

# The Dean's Message



Spring semesters always bring both a sense of closure and new beginnings. We say goodbye to a class of graduates and wish them the best in their new careers, for which we've helped prepare them with an excellent education. Their lives as lawyers are just starting, and a feeling of limitless potential is in the air.

We're proud to report that one of our new graduates is making news early in her career by getting in front of an exciting cultural trend that is quickly making its way into the practice of law. If you haven't heard about Second Life, you will soon, and Bettina Chin '08 will be part of the reason why. This issue of LawNotes features the condensed version of her impressive note, published in the latest issue of the Brooklyn Law Review, in which she argues that real-world courts may soon be dealing with conflicts that happen online in the alter-universe of a simulated world where people are making – and losing – reputations and fortunes.

Bettina joins the ranks of other highly successful Brooklyn Law School alumni, some of whom we've profiled in our "Milestones" feature. Every day I hear good news about our graduates and their accomplishments. As you will read in this issue, one of our graduates was recently sworn in as a federal judge, another received a Fulbright Grant, and another won an Emmy Award.

Stanley Grossman '67 – who is featured in our cover story along with BLS Centennial Professor of Law Roberta Karmel – experienced a career milestone of his own when he took a major securities fraud class action to the U.S. Supreme Court. We're proud of him and of Professor Karmel, who had the foresight to predict the issue that the case would be decided on. The fact that both a graduate and professor took part in *Stoneridge v. Scientific-Atlanta* provides us here at the Law School with yet another newsworthy event to celebrate.

There's more good news included in this issue of LawNotes. For example, several of our top students were awarded prestigious fellowships, and a group of outstanding faculty members will join the Law School next fall. We've partnered with Holland & Knight to offer students an opportunity to work on high-profile pro bono cases under the supervision of the firm's attorneys. Barry Salzberg '77 established a full-tuition scholarship in the name of the company he leads, Deloitte LLP, and we have welcomed a new Director of Development to the Law School.

I hope you enjoy reading about the successes of these members of the Brooklyn Law School community. Please visit our Web site to stay connected and find out about upcoming events and new developments.

With all best wishes,

A handwritten signature in black ink, appearing to read "Joan G. Wexler". The signature is fluid and cursive, with a large initial "J" and "W".

Joan G. Wexler

Joseph Crea Dean and Professor of Law

## Scholars Address Cutting-Edge Issues at Fall Events

### Long-Standing Series Attract Audiences to BLS

Every year, Brooklyn Law School's wide range of academic events draws audiences of practitioners, students and academics. As part of five long-standing series, events held during the Fall 2007 semester provided a forum for legal scholars to discuss timely legal topics.

#### Theory-Practice Seminar Addresses Closure of New York Hospitals

The Center for Health, Science and Public Policy kicked off the fall's slate of academic programs with its theory-practice series addressing New York State's controversial attempt to close and merge many of its hospitals. In 2004, the state legislature created a commission to study the problems of hospitals in New York — problems including bankruptcy, inefficiency and overcrowding — and make recommendations about how to address them. In its final report, the Commission on Health Care Facilities in the 21<sup>st</sup> Century, which became known as the Berger Commission, recommended a major reconfiguration of New York's health care system.

The American Bar Association Antitrust Section Committee on Health Care and Pharmaceuticals co-sponsored the seminar, "Balancing Competition and Government Allocation of Health Care Resources: The Berger Commission Report," held September 20 to address the legal and public policy issues surrounding the reconfiguration. BLS was the first to partner with the ABA on its innovative initiative to deliver similar discussions at law schools around the country. Karen Porter, the director of the Center for Health, Science and Public Policy; and Elinor Hoffman '77, an Assistant Attorney General with the Antitrust Bureau of the New York Attorney General's Office who also teaches antitrust as an adjunct professor at Brooklyn Law School, organized the event. Mark Botti, a partner with Akin, Gump, Strauss, Hauer & Feld, LLP in Washington, D.C. and a vice chair of the ABA's Antitrust Section Committee on Health Care and Pharmaceuticals, introduced the panels and moderated the program.

The first panel addressed some of the policy issues raised by the Berger Commission's state-mandated restructuring of the health care market. Mark Ustin, who served as the commission's deputy director and general counsel, explained the origins of the

commission and described its methodology and recommendations. Under the report's recommendations, nine hospitals were closed and 48 others were reconfigured; 57 hospitals were directed to reduce their capacity by 7 percent, and 23 nursing homes to reduce theirs by 2.6 percent. Martin Bienstock, special counsel with the New York State Department of Health, spoke about supervising the legal implementation of the Berger Commission Report. The question of how to allocate the money made available to accomplish the report's recommendations, including carrying out mergers correctly, is a difficult one, he said, especially given antitrust concerns over mandated mergers.

Other speakers on the first panel included Jeffrey Gold, from the Healthcare Association of New York State, an industry group that represents hospitals and other facilities; and Amanda Masters, an attorney with New York Lawyers for the Public Interest, an organization that filed litigation challenging the constitutionality of the Berger Commission enabling legislation.



Participants and presenters at the Theory-Practice Seminar, including Professor Karen Porter (bottom right), who organized the event, addressed New York State's move to close and merge many of its hospitals.

Speakers on the second panel focused on how the recommendations of the Berger Commission affected health care market dynamics. Peter Millock, a partner at Nixon Peabody, LLP in Albany, has represented some of the hospitals affected by the Berger Report. He gave specific examples of the antitrust impact on four upstate hospitals, concluding that the antitrust impact is specific to the location of the hospitals. "It really does vary from place to place," he said. Professor Hoffman addressed the issue of whether

**➔ BLS ONLINE** To view videos of these and other recent events, please visit the Brooklyn Law School Web site at [www.brooklaw.edu/news/videoarchive](http://www.brooklaw.edu/news/videoarchive).

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the Commission's activities qualified under the state action exception in antitrust law.

David Monk, an economics consultant in the health care industry, put the Berger Commission's work in historical context, discussing the market's adjustment over time to Medicare changes, managed care and rate regulation in New York. "Competition is working, though it's imperfect," he argued. And Richard Martin, an Assistant U.S. Attorney in the Antitrust Division of the Department of Justice, finished the second panel by addressing concerns of antitrust enforcers about the harm that regulations, including those like the Berger Report, can cause in the health care sector.

## Scholars Present Interdisciplinary Study on 'Moral Luck' at Workshop

**B**rooklyn Law School's Center for the Study of Law, Language and Cognition held a workshop on October 2 to address the interdisciplinary study by several scholars of the concept of "moral luck." Students and other faculty members attended the workshop, which was held in the form of a roundtable.

The event featured the work of Associate Dean Lawrence Solan, director of the Center and organizer of the event; Professor John Darley from Princeton University; a third-year graduate student in Princeton's Department of Psychology, Matthew Kugler; and Professor Joseph Sanders from the University of Houston Law Center. Solan, Darley and Sanders presented results from their work in progress, a series of studies concerning people's reactions to the imposition of liability for the creation of risk rather than actual injury.

Darley is a prominent expert in social psychology. His research focuses on decisions and actions that have moral components or implications, such as decisions about whether to punish someone for a transgression. Sanders is a leading expert on sociological studies of the law. He writes in the field of tort law, focusing on mass tort cases. Solan, who writes about issues in law, language and cognition, has worked with Darley in the past.

The study they presented focuses on why, when two people perform similarly bad acts and only one of them causes injury, the system often treats the lucky perpetrator far better than the one whose conduct resulted in actual harm. Tort literature refers to this problem as loss of chance, and the philosophical literature calls it moral luck.

People care a great deal about a perpetrator's state of mind when damages are awarded or sanctions meted out, according to the study, regardless of whether actual injury has occurred. Thus, there is a moral luck component to people's judgments, said Solan, and the study shows that juries are tolerant of the concept. They appear to distinguish, at least to some extent, the differing purposes of tort law (corrective justice) and criminal law (retributive justice).

At the workshop, Professors Solan, Darley and Sanders explained their findings and fielded questions from many of the



Professor John Darley discusses the concept of "moral luck."

professors and students in attendance. Professor Edward Cheng pressed the speakers about how people might treat past events or facts differently than predictions for future harm. Professor Edward Janger explored how the idea of mandatory insurance might play into their findings, and Professor Anita Bernstein asked if issues involving criminal and tort law were presented to the subjects separately. Professor Michael Cahill pointed out that the study seemed to indicate that there were still some consequences for innocent states of mind. Solan answered that while he thought there were no purely innocent states of mind addressed in the study, more work would be needed in this area.

Brooklyn Law School's Center for the Study of Law, Language and Cognition's workshop series is designed to allow scholars to present works in progress and address concerns of their colleagues in an informal setting. The only one of its kind in the nation, the Center is devoted to exploring how developments in the cognitive sciences — including psychology, neuroscience and linguistics — have dramatic implications for the law at both theoretical and practical levels.

## Former Editor of Time Inc. Sets the Record Straight

**N**orman Pearlstine, the former editor-in-chief of Time Inc., spoke at Brooklyn Law School's 10<sup>th</sup> Media and Society Lecture on September 26. He read from his recently published book, *Off the Record: The Press, the Government, and the War over Anonymous Sources* (Farrar, Straus and Giroux), which concerns the controversy surrounding the outing of CIA officer Valerie Plame. Pearlstine, who was trained as a lawyer, is a seasoned journalist with decades of editorial experience at The Wall Street Journal, Forbes, and Time Inc.



Norman Pearlstine addresses issues of confidentiality at the Media and Society Lecture.

In 2005, Pearlstine turned over a Time reporter's notes from an interview with a source in the Bush Administration to a federal prosecutor who was investigating the leak of Plame's identity by government officials. He subsequently weathered a storm of criticism from many who thought he had violated a journalist's duty to protect his sources.

In his book, Pearlstine offers advice to journalists to make sure they and their sources understand the difference between "anonymous" (the reporter will make every effort to not use the source's name, but will not go to jail to protect it) and "confidential" (the reporter will risk jail or fines to protect the source's name). In his lecture, he recounted the course of events that led to his decision to comply with the prosecutor's subpoena. He then explained his reasoning, citing the reporter's misunderstanding of requests by his sources — the Vice President's chief of staff I. Lewis "Scooter" Libby Jr. and presidential advisor Karl Rove — for confidentiality.

A federal judge's \$1,000-a-day fine against Time Inc. for civil contempt was upheld by the D.C. Court of Appeals and ultimately turned down for review by the U.S. Supreme Court. Pearlstine said that he thought it was necessary to comply with the rule of law and hypocritical of the press to ignore orders of the Supreme Court and then criticize others for not obeying the law. He was also troubled by his belief that neither of the sources he was struggling to protect "fit the classic profile of someone deserving confidential-source status," as they had leaked Plame's identity in an underhanded effort to undermine criticism of the Bush administration's insistence that Iraq was holding weapons of mass destruction.

Pearlstine, who is now chief content officer at Bloomberg L.P., concluded by offering some thoughts about what journalists and lawyers can take away from the controversy. "We clearly suffer from the absence of a federal shield law," he said. "You cannot do good journalism at the highest level without the ability to use



Pearlstine speaks with audience members at the event.

anonymous and confidential sources." He also offered up a set of editorial guidelines, printed as an appendix in his book, designed to help journalists understand how to better lay ground rules for interviews with sources.

### Zaretsky Roundtable Addresses Changing Dynamics of Chapter 11

On October 24, the eighth annual Barry L. Zaretsky Roundtable brought together a distinguished group of judges, practitioners, professors, and students for a lively discussion of how claims trading, private equity, hedge funds, credit default swaps, and other recent changes in the structure of capital markets are likely to change the dynamics of the next wave of business bankruptcies.

More than 130 participants discussed the evolving Chapter 11 practice over dinner in the Law School's Forchelli Conference Center at Feil Hall. Hon. Stuart Bernstein, Chief Judge of the U.S. Bankruptcy Court for the Southern District of New York, as well as U.S. Bankruptcy Judges Prudence Carter Beatty, Dorothy Eisenberg, Martin Glenn, and James Peck; and U.S. District Court Judges Robert Gerber and David Trager took an active part in the discussion.

After introductory remarks by Dean Joan Wexler and Associate Dean Michael Gerber, Professors Edward Janger, Neil Cohen and Gerber joined in moderating a discussion of how second lien financing, credit derivatives and claims trading may reduce the amount of information available to a debtor who is trying to negotiate a plan of reorganization, and of how resulting coordination problems could increase the power of holdouts. The result, the experts agreed, will be a challenging environment for Chapter 11 debtors.

The Zaretsky Roundtable Program offers practitioners an opportunity to ask questions of judges, who offer their views about

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Participants at the Barry L. Zaretsky Roundtable debate the future of bankruptcy law.



(From left) Professor Edward Janger, Professor Neil Cohen and Associate Dean Michael Gerber organized the Zaretsky Roundtable.



U.S. Bankruptcy Judge James Peck addresses Roundtable participants.

the general issues that come before them. Students also participate in the roundtable discussion, addressing questions to the judges, professors and lawyers on the panel and spurring further exploration of difficult questions. The roundtable dinner and discussion program is held annually in honor of Professor Zaretsky, who was a member of Brooklyn Law School's faculty for 19 years. He was a teacher and mentor to countless students and a distinguished bankruptcy and commercial law scholar whose work inside and outside the classroom bridged the worlds of theory and practice. The event is planned each year by Professors Cohen, Gerber and Janger, with the help of a steering committee consisting of distinguished alumni, bankruptcy judges and practitioners. Also assisting in the planning was this year's Zaretsky Fellow, Shannon Sneed '10. The goal is to honor Professor Barry L. Zaretsky with an event that he would have enjoyed, and this year, as in the past, all agreed that he would have been delighted.

## IBL Symposium Explores Corporate Liability for Human Rights Violations

The Dennis J. Block Center for the Study of International Business Law and the Brooklyn Journal of International Law co-sponsored the latest in their long-standing symposia on November 16, "Corporate Liability for Grave Breaches of International Law." Featuring distinguished speakers from around the world, the symposium's three panels analyzed corporate criminal and civil liability for the human rights abuses that are occurring more often as the global economy expands. One of the thorniest issues they addressed concerns corporations' responsibilities under international law for their activities at home and abroad.

The first panel, moderated by Brooklyn Law School's Anita and Stuart Subotnick Professor of Law Anita Bernstein, focused on analyzing the Alien Tort Statute in the era following *Sosa v. Alvarez-Machain*, a controversial 2004 U.S. Supreme Court decision that limited applicability of the ATS, which gives federal district courts jurisdiction over tort claims brought by aliens who allege certain human rights violations. A lively debate over how to interpret *Sosa* and the ATS ensued among the panelists, which included Professor Beth Stephens of Rutgers School of Law-Camden, who helped litigate the first successful modern claim under the statute in the 1980 *Filartega* case; Professor Julian Ku of Hofstra University School of Law, who challenged the assumption that corporations can be held liable for violations of customary international law; and Dr. Nicola Jägers of Tilburg University, who gave a presentation about the prospect of civil liability for corporate human rights violations in the Netherlands. As the commentator on the panel, Professor William Dodge of the University of California Hastings College of the Law argued that the *Sosa* Court had provided a flexible modern approach to the two century-old ATS, thus succeeding in its efforts "to translate a very old statute."

The second panel addressed how to apply the criminal concept of “aiding and abetting” in tort litigation, which panelist and symposium organizer BLS Professor Maryellen Fullerton identified as one of the “hottest and most heavily litigated issues in this field.” Professor Anthony Sebok of the Benjamin N. Cardozo School of Law addressed the choice of law analyses utilized by recent federal appellate opinions that have applied aiding and abetting concepts in cases involving human rights abuses. The panel also included Professor Anita Ramasastry of the University of Washington School of Law, co-author of a comparative study of corporate liability standards in 16 countries; and Dr. Jonathan Clough, who teaches in the Faculty of Law at Monash University in Melbourne, Australia and was a visiting scholar at BLS in the fall. Clough outlined three possible ways to impose criminal liability on a parent corporation for the illegal conduct of its subsidiary: functional liability based on control, liability for omissions, and conspiracy.

Participants on the third panel explored mechanisms other than tort law for dealing with grave breaches of international law, offering divergent points of view concerning how to punish corporations that violate social responsibilities or laws. BLS Professor Samuel Murumba moderated the discussion, in which Professor Ralph G. Steinhardt of George Washington University Law School

discussed market-based “human rights entrepreneurialism,” domestic regulation under such statutes as RICO and the Foreign Corrupt Practices Act, and guidelines promulgated by NGOs as three forms of “soft law” that help safeguard human rights. Professor Cynthia Williams, an expert on corporate social responsibility at the University of Illinois College of Law, discussed the developing scope of corporate directors’ duties of care and loyalty to shareholders. And Professor Ronald Slye of Seattle University School of Law spoke about various measures of punishment for corporate criminal liability.

At the symposium’s conclusion, Lee A. Casey, a partner at Baker Hostetler who formerly served in the Office of Legal Counsel of the U.S. Department of Justice, offered a corporate point of view, pointing out that imposing liability on multinational corporations has a potential cost: It could run counter to the State Department’s interest in infusing foreign investment into certain countries with troubling human rights records. “We are experiencing a sea change,” Casey told the audience. “There are real risks of liability.” □

Articles from the symposium will be published in Volume 33 of the *Brooklyn Journal of International Law* (2008).



The first panel of the “Corporate Liability for Grave Breaches of International Law” symposium analyzed post-Sosa Alien Tort Statute issues. Professor Anita Bernstein is on the far right.

## IBL Breakfast Roundtables Feature Business Law Experts

### SEC, Trade Court, UNCITRAL & EC Represented

Since its inception 20 years ago, Brooklyn Law School's Breakfast Roundtable series has featured pre-eminent speakers in the field of securities and international business law. Sponsored by the Dennis J. Block Center for the Study of International Business Law, the series has expanded its focus and is attracting increasingly large audiences who are packing venues from the New York Stock Exchange to major New York law firms to hear from regulators, judges and other recognized experts.

the SEC of all matters relating to the regulation of stock and option exchanges, national securities associations, brokers, dealers, and clearing agencies. In his talk, "Market Regulation in a Global Setting," Sirri addressed how domestic securities regulations in the United States are adapting in novel ways to changes brought on by the increasing globalization of securities markets.

Sirri mentioned several international developments of interest at the SEC: the NYSE's recent merger with Euronext, which created the first global stock ex-

bringing credit derivatives trading to the NYSE. Mutual recognition — under which foreign exchanges and broker-dealers that are registered in their own countries would be allowed to provide products to U.S. customers without having to register with the SEC or go through intermediaries (and vice versa for U.S. entities) — also received attention at the breakfast.

The series continued on October 19, with U.S. Court of International Trade Judge Delissa A. Ridgway addressing the connection between international trade and efforts to halt terrorism. Her talk titled "Trade: The Antidote to Terrorism?" was co-sponsored by Skadden, Arps, Slate, Meagher & Flom LLP and held at the firm's New York office.

After setting forth the common view that poverty gives rise to terrorism, trade helps mitigate poverty, and therefore, if trade can be bolstered, terrorism can be deterred, Ridgway addressed each part of that argument. First, does poverty really cause terrorism? The evidence, garnered from political economists who debate the subject, indicates a possible link, as terrorists come from a range of socio-economic backgrounds.

Second, does free trade — in the form of globalization and foreign investment — diminish poverty? There's more support for this contention, said Ridgway, but it is complicated by the fact that globalization highlights inequalities among classes in developing countries.

Third, she asked, how can we improve international trade in developing countries? The consensus is that implementing the rule of law as part of a political and judicial system is critical to building trade. Investors and businesses demand predictability and consistent application of laws in order to engage in trade in any country or system, she pointed out. In her travels to some of the countries where the western world is concentrating its counter-terrorism efforts, she has helped train judges on adopting systems based on the rule of law.



