

# BLSLawNotes

THE MAGAZINE OF BROOKLYN LAW SCHOOL | FALL 2009



## *Green Business is Good Business*

**BLS Alumni Working for  
Sustainable Development**



# BLSLawNotes

Vol. 14, No. 2

## **Editor in Chief**

Linda S. Harvey  
*Assistant Dean for External Affairs*

## **Managing Editor**

Andrea Strong '94

## **Contributors**

Alexander Brandes '11  
Valery Federici '10  
Jared Goodman '09  
Daniel Goodstadt '10  
Andrew Kirkpatrick '09  
Lois La-Londe '10  
Ivy Miller  
Rachel Olson Rehwinkel '07  
Andrea Strong '94

## **ClassNotes Editor**

Caitlin Monck-Marcellino '02  
*Director of Alumni Relations*

## **Photo Editor**

Matilda Garrido

## **Graphic Design**

Ron Hester Design

## **Photographers**

Damion Edwards  
Ron Hester  
Alan Perlman  
Joe Vericker

## **Printer**

Finlay Printing

## ***BLS LawNotes* is published semi-annually by**

Brooklyn Law School  
for alumni, students,  
faculty and friends.

## **Letters and Comments**

We welcome letters and comments  
about articles in *BLS LawNotes* from  
our graduates and friends. We will  
consider reprinting brief submissions  
in *LawNotes* and on our Web site.

## **MAILING ADDRESS:**

Managing Editor  
BLS LawNotes  
250 Joralemon Street  
Brooklyn, New York 11201

**FAX:** 718-625-5242

**E-MAIL:** [communications@brooklaw.edu](mailto:communications@brooklaw.edu)

**WEB:** [www.brooklaw.edu](http://www.brooklaw.edu)

## FEATURES



### **Green Business is Good Business**

*by Andrea Strong '94*

It's easy (and profitable) being green thanks to the five pioneering alumni profiled in this article who are working in the fields of real estate, energy, and tax to create a sustainable path for big businesses to grow and thrive.



### **For-Profit Philanthropy: Google's Innovative New Charitable Division Puts the Business in Philanthropy**

*by Professor Dana Brakman Reiser*

Professor Reiser, a noted scholar in the area of nonprofit law, explores Google's ground-breaking new for-profit philanthropy "business," exploring its origins, its benefits, and its potential pitfalls.



### **Success Builds Success: Seven New Members Join the Faculty**

Brooklyn Law School welcomed seven new stellar members to its faculty this year, with scholars in the fields of corporate finance and governance, real property, intellectual property, civil procedure, international environmental law, and the law of war.

## DEPARTMENTS

The Dean's Message	2
Law School Briefs	3
Faculty Highlights	37
Development Corner	50
Alumni Update	52
In Memoriam	62



We are living in an age when “green” thinking influences many choices that we make, including what cars and appliances to buy, what light bulbs we choose, even the type of water we drink (no more bottles!). In this issue of *LawNotes*, we examine the greening of big business. We spotlight five pioneering alumni who are working in the fields of real estate, energy, and tax to create sustainable paths for enterprises that seek to grow and thrive while minimizing adverse environmental impact.

Our second feature on Google.org, Google’s innovative for-profit philanthropy division, is authored by Professor Dana Brakman Reiser, who teaches the Law of Nonprofit Organizations. She has become a go-to person on issues involving governance and accountability in the nonprofit sector. In this piece, she examines Google’s ground-breaking philanthropy business, exploring its origins, its contributions, and the potential pitfalls it faces.

In our third feature, we are proud to introduce you to a stellar group of seven new faculty members who joined the Law School this fall. Their teaching and scholarly interests cover a broad range of topics, including corporate finance and governance, real property, intellectual property, civil procedure, international environmental law, and the law of war. These new professors bring an impressive body of scholarship and considerable professional experience, adding to our extraordinary faculty of scholars, teachers, and mentors.

Included in this issue of *LawNotes* are articles on recent graduates’ accomplishments, the work of our noteworthy clinical program, and highlights from our symposia, forums, and lectures, which continue to tackle an incredible range of pressing current issues. We also applaud the important pro bono work of our students this past year to help domestic violence victims, immigrants, the unemployed, asylum seekers, veterans, and dozens more in need. Our students have also done an impressive job of raising money for fellowships and the Urban Assembly School for Urban Justice.

In our Faculty section, we profile four of the Law School’s newly tenured professors and honor the remarkable career of Professor Margaret Berger who retired in the spring. With great sadness, we report the loss of Professor Eve Cary, a beloved member of our faculty, who lost her courageous battle with ovarian cancer in September.

Finally, we proudly announce the launch of our new Web site. Over the past year, the site has been completely revamped and redesigned to make it more user-friendly and engaging, with streaming video, virtual tours, and lively student, faculty, and alumni news. We hope you’ll visit us online at the same address [www.brooklaw.edu](http://www.brooklaw.edu) and use the Web site as a resource to stay connected to your fellow alumni and the BLS community at large. But before you surf our new site, I do hope you’ll enjoy reading the magazine!

With all best wishes for the New Year,

A handwritten signature in black ink, appearing to read 'Joan Wexler', written in a cursive style.

**Joan G. Wexler**

*Joseph Crea Dean and Professor of Law*



## Former Board Member Robert B. Catell Honored at Gala Aboard the Intrepid

*Evening raised nearly \$500,000 for the Law School*

A special tribute to Robert B. Catell, a former trustee of Brooklyn Law School, was held on September 23rd aboard the Intrepid Sea, Air & Space Museum.

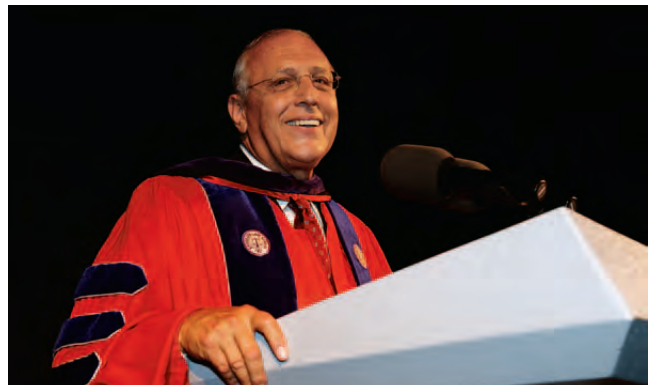
Over 400 celebrants were in attendance at the gala where Mr. Catell received an honorary doctor of laws degree from Dean Joan G. Wexler and the Chairman of the Board, Stuart Subotnick '68. The evening raised nearly \$500,000 to benefit the Law School.

The gala was an opportunity for the business and legal communities to celebrate the remarkable achievements of Catell's 50-year career and his recent retirement as Chairman of National Grid. Catell, who is also the former Chairman and CEO of KeySpan Corporation and KeySpan Energy Delivery, served on the Law School's Board of Trustees for 17 years and his dedication to the Law School has been invaluable.

"He was a steadfast and wise advisor to the Law School through sweeping transformations during his tenure," said Dean Joan G. Wexler. "With his active support, we added scores of new and innovative courses to the curriculum, attracted world-class scholars to the faculty, and greatly expanded and improved our campus."

Currently, Catell is Chairman of Alberta Northeast Gas Ltd. and a member of the board of directors of KEYERA Energy Management Ltd. He is Chair of the Advanced Energy Research and Technology Center (AERTC), Cristo Rey Network's Lourdes Academy, Futures in Education, New York State Foundation for Science, Technology and Innovation (NYSTAR), and the New York State Smart Grid Consortium. He is Co-Chair of the Downtown Brooklyn Partnership and is also a member of the board of directors or trustees of many other civic organizations that have improved the lives of all New Yorkers.

The dinner was hosted by National Grid Chairman Sir John Parker and National Grid Chief Executive Steve Holliday and was chaired by Edward D. Miller, Former President and Chief Executive Officer, AXA Equitable Life Insurance Company. □



**FROM TOP:** Robert Catell accepts his honorary degree; the Concord on the flight deck of the Intrepid; guests enjoying the gala.

## A Second Look Gives a Second Chance

### *Defendants Granted Habeas Corpus Thanks to BLS Clinic*

RAMON ESPINAL WAS 17 YEARS OLD WHEN he was sentenced to 58 1/3 years to life for a double homicide he did not commit. Twenty years later he may finally be free thanks to Brooklyn Law School.

Professor William Hellerstein's Second Look Clinic, which ran from 2001 to 2008, was the only clinic in New York City to focus exclusively on non-DNA innocence cases, and it took on Espinal's case in 2005. At the time, Espinal was already represented by an attorney who welcomed the Clinic's assistance. After an exhaustive investigation and an examination of prior proceedings, Hellerstein, his colleague Professor Marjorie Smith, and students Everett Witherell '07 and Alison Bowles '07 concluded that Espinal was innocent. They presented their material in a lengthy memorandum to Brooklyn District Attorney Hynes, and his senior staff, unfortunately to no avail.

Undeterred, they filed a motion for leave to appear in the case as *amicus curiae*, which U.S. District Court Judge David G. Trager granted. On December 4, 2008, based on the evidence developed by Second Look, Judge Trager granted Espinal a *writ of habeas corpus* and ordered the state to either provide him with a new trial within 90 days or release him. The District Attorney appealed Judge Trager's decision to the Second Circuit. Hellerstein defended Judge Trager's ruling before the Second Circuit, and on August 18, the Second Circuit affirmed Judge Trager's decision. Hellerstein is representing Espinal in his new trial before Brooklyn Supreme Court Justice Neil Firetog.

While Espinal was one of the last cases the Clinic took on, one of its first cases — that of Stephen Schulz — has also recently benefited from the Clinic's steadfast advocacy. Second Look undertook the representation of Schulz, who had been convicted in Suffolk County for armed robbery and sentenced to 11 years in prison, in 2001. After

an extensive investigation, it was the Clinic's conclusion that Schulz was innocent and that the robbery was actually committed by another person who looked very much like Schulz. "Innocence is sort of like what Justice Stewart said with respect to pornography," said Hellerstein. "I know it when I see it. And I knew Schulz was innocent."

In 2005, Hellerstein argued Schulz's appeal before the New York Court of Appeals. However, the Court affirmed Schulz's conviction by a 6–1 vote. The dissenting judge expressed doubt about Schulz's guilt.

In 2007, U.S. District Court Judge Joseph F. Bianco held an evidentiary hearing on the Clinic's *habeas* petition and determined that Schulz's trial attorney had indeed violated his rights to the effective assistance of counsel as the Clinic students had argued. Judge Bianco granted the Clinic's application for Schulz's release on his own recognizance

It allowed me to take all the skills I learned in law school and apply them to a real person's case. Professor Hellerstein used to say, 'Every now and then you get a gut feeling that something went wrong, and you hope that justice can be done.' In this case it was."

Hellerstein and his former students are now waiting and hoping that the prosecution will agree to a dismissal of the indictment. Meanwhile, Schulz is in Georgia, where he has a job and has, after nine years of wrongful imprisonment, been reunited with his family.

Most recently, another belated victory for Second Look came down from New York Supreme Court Judge John Cataldo. Second Look spent close to seven years defending the innocence of Fernando Bermudez, who was found guilty of a homicide in 1991. The Clinic's *habeas* petition was denied

“The best part of the clinic was that it took the abstraction of law school away. It allowed me to take all the skills I learned in law school and apply them to a real person's case.” — Rachel Moston '08

pending disposition by the Second Circuit of the prosecution's appeal. Second Look students Jane Fox '09 and Rachel Moston '08 worked with Hellerstein on the brief to the Second Circuit, which affirmed the grant of a *writ of habeas corpus* by Judge Bianco on September 4, 2009.

"I read the decision the day it came down, and it felt really good," said Moston. "The best part of the Clinic was that it took the abstraction of law school away.

by U.S. District Court Judge Kevin Fox and its appeal denied by the Second Circuit. But Bermudez's new counsel built on the evidence established by the Second Look Clinic, and on November 9, 2009, his conviction was vacated by Judge Cataldo. "I find by clear and convincing evidence that the defendant has demonstrated his actual innocence," Judge Cataldo said in vacating his conviction, refusing to order a new trial on the charges. □



# President's Top Economic Advisor Delivers 2009 Commencement Address



Paul A. Volcker, Chair of the President's Economic Recovery Advisory Board, addressed the members of the class of 2009 at Brooklyn Law School's 108th Commencement, held at Lincoln Center's Avery Fisher Hall. Stuart Subotnick '68, Chairman of the Board of Trustees, conferred upon Mr. Volcker the Law School's highest honor, an honorary doctor of laws degree.

As one of history's most lauded central bankers, Volcker is widely credited with taming runaway double-digit inflation in the 1980s when he served as Chairman of the Federal Reserve Board. Volcker, who has lived through nine recessions, empathized with the nearly 500 graduates who will be entering a new profession in a time of economic turmoil.

He began his remarks by referencing a Chinese symbol for crisis, which has two elements: one is for danger, the other opportunity. "Has there ever been a time, here in New York, in our United States, in the world, when those bits of oriental wisdom have been more appropriate?" he asked the graduates.

While Volcker said that a full economic recovery is years away, he offered hope for the future. "Truly massive financial monetary stimulus is now at work," he assured graduates, "and there are strong indications that the decline is slowing."

He also said, "sweeping reforms are truly necessary, in banking, in markets, and in our regulatory institutions. Never again in my lifetime — and much more relevant, in your lifetime — should we permit financial excesses to wreak so much havoc on the American and world economy," he told the newly minted lawyers. "You will have an important opportunity to shape changes in financial markets, new laws and regulations."

In her remarks, Dean Joan G. Wexler also spoke about the current economic climate. "I know that many of you are worried because you are graduating in the midst of a serious recession. I don't want to make light of the situation, but I do want you to know that this is not the first, and certainly not the last recession that we will witness and that you, and the profession, and the species we know as lawyers will adapt and survive...It's important not only to be willing to adapt to change, but to welcome it, and to make the most of it, and to understand that there is an element — a very big element — of serendipity in achieving success, and you will achieve it." □

*FROM TOP: Dean Joan G. Wexler and Chairman of the Board Stuart Subotnick '68 present Paul Volcker with his honorary degree; Students celebrate their big day; Valedictorian Meghan M. Overgaard addresses her fellow graduates; Associate Dean Lawrence Solan with Julie Schechter '09 and her uncle, Lawrence Yudess '69; BLS Faculty Marshalls (from left to right) Edward Cheng, Maryellen Fullerton, Nelson Tebbe, and Steven Dean.*

## Comings and Goings: Joan King and June Seddo Retire, Law School Welcomes New Director of Development and the Career Center



In April, the Law School bid a very reluctant farewell to Joan King and June Seddo, two of its most cherished and dedicated administrators. Joan King retired after serving as Director of the Career Center for almost 18 years. During this period, King was an invaluable resource to thousands of BLS students and worked tirelessly to expand a vast range of career opportunities, generating new ideas and programs to promote students in an increasingly competitive marketplace. After over twenty years of service, Seddo retired from her post as Director of Student and Administrative Services where she worked behind the scenes, oftentimes appearing to be everywhere at once, working with students and faculty to plan events, and tending to a vast range of administrative needs.

“Joan and June will be missed dearly by all of us. They have left an enduring legacy at the school. We wish them the best as they start new chapters of their lives in Connecticut and Texas,” said Dean Joan G. Wexler at their retirement reception.

---

### *Susan Foster Named Director of Development*



SUSAN FOSTER '87 JOINED BROOKLYN LAW School as Director of Development in May, following a successful career as a trust and estates attorney at Winthrop Stimpson and later at U.S. Trust Company of New York. She has been a tireless supporter of education and the arts in her community having served on the boards of the House Foundation for the Arts/Meredith Monk, the Connecticut Association for the Gifted, the Riverside School P.T.A., and she is currently serving as a volunteer leader for the Hotchkiss School Parent Fund.

Her transition from private practice to resident development expert has been seamless. “Because of my legal work in trusts and estates, I was encouraged to get into development,” she said. “It’s planned giving, just from the other side of the coin.

It brings together everything that I enjoy doing. And I love that it is now for my *alma mater*.”

Foster, who graduated in 1987, has very fond memories of her days at the Law School, where she was Articles Editor of the *Brooklyn Law Review* and a research assistant to Professor Roberta Karmel. “Law was a second career for me, and I felt Brooklyn was, and still is, an extremely supportive place for women.”

Since joining the Law School, Foster has set out to champion three major development initiatives, all of which speak to her broader goal of creating a stronger BLS community. “My goal in everything I do is to build relationships among alumni that are mutually rewarding to both the school and the alumni community,” she explained.



"I am very thankful to our graduates who step up in any form. Their involvement is valuable, whether it be as a mentor, as a participant in one of our many panels, hiring one of our students, or providing financial support."

The first new initiative — the BLS Law Firm Challenge — aims to reconnect alumni to their *alma mater* by fostering a sense of intra law firm community, while promoting support of the BLS Annual Fund. (See article on page 50.) Her second goal is to elevate the "1901 Society" members to 100. Founded in 1999 to commemorate the Law School's 100th anniversary, the 1901 Society is comprised of a prestigious group of alumni and friends who pledge to make a minimum gift

of \$5000 each year to the Annual Fund.

Foster is also championing a drive to increase the number of endowed scholarships by 10% by the end of the fiscal year, and to continue to increase the number of scholarships endowed thereafter by 10% until the goal of 200 is reached. "These scholarships help attract outstanding students to the Law School, and provide inspiration and distinction to the recipients," said Foster. Since July, seven new endowed scholarships have been created.

Foster is in a rare position to encourage alumni to donate because she herself has created an endowed scholarship in the name of her grandmother-in-law, Marguerite Munger Peet. The scholarship was created

in memory of Ms. Peet, who provided emotional support to Foster during the pursuit of her law degree after a car accident ended her career as a modern dancer at the age of 32. As a tribute to Ms. Peet, who was a patron of the visual arts and who funded scholarships for Kansas City Art Institute students, the scholarship is awarded to Brooklyn Law students with a prior career or degree in the visual arts, or who demonstrate an interest in pursuing a law career in support of the arts, or to students who are from Missouri or Kansas and want to study law in the New York area. "We stand on the shoulders of those who came before us," said Foster, "and it is my pleasure to help continue this great tradition."

---

## *Camille Chin-Kee-Fatt Becomes Director of the Career Center*

WHILE BROOKLYN LAW SCHOOL BID A FOND farewell to the Career Center's longtime leader Joan King, it welcomed Camille Chin-Kee-Fatt as its new Director in May.

Chin-Kee-Fatt joined Brooklyn Law School in 2006 as Director of the Office of Student Affairs and was most recently the Deputy Director of the Career Center. Her background as Director of Legal Recruitment for the New York State Office of the Attorney General, along with recruitment and development posts at the Union Settlement Association, a nonprofit group in East Harlem; Linklaters & Alliance, an international law firm; and the New York City Law Department, made her an ideal candidate to lead the Law School's Career Services operation.

Chin-Kee-Fatt, who is a graduate of Howard University School of Law, began her legal career as an associate at Shearman & Sterling LLP. Following private practice, she served as executive director of the Practicing Attorney for Law Students (PALS) Program, the renowned mentoring program for law students of color attending law schools in the New York City area. She then became a counselor in Brooklyn Law School's Career Center.

Her appointment as Director of the Career Center comes at the height of the economic crisis, during a time when



graduates continue to struggle to find jobs. While Chin-Kee-Fatt acknowledges the challenges facing students and graduates, she maintains a positive outlook.

"We are very honest about the lack of jobs in the corporate and other sectors, but my mantra to our students and graduates is to try to keep working, even if it's volunteering, to keep their resumes strong," she said. "It is also important that they serve on bar committees and try to build a network."

Despite the difficulty students have been facing, Chin-Kee-Fatt sees a silver lining. "Our alumni continue to be loyal, and they have been doing all they can to place our students," she said. "BLS has always been strong in the small firm market and in this economy it's the small firms that are holding steady. Those employers who have listed with us continue to list with us."

In an effort to develop more job opportunities in the public sector, Chin-Kee-Fatt hired Danielle Sorken, a former recruiter with Peak Law Inc., and charged her with developing internships and employment opportunities in the public sector. As Associate Director for Government Relations, Sorken has met with over 80 public sector employers and created 25 new spring internships so far. "We plan on increasing that number for the summer," she said.

Jill Backer, Associate Director of Employer Relations for the Private Sector, said that Camille is a true champion of the students, and a leader in the development of new initiatives. "She is bringing new and innovative programming," she said, "and ensuring that our Career Center will continue to become more multi-faceted and serve our students in the best possible way." □

## The “Three Gerrys” Auctioned Off for Public Good at the 19th Annual BLSPI Charity Auction



The 19th Annual BLSPI Charity Auction took place at Feil Hall on March 26. Typical for this event, the house was packed with a boisterous group of students, faculty, alumni, staff, and friends who came together to raise funds for public interest legal work. The Brooklyn Law Students for the Public Interest (BLSPI), a student-run organization, is the engine behind this very successful auction. This year, more than \$30,000 was raised.

The biggest ticket item, which sold for \$950, was (quite honestly, a priceless) dinner with Geraldo Rivera '69, Gerald Lefcourt '67, and Professor Gerald Shargel '69 at Professor Shargel's Manhattan apartment. Among the more than 60 prizes that were part of the live auction were a Nintendo Wii, a helicopter ride over lower Manhattan, fajitas and margaritas with Professors Serkin, Cahill, and Janger, a mixed doubles match against former New York City Mayor David Dinkins '56, and plenty of BarBri gift certificates.

The money raised will fund BLSPI initiatives, including academic presentations, clothing, food, and blood drives, and community service trips. Most importantly, auction proceeds help fund the BLSPI Summer Fellowship Program. Each fellowship provides a stipend that allows a student to work in a public interest summer internship that would otherwise be unpaid. □

## The Sixth Annual Public Service Awards

Seventy-three members of the Class of 2009 were honored for their dedication to public service and pro bono work in a ceremony held on April 6 at the Stuart Subotnick Center.

Logging upwards of 30,000 hours, these students helped domestic violence victims, immigrants, the unemployed, those seeking health care, low-income tax payers, children, prisoners, asylum seekers, veterans, sex workers, and dozens more.

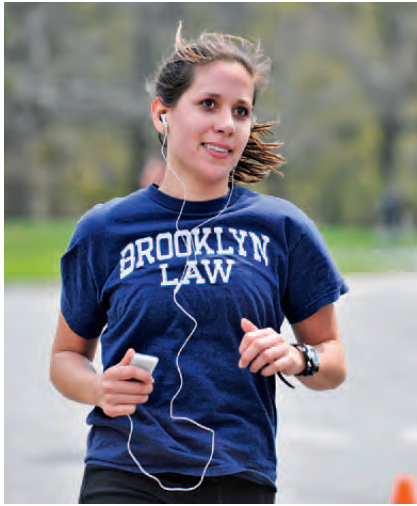
Associate Dean Lawrence Solan welcomed the students and faculty in attendance, and William Quigley, Professor of Law at Loyola, New Orleans, and the incoming Executive Director of the Center for Constitutional Rights, delivered an inspiring talk about the importance of public service.

Certificates were presented to the honorees by Camille Chin-Kee-Fatt, the Director of the Career Center. Professor Elizabeth Schneider awarded John Buhta '09 the Faculty Public Service Award in recognition of his more than 1300 hours of pro bono and public service work on projects ranging from the Volunteer Income Tax Assistance Project to the Staten Island Foreclosure Defense Project. He is also a founder and leader of SAG, the student support group for CLARO, which assists pro se consumer debtors in Kings County Civil Court. BLSPI Co-Chairs Justin Collins '09 and Edward Huang '09 presented the BLSPI Public Service Awards to Sundrop Carter '09 and Michael Dailey '09. □





## Students Race for High School of Urban Justice



The 4th Annual Race Judicata was held on Sunday, April 19 in Prospect Park. The 5K charity race, organized and run by the BLS Student Bar Association in memory of Professor Barry Zaretsky, benefits the Urban Assembly School for Law and Justice (SLJ), a public high school for low-income students interested in legal studies and debate, which Brooklyn Law School has partnered with since 2003.

As an SLJ partner, the Law School's students provide invaluable mentoring services to SLJ students through initiatives such as "Day in the Life," where law students host SLJ students through a typical day, and "Lunch with Lawyers," in which the faculty

and staff take a group of SLJ students to lunch to discuss different areas of the law.

This year's turnout for Race Judicata drew an enthusiastic 225 participants and their supporters, including the faculty, staff, students, family, and friends of both Brooklyn Law School and SLJ. Fundraising this year had a competitive streak. Professor Edward Janger offered to donate an additional dollar for every student who outran him, and a BLS interclass competition was held for various prizes. The overall winner of the day, with a finish time of 16 minutes and 53 seconds, was Scott Ruplinger '10.

More than \$7,500 was raised and presented to the students of SLJ at a barbecue and awards ceremony following the race. Even more impressive than the funds raised were the accomplishments of this year's SLJ graduating class. The SLJ seniors had a record 100% college application and acceptance rate from top colleges and universities such as Amherst, Barnard, Johnson & Wales, Mount Holyoke, Hampshire, and Vassar.

"Law students find the program very satisfying, both professionally and personally," said Elizabeth Kane, Director of the Public Service Office and a member of the SLJ's advisory board. "The close relationships that mentoring builds help SLJ students remain in school, improve their academic and problem solving skills, and envision themselves leading professional lives." □



**SAVE-THE-DATE: BLSPI Auction, March 11 & Race Judicata, April 17, 2010**

## Third Annual Sara Robbins Spelling Bee

The Third Annual Sara Robbins Memorial Spelling Bee was held on Thursday, January 29 in Brooklyn Law School's Subotnick Center. Thirty-eight contestants participated in the Bee that left Professor Marsha Garrison as the last speller standing. She went home a winner after correctly spelling amanuensis (defined as a stenographer, or one who transcribes dictations)." By the end of the night, approximately \$3,000 had

been raised for the Sara Robbins Scholarship. The scholarship was established in 2007 by family, friends, and members of the Brooklyn Law School community in memory of Professor Sara Robbins, who served for over 20 years as Director of the Law Library. The scholarship is awarded each year to a deserving student who emulates her generosity of spirit, commitment to excellence, and dedication to the Law School. □



## IBL Lectures Address Mutual Funds, Mergers, and World Food Crisis

The Dennis J. Block Center for the Study of International Business Law continued its 20-year history of dynamic legal programming this spring with three noteworthy events: a roundtable which addressed the ways in which the U.S. and E.U. regulatory structure and tax laws affect investment funds' abilities to attract investors; a talk by Francis Aquila '83 about the lessons he learned representing the Brazilian-Belgian brewing company InBev in its unsolicited bid for American brewer Anheuser-Busch; and a panel to address the causes of (and solutions to) the global food crisis.



### SEC Director of Investment Management Addresses Breakfast Roundtable

An IBL Breakfast Roundtable, held on January 26 at the offices of Kramer Levin Naftalis & Frankel LLP, featured Andrew "Buddy" Donohue, Director of the Division of Investment Management of the United States Securities and Exchange Commission. Donohue is among the most senior financial services regulators in the United States, with principal oversight for the \$30 trillion investment management industry.

Professor James Fanto, Associate Director of the Center for International Business, introduced Donohue to the audience of students, alumni, faculty, and the practicing bar. He began his talk with an overview of the state of the market for investment funds. He noted that there are over 66,000 mutual funds worldwide, which collectively have more assets under management than the value of global bank deposits. Donohue then compared the key structural elements of U.S. funds to those of their European counterparts. In the United States, the Investment Company Act gives the SEC relatively loose oversight of investment companies. Funds are required to register their prospectuses with the SEC; however, its regulators

approve neither the content of prospectuses nor the appointments of members of funds' boards of directors. By contrast, European regulators are more directly involved in the management of investment funds. E.U. authorities approve the appointment of the depositary (the analog of the American board of directors) and the content of fund prospectuses. Donahue noted that the success of E.U.-level directives that aim to create a common E.U. market for financial services has been hampered by individual states' fragmented regulatory regimes.

Donohue then focused on the impact of American tax regulation on international competition. He argued that no changes are needed to U.S. funds' structure in order for U.S. funds to remain competitive with foreign-domiciled funds. Rather, Donohue proposed amending section 871(k) of the Internal Revenue Code to eliminate the current preferential treatment for foreign over U.S. investors.

Donohue concluded his talk on a positive note, predicting that in the face of international competition, U.S. funds will continue to attract investors.

