

# De iure

Passover 5776, April 2016

The Tel Aviv University Buchmann Faculty of Law Magazine

## Donations are more than money

New Faculty institute brings order to the field of philanthropy

## Counsel Speaks Out

Adv. Meir Linzen assumes responsibility for legal research

## Graduate in the Headlines

Avihai Madelblit, Attorney General of Israel

## Discrimination 2.0

Even in e-commerce women earn less

## Social Change Begins at Home

The Faculty's student population undergoes revolution

## Born to Research

Congratulations to the new Institute for Intellectual Property

# Not a Celebrity

After turmoil surrounding the natural gas governmental plan, Prof. David Gilo, former Director-General of Israel's Antitrust Authority, returns to the Buchmann Faculty of Law. Despite the success of his term with the Antitrust Authority and the feedback that he still receives all round, Gilo refuses to admit that the Antitrust field, or himself for that matter, have become unwitting celebrities.



Note from the Dean

## Finger On The Pulse of Law and Israeli Society

The Tel Aviv University Buchmann Faculty of Law is a leading international law school. This is a fact which I am happy to mention at any opportunity. Numerating the reasons which brought us to this position is, however, somewhat more difficult. I believe "De iure" magazine meets this challenge by giving a glimpse into certain aspects of the Faculty's multifaceted activity. Parallel to our research activity and the development of new programs of study, methods of teaching and evaluation, some of you might be surprised by the extent of our involvement, rich in depth and breadth by any standard, in matters at the center of attention of the legal world in Israel and abroad. We actively search for ways to improve the reality we live in. Moreover and without exaggeration, our Faculty could not be further from an ivory tower. You will see in the following pages that we are deeply involved in the promotion of legal reforms and legislation; we do not hesitate to engage with the relentless escalating demands of Israeli real estate; we ask foundational questions imperative to the forthcoming reform in the field of bankruptcy; we spotlight the rise of philanthropy, a highly significant social economic resource, for the first time, and we have dedicated a new research institute to meet the challenges facing intellectual property laws in a dynamically changing technological environment; we exposed the existence of gender discrimination in the online market; we contribute to the increasing use of the socially beneficial legal tool that is class action. Finally, we pursue affirmative action measures by effectively opening the ranks of quality legal education for underrepresented sectors in Israeli society.

The above insights are complimented by a variety of innovations and developments within the Faculty such as the computerized exams project, and the ways we endeavor to strengthen our valued partnership with our esteemed Board of Trustees. In addition, we welcome back Prof. David Gilo, a senior researcher in the Faculty who until recently was at the center of a contentious public debate in the field of antitrust, and offers us a sober perspective on his time spent in public service. Likewise, an important graduate of the Faculty, Adv. Meir Linzen, the Directing Partner of the largest law firm in Israel, shares with us his skilled analysis of the future of the practice of law in Israel. Finally, as a special bonus under: "Graduate in the Headlines," you will find the new Attorney General of Israel, Dr. Avihai Mandelblit.

I believe that the wide range of topics dealt with in this special Passover issue will peak the interest of any reader, even if not a legal practitioner, and not less important will form a strong sense of pride in the heart of anyone who is connected to the Tel Aviv University Buchmann Faculty of Law; whether faculty members or staff, students of all degrees and of course all of our graduates, many good friends and supporters. The magazine showcases the fact that we have much to be proud of. May it inspire us to continue onward with excellence into the future.

Happy Passover  
and enjoyable reading

Yours,  
Prof. Ron Harris

## Save the Date Upcoming Events at the Buchmann Faculty of Law

### > 9.5.16

The S. Horowitz Institute for Intellectual Property and the David Berg Institute for Law and History launch a new book by Prof. Neil W. Netanel (UCLA Law School): *From Maimonides to Microsoft - The Jewish Law of Copyright Since the Birth of Print*.

### > 19.5.16

The Edmond J. Safra Center for Ethics and the Blavatnik Interdisciplinary Cyber Research Center host the third privacy workshop titled: *Privacy, Cyber and Technology*

### > 23.5.16

Moot Court: *Antitrust Law*. Host: Prof. David Gilo. Tribunal: Salim Joubran, Supreme Court Justice, Judge Nava Ben-Or, Head of the Antitrust Court, and Prof. Ariel Porat (Tel Aviv University Buchmann Faculty of Law).

### > 29.5.16

Israel Affordable Housing Center Conference: *A New Neighborhood with a Diversified Social Composition: "The Tel Aviv Sde Dov Neighborhood as a Test Case"*.

### > 6.6.16

The Annual International Conference held by the Edmond J. Safra Center for Ethics: *Ethics of Pain - Secular and Religious Suffering*.

### > 11-13.7.16

The 19th International Conference of the Jewish Law Association: *Impact of Technology, Science, and Knowledge on Jewish Law and Ethics*.

### 4 Good Morning, Please Take Out Your... Laptops



Today's exams are not what they used to be.

### 10 Bringing about change, once again



The Faculty leads, not for the first time, a revolution in the social composition of the student population.

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Prof. David Gilo returns to the Faculty somewhat a different person, after four and a half years as the Director-General of the Antitrust Authority.

### 24 High Hopes for Newborn Institute

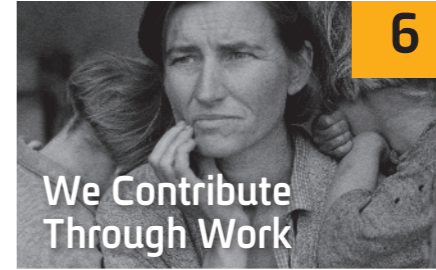


A new Institute for Intellectual Property was inaugurated in the Faculty. Godfather: Dr. Francis Gurry, Director-General of WIPO.

### De iure

The Tel Aviv University  
Buchmann Faculty of Law Magazine  
Editors: Matan Orian and Taryn Bak  
Graphic Design: Rakefet Oved  
Cover Photography: Gadi Ohad

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The Law Faculty donates in a variety of ways towards reform within insolvency.

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What you know, Avihai Mandelblit, the new Attorney-General of Israel, was not the most disciplined student.

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Spotlighting one of the Faculty's eight legal clinics - the fast rise in reputation of the Clinic for Class Action.

### 28 The Aim: Affordable Housing in Our Lifetime



The story of a small, determined group in its battle against the escalating costs in real estate.

### 8 On your mark, get set, go!



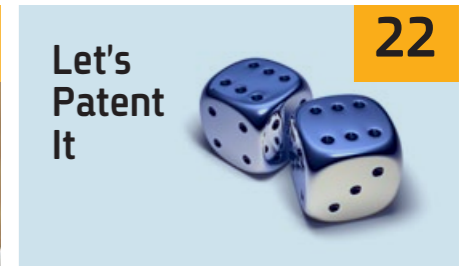
We have opened up a new field of research in Israel, with a direct influence on that thing...social justice! Remember the name: Law and Philanthropy.

### 15 Discrimination on Screen



Dr. Tamar Kricheli-Katz proves that commerce may have advanced but human beings less so.

### 22 Let's Patent It



How to provide the Board of Trustees, in a single evening, a swift panoramic view of the ongoing research activity within the Faculty?

### 30 Invested Then, Invested Now



Adv. Meir Linzen, Directing-Partner at Israel's largest law firm, and Cum Laude graduate of the Faculty, on the responsibility of the legal practice to legal research.

BuchmannLaw  
www.en-law.tau.ac.il  
Tel. +972 3 640 7257  
Enquiries and Suggestions:  
deanlaw@post.tau.ac.il





A difficult test in Torts?  
Present in the Buchmann  
Faculty of Law, future in  
other places.

## Who said jurists are conservative?

The paper era is officially over. In a first-of-its-kind move, for the benefit of the students, the exam graders, the secretariats and the environment, law students now take their tests using their personal laptops. How were these huge classes of mobile computers created and why did it have to involve the Swedes? All the answers are right here.

A student walks into an exam room, takes out his/her laptop, types an access code, opens the test file and starts typing the answers. This scene is quite common in U.S. academic institutions, but in Israel in 2016 it is still science fiction. More exactly, it was science fiction. Following a pilot last year and a successful trial-run this year, the Tel Aviv University Buchmann Faculty of Law is about to evaluate its students in this manner from now on, and the motivation is not just an environmental one, that is, to cut down on paper waste, or a mental health concern – to cut down on bureaucracy...

One of the major perks of the computerized exams is faster grading and the saving of valuable time on the part of those who grade the tests as well as the secretaries. It is also good news for the students, who receive their grades faster and sooner than ever

”

We should bear in mind that the last time these students were tested using pen and paper was their matriculation exams, not exactly a fond memory. Taking a test on your own personal laptop already allays the anxiety.

Prof. Roy Kreitner

before. In addition, a computerized exam easily allows for a more equilibrated grading process by the fact that the same person can check the same question in all of the exams without requiring any special and tedious coordination between all those who check the exams of the entire class. Against these advantages, one might have raised as an objection the fact that the average computer classroom cannot accommodate that many students at the same time. Another concern is that the students would surf on the internet during the exam to search for answers, or better, take a peek at some file they prepared, containing the appropriate information. To ward off the first objection, suffice to point out that nowadays practically all students have a laptop, so you don't really need a class of immobile computers for that end. The answer to the second concern is Sweden.

### Why Sweden?

Dr. Amit Pundik, faculty member in charge of the computerized exams project, explains: “as in many other fields, with Israel being a small country there is a limit in the local market for a computer program that seals off for the time of the exam, any possibility of opening up a web connection or any file on the computer other than the test file alone. This explains why, despite Israel being known worldwide as the Start-Up Nation, no local company developed such a product, and it also explains why, when we contacted American companies that specialize in the field, we were politely refused. It was simply not worth their while. After an additional search we came across a Swedish company, Digixam, active in this field in Europe, where the requirement of diverse languages naturally already exists, and they were more than

thrilled for the opportunity to expand their business to the Israeli market, and they even sent a representative to supervise the test-run.”

### But what if I don't have a laptop?

“It's simple,” says Prof. Roy Kreitner, the faculty's Associate Dean for Academic Affairs, who was behind the endeavor to computerize the exams, “our library loans laptops for students anyway, so there is no problem to borrow one for an exam, and the exams program is already installed on these laptops.”

### And how do the students react to this novelty?

“Perhaps you should first of all ask how those responsible for grading the exams react...” Prof. Kreitner smiles. “Both they and the students are happy about it. I can testify from my own personal experience regarding the first group. With respect to the students, it comes up in their conversations with the secretaries, as well as in a feedback form, computerized of course, that we've asked them to fill out. We should bear in mind that the last time these students were tested using pen and paper was their matriculation exams, not exactly a fond memory. Taking a test on your own personal laptop already allays the anxiety. An additional big plus is that the examinee can change and edit and re-edit his answer as much as he pleases. Most importantly, for today's students typing comes more naturally than writing on paper. True, like any program used for the first time we also experience malfunctions at the moment and therefore we have a support team accompanying any exam, but this need will decrease with time.”