IBL Breakfast Roundtable speakers, clockwise from top left: U.S. Court of International Trade Judge Delissa A. Ridgway; UNCITRAL Secretary Jernej Sekolec; SEC Director of the Division of Market Regulation Erik R. Sirri; and First Secretary Crispin Waymouth of the Delegation of the EC to the United States (right).

During the 2007-08 academic year, the series hosted events featuring a U.S. international trade judge, a Securities and Exchange Commission director, a UNCITRAL official, and a European Commission official. Their well-attended talks drew lawyers, judges, officers with investment banks and other regulated entities, law professors, and IBL Fellows.

Held at the New York Stock Exchange on September 17, the first roundtable of the year featured Erik R. Sirri, the Director of the Division of Market Regulation at the SEC. Sirri is responsible for the administration at

change; the international convergence of two sets of reporting rules for accountants — the International Financial Reporting Standards and the U.S. Generally Accepted Accounting Principles; and the cross-border merger of exchanges in general, including the technology and rulemaking issues that arise.

He also discussed changes to the regulation of holding companies known as consolidated supervised entities, and two major current issues in the United States securities markets: oversight of credit rating agencies; and the possibility of

The third roundtable featured Jernej Sekolec, Secretary of UNCITRAL, who delivered a talk on January 31 at the Harvard Club. Sekolec addressed the emerging law of international commerce, providing an overview of the evolution of international commercial and trade law, then discussing the convergence of domestic and international trade law. As it is increasingly difficult to distinguish between the two, he said, it is essential to promote a sound body of modern, harmonized trade law. Historically, legal scholars pushed for uniformity of international commercial and trade law; however, since global uniformity is impractical, scholars now focus on promoting stabilization of the rule of law, he noted.

Sekolec argued that countries should develop a stable body of commercial law as an important international trade law reform measure. Doing so would protect prospective merchants and promote international commerce and trade, he said, adding that it is essential that trade law be fair to both the merchant and consumer.

Sekolec illustrated the challenges presented by deficient commercial law by discussing problems faced by former Soviet Union states, such as Belarus. When adopting a new legal system, he said, countries must adopt complementary approaches to the different areas of commercial law.

Rounding off the series for the year, Crispin Waymouth, First Secretary for the Delegation of the European Commission to the United States, spoke on February 25 at the New York Stock Exchange, which co-sponsored the event. Waymouth first addressed the European Union's increased activity over the past decade in regulating securities, attributing it to the EC's objective to create a single European market.

He then discussed the EU's recent actions in securities regulation, pointing to the passage of the Markets in Financial Instruments Directive as the most important of these. MiFID is a principles-based, comprehensive regulatory framework that governs financial trading and intermediation in Europe by providing high

levels of investor protection. Waymouth stated that one of MiFID's goals is to enact regulations, which are self-executing, rather than directives, which require national legislation and might be "gold-plated," or overridden by member countries' passage of more stringent regulation.

Waymouth concluded by discussing the implications of the EU's activities for the United States, stating that standardized EU regulation will make it easier for U.S. companies to do business in the EU. Because the consolidated EU market is too big for the United States to ignore, he said, the EU and United States are "condemned to cooperate." Standardized regulation within the EU, he argued, is a step towards mutual recognition, under which U.S. institutions could list and trade their securities in the EU markets but only be subject to SEC regulations, and EU companies could trade their securities in the United States but only be subject to EU regulation. □

## BLS Ranks First in Unemployment Assistance Cases Taken

### UAC Helps New Yorkers Receive Unemployment Benefits

**B**rooklyn Law School's chapter of the Unemployment Action Center has emerged as the most active chapter in an organization devoted to providing free legal representation to unemployed New Yorkers who have been denied insurance and other benefits.

The UAC is a non-profit organization with chapters at BLS and other area law schools, including New York University, Columbia, Fordham, Cardozo, New York, and Hofstra. The BLS chapter was launched in 2006, and since then, it has become the largest and most active.

Its membership, which grew exponentially in the 2007–08 academic year, now includes 170 trained members at Brooklyn Law School, about 80 of whom are active advocates. In its first year as a chapter, BLS accounted for about one-fifth of all UAC cases. By the end of February 2007, of the 57 cases taken by BLS advocates, 48 resulted in Department of Labor hearings. Lucas Hnath, who handles all of the claimant intake and distributes available cases to the seven law schools, says that Brooklyn advocates have taken the most cases this year "by far."

In the fall of 2007, BLS advocates won 81 percent of their cases and helped their clients receive over \$100,000 in benefits. The average UAC win rate is around 60 percent. "The UAC is pleased to



Advocates in the BLS chapter of the Unemployment Action Center lead area law schools in representing the unemployed.

see both the incredible win rate of BLS advocates, and the impact our efforts have had on the lives of our clients," says UAC President Jonathan Antone '09.

"An advocate can help not only to win the case but also to educate the claimant," adds Hnath. "At the end of the day, even if the claimant loses, they are comfortable with where their case stands because they understand the system." □



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## BLS Recognizes Merit Scholars and Fellows with New Event Parents of First-Years Take Part in Classes, Tours

**B**rooklyn Law School hosted a Merit Scholars & Fellows Reception on October 22. Because of the growth in scholarships awarded, the Law School now hosts two events to recognize students who hold scholarships. The October event recognized both the impressive group of first-year merit scholars and fellows who joined BLS in the fall as well as upper-class students who have continued to excel at the Law School. In March, a second event celebrated endowed scholars and the alumni, friends and donors who make the scholarships possible.

The Law School also welcomed the parents of first-year scholars and fellows, who spent an afternoon visiting the campus, touring BLS's top-notch facilities, and experiencing the neighborhood firsthand. Parents met some of the outstanding professors at BLS and even participated in a mock property law class taught by Professor Christopher Serkin.

The event concluded with a reception at Feil Hall in the Forchelli Center, where parents and faculty members gathered to celebrate the success of these Brooklyn Law School scholars. □



Clockwise from top left: Professor Christopher Serkin demonstrating a property law class for first-years' parents; a group of merit scholars and fellows at the reception; BLS student Rebecca Sacks-Oppenheim '09 giving a tour of the surrounding neighborhood to parents; and Melissa Morris '10 and family.





Adjunct Professor Sam Spital (left), a lawyer with Holland & Knight, in the classroom with students in the new clinic.



## New Clinic, New Opportunities

### Holland & Knight Joins BLS in Innovative Pro Bono Project

In an innovative partnership with Holland & Knight, a major New York law firm known for its long-standing commitment to pro bono activities, Brooklyn Law School has added a new clinic that allows students to work on high-profile pro bono cases with experienced lawyers.

Launched in the Spring 2008 semester, the Holland & Knight Pro Bono Clinic provides BLS students the opportunity to work in the firm's New York office with lawyers on its Community Services Team, which handles the firm's pro bono work. In the clinic, a group of six to eight students is supervised by George Kendall, a nationally recognized advocate in death penalty and prisoner's rights cases, and two associates in Holland & Knight's Chesterfield Smith Fellowship program. Fellows in the program, named after a founding partner of the firm, work full-time for two years on pro bono cases. They supervise BLS students who work out of the firm's office for 12 to 15 hours a week.

The idea for the clinic grew out of one BLS student's work with Kendall. "The experience was outstanding," says

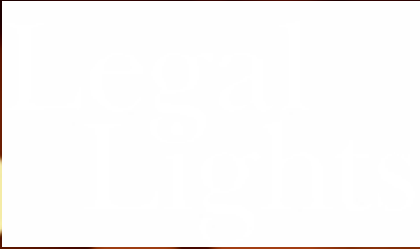
Warren Gluck '08, a third-year student who interned at the firm before coming to Brooklyn Law School and then clerked in the firm's litigation group. At Kendall's request, Gluck brought in another student to work with the CST, which led to Kendall's decision to approach Professor Stacy Caplow, the director of the Law School's Clinical Education Program, about a more formal relationship. "Our partnership with Holland & Knight is an exciting new direction for law school clinical programs, not only at Brooklyn Law School, but also nationally," says Caplow.

Students work on a range of cases through the project, according to Sam Spital, a Chesterfield Smith Fellow at H&K who taught the clinic seminar this spring. H&K associate Corrine Irish also oversaw students in the clinic. "We mostly focused on criminal justice cases in southern states," Spital explains. "Death penalty cases make up about half of our docket. We also have prison condition cases, clemency work, and some voting rights cases."

"The work done by the CST at Holland & Knight is some of the most interesting and important I have come across,"

says Gluck, who will join the firm as a full-time associate in the fall of 2008. As examples, he names the appeals of a 30-year-old death penalty case in Florida, a mentally retarded inmate's capital sentence in Georgia, and an actual innocence claim in Tennessee. "Presently, I'm working on the actual innocence claim of the Norfolk 4, the group of Navy men convicted of rape and murder in Virginia," he says. "It's exhilarating, because the film *A Few Good Men* was an early influence on my decision to go to law school."

Other students in the clinic echo Gluck's enthusiasm. "The seminar readings lay the foundation for the types of issues we encounter in our work assignments," says Ebonie Lopez '09. "And working in the office is valuable because it allows us to see what working in a firm feels like. You also get to work on issues you feel passionate about." Both Lopez and Cynthia Siessel '09 are appreciative of the expertise of the CST team at Holland & Knight. "Professor Spital and the Community Services Team have an extraordinary amount of knowledge and experience in pro bono work," says Siessel. "This is a great opportunity." □



The strength of the students at Brooklyn Law School is nowhere more evident than in the growing number of fellowships they are awarded every year. BLS students were accepted into prestigious programs this spring that will allow them to start their careers in exciting fields from community development to environmental law.

## BLS Students Secure Prestigious Fellowships

In January, Edward De Barbieri '08 and Nicole Prenoveau '08 were awarded Equal Justice Works Fellowships for innovative projects of their own design. The prestigious postgraduate legal fellowships place new lawyers in two-year assignments at nonprofit public interest organizations where they implement projects that address pressing community needs. The fellowships create partnerships among public interest lawyers, nonprofit organizations, law firm/corporate sponsors and other donors.

De Barbieri's project, the Bronx Transactional Legal Assistance Project, will provide legal assistance to immigrants and low-wage workers in the Bronx who want to set up cooperatives and small businesses. The fellowship will be hosted by the Urban Justice Center's Community Development Project and is sponsored by Kramer Levin Naftalis & Frankel LLP.

Cooperatives are highly specialized legal entities that De Barbieri, a fellow in both the Edward V. Sparer Public Interest Law Fellowship Program and Brooklyn Law Students for the Public Interest, has been studying this academic year in Ireland on a Fulbright Scholarship at the Centre for Co-operative Studies of the University College Cork. His year-long study included coursework, independent research, and writing a case study of the Barryroe Co-op, a large and successful dairy in West Cork. "What people believe and how they make their daily living is very connected," he says of his work on the Fulbright. "How they relate to one another sets forth an ideal for human interaction."

Earlier in his law school career, he interned in New York City at Enterprise Community Partners, Inc. in affordable housing development and spent a summer working at the Urban Justice Center's Community Development Project. As a Sparer Fellow, De Barbieri worked on affordable housing at Enterprise Community Partners, Inc. And as a BLSPI Fellow, he

worked at the Urban Justice Center's Community Development Project, which represents several worker co-ops in New York City, and he interned at the United Nations High Commissioner for Refugees.

The grandson of a Brooklyn grocery store owner, De Barbieri grew up in New Haven, Conn. He earned a B.A. in philosophy at Boston College and an M.A. in religion with an ethics concentration from Yale Divinity School.

Prenoveau was awarded the Equal Justice Works Fellowship for a project that will provide legal support for "green" community development in low-income neighborhoods in Brooklyn. She will be a staff attorney at Brooklyn Legal Services Corporation A (Brooklyn A) during the two-year postgraduate fellowship. She will represent nonprofit community development corporations in their efforts to access financing opportunities and technical assistance for green residential construction, among other projects. The co-sponsors of her fellowship are American International Group, Inc. (AIG) and Sullivan & Cromwell LLP.

Prenoveau, also a Sparer Fellow, explains that green building "involves design, construction and maintenance with a focus on healthy indoor environments, maximum energy efficiency and conservative use of natural resources." It reduces energy costs for residents over the long term. "The poorest, most polluted neighborhoods in Brooklyn can enjoy the health, environmental and economic benefits of green building," says Prenoveau.

Only a few such projects in low-income areas of the city have been completed, and only a handful of lawyers know how to take the complex projects from design to ribbon cutting, according to Prenoveau. As part of her fellowship, she will build a database of green building resources and organize a network of nonprofit developers and attorneys working in this nascent area.



Edward De Barbieri '08



Nicole Prenoveau '08



Kyu-ah Kang '09



David Schnakenberg '08

A passion for finding solutions to systemic economic and social problems developed early in her life. Her parents came from the Philippines to settle in a suburb of Washington, D.C., where their “immigrant success story” unfolded. They stressed hard work and education as the keys to progress. Although Prenoveau agreed, she came to realize that many people face obstacles beyond their control to achieving the “American dream.” After earning a B.A. in economics from the University of Michigan, her first job was as a program associate at The Appleseed Foundation in Washington, D.C., organizing start-up public interest law firms. Later, while working at the New York-based philanthropic consultant firm Lord, Ross, Ltd., she managed large grant-making initiatives focused on affirmative action and immigrant rights.

Prenoveau looks forward to beginning her career in the law as a community economic development attorney. “What excites me most is seeing the impact of my work in a neighborhood, whether it is an abandoned factory turned into a school or a dilapidated structure transformed into a new home,” she says.

In February, two other awards were announced: Kyu-ah Kang '09 was awarded a Minority Fellowship in Environmental Law from the New York State Bar Association’s Section of Environment, Energy, and Resources; and David Schnakenberg '08 was awarded the Ralph C. Menapace Fellowship by the Municipal Art Society.

Kang’s fellowship is designed to encourage disadvantaged or traditionally

under-represented law students to study and pursue careers in environmental law. She was one of only three individuals chosen for the fellowship in New York State. She will receive a generous stipend to work for 8 to 10 weeks in a summer internship focusing on legal matters in either a government agency or public interest organization in the field of environmental, energy or resources law. She will also receive an invitation to the annual meeting of the New York State Bar Association Environmental Law Section, participate in monthly dinner meetings of the Environmental Law Committee of the New York City Bar, and be matched with an attorney mentor who practices environmental law.

A member of the Brooklyn Journal of International Law, Kang is currently working on a paper titled, “Greener on the Other Side? Global Climate Change Post-Kyoto.” She was inspired to write the paper while studying environmental law this summer in Scotland. “What I heard this summer was in stark contrast to the current social and political mood that predominates in the United States, which seems to regard environmental concerns as peripheral at best,” says Kang. “It is my firm belief that the tide is changing in the United States, and the popular trend of environmental awareness will begin to saturate the political and legal fields sooner rather than later.”

Schnakenberg’s Menapace Fellowship is a two-year position that will allow him to acquire experience in the legislative process, litigation, and advocacy in the area of land use. Schnakenberg, who graduates this June, will work in the Municipal Art

Society’s Urban Center within the historic Villard Houses in midtown Manhattan. He is the second Brooklyn Law School student to be awarded this fellowship; the first was Katie Kendall '04.

Schnakenberg first became interested in land use policy during his time as a summer research assistant to BLS Professor Christopher Serkin, whom he calls “a terrific mentor.” Additionally, a property law colloquium taught by Professors Serkin and David Reiss helped him focus his broad interest in land use policy on specific issues. His work with both professors helped him prepare for the intensive interview process and ultimately land the fellowship with Municipal Art Society.

The Menapace Fellowship is named in honor of a distinguished lawyer and active civic leader who championed the preservation of landmarks and parks and the development of zoning tools for new development. To be considered for a fellowship, applicants must demonstrate their commitment to the field of land use policy. Menapace Fellows work under the guidance of the Municipal Art Society’s general counsel and its law committee to prepare and deliver testimony before a range of administrative bodies.

Schnakenberg is a member of the Journal of Law and Policy. He is also a founding member of the Brooklyn Chess Society, a student organization at BLS. He interns at the New York City Law Department in the tax and bankruptcy litigation division and continues to provide research assistance to Professor Serkin. □

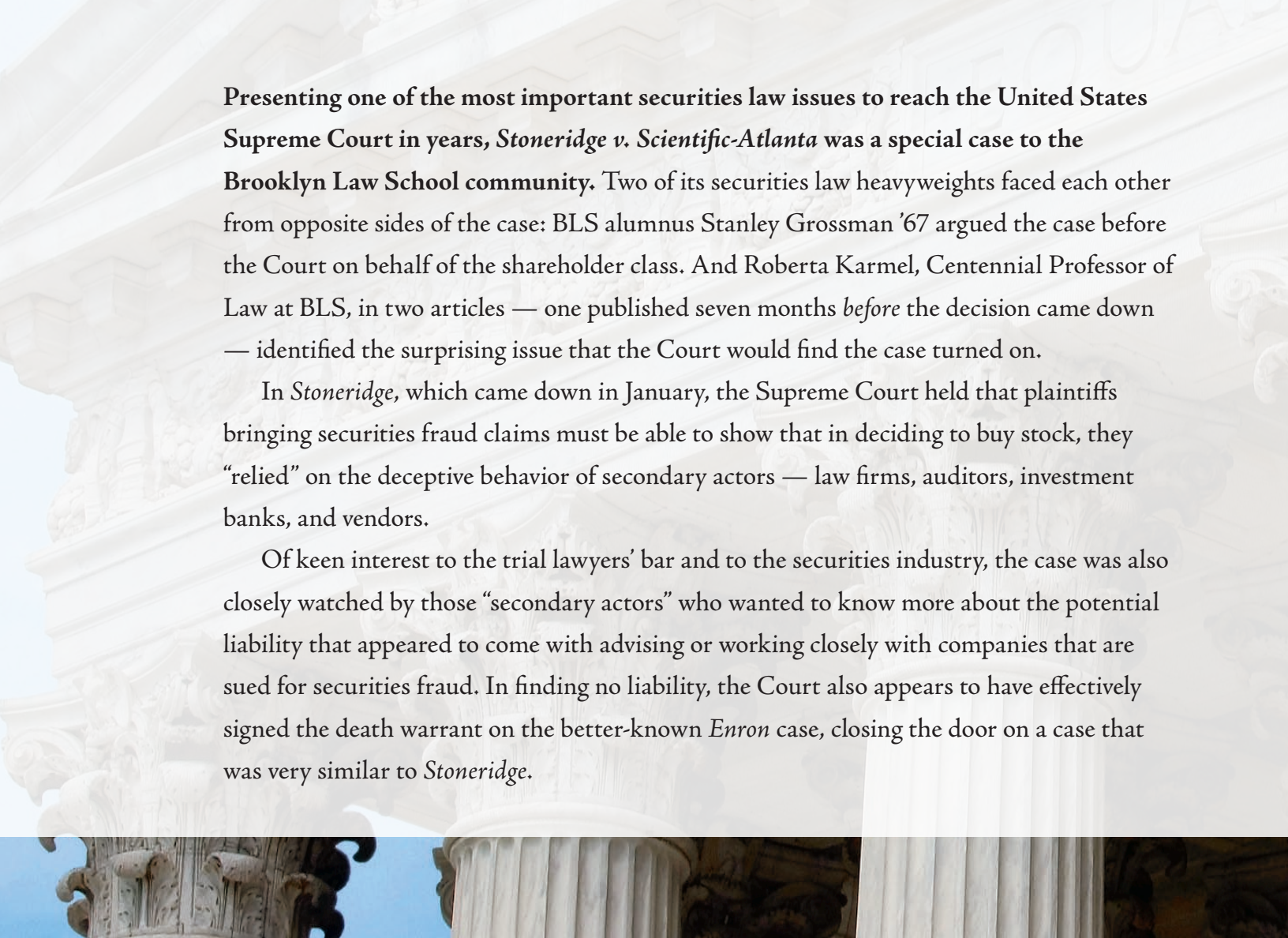


# Showdown Over *Stoneridge*

Presenting one of the most important securities law issues to reach the United States Supreme Court in years, *Stoneridge v. Scientific-Atlanta* was a special case to the Brooklyn Law School community. Two of its securities law heavyweights faced each other from opposite sides of the case: BLS alumnus Stanley Grossman '67 argued the case before the Court on behalf of the shareholder class. And Roberta Karmel, Centennial Professor of Law at BLS, in two articles — one published seven months *before* the decision came down — identified the surprising issue that the Court would find the case turned on.