### Unsolicited Bids Become Mainstream: Lessons from InBev's Acquisition of Anheuser-Busch

Students interested in the real world of Mergers & Acquisitions were given a rare treat in February when Francis "Frank" Aquila '83, a partner at Sullivan & Cromwell LLP and a member of the Board of Trustees of Brooklyn Law School, spoke about his experience representing the Brazilian-Belgian brewing company InBev in its unsolicited bid for American brewer Anheuser-Busch. The Anheuser-Busch InBev merger, valued at almost \$52 billion, created the largest brewing company in the world in the most difficult credit market in a century. The talk, held at the Law School, was co-sponsored by



two active student organizations, the Corporate and Securities Law Association and the International Law Society.

In his talk, Aquila focused on five "lessons" that drove the success of the merger. First, he said, there is no substitute for preparation: InBev planned to acquire Anheuser-Busch for 20 years and had considered many different options to get the deal done. Second, even





COUNTERCLOCKWISE FROM TOP: *Gawain Kripke, Director of Policy and Research for Oxfam America; Moderator Stephen J. Norton; Professor Claire Kelly helped organize the program.*



the largest deals can be financed. Aquila said that if the deal makes strategic sense, the financing will come. Third, weakened takeover defenses leave companies vulnerable. One of the reasons for the success of the InBev bid, he explained, was a unique loophole in Anheuser-Busch's corporate governance: the congruence of recently adopted charter provisions de-staggering the board and allowing removal of the directors without cause by written consent of at least 50% of the shares. Fourth, antitrust and protectionist concerns can be overcome. And finally, shareholders drive the deal; the price offered in turn drives the shareholders, he said.

Focusing on the market more generally, Aquila discussed several reasons he expects to see hostile bids succeed in the near future. Unsolicited bids have become mainstream, meaning that corporations' shareholders and boards of directors increasingly accept hostile bids as part of the ordinary course of business. Acquirers are no longer considered corporate raiders, but large strategic buyers, he said. In addition, shareholders and management are still in the mindset that the accurate share price is what it was 13 months ago, before the market downturn. Aquila also noted that the adoption of Sarbanes-Oxley legislation and the Enron and Tyco scandals, among others, have combined to weaken the takeover defenses allowed under corporate law; this has made directors' attitudes more critical of current management and more open to changing management if it's in the shareholders' best interest.

### Panel Addresses Trade Policy and Global Food Crisis

In the spring of 2008, soaring food prices created a global crisis as tens of millions of people slipped into poverty and millions more struggled to make ends meet. The number of people who live on \$1 a day, the benchmark of absolute poverty, has increased to roughly one billion, and an additional 1.5 billion people struggle to survive on less than \$2 a day. For 40% of the world's population, the increase in food prices has led to people giving up health care, pulling children from school, and cutting meat and nutrient-rich vegetables from their diets to ensure they can purchase enough grain for one or two meals per day. The food crisis has also resulted in social unrest in many countries throughout the world.

Brooklyn Law School held a panel entitled "Trade Policy and the Global Food Crisis" in February to address the causes of this food crisis and what can be done to create just, sustainable, and global approaches to providing billions of people with the food they need in the future. The panel was co-sponsored by the BLS International Law Society, the IBL Center, and the Customs and International Trade Bar Association. Professor Claire Kelly, who was a member of CITBA, helped organize the program.

A panel of experts, including Bill Ayres, executive director and co-founder of World Hunger Year, Gawain Kripke, director of policy and research for Oxfam America, Karen Sendelback, president and chief executive officer of Friends of the World Food Program, and Moderator Stephen J. Norton, senior communications advisor at Stewart and Stewart, spoke to a packed audience.

Norton began with an overview of the causes of world hunger. He discussed the "perfect storm" that has led to an increased gap between the price of food and income which includes the combination of high energy prices, biofuel initiatives, poor weather, supply constraints, trade restrictions, and increased demand for dairy and meat in rapidly developing economies such as India and China (it takes seven pounds of grain to raise one pound of meat).

Ayres followed by stressing the importance of recognizing food as a human right and as a commodity thereafter. Kripke emphasized the necessity of reforming trade rules to offer more opportunity to poor farmers, create safeguards for poor countries, and reduce agricultural trade distortions in rich countries. Sendelback argued that the current financial crisis has resulted in the reduction of economic growth projections for developed nations, which may result in lower trade volumes.

The panel agreed on the solutions to the global food crisis, uniformly suggesting reforms in food aid, investment in agricultural development and research, reconsideration of biofuel initiatives, support and expansion of safety nets, and reform of trade rules to offer more opportunity to farmers in developing countries. What is still lacking at this point, said Sendelback, "is the political will to be able to bring it to reality." □



## Belfer Lecture Addresses the Future of Forensic Science

Jennifer L. Mnookin, Vice Dean for Faculty and Research and Professor of Law at the UCLA School of Law, delivered the Ira M. Belfer Lecture on April 7. Her talk, “The Future of Forensic Science,” discussed the systemic shortcomings of forensic evidence and the steps the legal and scientific communities must take to justify its admission in the courtroom.



Traditional forensic science techniques — such as latent fingerprint evidence, handwriting identification evidence, and ballistics evidence — have increasingly been challenged as lacking a rigorous empirical foundation or an adequate scientific basis. Another concern is that expert testimony with respect to such evidence can be frequently both overstated and unproven. Courts have often resorted to dramatic doctrinal legerdemain in their rejection of these challenges, and academics and institutions such as the National Academy of Sciences have joined the debate.

In her lecture, Mnookin first discussed the current state of forensic science, focusing on the U.S. Supreme Court’s decision in *Daubert v. Merrell Dow Pharmaceuticals* (1993), which requires that the conclusions set forth in expert testimony be derived from scientific knowledge to be considered reliable. Mnookin said that *Daubert* should really be about testing, arguing that the key index of reliability for the forensic sciences is that they be tested.

Mnookin also discussed the recently released report by the National Academy of Sciences that outlined the many problems of the forensic sciences disciplines. The Academy ultimately recommended the creation of an independent federal agency to regulate, supervise, and improve them by funding research, establishing and developing best practices, and generally supporting and overseeing the forensic science community.

While Mnookin dubbed this “the report’s boldest and most important recommendation,” she also recognized an important absence: Improving forensic science requires new developments not only institutionally and legislatively, but also in the judicial realm. Realization of these changes, she concluded, will depend in large part on whether or not judges are prepared to evaluate forensic sciences “with their eyes wide open and their heads out of the sand.”

The Belfer Lecture honors Ira M. Belfer, Class of 1933, who was a leading practitioner of corporate, real estate, and trust and estates law for over half a century. He was also a member of the Board of Trustees, and a generous benefactor to the Law School. □



TOP RIGHT: Professor Jennifer Mnookin discusses the shortcomings of forensic evidence.

ABOVE: Professor Edward Cheng, an expert in the field of scientific evidence, who organized the lecture.

This year’s Belfer Lecture was held in honor of Margaret Berger, Brooklyn Law School Trustee Professor of Law, who retired from teaching full-time last year. (See story on page 37.)

# Sparer Symposium Considers Government's Role in Housing Crisis

Brooklyn Law School's Edward V. Sparer Public Interest Law Program hosted its annual symposium on March 27. Co-sponsored by the *Journal of Law and Policy*, the symposium, "Getting it Right: Government's Role in Housing and Economic Development," explored government's role in causing the current economic downturn and emerging ways government can contribute to local economic development. It was co-chaired and organized by Professors David Reiss and Debra A. Bechtel, leaders of our real estate faculty, and it brought together industry veterans and BLS Adjunct Professors, Arlo Monell Chase, Ira Goldenberg, and Leonard Wasserman, as well as BLS Professors Winnie F. Taylor and Aliza B. Kaplan.



**FROM TOP:** Seth Pinsky, President of the New York City Economic Development Corporation, delivers the keynote address.

**ABOVE:** Thomas H. Stanton, fellow at the National Academy of Public Administration, addresses the government's role in the housing crisis.

The day's first panel, moderated by Professor Reiss, debated the lessons learned from the burst of the housing bubble, and what would make for better government housing policies in the future. All three panelists agreed that policies surrounding Government Sponsored Enterprises (GSEs) Fannie Mae and Freddie Mac played a major role in bringing about the crisis by encouraging low-quality mortgages that distorted the credit system, but they pointed out that this was not the only cause. Some of the discussion focused on phasing out the GSEs and replacing them with private corporations. In addition, the panelists discussed the need for more regulation, such as a "National Transportation Safety Board for the financial system," suggested Thomas Stanton, a fellow at the National Academy of Public Administration.

A second panel, moderated by Professor Chase, Senior Vice President for Policy Initiatives at the New York State Housing Finance Agency, included the remarks of Professor Taylor. The panel focused more narrowly on how the housing crisis disproportionately affected minorities, and whether brokers had intentionally targeted vulnerable and unsophisticated homeowners, exposing themselves to criminal liability.

Seth Pinsky, President of the New York City Economic Development Corporation, delivered the keynote lunch address. He detailed how New York City's government is undertaking purposeful investments in public works and future development opportunities, while maintaining residents' quality of life and becoming more business-friendly. Noting that Rockefeller Center, the Empire State Building, and the Triboro Bridge were all built during the Great Depression, Pinsky detailed New York's plans for major infrastructure investments in Willets Point, Hunter's Point South, and Coney Island.

The afternoon began with a panel, "Community Input in Megadevelopments" that discussed Community Benefit Agreements (CBAs), and was moderated by Professor Kaplan. All three panelists discussed the growing role of CBAs in new development projects, and described CBAs as a positive force for social justice, environmental protection, and other community concerns. But all recognized problems in choosing community representatives, making the agreements enforceable, and ensuring equal leverage in negotiations.

The day's last panel, moderated by Professor Bechtel, considered innovative ways that local governments can participate in economic development. Professor Goldenberg, a partner at Goldenberg & Selker, spoke along with Professor Wasserman, Chief of the Economic Development Division of the New York City Law Department. Wasserman ended the afternoon by distinguishing between ordinary development projects and government development projects, with regard to CBAs: "Government land use projects should be evaluated on their merits, not on the basis of a separate CBA agreement. As a legal matter, that process should be free from separately negotiated agreements." □

## Role of Securities Regulation in Bankruptcy Claims Trading Debated at Symposium

As bankruptcy filings increase in the wake of the current recession, the buying and selling of distressed debt presents opportunities for investors to profit. At Brooklyn Law School's symposium, "Bankruptcy Claims Trading and Securities Regulation," a group of distinguished academics, practitioners, and judges debated the value and risks of bankruptcy claims trading.

Held on February 27, the symposium was co-sponsored by the *Brooklyn Journal of Corporate, Financial & Commercial Law* and the Dennis J. Block Center for the Study of International Business Law. It was organized by Brooklyn Law School Professors Edward Janger and Michael Gerber.

The first panel, "Capital Markets Before and During Bankruptcy," addressed how the trading of debt inside of bankruptcy has come to resemble the trading of equity securities outside of bankruptcy. Panelists David Barse, president and CEO of Third Avenue Management LLC and a member of the Brooklyn Law School Board of Trustees, Professor David Skeel of the University of Pennsylvania Law School, Donald Bernstein of Davis Polk & Wardwell, and BLS Professor Roberta Karmel explored how the purchase of bankruptcy claims has increasingly become a method for creditors to gain equity in the debtor company and potentially gain control. The potential to purchase such "fulcrum securities" gives immense power to new creditors with unknown intentions and economic interests that may run counter to those of the debtor, or other creditors holding similar claims.

In the second panel, which focused on "Liquidity, Transparency and Regulation," panelists questioned the particular pros and cons of claims trading. Professor Douglas Baird of the University of Chicago Law School agreed that a market for claims provides useful information about the value of the debtor. He noted that increasing the information about claims traders, by requiring them to disclose their positions, might paradoxically reduce the amount of information available relating to the value of the debtor. U.S. Bankruptcy Judge Allan L. Gropper of the Southern District of New York cautioned against overvaluing such liquidity. Professor Janger and his colleague Professor James Fanto also advocated for considering the costs of liquidity and the need for full disclosure of positions. The panelists generally agreed that while enhancements of liquidity may improve valuation of bankruptcy claims, the failure to properly regulate claims trading will decrease transparency and, in turn, allow for the distortion of monitoring incentives within the bankruptcy process.

Finally, after Professor Gerber provided a background of current bankruptcy law and Professor Susan Block-Lieb of Fordham University School of Law addressed claims trading in consumer cases, the third panel provided a reminder that considerations of fairness and efficiency must be counterbalanced in claims trading.



**FROM TOP:** Panelists debate the value and risks of bankruptcy claims trading; David Barse, President and CEO of Third Avenue Management LLC, addresses debt trading; Professor Douglas Baird of the University of Chicago questions the pros and cons of claims trading.

Debtors in the field of claims trading are typically running a business, ostensibly making claims trading an appropriate transaction. However, said Professor Adam Levitin of Georgetown University School of Law, such trading should be regulated primarily as a judicial process instead of a market one.

In the end, panelists implicitly acknowledged that there may not be a clear solution for bankruptcy claims trading regulation. According to Melanie Cyganowski, former Chief Bankruptcy Judge for the Eastern District of New York and currently a member at Otterbourg, Steindler, Houston & Rosen, P.C., "It's at least clear that claims trading complicates an already complex bankruptcy process."

Articles from the Symposium will be published in a forthcoming issue of the *Brooklyn Journal of Corporate, Financial & Commercial Law*. □



# Pomerantz Lecture Addresses the Reach of Due Diligence

In the wake of the subprime mortgage meltdown and the ensuing financial crisis, the failure of bankers, money managers, auditors, securities lawyers, and credit rating agencies — individually and collectively — to conduct the sort of “due diligence” necessary to detect and prevent detrimental investment practices has raised serious concerns. On March 31, Brooklyn Law School sponsored the Abraham L. Pomerantz Lecture on “Due Diligence: Failures and Remedies,” which explored this question and suggested legal reforms to avert future crises.

Bernard S. Black, the Hayden W. Head Regents Chair for Faculty Excellence at the University of Texas School of Law and Professor of Finance at the University of Texas at Austin, delivered the lecture to an audience of legal scholars, practitioners, and students. Commentators John C. Coffee, Adolf A. Berle Professor of Law at Columbia University, and Marc Gross, a partner at Pomerantz Haudek Block Grossman & Gross LLP, provided additional insights. Professor James A. Fanto organized the event and moderated the question-and-answer session.

The participation of various corporate actors — investment bankers, auditors, securities lawyers, and sometimes rating agencies and other professionals — is crucial to both public and private securities offerings. Each is expected to conduct “due diligence” — to investigate various aspects of the company’s business and its disclosures to investors and follow up if and when the investigation yields red flags. Yet, Professor Black suggested that key players routinely neglected their responsibilities.

Lawyers only examine what bankers and issuers tell them to look at, and that is often not much. Bankers, facing profit pressure from above and an “eat-what-you-kill” culture, had incentives not to ask probing questions about risky mortgage-backed securities. Money managers, too, were encouraged to shy away from knowledge that could prove damaging to their careers. At the same time, NRSRO credit rating agencies operated in a highly concentrated market with a few big players all engaged in the same game of “investment grade” inflation, without disclosing the unverified assumptions on which their structured finance models were based. The upshot, Professor Black argued, was a financial climate in which “the (willfully) blind sold to the (willfully) blind.”

In his comments, Professor Coffee clarified that the right question to ask is not why lenders made bad loans, but rather why investment bankers bought the risky loans. The answer indicates failure on the part of the gatekeepers, he said. Bankers bought the loans, because they knew they could securitize them on a global basis — so long as they obtained an investment grade rating from an NRSRO credit rating agency. With the rise of structured finance, obtaining a good rating became increasingly easy, as the

corporate actors to catch and prick future bubbles before they become destabilizing. In particular, Professor Black proposed a “web of diligence,” an overlapping set of explicit diligence standards and liability rules for the various corporate actors engaged in public, private, and semi-private deals. Although reputational concerns may have some effect on corporate behavior, Black warned, “In the land of financial giants, it is not so easy to kill a reputation.” Furthermore, by placing the responsibility for due diligence failures on those who have the information and the ability to act, liability rules may better compel adequate due diligence.



“In the land of financial giants, it is not so easy to kill a reputation.” — Professor Bernard S. Black

rating agencies relaxed their standards and did not submit their models to independent verification. While the role of rating agencies is important, however, it is not the full story. Gross suggested that there needs to be structural change in the way financial institutions manage other people’s money, perhaps through reforms to compensation.

Professor Black also suggested possibilities for reforms, which might encourage

The Pomerantz Lecture honors the life and work of Abraham L. Pomerantz, a 1924 graduate of Brooklyn Law School. The lecture series focuses on topics of corporate securities law and related issues of professional responsibility. The law firm of Pomerantz Haudek Block Grossman & Gross LLP, of which Abraham Pomerantz was the founding partner, provides continuing support for this series. □

## 24th Annual Prince Evidence Competition and Honors for Moot Court Teams



### Thirty-Six Teams Compete in the 2009 Jerome Prince Memorial Evidence Competition

Brooklyn Law School hosted the 24th Annual Dean Jerome Prince Memorial Evidence Competition on April 2. The competition, which is coordinated and facilitated by members of the Law School's Moot Court Honor Society, honors the late Jerome Prince, renowned evidence scholar, teacher, and author of *Prince on Evidence*, who served as Dean of Brooklyn Law School from 1953–1971.

Class of 2009 student authors Tricia Barbera, Tim Clark, Maya Krigman, and James Ostaszewski, along with faculty advisors Visiting Professor Neil P. Cohen, Professor Mollie Falk, and Professor Robert M. Pitler wrote the evidence-based problem, which focused on two issues for review to the Supreme Court, which borrowed some of its factual premise from the recent subprime mortgage crisis. The first issue explored the topics of whether or not the psychotherapist-patient privilege encompasses statements threatening to injure or seriously destroy another person financially, and whether the privilege applies

when the threats were made during a group therapy session. The second issue asked competitors to address the question of whether an evidentiary hearing is required on a motion for a new trial claiming that a juror read a biblical quotation to the jury during deliberations.

Of the thirty-six teams from around the country that competed, Michigan State University College of Law defeated the University of California Hastings College of Law in the final round of the competition. Best Brief went to Widener Law School.

The Law School's tradition of attracting distinguished jurists to preside over the competition continued this year. The final round argument was held before the Honorable Duane Benton of the United States Court of Appeals for the Eighth Circuit, the Honorable Susan P. Graber of the United States Court of Appeals for the Ninth Circuit, and the Honorable Dennis Jacobs of the United States Court of Appeals for the Second Circuit.

### Moot Court Team Takes Best Brief Honors at NYC Bar National Competition

Brooklyn Law School's Moot Court teams had another successful year in 2008–2009, taking home top prizes at several regional and national competitions and demonstrating leadership as one of the finest Moot Court programs in the country.

Some of the highlights of last year's competition included a record finish at the 59th Annual NYC Bar National Moot Court Competition, one of the oldest and most prestigious competitions in the country. Team members Sparkle Alexander '10, Jason Braiman '09, and Sara Moser-Cohen '09, were coached by Peter Hanink '09 and Hope Yates '09. At the Regional Round of the competition, the team placed Second and won awards for Second-Best Brief and Second-Best Oralist. This earned them a spot in the National Round to represent the New York-New Jersey region. At the National Competition they were Semi-Finalists and won the Best Brief Award out of 185 teams from 14 regions across the United States, a first in the Law School's history.

- Regional Champions at the ABA Labor & Employment Law Trial Competition
- Second Place honors at the NYU Immigration Law Competition and the Henry G. Manne Moot Court Competition for Law & Economics
- Best Brief awards at the Wechsler First Amendment Competition and Henry G. Manne Moot Court Competition for Law & Economics
- Semi-finalist awards at six competitions: the Wechsler First Amendment Competition; the Vanderbilt University First Amendment Competition; the Pace University Environmental Law Competition; the Texas Young Lawyers Association Trial Advocacy Competition; the Fordham Law School Kaufman Securities Law Competition; and the ABA Labor & Employment Law Trial Competition. □





NYC Bar National Team



First Amendment Team



ABA Labor & Employment Team

CLOCKWISE FROM UPPER LEFT: NYC Bar National Team (left to right) Hope Yates '09 (coach), Sara Moser-Cohen '09, Sparkle Alexander '10, Jason Braiman '09, Peter Hanink '09 (coach); Wechsler First Amendment Team (left to right) Nausheen Rokerya '10, Brendan Tracy '10, Kathleen Christatos '10; ABA Labor & Employment Team (left to right) Nekeifa Sylvester '10 (coach), Kevin Sullivan '10, Chloe Caraballo '09, Terry Nelson '09, Grover Francis '10, Pooja Kothari '09 (coach).

OPPOSITE PAGE: The Prince Competition underway in the Law School's Moot Court Room.

## 2009 Class Gift: A Tree Grows in Brooklyn

THIS PAST SPRING, 162 MEMBERS OF THE CLASS OF 2009, AND 24 faculty and staff, helped raise funds for a class gift that had an immediate, visible, and lasting impact on the Brooklyn Law School community. Led by 10 student leaders, over \$7,700 was raised to plant trees in the Law School's courtyard.

The 2009 Class Gift campaign was especially unique in that it included a student-led fundraising challenge. A generous member of the Class of 2009 pledged \$2,009 provided that 50% of the Class participated in the gift. The anonymous student donor wished to motivate fellow classmates explaining that "the success of the Class Gift should be measured in terms of participation rather than dollars." Indeed, the challenge inspired excitement and student participation increased significantly in the weeks before graduation. While the Class of 2009 did not quite reach the full 50% participation, the student donor decided to fulfill the pledge since there had been such an enthusiastic response as a result of the challenge. The donor also expressed a desire to inspire future graduating classes to contribute to their *alma mater*.

The trees, planted this August, have not only added to the beauty of the campus but have also helped to make Brooklyn Law School a greener environment. A student committee has begun to form for the 2010 Class Gift. □





# Legal Lights

Fellowships and writing awards are among the coveted honors that this group of Brooklyn Law School's brightest stars has garnered. These recent graduates are working to improve access to health care for Brooklyn residents, addressing discrimination on the basis of gender identity, exploring embryonic stem cell research, and striving to protect market participants.

## Recent Graduates Receive Coveted Fellowships, Win Prestigious Writing Awards

### SETH COHEN '09

Seth Cohen '09 was awarded a prestigious Equal Justice Works Fellowship to work with New York Lawyers in the Public Interest (NYLPI) for the next two years on a project he designed addressing the inequitable distribution of health care resources. Funded by the law firm of Patterson Belknap and the multinational company Johnson and Johnson, the project will provide legal services to improve health outcomes for Central and East Brooklyn residents.

His project will catalyze systemic change, Cohen said, by providing direct transactional and civil legal services and by leveraging community advocacy strategies. "I will develop intake and referral systems to represent individuals on health care access and provide transactional legal assistance for community-based organizations. Ultimately, I will work to successfully implement health care access campaigns through community development and seek to reform the way that health care allocation decisions are made at the city and state levels."

An Edward V. Sparer Public Interest Law Fellow and a BLSPI fellow, Cohen was also the editor-in-chief of the *Journal of Law and Policy*, winner of three CALI awards, and a member of the Moot Court Honor Society. His article, "Teaching an Old Policy New Tricks: The 421a Program and the Flaws of Trickle Down Housing," was published in the *Journal of Law and Policy* (2008). He received his B.A. at Tufts University.

Cohen interned at Brooklyn Legal Services Corporation A and at the Civil Rights Bureau of the New York State Attorney General's Office. "These experiences," he said, "gave me new insight into the differing ways the law can be leveraged to increase opportunities for disempowered people."

Before law school, Cohen worked for Teach for America, first as a teacher of fifth graders in rural south Texas, and later as a director in support of hundreds of corps members. He developed a desire to craft solutions for communities grappling with

poverty, so that "their current demography need not define their destiny."

To be considered for the Equal Justice Works Fellowship Program, applicants must create and design a project involving innovative, effective legal advocacy on behalf of traditionally underserved populations and causes. Cohen credits several professors and Elizabeth Kane, director of the Public Service Office, for their support in his pursuit of the fellowship.

### SUSANNAH ASHTON '09

Susannah Ashton '09 won second place in the annual Louis Jackson Memorial Student Writing Competition in Labor and Employment Law, a national contest of the Chicago-Kent Law School and Jackson Lewis, a prominent employment and labor law firm. Ashton's winning paper, "Transgender Teachers as Role Models for a Tolerant Society: The Impact of Societal Views and Their Influence on Employment Anti-Discrimination Laws," was published on the Institute for Law and the Workplace website, [www.kentlaw.edu/ilw](http://www.kentlaw.edu/ilw). In addition, Ashton received a \$1,000 award. Her paper was written as part of an independent study with former Visiting Assistant Professor of Law Deborah Widiss.

Her paper deals with employment actions that have been taken against transgender teachers. It discusses the judicial and statutory constructs of the *Chambers v. Omaha Girls Club Role Model Rule*, which protects the rights of employers to take adverse employment actions against unsuitable role models in certain circumstances. It includes an introduction to gender identity, a brief discussion of how Title VII's prohibition on sex discrimination should be interpreted to prohibit discrimination on the basis of gender identity, and a survey of parental and societal responses to the recent coming out of transgender teachers across America. She argues that adverse action taken against transgender teachers on the basis that they are poor role models



Seth Cohen '09



Susannah Ashton '09



Sylvia Simson '09



Carl Hasselbarth '09

for youth violates Title VII, as well as various state and local anti-discrimination laws.

Ashton's interest in employment law issues began her first summer in law school, when she worked for an employment discrimination law firm, Schwartz & Perry. She participated in the BLS Employment Law Clinic and was a teacher's assistant to Professor Minna J. Kotkin, the Clinic's director. She also interned at the Public Employee Union, District Council 37, served as a law clerk at Vandenberg & Feliu, and as an intern at the Legal Action Center.

Ashton is co-founder with Elizabeth Towell '09 of the Law Students for Veterans Rights, a new BLS student organization. Raised in Los Gatos, California, she earned her B.A. at the University of California, Santa Cruz.

### SYLVIA SIMSON '09

Sylvia Simson '09 won second place in the Epstein Becker and Green Annual Health Care and Life Sciences Law Writing Competition, which the firm designed to encourage the preparation of scholarly papers on current topics of interest relating to health law. Simson's award came with a prize of \$2,000.

The note, "Breaking Barriers, Pushing Promise: America's Need for an Embryonic Stem Cell Regulatory Scheme," was published in the spring 2009 issue of the *Brooklyn Journal of International Law*. In it, she explores the progress of embryonic stem cell research in the United States and argues for thorough federal regulation of it.

At Brooklyn Law School, Simson was on the executive board of the *Brooklyn Journal of International Law*, serving as executive articles editor, and she was a member of the Moot Court Honors Society's Appellate

Advocacy Division. She coached the Law & Economics Moot Court team, which won second place and best brief in the Henry G. Manne Moot Court Competition for Law & Economics at George Mason Law School.

She was also a research assistant for Professor Norman Poser during her second and third years, helping to edit his treatise (co-authored with Professor James Fanto) *Broker-Dealer Law and Regulation* and a book on Lord Mansfield. As a research assistant for Professor Edward Cheng during the summer between her first and second years, she helped with the editing of the treatise *Modern Scientific Evidence*. Other work experiences included clerking for Judge Jerome Feller of the U.S. Bankruptcy Court for the Eastern District of New York and a summer associate at Weil Gotshal & Manges LLP.

Simson holds a B.A. from New York University, with a triple major in sociology, economics and French. Of French nationality, she grew up in Ottawa, Canada. She joined Weil Gotshal after graduation as a litigation associate.

### CARL HASSELBARTH '09

Carl Hasselbarth '09 took first place in the Public Investors Arbitration Bar Association's (PIABA) James E. Beckley Writing Competition. Open to students with an interest in securities law or securities arbitration, the Competition honors Beckley, a passionate securities arbitration activist known for promoting the rights of public investors. Hasselbarth's article "How Should We Regulate Hedge Funds?" for which he was awarded a \$1,000 prize, will be published in a forthcoming issue of the *PIABA Bar Journal*.

The article began during Hasselbarth's second year of law school as part of an

independent study with Professor James Park. He was inspired to write it while working in the summer at Bear Stearns during which two major hedge funds crashed. "I had a front row seat to the crisis as it was unfolding," recalled Hasselbarth. "I wanted to explore the idea of additional hedge fund regulation to protect market participants."

His article analyzed the current regulatory regime and ultimately made two recommendations. The first was to change the definition of "Qualified Investor" under the Securities Act of 1933, raising the income requirement and attaching it to a moving benchmark to maintain purchasing power parity. His second recommendation was to impose a leverage limit on hedge funds.