### And what is the University's stand in that regard?

“The University is very curious about this project” Dr. Pundik reveals, “exams on laptops is quite a common view in leading law schools and in universities in general in the U.S., so there is an understanding in our university that this is an inevitable move and we were more than happy to present the project's outcomes to the Tel Aviv University Rector. Contrary to the conservatism often ascribed to jurists, the Faculty, a true leader in many fields of law on an international scale, not only by this move has joined today's leading academic institutions – this time from a technology perspective – but may also be a propelling factor in bringing this digital news to the University as a whole, perhaps even to the entire Israeli higher education system.”



Prof. Roy Kreitner



Dr. Amit Pundik



◀ "Migrant Mother" (Dorothea Lange, 1936), a symbol of the Great Depression. Insolvency concerns the most sensitive social values.

Alongside the Memorandum on the Insolvency and Economic Recovery Act, from August 2015, on which a symposium was held at the Buchmann faculty of Law last December, under the auspices of the Batya and Isachar Fischer Center for Corporate Governance and Regulation of the Capital Markets, the Faculty is also directly involved in the reform that is gathering momentum these days in the insolvency field. The Harris committee, headed by the Dean of the Faculty, which was appointed by the Official Receiver, Prof. David Hahn, to examine a payment plan in bankruptcy proceedings, submitted its recommendations in November 2015.

**The Harris committee submitted its revolutionary recommendations to the Official Receiver and the Minister of Justice**

However, TAU's Buchmann Faculty of Law also has another role, beyond creating an important platform for discourse on the planned reform, among the various elements that are active in the field, such as government officials, representatives of the judicial system, the Bar Association, the banking system and academic researchers. Prof. Ron Harris, Dean of the Faculty, served as the head of a special committee that was appointed by the Official Receiver in 2014 to determine guidelines for drawing up a payment plan in bankruptcy proceedings, a field in which Prof. Harris has been active for sixteen years. The other members of the committee were Prof. Daniel Gotlieb, Prof. Yuval Elbasha, Adv. Keren Pilpel, Adv. Daniel Wax and Mr. Uriel Lederberg, and it was assisted greatly as well by Prof. Shlomo Mor-Yosef, Director-General of the National Insurance Institute. The committee submitted its recommendations,

## The reform in the field of insolvency, in cooperation with the Faculty, is gathering momentum

Insolvency, whether of individuals or corporations, has far-reaching consequences for the structure of financing and corporate governance, for the functioning of the consumer and commercial credit market, for the regulation and stability of the banking system, for the welfare and national insurance system, for writs of execution, for the tax authorities, for employment relations and even for familial relations. The legislation in the field is mostly from the British Mandate period, such as the Bankruptcy Ordinance, 1936, and parts of the Companies Ordinance, 1929, which is still in force — acts that are based on British legislation from the early twentieth century, which is not relevant to the economic and social reality of the twenty-first century, and that were replaced in Britain itself already thirty years ago. In Israel, the parallel processes took longer — the Shlomo Levin committee, which was appointed in the mid-1980s, recommended an Israeli Chapter 11, whereas the Memorandum was only published this last summer. It may have had to wait, but its time seems to have come now.

**Special symposium on the Memorandum on the proposed new Insolvency Act**

The Faculty held a symposium last December on the Memorandum on the proposed act, which is vast in its scope. The evening was attended by many notables in the field such as Prof. David Hahn, the Official Receiver; Justice Asher Grunis, former President of the Supreme Court; Judge Eitan Orenstein; Judge Atef Ailabouni; Adv. Dr. Lipa Meir; Adv. Dr. Itay Hess, Director of the Legal Department in the Official Receiver's office; Adv. Hannan Friedman, Legal Counsel to Bank Leumi; Adv. Alona Baumgarten, Chairperson of the Receivership and Insolvency Committee of the Israeli Bar Association; and Adv. Avi Licht, Deputy Attorney General (Economic and Fiscal). Adv. Licht expressed gratitude that the assembly was held and for the plethora of suggestions and comments made at it, and promised to take note of them all in the framework of drawing up the proposed legislation. For the contents of the symposium, look for insolvency on YouTube.



Prof. Ron Harris, Dean of the Buchmann Faculty of Law, submits the recommendations of the committee he headed to the Minister of Justice, Ayelet Shaked, and the Official Receiver of the Ministry of Justice, Prof. David Hahn.

with reference to the Memorandum on the act, last November. Those recommendations, regarding the standards and tests that should be weighed in calculating the disposable income for paying off debts, touch upon social values of the first order such as equality, distributive justice, preventing the system from ill-treating the weak, protection for debtors' family members, and more.

**Creating a computerized system for calculating the debtor's income, which integrates international models with personal data**

The recommendations include the creation of a framework of incentives and support to require the debtor to maximize his income generation and pay the full amount that has been set as a condition for receiving the discharge. Among other things, specifications were determined for a computerized system for calculating the debtor's disposable income, which will be at the disposal of the trustees in a bankruptcy. The system weighs a national estimate of the total familial living expenses on the basis of an integration of the FES (Food-Energy-Intake Share) definition of the poverty line, which was developed at the World Bank, and the income test according to the principles of the Research Council adjacent to the American National Academy (NRC). Likewise, the system relies on information from the yearly household expenses survey of the Central Bureau of Statistics, but also takes into consideration the personal attributes of the debtor and his family members, and determines an overall budget for the expenses required to afford the debtor and his family a decent living. The bottom line is that the amount of the debtor's income from work will be determined in accordance with the figures of his actual income and the estimate of the sum that exhausts his income capability.

## Close-up of a study in the field

**Corporate recovery, the next generation – Adv. Shai Keidar, doctoral candidate at the Zvi Meitar Center for Advanced Legal Studies:**

This year Adv. Shai Keidar, who brings to his research five years of experience as an attorney in the corporate insolvency field, is teaching the course on "Corporate Insolvency" at the Faculty, and also submitted to the Ministry of Justice a detailed response to the Memorandum on the Insolvency and Economic Recovery Act. He feels that the process of corporate recovery is lacking, surprising as it may sound, the fundamentals: "According to various studies, about 50% of the companies that have fallen into insolvency and undergone a recovery attempt will go through the entire process again. It can't be coincidental. We are missing something very essential in the way we understand corporate insolvency."

**Nobody looks at the company itself!**

"Until today, the main dispute regarding the theory of the recovery process is between the economic approach, which seeks to maximize the value of the company's assets in order to pay the creditors, primarily the contractual creditors, and the social approach, which is watching out for the individuals and communities that rely on the insolvent corporation. Nobody," emphasizes Adv. Keidar, "looks at the company itself as an organization, one with a structure of its own, modes of action, an organizational culture, an economic history and, to a large extent, a personality. The moment we examine a company with tools that are customary and well-developed in fields such as sociology, and especially management, an entire world of insights opens up to us and these insights can make the recovery process more efficient. It may be indicated, for instance, that a change in the organizational and administrative structure might be much more effective than the appointment of a trustee as a means of recovery..."

**A look to the future of the debate over corporate recovery processes**

"In fact, organizational theory promotes the economic approach, because it contributes to a more efficient recovery process, but at the same time it promotes, in places where recovery is indeed the right thing to do, the values of conservation, morality and work, i.e., social values. In other words, it both advances the discourse and produces results, for both customary approaches in the field. On the ground, however, and even in the discussed reform, which is a great blessing in a field that has long cried out for legislation, the entire complex of these considerations and the important preliminary questions such as what is a company, and what in fact is recovery, questions with which the law hasn't contended until now, were not asked this time as well, and that's too bad. From that aspect, my research is a look into the future, to the next generation of the debate over corporate recovery processes."



Asking questions that the law hasn't yet asked... Adv. Shai Keidar: shaikid@post.tau.ac.il



# Trailblazing the way in a field that affects the lives of all of us



The Institute for Law and Philanthropy was recently established, due to a growing recognition that despite the increasing importance of philanthropy and charitable giving, in achieving cultural, educational and social goals, Israeli fiscal and corporate policy fails to enable philanthropy to realize its full potential in the best interests of society. The institutes' main mission is to promote multidisciplinary research regarding philanthropy's role in society and to generate and facilitate dialogue among academia, practitioners, public officials and the general public to better the framework for effective philanthropy. A conference recently held by the Institute drew an exceptionally large audience and provided a glimpse into the developments of this practically uncharted legal field and its far-reaching social ramifications.

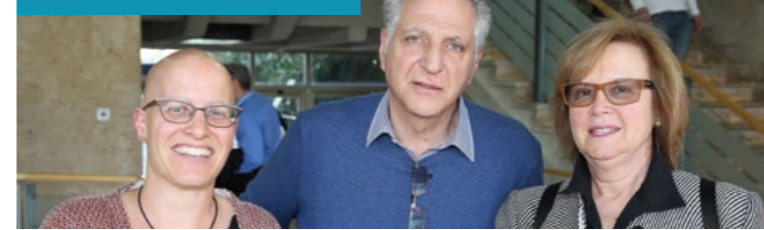
"I have to admit," says Prof. Yoram Margalioth, an expert on tax issues and the head of the new Institute for Law and Philanthropy in the Buchmann Faculty of Law, "that the initiative and the sense that there is a gap here which ought to be bridged emerged from the philanthropists themselves. Dafna Meitar Nechmad, second generation to philanthropy and a true friend of the Faculty, together with Edna Fast initiated the establishment of the Institute and were joined in the process by Irith Rappaport, Marcia Riklis and the Pa'amei Tikva Charitable Foundation via Ze'ev Feldman. It is with great delight that we recently welcomed Chanoch Barkat, Chair of the Dualis Social Venture Fund on our board. Truthfully? These founders of the Institute are absolutely right. It is amazing to what extent this field, which we believe is important, is neglected both by governmental policies and as a field of research and education." Indeed, from within this vacant place described by Prof. Margalioth, the Institute for Law and Philanthropy is now aiming with great effort and enthusiasm to promote effective use of philanthropic resources, and, by means of dialogue with philanthropists, the government officials and NPO's, to better serve social needs that philanthropy supports.

**Building expertise in uncharted terrain**  
"The first step we need to take to enable high quality research," says Adv. Galia Feit, Executive Director of the new Institute, "is to collect data and create a data base for philanthropy in Israel. To be sure, no one institution regularly collects comprehensive, statistical data that would enable a full macro picture of the scope, characteristics and trends regarding charitable giving in Israel. Lacking the data, we are in the dark as to the impact philanthropy and charitable giving have on social cohesion and democracy and unable to answer questions regarding the impact of different policy incentives for giving. For these reasons we are initiating a comprehensive collaborative project to establish a database, which would not only support research and policy makers, but also assist philanthropists to better understand the needs and the impact of their investment."

