

# BLS LawNotes

THE MAGAZINE OF BROOKLYN LAW SCHOOL | SPRING 2015



## Opening Doors

To a Powerful Network of Legal and Business Insiders

# BLSLawNotes

Vol. 20, No. 1

## Editor-in-Chief

Linda S. Harvey  
*Assistant Dean for External Affairs*

## Managing Editor

Jen Swetzoff

## Class Notes Editor

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

## Faculty Notes Editor

John Mackin  
*Public Relations Manager*

## Contributors

Claudia Bona-Cohen  
Andrea Polci  
Andrea Strong '94  
Peggy Swisher  
Clorinda Valenti

## Graphic Design

Ron Hester Design

## Photographers

Damion Edwards  
James P. Gannon  
Patrice Gilbert  
Marty Heitner  
Ron Hester  
John Keating  
Kathryn Kirk  
Will O'Hare  
Joe Vericker

## Printer

Allied Printing

## Contact Us

We welcome letters and comments about articles in *BLS LawNotes*. We will consider reprinting brief submissions in print issues and on our website.

TEL: 718-780-7966

EMAIL: [communications@brooklaw.edu](mailto:communications@brooklaw.edu)

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

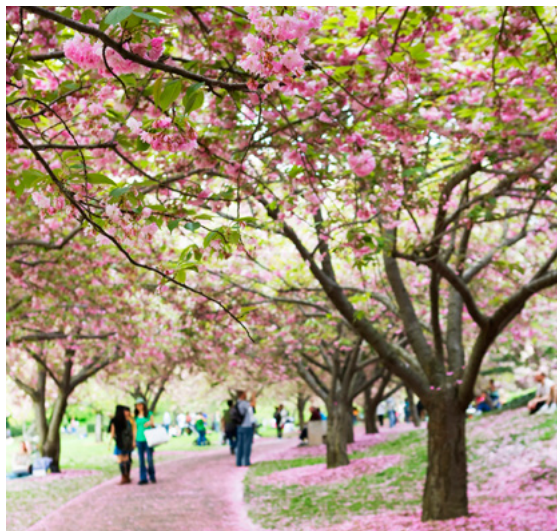
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Managing Editor  
BLS LawNotes  
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Cherry blossoms at the Brooklyn Botanic Garden

**CORRECTION:** The Fall 2014 edition of *LawNotes* omitted three recent graduates from the article about judicial clerkship appointments: Adam Blander '13 is serving as a clerk for Judge Barbara Jaffe (2013–15), New York Supreme Court, New York County; Jaclyn DeMais '13 is serving as a clerk for Judge Mary Gibbons Whipple (2013–14), New Jersey Superior Court, and Judge Mary Catherine Cuff (2014–15), Supreme Court of New Jersey; and Dominic Saglibene '14 is serving as a clerk for the U.S. Department of Justice (2014–16), Office of Immigration Review.

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## Opening Doors

Students at Brooklyn Law School get the edge with powerful networking and mentoring opportunities in careers as varied as sports, fashion, labor relations, and tax law. Recently, the General Counsel of the NY Giants, the Corporate Counsel of Michael Kors, the top brass of the National Labor Relations Board, leaders of the public service bar, and representatives from the Big Four all spent time at BLS to discuss their professional experiences with students, faculty, and alumni.

*Andrea Strong '94*

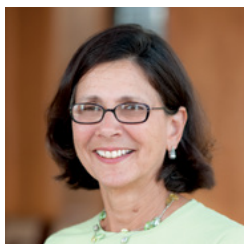
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## The Road to the Aisle

The impending end of the same-sex marriage litigation in the United States raises several issues that are worth pondering: the speed with which cases have made it to the Court, the complex dance of law and politics that came to mark same-sex marriage advocacy, the obstacles the movement avoided along the way, and the role of the Supreme Court's 2013 opinion in *United States v. Windsor*. These issues speak not just to the same-sex marriage story, but more generally to 21st-century civil rights advocacy in the United States.

*Professor William D. Araiza*

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“At a time when practice-ready law graduates are in high demand, BLS provides its students with multiple opportunities.”

**Professor Stacy Caplow**, Associate Dean for Professional Legal Education

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“As the legal profession becomes increasingly globalized, one of the great challenges of our time is to keep sight of our public values.”

**Julian Arato**, Assistant Professor of Law

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“Kodak was forced to take its cameras and film off the market even though they were in the hands of 13 million Americans.”

**Ron Fierstein '76**, author of *A Triumph of Genius: Edwin Land, Polaroid, and the Kodak Patent War*

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“Bob [Pitler] had the tenacity of a bulldog when it came to doing things right. Brooklyn Law School will miss him.”

**Professor Ursula Bentele**



“From its very beginnings almost 115 years ago, the Law School has been a gateway of opportunity for talented people of all backgrounds who may not have been able to pursue a legal education at other institutions.”

The recent 100th birthday of revered Brooklyn Law School Professor Joseph Crea '47 is reason for a grand celebration of an extraordinary life and career. Joe is a true son of Brooklyn who grew up in the borough and resides there today. The story of how his interest in the law was sparked as a young man in the late 1930s is a remarkable tale and part of Brooklyn Law School lore.

Picture a young Joe during the Depression delivering bread to the farmers in Flatbush. While on his rounds, he came upon a pile of discarded law books soaked with water that he brought home, dried out, and devoured. Joe makes no secret of the fact that what most impressed him in his reading was learning that lawyers could make multimillion-dollar legal fees even during the Depression. Yet he discovered at the Law School that he not only had a keen legal mind but was a natural born teacher. And so he embarked on a now legendary career as a faculty member that has lasted more than six decades, shaped generations of students, and helped to transform the Law School itself.

I hope you will join us to honor Joe and seven of our many accomplished alumni and faculty members at the “Salute to Brooklyn Law School Icons” gala on June 11 on Ellis Island. That evening, Joe will share the stage with New York City Mayor David N. Dinkins '56; fellow faculty members Richard T. Farrell '64, Linda B. Feldman '83, Susan N. Herman, Roberta S. Karmel, and Aaron D. Twerski; and our Dean of Admissions Henry W. Haverstick III, who retires in June after 40 years of service. This is a special group of people who have made lasting contributions to their fields and to the rich legacy of Brooklyn Law School—and who have set the stage for our exciting future. CNBC anchor Brian T. Sullivan '03 will serve as the gala's master of ceremonies. (You can read more about the event at [brooklaw.edu/iconsgala](http://brooklaw.edu/iconsgala).)

It is fitting that this gala celebration will take place on historic Ellis Island. From its very beginnings almost 115 years ago, the Law School has been a gateway of opportunity for talented people of all backgrounds who may not have been able to pursue a legal education at other institutions. We have consistently been pioneers in this regard. The doors of the Law School were open wide to women, immigrants and children of immigrants, African Americans, Asian Americans, Latinos, and others from diverse backgrounds.

Consider that of the 342 students enrolled in the Law School in 1906, 19 were women. This seems like a low number by our standards today, but at the time this small cohort of female students was significant. Among them was feminist pioneer Rosalie Gardiner Jones '06, a major leader in the women's right to vote movement. Two years later, Jeannette Brill '08 graduated from the Law School and went on to found the Brooklyn Women's Bar Association and became a judge of the

Magistrate's and Domestic Relation Courts. So many of these women from the early days of the Law School were icons in their own right, including Amelia Dietrich Lewis '24, who practiced law for 63 years and was involved in the landmark 1967 Supreme Court case *In re Gault*, which established due process in juvenile courts across the country. We are also very proud that the Law School later named one of the first female law school deans in the country, when Joan Wexler was appointed to that position in 1994.

Among African-American women in law, Florence Lucas '38 was an important pioneer. As an appointee in Governor Nelson Rockefeller's administration, she helped draft a new human rights law for New York and developed the hearing process for violations of the law. Mayor Dinkins was one of the many notable African-American students from the New York City area in the postwar years, a stellar group that included William Thompson '55, later Associate Justice of the Appellate Division, Second Department, who celebrates his 90th birthday this year. They paved the way at the Law School for other accomplished African-American graduates including Benjamin Ward '65, who became New York City Police Commissioner; Sterling Johnson Jr. '66, who serves as U.S. District Judge of the Eastern District of New York; and Louis Bedford '50, the first African-American judge in Dallas County, Texas, who came to Brooklyn Law School because segregation prevented him from pursuing a law degree in his home state.

As you will read on page 51 of this issue of *LawNotes*, the Law School also has produced pioneering Asian-Americans. Dorothy Chin-Brandt '74, the Acting Justice of the Supreme Court 11th Judicial District, Criminal Term, in Kew Gardens, was the first Asian-American woman judge in New York and the state's first elected Asian-American public official. Justice Peter Tom '75, Associate Justice of the Appellate Division, First Department, has a long list of "firsts" in the legal arena—and a notable achievement in another venue as the first Asian-American to win the New York City Golden Gloves Boxing Championship.

Herman Badillo '54, a member of the Board of Trustees, who passed away in December (see page 59), was a trailblazer in New York City and national politics, serving as the country's first Puerto Rican-born congressman and the city's first Puerto Rican commissioner and borough president. He championed civil rights, jobs, housing, and education reforms. His lifelong commitment to public service and creating opportunities for people of all backgrounds opened doors for others, in particular for generations of Latinos who wished to pursue careers in law. I cannot think of a better embodiment of our mission: dedication to the advancement of our understanding of law, legal institutions, and society at large.

All these giants of Brooklyn Law School deserve to be celebrated, as well as the iconic Deans William Payson Richardson, David Trager, Jerome Prince, and I. Leo Glasser, who have built and guided our school through the decades. They all are beacons for our talented and diverse students and our extraordinary alumni around the world who are leaders in their fields. I recently returned from a trip to California to meet with alumni and prospective students and was simply astonished by how the legal and business communities in Los Angeles and San Francisco are dominated by our graduates. From film and television to music to the high-tech world, if you are an "A-lister" in these fields, chances are your lawyer or your employer is a Brooklyn Law School graduate. In New York City, we are the go-to legal talent in a range of fields, from entertainment law, to banking, corporate, and finance law, to sports law, to real estate law, criminal law, and so much more.

We have many more stories to tell of our rich history and our impressive leadership and impact. It is time we celebrated those achievements and the special "Brooklyn edge" that makes our graduates second-to-none—and puts the swagger in our steps, if you will. We have earned it. We deserve to take pride in who we are and what we have accomplished. As we gather on Ellis Island on June 11 to honor our illustrious icons, let us tell the world that when you go to Brooklyn Law School you get to be the best, and nothing less.



Nick Allard  
*Joseph Crea Dean and President*

# BLS Students Answer the Clarion Call and Receive Coveted New Public Service Fellowships

**IN RECENT YEARS**, New York State Chief Judge Jonathan Lippman has been raising attention for the need to close the access-to-justice gap, even making it the centerpiece of his remarks at the Law School's Public Service Awards Ceremony in 2012. And today, it's clear that legal leaders have heard the clarion call.

New public service programs and fellowships are fostering opportunities for graduates to develop the skills and experience they need to begin meaningful jobs in public service. Because of Brooklyn Law School's strength in this area, and its expanded Public Service Office under the direction of Danielle Sorken, a high number of students have recently been chosen for coveted positions. "Their success reflects the rich experiences of their pro bono cases, clinics, externships, and course work," Sorken said.

## NYS Pro Bono Scholars

Eight Brooklyn Law School students are participating in this year's New York State Pro Bono Scholars Program, a new initiative of the New York State Unified Court System. Selected participants take the New York bar exam in February of their 3L year, spend their final semester of law school working full-time to provide critical legal services to low-income individuals, and are potentially admitted to the New York State bar in June.

"From managing urgent deadlines to learning the regional courts' quirks to understanding how to deal with clients from all walks of life, my experience as a

Pro Bono Scholar has been invaluable," said Diyang Liu '15. "I've gained more applicable and transferable litigation skills from drafting motions and affidavits, from scratch and on the fly, than from any other internship."

"The Pro Bono Scholars Program has allowed me to continue working and developing relationships in the Hudson Valley communities where I hope to practice after law school," said Dante De Leo '15. "I have had the unique opportunity to speak face-to-face with the people who are hurting the most, and do my best to help them."

## IJC Fellows

Ting Poon '15 and Paola Uriarte '14 were recently selected as two-year postgraduate Immigrant Justice Corps (IJC) Fellows. Along with Scott Foletta '14, who began his IJC fellowship this past fall, they will provide legal assistance to immigrants seeking citizenship and fighting deportation. Inspired by Chief Judge Robert Katzmman

of the U.S. Court of Appeals for the Second Circuit, the IJC places fellows with legal services organizations throughout New York City, where they receive comprehensive training in immigration law.

"I applied for the Immigrant Justice Corps," Poon said, "partly because of my experience at the Safe Harbor Project, one of BLS's clinical programs. Professors Stacy Caplow and Dan Smulian encouraged me and provided invaluable guidance on developing a career in this particular field."

Uriarte added, "The IJC fellowship will give me a strong foundation to achieve my career goals. I plan to continue working in the public interest sector, representing low-income immigrants who are faced with a multitude of legal and non-legal issues."

## PipS Fellows

Eleven BLS students have been chosen for 2015–16 Public Interest/Public Service (PipS) Fellowships, which aim to improve the practical skills of new lawyers while expanding the ability of nonprofits and government agencies to provide legal services. The two-year program encompasses the students' last year of law school and first post-graduate year.

"I came to law school because I wanted to work specifically on issues regarding parenting and families," said Claire Gavin '16. "PipS is great for me because working full time at NYLAG [New York Legal Assistance Group] in the fall will allow me to gain another year of experience doing what I love and what I came here to do."

Last year, BLS was the first law school on the East Coast to offer this innovative fellowship, spearheaded by Professor Stacy Caplow, Associate Dean for Professional Legal Education. The 2014–15 fellows, who are finishing their first year, have successfully conducted hearings and argued motions in Family Court and Immigration Court, conducted depositions and other discovery on tort claims filed in NY State Courts, filed numerous applications for immigration relief and orders of protection, and drafted an Article 78. They are winding down to start studying for the bar

## 2014–15 New York State Pro Bono Scholars

**Erik Alves**  
Shearman & Sterling LLP

**Mario Bai**  
New Jersey Office of the  
Public Defender

**Vander Beatty**  
Brooklyn Defender Services

**Marija Dabovic**  
Brooklyn Bar Association  
Volunteer Lawyers Project

**Dante De Leo**  
Sussman & Watkins

**Michael Grant**  
Legal Services NYC

**Diyang Liu**  
Legal Services NYC

**Clarissa Wertman**  
NYC Housing Development  
Corporation

“Their success reflects the rich experiences of their pro bono cases, clinics, externships, and course work.”

—Danielle Sorken  
Director of the Public Service Office

exam, but will return in August with a year of experience under their belts.

“The inaugural year of the PipS fellowship has been both thrilling and challenging,” Caplow said. “The students have worked hard and it’s easy to see how much they have grown professionally while balancing the demands of their full-time jobs with their ongoing law school commitments. They are heroes.”

The traditional three-year law school structure has been a flashpoint in the national conversation about legal education. Many practicing lawyers complain that newly graduated lawyers do not have enough practical experience. The PipS program is designed to integrate students into a professional setting where they can be trained and develop essential lawyering skills while they are still in law school. ■

### 2015–16 PipS Fellows

#### Israel Appel

The Legal Aid Society Juvenile Rights Project

#### Shalisa Cumberbatch

Brooklyn Defenders Family Defense

#### Claire Gavin

NY Legal Assistance Group, Mobile Unit/Family Law

#### Maura Heron

The Legal Aid Society Juvenile Rights Project

#### Stephanie Michael

NYC Law Department, Torts Division

#### Marta Mychak

NY Legal Assistance Group, Public Benefits

#### Ellen Piris Perez

NY Legal Assistance Group, Public Benefits

#### Katherine Rodriguez

ASPCA

#### Ishrat Ruhl

The Legal Aid Society Immigration Unit

#### Adam Yefet

The Legal Aid Society Special Litigation Unit

#### Bin Na Yi

Community Service Society

## Ten Alumni Awarded \$10,000 Post-Grad Criminal Justice Fellowships



TOP ROW (L TO R): Benjamin D. Moore '07, Samantha E. Smalls '00, Mary Anne Mendenhall '08, Lisa A. Nugent '07, and Benjamin C. Zeman '07; BOTTOM ROW (L TO R): John C. Miras '07, Lawrence Mottola '08, and Basima Hafiz '08 (NOT PICTURED: Dana Gremaux '08 and Adina Weidenbaum '05)

**A RECORD 10 BLS GRADUATES**, a mix of public defenders and prosecutors, received this year’s Brooklyn Law School Criminal Justice Post-Graduate Fellowship, which awards \$10,000 to alumni working in the criminal justice field. “These graduates are shining examples of the type of attorney Brooklyn Law School produces: passionate, driven, and tireless advocates,” said Dean Allard.

The Criminal Justice Post-Graduate Fellowship Fund was created nearly two decades ago through the efforts of the late Professor Robert M. Pitler '66 (see page 60) to help experienced graduates with substantial educational debt continue to practice public sector criminal law. The fellowship fund is supported by the proceeds of CLE Criminal Law Procedure and Evidence Seminar, which Professor Pitler organized and moderated each year.

Award recipients must have worked for at least five consecutive years in a public sector criminal law office, demonstrate a commitment to continued public service, and have a significant amount of educational debt at the time of graduation. ■

This year’s recipients, selected by the late Professor Robert M. Pitler, Professor Ursula Bentele, and NYS Supreme Court Justice Charles Solomon '72, are:

- **Dana Gremaux '08**  
*ADA, Suffolk County DA's Office*
- **Basima Hafiz '08**  
*Staff Attorney, Bronx Defenders*
- **Mary Anne Mendenhall '08**  
*Supervising Attorney, Bronx Defenders*
- **John C. Miras '07**  
*ADA, Bronx DA's Office*
- **Benjamin D. Moore '07**  
*Staff Attorney, Brooklyn Defender Services*
- **Lawrence Mottola '08**  
*ADA, Kings County DA's Office*
- **Lisa A. Nugent '07**  
*ADA, Kings County DA's Office*
- **Samantha E. Smalls '00**  
*Staff Attorney, The Legal Aid Society*
- **Adina Weidenbaum '05**  
*Senior ADA, Suffolk County DA's Office*
- **Benjamin C. Zeman '07**  
*Senior Trial Attorney, Brooklyn Defender Services*

## Recognized Practical Training Program Prepares BLS Students for Job Market

**TODAY'S LAW STUDENTS** more than ever need to have practical training. Brooklyn Law School has long been at the forefront of the movement to develop coursework and programming that better equip its students to practice law and evolve with the changing job market—through its Business Boot Camp, its clinical programs, and externships.

“Brooklyn Law School has always valued learning through experience,” says Professor Stacy Caplow, Associate Dean for Professional Legal Education. “At a time when ‘practice-ready’ law graduates are in high demand, BLS provides its students with multiple opportunities to develop professionally, to deal with the complex world of law practice, and to polish a wide variety of lawyering skills. We have grown our program in-house as well as through partnerships with leading organizations, agencies, and law firms.”

Recently, the Law School's groundbreaking training initiatives have been recognized by the media. In February 2015, for instance, *The New York Times* highlighted Brooklyn Law School's Business Boot Camp, an intensive three-day course held during the winter break designed to teach law students the skills necessary to succeed in the business world, including how to develop a business plan, value assets, raise the capital to create and run a company, and meet business goals.