Hasselbarth's dedication to investor protection developed prior to his law studies when he worked as a financial planner for Ayco (a subsidiary of Goldman Sachs). He realized he'd rather reform the financial services industry than participate in it and decided to go to law school. While at BLS, he channeled his energies into investor protection, working for the SEC's Division of Enforcement in Philadelphia during his second summer, and participating in Professor Karen van Ingen's Investor Rights Clinic during his third year, representing investors before FINRA (The Financial Industry Regulatory Authority). "I am very pleased to have had numerous opportunities to be involved with a variety of work for which I went to law school in the first place."

Hasselbarth is currently completing a Public Service Fellowship at The Legal Aid Society of Northeastern New York's Foreclosure Prevention Project in Albany. □

# Clinic Roundup

## Clinical Partnerships Give Students a Taste of the Real World

**B**rooklyn Law School's highly-regarded clinical legal education program is now in its third decade. Over the past five years, the program has evolved to include a relatively new model of clinics where the Law School partners with an outside agency or firm. These partnerships are designed to offer students the same direct professor-student supervision they would

Cooperative and Condominium Clinic, which has been running for two semesters, work in the Attorney General's Bureau of Real Estate Finance. There, they are assigned their own case load where they investigate, adjudicate, and write decisions with respect to millions of dollars in disputed funds in escrow down payments. "I think it's a tremendous experience for them they get a sense of what it's like to work in the real world," said Goldenberg. "They get superb writing samples and the opportunity to be mentored by a number of Assistant Attorneys General who are quite accomplished. It's great for their resumes, especially if they want to go into this area of law."

Deborah Morse '80 says the same of the experience her students get in the Criminal Appeals Clinic at the Manhattan D.A.'s office. "They function as first year Assistant District Attorneys," said Morse. "They are given their own cases and they learn to read the record, write the brief, and then argue the case before the Appellate Division. It really builds their appellate advocacy skills."

Students also value the experience. "The Criminal Appeals Clinic with the Office of the Appellate Defender was the first real hands-on experience I had taking a taking a case from beginning to completion for a client," said Will Page '09, who will begin working as an associate at Cahill Gordon in January. "I wrote the brief and argued the appeal in the First Department. It was nerve racking but really fun. It shows you whether you love appellate work or not. For me it solidified that I love it."

For Steven Silverberg '10, a student in the Federal Civil Litigation/NYC Law Department Clinic, his experience not only gave him invaluable hands-on experience, it landed him a job with the office, which he will begin in the fall of 2010. "It was an amazing experience," he said. "We were the lead attorneys on the cases and we would file motions, take depositions, appear for pre-trial conferences, and discussions with judge and opposing counsel. The best part is that I will work in the office after graduation." □

*"Like an in-house clinic, these partnerships allow students to assume the actual responsibility for a client or case while gaining a real feel for the way a law office works through immersion in the actual office culture."*

—PROFESSOR STACY CAPLOW, *Director of Clinical Legal Education*

### CLINICAL PARTNERSHIPS

- Criminal Appeals Prosecution/ Manhattan District Attorney's Office
- Criminal Appeals Defense/ Center for Appellate Litigation
- Volunteer Lawyers for the Arts
- Prosecutors/U.S. Attorney's Office (EDNY)
- Municipal Litigation/NYC Law Department
- Federal Civil Litigation U.S. Attorney, EDNY Division Immigration Unit
- Federal Civil Litigation/NYC Law Department
- The Children's Law Center
- Advanced Condominium and Cooperative Clinic

have at the Law School, but in practice-based setting. The success of the partnerships is due to the hard work and supervision of dedicated attorney-adjunct professors at each office.

Under the leadership of Professor Stacy Caplow, director of the clinical program, the Law School now offers nine clinical partnerships (*see sidebar*). "With these partnerships we have developed exclusive arrangements with outside agencies to make a commitment to BLS to take a certain number of our students," explained Caplow. "Like an in-house clinic, these partnerships allow students to assume the actual responsibility for a client or case while gaining a real feel for the way a law office works through immersion in the actual office culture."

Unlike an externship, where students may be assigned general work from a pool of lawyers or are relegated to a second-seat, in the partnership clinics, students are assigned their own cases or clients and take full responsibility for their work where they may conduct depositions, argue motions, do oral arguments, conduct research, and draft documents under the supervision the adjunct professors.

For example, students in Adjunct Professor Ira Goldenberg's Advanced



The following is a brief look at some of the important work performed by Brooklyn Law School's clinical program, which continues to provide students with an invaluable opportunity to turn classroom principles into practice.

#### CORPORATE AND REAL ESTATE CLINIC

Over the course of two and a half semesters in the Corporate Real Estate Clinic, students worked with a low-income co-op to obtain an \$800,000 rehabilitation loan from the City of New York. The loan will be used to update kitchens and bathrooms, remove asbestos and complete roof, masonry and intercom repairs. Because the City requires loan recipients to show a high percentage of owner occupancy, the first student team, Christina Browne and JP Anderson (both '09), had to negotiate and prepare numerous contracts of sale for previously rented units. The next semesters' students, Shalom Huber '10 and Paul Schwartz '09, conducted the closing for one of the units and worked extensively with the building manager to gather information required by the City for the loan closing. Josefina Colomar '10, who worked in the Clinic in the spring and summer, prepared the opinion letter and resolutions, resolved title issues and conducted the loan closing on June 26, 2009.

Occasionally the Clinic encounters a situation where building residents believe they are living in a co-op but later discover that no official filing with the Attorney General was completed. Mark Jackson '10 and Justin Singer '09 prepared an application for a no action letter which they submitted in April 2009 for a ten-unit East Harlem building. Final approval from the Attorney General arrived on June 1 and the clients were thrilled with the Clinic's rapid success. Fall clinic students Zia Al-Khalil '10 and Jordan Weinstein '10 conducted a shareholder meeting on October 22 to discuss possible amendments to the certificate of incorporation and by-laws and to issue share certificates.

#### SAFE HARBOR PROJECT

This fall was a time of family reunifications for clients of the Safe Harbor Project who have been granted asylum. After sustained and arduous work by successive students, three clients are reuniting with their families after long separations. One client's spouse and two children left refugee camps in Nepal to be with their father after four years apart. The daughter of another client, who had been forced into slavery and torn from her child, rejoined her mother after sixteen years. And two sons of a client living in a war torn West African country were finally reunited with their mother after many years. None of these victories came easily. Students worked hard to obtain documentation of identity, advocate on behalf of their clients at United States Citizenship and Immigration Service and with consular personnel, arrange for DNA testing in two of the cases, and help one client obtain a grant from an outside organization to be able to afford the plane ticket to fly her daughter to the United States.

#### COMMUNITY DEVELOPMENT CLINIC

Under the supervision of Professor David Reiss, the Community Development Clinic is representing an art gallery that is converting from a for-profit to a not-for-profit structure. In addition to incorporating the not-for-profit and applying for a determination of tax-exempt status, the Clinic is advising this client regarding a variety of tax and governance issues that relate to this conversion.

The Clinic is also representing the New York Asian Women's Center, which provides services to victims of domestic violence. The Clinic is advising the Center regarding the creation of a volunteer lawyer referral service for clients needing representation in contested divorce proceedings.

Working with the BLIP Clinic, the Community Development Clinic is representing the Social Transit Research Laboratory, Inc., (Str-Lab). Str-Lab intends to create a cell phone application that would allow people to coordinate local rides (e.g., share cabs, carpool). The Clinic is incorporating this not-for-profit client and will help to establish a joint venture with a for-profit BLIP client.

#### BROOKLYN LAW INCUBATOR & POLICY CLINIC

BLIP students have represented upwards of 50 clients and championed innumerable causes at the intersection of technology, law, and policy in the past several months.

- BLIP students Erik Dykema '10, Christopher Vidiksis '10, Jared Rosen '10, Liberty McAteer '10, Liam Barber '10, Roozbeh Ashtyani '10, and Warren Huang '10 worked with *StationStops* to build its successful legal challenge in a copyright and trademark battle against the MTA.
- BLIP students Andrew Ellis '10, Victor Cohen '10, Sarah Nurbhai '10, Chris Henry '10, and Jacqueline Tate '10 have been providing early-stage legal support for Brooklyn Brew Shop, a Brooklyn-based startup.
- BLIP students Chris Henry '10, Andrew Ellis '10, Victor Cohen '11, Sarah Nurbhai '09, Jacqueline Tate '10, David Wheatley '10, Matthew Hayes '10, and Warren Huang '10 have been providing legal support to PublicAdCampaigns, exploring avenues of civil redress to combat the City's failure to curb illegal commercial billboards.
- Students Shao-fei Moy '09, Eric Barr '09, and Christopher O'Brien '09 won a motion for summary judgment on behalf of client TelTech in *TelTech v. Florida*, a case challenging constitutionality of Florida anti-caller ID spoofing law.

For a more complete listing of the latest clinic activities please visit [www.brooklaw.edu/academic/clinics](http://www.brooklaw.edu/academic/clinics).



# ***Green Business is Good Business***

*BLS Alumni Working for Sustainable Development*

By Andrea Strong '94

## **You've seen the documentary**

*An Inconvenient Truth*, and it made an impact. You've changed your ways. You've switched to energy efficient light bulbs and sworn off bottled water. You're recycling (even composting), and last year you re-insulated your home. You're making a difference! While going green is relatively easy for the average Joe, if you are a Fortune 500 Company, a billion dollar real estate developer, or a mega-retailer, it is far more complex. How can businesses reduce their carbon footprint? How can they start to reduce their power usage? How will they navigate the maze of tax credits that may or may not apply to their brand new HVAC system? And most important, how can businesses accomplish these greener goals and still remain profitable? Paving the road for sustainable development are the Brooklyn Law School graduates profiled here. Working with the most influential developers and renewable energy providers in New York City and beyond, these alumni are exploring a myriad of innovative opportunities to turn big business green.



## Making Green Shine like Platinum

One of the city's leading lawyers in the field of green real estate is Gary Rosenberg '74, a founding partner of Rosenberg & Estis P.C., a preeminent real estate law firm in New York City. Over the past 30 years, Rosenberg has grown the firm from a two-man operation to a boutique firm with expertise in development, transactions, leasing, and strategic planning with respect to office, retail, and residential real estate. Since the 1990's, Rosenberg has worked extensively with the Durst Organization, a leading developer, owner, and manager of commercial real estate in midtown Manhattan with a portfolio of more than 8 million sq. ft. of commercial space. But it wasn't until he developed Four Times Square (the Condé Nast Building) with the Dursts that his real estate focus first became green.

Four Times Square, one of the greenest buildings in the city, was built before the creation of LEED, the globally accepted rating and certification program for design of green building which provides a set of standards for environmentally sustainable construction, at the bottom of the construction market in the mid-nineties. It was the first building under the leadership of Douglas Durst, the family's visionary heir, and his cousin Jonathan Durst, and along with Rosenberg, they championed a new way of thinking about real estate development.

"We developed Four Times Square in a time before the green building movement and we really tried to build in a different way and to make contractors comply with certain requirements," recalled Rosenberg.

With Rosenberg as draftsman and negotiator, a lengthy list of green standards was imposed on all vendors associated with the Four Times Square project. Construction crews had to agree to recycle the demolition (it could not be dumped in landfill) and to use concrete made from furnace slag as opposed to sand (furnace slag is a waste material from steel that is normally dumped but is now the preferred source for concrete). Recycling shoots that ran the height of the building were built so that porters didn't

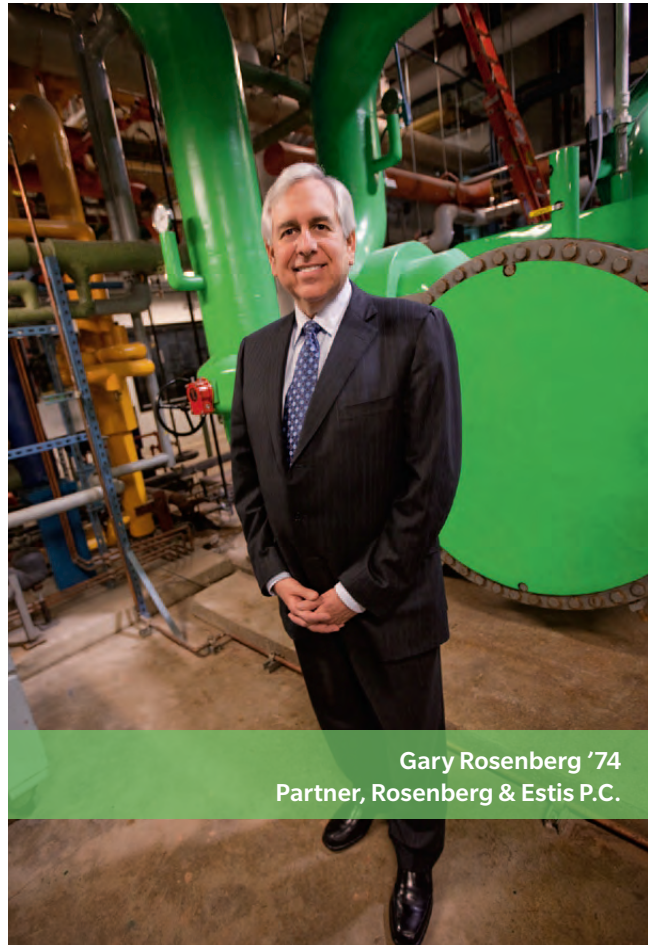
---

*"It's incredibly rewarding to work on a monumental building that's also environmentally responsible."*

—Gary Rosenberg '74

have to run the night elevators for hours, and a mandate was imposed to purchase locally rather than abroad. To broadcast its sustainable message, the building's facade features a giant, energy-saving electronic display that can be read from as far away as New Jersey.

Four Times Square won an Audubon Society award for sustainable design and fueled



Gary Rosenberg '74  
Partner, Rosenberg & Estis P.C.

a movement towards sustainable building. "It's incredibly rewarding to work on a monumental project that's also environmentally responsible," said Rosenberg.

Today, Durst has a reputation as the city's most environmentally conscious developer, and Rosenberg's name has become synonymous with green development. With the Dursts, he has developed the Helena (601 West 57th Street), the first Gold LEED rated private residential project; the Epic (125 W. 31st Street), another Gold LEED-rated residential project; and most recently, the Bank of America Tower at One Bryant Park, the world's most environmentally responsible high-rise office building.

One Bryant Park is a 2.1 million sq. ft., 52-story crystalline skyscraper located in the heart of Midtown Manhattan that is the first major office building in New York City to obtain a Platinum LEED rating. The \$1.2 billion project is a poster child for green development. The building boasts the greenest bells and whistles, with everything from waterless urinals, to a natural gas-fired cogeneration plant so they can make their own electricity, and



rainwater capture cisterns (used to flush toilets, which help the building use 3-4 million fewer gallons of water than any other comparable building). It even has an ice farm, which Rosenberg explains helps reduce peak electricity usage. Water is chilled in 14-foot tanks located 60-feet below street level at night and turned into icy slush. That slush is then used during the day in air conditioners, which subsequently reduces the need for water chillers. “We reduce our peak electricity usage and lessen the load on the power grid,” said Rosenberg. “If everybody did this it would become very clear that you would not have to turn on the supplemental power plants during August. It’s wonderful to work on this sort of cutting edge technology.”

## Turning the City’s Skyline Green

Rosenberg is not the only one turning New York green. Richard Sobelsohn ’98, an associate in the real estate practice at Moses & Singer LLP in New York, is also a crusader for the greening of the city’s skyline. He is one of only twenty-two lawyers in New York City to become a LEED Accredited Professional. Armed with his law degree and LEED accreditation, Sobelsohn is in a rare position to represent developers, corporations, financial institutions, landlords, tenants, and individuals in the world of sustainable development.

His in-depth knowledge of the LEED Rating System has turned him into a champion of green real estate development. On any given day you’ll find him teaching CLE classes, speaking to the banking and legal communities, and presenting at some of the country’s leading environmental conferences, including the National Council for Science and the Environment, the Green Earth Expo, and the Alternate Energy Conference. This fall he channeled this knowledge into a new course at the Law School, Legal Issues Affecting Sustainable Buildings, which he hopes will help young lawyers learn about green real estate issues of the future.

“No other law school was offering this kind of class and it is so important to the practice of real estate law,” said Sobelsohn. “I am optimistic about the growth of this area of the law because there is an ongoing requirement of compliance, monitoring, and reporting. When you add on all the government regulations everyone needs to follow to get there, practitioners in this area are indispensable.”

*“Years ago it was for the greater good to go green, but now it is to save money. Everyone will eventually be affiliated with green properties. There is nothing that will stop the trend.”*

—Richard Sobelsohn ’98

Sobelsohn believes wholeheartedly that being green is the way of the future not only because of the benefits it confers to the earth, but because of the boost it gives to the bottom line. “Years ago it was for the greater good to go green, but now it is to save money. Everyone will eventually be affiliated with green properties,” said Sobelsohn. “There is nothing that will stop the trend.”

While green building costs a slight premium, Sobelsohn says the overall savings far outweigh the initial outlay. “There are savings on water bills, electric bills, and even lower insurance premiums,” explained Sobelsohn. “It’s all quantifiable, and that is not conjecture.” There are also other indirect tangible benefits to being green. Sobelsohn points to studies that have shown that occupants in green buildings have higher productivity levels, lower absentee rates, and better health. “You don’t have to be LEED-certified to see these benefits,” said Sobelsohn. “Even if you add green elements like the ability of employees to see the outdoors through windows and to control their own lighting and air conditioning, and cleaning without harmful chemicals, you’ll have a healthier, happier workforce. The biggest cost of any company is its staff, and if they can reduce costs of health care and increase productivity then your bottom line increases.”



Richard Sobelsohn ’98  
Associate, LEED Accredited Professional, Moses & Singer LLP



## The Transformer: Turning Wind, Palm, and Sugar into Power

While Sobelsohn would turn every last building in New York City green if he could, Jon Mostel '85 might have the entire town running on wind power. Mostel, who is a partner at Stroock & Stroock & Lavan LLP, has worked to bring alternative energy technology to life. His practice is focused on negotiating contracts and financing on behalf of clients building renewable energy projects including biodiesel, ethanol, wind, and Liquefied Natural Gas.

Over the past few years, he has worked on building wind farms in Texas, upstate New York, Pennsylvania, and on the New England coast. The benefits of wind power as compared to traditional coal-based power are tremendous. Wind power is the least expensive of all other forms of alternative energy. Beyond cost, it is a clean source of energy, producing zero carbon dioxide emissions. It is also a renewable energy in that it does not deplete our natural resources like coal or petroleum-based products.

Mostel has also worked with clients in Brazil to build ethanol plants creating energy from sugar cane. Ethanol-fueled vehicles produce lower carbon monoxide and carbon dioxide emissions than traditional gasoline, reducing the carbon footprint significantly.

He has also worked with clients in Houston area who have been converting palm oil and soybean oil into biodiesel fuel. Like wind power and ethanol, biodiesel fuels run cleaner than traditional gasoline. Biodiesel emits up to 100% less sulfur dioxide, a major component of acid rain, and 80-100% less carbon dioxide than traditional diesel. Most recently, Mostel has counseled clients developing merchant electric transmission projects that would reduce transmission constraints and congestion to deliver substantial economic and reliability benefits to the U.S. power grid.

—Jon Mostel '85

Mostel began his career as a chemical engineer and spent 15 years working at Brooklyn Union Gas, rising to Director of Engineering. His passion for the law developed as he became more heavily involved in legal and regulatory matters at the company. He attended Brooklyn Law School at night and recalled that there were many professors who inspired him. "Professor Crea will always be dear to me," he said. "But then so were Trager, Kuklin, Gora, Judge Briecant, Korman,



Jon Mostel '85  
Partner, Stroock & Stroock  
& Lavan LLP



and Fullerton, too. They all made an impression on me. I was interested in constitutional law, and energy law follows along those lines. It's a Commerce Clause discipline that often involves issues of preemption, and the Supremacy Clause."

While Mostel is passionate about alternative energy, he is realistic about the future of green power. "To quote Kermit the frog, 'It's not easy being green,'" he said. "I am fully supportive of green initiatives and green power and reducing carbon emissions (which are a byproduct of coal), but I am also privy to an inconvenient truth, and that is that green power is not nearby load centers and it's very expensive to bring it here. This makes green power more expensive for consumers, and they don't want to pay for it."

Despite the expense of alternative fuels, Mostel remains their champion. He advocates changing our country's energy policy to promote oil independence. "It may be politically unpalatable to impose a carbon tax, but it makes the most sense economically," he said. "If you tax carbon, over time parties will find ways to use it more efficiently and that dependence is lost. It won't be easy, but most things that are really worthwhile are not easy."





Colleen Donovan '87  
Partner, Day Pitney



## Leading by Example

Like Rosenberg, Sobelsohn, and Mostel, Colleen Donovan '87 has also been instrumental in helping her clients to pursue green development. Named to "The Best Lawyers in America" in 2009, Donovan is a partner at Day Pitney, one of New Jersey's most prestigious law firms.

Donovan first developed an interest in real estate law while a law student. "I really liked the courses in real estate I took at Brooklyn Law," she said. "I immediately realized that I wanted to be a transactional attorney rather than a litigator." Indeed, she has been a real estate lawyer ever since graduating, when she joined the firm of Pitney Harding in 1987 as a first year associate. In 1995, she became a partner at Pitney Harding, which merged with Day, Berry & Howard in 2007 to become Day Pitney.

At Day Pitney, she is the Commercial Real Estate and Development Transactions practice group leader, and she routinely represents clients on the sale, acquisition, and leasing

of real estate, and the related financing of commercial and industrial properties. Donovan is often called upon to advise lenders with respect to compliance obligations under New Jersey's Industrial Site Recovery Act (ISRA). But she also counsels clients on all environmental aspects of the purchase and disposition of real property and businesses, including environmental due diligence, Superfund, and

*"I am hoping that more and more clients will be interested in building green. There is an initial outlay of additional money that many clients don't want to put out, but the idea is that they will make it back in a short time."*

—Colleen Donovan '87

other liability concerns, and permitting. She frequently works with environmental consultants, overseeing the preparation of remedial investigations and remedial action workplans, and assists a wide variety of clients with environmental compliance and permitting issues before state agencies.

For example, she is currently representing The Dial Corporation in connection with ISRA-mandated site investigation and remediation activities, including attention to compliance requirements, supervision of consultants, and remedial strategies. She also represented a lender as environmental counsel in a \$475

million loan transaction involving the development of a cogeneration facility in New Jersey.

Her practice has also grown to include green leasing. She was recently sought out by The Geraldine R. Dodge Foundation, a nonprofit corporation dedicated to supporting and nurturing educational, cultural, social, and environmental values, to negotiate a green lease for their new headquarters.

The Foundation wasn't as concerned with the usual mundane issues of lease negotiation—cleaning schedules, parking, etc.—as they were with ensuring that their new downtown Morristown office building would serve as a beacon of green development for the community, encouraging others to build and live green. Working with architects and an environmental consultant, Donovan drafted a lease that incorporated a number of new requirements including the construction of geothermal wells (these wells live 500-feet below street level and gather heat from the earth to help heat the building), a state of the art Photovoltaic system (solar energy window panels), an interior "living wall" (a wall covered in greenery which serves as a stress reducer, bio-filter, humidifier, and cooling agent), and a green roof which provides heating insulation and shelter for biodiversity with its grass, plants, flowers, trees, and picnic tables for peaceful lunching outdoors. A final provision of the lease was a requirement that the building be open for tours to the public for education. The building is expected to receive a LEED platinum rating.

"The building is stocked with these cutting-edge concepts in green technology," said Donovan. "I think these sorts of leases are going to become more commonplace, and I am hoping that more and more clients will be interested in building green," said Donovan. "There is an initial outlay of additional money that many clients are reluctant to spend, but the idea is that they will recoup this initial investment in a short time."



## The Green Tax Man

One way of ensuring that clients earn back their investment (and then some) is to engage the services of another pioneering Brooklyn Law School graduate, Charles Goulding '75. He is the President and founder of Energy Tax Savers Inc., described by Goulding as “a green tax firm.” The company, founded in 2005, specializes in advising building owners, architects, engineers, and designers on tax benefits related to energy saving building investments. The company was born of the nexus of two areas of Goulding's expertise: industrial equipment and tax law.

Goulding spent 25 years working at Dover Corporation, a six billion dollar diversified industrial manufacturer with a one billion dollar HVAC business, rising to the position of Vice President of Tax. He left Dover to become Managing Director at Cooper Industries, Inc., a major distributor of lighting equipment. When the Energy Policy Act of 2005 was passed, providing tax incentives for commercial buildings making improvements to their energy systems, Goulding saw an opportunity to create a new business that would harness his knowledge of industrial equipment with his expertise as a lawyer and CPA.

“I had never seen tax incentives that were this equipment specific,” recalled Goulding. “Most tax specialists are not familiar with the type of equipment covered by the new legislation.” Shortly after EPAct was passed, Energy Tax Savers put out its shingle with two employees: himself and an engineer. Today the firm has six employees and represents over 100 regional and national retailers.

Goulding and his team of experts (which includes engineers, LEED Accredited Professionals, mathematicians, accountants and lawyers) are hired by retailers, tenants, and property owners who are about to begin building and want to ensure that their HVAC and lighting plans will merit tax credit under EPAct. “Often times our clients won't do anything with lighting or HVAC without us at the table,” he said. “Qualifying for these tax

incentives has such a significant impact on their bottom line that they want to have our input before they will do anything.”

Goulding's team examines the proposed technology for lighting and/or HVAC and returns an assessment as to whether their current equipment will meet the targets of efficiency and therefore qualify for tax savings, or not. If the answer is no, Goulding advises them on what changes need to take place in order to qualify.

*“Most of our clients are well run businesses who want to do the right thing, but they are focused on cost reduction. That's what I like about this field. We can do both. We can have people save money and save energy.”*

—Charles Goulding '75

“These benefits are based on very specific performance criteria and absent knowing what those targets are you can get a pretty good design that just misses,” said Goulding. “Our business requires the VP of facilities and the VP of tax to be at the same table. And in many cases both people have been with the same company for 25 years and they've never met.”

Goulding's goal for all clients, whether a new developer or a landlord looking to retrofit their building, is to save them money by “layering the cake.”

“We want our clients to take advantage of savings three ways, through energy savings, rebates for a portion of their lighting outlay, and an energy tax savings on top of it,” he said. “That way, they are decreasing the amount of time it takes for the investment to pay back. When you layer the cake that's where you get the best economic results.”

Like Sobelsohn, Goulding spends a great deal of time educating the marketplace, writing and lecturing on issues of energy tax savings and making presentations on behalf of utility companies to their sales forces to help explain tax savings opportunities.

For Goulding, a veteran tax attorney, his business is naturally about helping his clients save money. But he admits he's buoyed by the ability to make an impact on the world we live in. “I've been a tax attorney for thirty years, and this is definitely the most rewarding aspect of tax law I have ever been involved with,” said Goulding. “Most of our clients are well run businesses who want to do the right thing, but they are focused on cost reduction. That's what I like about this field. We can do both. We can have people save money and save energy.” □





# For-Profit Philanthropy

by Professor Dana Brakman Reiser

## Google's Innovative New Charitable Division Puts the Business in Philanthropy

Google is known for many things: its innovative search methodology, its pricing structure, even its lavish employee benefits (an office complex designed like a college campus and a chef-driven cafeteria), but one recent initiative has little to do with its ability to out-search or out-perk its competition. When this for-profit corporation created the philanthropic division Google.org, it grasped the mantle of philanthropic innovator as well.

The Google.org division stands alongside divisions for engineering, sales and finance, but it is tasked with a very different mission — addressing climate change, poverty, and emerging diseases.<sup>1</sup> Google.org makes grants to nonprofits, just like a traditional foundation. But what makes it unique is that it also behaves like a business, making equity investments in for-profit companies. Wherever possible, Google.org also uses Google Inc.'s human resources, technology, and products to pursue its philanthropic goals.

Of course, companies have long blended philanthropic and business objectives. They make contributions, commit to corporate social responsibility, and even form social enterprises. “For-profit philanthropy,” though, differs from these familiar techniques in both structure and scale. Likewise, for-profit philanthropy stands in stark contrast to the nonprofit, tax-exempt form of organization typically used by those pursuing exclusively philanthropic endeavors. This unfamiliar course allows Google.org to pursue philanthropic objectives, while avoiding the legal restrictions applied to philanthropic entities structured along traditional lines. In avoiding these restrictions, and circumventing the enforcement and oversight associated with traditional nonprofits, Google's new for-profit model raises important questions about how (and if) for-profit philanthropy should be regulated.

