Gender Equality and the First Amendment

Thursday, November 1
1:30–2 p.m., Check-in
2–7:15 p.m., Program
Fordham Law School
150 West 62nd Street
Costantino Room (Second Floor)

Friday, November 2
9–9:30 a.m., Check-in
9:30 a.m.–4 p.m., Program
Fordham University
140 West 62nd Street
McNally Amphitheatre
About the Symposium

Gender equality demands equal opportunity to speak and be heard. Yet, in recent years, the clash between equality and free speech in the context of gender has intensified – in the media, the workplace, college campuses, and the political arena, both online and offline. The internet has given rise to many novel First Amendment issues that particularly impact women, like nonconsensual pornography, online harassment, and online privacy. This symposium – marking the occasion of 100 years of women at Fordham Law School – will bring scholars and practicing lawyers from around the nation to address many of the pressing challenges facing feminists and free speech advocates today.

About the Fordham Law Review

The Fordham Law Review is a scholarly journal serving the legal profession and the public by discussing current legal issues. Approximately 75 articles, written by students or submitted by outside authors, are published each year. Each volume comprises six books, three each semester, often totaling over 3,000 pages. The Law Review publishes several symposia within each volume, in addition to the The Robert L. Levine Distinguished Lecture Series, the Philip D. Reed Lecture Series, and an annual legal ethics colloquium. Papers from this symposium will be published by the Fordham Law Review in spring 2019.

In the United States, the Fordham Law Review is the seventh most cited law review in other legal journals and the fourth most cited law review in judicial decisions, according to a recent study by Washington & Lee University. Managed by a board of twenty student editors, the Law Review is both a working journal and an honor society.

For more information, please visit: www.fordhamlawreview.org
AGENDA

NOVEMBER 1

1:30–2:00 pm
Registration

2:00–2:10 pm
Conference Welcome
Clare Huntington, Associate Dean for Research and
Joseph M. McLaughlin Professor of Law

2:10–3:45 pm
Panel One
On Campus: Trigger Warnings, Unsafe Spaces, and
Hostile Classrooms
(1.5 Diversity, Inclusion and Elimination of Bias)
Moderator: Abner Greene
Panelists: Michele Goodwin
          Suzanne Nossel
          Virginia Ryan
          Nadine Strossen
          Keith Whittington

3:45–4:00 pm
Break

4:00–5:30 pm
Panel Two
Pornography, Nonconsensual Porn, and Hot Girls Wanted
(0.5 Ethics, 1.0 Diversity, Inclusion and Elimination of Bias)
Moderator: Catherine Powell
Panelists: Susan Brison
          Elisa D’Amico
          Mary Anne Franks
          Amy Adler

5:30–6:00 pm
Break

6:00–6:10 pm
Introduction of 2018 Robert L. Levine Lecturer
Linda Sugin, Associate Dean for Academic Affairs and
Professor of Law

6:10–7:15 pm
Levine Lecture
Income Disparity, Gender Equality and Free Speech
Professor Sylvia Law, Elizabeth K. Dollard Professor of Law,
Medicine and Psychiatry Emerita, and Co-Director, Arthur
Garfield Hays Civil Liberties Program, NYU School of Law

7:15 pm
Reception

NOVEMBER 2

9:00–9:30 am
Registration/Breakfast

9:30–11:00 am
Panel Three
Power, Media, Women, and the First Amendment
(1.0 Professional Practice, 0.5 Diversity, Inclusion and Elimination of Bias)
Moderator: Jeanmarie Fenrich
Panelists: Corey Bretschneider
          Susan Buckley
          Virginia Heffernan
          Helen Norton

11:00–11:15 am
Break

11:15 am–12:45 pm
Panel Four
Words, Images, Misogyny, and the First Amendment
(1.0 Diversity, Inclusion and Elimination of Bias, 0.5 Professional Practice)
Moderator: Robin Lenhardt
Panelists: Anita Allen
          Linda McClain
          Lynne Tirrell
          Benjamin Zipursky

12:45–2:15 pm
Lunch

2:15–3:45 pm
Panel Five
Being “Female” Online—Reputation, Self-Expression,
and Privacy
(1.0 Diversity, Inclusion and Elimination of Bias, 0.5 Professional Practice)
Moderator: Olivier Sylvain
Panelists: Danielle Citron
          Carrie Goldberg
          Kate Klonick
          Nabiha Syed