In *Stoneridge*, which came down in January, the Supreme Court held that plaintiffs bringing securities fraud claims must be able to show that in deciding to buy stock, they “relied” on the deceptive behavior of secondary actors — law firms, auditors, investment banks, and vendors.

Of keen interest to the trial lawyers’ bar and to the securities industry, the case was also closely watched by those “secondary actors” who wanted to know more about the potential liability that appeared to come with advising or working closely with companies that are sued for securities fraud. In finding no liability, the Court also appears to have effectively signed the death warrant on the better-known *Enron* case, closing the door on a case that was very similar to *Stoneridge*.





# *Supreme Court Case Spotlights BLS Securities Law Heavyweights*

*By Michele Bowman*

## **The Facts**

**G**rossman filed the case on behalf of a class of investors led by investment manager Stoneridge Investment Partners, LLC. The investors bought common stock in Charter Communications, Inc., a cable operating company. Despite the company's efforts to portray otherwise, by late 2000, its executives realized it would miss projected operating cash flow by \$15 to \$20 million and embarked on a plan to alter its arrangements with vendor defendant companies Scientific-Atlanta and Motorola, which supplied Charter with the digital cable converter boxes that the company provided its customers. The goal was for Charter's quarterly reports to meet Wall Street expectations for cable subscriber growth and operating cash flow.

Under an admittedly fraudulent arrangement, Charter had arranged to overpay its vendors Scientific-Atlanta and Motorola for each converter box, and the companies then returned the overpayment by buying advertising from Charter, which recorded the advertising purchases as revenue and capitalized the purchase of the converter boxes. A wash to the defendant vendor companies, this arrangement — all written in contracts — allowed Charter

to trick its auditor into approving a financial statement that showed it met projected revenue and operating cash flow numbers. Charter reported numbers to the Securities and Exchange Commission and the public that inflated its revenue and cash flow by about \$17 million.

## **The Parties Square Off**

**I**n the securities fraud class action he filed in the Eastern District of Missouri on behalf of the purchasers of Charter stock, Grossman alleged that Scientific-Atlanta and Motorola violated §10(b) of the Securities Exchange Act of 1934 and the related SEC Rule 10b-5.

Section 10(b) of the Securities Exchange Act protects investors from “any manipulative or deceptive device or contrivance” surrounding the purchase or sale of securities that contravenes the Commission's rules. SEC Rule §10(b)5 makes it unlawful “to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made...not misleading.”

## SHOWDOWN OVER *STONERIDGE*



**ROBERTA S. KARMEL** is the Centennial Professor of Law at Brooklyn Law School, where she has taught securities law for over 20 years. An internationally recognized expert in international and domestic securities regulation, she is widely called upon to teach and lecture all over the world on this subject. She is a former Commissioner of the Securities and Exchange Commission and Public Director of the New York Stock Exchange. She was in private practice for many years before joining academia.

Karmel studied the harmonization of securities laws in the European Union as a Fulbright Scholar and is a widely published author. In addition to numerous scholarly articles on securities regulation and international securities law, she also authors a monthly column on securities regulation that appears in the *New York Law Journal*.

Karmel's professional activities, affiliations and awards are numerous. In August, the American Bar Association's Commission on Women in the Profession will present her with a 2008 Margaret Brent Women Lawyers of Achievement Award in recognition of her path-breaking accomplishments. She is a trustee of the Practising Law Institute, a member of the American Law Institute, a fellow of the American Bar Foundation, and vice-chair of the International Coordinating Committee of the ABA's Business Law Section. She serves as co-director of the Dennis J. Block Center for the Study of International Business Law at Brooklyn Law School.

According to Grossman, the vendor companies' conduct fell squarely within Rule 10(b)5. Focusing on the "deceptive device or contrivance" language in the rule, he maintained that Motorola and Scientific-Atlanta committed deceptive acts themselves; they were not merely assisting Charter to create its deceptive revenue inflations. "They themselves issued false documents and signed contracts that were deceptive," Grossman says. "Unlike in *Central Bank*, we had secondary actors actually committing deceptive acts."

In 1994, the Supreme Court held in the *Central Bank* case that no private cause of action for aiding and abetting existed under §10(b). Congress responded to *Central Bank* in 1995 by allowing the SEC to bring actions alleging that secondary actors aided and abetted fraudulent activity in stock issuance. But *private plaintiffs* still needed to prove secondary actors like the vendors in *Stoneridge* were liable under the statute in what is called "primary liability"; there is still no private cause of action for aiding and abetting.

Grossman and the plaintiffs thus argued that the defendant vendors were primary actors, claiming that their participation in a "scheme" to defraud investors qualified them as proper targets of a private cause of action. Referred to as "scheme liability," which is different than aiding and abetting liability, Grossman skillfully asserted a claim that has dogged district and circuit courts for 14 years, since *Central Bank*.

So-called scheme liability arose from language in other sections of the SEC's rule regarding §10(b): In Rule 10(b)5, it's also unlawful "to employ any device, scheme, or artifice to defraud" investors. In addition, dicta in the *Central Bank* case opened the door to secondary actors like the vendors in *Stoneridge* being treated like primary actors. A recent Ninth Circuit ruling, in *Simpson v. AOL Time Warner*, presented a way to read §10(b) that would allow secondary actors to be held liable if they engaged in "conduct...that had the principal purpose and effect of creating a false appearance in deceptive transactions as part of a scheme to defraud." That would qualify, said the Court, as "conduct that uses or employs a deceptive device within the meaning of §10(b)."

The *Stoneridge* defendants claimed they did not qualify as primary actors and thus could not be held accountable to these private plaintiffs under §10(b). They also argued that the Fifth and Eighth Circuits, not the Ninth, got it right when they read §10(b) strictly, finding no room for scheme liability in the statute.

### The Path to the Supreme Court

**T**he district court agreed with the vendors, granting their motion to dismiss for failure to state a claim. The court said that the plaintiffs had, if anything, alleged only an aiding and abetting claim.

The U.S. Court of Appeals for the Eighth Circuit affirmed, focusing on the idea that the vendors failed the test: As secondary actors, said the appeals court, they had nothing to do with Charter's issuance of stock. Because the investors could not show that the vendors made any material misstatements *themselves* that the

investors relied on, or that the vendors had a duty to disclose the sham deals to investors, it could not be shown that the vendors violated §10(b).

The Eighth Circuit's ruling created a circuit split over whether an injured investor could use §10(b) in a private cause of action to recover from a party that does not make a public statement or violate a duty to disclose but *does* participate in a scheme to violate the act. The Ninth Circuit had recently ruled that §10(b) need not be read so narrowly to cover only misstatements and omissions; it could also cover deceptive conduct. And the Fifth Circuit, in the last of the Enron litigation, then sided with the Eighth Circuit. Thus, there were three cases the Court could take. The securities industry, secondary actors, and securities plaintiffs' lawyers anxiously looked to the Court: Everyone agreed it needed to rule in this area.

The U.S. Supreme Court granted certiorari in March 2007 to hear Grossman's case, and he found himself preparing to argue in front of the highest court in the land. Three months later, Karmel published "'Scheme Liability': Court Actions Against Aiders, Abettors" in the *New York Law Journal*. In that article, Karmel predicted that the Supreme Court would side with the Fifth and Eighth Circuits in the trio of cases including *Stoneridge*. "Unless the defendants in these cases owed a duty to the plaintiffs," she wrote, "it is a stretch to claim that the plaintiffs reasonably relied upon them in any way."

Turns out, she was right.

## Enter the SEC (Sort Of)

**T**he SEC itself was divided over whether to join the case on behalf of the shareholders. The commissioners voted, 3 to 2, to enter the case, but then U.S. Treasury Secretary Henry M. Paulson Jr. stepped in. Paulson, who is the former head of Goldman Sachs, took issue with the SEC's position, persuading the Bush Administration to prevent the SEC from siding with the plaintiffs. Federal agencies must receive authorization from the solicitor general, who represents the administration before the Supreme Court, to file briefs there. Solicitor General Paul D. Clement refused to authorize the SEC's filing in *Stoneridge*. Instead, the Department of Justice entered the case on the side of the defendants and strongly argued the reliance issue, which the Supreme Court would seize on in its ruling.

The Solicitor General's position didn't keep the SEC from having its say. A former commissioner and two former chairmen of the SEC signed their names to briefs filed in support of the plaintiffs, and 11 former commissioners, including Professor Karmel, and three former chairmen backed the vendors.

In the latter group's amicus curiae brief, which also included as signers 11 prominent law professors, they argued that the defendants could only be seen as secondary actors. Their conduct then would qualify only as aiding and abetting a securities fraud, which only the SEC could prosecute. In their brief, the amici who supported the vendor-respondents referred to another article by Karmel, one that she says grew from the earlier one in the *New York Law Journal*.



**STANLEY M. GROSSMAN '67** is the senior partner of Pomerantz Haudek Block Grossman & Gross LLP. For the past 30 years he has represented shareholders in suits involving fraud and corporate misconduct, principally in securities and antitrust class actions.

Grossman has testified before Congress concerning proposed legislation dealing with state class actions and has briefed the Democratic caucus of the House Committee on Financial Services on issues pertaining to what evolved as the Sarbanes-Oxley Act. In addition to his work in the *Stoneridge* case, he has argued other landmark cases including *EBCI v. Goldman* in the New York Court of Appeals, which held that an underwriter of securities may have a fiduciary duty to the issuer. He has been involved in prosecuting other groundbreaking cases dealing with shareholder rights and has testified before Congress on these issues as well. Most recently, he served on the New York State Comptroller's Advisory Committee for the New York Stock Exchange Task Force on corporate governance.

He is a frequent lecturer and has authored articles about shareholder suits, including a commentary published in the *Brooklyn Law Review*. Grossman maintains close ties to Brooklyn Law School. His firm sponsors an ongoing lecture series at the Law School named for Abraham L. Pomerantz '24, a founding partner of his firm.



## SHOWDOWN OVER *STONERIDGE*

In the new article, “When Should Investor Reliance Be Presumed in Securities Class Actions?,” which was ultimately published in the *Business Lawyer’s* November 2007 issue, Karmel focused again on the “reliance” issue. In any §10(b) action, including a “scheme liability” case, plaintiffs must show that they relied on the defendant’s misstatements that caused them to purchase the stock. Courts have recognized and allowed a presumption of that reliance under two circumstances: one, when there is an omission of a material fact by one with a *duty to disclose* it (under SEC filing rules, for example); or two, under the “fraud-on-the-market” doctrine, which holds that when fraudulent statements become public, as reflected in the market price of the security, it can be assumed that investors who buy or sell stock at the market price *relied* upon the statements.

The amici siding with the vendors quoted Karmel’s *Business Lawyer* article for the idea that “extending the fraud-on-the-market doctrine to statements by third parties, who are not required to speak by SEC regulations, or do not owe a duty to investors or shareholders’ would be unwise, as it could ‘encourage too much questionable litigation.’” This worry over “questionable litigation” would appear again — in the Supreme Court’s opinion in *Stoneridge*.

### The Ruling

**T**he Supreme Court surprised few by ruling in favor of the vendors, 5 to 3 (Justice Stephen Breyer recused himself from the case). In the last decade, the Court has drifted slowly and inexorably toward the interests of business, since the Bush Administration replaced Chief Justice William Rehnquist with John G. Roberts and Justice Sandra Day O’Connor with Samuel Alito. Both Roberts and Alito voted with the majority in the *Stoneridge* opinion, which was written by Justice Anthony Kennedy.

But what was surprising — to everyone except perhaps Karmel — was how the Court ruled in the case. In focusing on the failure of the plaintiffs to prove they relied on statements by Motorola and Scientific-Atlanta, the Court stifled Grossman’s scheme liability claim that they could be liable absent a public statement. “In our view,” wrote Kennedy, “this approach does not answer the objection that petitioner [the plaintiff class] did not in fact rely upon respondents’ own deceptive conduct.” He went on to explain that the vendors’ admittedly deceptive dealings with Charter “were not disclosed to the investing public” and “are too remote to satisfy the requirement of reliance. It was Charter, not respondents, that misled its auditor and filed fraudulent financial statements; nothing respondents did made it necessary or inevitable for Charter to record the transactions as it did.”

*The Supreme Court surprised few by ruling in favor of the vendors, but what was surprising — to everyone except perhaps Karmel — was how the Court ruled in the case.*

The Supreme Court’s affirmation of the Eighth Circuit satisfied Karmel. “This was just an aiding and abetting case,” she says. “The plaintiffs manufactured the fraud.” She agrees that investors need to be protected from fraudulent activities of companies like the vendors in *Stoneridge*. “The SEC can bring these cases,” she insists. “The plaintiffs’ approach in *Stoneridge* is a costly way to protect investors. In successful cases, funds are shifted from one group of investors to another group of investors, with plaintiffs’ lawyers taking a high percentage of the judgment.”

Grossman isn’t giving up, despite claims in the legal industry that scheme liability is dead. After all, three of the Justices sided with him. “Many lawyers don’t understand what’s left open by the opinion,” he says. “It’s not as bad for investors as a lot of people think.” For instance, because financial transactions are often the subject of public announcements, public disclosure of situations in which deceptive transactions played a part could satisfy the reliance requirement, he explains. In addition, lawyers who create and publish misleading descriptions of fraudulent transactions are also on the hook: “If their deceptive conduct is disclosed to the market,” Grossman says, “the reliance element would be satisfied.”

### Relief for ‘Ordinary Business’

**T**he Supreme Court’s opinion makes it clear that cases like Grossman’s are a threat to business that can’t be tolerated at the federal level. It also echoes the concerns raised by Karmel and the defendant vendors’ amici about questionable or excessive litigation for businesses. Karmel’s *Business Lawyer* article warned that the reasonableness of presumptions of reliance should be closely examined in cases where the securities-issuing company had no duty to speak.

The Court reassured the “ordinary business” markets in Kennedy’s majority opinion. In addressing the direct issue of whether the private cause of action under §10(b) should be further expanded, Kennedy reminded the parties that aiding and abetting liability is only authorized in cases brought by the SEC, and that if the Court were to agree with Grossman’s more expansive reading of §10(b), it would revive an implied cause of action that Congress specifically gave to the SEC, and not to private litigants. “The practical consequences” of such an expansion, said the Court, include “extensive discovery and the potential for uncertainty and disruption” that would allow “plaintiffs with weak claims to extort settlements from innocent companies.” Kennedy continued, “Adoption of petitioner’s approach would expose a new class of defendants to these risks.” □

# MILESTONES

## *Noteworthy Events in Careers of BLS Alumni Make the News*



In each issue of LawNotes we highlight recent news about the significant accomplishments of our alumni. Usually, these highlights appear as profiles in the ClassNotes section toward the back of the magazine. However, there was so much news for this issue that we decided to bring this information to the fore. Our alumni are making news in many fields, both in the private and public sectors, and their peers consistently recognize them for their achievements. It is one of my greatest sources of pleasure and pride as Dean to learn about the special accomplishments of Brooklyn Law School graduates, so I am especially proud to recognize the wide range of high-level, rewarding and successful careers of our alumni and to share the good news here with you.

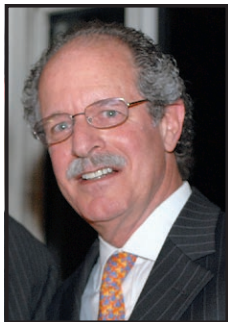


— DEAN JOAN G. WEXLER

### **PAUL B. BERGMAN '67** *Former Prosecutor Awarded the Eastern District Award*

At the annual dinner of the Eastern District Association in March, Paul Bergman was presented with the Association's award. The Association is a 600-member, not-for-profit organization of former and current prosecutors and investigators from the U.S. Attorney's Office for the Eastern District of New York that promotes educational, charitable and social events for its members and the community.

Prior recipients of the award include distinguished judges from the Eastern District such as Hon. David Trager, the former dean of Brooklyn Law School, and Hon. Edward R. Korman '67, vice-chair of BLS's Board of Trustees. Bergman formerly served in the Eastern District as an Assistant U.S. Attorney and as chief of the Appeals Division under Trager and Korman, who both served as U.S. Attorneys for the Eastern District.



Bergman currently maintains a white-collar criminal defense practice in New York City. He is a member of the CJA Panel Committee for the U.S. District Court for the Eastern District of New York. In addition, he is in his second year as president of the New York Council of

Defense Lawyers, a professional association of lawyers whose principal area of practice is the defense of criminal cases, particularly in the federal courts in New York.

### **GORDON J. CUFFY '89** *Appointed County Attorney for Onondaga County, N.Y.*

In January, Gordon Cuffy was appointed as head of the Onondaga County Law Department (covering the Syracuse region). He is the first African-American to serve in this position, which acts as the sole legal advisor for the county government with respect to civil matters and Family Court actions, including juvenile delinquent proceedings.



Prior to this appointment, Cuffy worked as a civil lawyer and as a prosecutor with the New York State Office of the Attorney General, serving as an Assistant Deputy Attorney General in the AG's Statewide Organized Crime Task Force. In that position, he was responsible for criminal investigations and prosecutions. He also served in the AG's Civil Claims Unit as an Assistant Attorney General.

Cuffy earned his law degree while attending Brooklyn Law School at night. He worked two daytime jobs, one for a civil law firm and the other as an intern with the Bronx District Attorney's Office. He returned to the Syracuse area, having received his undergraduate degree from the University of Syracuse. He joined the Onondaga County District Attorney's Office, and worked there for the next decade as a Senior ADA supervising the General Felony Unit, and he also handled homicide cases.

## MILESTONES ALUMNI MAKE THE NEWS

### LISA F. GARCIA '98

#### *Named New York's Chief Advocate for Environmental Justice and Equity*

In this newly created position by the New York State Department of Environmental Conservation, Lisa Garcia will spearhead and pursue community-based initiatives in minority or low-income areas across the state. As head of the Department's Environmental Justice Office, she is working with communities to advance environmental and climate justice through initiatives that focus on enforcement and reduction of pollution in overburdened areas to stimulate development of open space, waterfront access, and green infrastructure.



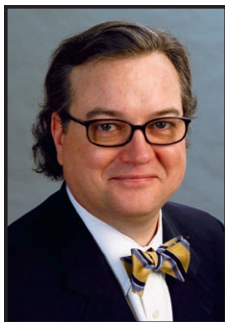
Since receiving her law degree, Garcia has built an extensive background in environmental law and advocacy work, including international arbitration and federal appeals cases. Most recently, she was an Assistant Attorney General with the New York State Office of the Attorney General, where she represented various state agencies in environmental litigation matters and defended New York's Brownfield Cleanup Program. She also served as a senior environmental attorney for New York Public Interest Research Group and was an assistant clinical professor in the Environmental Law Clinic at Rutgers School of Law. She currently teaches environmental law and policy at Columbia University.