### Google's Innovative For-Profit Model

The for-profit philanthropy model finds its forbears in corporate charitable contributions, corporate social responsibility, and social enterprise. Despite its links to these phenomena, however, for-profit philanthropy is meaningfully distinct.

While Google has committed to dedicating 1% of its equity and profits to philanthropy, Google.org differs from the corporate contribution model in significant respects. Corporate contributions take corporate largesse out of the company's coffers and place it with external charities, or at least a separately incorporated and managed nonprofit foundation. Google.org's status as a division of Google keeps control over philanthropic funds, and the funds themselves, firmly within the confines of the business organization. Further, Google has integrated its philanthropic goals more fully into its business model than do corporate contributors.

Likewise, Google's for-profit philanthropy strategy resonates with the idea of corporate social responsibility (CSR), but is not identical to it. The various CSR movements have proposed that corporations and their leaders be permitted or required to consider interests beyond those of shareholders in their everyday business decisions. Google.org aligns with this CSR paradigm by making social impact a key factor in its business choices. Its very existence integrates Google's philanthropic vision within its corporate operations.

Still, Google.org differs from CSR in both scope and structure. CSR asks companies to be mindful of the impact their decisions will have on constituencies other than shareholders. At times, this rubric will motivate for-profits to minimize harm to those constituencies, perhaps even actively to help them. But, Google.org goes well beyond CSR's aims of awareness and consideration. Funding a division to engage solely in philanthropic activities is a much more ambitious approach than merely adding social impact to the mix of factors considered whenever business leaders make decisions.

Social enterprises integrate philanthropy into their business models at a more basic level than companies that make corporate contributions or practice CSR. Social entrepreneurs pursue social and business goals together, viewing them as synergistic and mutually-reinforcing. Google.org's for-profit philanthropy is certainly related to social enterprise, but again several aspects differentiate it. First are the related features of size and scope. Social enterprise companies are usually small and controlled by owners who have a personal commitment to their social goals. By comparison, Google.org is a division of a mammoth, publicly-owned company and Google.org's scale, determined as a percentage of Google's equity and profits, is infinite. Yet, in the general range of Google's business, social goals do not have an equal place with building a financially successful company. Profit and business imperatives dominate Google's overall decision-making too much to view the entire company as a social enterprise.

Standing alone, Google.org comes closer to fitting the social enterprise category. In the Google.org division, social mission is wholly mixed with business ethos. Yet, Google.org is actually too focused on social mission to match the social enterprise category precisely. Google.org views profit as a distant and unlikely possible consequence of its activities. Its leaders have emphasized, "[w]e're not doing it for the profit. And if we didn't get our capital back, so what? The emphasis is on social returns, not economic returns."<sup>2</sup> This nonchalance lacks the passion for the coexistence of social mission and profit that drives social enterprise.

Although blending philanthropy and business has long been in fashion, the for-profit philanthropy model offers genuine innovation. It envisions a division within a for-profit company tasked solely with pursuing philanthropy. This division engages in major initiatives, but the core business remains primarily devoted to profit maximization. Google.org has pushed the for-profit philanthropy model forward and provided it with significant prominence. But why?

## The Reasons for For-Profit Philanthropy

Just as it differs from its for-profit forbears, Google.org is significantly and intentionally distinct from traditional philanthropic forms. As compared with a tax-exempt nonprofit entity, the for-profit Google.org division has greater freedom to invest, direct access to Google's resources, and leeway to engage in political activities. State and federal law applicable to traditionally-organized philanthropic entities would curtail all of these. These legal limits would frustrate Google.org's strategy, and to a large degree explain Google's decision to chart a new path.

### **Freedom of Investment**

Several aspects of state nonprofit corporate law could hinder Google.org's investment plans. State law prohibits nonprofit corporations from distributing net earnings to those with control over the corporation's decisions.<sup>3</sup> If Google.org were a nonprofit

corporation, any profits it realized from investments in for-profit companies would have to be reinvested in the nonprofit's mission, rather than shared with Google or its shareholders.<sup>4</sup> Likewise, state law may demand that nonprofit corporations have charitable purposes and limit or prohibit pecuniary or commercial purposes.<sup>5</sup> A nonprofit Google.org substantially devoted to investing in for-profit companies, or developing products or services for eventual sale by a for-profit entity, could breach these restrictions. Finally, nonprofit fiduciaries are bound by the duty of care to manage and invest corporate assets prudently and investing charitable assets in risky ventures (even those seeking socially-useful goods) might not comply with fiduciaries' obligations.

If Google.org were to seek tax-exempt status under Internal Revenue Code §501(c)(3), federal law would further hinder Google.org's freedom of investment. Federal tax law looks skeptically upon commercial activity by tax-exempt entities. As a tax-exempt nonprofit, Google.org would have to expend significant time and energy ensuring its investment and technology development activities were not viewed as commercial activities that overshadow its philanthropic program. Furthermore, income from an exempt organization's unrelated business activity is subject to tax. If some of Google.org's investment or technology development activities were deemed unrelated to its exempt purposes, the income they generated would be taxable, limiting the benefit of tax-exemption in the first place.

The private benefit doctrine, which forbids tax-exempt entities from conferring substantial benefits on unrelated individuals and entities, would further frustrate Google.org's vision. Conferring such a benefit is punishable by loss of exemption, cancellation of donors' deductions, and fines. If any Google.org investment were deemed to confer a substantial benefit on its for-profit recipient, this would be an improper private benefit with serious consequences. Google.org's for-profit investment strategy is therefore perilous on this ground as well.

### **Direct Access to Google**

Incorporation as a nonprofit, and particularly status as a tax-exempt private foundation, would also hinder Google.org's desired direct access to Google's resources. A nonprofit Google.org could be perceived by state regulators as overly concerned with the affairs of Google or to be acting at its behest. If so, regulators could challenge the bona fides of Google.org's charitable purposes or claim it had crossed the line into being a commercial entity. Further, if Google or its key personnel had control over the affairs of a nonprofit Google.org, it would be important to ensure that neither Google nor those key players received inappropriate distributions. In the same vein, fiduciary obligations on Google.org's directors and officers would attach liability to unfair self-dealing. Resource-sharing arrangements would need to be scrutinized to ensure that Google.org received any benefits of such bargains.



Analogous federal tax law concepts would pose similar obstacles for direct access. Although proprietary activities are permitted, too much intermingling of Google's personnel, technology, and other resources with Google.org would raise alarms regarding the commerciality limits on tax-exempt entities. Additionally, the mutually-beneficial relationship envisioned by direct access could raise concerns under the inurement doctrine and the excess benefit statute. The inurement doctrine bars exempt organizations from distributing net earnings to insiders with organizational control; violations are punishable by loss of exemption.<sup>6</sup> The excess benefit statute, Internal Revenue Code Section 4958, imposes penalty taxes on transactions that provide excessive benefits to fiduciaries or major donors. Together, these restrictions would place intermingling of Google and Google.org resources under even greater scrutiny than state fiduciary law.

Federal tax law would have the most dramatic effect on Google.org if it were classified as a private foundation (as it almost certainly would be due to its single funding source). Extremely strict rules penalize sharing of resources between private foundations and their funders. Transactions between Google.org and Google would therefore subject both entities and their managers to penalty taxes and would have to be unwound. Thus, Google.org's direct access plan would be fraught with risk if the entity were set up as a traditional nonprofit, and particularly dangerous were it deemed a private foundation.

### **Political Activities**

Finally, the for-profit model avoids restrictions on Google.org's political activities. Federal law imposes major limitations on political activities by traditionally-organized philanthropic entities. These limitations vary based on an organization's classification within tax-exempt status. If a tax-exempt Google.org were deemed a private foundation, as is most likely, it would not be allowed to lobby at all.<sup>7</sup> If Google.org were somehow able to avoid private foundation status, federal law would still permit "no substantial part" of its earnings to be spent on lobbying.<sup>8</sup> Regardless of classification, political campaign activities by an exempt Google.org would be banned.<sup>9</sup>

Therefore, the legal restraints on nonprofit, tax-exempt entities would interfere with the Google.org vision. They would limit Google.org's ability to invest in for-profit ventures and would scrutinize and, at times, punish its use of and access to Google resources to support its activities. They would constrain, if not entirely prohibit, Google.org from engaging in political action. Therefore, Google's decision to eschew traditional charitable forms to pursue its philanthropic endeavors is easily understood.

## The Risks of For-Profit Philanthropy

The for-profit philanthropy model raises an array of concerns for those steeped in the traditions of for-profit and nonprofit law alike. Drawing first on for-profit legal sources and debates, the model represents a formidable challenge to the shareholder primacy norm. As a for-profit

corporation, the primary objective of Google is to make profits for its shareholders. Google, of course, is pursuing profits doggedly, but not exclusively. It is also pursuing philanthropic goals through Google.org. The debate over whether and to what extent corporations should expend funds and resources for purposes other than increasing shareholder value has raged for decades. The creation of a division specifically devoted to pursuit of social rather than shareholder returns raises these issues more pointedly. Moreover, Google's governance structure is especially shareholder-resistant, making shareholder primacy concerns even more vivid.

These concerns can be met, however, by a series of persuasive arguments. First, establishing Google.org may contribute to shareholder value, due to its alignment with Google's branding as an innovative company committed to avoid "be[ing] evil."<sup>10</sup> Additionally, Google.org can be defended as one high risk, potentially high return part of a diversified portfolio of Google's corporate investments. Although Google remains committed to keeping any Google.org profits in the philanthropic stream, it appears willing to use the philanthropy division in an investment research and development capacity for Google. For example, recent reports suggest that following Google.org's investment in renewable energy startups, Google began considering similar, larger-scale investments on behalf of its for-profit business.<sup>11</sup>

Nonprofit legal sources and debates raise more weighty concerns about the for-profit philanthropy model. Placing philanthropic activity inside a for-profit entity immediately sparks questions about enforcement, a major preoccupation of nonprofit law and scholarship. This structure deliberately puts philanthropic activity outside the oversight of both state attorneys general and federal tax regulators traditionally charged with monitoring philanthropic organizations. For-profit accountability mechanisms like shareholder suits offer little promise for keeping these entities focused on their missions, though they may prevent or punish embezzlement or other direct self-dealing harms if they ultimately impact the for-profit's bottom line. Importantly, though, this enforcement concern is tempered by the fact that nonprofit regulators are infamously under-resourced, and standing limitations prevent the public from engaging in enforcement litigation. In this environment, Google.org's decision to opt out of enforcement likely creates relatively low accountability costs.

Several other mission-based concerns may be more serious. For-profit philanthropy's embrace of business methods may prompt overemphasis on performance metrics, which are notoriously slippery and contested in the nonprofit context. Moreover, what begins as a philanthropic mission could, as a result of it being embedded within a business, become biased toward alignment with the goals of the for-profit company. This is not to suggest any nefarious intent. Rather, a for-profit philanthropy division's position within the larger organizational culture, along with its desire to take advantage of its direct access to the for-profit's resources, could well cause a drift in mission toward the

service of for-profit goals. Some commentators suggest that both business and social goals can be enhanced by integrating philanthropy with overall corporate strategy.<sup>12</sup> Yet, if “philanthropic” expenditures are made to improve the lot of the corporation and its shareholders, they are hardly a gift to humankind. More importantly, if this drifting effect skews deployment of philanthropic resources to only those social issues that neatly align with for-profit imperatives, there is real cause for concern.

The ultimate mission-based fear raised by the for-profit philanthropy model is that resources contributed toward the achievement of philanthropic aims could, one day, be recaptured by the for-profit and used instead for profit-making purposes. Such recapture is not possible if resources are gifted to a separately-incorporated nonprofit. Of course, Google.org and its leaders vehemently object to any suggestion it would happen there.<sup>13</sup> Perhaps not, but no legal obstacle would prevent Google.org from doing so. Moreover, future adopters of the for-profit philanthropy model might not be so willing to dedicate their resources irreversibly to their philanthropic stream.

The possibility of recapture, of course, will not necessarily reduce overall corporate expenditures on philanthropy. The ability to recapture these assets for profit-making purposes at a later time might increase corporate willingness to fund philanthropic activities in the current period. It might expand the range of social aims companies are willing to bankroll. Still, meeting philanthropic goals often requires sustained attention and stability. The risk that funds might be cut off at any time could curtail the scale of for-profit philanthropists’ efforts, or undesirably limit their goals’ scope. In addition, the recapture possibility elicits real concerns about how for-profit philanthropists describe and publicize their activities. Without a real commitment to restrain recapture of ostensibly donated funds, the for-profit philanthropy concept risks casting future adopters of the model as unduly charitable. If for-profit philanthropy free-rides on the positive associations of the philanthropic community, it could mislead the public, damaging these associations at a time when they are already showing wear.<sup>14</sup>

## A Novel Approach for a Blended Mission

**F**or-profit philanthropy innovates in two important and related ways. It pursues philanthropic purposes using business methods and leveraging business resources. It also places its philanthropic activity in a new setting, as an integrated division within a for-profit company. The structural innovation responds to Google’s concerns about the feasibility of pursuing its business-infused philanthropic program through traditional charitable forms. Its novel approach, however, raises real concerns about whether current for-profit or nonprofit law is up to the task of enforcing its uniquely blended mission.

This article is excerpted from *For-Profit Philanthropy*, published in 77 *FORDHAM LAW REVIEW* 2437 (2009).



**Professor Dana Brakman Reiser** is an accomplished scholar in the field of governance of nonprofit organizations. Brakman Reiser’s recent scholarship focuses on legal and social ramifications of the increasing trend toward hybridization of nonprofit and for-profit endeavors. Her work in this area includes *For-*

*Profit Philanthropy*, 77 *FORDHAM L. REV.* 2437 (2009), from which this article is excerpted, and *Governing and Financing Blended Enterprise*, \_\_ *CHI.-KENT L. REV.* \_\_ (forthcoming 2010). She also has written extensively on nonprofit accountability and governance, and the role of members and other non-fiduciary constituencies in nonprofit organizations. Her scholarship in those areas has appeared in various law reviews and an edited volume, *NONPROFIT ACCOUNTABILITY CLUBS: VOLUNTARY REGULATION OF NONGOVERNMENTAL AND NONPROFIT ORGANIZATIONS* (Cambridge University Press, forthcoming 2010).

Brakman Reiser is a member of the Executive Committee of AALS Nonprofit and Philanthropy Law Section and the Government Relations Committee of the Nonprofit Coordinating Committee of New York. In 2007, she was awarded the prestigious Outstanding Young Lawyer Award by the American Bar Association’s Nonprofit Corporations Committee. In addition to her courses in nonprofit law, she teaches corporations, property, and trusts and estates.

- 1 See Google.org, *What We’re Doing*, at <http://www.google.org/>.
- 2 See Katie Hafner, *Philanthropy Google’s Way: Not the Usual*, *N.Y. TIMES*, Sept. 14, 2006, at A1 (quote from then-Google.org Executive Director, Dr. Larry Brilliant).
- 3 See, e.g., REVISED MODEL NONPROFIT CORP. ACT §§ 1.40, 13.01 (1987).
- 4 Of course, Google.org has disclaimed any intention to use profits for anything other than future philanthropy.
- 5 See, e.g., N.Y. NOT-FOR-PROFIT CORP. LAW §§ 201(b), 204.
- 6 I.R.C. § 501(c)(3).
- 7 I.R.C. § 4945(d)(1).
- 8 I.R.C. § 501(c)(3).
- 9 *Id.*
- 10 See Google Inc., Letter from Founders: “An Owner’s Manual” for Google’s Shareholders, (Amendment No. 9 from Form S-1), at 27, 32 (Aug. 18, 2004).
- 11 See Miguel Helft, *Idealists and a Green Agenda*, *N.Y. TIMES*, Oct. 28, 2008 at B1.
- 12 See, e.g., Michael E. Porter and Mark R. Kramer, *The Advantage of Corporate Philanthropy*, *HARV. BUS. REV.* at 57 (Dec. 2002).
- 13 See Hafner, *supra* note 2.
- 14 See Suzanne Perry, *Public Confidence in Nonprofit Groups Slides Back*, *New Survey Finds*, *CHRONICLE OF PHILANTHROPY*, Apr. 3, 2008, at 3.



# Success Builds Success: Seven New Members Join the Faculty

This fall, Brooklyn Law School welcomed seven new outstanding members to the faculty. The group includes three tenure-track faculty professors, Frederic Bloom, Brian Lee, and Minor Myers; two legal writing instructors, Joy Kanwar and Tom Lin; and two new members of its Visiting Assistant Professor Program, Patricia Judd and Charles Korsmo. These professors not only bring considerable professional experience, but an impressive body of legal scholarship in the areas of corporate finance and governance, real property, intellectual property, civil procedure, international environmental law, and the law of war. “We continue to add to our energetic and productive faculty,” said Dean Joan G. Wexler. “Already these new members of our community are fine teachers and scholars. It will be exciting to watch their careers develop.”





*Frederic Bloom*

## ■ **FREDERIC BLOOM** Expert in Civil Procedure

---

Frederic Bloom joined Brooklyn Law School as an Associate Professor and is teaching Civil Procedure and Evidence. He most recently taught at the University of California, Los Angeles School of Law as a Visiting Professor, and previously at Saint Louis University School of Law. His background also includes clerkships with Judge Sidney R. Thomas of the U.S. Court of Appeals for the Ninth Circuit and Judge Marilyn Hall Patel of the U.S. District Court for the Northern District of California. A graduate of Washington University in St. Louis (where he triple majored and played soccer), Bloom received his J.D. from Stanford University Law School.

Bloom began his teaching career as a Junior High School teacher in his native Colorado, where he taught English and History. A natural in the classroom, Bloom said that his approach to teaching is a “soft” Socratic method. His goal is to get students to answer the questions succinctly and with confidence, and acquire a set of essential legal tools. “I hope that my students learn how to unpack cases, how to put policy together with application, and walk away with a coherent set of skills that they can apply to any set of legal problems with appropriate confidence. From a big picture perspective I hope they see that these are really terrific puzzles that aren’t easy to solve but are fun to engage.”

Bloom has produced an impressive record of scholarship that focuses on procedural issues and modern federal courts.

His articles have appeared in the *Cornell Law Review*, *Washington University Law Review*, and the *Saint Louis University Law Journal*.

His most recent article, “Jurisdiction’s Noble Lie,” published in the *Stanford Law Review*, recounts jurisdiction’s foundations — its tests and motives, its histories and rules — and then seeks out jurisdictional reality, critically examining a side of jurisdiction he argues we too often overlook. “Legal jurisdiction may portray itself as fixed and unyielding, as natural as the force of gravity, and as stable as the firmest ground,” explained Bloom, “but jurisdiction is in fact something different. It is a malleable legal invention that bears a false rigid front.” In his article, Bloom explains the historical reasons for the veneration of logic behind jurisdiction. He concludes: “This study does not mean to excuse the inexcusable. It hopes instead to offer new insight on an old problem. And it helps to make sense of why jurisdiction’s lie has so long endured.”

## ■ **BRIAN LEE** Philosophy Scholar

---

Brian Lee joined Brooklyn Law School as an Assistant Professor teaching International Law and Property following a year-long clerkship with Judge Ralph K. Winter of the U.S. Court of Appeals for the Second Circuit.

He is a graduate of Yale Law School and holds two degrees in philosophy: a Masters from the University of California, Los Angeles; and a Ph.D. from Princeton University.

“I hope my students walk away with a coherent set of skills that they can apply to any set of legal problems with appropriate confidence.”

—Professor Frederic Bloom

His undergraduate degree is from the University of California, Berkeley in Classical Civilizations. He is the recipient of multiple honors and awards, including the Nathan Burkan Prize at Yale for the best paper in copyright law, selection as a Ramsey Fellow at Princeton, the Wooden Fellowship at UCLA, and highest distinction in general scholarship as an undergraduate at Berkeley. During law school, he was a book reviews and features editor for the *Yale Law Journal*.

Lee’s research interests include property, intellectual property, and international law. He recently published “Preventive War, Deterrent Retaliation, and Retrospective Disproportionality,” which grew out of questions arising from



*Brian Lee*

the 2003 invasion of Iraq. Published in the *Brigham Young University Law Review*, the article examines the intrinsic moral and strategic logic of preventive war strategies and deterrence strategies in international affairs. “There’s been a great deal of debate in the wake of 9/11 about the legal and moral permissibility of preventive war. That debate occurs on a background assumption that deterrence strategies are legally straightforward and relatively unproblematic,” he explained. “What this paper does is call that into question. I argue that deterrence and preventive war have more in common than is typically noticed and that the issue is more complex than previously recognized.”

“Philosophy helps open up new possibilities for analysis. It shows us that there are dimensions of problems that may have been overlooked, which in turn can shape debates about whether a law is a good idea or not.”

—Professor Brian Lee

Lee’s current research project explores the analytical underpinnings of statutes granting moral rights to artists in the United States. He argues that there is a moral duty of respect that is driving these statutes. Another work in progress relates to government compensation for the emergency destruction of private property.

While he is no longer formally involved in the study of philosophy, Lee explained that a background in philosophy has motivated him to analyze the role of morality in shaping the law. “Part of what I find interesting about the law is exploring areas where there is a moral component taking place, and trying to bring it to the front so we can see what the implicit moral principles are in a body or system of beliefs. Philosophy helps open up new possibilities for analysis. It shows us that



Minor Myers

there are dimensions of problems that may have been overlooked, which in turn can shape debates about whether a law is a good idea or not.”

His philosophy schooling has also influenced his teaching. He said that he tries to get his students to search for what is controversial or unknown in the law. “If you open a commercial outline you might get a comforting sense that the law is straight-forward, and that if you learn the outline, you know the law. But in the real world, law is not straight-forward. I want my students to reach for the point where things are unclear, where positions are controversial. Even if it’s less satisfying, it’s more accurate, and in the long term, more interesting and exciting.”

## ■ MINOR MYERS Corporate Lawyer Turned Professor

Minor Myers first joined Brooklyn Law School in 2007 as part of the Visiting Assistant Professor Program, which offers young legal minds an opportunity to prepare for a career in teaching law. Myers spent two productive years at the Law School, receiving mentoring and feedback from colleagues in his teaching and scholarship. After his term was up, he was invited to stay on as Assistant Professor of Law teaching Corporate Finance, Advanced Topics in Corporate Law, and Property.

A graduate of Connecticut College and Yale Law School, Myers was in private practice in the Corporate and Litigation

Departments at Debevoise & Plimpton prior to teaching. Following law school, he clerked first for Judge Peter W. Hall and then Judge Ralph K. Winter, both of the U.S. Court of Appeals for the Second Circuit.

Myers’ research interests are in the areas of corporate law and local government law. His most recent paper addresses the decisions of corporate special litigation committees. Published in the *Indiana Law Journal* (2009), the article examined the decisions of approximately one hundred special litigation committees and found that these committees behave more responsibly than previously thought. “My research validates the position of the courts, who defer to these committees,” said Myers. “It’s not the sham that some commentators thought.”

Myers said his future scholarship will focus on executive compensation and proposals for salary reform, and the history and development of corporate law. He is also interested in researching and writing about using the framework of corporations and corporate law and applying that to local governments. “In many ways these local governments are similar to business organizations where everyone is a shareholder,” he said. “I think there is a lot to learn by thinking of the issues in the same way.”

Myers is enjoying life as a professor. “The students are great — they are bright and hard-working,” he said. “Life at the Law School is phenomenal. The faculty are supportive, and it’s especially nice to have so many other junior faculty as colleagues.”





Joy Kanwar



Tom Lin

### ■ JOY KANWAR Litigation Attorney Joins Legal Writing Faculty

---

Professor Joy Kanwar joined the legal writing faculty this fall from private practice where she was a senior staff associate at Skadden, Arps, Slate, Meagher & Flom LLP. She practiced at that firm from 2001–2008 and focused on the areas of complex mass torts and insurance litigation, general litigation, products liability, securities litigation, and general torts and contract law. Prior to work at Skadden, she was a legal information analyst at Lawnavigator.com.

Kanwar is a graduate of New College and Vermont Law School, where she was the editor of *Res Communes*, the school's environmental law journal. Her article, "Preserving Gypsy Culture through Romani Law in America," was published in the *Vermont Law Review*. Kanwar also holds an M.S.E.L (Masters of Studies in Environmental Law) from Vermont Law School.

Her research interests are in the areas of comparative domestic and international environmental law, torts, and products liability, and she hopes that in addition to her legal writing courses she will have the opportunity to teach a course in environmental law or comparative international environmental law in the future.

Kanwar said that she enjoys bringing the real world into the classroom by having one or two colleagues from the field join the classroom discussion and run simulations with students. "They grill the students and treat them just like they would in an office setting. It's instructive

for students to deal with real attorneys, and they see that it's not just about the answer, but that it's about how we think about this problem in terms of a possible settlement." Kanwar noted how her students really light up on these days. "They are excited about the prospect of joining the legal profession and seeing that what they do makes a difference."

### ■ TOM LIN Legal Writing Instructor Focuses on Corporate Law

---

Tom Lin joined the legal writing faculty from the Investor Protection Bureau of the New York State Attorney General's Office. Before that he was an associate with the Corporate Department of Davis Polk & Wardwell.

Lin received his undergraduate degree in Economics from New York University and his law degree from the University of Pennsylvania. In his third year of law school he was awarded an Arthur Littleton Fellowship to teach legal writing. He also was a senior editor of the *Journal of Constitutional Law* and the *Journal of Law & Social Change*.

Lin is excited to return to academia and is looking forward to devoting more time to scholarly writing. His most recent article, "Undressing the CEO: Disclosing Private, Material Matters of Public Company Executives," published in the *University of Pennsylvania Journal of Business Law*, concerns the privacy rights of public company executives. Lin argues that while more information has become available about publicly traded

companies, not enough information is available about the executives who run them. "The growing regulatory spotlight on public companies has created a penumbra over their boardrooms and executive suites, leaving investors without critical information. To deal with this regulatory gap, he advocates for "increasing regulated disclosure of private, material information concerning public company executives based on an examination of the changing investor landscape, the elevated position of the executive, and equalizing role of regulated disclosure in the modern information age." The article sets forth a model for sensitive disclosures that "works within the current federal securities apparatus with minimal burdens on the disclosing party and increased information to the investing public."

Lin's current research is in the area of reconfiguring securities risk. As part of his research, Lin reviewed risk factor disclosure of key players in the financial meltdown. "The paper I am writing discusses the shortcomings of the current disclosure framework and how we should address those shortcomings in light of studies on cognitive limitations that challenge the rational man assumption in securities regulation."

The power of the word, whether in disclosure documents or in legal briefs, has always been very significant to Lin and a respect for that power is something he hopes to impart to his students. "I want my students to be very conscious and aware of what words they use and how they use them in their practice. It's a great skill to have."

## ■ VISITING ASSISTANT PROFESSORS JUDD AND KORSMO JOIN THE FACULTY

Brooklyn Law School's Visiting Assistant Professor Program offers the country's brightest legal minds a unique opportunity to prepare for a career teaching law. The Law School's VAPs, as they are known, typically spend two academic years in residence, teaching one course each semester. This year the Law School welcomes Patricia Judd and Charles Korsmo to the VAP program.

**Patricia Judd** joins the Law School after seven years with the Association of American Publishers in Washington, D.C., where she most recently served as Executive Director, International Copyright Enforcement and Trade Policy. Prior to that, she was a trademark attorney with the U.S. Patent and Trademark Office, and an international consultant to the Human Rights and Equal Opportunity Commission in Sydney, Australia.

Judd is thrilled to have the chance to work in academia. "I remember when I was in law school asking one of my teachers, 'How do I get your job?' The advice I received was, 'Go do something that you are passionate about and build a reputation in your field and then you can bring that knowledge to your teaching.' So this idea of teaching has been percolating for a while."

Judd is teaching International Intellectual Property Law in the fall, and next semester she will teach Copyright Law. Her coursework draws on years of experience as an international trade attorney who holds an L.L.M. in intellectual property law from George Washington University Law School and a J.D. from Vanderbilt University School of Law.

Judd's scholarship interests concern the intersection of intellectual property rights protection and international law, with a focus on international trade. Her current project concentrates on Trade-Related Aspects of Intellectual Property Rights (TRIPs) implementation in emerging and developing economies, and how



Patricia Judd



Charles Korsmo

particular provisions in the agreement provide either clarity or ambiguity in the quest for World Trade Organization (WTO) compliance by countries with varying socio-economic, cultural or legal norms and priorities.

As a professor of international law, she hopes that her students learn to be comfortable with the law as ever-changing. "Law students want to put everything in these neat little boxes, and the one thing I love about the world of international law is that lines are dotted not solid," she said. "I want my students to be comfortable with unanswered questions, because that is the crux of the fascinating work."

