

MARJORIE A. SILVER

Director of Externships
Professor of Law, Touro Law Center
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PRIOR EMPLOYMENT

Associate Professor of Law New York Law School	1983-91
Chief Regional Civil Rights Attorney, Region II, U.S. Dept. of Education (formerly Dept. of Health, Education and Welfare, Office of the General Counsel)	1979-83
Assistant Regional Attorney, Office of the General Counsel, Region II Department of Health, Education and Welfare	1974-75; 1976-77
Law Clerk to Chief Judge Joseph S. Lord, III U.S. District Court for The Eastern District of Pennsylvania	1973-74

EDUCATION

University of Pennsylvania Law School, J.D. 1973, University of Pennsylvania Law School, J.D. 1973
Magna Cum Laude, Order of the Coif

Brandeis University, B.A., 1970
Summa Cum Laude, Phi Beta Kappa, Honors in Comparative Literature

PUBLICATIONS

- ***Collaborating for Transformation***, 2 J. EXPERIENTIAL LEARNING, <https://digitalcommons.tourolaw.edu/jel/vol2/iss2/5> (June 2018)
- **TRANSFORMING JUSTICE, LAWYERS, AND THE PRACTICE OF LAW** (Marjorie A. Silver, ed., 2017)
- ***Work and Well-Being***, Chapter 25, in **LEARNING FROM PRACTICE** (Wortham, et al. eds., 3rd ed. 2016)
- ***Symposium Introduction: Humanism Goes to Law School***, 28 TOURO L. REV. 1141 (2012).
- ***Supporting Attorneys' Personal Skills***, 78 REVISTA JURIDICA ESCUELA DE DERECHO U. PUERTO RICO 147 (2009).
- **THE AFFECTIVE ASSISTANCE OF COUNSEL: PRACTICING LAW AS A HEALING PROFESSION** (2007).
- ***The Professional Responsibility of Clinics: Emotional Competence, Multiculturalism & Ethics***, 13 JOURNAL OF LAW AND MEDICINE 431 (2006).
- ***Professional Responsibility and The Affective Assistance Of Counsel*** (2005), http://www.law.ucla.edu/docs/Silver_Marjorie_-_Profrespaffectiveasstcounsel.pdf.
- ***Commitment and Responsibility: Modeling and Teaching Professionalism Pervasively***, 14 WIDENER L. REV. 329 (2005).
- **SUBSTANCE ABUSE, STRESS, MENTAL HEALTH AND THE LEGAL PROFESSION: COURSE CURRICULUM AND TEACHERS GUIDE**, New York State Lawyers Assistance Trust, 2004. <http://www.nylat.org/documents/courseinabox.pdf>.
- ***September 11th, Pro Bono, And Trauma***, 7 CONTEMPORARY ISSUES IN LAW 64 (2003/2004).
- ***Emotional Competence, Multicultural Lawyering and Race***, 3 FLA. COASTAL L. REV. 219 (2002).

- *Emotional Intelligence and Legal Education*, 5 J. PSYCHOL. PUB. POL'Y & L. 1173 (1999)
- *Love, Hate and Other Emotional Interference in the Lawyer/Client Relationship*, 6 CLINICAL L. REV. 259 (1999).
- *Rethinking Religion and Public School Education*, 15 QUINNIPIAC L. REV. 213 (1996)
- *Fairness and Finality: Third-Party Challenges to Employment Discrimination Consent Decrees After the 1991 Civil Rights Act*, 62 FORDHAM L. REV. 321 (1993) (Winner, 1994 Milton Handler Award for Outstanding Scholarship)
- *On Bringing the Conference Back Home*, 40 CLEVELAND STATE L. REV. 423 (1992)
- *Giving Notice: An Argument for Notification of Putative Plaintiffs in Complex Litigation*, 66 WASH. L. REV. 775 (1991)
- *In Lieu of Preclusion: Reconciling Administrative Decisionmaking and Federal Civil Rights Claims*, 65 IND. L. J. 367 (1990)
- *Evening the Odds: The Case for Attorneys' Fee Awards for Administrative Resolution of Title Vi and Title VII Disputes*, 67 N.C.L. REV. 379 (1989)
- *The Uses and Abuses of Informal Procedures in Federal Civil Rights Enforcement*, 55 GEO. WASH. L. REV. 482 (1987)
- **DISSENT WITHOUT OPINION: THE BEHAVIOR OF JUSTICE WILLIAM O. DOUGLAS IN FEDERAL TAX CASES**, University of Pennsylvania Press, 1975 With B. Wolfman & J. Silver
- *The Behavior of Justice Douglas in Federal Tax Cases*, 122 UNIV. PENN. L. REV. 235 (1973) with B. Wolfman & J. Silver

