SOLUTION Winter 2015 M D A

THE MAGAZINE OF CUNY SCHOOL OF LAW From Local to Global

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#### CUNY SCHOOL OF LAW

Law in the Service of Human Needs

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#### opening statement



#### Local Is Global

As New York City's only public law school, CUNY School of Law prepares students to practice "law in the service of human needs." Whether serving as staff attorneys at legal assistance organizations, judges, or proprietors of small law firms serving communities in need, CUNY Law alums continue to make a profound impact.

New York City is unlike any other metropolis in its global importance. Organizations and companies in the city influence the world. In New York City, the local is global. CUNY Law's outlook needs to mirror the global vision of our beloved city.

CUNY Law has a long tradition of global justice work. For example, Haywood Burns, our former dean, and Rhonda Copelon, founder of our International Women's Human Rights Clinic, developed significant bodies of international human rights work in their dedicated lives. The work of both students and faculty in our clinical programs and centers today reflects our continuing commitment to international justice.

This fall, we amplified our commitment even more with the opening of the Sorensen Center for International Peace and Justice, named for Ted Sorensen, speechwriter and senior advisor to President John F. Kennedy. After his public service, Sorensen came to New York City as a partner at Paul, Weiss and worked to help emerging democracies embrace and carry out the principles of freedom.

Thanks to the generosity of many donors to the Sorensen Center, our students now have new opportunities to work on international justice through paid summer fellowships. They will also learn from such luminaries as Justice Richard Goldstone, the Sorensen Center's first scholar-in-residence, and former U.N. Secretary-General Kofi Annan, who gave the keynote address at the center's launch. Those who attended the opening festivities were even treated to a surprise performance by international recording artist Alicia Keys.

Elsewhere in this issue of *Public Square*, we reflect on the 20th anniversary of the Violence Against Women Act, a vital piece of legislation that trans-

formed the legal landscape for gender-based violence. We hosted an engaging Public Square Live event on VAWA at 20 in November featuring an exceptional panel of experts, including Professor Kimberlé Crenshaw, Sujata Warrier, and Sharon Stapel ('98), and moderated by our very own Professor Julie Goldscheid, who has an exceptional track record in this area as well. You can watch the video at law.cuny.edu/youtube.

CUNY Law continues to grow, bringing new and exciting opportunities to students, faculty, and alumni. They, in turn, embody our abiding passion for "law in the service of human needs."

> -Michelle J. Anderson Dean and Professor of Law

## from the public square

#### **CUNY Law Launches Part-Time Program**



Next fall, CUNY School of Law, New York City's only public law school, will realize a long-held dream: a part-time J.D. program. This new option will ensure that even more students are able to get an excellent legal education while balancing families and careers.

"CUNY Law brings together the very best in clinical training with traditional doctrinal legal education to create lawyers prepared to serve the public interest," said CUNY School of Law Dean Michelle J. Anderson. "The part-time program furthers our mission by providing an affordable legal education to those who cannot afford to go to law school full

time but want to make a difference in their communities."

The part-time program will allow students to pursue their legal education over eight semesters and one summer. Courses and services will be expanded into the evenings to allow greater schedule flexibility. Students enrolled part time will engage in the same unique, experiential curriculum that guides the full-time program, including participation in a clinic or concentration.

Students interested in either full- or part-time study at CUNY School of Law should visit www.law.cuny.edu/prospective or call the Admissions Office at 718-340-4210.

#### from the public square

#### **Distinguished Alumni Awards**

The inaugural CUNY Law Distinguished Alumni Awards were presented during Alumni Weekend in the spring. The awards recognized two alumni for their outstanding work in the public interest.

Joey L. Mogul ('97), a partner at the People's Law Office in Chicago, focuses on representing people in civil rights cases who have suffered from police or government torture, abuse, and misconduct. Mogul also defends individuals in criminal and capital cases. For the past nine years, Mogul has represented a class of more than 800 people falsely arrested en masse at an anti–Iraq War demonstration in Chicago on March 20, 2003, and successfully argued the case in the Seventh Circuit Court of Appeals. Mogul coauthored *Queer (In) Justice: The Criminalization of LGBT People in the United States* (Beacon Press, 2011). Mogul also teaches and directs the Civil Rights Clinic at DePaul University College of Law.

Andrea Costello ('98) is a senior staff attorney at the

Partnership for Civil Justice Fund. Costello represented National Women's Liberation (NWL), an organization of grassroots feminist activists, in NWL's 10-year legal battle against the Food and Drug Administration to expand access to contraception by removing the restrictions on over-the-counter access to the "morning-after" pill. On April 5, 2013, the U.S. District Court for the Eastern District of New York ordered that the pill be made available "without a prescription and without point-of-sale or age restrictions within thirty days." The suit is now on appeal. Costello has more than 15 years of experience as a civil rights attorney working on impact litigation and as a movement lawyer representing grassroots organizations in cases that have included defending the right to dissent, ending racial profiling, combating police misconduct, increasing access to healthcare, and advancing the rights of people with disabilities.

Alumni
Admitted
to the U.S.
Supreme
Court Bar



In separate sessions, Dean Michelle Anderson and alumni met both Justice Ruth Bader Ginsburg (left) and Justice Sonia Sotomayor (above) on June 16, 2014.

Photos: Kevin C. Brown, U.S. Supreme Court

# CED Clinic Organizes Inaugural NYC Worker Cooperative Conference

Under the leadership of Professor Carmen Huertas-Noble, the Community and Economic Development (CED) Clinic organized and hosted the first New York City Worker Cooperative Conference at CUNY Law.

The conference, which took place in June, included sessions on the structure, benefits, and limits of worker cooperatives; explained how cooperatives are connected to social justice; and discussed how to build a worker cooperative economy. The chair of the New York City Council's Committee on Economic Development and the chair of the New York State Assembly Labor Committee both participated in a session on the role of government in supporting worker cooperatives.

Since the conference, the New York City Council has allocated \$1.2 million of its budget to develop and expand worker cooperatives in the city.

The CED Clinic has provided legal support to a number of organizations that create and/or support worker-owned cooperatives, including ROC-NY, Green Worker Cooperatives, and New York City Network of Worker Cooperatives. Most recently, the CED Clinic has worked with the Pittsburgh Clean & Green Laundry to create an innovative unionized worker-owned cooperative following the principles of the Mondragon Cooperatives in Spain.

### Addressing Access to Justice in New York

CUNY Law hosted the third annual Conference on Access to Justice, which is part of the Task Force to Expand Access to Civil Legal Services in New York created by New York Court of Appeals Chief Judge Jonathan Lippman.