**Charles Korsmo** joins the Law School from Sullivan & Cromwell where he worked on multi-billion dollar lawsuits in the areas of real estate, shareholder derivative actions, and tax disputes. Korsmo, who holds a B.S. in Physics from Massachusetts Institute of Technology and a J.D. from Yale Law School, is teaching Torts in the fall and Land Use Controls in the spring.

Prior to private practice, he clerked with Judge Ralph K. Winter of the U.S. Court of Appeals for the Second Circuit. His background also includes work as a special assistant with the Environmental Protection Agency and work with several U.S. House of Representatives committees, including the House Policy Committee and the Homeland Security Committee.

In a previous life, Korsmo was a professional actor. Between the ages of ten

and thirteen, he appeared in several major motion pictures including *Dick Tracy*, *What About Bob?*, and *Hook*. His last role was in college when he starred in *Can't Hardly Wait*. Korsmo admits that he does occasionally draw upon his experience as an actor in the practice of law. "It helps with the stage fright of standing in front of almost one hundred first-year students," he joked. "I hope that my acting training helps my lawyering. It certainly makes me a bit more comfortable in front of crowds. The only thing is that as a lawyer I have to write all my lines."

Korsmo has indeed been writing his own lines. In his recent article, "The Financial Crisis and the Business Judgment Rule," published in *Corporate Governance Advisor*, Korsmo summarized two circuit court opinions involving bank mergers that were decided in the wake of the current financial crisis. "The boards of directors of these banks rushed through merger decisions and were sued for hurriedly accepting deals," explained Korsmo. "The courts refused to question the judgment of the boards in light of both the extraordinary circumstances and government pressure. This was the first indication that the Business Judgment Rule is in full flower, and that courts will not undo the mergers and other actions that took place."

Korsmo is also researching the Fraud on the Market Doctrine in securities class action lawsuits, arguing against the gate-keeping requirement of an efficient market for claims of market manipulation. □



## Professor Margaret Berger Retires

### *Luminary in the Field of Evidence*

If Hollywood were to abandon its stars for a night and produce a real world version of its popular crime-solving drama CSI, Professor Margaret Berger would be its brightest star. As forensic scientists combed through evidence, noses to the microscope analyzing everything from fingerprints to DNA, Berger would (literally) hold court, guiding the team, helping them assess the relevance, reliability, and ultimately, the admissibility of the evidence in question. She'd fight to bring the exonerating DNA evidence to the attention of the court, and to keep bogus pseudoscience away from the jury. At the close of the episode, when justice had ultimately been served, a hand-held camera would follow her, our real hero, out into the night. Fade to black.

While it's unlikely that we'll find Berger standing shoulder to shoulder with the actors on CSI, her unparalleled career as a scholar of scientific evidence should, by all accounts, at least land her a walk-on role. Indeed, in the world of forensic evidence and beyond, there are few on par with Margaret Berger.

A graduate of Radcliffe College and Columbia University School of Law, Berger, who retired last spring, has been instrumental in shaping the rules of evidence in both civil and criminal cases. Her four decades of service to Brooklyn Law School have helped build its reputation as one of the best in the country for the study of evidence.

"Margaret has for decades been one of the most prominent evidence scholars in the United States," said Lawrence Solan, Brooklyn Law School's Associate Dean for Academic Affairs. "She has been a mentor to many of the leading scholars of this generation and an important leader in the field."

At her retirement dinner last April, Dean Joan G. Wexler attempted to sum up her considerable accomplishments. "It's difficult to compress into a few minutes a comprehensive survey of Margaret's body of work. By my count, Margaret has written at least 35 law review articles and ten books, and she has been a contributing author of seven other books. Margaret has authored five Supreme Court *amicus* briefs. She has been a leader in her field and at the Law School. She has not only been present for—but has been



the inspiration for—much of the dramatic progress that Brooklyn Law School has made over the past four decades."

One of Berger's most notable professional achievements is the *amicus* brief she wrote on behalf of the Carnegie Commission on the Admissibility of Scientific Evidence in the landmark case of *Daubert v. Merrell Pharmaceutical, Inc.*, which established a two-pronged test for admissibility of scientific evidence, geared to ensuring that testimony "is not only relevant, but reliable."

But *Daubert* was just the beginning of a career in which she championed justice through the lens of evidence. In her *amicus* brief in *Idaho v. Wright* on behalf of the ACLU, for example, she successfully argued that the defendant's Sixth Amendment Rights had been violated by the admission of hearsay of a two-and-a-half year old child to a pediatrician in a sexual abuse case. Berger demonstrated that the defendant's rights had been violated by the admission of hearsay not only because she was unable to confront her accuser, but because the jury could not accurately assess the reliability of the child's out-of-court statements since the trial judge found that the child was unable to testify. In a 5-4 decision written by Justice Sandra Day O'Connor, the Court agreed that the defendant's Sixth Amendment rights had indeed been violated.

“She has been a leader in her field and at the Law School. Her national reputation has helped us attract some of the best and brightest students, as well as many of her esteemed colleagues, to Brooklyn Law School.” — Dean Joan G. Wexler

Outside of the court room, Berger has also made momentous contributions to the field of evidence. She contributed chapters to both editions of the *Federal Judicial Center's Reference Manual on Scientific Evidence* (1994, 2000) and co-authored *Evidence: Cases and Materials* (9th ed., 1997) (with Weinstein, Mansfield, and Abrams), which is the leading evidence casebook, finding its way into the hands of virtually every lawyer in training across the nation.

Berger has not only trained lawyers, she has also been instrumental in educating judges on the discreet issues that arise in the area of science and the law. In the series of programs she established at the Law School, "Science for Judges," which ran at the Law School from 2003 through 2007, she brought together some of most eminent minds in science from across the country — doctors, epidemiologists, statisticians, psychologists — in an effort to provide both state and federal judges with an understanding of cutting edge issues in the area of science and the law.

Berger's reputation as one of the nation's foremost experts on scientific evidence earned her membership to a very elite club of scientists and lawmakers asked to serve on a multitude of committees, working groups, and agencies in an effort to explore the veracity and admissibility of all manners of forensic evidence and scientific expert testimony.

“Margaret has for decades been one of the most prominent evidence scholars in the United States. She has been a mentor to many of the leading scholars of this generation.”

— Associate Dean Lawrence Solan

Most recently, she was part of a National Academy of Sciences Subcommittee on Science, Technology, and the Law panel that released a stinging report calling for a wholesale overhaul of the traditional crime lab system. This report is a hallmark of Berger's efforts to uncover deficiencies in the way the law handles scientific evidence. Her panel's findings made headlines and raised more than one eyebrow in the legal field. The report has been cited by the Supreme Court, and has been relied upon by defense counsel. Moreover, a Senate Judiciary Committee has held a hearing about it, and the Department of Justice is also studying the findings.



Margaret Berger with her family at her portrait unveiling.

For as much as she has given to her field, she has been generously recognized as well. She is a recipient of the Francis Rawle Award for outstanding contributions to the field of post-admission legal education by the American Law Institute/American Bar Association for her role in developing new approaches to judicial treatment of scientific evidence and in educating the legal and science communities about ways to implement these approaches.

In 1998, she was bestowed with the Suzanne J. and Norman Miles Chair, which she held before retiring from full-time teaching in 2008. Most recently, the Evidence Section of the American Association of Law Schools awarded her with the Wigmore Lifetime Achievement Award in 2009.

At her retirement dinner, Berger was presented with an exceptional gift from colleagues in her field: a draft of a *Festschrift*, a collection of articles written by some of the most influential minds in the field of evidence compiled by Professor Edward Cheng in her honor, which will be published by the *Brooklyn Law Review* in the spring.

“In many ways she has had the complete evidence career,” said Cheng, a protégé of Berger's. “She has done the scholarly writing, the theoretical pieces, the casebooks, and her treatise. She not only taught students, but also judges throughout the country, and led important programs and conferences.”

By all accounts, Berger has become one of the most celebrated and influential scholars in her field, but when asked to reflect on the most important moments of her career, she doesn't mention the *amicus* briefs, the treatises, or the Congressional committees. She has a simple answer: teaching evidence. “Evidence is one of those courses that's different than most,” she said. “It has so much to do with drawing inferences and using your imagination to see what proves what. I think the most exciting thing in teaching was having those students who just found it fascinating and really got fired up about it. And not just because they had to get a good grade or because they needed to understand it for the bar. They really fell in love with the subject matter. That's what I loved.” □



# FACULTY Notes

---

## William Araiza

### PUBLICATIONS

- *New Groups and Old Doctrine: Rethinking Congressional Power to Enforce the Equal Protection Clause*, \_\_ FLA. STATE L. REV. \_\_ (forthcoming)
- FIRST AMENDMENT LAW: FREEDOM OF EXPRESSION AND FREEDOM OF RELIGION (LexisNexis Supp. 2009) (with A.D. Hellman & T.E. Baker)
- CONSTITUTIONAL LAW: CASES, HISTORY AND DIALOGUES (LexisNexis Supp. 2009) (with P. Haddon, D. Roberts & M. Medina)
- *Constitutional Rules and Institutional Roles: Lessons from the Equal Protection Class of One and What it Means for Congressional Power to Enforce Constitutional Rights*, 62 SMU L. REV. 27 (2009)

### PRESENTATIONS

- Participant, Prawfsfest Works-in-Progress Conference, Florida State University School of Law
- Moderator, Broadcast Obscenity Law Panel, Southeastern Association of Law Schools

### APPOINTMENTS

- LexisNexis Law School Publishing Advisory Board

---

## Jonathan Askin

### PRESENTATIONS

- “Has Divestiture Worked? A 25th Anniversary Assessment of the Breakup of AT&T,” Open Infrastructure Alliance & the Internet Society, New York University
- “Internet Openness, Net Neutrality and Beyond,” Cardozo Law School
- “Tele-Futuring: Telecommunications Law & Policy in 2009 & Beyond,” New York City Bar
- “Lawyer 2.0 – the Role of the Attorney in an Internet-Enabled World,” KinnernetUSA

---

## Miriam Baer

### PUBLICATIONS

- *Governing Corporate Compliance*, 50 B.C. L. REV. 949 (2009)
- *Evaluating the Consequences of Calibrated Sentencing: A Response to Professor Kolber*, 109 COLUM. L. REV. SIDEBAR 11 (2009), [http://www.columbialawreview.org/Sidebar/volume/109/11\\_Baer.pdf](http://www.columbialawreview.org/Sidebar/volume/109/11_Baer.pdf).

### PRESENTATIONS

- Participant, University of Maryland School of Law Corporate Law Roundtable
- Participant, Law and Society Association’s Early Career Workshop

### MEDIA

- Guest blogger on Prawfsblog

---

## Derek Bambauer

### PUBLICATIONS

- *Cybersieves*, 59 DUKE L.J. \_\_ (forthcoming)
- *Filtering in Oz: Australia’s Foray into Internet Censorship*, 31 U. PA. J. INT’L L. \_\_ (forthcoming)

### PRESENTATIONS

- Speaker, “Internet Filtering and Censorship Forum,” Cyberspace Law and Policy Centre, University of New South Wales
- Speaker, “Cybersieves,” Second Annual Junior Scholars in IP Workshop at Michigan State University College of Law
- Speaker, “Censorship: Can the Internet Still Route Around Damage?” Computers, Freedom, & Privacy 2009 Conference
- Moderator, “The Sweet Smell of Copyright Protection,” New York Chapter of the Copyright Society of the U.S.A.

### APPOINTMENTS

- Grant Reviewer, Broadband Technology Opportunity Program, National Telecommunications and Information Administration, Department of Commerce

---

## Debra Bechtel

### PRESENTATIONS

- Co-chair, Edward V. Sparer Public Interest Law Symposium, “Getting It Right: Government’s Role in Housing and Economic Development;” “Local Government Innovations in Economic Development,” Brooklyn Law School

---

## Ursula Bentele

### PUBLICATIONS

- *The Not So Great Writ: Trapped in the Narrow Holdings of Supreme Court Precedents*, 14 LEWIS & CLARK L. REV. \_\_ (forthcoming)
- *Mining for Gold: The Constitutional Court of South Africa’s Experience with Comparative Constitutional Law*, 37 GA. J. INT’L & COMP. L. 219 (2009)

---

## Margaret Berger

### PRESENTATIONS

- ALL-ABA Live Video Webcast on *Daubert* Trends in Federal and State Courts, Philadelphia

### MEDIA

- Featured in the L.A. TIMES and on the D.C. NPR station with respect to *The Report on Forensic Science*, which she wrote as part of her work with the National Academy of Sciences Subcommittee on Science, Technology, and the Law

---

## Anita Bernstein

### PUBLICATIONS

- QUESTIONS & ANSWERS: TORTS (LexisNexis 2d ed. forthcoming) (with D.P. Leonard)
- UNDERSTANDING TORTS (LexisNexis 4th ed. forthcoming) (with J.L. Diamond & L.C. Levine)
- *Fellow-Feeling and Gender in the Law of Personal Injury*, 17 J.L. & POL’Y \_\_ (forthcoming)
- *Pecuniary Reparations Following National Crisis: A Convergence of Tort Theory, Microfinance, and Gender Equality*, 31 U. PA. J. INT’L L. \_\_ (forthcoming)

## FACULTY Highlights

- *Tort Theory, Microfinance, and Gender Equality Convergent in Pecuniary Reparations*, in *THE GENDER OF REPARATIONS* (Cambridge University Press 2009) (R. Rubio-Marín ed.)
- *Implied Reverse Preemption* [Symposium: The 10th Anniversary of RESTATEMENT (THIRD) OF TORTS: PRODUCTS LIABILITY], 74 *BROOK. L. REV.* 669 (2009)

### PRESENTATIONS

- Participant, “Tort Theory, Microfinance, and Gender Equity Convergent in Pecuniary Reparations,” Australian National University College of Law
- “Federal Recognition of Nonmarital Families,” University of Technology/Sydney Law Faculty
- “Tort Law Academic Workshop” and “Gender, Race, and Reparations,” University of Sydney

### ON THE ROAD

- Visiting Professor at Australian National University and the University of Sydney

---

### Frederic Bloom

#### PUBLICATIONS

- *Jurisdiction’s Noble Lie*, 61 *STAN. L. REV.* 971 (2009)

---

### Dana Brakman Reiser

#### PUBLICATIONS

- *Governing and Financing Blended Enterprise*, \_\_ *CHI.-KENT L. REV.* \_\_ (forthcoming)
- *For-Profit Philanthropy*, 77 *FORDHAM L. REV.* 2437 (2009)

---

### Michael Cahill

#### PUBLICATIONS

- *A Fertile Desert?*, in *CRIMINAL LAW CONVERSATIONS* (Oxford University Press 2009) (P. H. Robinson et al. eds.)
- *Attempt by Omission*, 94 *IOWA L. REV.* 1207 (2009).
- *Grading Arson*, 3 *CRIM. L. & PHIL.* 79 (2009)

---

### Stacy Caplow

#### PUBLICATIONS

- *The Gaelic Goetz: A Case of Self-Defense in Ireland*, 17 *CARDOZO J. INT’L & COMP. L.* 1 (2009)

#### PRESENTATIONS

- “Rounds: A Methodology for Problem-Solving,” Public Interest Law Initiative annual meeting, Budapest, Hungary
- “A Cautionary Tale: Using Stories from Other Legal Cultures as the Basis for Scholarship at Once Upon a Legal Time: Chapter 2,” Lewis & Clark University

---

### Edward Cheng

#### PUBLICATIONS

- *A Practical Solution to the Reference Class Problem*, 109 *COLUM. L. REV.* \_\_ (forthcoming)
- *Law, Statistics, and the Reference Class Problem*, 109 *COLUM. L. REV. SIDEBAR* 92
- *Response: Are Proffers of Inadmissible Evidence Wrongful?*, *INTERNATIONAL COMMENTARY ON EVIDENCE: VOL. 7: ISS. 1, ARTICLE 7* (2009)
- *Will Quants Rule the (Legal) World?*, 107 *MICH. L. REV.* 967 (2009)

#### PRESENTATIONS

- “A Practical Solution to the Reference Class Problem,” Emory University School of Law Faculty Workshop and University of Colorado Law School Faculty Colloquium
- “Law and Its Difficulties in Regulating Emerging Technologies,” New York City Bar Committee on Science and Law, Panel on Nanotechnology, Law, and Policy

---

### Neil B. Cohen

#### PRESENTATIONS

- “Security Interests in Intellectual Property under the UNCITRAL Legislative Guide on Secured Transactions,” World Intellectual Property Organization (WIPO) meeting, Geneva, Switzerland.
- Participant, Working Group meeting of UNCITRAL at the United Nations to prepare a Supplement to the UNCITRAL Legislative Guide on Secured Transactions

---

### Steven Dean

#### PUBLICATIONS

- *More Cooperation, Less Uniformity: Tax Deharmonization and the Future of the International Tax Regime*, 84 *TUL. L. REV.* \_\_ (forthcoming)
- *Introduction, Ruling the World*, 34 *BROOK J. INT’L L. REV.* 597 (2009) (with C. Kelly)

#### PRESENTATIONS

- “Tax Deharmonization,” UCLA Tax Policy and Public Finance Colloquium and the McGill University Tax Roundtable
- Co-organizer, Brooklyn Law School’s Junior Tax Scholars’ Workshop

---

### Robin Effron

#### PUBLICATIONS

- *The Future of Complex Litigation in the Era of Twombly and Iqbal*, 51 *WM. & MARY L. REV.* \_\_ (forthcoming)

#### PRESENTATIONS

- Guest Lecturer, University of Potsdam study abroad program on “Becoming a Lawyer in Germany and in America”
- Participant, German Law Journal 10th Anniversary Transnational Law Symposium, Berlin, hosted by the Federal Ministry of Justice and the Free University Law Department

#### MEDIA

- Editor, Civil Procedure and Federal Courts on the Law Professor Blogs Network



## NEWLY TENURED PROFESSOR

### Michael Cahill—Scholar of Criminal Law

Michael Cahill, a noted criminal law scholar, was awarded tenure this past spring. He has been teaching Criminal Law, Property, and Health Law at Brooklyn Law School since 2003.

Professor Cahill joined the faculty after spending a year at Chicago-Kent College of Law as a Visiting Assistant Professor of Law. Prior to teaching, from 2000–03, he was the staff director of the Illinois Criminal Code Rewrite and Reform Commission, helping to draft and revise criminal code provisions. He also served as a consultant for the Penal Code Reform Project of the Kentucky Criminal Justice Council. After earning his J.D. *magna cum laude* from the University of Michigan Law School, where he served as a Note Editor of the *Michigan Law Review*, Cahill clerked for Judge James B. Loken of the U.S. Court of Appeals for the Eighth Circuit. He also received an M.P.P. from the University of Michigan School of Public Policy and earned his undergraduate degree in Ethics, Politics & Economics from Yale University.

Since joining the Law School faculty, he has produced an impressive body of work in the area of criminal law. His book, *Law Without Justice: Why Criminal Law Doesn't Give People What They Deserve*, co-authored with Paul H. Robinson, was published by Oxford University Press in 2006 to high praise from reviewers. It has since been cited in a number of law review articles. Other work by Professor Cahill has appeared in the *Northwestern University Law Review*, *Iowa Law Review*, *Washington University Law Review*, the *Hastings Law Journal*, and the *University of Colorado Law Review*, among other journals.

Cahill's current research includes four major projects related to crime and punishment. He co-authored an empirical study testing people's beliefs about what constitutes blackmail, which he admits is "suddenly a hot topic with the Letterman story." He is co-authoring the second edition of a general treatise on criminal law, adding new chapters on sentencing, white collar crime, computer crime, and possession offenses. He is also writing a chapter of a volume to be



published by the Oxford University Press, which highlights the multiple, and sometimes competing, goals of the criminal justice system.

During his sabbatical in the spring, he plans on exploring how the law should deal with situations where multiple crimes "overlap" to cover the same conduct, including the question of when to charge multiple counts of certain crimes. "For example, the crime of arson is basically a combination of two other crimes — property damage and reckless endangerment," he explained. "When is it appropriate to charge someone with one, or two, or all three of those crimes for a single act of arson? Because double-jeopardy law imposes only modest limitations on multiple charges, often these decisions come down to prosecutorial discretion. There's a void in the law on this subject."

In addition to his research projects, Cahill hopes to add several more criminal law courses to his teaching curriculum as a tenured professor. One in particular would be a new course on criminal sentencing that would cover the theory and history of sentencing and would examine various sentencing systems under federal and state governments.

---

#### Elizabeth Fajans

##### PUBLICATIONS

- WRITING FOR LAW PRACTICE (Foundation Press 2d ed. forthcoming) (with M. Falk & H. Shapo)
- *Untold Stories: Restoring Narrative to Pleading Practice*, 15 J. LEGAL WRITING INST. 3 (2009) (with M. Falk)

---

#### Mary Falk

##### PUBLICATIONS

- WRITING FOR LAW PRACTICE (Foundation Press 2d ed. forthcoming) (with E. Fajans & H. Shapo)
- *The Play of Those Who Have Not Yet Heard of Games: Creativity, Compliance, and the 'Good Enough' Law Teacher*, 6 J. ALWD 200 (2009)

- 
- *Untold Stories: Restoring Narrative to Pleading Practice*, 15 J. LEGAL WRITING INST. 3 (2009) (with E. Fajans)

---

#### James Fanto

##### PUBLICATIONS

- BROKER-DEALER LAW AND REGULATION (Aspen Publishers Supp. 2009) (with N.S. Poser)
- *Recognizing the "Bad Barrel" in Public Business Firms: Social and Organizational Factors in Misconduct by Senior Decision-Makers*, 57 BUFF. L. REV. 1 (2009)

##### PRESENTATIONS

- Commenter, "Liquidity, Transparency and Regulation," Symposium on Bankruptcy Claims Trading and Securities Regulation, Brooklyn Law School

## NEWLY TENURED PROFESSOR

### Professor Edward Cheng — Expert in the Field of Scientific Evidence



Edward Cheng still remembers the day it came to him. He was in his first year of law school, about six weeks in at Harvard, in a torts class. That's when he knew. He wouldn't be a trial attorney or a partner in an internet law firm as he'd imagined. He would be a professor.

"That torts class single-handedly made me decide. I knew I wanted the job of the guy in the front of the room," he recalled. "Conceptually it was something that was exciting, and there were insights that I wanted to develop. From that point on it was just a process of figuring out how to become a professor."

That process began on the *Harvard Law Review*, where he was the Articles, Book Reviews & Commentaries Chair, followed by a clerkship for Judge Stephen F. Williams of the United States Court of Appeals for the D.C. Circuit, and a Searle Fellowship at Northwestern University School of Law. He joined the faculty of Brooklyn Law School in 2003 and was awarded tenure this past spring.

Since he joined the faculty six years ago, Cheng has become a noted authority on scientific, expert, and statistical evidence. He serves as the Chair-Elect of the Section on Evidence of the American

Association of Law Schools and is the co-author of the five-volume treatise *Modern Scientific Evidence* (with David Faigman, Michael Saks, and Joseph Sanders). His work has also appeared in the *Stanford Law Review*, *Duke Law Journal*, *Michigan Law Review*, *Northwestern Law Review*, and the *Virginia Law Review*.

Cheng credits much of his success to Professor Margaret Berger, who mentored him in the field of scientific evidence. "The ease with which I transitioned into the position I have now is in large part due to her," said Cheng. But he also credits the generous nature of the entire faculty. "This faculty is very supportive," he said.

In addition to Evidence, Criminal Law, and Torts, Cheng teaches seminars on Scientific and Statistical Evidence. In the future, he said that he hopes to teach a true statistics for lawyers course. "The class would enable a law student to understand an economic or epidemiological study and understand what is really going on in those studies," he said.

Cheng is currently working on two new pieces of scholarship: the first deals with alternate methods of presenting statistics in a more understandable and less intimidating way to jurors; and the second concerns "publication bias" in false confession cases. "When a judge excludes a false confessions expert for the defense, that decision tends to generate a legal opinion, but when that expert is allowed to testify you don't see anything published," Cheng explained. "My hypothesis is that this phenomenon creates a distortion, because someone doing research will tend to find only negative opinions."

While evidence and statistics comprise most of his scholarly work, Cheng admits that the root of his love of teaching is the class that started it all — torts. "It means a lot to me to teach torts because of the role it played in my professional development," he said. "My torts professor used to say, 'Each case is a note, and together they make up the music.' In my teaching, that's what I hope I can help my students hear."

- "Risk Management in International Financial Regulation: A Contributing Factor, and a Solution, to the Financial Crisis," New York International Law Review Symposium on "The Fallout: A Discussion of Response, Regulation and Recovery from the International Credit Crisis," St. John's University Law School
- "Anticipating the Unthinkable: Risk Management in Financial Institutions and Environmental Studies," Symposium on Corporate Governance and Climate Change, Wake Forest University Law School
- "Anticipating the Unthinkable: Risk Management in Financial Institutions," George Washington School of Law Conference and Boston College School of Law
- "Anticipating the Unthinkable: Risk Management in Financial Institutions," at "The Seventh Annual Capital Matters: Managing Labor's Capital Conference," and Commenter on two additional sessions on regulatory efforts to address financial meltdown and reasons for problems in financial institutions, Harvard Law School

---

#### Richard Farrell

##### PUBLICATIONS

- PRINCE, RICHARDSON ON EVIDENCE (11th ed. 2008 Cum. Supp.) (Brooklyn Law School)

##### PRESENTATIONS

- Lectured on developments and trends in evidence law at numerous bar association and trial lawyers' programs including New York County Lawyers, the New York City Bar, Nassau Academy of Law/ Suffolk Academy of Law Joint Program, Staff Attorneys of the New York Appellate Divisions and NYS Trial Lawyers Academy

---

#### Maryellen Fullerton

##### PUBLICATIONS

- *Portugal and European Union Asylum Policy*, 59 CATH. U. L. REV. \_\_\_ (forthcoming)



- IMMIGRATION AND NATIONALITY LAWS OF THE UNITED STATES: SELECTED STATUTES, REGULATIONS AND FORMS (Thomson West 2009) (with T.A. Aleinikoff, D. Martin, and H. Motomura)

## PRESENTATIONS

- “European Perspectives on Asylum,” Conference on Portuguese and American Law, Washington, D.C.
- Moderator and Discussant, “Expanding Access to Legal Protection for Refugees in Africa and Asia,” Refugee Law Working Group, Spain

**Marsha Garrison**

## PUBLICATIONS

- THE LAW OF BIOETHICS: INDIVIDUAL AUTONOMY AND SOCIAL REGULATION (West Publishing 2d ed. 2009) (with C.E. Schneider)
- *Why Has the United States Failed to Ratify the U.N. Convention on the Rights of the Child?*, in MARGINALIZED IDENTITIES IN THE DISCOURSE OF JUSTICE: REFLECTIONS ON CHILDREN’S RIGHTS (Polymetrica International 2009) (G. Cortese ed.)
- *Child Support*, in THE CHILD: AN ENCYCLOPEDIA COMPANION (University of Chicago Press 2009) (R. Shweder ed.)

## PRESENTATIONS

- “Cross-National Perceptions of Fairness in Property Distribution at Divorce,” Law & Society Annual Meeting: Roundtable on Empirical Methods in Family Law

**Joel Gora**

## PUBLICATIONS

- BETTER PARTIES, BETTER GOVERNMENT: A REALISTIC PROGRAM FOR CAMPAIGN FINANCE REFORM (AEI Press 2009) (with P.J. Wallison)

## PRESENTATIONS

- Debater, teleconference on campaign finance issues before the Board of Directors of the ACLU of Texas

**William Hellerstein**

## APPOINTMENTS

- Board of Directors, Exoneration Initiative, Inc., a non-DNA Innocence Project that investigates and litigates claims of actual innocence of New York State prison inmates
- Permanent Member, New York State Justice Task Force on Wrongful Conviction

**Susan Herman**

## PUBLICATIONS

- *Clarence Thomas*, in JUSTICES OF THE UNITED STATES SUPREME COURT (Chelsea House 2d ed. forthcoming) (L. Friedman ed.)
- *Federal Criminal Litigation in 20/20 Vision*, 13 LEWIS & CLARK L. REV. 461 [Conference: Celebrating the 40th Anniversary of the Federal Judicial Center] (2009)
- *Criminal Procedure Decisions from the October 2007 Term*, 25 TOURO L. REV. 587 (2009)

## PRESENTATIONS

- Keynote Speaker, Women’s Rights Law Reporter 40th Anniversary Symposium on Women and Terrorism, Rutgers Law School
- Keynote Speaker, U.S. Army War College in Carlisle, PA
- Keynote Speaker, National Security Seminar
- Keynote Speaker, ACLU of Mississippi 40th Anniversary Dinner
- Keynote Speaker, Conference of the National Association of Appellate Court Attorneys
- Participant, Department of Justice Forum on Criminal Sentencing Issues
- Participant, U.S. Delegation at the Carnegie Endowment for Peace U.S. – Russia Roundtable on Democracy and Human Rights
- Panelist, Federal Judicial Center Seminar for Federal Defenders
- Panelist, Annual PLI Supreme Court Review
- Speaker, “Civil Liberties and the Obama Administration,” Eastern District of New York law clerks brown bag lunch
- As President of the ACLU, speaker at numerous events and meetings around the country dealing with civil liberties issues, these included the Maine, Texas, North Carolina, and Canadian Civil Liberties Associations, as well as speeches at Cornell University, the University of Toledo Law School, and the High School Junior Statesmen Program.