In “Law Students Leave Torts Behind (for a Bit) and Tackle Accounting,” *The New York Times* reporter Elizabeth Olson examined the innovative ways that law schools are better equipping students for a changing job market. “The programs law firms offer are very specific, but our program covers a broad diversity of topics, following a business from its inception, through various phases, including franchising and purchasing an overseas business,” said John Oswald '84, President and CEO of the international merchant/investment bank Capital Trust Group, who funded Business Boot Camp and helped develop its curriculum.

Additional recognition came from *The National Jurist*, which ranked Brooklyn Law School among the top 20 law schools in the nation for practical training by earning an A or A+. The grade is determined by the number of full-time students who enroll in clinics, externships, and simulation courses, or who participate in interschool skills competitions.

Brooklyn Law School requires all students to take a “real work practice course,” an externship or clinic, to graduate. Through the clinical program, in particular,

programs. The Law School's externship program is one of the largest in the nation. Each year, hundreds of BLS students work in law offices, government agencies, nonprofit organizations, and judges' chambers across the United States.

Students also have the opportunity to participate in the Law School's popular and successful Moot Court Honor Society. Students in the Trial Advocacy and the Appellate Advocacy Divisions compete in more than 30 competitions across the country and overseas, strengthening



Each year, hundreds of BLS students work in law offices, government agencies, nonprofit organizations, and judges' chambers across the United States.

students have a number of opportunities to gain real-world experience and work with actual clients under the supervision of faculty and practitioners. Student-attorneys from the Law School appear and argue on behalf of actual clients in federal and state court proceedings or mediate disputes. They work on both litigation and transactional matters, representing individual clients or entities. There are currently 25 clinics and eight externship

their oral advocacy and writing skills. Recently, students have competed internationally in Vienna, Oxford, and The Hague. In addition, students are participating in non-litigation competitions related to client counseling, negotiation, arbitration, and transactional drafting.

“This recognition is testament to the continuing success of Brooklyn Law School's diverse, extensive, and comprehensive programs. We offer our students the critical real-world experience that launches their legal careers while they are still in school, preparing them to be effective and successful in their future positions from the start,” said Dean Allard. ■



# Well Done and Carved Up

## Dean Allard Gets Roasted at Law School Benefit



**FACULTY, STUDENTS, ALUMNI,** and friends of the Law School gathered at the Forchelli Conference Center in November 2014 for a roast of Dean Allard to benefit the Urban Assembly School for Law & Justice, a public high school that has partnered with the Law School since its founding in 2004. “Roasted Live in Brooklyn, Dean Allard: Well Done and Carved Up,” was presented by the Student Bar Association (SBA) and emceed by Charisma L. Troiano, vice president and legal editor of the *Brooklyn Daily Eagle*, and host and producer of the television program “BK Live.”

SBA President Elizabeth Geddes '15 kicked off the evening and introduced Matt Schwarzfeld, a Brooklyn high school constitutional law teacher who briefly spoke about Law & Justice's mission. Mark Walsh '15 served as Gongolier for the 15 roasters, who chronicled nearly every significant chapter in Dean Allard's career. The festivities began with “Act I: It Starts and Ends in Brooklyn,” which included tributes by Dean Allard's wife, Marla Allard; Marty Markowitz, Brooklyn Borough President Emeritus; and Stephen Trachtenberg, President Emeritus, George Washington University. Markowitz quipped: “Nick thinks he looks like George Clooney, but let's be candid: He's lying on the couch watching *Ocean's Eleven* in his boxer shorts, eating leftovers from the local restaurant Queen, and complaining to Marla, ‘Why are you shrinking my suits?’”

“Act II: The Princeton Years” included roasts by classmates Andy Cowherd, Managing Director of Mesirow Financial;

and Judge Andrew P. Napolitano, a Visiting Distinguished Professor at the Law School and Fox News analyst. “Act III: The Oxford and Yale Years” featured Peter Kougasian, a Manhattan prosecutor and a classmate at Princeton and Yale; and Tom McMillen, of Washington Capital Advisors, a former Olympian, NBA player, and congressman, who said he taught the Dean to move right and dribble (but he was talking about politics and beer). McMillen said: “Many of you may not know this, but there is a wax statue of Nick at Madame Tussaud's in Washington, D.C., and the truth is that the statue can outrun Nick these days.”

“Act IV: The Washington Years” included Mark Rotenberg, Chief Legal Officer at Johns Hopkins University, who clerked with Dean Allard; Norm Orenstein, Resident Scholar of the American Enterprise Institute; and Dean Allard's older son, Nate, an associate at Kramer Levin, who said he is Dean Allard's favorite son.

“I don't mean to be harsh,” Nate Allard told the audience. “My dad has had many accomplishments—and he'll tell you all about

**ABOVE, LEFT TO RIGHT: Elizabeth Geddes '15, Dean Allard, and Judge Andrew P. Napolitano; the sellout crowd; Charisma L. Troiano, the evening's emcee**

them, repeatedly. He sends around every version of every draft of every speech, press release, and article. Dad, could you please just send me the final version? It's much easier for me to ignore one email.”

“Act V: Brooklyn Law School” featured Colin Hedrick '13, an associate at Donovan LLP and former president of the SBA; Dwayne Thomas '13, attorney-at-law and former editor of the *BLS Advocate*; Carol Levine, who works in the Dean's Office; and Vice Dean Michael Cahill. Closing out the evening were Marla Allard, the Dean himself, and SBA president Elizabeth Geddes.

Aside from sharing often off-color and embarrassing stories about the Dean, the roasters agreed that he has achieved an impressive career. Tyler Allard, the Dean's younger son, quipped: “Let's remember all that Nick Allard has accomplished in life, having hailed from Suffern, NY.” ■

### About the Urban Assembly School for Law & Justice

The Urban Assembly School for Law & Justice is a college-preparatory high school with a focus on legal studies and debate. Since its founding, the high school has been a partner with Brooklyn Law School to fulfill its mission of engaging students through legal studies and debate. As part of a challenging four-year sequence, students learn about and experiment with law in their own school; their city, state, and country; around the world; and throughout history. BLS students sponsor several “Law Students for Day” programs—during which selected high school students shadow law school students. BLS students have also been involved with the high school's Moot Court Week and mentorship and support programs.

## Black Lives Matter: A Town Hall and Die-In

On January 28, 2015, students, faculty, and staff packed the BLS student lounge for a Town Hall meeting, “After Ferguson? After Garner? After...?” Professor and ACLU President Susan Herman welcomed the audience and opened the floor to comments and questions. A panel of faculty including Professors William Araiza, Ursula Bentele, Alafair Burke, Michael Cahill, Bennett Capers, Stacy Caplow, Cynthia Godsoe, Joel Gora, Stephan Landsman, Christina Mulligan, Elizabeth Schneider, and Beryl Jones-Woodin weighed in with their thoughts from a variety of legal perspectives.

“You often want to say the jury didn’t follow the law, or the grand jury didn’t follow the law, but the real problem is often the law itself,” Professor Capers said, responding to a student’s question about flaws in the legal system. “One problem is we tend to want laws that are neutral, and it makes sense to want laws that are neutral. But how do we create laws that are neutral and recognize that fact that race matters?”

Questions ranged from the meaning of “law enforcement” to the impact of “broken window policing” and the prevalence of “white privilege.” Many students shared personal experiences of their own encounters with law enforcement officers.



Attendees in the BLS Student Lounge for a Town Hall meeting, “After Ferguson? After Garner? After...?”

“One of the bigger-picture issues that concerns me is the gross overcriminalization that our law represents,” Professor Gora said. “We should really be looking to decrease the number of encounters between the police and the citizenry by reducing the number of minor crimes that police investigate.” ■



AT NOON ON DECEMBER 11, 2014, more than four dozen Brooklyn Law School students held a “die-in” in the school’s courtyard to protest the non-indictments of the police officers responsible for the deaths of Michael Brown and Eric Garner.

The die-in lasted for 4 minutes and 30 seconds to symbolize the 4 1/2 hours Michael Brown was left on the street after he was shot in Ferguson, MO.

A coalition of BLS students planned the event to give their classmates an opportunity to express their opposition to the grand juries’ decisions in both cases and support for a justice system that better protects lives in communities of color.

“Today’s die-in gave students a chance to release some of the many emotions they have been experiencing in a peaceful way,” said Janeen Hall ’15, president of the Black Law Students Association. “It also showed students that they have a community of support here at school. Many of us came to law school to effect change, and it’s amazing that we don’t have to wait until we graduate and pass the bar to do so.”

# Community Building in Brooklyn and Beyond

**BROOKLYN LAW SCHOOL** is playing an important role to foster the borough's unprecedented growth and development. "We are proud to be a part of the dialogue taking place in this borough every day," said Dean Allard. "Our doors are open to the community, which is a vital part of our mission." This fall, the Law School partnered with the community to produce several noteworthy events, including meetings with the NYPD 84th Precinct Community Council, the FDNY, Community Board II, and the Downtown Brooklyn Partnership, as well as programs with State Senator Dan Squadron and Public Advocate Letitia James.

## Appellate Division Oral Arguments

On October 21, 2014, New York State Supreme Court, Appellate Division, Second Department, heard oral arguments at Brooklyn Law School. A four-judge panel—Judges John M. Leventhal '79, L. Priscilla Hall, Leonard B. Austin, and Sheri S. Roman—heard appeals on a variety of criminal, civil, and family law cases. Students, faculty, and staff were invited to attend the arguments, held in the Moot Court Room and also simulcast in the Student Lounge. "The Appellate Division visit was a wonderful opportunity for BLS students to see the law in action," said Professor Cynthia Godsoe, who organized the event. "The Second Department has a wide-ranging docket of civil and criminal matters, which allowed students to observe a variety of legal arguments and advocacy styles."

## Vision Zero for Cities

The Law School hosted the first-ever Vision Zero for Cities Symposium on November 14 and 15, 2014. The program examined the engineering decisions, enforcement policies, and public education tools that will prevent traffic fatalities and how cities can make every resident a stakeholder in Vision Zero. The seminar was presented by Transportation Alternatives, Swedish Transport Administration's Vision Zero Academy, Columbia University Medical Center, Families for Safe Streets, and Brooklyn Law School.

## Combating Foreclosure

Dean Allard welcomed Attorney General Eric Schneiderman, Public Advocate Letitia James, Commissioner of the Department of Consumer Affairs Julie Menin, and a host of other local and state-level elected officials to the Law School on December 2, 2014, for the forum, "Combating Foreclosure Rescue Scams: Taking Action Against Predatory Schemes." Attorney General Schneiderman announced the launch of a new web-based app, AgScamHelp.com, to help New York homeowners avoid foreclosure rescue scams. "Many foreclosure scams claim to be government affiliated. The AGScamHelp app allows New Yorkers to check if those claims are true," he said. ■

→ [Keep up to date on what's happening at the Law School: brooklaw.edu/events](http://brooklaw.edu/events)



In September 2014, the Law School partnered with the 9th annual Brooklyn Book Festival and hosted several events including the kickoff panel, "Planning and Protesting: Cities Evolve," moderated by Professor David Reiss, Director of the Law School's Community Development Clinic and a frequent commentator on related policy issues. The discussion aired on C-SPAN 2.

PHOTO: KATHRYN KIRK



“I am honored to return to Brooklyn Law School to teach students and continue to work for social justice.”

## Michael Higgins '11 Joins AAIDD Clinic as Staff Attorney

**MICHAEL HIGGINS '11 JOINED** the Law School in the fall as a staff attorney for the new Advocates for Adults with Intellectual and Developmental Disabilities (AAIDD) Clinic. The clinic provides a unique opportunity for students to advocate in diverse areas of law including public benefits, guardianship, housing, and access to government services.

Higgins was most recently a staff attorney in the General Practices Unit of Legal Services of the Hudson Valley, where he represented clients primarily in the areas of housing and public benefits. He also served as a staff attorney in the Disabilities Unit.

Higgins began his career as a Brooklyn Law School Graduate Fellow. He worked in the Education Unit at Legal Services NYC-Bronx, where he focused on how schools serve students with behavioral needs. He then served as a staff attorney for Mid-Penn Legal Services in Lebanon, PA, where he provided legal services to clients in housing, employment, consumer credit, domestic violence, and family law cases.

At the Law School, he was active in a number of public interest areas. He participated in the Unemployment Action Center, a pro bono project, and did an externship at Urban Justice Center's Community Development Project. Higgins also was a BLSPI Fellow in the Housing Unit at the Legal Aid Society of Rochester. He was the recipient of a Prince Scholarship and won a CALI Excellence for the Future Award in mental health law.

“I am honored to return to Brooklyn Law School to teach students and continue to work for social justice,” said Higgins. “The AAIDD Clinic has the opportunity to be a unique voice in disability advocacy by focusing on a population that is often forgotten and desperately underserved. I am thrilled to be part of the efforts to serve this community through a creative mix of individual and policy advocacy, impact litigation, and coalition building.” ■

## Veterans' Rights Clinic Provides Critical Legal Services

**A QUARTER-MILLION** military veterans call New York City their home. With this large number of veterans comes a strong need for legal services to ensure they receive the benefits to which they are entitled and opportunities to build healthy and meaningful lives after their service.

To help address this need, the Law School recently launched the Veterans' Rights Clinic, in which students are able to work at a variety of organizations and agencies that specialize in veterans' law issues and claims. This spring, clinic students also work at the Veteran Advocacy Project (VAP), where they represent veterans in a range of cases affecting entitlement status and receipt of health care and benefits.

The clinic is taught by Coco Culhane '10 (a “Rising Star” at this year's Alumni Association Luncheon, see page 42), who created VAP in 2011 as part of the Urban Justice Center's Mental Health Project. VAP provides an unprecedented range of legal services to the city's many low-income veterans battling mental illnesses and behavioral health difficulties including post-traumatic stress disorder, substance abuse, and depression. Culhane, a former editor at *The New Republic*, was an Edward V. Sparer Public Interest Law Fellow and a BLSPI Fellow at the Law School. She also was awarded an Equal Justice Works Fellowship in 2011, which she used to support her ongoing work at VAP.

“As the number of veterans returning from Afghanistan and Iraq grows, so does the need for legal services,” said Culhane. “Disabilities and trauma exacerbate the difficult transition from combat to productive civilian life. Many veterans suffer joblessness, and lack benefits or needed medical treatment, and, as a result, face homelessness and continuing despair. I am grateful to be a part of this clinic and to be bringing more awareness to issues that veterans face every day. The clinic will go a long way to helping veterans rebuild their lives.”

The clinic is funded by Tyler Korff '12, a member of the Law School Board of Trustees. Korff also funded two summer fellows at the Urban Justice Center and a half-day symposium, “Fighting for Veterans: Meeting the Need for Legal Services in New York City,” which took place last spring. ■

“As the number of veterans returning from Afghanistan and Iraq grows, so does the need for legal services.” — **Coco Culhane '10**

## BLIP Update: A Global Player at the Intersection of Law and Technology

**THE PIONEERING** Brooklyn Law Incubator and Policy Clinic (BLIP), founded and directed by Professor Jonathan Askin, is involved in a growing number of initiatives in the United States and abroad to advance a complex and rapidly changing field. BLIP, one of the transactional clinics affiliated with the Law School's Center for Urban Business Entrepreneurship, represents Internet, new media, communications, and other tech entrepreneurs and innovators on both business and policy advocacy. Associate Professor Marjorie White, who recently joined the BLS faculty with significant experience in private practice, is now working closely with Askin and advises students in the BLIP clinic.

On the international front, through a €500,000 grant from the European Commission, the Law School is partnering with a consortium of four core law schools and a growing number of active European law school satellite partners to build iLINC, a network of BLIP-like clinics and tech law programs working with the burgeoning startup and entrepreneur communities throughout Europe.

BLIP serves as the model, the advisor, and the U.S. “landing strip” for the European law schools and the startups with which they work. The core European partners are Queen Mary University of London Centre for Commercial Law Studies where Askin is a visiting professor; the KU Leuven Interdisciplinary Centre for Law and ICT in Belgium; the University of Hamburg Hans Bredow Institute for Media Research in Germany; and the University of Amsterdam, Institute for Information Law, in the Netherlands.

BLIP students are collaborating with several of the European law school partners on transactional and policy work. In particular, BLIP works with Internet-oriented clients whose ventures and ambitions extend beyond national boundaries and are, as a result, beset with multi-jurisdictional legal regimes and policies. For example, BLIP works with the program at the University of Amsterdam and with a joint client, 3DHubs, to establish

a global code of conduct for good actors in the emerging 3D printing community. Calling itself the “Airbnb of 3D printing” the Amsterdam-based 3DHubs recently moved its headquarters to the Brooklyn Navy Yard to be part of the borough’s growing hi-tech scene.

Meanwhile, BLIP is collaborating with several European law schools to explore global policy and legal issues surrounding privacy, the sharing economy, social entrepreneurship, copyright, and other legal issues that have been disrupted by digital technology and the emerging global economy. BLIP also provides traditional, transactional legal support for the European clients in need of U.S. counsel.

Closer to home, BLIP works with faculty and students within the legal sciences group at the renowned MIT Media Lab. Professor Askin has been teaching at both institutions, and he often connects the two groups via remote hookups to build a dynamic relationship that immerses BLS students in the world of the MIT technologist.

BLIP is collaborating with MIT on several tech policy projects designed to use technology and innovative tools to improve the law and legal processes and to use the law to improve the experience and viability of new ventures. Among these projects are a platform to combat “Revenge Porn” through a site that harnesses the provisions of the Digital Millennium Copyright Act to create a user-friendly, streamlined process to remove offensive photos and videos without running afoul of the First Amendment; a mobile app to help felons return to society and abide by their parole obligations, while preserving their privacy and autonomy; and a nationwide—and soon to be global—effort to turn “law into code,” with the goal to make laws more open, annotatable, and processable, so that citizens have a better handle on the state of law within and across jurisdictions.

“The goal is to morph and evolve the law on one hand to better serve technologists, enterprises, and society, but also harness technology so that lawyers can better service their clients,” Askin said. ■

Through a €500,000 grant from the European Commission, the Law School is partnering with a consortium of four core law schools and a growing number of active European law school satellite partners.



# Legal Lights

## Celebrating the Achievements of BLS Students and Recent Graduates

### Leanne Welds '14 Wins Brown Award for Excellence in Legal Writing

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Leanne Welds '14 was awarded the 2014 Brown Award by the Judge John R. Brown Scholarship Foundation for her paper, "Giving Local Municipalities the Power to Affect the National Securities Market." The Brown Award recognizes excellence in legal writing in U.S. law schools. This is the first time a BLS student has taken first place in the national competition, which awards a \$10,000 stipend to the winner.

Welds is currently an associate at Simpson Thatcher & Bartlett LLP in its Real Estate Group. As a student, she served as the executive articles editor for the *Brooklyn Law Review* and was the recipient of the Lorraine Power Tharp Scholarship from the New York State Bar Real Property Section. She was a member of the Community Development Clinic taught by Professor David Reiss, and externed with Enterprise Community Partners, an affordable housing firm. She also served as secretary of the Black Law Students Association.

"It is truly gratifying to have my work recognized in this way," Welds said. "I picked this topic for my *Law Review* note because of my combined interests in both the real estate and social justice

“Leanne is a perfect candidate for this prize. Her passion for the law is complemented by an excellent work ethic, good legal judgment, and serious intellectual firepower.”