This conference, which included a number of CUNY Law faculty and deans, took a closer look at the role law schools could play in expanding access to justice for low-income New Yorkers. Discussions focused on preparing students for access-to-justice activities in clinical work and developing a blueprint for an access-to-justice curriculum; best practices for supervising students' pro bono work; testing access to justice on the bar exam; working with non-lawyer advocates to narrow the justice gap; and examining New York's new Pro Bono Scholars Program.



#### "The Role I Want to Play"

The following is an excerpt from the graduation remarks of Somalia Samuel ('14). Samuel entered the law school through the Pipeline to Justice program.

There are some side effects of attending law school. For example, your family no longer watches legal dramas with you because you're always complaining that the cops are violating the accused's constitutional rights.

It's a struggle to simply click "I agree to the terms and conditions" without first reading the fine print, for fear that you'll agree to arbitration in China if a dispute arises.

You view the world as one huge deviation from the standard of care exercised by a reasonable person–every cracked sidewalk or misplaced item is a tort waiting to happen.

[But] even with all the side effects of being a lawyer, I still would not change my career choice. This is the role I want to play.

My proper role is an advocate. I am an organizer. I am a dismantler, and I am a teacher. I speak for the voiceless. I stand side by side with my clients and demand justice. I seek to tear apart this unjust system and replace it with a just one.

Unfortunately, we still live in a world fueled by fear. We still live in a world where racism and discrimination are alive and well. We still live in a world where people are oppressed and poverty festers in communities until they implode. Until we no longer live in a world like this, the need for great social justice lawyers will always exist, and we CUNY Law graduates will meet the need.

We understand that the law must be understood in its human terms and human consequences. The work we do after today will be our legacy and will hopefully define a generation. As I have always said, there's no other place that I would have wanted to go to law school than here, with people who refuse to stand around and watch injustices occur.

# VAWA at 20: What's Next?

Twenty years ago, a historic moment occurred in our efforts as a nation to address intimate partner and gender violence.

In 1994, President Bill Clinton signed the Violence Against Women Act (VAWA) into law, and since then, the rate of intimate partner violence has dropped dramatically-67 percent between 1993 and 2010, government figures show.

Those who drafted the law sought to reframe the perception of violent relationships "from a private matter to a matter of public concern," said CUNY Law professor Julie Goldscheid, who has written numerous scholarly articles on gender-based violence and gender equality.

VAWA provides funding for shelters, as well as for counseling and legal services for victims of domestic violence, dating violence, sexual assault, and stalking. It also established the Office on Violence Against Women within the Department of Justice.

Each time VAWA is reauthorized-which it has been three times—it is rethought, allowing the law to apply to more people who need help, whether they are immigrants, people of color, or people with limited access to resources.

The latest reauthorization, signed in 2013 by President Barack Obama, includes provisions for LGBT survivors as well as Native American women and victims of teen dating violence at colleges and elsewhere.

"It's necessary to have a clear understanding that violence impacts different people differently, depending on their identi-





ties and the types of oppression they might experience," said Sharon Stapel ('98), executive director of the New York City Anti-Violence Project (AVP), referring to the several adjustments VAWA has had with each reauthorization.

VAWA's inclusion of LGBT provisions took many years of coalition building on the national level with women's groups, she said, but it finally happened. As President Obama signed off on VAWA in 2013, Stapel shared the national spotlight.

"When the president signed the law, he had me up on the stage as a representative" of all the survivors and the advocates who had pushed for LGBT inclusion in VAWA, said Stapel, who has led AVP for more than six years and represented its LGBT clients for a decade more.

"There just was so much work and energy and suffering and courage and resilience behind that moment," she said.

Although there have been improvements to VAWA at 20, much more can be done to make it work better for low-income and immigrant families, said Michelle Burrell ('08), a senior trial attorney with the family defense practice of the Neighborhood Defender Service of Harlem. Burrell has represented all kinds of domestic violence clients, including women and men who are survivors, as well as alleged batterers and abusers.

VAWA can be helpful in gaining public benefits for sur-



vivors, in keeping families together, and in giving an abused spouse freedom from an abuser who may be exerting financial control. It can also help with immigration status for survivors of domestic violence. At the same time, VAWA has a heavy focus on criminal justice: It emphasizes physical safety for women and children, policing, and incarceration.

"I have seen how domestic violence plays out," Burrell said, arguing that incarceration is not always the best solution. "Lowincome people of color who are in vulnerable areas have heavy surveillance by child welfare, public benefits, and shelter systems. [Single] arguments, disputes, or even physical altercations between family members can be labeled domestic violence, and negative consequences can ensue without regard to how the family is affected and whether domestic violence is truly the issue."

Consider incarcerated women, who are statistically very likely to have experienced domestic violence themselves. The line between being the perpetrator of a crime and being a victim can become blurred. "There has been resistance to addressing this reality," said CUNY Law professor Ann Cammett ('00).

"Incarcerated survivors of violence warrant targeted supportive services despite their criminal histories, which often stem from drug charges. VAWA has expanded over time to create space and resources to help more survivors, but it's been restrictive of the most marginalized women in society," Cammett said. "For example, after the original VAWA legislation, poor women leaving abusive relationships found it more difficult to gain access to public assistance because the government quickly enacted federal welfare reform. That 'reform' created significant economic barriers, including bans on assistance for those with felony drug charges."

CUNY Law's Family Law Concentration, which is directed by Cammett, places students in domestic violence organizations but also works in the child welfare realm, from both the child advocacy and the parental defense sides of abuse and neglect cases.

"Our students explore the notion of victims versus perpetrators, arriving at a more nuanced and complex understanding of families and intersecting social systems. They start to see how

state intervention affects poor families and communities, not just individual litigants," Cammett explained.

Discussions about improving VAWA would not be complete without addressing the civil rights component it once had, with strong support from Vice President Joseph Biden, who coauthored VAWA when he was a senator in 1994. For six years, there had been a provision allowing for a federal civil rights remedy for victims of gender-motivated violence.

"As soon as survivors started using it, defendants started challenging its constitutionality," said Goldscheid, who successfully defended VAWA's civil rights remedy in lower courts nationwide as a senior staff attorney with the NOW Legal Defense and Education Fund.

Then, in U.S. v. Morrison (2000), she argued before the Supreme Court on behalf of plaintiff Christy Brzonkala, who alleged that her civil rights were violated when she was raped by fellow students during her first year at Virginia Tech. Despite arguments that the law mirrored other federal civil rights laws enacted under the Commerce Clause and Section Five of the 14th Amendment, the Supreme Court struck down the civil rights remedy by a five-to-four vote.