## MEDIA

- Gave several radio and television appearances including: WNET in New York; WGME and NPR in Portland, ME; and WAMC in Albany, NY, relating to civil liberties issues.

**Edward Janger**

## PUBLICATIONS

- *Virtual Territoriality*, 47 COLUM. J. TRANSNAT’L L. \_\_ (forthcoming)
- *The Costs of Liquidity Enhancement*, 4 BROOK J. CORP. FIN. & COM. L. \_\_ (forthcoming)
- *Demand Side Gatekeepers in the Market for Home Loans*, 82 TEMP. L. REV. \_\_ (forthcoming) (with S. Block-Lieb)

## PRESENTATIONS

- “The Costs of Liquidity Enhancement,” Symposium on “Claims Trading and Securities Regulation,” Brooklyn Law School
- “Gatekeepers and Goals in the Market for Home Loans,” at the conference “Overindebtedness: Everyday Risk in Modern Societies? Theoretical Aspects and Empirical Findings in International Perspective,” Chemnitz University of Technology and Temple Law School

## MEDIA

- “On Point” (WGBH), discussing “Chrysler, GM and Bankruptcy”

**Aliza Kaplan**

- *A New Approach to Ineffective Assistance of Counsel in Removal Proceedings*, \_\_ RUTGERS L. REV. \_\_ (forthcoming)

---

### Roberta Karmel

#### PUBLICATIONS

- *The SEC Embraces Mutual Recognition*, in PERSPECTIVES IN COMPANY LAW AND FINANCIAL REGULATION (Cambridge University Press 2009) (M. Tison et al. eds.)
- *The Hardening of Soft Law in Securities Regulation*, 34 BROOK. J. INT'L L. 883 (2009) (with C. Kelly)
- *Life at the Center, Reflections on My Career*, 18 BUS. LAW TODAY 49 (2009)

#### PRESENTATIONS

- Graduation Speaker, University of Tennessee Law School
- Q&A on "The Future of the SEC," Seattle University Law School
- Commentator, Symposium on "Bankruptcy Claims Trading and Securities Regulation," Brooklyn Law School
- "Voting Power Without Responsibility or Risk – How Should Proxy Reform Address the Decoupling of Economic and Voting Rights?" Symposium on "The Rise (and Fall?) of the New Shareholder: Sovereign Wealth Funds, Hedge Funds, and Private Equity," Villanova University School of Law
- "The Future of the SEC as a Market Regulator," University of Cincinnati Law Review Symposium on "New Models of Regulating the Financial Markets"
- Panelist, ABA Business Law Section Spring Meeting program on "After the Crash—The SEC's Role in Our Brave New Financial World," Vancouver
- Speaker, "The Future of the SEC," The Securities Regulation Committee of the New York State Bar Association
- Speaker, "Self-Regulation and the Future of Securities Law," Instituto dos Valores Mobiliarios, University of Lisbon, Madrid
- Speaker, "The Future of Self-Regulation" at the Division of Market Surveillance 9<sup>th</sup> Annual Training Conference of the New York Stock Exchange
- Speaker, "Women in the Law," and "International Financial Regulatory Reform and the Securities Law: Where Are We Heading?," ABA Annual Meeting, Chicago

#### APPOINTMENTS

- Re-appointed to the ABA Presidential Task Force on Financial Regulatory Reform for 2009–2010 and Continuing Advisor to the Business Law Section of the ABA for 2009–2010

---

### Claire Kelly

#### PUBLICATIONS

- *The Politics of Legitimacy in UNCITRAL Working Methods*, in THE POLITICS OF INTERNATIONAL ECONOMIC LAW (Cambridge University Press forthcoming) (T. Broude, M. Busch and A. Porges eds.)
- *The Hardening of Soft Law in Securities Regulation*, 34 BROOK. J. INT'L L. 883 (2009) (with R. Karmel)
- *Introduction, Ruling the World*, 34 BROOK. J. INT'L L. 597 (2009) (with S. Dean)

---

### Minna Kotkin

#### PUBLICATIONS

- *Of Authorship and Audacity: An Empirical Study of Gender Disparity and Privilege in the "Top Ten" Law Reviews*, 31 WOMEN'S RTS. L. REP. \_\_ (forthcoming)
- *Diversity and Discrimination: A Look at Complex Bias*, 50 WM. & MARY L. REV. 1439 (2009)

#### PRESENTATIONS

- "Diversity and Discrimination," Feminist Legal Theory Conference, University of Baltimore
- "Ten Tips for the Amateur Empiricist," Southeastern Association of Law Schools Annual Meeting

---

### Bailey Kuklin

#### PUBLICATIONS

- *The Natures of Universal Moralities*, 75 BROOK. L. REV. \_\_ (forthcoming)

---

### Rebecca Kysar

#### PUBLICATIONS

- *Listening to Congress: Earmark Rules and Statutory Interpretation*, 94 CORNELL L. REV. 519 (2009)

#### PRESENTATIONS

- Commentator, Federal Budget and Tax Policy for a Sound Fiscal Future, Washington University School of Law, St. Louis
- "Free Standing Doctrine," Critical Tax Conference at Indiana University Maurer School of Law
- "Listening to Congress: Earmark Rules and Statutory Interpretation," Yale Law Journal Reading Group
- Co-organizer, Brooklyn Law School's Junior Tax Scholars' Workshop; presenter, "Lasting Legislation," Commentator, two papers: "A Study of Congressional Signaling through Tax Legislation" and "Federalism and Tax Expenditures"

#### MEDIA

- Op-ed, *Transition Rules and Statutory Interpretation*, TAXPROF BLOG (April 28, 2009)

---

### Tom Lin

#### PUBLICATIONS

- *Undressing the CEO: Disclosing Private, Material Matters of Public Company Executives*, 11 U. PA. J. BUS. L. 2 (2009)

---

### Brian Lee

#### PUBLICATIONS

- *Preventive War, Deterrent Retaliation, and Retrospective Disproportionality*, 2009 BYU L. REV. 253 (2009)

## NEWLY TENURED PROFESSOR

### Jason Mazzone — Leading Scholar in Constitutional Law



When state and federal judges regularly rely upon your analysis of the law, you know you have arrived at a very rare place in your career. Professor Jason Mazzone, a scholar with his fingers on the pulse of Supreme Court jurisprudence, is in that very special place.

Mazzone, who received tenure this past spring, began teaching at Brooklyn Law School in 2003. His path to becoming a professor included a B.A. from Harvard University, an M.A. from Stanford University, a J.D. from Harvard Law School, an LL.M. and J.S.D. from Yale Law School, and clerkships with Judge Robert Sack of the United States Court of Appeals for the Second Circuit and Judge John Koeltl of the United States District Court for the Southern District of New York.

He has become a renowned authority on constitutional law and is often relied upon for his ability to synthesize the vast body of Supreme Court case law into understandable sets of principles. He is regularly called upon to speak to state and federal judges whom he schools on the current state of constitutional law. “Many judges don’t have the luxury of time to read all of the Supreme Court’s decisions,” he explained. “They need some way of being informed of what the Court has done and what it might do in the future. They don’t want to be reversed on appeal.”

But it’s not only judges who want to tap into Mazzone’s expertise. He is also a regular source for a variety of programs geared toward non-lawyers who have a curiosity about how government

works and who are eager to learn about the decisions of the Supreme Court and how they may affect them. “These programs are really satisfying for me,” he said. “You are translating a language that we understand as lawyers into information that people who don’t have the same training can digest and comment on. It’s a challenge, but it’s also very rewarding.”

Mazzone is a prolific author in the areas of intellectual property law and constitutional law. His recent publications include “The Bill of Rights in the Early State Courts,” in the *Minnesota Law Review*; “Unamendments,” in the *Iowa Law Review*; and “The Security Constitution” in the *UCLA Law Review*. His most recent article, “When the Supreme Court is Not Supreme,” to be published in 2010 by *Northwestern University Law Review*, looks at the role of state courts in deciding issues of federal constitutional law. “I argue that for a variety of technical reasons state courts have a lot of independent authority. In addition, the Supreme Court is making itself less relevant by deciding fewer and fewer cases. As a result, state courts have a lot of leeway to decide issues of federal constitutional law with little chance of review by the Supreme Court.”

This summer, he completed the manuscript of a highly anticipated book to be published shortly by Stanford University Press entitled, *Copyfraud and Other Abuses of Intellectual Property*. The book discusses the problem of overreaching: uses of intellectual property law to assert rights beyond those the law actually confers. His book is already becoming a highly influential work, and he is credited with developing the term “copyfraud,” which is widely used to describe false claims of intellectual property rights.

While he teaches judges and educates lawyers and lay people alike, Mazzone is most passionate about his first calling: law professor. Among the classes he teaches are Constitutional Law, American Legal History, two advanced seminars in Intellectual Property Law, and a new class in Law and Social Science. “As law professors we can have a foot in two camps,” he said. “We are involved in teaching, research, and scholarship, but also in shaping the law and doing something practical, which ranges from training future lawyers, to participating in matters that might be litigated, and advising legislatures on bills. It’s a great combination of being in an intellectual environment and having the ability to do something that really matters.”

#### Jason Mazzone

##### PUBLICATIONS

- *COPYFRAUD AND OTHER ABUSES OF INTELLECTUAL PROPERTY* (Stanford University Press forthcoming)
- *Emergency Commandeering*, in *DISASTER LAW READER* (forthcoming) (K.A. Bergin & T.L. McGaugh eds.)
- *When the Supreme Court is Not Supreme*, 104 *Nw. U.L. Rev.* \_\_ (forthcoming)
- *Administering Fair Use*, 51 *WM. & MARY L. REV.* \_\_ (forthcoming)

##### PRESENTATIONS

- “Who Should Regulate Fair Use?” William & Mary Law School

- “Fixing Fair Use,” Copyright Society of the USA
- “Administering Fair Use,” Drake Law School
- “From Copyright to Contract,” Copyright Society of the USA Annual Meeting
- “Copyright and the Administrative State,” Southeastern Association of Law Schools Annual Meeting

##### MEDIA

- “Audit Them All,” *Legal Times* (May 26, 2009)
- Featured and quoted in several national newspapers and periodicals including *USA Today* and *BNA Patent, Trademark and Copyright Journal* on issues related to copyright and tax law



## NEWLY TENURED PROFESSOR

### David Reiss — Authority on Housing Finance Policy

David Reiss, an accomplished scholar in the areas of real estate finance and community development, was awarded tenure this fall. Professor Reiss joined the Brooklyn Law School faculty in 2003 from Seton Hall Law School Center for Social Justice, where he was a Visiting Clinical Associate Professor. During his first semester at the Law School, Reiss started the Community Development Clinic that offers students an opportunity to represent community development organizations, cultural institutions, and other not-for-profit entities.

Reiss continues to mentor his students through his Clinic, and also teaches Real Estate Practice, Property, and a Property Law Colloquium, which allows students to explore the theoretical underpinnings of significant debates in property law and urban policy. “I enjoy teaching large classes, like Real Estate and Property,” said Reiss, “and the Clinic keeps me in touch with the practice of law, and the colloquium keeps me in touch with cutting edge issues in the law, so I couldn’t have a better teaching load than the one I have now.”

Before joining the academic community, Reiss was an associate in the New York office of Paul, Weiss, Rifkind, Wharton & Garrison in its Real Estate Department, and an associate in the San Francisco office of Morrison & Foerster in its Land Use and Environmental Law Group. Prior to that, he was a law clerk to Judge Timothy Lewis of the United States Court of Appeals for the Third Circuit. Before attending law school,



he worked for four years at Community Access, a not-for-profit that helps people with psychiatric disabilities make the transition from shelters and hospitals to independent living. Reiss received his B.A. from Williams College and his J.D. from the New York University School of Law.

Reiss’s article, “Subprime Standardization: How Rating Agencies Allow Predatory Lending to Flourish in the Secondary Mortgage Market,” published in the *Florida State University Law Review*, was named best article of 2006 on a topic dealing with consumer financial services law by the American College of Consumer Financial Services Lawyers.

He continues to write extensively in the areas of real estate finance, community development, and housing policy. His most recent scholarship includes a policy analysis for the Cato Institute on the Future of the Government Sponsored Enterprises Fannie Mae and Freddie Mac, and he is finishing an article on first principles for an effective federal housing policy for the *Brooklyn Journal of International Law*, which he plans on developing into a book. Another article on Fannie Mae and Freddie Mac, which examines the future of federal housing finance policy, will be published in the *Alabama Law Review*. Reiss also contributed two chapters to the forthcoming book, *Lessons from the Financial Crisis—Insights and Analysis from Today’s Leading Minds* (Robert R. Kolb, ed.) (forthcoming 2010). His chapters are entitled, “Rating Agencies: Facilitators of Predatory Lending in the Subprime Market,” and “Fannie Mae and Freddie Mac: Privatization Profit and Subsidizing Loss.”

In addition to his scholarship and teaching, Reiss is frequently out in the field, working on policy initiatives, delivering lectures, and presenting his work at a variety of conferences including the International Banking, Economics and Finance Association, the Canadian Law and Economics Association, and the Association for Law, Property and Society. He has also become an often-quoted expert on a range of real estate issues in the media.

---

#### Gary Minda

##### PUBLICATIONS

- *WORK LAW IN AMERICAN SOCIETY* (Carolina Academic Press 2d ed. 2009) (with K.M. Casebeer)
- *Lessons From a Financial Meltdown: Discovering the Relevance of Global Feminism*, \_\_ AM. U. J. GENDER SOC. POL’Y & L. \_\_ (2009)
- *Reimagining Justice in the Aftermath of Financial Crisis*, [University of Denver Law School Symposium: On Justice], \_\_ IOWA J. OF GENDER, RACE & JUST. \_\_ (2009)

- *Monopoly Pricing on Campus: New York’s Textbook Access Act* [Symposium: Developments in New York Law], 29 PACE L. REV. 523 (2009)

##### PRESENTATIONS

- “Justice and the Financial Crisis of 2008,” University of Denver Conference on Substantive Justice
- “Critical Social Theory and the Failure of Capitalism,” Habermas Conference, Institute of Philosophy, the Czech Republic

---

**Minor Myers****PUBLICATIONS**

- *The Decisions of Corporate Special Litigation Committees: An Empirical Investigation*, 84 IND. L.J. 1309 (2009)

**PRESENTATIONS**

- “The Decisions of Special Litigation Committees,” Fifth Annual NYU/Penn Conference on Law & Finance and at the Annual Meeting of the Southeastern Association of Law Schools
- 

**James Park****PUBLICATIONS**

- *Shareholder Compensation as Dividend*, 108 MICH. L. REV. \_\_ (forthcoming)
- *Assessing the Materiality of Financial Misstatements*, 34 J. CORP. L. 513 (2009)

**PRESENTATIONS**

- Panelist, conference on “Corporate Governance and Securities Law Responses to the Financial Crisis,” University of Maryland Law School
- 

**Arthur Pinto****PUBLICATIONS**

- *An Overview of United States Corporate Governance in Publicly Traded Corporations*, \_\_ AM. J. COMP. LAW \_\_ (forthcoming) (National Report on Corporate Governance for the 18th Congress of International Academy of Comparative Law)
- 

**Norman Poser****PUBLICATIONS**

- *BROKER-DEALER LAW AND REGULATION* (Aspen Publishers Supp. 2009) (with J. Fanto)
- *Securities Fraud and the Common Law*, 42 REV. SEC. & COMMODITIES REG. 1 (2009)
- *Why the SEC Failed: Regulators Against Regulation*, 3 BROOK. J. CORP. FIN. & COM. L. 289 (2009)

**PRESENTATIONS**

- Lecturer, Wharton School of the University of Pennsylvania Executive Education Program on broker-dealer issues
- 

**David Reiss****PUBLICATIONS**

- *Fannie Mae and Freddie Mac: Privatizing Profit and Socializing Loss & Ratings Agencies: Facilitators of Predatory Lending in the Subprime Market*, in *LESSONS FROM THE FINANCIAL CRISIS: INSIGHTS AND ANALYSIS FROM TODAY’S LEADING MINDS* (forthcoming) (R.W. Kolb ed.)

- *Regulation of Subprime and Predatory Lending*, in *THE INTERNATIONAL ENCYCLOPEDIA OF HOUSING AND HOME* (Elsevier forthcoming)
- *Fannie Mae and Freddie Mac and the Future of Federal Housing Finance Policy: A Study of Regulatory Privilege*, 61 ALA. L. REV. \_\_ (forthcoming)
- *First Principles for an Effective Federal Housing Policy*, \_\_ BROOK. J. INT’L L. \_\_ (forthcoming)
- *Ratings Failure: The Need for a Consumer Protection Agenda in Rating Agency Regulation*, in *BANKING AND FINANCIAL SERVICES POLICY REPORT* (Aspen Publishers forthcoming)
- *Book Review*, \_\_ ENV’T & PLAN. A \_\_ (forthcoming) (reviewing Dan Immergluck, *FORECLOSED: HIGH-RISK LENDING, DEREGULATION, AND THE UNDERMINING OF AMERICA’S MORTGAGE MARKET* (2009))
- *Policy Analysis: Which Future for Fannie and Freddie?* (Cato Institute forthcoming)
- *Rating Agencies and Reputational Risk* [Symposium Issue], 4 J. BUS. & TECH. L. 295 (2009)
- *The Role of the Fannie Mae/Freddie Mac Duopoly in the American Housing Market*, 17 J. FIN. REG. & COMPLIANCE 336 (2009)

**PRESENTATIONS**

- Participant, Weil, Gotshal and Manges Roundtable on the “Future of Financial Regulation,” Yale Law School
- Presenter, “Fannie Mae and Freddie Mac and the Future of Federal Housing Finance Policy: A Study of Regulatory Privilege,” at the “Real Property, Mortgages and the Economy: A Call for Ethics and Reform” Conference, Pace Law School
- Co-chair, Edward V. Sparer Public Interest Law Symposium, “Getting it Right: Government’s Role in Housing and Economic Development,” Moderator, “The Future of Federal Housing Finance Policy”
- Panelist, “The Legitimacy of Using Tax Breaks to Promote Professional Sports Facilities,” Third Annual Land Use and Real Estate Development Forum, New York Law School
- Presenter, “Fannie Mae and Freddie Mac and the Future of Federal Housing Finance Policy: A Study of Regulatory Privilege,” Canadian Law and Economics Association; International Banking, Economics and Finance Association Summer Conference
- Discussant, “Bankruptcy and Reorganization Procedures for Cross-Border Banks in the EU: Towards an Integrated Approach to the Reform of the EU Safety Net,” International Banking, Economics and Finance Association Summer Conference

**MEDIA**

- *The New York Times*, “THE LOCAL BLOG” section on real estate finance; in *Newsday* on environmental law; and NPR Marketplace on housing finance policy
- 

**Jayne Ressler****PUBLICATIONS**

- *Plausibly Pleading Personal Jurisdiction*, \_\_ TEMP. L. REV. \_\_ (forthcoming)

---

### Elizabeth Schneider

#### PUBLICATIONS

- WOMEN AND THE LAW STORIES (Foundation Press forthcoming) (with S. M. Wildman)
- *The Changing Shape of Federal Civil Pretrial Practice: The Disparate Impact on Civil Rights and Employment Discrimination Cases*, 158 U. PA. L. REV. \_\_ (forthcoming)
- DOMESTIC VIOLENCE AND THE LAW: THEORY AND PRACTICE (Foundation Press Supp. 2009) (with E. Sack)
- *Domestic Violence, Citizenship and Equality*, in GENDER EQUALITY: DIMENSIONS OF WOMEN'S EQUAL CITIZENSHIP (Cambridge University Press 2009) (L. C. McClain & J. L. Grossman eds.)

#### PRESENTATIONS

- "The Changing Shape of Federal Civil Pretrial Practice: The Disparate Impact on Civil Rights and Employment Discrimination Cases," Cornell Law School Faculty Workshop
- "Domestic Violence, Citizenship and Equality," Conference on "Thinking Outside the Box: New Challenges and New Approaches to Domestic Violence," St. John's University Law School
- Speaker, "Bryn Mawr College and Feminism," Bryn Mawr College Seminar (video-conference in New York) on "Women's Higher Education in the 19th and 20th Centuries: The History of Bryn Mawr College"
- Presentator, "The Changing Shape of Federal Pretrial Practice: The Disparate Impact on Civil Rights and Employment Discrimination Cases," Roundtable on "Gender and Citizenship," Law and Society Association Annual Meeting, Denver
- Panelist, National Employment Lawyers Association Annual Meeting, "Dealing Effectively with the New Federal Rule 56 on Summary Judgment," and "Rethinking Summary Judgment," Rancho Mirage, California

---

### Christopher Serkin

#### PUBLICATIONS

- *Condemning Religion: RLUIPA and the Politics of Eminent Domain*, 85 NOTRE DAME L. REV. \_\_ (forthcoming) (with N. Tebbe)
- *Entrenching Environmentalism: Private Conservation Easements Over Public Land* [Symposium: Reassessing the State and Local Government Toolkit] 77 U. CHI. L. REV. \_\_ (forthcoming)
- *Existing Uses and the Limits of Land Use Regulations*, 84 N.Y.U. L. REV. \_\_ (forthcoming)
- *Inter-Local Externalities: Further Thoughts on Richard Briffault's "Extraterritoriality and Local Autonomy"* [Symposium: Home Rule] 86 DENV. U. L. REV. 1329 (2009)

#### PRESENTATIONS

- "Existing Uses and the Limits of Land Use Regulations," New York University School of Law
- "Entrenching Environmentalism: Private Conservation Easements Over Public Land" at "Reassessing the State and Local Government Toolkit," University of Chicago Law School
- "Property Protection and Investment," University of Chicago Law School

---

### Lisa Smith

#### PRESENTATIONS

- Meeting Chair, "ReEntry and the Second Chance Act," ABA Criminal Justice Section
- Program Coordinator, "Crime and the Economy," Brooklyn Chamber of Commerce

#### MEDIA

- Court TV, commented on cases and trials including *Mass. v. Hilton*, *Tenn. v. Jackson*, *Mich. v. Calamita*, *Vermont v. Rooney*, *Florida v. Catabay*, and *Florida v. Fast*
- *ABA State of Criminal Justice 2009 – ReEntry Initiative*, AMERICAN BAR ASSOCIATION NEWSLETTER (ReEntry and Collateral Consequences Committee), Apr. 2009

---

### Lawrence Solan

#### PUBLICATIONS

- OXFORD HANDBOOK OF LANGUAGE AND LAW (Oxford University Press forthcoming) (with P. Tiersma)
- UNDER THE LAW: STATUTES AND THEIR INTERPRETATION (University of Chicago Press forthcoming)
- *Doing Wrong Without Creating Harm*, 7 J. EMPIRICAL LEGAL STUD. \_\_ (forthcoming) (with J. Darley, M. Kugler, J. Sanders)
- *Blame, Praise, and the Structure of Legal Rules*, 75 BROOK. L. REV. \_\_ (forthcoming)
- *Statutory Interpretation in the EU: The Augustinian Approach*, in TRANSLATION ISSUES IN LANGUAGE AND LAW (Palgrave Macmillan 2009) (D. Stein, F. Olsen & A. Lorz eds.)
- *The Interpretation of Multilingual Statutes by the European Court of Justice*, 34 BROOK. J. INT'L L. 277 (2009)

#### PRESENTATIONS

- "Learning from Legal Texts: Law, Language and the Modular Mind," Universities in Wuhan, Xi'an and Beijing, China
- "Who Should Interpret Statutes," Law and Society Association Annual Meeting, Denver
- "Law, Language and the Art of Judging," New York Family Court Judges Association, New York
- "Setting Standards for Forensic Authorship Identification," International Association of Forensic Linguistics, Amsterdam

---

### Yane Svetiev

#### PUBLICATIONS

- *Networked Competition Governance in the EU: Delegation, Decentralization or Experimentalist Architecture?*, in EXPERIMENTALIST GOVERNANCE IN THE EUROPEAN UNION: TOWARDS A NEW ARCHITECTURE (Oxford University Press forthcoming) (C.F. Sabel & J. Zeitlin eds.)

#### PRESENTATIONS

- Participant, European Union Center of Excellence Workshop on "Exporting Experimentalist Governance," University of Wisconsin at Madison



- Presenter, “Learning from Difference in International Anti-Trust,” EU Center of Excellence, University of Wisconsin at Madison
- Participant, Loyola University of Chicago Annual Antitrust Colloquium
- Participant, Eighth Meeting of the International Competition Network (ICN), Zurich

#### OTHER

- Invited Visitor to the German Anti-Cartel Office (the Bundeskartellamt) in Bonn, Germany to conduct investigations in light of research on the operation of the European Competition Network

---

### Victoria Szymczak

#### PRESENTATIONS

- Panelist, “Hot Topic: The New Economic Reality: Opportunity or Catastrophe?,” American Association of Law Libraries

#### MEDIA

- Contributing author for the Law Librarian Blog, Law Professors Network

---

### Winnie Taylor

#### PUBLICATIONS

- *Eliminating Racial Discrimination in the Subprime Mortgage Market: Proposals for Fair Lending Reform* [Symposium: Getting it Right: Government’s Role in Housing and Economic Development] \_\_ J. L. POL’Y \_\_ (forthcoming)

#### PRESENTATIONS

- Presenter, “Eliminating Workplace Harassment—An Employment Law Update,” Credit Union National Association

---

### Nelson Tebbe

#### PUBLICATIONS

- *Equal Access and the Right to Marry*, 158 U. PA. L. REV. \_\_ (forthcoming) (with D. Widiss)
- *Constitutional Borrowing*, 108 MICH. L. REV. \_\_ (forthcoming) (with R. Tsai)
- *Condemning Religion: RLUIPA and the Politics of Eminent Domain*, 85 NOTRE DAME L. REV. \_\_ (forthcoming) (with C. Serkin)
- *Excluding Religion: A Reply*, 157 UNIVERSITY OF PENNSYLVANIA LAW REVIEW PENNUMBRA 283 (2009), <http://www.pennumbra.com/responses/05-2009/Tebbe.pdf>
- *Privatizing and Publicizing Speech*, 104 NW. U. L. REV. COLLOQUY 70 (2009)

#### PRESENTATIONS

- “Inheritance and Disinheritance,” South African Institute for Advanced Constitutional, Public, Human Rights and International Law, Johannesburg, South Africa
- Panelist, “From Arraignment to Trial in the Federal Criminal

System,” New York County Lawyers’ Association

- “Constitutional Borrowing,” Association for the Study of Law, Culture, and the Humanities Annual Conference, Boston and Brooklyn Law School Faculty Colloquium
- Speaker, “Lawyers’ New Responsibilities Concerning Real Evidence,” 2009 Criminal Law Update, John Jay College of Criminal Justice
- Speaker, “Should University Antidiscrimination Rules Apply to Religious Student Groups?” Fordham Law School’s Institute on Religion, Law & Lawyers’ Work
- Panelist, “Trial and Beyond in the Federal Criminal System,” New York County Lawyers’ Association
- Discussant, “Current Topics in Legal Ethics” for the United States Court of Appeals for the Second Circuit Staff Attorneys

#### MEDIA

Guest blogger on Prawfsblawg (July 2009)

---

### Ben Trachtenberg

#### PUBLICATIONS

- *Co-conspirators, “Coventurers,” and the Exception Swallowing the Hearsay Rule*, 61 HASTINGS L.J. \_\_ (forthcoming)
- *Incarceration Policy Strikes Out: Exploding Prison Population Compromises the U.S. Justice System*, A.B.A. JOURNAL (Feb. 2009)

---

### Aaron Twerski

#### PUBLICATIONS

- *Manufacturers’ Liability for Defective Product Designs: The Triumph of Risk-Utility*, 74 BROOK. L. REV. 1061 (2009) (with J. A. Henderson, Jr.)