— Professor David Reiss

aspects of the issue, but I never once thought I could be writing an award-winning paper. I am especially thankful to Professor David Reiss for sponsoring me for this competition, as well as both Professor Brian Lee and Professor Reiss for their detailed and thoughtful comments throughout the drafting process.”

Welds' winning paper evaluates the constitutionality and wisdom of plans by local governments to condemn underwater mortgages without also condemning the land that is attached to the mortgages. These plans are in response to the foreclosure crisis that has hit certain communities particularly hard. If successful, these plans would result in refinanced and smaller mortgages on homes that have seen their values drop dramatically since the

start of the financial crisis. The financial industry opposes these plans because they would reduce the face value of the existing mortgages.

"Leanne is a perfect candidate for this prize," said Professor Reiss. "Her passion for the law is complemented by an excellent work ethic, good legal judgment, and serious intellectual firepower. Leanne is a rising star of the Bar. I have no doubt that she will play a leadership role in the community."

### Philip Guffy '15 Selected as Distinguished Law Student by the American College of Bankruptcy

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Philip Guffy '15 is one of only six students who were selected from across the nation as Distinguished Law Students for 2015 by the American College of Bankruptcy (ACB), an honorary professional and educational association of bankruptcy and insolvency professionals that advances professional excellence and supports educational and pro bono efforts in local communities throughout the United States.

To be considered for this distinction, a student must be nominated by an ACB fellow or a law school professor or dean.

Candidates must have outstanding academic credentials and a demonstrated interest in bankruptcy law. The ACB considers the nominated students' writing as well as letters of recommendation. Guffy was nominated by Professors Michael Gerber and Edward Janger.

Guffy has been fascinated by the world of bankruptcy since childhood; his mother was a bankruptcy attorney. He remembers a case where one party asserted a large claim based on lost profits for a newly opened gas station. Guffy, even at a young age, was incredulous, saying the owner couldn't possibly know how much he'd make—\$300,000, \$0, or anything in between. "Even then, I knew that valuation was tricky," he said.

Guffy is a Barry Zaretsky Fellow and will begin a clerkship in the fall with Chief Judge Carla E. Craig of the U.S. Bankruptcy Court for the Eastern District of New York. He was a member of the Duberstein Moot Court bankruptcy team in 2014 and a coach of the team this year.

"What I like about bankruptcy practice is the chance to be both an expert and a generalist. One needs a specialized and deep knowledge of the Bankruptcy Code, but also a general knowledge of almost every other type of substantive law," Guffy said.



Leanne Welds '14



Philip Guffy '15



Sarah Walsh '13

## Journal Note by Sarah Walsh '13 Inspires New Health and Safety Legislation

A note by Sarah Walsh '13 in the *Journal of Law and Policy* (21 J.L. & POL'Y 243 [2012]) "Beyond the Polish: An Examination of Hazardous Conditions in Nail Salons and Potential Solutions for the Industry in New York City," recently became the basis for legislation introduced in the New York City Council to institute a review system for salons and spas similar to the grading system for New York City restaurants.

Walsh's interest in the topic was piqued when she visited a nail salon and noticed a number of health and safety hazards present. She subsequently researched the industry with a focus on the physical conditions of the nail salons and the impact of such conditions on workers and patrons. Based on the success of New York's then-new restaurant grading system, she began to think that the issues she identified in nail salons could be addressed through the use of a similar system.

“Knowing that I wanted my note to be unique, I started thinking outside of the traditional academic framework to find a topic.”

— Sarah Walsh '13

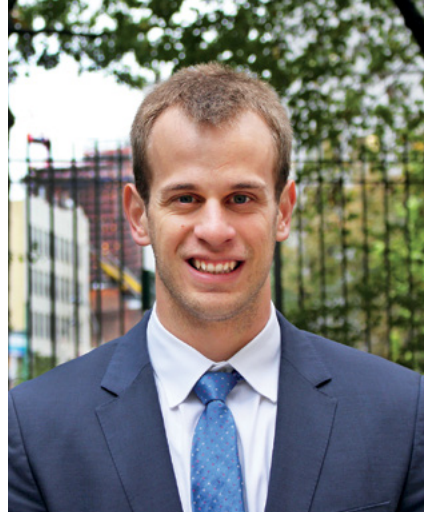
“Knowing that I wanted my note to be unique, I started thinking outside of the traditional academic framework to find a topic,” Walsh said. “Thankfully, the *Journal of Law and Policy* is a broad-based publication, which gave me great flexibility in selecting a topic.” BLS's *Journal of Law and Policy* has been ranked by Washington and Lee as the policy-related journal second-most cited by courts (just after the *Harvard Journal of Law and Policy*). “The other members of the journal were helpful during the writing and editing process and provided valuable feedback,” Walsh said. “In turn, I spent more time reading articles from mainstream publications, and kept my eyes open for ‘problems’ for which I could devise a policy solution.”

Walsh, who is currently an Assistant District Attorney in the Manhattan District Attorney's Office, said that, ironically, she did not take very many criminal law classes. “I did, however, spend a fair amount of time interning in district attorneys' offices. The summer I spent in the Major Economic Crimes Bureau in the DA's Office was phenomenal—I was excited to go to work every morning. As an intern, I did legal research and assisted with long-term investigations. Now, as an ADA in the Trial Division, I spend most of my time in the courtroom, meeting with witnesses, and managing my caseload.”

Walsh credits Professor Miriam Baer's Criminal Procedure class for providing her with a solid understanding of many issues that she deals with regularly in her current position. She also said that Professor Baer's White Collar and Corporate Crime and Theory Seminar enabled her to think critically about the prosecution of recent white-collar crimes.



Michael Grant '15



Andrew Smith '15

### Michael Grant '15 and Andrew Smith '15 Published in *National Law Review*

What are the legal rights of unpaid interns in New York State and City? What limitations, if any, should be placed on donations to political campaigns? These are two hot topics at the moment, and Michael Grant '15 and Andrew Smith '15 have tackled them in the *National Law Review*, which focuses on legal analysis by today's thought leaders.

Michael Grant '15 has held a longstanding interest in constitutional law and campaign finance, and an internship with the New York Legal Assistance Group Public Benefits Practice during the summer after his 1L year inspired a passion for economic justice as well. During the spring 2014 semester, in Professor Joel Gora's First Amendment Seminar, Grant was assigned a paper on the Supreme Court campaign finance case *McCutcheon v. Federal Election Commission*, the decision for which was pending at the time. With feedback from Professor Gora, Grant's paper analyzed the briefs that had been submitted by the parties in the case.

When the semester ended, Grant learned of the *National Law Review's* law student writing competition and thought that his paper might make a good topic for the competition. By that point, *McCutcheon* had been decided, with the Court striking down aggregate contribution limits on First Amendment grounds. Grant edited his 45-page paper to less than 10 pages, updated it to criticize the Court's ruling, and submitted it to the competition. Grant was notified that he had won the competition, and his paper, "Buttering Bread: The Sordid Tale of Campaign Finance and Shaun McCutcheon," was published on the journal's website.

"To me, campaign finance reform is important because campaign donations are the incentive system by which our politicians work," said Grant. "If that incentive system is designed so that only wealthy individuals and interests are represented, and they run counter to public opinion, then you have to question whether

we're really in a democracy or in an oligarchy." Grant is part of the inaugural class of New York State's Pro Bono Scholars Program. The program allows these scholars, who finish their studies one semester early, to sit for the February bar exam and then provides them with experience working full-time with a nonprofit organization. Grant worked with Brooklyn Legal Services NYC (see page 4).

Andrew Smith '15 interned this past fall in the labor and employment practice at Sheppard, Mullin, Richter & Hampton LLP, and one of his first assignments was to collaborate with his supervising attorneys to write a blog post for the firm's website about recent changes to the New York City and New

York State human rights laws, both of which now explicitly bring interns under the laws' protection. The legality of unpaid internships has been under intense debate in recent years, with former interns suing employers such as Fox Searchlight Pictures and Charlie Rose for back pay. Also under debate has been whether unpaid interns are protected by New York City's human rights law and other federal, state, and local laws prohibiting harassment and discrimination.

» The legality of unpaid internships has been under intense debate in recent years, with former interns suing employers such as Fox Searchlight Pictures and Charlie Rose for back pay.

His blog post was republished by the *National Law Review*. In addition to his internship at Sheppard Mullin, Smith has interned at a sports agency operated by the former general manager of the New York Jets and at a plaintiff's labor and employment firm. His interest in labor and employment issues was sparked during an internship with a federal judge during the summer after his 1L year, when he worked on a case involving age discrimination. "I'm intrigued by the new and evolving federal and state legislation monitoring what employers can do to employees," said Smith. "For example, the issue of making hiring and firing decisions based on employees' use of social media is undergoing a lot of changes right now." Following graduation, Smith hopes to pursue work in the labor and employment law field, and ideally in sports. ■



# Spotlight on Centers

BLS programs brought leading scholars and practitioners to campus for provocative discussions on international trade, bankruptcy, entrepreneurship, and urban development.

Intellectual debate, community involvement, professional networking, and innovative problem-solving are what drive Brooklyn Law School's centers, institutes, and fellowship programs. By partnering with other organizations—and inviting distinguished scholars, jurists, and attorneys to participate in panels and roundtables—BLS provides students, faculty, and alumni with ample opportunities to immerse themselves in today's most important legal matters.

During the fall and early winter, the Law School hosted events that focused on international trade, bankruptcy, entrepreneurship, and urban development.



LEFT TO RIGHT: Trade panelists Christopher Cloutier, Noah Hanft '76, Thomas Lee, and T. Augustine Lo, with Professor Zhao Yun, who taught Chinese law to BLS students during the winter session

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## Event on Future U.S.-China Trade Battles Draws Global Experts and Media Coverage

The trade war between the United States and China is nothing new. But recent battles, such as Qualcomm's antitrust case, have been making headlines again, as leaders negotiate new treaties and struggle to resolve disputes under existing legal frameworks. In January 2015, Brooklyn Law School's Dennis J. Block Center for the Study of International Business Law joined with the Trade Secrets Institute (TSI) and the Chinese Business Lawyers Association to encourage dialogue among leading practitioners and professors. Professor Robin Effron, co-director of the Block Center, introduced the event, which included two panel discussions moderated by Geoffrey Sant, Special Counsel in the Trial Department of Dorsey & Whitney LLP. Demonstrating the issue's timeliness, *The American Lawyer* featured some of the panelists' remarks in the March 2015 article "The U.S. Offensive in the China Trade War."

"Trade related or not," Professor Effron said, "Arbitration is becoming such a big part of dispute resolution that viewing it through the lens of trade disputes with China can be helpful."

The article quotes one of the panelists, William Perry, a partner with Dorsey & Whitney who represents Chinese exporters in U.S. trade forums and author of the blog *ChinaTradeWar.com*, who said, "The U.S. has taught China how to be arbitrary and capricious." Perry suggested there are inherent contradictions in the U.S. trade treatment of China. In turn, China now has a cynical view of the United States, which "leads the Chinese government to twist its own laws, including the Chinese antitrust law, when applied to foreign and U.S. companies."

Panelist Christopher Cloutier, a partner with King & Spalding who represents U.S. industry in the China trade wars, said, "Trade remedies are the grease that allows trade liberalization more generally. At a deep level, industry would never agree to free trade without the possibility of remediation."

Noah Hanft '76, president and CEO of the International Institute for Conflict Prevention and Resolution, and Hon. Claire R. Kelly '93, a judge on the U.S. Court of International Trade, also participated in this event.



**LEFT:** Zaretsky Fellows Liana-Marie Lien '15 and Lauren Berglin '15; **RIGHT:** Professor Edward Janger, Hon. Martin Glenn, Hon. Robert E. Grossman '73, and Scott L. Hazan '75 at the Zaretsky Roundtable



**Professor Minor Myers and Vice Chancellor J. Travis Laster at the CBLR panel discussion, "The Limits of Corporate Bylaws"**

### Zaretsky Roundtable Examines the Future of Chapter 11

When a business is sold, inside or outside of bankruptcy, questions of successor liability may arise. This issue recently garnered media attention as a result of the General Motors case because all-asset sales are now a key method of monetizing a firm's value in Chapter 11 cases. Another important related issue that frequently arises in these sales is when, and to what extent, a secured creditor may credit bid its claim in order to acquire the assets. The U.S. Supreme Court has reaffirmed the secured creditor's right to credit bid, but recent Bankruptcy Court decisions have suggested this right may not be absolute.

The reach of successor liability and the right to credit bid were examined at the 14th annual Zaretsky Roundtable, sponsored by the Center for Business Law and Regulation (CBLR), in November 2014. The event honors the life and work of Professor Barry L. Zaretsky [1950–97], who was a teacher and mentor to generations of Brooklyn Law School students during his 19 years on the faculty, as well as a bankruptcy and commercial law scholar.

The Law School's four Zaretsky Fellows, Lauren Berglin, Alfred Falzone, Philip Guffy, and Liana-Marie Lien (all Class of 2015), assisted in developing program materials and helped lead the discussion. "What makes the roundtable such a special event is that it provides an opportunity for our students to participate with our faculty and so many distinguished judges, practitioners, and academics," said Professor Michael Gerber.

#### 2014 Bankruptcy Scholars Workshop

This past fall, the Center for the Study of Business Law and Regulation and the American Bankruptcy Institute (ABI) cosponsored the first Young Bankruptcy Scholars' Work-in-Progress Workshop. The program planners invited promising academics—who were either new to teaching or starting their careers in the areas of bankruptcy, commercial law, and consumer financial protection—to present their works in progress to each other and to a group of senior scholars. The generous support of the ABI made it possible to include scholars from all over the country, with the goal of mentoring junior scholars and encouraging scholarship of the highest quality. The workshop was held in connection with the Zaretsky Roundtable, and the academic group participated in those discussions along with leading bankruptcy professionals. The ABI and the Center plan to make this an annual event at Brooklyn Law School. The next program is scheduled for November 21, 2015.

### Discussing the Limits of Corporate Bylaws

Corporate bylaws are an increasingly important battleground for stockholder rights. Forum selection bylaws, for example, purport to designate the only court where stockholders may file suit. More recently, a few bold firms have adopted fee-shifting bylaws that would force unsuccessful stockholder-plaintiffs to cover the corporation's cost of legal defense.

While the bylaws of a corporation are often characterized as a contract, many are adopted unilaterally by boards of directors. Such bylaws may be reviewed for "reasonableness," but a battle is brewing over whether legislation is appropriate to prohibit firms from adopting fee-shifting bylaws.

In October 2014, the Center for the Study of Business Law and Regulation featured J. Travis Laster, Vice Chancellor on the Delaware Court of Chancery, as the speaker during a roundtable discussion exploring fee-shifting bylaws. Other distinguished participants included T. Brad Davey, Partner, Potter Anderson & Corroon LLP; Michael Garland, Assistant Comptroller for Environmental, Social and Governance, New York City Office of the Comptroller; Roy J. Katzovicz, Partner, Investment Team Member and Chief Legal Officer of Pershing Square Capital Management, L.P.; and Paul K. Rowe, Partner, Litigation, Wachtell, Lipton, Rosen & Katz. The event was moderated by Professor Minor Myers, a member of the BLS business law faculty whose scholarship focuses on corporate governance, shareholder litigation, executive compensation, and corporate director behavior.

"We are incredibly fortunate to have had the chance to host Vice Chancellor Laster for such an important conversation," Professor Myers said. "The evening with him and our amazing panelists offered our students an up-close look at one of the most pressing questions in corporate law today."

## Small Business Legal Academy Offers Free Legal and Consulting Advice

The Center for Urban Business Entrepreneurship (CUBE) hosted the second annual Small Business Legal Academy at Brooklyn Law School in November 2014, in partnership with the Association of Pro Bono Counsel and nine leading nonprofit civil legal services organizations in New York City. More than 130 attendees and 30 BLS students, along with several BLS graduates, took part in the daylong event. Created to strengthen New York City's vibrant and diverse small-business community, the academy brought together corporate law firms, civil legal services organizations, financial services consultants, city and state agencies, and other service providers. Entrepreneurs were invited to receive free consulting services from pro-bono attorneys, learn about starting and managing their company or nonprofit organization, and find solutions to legal and financial challenges their organizations face.

“Brooklyn is famous because of this industrial aspect of the waterfront. This is the mecca of creativity.”

—Brooklyn Borough President Eric L. Adams

### 2014 Business Law Scholars Roundtable

A group of accomplished young professors were invited to present their papers during the annual International Business Law Scholars Roundtable, sponsored by Brooklyn Law School's Dennis J. Block Center for the Study of International Business Law, in October 2014. After opening remarks, the related panel discussions focused on some of the most pressing topics facing international business lawyers today: taxation, China, global finance and associated adjudication issues, and corporate issues.

“It was invaluable,” said Stephen Switzer, a participant and co-owner of Third Root Community Health Center (a yoga, massage, and acupuncture business in Ditmas Park). “You have no idea how helpful this has been to me and to my business. I can't believe I was able to get such high quality legal advice for free.” Third Root went on to become a client of the “Corporate Clinic: Small Business and Community Economic Development Section,” one of the CUBE-affiliated clinics directed by Ted De Barbieri '08, Assistant Professor of Clinical Law and Counsel to Brooklyn Law School's CUBE.

“We are thrilled to partner with the New York offices of major international law firms and nonprofit legal services organizations to support low-income entrepreneurs in Brooklyn neighborhoods, and beyond,” said Professor De Barbieri. “The ability to access quality legal services is critical to starting a small business or nonprofit. Brooklyn Law School, its students, alumni, and faculty are here to support Brooklyn's best resource—our budding entrepreneurs.”

## Revitalizing NYC's Waterfront for the Innovation Economy

Andrew Kimball, CEO of Industry City in Brooklyn, and former president and CEO of the Brooklyn Navy Yard Corporation, knows that manufacturing is again becoming an important and growing component of New York City's economy. In fact, he's largely built his career on the industry's resurgence.

In September 2014, Kimball addressed a packed audience of students, alumni, and the Brooklyn community at a CUBE event. He focused his talk on the strategies behind adaptively reusing and transforming Brooklyn's massive and long underutilized waterfront industrial complexes into creative communities at the forefront of manufacturing's rebirth in New York City and the innovation economy.

“Brooklyn is famous because of this industrial aspect of the waterfront,” said Brooklyn Borough President Eric L. Adams during the event's introductory remarks. “We may not be able to compete with the prices of Kentucky or New Jersey for waterfront space, but we have something they don't have—we have the people. This is the mecca of creativity.”

**TOP: Clients receiving advice at the Small Business Legal Academy; BOTTOM: Andrew Kimball, CEO of Industry City, at Brooklyn Law School**



## Symposium Illuminates the Importance of Protecting Trade Secrets

Thanks in part to recent changes in patent law, protecting trade secrets has never been more important to the emerging innovation economy than it is now—especially for entrepreneurs launching new businesses. In October 2014, Brooklyn Law School's Trade Secrets Institute (TSI) and the Center for Urban Business Entrepreneurship (CUBE) hosted a symposium on the increasing importance of trade secrets in business at the state, national, and international levels. The event brought together experts from the government, academia, and private practice, including several alumni, and focused on the critical challenges for startups.

During the first panel, three experts—Ira Levy '88, Partner at Goodwin Procter LLP; Ted Schroeder, Chief Counsel to U.S. Senator Christopher Coons of Delaware; and Christopher Seaman, Assistant Professor of Law at Washington and Lee University School of Law—discussed the “Federal Trade Secret Reform” law, which the U.S. Congress is expected to examine later this year. The leading proposal for reform is the Defend Trade Secrets Act, introduced by senators Coons and

The event brought together experts from the government, academia, and private practice, including several alumni, and focused on the critical challenges for startups.