Going forward, "Congress should provide a remedy for the ways survivors' civil rights continue to be violated," said Goldscheid.

Until then, Goldscheid would like to see more accountability from the criminal and civil justice systems when it comes to domestic and gender violence cases.

"There's so much that we have done and that we can continue to do," she said. "It's important to look at the root causes and the ways our culture continues to say it's OK to perpetuate domestic and sexual violence." -Paul Lin

On November 13 at a Public Square Live event, participants explored VAWA@20 and discussed the law's future. See more at publicsquare.law.cuny.edu/live.



**Professor** Julie Goldscheid

# From Local Colonial Global

Working toward international peace and justice has been an integral part of CUNY Law since its founding.

Students were addressing global issues such as immigrants' well-being from the very first years of the clinical program, and that work continues today in the Immigrant and Non-Citizen Rights Clinic. Under the leadership of Dean Haywood Burns, the school became a beacon for people passionate about global justice. In the early 1990s, Professor Rhonda Copelon founded the International Women's Human Rights Clinic, which has become a leading voice for human rights around the world. Now, a new gathering place—the Sorensen Center for International Peace and Justice—exists at CUNY Law for like-minded advocates to share best practices and collaborate for a more just and peaceful world.







# Building on a Legacy of Peace & Justice

#### **CUNY Law Launches** Sorensen Center for International Peace and Justice

If you look at the lineup for the official launch of the Sorensen Center for International Peace and Justice at CUNY School of Law, you know it's off to an auspicious start. After all, it's not every day that former United Nations Secretary-General Kofi Annan visits a law school to open a center and Grammy Award-winning artist and activist Alicia Keys offers a surprise performance for the celebration.

"The opening ceremony was an extraordinary event in the life of the law school. The speeches were inspiring and Kofi Annan's presence was itself moving," said CUNY Law Dean Michelle J. Anderson. "Overall, the formal event matched the magnificent aspirations of a center named after Theodore C. Sorensen."

"The Sorensen Center is a startup with big ambitions. We will train social justice lawyers who will work from the local to the global to make the world a better place, helping those affected by conflict, instability, and repression," said the center's founding executive director, Camille Massey ('95).

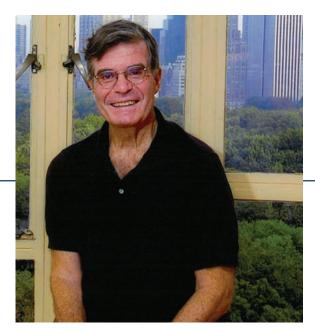
The Sorensen Center will convene seminars and conferences, collaborate with local and global institutions, and place students in international internships. It will also focus on critical and timely issues, such as addressing the human rights crisis caused by ISIS, in collaboration with Professor Lisa Davis, locally based Iraqi and Syrian activists, and international experts.

"We will develop the center collaboratively, with input from students, staff, and faculty, building on the excellent tradition of international peace and justice work at CUNY Law. I'm imagining a hybrid that is a mentoring place for students as well as a think tank, or better yet, a 'think/do tank' that can connect communities and ensure that experiences are shared," noted Massey.

The center's collaboration also extends to the Sorensen family. Ted Sorensen's spouse, Gillian Sorensen, is the honorary chair of the center's founding advisory board. She served from 1997 to 2003 as assistant secretary-general for external relations for the United Nations and now serves as senior advisor at the United Nations Foundation.

Ted Sorensen's daughter, Juliet Sorensen, a clinical assistant professor of law at Northwestern University School of Law's Center for International Human Rights, also serves on the founding advisory board.

"I knew that CUNY Law was the right place for a lasting



#### Who Was Ted Sorensen?

Born in Nebraska to a Unitarian family, Theodore C. Sorensen registered for noncombatant service as a conscientious objector when he turned 18. On his application, he identified himself as a "peace maker." The life he went on to lead, first as President John F. Kennedy's closest advisor and then as a prominent international lawyer, reflected that early self-description. Upon the publication of his best-selling memoir, Counselor, when he was 80 years old, Sorensen said that he hoped he would be remembered as "a servant of peace and justice."

Whether it was his pivotal work in crafting the Kennedy letter that helped avert nuclear war between the United States and the Soviet Union during the 1962 Cuban Missile Crisis or his efforts to shape Kennedy's civil rights speeches and legislation, Sorensen had a devotion to world peace and justice for all. Although he was best known for his White House years, after Kennedy's death, Sorensen led a rich life devoted to the public good as a private attorney. As a partner at the New York law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, where he spent the remainder of his career, he helped emerging democracies embrace and carry out the principles of freedom.

Sorensen served as a fellow at the Institute of Politics at Harvard University's Kennedy School of Government. He was a director of the Council on Foreign Relations and was on the board of the Century Foundation. He passed away in October 2010, a man of tremendous accomplishments. Ted Sorensen's impact and vision for peace and justice touched lives worldwide.

tribute to Dad's life and work. He was a product of-and believed deeply in-public education. As New York City's only public law school, CUNY Law advances public service and public interest law, civil rights, fairness, and the rule of law. Dad committed his life to these ideals, so we are thrilled that CUNY will be the permanent home for the Sorensen Center for International Peace and Justice," said Juliet Sorensen.

"Ted's family, friends, and former law partners have all been helpful and involved. It's exciting to feel that this is a team effort and that many people really care about the center and want to contribute," said Massey.

"It's also impressive to see Ted's reach. I recently attended a meeting featuring U.S. Secretary of Homeland Security Jeh Johnson," Massey recounted. "He was a partner at Paul, Weiss, and Ted was his mentor. Ted always took time to guide other people, even while he was doing important work of his own."

Sorensen's reach is perhaps not surprising, given that he was President John F. Kennedy's closest advisor, working with him on speeches that included such memorable words as these, from Kennedy's first inaugural address: "Ask not what your country can do for you; ask what you can do for your country."

Just how close an advisor Sorensen was to President Kennedy became apparent to Massey during her own research. While visiting the JFK Library and the National Security Archives, she delved into relevant presidential files, as well as Sorensen's personal papers, and book drafts written in longhand.

"The breadth and depth of Ted's role really hit me as I read his memos to President Kennedy on civil rights and global human rights issues," she says. "At that time, the president had a much smaller circle of advisors. Ted was an incredibly smart, important, and strategic force."