3:45–4:00 pm
Closing Reflections
Jeanmarie Fenrich, Professor Benjamin Zipursky,
Professor Danielle Citron

4:00 pm
Reception
SPEAKERS

Amy Adler

Amy Adler is the Emily Kempin Professor of Law at New York University School of Law, where she teaches Art Law, First Amendment Law, and Feminist Jurisprudence. NYU awarded her its Podell Distinguished Teaching Award in 2015. Adler’s recent scholarship addresses an array of issues such as the legal regulation of pornography, the First Amendment treatment of visual images, and the moral and intellectual property rights of artists. A leading expert on the intersection of art and law, Adler has lectured about these topics to a wide variety of audiences, from attorneys general to museum curators to the FBI. Adler graduated from the Yale Law School, where she was a senior editor of the Yale Law Journal. She graduated summa cum laude from Yale University, where she was elected to Phi Beta Kappa and where she received the Marshall Allison Prize in the arts and letters. Adler clerked for Judge John M. Walker Jr. of the US Court of Appeals for the Second Circuit and worked as an associate at Debevoise & Plimpton before joining the NYU Law faculty.

Anita Allen

Anita L. Allen is an expert on privacy law, the philosophy of privacy, bioethics, and contemporary values, and is recognized for scholarship about legal philosophy, women’s rights, and race relations. She is a graduate of Harvard Law School and received her PhD in Philosophy from the University of Michigan. She was the first African American woman to hold both a PhD in philosophy and a law degree. She was an Associate Attorney with Cravath, Swaine and Moore. At Penn she is the Vice Provost for Faculty and the Henry R. Silverman Professor of Law and Professor of Philosophy. She was elected to the National Academy of Medicine in 2016. In 2010 she was appointed by President Obama to the Presidential Commission for the Study of Bioethical Issues. Her books include Unpopular Privacy: What Must We Hide (Oxford, 2011); The New Ethics: A Guided Tour of the 21st Century Moral Landscape (Miramax/Hyperion, 2004); Why Privacy Isn’t Everything: Feminist Reflections on Personal Accountability (Rowman and Littlefield, 2003); and Uneasy Access: Privacy for Women in a Free Society (Rowman and Littlefield, 1988), the first monograph on privacy written by an American philosopher. Allen, who has published more than a hundred scholarly articles, book chapters and essays, has also contributed to popular magazines, newspapers and blogs, and has frequently appeared on nationally broadcast television and radio programs. She is active as a member of editorial, advisory, and charity boards, and in professional organizations relating to her expertise in law, philosophy and health care. Allen is the President of the American Philosophical Association, Eastern Division.

Corey Brettschneider


Susan J. Brison

Susan J. Brison is the Eunice and Julian Cohen Professor for the Study of Ethics and Human Values and Professor of Philosophy at Dartmouth College. She has held visiting positions at Tufts, New York University, and Princeton, where she is currently a Visiting Professor of Philosophy, and has been a Mellon Fellow, a National Endowment for the Humanities Fellow, and a Member of the School of Social Science at the Institute for Advanced Study in Princeton, New Jersey. The author of Aftermath: Violence and the Remaking of a Self (Princeton University Press) and co-editor of Contemporary Perspectives on Constitutional Interpretation (Westview Press) and Free Speech in the Digital Age (forthcoming, Oxford University Press), she has also published numerous articles on gender-based violence and on free speech theory.

Susan Buckley

Susan Buckley is Senior Counsel in Cahill Gordon & Reindel LLP’s litigation practice group. She has a national litigation practice with a particular emphasis on communications law and the rights of the press. During the course of her career, Susan has represented media entities and journalists in cases involving the prior restraint doctrine, press access issues and the reporter’s privilege and has defended journalists in defamation and privacy cases, copyright matters and litigation concerning restrictions on newsgathering activities. Susan has served on the Governing Board of the American Bar Association’s Forum on Communications Law, the Communications and Media Law Committee of the Association of the Bar of the City of New York and the Media Law Committee of the New York State Bar Association. Susan is named among the top First Amendment litigators in New York by Chambers USA, The Legal 500 and Euromoney’s Benchmark Litigation and has been listed among the Best Lawyers in America in the field of First Amendment Law for more than ten years. Susan received her undergraduate degree from Mount Holyoke College and is a graduate of the Fordham University School of Law where she served as an Editor of the Fordham Law Review.