Hatch, which would create a civil cause of action in federal court to supplement trade secret enforcement at the state level. “I think there is a need for a federal law that helps our clients protect their trade secrets,” said Levy. “While the Unified Trade Secret Act in 47 states has given some degree of uniformity, it's not the same level of uniformity we'd see with a federal law.”

The second panel, “Startups and Trade Secrets Law,” featured Amy Eckstein '01, Of Counsel with Moses & Singer, LLP; Mena Kaplan, Counsel with Paul, Weiss, Rifkind, Wharton & Garrison LLP; and Jeffrey Schwab '64, Partner at Abelman, Frayne & Schwab, who discussed why protecting trade secret information remains a legal challenge for new businesses.

“The Trade Secrets Institute is one of the aspects of Brooklyn Law School where we are uniquely involved in international and national matters,” Dean Allard said. “Intellectual property is an issue that crosses increasingly porous borders, when we're dealing with cybercrime, cyber-hacking, cloud security, and what it all means for traditional concepts of trade secrets.” ■

### THE TRADE SECRETS INSTITUTE

The TSI provides comprehensive neutral coverage of key trade secret cases and legislative or regulatory initiatives throughout the United States. It has established a database—the first of its kind in the nation—that connects users to supporting documents, briefs, motions, and timelines for current cases, as well as recent updates on pending legislation or regulatory initiatives concerning trade secrets.

» [brooklaw.edu/tsi](http://brooklaw.edu/tsi)

### THE DENNIS J. BLOCK CENTER FOR THE STUDY OF INTERNATIONAL BUSINESS LAW

This center strives to explore the most timely and relevant issues for business organizations, regulators, policy makers, practitioners, jurists, scholars, and future lawyers. In a globalized world, this center has become an important resource for the international business law community. Its broad scope of interdisciplinary programs have covered such topics as corporate social responsibility, international trade, bankruptcy and insolvency, intellectual property, conflict of laws, antitrust, and social policy. Hosting scholars from around the world is another way that the center encourages innovative new research in international business law, and sparks important discussions for the BLS community. » [brooklaw.edu/ibl](http://brooklaw.edu/ibl)

### CENTER FOR THE STUDY OF BUSINESS LAW AND REGULATION

By providing a forum for scholarship that offers new perspectives on, and solutions to, real-world business law and regulatory issues, the Center for the Study of Business Law and Regulation unites the school's business and commercial law programs. Its events focus on how the law regulates financial markets and business transactions, and how best to make such regulations effective.

By bringing academics, adept in theoretical inquiry and policy analysis, together with practitioners, regulators, and judges, the center examines how best to improve the functioning of a market-based economy. » [brooklaw.edu/cblr](http://brooklaw.edu/cblr)

### CENTER FOR URBAN BUSINESS ENTREPRENEURSHIP

Brooklyn Law School's Center for Urban Business Entrepreneurship (CUBE) is a hub for exploring legal issues surrounding entrepreneurship, and for providing effective legal representation and support for new commercial and nonprofit businesses—while also training the next generation of business lawyers to advise and participate in these sectors. Since it was launched in November of 2013, CUBE has knitted together and bolstered Brooklyn Law School's transactional clinics in order to expand client services and to increase the clinics' involvement in economic development and housing policy issues.

» [brooklaw.edu/cube](http://brooklaw.edu/cube)

→ More about BLS Centers: [brooklaw.edu/intellectuallife](http://brooklaw.edu/intellectuallife)



# Opening Doors

By Andrea Strong '94

**BLS students get the edge with powerful networking and mentoring opportunities.**

Bill Heller, General Counsel of the New York Giants, is a busy man. But he took time out of his packed schedule in November to talk with Brooklyn Law School students about his impressive legal career. Tony Gilroy, the writer and director of the Academy Award–winning *Michael Clayton*, also came to campus to chat with students about his work as a screenwriter and filmmaker. Other recent high-profile speakers have included the Corporate Counsel of Michael Kors, the top brass of the National Labor Relations Board, leaders of the public service bar, and attorneys from the Big Four accounting firms. While representing diverse fields, they were united in purpose: to share their experience and expertise with Brooklyn Law School students who may wish to follow in their footsteps.



These events are part of comprehensive career preparation efforts at the Law School that include the Office of Alumni Relations, the Office of Career and Professional Development, the Office of Public Service, and more than 40 student organizations. Working together, they connect students with graduates and local professionals, granting insider access to major players in nearly every niche of the legal industry.

“An interview is a great way to secure a job, but there are many ways to accomplish that goal,” said Karen Eisen, Assistant Dean of Career and Professional Development. “We are committed to opening doors for students to explore new areas—not only to develop relationships with potential employers, but to begin to understand what practice in a particular area of the law is really like. We are creating networking opportunities, and developing relationships with every kind of lawyer and entrepreneur.”



These efforts dovetail with the Law School’s high-profile centers, institutes, and fellowship programs (see page 15), including the Trade Secrets Institute; the Dennis J. Block Center for the Study of International Business Law; the Center for the Study of Business Law and Regulation; the Center for Urban Business Entrepreneurship; the Center for Law, Language, and Cognition; the Center for Health, Science, and Public Policy; and the Edward V. Sparer Public Interest Fellowship Program.

“Our approach to legal education begins in the classroom but extends well beyond its four walls,” said Dean Allard. “Our students are able to explore cutting-edge issues and pressing legal topics by participating in our center-sponsored symposia, panels, roundtables, and more.”

In addition to the Law School’s programming and powerful network of alumni, its prime location in downtown Brooklyn plays an important role in attracting the most prominent players from Wall Street, global law firms, top nonprofits, and leading businesses.

“When you’re located in the middle of the world’s most important city, in its most exciting borough, you have priority access to the nation’s brightest talent,” said Dean Allard.

## Empowering Students

Student organizations are a powerful engine behind many programs that connect students with alumni and other members of the legal community. These organizations have brought representatives from the highest echelons of the law and business worlds to the Law School.

The Tax Law Association, for example, hosted the “Big Four Panel,” featuring alumni currently working at the Big Four accounting firms. This year’s participating BLS graduates included John Cianfrone ’10, PwC; Jason Feingertz ’13, Deloitte Tax; Ilya Katsman ’03, Ernst & Young; and Teisha Ruggiero ’14, KPMG.

“It’s important for law students to learn about alternative legal careers outside of law firms, such as working at one of the Big Four accounting firms,” said Lena Smith, President of the Tax Law Association.

“When you’re located in the middle of the world’s most important city, in its most exciting borough, you have priority access to the nation’s brightest talent.” —Dean Allard

## Breaking into Sports and Entertainment Law

The Brooklyn Entertainment and Sports Law Society (BESLS) hosts a up to 10 events each year that bring to campus high-profile representatives of the sports and entertainment worlds. In November, BESLS teamed with the Office of Career and Professional Development to host a talk with Bill Heller, General Counsel of the New York Giants. The event offered students an insider look at the world of professional sports law. Heller spoke frankly with Professor Jodi Balsam, former NFL Counsel for Operations and Litigation, about his legal career, his path to prominence, and what students interested in sports law can do to break into the game.

BESLS and Professor Joy Kanwar also organized an event featuring a member of the New York Giants, Safety Nat Berhe, who spoke on “The Future of College Athletics.” Professor Kanwar’s first-year legal writing students had recently tackled an appellate problem on the issue of compensation for college athletes. Berhe was joined by David Greenspan, a partner at Winston & Strawn, LLP, and one of the top U.S. attorneys in the sports law field; Philip Schultze ’16, who has written an article on the controversial issue of compensating college athletes; and Professor Balsam.



**Fashion Law Chairs Miriam Kavalerchik '16 (far right) and Alexandra Caleca '15 (second from right) moderating a panel of industry experts**



**Professor Jodi Balsam and General Counsel of the New York Giants Bill Heller answering students' questions on sports law practice**

“The broad goal of these events is to further the efforts of the BESLS members in entering the fields of sports, music, fashion, and entertainment law,” said BESLS President Keith Bloyd '16. “Being that it is such a difficult industry to break into, my goal is to have events that combine networking, education on the various fields, and alumni recognition. We not only want to educate our students, but to establish Brooklyn Law School as a premier producer of attorneys in these industries.”

BESLS’s film chapter hosted screenwriter and director Tony Gilroy in November for the event, “Moral Courage in the Face of Corruption: The Films of Tony Gilroy,” moderated by Dean Allard. After a screening of Gilroy’s Academy Award-winning film *Michael Clayton*, he shared his writing and creative processes, his views on the legal profession, and the research he has done to create such memorable characters in this movie as well as in the *Bourne* series and *The Devil’s Advocate*.

BESLS also drew some of the fashion industry’s top lawyers to the Law School this year. At an event moderated by Fashion Law Chairs Alexandra Caleca '15 and Miriam Kavalerchik '16, panelists included:

- Marcie Cleary, Associate at Frankfurt Kurnit Klein & Selz
- John Maltbie '96, Director of Civil Enforcement at Louis Vuitton North America, Inc.
- Alexandra Simmerson, Corporate Counsel at Michael Kors
- Amanda Simpson, Associate at Grunfeld Desiderio Lebowitz Silverman & Klestadt LLP
- Doreen Small '84, Founding Partner at Marquart & Small

“Our goal was to offer students access to a wide variety of professionals in the fashion industry,” said Kavalerchik. “The panelists offered students advice on gearing up for a career in fashion law, which was so valuable because a lot of the attendees are 1Ls. It’s a way for them to get a general overview of the industry and what it’s like to work in this industry on a day-to-day basis.”

## Exploring Immigration and Labor Law Issues

The Brooklyn Law Immigration Society welcomed prominent members of the immigration bar including: Lisa Koenig '92, Partner, Fragomen, Del Rey Bernsen & Loewy, LLP; Adjunct Professor Scott Dunn, Assistant U.S. Attorney & Chief, Immigration Unit, Eastern District of New York; Evangeline Chan '00, Solo Practitioner and CUNY Adjunct Professor; and Scott Foletta '14, Fellow, Immigrant Justice Corps. A discussion among the participants focused on critical topics in immigration law and was organized by the Immigration Society and Student Bar Association President Elizabeth Geddes '15.

“The Immigration Society’s alumni dinner is a great way to meet successful practitioners who have strong ties to the Brooklyn Law community and are willing to connect with current students and other alumni,” said Molly Kammien '15. “It’s also an excellent opportunity to learn about current events in the field and how our alumni are making a difference.”



**LEFT TO RIGHT: Panelists Adjunct Professor Scott Dunn, Lisa Koenig '92, Evangeline Chan '00, Scott Foletta '14, and Professor Maryellen Fullerton**

## The Gift of Time

### MENTORING AND NETWORKING

“A mentor can be instrumental in helping guide a law student—offering feedback, insight, and encouragement—and focusing a student’s understanding about what the practice of law is really like,” said Lisa Brauner ’94, who founded the Law School’s Mentor Program more than 20 years ago. “A mentor can also help a student gain contacts in the profession that they might not otherwise have.”

Thanks to Brauner, and a network of committed graduates, the Mentor Program is stronger than ever. Last year, there were 110 matches between students and alumni. As mentors, alumni not only offer students advice on a range of topics, but also include them in a variety of work-related activities and local networking events.

“I founded Brooklyn Law School’s Mentor Program because I wanted to create an opportunity for BLS students to have a “real-world” connection to attorneys who went to Brooklyn Law School and get to see, firsthand, the practice of law,” said Brauner. “I also believed that through an alumni mentor program, students might make professional contacts that could lead to other opportunities for them, which, in fact, has been the case.”

Many students have formed long-lasting friendships and professional relationships, and even found employment as a result of their involvement in the mentor program. “Having positive people around me is very important for my success both personally and professionally,” said Sara Thompson, a third-year student being mentored by Brendan Dowd ’99. “Brendan is someone who encourages me with his advice and by just being present when it comes to my career-related issues. Plus, knowing that alumni actually want to give back to BLS makes me proud to be part of it all.”

Brendan Buschman ’15 agrees. He is being mentored by Joseph Smolinsky ’88, a partner in the bankruptcy group at Weil, Gotshal and Manges LLP. “It’s been a thrill to learn about bankruptcy law—the field in which I want to practice—from an attorney who has worked on some of the most important corporate bankruptcies in this country,” said Buschman.

“The BLS Mentor Program provides a meaningful way to stay connected to the law school community,” said Smolinsky. “I have enjoyed following the dawning careers of my mentees and am thrilled when they reach out to me beyond their years at BLS for advice or to just catch up.”

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Become a mentor today by contacting Susan Bainnson at [susan.bainnson@brooklaw.edu](mailto:susan.bainnson@brooklaw.edu) or 718-780-7578.



Students and their alumni mentors: (TOP) Sara Thompson ’15 and Brendan Dowd ’99; (BOTTOM) Ashlee Crawford ’06 and Desiree Alexander ’16



Screenwriter and director Tony Gilroy discussing film and entertainment law during a Q&A at the Law School



Aspiring labor lawyers met with leaders of the National Labor Relations Board to discuss “Hot Topics in Law: The NLRB’s Evaluation of the Franchise Relationship—Are They Joint Employers?” Cosponsored by the Office of Career and Professional Development and the Office of Alumni Relations, the panel included speakers David E. Leach III ’76, Regional Director, Region 2, NLRB and BLS Adjunct Professor; Larry Cary ’83, Partner, Cary Kane LLP; James E. McGrath, III, Partner, Putney, Twombly, Hall & Hirson LLP; and Suzanne Sullivan, Supervisory Attorney, National Labor Relations Board.

“I was gratified to see so many students at the program. The students were privy to the insights of experienced practitioners representing both employers and labor organizations,” said Leach. The panel also explored how the Fast Food Workers Association could achieve its goal of raising the wage rate for its members. The discussion focused on whether collective bargaining or increases in the minimum wage rates would be the more effective approach. “Our students interested in labor law were presented not only with the legal principles, but more important, with the issues that their clients would raise,” he said.

## Preparing for Public Service

The Public Service Office, which coordinated nearly 30 events this year, is another place on campus that brings alumni and other practitioners to the school to share their experiences with students. Recent guests have included Ashley Caudill-Murill ’08, a supervisor with U.S. Citizenship and Immigration Services; two family lawyers, including Carol Buell ’80 who has a focus on LGBT family law; Javier El-Hage, an international human rights lawyer; Benjamin Zeman ’07 and Benjamin Moore ’07, public defenders; and many other accomplished lawyers dedicated to public service.

The Public Service Office also prepares students for the annual Public Interest Legal Career (PILC) Fair at NYU.



**LEFT TO RIGHT: Nicole Klingler ’16, Brian DeShannon ’15, Ann Knuckles ’15, Tamanna Rubya ’15, and Zamira Djabarova ’15 at the Labor and Employment Program**



**Adjunct Professor and NLRB Regional Director David E. Leach III ’76**

Its PILC Mock Table Talk event, for example, is designed to help students prepare for and get comfortable with informal networking. This year, the Table Talk event brought a wide variety of lawyers from local government agencies and nonprofit organizations, including:

- Krista Ashbery ’06, NYPD Office of Collaborative Policing
- Evan Denerstein ’10, MFY Legal Services
- Scott Krischke ’11, The Legal Aid Society
- Jane Landry-Reyes ’93, Legal Services NYC
- Michael Mastrangelo ’11, The Children’s Law Center
- Peninna Oren ’05, NYC Administration for Children’s Services
- Afsaan Saleem ’01, NYC Department of Consumer Affairs
- Jesse Thompson ’11, Sanctuary for Families
- Haeya Yim ’09, Office of the NYS Attorney General

The Mock Interview program brings lawyers who take pro bono cases through the Legal Aid Society to campus to help students prepare for formal interviews. “These events are fantastic opportunities for students to learn about different areas of public service from practitioners and make valuable connections,” said Danielle Sorken, Director of the Public Service Office.

“We work hard to expose our students to a breadth of practice areas through career panels, networking events, roundtables, talk backs, and more,” said Dean Allard. “Our high-profile graduates and other distinguished leaders in business and law are empowering the next generation with a better grasp of how the business of being a lawyer really works on a day-to-day basis.” ■



**BLS students and alumni networking at the annual Career Conversations Fair**



# The Road to the Aisle

*How same-sex marriage litigation  
moved so far, so fast*

**By Professor William D. Araiza**

1993

The Hawaii Supreme Court rules that denials of same-sex marriage licenses must be justified by compelling government purpose.

1996

The U.S. Congress enacts the Defense of Marriage Act. A number of states enact “mini-DOMAs.”

1996

A lower Hawaii court orders the state to allow same-sex couples to wed, ruling the state had failed to demonstrate a compelling government purpose to deny licenses.

1998

Hawaii amends its state constitution to reserve marriage for opposite-sex couples.

**A**fter narrowly escaping a car crash in 2011 with three of their four adopted children in the vehicle, April DeBoer and Jayne Rowse were rattled. During subsequent discussions with a Detroit lawyer to draw up their wills, they realized something frightening: If either one of them died, the other parent wouldn’t have legal custody of their kids. As a gay couple, DeBoer and Rowse weren’t permitted to get married in Michigan, and their state’s law didn’t allow unmarried couples to adopt jointly. So the two nurses from Michigan became civil rights crusaders, as *DeBoer v. Snyder*<sup>1</sup> was put on the docket with three other same-sex marriage cases to be examined by the U.S. Supreme Court in late April 2015. To decide the constitutionality of state prohibitions on same-sex marriage, the Court must address two questions: 1) Does the 14th Amendment require a state to license a marriage between two people of the same sex? 2) Does the 14th Amendment require a state to recognize a marriage between two people of the same sex when their marriage was lawfully licensed and performed out-of-state?

The impending end of the same-sex marriage litigation in the United States raises several issues that are worth pondering: the speed with which cases have made it to the Court, the complex dance of law and politics that came to mark same-sex marriage advocacy, the obstacles the movement avoided along the way, and the role of the Supreme Court’s 2013 opinion in *United States v. Windsor*. These issues speak not just to the same-sex marriage story, but more generally to 21st-century civil rights advocacy in the United States.

## Fast Track to Equality

The recent progress of litigation on behalf of same-sex marriage rights has been remarkable for its speed. Initially, the same-sex marriage campaign did not enjoy such rapid success. The modern history of that litigation began in 1993, when the Hawaii Supreme Court held under the state constitution’s equal protection clause that Hawaii had to demonstrate a compelling state interest before denying same-sex couples the right to marry.<sup>2</sup> Two years later, a lower court on remand held that Hawaii had failed to meet that standard, and ordered the state to allow same-sex couples to wed.<sup>3</sup> But this chapter of the story ended soon thereafter when the state legislature, empowered by the state’s voters in the 1998 election, amended the constitution to reserve marriage for opposite-sex couples. Meanwhile, in 1996, the U.S. Congress, reacting to the Hawaii litigation, enacted the Defense of Marriage Act (DOMA), which imposed a variety of restrictions on same-sex couples’ marriage and federal benefits rights.

After Hawaii, the action moved to the opposite corner of the nation. In 1999, the Vermont Supreme Court held that denying same-sex couples the legal rights available to married persons violated the state constitution’s equal protection provision (known as its “common benefits” clause).<sup>4</sup> But that court allowed the legislature to craft a remedy, which it did by instituting the status of civil unions for same-sex couples. California followed in 2003, also granting civil unions. Thus, 10 years of litigation had yielded what seemed like a modest benefit for same-sex marriage advocates. But it had also spurred DOMA and a handful of state law counterparts, many enacted in response to the Hawaii and Vermont litigation.