Garcia began her career in Madrid, where she volunteered part-time at Greenpeace International. At the same time, she worked at the Spanish law firm of Hernando y Asociados, focusing on international transactions and arbitration.

### LAMAR GRAHAM '07

#### *Appointed Executive Editor of Parade Magazine*

In November, Lamar Graham became executive editor of *Parade*, the national Sunday newspaper magazine. The most widely circulated publication in America, *Parade* reaches more than 70 million readers each week through 415 newspapers in all 50 states.



During his time at *Parade*, Graham has served on both the editorial and business sides of the publication. He was named general manager in 2004 and under his watch, the magazine added more than 60 new papers to its distribution list. He got his start at *Parade* in 1998 after successfully

pitching a freelance article about the disappearance of small farming towns in the Midwest and receiving hundreds of letters from satisfied readers after it was published. In January 2000, he became *Parade's* first technology columnist. A year later, he was named managing editor.

A graduate of the University of Missouri School of Journalism, he worked as a reporter for numerous papers across the country, including the *Columbia (Mo.) Daily Tribune* and *The Virginian-Pilot*. He also freelanced for magazines including *Spy* and *TV Guide* and worked as a staff writer for *GQ* and as senior writer for *Men's Journal*. Graham worked at *Parade* — and became a father — while attending classes at Brooklyn Law School part-time.

### ROBERT E. GROSSMAN '73

#### *Appointed U.S. Bankruptcy Court Judge for the Eastern District of New York*

Robert Grossman was sworn in as a U.S. Bankruptcy Court Judge for the Eastern District in June. He was formerly a partner in the corporate and business reorganization and financial restructuring practice groups in Duane Morris LLP's New York office.

Grossman has enjoyed a distinguished career in public service and private practice. After graduating from Brooklyn Law



School, he served at the Securities and Exchange Commission in the Division of Enforcement in a group associated with the Division of Corporate Finance. After leaving the SEC, he founded and served as general counsel to a large financial services company that focused on acquiring and operating distressed assets. He then joined Arent Fox, chairing the Restructuring Practice Group, before practicing with Duane Morris. He focused a significant part of his practice on providing advice to troubled or newly restructured companies and investors with respect to their financing needs across a wide range of industries, including real estate and health care.

Grossman has strong ties to the Law School. He currently serves as president of the Alumni Association, and he is a founding member of the Barry L. Zaretsky Roundtable Steering Committee, which runs a yearly program for judges, practitioners, and scholars to address cutting-edge topics in bankruptcy law. He also serves as vice chair of the International Secured Transactions and Insolvency Committee of the American Bar Association's Section of International Law.

## STUART M. HATCHER '82

*Serves as the Consul General in Prague*

In February, the U.S. Embassy in Prague hosted an American Citizens Open House welcoming more than 250 guests in which the Consul General's Office participated and fielded a range of citizenship questions. Stuart Hatcher oversees the consular section, which processes 35,000 visa cases every year and provides numerous services to the resident American community and the estimated half a million American tourists that visit the Czech Republic each year.



Hatcher's interest in foreign affairs dates back to his days as a student at Brooklyn Law School when he became interested in taking the Foreign Service Exam. After three years of private practice with a small firm in New Jersey, his first assignment was to the Consulate General in Ciudad Juarez, Mexico, which processed about 60,000 immigrant visas a year. He subsequently served in Honduras, Romania and Bulgaria, interspersed with several tours in Washington, including as desk officer for Sweden and Finland, and deputy director of consular training.

In addition to his law degree, Hatcher holds a masters in national security studies from the National War College. His term as Consul General ends in August 2009.

## KARYN KENNY '95

*Selected as a Supreme Court Fellow for 2007-08*

Karyn Kenny was one of four Supreme Court Fellows to be selected for this elite honor. The program was established by former Chief Justice Warren Burger with the goal of offering Fellows a unique opportunity to enrich their careers by spending a year learning about and contributing to the administration of justice at the national level. Kenny's assignment is with the United States Sentencing Commission, where she is researching a congressional directive regarding Internet-based threats to the judiciary.



Prior to her fellowship, Kenny was an Assistant United States Attorney with the Criminal Division of the U.S. Attorney's Office in Nevada, specializing in human trafficking and cybercrime cases. Before serving as a federal prosecutor, she handled violent crimes for five years as an Assistant District Attorney in the Manhattan District Attorney's

Office. In 2006, she spent a sabbatical as a Fulbright Scholar in Lithuania, where she taught a course on the American criminal justice system and a comparative study course on the American and Irish Constitutions, emphasizing human rights protections in democratic societies.

Kenny also taught criminal law, organized crime and evidence at the University of Las Vegas, where she received an award for outstanding teaching. She has lectured nationally and internationally on transnational crime topics, conducted public education programs, and provided training to law enforcement agencies on criminal law. In addition to her J.D., Kenny holds an M.A. in English literature from New York University.

## ANDREW J. LAUER '91

*Appointed Vice President for Legal Affairs, Secretary and General Counsel of Yeshiva University*

In March, Andrew Lauer assumed the lead legal role for Yeshiva University, which has over 7,000 undergraduate and graduate students in four New York City campuses and a Jerusalem campus. Its graduate and affiliate schools offer programs in law,



medicine, social work, business, psychology, and Jewish studies and education.

Lauer was most recently a partner at Thelen Reid Brown Raysman & Steiner, LLP in the firm's Labor and Employment Department. His practice included counseling, litigation, mediation, investigations, contracts, and labor/union issues, and he helped expand and supervise the firm's Israel practice. He also has substantial in-house legal experience, having served as senior employment counsel at PricewaterhouseCoopers Consulting LLP and as assistant general counsel at Deloitte LLP. Prior to his work in the corporate sector, he served as an Assistant District Attorney in the Kings County District Attorney's Office and worked in the elite Trial Cadre Unit of the Homicide Bureau.

Lauer is active in his community, serving as chairman of the board of the Hebrew Academy of the Five Towns and Rockaway; president of the Young Israel of Woodmere, the largest Orthodox synagogue on Long Island; and a member of the Long Island board of Ohel Children's Home and Family Services. He is a frequent lecturer in the United States and abroad and was a contributing editor of the American Bar Association's recent publication *In House Counsel's Toolbook on Legal Compliance Within Legal Departments*. He has also written for *The New York Business Law Journal* and the New York State Bar Association. Lauer holds an LL.M. in Labor and Employment Law from New York University School of Law.

## MILESTONES ALUMNI MAKE THE NEWS

### JOHN M. LEVENTHAL '79

*Appointed Associate Justice of New York's Appellate Division, Second Judicial Department*

In January, John Leventhal was elevated to New York's Appellate Division, Second Judicial Department. He was first elected in 1994 to serve as a Justice of the New York State Supreme Court in Kings County, and from 1996 to 2008 he presided over the nation's first felony Domestic Violence Court. Jurists, court administrators, and industry groups from around the world have recognized this court for its success, and it has been the model for dozens of domestic violence courts around the country.

Justice Leventhal has also presided over guardianship cases in which he supervised the management of assets for incapacitated individuals. Prior to his election to the bench, he was in private practice, focusing on criminal and civil litigation and appeals. Because of his outstanding leadership, he has been called upon as a frequent lecturer before bar associations, law schools, civic groups, court administrators and governmental agencies on evidence, domestic violence, guardianship, and other criminal law issues. He is the recipient of many awards in recognition of his service on the bench.



Justice Leventhal has served as a trustee of the Brooklyn Bar Association as well as editor in chief of the *Barrister*, its legal quarterly publication. He has helped develop a national curriculum on elder abuse and has authored more than a dozen articles relating to criminal and civil law. He has also served as a director of the Brooklyn Law School Alumni Association. In addition to his J.D., he holds an M.S. from CUNY – Hunter College.

### SHAWN A. MILES '98

*Appointed Group Head, Global Public Policy & Regulatory Strategy of MasterCard Worldwide*

In his new position at MasterCard Worldwide, which he assumed in February, Shawn Miles is responsible for the company's global public policy and regulatory strategy in all key markets outside the European Union. He also leads the company's consumer education initiatives. Prior to this appointment, Miles was a lead counsel in MasterCard's law department, supporting some of the company's key business operations including global branding, advertising, marketing, public policy and research.

Miles has been with MasterCard for almost 20 years, starting as an intern in the former Travelers Check division and working while he attended Brooklyn Law School at night. He held positions in various units, including Interchange, Franchise Management, Global Research and Analysis, and Product and Service Delivery.



He works closely with Noah Hanft '76, general counsel and chief franchise officer at MasterCard.

Miles is the recipient of many awards and honors in recognition of his leadership and achievements, including the Harlem YMCA's Black Achievers in Industry Award, the Business Council of Westchester County's 40 Under 40 Rising Stars Award, and MasterCard's General Counsel's Award of Distinction.

He serves on the Hudson Valley Board of Directors for Junior Achievement and volunteers with Groundwork, a Brooklyn-based organization that supports at-risk youth.

### SAHR MUHAMMEDALLY '02

*Joins Human Rights First in its Law & Security Program*

Continuing her passion for international human rights work, Sahr Muhammedally has joined Human Rights Watch as a senior associate. In her new position in the organization's Law & Security Program, she conducts research and advocacy on U.S. national security and counterterrorism policies, including detention, interrogation, and trial of combatants and terror suspects. In addition, she provides legal and policy advice for advocacy and legislative efforts.



Muhammedally was formerly an Alan R. Finberg Fellow and consultant at Human Rights Watch, where she conducted fact-finding research in Indonesia, Malaysia, and Pakistan and authored reports on counterterrorism and administrative detention policies. She also worked as a consultant with the American Civil Liberties Union in

New York. After graduating from Brooklyn Law School, she practiced as an associate with Gibbons PC in the areas of products liability and commercial litigation in state and federal court.

During law school, Muhammedally volunteered in various human rights organizations, including the Asia Division of Human Rights Watch and Human Rights in China. She held an Edward V. Sparer Public Interest Law Fellowship and was placed in the summer at Human Rights in China.

## NNEKA A. NORVILLE '01

### *Appointed Manager of Public Affairs at Black Entertainment Television*

In her new role as Manager of Public Affairs at Black Entertainment Television, Nneka Norville is responsible for developing and implementing philanthropic and community initiatives on select issues of strategic importance to the company, with a special emphasis on issues impacting the BET target audience.



Before joining BET in May, Norville was a program officer at the Henry J. Kaiser Family Foundation in the Entertainment Media Partnerships division, where she developed and managed health awareness media campaigns. Last year, she accepted an Emmy Award for Best Community Service Campaign at the Humanitarian, Public and Community Service Emmy Awards for the "Rap-It-Up" campaign, which she managed for BET while at Kaiser. Prior to working for Kaiser, Norville was a fellow with the David and Lucile Packard

Foundation and served as special events and development manager for LIFEbeat, a music industry group organized around fighting AIDS.

After graduating from Brooklyn Law School, Norville practiced entertainment law with a boutique firm for almost two years. She then earned a masters in public administration from CUNY – Baruch College of Public Affairs, where she was a National Urban Fellow. Norville has also studied and worked abroad, in London through a Boston University scholarship, and in Ethiopia as a volunteer project manager for DKT Ethiopia, an organization that promotes family planning and HIV/AIDS prevention through social marketing campaigns.

## JANIS G. SCHULMEISTERS '66

### *Receives a Fulbright Grant to Lecture at Law School in Latvia*

The Riga Graduate School of Law is a premier law school in the Baltic region, where Janis Schulmeisters received a Fulbright to lecture on maritime law during the spring 2008 semester. His position is a coming home of sorts, as he was born in Latvia and is still fluent in that language.



Schulmeisters has had a long-time connection to the maritime world. A graduate of the State University of New York Maritime College, where he currently teaches, he sailed as a licensed ship's officer with a commission in the Navy Reserve for three years before attending law school. While he was

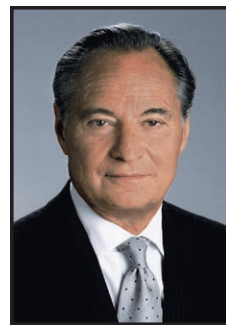
a law student, he worked at Gulf Oil Corporation in its Marine Department.

Upon graduation, Schulmeisters practiced with the prominent New York admiralty firm Kirlin Campbell & Keating. He then joined the Department of Justice in the Admiralty and Shipping Section, litigating admiralty matters. One of the first cases he tried solo ended up making its way to the U.S. Supreme Court and changed the law with respect to damages in ship collision and stranding cases. In 1981, Schulmeisters was appointed the attorney in charge of DOJ's New York Office, which he headed for 21 years. After retiring in 2002, he turned to teaching, both at the SUNY Maritime College and as an adjunct at Pace Law School in White Plains.

## HARVEY WEITZ '54

### *Presented with the NYC Trial Lawyers Association Lifetime Achievement Award*

Harvey Weitz, a well-known trial attorney, received the Lifetime Achievement Award from the New York City Trial Lawyers Association. He is the principle in the firm of Weitz & Associates, which specializes in construction litigation, medical malpractice and products liability cases. He runs the practice with his sons Paul and Andrew '98.



Weitz was a partner with Schneider Kleinick Weitz Damashek & Shoot (the Cochran Firm) for 35 years before forming Weitz & Associates. During his distinguished career, he has secured numerous multimillion-dollar verdicts and settlements, some of which have led to changes in public safety laws. He is a member of the Inner Circle of Advocates, an invitation-only group of the top 100 lawyers in the country. He has held office in national and local trial lawyer associations — as president of the New York State Trial Lawyers Association, national secretary of the American Association of Justice, and dean of the New York State Trial Lawyers Institute. He serves on the boards of several bar associations and Brooklyn Law School's Alumni Association Board.

Weitz teaches trial advocacy as an adjunct at Brooklyn Law School and is the author and co-author of several books, including *A Compendium of the Art of Summation* and *The Law of Automobile Negligence in New York*. He also lectures widely and is a frequent contributor to national legal magazines such as the ABA's *Litigation* and the AAJ's *Trial*.

# Regulating Your Second Life:

**THE TURN OF THE 21<sup>ST</sup> CENTURY** has marked the “Age of the Internet,” as technology has exponentially advanced so that a three-dimensional, self-sustaining virtual world can now mimic the real world with alarming accuracy. Designed to be more than an interactive “chat room” for conversations or a “game” with set objectives and goals, Second Life is a three-dimensional virtual world created by Linden Research, Inc. (“Linden Lab”). It is ostensibly a free-range graphical environment where over 5 million<sup>1</sup> users explore, interact, create, and trade as they do in real life—only this happens, of course, in a “second life.” Nearly every object in Second Life, from cars to clothes to characters, is created by its inhabitants using scripting tools and other design programs. Second Life also runs on a synthetic economy in which “real-world” money is converted to digital currency (Linden Dollars) and then back to usable dollars. Because users retain the rights to their digital creations, they can create, trade, sell, or purchase any creation with other users, which furthers the growth of this in-world economy.<sup>2</sup>

Linden dollars may be reconverted to real-life currency at online currency exchanges, and some users, or “residents” in Second Life jargon, have profited significantly, earning real income from the sale of digitally created products and digitally created land. Because of the potentially high return of profits, some residents have even supplanted or replaced their real-life careers with their online transactions. This raises the question whether a virtual industrialist would have any legal recourse if another resident tarnished his or her reputation by spreading defamatory statements. Insofar as a resident’s business depends on his or her reputation in the metaverse, and where harm incurred there is as real as it would be in the natural world, the law should be able to protect these Second Life users from any real torts that may arise.

Although the issue of “virtual” harm has never been raised in real-world courts, virtual worlds like Second Life have become increasingly significant in terms of both time and money for their users. Thus, it is important to develop theories of how the law may apply to and resolve disputes that originate in these worlds.

By Bettina Chin '08

This article is adapted from Chin’s note, which appeared in the *Brooklyn Law Review*, Vol. 42, No. 4 (Summer 2007). To read the full note, go to [www.brooklaw.edu/students/journals/blr/72.4.04\\_chin.pdf](http://www.brooklaw.edu/students/journals/blr/72.4.04_chin.pdf). It has been covered in a wide range of media, including *The Chronicle of Higher Education* and legal blogs, and it was assigned to students in a Harvard freshman seminar in the fall of 2007. Chin, who was editor-in-chief of the *Law Review* for the 2007–08 academic year, will join Proskauer Rose as an associate in the firm’s litigation department in the fall.

## The Second Life Phenomena

To take part in Second Life, a user first registers with the Second Life Web site by creating a free account, setting up a name and basic character to use, and downloading the Second Life application to begin using the program. A user may also acquire money by converting real-world dollars for Linden Dollars with third-party operators or at Linden Lab's currency exchange, LindeX. The user must create a virtual "avatar," which is a graphical persona or likeness, to represent the user in the virtual world, i.e. her "in-world" self. Avatars are three-dimensional pictorial models that can be altered to meet a user's specifications.

Unlike some online communities that are set in fantastical worlds where the players must earn "winnings" to continue to play in the game, the purpose of Second Life is to provide an interactive meeting ground and marketplace where people are not limited by the confines of real-world physics; users here can accomplish more than what is physically possible in the real world. In Second Life, the residents create and market every item that other residents use. They interact, shop, create communities, travel, and even retain jobs. Any virtual endeavor is possible, whether it be buying and selling real estate, setting up shopping malls to outfit other avatars, or putting together a political rally based on real or fictional controversies. Users also retain complete intellectual property rights for all digital goods that they create in Second Life, and these rights are fully enforceable both in-world and offline.

Moreover, as intangible as the items and characters may seem, the currency exchanged in Second Life is not. Second Life users exchange real money for digital items and services that exist only in-world. Second Life markets at least 7,000 profitable businesses in which the users supplement or derive their main income from their in-world participation.<sup>3</sup> In fact, a number of residents have earned nearly six-figure salaries due to their virtual entrepreneurialism. In 2005, each of the top 10 in-world entrepreneurs averaged over \$200,000 in annual profits.<sup>4</sup>

In part because Second Life provides a "one-of-a-kind virtual experience"<sup>5</sup> where its residents can make real money from virtual concepts, it has attracted and sustained a loyal and widespread global audience. Many real-world industries have decided to take advantage of the commercial marketing opportunities in Second Life. With the influx of technological advancements in Internet usage and opportunities offered by virtual worlds, the law must do the same in order to protect the livelihood of Second Life users.

## Defamation in Virtual Worlds

As more users participate and find innovative ways to make full use of the virtual platform, Second Life will eventually evolve from a digital medium of social interaction to an actual, organic culture. When real-world concepts, such as business transactions, money, and interrelated societies, are imported into virtual spaces, proper governance in the form of laws and code must be guaranteed. Currently, Second Life offers some relief for transgressions by its users, including two governing documents that spell out what conduct is prohibited or permitted: the Second Life Terms of Service ("SL TOS") agreement and the Community Standards Agreement.

However, while these agreements help ensure that no one resident oversteps his or her social boundaries when interacting with another resident, they are still insufficient protection measures when more serious injustices, particularly torts, are committed against them by other Second Life participants. In fact, that defamation will occur is more likely than it may appear, as real-world and virtual identities may clash at any time and the line between role-playing and real-playing is easily blurred. Legal remedies are essential to protect against virtual crime and bullying, because merely exiting Second Life, an obvious potential solution, is not necessarily the best option for a resident who has devoted time and money in the virtual worlds. A resident's exit, forced or self-imposed, from Second Life is often an unjust option

because of the total investments in the virtual space and the desire to maintain social connections. Moreover, account terminations may not be a viable solution when victims of in-world crimes have suffered an actual loss, pecuniary or not. Courts should consider virtual tort claims brought by Second Life residents and protect these residents who have integrated their online livelihood into their actual lives.