After the Kennedy administration, Sorensen moved to the law firm Paul, Weiss, Rifkind, Wharton & Garrison, and continued to do important international work for emerging democracies for another three decades, including work on the first free elections in South Africa. "It was Ted's former law partner Steve Rosenfeld, then chair of CUNY Law's board of visitors, who first had the idea that CUNY Law should honor Ted's life. Steve then helped us develop the idea with Ted's family," Anderson said.

"Ted's colleagues at Paul, Weiss, including chairman Brad Karp, have been enormously supportive. A major part of Ted Sorensen's legacy was his facility with language and how it shaped the future," noted Anderson. "He was a brilliant writer and editor. We'd be remiss if the center didn't explore that history as it trains future servants of peace and justice."

The Sorensen Center will include the annual Retreat on Communications for Peace, which will explore documents that have directed the course of history toward peace. Kennedy's letter to Soviet leader Nikita Khrushchev that facilitated the end of the Cuban Missile Crisis, the president's subsequent speech on peace at American University, and Martin Luther King's "Letter from Birmingham Jail" are just a few examples.

"We are honored that the Sorensen Center for International Peace and Justice is now live at CUNY School of Law," concluded Anderson. "Ted Sorensen cared deeply about public service and public education. We want to serve students who will follow in his footsteps."

As Kofi Annan stated in his keynote address at the launch of the Sorensen Center for International Peace and Justice: "There are no subjects more appropriate or more worthy of Ted's intellectual legacy than the complex and challenging pursuit of international peace and justice. This is a moral imperative for all of us who, like Ted, abhor violence and human suffering, and who believe that justice is not justice if it's not extended to all."

-Paul Lin

#### From Local to Global...in Action

Making the world a better place increasingly requires a global perspective and global experiences.

One of the main goals of the Sorensen Center for International Peace and Justice is to create opportunities for CUNY Law students to engage in projects that have global impact. This could mean working on international issues right here in New York City or anywhere else in the world.

Thanks to the generosity of passionate and committed donors, the Sorensen Center is inaugurating the program by awarding six new student fellowships, each for \$5,000, for summer 2015.

Major donors to the Sorensen Center's summer fellowship program include the family of Harold Bernstein and the Stonbely Family Foundation, which has a longtime connection with CUNY Law.

Additional contributions to the summer fellowship program will come from the Haywood Burns Fund, created to honor the life of the law school's former dean, who had a passion for international peace and justice. In collaboration with Burns's life partner, Jennifer Dohrn, these funds will be used to underwrite student participation in international social justice work in a variety of ways, beginning with the summer fellowships.



#### From the Field: Bryan Hoben ('15) on International **Human Rights**

One August afternoon, I sat on the floor of the law office in downtown Sana'a, Yemen, where I'd been working in the summer before starting law school. I had been invited to join a communal lunch of chicken and rice, a gesture I had not expected. The men around me used their right hands to tear apart the greasy chicken and scoop up piles of rice with a practiced efficiency that I envied. At least they found my ineptitude hilarious.

I was thankful for the levity, even if it came at my own expense. The morning had been tense, as the nine men had fought their government for permission to speak with me about their experiences after returning from American military prisons at Guantanamo Bay and elsewhere. I was working for the International Justice Network and the Yemeni human rights legal organization HOOD, and the meeting was to be the culmination of a summer spent interviewing people about the viability of a reintegration program.

Over the next two days, the men described their imprisonment, their torture, and the harassment they continued to receive from the Yemeni government after returning. During these conversations, they made a point of reminding me of my good fortune to have been born American.

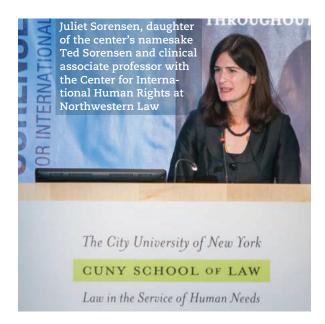
That summer has been on my mind frequently in my last year of law school, as I prepare to conduct interviews with victims of gender-based violence in Iraq. Our team from CUNY Law's International Women's Human Rights Clinic is working within the Human Rights Committee (a U.N. treaty body that furthers the International Covenant on Civil and Political

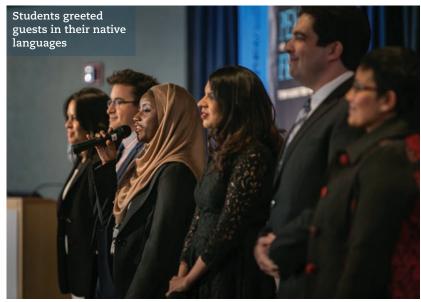
Rights) to promote the rights, protection, and physical security of marginalized and at-risk Iraqis.

I feel well prepared for this task. This is partly due to my experiences in Yemen, and also due to our professors. They've taken the time to teach us that as lawyers, we must be mindful of our inherent privilege and work to mitigate the inequity it causes.

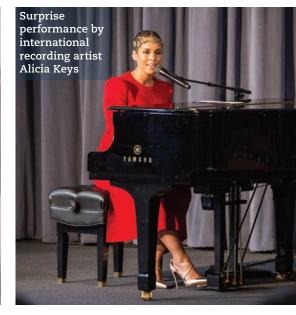
During my legal internships at the Global Justice Center, an NGO that develops legal strategies to protect human rights and gender equality, I called on the issue of privilege and inequity as we developed arguments on controversial issues. We argued, for example, that rape, when used as a weapon of war, should be prosecuted under the laws of war that govern legality of tactics and weapons. This would increase the stigmatization of rape and allow greater protections for victims.

This mindfulness about privilege has also been invaluable to me as I interact with formerly trafficked women as part of my work for the Elsa and Friends Soap Cooperative, a small charitable organization in Ethiopia. And, most of all, it has informed every moment of my work on Too Young to Wed, my wife's multimedia project-turned-NGO that focuses on the global issue of child marriage. This project—and the ugly realization that thousands of young girls are raped every night under the name of marriage-has made it clear that to remain unmoved in the comfort of privilege is to remain complicit. Starting our own organization on this issue means that hardly a day goes by without a painful reminder of exactly what my privilege has afforded me in this world, and where my responsibility lies.

















#### Introducing the Sorensen Center

October 27, 2014









# A Conversation with Justice Richard J. Goldstone

Justice Richard J. Goldstone is the first scholar-in-residence at the Sorensen Center for International Peace and Justice at CUNY School of Law. Camille Massey, the center's founding executive director, joined Goldstone in a conversation about the role he played in the transition from apartheid South Africa to democracy, and other topics.