BLOG POSTINGS

- *Making it Personal*, A PLACE TO DISCUSS BEST PRACTICES FOR LEGAL EDUCATION, <https://bestpracticeslegaled.albanylawblogs.org/2019/04/13/9999/> (Apr. 13, 2019).
- *Overcoming Procrastination*, A PLACE TO DISCUSS BEST PRACTICES FOR LEGAL EDUCATION, <https://bestpracticeslegaled.albanylawblogs.org/2018/07/25/overcoming-procrastination/> (July 25, 2018).
- *Teaching Transformation for Well-Being*, A PLACE TO DISCUSS BEST PRACTICES FOR LEGAL EDUCATION, <https://bestpracticeslegaled.albanylawblogs.org/2017/10/09/teaching-transformation-for-well-being/> (Oct 9, 2017).

COURSES CURRENTLY TAUGHT

Civil Externship Seminar
 Transforming Justice and Lawyering
 Professional Responsibility

PROFESSIONAL ACTIVITIES

- Member, Mindfulness and Well-being in Law Committee, Association of the Bar of the City of New York (2019-present)
- Advisory Board Member, International Society for Therapeutic Jurisprudence (2017-present)
- Advisory Board Member, Dave Nee Foundation (2013-present)
- Chair, AALS Balance in Legal Education Section (2011); Board Member (2008-2010; Ex Officio, 2012-Present)
- Member, Board of Trustees, New York Lawyers Assistance Trust (2007- 2012)
- Lawyer Assistance Program volunteer (2009-present)
- Member, Board of Trustees, Center for Restorative Practices (2009-2013)
- Impartial Hearing Officer, New York State Education Department, Special Education (1995-Present)
- Member, Committee on Professional and Judicial Ethics, Association of The Bar of the City of New York (1999-2000)
- Chair, Sex and Law Committee, Association of the Bar of the City of New York, (1996-1999)
- Member, Special Committee on Administrative Adjudication, New York State Bar Assoc., (1998-2000)

- Member, Committee on Civil Rights, Association of the Bar of the City of New York, (1988-91, 1992-96)
- Member, Law and Education Committee, Association of the Bar of the City of New York (1991-1992)
- Member, Executive Committee, Civil Procedure Section, AALS (1997-1999)
- Special Advisory Panel to the EDNY Advisory Group, Subgroup on Ethics (1994-1996)
- Special Investigator/Mediator, NYC Human Rights Commission (1992-1993)
- Member, Negotiations/Regional Conflicts Panel of the Peace Committee of the American Friends Service Committee, New York Region (1988-1993)
- Arbitrator, Better Business Bureau of Metropolitan New York, (1985-1989)

PROFESSIONAL STATUS

Admitted to practice before the New York (active) and Pennsylvania (retired) Bars, the United States Court of Appeals for the Second Circuit, and the United States District Courts for the Southern District of New York and Eastern District of Pennsylvania.

SPEAKING ENGAGEMENTS

Conferences:

- ***The Importance of Procedural Justice and Other Movements to Therapeutic Jurisprudence***, XXXVI International Congress on Law and Mental Health, Rome, Italy, July 2019
- ***Making it Personal: Holistic Teaching***, Integrating Positive Psychology into Legal Education, Suffolk Univ. Law School, June 2019.
- ***Overcoming Procrastination***, Integrating Positive Psychology into Legal Education, Suffolk Univ. Law School, June 2018.
- ***Teaching the Tough Stuff: The Opportunities and Challenges in Teaching Implicit Bias, Diversity and Inclusion to Supervising Attorneys***, Externship 9 Conference, University of Georgia. March 2018.
- ***The Project for Integrating Spirituality, Law, and Politics***, GAJE Conference, Technical University of Monterey, Puebla, Mexico, December 2017.
- ***Teaching Transformation***, XXXVth International Congress on Law and Mental Health, Prague, Czech Republic, July 2017.
- ***Integrating Spirituality, Law & Social Change across the Curriculum*** (co-presenter), Project for Integrating Spirituality, Law and Politics (PISLAP), Second Annual Conference on *Beloved Community: Teaching and Practicing Law to Realize MLK's Enduring Vision*, Philadelphia, Pa., June 2016.
- ***Giving Credit Where Credit is Due: The Challenges and Opportunities of the One-Credit Externship Seminar*** (co-presenters Profs Jodi Balsam & Jennifer Mailley), Externship 8 Conference, Cleveland Ohio, March 2016.
- ***What's Spirituality Got to Do with It?*** XXXIVth International Congress on Law and Mental Health, Vienna, Austria, July 2015.
- ***Transforming Legal Education in the Classroom and the Clinic***, Project for Integrating Spirituality, Law and Politics, CUNY Law School, NYC, NY October 2014.
- ***Advancing Social Justice by Teaching Interpersonal Competencies***, SALT Teaching Conference, UNLV, Nevada, October 2014.
- ***Teaching Relational Competencies and Emotional Intelligence***, Psychology & Lawyering: Coalescing the Field, UNLV, Nevada, February 2014.
- ***Advancing Global and Local Justice by Teaching Interpersonal Competencies***, GAJE Conference, Jindal Global University, Delhi, India, December 2013.
- ***The Challenges and Opportunities of Teaching a Seminar with an Externship Component***, AALS Clinical Conference, San Juan, Puerto Rico, May 2013.