#### PRESENTATIONS

- “Negligence Per Se and Res Ipsa Loquitur: Kissing Cousins,” Wake Forest Law School Symposium

---

### Marilyn Walter

#### PUBLICATIONS

- *Using Dowry Death Law to Teach Legal Writing in India*, 15 J. LEGAL WRITING INST. 213 (2009)

#### PRESENTATIONS

- Panelist, “Tales of Development in Legal Writing and Research Told by Pioneers and Newcomers,” Conference of the Association of Legal Writing Directors, Kansas City, MO

---

### Saul Zipkin

#### PUBLICATIONS

- *The Election Period and Regulation of the Democratic Process*, 18 WM. & MARY BILL RTS. J. \_\_ (forthcoming)

## The Law Firm Challenge: Building the BLS Alumni Community

**B**rooklyn Law School is proud to announce the launch of the new alumni program *Partners in Leadership: The BLS Law Firm Challenge*. The Law Firm Challenge was developed during the summer of 2009 under the leadership of Sullivan & Cromwell LLP partner and Brooklyn Law School Board of Trustees member Francis “Frank” Aquila ’83, who recommended the Law School explore new ways to deepen its connection to its growing law firm alumni community. In the few short months since its creation, over 30 volunteers at 15 top law firms have enthusiastically signed on to accept the Challenge and lead the program as Representatives at their respective firms. [See below].

Over the course of the year, Representatives at participating firms will communicate with their fellow BLS graduates with news about the Law School and with invitations to a variety of BLS events.

They will also encourage support of the BLS Annual Fund. While the gifts are individual, Brooklyn Law School graduates within each firm will work together to achieve the goal of 100% participation. Charitable giving is a leading indicator of a school’s level of alumni loyalty noted by prospective students, considered by foundations and corporations when directing gifts, and used as an important determinant by the *U.S. News and World Report* for ranking. “A donation to the BLS Annual Fund is a very special gift,” said Aquila. “Whether giving \$50 or \$5,000, alumni are making an important investment in the value of their degree. In doing so they are continuing a tradition of philanthropy dating back to the Law School’s founding to build and support the Law School.”

The Law Firm Challenge is off to an impressive start in its inaugural year. “It is gratifying to see how quickly members of our community have embraced *Partners in Leadership*” said Dean Joan G. Wexler. “I am thankful to our volunteer leadership and to all of our alumni at participating firms. I look forward to their continued involvement with our vibrant community.”

For current news about the Law Firm Challenge, please visit our newly launched Web site where Challenge progress will be posted at [www.brooklaw.edu/alumnifriends/lawfirmchallenge](http://www.brooklaw.edu/alumnifriends/lawfirmchallenge). □

### Participating Law Firms

**ARENT FOX LLP**

Robert M. Hirsh ’98

**CADWALADER, WICKERSHAM & TAFT LLP**

Dennis J. Block ’67  
Ingrid M. Bagby ’96  
Marc A. Tolchin ’95  
Jessica Wong ’06

**CAHILL GORDON & REINDEL LLP**

John Papachristos ’94  
Scott B. Selinger ’06

**DUANE MORRIS LLP**

Frederick Cohen ’67  
Michael D. Grohman ’83

**HUGHES HUBBARD AND REED LLP**

Richard Stern ’79  
Peter A. Sullivan ’92  
Peter Beardsley ’06  
Gabrielle Glemann ’06

**KRAMER LEVIN NAFTALIS & FRANKEL LLP**

Howard J. Rothman ’71  
Robert T. Schmidt ’89  
Matthew S. Dunn ’93  
Samantha V. Ettari ’05  
Jennifer Diana ’06

**OTTERBOURG, STEINDLER, HOUSTON & ROSEN, P.C.**

Scott L. Hazan ’73

**PHILLIPS LYTTLE LLP**

Jonathan D. Alwais ’05

**PILLSBURY WINTHROP SHAW PITTMAN LLP**

Prof. Valerie Fitch ’88  
Edward Flanders ’89  
Brandon R. Johnson ’06

**ROSENBERG & ESTIS, P.C.**

Gary M. Rosenberg ’74  
Deborah E. Riegel ’93

**SIMPSON THACHER & BARTLETT LLP**

David J. Woll ’87  
Andrew T. Frankel ’90

**SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP & AFFILIATES**

Eileen T. Nugent ’78  
Stacy J. Kanter ’84  
Peter W. Hennessey ’04

**STROOCK & STROOCK & LAVAN LLP**

Martin Minkowitz ’63

**SULLIVAN & CROMWELL LLP**

Francis J. Aquila ’83, Challenge Chair  
Brian T. Frawley ’93  
Alphonzo A. Grant, Jr. ’98  
Janine C. Guido ’01

**WEIL GOTSHAL & MANGES LLP**

David Fertig ’97

If your firm is not currently involved with the *Partners in Leadership* alumni network, we invite you to join the 2009/2010 Challenge. To learn more about the Challenge or how to become a Representative, please contact Ali Rosof at 718-780-7530 or [ali.rosof@brooklaw.edu](mailto:ali.rosof@brooklaw.edu).



## Scholarship Created in Memory of Judge Shirley Wohl Kram '50

**J**udge Shirley Wohl Kram '50, one of Brooklyn Law School's earliest woman trailblazers, died in August at the age of 86. Judge Kram served for 26 years on the U.S. District Court for the Southern District of New York. During her long ten-

ure on the bench, she handled many high-profile cases, including one involving funds withheld from Holocaust victims and their families by German and Austrian banks.

Judge Kram entered law school in the late 1940s, spurred on by her high school English teacher and her husband Bernard Kram. Judge Kram held down a clerical job during the day and attended law school at night. Despite her hectic schedule Judge Kram relished law school. In a 2000 *LawNotes* profile dedicated to pioneering alumnae, she recalled Brooklyn Law School as "one of the greatest experiences" of her life.

Her early career involved two stints in private practice separated by work with the Legal Aid Society, while she was raising her son, Steven. She eventually headed up the Narcotics and Mental Health Division of the Society's Harlem Office. Taking note of her work at Legal Aid, Mayor John Lindsay appointed her to the New York City

Family Court in 1971. In 1983, President Ronald Reagan appointed her to the U.S. District Court for the Southern District.

To honor the memory of his mother, Steven Kram decided to create an endowed scholarship in her name. "Brooklyn Law School was a very important part of her life and gave her a very strong foundation in her career," said Kram. "She had a great appreciation for the School, and through the years she took many law clerks from Brooklyn as well."

In just a few months time, donations from over 30 friends, colleagues, and relatives who wanted to honor Judge Kram's life and career raised over \$50,000 to establish the Judge Shirley Wohl Kram '50 Scholarship, which celebrates her long and distinguished career in public service. Since her career was a model for generations of women students that followed in her footsteps, this new scholarship will be awarded annually to a deserving woman student who exhibits an interest in public or government service.

"An endowed scholarship like this one allows friends and family members to create a permanent memorial for a loved one," said Susan Foster, Director of Development. "When you add up a lot of gifts, collectively you have the ability to do something really significant that will have a lasting impact on generations of students to come." □

## Endowed Scholarships: Honoring a Memory to Fund the Future

**O**n the evening of March 16, over 100 students, faculty, alumni, and friends filled the Forchelli Conference Center at Feil Hall for Brooklyn Law School's Endowed Scholarship Celebration. The program was a special opportunity for students to meet their benefactors and for donors to learn more about the students' backgrounds and studies.

During the formal part of the program, Dean Joan G. Wexler discussed the challenges facing students in today's economy and the importance of endowed scholarships. "Our graduates are entering a challenging employment environment in these uncertain economic times," she said. "It is now more important than ever that we support their ambitions and help relieve their debt burdens. The establishment of a scholarship is not only a way to honor a beloved family member or friend and pay tribute to the Law School, it is also a way to inspire a new generation of students to give back to the Law School when they are in a position to do so."

Scholarship recipients Todd D. Batson '09 and Hayley Moore '09 spoke beautifully about how meaningful the scholarships were to each of them, and donors Neil Goldstein '67 and Anita Summer (the widow of Sol Summer '61) eloquently expressed how important

it was for them to give back to the Law School. Dean Wexler also gratefully acknowledged the new scholarships created last academic year: The Benjamin and Gladys Stein Scholarship; the Barry & Evelyn Salzberg Scholarship; and the Barry & Evelyn Salzberg/Deloitte Foundation Scholarship, which is particularly unique since it provides support in the form of full tuition to an entering minority student who has an interest in accounting, economics, or business.

The Development Office has set as one of its fundraising priorities this year to increase the number of scholarship funds. This fundraising drive has gotten off to a terrific start — in the past several months seven new scholarships have been created. Currently, the Law School distributes income from 124 existing scholarship funds, and the goal is to increase the number by 10% every year in order to reach 200 scholarships by the year 2015. □

To discuss an endowed scholarship and how you can do more for the next generation of BLS students, please contact Susan Foster at 718-780-0638 or [susan.foster@brooklaw.edu](mailto:susan.foster@brooklaw.edu).



## Criminal Justice Fellowship Awarded to Joseph Tillman '01

Joseph Tillman '01, an Assistant District Attorney in the Brooklyn District Attorney's Office, was awarded the Criminal Justice Post-Graduate Fellowship this summer in recognition of his outstanding commitment to public sector criminal law. The fellowship, which has been in existence for over a decade, takes the form of a loan forgiveness program. It was created by Professor Robert M. Pitler from the proceeds of the CLE Criminal Law Procedure and Evidence Seminar held at the Law School each year. The fellowship helps experienced graduates with substantial educational debt to continue to practice in public sector criminal law. A stipend of \$10,000, the largest sum awarded since the fellowship was created, was paid directly to Tillman's lending institution.

"Tillman is a very deserving candidate with a distinguished career in the D.A.'s office," said Pitler, who along with Professor Ursula Bentele and New York State Supreme Court Judge Charles Solomon, awarded Tillman the fellowship.

Tillman, who served in the U.S. Air Force Reserve as a Staff Sergeant from 1992–2001, has been a trial attorney with the Brooklyn D.A.'s office since he graduated from the evening division in 2001. After eight years as trial counsel in the "Red Zone," where he managed a case load of approximately 25–40 homicide cases and serious felonies, Tillman is now a trial lawyer in the Office's Crimes Against Children Bureau.

"I was very honored to receive the fellowship. It effectively paid off one of the private loans that I took out while a law student,



LEFT TO RIGHT: *Professor Robert Pitler, Joseph Tillman, and Professor Ursula Bentele.*

which will help me remain in public service," said Tillman. "As a longtime resident of Brooklyn, I take great pride in the fact that I am able to see that 'justice is done' in a place to which I have a strong attachment. There is no position in the public sector that rivals that of Assistant District Attorney in terms of having the opportunity to give back to society and to make the world a better place on a daily basis." □

**BROOKLYN  
LAW REVIEW**  
*75th* ANNIVERSARY

### SAVE-THE-DATE

Join fellow Law Review members in celebrating the 75th Anniversary of the *Brooklyn Law Review*.

Evening of April 15, 2010  
Brooklyn Law School  
Forchelli Center, Feil Hall

## Brooklyn Law School Goes On the Road

In the spring and early fall, members of the Law School community traveled from coast to coast and places in between to visit alumni who are living and working outside of New York City. The events were an opportunity for alumni to hear from Dean Joan G. Wexler and other faculty members about the latest news at the Law School and to share their expertise in particular areas of the law with alumni and students. The Law School is grateful to the alumni who generously sponsored several of these events.



- In Philadelphia, Tim '74 and Hope Ulrich hosted an evening reception and talk by Brooklyn Law School Professor Roberta Karmel.
- In Scottsdale, Lawrence '75 and Fran Sucharow welcomed alums to their Arizona home for hors d'oeuvres, cocktails, and conversation.
- In Boca Raton, a brunch was hosted by Board of Trustee Members Florence Subin '75 and Martin Fischer '64 at the Polo Club. It was well attended by alumni ranging from the Class of 1949 to the Class of 2003.
- In Southampton, Caleb '81 and Lynne Koeppel graciously hosted an afternoon cocktail reception at their home in the Hamptons.
- In Washington, D.C. the law school hosted a reception at the Sequoia restaurant where a group of current students interested in working in D.C. met with our graduates working in the area.
- In Long Island, Michael Faltischek '73 and his firm, Ruskin Moscou Faltischek P.C., hosted a cocktail reception for Long Island area alumni.

► If you are interested in hosting an alumni event, please contact Linda Harvey, Assistant Dean for External Affairs at 718-780-0382 or [linda.harvey@brooklaw.edu](mailto:linda.harvey@brooklaw.edu).



## Class Reunions

On May 14, 2009, members of the Classes of 1959, 1964, 1969, 1974, 1979, 1984, 1989, 1994, 1999, and 2004 celebrated their law school reunion at the Lighthouse, Pier 61 in Manhattan. Alumni enjoyed a festive evening of reconnecting with classmates and professors, reliving old memories, and creating new ones. Please save the date for next year's reunions to be held at Chelsea Piers on May 13th, 2010.





# ClassNotes

---

## 1958

**James H. Davis** retired in 2001 as a pastor in the United Methodist Church and as a law guardian and assigned counsel on panels in Westchester and Putnam Counties in New York. Over the past year, Davis served 125 days at sea as a chaplain on ships of the Princess and Holland America Lines.

---

## 1959

**Raymond A. Corleto**, a partner in the Melville, Long Island firm, Garcia & Stallone, was appointed a mediator with the Jansen Mediation Group in Long Island.

---

## 1965

**Martin Bandier**, chief executive of Sony/ATV Music Publishing, was profiled in a front page business story in the *New York Times* (August 23, 2009). The article details Mr. Bandier's rise to the top of the company, the music industry, and the future of the music publishing business.

---

## 1967

**Frederick Cohen**, a partner in the New York office of Duane Morris LLP, was recognized in the 2009 *Chambers USA Guide to America's Leading Business Lawyers* as a top lawyer in the field of construction law. Cohen represents owner-developers, nonprofit institutions, contractors, and sureties in both private and public sectors. He is a member of the NYSBA's Executive Committee for Construction and Surety, and chairman of the Construction Law Committee of the New York City Bar. He is also a member of the Brooklyn Law School Board of Trustees.

**George E. Curtis** was appointed dean of the School of Business and Justice Studies at Utica College in New York. He was previously a professor of criminal justice studies and the executive director of the Economic Crime Institute at the college. In addition, he is a certified fraud specialist and is a member of the Academy of Criminal Justice Sciences, the Association of Certified Fraud Examiners, and the Upstate New York Electronic Crimes Task Force.

---

## 1969

**Joyce Krutick Craig** retired as a U.S. Administrative Law Judge in the Social Security Administration after serving for 27 years. She opened Krutick Craig Law LLC in Hartford, CT, specializing in health law and health law mediation and arbitration.

**Geraldo Rivera**, host of Fox's newsmagazine "Geraldo-at-Large," was honored by the National Association of Hispanic Journalists and inducted into the NAHJ Hall of Fame in June. He was the first Latino correspondent at a national news network for ABC's "Good Morning America" and is a founding member of the NAHJ. He has won more than 170 journalism awards.

**Charles B. Pearlman**, a shareholder with Rothstein Rosenfeldt Adler in Fort Lauderdale, FL, was named to the board of directors for Money4Gold Holdings, Inc. Money4Gold is a leading public company offering cash to consumers for unwanted gold and precious metal jewelry. He previously was the chief attorney for the Miami Branch Office of the United State Securities and Exchange Commission.

---

## 1971

**Donald H. Birnbaum** was appointed a judge of the Nassau County District Court. He was previously a partner with the Mineola and Manhattan law firm of Sandback, Birnbaum & Michelen.

---

## 1973

**Arthur E. Shulman**, who maintains a private practice in Islandia, NY, was elected second vice president 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.

---

## 1974

**Harriet Newman Cohen** was named one of the top 50 women lawyers in New York for 2009 in *New York Super Lawyers*. She is the founding partner of the firm Cohen, Hennessey Bienstock & Rabin P.C., a matrimonial, family law, and litigation law firm.

**Joseph S. Karp**, founder of The Karp law Firm, P.A., has been elected vice chair of the Alzheimer's Association – Southeast Florida Chapter. His practice focuses on estate planning and elder law.

**George A. Schieren** joined the New York office of Gibson, Dunn & Crutcher LLP as a partner in the firm's securities litigation, securities enforcement, crisis management, and white collar defense and investigations practice groups. His work focuses on securities litigation, regulatory enforcement proceedings, internal investigations, and crisis management. Schieren was previously a partner at Clifford Chance US LLP.

---

## 1975

**Edwin S. Leavitt-Gruberger** joined the Woodbridge, NJ office of Wilentz, Goldman & Spitzer, P.A. as a shareholder in its trusts and estate practice. He practices in the areas of employee benefits and trusts and estates, and represents large estates before the IRS. He was previously a vice president and senior benefits counselor at Merrill Lynch and he was also general counsel to Merrill Lynch Trust Company.

**Judith D. Mitchell**, who maintains a private practice in Sag Harbor, NY, was honored at the 2009 NAACP National Convention in New York City for her generous pro bono work on behalf of the Association. The award noted her contribution "above and beyond the call of duty" to advance is civil rights agenda.

---

## 1976

**Noah J. Hanft** was featured on the front cover and in an article in the July/August 2009 edition of *The Corporate Counsel Edition of Super Lawyers* magazine. The article chronicled his career path to becoming general counsel, corporate secretary, and chief payments system and compliance officer for Mastercard Worldwide. It also highlighted his influence in the payments industry, and his deep commitments to mentoring and diversity.

## Jeffrey Sherman '80, General Counsel of BD Profiled in *National Law Journal*



Jeffrey S. Sherman '80, senior vice president and general counsel of BD (Becton, Dickinson and Company) was profiled in *The National Law Journal* on April 27. The "In-House Counsel" feature paints a portrait of a committed, passionate leader who is responsible for the legal affairs of this Fortune 500 global medical technology company.

BD develops, manufactures and sells medical devices, instrument systems and reagents. The company is focused on improving drug delivery, enhancing the quality and speed of diagnosing infectious diseases and cancers, and advancing research, discovery and production of new drugs and vaccines. BD serves health care institutions, life science researchers, clinical laboratories, the pharmaceutical industry and the general public.

Since Sherman joined the company six years ago, it has undertaken tremendous growth, with offices in nearly 50 countries and more than 50% of sales overseas. The corporation's legal affairs focus largely on intellectual property, ensuring that BD's products "have the freedom to operate as well as patent protection where appropriate," Sherman said. Much of the IP strategy involves infection control, and the firm is especially concerned with needle and syringe safety. The legal team also focuses on philanthropic and global health issues and preventive care.

Sherman's legal background is in corporate law, securities and mergers and acquisitions, and he has recently been involved in the acquisition of two new companies. Before joining BD, Sherman was at Wyeth (now part of Pfizer, Inc.) from 1990 to 2004; his last role was vice president and associate general counsel. Before that, he was a partner with the law firm of Shereff, Friedman, Hoffman & Goodman (now part of Dechert LLP).

Sherman maintains close ties to the Law School, speaking recently at a Dean's Roundtable Luncheon. He remarked that "one of the best experiences as a lawyer I ever had" was attending the swearing-in ceremony of BLS alumni at the U.S. Supreme Court in 2000. "It was the very day the Court heard arguments in *Gore v. Bush*, but the jurists postponed the proceedings until the swearing-in was completed," he reminisced.

He received his B.A. degree *cum laude* from the State University of New York at Albany and his J.D. degree *magna cum laude* from Brooklyn Law School. He is currently the Chair of the "Inside the Boardroom" Subcommittee of the ABA Section of Business Law's Corporate Governance Committee. He is also a member of the Council of Trustees of the New Jersey Performing Arts Center and the Board of Directors of the Atlantic Legal Foundation.

---

### 1977

**Avery E. Neumark**, the partner-in-charge of employee benefits and executive compensation at Rosen Seymour Shapss Martin &

Company LLP, has been appointed a member of the Employee Benefits Technical Resource Panel of the American Institute of Certified Public Accountants for 2009–10.

**Henry S. Schachar** was promoted to executive vice-chairman of Marquis Jets, which he co-founded in 2001. He previously served as president of the company, which provides individuals and companies access to a fleet of private jets without having to enter into a long-term commitment.

---

### 1978

**Benjamin Weinstock**, co-chair of the real estate department of the Long Island, NY firm of Ruskin Moscou Faltischek P.C., co-wrote an article in the *New York Law Journal* (August 24, 2009) entitled, "Power of Attorney Statutory Overhaul Set to Take Effect." Weinstock is secretary to the NYS Real Estate Board and a member of the legal advisory board of the Chicago Title Insurance Company and First American Title Insurance Company of New York.

---

### 1979

**Hilary Hassler** was appointed Chief of the Appeals Bureau of the Manhattan District Attorney's Office. Hassler joined the District Attorney's Office following law school and has held a succession of positions, most recently as Deputy Bureau Chief of the Appeals Bureau.

---

### 1980

**Anne J. Swern**, First Assistant District Attorney in the Brooklyn District Attorney's Office, was presented with the Justice Leadership Award from the national non-profit organization Family Justice in June. The award recognized her work as head of the nationally acclaimed Drug Treatment Alternative to Prison Program and her oversight of the Treatment Alternatives for Dually Diagnosed Program.

---

### 1981

**Robert A. Ansehl** joined the New York office of Nixon Peabody, LLP as a partner in the firms' insurance and reinsurance practice. Ansehl's practice includes transactional and regulatory matters involving the insurance and reinsurance industries and related areas. He is an advisor to Strategic Asset Alliance and to ARIS Title Insurance Company.

**Edward L. Hiller** was honored by the New York Claim Association in recognition of his “Excellence in Service to the Insurance Industry.” He is the director of claims for the New York State Insurance Fund.

---

### 1983

**Rita D. Dumain**, chief of tax and bankruptcy litigation at the New York City Law Department, was recognized with a Public Service Award from the New York County Lawyers’ Association.

**Steven R. Richman**, general counsel for the New York City Board of Elections, was elected as a trustee of the Brooklyn Bar Association.

---

### 1985

**Carol J. LaPunzina** was named senior vice president – human resources at W.R. Berkley Corporation, a large insurance holding company. LaPunzina, who has been with the company for more than 11 years, formerly served as senior vice president, general counsel and secretary of Berkley Insurance Company.

**Amy K. Posner** retired from MetLife after 22 years with the company. She litigated ERISA-regulated benefits cases and was most recently in charge of the company’s benefits litigation. Throughout her career, she argued numerous federal appeals, advised the institutional business division on the company’s demutualization, and was one of the principal drafters of the Federal Long Term Care Insurance Program contracts. In 2008, she argued *MetLife v. Glenn* before the United States Supreme Court.

---

### 1989

**Fernando J. Oliver**, a professor of business and law at Fairleigh Dickinson University, was honored with a Presidential Citation at the school’s annual Academic Convocation. He was recognized for his outstanding work as chairman of the Puerta al Futuro, FDU’s program for Spanish speakers with limited English skills.

---

### 1991

**Jonathan B. Behrins** was selected vice president of the 13th Judicial District of the New York State Bar Association’s Executive Committee. He is a partner at Behrins & Behrins P.C., a general practice law firm in Clifton, NY.

**Jeffrey M. Kimmel**, a partner at Salenger, Sack Schwartz & Kimmel LLP has been named to the board of directors of the New York County Lawyers’ Association. He previously served as the chairman of the Young Lawyers Section and founded its Mentoring Program. His law practice focuses on personal injury cases and he manages the medical malpractice area.

**David Pratt** was named managing partner of the Boca Raton, FL office of Proskauer Rose LLP. A member of the firm’s personal planning department, his practice is dedicated to the areas of trusts and estates, estate, gift and generation-skipping transfer, and fiduciary and individual income taxation. He is chair of the Florida Bar’s Tax Section and he also serves on the executive counsel of the Florida Bar’s Real Property, Probate and Trust Law Section.

**Brian P. Stern** was appointed a judge of the Rhode Island Superior Court. He was formerly chief of staff to Rhode Island Governor, Donald Carcieri, where he oversaw and managed communications among the 47 agencies within the executive branch, directed strategic planning and political affairs, and served as chief policy advisor to the governor.

---

### 1992

**John A. Lonuzzi**, a founding partner of the law firm Lonuzzi & Woodland, was installed as president of the Brooklyn Bar Association. He specializes in personal injury and commercial litigation. Also installed as officers of the Bar Association were, **Andrea E. Bonina ’92**, as president-elect, and **Ethan B. Gerber ’88**, as first vice president.

**Maria E. Pasquale**, corporate vice president – legal and chief counsel of the Celgene Corporation, was featured in an article on “Fortune 500 Women General Counsel” in *Diversity and the Bar* (July–August 2008). Since she joined the company in 2001, Celgene has grown from a small biopharmaceutical company to a large multinational corporation with offices around the world.

---

### 1993

**Bruce J. Byrnes** was appointed senior vice president, general counsel and chief compliance officer of The Navigators Group, Inc., an international specialty insurance holding company. He is responsible for legal, internal audit, state filings and licensing and compliance. Byrnes was previously principal, chief operating officer and general counsel of Hudson Insurance Capital Partners.

**Joshua M. Glantz** was appointed as general manager of sponsorships for Ideeli, Inc. The company owns and operates an online shopping community that connects luxury brands with consumers. Glantz previously served as senior vice president for ePrize, an interactive promotion marketing company. He is also a founder of Swim Across America Inc., a nonprofit that has raised over 25 million for cancer research, prevention and treatment.

---

### 1994

**Lawrence A. Bortstein** was featured in the July 2009 issue of *Corporate Counsel* about the creation of his new firm, Bortstein & Irvine. Bortstein served as the global head of technology law for Lehman Brother’s Inc. When the company collapsed, he started his own firm and he engaged the Lehman estate as his first client. The firm has since grown to include clients in the media, information technology, and financial services industry.

---

### 1995

**Geoffrey A. Richards**, principal and head of the special situations and restructuring group at Chicago, IL investment firm, William Blair & Company, was named Restructuring Financial Advisor of the Year by Global M&A



## Michael S. Elkin '84 Named Managing Partner at Winston & Strawn



A widely recognized litigator and adviser on complex legal issues related to emerging technologies, Michael S. Elkin '84 was named managing partner of the New York office of Winston & Strawn LLP in April 2009. He was also elected to the firm's executive committee.

Elkin's practice focuses on media, entertainment, and intellectual property matters, and he has served as lead trial counsel in numerous disputes involving the new technologies that are shaping the contours of intellectual property law. He also counsels enter-

tainment industry clients on capital markets and licensing transactions.

Elkin joined Winston & Strawn three years ago from Thelen Reid LLP, where he had served in several leadership capacities, including as vice chairman of the firm and managing partner of its litigation practice. Before joining Thelen in 1995, he was a partner at Proskauer Rose LLP.

During the first part of his career, Elkin represented content owners, such as record labels and music publishers, but over the years his practice, like the industry, has evolved. "We are representing innovators in the distribution of entertainment and media properties in their quest to make content available to new media and we are fortunate to be in the vanguard in helping to shape the legal landscape with respect to how copyright law is affected by the growth of new technologies," Elkin said. His clients include Yahoo!, the search engine, Veoh, the online video service, and Myxer, an online ringtone provider.

For three consecutive years, Elkin has been selected as one of the "100 Most Influential Entertainment Lawyers in America" by *The Hollywood Reporter*, and named in *The Super Lawyers* peer review directory. In 2009, he was named a leading lawyer in his field by *Corporate Counsel*, *Chambers USA*, and *The Legal 500 U.S.*

Elkin, who studied in France before attending BLS, has a deep and longstanding interest in French-American cultural, social and charitable affairs. He serves as vice-president and secretary of the French American Chamber of Commerce and has represented his French clients in U.S. and European courts.

He fondly recalls Brooklyn Law School as "a tight-knit community where faculty and deans did everything they could for students, inspiring them with a great education and looking after their interests, even after graduation." In this regard, he made special mention of Associate Dean Michael Gerber, who, he said, was instrumental in helping shape and advance his legal career.

Network. His work focuses on complex transactions, including restructuring and distressed merger-and-acquisitions engagements, both in and outside Chapter 11. Prior to joining William Blair, Richards was a managing director in the New York office of Giuliani Capital Advisors LLC.

---

### 1996

**Frances J.M. Arricale** was named vice president for international governmental affairs at New York Life in the company's Washington, D.C. office. She is responsible for representing the company in dealings with U.S. policy makers as well as foreign governments.