At the outset, one question that arises in the discussion of how law intersects with Second Life is whether current real-world legislation could successfully apply to virtual claims, specifically defamation. As all activity in these worlds is contingent upon the interactions between users, defamation is the paradigm violation of virtual communication and expression. Whether for economic reasons or not, virtual world participants rely on their reputation, and this dependency receives more heightened emphasis in Second Life than in any other platform because a resident's existence relies on his or her interactions with and reputation among other residents. For this reason, Linden Lab expressly proscribes defamation in Second Life in both of its governing documents. Both the SL TOS agreement and the Community Standards Agreement strictly prohibit a user from engaging in defamatory actions that "marginalize [or] belittle" any Second Life resident.<sup>6</sup> Defaming an individual or group may result in banishment from the Second Life community entirely.

But both governing documents are ineffective at restoring the reputation and financial loss that Second Life residents can experience. Although courts may rely on TOS agreements and other types of governing documents, these documents arguably are crafted to better protect the platform designers than the members of the virtual community. Courts may even reject such agreements to the extent that they impede the economic interests of virtual world participants. If the law has specific rules that apply to real-world instances of defamation, it should similarly apply such rules to virtual spaces to protect the users.

# Defamation in Virtual Worlds



## REGULATING YOUR SECOND LIFE

An important question is whether existing law has any significant hurdles that a potential Second Life plaintiff may be unable to overcome. Because defamation law is complex, the following analysis will only highlight two specific predicaments that will arise when a resident brings a claim regarding virtual activity to a real-world court: (1) the “of and concerning” requirement as stipulated in Section 558 of *Restatement (Second) of Torts* and (2) the constitutional prerequisite of “falsity” in the allegedly defamatory communication.<sup>7</sup> That is, the plaintiff must be able to prove that defamation of her avatar is equivalent to defamation of herself, and the context of the statement allows for the plaintiff’s cause of action, even though the harm occurred in a virtual environment, because she suffered actual, pecuniary harm. Therefore, to protect the residents and preserve the Second Life economy, a reviewing court must resolve these issues to allow for a justiciable defamation claim in which both parties are virtual world participants.

To prevail in a defamation action, the Second Life plaintiff must first establish that it was she who was defamed and the defendant was the one who caused it, even if the defendant had no intent to defame the plaintiff. A cause of action depends on the identities of the parties. Currently, American law stipulates that any living person and nongovernmental entity that is capable of having a reputation and is legally competent to sue may bring an action for defamation, including corporations and partnerships. Alternatively, any person or nongovernmental entity that makes a defamatory statement and is capable of being sued may be liable.

So, how does an avatar fit into this framework? The definition of internet identity, at least in the context of an avatar’s existence, is an ongoing debate among cyberlaw scholars.<sup>8</sup> Identities are arguably fluid and fragile, particularly when the possibility of expulsion or banishment from a virtual space is a factor. In some virtual worlds, such as Second Life, an avatar’s identity is the intellectual property of the online “intermediary” who administrates the space in which the avatar lives and participates.

Conversely, if avatars are deemed to be the intellectual property of the user, then a possible assumption in the context of virtual worlds is that defaming one’s property is the same as defaming one’s person.

For a Second Life plaintiff to sustain a legal action for defamation, the avatar must be implicitly identified with the user in order for a court to allow the user to litigate on any actionable harm sustained by the avatar. If a court acknowledges this interdependent relationship, it may allow for the recognition of another threshold requirement necessary to establish a defamation action: a reasonable jury must conclude a defamatory statement is “of

**“To prevail in a defamation action, the Second Life plaintiff must first establish that it was she who was defamed and the defendant was the one who caused it, even if the defendant had no intent to defame the plaintiff.”**

and concerning” the plaintiff. This question is posed at the onset of any defamation inquiry and is one that is constitutional by nature, as a result of *New York Times v. Sullivan*.<sup>9</sup>

The “of and concerning” requirement is quite strict, as “mere similarity or even identity of names [may be] insufficient to establish a work of fiction is of and concerning a real person.”<sup>10</sup> To determine whether the burden of establishing a link between the statement and the person is met, courts must consider a variety of identifications—all of which are contingent on the facts of each case. Such factors include similarity in name, type of occupation, age, and physical characteristics. That is, when a claimant can sufficiently show a tangible semblance between the claimant and the defamatory reference, she satisfies the “of and concerning” requirement.

Thus far, much of the existing, real-world case law that deals with the “of and concerning” requirement involves situations in which a defendant created a fictional statement that the plaintiff believes to be a defamatory portrayal of herself.

Likewise, a human agent claiming that her avatar has been defamed by another agent or avatar will have to prove that the statement against her avatar was clearly “of and concerning” the claimant, and show that the Second Life community would comprehend the avatar and the user as non-distinct bodies. However, given the unique nature of virtual worlds, this may be inherently difficult to prove.

For instance, Second Life allows for “identity tourism,” in which a real-world user can experiment with scripting language to create an avatar that looks entirely different from the user. This is derived from the ability of a Second Life resident to

determine how her avatar will appear to others. Users may exercise much creativity in creating the avatar, including appearance, names, and other markers: some residents create avatars in direct resemblance of their real-world counterparts; still others create non-humanoid creatures. Accordingly, claimant must prove that despite the differences between the physical characteristics of the avatar and herself, she and the avatar are one and the same for the purposes of a defamation inquiry. Ultimately, this question of sublimating the co-dependent identities between avatar and virtual world user will depend on a reviewing court’s legal definition of their relationship. If the court is willing to concede that harming the avatar is equivalent to harming the user, both the party identification issue and the “of and concerning” requirement may be satisfied.

Furthermore, as a matter of constitutional law, a Second Life plaintiff must also establish “falsity” as a prerequisite for recovery: she may not recover in a defamation suit if the statement of fact at issue proves true, even if the statement

is made solely for the purpose of harming her.<sup>11</sup> Truth of a defamatory statement is a complete bar to all forms of recovery. Equally important is the fact that the First Amendment extends to cover statements that cannot be reasonably interpreted as stating actual “facts” about an individual. Common law has traditionally invoked constitutional principles to shield the use of epithets, insults, and name-calling.

Actionability is also contingent on the notion of privilege, where the defamer may make “fair comments” about a public plaintiff and not be subjected to liability for her speech. In such instance, only if the defamer knows that “the statement is false... or acts in reckless disregard of these matters” will she be liable.<sup>12</sup> As a result, Second Life merchants may be subjected to the common law “fair comment” privilege, which protects criticism that chiefly concerns public matters, as they are “manufacturers whose goods are on sale to the public,” or “artists,” or even “authors” in a more figurative sense.<sup>13</sup> For example, Second Life residents who sell their virtual products to other residents generally have “manufactured” their goods using scripting language. Subsequently, if the reviewing court determines that Second Life merchants qualify for fair comment privilege, the merchant must then be able to evoke falsity and prove that the context of the statement nevertheless allows for a cause of action. The court must determine whether the defendant’s statement is a “pure” expression of opinion or is based on a provable fact by examining the context and custom of the words in the communication.

Nonetheless, the “context” element of the falsity requirement still poses a significant problem for claims arising from virtual activity. The very concept of creating and operating an avatar is based on the fact that the in-world representation facilitates “role-playing,” which is characteristic of virtual worlds. If role-playing, as being essential to virtual world expression, affects the context in which users make statements, then the “defamed” resident must be able to trounce the presupposition that the defamatory statement was

theatrical or overtly fictional; otherwise, First Amendment concerns will triumph and bar the resident’s claim. Therefore, a Second Life plaintiff must show either that the accused was not role-playing in Second Life or that the Second Life community would believe the accused to not be role-playing. She must further prove that the defendant instead had maliciously promulgated information that unjustifiably tarnished her reputation.

In any event, whether a statement is capable of being defamatory is a question of law, rather than fact. A court must construe such statements by taking into context their pertinent and reasonable meanings. Provided that a court overlooks the arguably fictional context of Second Life and appreciates the critical implications of the types of communications transmitted in the virtual world, a plaintiff may be able to successfully litigate a defamation action. If the courts allow for these causes of action, Second Life residents will not have to rely on the protection offered by service providers through their governing documents and may better safeguard their reputation and virtual-to-real-world assets from the illicit use of language and abuse by users of the virtual platform.

### Applying Legislation to Second Life

Eventually, real-world laws, the authorities who enforce them, and other governing structures will spill over into the virtual realms so that activities that occur within these realms may be efficiently regulated. In the meantime, whether Linden Lab or the various communities in Second Life should promote or engage in more rigid self-regulatory policies will always be up for debate unless residents and users of virtual worlds have the option to bring their claims to real-world courts. If judicial institutions can mutually agree to overcome the ambiguities that arise in the application of real-world legislation to the online context, such as party identification and the serious context in which user infractions may arise, the prospects of safeguarding all virtual world participants are positive. □

- 1 Second Life Frequently Asked Questions, <http://secondlife.com/whatis/faq.php> (last visited Mar. 29, 2007).
- 2 Second Life, IP Rights, [http://secondlife.com/whatis/ip\\_rights.php](http://secondlife.com/whatis/ip_rights.php) (last visited Mar. 29, 2007).
- 3 *Virtual Online Worlds: Living a Second Life*, Economist, Sept. 30, 2006, at 62, available at 2006 WLNR 16831134.
- 4 *Id.*
- 5 Henry S. Kenyon, *Second Life Opens New Vistas*, 3 Signal Connections (Armed Forces Comm. and Electronics Ass’n), June 15, 2006, available at [http://www.imakenews.com/signal/e\\_article000597695.cfm?x=b11,0,w](http://www.imakenews.com/signal/e_article000597695.cfm?x=b11,0,w).
- 6 Second Life, Community Standards, <http://secondlife.com/corporate/cs.php> (last visited Mar. 9, 2007); Second Life, Terms of Service, <http://secondlife.com/corporate/tos.php> (last visited Mar. 9, 2007).
- 7 RESTATEMENT (SECOND) OF TORTS § 558 (1977).
- 8 See, e.g., Susan P. Crawford, *Who’s in Charge of Who I Am?: Identity and Law Online*, 49 N.Y.L. SCH. L. REV. 211, 211 (2005) (arguing that “[c]ontrol over online avatar identities will have many real-world consequences”).
- 9 376 U.S. 254 (1964).
- 10 *Aguilar v. Universal City Studios, Inc.*, 219 Cal. Rptr. 891, 892 (1985).
- 11 RESTATEMENT (SECOND) OF TORTS § 581A cmt. a (1977).
- 12 RESTATEMENT (SECOND) OF TORTS § 580A (1977).
- 13 1 ROBERT D. SACK, SACK ON DEFAMATION: LIBEL, SLANDER, AND RELATED PROBLEMS 4-66 to -67 (3d ed. 2006).



Bettina Chin '08

# FACULTY Highlights

## Seven New Faculty Members to Join Law School

### *Mix of Young Scholars and Accomplished Practitioners Enrich Faculty*

**WILLIAM D. ARAIZA** will be joining Brooklyn Law School in January from Loyola Law School Los Angeles, where he has taught since 1995 and where he currently serves as the Associate Dean for Faculty and is the Rev. Richard A. Vachon, S.J. Fellow and Professor of Law. His teaching and scholarly interests are in administrative and constitutional law.

After graduating from Yale Law School, Araiza clerked for Judge William Norris of the U.S. Court of Appeals for the Ninth Circuit, and then for Justice David Souter of the U.S. Supreme Court. He practiced as an associate with two large law firms in Los Angeles, and he served as an adjunct faculty member at the University of California Los Angeles Law School and as a visiting professor at Hastings College of the Law in San Francisco.

Araiza has written numerous articles and has contributed to several texts on administrative and international law, and he is the co-editor of a casebook on constitutional law. He received his undergraduate degree from Columbia University and a masters degree from Georgetown University.



William D. Araiza

**JONATHAN ASKIN** comes to BLS as an experienced attorney in the communications industry. In private practice, he provided legal and policy counsel and strategic advice for companies that build and develop networks and Internet applications. Prior to that, he served as general counsel to Pulver.com Enterprises, an Internet communications company. He was also a senior attorney at the Federal Communications Commission, where he served in the Common Carrier Bureau's Policy & Program Planning Division, and a deputy public advocate with the New Jersey Department of the Public Advocate, where he represented taxpayers on telecommunications and cable issues before courts and administrative bodies.

Askin, who has taught telecommunications law as an adjunct at BLS, will teach the Brooklyn Law Incubator & Policy Clinic, in which students will represent Internet, new media, communications and other tech entrepreneurs and innovators on both business and policy advocacy.

Askin graduated with honors from Rutgers Law School, where he was notes and comments editor for the *Rutgers Law Review*, and from Harvard University *cum laude* with an economics degree.

After law school, he clerked for Chief Justice Robert N. Wilentz of the New Jersey Supreme Court and practiced as an associate at Davis Polk & Wardell.

**MIRIAM HECHLER BAER** was most recently an acting assistant professor of lawyering at New York University School of Law, where she taught legal research and writing, advocacy, negotiation, mediation, and counseling. Prior to teaching, she was assistant general counsel for compliance with Verizon; an assistant



Jonathan Askin



Miriam Hechler Baer

U.S. Attorney in the Criminal Division of the U.S. Attorney's Office, Southern District of New York; an associate with Cravath Swaine & Moore; and a law clerk to Judge Jane Roth of the U.S. Court of Appeals for the Third Circuit.

Baer's legal scholarship focuses on private and public efforts to restrain undesirable behavior in corporate settings. Her paper "Insuring Corporate Crime" was among five papers showcased for commentary from corporate law scholars at the Conglomerate Junior Scholars Workshop in 2007 and will be published in the *Indiana Law Journal*. She has also published articles in the *Columbia Business Law Review* and the *Delaware Journal of Corporate Law*.

Baer is a graduate of Princeton University and Harvard Law School. At Harvard she was the articles and managing editor of the *Human Rights Journal* and graduated *magna cum laude*.

**DEREK E. BAMBAUER** joins BLS from Wayne State University Law School, where he specialized in intellectual property (copyright, patent, and trademark) law and Internet law. A former principal systems engineer with Lotus Development Corp. (now part of IBM), Bambaauer joined Wayne State after spending two years as a research fellow at the Berkman Center for Internet & Society at Harvard Law School. At Berkman, he was a member of the OpenNet Initiative and helped research, test, and document how countries

such as China, Iran, and Vietnam censor the Internet. His article on derivative works in copyright will appear later this year in the *University of Alabama Law Review*. He has published articles in *University of Colorado Law Review*, *Harvard Journal of Law & Technology*, among other law reviews. He has also published technical articles on topics such as data recovery and fault tolerance, and on software environment upgrades.

Bambauer widely lectures on issues such as e-mail spam and Internet filtering in both technical and policy settings. He re-



Derek E. Bambauer



Robin J. Effron

cently presented at the World Summit on the Information Society Cybersecurity Meeting on Countering Spam, and before the U.S.-China Economic and Security Review Commission.

Bambauer graduated from Harvard University *summa cum laude* with degrees in history and science and *magna cum laude* from Harvard Law School.

**ROBIN J. EFFRON** served as a Bigelow Fellow and lecturer in law at the University of Chicago Law School. She has been teaching legal research and writing since 2006 and recently taught a seminar on comparative perspectives on contract law.

Among her recent publications are articles in the *Southern California Law Review*, *NYU Journal of Law & Liberty*, and *NYU Law Review*. Fluent in German, she spent the 2005–06 academic year in Germany as a fellow in the D.A.A.D. Program for International Lawyers and worked with attorneys in the legal department of a large investment bank to research questions of German and U.S. law. Following graduation from New York University School of Law, where she was articles editor at the *NYU Law Review*, Effron served as a law clerk to Judge Alvin K. Hellerstein of the U.S. District Court for the Southern District of New York. She holds a B.A. in philosophy from Columbia University, Barnard College.

**REBECCA M. KYSAR** has been practicing since 2005 as a tax associate at Cravath, Swaine & Moore, where she is responsible for all tax aspects of complex domestic and international transactions, including mergers and acquisitions, securities offerings, bank financings, joint ventures, and restructurings. She has guest lectured on corporate tax at New York University School of Law, and she developed and taught several in-house tax CLE course on international taxation, taxable corporate acquisitions, and tax-exempt organizations.



Rebecca M. Kysar



Winnie F. Taylor

Kysar's recent publications have appeared in *Tax Notes* and the *Georgia Law Review*. Prior to practice, she served as a law clerk to Judge Richard Cardamone of the U.S. Court of Appeals for the Second Circuit. She holds a B.A. in religious studies from Indiana University and a J.D. from Yale Law School. At Yale, Kysar was a senior editor of the *Yale Law Journal* and a Coker Teaching Fellow.

**WINNIE F. TAYLOR** will join Brooklyn Law School after completing the past year as a visiting professor. A member of Cornell Law School's faculty since 1990, she also served as the Associate Provost for Cornell University, where she was responsible for creating and shaping university policy as it relates to faculty development and enhancement, diversity issues, academic programs, regulatory compliance, and recruiting.

Taylor is a national authority in consumer law, contracts, and credit and employment discrimination. Since 1978 she has served as a consultant for Fair Lending and Workplace Equity, focusing on equal credit opportunity and equal employment opportunity laws.

Following two years of private practice after graduation from SUNY Buffalo School of Law, she received an LL.M. from University of Wisconsin School of Law. In 1979 she joined the University of Florida, where she taught until she joined Cornell's faculty. She has been a visiting professor at the University of California Hastings College of the Law, the University of Utah, and Brigham Young University. □

# FACULTY Highlights

## Visiting Assistant Professor Program Launches Law Careers

### *New Academics Gain Teaching and Scholarship Experience*

**B**rooklyn Law School's Visiting Assistant Professor Program provides an ideal environment for the brightest legal minds to prepare for a career teaching law. With the goal of helping to launch promising young intellectuals into the academic world, the program attracts participants with strong academic backgrounds, and a range of experience in practice and judicial clerkships.

Visiting Assistant Professors (known as VAPs) typically spend two academic years in residence at the Law School,

gaining both teaching experience and the opportunity to devote substantial time to research, writing, and other scholarly pursuits. They typically teach one course each semester and participate fully in the academic life of the Law School community. Participants present works in progress to faculty and students, receive feedback and mentoring from faculty members, and often participate in conferences, colloquia, and other BLS programs. They enjoy complete access to all of the resources of the Law School's library and support staff, and

they can hire student research assistants, which both advances their research and gives students the opportunity to participate in the development of cutting-edge scholarship.

Brooklyn Law School's VAP Program provides an important service that many law schools are now offering. "We take our role seriously as leaders in the development of the next generation of legal intellectual thought," says Associate Dean for Academic Affairs Lawrence Solan. "Through this program, our students have the opportunity to learn from some of the most promising young scholars in the field."

The BLS program has prepared participants to secure positions in law schools around the country. Wendy Seltzer, who was at BLS from 2004 to 2006, teaches intellectual property and other courses at Northeastern University School of Law. In the fall, Jack Preis, who taught civil procedure and remedies, will be heading to the University of Richmond School of Law. And Joseph Leahy, who focuses on corporations and securities regulations, will join the Seattle University School of Law.

Two visiting professors finished their first year in the program this spring. Minor Myers, who teaches corporate law and property, is working on publishing an article about empirical research into the behavior of independent directors on corporate boards. Deborah Widiss teaches employment discrimination and statutory interpretation, and her current research focuses on legislative override of judicial decisions.