- ***Creating and Sustaining Social Justice Lawyers***, SALT Teaching Conference on Access to Justice, Baltimore, Md. October 2012.
- ***Engagement, Happiness and Meaning in Legal Education and Practice*** (Roundtable), Law and Society Association Annual Conference, Honolulu, Hawaii, June 2012.
- ***Putting the Student in Control in the Civil Externship***, Center for Excellence in Teaching Conference on *Setting and Assessing Learning Objectives*, Albany Law School, March 2012.
- ***Overview of Therapeutic Jurisprudence***, 16th Annual Domestic Violence Conference: *Healing or Hurting?*, Fordham Law School, March 2012.
- ***Point/Counter Point: Opportunities and Challenges in the For-Profit Externship***, Externship 6 Conference, Boston, Mass, March 2012.
- ***Transforming Civil Procedure into a Humanistic & Holistic Dispute Resolution Course***, Project on Integrating Spirituality, Law & Politics, Marconi Conference Center, CA, September 10, 2011.
- ***Snatching Wellness from the Jaws of Law School***, XXXII International Congress on Law and Mental Health, Berlin, Germany, July 2011.
- ***Using Storming the Court to Explore Social Justice and Civil Procedure***, SALT Teaching Conference, University of Hawaii, December 10, 2010.
- ***The Accidental Clinician and the Experienced Director: A Conversation on the Value of Externships***, New York Law School's Clinical Theory Workshop's 25th Anniversary, October 1, 2010.
- ***Curriculum Reform: Mainstreaming ADR***, Australasian Institute of Judicial Administration, Non-Adversarial Justice Conference, Melbourne, Australia, May 7, 2010.
- ***Recipe for a Sustainable and Successful Civil Externship Clinic***, Externship 5 Conference, Coral Gables, Fla., March 6, 2010.
- ***Who Am I? The Role of Legal Education in Shaping Professional Identities***, AALS Annual Meeting, New Orleans, January, 2010.
- ***Supporting Lawyers' Personal Skills: Are Support Groups the Answer?***, International Academy of Law and Mental Health Congress, New York University Law School, New York, July 1, 2009.
- ***Supporting Lawyers: Supervising Attorneys' Personal Skills***, Therapeutic Jurisprudence Miniconference, John Jay College of Criminal Justice Conference, San Juan, Puerto Rico, June 11, 2008.
- ***Reflecting on Supervision: Supervision of Personal Skills***, 2008 AALS Clinical Conference, Tucson, AZ, May 7, 2008.
- ***Law as a Healing Profession***, Touro College Law Center, Central Islip, N.Y., November 4-5, 2007 (Organizer & Presenter),
- ***The Humanizing Legal Education Movement: One Teacher's Efforts, Opportunities, Obstacles and Challenges***, Humanizing Legal Education Conference, Washburn Univ. School of Law, Topeka, KS, October 20, 2007.
- ***Values Clarification in Legal Externship Programs***, 2007 AALS Clinical Workshop, New Orleans, La, May 5, 2007.
- ***Ethical Conundrums in Therapeutic Jurisprudence and Preventive Law; Applying the Therapeutic Jurisprudence/Preventative Law Model of Lawyering in Legal Practice; Therapeutic Jurisprudence and Legal Education***, Third International Conference on Therapeutic Jurisprudence, Perth, Australia June 7-9, 2006.
- ***Balance in the Whirlwind Of Law School***, 2006 American Association of Law Schools Workshop, Washington D.C., January 4, 2006.
- ***Therapeutic Jurisprudence: An Interdisciplinary Approach***, UCLA Law/University of London 6th International Clinical Law Conference: Enriching Clinical Education, Lake Arrowhead, California, October 28, 2005.
- ***Women Attorneys—Lives in the Balance: Defining Success, Reclaiming Meaning***, New York Lawyers Assistance Trust, New York, New York, September 26, 2005.
- ***Professionalism Instruction in Law Schools***, Panelist, New York State Judicial Institute for Professionalism in the Law Convocation, Albany, New York November 10, 2004.