CM: I can think of no better person to be the first scholar-inresidence at the Sorensen Center for International Peace and Justice than you, given your experience in human rights, CUNY Law School's connections to South Africa, and your personal relationship to Ted Sorensen.

**RG**: It's my respect for Ted Sorensen that makes this so exciting. He was both a mentor and a friend to me over many years, and to be involved in the Sorensen Center in this way has special meaning.

CM: You have spent much of your life working to find accountability for some of the greatest human rights abuses and challenges of our time. How did you first get interested in human rights?

RG: I became interested in human rights for the first time, deeply, in my first week as a student at the University of the Witwatersrand in Johannesburg, which I joined in 1957 during the depths of apartheid. About 10 percent of the students were black South African. It was my first contact with black South Africans as peers, and I immediately became frustrated and angry at the unfairness which I saw

face to face. I lived in a white suburb with beautiful trees and gardens, and we had water and electricity. But some of those black students were forced by the apartheid laws to live in segregated, poorly resourced townships, and some of them in those days didn't have electricity in their homes. They had to work at night with paraffin lamps. I became an activist virtually overnight. At the end of my first year as an undergraduate,

I was elected to the student representative council, and that got me deeply involved in the anti-apartheid student movement.

**CM:** And then you went on to play a major role in the transition from apartheid South Africa to democracy.

**RG:** It was an unusual role. I was asked by the then leaders of the negotiations, then President F.W. de Klerk and Nelson

"[Nelson Mandela] was simply the most wonderful person that I have ever had the privilege of getting to know. We spent many hours alone chatting on a Sunday evening during that transition period, and his sense of forgiveness was almost beyond my comprehension."

Mandela and other black leaders if I would head up a commission of inquiry into the causes of the violence that was on the point of extinguishing the negotiation process. Between 10,000 and 20,000 South Africans lost their lives in the four years of our transition between 1990 and 1994-all in political violence. I spent three years heading a commission looking into the causes of the violence, and we were able to make tremendous headway. In fact, we were able to establish beyond any doubt the correctness of Nelson Mandela's allegation that there was what he called a "third force" operating-government, army, and police trying to sabotage the peace negotiations in order to ensure that apartheid would not be abandoned.

**CM:** What did you learn about the role that leadership played during that intense period?

RG: I had the privilege of seeing great leaders at work–Nelson Mandela, Cyril Ramaphosa on the ANC's [African National Congress's] side, Roelf Meyer, and then Minister of Justice Kobie Coetsee, on the government's side. These were people of

tremendous leadership skills and courage. It took huge courage for de Klerk, and huge leadership, to get his people to join him in a 180-degree turn in abandoning apartheid, agreeing to hand over power to a black majority, knowing that that black majority had been cruelly oppressed for over three centuries. The majority of white South Africans feared that black South Africans would want revenge, which they felt they would want if they were in a similar position. But de Klerk, together with Nelson Mandela's magnificent confidence-building skills, enabled it to happen.

CM: You had an opportunity to work closely with President Mandela. How did he influence your life?

RG: He was simply the most wonderful person that I have ever had

"The black majority

weren't particularly

children."

interested in freedom

who had been oppressed

of expression and freedom

of assembly and so-called

the privilege of getting to know. We spent many hours alone chatting on a Sunday evening during that transition period, and his sense of forgiveness was almost beyond my comprehension. When I saw him put his hand around the shoulder of the prosecutor who sought the death sentence against him, I welled up with frustration. But he did forgive; he had that forgiveness.

CM: When he appointed you to the Constitutional Court in South Africa, there had to be a placeholder for you because you were tapped to take on another incredible challenge with the ad hoc tribunals, first for the former Yugoslavia, and [then] to work with the bureaucracy of the U.N. to create something new and groundbreaking.

RG: Yes, that was a huge, unexpected challenge. I had never

worked as a prosecutor. I knew nothing about humanitarian law, which was the law of the tribunal, and I knew next to nothing about the former Yugoslavia, which was the region that was being looked at during the war. It was a steep learning curve, and I wouldn't have done it, but for President Mandela really leaving me with no option. I was on the point of refusing when he called me and said, "Don't be so quick to send your refusal because I've told Secretary-General Boutros-Ghali that you'll do it." I said, "What about the Constitutional Court?" and he said, "Don't worry, the cabinet decided today that we will amend the constitution to make it possible to have an acting justice sitting in your place." That was, in fact, the first amendment to the South African constitution.

**CM:** There are many intersections between the work here at CUNY Law and the work that you have done over time. One example is the leadership of Rhonda Copelon, the late professor who was very active in the United Nations women's caucus and who worked to have rape declared a war crime under the Geneva Convention. And, of course, while you were prosecutor, after centuries in which systematic rape was not recognized as a violation of the laws of war, it happened.

RG: This was an area where civil society made a difference. The letters I received when I took that appointment implored me to give attention to systematic rape as a war crime. And there were wonderful academics such as Rhonda Copelon. We found ways of being imaginative and expanding the law into a

> new area because the international humanitarian law in the first half of the 1990s made no provision for recognizing rape as a war crime. It was referred to only as a crime against humanity.

In that context, women judges in both tribunals-including Odio Benito, Gabrielle Kirk McDonald in the Yugoslavia tribunal, and fellow South African Navi Pillay in the Rwanda Tribunal-were used in Rwanda constituted an act outgrowth of the work that we did

first-generation positive prepared to expand the law and rights. What they wanted regard rape as a form of torture. It was Navi Pillay who wrote the was a roof over their head, wonderful opinion in the Rwanda electricity, water reticulation, tribunal recognizing that rape in the circumstances in which it was and, importantly, healthcare and education for their of genocide. The holistic definition of gender crimes is really an in the ad hoc tribunals. CM: I'm curious about your

thoughts on some perhaps more neglected areas, for example social and economic rights, where, of course, South Africa has been a trailblazer.

RG: It's becoming more common to have discussions in many countries about social and economic rights. The African National Congress and the black leaders in South Africa were insistent that if their people were to have confidence in a new constitution and if it was to have credibility, it had to deal with what they wanted most. The black majority who had been oppressed weren't particularly interested in freedom of expression and freedom of assembly and so-called first-generation positive rights. What they wanted was a roof over their head, electricity, water reticulation, and, importantly, healthcare and education for their children.

We were given those powers explicitly in the constitution. It was not easy because unelected judges shouldn't-and we didn't-tell the government how to spend the budget. But we said, "If you have programs that don't measure up to the social and economic rights promised in the constitution, we will tell you and we will set aside what you're doing." And that's what happened in housing and health.