In late 2003, the movement took an important step forward when the Supreme Judicial Court of Massachusetts ruled that the state constitution’s equal protection guarantee required that same-sex couples be allowed to wed.<sup>5</sup> Yet, as with the Hawaii decision, this judicial step provoked a political reaction: In the 2004 elections, all 11 voter initiatives seeking to ban or limit same-sex marriage carried by wide margins. Over the course of the next several years, voters in several additional states approved similar prohibitions. As of January 1, 2009, only two states—Massachusetts and Connecticut—allowed same sex couples to marry.

Today, the picture is dramatically different. The vast majority of lower state and federal courts, and four of the five federal appellate courts to have considered the question, have ruled in favor of same-sex marriage rights. Perhaps even more tellingly, those judicial decisions, unlike the 1993 Hawaii decision and the 2003 Massachusetts decision, have not provoked successful political resistance. That lack of a response was certainly not for lack of effort. There have been many calls for more state constitutional amendments, as well as for an amendment to the federal constitution. But today, unlike those earlier situations, the anti-same-sex marriage side has not run the political table. Instead, the pro-marriage rights forces have enjoyed a string of political victories. Starting with Vermont in early 2009, pro-marriage rights forces have won enactment of a series of bills granting gays and lesbians the right to marry. Even more significant were the 2012 elections, where voters in three states enacted initiatives *granting* same-sex marriage rights.

Clearly, something changed in 2009. Before that time, same-sex marriage advocacy rights movement was akin to rolling a stone upward, encountering immediate resistance to any forward movement. But then the slope of the hill reversed. Slowly at first, legislators and voters began approving same-sex marriage, and more courts found that same-sex couples had

1999

The Vermont Supreme Court requires the state to provide same-sex couples with all the legal rights of marriage. The state legislature institutes a new status of civil unions the following year.

2003

The Massachusetts Supreme Judicial Court holds that excluding same-sex couples from marriage violates the state constitution. Same-sex marriages begin the following year.

2004

Voters in 11 states enact initiatives to ban or restrict same-sex marriage. Two years later, seven more states enact similar initiatives.

2008

The California Supreme Court strikes down the state's ban on same-sex marriage. Voters later enact Proposition 8, amending the state constitution to ban same-sex marriages.

a constitutional right to marry. By the end of 2009, same-sex couples could marry in five states. Four years later, the number had nearly quadrupled, to 18. After another year, the number had nearly doubled again, to 35.<sup>6</sup> If, as many expect, the U.S. Supreme Court strikes down same-sex marriage bans in June, then within six years a practice embraced by only five states will have become enshrined as the supreme law of the land.

### Two Paths Are Better Than One

The sudden acceleration of the same-sex marriage rights movement after 2009 is attributable in large part to its advocates' success at moving the issue beyond the courtroom. One of the defining features of earlier rounds of marriage rights litigation consisted of judicial victories followed by political defeats. That dynamic essentially stopped in 2009. To be sure, that was in part because the anti-marriage rights forces had run out of easy political victories. A scattering of states enacted constitutional bans on same-sex marriage after the Hawaii litigation in the

*Political discourse also has its value. What the same-sex marriage rights saga has taught us is that judicial victories are often insecure unless validated by the political process.*

1990s, 11 states did so in the 2004 elections, seven more did in the 2006 elections, and three more joined that group in 2008. But running out of sympathetic states only explains part of the story. Starting with Vermont in early 2009, states started legislating marriage rights, first by the legislatures and then, in 2012, by popular vote.

While it may be impossible to prove empirically, it seems highly plausible that these political successes emboldened subsequent courts to rule in favor of marriage rights. In turn, those decisions likely created further momentum in favor of marriage rights, which further encouraged sympathetic legislatures to act. This sort of virtuous circle (at least from marriage rights advocates' perspective) suggests that social movements can benefit from a careful combination of political advocacy and courtroom litigation.

Of course, courtroom litigation can be understood as political advocacy. From the NAACP to the ACLU's Women's Rights

Project to the opponents of Obama Care, litigation can highlight arguments that resound in legislative and political debates. But litigation—especially constitutional litigation—and political advocacy each adds a distinctive flavor to the discourse.

Litigation emphasizes reason-giving. If one side comes up short when it comes to its legal argumentation, that fact may well rebound to that side's detriment when the action moves to the statehouse and the ballot box. Same-sex marriage opponents may have experienced this when they were forced to resort to widely derided constitutional arguments in favor of same-sex marriage bans, such as the claim that reserving marriage to opposite-sex couples was necessary in order to entice such couples to marry when they accidentally procreated. If courts brand such arguments as "irrational" (as they have in many same-sex marriage cases), then it becomes easier for advocates to press legislatures to abandon such positions.

Political discourse also has its value. What the same-sex marriage rights saga has taught us is that judicial victories are often insecure unless validated by the political process. Marriage rights advocates won in the Hawaii courts in the 1990s and then promptly lost in both the Hawaii electorate and electorates across the nation. They won again in the Massachusetts courts in 2003 but promptly lost again in the 2004 and 2006 election cycles. The validation states began giving to same-sex marriage rights in 2009 short-circuited yet another replay of that dynamic. In doing so, it likely gave further impetus to judicial questioning of the legal foundations for marriage bans. To the extent that increased scrutiny exposed further weaknesses in the anti-marriage rights position, it allowed the legislative wheel to turn again—this time, in favor of marriage rights advocates.

### Getting Lucky

Constitutional victories do not come out of the blue. In most cases, the victories are the product of careful long-term planning. In particular, the legal-political dynamic requires advocacy groups (and their opponents) to engage in an intricate dance of strategy and tactics. The right plaintiffs, for instance, have to be found for the right test cases in the right jurisdictions. Later, the right states have to be selected for legislative advocacy. Of course, all that planning assumes that somebody is managing the process, and is capable of controlling it. The same-sex marriage fight has revealed the difficulties advocates today have in controlling that sort of process and the role that luck plays in how that process plays out.

2009

The Iowa Supreme Court strikes down a ban on same-sex marriage. Four days later, Vermont becomes the first legislature to allow same-sex marriage.

2010

Five states allow same-sex couples to wed.

2012

By the end of the year, nine states allow same-sex couples to wed.

2013

The U.S. Supreme Court strikes down Section 3 of DOMA, which defined marriage to consist exclusively of opposite-sex unions for federal law purposes.

One “problem” for movement advocates is that individuals often have a funny way of acting on their own. Indeed, the original Hawaii litigation was brought by Hawaiian same-sex couples who wanted to wed—both the ACLU and national gay rights organizations declined to help them bring suit.

This is not a problem unique to gay rights advocates. For example, in the 1970s, before she was elevated to a federal appeals court and then the Supreme Court, Ruth Bader Ginsburg ran the ACLU’s Women Rights Project. Despite her direction to state ACLU chapters to let her review sex discrimination lawsuits they were considering commencing, one chapter brought a suit, *Kahn v. Shevin*, that she did not think was a good vehicle for the ACLU’s sex equality campaign. However, when the Court granted *certiorari* in *Kahn*, Ginsburg had no choice but to brief and argue the case—which she lost, at the cost of language being inserted into a Supreme Court opinion that slowed the ACLU’s overall campaign.<sup>7</sup>

For same-sex marriage rights advocates, the most notorious example of such free agency occurred in 2009, when Theodore Olson and David Boies, the lawyers who had squared off during the Bush/Gore recount of 2000, brought a lawsuit challenging California’s ban on same-sex marriage as violating the 14th Amendment. Up to that point, the national gay rights organizations, which by then had taken the lead in litigating same-sex marriage bans, had focused on state constitutional provisions. There was good reason for that focus: This allowed them to select states where the constitutional law and judiciary seemed like promising candidates for favorable rulings, and also those states where a political reaction to such rulings might be less likely. State constitutional law rulings also were immune from review by the U.S. Supreme Court, a fact that cut in favor of that choice, given the advocates’ fear that the Court was not yet ready to make same-sex marriage the national law of the land.

Nevertheless, Olson and Boies, who were not part of the organized gay rights advocacy apparatus, brought suit in federal court in California, seeking to overturn Proposition 8, California’s voter-enacted ban on same-sex marriage, as violating the 14th Amendment. They explained that they simply believed that the cause was just and the time was right for a federal constitutional challenge. And indeed, they prevailed in the trial court and at the Ninth Circuit (albeit on a very narrow constitutional theory). But when the Supreme Court granted review, many same-sex marriage proponents worried that the Court was not yet ready. The political tide certainly was turning; polls were showing slow but steady gains in public approval of same-sex marriage. But with some parts of the country remaining strongly opposed, those proponents worried that the Olson/Boies lawsuit

would result, as had the *Kahn v. Shevin* sex equality lawsuit a generation earlier, in an unfavorable decision that would set the cause back for years.

In the end, the Supreme Court avoided ruling on the merits of the California case, deciding in a 5-4 vote that the petitioners at the Court lacked standing.<sup>8</sup> But the larger lesson remains: In a world where national civil rights groups such as the NAACP and Lambda Legal Defense are no longer the only realistic attorney options for would-be civil rights plaintiffs, such groups cannot count on their ability to direct the pace and focus of litigation. The same-sex marriage effort got lucky when the Court ducked the California case.

The movement also got lucky during what could be called the “rollout” period for same-sex marriage. As we learned from the disastrous introduction of the Affordable Care Act, bad policy debuts, just like bad product rollouts, can leave a lasting sour taste in the public’s mouth. Had the first wave of same-sex marriages in Massachusetts in 2004 been accompanied by harassment and counter-harassment, or even by some lesser degree of disorder, the public attitude toward same-sex marriage could have soured for years. By contrast, the fact that those early marriages told a reassuring story—indeed, a story that tied same-sex marriage even more closely to its opposite-sex counterpart—likely had a positive impact on the campaign going forward, even though the immediate result was the cascade of anti-marriage propositions succeeding in the November 2004 elections.

## Anthony Kennedy Is Smiling

On the same day the Court decided not to reach the merits of the California case, it did reach the merits of another case, *United States v. Windsor*, challenging the section of the federal DOMA law (Section 3) that defined marriage for federal law purposes as being exclusively opposite sex.<sup>9</sup> Interestingly, the DOMA case featured a similarly intricate standing issue, one that the Court pushed its way through, unlike in the California case. On the merits, a 5-justice majority speaking through Justice Anthony M. Kennedy held that Section 3 violated the equality component of the Fifth Amendment’s Due Process Clause. Justice Kennedy’s opinion relied heavily on the fact that the same-sex couples harmed by Section 3 had been legally married by a state. Even though he insisted that the federalism concerns he raised were not dispositive, his focus on the harm Section 3 worked on states’ sovereign decisions to regulate marriage allowed him to implicitly deny that his equality analysis sounded the death knell for other states’ equally sovereign decisions to regulate marriage by denying it to same-sex couples.

2014

Eighteen states allow same-sex couples to wed.

Dissenting, Justice Antonin Scalia would have none of it. He insisted—indeed, he demonstrated—that with a few small tweaks the majority’s analysis did in fact undermine the decisions of states to prohibit same-sex marriage. After *Windsor*, a stream of lower courts relied both on *Windsor*’s equality analysis and Justice Scalia’s demonstration of how that analysis could be applied to strike down same-sex marriage bans to do just that—strike down those bans. Indeed, the wave of lower court rulings in favor of same-sex marriage rights began in earnest only after *Windsor*.

While we will likely never know for sure, this may have been Justice Kennedy’s idea all along. By providing a roadmap for lower courts to strike down same-sex marriage prohibitions without actually doing so himself, Justice Kennedy may have hoped to engineer exactly the situation we have before us today: a near unanimous consensus among lower courts that same-sex marriage bans violate the U.S. Constitution. In turn, that consensus has likely helped further push legislative and public opinion toward acceptance of same-sex marriage.

Regardless of whether he intended that result, for the Court, now facing the *DeBoer* case, this dynamic has had the effect of changing the situation it faces. Now, instead of confronting a deeply divided federal judiciary and a public still opposed to same-sex marriage, the Court faces a nearly united federal judiciary and a public that, while still divided, increasingly supports same-sex marriage. Indeed, even the *DeBoer* opinion itself, while rejecting the couples’ constitutional claims, spoke of same-sex marriage as an inevitability (and a positive one at that), with the only question whether the change should come from courts or legislatures. This picture makes it far easier for the Court to cast itself as simply ratifying a choice the country has all but made, rather than making that choice for the country. If the Court does rule in favor of same-sex marriage rights, and does so in this tone, then much of the credit should be laid at the feet of Justice Kennedy’s opinion in *Windsor*. ■

1 772 F.3d 388 (6th Cir. 2014).

2 *Baehr v. Lewin*, 852 P.2d 44 (Hawaii 1993).

3 *Baehr v. Miiike*, 1996 WL 694235 (Haw. Cir. Ct. 1996).

4 *Baker v. State*, 744 A.2d 864 (Vermont 1999).

5 *Goodridge v. Dept. of Public Health*, 798 N.E.2d 941 (Mass. 2003).

6 These numbers are approximate, given the ambiguity of court rulings—especially trial court rulings—striking down marriage bans in a given state but which were being appealed as of year’s end.

For a helpful timeline of developments in same-sex marriage rights, see <http://gaymarriage.procon.org/view.timeline.php?timelineID=000030>.

7 416 U.S. 351 (1974).

8 *Hollingsworth v. Perry*, 133 S.Ct. 2652 (2013).

9 133 S.Ct. 2675 (2013).

2014

The U.S. Supreme Court denies *certiorari* in two circuit cases holding that same-sex marriage bans violate the U.S. Constitution.

2015

As of January 1, 35 states allow same-sex couples to wed.

2015

As of April, 37 states allow same-sex couples to wed and the U.S. Supreme Court will renew cases from four states to decide the constitutionality of marriage for same-sex couples by June.



**William D. Araiza** teaches and writes on constitutional and administrative law at Brooklyn Law School. He is widely published in these areas, with recent scholarship on constitutional issues related to same-sex marriage. He has written casebooks on the first amendment (LexisNexis) and constitutional law (LexisNexis), and his articles have appeared in the *NYU Law Review*, *Constitutional Commentary*, *U.C. Davis Law Review*, and *Boston University Law Review*. He also is affiliated with the Dennis J. Block Center for the Study of International Business Law. Professor Araiza’s latest book, *Enforcing the Equal Protection Clause: Congressional Power, Judicial Doctrine, and Constitutional Law*, will be published by NYU Press later this year. On July 1, Professor Araiza will take on the role of Vice Dean for Academic Affairs.

## New BLS Professors Bring Strong NYC Connections

“I’M THRILLED to be joining the BLS community,” says **Jocelyn Simonson** (@j\_simonson), who comes to Brooklyn Law School as an Assistant Professor of Law from New York University School of Law, where she was an Acting Assistant Professor of Lawyering. “I’m looking forward to teaching and writing about local criminal justice issues close to my heart as a former public defender and lifelong New Yorker.” Simonson’s interests and scholarship focus on criminal law, criminal procedure, and evidence. Her recent scholarship explores ways in which the public participates in criminal justice processes and how that participation, in turn, has the potential to lead to broader changes in the justice system. Her forthcoming paper, “Copwatching,” which will be published in the *California Law Review*, examines organized civilian filming of the police as a form of popular accountability.

Prior to teaching, Simonson worked as an attorney with the Bronx Defenders and clerked for the Hon. Barrington D. Parker, Jr., at the U.S. Court of Appeals, Second Circuit. She has also taught at Harvard Law School and CUNY School of Law. She is a graduate of Harvard Law School,



Jocelyn Simonson



Julian Arato



K. Sabeel Rahman

where she was the Editor-in-Chief of the *Harvard Civil Rights–Civil Liberties Law Review*, and received her B.A. from Yale University. Simonson will teach Criminal Law and Evidence.

Most recently affiliated with Columbia Law School, where he was an Associate-in-Law, **Julian Arato** (@AratoJulian) joins Brooklyn Law School as an Assistant Professor of Law. “It’s a privilege to join the BLS community, with its deep tradition in the study of international business law,” says Arato. He brings a strong background in law, history, and political theory to

teaching and writing about international economic law. Currently serving as Co-Chair of the International Organizations Interest Group of the American Society of International Law, Arato’s scholarship focuses on the law of international trade and investment, international organizations, and the sources of international law. His forthcoming paper, “Corporations as Lawmakers,” which will be published in the *Harvard International Law Journal*, discusses the emerging power of multinationals to create primary rules of international law, at stark cost to the state’s regulatory autonomy. He is working on a long-term project about the theoretical foundations of international investment law.

“As the legal profession becomes increasingly globalized, one of the great challenges of our time is to keep sight of our public values,” Arato says. “I look forward to exploring the public dimensions of international economic law with future generations of global lawyers at Brooklyn Law School.” Previously, Arato worked as an associate in the international arbitration group at Freshfields Bruckhaus Deringer and as an advisor to the Mission of Palau to the United Nations. Also a lifelong New Yorker, Professor Arato holds a J.D. and LL.M. from New York University School of Law, where he was an Institute for International Law and Justice Scholar; an M.Phil. in political thought and intellectual history from the University of Cambridge; and a B.A. from Columbia University. Arato will teach International Trade and Corporations. ■

### Mayor de Blasio Appoints K. Sabeel Rahman to the NYC Rent Guidelines Board

**K. Sabeel Rahman** (@ksabeelrahman), who is also a new member of the faculty (see the [Spring 2014 issue of LawNotes](#)), was recently appointed by Mayor Bill de Blasio to the New York City Rent Guidelines Board. Rahman was one of just three new appointments made in March 2015 to the board, which determines annual rent adjustments for approximately 1 million apartments across the city subject to the Rent Stabilization Law.

Rahman is currently writing a book about how a more participatory view of democracy can provide a response to current concerns about economic inequality and political dysfunction.

His academic research generally focuses on law, institutional structure, and democratic participation in the financial and economic regulatory processes. In addition to his scholarly work, he has advised the New York City government and other organizations on a wide variety of economic and financial regulatory policies. He has also worked extensively with practitioners and policymakers in the fields of civic engagement and democratic institutional reform.

Rahman serves as a Four Freedoms Center Fellow at the Roosevelt Institute, and was a Reginald Lewis Fellow at Harvard Law School. He will teach Administrative Law and Constitutional Law.