Danielle Citron

Danielle Citron is the Morton & Sophia Macht Professor of Law at the University of Maryland Francis King Carey School of Law where she teaches and writes about information privacy, free expression, and civil rights. Professor Citron is a visiting professor at Fordham University School of Law and will be a visiting professor at Harvard Law School in 2019. Professor Citron is an internationally recognized privacy expert. Her book Hate Crimes in Cyberspace (Harvard University Press 2014) was named one of the ”20 Best Moments for Women in 2014” by Cosmopolitan magazine. Professor Citron has published book chapters and more than 25 law review articles. Her opinion pieces have appeared in major media outlets, such as the New York Times, The Atlantic, Slate, Time, CNN, The Guardian, New Scientist, and New York Daily News. In 2018, she was named a UMD
Champion of Excellence. Professor Citron is an Affiliate Scholar at the Stanford Center on Internet and Society, Affiliate Fellow at the Yale Information Society Project, a Tech Fellow at NYU’s Policing Project, and a member of the Principals Group for the Harvard-MIT AI Fund. Danielle works closely with tech companies such as Twitter and Facebook and federal and state lawmakers on issues of online safety, privacy, and free speech. She is the Chair of the Electronic Privacy Information Center’s Board of Directors. Professor Citron graduated from Fordham University School of Law in 1994 and Duke University in 1990.

**Carrie Goldberg**

Carrie Goldberg is a victims’ rights attorney and founder of C.A. Goldberg, PLLC. Her Brooklyn-based law firm fights for victims of online harassment, sexual assault, and stalking—online and offline—and fights against those who think they can get away with it, as well as institutions that facilitate harm. Her work has put her up against the NYC Department of Education for punishing young girls of color for reporting their sexual assault, and she recently obtained a near $1 million settlement from the DOE for the firm’s underage client. She is also a vocal advocate for holding tech companies accountable for the rampant abuse that occurs on their platforms; her client’s case *Matthew Herrick v. Grindr LLC*, currently in the Second Circuit, strongly challenges Section 230 of the Communications Decency Act, a 1995 law that immunizes tech from liability.

**Michele Goodwin**

Michele Goodwin is a Chancellor’s Professor at the University of California, Irvine, where she directs the Center for Biotechnology & Global Health Policy. Michele is currently a Visiting Professor at the University of Virginia. She serves as an Executive Committee member of the national ACLU and the executive boards of two affiliates.

**Abner S. Greene**


**Virginia Heffernan**

Virginia Heffernan is a columnist, critic and author, most recently, of *MAGIC AND LOSS: The Internet as Art* (Simon & Schuster). She writes a weekly opinion column for the *LA Times* and a monthly culture column for *WIRED*. She also serves as host of *Slate’s* “Trumpcast.” In 2002, she received a Ph.D. in English and American literature from Harvard.

**Kate Klonick**

Kate Klonick is an Assistant Professor of Law at St. John's University Law School and an Affiliate Fellow Resident Fellow at the Information Society Project at Yale Law School, Data & Society, and New America. Her research and writing looks at networked technologies’ effect on the areas of social norm enforcement, torts, property, intellectual property, artificial intelligence, robotics, freedom of expression, and governance. Her work on these topics has appeared in the *Harvard Law Review*, *Maryland Law Review*, *New York Times*, *The Atlantic*, *Slate*, *The Guardian*, and numerous other publications.

