the Nixon presidency attended, including Henry Kissinger, John Ehrlichman, H.D. Haldeman, Maurice Stans, and others. I have edited three books covering the proceedings, published in 1991-93 (with Professor William Levantrosser)

I organized and directed a major conference of the United States Supreme Court under Chief Justice Warren E. Burger held at our school on November 7 and 8, 1985. Numerous foreign judges and lawyers attended, and many experts on various constitutional matters participated.

I delivered the main address for the commencement exercises at Hofstra in January, 1976. I also prepared a legal memorandum for the general counsel of the University concerning confidential communications relating to teaching staff. I have also been a member of the Academic Standards Committee and the Faculty Recruiting Committee as well as the Dean Search Committee. I have also served on two hearing boards concerning student discipline. I have acted as the chairman of the Placement and Clerkship Committee at the school.

Bar Association Work

I was a member of the Judiciary Committee of the Association of the Bar of the City of New York. I formerly served on the Civil Rights, the Copyright Committee, the Federal Legislation Committee, the Committee on Criminal Advocacy of the Association of the Bar of the City of New York, and the Committee on Communications Law. .

On the Civil Rights Committee, I prepared a major report on “Overruling the Supreme Court” and on the Federalism Committee I prepared a report on “The New Federalism” later published in the *Record of the Association of the Bar of the City of New York* (November-December, 1999). For the Communications Committee, I prepared an 80-page draft of a report on the espionage sections of S-1, the proposed federal criminal code. I have also prepared a report on providing for television coverage of court proceedings. I also served as Chairman of the ABA Subcommittee on Obscenity and Pornography from 1970 to 1974.

Other Professional Activities

I am the general Counsel to PEN American Center, a leading writers' group fighting censorship both here and abroad. I am on the board of the National Board of Review of Motion Pictures, a not-for-profit organization promoting freedom of expression in the movie field.

Lectures, Conferences and Continuing Education

Federal Judicial Center Lectures

For a period of thirty years, I have been asked to deliver lectures on seven separate subjects to federal circuit court and district court judges as part of the Federal Judicial Center seminar program. I have traveled to almost every circuit over the past twenty years to speak about (1) Federalism; (2) Qualified Immunity; (3) Controlling a multi-defendant criminal trial; (4) the new Federal Habeas Corpus; (5) Constitutional Torts; (6) New Developments in Federal Criminal Procedure; (7) the Copyright Act of 1978; (8) new developments in long-arm jurisdiction; and (9) new developments in First Amendment law; (10) annual updates on Section 1983 cases.

Other Lectures/Conferences

I have also delivered papers or given lectures at a series of other conferences and seminars including the Practising Law Institute, ALI/ABA, the National Association of Former U.S. Attorneys, the American Society of Legal History, the Association of the Bar of the City of New York, ABA, the Federal Bar Council, the Brookings Institution and many others.