Two more aspiring legal scholars will join their ranks in the fall. Ben Trachtenberg, who currently practices at Covington and Burling LLP as a litigation associate, will teach courses in criminal and environmental law. His scholarship will focus on sentencing and other procedural issues in criminal law. And Saul Zipkin, who recently completed a post-law school research fellowship at Columbia Law School, will teach remedies and federal courts. His academic writing concerns election law. □



*Visiting Assistant Professors Deborah Widiss (top); Jack Preis (left); and Minor Myers (right).*

## Yane Svetiev Joins Brooklyn Law School

### *New Professor Focuses on Economics and Contracts*

**Y**ane Svetiev joined Brooklyn Law School as Assistant Professor of Law this semester, teaching and writing in the areas of antitrust law, contracts and intellectual property. His first teaching experience at BLS was in contracts, an area that also engages him as a scholar.

With a background in both economics and law, Svetiev is interested in the ways firms use contracts to structure collaborative relationships for joint innovation and development. “One of the first things law students must appreciate is that much of contract law is about dealing with the problem of contractual incompleteness — either by the parties at the time they enter into the transaction or subsequently by the courts if a dispute arises,” he says. “The more profoundly uncertain the future, the more difficult is this problem.”

While in law school at the University of Sydney, he taught game theory and mathematical economics as an associate lecturer in economics. “I liked both law and economics, but because I was teaching economics, my interest in that subject as well as the ways it informs law and regulation became deeper and more engaged,” he explains.

It was during a clerkship for Justice Michael D. Kirby of the High Court of Australia — the equivalent in that country of the U.S. Supreme Court — that Svetiev found himself drawn more to law than economics. After completing a teaching fellowship at Columbia Law School in the United States, he took a position as an associate at Cravath, Swaine and Moore, where his work focused on pharmaceutical patent litigation and related antitrust issues, as well as white-collar criminal investigations in the pharmaceutical industry and litigation under the Alien Tort Statute. Svetiev remained at Cravath until joining BLS at the beginning of 2008.

In his scholarship, Svetiev explores how some companies and regulators are responding to the dis-integration of production and the trend away from the vertically integrated model of the business organization towards looser networks of independent collaborators. “The economic landscape has changed so much, especially in how companies operate and how new products are created,” he says. “Rapid changes in market conditions and technology have made it so that innovation is the main form of competition between firms. Given that the future is so unpredictable, firms must be very nimble and flexible in their innovation efforts.” Instead of using contracts, which attempt to predict and plan for every contingency, which is impossible anyway, collaborating partners must allow for more flexibility, he says. “Rather than fight when disputes arise, they want to rely on mechanisms for solving problems and continuing the collaboration.”

During his fellowship at Columbia, Svetiev co-taught an innovative new course concerning problems raised by new forms of



Yane Svetiev

collaboration and contracting. In his dissertation work he examines the emergence of novel remedial mechanisms in antitrust litigation that respond to some of these problems. Based on that work he published an article, “Antitrust Governance: The New Wave of Antitrust,” as part of a Loyola University Chicago symposium on the 20<sup>th</sup> anniversary of the seminal antitrust case *Matsushita*. He also presented a paper about networked competition governance in the EU at a conference in Brussels last fall.

He is currently working on a paper interpreting recent reforms to the institutional architecture for implementing competition law in Europe as a response to changes in the structure of underlying productive relationships. “Competition law was harmonized early in the EU and it was implemented top-down with the European Commission in the driver’s seat,” he says. “I argue that the old regime was no longer viable as economic relationships changed, and as a result, avenues of flexibility are being introduced that allow member states to craft their own competition enforcement priorities.” This allows participants in the network to learn from the successes and failures of other competition authorities, he explains. “This connects into my other work because here I am exploring how the implementation of competition policy is responding to the increasing heterogeneity and collaborative nature of production,” says Svetiev. □

# FACULTY Highlights

## Faculty Notes



Nathaniel Berman



Anita Bernstein



Edward Cheng



Neil Cohen

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### Richard Allan

#### PUBLICATIONS

- *War and Fear: Unfortunate Choices*, CRIME & JUST. INT'L, VOL. 23, vo. 100 (2007)

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### Margaret Berger

#### PUBLICATIONS

- *Research on Eyewitness Testimony and False Confessions*, in BEYOND COMMON SENSE: PSYCHOLOGICAL SCIENCE IN THE COURTROOM (E. Borgida and S. Fiske eds., 2007)

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### Nathaniel Berman

#### PUBLICATIONS

- *Les Ambivalences Impériales*, in DROIT INTERNATIONAL ET IMPÉRIALISME EN EUROPE ET AUX ÉTATS-UNIS 131 (H. Ruiz & E. Jouannet eds., 2007)
- *Council Comment: International Law and the Next U.S. Presidency*, American Society of International Law, at [www.asil.org/ilo8/berman.html](http://www.asil.org/ilo8/berman.html) (2008)

#### PRESENTATIONS

- "The Alchemy of Empire, or, of Power and Primitivism," Inaugural Lecture of the Centre for the Study of Colonialism, Empire, and International Law, School of Oriental and African Studies, University of London
- "That of which one cannot speak ...: Towards a Genealogy of Dialogue," Leadership Retreat, European Society of International Law/American Society of International Law, Washington, D.C.
- "The Politics of 'War,' or, of Conscientious Objectors and Unlawful Combatants," Faculty Workshop, Northeastern University School of Law

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### Anita Bernstein

#### PUBLICATIONS

- *Lawyers with Disabilities*, 69 U. PITT. L. REV. \_\_ (forthcoming 2008)
- *Subverting the Marriage-Amendment Crusade with Law and Policy Reform*, 24 WASH. U. J.L. & POL'Y 79 (2007)

#### PRESENTATIONS

- "Sanctioning the Ambulance Chaser," Frontiers of Tort Law Symposium, Loyola Law School
- "Asbestos Liability Underlain by Gender," Perspectives on Asbestos Litigation Symposium, Southwestern Law School
- Organized the Ethics Symposium at Emory University School of Law and presented "Lawyers with Disabilities"
- "The Pitfalls Approach to Lawyers' Professional Responsibility: Forewarned, Forearmed, Ethical," University of Hawaii School of Law
- Moderator, Alien Tort Liability panel, "Corporate Liability for Grave Breaches of International Law" Symposium, Brooklyn Law School

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### Dana Brakman Reiser

#### PRESENTATIONS

- "Democracy Within Nonprofits" panel on "The Participation of Nonprofits in Democracy" AALS Annual Meeting, Joint Session of the Nonprofit Law and Philanthropy and the Legislation and Law of the Political Process Sections, New York

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### Michael Cahill

#### PUBLICATIONS

- *Criminal Law's "Mediating Rules": Balancing, Harmonization, or Accident?*, 93 VA. L. REV. In Brief 183 (2007)

#### PRESENTATIONS

- "Introduction to Law and Medicine," Mt. Sinai School of Medicine

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### Edward Cheng

#### PUBLICATIONS

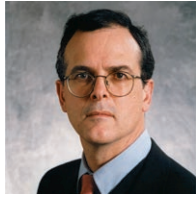
- *Modern Scientific Evidence* (5 vols.) (Thomson-West 2008) (with D. Faigman et al.)

#### PRESENTATIONS

- "Specialist Judges," Faculty Workshop, Fordham University Law School
- "The Clinical-Statistical Controversy in Law," Faculty Workshop, Michigan State University College of Law; and Law and Science/ Science and Law Seminar Series, Amherst College



Steven Dean



James Fanto



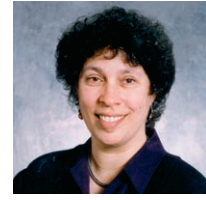
Richard Farrell



Maryellen Fullerton



Marsha Garrison



Susan Herman

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### Neil Cohen

#### PUBLICATIONS

- UNCITRAL Legislative Guide on Secured Transactions (approved by the United Nations Commission on International Trade Law); delegate of the United States to the Working Group that prepared the Legislative Guide and to the Commission for sessions concerning the Guide

#### APPOINTMENTS

- Reappointed for a new three-year term as Director of Research of the Permanent Editorial Board for the Uniform Commercial Code
- Expert Group advising the UNCITRAL Secretariat concerning new project about security interests in intellectual property
- Member of the Multistate Essay Examination Drafting Committee of the National Conference of Bar Examiners

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### Steven Dean

#### PUBLICATIONS

- *Taxation as a Global Socio-Legal Phenomenon*, 14 ILSA J. INT'L & COMP. L. \_\_ (forthcoming 2008) (with A. Christians et al.)

#### PRESENTATIONS

- "The Incomplete Global Market for Tax Information," Brooklyn Law School Faculty Workshop

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### James Fanto

#### PUBLICATIONS

- *The Continuing Need for Broker-Dealer Professionalism in IPOs*, \_\_ OHIO ST. ENTREPRENEURIAL BUS. L.J. \_\_ (forthcoming 2008)
- *A Social Defense of Sarbanes-Oxley*, 52 N.Y.L. SCH. L. REV. 517 (2008)
- 2007 update to *Directors' and Officers' Liability*; and 2008 update to *Dealer Law and Regulation* (with N. Poser)

#### APPOINTMENTS

- Monthly column for LexisNexis as an expert commenter on corporate, securities, and financial matters
- Editor of new Wolters Kluwer journal, PRACTICAL COMPLIANCE AND RISK MANAGEMENT FOR THE SECURITIES INDUSTRY

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### Richard Farrell

#### PRESENTATIONS

- Lectured on developments and trends in the law of evidence and civil procedure at numerous bar association and trial lawyers'

programs, including the Association of Supreme Court Justices, Marino Institute of Continuing Legal Education, Nassau Lawyers Association of Long Island, New York State Association of Criminal Defense Lawyers, MICLE, New York Academy of Trial Lawyers, and New York County Lawyers Association

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### Linda Feldman

#### PRESENTATIONS

- "How to Write an 'A' Law School Exam," Practicing Attorneys for Law Students (PALS) Program, New York

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### Maryellen Fullerton

#### PUBLICATIONS

- IMMIGRATION AND CITIZENSHIP: PROCESS AND POLICY (West 6<sup>th</sup> ed. 2008) (with T.A. Aleinikoff et al.)
- Editorial board, *The Refugee Law Reader: Cases, Documents and Materials*, at [www.refugeelawreader.org](http://www.refugeelawreader.org) (4<sup>th</sup> ed. 2008)

#### PRESENTATIONS

- Chair and moderator, "Corporate Liability for Grave Breaches of International Law" Symposium, Brooklyn Law School

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### Marsha Garrison

#### PUBLICATIONS

- *Regulating Reproduction*, 76 GEO. WASH. L. REV. \_\_ (forthcoming 2008)

#### PRESENTATIONS

- "Regulating Reproduction," Conflicting Interests in Reproductive Autonomy and Their Impact on New Technologies Conference, George Washington Law School

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### Susan Herman

#### PUBLICATIONS

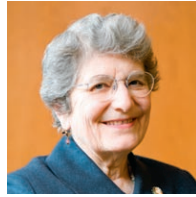
- *Balancing the Five Hundred Hats: On Being a Legal Educator/Scholar/Activist*, 41 TULSA L. REV. 637 (2006) (symposium issue)
- *Os desafios do crime cibernético*, O NÚCLEO DE ESTUDOS DE DIREITOS HUMANOS E POLÍTICA CRIMINAL, Universidade Federal do Rio Grande do Sul, Brasil, at [www.direito.ufrgs.br/dir1/dados/revista/1\\_1.pdf](http://www.direito.ufrgs.br/dir1/dados/revista/1_1.pdf) (translated article on American approaches to cybercrime)



# FACULTY Highlights



Edward Janger



Roberta Karmel



Claire Kelly



Jason Mazzone



David Reiss



Elizabeth Schneider

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## Edward Janger

### PRESENTATIONS

- “Bankruptcy Jurisdiction and Avoidance Actions,” Annual NYU Bankruptcy Workshop
- “Virtual Territoriality,” Faculty Workshop, Indiana University School of Law

### APPOINTMENTS

- Bruce W. Nichols Visiting Professor of Law, Harvard Law School

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## Roberta Karmel

### PUBLICATIONS

- *When Should Investor Reliance Be Presumed in Securities Class Actions?*, 63 *BUS. LAW.* 25 (November 2007)

### APPOINTMENTS

- Chair, Selection Committee for DirectWomen, a project of the American Bar Association Business Law Section

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## Claire Kelly

### APPOINTMENTS

- U.S. delegate, *The Law of International Business Transactions: A Global Perspective*, International Association of Law Schools

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## Jason Mazzone

### PUBLICATIONS

- *The Bill of Rights in the Early State Courts*, 92 *MINN. L. REV.* 1 (2007)
- *The Commandeerer in Chief*, 83 *NOTRE DAME L. REV.* 265 (2007)

### PRESENTATIONS

- “The Supreme Court: Past, Present and Future,” Committee on Attorneys in Public Service, New York State Bar Association
- “Digitization and the Copyrighted Public Domain,” Conference on the Universal Digital Library, Carnegie Mellon University

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## Gary Minda

### PUBLICATIONS

- *Congressional Authorization and De-Authorization of War: Lessons from the Vietnam War*, 54 *WAYNE L. REV.* \_\_ (forthcoming 2008)

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## David Reiss

### PUBLICATIONS

- *The Federal Government’s Implied Guarantee of Fannie Mae and Freddie Mac’s Obligations: Uncle Sam Will Pick Up the Tab* 42 *GA. L. REV.* \_\_ (forthcoming 2008)

### PRESENTATIONS

- “Fannie and Freddie’s Affordable Housing Mission: Are the Benefits Worth the Risk?,” Affordable Housing and Public/Private Partnerships: The Intersection of Housing, Property, and Real Estate Workshop, co-sponsored by the Syracuse University College of Law Center on Property, Citizenship, and Social Entrepreneurism and the University of Colorado Law School
- Participant, roundtable discussion on the mortgage crisis convened by New York State Representative Nydia M. Velázquez

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## Elizabeth Schneider

### PUBLICATIONS

- *Student Stories*, 76 *UMKC L. REV.* \_\_ (Law Stories: Tales from Legal Practice, Experience and Education Symposium) (forthcoming 2008)

### PRESENTATIONS

- U.S. State Department program on domestic violence with government officials and activists in Ukraine (video-conference in New York)
- “The Dangers of Summary Judgment: Gender and Federal Civil Litigation,” Faculty Workshop, Brooklyn Law School

### AWARDS

- One of 30 leaders honored at the New York State Coalition Against Domestic Violence’s 30<sup>th</sup> Anniversary Dinner



Christopher Serkin



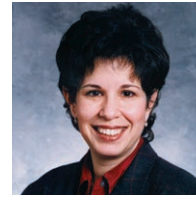
Lawrence Solan



Yane Svetiev



Nelson Tebbe



Carrie Teitcher



Aaron Twerski

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### Christopher Serkin

#### PUBLICATIONS

- *Local Property Law: Adjusting the Scale of Property Protection*, 107 COLUM. L. REV. 883 (2007), reprinted in ZONING AND LAND USE LAW (West) (forthcoming 2008)

#### PRESENTATIONS

- “Existing Uses,” Faculty Workshops, Vanderbilt Law School, University of Michigan Law School, Brooklyn Law School

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### Lawrence Solan

#### PUBLICATIONS

- Chinese translation of THE LANGUAGE OF JUDGES (University of Chicago Press 1993)

#### PRESENTATIONS

- “Talking Like a Person, Thinking Like a Lawyer (and *vice versa*),” Language and Education Conference, Florence, Italy
- “False Consensus Bias in Contract Interpretation,” Insurance and Society discussion group meeting, Harvard Business School (with T. Rosenblatt and D. Osherson)
- “Compensation for Risk: Citizens’ Perspectives on Liability for Loss of Chance,” Center for the Study of Law, Language and Cognition Workshop, Brooklyn Law School (with J. Darley and J. Sanders)

#### APPOINTMENTS

- Chair, AALS Insurance Law Section

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### Yane Svetiev

#### PUBLICATIONS

- *Antitrust Governance: The New Wave of Antitrust*, 30 LOY. U. CHI. L.J. 593 (2007) (Antitrust Symposium: *Matsushita* at Twenty)

#### PRESENTATIONS

- “Networked Competition Governance in the EU: Delegation of Harmonized Norms of Joint Development of the New European Competition Law,” EU Governance: Towards a New Architecture?, Foundation Universitaire, Brussels

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### Nelson Tebbe

#### PUBLICATIONS

- *Inheritance and Disinheritance: African Customary Law and Constitutional Rights*, 88 J. RELIGION \_\_ (forthcoming 2008)

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### Carrie Teitcher

#### PUBLICATIONS

- *Legal Writing Beyond Memos and Briefs: An Annotated Bibliography*, 5 J. ASS’N LEGAL WRITING DIRECTORS \_\_ (forthcoming 2008)

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### Aaron Twerski

#### PRESENTATIONS

- Lecture, Chadbourne and Parke Conference on Nanotechnology Law & Commerce

#### APPOINTMENTS

- *Special Master, In re World Trade Center Disaster Litigation*, Eastern District of New York (with J. Henderson Jr.)

## Alumni Association Honors Three Alumni of the Year

Brooklyn Law School's Alumni Association held its annual Cocktail Reception in November. Dean Joan G. Wexler and Alumni Association President Robert E. Grossman '73 presented three outstanding BLS graduates with Alumni of the Year Awards: Stephen J. Dannhauser '75, Barry Salzberg '77, and Anne J. Swern '80.

**A**s the chief executive of the international law firm Weil, Gotshal & Manges LLP, **Stephen J. Dannhauser** has crafted and executed many of the business strategies that have led the firm to global prominence. He has been an advisor to the senior management of many public and private companies and played a leading counseling and crisis management role in major corporate restructurings. Recognized for many years as a leading practitioner, he has broad experience in mergers and acquisitions, capital markets, and finance, including securities offerings, syndications, and other partnership transactions.

Dannhauser has long participated in a variety of civic, business, and philanthropic causes and organizations, including the New York Police & Fire Widows' & Children's Benefit Fund and Boys & Girls Harbor, Inc. He also worked closely with New York City officials to support victims of the September 11 terrorist attacks and continues to support the victims today through fundraising and civic leadership. He's received many awards in recognition of his philanthropic, civic, and professional accomplishments.

Dannhauser graduated with honors from both the State University of New York at Stony Brook and Brooklyn Law School, where he was an editor of the *Brooklyn Law Review*. He has spoken about his career at one of the Law School's Dean's Roundtable Luncheons. Dannhauser and his wife Beth have three sons: Todd, who is a 2002 Brooklyn Law School alumnus, Benjamin and Jess.

**Barry Salzberg** is chief executive officer of Deloitte LLP, one of the nation's leading professional services organizations providing audit, tax, consulting and financial advisory services. Joining the firm after graduation, he was admitted as partner in 1985 and went on to build an impressive record through a variety of leadership roles. In 2000, he assumed full leadership of the Deloitte Tax LLP practice, which included regional responsibility for the Americas tax practice. He then served as the managing partner of the Deloitte U.S. Firms. In June 2007, he became CEO. He also serves as a member of the Deloitte U.S. Firms' board of directors, the Deloitte Touche Tohmatsu Global Executive Committee, and the DTT global board of directors.

Salzberg is a board member of several business organizations, including the Center for Audit Quality, the Committee Encouraging Corporate Philanthropy, and the Partnership for New York. He is

also a member of the New York State Bar Association, the American Institute of Certified Public Accountants, the New York State Society of Certified Public Accountants, and the New York County Lawyers Association.