#### Conference "Philanthropy as a Social Investment"

In addition to the project of establishing the database on philanthropy in Israel, and the inter-disciplinary research designed to formulate policy proposals, a first priority

Galia Feit, Leon Recanati, Edna Fast



Noa Krauss Lahav



Irith Rappaport, Maya Natan (JFN)



Yoram Margalioth, Daniel Paserman



Noam Lautman, Shuki Ehrlich



Dafna Meitar Nechmad and Joseph Klafter



Yoram Margalioth, David Hahn, Galia Feit

Donations have the fastest effect on social justice. However, how can we make the most of this resource? The new Institute for Law and Philanthropy at the Buchmann Faculty of Law examines exactly this.

task of the Institute is to raise awareness of philanthropy as an area of research, the need to bring order to it, and its vast potential. To that end, the Institute has already held several conferences, the latest under the title: "Philanthropy as Social Investment," took place on March 20th and opened with greetings by Prof. Joseph Klafter, President of Tel Aviv University, Prof. Ron Harris, Dean of the Buchmann Faculty of Law and Adv. Dafna Meitar Nechmad, co-founder of the Institute. Prof. Yoram Margalioth, Head

of the Institute, presented a paper analyzing the distributive ramifications of providing tax benefits to encourage charitable giving and social investment. Adv. Galia Feit, Executive Director of the Institute, presented the Data Base Project mentioned above. Ph.D. student, Noa Krauss Lahav, pointed out the social significance of high-scale philanthropy and Prof. David Hahn, Administrator General and Official Receiver of Israel, proposed to establish a corporation for social investments in Israel, mirroring the Big Society Capital in England, as a means to use unclaimed funds under the management of the Official Receiver (1.6 billion Shekels!) to support social initiatives. When a member of the audience asked how the Ministry of Finance would give up on such a sum, Prof. Hahn replied: "the Minister of Justice guaranteed that she would take care of the political arrangement with the Ministry of Finance." In addition, Adv. Daniel Paserman addressed the obstacles and opportunities facing private philanthropy in Israel, and Noam Lautman, Co-Founder of the Lautman Foundation and member of Committed To Give, an initiative promoting Israeli High net worth Philanthropy, discussed philanthropic co-operations.

#### The fastest and most efficient means to achieve social change within a short time span

"Philanthropic contributions," explains Adv. Feit, "are a rather untapped resource gaining more and more momentum in Israeli society, especially in support of social services, due to reductions in public funding. Like any other important resource, we have to take into consideration and consequently adopt the appropriate policy in order to make the best use of it... the fact that the conference drew a big audience supports the feeling of a rise in demand for a serious discussion on philanthropy. I may be somewhat partial, however, I do believe philanthropy holds great promise for social and economic change and is perhaps the fastest and most efficient means to achieve social justice within a short period of time. As a result, there is ample ground here not only for fascinating research in uncharted terrain but also a sense of social mission. We are lucky to work under these terms."





Marah Ganiem, representing the recipients of grants on the basis of needs and excellence, speaks at the grant awards ceremony in March 2016 to an audience of students, donors' representatives, the Dean, Associate Dean for Academic Affairs, and the Second Administrative Assistant to the Dean for Student and Teaching Affairs.

## Social diversity won't grow on its own; it has to be fostered

TAU's Buchmann Faculty of Law is again a step ahead of the rest of the campus in changing the social composition of the students and integrating Israeli-Palestinian and Haredi students. "It is not only our social commitment to granting real equal opportunity," says Prof. Neta Ziv, chairperson of the bachelor's degree admissions committee, "but it also introduces additional viewpoints into legal discourse and greatly enriches the intellectual life."



TAU's Buchmann Faculty of Law was the first on campus to apply affirmative action in bachelor's degree admissions, in the belief that higher education in general, and legal studies in particular, can create a real opportunity for change for young people from disadvantaged populations. Then, more than two decades ago, the initiative created an affirmative action track in bachelor's degree admissions on the basis of socioeconomic background. On the initiative and the apprehensions it aroused at the time, regarding a possible harm to the academic level, Prof. Menachem Mautner of the Faculty wrote in his article "The Special Admissions Program at TAU's Law Faculty and its Ramifications," in *Affirmative Action and Ensuring Representation in Israel* (2004; ed. Anat Maor, Ramot, TAU; pp. 457-480). Since then, other faculties at the university have joined the initiative, and since 2003 the university has adopted an affirmative action track in admission to all of the study units on campus. But that wasn't enough for the Faculty. More than a decade ago, the Faculty launched an additional bachelor's degree admissions track, exclusive to residents of the periphery, in which graduates cum laude from high schools with a "high cultivation index" can be admitted to studies without a psychometric exam. This initiative too was later adopted by the university as a whole, which set a 5% rate of all students to be admitted in this way. It is important to note that admission to the Faculty on special terms was not conditioned upon a return of the graduate to his place of residence and being active there using the

“  
If we really want to bridge the gap, it requires an integrated effort: adaptation, if necessary, of the admission terms, help in studies, economic assistance, and the creation of a multicultural language and environment.”

Prof. Neta Ziv

knowledge he acquired. The rationale is that successful integration in the legal profession, independently of place or occupational field, would constitute a positive role model for young people of a similar background. However, even admission, or more correctly the possibility of being admitted to the Faculty, is only a first, and to a certain degree technical, stage in the long journey of students from various population sectors, seeking to overcome the initial gaps between themselves and the rest of the students. This is the conclusion the Faculty has reached in recent years, and again real steps have been taken to correct the reality.

### "Diversity demands proactive engagement"

Prof. Neta Ziv, chairperson of the Faculty's bachelor's degree admissions committee, thus begins her explanation of the steps it has taken. "For example, take our effort to integrate students from a Haredi background. Even if they get over the existing stereotypes in Haredi society regarding non-Haredi educational institutions and the city of Tel Aviv, they still face a wide gap in core subjects, and besides that their and their families' economic capability cannot afford studies; and that's even before we've begun to talk about the academic discourse at the Faculty, which rests almost entirely on examples that are alien to them, the army for example, and on different definitions of basic terms such as family or community. What it means is that

if we really want to bridge the gap, it requires an integrated effort: adaptation, if necessary, of the admission terms, help in studies, economic assistance, and the creation of a multicultural language and environment. In the past there was a similar situation in regard to Israeli-Palestinian students. The bottom line is that we are still working at creating an environment in which students from various backgrounds can realize their desire and high motivation to succeed in their studies at a respectable institution of legal studies like our Faculty."

### And what new steps have you taken?

"As regards Israeli-Palestinian students — most of whom, by the way, are admitted today not by way of affirmative action, i.e., their corresponding grades are very high," explains Prof. Ziv, "we made a targeted appeal to the candidates in order to ascertain what the reasons were for choosing to study at a different institution. Not surprisingly, we found that as a distinctive minority at the Faculty, they sometimes feel alienated, despite a process of change in recent years in TAU in general, with the increase in the number of Israeli-Palestinian students attending the institution. The Faculty's next step was to launch an advance course for students whose mother tongue isn't Hebrew — Introduction to Israeli Law — likewise a workshop for typing in Hebrew for those unused to it as well as a preparatory workshop for taking an exam at the Law Faculty. An additional move was, of course, to provide scholarships, and the next significant step was individual accompaniment by student-mentors, and by faculty members too."

### And have you seen results?

"Yes," replies Prof. Ziv. "In 2013 there were fifteen Israeli-Palestinian students, in 2014 eighteen, in 2015 twenty six, and this year forty seven — thirty two of them women, by the way. In other words, there is a gradual rise and I believe that it is already a critical mass that will make it easier to enroll Israeli-Palestinian candidates in the coming rounds."

### And how do you go on from here?

"As regards Haredi students, we haven't yet achieved a similar breakthrough, but we are taking action towards the coming academic year to start a pilot project for yeshiva graduates (men) and religious seminar graduates (women) on special terms of admission, in the hope of attracting strong



Prof. Neta Ziv, chairperson of the bachelor's degree admissions committee, Buchmann Faculty of Law.





candidates who have graduated from Haredi education, who are interested in studying at our Faculty, in a mixed gender framework.”

**It's a large investment in a relatively small share of the students...**

“Diversity in the student composition enriches the intellectual life and introduces into the discourse cultural codes, modes of thought and a world of concepts of which we were not aware, so besides the social justice there is in it, the integration of students from different backgrounds is a boon to everyone.”

**The number of students, and especially Israeli-Palestinian women students, is on the rise**

Adv. Nasreen Aley-Kabha, an instructor in constitutional law pursuing her doctorate at the Zvi Meitar Center for Advanced Legal Studies and who has served for several years as coordinator of the accompaniment program for Israeli-Palestinian students at the Faculty, adds: “When I began my studies at the Faculty two decades ago I was one of five Israeli-Palestinian students in a class of 450 students. Integrating wasn't simple, due to cultural gaps and the difference in age. I am familiar firsthand with the feeling of not belonging, the adaptation to a new language and a new cultural milieu, which is not always sensitive to difference. It is from this stance that I have led the accompaniment program for Israeli-Palestinian students at the Faculty. In recent years the number of Israeli-Palestinian students has risen



Adv. Nasreen Aley-Kabha, coordinator of the accompaniment program for Israeli-Palestinian students at the Buchmann Faculty of Law.

”

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Adv. Nasreen Aley-Kabha

significantly, and personally I am even more elated that the number of Israeli-Palestinian women students has jumped sharply. Today the Israeli-Palestinian women students who have begun their first year of studies account for 68% of the Israeli-Palestinian students. Together with the numerical increase comes our responsibility as a Faculty to set up a support system that successfully narrows the gap between the high corresponding grades of Israeli-Palestinian students and success in their studies. An Israeli-Palestinian student will have to invest double or more the time in reading an article or judicial ruling, not to mention contending with writing or typing an exam in Hebrew. To all this we have tried to find a solution in the framework of the accompaniment program, under the academic direction of Dr. Tamar Kricheli-Katz.”

**Does the rise in the number of Israeli-Palestinian students herald a change?**

“Certainly,” declares Adv. Aley-Kabha. “From year to year our project is growing, and we are also witnessing a rise in the average grades of Israeli-Palestinian students, but no less important are the

efforts we're investing so that the Israeli-Palestinian students will be active in the frameworks the Faculty offers, because we don't want the support and accompaniment system to become a separate framework for them. We encourage them in every activity that promotes integration and involvement. It both opens doors and enriches the experience of life.”