**Sylvia Law**

Sylvia Law is the Elizabeth K. Dollard Professor of Law, Medicine, and Psychiatry Emerita at New York University School of Law and the Co-Director of NYU Law’s Arthur Garfield Hays Civil Liberties Program. Law went to NYU Law in 1965 because, as a white woman and crack-jack organizer, she could not get a job focused on economic inequality. At NYU Law, Norman Dorsen, then the de facto legal department of the ACLU, gave her opportunities to do civil rights litigation through the Arthur Garfield Hays program. She also worked with poor women on the Lower East Side, and developed *Goldberg v. Kelly* (1970), and other welfare rights cases, as an organizer and lawyer. In 1970, Edward V. Sparer, General Counsel to the National Welfare Rights Organization, enlisted her to create the Health Law Project at the University of Pennsylvania. Sparer’s theory was that deep change for equality required cross-class issues, like health care, rather than income support for the
most poor. In 1973 she joined the NYU Law faculty to teach and write about health care financing. In 1983, Law became the first lawyer in the United States selected as a MacArthur Prize Fellow. Professionally, she was late to feminism. After Roe v. Wade (1973), some states denied Medicaid coverage for women seeking abortions. Law “knew” that was illegal under the Medicaid Act and the Constitution, but the Supreme Court and the culture rejected those claims. She has nurtured creation of many reproductive rights organizations.

Robin A. Lenhardt

Robin A. Lenhardt is a Professor of Law and the Founder and Faculty Director of the Center on Race, Law & Justice at Fordham Law School. Professor Lenhardt specializes in matters pertaining to race, civil rights, family, and citizenship. In addition to Fordham, she has held teaching positions at Columbia Law School, the Georgetown University Law Center, and the University of Chicago Law School. Before entering legal academia, Professor Lenhardt held a number of positions in the private and non-profit sectors. A law clerk to U.S. Supreme Court Justice Stephen G. Breyer and Judge Hugh Bownes of the U.S. Court of Appeals for the First Circuit, Professor Lenhardt was formerly a Counsel in the Washington, D.C. office of Wilmer, Cutler & Pickering, where she was a member of the litigation team that defended the University of Michigan in the Grutter v. Bollinger and Gratz v. Bollinger affirmative action lawsuits. Professor Lenhardt received a Skadden Foundation Fellowship to work as a staff attorney for the National Lawyers’ Committee for Civil Rights and was employed as an attorney advisor in the U.S. Department of Justice’s Office of Legal Counsel. She later returned to the DOJ to review civil rights issues as part of President Barack Obama’s transition team. Professor Lenhardt’s scholarship has appeared in numerous books and journals, including the California Law Review, Iowa Law Review, New York University Law Review, and UCLA Law Review. Professor Lenhardt is currently co-editor of a book entitled Critical Race Judgments: U.S. Opinions on Race and Law that will be published by Cambridge University Press. She holds an A.B. degree in English from Brown University; a J.D. from Harvard Law School; an M.P.A. from Harvard University’s John F. Kennedy School of Government; and an L.L.M. from the Georgetown University Law Center.

Linda C. McClain

Linda C. McClain is a Professor of Law and Paul M. Siskind Research Scholar at Boston University School of Law, and affiliated faculty with BU’s Kilachand Honors College and Women’s Gender and Sexualities Studies Program. She teaches family law, feminist legal theory, a “works-in-progress” gender, law, and policy colloquium, and an undergraduate seminar on legal controversies over marriage, families, and gender. In 2016–2017, she was a Laurence S. Rockefeller Faculty Fellow at the University Center for Human Values, Princeton University; she is a former fellow in Harvard University’s Edward J. Safra Center for Ethics. Her current book project is The Rhetoric of Bigotry and Conscience: Past and Present Controversies over Marriage and Civil Rights (under contract with Oxford University Press). Gender equality as a political and constitutional value has been a concern of much of her scholarship, including developing a liberal feminist analysis of the respective role of families and government in fostering persons’ capacities for democratic and personal self-government and developing free and equal citizenship, in The Place of Families: Fostering Capacity, Equality, and Responsibility (Harvard University Press, 2006); defending an account of constitutional rights, responsibilities, and virtues synthesizing feminist, liberal, and civic republican concerns, in Ordered Liberty: Rights, Responsibilities, and Virtues (Harvard, 2013) (with James E. Fleming); and exploring the gap between the commitment to gender equality and the persistence of inequality, in Gender Equality: Dimensions of Women’s Equal Citizenship (Cambridge University Press, 2009) (co-edited with Joanna Grossman). Professor McClain has a B.A. from Oberlin College; an M.A. from University of Chicago Divinity School; a J.D. from Georgetown University Law Center, and an L.L.M. from New York University School of Law.