CM: For example, the Constitutional Court ordered the South African government to make the antiretroviral drug nevirapine available in public hospitals and clinics for the purposes of preventing mother-to-child transmission of HIV.

RG: Right. We said to the government, "You're not doing it in terms of the constitution. Go and rethink it. If you get it right, fine. If you get it wrong, we'll tell you next time around."

CM: At CUNY Law, we have a dedicated program for economic justice, a project run by Professor Steve Loffredo. When I think of the students at CUNY Law and how they come with a passion for economic and social justice, [I wonder,] are there areas in international law that you think are particularly interesting, where they could really have an impact?

RG: I think it is in social and economic rights that there are exciting developments-in the right to education and the right to health. I'm disappointed that the Supreme Court of the United States doesn't take these issues more imaginatively and still insists on demarcating positive and negative rights. I would love to see the U.S. Supreme Court get more actively involved and not simply leave it to the state level.

CM: You've dealt with a number of challenges over the years around the world. What keeps you up at night right now?

RG: What keeps me up at night are the millions of victims suffering in Syria. Many millions of people who don't have food to eat, many millions of children who are not able to attend school. People concentrate on the politics of the situation, but tend to forget about the daily victimization of individual people and children.

CM: You have now worked on the truth and reconciliation side as well as the tribunal side. There's obviously not a formula for every place, but the victim wants to be recognized and wants the truth to be acknowledged. What do you see as the way forward?

**RG:** Transitional justice is really victim centered. What victims want, as you very correctly said, is acknowledgment. They want their voices to be heard, and they want the society, particularly the society in which they live, to acknowledge what happened to them. It's that acknowledgment, certainly in my experience, that very often begins the healing process.

You can watch a video of the full conversation at www.law.cuny.edu/sorensen.



#### Meet Justice Richard Goldstone

Justice Richard J. Goldstone is the first scholar-inresidence at the Sorensen Center for International Peace and Justice at CUNY School of Law. Goldstone served as a judge in South Africa for 23 years, the last nine as a justice on the Constitutional Court of South Africa, the country's highest appellate court. He was a key figure in helping to bring about the end of apartheid in South Africa and in the transition from apartheid to democracy.

From 1994 to 1996, Goldstone was the chief prosecutor at the United Nations International Criminal Tribunals for the former Yugoslavia and Rwanda, during the time in which rape was recognized as a war crime.

Since retiring from the bench, Goldstone has taught as a visiting professor at a number of American and European law schools. Most recently, he taught at Georgetown University Law Center and Central European University in Budapest.

In 1994, the American Bar Association presented Goldstone with the International Human Rights Award, and in 2009 he received the MacArthur Foundation Award for International Justice.

Goldstone is the author of Do Judges Speak Out? (1993) and For Humanity: Reflections of a War Crimes Investigator (2000), and the coauthor of International Judicial Institutions: The Architecture of International Justice at Home and Abroad (2008).



#### Golnaz Fakhimi ('11)

#### Fighting for Human Rights at Home and Overseas

For Golnaz Fakhimi ('11), international human rights work started at CUNY Law. As a student in the Immigrant & Non-Citizen Rights Clinic (INRC), she advocated on behalf of prisoners in U.S. military custody at Bagram Air Base, Afghanistan.

"Like those at Guantánamo, some of the prisoners at Bagram were forcibly rendered there from third countries and held for years without charge or trial, based on information derived from torture," said Fakhimi. "Unlike Guantánamo prisoners, no Bagram prisoner has access to any court of law."

After graduating, Fakhimi continued her Bagram advocacy by working for the International Justice Network (IJN), which, along with CUNY Law's Main Street Legal Services as co-counsel, spearheaded litigation for three petitioners in a case called al-Magaleh v. Obama. The case is about whether rendered non-Afghan prisoners at Bagram should be able to have access to U.S. courts to challenge the legality of their imprisonment. One of the petitioners, Amin al-Bakri, a Yemeni national, was abducted while on a trip to Thailand more than a decade ago.

"He was held and tortured by the CIA at secret prisons before being brought forcibly to Bagram. There, he was further tortured and held by the U.S. military for years without charge or trial," said Fakhimi.

This past August, the petitioners in the case sought review from the U.S. Supreme Court; a few weeks later, al-Bakri and the other Yemeni petitioner, Fadi al-Magaleh, were released, repatriated, and reunited with their families in Yemen.

"They're the first Yemeni prisoners repatriated from U.S. military custody since 2010," noted Fakhimi. "And there's hope that their repatriation may hasten the repatriation of the 86 Yemenis remaining at Guantánamo."

Fakhimi became a staff attorney in the immigration practice of the Bronx Defenders (BXD), which advises its criminal defense attorneys and clients about the immigration-related consequences of their criminal case or record.

"BXD has a client-centered, holistic approach to providing legal services. We work closely with our clients and with other attorneys, legal advocates, social workers, investigators, and community organizers," Fakhimi said, "to address clients' needs, both legal and nonlegal."

Bronx Defenders also provides direct defense to detained and non-detained clients in removal proceedings. It represents clients on applications for affirmative immigration relief and provides information and advice to community members who have questions about their immigration status or options. BXD advocates, as well, for progressive reforms to immigration laws and policies. Among its clients: people who fear persecution or mistreatment in their home countries.

"The potential relief to these clients under U.S. immigration law is very much rooted in international human rights law," Fakhimi said.

She believes CUNY Law was essential to preparing her for her career as a public interest attorney.

"The approach [at CUNY] is client-centered and collaborative and has been immensely helpful to me at both IJN and BXD. From the moment I set foot on the CUNY Law campus, I knew it's where I wanted to go," said Fakhimi.



#### **Brad Parker** ('10)

Defending the Rights of Palestinian Children

For Brad Parker ('10), one of the defining moments at Defense for Children International (DCI)-Palestine can be summed up by a piece of video footage that his organization obtained from a security camera in Ramallah.

It shows Israeli soldiers shooting and killing two Palestinian teenagers taking part in a demonstration.

"When they were fatally shot, the two kids were not throwing stones or participating in any violence," said Parker, an attorney and international advocacy officer for DCI-Palestine. "Nothing that would justify using lethal force against them under the Israeli army's own guidelines."

Because of the video, he said, the death of those teens-Nadeem Nawara and Mohammad Abu Daher-will not be just another anonymous conflict-zone statistic. "Impunity is the norm throughout the occupied West Bank and the Gaza Strip for violence against children perpetrated by Israeli soldiers. Challenging that impunity is extremely difficult, but releasing this video and working with the [teens'] families to pursue justice and accountability is the most important piece of my work," Parker said. "Somebody needs to be held accountable for the two boys who were killed."