**Many more glass ceilings to break through**

“Of course there is more to aspire to,” adds Adv. Aley-Kabha. “For example, to increase the integration of Israeli-Palestinian students in mixed study groups, to increase the number of Israeli-Palestinian students active in the clinics or serving as instructors, research and teaching assistants, or members of the editorial boards of the Faculty's publications — this year there are three Israeli-Palestinian women students on the editorial board of Theoretical Inquiries in Law — but the real test is the placement to clerk in law offices and later integration within those offices. Note that many Israeli-Palestinian students also study in another department, in many cases accounting. This isn't accidental. Among Israeli-Palestinian students there is an insecurity regarding their ability to integrate in the lawyering profession... To my delight, this year five Israeli-Palestinian students have started clerking at leading Tel Aviv law firms. But here too, the change requires an integrated effort, such as preparing Israeli-Palestinian students for interviews and putting together CVs, and raising awareness among the law firms enlisting personnel as to the obstacles facing Israeli-Palestinian students at the start of their road. The challenge is to make the firms understand that in the CV of an Israeli-Palestinian student a linear rise in grades from year to year enfold within it the overcoming of especially high barriers. It is important to note that in this entire effort we are assisted by — in addition to the Center for the Promotion of Career Trajectories, which the Faculty operates — the “Kav Mashve” association, which accompanies the students through workshops and interview simulations. Everything is done in cooperation with law firms committed to making a change. I hope that by way of advancing the Israeli-Palestinian graduates and their integration in key positions in the legal world and the public sector, they will lead, in the long term, changes that will impact Israeli society as a whole.”



**Mr. Attorney General, you entered the gates of TAU's Faculty of Law, and of the world of law, at the age of 18. Was your choice of the legal profession as a way of life clear to you at such a young age?**



## A Graduate in the Headlines: Attorney General Avihai Mandelblit

Tel Aviv University Buchmann Faculty of Law Graduate (1988)

Photography: Avi Ohayon, Israeli Government Press Office.

At the stage when I began my academic studies, the choice of legal studies wasn't self-evident to me. Nonetheless, the field then seemed to me a very interesting field, which could be developed in many diverse directions, not only within the lawyering profession but outside it as well. Over the years it has become clear to me that what I thought at the age of 18, regarding the considerable interest there is in the field of law, and regarding the ability to develop it in many directions, was absolutely correct, and even more so than I could have understood then.

**What kind of law student were you? Is there any experience that you particularly remember, which has stayed with you since? Is there any faculty member or course that you recall with particular fondness?**

As a young student I took an interest in many areas of study, but I didn't always make it easy for the lecturers. I remember that in one of the classes, on the topic of Common Law, in the course of which I made a greater than usual disturbance, the lecturer asked me to stand up and inquired whether I wouldn't prefer to pass the time remaining until the end of the class outside on the lawn, in the sun. I accepted his proposal... I hope law students don't take an example from this personal experience in particular, but will study and make the most of their lessons. One lecturer whom I especially remember, and who to my regret passed away recently, is Prof. Aaron Kirschenbaum. Prof. Kirschenbaum taught me Jewish Law, and was an impressive man in the breadth of his knowledge and his expertise in this field as well as others. I was greatly impressed by Prof. Kirschenbaum's intellectual abilities, the connections he made between different fields and between old and new, his pleasant manner and his openness to students.

**Is there anything else you'd like to say to the legal academia and young law students of today, from your current position?**

I took up the position of Attorney General a relatively short while ago, just a few months, but that short time has already shown me how interesting and complex the job is. To the young law students of today it is important for me to say that any way they turn in the future, whether they integrate in the public or private sector, deal with litigation, counseling, or any other legal area, and even if they engage in fields outside the legal world, they must see themselves as the emissaries of the rule of law in society. As Attorney General, that is how I see each and every law student and graduate of legal studies, as emissaries of mine and of the public in maintaining the rule of law. I wish all of the students great success in their studies and in the path they choose to follow.





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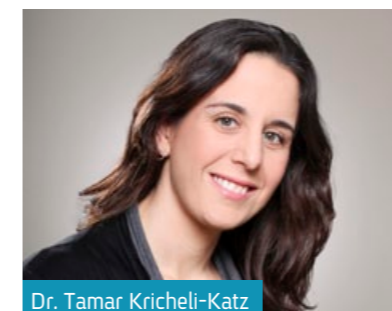


The Buchmann  
Faculty of Law  
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## Discrimination 2.0: Female sellers are systematically discriminated against by surfers on eBay

An article that is the first of its kind, the product of a study by Dr. Tamar Kricheli-Katz of the Faculty and Dr. Tali Regev of the School of Economics at the Herzliya Interdisciplinary Center, reveals that women are subconsciously discriminated against by surfers on eBay. More precisely, women on eBay receive lower price bids on average than men, with respect to completely identical items. Discouragingly, what that means is that surfers tend to ascribe less value to an item sold by a woman. The article, which is based on an analysis of more than a million transactions conducted between 2009 and 2012, was published as the leading article in the online periodical *Science Advances* and, as expected, stirred up a media storm around the world.



Dr. Tamar Kricheli-Katz

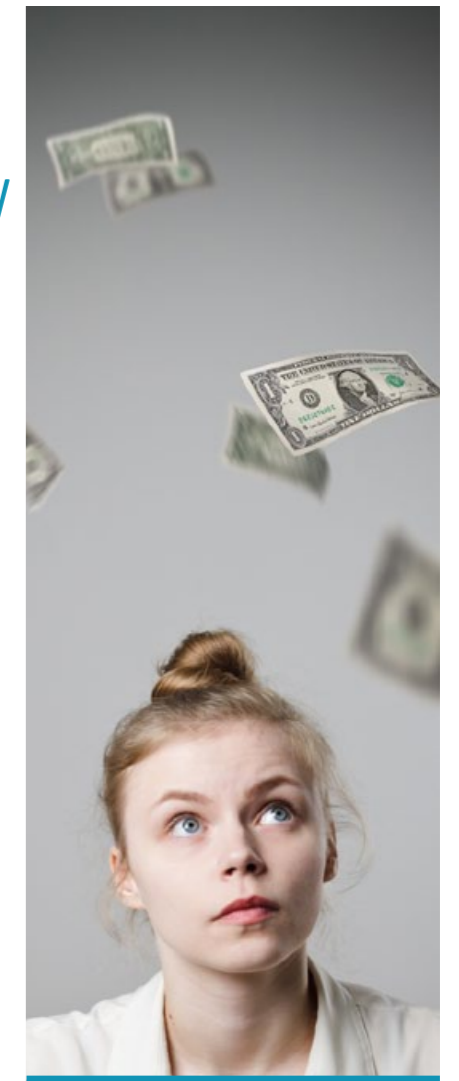
"As the largest online commercial arena in the world, eBay is also an enormous pool of information on human behavior in a commercial market, and that information can and should be harnessed to advance our knowledge, also regarding various aspects of discrimination," explains the researcher conducting this intriguing study, Dr. Tamar Kricheli-Katz of TAU's Buchmann Faculty of Law. "I think we can go further and say that eBay, as a sort of monopoly in the field of online shopping, has a public responsibility to enable a study of this kind and even to contend with the conclusions arising from it. I'm pleased that eBay apparently thinks a little like I do."

### How can this kind of discrimination, which is subconscious, be corrected?

"First," says Dr. Kricheli-Katz, "I hope that merely the awareness of it, thanks to the study, will help to narrow the gap. Admittedly, people will always have stereotypes. That is human nature. However, the more we know about them and the ways in which they manifest, the better able we are to take care, both as the public and as policymakers, which in the legal context means drafters of legislation and judges, that it does not influence our decisions. This is of additional importance in the legal context, as regards our expectations and belief that a new law will change human behavior. If the relevant human behavior is subconscious, then of course a different kind of thinking is required, and perhaps a different kind of treatment, not necessarily legal."

### What have jurists to do with empirical research?

"The current study is part of a worldwide trend in the field of law, empirical legal studies, which aims at examining the way in which law behaves in reality, i.e., how people respond to it and whether it is successful in changing modes of behavior," explains Dr. Kricheli-Katz. "After all, law is a social phenomenon, like the market or the family, and there is no reason not to study it as a social phenomenon, using empirical tools borrowed from extralegal disciplines such as sociology, social psychology, etc. For example, whether crime or criminal



jurisprudence has changed following the establishment of the Public Defender's Office is a question of interest to any jurist, but for that purpose you have to know how to collect and read the data."

### Do you bring this perspective to effect in teaching?

"It's not just me," clarifies Dr. Kricheli-Katz. "TAU's Faculty of Law is blessed with several excellent and talented researchers specializing in empirical research of the law; we have an empirical research workshop, and in the coming year we are even instituting a core course — Empirical Research of the Law. The enormous advantage a jurist enjoys here — beyond acquiring new and challenging viewpoints on the law, thanks to the empirical knowledge and multidisciplinary integration — is the ability to better read and better understand empirical studies, and as a result employ a more efficient legal mode of action."

To read the article: <http://advances.sciencemag.org/content/2/2/e1500599>

For eligibility and application visit [studylaw.tau.ac.il](http://studylaw.tau.ac.il)  
or contact the Admissions Director by mail: [studylaw@tau.ac.il](mailto:studylaw@tau.ac.il)



After unprecedented media turmoil, especially for the previously quiet field of antitrust law, Prof. David Gilo returned to the Buchmann Faculty of Law which he left four and a half years ago. Following Gilo's success in strengthening the position of the Israeli Antitrust Authority, to a large extent helped by the 2011 social protests in Israel, he has no regrets concerning this public experience and misses neither the suits nor the dealings with the natural gas governmental plan.

"I thought it was already behind me", says Prof. David Gilo, "it" in the sense of the need to indulge once again in the natural gas plan although he retired from the position as Director-General of the Antitrust Authority last September. "Nevertheless, I recently appeared in front of the Israeli Parliament (Knesset) Economic Affairs Committee, due to it being a prestigious forum and the fact that it co-operated with the Antitrust Authority within my term, concerning many legislative initiatives which were highly important for the goals of the Antitrust Authority. Moreover, appearing in front of the Committee by invitation is required by law."

**You're hardly thrilled to dwell on it again?**

"Yes, I returned to academia, to research and lecturing and I have these tasks which I now focus on."

**I understand, but nevertheless, don't you think the natural gas plan made a celebrity of the Antitrust field?**

"Not really. There has always been a demand for this field, despite being complicated and difficult, and even in my previous term in the Faculty, classes on antitrust were always filled to capacity. Perhaps there are more applicants to the course but I wouldn't feel it... however, I do get invited to non-academic conferences, and journalists still keep calling. Close to forty of them called after the Supreme Court of Justice rejected the stability clause within the natural gas outline."

**And you, personally, do people recognize you?**

"Yes, some stare, often without recalling where exactly they know me from, and some do recognize and approach me in restaurants, in the gym, even on the street. The vast majority say good things. Also businessmen give credit, and this is far from obvious because in the Antitrust Authority you interfere in business, hence one would expect antagonism... but it's not that I have become a celebrity, with all due respect to the impact of business press."