- ***Emotional Competence, Multiculturalism and Ethics***, The Greek Conference, Rethymnon, Crete, May 25th, 2004.
- ***The Professional Responsibility of Lawyers: Emotional Competence, Multiculturalism & Ethics***, American Psychiatric Association 2004 Annual Meeting, New York, New York, May 6, 2004.
- ***Lawyering in the 21st Century: A Partnership Between Educators and Employers***, Panelist, National Association for Law Placement Northeast Region Conference and End of Season, New York, New York, January 15th, 2004.
- ***Teaching Professionalism through Mentoring and Modeling***, American Association Of Law Schools 2004 Annual Meeting, Atlanta, Georgia, January 5th, 2004
- ***September 11th, Pro Bono & Trauma***, Psychology & Law, International Interdisciplinary Conference 2003, Edinburgh, Scotland, July 9, 2003.
- ***Lawyering and Its Discontents: Reclaiming Meaning in The Practice of Law***, Touro College Law Center, April 6-7, 2003 Huntington, New York (Organizer and Moderator).
- ***The Emotional Lawyer***, Conference of the Association for the Study of Law, Culture & Humanities, University of Pennsylvania Law School, March 9, 2002.
- ***Emotional Competence, Multicultural Lawyering and Race***, Second International Conference on Therapeutic Jurisprudence, Cincinnati, May 4, 2001.
- ***Emotional Intelligence and Lawyering Across Cultural and Racial Divides***, XXVth Anniversary Congress on Law and Mental Health, International Association of Law and Mental Health, Siena, Italy July 12, 2000.
- ***Countertransference in the Lawyer Client Relationship***, First International Conference on Therapeutic Jurisprudence, Winchester England, July 9, 1998.

CLE

- ***Diversity and Inclusion as an Ethics Issue***, NY Area Externship Consortium, Brooklyn Law School, January 2018
- ***Difficult Conversations***, NY Area Externship Consortium, Fordham Law School, January 2017
- ***Mental Health in the Legal Profession***, NYC Bar Association, September 2016
- ***Depression in the Legal Profession: Doing Nothing is NOT an Option***, Brooklyn Bar Association, June 25, 2012.
- ***Practicing Law as a Helping & Healing Profession***, Mental Hygiene Law Services, NYS Judicial Center, White Plains, N.Y., Feb. 11, 2011.
- ***Law as a Healing Profession***, Center for Court Innovation, New York, N.Y., Dec. 6, 2006.
- ***Ethics and Professionalism***, NYSBA, Uniondale, N.Y., June 11, 2004.
- ***Ethics and Professionalism***, NYSBA, Melville, N.Y., June 4, 2003.
- ***Ethics and Professionalism***, NYSBA, Melville, N.Y., May 30, 2002.
- ***Ethics and Professionalism***, NYSBA, Huntington, N.Y., June 15, 200.
- ***Second Annual Ethics in Practice***, Touro Law Center, Nov. 14, 2000.
- ***Family Law and Ethics***, Suffolk Academy of the Bar, March 6, 2000.
- ***Ethics in Practice***, Touro Law Center, Oct. 27, 1999.

OTHER

- ***Coping with Stress, Anxiety & Depression***, Touro Law Center, April 2012, March 2013; Nov. 2014; March 2015.
- ***LAP Panel Presentation***, CUNY Law School, April 8, 2011.
- ***A Terrible Melancholy***, Touro Law Center, Feb. 24, 2011.
- ***Emotional Competence & Therapeutic Lawyering***, Guest Lecturer, Albany Law School Clinical Programs, Oct. 21, 2009.
- ***Supporting Lawyers: Supervising Attorneys' Personal Skills***, Presentation of Work-in-Progress, New York Law School Clinical Theory Workshop, Feb. 29, 2008.

- ***Multicultural Lawyering and Emotional Competence***, Paper and Presentation at the New York Law School Clinical Theory Workshop, Dec. 1, 2000.