

Michael A. Cardozo

New York City Corporation Counsel

As New York City's 77th Corporation Counsel – and chief legal officer of New York City – Michael A. Cardozo serves as legal counsel to the Mayor, elected officials, the City and its agencies. Mr. Cardozo has served as Corporation Counsel since January 1, 2002, making him the longest-serving Corporation Counsel since the title was formally created in the early 19th Century.

With offices in all five boroughs and in Kingston, N.Y., the Law Department, which Mr. Cardozo heads, has an active caseload of more than 80,000 lawsuits and legal matters handled by more than 650 attorneys in 17 divisions. The office is one of the largest in New York State and among the largest public law offices in the United States.

Working with Mayor Michael R. Bloomberg, Mr. Cardozo has spearheaded several key municipal legal initiatives, including working to eliminate illegal guns from City streets; seeking to prevent sales of untaxed cigarettes both on Indian reservations and through the guise of “roll-your-own cigarette” businesses; encouraging progressive environmental initiatives like PlaNYC; defending numerous health care initiatives; advocating for judicial selection reform, judicial pay raises and court efficiency; supporting the modernization of election machinery; and lobbying to reform local and state tort laws.

As Corporation Counsel, Mr. Cardozo has personally argued several high-level cases on the City's behalf. For example, in a matter involving unpaid property taxes by the U.N. missions of India and Mongolia, he successfully argued before the U.S. Supreme Court in 2007 that U.S. courts have jurisdiction to adjudicate real estate tax disputes between localities and foreign nations. In addition, Mr. Cardozo argued and won a major bond case in the New York Court of Appeals – the state's highest court – in 2004 that resulted in approximately \$2.5 billion in additional funds being directed to New York City over five years. More recently he prevailed in the Second Circuit in a case involving the application of the Americans with Disabilities Act to New York City taxis.

During Mr. Cardozo's tenure, the Law Department has litigated many significant matters, such as successfully defending the City's subway bag inspection program as a lawful counterterrorism measure; ensuring that the Transport Workers Union paid court-ordered fines to the City after engaging in an illegal transit strike; achieving a settlement with the Internal Revenue Service that will result in the City and certain affected employees receiving more than \$280 million for wrongfully withheld Social Security taxes; serving as a plaintiff alongside a national coalition of states and cities in major climate change litigation against the federal government; prevailing in the New York Court of Appeals in a landmark case that established that the Mayor does not have to enforce local laws if he or she believes they are invalid under state or federal law; litigating the validity of City regulations requiring national food chains to disclose on their menus the number of calories in food items; and defending the City from lawsuits in response to the World Trade Center attacks. The City also successfully sued ExxonMobil for the costs of removing the gasoline additive MTBE (methyl tertiary butyl ether) from drinking water wells in Queens, obtaining a \$105 million jury verdict that is now on appeal.

Pending litigations the Law Department is handling under Mr. Cardozo's supervision include a challenge to New York City's regulation of large sugary drinks; an appeal of a lower court order appointing a ten-year monitor to supervise the Fire Department's Equal Employment Opportunity efforts; a case challenging the constitutionality of a state law allowing New York City both to sell additional taxi medallions and allowing certain outer borough taxis to be hailed from the street; and

a challenge to the constitutionality of the Department of Education's prohibition on prayer groups holding worship services in public school buildings on Sundays.

Major non-litigation matters handled during Mr. Cardozo's leadership have included the drafting of groundbreaking legislation (including laws giving the Mayor control of local schools, the City's historic smoking ban, and major revisions to both the City's Campaign Finance Law and Building Code); negotiating an innovative \$1 billion "street furniture" franchise; and handling legal work for major redevelopment projects. These projects have included new stadiums for the Mets and the Yankees, development of the Hunts Point Market in the Bronx and Atlantic Yards in Brooklyn, the transfer of Governors Island and Brooklyn Bridge Park ownership to the City, and Ground Zero redevelopment.

As Corporation Counsel, Mr. Cardozo's priorities have included decreasing both the number of litigations in which the City is involved as well as the amount the City pays in settlements and judgments. He achieves these goals through a three-step, "early-warning" approach: 1) identifying a potential problem before a lawsuit has begun, 2) solving the underlying dispute before it ripens into a litigation, and 3) settling "meritorious" cases as quickly as possible (those in which the City has acted improperly). At the same time he has initiated a more vigorous policy of insisting on trying cases that lack merit or in which the plaintiff's settlement demands are excessive. During Mr. Cardozo's tenure, the City's payout on tort settlements and judgments has remained constant. Mr. Cardozo has also taken vigorous steps to avoid the City being subject to detailed, lengthy and onerous legal "consent decrees" that limit, sometimes for decades, the discretion of City commissioners to make key decisions. For example, Law Department attorneys, with the Department of Homeless Services, reached an historic agreement with plaintiffs in 2008 that ended 25 years of litigation concerning shelter for homeless families.