As a DCI-Palestine advocacy officer based part time in New York, Parker aims to build up his organization's U.S. presence by conducting outreach to individuals and organizations working on Palestinian rights issues throughout the United States.

The other part of Parker's job, as an attorney, involves working directly with attorneys representing Palestinian children in both Israeli military courts and courts under the Palestinian Authority's jurisdiction.

"A 16-year-old kid may be put in solitary confinement by the Israeli military for four or five days, denied access to counsel, and subjected to physical violence and prolonged interrogations, all because he was suspected of stone throwing or another 'security offense' under Israeli military law," said Parker. "DCI-Palestine's attorneys provide direct legal representation to these kids, and I support them to improve protections for children in Israeli military detention."

If there is evidence that a child detainee has provided a confession after being tortured in detention, for example, Parker and his team will try to get that evidence excluded using international law arguments in the Israeli military courts.

Parker has worked full time for DCI-Palestine since the beginning of 2013 and previously volunteered with the organization in 2009 while a student at CUNY Law.

In his third year at CUNY Law, Parker took part in the International Women's Human Rights Clinic (IWHR) under Rhonda Copelon and acted as her research assistant until her death in 2010.

"She was revolutionary for me, always challenging me in the way that I thought about a range of issues. Participating in IWHR made it possible for me to gain practical experience doing U.N. and legal advocacy. It helped me understand the mechanisms and who you need to target or interact with to effect the change you want to see," said Parker. -Paul Lin

Rhonda Copelon was a CUNY School of Law founding faculty member and a cofounder of the International Women's Human Rights Clinic (IWHR). She broke new ground opening U.S. federal courts and international tribunals to gender-based violence and international human rights violations. She died of ovarian cancer on May 6, 2010, at age 65.

#### alumni news

#### 1986

Eleanor Stein is an administrative law judge who mediated a landmark case on Con Edison's and New York City's response to Superstorm Sandy and ongoing climate change effects.

#### 1987

Tonya Gonnella Frichner, a citizen of the Onondaga Nation, Six Nations Iroquois Confederacy, Haudenosaunee, was recognized at the 12th Annual Drums Along the Hudson: A Native American Festival in June. The City of New York Parks & Recreation and Lotus Music & Dance honored her for decades of work in advancing the rights of indigenous peoples.

In February, **Beth S. Lyons** and lead counsel Charles A. Taku (with their defense team) won an acquittal for their client, Major F.X. Nzuwonemeye, in the Ndindiliyimana et al. ("Military II") case, concerning events of April 1994 in Rwanda. This case is one of the Tribunal's most complex, high-profile cases.

Mimi Rosenberg is a veteran housing attorney in the Legal Aid Society's Civil Division in Brooklyn. She hosted a special May Day broadcast on WBAI titled "Workers Unite: Resisting the Creation of a Sweatshop Nation."

Carol A. Turowski is the director of clinical programs at Charlotte School of Law.

#### 1988

Johnny Colon-Gonzalez has joined the American Red Cross-PR Chapter as a disaster program manager.

#### 1989

Daphne Sykes Scott is a superior court judge in Orange County, California. She was named one of Orange County's "10 Exceptional O.C. Women" in Orange Coast Magazine.

#### 1991

Marie Tatro is an episcopal priest at a parish in Flatbush. She created a social justice ministry at her church called the Messengers of Justice Project. She is still happily married to Meghan Faux. Their daughters Ryan and Chloe are beautiful and thriving.

#### 1992

Grace Phillips is general counsel for the New Mexico Association of Counties. NMAC is a nonprofit organization that works with and advocates for county government. She is married and has four children.

Daniel A. Thomas recently obtained a \$14 million jury verdict in Kings County.

Peter C. Walsh is a member of the Suffolk County Bar Association Board of Directors, a member of the Suffolk Academy of Law Board of Directors, and an instructor at the Osher Lifelong Learning Institute at Stony Brook University.

#### 1993

**Anthone R. Damianakis** is a shareholder/partner in the firm of Peacock, Gaffney & Damianakis, P.A., a full-service law firm in Clearwater, FL. His practice emphasizes real estate, business, and estate planning matters.

Sharon Clarke won Brooklyn's 6th District Democratic primary election to serve as a Civil Court judge. Clarke is the founder and CEO of Central Brooklyn Legal Services Corporation (CBLS).

#### 1994

The Hon. Todd M. Turner won the primary for the 4th District seat on the Prince George's County Council in Maryland. Turner has served as a member of the Bowie City Council since 2005 and has served as a county council attorney since 2006.

#### 1996

Mary Ann D'Alto is an administrative law judge with the New York State Liquor Authority.

#### 1997

In May, Valerie Lloyd and her mother, Celestine (Parson) Lloyd, were invited guests at the White House to commemorate the 60th anniversary of the U.S. Supreme Court decision in Brown v. Board of Education. Valerie's grandparents, Bennie and Plummie Parson, were plaintiffs in Briggs et al. v. Elliott, the earliest of five cases that led to the Brown decision in 1954.

#### **alumni** news

#### 1998

**Kathleen McLaughlin** recently expanded her general practice law firm in Ocean Grove, NJ. She specializes in personal injury and medical malpractice.

**Reging Y. Phillips** was appointed chief operating officer for START Treatment & Recovery Center Inc. in New York City.

**Sharon Stapel** is the executive director of the New York City Anti-Violence Project, the country's largest organization dedicated to eliminating violence affecting the LGBTQ and HIV-affected communities.

#### 1999

Mercedes S. Cano is the president of the Latino Lawyers Association of Queens County. She was the 2014 honoree of the Lesbian and Gay Democratic Club of Queens for her exemplary work within the LGBT community and advocacy for the immigrant community in Queens. In October, she conducted a free workshop for immigrants and their families on how to survive in New York and in the United States.

Rachel Haynes Pinsker is a senior attorney at the Pennsylvania Coalition Against Domestic Violence in Harrisburg, PA.

#### 2000

**Ting C. Bennet** partnered with attorney Beth A. Lockhart to start a new firm in Canastota, NY, focusing on advocating for fathers' rights.

#### 2001

**Kiva James** recently received a master's degree in fashion marketing from LIM College.

#### 2002

Leroy Gadsden was presented with the Benjamin L. Hooks Keeper of the Flame Award by the NAACP in recognition of his civil rights activism and leadership. In July, Gadsden, as New York State NAACP legal/criminal justice chair, led a delegation of NAACP leaders in a meeting with NYPD Commissioner William Bratton and Staten Island District Attorney Daniel Donovan to demand accountability in the police department and the indictment and prosecution of all the police

officers and supervisors involved in the police chokehold death of Eric Garner in Staten Island.