Helen Norton

Professor Norton’s scholarly and teaching interests include constitutional law, civil rights, and employment discrimination law. Before entering academia, Professor Norton served as Deputy Assistant Attorney General for Civil Rights at the U.S. Department of Justice, and as Director of Legal and Public Policy at the National Partnership for Women & Families. She served as leader of President-elect Obama’s transition team charged with reviewing the Equal Employment Opportunity Commission, and is frequently invited to testify before Congress and federal agencies on civil rights law and policy issues. She has been honored with the Excellence in Teaching Award on multiple occasions and was appointed a University of Colorado Presidential Teaching Scholar in 2014. She holds a J.D. from Boalt Hall School of Law at the University of California at Berkeley, where she served as Associate Editor of the California Law Review, and a B.A. from Stanford University, where she graduated with distinction.

Suzanne Nossel

Suzanne Nossel is Chief Executive Officer at PEN America. Since joining the organization in 2013, she has overseen a doubling of the organization’s staff and budget and the strengthening and expansion of membership, research and advocacy, and public programs. Prior to joining PEN America, she served as the Chief Operating Officer of Human Rights Watch and as Executive Director of Amnesty International USA. She has served in the Obama Administration as Deputy Assistant Secretary of State for International Organizations, leading US engagement in the UN and multilateral institutions on human rights issues, and in the Clinton Administration as Deputy to the US Ambassador for UN Management and Reform. Nossel coined the term “Smart Power,” which was the title of a 2004 article she published in Foreign Affairs Magazine and later became the theme of Secretary of State Hillary Clinton’s tenure in office. She is a featured columnist for Foreign Policy magazine and has published op-eds in the New York Times, Washington Post, and LA Times, as well as scholarly articles in Foreign Affairs Magazine, Dissent, and Democracy, among others. Nossel serves on the Board of Directors of the Tides Foundation. She is a former senior fellow at the Century Foundation, the Center for American Progress, and the Council on Foreign Relations. Nossel is a magna cum laude graduate of both Harvard College and Harvard Law School.

Catherine Powell

Catherine Powell is a full Professor at Fordham University School of Law and an Adjunct Senior Fellow in the Council on Foreign Relations, Women and Foreign Policy program. Her prior experience includes stints in President Barack Obama’s White House National Security Council as Director for Human Rights as well as Secretary of State Hillary Clinton’s Policy Planning Office. Earlier, Powell was founding director of both the Human Rights Institute and the Human Rights Clinic at Columbia Law School, where she was on the faculty as a clinical professor.
**Virginia Ryan**

Virginia, a proud 1989 graduate of Fordham University School of Law, worked in public finance in the first six years of her career. After a 16-year career break, she redirected her practice to higher education, consulting at Fordham University’s Office of Legal Counsel, then serving in a temporary administrative role at Columbia University before starting at Barnard College’s Office of the General Counsel where she is now Associate General Counsel.

**Nadine Strossen**

Nadine Strossen, a chaired professor at New York Law School, is a widely recognized expert on constitutional law and civil liberties. The immediate past President of the American Civil Liberties Union (1991–2008), she now serves on the ACLU’s National Advisory Council, as well as the Advisory Boards of the Electronic Privacy Information Center, Foundation for Individual Rights in Education, and Heterodox Academy. The *National Law Journal* has named Strossen one of America’s “100 Most Influential Lawyers,” and several other national publications have named her as one of the country’s most influential women. Strossen’s book, *Defending Pornography: Free Speech, Sex, and the Fight for Women's Rights* (Scribner) was named a *New York Times* “notable book” of 1995. Her 2018 book, *HATE: Why We Should Resist It with Free Speech, Not Censorship* (Oxford University Press), has earned praise from ideologically diverse readers, including Harvard Professor Cornel West and Princeton Professor Robert George.

**Nabiha Syed**

Nabiha Syed is Vice President and Associate General Counsel at BuzzFeed. Nabiha has been described as “one of the best emerging free speech lawyers” by *Forbes* magazine. Prior to BuzzFeed, Nabiha was an associate at Levine Sullivan Koch & Schulz, a leading First Amendment law firm, and was named the First Amendment Fellow at the *New York Times*. She has worked on legal access issues at Guantanamo Bay, Cuba; counseled on whether to publish hacked and leaked materials; and advised documentary filmmakers through the Sundance Institute Documentary Film Program. She is the co-founder of the Media Freedom and Information Access legal clinic at Yale Law School. She was named as a “40 Under 40 Rising Star” by the *New York Law Journal* in 2016, and was a finalist for the Outstanding Young Lawyer of the Year Award from the International Bar Association in 2017. Nabiha is a graduate of Johns Hopkins University, Yale Law School and Oxford University, which she attended as a Marshall Scholar, as well as a nonresident fellow at both Stanford Law School and Yale Law School. She serves as the Vice Chair of the Student Press Law Center, as the Treasurer for Upturn, a board member of MuckRock, and is on the American Bar Association Communications and Media Law Committee.