Continued →



Photography: Ravit Tzelniker



### So not a celebrity but perhaps more cynical or even a pessimist?

"I would go for more realistic. Even prior to what brought about the dramatic cessation of my term in office, I learned that it's not all fun and that there are many things which are not up to me... I certainly became a better teacher, or at the very least, a more relevant one, for I am now much more familiar than before with the way things work on the ground level."

”

As a man of academia, you try to influence from the outside in the hope that your work will be read, perhaps even taken into consideration, and possibly affect change in policy. However, it is hardly comparable to the basic weight of what a regulator can do.

### And do you harbor any anger?

"It's not a matter of anger. I'm disappointed in the result, that's for sure. That is why I left before concluding many processes which were important to me. Nevertheless, I still recommend and think that it is important that professionals in their respective fields take on positions in public service. Personally, I'm happy for doing it. I enjoyed my term in office very much."

Prof. Gilo researched and taught Antitrust Law at the Tel Aviv University Buchmann Faculty of Law since the year 2000, until his appointment as the Director-General of the Antitrust Authority in 2011. His four and a half years in office, even according to the testimony of the OECD, bolstered the standing of the Antitrust Authority. Following resignation, Prof. Gilo returned last September to the same position and modest room from which he left, far from the suits – "I certainly don't miss that, I'm a jeans and T-shirt kind a guy..."; and hard-pressed governmental position.

"It is true that from an objective perspective, there are limited grounds for comparison.

The Director-General position entails many trips; back and forth to Jerusalem, meetings, uncompromising deadlines, deciding the fate of dozens of deals each month, while taking extra precaution not to falter, opening judicial procedures... things advance on their own momentum, many times it is you who take the initiative but then you find yourself drawn into the action of it. While one also experiences stress in the academy, that kind of stress is self-generated, stemming from your own drive for achievements, for gaining the acknowledgment of your peers, for leaving a mark. It is the self-same drive that made me accept the position of Director-General, where one can really make a difference. As a man of academia, you try to influence from the outside in the hope that your work will be read, perhaps even taken into consideration, and possibly affect change in policy. However, it is hardly comparable to the basic weight of what a regulator can do."

”

Anyone who specializes in Antitrust Law by definition has a pro-consumer approach, because maximizing consumer welfare is the ultimate goal of this field. Therefore, even prior to the 2011 Social Protest, this was my mission. The Social Protest, however, acted as a tailwind, pushing for new active steps in the direction of consumer welfare, especially among politicians and policy makers, to promote measures that would not have been advanced otherwise.

Shortly after you began your term in office, the 2011 Social Protest broke out. Did it change anything in your approach, as someone in charge of a governmental body that promotes consumer welfare?

"Anyone who specializes in Antitrust Law by definition has a pro-consumer approach, because maximizing consumer welfare is the ultimate goal of this field. Therefore, even prior to the 2011 Social

Protest, this was my mission. The Social Protest, however, acted as a tailwind, pushing for new active steps in the direction of consumer welfare, especially among politicians and policy makers, to promote measures that would not have been advanced otherwise. Things like the enactment of the Food Act and the Concentration Act, various improvements to the Antitrust Act, the mitigation of agricultural exemption from being declared a monopoly... all this would not have taken place if it wasn't for the Social Protest. The Protest made politicians, naturally for electoral gain, place more weight on these matters. That is, on the welfare of the consumer as a whole, rather than on the welfare of specific sectors. I think that the Social Protest changed the discourse. Take for example the "Kulanu Party" promise to accomplish in other problematic markets what was accomplished in the cell-phone market – that was the secret behind their electoral success. However, in other political parties there were also pro-consumer lobbies, thus enabling a joint action for the sake of reforms of that kind."

Do you feel like you can check off the goals for which you set out to become the Director-General?

"Some of them. The achievement of others depends on a continued action along the lines set out under my term, such as taking enforcement measures against abusive prices set by monopolies, a line of action not implemented by the Antitrust Authority prior to my term. You have to continuously search for the places where the provisions of the law were breached in order for this momentum to proceed. There are also legislative reforms which we started and require completion, such as the protection of parallel importers of certain methods used in agreement between the official importer and the retailers, designed to push other importers out of the market.



Below: Prof. David Gilo as the Director-General of the Antitrust Authority (photography: Gadi Ohad).

At left: Prof. David Gilo as a lecturer at the Tel Aviv University Buchmann Faculty of Law (photography: Ravit Tzelniker).



Likewise, the enhancement of private enforcement of antitrust laws, reducing the concentration of commercial real estate... For instance, when the Israel Land Authority allocates land for a mall or a hotel, who is to get it? Should it be the strongest player in the specific market or rather some other player in order to generate competition? These are all mechanisms which we have pushed for, and require striking while the iron is still hot, otherwise they will fade away."

As a student David Gilo was member of the Editorial Board of Volume 15 of the Buchmann Faculty's Law Review, a legal periodical known for allowing students, still studying for their first degree, alongside a faculty member acting as the chief editor, to take part in editing this prominent academic journal. Among the fourteen student members of that board, no fewer than five are today Professors of Law, in Israel and in the United States: Prof. Yochai Benkler of Harvard University, Prof. Assaf Likhovski and David Gilo of Tel Aviv University, Prof. Hanoch Sheinman of Bar-Ilan University and Prof. Michal Gal of the University of Haifa.

"I don't think that this should come as a surprise because students that apply and are accepted to the Buchmann Law Review Editorial Board likely have aspirations of this sort, or at least there is a great deal of overlap between those who are interested

in this kind of extra activity during their studies, and those who would eventually end up in academia and become professors... by the way, the chairmen of the Histadrut (General Federation of Labor in Israel), Avi Nissenkorn, was also in my year, and I'm sure that there are many more in the forefront of the legal practice and in other places."

So how was it to return to the same academic life after a break of four and a half years?


"That was really the upside of my resignation from the position of Director-General. I was very happy to return and was welcomed very warmly, with overwhelming support and love. We have here in the Buchmann Faculty of Law a very strong

leading group of scholars specializing in law and economics and it was great to return and integrate back in again."

What's next, putting your experiences as the Director-General on paper?

"I'll write down these experiences only if I can find a way to give it a sufficiently academic form," says Prof. Gilo with a smile, "I haven't found such a formula yet. Even prior to my public service I had a large "drawer" of ideas which I haven't had time to develop, so I overloaded it with additional ones that came to me during my term, along with some general insights which are perhaps too amorphous in order to qualify entering into that drawer, but will surely help me along the way in any academic crossroad."





## Intervening at the most critical point of the class action instrument

Eight legal clinics operate in the framework of TAU's Buchmann Faculty of Law, bringing together faculty members, leading attorneys in their field and almost 150 bachelor's degree students, who are afforded practical experience and ethical training. The activity includes legal representation of individuals from disadvantaged populations, organizations and communities, alongside research and drafting of legislative and policy proposals in fields of social value. The following is the story of one of the clinics, which within a short time has become a central player in its field.

Legal clinics are a commendable tradition that was introduced at TAU's Buchmann Faculty of Law in order to promote social justice in jurisprudence, legislation and market conduct, and to educate towards greater involvement of jurists in advancing a legal culture committed to social justice. Experienced attorneys in their fields are employed fulltime by the clinics, each of which is directed by a faculty member specializing in the topics under its responsibility. Over the years the various clinics have partnered in precedential judicial rulings, the drafting of important legislative proposals, and initiating and undertaking additional reality-changing activities in their various fields.

### One of eight, but unique

One of the clinics - the Clinic for Class Actions - is unique in that its mission is to promote not a single social issue, but a legal instrument, the class action, which is highly relevant to various social and consumer issues. The Clinic for Class Actions is the first of its kind and unique in Israel; alongside its academic activity in the class action field, it is mostly involved in submitting objections to unfair compromise arrangements in class actions, usually in the name of the Israel Consumer Council, which the Clinic represents in such proceedings.



### Representing the public interest

"Class actions have unique aspects, such as the agency problem, the false claims problem, and the obstruction posed by a judicial ruling in a class action to any future claims on the same topic," explains Adv. Roni Avissar-Sade, who together with Prof. Alon Klement of the Faculty founded the Clinic in 2011 and has directed it since. "In such a ruling, even if it approves a compromise arrangement between the sides, the rights of members of the represented group are determined, and sometimes that group is the entire public, and usually most of the group's members are not even aware of the suit being conducted in their name! Therefore, all too frequently, compromises are reached that are not in the best interest of all of the represented victims or the public, but in the best interest of the sides conducting the proceedings, with an emphasis on the representing claimant. Exactly at this point, which is so critical to the idea of the class action, we intervene and try to achieve a better result, for the victims and for the public at large. To the extent that the sides to a proceeding understand that there is a factor supervising the arrangements that are submitted to the court for approval, and opposing them when necessary, it will sway them in advance not to submit agreements that are publicly unworthy. On a broader view, it also has a direct influence on the deterrence of lawbreaking in Israel."

### Winning not just praise but also awards

This last January the Clinic for Class Actions also won the "Class Action Notable Decoration," in the framework of the Sixth Annual Conference for Class Actions under the auspices of the "Halacha le-Ma'ase" Center. The conference is the central

annual event at which attorneys, jurists, industrialists, academia researchers and organizations active in the field meet to study, discuss and debate salient issues in the class action field. The Clinic's winning the prize — for its work, for its defense of the public represented in class actions, for its research on behalf of improving the existing legislation in the field, and for its contribution to promoting the use of the class action instrument in Israel — attests to its standing in its field.

### How to become a central player within five years

"The Consumer Council, which we represent in class actions, is a body that is highly involved in proceedings of this type," explains Adv. Avissar-Sade. "Additionally, it is important to note that the class action is still in its developmental stages in Israel, even though all the researches point to a sharp upsurge in its use in Israel. There are therefore many issues that have arisen for the



To the extent that the sides to a proceeding understand that there is a factor supervising the arrangements that are submitted to the court for approval, and opposing them when necessary, it will sway them in advance not to submit arrangements that are publicly unworthy.

first time in Israeli courts, for which there are no answers in previous judicial rulings or in the law. Our expertise enables us to offer solutions to these issues too, and indeed we are involved in the proposed amendment to the Class Actions Act, which has been submitted to the Knesset and concerns not only the institution of objections but also the question of the distribution of monies awarded as relief for the benefit of the public, a reduction of the false claims problem in class actions, and supervision of the implementation of compromise arrangements, another aspect in which we are very active. I can also tell you that at this time students in the Clinic are working on an additional proposed act on the topic. Add to all that the unique research we have conducted on the class action proceeding in Israel, by means of which we are identifying the existing problems in the field, and you have all the elements of enterprise by virtue of which, I suppose, we won the prize."