Known for his commitment to building opportunities for tomorrow's leaders and fostering diversity within the workplace, Salzberg serves as a board member of Vanderbilt University Owen School of Management, the Jackie Robinson Foundation, College Summit, and the Johnetta B. Cole Global Diversity & Inclusion Institute at Bennett College for Women. He is also the chair of the Capital Steering Committee for the YMCA of Greater New York. With his wife, he has established two scholarships at Brooklyn Law School — the Barry and Evelyn Salzberg Scholarship and,



Dean Wexler with honoree Stephen Dannhauser (above); and Robert Grossman presenting honoree Anne Swern with an award (below).



*Brooklyn Law School Alumni gathered to honor three outstanding graduates at a cocktail reception.*

more recently, the Barry & Evelyn Salzberg/Deloitte Foundation Scholarship (see page 46). He has also been a speaker at a Dean's Roundtable Luncheon. He received his undergraduate degree in accounting from Brooklyn College, and his LL.M. in taxation from the New York University School of Law.

**Anne J. Swern** is a prosecutor who has had an exemplary career in 27 years of public service. As First Assistant District Attorney to the District Attorney of Kings County (Brooklyn), she supervises more than 1,000 attorneys and support staff members in their prosecutorial and administrative functions. Swern also heads the acclaimed Drug Treatment Alternative-to-Prison (DTAP) Program — the first of its kind in the country — which is dedicated to diverting non-violent felony offenders into residential drug treatment. She is the senior executive in charge of three substance abuse treatment courts, as well as the Red Hook Community Justice Center and the Mental Health Court. As the DA's executive in charge of mental health issues in the criminal justice system, she supervises the Treatment Alternatives for the Dually Diagnosed Program, which diverts mentally ill defendants into treatment. Her public service

also includes a position on the New York State Commission on Drugs and the Courts.

Swern is the recipient of many awards in recognition of her public service. She received the 2006 Thomas E. Dewey Medal from the New York City Bar and was selected as the 1999 Humanitarian of the Year by the Education and Assistance Corporation and as the 2000 Prosecutor of the Year by the Kings County Criminal Bar Association. A board member of the National District Attorneys Association, she serves on the Judiciary Committee of the Brooklyn Bar Association and the Prosecution Function Committee of the American Bar Association. She is also co-chair of the Diversion Committee of the Criminal Justice Section of the ABA.

Since 1987, Swern has taught various courses as an adjunct professor at Brooklyn Law School. She has also lectured at the New York State Judicial Institute, Fordham University, Columbia University and New York University law schools and the University of London. Swern and her husband Steven Brounstein, a criminal defense attorney, have two children and live in Brooklyn. □

## BLS Mentor Program Pairs Alumni and Students

**T**he Brooklyn Law School Alumni Mentor Program, which celebrated its 15<sup>th</sup> anniversary this year, pairs alumni with students who are particularly interested in their mentors' fields of practice, offering an invaluable opportunity to complement and enhance the students' law school experience.

This year the program successfully matched 80 students with lawyers practicing in a broad range of areas including antitrust, bankruptcy, corporate, entertainment, immigration, intellectual

property, litigation, criminal prosecution and criminal defense. Alumni participants not only offer their mentees career advice on a variety of topics but also include them at various work related activities and local networking events for the bar.

In January, the Law School hosted a reception to help BLS mentors and mentees reconnect after the holidays. Stefanie Shaffer '08 spoke to the group about her fulfilling experience in the program. □



*Laurian Cristea '09 (L) with his mentor, Jason Rivera '96.*



*Mentor Carl Seldin Koerner '75 (L) with his mentee Jennifer Ballard '09.*



*Mentee John Trani '09 (L) with his mentor Vincent Pitta '78.*

### MENTORS

Michele Arbeeney '97  
Evan Azriliant '92  
Vijay Baliga '04  
James Baribeau '04  
Joshua Bauchner '01  
Lisa Brauner '94  
Kathleen Brennan '00  
Matthew Brett '98  
Valerie Bruce '98  
Ruth Cassell '73  
Andy Chen '97  
Amy Cococcia '98  
Paula Colbath '91  
Michael Cullen '02  
Asa Danes '01  
Raffaele DeMarco '02  
Jacqueline Doyle '93  
Frank Dudis '00  
Paul Farrell '85  
Harvey Federman '01

Jason Fernbach '00  
David Filer '02  
Kristina Fink '01  
Sandra Fried '04  
Brian Gershengorn '03  
Emily Goldman '02  
Hon. Judith Gould '87  
Brian Grieco '02  
Michael Grohman '83  
Ellen Grossman '04  
Janine Guido '01  
Steven Gursky '79  
Jennifer Yaseen Gutterman '01  
Tovah Hechtman '91  
Robert Hirsh '98  
Kenneth Horowitz '87  
Robert Isdith '96  
Hon. Randolph Jackson '69  
Julie Kay '95  
Steven Keltz '77

Carl Seldin Koerner '75  
Susan Lambiase '86  
Steve Landis '92  
Andrew Lauer '91  
Ira Jay Levy '88  
Brett Lewis '98  
Paul Libretta '03  
Hon. Arnold Lim '86  
Jeffrey Lipman '73  
Robert Malito '69  
Robert Marchese '87  
Lawrence Menkes '81  
Seth Merl '02  
David Milner '75  
Hon. Philip Morace '80  
Ronnie Nanos '97  
Melissa Norden '99  
Jessica Parise '02  
Michael Pensabene '00  
Vincent Pitta '78

Craig Price '99  
Paul Proulx '03  
Sandra Rampersaud '03  
Ira Reid '87  
Jason Rivera '96  
Hon. Alice Fisher Rubin '88  
Michael Ryan '94  
Rebecca Sheinberg '03  
Steven Smith '99  
David Smitham '03  
Elliot Steelman '03  
Tara Stein '00  
Darla Stuckey '88  
David Tockman '94  
Sherri Venokur '76  
Steven Wachtel '02  
Gregory Wallance '76  
Sally Woo '02  
Jodi Zotkow '00

## Brooklyn Law School Heads West

Brooklyn Law School headed west in late fall to host alumni receptions in Los Angeles and San Francisco. Both events featured a mix of recent graduates and alumni who have lived in California for some time. Not only did they enjoy hearing the latest news about the Law School from Dean Joan Wexler, but they were also excited to meet each other and share their experiences.



## Recent Graduates Reconnect in Manhattan



In November 2007 the Law School hosted a reception for recent graduates at Butterfield 8 in Manhattan. Director of Alumni Relations Caitlin Monck-Marcellino '02 was thrilled by the tremendous turnout. "These events have really taken off," she said. "We have found a great formula for getting our most recent graduates together to reconnect with each other and with their former professors." A subsequent and equally successful event was held in May 2008 at Opal in Manhattan.

# ALUMNI ClassNotes

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1930

**Bernard Bierman** will turn 100 on August 26, 2008. He practiced law for 11 years until 1942 when he enlisted to serve in World War II. After returning from the war, he started a career in the music business. He has six CDs on the market, and 138 of his songs have been recorded by artists including Frank Sinatra, Sarah Vaughan, Harry James, Billy Eckstine, Hildegard and Steve Ross.

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1949

**Murray Schwartz**, managing partner of the New York firm of Schwartz & Perry LLP, who practices in the area of employment discrimination, participated in a panel discussion about employment law at Brooklyn Law School in November 2007 that was hosted by the Brooklyn Law School Federalist Society.

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1950

**Percy E. Sutton** was one of four honorees recognized by the City College of New York for establishing the Search for Education, Elevation and Knowledge (SEEK) program 42 years ago. SEEK, which authorized CUNY to accept low-income students who would not be admitted otherwise, was the first of its kind and is considered a model for Higher Education Opportunity Programs across the country. Currently in private practice in New York, Sutton was a prominent activist in New York on behalf of civil rights in the 1960s and a former Manhattan borough president and New York State Assemblyman. He is the co-founder of Inner City Broadcasting Corporation, which owns radio stations and other media interests, and is the second largest radio broadcasting company in the country targeting black communities.

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1951

**Irwin Reicher**, formerly with Linett Schechter Reicher & Ofsevit, LLP, joined the New York office of Butzel Long as of counsel. He practices in the field of commercial real estate.

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1963

**Ronald B. Bianchi** is a judge of the Justice Court for the Town and Village of Harrison in New York. He served as mayor of Harrison from 1998 to 2001 and Town Attorney from 1992 to 1995.

**Joel J. Flick** was re-elected for a fourth term as Clarkstown Town Judge in New City, Rockland County, N.Y. He maintains a private practice in tax certiorari, real estate, municipal law, negligence and criminal law.



**Wallace I. Leinhardt**, a partner in the New York office of Jaspan Schlesinger Hoffman LLP, was elected chair of the Trusts and Estates Section of the New York State Bar Association. He practices in the areas of trusts and estates, guardianship law, elder law and surrogates. He is also a member of the NYSBA's House of Delegates and its Electronic Communications Task Force.

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1967

**George E. Curtis**, associate professor of criminal justice at Utica College in upstate New York, was named acting executive director of the college's Economic Crime Institute. The institute provides resources, professional contacts, and internship opportunities for current students and graduates for their work in preventing,

detecting, and investigating and prosecuting economic and cybercrimes. Curtis co-authored a textbook, *Proactive Security Administration*, and he has completed a manuscript titled "The Law of Cybercrimes and Their Investigations."

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1969

**Charles Brandt**, founder and senior partner of the Wilmington, Del.-based medical malpractice trial firm, Brandt & Dalton, P.A., recently retired. He is a former Chief Deputy Attorney General of Delaware and past president of the Delaware Trial Lawyer's Association. Brandt is the author of several books; his most recent is *Donnie Brasco—Unfinished Business*.

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1971

**Leonard D. DuBoff** was a key presenter at the First People's Fund Conference in March 2008. The Fund supports the advancement of American Indian Arts through community spirit awards and business leadership and grant fellowship programs. His firm, The DuBoff Law Group, LLC, based in Portland, Ore., specializes in complex business litigation and intellectual property. He is the author of more than 20 books on law, including *The Deskbook of Art Law*, *Art Law in a Nutshell*, and *The Law (In Plain English)*® series.

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1972

**Alan E. Goldstein** was named principal law clerk to Justice Robert M. Berliner of New York State Supreme Court, Rockland County.

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## 1973

**Arthur E. Shulman**, who maintains a solo practice in Islandia, N.Y., is currently serving as the secretary of the Suffolk County Bar Association. He is a past dean of the Suffolk Academy of Law, the educational arm of the Suffolk County Bar Association.

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## 1975

**Hazel I. Weiser** was named executive director of the Society of American Law Teachers. Prior to joining SALT, Weiser was director of foundation advancement at the Long Island Community Foundation, a division of the New York Community Trust. She formerly served as a member of the faculty of Touro Law Center and as the director of its legal writing program.

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## 1976



**Andrew B. Kushner**, a partner in the New Jersey firm of Asbell Kushner & Eutsler, P.A., was awarded a 2007 Professional Lawyer of the Year Award by the New Jersey

Commission on Professionalism in the Law. He practices in the areas of estate planning and administration, elder law and Medicaid planning, residential and commercial real property, and business transactions. He also represents attorneys in ethics and fee matters.

**Sherri A. Venokur** joined the New York office of Lowenstein Sandler PC as a member of the firm's investment management practice. She negotiates ISDA and other master agreements for derivatives transactions as well as prime brokerage and other trading documentation for dealers, hedge funds and other market

participants. She was previously special counsel to Stroock & Stroock & Lavan LLP in the firm's derivatives and commodities, and structure finance practices.

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## 1977

**Edward A. Steen** was appointed associate general counsel – chief intellectual property counsel of Vale Inco Limited of Toronto, Canada. Steen, who has been with the company for 29 years, is based in the company's Saddle Brook, N.J. office. A major global supplier of nickel and other non-ferrous metals, the company was recently acquired by Companhia Vale do Rio Doce SA, the second largest mining company in the world.

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## 1979

**Romaine L. Gardner**, visiting professor and director of the Securities Arbitration Clinic at Fordham University School of Law, was given the honorary title of Distinguished Practitioner in Residence. Gardner started his legal career at Cadwalader, Wickersham & Taft, LLP and then moved to PaineWebber UBS where he retired as managing attorney in 1998. He was the director of the first Securities Arbitration Clinic at Brooklyn Law School.

**Charles-Eric Gordon** was elected first vice president of the Society of Professional Investigators, a fraternal and educational organization. Gordon, an investigative counsel to the bar and real estate industry, focuses his practice on locating missing witnesses, heirs, distributees, defendants and other absentees. He is a member of the World Association of Detectives and the American Academy for Professional Law Enforcement.

**Ellen T. Harmon** was appointed executive vice president, chief legal officer and corporate secretary of ATMI, Inc., a company that provides specialty materials and high-purity materials handling and delivery solutions to the worldwide semiconductor industry. Prior to joining the company, Harmon was vice president, general counsel, and corporate secretary of WHX Corporation and its operating company, Handy & Harmon, a diversified manufacturer.

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## 1981



**Susan Greenberg Thrope**, senior vice president, deputy general counsel and secretary of New York Life Insurance Company, was appointed to its executive management committee. She joined the company

in 1982 as an attorney in the Office of Legal and Governmental Affairs. In her current position, she advises the company's board and its senior executives on corporate and board governance, securities law and related activities.

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## 1983

**Ira S. Cure** became senior counsel of the Writers Guild of America East, where he is responsible for contract enforcement for the Guild's network TV, radio and movie contracts. He was formerly of counsel to Broach & Stulberg, LLP, where he focused on all aspects of labor and employment law.

**Bruce M. Feffer**, who maintains a private practice in New York City in real estate and business legal matters, was a guest speaker at a meeting of the National Association of Hispanic Real Estate Professionals.



# ALUMNI ClassNotes

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## 1986

**Warren T. Lazarow** was included on *Forbes'* 2008 Annual Midas 100 List, a survey of the top tech deal makers in the world. He is the managing partner of the Silicon Valley office of O'Melveny & Myers LLP and a member of the firm's policy committee and joint leadership team. He represents both public and private clients in public and private debt, convertible debt and equity, and equity offerings, PIPES offerings, general corporate and securities transactions, and corporate governance counseling.

**Gerard J. Romski**, a corporate attorney at Beechwood Organization, a full service home builder, was appointed to the New York City Traffic Congestion Mitigation Commission. The Commission is responsible for overseeing a comprehensive plan to relieve traffic gridlock in the city.

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## 1987

**Tracy C. Reimann (Christen)** merged her solo practice with the White Plains firm of Karlen & Stolzar, LLP, which she joined as a partner in 2007. She practices in the area of estate law. Prior to entering private practice, Reimann was an estate tax attorney and reviewer with the Internal Revenue Service for 12 years. She and her husband, Herb, live in Somers, N.Y. with their four children, Victoria, Gabrielle, Jessica and Matthew.

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## 1988

**Patricia M. Prezioso** joined the firm of McCusker, Anselmi, Rosen & Carvelli, PC as a partner. She practices in the areas of complex civil litigation and white-collar criminal defense. She was formerly the executive assistant attorney general for the state of New Jersey.

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## 1989



**Evan M. Goldberg** was elected chair of the Trial Lawyers Section of the New York State Bar Association. As a partner of Trolman, Glaser & Lichtman PC, he focuses

on complicated accident cases involving, among other things, defective machinery and medical malpractice.

**Robert M. Kesten** joined the Boca Raton, Fla. office of Adorno & Yoss, the nation's largest minority-owned law firm, as a partner handling real estate and transactional matters.

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## 1990

**Laurie J. McPherson**, formerly with Shapiro Forman Allen Sava & McPherson LLP, joined the New York office of Blank Rome LLP as a partner in the firm's litigation and matrimonial groups.

**Lawrence R. Plotkin**, formerly with Willkie Farr & Gallagher LLP, joined the New York office of Chadbourne & Parke LLP as a partner in the firm's real estate practice group. Plotkin represents clients in commercial real estate transactions, including the purchase, sale, financing, development and leasing of all types of commercial properties.

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## 1992

**Frederick C. Arriaga**, formerly counsel to the Brooklyn borough president, was appointed as a judge of the New York City Civil Court.



**Stuart A. Minkowitz** was appointed as a judge of the New Jersey State Superior Court. He was previously an assistant United States attorney in the United States

Attorney's Office in Newark, N.J., where he prosecuted civil health care fraud cases.

**Judith A. Selby** became a partner in the New York office of Duane Morris LLP. She practices in the area of commercial litigation with a concentration on insurance counseling and coverage litigation, including international arbitration of complex pharmaceutical coverage claims.

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## 1994

**Stanley F. Trybulski**, who is retired from the practice of law, published a novel, *The Gendarme*, an action thriller about a post-9/11 attack on New York. He most recently worked at the New York City Department of Education.

**Itamar J. Yeager**, counsel to the Rockland County Legislature and a private practitioner, was elected as a councilperson to the Ramapo Town Board in November 2007. He was also appointed by the Rockland County District Attorney pro bono special prosecutor for appellate matters.

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## 1995

**Frederic J. Giordano**, formerly with McCarter & English, LLP, joined the Newark office of Kirkpatrick & Lockhart Preston Gates Ellis LLP as a partner. He represents policyholders in disputes with property and casualty insurers, particularly with respect to coverage for construction claims and directors and officers liability claims.

**Jonathan I. Hornik**, general counsel of Kennedy Funding, a New Jersey commercial real estate lending company, was elected mayor of Marlboro Township, N.J. His four-year term began in January 2008.

**Jason I. Pascal** became vice president and senior counsel of The Orchard Enterprises, Inc., a publicly traded distributor of digital media.

**Jennifer S. Zucker** became a partner in the Washington, D.C. office of Patton Boggs LLP. She practices in the areas of government contracts, homeland security, defense, and technology transfer, and litigation and dispute resolution.

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## 1996

**Stephanie F. Lehman**, a partner in the New York office of Wolf, Block, Schorr and Solis-Cohen LLP, married Eric P. Schutzer, a lawyer in White Plains who represents creditors in debt collections.

**Tod M. Melgar** became a partner in the New York office of the intellectual property firm of Morgan & Finnegan, LLP. He litigates and prosecutes patents in a wide variety of technology areas, including computer software, optics, lasers, and mechanical and medical instrumentation. He is also involved in the litigation and policing of trademarks.

**Laurence M. Moss** became a partner in the New York office of Schulte Roth & Zabel LLP in the firm's employment and employee benefits group. He focuses on executive compensation and employee benefits aspects of mergers and acquisitions, with an emphasis on leveraged buy-out transactions.

**Glen Rosenberg** joined Woolbright Development as associate general counsel. He provides in-house counsel relating to acquisitions, dispositions and financing of real estate opportunities; drafting and negotiating tenant leases; and other corporate legal issues. Headquartered in Boca Raton, Fla., Woolbright is one of the largest acquirers of retail real estate in Florida.

**Matthew E. Ross**, formerly with Duane Morris LLP, joined the Washington, D.C. office of Ballard Spahr Andrews & Ingersoll, LLP as of counsel in the firm's business and finance department. A member of the energy and project finance group, he practices in the areas of renewable energy transactions and finance, and energy conservation measures.

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## 1997

**Caroline L. Werner** was married to Karl Metzner, a deputy chief of the criminal division of the United States Attorney's Office for the Southern District of New York. Werner is a member of the faculty of Beth Israel Medical Center Continuum Center for Health and Healing, where she also maintains a private psychotherapy practice and works as a consultant specializing in stress management and improving employee relations.