**Simon Block**, who maintains a private practice in Brooklyn, NY, wed **Tamara Jacobs '10**, a third-year Brooklyn Law School student, in June.

**Inge Hindriks**, an associate at Kramer Levin Naftalis & Frankel LLP, has been certified as a LEED (leadership in energy and environmental design) Accredited Professional from the Green Building Certification Institute. She is a member of the firm's real estate department and focuses on matters related to property development, acquisitions, and sales.

**Ari J. Markenson** was promoted to deputy general counsel at Cypress Health Care Management LLC in White Plains, NY. He was also elected to the position of chair-elect of the New York State Bar Association's Health Law Section.

**DeAnne I. Merrey** is the founder and president of DM Public Relations. The company provides a full range of public relations services, which are strategically designed to generate publicity and elevate awareness so that clients can compete more effectively.

---

### 1997

**Robert B. Acton**, executive director of Cabrini Green Legal Aid in Chicago, IL, was named a fellow in the Leadership Greater Chicago program, which brings 36 emerging leaders together for one year to study issues facing the Chicago region and mobilizes them to make a deep commitment to impacting the region. Alumni of the program include, First Lady, Michelle Obama, senior advisor to President Obama, Valerie Jarrett, and Secretary of Education, Arne Duncan.

**Karin J. Norton** joined the Washington, DC office of Sidley Austin LLP as counsel in the firm's intellectual property litigation practice group. Her practice focuses on patent and other intellectual property litigation with a primary focus on Section 337 investigations before the International Trade Commission (ITC), which involve claims regarding intellectual property rights. Previously, Norton was a senior investigative attorney with the Office of Unfair Import Investigation, and she

served as lead government counsel in many of the key Section 337 cases before the ITC. She is a member of the Executive Committee of the International Trade Commission Trial Lawyers Association, and the American Intellectual Property Law Association's Women in IP Law and International Trade Committees.

---

### 1998

**Alison Arden Besunder**, formerly a partner in the New York office of Arent Fox LLP, joined the trusts & estates, elder law, and estate litigation firm, Burner, Smith & Associates, LLP, as managing partner of the firm's New York City office. She also had an article published in the *New York Law Journal* entitled "Circuit to Decide Who Should Monitor Online Counterfeiters" discussing the arguments raised in the appeal of the case *Tiffany v. eBay* before the Second Circuit Court of Appeals.

**Sean R. O'Loughlin**, president of Global Biomedical Solutions, a New York City based biomechanical consulting firm, presented a lecture on forensics engineering at the University of Delaware.

---

### 1999

**Steven B. Smith** joined the New York office of Dechert LLP as counsel in the firm's business restructuring and reorganization department. He concentrates his practice in the areas of complex corporate restructuring and creditor's rights, including in court chapter 11 cases and out of court workouts. He was formerly with Brown Rudnick LLP.

---

### 2000

**Michele E. Cosenza** opened her own firm, The Law Offices of Michele E. Cosenza, PLLC, in New York City, practicing in the areas of business finance and bankruptcy. She represents debtors, creditors, financial and investment institutions, hedge funds, secured lenders, landlords, and other parties-in-interest in complex bankruptcy cases, non-judicial corporate restructurings, and distressed debt transactions.

## Doreen Small '84, General Counsel at Ford Models, Addresses Fashion Industry Issues



Doreen Small '84, Vice President of Legal and Business Affairs and General Counsel at Ford Models, Inc., knows that most people don't associate modeling agencies with complex legal issues. But perhaps if they spent a day in her shoes, they'd reconsider. Small's vast range of legal responsibilities includes strategizing and structuring deals and transactions with models, other modeling agencies and clients, as well as the development and distribution of traditional and digital media. She also negotiates deals for programming and brand initiatives, and handles issues of labor and employment, intellectual property, litigation, contracts, and visas, while managing the legal department.

In addition to having a hand in virtually every legal decision made at Ford, she is also an executive producer of "Ford Models Supermodel of the World.®" She handles all United States events and collaborates on the elaborate grand finale where the winner is chosen. Small is unique in the world of multifaceted talent management firms. "To my knowledge, I'm the only in-house general counsel at a New York based modeling agency," she said.

Small brought her unique expertise to the Law School on November 14, 2009, joining the symposium, "Perspectives in the Sports and Entertainment Legal Professions," hosted the active student organization, the Brooklyn Entertainment and Sports Law Society. During the day-long event, she addressed the economy's impact on the fashion industry and how the legal field has adapted to it.

Law is actually Small's third career. With a B.A. from Brooklyn College in art history, she began her professional life as an art historian working at the Marlborough Gallery, and then moved on to filmmaking in New York and Los Angeles. After Law School, where she was an editor of the *Brooklyn Law Review*, she became an associate at Weil, Gotshal & Manges in the trade regulation/IP department. In 1990, she took a position at GE Trading Company, and has held several senior positions since with public and private entertainment and fashion companies, including NBC, Mamamedia.com, Atari, and Warnaco, finally joining Ford Models in 2007.

The turning point in her career, she said, was deciding to take an in-house position. "It's very fulfilling for me to be helpful, and in house, you have so many opportunities to help clients 'get to yes' — to what they need to get done. Learning to recognize your own values and passions is the best advice I have for students."

**Frank R. Dudis** was promoted to deputy bureau chief in the Public Assistance Crimes Unit of the Brooklyn District Attorney's Office. He also participated in the New York City Bar's CLE program, "You Don't Practice Criminal Law & You Get That Midnight Call... NY Criminal Practice 101."

**Fiona St. John-Parson** and her husband, Robert Sloane, welcomed the birth of their daughter, Miranda Isabel, in September 2009. She is a manager at ProMutual Group in Boston, MA.

## Hon. Nelson S. Román '89 Appointed to the Appellate Division



On September 25, 2009, Governor David A. Paterson announced the appointment of Justice Nelson S. Román '89 to fill a new seat in the Appellate Division, First Judicial Department. This high honor caps off Judge Román's impressive career, which spans 20 years from his graduation from Law School, where he was a part-time student and full-time police officer, to his elevation to the appellate court.

Raised in the Bronx, Judge Román spent the majority of his career working for the people of

his community. In 2003, he was elected a Justice of the Supreme Court in the Civil Term in the Bronx. Before that, from 2001 to 2002 he served as a Judge of the New York City Civil Court in the Bronx, and as a Judge of the Bronx Housing Court from 1998 to 2000.

Earlier, he was Law Clerk to New York County Civil Court Judge Jose A. Padilla, Jr., from 1995 to 1998, and an Assistant District Attorney in Kings County from 1989 to 1995, where he handled special narcotics and felony cases.

Judge Román joined the NYPD in 1982, while an undergraduate at Fordham University, and continued on the police force throughout Law School. He was mentored by several law professors, particularly his trial advocacy professor Charles J. Hynes, now the District Attorney of Kings County, who encouraged him to apply to become an ADA.

Judge Román in turn has mentored many law students and said that he often stresses the importance of good research and writing skills, which he developed while working as a law clerk. These skills served him well, as he wrote and published many decisions while on the Supreme Court.

Among his many civic activities, Judge Román is a board member of the Riverdale Neighborhood House, co-founder of the Cervantes Society, past president of the Puerto Rican Bar Association, and past chair of the Committee on Minorities in the Courts. He has taught law-related courses at CUNY Lehman College and Monroe College.

Reflecting on his career, Judge Román said: "I was inspired by the support of individuals who saw ability in me that I didn't see and encouraged me." Foremost was his father, a 37-year veteran of the New York Fire Department and one of the first Hispanic firefighters, who he said "instilled in me a love of public service."

**Joshua M. Silverman**, vice president for business affairs and assistant general counsel business & legal affairs of Marvel Entertainment, Inc., was an integral player in

the recent noteworthy acquisition of Marvel by the Walt Disney Company. Under the terms of the deal, Disney will acquire ownership of Marvel including its more than 5,000 Marvel characters.

---

### 2001

**Stephen I. Geller** wed Brooke Hudis in August 2009 at a ceremony in Manhattan. He is a litigation associate at McManus Collura & Richter P.C.

**Erin N. Guven (Delorier)**, director of pro bono affairs for the Legal Services of the Hudson Valley, was awarded in June an inaugural Citation for Special Achievements in Public Service from the New York State Bar Association's Committee on Attorneys in Public Service. Guven is a founder and co-chair of the Pro Bono Committee for the Westchester Women's Bar Association.

---

### 2002

**Denise Kaloudis**, formerly with the Los Angeles office of Skadden, Arps, Slate, Meagher & Flom LLP, joined the New York office of Akin, Gump, Strauss, Hauer & Feld, LLP as counsel in the firm's financial restructuring practice group.

---

### 2003

**Deirdre M. Lok** was name counsel for the Harry and Jeanette Weinberg Center for Elder Abuse Prevention at the Hebrew Home for the Aged at Riverdale, the nation's first elder abuse shelter in a long-term facility.

**Melissa L. Rappaport (Lenowitz)** formed her own per diem practice in Westchester County, NY. She covers cases in court and appears at depositions on behalf of other attorneys and law firms. Prior to starting her own firm, she worked for both defense and plaintiff litigation firms.

---

### 2004

**Jonathan T. Flynn**, an officer in the Navy JAG Corps, was honored as the Legal Service Office Command's Junior Officer of the Year. He is stationed in Japan where he leads a team of military and civilian employees. His practice deals with complex international law issues, especially the impact of Japanese laws on U.S. sailors and civilians.



**Jessica J. Glass**, a litigation associate at Kramer Levin Neftalis & Frankel, recently gave birth to her daughter, Cadence.

---

## 2005

**Allie A. Cheatham (Vining)**, and her husband Tavius, celebrated the birth of their first child, Henry Keena, in June 2009. Cheatham is an associate in the New York office of Allen & Overy LLP.

**Saul Elnadav**, an associate at Vishnick McGovern Milizio LLP, has launched a blog on New York trusts & estates law at: [www.trustsestateslaw.com](http://www.trustsestateslaw.com). His practice focuses on estate planning and administration as well as Surrogate's Court proceedings.

**Lawrence S. Elbaum**, an associate in the New York office of Proskauer Rose LLP, received the 2009 Sanctuary for Families Associates Committee Award for Excellence in Pro Bono Activity in recognition of his outstanding work representing domestic violence victims. In addition to his work with this organization, Elbaum also assists Holocaust survivors in obtaining reparations from Germany. He is a member of Proskauer's litigation and dispute resolution department.

---

## 2006

**Steven J. Auletta '07** and **Emily Auletta (Orfinger) '06**, who met at Brooklyn Law School, were wed in August. He is an assistant corporation counsel at the New York City Law Department and she is an assistant district attorney at the Manhattan District Attorney's Office.

**Kate R. Huey** and her husband, Trey, welcomed the birth of their daughter, Siena this fall. Huey is an associate at Cawalader Wickersham & Taft LLP.

---

## 2007

**Kathrine M. Frank (Borowiecki)** and **Philip Frank**, classmates, were wed in October 2009. She is an attorney for the New York City Law Department, Office of the Corporation Counsel, in the Brooklyn Tort Division. He is an attorney for the New York City Law Department, Office of the Corporation Counsel, in the Special Federal Litigation Division.

**Jessica A. Gary**, an associate in the Business Law Department at Goodwin Proctor LLP, was honored by the Lawyers Alliance for New York with the 2009 Cornerstone Award, recognizing outstanding pro bono legal service to nonprofits. She was recognized for her assistance in obtaining tax exemptions and charter school management agreements on behalf of Believe High School Network.

**Michael B. Weitman**, a law clerk to U.S. Magistrate Judge Theodore H. Katz of the Southern District of New York, wed Emily D'Antonio, a Ph.D. candidate in clinical and school psychology at Hofstra University.

---

## 2008

**Tamar N. Anolic's** nonfiction biography, *The Russian Riddle: Grand Duke Serge Alexandrovich of Russia*, was recently published by Kensington House Books. Ms. Anolic works for the United States Customs and Border Protection Office of International Trade in Washington D.C.

**Kate H. Kennedy** has joined the Minneapolis, Minnesota law firm of Eckland & Blando LLP as an associate. Her practice representing both individuals and corporations focuses on commercial litigation, administrative law and government contracts.

**Jennifer A. Muller (Kernkamp)**, an associate in the Philadelphia office of Dechert LLP in the firm's business restructuring and reorganization group, wed Peter Muller in July 2009. Muller is a senior project leader at Independence Blue Cross in Philadelphia.

**Michael "Mickey" Passman**, an associate at Cassidy Schade LLP in Chicago, authored two articles on the law of piracy. The first, "Protections Afforded to Captured Pirates under the Law of War and International Law," was published in the *Tulane Maritime Law Journal* in 2008. The second, "The Interpretation of Sea Piracy Clauses in Marine Insurance Contracts," was published in the *Journal of Maritime Law & Commerce* in 2009.

### Editor's Note:

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

Please send ClassNotes and In Memoriam information for future issues to the following e-mail address, [communications@brooklaw.edu](mailto:communications@brooklaw.edu), or visit [www.brooklaw.edu/classnotes](http://www.brooklaw.edu/classnotes) to submit information online.

## In Memoriam

### 1927

**Joshua Lev**  
December 20, 2008

### 1934

**Samuel Grossman**  
May 31, 2009

### 1935

**Daniel Cohen**  
July 30, 2009

### 1939

**Gerald Eckstein**  
January 14, 2009

**Norman Stamm**  
February 24, 2009

**Morris Winter**  
January 1, 2009

### 1941

**Milton M. Levin**  
December 21, 2008

### 1942

**Leonard Reiss**  
July 1, 2009

### 1943

**Beatrice S. Andron**  
January 18, 2009

### 1948

**Irving Friedberg**  
April 27, 2009

**Bernard Meyer**  
June 21, 2009

### 1949

**Melvin H. Heiko**  
April 15, 2009

**Carl Moskowitz**  
June 2, 2009

**Sverre B. Puntervold**  
June 26, 2009

### 1950

**Jacob Brodtkin**  
August 8, 2009

**Picton E. Gallie**  
September 4, 2009

**Shirley Wohl Kram**  
August 21, 2009

**Clifford A. Scott**  
August 15, 2009

**Norman Topper**  
May 25, 2009

**James W. Weber**  
June 13, 2009

### 1951

**Seymour Ardam**  
December 11, 2008

**Kermit Easton**  
June 29, 2009

**Samuel R. Freeman**  
August 24, 2009

**Adolph Prager**  
December 23, 2008

**Bernard Ruggieri**  
May 8, 2009

### 1953

**Vito Catania**  
July 8, 2009

**Stanley L. Goldstein**  
April 13, 2009

**Harold C. Harrison**  
August 14, 2009

**Lawrence Holzman**  
February 6, 2009

**John Marchi**  
April 25, 2009

**Nathaniel Militzok**  
May 14, 2009

### 1954

**Sondra Fieldman Karp**  
August 7, 2009

**Martin Kehlmann**  
September 1, 2009

### 1955

**Lawrence Schorr**  
June 1, 2009

### 1956

**Gerald D. Sharkin**  
January 1, 2009

### 1958

**Robert E. Brownley**  
March 31, 2009

**Arnold Lande**  
April 15, 2009

### 1961

**Stanley S. Bloom**  
May 12, 2009

**Marvin Narz**  
July 24, 2009

**Jack Nath**  
June 15, 2009

### 1962

**Stanley W. Rosen**  
July 6, 2009

### 1963

**Richard Betlesky**  
August 23, 2009

**Edward G. Koppell**  
February 11, 2009

### 1965

**Nancy K. Munson**  
May 3, 2009

**Arthur L. Plevy**  
July 30, 2009

**Norman K. Samnick**  
July 30, 2009

### 1966

**Ronald Heller**  
July 31, 2009

### 1967

**Mark M. Richard**  
May 23, 2009

### 1968

**Howard H. Lindenbaum**  
November 11, 2008

### 1971

**Martin J. Kronenberg**  
August 13, 2009

### 1972

**David Hoffman**  
March 1, 2009

### 1973

**Douglas M. Fromberg**  
June 19, 2009

**William M. Parente**  
April 21, 2009

### 1976

**Francis R. Johnson**  
June 27, 2009

### 1979

**Debra R. Wolin**  
August 6, 2009

### 1980

**Regina Feder**  
April 27, 2009

### 1987

**Maria J. Fragakis**  
April 27, 2009

### 1991

**Elizabeth Waeger Beaty**  
June 12, 2009

### 1992

**Lawrence S. Stone**  
February 23, 2009

### 2003

**James B. Lynch**  
June 24, 2009

■ We are happy to report that **Arnold Zabinsky '76** was erroneously included in our Spring 2009 In Memoriam section. He is alive and well.



## Law School Community Mourns the Loss of Professor Eve Cary

**T**he Brooklyn Law School community lost a cherished member of its faculty this past September with the passing of Professor Eve Cary, who died on September 29, following a brave battle with ovarian cancer.

Cary, who joined the Law School in 1986, was an accomplished and highly respected professor, author, and lawyer who was deeply engaged in the social and political issues of her time, including the civil rights, anti-war, and women's movements. In her twenty-plus years at the Law School, Cary taught Appellate Advocacy, Legal Writing, Criminal Law, and Prisoners' Rights. "She was a beloved faculty member, valued by colleagues and students alike as a mentor, advisor, and dear friend," said Dean Joan G. Wexler.

Cary's love of the law sprung from the opportunity she had in 1967 to work with the New York Civil Liberties Union on the Police Practices Project, the first in-depth study of the sociology and street practices of the NYPD. It resulted in a ground-breaking book, *Police Power* (1969, Pantheon Books), in which Cary was credited for her interviews of criminal defendants, research, and editing. With the support and encouragement of NYCLU's staff lawyers, Cary decided to attend New York University School of Law and later returned to the NYCLU as its first woman staff counsel. She litigated a number of important First Amendment and other constitutional cases involving the rights of women and prisoners.

In 1977, Cary joined the Criminal Appeals Bureau of the Legal Aid Society of New York, ultimately becoming its Senior Supervising Attorney, arguing cases before the New York Court of Appeals. She left Legal Aid in 1985 to become a Legal Writing Instructor at the Law School, and for the next twenty-three years dedicated herself to teaching, mentoring, and scholarship.

"Eve was an extraordinary person and teacher," said Professor Mollie Falk, a longtime friend and colleague of Cary's. Together they attended Sarah Lawrence College and also worked at Legal Aid.

Cary was a widely published author of scholarly works that reflected her twin passions for criminal law and civil rights. She was the general editor of the ACLU's series of *Know Your Rights* books. She co-authored and was an editor of *New York Criminal Law* (1997, Supps. 1998–2009, West), and co-authored four editions of *Appellate Advocacy: Principles and Practice* with her colleague Ursula Bentele. "Working with Eve was such a delight," said Professor Bentele. "She had a way of making even dry and technical subject matter come alive. She had a great knack for thinking of concrete, and often funny, examples to illustrate ways to be an effective advocate."

"She was a wonderful colleague," said Professor Marilyn Walter, Director of the Legal Writing Program. "She was an extremely kind person and was very supportive, helpful, and interested in other people. She was also greatly respected by practitioners because of her exceptional contributions to the area of criminal law, in particular with her book, *New York Criminal Law*."

"I really respected the experience she brought to teaching legal writing," said Professor Elizabeth Fajans. "She helped students put law school in context so that they didn't get overwhelmed by the experience. She was very sympathetic and not doctrinaire."

Cary was also an active member of the Edward V. Sparer Public Interest Law Fellowship Committee, helping to organize and participate on panels addressing issues of civil rights law. "She was always coming up with wonderful ideas for panel discussions and symposia, and contributing in important ways to the growth of the Program," said Professor Elizabeth Schneider, Director of the Sparer program and a classmate of Cary's at NYU Law School.

Cary's students recall her as an approachable and supportive mentor. Her door was always open to students and every year at Christmastime she opened up her home and invited all of her students to attend her annual holiday party.

"Eve was truly a gift to those she loved and taught," said Lisa Chiarini '00, who was Cary's student, research assistant, and close friend. "She mothered everyone. She came to visit me when I had my first child. She was a kind and gentle woman and she cared about all of her students. She gave so much."

"She was always available to talk during that first hard year of law school," said Connie Montoya '00. "We'd finish discussing a paper and then she'd say, 'How are you doing? How are you feeling?' She really asked about you. She was a true source of comfort."

"She tried to help us to understand the work-life balance and how to manage a marriage and family with a legal career," recalled Rosa Balestrino '00, who was a newlywed during her first year, and often sought out Cary's advice. "She was also trying to encourage us to think outside of the box and to understand why we were in law school and what we might do with our lives as lawyers."

Cary was also known for her irreverent sense of humor. One year, around Halloween, her daughter Anne had a party and wanted her to dye her hair blue. Cary obliged, painting a bright blue streak through her golden hair. Instead of rinsing it out before returning to work, to the surprise of her colleagues and students, she left it in.

She is survived by her husband Richard Greenberg and her children Peter and Anne, a third year BLS student. □

**A memorial service to celebrate the life of Professor Eve Cary will be held at the Law School on February 18, 2010.**



## Paul Windels, Jr., Longtime Chairman of the Board of Trustees, Founder of Windels Marx

**P**aul Windels, Jr., a steadfast, devoted member of the Brooklyn Law School Board of Trustees for 39 years, and Board Chairman from 1983 to 2007, passed away on September 9, 2009 at the age of 88.

A decorated World War II artillery officer, Windels served in the First and Third U.S. Armies in the European Theater of Operations during World War II, participating in battles in the Ardennes, Rhineland and Central Europe, and in the Battle of the Bulge.

Memorializing his father for an article for the *American Spectator*, Paul Windels III recalled one of the most exciting moments of his father's early legal career. "In 1952, as a young lawyer and a World War II combat veteran, he was a convention page for Senator Robert A. Taft. His most memorable task was to escort John Wayne through a tsunami of admirers to Taft's hotel room and back."

Windels was one of the founding partners of the firm now known as Windels Marx Lane and Mittendorf LLP, where he was known among his colleagues as a fierce and competitive advocate and a wonderful raconteur. In a *New York Times* obituary, the firm recalled that "Paul had an intellectual curiosity which led him to a broad range of subjects, all of which he was ready to discuss on any given day. His leadership, great intelligence and charisma significantly contributed to the firm's growth and success. His good judgment and skills were admitted not only by those at the firm who had the privilege to work with him, but also by many of the firm's clients who sought out his wise counsel and impressive advocacy skills."

Among his many other accomplishments, Windels, who graduated Princeton University (*cum laude*, A.B., 1943) and Harvard Law School (LL.B., 1948), served as an Assistant United States Attorney for the Eastern District of New York from 1953 to 1956. During his service as an AUSA, he brought the first criminal proceeding under the Securities Act of 1933, an action that involved debentures of Alaska Telephone Corporation.

After leaving the U.S. Attorney's office in 1956, he became New York Regional Administrator of the Securities and Exchange Commission. He was influential in developing the enforcement policies of the Commission with respect to insider trading, white collar crime and money laundering, and he authored *Our Securities Markets — Some SEC Problems and Techniques*.

He was also a confidante to U.S. Senator James Buckley, and was chosen to serve as Chairman of the Senator's advisory committee on the selection of federal judges and other officials, which became known as the Windels Committee. He continued to serve in this capacity under Senator Alphonse D'Amato.

Windels was a Fellow of the American Bar Foundation and an active member of the New York City Bar and the New York State and American Bar Associations. He served as President of the Federal Bar Council from 1964 through 1966. In 2004, Windels received an honorary doctor of laws degree from Brooklyn Law School in honor of his more than 20 years of service as Chairman of the Board of Trustees.



"Generations of Brooklyn Law School trustees, faculty, deans, and students benefited from his thoughtful stewardship and compassion," said Dean Joan G. Wexler. "I will miss his wise counsel. He was a true friend."

During his tenure, the Law School added scores of new and innovative courses to the curriculum, attracted world-class scholars to the faculty, and greatly expanded the physical plant, with the purchase of eight residence halls, the construction of a major addition to the main building, and the planning of a new 22-story residence hall. "His role in helping the Law School achieve its highest aspirations was indispensable and his mark on Brooklyn Law School is indelible," said Dean Wexler.

Windels is survived by his children James, Paul III, Mary, and Patrick. □

## The Surf's Up at Brooklaw.edu!

We are proud to announce the launch of our new Web site, which, over the past year, has been completely rebuilt and redesigned to make it more user-friendly and engaging. You'll still reach us at [www.brooklaw.edu](http://www.brooklaw.edu), but there you will find a fresh online experience that includes state-of-the-art technology with virtual tours of the Law School, digital video of our symposia and conferences, and beautiful photo galleries of our student, faculty, and alumni events. The Web site is updated continually with the latest BLS community news and will soon include podcasts, too. We hope you'll visit the Web site regularly and use it as a resource to stay connected to your fellow alumni and the BLS community at large.

*Happy surfing!*

**Brooklyn Law School** (1901)

Apply Now  
Visit Us  
Career Center

Make a Gift  
News & Events  
Library

Our Strategic Edge

Resources for: ▾

myBLS CONNECT

Admissions City & Campus Intellectual Life Academics Faculty Alumni & Friends Search BLS go

**inspiration,  
leadership, legacy**

Benefit from the energy and support of our dynamic alumni →

**Latest News**

**Upcoming Events**

- CLE Program: Criminal, Law, Procedure and Evidence Seminar
- CLE Program: Bridge the Gap
- David G. Trager Public Policy Symposium - Sharing the Blame: the Law and Morality of Punishing Collective Entities
- Darryl L. Zaretsky Roundtable Discussion - Too Big to Fail: Bankruptcy and Bailouts
- Edward V. Spaner Forum - Finding a Cure: Providing Adequate Health Care for Immigrants in Detention

[all events](#)

**Our Strategic Edge**  
Learn more about what sets us apart

Contact Us • Site Map • Accreditation • Privacy Policy • Non-Discrimination Policy • Board of Trustees

250 Joralemon Street  
Brooklyn, New York, 11201 USA  
(718) 625-2200

"Brooklaw," the BLS Seal and Logo are service marks of Brooklyn Law School.  
Contents Copyright © 1995-2009 Brooklyn Law School. All rights reserved.

[www.brooklaw.edu](http://www.brooklaw.edu)



250 Joralemon Street, Brooklyn, New York 11201

ADDRESS SERVICE REQUESTED



## CALENDAR OF EVENTS | SPRING 2010

---

**JANUARY 11**      **SPRING SEMESTER BEGINS**

---

**JANUARY 22 – 24**    **BRIDGE THE GAP**  
(CLE Credit Offered)

---

**FEBRUARY 5**      **DAVID G. TRAGER PUBLIC POLICY SYMPOSIUM**  
“Sharing the Blame: The Law and Morality of  
Punishing Collective Entities”  
(CLE Credit Offered)

---

**FEBRUARY 10**    **BARRY L. ZARETSKY ROUNDTABLE  
DINNER & DISCUSSION**  
“Too Big to Fail: Bankruptcy and Bailouts”  
Sponsored by Epiq Bankruptcy Solutions, LLC

---

**FEBRUARY 18**    **MEMORIAL SERVICE FOR  
PROFESSOR EVE CARY**

---

**MARCH 2**        **LEGAL ASSOCIATION FOR WOMEN (LAW)  
ANNUAL ALUMNI DINNER**

---

**MARCH 5**        **EDWARD V. SPARER PUBLIC INTEREST LAW  
FORUM & SAFE HARBOR ALUMNI RECEPTION**  
“Finding a Cure: Providing Adequate Health Care  
for Immigrants in Detention”

---

**MARCH 11**      **BLSPI AUCTION**

---

**MARCH 17**      **ENDOWED SCHOLARS RECEPTION**

---

**MARCH 19**      **SYMPOSIUM**  
“Data Security and Data Privacy  
in the Payment System”  
Sponsored by the *Journal of Corporate,  
Financial & Commercial Law*  
(CLE Credit Offered)

---

**APRIL 8 – 10**    **25th ANNUAL JEROME PRINCE MEMORIAL  
EVIDENCE MOOT COURT COMPETITION**

---

**APRIL 15**        **BROOKLYN LAW REVIEW  
75th ANNIVERSARY DINNER**

---

**APRIL 17**        **RACE JUDICATA**  
Prospect Park

---

**MAY 13**         **CLASS REUNIONS**  
1960, 1965, 1970, 1975, 1980,  
1985, 1990, 1995, 2000, 2005  
Chelsea Piers, Manhattan

---

**JUNE 4**          **COMMENCEMENT**  
Avery Fisher Hall

*For more information about events, please visit our  
Web site at [www.brooklaw.edu/NewsAndEvents](http://www.brooklaw.edu/NewsAndEvents).*