W. Gordon Koupp recently opened his own law firm. He will maintain offices and litigate cases in both San Francisco and New York. In March, he won an appeal that upheld the largest-ever employment discrimination verdict against an individual employer in New York. See *Salemi v. Gloria's Tribeca Inc. et al.*, 115 A.D.3d 569 (1st Dep't 2014). In May, he won a \$2.5 million verdict in the U.S. District Court for the Southern District of New York on behalf of a bartender at a restaurant based on a finding of two sexual assaults in conjunction with a hostile work environment claim.

Jeffrey D. Martino was appointed as the chief of the New York Office, Antitrust Division, U.S. Department of Justice. He was previously the section chief of the Financial Crimes and Public Integrity Section at the U.S. Attorney's Office in the District of Arizona.

#### 2003

**Kathryn L. Hudson** continues to enjoy criminal defense and prosecuting civil rights actions in the CUNY tradition.

In July, **Odella Woodson** married Dr. Lewis Porter, the founding director of the M.A. program in jazz history at Rutgers University.

#### 2004

Two of **Michele Carrico Domingo**'s photos were featured in "A Day in the Life of Asian Pacific America" by the Smithsonian Asian Pacific American Center.

Benjamin M. Mastaitis is now the bureau chief of the Albany City Court, handling felony matters and supervising assistant DAs for the Albany County District Attorney's Office.

**Katherine** (**Doyle**) **Mastaitis** continues to practice matrimonial and family law at the firm of Donnellan and Knussman, PLLC, in Ballston Spa, NY. She and her husband have two daughters.

#### 2005

**R.J. Thompson** has joined the staff of Lambda Legal as Fair Courts Project community educator. R.J. also joined the board of directors of the U.S. Human Rights Network.

#### alumni news

#### 2006

Paula Edgar, chief diversity officer and admissions specialist at New York Law School, was selected as one of the Network Journal magazine's 2014 "40 Under Forty."

After five years at Vladeck Waldman Elias & Engelhard representing employees in discrimination and harassment cases, Tara Jensen has joined the law firm Cary Kane LLP, where she continues to represent employees in discrimination and wage and hour cases.

#### 2007

Sienna Baskin was selected as a Fulbright Scholar. She will take a sabbatical from her position as managing director of the Sex Workers Project at the Urban Justice Center to travel to New Zealand, where she will study the history and effects of the Prostitution Reform Act, a law that decriminalized prostitution in 2003. Sienna lives with her wife, Christa Dougihy ('08), in East Harlem, NY.

Yasmin Tabi works in the Rackets Bureau of the Bronx District Attorney's Office, investigating and prosecuting cases involving sex trafficking, as well as cases involving excessive force and official misconduct by police and correction officers.

#### 2008

Tai (Nickel) Alex is a program manager of federal programs and strategic initiatives for Equal Justice Works. She lives in Washington, DC, with her husband.

#### 2009

James Alex Barron is now a litigation associate at Messner Reeves, LLP.

In August, Robert C. Penn Jr. became a law clerk to the Hon. Jenny Rivera at the New York State Court of Appeals.

#### 2010

Christy Foley established her own law firm in Florida, where she focuses on representing small businesses, entertainers, and athletes by doing contractual and intellectual property work.

#### 2012

After completing a clinical teaching fellowship at the Georgetown University Street Law Clinic, Melinda Cooperman is now the associate director of the Marshall-Brennan Constitutional Literacy Project at American University's Washington College of Law.

Raymond Fernandez and Christina Gallante were engaged in June.

Kelly Fay Rodriguez is the assistant to the executive vice president of the AFL-CIO in Washington, DC.

#### 2013

Danny Alicea rejoined Immigration Equality to coordinate case placement and expand Immigration Equality's pro bono program. He will also directly represent asylum clients before USCIS and in removal proceedings.

Anne Meyer's article "Ableism' in the Legal Sphere: An Analysis of MHL Article 81 Adult Guardianship of Persons with Intellectual Disabilities" was published in the summer 2014 issue of the New York State Bar Association Elder and Special Needs Law Journal.

Milo Primeaux is an Equal Justice Works Americorps Legal Fellow at Whitman-Walker Health in Washington, DC. He serves transgender clients by managing and expanding a legal name and gender change clinic, advising on employment discrimination, and increasing healthcare access in Washington, DC; Maryland; and Virginia.

Alexandra Smith works as a public defender at the Legal Aid Society's Brooklyn Criminal Defense Practice.

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#### final word

#### In Pursuit of Peace and **Justice for All**

I know my husband Ted would be proud and honored by the creation of the Sorensen Center for International Peace and Justice. After he passed away, one of his former law partners, Steve Rosenfeld, impressed us with the idea of a center in Ted's name at CUNY School of Law, a center that would be committed to peace, justice, and the rule of law, which were bedrock principles for Ted's life-first as a young man who declared he was a conscientious objector, later through his contributions in the Cuban Missile Crisis and drafting of President Kennedy's American

University speech on peace, and more recently in his opposition to the war in Iraq.

Students at CUNY Law are devoted to public interest work and understand that we all have a role to play in addressing daunting challenges in this world. This work is more than a job-it is a mission that inspires and motivates one to make a difference and positive change, to bring hope to the hopeless, and to defend those without power. It is a moral commitment to do all that is possible. The Sorensen Center is off to a great start in training a new generation of lawyers who share this commitment to law in the service of human needs.

Ted was also deeply committed to public education. He was a product of public education from first grade through the University of Nebraska Law School. He was proud of that and felt everyone should have access to good education. He also spent the majority of his life in New York City and thought of it as home.



Our daughter Juliet and I are proud to be involved and to support the center. We also salute Jay Bernstein and Joel Hyatt for leading out with extremely generous gifts, along with contributions from many others. What could be more important than bringing together our energy, intellect, and commitment in this essential cause of international peace and justice?

I was inspired by the Sorensen Center's opening event and the words of former United Nations Secretary-General Kofi Annan in his keynote address: "It is we, the peoples, who have both the power and responsibility for crafting peace and extending justice to all." Such important work is already being undertaken by the center's leadership and students. I look forward to the Sorensen Center thriving in the years ahead.

Gillian Sorensen was a 2014 Harvard University Advanced Leadership Initiative fellow. She is a senior advisor to the United Nations Foundation and a former assistant secretary-general at the United Nations

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