**Olivier Sylvain**

Olivier Sylvain is a Professor of Law at Fordham University School of Law where he teaches Legislation & Regulation, Administrative Law, Information Law, and information law related courses. He is the Director of the McGannon Center for Communications Research. He is also affiliated with the Center for Law and Information Policy and the Center on Race, Law, and Justice. Olivier’s academic interests are chiefly in information and communications law and policy. He has written a variety of law review articles, symposium pieces, essays, policy papers, news articles, op-eds, and blog posts on current controversies in communications policy, online intermediary liability, privacy, and copyright. He is part of a team of legal scholars, research engineers, and social entrepreneurs to whom The National Science Foundation in fall 2017 awarded a three-year one-million-dollar grant to prototype an “edge-cloud” network that is to be owned and operated as a “commons resource” for Harlem residents. Before entering academia, Olivier was a Karpatkin Fellow in the National Legal Office of the American Civil Liberties Union in New York City and a litigation associate at Jenner & Block, LLC, in Washington, D.C. He is on the board of directors for the New York affiliate of the ACLU and teaches a class on modern American literature for local incarcerated men.

**Lynne Tirrell**

Lynne Tirrell is an Associate Professor of Philosophy at the University of Connecticut, where she is also affiliated with the Human Rights Institute. Previously, Professor Tirrell was a professor in the Philosophy Department at UMass Boston, and UNC Chapel Hill. She has been a visiting professor at the University of Pittsburgh (2018) and Wellesley College (2004–2005). Her research lies at the intersections of philosophy of language and politics, particularly in the politics of discourse and the ways that linguistic practices influence or shape social justice or facilitate injustice, with a special focus on the role of linguistic practices in preparing, inciting, and executing genocide. Her research on the 1994 genocide of Tutsi in Rwanda has involved ongoing research trips to Rwanda and to the ICTR in Tanzania. Tirrell’s articles, on the politics of discourse, hate speech, genocide, transitional justice, apology, forgiveness, feminist theory, metaphor, and storytelling, have appeared in numerous journals, and edited collections. Recent publications include “Toxic Speech,” “Authority and Gender: Flipping the F-Switch,” “Genocidal Language Games,” “Apologizing for Atrocity,” “Transitional Justice in Rwanda,” and “‘Listen to What You Say’: Rwanda’s Post-Genocide Language Policies.”

**Keith E. Whittington**

Keith E. Whittington is the William Nelson Cromwell Professor of Politics at Princeton University. He is author of *Speak Freely: Why Universities Must Defend Free Speech* and the forthcoming *Repugnant Laws: Judicial Review of Congress from the Founding to the Present*. He is currently completing two books, *The Idea of Democracy in America, from the American Revolution to the Gilded Age* and *Constitutional Crises, Real and Imagined*.

**Benjamin C. Zipursky**

Benjamin C. Zipursky is a Professor of Law at Fordham University School of Law, where he holds the James H. Quinn ’49 Chair in Legal Ethics and has twice served as Associate Dean (2001–2003; 2010–2013). A leading scholar in torts, jurisprudence, and legal ethics, Zipursky has taught as a visiting professor at Columbia Law School, Harvard Law School, Vanderbilt Law School, and New York University’s Department of Philosophy. His book *Recognizing Wrongs* (co-authored with John C.P. Goldberg) will be published in 2019 by Harvard University Press.
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2. Open your web browser and navigate to a frequently refreshed URL, such as CNN.com. You will automatically be directed to the Fordham network welcome page. Select Join as a Guest. (Note: For Apple iOS devices, use only the Safari browser for this process.)

3. Agree to the acceptable use policy. You will be directed to a new website. Click Join Now.

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