In the tort reform area, the City Council, acting on Mayor Bloomberg's and Mr. Cardozo's urging, passed "the adjacent sidewalk owner bill" in June 2003, which shifted liability for most sidewalk accidents from the City to the adjoining landowner. In addition to making sidewalks safer, this step has saved the City about \$40 million a year. Mr. Cardozo and his legal team scored another legislative victory in November 2009 when Albany passed a reform bill putting an end to government employees unfairly collecting damages from tort lawsuits against their employers in addition to government benefits – thus allowing them to get paid twice on the taxpayers' dime. In New York City alone, this bill will save taxpayers at least \$14.5 million per year.

Other initiatives undertaken by Mr. Cardozo since he took office in 2002 include:

- Initiating a Public Service Program that: 1) brings associates from leading law firms to work at the Law Department for up to six months trying New York City cases; 2) alternatively, allows firms to take cases in-house and 3) offers deposition experience and training. To date, an estimated \$50 million in legal services has been donated to the City by dozens of leading law firms;
- Streamlining the Law Department's technological capacity, including appointing the Department's first Chief Technology Officer to oversee tech advancements;
- Initiating diversity advances, such as appointing the Department's first Hispanic division chief and first African-American woman division chief, and encouraging minority recruiting – efforts that have resulted in a seven-percent increase in six years in the number of diverse Law Department attorneys. For his accomplishments, Mr. Cardozo was named a 2008 Diversity Champion by the New York City Bar.
- Initiating a new *pro bono* and Bar Association project that encourages Law Department attorneys to participate in *pro bono* and Bar Association activities, such as a public service

wager with the Philadelphia City Solicitor's Office based on the 2009 World Series that generated a day of volunteerism.

- Spearheading efforts to encourage private sector attorneys to work *pro bono* for those adversely affected by the recession and Hurricane Sandy and to assist legal service providers in their efforts.
- Creating a "Corporation Counsel Clerkship," similar to a federal judicial clerkship, where a law graduate would serve for one year working closely with the Corporation Counsel and other top Department lawyers handling matters in a number of different legal divisions.

Mr. Cardozo's experience in some of these areas has led him to urge the profession to rethink both law school education and the training of junior lawyers.

On April 3, 2009, Mr. Cardozo became New York City's longest-serving modern-day Corporation Counsel, with a record seven-year, three-month tenure at that time.

Mr. Cardozo received the 2011 Emory Buckner Award from the Federal Bar Council for outstanding public service. He was honored at the 2009 Annual Cyrus R. Vance Tribute for his dedicated work towards judicial reform and his excellence in public service. He had previously been honored by Columbia University Law School, which awarded him its prestigious Lawrence A. Wien Prize for Social Responsibility in 2007.

Prior to becoming Corporation Counsel, Mr. Cardozo was a partner at Proskauer Rose LLP, where he was both an active trial lawyer and counsel to numerous sports leagues, including the National Hockey League, the National Basketball Association and Major League Soccer. During his tenure at Proskauer, Mr. Cardozo served as co-chair of the firm's 150-person Litigation Department and was elected by his partners on three different occasions to serve on the firm's six-member Executive Committee.

Mr. Cardozo is a 1966 graduate of Columbia Law School, where he served as an editor of the Law Review. He received a B.A. in political science from Brown University in 1963. After serving as a law clerk for the late Judge Edward C. McLean in the United States District Court for the Southern District of New York, Mr. Cardozo joined Proskauer as an associate in 1967. He became a partner in 1974.

Mr. Cardozo has long been active in the public sector. From 1996 to 1998, he was President of the 21,000-member Association of the Bar of the City of New York. He is a fellow of the American College of Trial Lawyers and a member of the Board of Directors of the Lawyers Committee for Civil Rights Under Law, The American Law Institute, and the Executive Committee of the Lawyers Division of the Anti-Defamation League. His numerous previous outside activities included serving as Chair of the Columbia Law School Board of Visitors, Chair of the Fund for Modern Courts, Chair (by appointment of the Governor and Chief Judge) of both the New York State Joint Committee on Judicial Administration and the New York State Task Force on the Appellate Divisions, and, in the mid-1970s, Counsel to Governor Hugh Carey's Task Force on Court Reform.

Mr. Cardozo is a distant cousin to former U.S. Supreme Court Justice, Benjamin A. Cardozo. Mr. Cardozo is married to Nancy, his wife of more than 47 years. They have two grown daughters, Hedy and Sheryl, and two grandchildren, Lucy and Joshua. Mr. Cardozo is an avid Yankees fan and enjoys travel, running, the outdoors and spending time with his family.

Updated: March 2013