**Victoria Manthas**, counsel in the New York office of Clifford Chance US LLP, was awarded a 2007 Cornerstone Award by Lawyers Alliance for New York for her work in connection with the representation of a nonprofit organization dedicated to providing assistance towards the economic development of Brooklyn. The award recognizes her advice on a project that will create and retain manufacturing and industrial jobs in the East Williamsburg

area of Brooklyn. Manthas represents major financial institutions, real estate opportunity funds, institutional investors and sophisticated developers in a wide variety of real estate and related financing transactions. She is on temporary assignment with Clifford Chance's Frankfurt, Germany office, working with the firm's international finance practice.

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## 1998



**Alison Besunder Arden** was named a partner at Arent Fox LLP. She practices in the areas of commercial litigation, counterfeit and trademark litigation, and real estate litigation. She and her husband, Allyn Arden, welcomed the birth of their first child, Emma Jaye, in December 2007.

**Alison J. Dorfman (Schwartz)**, a producer of "The Early Show" at CBS in New York, was married to Peter Dorfman, a financial adviser at Merrill Lynch.

**Peter J. Liuzzo** became a partner in the firm of Cassin Cassin & Joseph LLP. He focuses on real estate matters, representing institutional and conduit lenders as well as developers in multifamily, commercial and residential real estate transactions and asset-based financing.



**Gabriel M. Nugent** became a partner in the Syracuse office of Hiscock & Barclay, LLP. He practices in the areas of intellectual property, complex commercial litigation, environmental litigation and white-collar criminal defense.

# ALUMNI ClassNotes

**Scot Phelps** joined Southern Connecticut State University as an associate professor of emergency management to create the first graduate-level emergency management program in the state of Connecticut. Phelps was formerly assistant commissioner for emergency management at the New York City Department of Health and Mental Hygiene and a professor of emergency medicine at the George Washington School of Medicine. He recently helped Auckland University of Technology in New Zealand assess its emergency management program and will speak at the World Conference on Disaster Management in Toronto in June 2008.

**Michael K. Robles** became special counsel in the New York office of Cadwalader, Wickersham & Taft LLP. He focuses on resolution, litigation, arbitration and mediation of reinsurance disputes.

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## 1999



**Won-Joon Kouh** became a partner in the Princeton, N.J. office of Duane Morris LLP. He practices in the area of intellectual property law, concentrating on patent

prosecution, patent portfolio development, validity and noninfringement opinions, patent portfolio due diligence and patent litigation support.

**David R. Mowry**, formerly with Nixon Peabody LLP, joined Xerox Corporation's Office of General Counsel as an attorney. He counsels domestic sales entities on various legal issues specifically regarding contracts for the sales and leasing of Xerox products.

**Mandy Roth** joined the Philadelphia office of Goldfein & Joseph, P.C. as an associate. The firm specializes in medical malpractice defense, asbestos litigation and toxic tort litigation defense, and Roth concentrates on appellate work.

**Steven B. Smith** became a partner in the New York office of Brown Rudnick Berlack Israels LLP. He practices in the areas of corporate restructuring and creditors' rights.

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## 2000

**James I. Alexander** and **Kim F. Alexander (Feigenbaum)** '01 and their first son, Evan Joshua, welcomed the birth of Lance Ryan Alexander in February 2008. James is division counsel for AIG Risk Finance and Kim is associate counsel for RD Management LLC.

**Amy Sobotkin Gare**, formerly with the New York office of Fried, Frank, Harris, Shriver & Jacobson LLP, and the Connecticut firm of Cohen and Wolf, P.C., joined Axiom Legal. Axiom is a firm made up of attorneys from the nation's top law firms and companies who provide onsite counseling to corporate clients. Gare currently works as an assistant general counsel at RBS Greenwich Capital in Greenwich, Conn.

**Jessica Teplitz Koch** recently opened her own firm in Palm Beach, Fla., where she specializes in real estate law and lives with her husband, Dana, and their daughter.



**Elena P. Lazarou** became a partner in the New York office of Reed Smith LLP. She is a member of the firm's commercial restructuring group and represents various

secured and unsecured creditors in commercial bankruptcies as well as federal and state court litigations, refinancings, restructurings and workouts.

**Michelle I. Brundige (Murphy)**, a manager in the international tax consulting group of BDO Seidman, LLP, and her husband, Jack, welcomed the birth of their second son, Cooper, in March 2007.

**Gary O. Ravert** became a partner in the New York office of McDermott Will & Emery LLP. He practices in the areas of creditors' and debtors' rights, corporate reorganizations, bankruptcy proceedings, and commercial transactions.

**Trig R. Smith** became a partner of Coughlin Stoa Geller Rudman & Robbins LLP in its San Diego office. He practices in the areas of securities and other complex litigation.

**Adam I. Sutton**, a sole practitioner concentrating in real estate law, married Lara Most, a nutritionist at Long Island College Hospital in Brooklyn.

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## 2001

**David K.S. Kim**, an associate with the New York firm Bretz & Coven, LLP, spoke at the 10th Annual American Immigration Lawyers Association New York Chapter Immigration Law Symposium on the topic of federal court litigation. He is co-chair of the NY Chapter's Federal Practice Committee and vice president of the Korean American Lawyer's Association of Greater New York.

**Michael C. Perry** completed two years in the United Kingdom as COO for Balaysny Europe Asset Management and relocated to Hong Kong to open the firm's Asian office, where he will be COO for the company's offices in Asia and India. He continues to oversee compliance matters globally for the firm. Perry and his wife welcomed the birth of their second son, Ethen Olliver, in September 2007.

**Theresa E. Quinn**, an associate in the Buffalo office of Magavern Magavern Grimm LLP, practicing in the areas of negligence, employment and housing litigation and entertainment law, was elected to the board of trustees of the Western New York Public Broadcasting Association. WNEB serves a bi-national region of 3.1 million households across Western New York and Southern Ontario.

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## 2002

**Caroline L. West (Charlston)**, a vice president at Lehman Brothers in New York, where she serves as the legal, compliance and audit division recruiter, married Christopher West, the vice president for marketing and business development at Zac Posen.

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## 2003

**Jamie J. Spannhake (Jackson)**, an adjunct instructor of legal writing at BLS and an associate in the litigation department of Dewey & LeBoeuf LLP, wed John Spannhake, a corporate pilot for General Electric, in August 2007.

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## 2004

**Lowell J. Sidney**, an assistant district attorney in Kings County, was married to Lacey Ann Tisch, a founder and co-president of Travelin Gals, an Internet venture which provides travel advice for young women.

**Ledra Solomon (Horowitz)**, currently with the New Jersey Attorney General's Office, and her husband, Noam, are the proud parents of twin boys, Tobias Henry and Milo Lev, born in September 2007.

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## 2005



**Nadeen Aljijakli**, and her husband, Rami, welcomed the birth of their son, Omar Abbass, in December 2007. Aljijakli is an associate with the Washington,

D.C. immigration law firm Maggio & Kattar, P.C., where she practices in the areas of deportation defense, federal litigation, asylum and family-based immigration matters.

**John P. Fazio** joined the Lyndhurst, N.J. firm of Scarinci & Hollenbeck, LLC in its corporate law and commercial transactions groups and its commercial real estate and tax, trust & estates groups. He focuses on complex commercial transactions, mergers and acquisitions, business restructurings, and commercial finance.

**Daniel W. London**, an associate in the Manhattan office of London Fischer LLP, wed Allison Hersh, an associate in the New York office of Cooley Godward Kronish LLP.

**Matthew T. Tulchin** joined the New York office of Goodwin Procter LLP as an associate in the firm's white-collar practice group. He previously served as a law clerk to **Hon. Edward R. Korman '66** of the U.S. District Court for the Eastern District of New York.

**Yael G. Utt**, an employment law and litigation associate with the New York firm Schwartz & Perry, LLP, wed Bryan Caplin, a senior director of marketing for the Corporate Executive Board, which is based in Washington, D.C.

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## 2006

**David H. Bavli**, formerly with the New York firm of Clausen Miller PC, joined the Morristown, N.J. firm of Riker Danzig Scherer Hyland & Perretti LLP. A member of the firm's insurance group, he practices in the area of insurance coverage litigation. Bavli is a co-founder and board member of the Good Fight Foundation, which provides support and services to cancer patients and their families.

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## 2007

**Jason Berrebi**, an associate in the New York office of Kirkland & Ellis LLP, was married to Rebecca Koenig, a third-year law student at Cardozo.

**Thomas J. Welling Jr.**, an associate with the firm of Simpson Thacher & Bartlett LLP, wed Erin Conroy, an associate in the private client asset management arm of Deutsche Bank.

### Editor's Note:

The Alumni Office receives information for Alumni ClassNotes from various sources. All information is subject to editorial revision. *BLS LawNotes* is produced a few months in advance of publication, and any ClassNotes information received after production has begun is included in the next issue.

*Please send ClassNotes information for future issues to the following e-mail address: [communications@brooklaw.edu](mailto:communications@brooklaw.edu).*

## New Director of Development Joins BLS

**D**avid Condliffe joined Brooklyn Law School as Director of Development in November 2007. His experience in law school fundraising includes service as Assistant Dean for Development for the past eight years at Rutgers School of Law–Newark. At Rutgers, Condliffe jumpstarted a stalled capital campaign which he helped build to \$21.7 million.

Brooklyn Law School's enormous potential attracted Condliffe. "I saw dynamic leadership, remarkable alumni and a culture of excellence throughout the faculty, students and staff," he says.

As a lawyer, Condliffe served as a corporate and securities associate at Greenbaum, Wolf & Ernst and at Debevoise & Plimpton, and as vice president and general counsel of Children's Television Workshop. He found great satisfaction in counseling clients and molding transactions to address their business concerns. "It was about building long-term relationships and understanding clients' core business interests," he explains. "I love the law and the profession. I hope to bring that passion to my work at Brooklyn Law School."

Condliffe says practicing law prepared him well for his work in development. "Law taught me that the hardest thing to know is deciding *how to discover* what you don't know," he says. He plans to listen carefully to alumni and friends of the Law School who want to support it, in order to help create gifts that are meaningful to them and transformative to the school. "In that sense," he

adds, "donors are like investors, and development officers are like corporate and securities lawyers seeking the correct match between the investor and investment."

Condliffe's career includes a strong background in public and community service. He was the first director of the Office of Drug Abuse Policy, a new office created by former New York City Mayor David Dinkins '56. Formed in response to the crack epidemic of the 1980s, its task was to coordinate drug abuse policy across city agencies. While there, Condliffe helped launch pioneering programs such as drug treatment for women at risk of losing their children to foster care, Beacon Schools, drug courts, and other initiatives. Subsequently, he served as executive director of the Coro Foundation, executive director of the Drug Policy Foundation and senior adviser for U.S. Programs at the Open Society Institute (the Soros Foundations).

Condliffe holds a B.A. from New York University, an M.P.A. from Harvard's Kennedy School of Government, and a J.D. from Rutgers School of Law–Newark. He is a member of the Bar of the State of New York. Currently, he is chair of the Institutional Advancement Section of the American Association of Law Schools, a member of the board of managers of the Havens Relief Fund Society, and a frequent committee member of the New York City Bar. Condliffe and his wife, Jane, live in the Bronx and have three daughters. □



David Condliffe

## CEO of Deloitte Creates Full-Tuition Scholarship

**B**arry Salzberg, CEO of Deloitte LLP, has established a three-year, full-tuition scholarship at Brooklyn Law School to be awarded each year to one entering student of minority background with an interest in accounting, economics or business. The Barry & Evelyn Salzberg/Deloitte Foundation Scholarship also includes mentorship with Salzberg and his partners. This is the first scholarship of its kind at Brooklyn Law School, and it reflects the important role the Law School played in Salzberg's own life.

When he graduated from the Law School in 1977, Salzberg says he never imagined that one day he would lead a distinguished professional services organization. In April President George W. Bush presented the President's Volunteer Service

Award to Salzberg in honor of Deloitte's achievement in community involvement.

As the CEO of Deloitte, Salzberg speaks and writes frequently on the topic of diversity-strengthening organizations like Deloitte. Too few lawyers today pursue careers in tax accounting at organizations like Deloitte, according to Salzberg, and many students do not recognize what a satisfying career it can be. Believing that the accounting profession would benefit from more lawyers with a background like his own, together with his wife, Evelyn, and the Deloitte Foundation, he decided to do something about it.

More than a gift of money, the scholarship will allow Salzberg, along with other members of Deloitte, to help the Law School recruit and select talented

applicants who are interested in both law and business. Recognizing the help he received from mentors, he and others at Deloitte pledged to work closely with scholarship recipients throughout their tenure at the Law School.

This unprecedented opportunity represents the first such partnership between a major professional services organization and a law school. "I saw this as an opportunity both to transform a student's life and to raise Brooklyn Law School's profile," Salzberg says, adding that he hopes other firms will find similar ways to partner with law schools. The Law School has already selected the first recipient of the Barry & Evelyn Salzberg/Deloitte Foundation Scholarship, who will enter the Law School next fall. □

## Your support means the world to Brooklyn Law School. *We can make it just as meaningful for you.*

Your vision can make our future brighter than ever. We invite you to contact us and learn how worthwhile a gift to Brooklyn Law School can be for you. Make an impact.

You can help us:

- Offer scholarship support for deserving students
- Enrich our innovative course of study
- Recruit and retain outstanding faculty
- Provide affordable student housing
- Enhance our urban campus and library

TO FIND OUT MORE, CONTACT:

David C. Condliffe  
Director of Development  
david.condliffe@brooklaw.edu  
(718) 780-0657

Make a gift online:  
[www.brooklaw.edu/giving](http://www.brooklaw.edu/giving)

## IN Memoriam

### Moses Weinstein '34

Moses Weinstein, longtime member of Brooklyn Law School's Board of Trustees, died November 30, 2007. He was 95. Weinstein enjoyed a long career in public service, holding positions as a New York State assemblyman and supreme court judge.

Weinstein was born in New York in July 1912. He grew up on the Lower East Side and graduated from high school at 15. The son of a tailor, he worked his way through college and law school, graduating from BLS in 1934. He served as an infantry corporal in World War II, fighting in the Battle of the Bulge.

In Queens, his dogged presence at political meetings and his commitment to community work helped win him a seat in the Assembly in 1958. He was re-elected five times and became a powerful figure in the Queens Democratic Party, serving as chairman from 1962 to 1969, as Assembly majority leader from 1965 to 1968, and as acting speaker in 1968.

Weinstein sponsored measures creating the Urban Development Corporation and the Crime Victims' Compensation Board, established a consumer bill of rights, reformed divorce and welfare laws, increased aid for air-pollution controls, and promoted the expansion of New York hospitals. He also supported rent control, the rights of veterans, small businesses aid, and antidiscrimination laws.

In 1969, Weinstein was elected to the State Supreme Court in Queens where he served until 1980, when he was appointed to the Appellate Division, Second Department. He retired in 1989 at the age of 77.

Weinstein is survived by three sons, all of whom also graduated from Brooklyn Law School: Hon. Jeremy Weinstein '74, a New York State Supreme Court justice in Queens; Hon. Peter Weinstein '70, a circuit court judge in Florida; and Jonathan Weinstein '67.

He is also survived by his sister, five grandchildren, and eight great-grandchildren.

### Clare Petti '54

Claire Petti, a local politician and activist, died December 21, 2007. Petti lived in Paramus, N.J., where she was known as a fierce opponent of development and a dedicated public advocate.

A native of New York, she attended New York University and received her law degree from Brooklyn Law School in 1954. She settled in Paramus and began a career as a local politician, running for mayor as an independent in 1986 and serving on the Board of Education a decade later. She attended city council meetings and planning board sessions, peppering elected officials and developers with questions.

Her targets ranged from the projects at Bergen Mall and Westfield Garden State Plaza to developments by Hooters and McDonald's. While she may not have kept any companies from building in Paramus, she helped force developers to make changes in their plans to address the issues she raised. She was recognized for her public service, volunteer work and pro bono activities with many awards and with the esteem of many fellow homeowners and peers in the law and government service.

Petti is survived by her sister and a niece.

### Loretta Selby

Loretta Selby, a beloved staff member who served as executive assistant to four successive Law School deans — Jerome Prince, Raymond Lisle, I. Leo Glasser, and David Trager — died on March 2, 2008.

After joining the staff in 1966, Selby soon became the go-to person in the Dean's office, respected for her knowledge, work ethic, and generous mentorship of new staff members. She retired in 1987 yet maintained close ties to many of her former colleagues over the years.

Selby is survived by her daughter Suzanne; her sons Steven, a 1988 BLS graduate who is counsel to Morgenstern Fisher & Blue, LLC, Andrew and Edmond; daughters-in-law Jackie and Lucy; and grandchildren Michael, Claire and Ethan.

# In Memoriam

## Ray Timothy '61

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Ray Timothy, a network executive at NBC, died September 27, 2007. His first job at NBC in 1954 was as a tour guide, and 34 years later he retired as a group executive president of the network, where he worked in affiliate relations and business affairs. In 1997, he founded Salem Partners, a Los Angeles-based investment banking and wealth management firm.

Timothy was born in Manhattan in 1932 and grew up in Queens. He graduated from Queens College with a political science degree.

He attended Brooklyn Law School at night and graduated in 1961. Timothy worked his way up through the ranks at the network, holding over 30 jobs there. He returned to New York in the mid-70s to run WNBC-TV and was eventually promoted to run the entertainment and television network divisions of NBC.

Timothy is survived by his wife Kathleen, three sons, his brother, and four grandchildren.

### 1932

**Morris A. Boyer**  
November 15, 2007

### 1937

**Miriam H. Kamen**  
March 19, 2008

### 1939

**Rem V. Myers**  
February 12, 2008

**Henry A. Floeting**  
January 25, 2008

**Francis E. Ryan**  
February 23, 2008

### 1941

**William A. McGovern**  
December 15, 2007

**Louis Elbaum**  
October 23, 2007

### 1945

**Florence Belsky**  
December 5, 2007

### 1946

**Edward Strausman**  
December 10, 2007

### 1948

**Margaret Maroldy**  
November 9, 2007

**Saverid Scammacca**  
November 18, 2007

### 1949

**John V. Coulter**  
January 4, 2008

**Richard H. Weiss**  
November 14, 2007

### 1950

**Paul J. Abbate**  
February 2, 2008

**James M. Noonan**  
February 2, 2008

### 1951

**John R. Cannizzaro**  
March 30, 2008

**William J. Prescottano**  
March 19, 2008

**Robert F. Smith**  
December 10, 2007

**Salvatore G. Capizzi**  
February 23, 2008

### 1952

**Bernard L. Schachne**  
January 5, 2006

### 1953

**Thomas J. Biamonte**  
March 16, 2008

**Carl Holmes**  
March 7, 2008

**Herbert Pflaster**  
October 14, 2007

### 1954

**Martin Besen**  
December 23, 2007

**Fred Friedman**  
January 16, 2008

### 1956

**Seymour Gottfried**  
January 25, 2008

**James V. Vinci**  
February 15, 2008

### 1957

**Julian Denenberg**  
November 28, 2007

### 1958

**Frederick Demarest**  
December 8, 2007

### 1959

**James S. Falletta**  
November 7, 2007

**Robert F. O'Leary**  
November 19, 2007

### 1962

**Leon F. Entin**  
January 28, 2008

### 1963

**William J. Gallagher**  
December 3, 2007

### 1977

**Thomas J. Donovan**  
January 14, 2008

### 1978

**Barbara Balaber-Strauss**  
October 25, 2007

### 1979

**Michael F. Heavey**  
November 10, 2007

### 1981

**Jo-Anne Weissbart**  
November 1, 2007

### 1985

**Mylo Eytina**  
December 2, 2007

### 1988

**Marvin Weingart**  
February 12, 2008