Within only five years the Clinic for Class Actions has become a central player in its field. Adv. Roni Avissar-Sade, who together with Prof. Alon Klement founded the Clinic and has directed it since its establishment, has good reason to be pleased.





Taste of Ongoing Faculty Activity

# 6/6 multiplied by two years



Do not wrack your brain, this is not a formula calculation of tax benefits for independent optometrists but rather an initiative, now in its second year running, to draw members of the Board of Trustees closer to the research conducted within the Faculty.

On March 29, in the presence of the President of the University, Vice Rector and Vice President for Resource Development, Dean and Vice Dean of the Buchmann Faculty of Law, Supreme and District Court Justices, Senior partners and Directing Partners at leading Israeli law firms and honorable donors, all of whom are members of the Buchmann Faculty of Law circle of friends and Board of Trustees, a celebratory evening was held, now in its second consecutive year, under the title 6/6: six short lectures, six minutes each by six researchers, members of the Faculty who presented their most recent scholarly studies.

“We wanted to draw our Board of Trustees closer to the heart of our current overall research activities within the Faculty, rather than offering a single-focus or any other activity which is unrelated directly to the Faculty”, explains Prof. Talia Fisher, Vice Dean of Research at the Buchmann Faculty of Law. “Our Board of Trustees

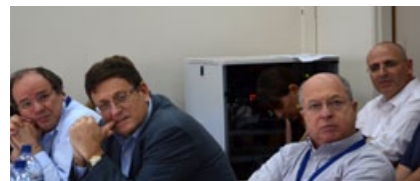
plays a significant role within the Faculty’s internal functioning, and we truly want proudly to share the diversified fields of research conducted by our faculty members. However, within this framework, we are not able to delve thoroughly into every field and every topic. The 6/6 pattern is an optimal solution. It provides a panoramic view, albeit a fast one, sufficient in order to give the Board of Trustees a sense of the variety of topics we engage without overloading them with information or interfering with the relaxed nature of this special evening. This way all present are both informed and enjoy the evening.

Last year’s 6/6 event lectures were delivered by six young members of the Faculty, whereas this year it was the representatives of the more senior faculty members who addressed topics such as: the effects of globalization on the family institution – its composition and legal status (Prof. Daphna Hacker), empirical research concerning all

those admitted to the Israel Bar Association since 1995 (Prof. Neta Ziv), issues in Bio-Ethics in Israel, Turkey and Germany (Prof. Shai Lavi), shedding new light on the basic premise of the incentives behind class action procedures (Prof. Alon Klement), proposal for creating exceptions to the exclusivity principle leaving it up to the plaintiff in choosing when to file his/her law suit (Prof. Issachar Rosen-Zvi), and the history of legislation yet lack of implementation in relation to combined environmental licensing in Israel (Dr. David Schorr). Prior to the lectures, the President of the University and the Dean of the Faculty presented their summary of the latest innovations and developments both present and future concerning the structure of the University and the Buchmann Faculty of Law, faculty members, programs of study, the placement of law students for internships and so on. **We look forward to next year’s “6/6” event!**



Yuval Horn, Sharon Amir. In the background: Karin Ohry (Kossoy)



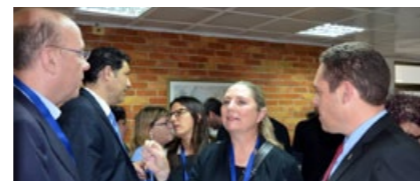
Israel Fischer, Oded Eran, Tal Band, Gil Ron



Hanina Brandes, Tamar Kricheli-Katz, Amir Zolty. In the background: Roy Kreitner, Ruth Ronnen



Hanina Brandes, Iris Rabinovitch Brun



Meir Linzen, Yaacov Sharvit, Yael Shahaf, Michal Herzog, Amos Elad. In the background: Iris Rabinovitch Brun



Ron Harris, Joseph Klaffer



Joseph Mendelson, Yoram Danziger, Kenneth Mann, Eytan Greenberg. In the background: Roy Kreitner, Ruth Ronnen



Joseph Klaffer, Karin Ohry (Kossoy)



Ofer Grosskopf, Yael Shahaf. In the Background: Varda Bernstein



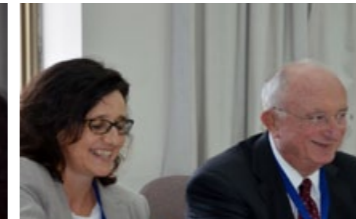
Shai Pines, Giora Erdinast



Dan Hacohen, Eytan Greenberg



Eldad Koresh, Eyal Ziser



Daphna Hacker and Hanina Brandes

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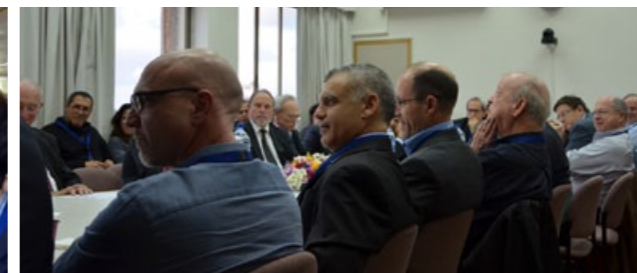
Eldad Koresh, Donny Toledano. In the background: Ruth Ronnen, Barak Tal



Giora Erdinast, Alon Klement. In the Background: Issi Rosen-Zvi



Yoram Danziger, Kenneth Mann, Eytan Greenberg, Eldad Koresh. In the background: Barak Tal, Orly Rosenberg



Kobi Vardi



Meir Linzen speaks out. Around him are Yael Aridor Bar-Ilan, Orly Gerbi and Michael Biron



Tali Ohry, Issi Rosen-Zvi, Avraham Tal, Shai Lavi



# A new institute is born to the Faculty of Law and the intellectual property field: the Godfather – the Director-General of WIPO!

Say mazel tov! This past 20 March, in the presence of many dignitaries from the Israeli legal elite, including three former Presidents of the Supreme Court and three former government ministers, the S. Horowitz Institute for Intellectual Property in memory of Dr. Amnon Goldenberg was inaugurated at the Buchmann Faculty of Law. As attested to at the launch ceremony by Dr. Francis Gurry, Director-General of WIPO, the intellectual property field, with its cultural, economic and commercial ramifications, must adapt itself to a technological reality that unceasingly challenges the ways in which intellectual property is created, received and used, as well as the production, distribution and commercial exchange of intellectual property. Simply put, the challenge facing the newborn institute is anything but simple.



Many dignitaries attended the inaugural ceremony of the S. Horowitz Institute for Intellectual Property in memory of Dr. Amnon Goldenberg. In the picture, from the right, three former Presidents of the Supreme Court – Asher Grunis, Meir Shamgar and Aharon Barak – together with Ora Goldenberg, Dr. Amnon Goldenberg's widow, and Adv. Tal Band, Head of the IP Group and Dr. Amnon Goldenberg's partner at S. Horowitz & Co. Law Office.



And its name in Israel shall be the S. Horowitz Institute for Intellectual Property in memory of Dr. Amnon Goldenberg. The head of the new institute, Prof. Michael Birnhack, addresses attendees of the inaugural ceremony. Beside him onstage, from left to right: Prof. Yoav Henis, TAU Vice President for Research; Prof. Ron Harris, Dean of the Law Faculty; Adv. Tal Band of S. Horowitz & Co. Law Office; and Ora Goldenberg, Amnon Goldenberg's widow.

“In a global world the interface between law and technology is of great importance, all the more so in a startup nation like Israel,” remarks Prof. Michael Birnhack, an expert on law and information and intellectual property and head of the new institute for intellectual property at the Buchmann Faculty of Law. “The laws of intellectual property are critical to that infrastructure, as well as to other topics of special importance in Israel, such as protection for local art and culture and everything involved in registering drugs as a patent, a field in which the Teva company is a key global player. Additionally, the Copyright Act enacted in Israel in 2007 and its interpretation in the Israeli courts have aroused considerable worldwide interest because beyond what is being done in this matter in the U.S., this law has precedential value on a global

scale. Since intellectual property is a major legal medium for economic and cultural activity, yet at the same time is developing and being updated all the time, and in conjunction with our special circumstances here, the bottom line is that it all invites the establishment of an institute for research, discussion and tracking, the first of its kind in Israel, which will focus exclusively on the intellectual property fields.”

## A worthy memorial to Dr. Amnon Goldenberg

The new institute, which is named after Adv. Dr. Amnon Goldenberg of S. Horowitz & Co. Law Office, was launched in a well-attended ceremony at the Faculty of Law this past 20 March. Honoring the ceremony by their presence were many dignitaries from the Israeli legal elite, including three former Presidents of the Supreme Court — Meir

At left: WIPO Director-General Dr. Francis Gurry at the inaugural ceremony of the Institute for Intellectual Property. He views researching the field specifically in Israel as being of great importance.

At right: Prof. Nili Cohen, president of the Israeli National Academy of Sciences. How “Jewish” was Kafka’s work?







Intellectual and cultural creation and the pursuit of knowledge have accompanied the Jewish people since the dawn of history, while the very essence of intellectual property is exactly the way in which a society produces, disseminates and consumes knowledge and culture.

Dr. Francis Gurry, Director-General of WIPO, at the inauguration of the Faculty's new institute for IP.

Shamgar, Aharon Barak and Asher Grunis — three former government ministers — David Libai, Amnon Rubinstein and Daniel Friedman — current Supreme Court Justice Hannan Meltzer, senior attorneys and many academicians. It bears mention that Dr. Amnon Goldenberg was a faculty member and took part, as an attorney, in some of the prominent judicial rulings in the intellectual property field in Israel, in such cases as Phoenicia, Interlego, Hughes Aircraft and others. Indeed, as his widow, Ora Goldenberg, attested, “the establishment of the institute for intellectual property is perhaps the deed that holds us closest to Amnon.”

#### The Director-General of WIPO in a subversive message against his own organization

Attendees of the inaugural ceremony were addressed by Prof. Nili Cohen, president of the Israeli National Academy of Sciences, and by Dr. Francis Gurry, Director-General of WIPO, the UN organ responsible for drafting and supervising the international treaties in the intellectual property field, one in which thanks to the technological revolution international coordination is of vital importance. In his address, Dr. Gurry analyzed the challenges with which intellectual property has dealt in the past twenty years, against the background of the contemporary ability to easily reproduce creative works and distribute them globally no less easily. The central message of

his address, perhaps a subversive one, considering the organization he himself heads, concerned the very feasibility of protecting copyright as the result of cooperation among states, as opposed to market forces.