# FacultyNotes

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## Richard Allan

### PROGRAMS & PRESENTATIONS

- Participant, “Two States One Nation,” EastWest Institute, New York City

### SELECT MEDIA

- Authored several blog posts for CENTER OF SECURITY AND COUNTER-TERRORISM: “*Day of Anger*”—*A Different Focus*; “*Occupation*”—*Whose Definition; Who Are These People; Looking West; The Silence is Deafening; It’s An Ugly World*

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## Nicholas Allard

### PROGRAMS & PRESENTATIONS

- Testimony: “Can We Do Better?,” Hearing Before the Advisory Committee on the Uniform Bar Exam, CUNY Law School

### HONORS/AWARDS/APPOINTMENTS

- Appointed President of Brooklyn Law School

### SELECT MEDIA

- Quoted extensively in articles about law school enrollment: NEW YORK LAW JOURNAL, THE NEW YORK TIMES, NEW YORK OBSERVER, and THE WALL STREET JOURNAL
- Interview, *A New Kind of Dean Appointed at Brooklyn Law School*, HISPANIC OUTLOOK (DEC. 22, 2014)
- Featured on *The Digital Show*, SIRIUSXM, speaking with former FCC Commissioner Reed Hundt about legal education in the digital age (Nov. 17, 2014)
- Commentary, *Power Shift in Congress Sets Stage for Amendments to Health Care Reform Law*, BUSINESS INSURANCE (Nov. 9, 2014)
- Quoted extensively about the July 2014 bar exam results in a variety of media outlets: BLOOMBERG BUSINESSWEEK, THE WALL STREET JOURNAL, NEW YORK LAW JOURNAL, and ABA JOURNAL

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## William Araiza

### PUBLICATIONS

- *After the Tiers: Windsor, Congressional Power to Enforce Equal Protection, and the Challenge of Pointillist Constitutionalism*, 94 B.U. L. REV. 367 (2014)
- *The Enforcement Power in Crisis*, PENN JCL ONLINE (forthcoming 2015)

### PROGRAMS & PRESENTATIONS

- “Perspectives on Federal Power Under the Reconstruction Amendments,” AALS Annual Conference, Washington, D.C.
- “Arming the Second Amendment,” Loyola University School of Law Constitutional Law Colloquium

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## Jonathan Askin

### PROGRAMS & PRESENTATIONS

- “Global Internet Governance Talks,” Moscow State University
- Moderator, “Legal Issues in the Sharing Economy,” Legal Hackers NY
- DC HUB Event, “The Future of Disruption in Communications,” 1776 Incubator
- Panelist, “Digital Disruption in the Age of the Customer: The Connected World in an Age of Travel,” International Hotel, Motel & Restaurant Show, NYC
- Panelist, “Spiders and Scraping and Bots, Oh My! — Datanomics, Copyright, and Legal Liability,” Copyright Society, Princeton Club
- Moderator, “Finding Your Inner Entrepreneur,” NYC Bar Association
- “Idea to Execution: How to Start a Company in New York,” Columbia University
- Panelist, “Patent Reform Initiatives,” Union Square Ventures, NYC
- Panelist, “Transatlantic Entrepreneur Partnership—NYC International Day,” Brooklyn Borough Hall
- Discussant, “Net Neutrality,” Internet Global Forum, International Chamber of Commerce, Istanbul, Turkey

### OTHER PROFESSIONAL HIGHLIGHTS

- Visiting Professor, Queen Mary University of London, Centre for Commercial Law Studies, 2014–16

### SELECT MEDIA

- Contributor, *Computational Fashion: Topics in Fashion and Wearable Technology*, EYEBEAM (Jan. 2015)
- Featured in *Legal Hackers: Group Works to Combine Law, Technology*, ASSOCIATIONS NOW (Nov. 26, 2014)
- Guest, *Laywer2Lawyer*, LEGAL TALK NETWORK, discussing net neutrality (Nov. 24, 2014)
- Guest, *This Week in Law*, TWIT! BANDWIDTH, discussing the FAA’s first commercial drone exemptions, Ello’s policy and business model choices, disruptions in equity crowd funding accommodations, and transportation (Oct. 3, 2014)
- Appeared on “*BKLIVE*,” public affairs television, on the Brooklyn Law Incubator & Policy (BLIP) Clinic (Aug. 2014)

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## Miriam Baer

### PUBLICATIONS

- *Timing Brady*, 115 COLUM L. REV. 1 (2015)

### PROGRAMS & PRESENTATIONS

- Presenter, “Unsophisticated Sentencing,” Wayne Law Review Symposium on White Collar Crime, Wayne State Law School

### HONORS/AWARDS/APPOINTMENTS

- *Confronting the Two Faces of Corporate Fraud* (66 FLORIDA L. REV. 87) was chosen for inclusion in SECURITIES LAW REVIEW 2015, an annual anthology that reprints a select number of outstanding securities law articles



## Professor Miriam Baer's Article on Corporate Fraud Selected for *Securities Law Review*



**PROFESSOR MIRIAM BAER'S ARTICLE**, "Confronting the Two Faces of Corporate Fraud" (66 *Florida Law Review* 87), was chosen for inclusion in *Securities Law Review* 2015, an annual anthology that reprints up to 10 outstanding securities law articles to give them broader exposure. It was also reviewed by Robert Rosen as one of the best works

of recent scholarship relating to corporate law in *Jotwell: The Journal of Things We Like (Lots)*.

Baer's piece begins with the observation that some criminals engage in meticulous planning, whereas others commit crimes in the heat of the moment. Crimes such as corporate fraud often reflects a combination of planned and spur-of-the-moment behavior.

Law and economics scholars have long treated corporate fraud as an agency cost (that is, the corporation's officers and directors commit fraud because they favor their own interests over that of the company's shareholders). A new generation of scholars, however, has begun to focus on fraud's behavioral components, including the phenomenon known as "temporal inconsistency." Temporal inconsistency

exists when the short-term temptations short-circuit more socially desirable long-term intentions. You intend to eat a healthy diet throughout the week, but you suddenly cave to temptation when a colleague offers you a chocolate doughnut on Monday afternoon.

Whether fraud arises out of planned and opportunistic behavior or from willpower failure, the corporation's internal police officer, the compliance officer, faces a conundrum. The tools best used for detecting and confronting an opportunist are not necessarily the tools we use to disable willpower failures. Thus, the compliance officer must devise a set of strategies to best deal with the "two faces" of corporate fraud. After laying out this problem, Baer concludes that the use of certain structural devices (the equivalent of speed bumps on highway roads) may be the compliance officer's best way to deal with these two different types of behavior.

Baer teaches in the areas of corporate law, white-collar crime, criminal law, and criminal procedure. Her scholarship focuses on organizational wrongdoing in public and private settings. An earlier article, "Timing Brady," which offers a novel explanation for why prosecutors fail to disclose exculpatory evidence to the defense team, was published in the *Columbia Law Review*. It was also selected for the 2014 Stanford-Yale-Harvard Junior Faculty Forum. This year, Baer is a Visiting Fellow at New York University's Center for Research in Crime and Justice. ■

### Jodi Balsam

#### PROGRAMS & PRESENTATIONS

- Presenter, "Locker Rooms and the Law of the Workplace: Bullying, Hazing and Harassment in Professional Sports," AALS Annual Conference: Section on Law and Sports, Washington, D.C.
- "Labor Law, Collective Bargaining, and Exemptions from Antitrust," Legal Issues in Sport, NYU Tisch Institute for Sports Management, Media and Business
- Interviewer, "Legal Giant: A Conversation with Bill Heller, General Counsel of the New York Giants," Brooklyn Law School
- "Sports League Governance and Antitrust," Syracuse University Falk College of Sport
- Panelist, "The Rules of the Game: The Role of Federal Litigation in Governing Sports in the 21st Century," Federal Bar Council, New York City
- "U.S. Antitrust Law and Sports," St. John's University School of Law, LL.M. in International & Comparative Sports Law

#### HONORS/AWARDS/APPOINTMENTS

- Elected Secretary of the AALS Section on Law and Sports
- Appointed to the Externships Committee of the AALS Section on Clinical Legal Education

#### SELECT MEDIA

- Appeared on *Super Bowl XLIX—Seattle Seahawks vs. New England Patriots*, FRESH OUTLOOK (Jan. 31, 2015)
- Appeared on *Outside the Lines*, ESPN, discussing women executives in professional sports (Nov. 11, 2014)

### Christopher Beauchamp

#### PROGRAMS & PRESENTATIONS

- "Invented by Law," Book Discussion, Brooklyn Law School
- Commentator, Junior Scholars' IP Colloquium, Cardozo Law School
- "The First Patent Litigation Explosion," Conference on the History of Patented Innovation and Creativity, George Mason Law School, and NYU Tri-State Region IP Colloquium

#### SELECT MEDIA

- Interviewed, *The Source: Who Invented the Telephone? Lawyers*, TEXAS PUBLIC RADIO (Jan. 14, 2015)

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**Debra Bechtel**

**BEFORE THE LEGISLATURE AND COURTS**

- Presented oral and written testimony, New York State Assembly Standing Committee on Housing on the future of low-income cooperatives

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**Anita Bernstein**

**PUBLICATIONS**

- *Abuse and Harassment Diminish Free Speech*, 35 PACE L. REV. 1 (2015)
- *The Feminist Jurisprudence of Jack B. Weinstein*, 64 DE PAUL L. REV. \_\_ (forthcoming 2015)

**PROGRAMS & PRESENTATIONS**

- Presenter, “A Common Law Defense of Abortion,” University of Nevada at Las Vegas William S. Boyd School of Law
- Moderator and organizer, “The Fifty Years’ War: Can Legislation Ameliorate Poverty?” AALS Annual Conference, Washington, D.C.
- Presenter, “Ethical Implications of Monday Night Law Representation,” New York City Bar

**HONORS/AWARDS/APPOINTMENTS**

- Appointed to the Executive Committee of the AALS Professional Responsibility Section

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**Bradley Borden**

**PUBLICATIONS**

- *Rethinking the Tax-Revenue Effect of REIT Taxation*, 17 FLA. TAX REV. \_\_ (forthcoming 2015)
- *Real Estate Transactions by Tax-Exempt Entities*, TAX MANAGEMENT 591-3RD T.M. (forthcoming 2015)
- TAX-FREE LIKE-KIND EXCHANGES, Civic Research Institute (2d ed. forthcoming 2015)
- *Tax Aspects of Partnerships, LLCs and Alternative Forms of Business Organizations*, in RESEARCH HANDBOOK ON PARTNERSHIPS, LLCs AND ALTERNATIVE FORMS OF BUSINESS ORGANIZATIONS (R. W. Hillman & M. J. Lowenstein eds.) (Edward Elgar Publishing, forthcoming 2015)
- *Economic Justification for Flow-Through Tax Complexity*, in CONTROVERSIES IN TAX: A MATTER OF PERSPECTIVE (A. C. Infanti ed.) (Ashgate Publishing, forthcoming 2015)
- *Counterintuitive Tax-Revenue Effect of REIT Spinoffs*, 146 TAX NOTES 381 (Jan. 2015)
- *Probability, Professionalism, and Protecting Taxpayers*, 68 TAX LAW. 83 (2014) (with D. J. Ventry, Jr.)
- *A Case for Simpler Gain Bifurcation for Real Estate Developers*, 16 FLA. TAX REV. 279 (2014) (with N. R. Brown & E. J. Wagner, II)
- *Math Behind Financial Aspects of Partnership Distribution Waterfalls*, 145 TAX NOTES 305 (Oct. 2014)
- LIMITED LIABILITY ENTITIES: STATE BY STATE GUIDE TO LLCs, LPs AND LLPs, multiple updates (Wolters Kluwer Law & Business) (with R. J. Rhee)
- *Partnership Operations @ Terminations*, TAX ADVISORS PLANNING SERIES (2014 update)

**PROGRAMS & PRESENTATIONS**

- “REIT Stuff,” Graduate Tax Program Colloquium, University of Florida Frederic G. Levin College of Law

- Panelist, “Non-Entity Real Estate Structures,” ABA Business Law Section, LLCs, Partnerships and Unincorporated Entities Committee, 2013 LLC Institute, Alexandria, VA
- Moderator, “Duties of an Attorney in a Basic Section 1031 Exchange,” ABA Section of Taxation, Sales, Exchanges & Basis Committee Meeting, Denver, CO

**HONORS/AWARDS/APPOINTMENTS**

- Fellow, American College of Tax Counsel

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**Dana Brakman Reiser**

**PROGRAMS & PRESENTATIONS**

- “The Mission-Protected Hybrid” and “Hybrid Forms for Social Enterprise as Legislative Products,” 42nd Annual Conference of the Association for Research on Nonprofit Organizations and Voluntary Action, Denver, CO
- “The Mission-Protected Hybrid,” 11th Annual Social Enterprise Conference, Boston, MA

**SELECT MEDIA**

- *Elo’s Public Benefit Status Won’t Be Enough to Keep the Social Network Free of Ads*, THE CONVERSATION (Nov. 18, 2014)

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**Michael Cahill**

**PUBLICATIONS**

- *Inchoate Offenses*, in THE OXFORD HANDBOOK OF CRIMINAL LAW (M. Dubber & T. Hörnle eds.) (Oxford University Press 2014)

**PROGRAMS & PRESENTATIONS**

- Panelist, Symposium on Alon Harel’s Why Law Matters, Rutgers School of Law–Newark
- Organizer, NYC Criminal Theory Colloquium, New York University School of Law

**SELECT MEDIA**

- Appeared on *BK Live* public affairs television discussing mandatory minimum sentencing and the effectiveness of regulations on prison time

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**I. Bennett Capers**

**PUBLICATIONS**

- *Critical Race Theory and Criminal Justice*, 12 OHIO ST. J. CRIM. L. 1 (2014) (introduction to symposium issue as invited guest editor)

**PROGRAMS & PRESENTATIONS**

- “The Fourth Amendment in a Brave New World,” Faculty Workshop, University of Texas Law School
- Panelist, “Sexual Assault and Violence Against Women,” A Symposium Honoring the Work of Myrna Raeder, Southwestern Law School
- “The Fourth Amendment in a Brave New World,” Faculty Workshop, Chicago-Kent Law School

**HONORS/AWARDS/APPOINTMENTS**

- Co-Recipient of the Haywood Burns-Shanara Gilbert Award, Northeast Regional People of Color Legal Scholarship Conference
- Appointed to AALS Task Force on Professional Development

## Professors James Fanto and Brian Lee Named to New American Law Institute Projects

**THE AMERICAN LAW INSTITUTE (ALI)** has named Brooklyn Law School Professors James Fanto and Brian Lee as Associate Reporters for two new projects.

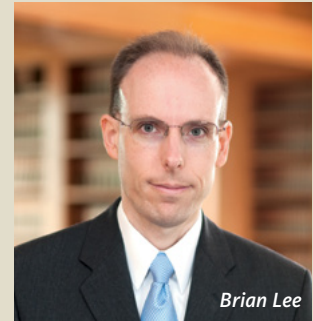
ALI is an independent organization that produces scholarly work aimed at clarifying, modernizing, and improving the law. A project is undertaken by the institute only upon the careful consideration and prior approval of its officers and its governing body, the Council. In acknowledging the distinction of these two appointments, Dean Allard said, “The ALI’s recognition of these extraordinary scholars and teachers provides the latest evidence that Brooklyn Law School has a world-class faculty.” He noted that Fanto and Lee join two other faculty members in the rarified atmosphere as reporters: Professors Neil B. Cohen and Aaron Twerski have served as reporters for other restatements.

Fanto, the Gerald Baylin Professor of Law, will serve as Associate Reporter for the project *Principles of the Law, Compliance, Enforcement, and Risk Management for Corporations, Nonprofits, and Other Organizations*. The target audience includes outside counsel specializing in the areas of compliance and risk management; in-house attorneys, compliance officers, and other personnel who carry out internal control responsibilities; government regulators and prosecutors; and commentators, scholars, and others involved in law reform initiatives. Fanto focuses his scholarship on the laws relating to broker-dealers, compliance in financial firms, and federal securities law issues. He is the author of the preeminent hornbook *Directors’ and Officers’ Liability* and the co-author of the treatise *Broker-Dealer Law and Regulation*, which partly focuses on broker-dealer compliance.

At the Law School, Fanto is the co-director of the Center for the Study of Business Law and Regulation, and he teaches



James Fanto



Brian Lee

a range of courses on banking, broker-dealer law, regulation and compliance, corporate and securities law, corporate finance, and comparative corporate law and governance.

Lee will serve as Associate Reporter for the project *Restatement of the Law Fourth, Property*. The new Property Restatement will address classification of entitlements, possession, accession, and acquisition; ownership powers; protection of and limits to ownership rights; divided and shared ownership; title and transfer; easements, servitudes, and land use; and public rights and takings. Lee, who holds a Ph.D. in philosophy, focuses his research on property and intellectual property, particularly the intersection between moral reasoning and economic analysis in the law. His most recent scholarship, “Emergency Takings,” is forthcoming in the *Michigan Law Review*, and other recent publications have appeared in the *Columbia Law Review* and in an Oxford University Press collection of papers by property theorists on the philosophical foundations of property law.

Lee teaches courses in property, intellectual property, and international law. He is affiliated with the Dennis J. Block Center for the Study of International Business Law. ■

### Natalie Chin

#### PROGRAMS & PRESENTATIONS

- Testified before the Board of Corrections on a proposed rule to implement an Enhanced Segregation Housing Unit in New York City jails
- Participant, Advocates for Adults with Intellectual and Developmental Disabilities Clinic roundtable discussion, Brooklyn Law School
- Presenter, “Alternatives to Guardianship for the LGBT Client: Advocating for People with Intellectual and Developmental Disabilities Without Judicial Intervention,” Services and Advocacy for GLBT Elders (SAGE)

### Neil B. Cohen

#### PUBLICATIONS

- CHOICE OF LAW: CASES AND MATERIALS FOR A CONCISE COURSE ON CONFLICT OF LAWS (West Academic Publishing 2014) (with A. Twerski)

#### PROGRAMS & PRESENTATIONS

- Presenter, “Crafting the Law Governing Security Interests in Intellectual Property,” International Symposium on Intellectual Property and Venture Capital: The Secrets to Building Innovation Ecosystems, sponsored by Kyushu University, Tokyo, Japan
- Presenter, “Reactions to the Draft Model Law on Secured Transactions from a U.S. Perspective,” Centre De Droit Bancaire et Financier of the University of Geneva: The Draft UNCITRAL Model Law on Secured Transactions: Why and How?, Geneva, Switzerland

## FACULTY HIGHLIGHTS

- Served as member, Working Group on Long Term Contracts of the International Institute for the Unification of Private Law/Institut International Pour L'unification Du Droit Prive (UNIDROIT), Rome, Italy
- Served as a member of U.S. delegation, UNCITRAL Working Group meeting, Vienna, Austria
- Served on Expert Group for Secured Transactions, UNCITRAL, Vienna, Austria
- Participant, World Bank Law, Justice, and Development Week meeting, Washington, D.C.
- Participant, fact-finding mission assessing the state of secured transactions reform, the Organization of American States and the Ministry of Industry, Investment, and Commerce of Jamaica, Kingston, Jamaica

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### Edward De Barbieri

#### PROGRAMS & PRESENTATIONS

- Co-Organizer, "Small Business Legal Academy II," Association of Pro Bono Counsel & Center for Urban Business Entrepreneurship, Brooklyn Law School
- Participant, "Community Benefits Agreements," *Clinical Law Review* Writers' Workshop, New York University School of Law

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### Elizabeth Fajans

#### PUBLICATIONS

- Co-author, *WRITING FOR LAW PRACTICE*, 3rd ed. (Foundations Press, forthcoming 2015)

#### HONORS/AWARDS/APPOINTMENTS

- Appointed to The Fifth Empire State Legal Writing Conference Committee

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### James Fanto

#### PUBLICATIONS

- *BROKER-DEALER: LAW AND REGULATION*, 2015 update (Wolters Kluwer Law & Business)
- *DIRECTORS' AND OFFICERS' LIABILITY*, 2015 update (Practising Law Institute)

#### HONORS/AWARDS/APPOINTMENTS

- Associate Reporter, American Law Institute project on Principles of the Law, Compliance, Enforcement, and Risk Management for Corporations, Nonprofits, and Other Organizations

#### OTHER PROFESSIONAL HIGHLIGHTS

- Faculty, FINRA Institute at Wharton, Wharton School, University of Pennsylvania

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### Maryellen Fullerton

#### PUBLICATIONS

- *Statelessness as Persecution*, 63 *KANSAS L. REV.* \_\_ (forthcoming 2015)
- *State Citizenship in the United States: A Shadow of its Former Self* in *DALLO STATUS DI CITTADINO AI DIRITTI CITTADINANZA*, (F. Cortese, G. Santucci & A. Simonati, eds.) (Naples: Editoriale Scientifica 2014)

- *An Overview of Labour Migration Policies in the United States* in *RETHINKING THE ATTRACTIVENESS OF EU LABOUR IMMIGRATION POLICIES: COMPARATIVE PERSPECTIVES ON THE EU, THE US, CANADA AND BEYOND*, (S. Carrera, E. Guild, and K. Eisele, eds.) (Centre for European Policy Studies 2014)

#### PROGRAMS & PRESENTATIONS

- Presenter, "Statelessness: People Without Rights," and "Evolving Refugee Protection in the Americas," Catholic University of Ecuador, Quito
- "Without Protection: The Stateless and the Refugee," University of Kansas

#### OTHER PROFESSIONAL HIGHLIGHTS

- Invited to Quito, Ecuador by the Catholic University of Ecuador to give a series of lectures on international refugee law in Latin America

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### Marsha Garrison

#### PUBLICATIONS

- *THE LAW OF BIOETHICS: INDIVIDUAL AUTONOMY AND SOCIAL REGULATION*, 3rd ed. (West Academic Publishing 2015) (with C. E. Schneider)
- *It's My Body and I'll Do What I Want To: The U.S. Perspective on Protection of the Person*, in *LES PRINCIPES DE PROTECTION DU CORPS HUMAIN* (B. Feuillet, ed.) (Bruylant 2015)

#### PROGRAMS & PRESENTATIONS

- Keynote Speaker, "The Children's Rights Convention in the USA: Why Not? Does It Matter?," Bahamas Bar Association/ International Society of Family Law Conference: "Our Children, An Endangered Species," Nassau, Bahamas
- Invited Speaker, "Using Family Law to Foster Family Solidarity," Leverhulme Trust Interdisciplinary Conference on Family Law, London, U.K.