#### Jewish brains and intellectual property

As regards the importance of establishing an institute dedicated to intellectual property specifically in Israel, Dr. Gurry made two observations from his viewpoint: the first is the Israeli attraction to innovation, the second the fact that intellectual and cultural creation and the pursuit of knowledge have accompanied the Jewish people since the



The price of medications concerns us all, what is allowed and what is forbidden in sharing files, creative works and pictures concerns us all, and access to knowledge and information in general is something that is of interest to all of us.

Prof. Michael Birnhack, Head of the New Institute



Prof. Michael Birnhack

dawn of history, while the very essence of intellectual property is exactly the way in which a society produces, disseminates and consumes knowledge and culture. In light of all that, Dr. Gurry went on to say, it is only natural that an institute for intellectual property should be established in Israel, for the purpose of encouraging research, including multidisciplinary research, in the field, creating a sought-after podium for an updated academic discourse, in cooperation with similar academic centers, and providing up-to-date training in the field. Dr. Gurry's remarks regarding creative enterprise as part of the definition of Jewish identity were buttressed by Prof. Nili Cohen, who touched upon two Israeli judicial rulings, in the matter of Kafka's writings and the Jewish archive of Vienna, in which it was determined, contrary to the copyright and the original owners, that for all practical purposes Israel, as the representative of the Jewish people, is best fit to hold these two corpuses of creative work, even though at least as regards Kafka, admitted Prof. Cohen, there is some doubt as to how “Jewish” his work was.

#### In re what kind of activity the institute will initiate, there is already an answer...

“One of the problems with the legislation and regulation in the intellectual property field,” explains Prof. Birnhack, “is that the public is not a party to it and sometimes is not even aware of it, despite its great importance. After all, the price of medications concerns us all, what is allowed and what is forbidden in sharing files, creative works and pictures concerns us all, and access to knowledge and information in general is something that is of interest to all of us. Our institute will not only make it possible to track the legislation, but will also develop and extend the discussion — by means of our roundtable institution and our students' forum — to broader and more diverse target audiences than just the jurists and parties with economic interests. For example, as regards the proposed new Designs Act, we have already, perhaps for the first time, brought academic researchers, attorneys and judges together with font designers. That exactly is the purpose, to make possible fruitful and innovative encounters, for which there is no podium today. This we are already implementing, and as I've said, it's only one of the goals that we have set ourselves.”

For more information visit the S. H orowitz IP Institute website: [en-law.tau.ac.il/shiip](http://en-law.tau.ac.il/shiip)

## Omri Rachum-Twaig on the derivative work

Omri Rachum-Twaig — a doctoral candidate cum laude and musician, who has been awarded both a research grant on behalf of the S. Horowitz Institute and just recently the prestigious Wolf scholarship — is writing his dissertation in the framework of the Zvi Meitar Center for Advanced Legal Studies, and has also been a research fellow at the Edmond J. Safra Center for Ethics. Currently located in Berkeley, as part of the track offered to doctoral candidates cum laude at the Zvi Meitar Center to take a semester at a leading international university, Omri took the time to tell us about the topic of his research — the derivative work, i.e., the right to base a new work on a previously existing one in an essential way:

“Today, in most countries, the right to a derivative work is granted exclusively to the owner of the original work. As a musician, the problem with this exclusivity was very palpable to me. In classical music, for example, one of the well-known composing techniques is variations on a theme from a familiar existing work. This is, of course, a derivative work and therefore prohibited without the assent of the original artist. In their improvisations jazz musicians as well incorporate passages from other familiar works, and in the pop world too it is very customary to make cover versions of existing works (the law allows this by a special exception), but also to integrate parts of existing works in new works. This is especially evident as regards newer creative techniques such as mashup and remix...”

#### And how do you propose to contend with the restriction imposed by the right to derivative work?

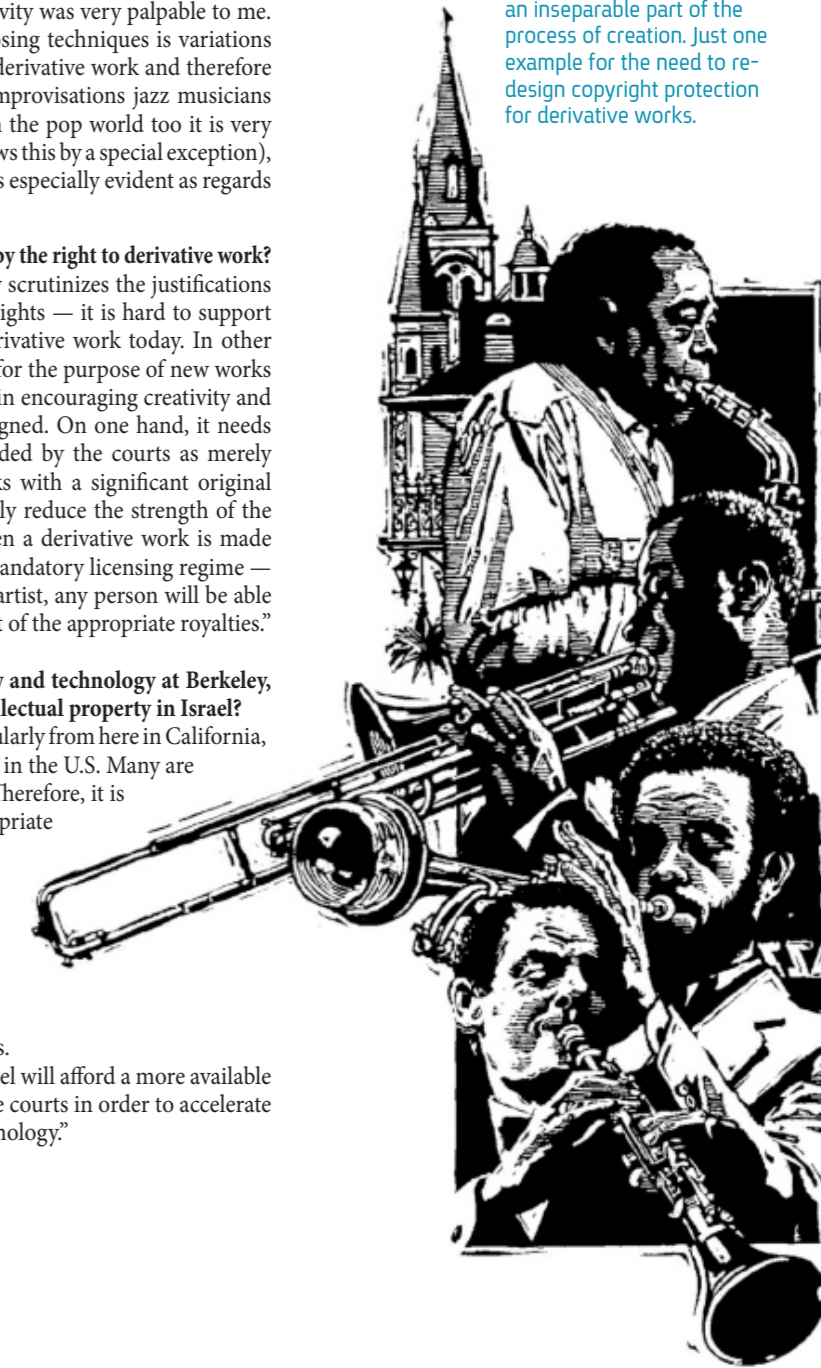
“One of the conclusions from my research is that if one closely scrutinizes the justifications — the economic ones and those based on the artists' natural rights — it is hard to support the broad scope of exclusivity with respect to the right to derivative work today. In other words, if one understands that the use of previous expressions for the purpose of new works is an inseparable part of the creative world, and one sees value in encouraging creativity and enriching the world of expressions, this right has to be redesigned. On one hand, it needs to be applied to more cases, which currently are comprehended by the courts as merely ‘copying,’ even though they involve the making of new works with a significant original contribution. On the other hand, it is necessary to considerably reduce the strength of the redresses that the law currently affords the original artist when a derivative work is made without his permission. The main proposal is to convert to a mandatory licensing regime — after a certain restriction period of exclusivity for the original artist, any person will be able to make derivative works without his assent, subject to payment of the appropriate royalties.”

#### And from your current perspective in the strong center for law and technology at Berkeley, how do you view the establishment of the first institute for intellectual property in Israel?

“Israel is a technological powerhouse. That is very evident particularly from here in California, and from Silicon Valley, the summit of the technology industry in the U.S. Many are looking out for the new technological developments in Israel. Therefore, it is natural and fitting that there should be a respectable and appropriate platform for research into intellectual property which is a central part of the law and technology field. Additionally, it is especially important to enrich the Israeli research discourse on the topic. Around the world, the jurisprudence in the intellectual property field is adapting itself too slowly to the changes in technology and in the new creative fields. In Israel this is especially evident when the courts tend to turn to judicial rulings in other countries as the basis for their decisions. The enrichment of the research into intellectual property in Israel will afford a more available and accessible source of knowledge that will be able to serve the courts in order to accelerate the adaptation of the jurisprudence to the development of technology.”

Close-up of a study in the field

As in Jazz music, the integration of existing works within a new one is an inseparable part of the process of creation. Just one example for the need to re-design copyright protection for derivative works.





A heterogeneous city, with a population of diverse socioeconomic background, is a better city.



## Proactively promoting social housing in Israel

You could have gambled that the real estate bubble and government efforts to provide affordable housing would encourage the development of solutions to the market obstacles and not just bypasses, but the reality is otherwise. It is this reality that Israel Affordable Housing Center – the academic body at the Buchmann Faculty of Law that is responsible for research and development of social housing policy – is trying to change. The tools: research, promoting policy, creativity and, above all, a sense of mission.

In a modest office on the basement floor of Tel Aviv University Buchmann Faculty of Law, a small group of people, under the direction of Prof. Neta Ziv, is managing to rapidly produce creative solutions to problems and failures that have plagued the real estate market since before the social protest movement, and even more so since then. Indeed, these solutions have aroused the curiosity of large and strong government agencies and local councils, which are no less intrigued. The place is called Israel Affordable Housing Center — research and development of social housing policy. The following is just a sampling of their recent activity.

### Assisting residents in urban renewal

On its face, urban renewal projects are an ideal solution, one that adds value and quality of life to the residents, profit to the contractor, and utility to the city, by dint of improved appearance and new populations. It is also a distinct interest of the state in the war on the real estate bubble, by dint of

adding much-desired housing units in the heart of existing cities. Indeed, there is no lack of developers and potential. But in not a few cases the need to obtain the consent of a large number of homeowners bogs down the process. “For example, take the question of construction without a permit,” says Sebastian Wallerstein, the director-general of Israel Affordable Housing Center. “How do you weigh that in assessing the value of the current property? If you don’t weigh it, the residents won’t sign, and if you try to apply sanctions due to the illegal construction, a fortiori they won’t sign! And that’s even before we’ve begun talking about income-dependent interests, for example, a low-income person won’t agree to find himself in a new building with expensive maintenance... or age-dependent interests, like many elderly people’s fear of changes. In other words, what many urban renewal projects are missing is accompaniment by a factor with no interest in the deal, one that knows how to take all the considerations into account and avoid crises.