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### Cynthia Godsoe

#### PROGRAMS & PRESENTATIONS

- Ethics and Professional Responsibility Update, Second Circuit Court of Appeals Staff Attorneys
- "Conflicts of Interest," 18th Judicial Conference of the United States Court of International Trade
- "Adopting Gay Families," AALS Annual Meeting Works-in-Progress Session of Children and the Law Section, Washington, D.C.

#### SELECT MEDIA

- Interviewed on NY1 television regarding the Eric Garner grand jury (Dec. 3, 2014)

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### Joel Gora

#### PROGRAMS & PRESENTATIONS

- Invited Participant, First Amendment Salon, "What's Wrong with the First Amendment?," offices of law firm Levine, Sullivan, Koch & Schulz
- Panelist, Symposium: "*Citizens United v. FEC* After Five Years," CATO Institute

## Professor Edward Janger's Scholarship in the Bankruptcy Arena Garner Noteworthy Awards



**PROFESSOR EDWARD JANGER'S** recent scholarship has earned him two prestigious honors.

First, in April 2015, Professor Janger and his co-author Professor Melissa Jacoby of the University of North Carolina received the Grant Gilmore Award from the American College of Commercial Finance Lawyers (ACCFL) for their article, "Ice

Cube Bonds: Allocating the Price of Process in Chapter 11 Bankruptcy," published in the *Yale Law Journal*. The award was presented at the ACCFL's annual dinner in conjunction with the ABA Business Law Section and a \$1,000 donation was made to Brooklyn Law School in Professor Janger's honor. This award, named in Professor Gilmore's honor, is given by the ACCFL when the College identifies superior writing in the field of commercial finance; it has not been awarded since 2008. Professor Gilmore was a co-Reporter for the original Article 9 of the Uniform Commercial Code.

In their *Yale Law Journal* article, the professors propose the idea of the "ice cube bond." When a debtor seeks to sell substantially all its assets in bankruptcy early in the case, it poses risks to the firm and to stakeholders of the firm. The quick sale may not maximize value, and the distribution of

value may be distorted. The ice cube bond would be set aside by the court to preserve for later determination disputes about valuation and distribution.

Second, the American Bankruptcy Institute publishes a yearly compendium that gathers together the best essays from among *ABI Journal* articles and educational materials used at ABI conferences and seminars to highlight the year's most significant developments in business bankruptcy. Janger's article, "The Logic and Limits of Liens," was submitted as part of the ABI Illinois Symposium on Chapter 11 reform.

The essay argues that state law entitlements should establish both the scope and limit of a secured creditor's entitlement in bankruptcy, and that enterprise value, beyond the value of the encumbered assets should be allocated to the bankruptcy estate.

Professor Janger is the David M. Barse Professor of Law and he is a leading expert on commercial transactions and bankruptcy law. He is the past chair of the Association of American Law Schools' Section on Commercial and Consumer Law, and a member of the American College of Bankruptcy, the International Insolvency Institute, and the American Law Institute. He is also a member of the board of directors of the Coalition for Debtor Education. At the Law School, he is co-director of the Center for the Study of Business Law and Regulation, and a faculty advisor to the *Brooklyn Journal of Corporate, Financial & Commercial Law*.

### SELECT MEDIA

- Editorial, *Room For Debate: Limits on Giving and Spending Violate the First Amendment*, THE NEW YORK TIMES (Oct. 12, 2014)

### Susan Herman

#### PROGRAMS & PRESENTATIONS

- Speaker, "The ACLU and Times of War," Civil Liberties in Times of War Conference, Princeton University Woodrow Wilson School of Public & International Affairs
- Presenter, "Three Decades After 1984: Why Does Privacy Matter?," 2014 Appellate Judges Education Institute Summit, Dallas, TX
- Speaker, "Taking Liberties: The War on Terror and the Erosion of American Democracy," Ethical Humanist Society of Long Island
- Debater on the balance between individual rights and the common good as applied to the war on terror, George Washington University Communitarian Policy Studies (with Amitai Etzioni)
- Speaker, "Current ACLU Issues," George Washington University

- Panelist, "Post-Hobby Lobby Series: Reproductive Rights in a Hostile Era," Cornell Law School

### SELECT MEDIA

- Interviewed on *The Constitution Project: Magna Carta*, THE DOCUMENTARY GROUP (Jan. 30, 2015)
- Featured on "The ACLU and Times of War" (video), Princeton University
- Interviewed on OPEN MIND about 2014 Supreme Court Decisions, WNET (Sep. 13, 2014)

### Edward Janger

#### PUBLICATIONS

- *The Logic and Limits of Liens*, 2015 U. ILL. L. REV. 589 (forthcoming 2015)
- *Silos: Establishing the Distributional Baseline in Cross-Border Bankruptcies*, \_\_ BROOK. J. OF CORP. FIN. AND COM. L. \_\_ (forthcoming 2015)

## Professor Gregg Macey's Study Finds Environmental Hazards Near Residential Areas



**A STUDY CO-AUTHORED** by Associate Professor Gregg Macey examining air pollution near oil and natural gas production sites in Arkansas, Colorado, Ohio, Pennsylvania, and Wyoming found potentially cancer-causing levels of chemicals in areas near unconventional oil and gas

production sites. Published in the journal *Environmental Health* (2014), the study was supported by Brooklyn Law School's Center for Health, Science and Public Policy, along with a handful of nonprofit organizations. The study has received significant attention from organizations such as the Union of Concerned Scientists and Center for Effective Government, as well as dozens of media outlets including *National Geographic*, *Scientific American*, and *U.S. News & World Report*.

The study used samples collected by trained citizens living near the production sites. These residents were at times experiencing dizziness, nausea, headaches, and other symptoms, especially during heavy industrial activity. Tests found levels of formaldehyde, benzene, and six other toxic chemicals above levels considered safe by the federal government in 40 percent of the air samples.

Professor Macey, who served as first author of the study, said: "We need to do more to reconcile the conflicting results in oil and gas research. Our study focuses on volatile compounds that can persist at ground level in air that residents routinely breathe, including spots a considerable distance from well pads, and beyond prevailing setback requirements."

Professor Macey has an extensive background in environmental regulation, organizational theory, and disaster theory. In addition to a J.D., he holds a Ph.D. in urban planning and has taught environmental planning at the graduate level. At Brooklyn Law School, he teaches environmental law, environmental justice law and policy, and property.

"Peer-reviewed public health research in this area is in short supply," he said. "This is particularly true for exposure to localized concentrations of hazardous pollutants. These and other data gaps limit the extent to which we can engage in risk-based regulation." ■

### PROGRAMS & PRESENTATIONS

- Discussion paper on the treatment of financial contracts in insolvency, World Bank Insolvency and Creditor/Debtor Regimes Task Force Meeting
- Organizer and chairman, Young Bankruptcy Scholars Work in Progress, co-sponsored by the American Bankruptcy Institute and the Center for the Study of Business Law and Regulation, Brooklyn Law School
- Served as member, Working Group V (Insolvency) meeting, International Insolvency Institute delegation to UNCITRAL

### Roberta Karmel

#### PUBLICATIONS

- LIFE AT THE CENTER—REFLECTIONS ON FIFTY YEARS OF SECURITIES REGULATION (Practising Law Institute 2014)
- NEW YORK LAW JOURNAL columns: *Reviewing Definition of Accredited Investor*; and *Disclosure of Sustainability Metrics*

#### PROGRAMS & PRESENTATIONS

- "The Constituencies Speak: Insights from the Federal Judiciary and Former Commissioners," SEC Chief Enforcement Conference Panel, Securities and Exchange Commission, Washington, D.C.
- Ontario Securities Commission Dialogue, Panel on Corporate Governance and the Value of Shareholder Activism, Toronto, Canada
- "Life at the Center," Book Reception, Brooklyn Law School

#### HONORS/AWARDS/APPOINTMENTS

- Enforcement Hall of Fame, Securities Docket (2014)

### Brian Lee

#### PUBLICATIONS

- *Emergency Takings*, 114 MICH. L. REV. \_\_ (forthcoming 2015)

#### PROGRAMS & PRESENTATIONS

- "Emergency Takings," Junior/Mid-Career Faculty Workshop, University of Toronto Faculty of Laws
- Commenter, Junior Scholars Workshop: Intangibility in Intellectual Property, Cardozo Law School

#### HONORS/AWARDS/APPOINTMENTS

- Appointed Associate Reporter for the American Law Institute's RESTATEMENT (FOURTH) OF PROPERTY
- Elected to membership in the American Law Institute

### Gregg Macey

#### PUBLICATIONS

- *Boundary Work in Environmental Law*, 53 HOUSTON L. REV. \_\_ (2015)
- *Air Concentrations of Volatile Compounds Near Oil and Gas Production*, 13 ENVTL. HEALTH 82 (2014), first author
- *The Natech: Right-to-Know as Space-Time Puzzle*, in RISK MANAGEMENT OF NATURAL HAZARDS (Springer, forthcoming 2015)

#### SELECT MEDIA

- Garnered extensive coverage of a five-state study of dangerous chemicals found near unconventional oil and gas sites

**OTHER PROFESSIONAL HIGHLIGHTS**

- *Air Concentrations of Volatile Compounds Near Oil and Gas Production*, 13 ENVTL. HEALTH 82 (2014) cited in New York State Department of Health, *A Public Review of High Volume Fracturing for Shale Gas Development* (Dec. 2014), New York State's findings in support of its decision to prohibit hydraulic fracturing

**Christina Mulligan****PUBLICATIONS**

- *What's the Best Way to Fix the Patent System's Problems?*, CATO UNBOUND (Sept. 2014)

**PROGRAMS & PRESENTATIONS**

- "Personal Property Servitudes on the Internet of Things," 5th Annual Tri-State Region Intellectual Property Workshop, New York University School of Law, and Nebraska-Brooklyn Junior Technology Law Scholars Workshop, Brooklyn Law School
- "The Cost of Personal Property Servitudes: Lessons for the Internet of Things," Hofstra Law Intellectual Property Colloquium, and 7th Annual Junior Scholars in Intellectual Property Workshop, Michigan State University College of Law

**Minor Myers****PUBLICATIONS**

- *Appraisal Arbitrage and the Future of Public Company M&A*, 92 WASH. U. L. REV. \_\_ (forthcoming 2015) (with C. Korsmo)
- *Fixing Multi-Forum Shareholder Litigation*, 2014 U. ILL. L. REV. 467, reprint in \_\_CORPORATE PRACTICE COMMENTATOR (forthcoming 2015)
- *The Structure of Stockholder Litigation: When Do the Merits Matter?*, 75 OHIO STATE L. J. 829 (2014) (with C. Korsmo)

**PROGRAMS & PRESENTATIONS**

- "Aggregation by Acquisition: Replacing Class Actions with a Market for Legal Claims," Federalist Society Annual Conference, Young Legal Scholars' Paper Panel, and Corporate and Securities Litigation Workshop, Richmond, VA
- "Do the Merits Matter? Evidence from Options Backdating Litigation," Conference on Empirical Legal Studies, Berkeley, CA

**HONORS/AWARDS/APPOINTMENTS**

- Winner of Federalist Society Young Legal Scholars' Paper Competition for *Aggregation by Acquisition: Replacing Class Actions with a Market for Legal Claims* (with C. Korsmo)

**Norman Poser****PROGRAMS & PRESENTATIONS**

- "Lord Mansfield and Religious Freedom" Lecture, New Jersey Judicial College

**David Reiss****PUBLICATIONS**

- *Who Should Be Providing Mortgage Credit to American Households?*, 89 TULANE L. REV. 181 (2014)
- *Panel Four: The Future of Fannie and Freddie*, 10 N.Y.U. J.L. & BUS. 339 (2014)

## Professor Samuel Murumba Named Co-Chair of Human Rights Watch Committee

**PROFESSOR SAMUEL**

**MURUMBA** has been named co-chair of the Advisory Committee of the Human Rights Watch (HRW) Africa Division. He will serve with Ambassador Robin Sanders, the former U.S. Ambassador to Nigeria and to the Republic of Congo.

Professor Murumba, whose expertise is in international human rights and intellectual property, has served on the HRW Advisory Committee since 1994, and he has been a member of the organization's board of directors since 1996.

In 2009, the Human Rights Watch Board of Directors elected him Emeritus Director. He also serves on the Board's Policy Committee and the Advisory Committee of the HRW Women's Rights Division.

"I cherish the work of Human Rights Watch so much because I know it from both ends," Professor Murumba said. "That of the victims: having lived in Uganda during Idi Amin's unspeakable atrocities, convinced that the world didn't care. And that of discovering, at Human Rights Watch, so many who do care deeply and proclaim that: 'tyranny has a witness.' This dual perspective has persuaded me beyond doubt that despite the depressing stories we see in the news every day, in the words of Desmond Tutu: 'Ultimately, it isn't evil and injustice and oppression which have the last word.'"

Professor Murumba teaches and writes about intellectual property and human rights, and he is affiliated with the Dennis J. Block Center for the Study of International Business Law at Brooklyn Law School. He has been active in advancing the mission of several human rights organizations for more than 25 years. Professor Murumba also has served as a member of the New York City Bar's Committee on Human Rights, and he is an Advocate of the High Court of Uganda. ■

- *The GSE Guarantee Fee as a Policy Tool Market and The FHFA's Proposed Single Security Structure* (Federal Housing Finance Agency Comment Letter) (2014)
- *Comment on the FHFA's Small Multifamily Subgoal* (Federal Housing Finance Agency, RIN 2590-AA65) (2014)

## Professor Minor Myers' New Perspective on Stockholder Litigation Draws Media Attention



**ASSOCIATE PROFESSOR MINOR MYERS**, an expert on corporate governance and stockholder litigation, has co-authored an article that offers a novel perspective on an old question in corporate law: Do the merits matter in stockholder litigation? The findings, which suggest that the merits count for little in the decision to bring suit

and that such actions are frequently brought primarily for their nuisance value, have drawn considerable interest from the business media and have been highlighted in such publications as *The New York Times* and *The Wall Street Journal*.

In the article, “The Structure of Stockholder Litigation: When Do the Merits Matter?” 75 *Ohio State Law Journal* 829 (2014), written with Professor Charles Korsmo of Case Western Reserve University School of Law, who was formerly a visiting professor at Brooklyn Law School, the authors concluded that traditional fiduciary duty class

actions challenging mergers are not associated with various proxies for legal merit.

The article is a comparative analysis of stockholder class actions alleging a board’s breach of fiduciary duty and stockholder suits seeking an appraisal under Delaware law. After examining the substantial structural differences of these two types of litigation, the authors examine what factors are associated with litigation.

Reviewing appraisal-eligible mergers in the last decade, Myers and Korsmo focused on how two criteria—deal size and expected stockholder premium—were related to the incidence of both types of litigation. They find that fiduciary duty class actions were strongly associated with transaction size but not strongly associated with merger premium. The most likely interpretation is that the plaintiffs’ attorneys bringing the suits target deep pockets, regardless of whether fiduciary duty claim has merit. By contrast, appraisal actions were found more likely to be meritorious and correlated more with stockholder premium than deal size.

Myers and Korsmo offer a more in-depth look at the practice and theory of stockholder appraisal in their forthcoming article, “Appraisal Arbitrage and the Future of Public Company M&A.” ■

- *Comment on Home Mortgage Disclosure Act Proposed Rule* (Docket No. CFPB–2014–0019/RIN 3170–AA10) (2014)

### PROGRAMS & PRESENTATIONS

- Panelist, “Review of GSE Litigation,” sponsored by CRT Capital, Yale Club, New York City
- Moderator, Panel on “Planning and Protesting Public Spaces,” Brooklyn Book Festival (broadcast by CSPAN)

### SELECT MEDIA

- Quoted in numerous outlets, including TECH NEWS WORLD, MAINSTREET.COM, THE FISCAL TIMES, and BLOOMBERG NEWS, among others, on a variety of issues related to real estate and finance

### HONORS/AWARDS/APPOINTMENTS

- Appointed Research Director, Center for Urban Business Entrepreneurship, Brooklyn Law School
- Executive Committee, AALS Section on Real Estate Transactions
- External Reviewer, HOUSING POLICY DEBATE

### Elizabeth Schneider

#### SELECT MEDIA

- Interview, BLOOMBERG NEWS, discussing a case before the Supreme Court dealing with pregnancy discrimination (Dec. 2014)

### Lisa C. Smith

#### HONORS/AWARDS/APPOINTMENTS

- Appointed to Kings County Democratic Judicial Screening Committee

#### SELECT MEDIA

- Appeared on “*The Real Story with Gretchen Carlson*,” *Ray Rice: Domestic Abuse and the NFL*, FOX NEWS CHANNEL (Sep. 2014)
- Appeared on *The NFL and Domestic Violence*, WCBS NEWSRADIO 880 (Sept. 2014)
- Appeared on *Ray Rice and Domestic Violence*, NBC NY/4 (Sept. 2014)



## Lawrence Solan

### PUBLICATIONS

- *Multilingualism and Morality in Statutory Interpretation*, 1 LANGUAGE AND LAW/LINGUAGEM E DIREITO 5 (2014)
- *Interpretando las Leyes: ¿Lenguaje o Intención?*, and *Ética y Método en Lingüística Forense*, in LINGÜÍSTICA FORENSE: LA LINGÜÍSTICA EN EL ÁMBITO LEGAL Y POLICIAL (E. G. Heinze, M. J. Bernal, M. R. Riveiros, eds.) (2014)

### PROGRAMS & PRESENTATIONS

- “Lies, Deceit and BS in Court: What are the Differences and Why Do They Matter?” Administrative Judicial Institute, New York City
- “Precedent in Statutory Interpretation,” Pace University School of Law

## Nelson Tebbe

### PUBLICATIONS

- *Religion and Marriage Equality Statutes*, 9 HARVARD L. AND POL. REV. 801 (2015) (symposium issue)
- *Countersupermajoritarianism*, 113 MICH. L. REV. \_\_ (forthcoming 2015) (with F. Bloom)
- *The End of Religious Freedom: What Is At Stake?*, 41 PEPPERDINE L. REV. 963 (2014) (solicited response to Steven D. Smith, *The Last Chapter?*, 41 PEPPERDINE L. REV. 903 [2014])

### PROGRAMS & PRESENTATIONS

- Invited to give the Philip J. McElroy Lecture on Law and Religion, Detroit Mercy School of Law

### SELECT MEDIA

- *A License to Say Anything?*, THE NEW YORK TIMES (Jan. 9, 2015) (with C. Brettschneider)

### OTHER PROFESSIONAL HIGHLIGHTS

- Visiting Professor of Law, Cornell Law School (Fall 2014)

## Aaron Twerski

### PUBLICATIONS

- CHOICE OF LAW: CASES AND MATERIALS FOR A CONCISE COURSE ON CONFLICT OF LAWS (West Academic Publishing 2014) (with N. B. Cohen)

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## Professor Aaron Twerski's Latest Products Liability Article Earns Praise



**THE ARTICLE** “Fixing Failure to Warn,” co-authored by Professor Aaron D. Twerski, which appeared in a recent *Indiana Law Journal*, (Volume 90, Issue 1) “merits serious attention by the bench and litigation bar,” wrote Michael Hoenig in the Dec. 8, 2014, issue of the *New York*

*Law Journal*. The article was co-authored with James A. Henderson, Jr., professor emeritus at Cornell Law School.