### And how do you unravel the knot?

In three words: deep-digging community work. That exactly is the model — developed by the Housing, Community & Law Clinic at TAU Buchmann faculty of Law — that we are currently implementing

Elderly people often don’t sign a urban renewal agreement for fear of changes. Israel Affordable Housing Center believes that community work can overcome the difficulties.



in the “Banit” neighborhood in Lod. We have an attorney with training also in social work who is conducting interviews with all the residents... he often tells them things they didn’t know about their rights and accompanies them throughout the process, for example choosing representatives for each building. The model’s advantage is that the accompaniment is provided not by a ‘macher,’ as is customary in the market, but by an independent body, which has won the residents’ trust, has good relations with the authorities and the developer, and has the right professional tools. But that’s not all. These obstacles require systemic treatment at the national level. Just recently we held a brainstorming session, in cooperation with the Social Finance Israel organization, which was attended by senior figures from the fields of finance and housing, such as the directors-general of the Tel Aviv Stock Exchange and Amidar, to examine the possibility of using social bonds to finance a model of this kind, so it can be implemented in additional cases. If it succeeds, we have in our hands a tool to propel the urban renewal field forward, and I don’t have to tell you what that means economically and socially, all the more so to the city of Lod.”

### Promoting legislation, research and training, in close cooperation with local authorities and the state

“Apropos age-dependent interests,” adds Sebastian, “we are conducting, with the support of the Ministry of Welfare, a study on the elderly in processes of urban renewal, because the Ministry too understands that it is necessary to address the needs of this population in distinctive fashion, and that we have the theoretical and practical knowledge to conduct research of this kind and provide the answers... And that isn’t the only public body that has hired our services. The Tel Aviv municipality — by means of the “Ezra ve-Bizaron” company, which is now entering the urban renewal field — enlisted us to deliver to the residents a basic course



Dreaming of a house but still renting? At least you’ll pay less! Another bright idea from Israel Affordable Housing Center.

on their rights in urban renewal processes and the various stages in such processes. In parallel, as regards affordable housing, we are also on the municipality’s planning team that is preparing a policy paper on urban renewal in the Neve Ofer neighborhood... It is important to note,” continues Sebastian, “that our emphasis is on rental housing at a price that is really affordable, and not as the situation is now, where affordable means market price or a little below that, i.e., unaffordable to people of median income or less, who were supposed to be the target audience of affordable housing. We have garnered our richest experience in that respect through our involvement in the Sde Dov project in which, together with a coalition of civil society organizations, we have achieved the earmarking of 35% of the units for social housing, i.e., public housing and affordable rental housing, at discounts of over 40% of the market price! Additionally, we have seen to the appropriate tools so that this discount won’t melt into thin air... I am pleased to find that the Tel Aviv municipality too understands that a heterogeneous city, with a population of diverse socioeconomic background, is a better city. Sde Dov is a great opportunity to turn a theoretical debate and grand slogan — affordable housing — into results on the ground, because it concerns a plot of land that is largely publicly owned, in the most attractive location possible. Nonetheless, the change has to manifest not just in the projects themselves but in legislation too, and indeed we’ve initiated an amendment to the Planning and Construction Law on exactly this point.”

### The start-up arrives in the rental market

Realtors cost renters money — usually an additional full month’s rent. Fifty percent of all apartments are rented out in this way, but in most cases the current tenant nonetheless isn’t spared the headache of serving as ad hoc tour guide for renters taking an interest. Seeking to do away with this entrenched arrangement, a startup company has begun developing an internet rental platform free of realtors. Israel Affordable Housing Center, in cooperation with the startup company, whose name cannot yet be divulged, is conducting a comparative study focusing on six rental markets in cities abroad, into which the company hopes to expand when the time comes. “Beyond our understanding of the real estate market in Israel, and of rentals in particular, we, being located in the Faculty of Law, enjoy an additional secret advantage in this matter,” reveals Sebastian, “and that is the international master’s degree program, which every year draws to the Faculty a not insignificant number of jurists from all over the world, speaking diverse languages. We have enlisted some of them to collect data, which is no simple task — for example, it is necessary to track various municipal procedures, which are not necessarily published — and we have thus accumulated the appropriate knowledge. The idea is that the current tenant will get a small cut, much less than what realtors take, so he is compensated for the service that he in fact provides, and of course the renters that replace him, who pay much less.”



## Counsel speaks out: Meir Linzen, senior managing partner at Herzog, Fox & Neeman Law Office



Photography: Tali Chen

On the flooding of the market with lawyers (but not good lawyers!), on lawyers' interest in encouraging legal research, and why alumni relations in Israel are not as strong as among graduates of prestigious universities in the United States; Meir Linzen, graduate of TAU's Faculty of Law (cum laude, 1980), on the responsibility, shared by academia and legal practice, for the future of the field of law.

Meir Linzen, senior managing partner at Herzog, Fox & Neeman, the largest law firm in Israel for 2016 according to Globes Dun's 400 ranking, studied at TAU's Faculty of Law during the years 1976-1980, and was a member of the Editorial Board of the Buchmann Faculty Law Review in a class that produced, among others, Prof. Miguel Deutch, former Judge Shaul Manheim, and Adv. Avraham Alter (deceased) and Adlay Chomsky (deceased), and Oded Eran and Avigdor Klagsbald. During his studies he was awarded a scholarship and graduated cum laude.

"My parents were Holocaust survivors," he explains, "and the small grant I was awarded was of great importance in that I didn't become a burden to my parents, who did not have many economic opportunities." Today, Herzog, Fox & Neeman Law Office is proud to be a regular donor, for over a decade already, of grants for bachelor's degree students at the Law Faculty on the basis of needs and achievements. "As a student, I had the privilege of learning from superb

professionals such as Amnon Goldenberg and Zeev Zeltner, both deceased, or David Libai and Yitzhak Hadari, may they live long," recalls Adv. Linzen, who has spent his entire career at Herzog, Fox & Neeman Law Office, from his clerkship to his present position as senior managing partner. "However, the teachers then divided their time between legal practice and academia, to the detriment of research of the law. From that aspect, in my opinion the Faculty today is structured more correctly in that there is an excellent permanent faculty, which believes in what it's doing, and that is devoting all of its time to research at the highest international level. Diversity and the viewpoint of legal practice is brought in by the adjunct faculty."

**And does that exhaust the legal practice's involvement in what is happening at the Faculty?**

"Definitely not! I, for instance, am a member of the University's administrative board, of the Faculty's board of trustees, of the administrative board of the Zvi Meitar

Center for Advanced Legal Studies, of the administrative board of the Cegla Center for Interdisciplinary Research of the Law, of the administrative board of the Parasol Foundation Trust International LL.M. Program, and of the administrative board of the Faculty's Institute for Supplemental Training of Lawyers. You'll agree with me that this is no small involvement in what is happening at the Faculty," chuckles Adv. Linzen, but quickly clarifies: "These are not honorary titles... It is administrative involvement and the many hours that I devote each month to University and Faculty matters, at the expense of possibly working at the office for my own benefit... But I'll say more than that. In my view, our responsibility, as legal practitioners, for legal research is even broader! And I'm not even talking about contributing to bachelor's degree scholarships, which in my view, as someone who was awarded one in his time, is simply repaying a debt. I'm talking about an outstanding jurist who is thinking about taking an advanced degree in law. This clearly is, after all, an interest of ours as a profession, whether that jurist returns to lawyering as a greater expert in his field and thus contributes to raising the professional level of the field, or is drawn into academia and advances the law as a longtime researcher. But what incentive does such a jurist have to interrupt his career for a full two years — since he'll be taking time away from the office, two or three days a week, and that's just the master's degree, right? A doctorate of course takes longer than two years — what incentive does such a jurist have to forgo the high pay he would likely get engaging in his occupation, and to devote himself entirely to study and research, while scrambling in exhaustion after subsistence grants that provide a very modest living? That exactly is the reason why I was a partner, as a donor and in canvassing donations

from others, colleagues and friends, in the establishment of the Zvi Meitar Center for Advanced Legal Studies at the Law Faculty, and likewise I also support the executive LL.M. program in public law, in conjunction with Northwestern University."

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Even if the market is flooded with lawyers, and maybe even more so when it is flooded, the demand for excellent lawyers is ten times higher than the supply, and the first place to go to find those who are going to be excellent lawyers is TAU's Faculty of Law.

**And does legal practice need to help academia in this respect?**

"Undoubtedly," emphasizes Adv. Linzen. "In the field of law, as opposed perhaps to other fields in which academia provides training, there is no lack of money. That money is the fruit of the labor and toil of excellent lawyers, graduates of the Faculty, and they are good at what they do in part because they studied with the excellent researchers who teach at the Faculty. In my firm there are 41 partners who are graduates of TAU's Faculty of Law, 33 associates who are graduates of the Faculty, and on average 15 clerks who are graduates of the Faculty. Do you understand? I have a direct interest that TAU's Faculty of Law will continue to have fine researchers. And therefore our firm contributes, beyond the bachelor's degree grants already mentioned, to scholarships

for advanced degrees, the international LL.M. program, and to the research centers and institutes at the Faculty. Furthermore, I am also very active in canvassing additional donors to these programs and research bodies. It is my way, as a professional field, and certainly as a leading law firm, to ensure excellent lawyers, for even if the market is flooded with lawyers, and maybe even more so when it is flooded, the demand for excellent lawyers is ten times higher than the supply, and the first place to go to find those who are going to be excellent lawyers is TAU's Faculty of Law."

**You present it as actually the responsibility of the practice, am I right?**

"Certainly," replies Adv. Linzen. "It's a shared interest, of academia and the practice, and therefore the responsibility is shared — the responsibility for research of the law and for the next generation of those engaging in the law. See here," he summarizes, "the responsibility I feel towards the Faculty of Law doesn't come from the place of a graduate of the Faculty, for in fact the alumni relation between the graduates and the Faculty, and in Israel in general, is not as strong as in the United States. In Israel, even though TAU's Faculty of Law is a leading world-class law school, and its standing in Israel is as high as that of the most prominent law schools in the United States, the fellowship of the graduates is less distinctive and there is room for strengthening and improving the relations with the Faculty. But this situation doesn't stem from ingratitude on the part of the graduates. I think that young people in Israel simply have another formative melting pot, before their bachelor's degree studies, and that is the army... The bottom line is that the responsibility I feel towards the Faculty of Law doesn't come from a place of loyalty to some prestigious club, but of the good of the profession."

The first place to find those who are going to be excellent lawyers: TAU's Buchmann Faculty of Law







Photography: Rivi Tal