“The noted authors once again reveal serious ills in the current system of warnings litigation and provide a logical, simple ‘fix’ that is analogous to a widely accepted construct in product design litigation,” Hoenig wrote. “They suggest that, just as a claimant alleging a defective product design must prove the practicable feasibility of defendant incorporating a safer ‘reasonable alternative design,’ so too, a claimant urging a product’s inadequate warning should have to prove a safer reasonable alternative warning.”

The “fix” proposed by the authors can be viewed as part of a continuum of their scholarly writings on warning law. Hoenig noted that the proposal merits serious reflection if not immediate adoption.

Twerski is a preeminent authority in the areas of products liability and tort law. The American Bar Association’s Tort Trial & Insurance Practice Section has honored him with the Robert B. McKay Law Professor Award, which recognizes law professors who are committed to the advancement of justice, scholarship, and the legal profession in the fields of tort and insurance law. He was a co-Reporter for the ALI’s *Restatement of the Law (Third) Torts: Products Liability* and the ALI named him the R. Amni Cutter Reporter.

Twerski has been widely called upon for his expertise by state and federal legislative bodies considering product liability and mass tort legislation, and he is a frequent lecturer to the practicing bar. He was also appointed as a special master in the federal 9/11 cases dealing with the injuries claimed by those involved in the cleanup of the World Trade Center site. ■

## Letter from Valerie Fitch '88, President of the Alumni Association



Learn more about becoming an Alumni Association member:

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

TEL: 718-780-0322

EMAIL: [alumni@brooklaw.edu](mailto:alumni@brooklaw.edu)

It is my pleasure to introduce myself as the new president of the BLS Alumni Association. As an alumna for more than 25 years, and an adjunct professor at the Law School for more than 20 years, my connection to the Law School has been, and continues to be, one of the most rewarding facets of my professional and personal life.

Although I did not know him until years later, my husband was a night student at BLS, one year behind me. Having BLS in common is an important connection for us, as are the many connections I've made with my students over the years. I encourage all of you to experience the pride that I feel in all the changes and initiatives that are ongoing at the Law School. The energy is palpable and highly contagious, and Brooklyn is the place to be.

There are so many ways you can be part of that excitement and become involved at Brooklyn Law School.

- If you haven't done so already, join the Alumni Association! You'll receive notification of special events, and you can keep your finger on the pulse of the Law School and in contact with faculty and fellow alumni through *BLS LawNotes*.
- Sign up for one of the many events designed to bring alumni together and to showcase the incredible talent at the Law School. BLS regularly holds symposia, CLE programs, panels, cultural events, wine tastings, theatre events, and much more. Are you a BLS alum currently living outside of New York? Dean Nick Allard hosts "On the Road" alumni receptions in locations and cities around the United States.
- Donate to the Annual Fund. It's all about participation, and every donation counts to strengthen the Law School (and the value of our BLS degrees).
- Hire a Brooklyn Law School student or graduate. There is no more meaningful way to stay connected and serve the Law School. Each year, I'm floored by the experience, intelligence, and diversity of our students and graduates. But as we all know, this is not an easy time in the job market, so providing an employment or internship opportunity to a BLS student or graduate is, as they say, priceless.
- Mentor a BLS student. There is no wiser advice for our students than yours. Please contact Karen Eisen, Robin Nackman, or Susan Bainnson in our Office of Career and Professional Development at 718-780-7963 to learn more about the Mentor and ACES programs at BLS.

No matter which of the many ways to become involved strikes a chord with you, being an active member of the BLS family is definitely a two-way street. As you participate, you inevitably get back much more than you give.

Sincerely,

A handwritten signature in black ink that reads "Valerie Fitch". The signature is written in a cursive, flowing style.

**Valerie Fitch '88**

*President*

Brooklyn Law School Alumni Association

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## Annual Luncheon Honors Alumni of the Year and Rising Stars



LEFT TO RIGHT: Eric M. Kornblau '84, Valerie Fitch '88, Coco Culhane '10, Sparkle L. Sooknanan '10, Lawrence I. Feldman '74, and Dean Allard

**MORE THAN 300 ALUMNI** and their guests, faculty, and students packed the Plaza Hotel on January 30, 2015, for Brooklyn Law School's Annual Alumni Association Luncheon. Four distinguished graduates were honored this year. The late Brooklyn Law School Professor Robert M. Pitler '66 (see page 60) and Lawrence I. Feldman '74, CEO, Subway Development Corporation of Washington, D.C., and South Florida, were recognized as "Alumni of the Year." New this year, the Alumni Association also honored two recent graduates with "Rising Star Awards": Coco Culhane '10, Director of the Veteran Advocacy Project at the Urban Justice Center, and Sparkle L. Sooknanan '10, an Associate at Jones Day and former law clerk to U.S. Supreme Court Justice Sonia Sotomayor.

Dean Nick Allard gave a warm welcome and a rousing speech about the extraordinary legacy of Brooklyn Law School and its exciting future, citing leading-edge programs like Business Boot Camp, the Center for Urban Business Entrepreneurship (CUBE), first-of-their kind clinics, and the Public Interest/Public Service Fellowship. "Brooklyn Law School already offers among the best legal educations in the nation, and our ambition is to continue to make it even better, and we will make it the best in areas where we have a tradition of being a leader," he said. Dean Allard also announced the "Salute to Brooklyn Law School Icons" gala, which will take place June 11 on Ellis Island, and encouraged everyone to mark their calendars for this sure-to-be memorable celebration. Alumni Association President Eric M. Kornblau '84 introduced each honoree and he was presented with an award for his service for the past two years from the incoming president Valerie Fitch '88 (see page 40).

### Robert M. Pitler '66

Professor Pitler '66, who joined the Brooklyn Law School Faculty in 1988, was an expert in the areas of criminal law, procedure, and evidence. Professor Pitler was too ill to attend the luncheon, but his good friend Bill Roskin read his touching and humorous remarks to the audience.

"Thank you all for being here today at the Plaza. I wish I could be here with you in person, but sadly I am unable to. Nevertheless, because the program is being videotaped, I'm looking forward to viewing this soon and hearing all the wonderful things that are being said about me," he joked. "But all kidding aside, I am deeply moved that the Alumni Association chose to honor me this year and include me among the many esteemed alumni they have honored over the years."

Professor Pitler went on to talk about what inspired him to become a professor. "It really is quite simple; I fell in love with my teachers from my earliest days and they have long served as an inspiration for entering this field. I can honestly say that I had great teachers who made a lasting impact on me." Humbly, he said: "Not that I am a great teacher. But one thing that Brooklyn Law School had was great teachers, then and now.

"For me, being a teacher is such a wonderful job, if you can even call it that," Professor Pitler continued. "Through the years the best part has been the students. Teaching them, working with them on the Prince Competition. It's been a lot of fun. When you can spark that same enthusiasm for the law, then you know you have done your job well. And of course, the other great thing about the Law School are the friends that you make. I had the unique opportunity to build close friendships with my colleagues and many of my students. I cherish those friendships today."

### Lawrence I. Feldman '74

Before his career with Subway, which has spanned more than 37 years, Feldman was on a fast-track government career in Washington, D.C. In 1974, he became Legislative Counsel to Congressman Stewart McKinney of Connecticut. He then served as Minority Counsel for the U.S. House of Representatives Banking Committee's Subcommittee on Economic Stabilization, and Assistant General Counsel to the Full Banking and Currency Committee of the House.

In 1977, Feldman opened his first Subway sandwich shop franchise on Capitol Hill. He quickly added franchises in other areas of Washington, D.C., as well as Delaware, Maryland, and Virginia. Two years later, he became the CEO of the Subway Development Corporation of Washington. He currently controls more than 1,250 franchises in his Northern development territory with an additional 300 restaurants in South Florida, where he is the CEO of that region's Subway Development Corporation.

Feldman also developed other entrepreneurial enterprises, including co-creating and serving as CEO of Hair Color Xperts, which franchised cut and color salons throughout the country, and serves as CEO of Strategic Franchise Solutions, a consulting firm helping entrepreneurs bring their ideas to the marketplace.

Feldman has been recognized with numerous awards for his business and philanthropic endeavors.

An ardent supporter of Brooklyn Law School, Feldman is a founding member of CUBE. “As an entrepreneur, I really found out, and this is a little tongue in cheek, ‘If you want to kill a deal, call a lawyer.’ I experienced this a number of times where it was more about the battle than about taking care of the entrepreneur. So, in conversations with the dean, we discussed how CUBE should teach lawyers the art of making the deal and not killing the deal.” CUBE was “an opportunity to get involved with our clinics, our programs, and professors to help those who are out there trying to live the American dream.”

### Coco Culhane '10

Coco Culhane '10 is the founder and director of the Veteran Advocacy Project (VAP) at the Urban Justice Center, New York City's first comprehensive civil legal services program for low-income veterans. Culhane created VAP as part of the Urban Justice Center's Mental Health Project. In 2011, she received a coveted two-year Equal Justice Works Fellowship, sponsored by the CIGNA Foundation and Cravath, Swaine & Moore LLP, to support her work. Today, VAP has a staff of seven and operates with the support from The Bob Woodruff Foundation, Robin Hood, the Jericho Project, and others.

Culhane is a member of the VA's Together Strong Virtual Advisory Board, assisting in the creation of a peer training program for veterans. She is a former member of the Steering

Committee of the Veterans' Mental Health Coalition and chaired its communications committee in New York City.

Culhane was the symposium editor of the *Brooklyn Law Review*, a BLSPI Fellow, a 2010 Equal Justice America Fellow, and president of the student Health Law and Policy Association. This spring semester, she began teaching the brand new Veterans' Rights Clinic (see page 10).

“When researching a note topic, I read that 18 veterans kill themselves every day on average and the wait time to get an appeal on a denial of benefits is four and a half years. This really resonated with me. My team works tirelessly to get veterans access to benefits, health care, and housing,” said Culhane. “I thank Brooklyn Law School for making me feel like I could do anything,” she concluded.

### Sparkle L. Sooknanan '10

Sparkle L. Sooknanan '10 is an associate in the Washington, D.C. office of Jones Day in its Issues and Appeals Practice Group. She joined the practice last fall after serving for the 2013–14 term as a law clerk to Justice Sotomayor.

She began her career as a law clerk to Judge Eric N. Vitaliano of the U.S. District Court for the Eastern District of New York and then clerked for Judge Guido Calabresi of the U.S. Court of Appeals for the Second Circuit. She also served on the Appellate Staff of the Civil Division of the Department of Justice in Washington, D.C., where she represented the government in federal courts nationwide.

Sooknanan was an executive articles and research editor of the *Brooklyn Law Review* and president of the Moot Court Honor Society. In her second year, she earned the National Best Brief award at the 59th Annual New York City Bar National Moot Court Competition. She also was a research assistant to Vice Dean Dana Brakman Reiser.

She worked closely with Professor Pitler while serving as Moot Court's president, and said what an honor it was to share the program with him. “Anyone who has anything to do with Moot Court knows he puts his heart and soul into it. He has been a mentor and a friend to me, always giving me wise life advice. He is very loved.”

Sooknanan came to the Law School as a night student looking for a career change. “I fell in love with the law at Brooklyn, but I found a lot more as well. I found a home here and a family here,” she said. “When I called my professors to tell them I got the Supreme Court clerkship, many were close to tears. It reminded me that my successes were their successes, and they will always be shared with everyone at Brooklyn.” ■



More than 300 alumni, faculty, and students at the Plaza Hotel for the Annual Alumni Association Luncheon

## Golden Circle Celebration

**BROOKLYN LAW SCHOOL HONORED MEMBERS** of its Golden Circle, graduates of the Classes of 1927 through 1965, with a luncheon in September 2014. Thirty graduates and their guests attended, and special recognition was given to the members of the Class of 1965, the newest members of the Golden Circle. Robert Kaufman '57, a longtime member of the Law School's Board of Trustees, spoke warmly about his own law school experience and personal career path. Following the lunch, guests enjoyed student-led tours of the Brooklyn Law School campus. For many, it was their first time back at the Law School since its relocation from Pearl Street in 1968. ■



## ON THE ROAD: North Fork, Boston, and Washington, D.C.

**DEAN NICK AND MARLA ALLARD** and members of the alumni and development staff visited the North Fork in September 2014 for a late summer reception at the family home of Paul '90 and Peggy May. With views of the Long Island Sound, it was a lovely setting for an afternoon of cocktails and conversation, and guests enjoyed reconnecting with one another and hearing the latest news from the Law School. The event was hosted by Paul '90 and Peggy May, Dennis Block '67, Marty Siegel '68, Laurie McPherson '90, Mike Reddy '06, and Associate Director of Admissions Alicia Meehan '07.

Dean Allard went "On the Road" in October 2014 for an alumni reception in Boston. The event was hosted by Mark Whitney '93 and his firm, Morgan, Brown & Joy, LLP. Local graduates plan to organize other alumni gatherings in the area on a regular basis and grow the Boston network.

In early January 2015, Dean Allard and faculty members welcomed Washington, D.C., area graduates at a reception at Squire Patton Boggs. Several current students, who are interested in working in Washington, attended the event as well. ■



LEFT TO RIGHT: Hosts in the North Fork with Dean Allard; alumni in Boston; students and alumni in Washington, D.C.



## LL.M. Student and Alumni Gathering

**BROOKLYN LAW SCHOOL HOSTED** the first ever LL.M. alumni gathering in October 2014 on the rooftop of Fornino at Pier 6 in Brooklyn Bridge Park. Guests enjoyed pizza and drinks while watching the sunset behind the Statue of Liberty and lower Manhattan. It was an opportunity to connect current LL.M. students with graduates, allowed former classmates to reunite, and gave faculty and administrators a chance to learn of the successes of our LL.M. alumni. We look forward to continuing the tradition each year. ■

**LEFT TO RIGHT:** Julie Sculli, Director of International Programs, Shao-Chuan Lu '15, Dmitriy Nam '15, and Elena García Viñuales '15



## Bourbon Tasting

**IN DECEMBER 2014**, more than 100 BLS graduates and guests enjoyed a bourbon tasting and reception at Hill Country in Brooklyn. The tasting was led by a representative from Maker's Mark and featured a selection of bourbons, including a few premium small batch varieties, a great pairing with Hill Country's delicious barbecue. Several faculty members also attended the event, sponsored by the BLS Alumni Association, and enjoyed the opportunity to reconnect with former students. ■

## Recent Graduates Reception

**GRADUATES RECONNECTED** at a reception at PS450 in November 2014. The restaurant and bar in midtown Manhattan provided a fun and festive setting where nearly 70 graduates were able to catch up with one another before the start of the busy holiday season. It was a great opportunity to raise a glass to the Class of 2014! ■



**ABOVE (L TO R):** Jie Luo '12 and Tom Ostendorp '12  
**RIGHT (L TO R):** Perry Lasicka '14 and Veronica Jackson '14



# Q&A



## From Instant Film to *Kinky Boots* A Conversation with Ron Fierstein '78

**IT'S HARD TO PIGEONHOLE** Ron Fierstein, Class of 1978. He was a professional musician in the 1970s. He was a litigator who helped represent Polaroid in its epic patent battle with Eastman Kodak over instant photography technology. He is an entrepreneur who left the practice of law to start his own music company, representing Grammy Award-winning artists Suzanne Vega, Shawn Colvin, and Mary Chapin Carpenter. He manages all legal and business matters for his younger brother, the actor and playwright Harvey Fierstein. He is also a co-producer of the Tony Award-winning Broadway hit, *Kinky Boots*. And during the past six years, he researched and wrote the riveting biography, *A Triumph of Genius: Edwin Land, Polaroid, and the Kodak Patent War* (Ankerwycke 2015). Movie rights already have been optioned.

Andrea Strong '94 spoke with Fierstein (who pronounces his last name FEAR-stein, while his brother Harvey prefers FIRE-stein) about his musical childhood, the battle over instant photography, discovering Suzanne Vega, bringing Cyndi Lauper into *Kinky Boots*, and what's left on his bucket list.

### Tell me a little about your childhood. Were you and Harvey always singing and dancing around the living room?

Our childhood was certainly steeped in the arts. It's all because of our mom. From a young age she took us to see everything: the theater, opera, even Spanish flamenco dancers. And she encouraged us—you could say forced us—from the age of 5 to do something creative. We both started playing piano, but Harvey decided to pursue painting instead, ultimately studying at Pratt Institute. My brother, aside from his other talents, is an amazing artist. In the late 1960s, he painted a portrait of Bob Dylan for me that still hangs in my office and is one of my most prized possessions.

### With all this music and art in your background, how did you end up at Brooklyn Law School?

In my teens and early 20s, I wanted to be a musician. After college, I recorded and toured with my band "Arbuckle." By 1974, I had left the band, and spent a couple of years performing on my own, playing clubs, mostly around Boston and Cape Cod. I soon realized that I didn't have the talent to make a career out of being a musician, but I wanted to stay in the industry as an entrepreneur. I was given some good advice by a music executive who suggested that I either go to business school or to law school. Before you know it, I was at BLS.

But I did not give up performing until I graduated from BLS. In fact, I paid for my law school expenses by playing several nights a week in the Village at a place called the Back Fence, and in Queens, near the St. Johns campus, at a place called the Rainy Nighthouse.

### After graduating from law school, did you return to the music industry?

Not immediately. I ended up practicing law, even though I had never really intended to be a lawyer. As graduation approached, I saw my friends who were on the *Brooklyn Law Review* getting high-paying jobs, including my wife, Dorsey Regal '78. She was the editor-in-chief of the *Law Review* when we met, and we're still together now, with two sons and almost 40 years later. Her firm, Hogue, Newman, Regal & Kenney, LLP, is a litigation boutique, and the fourth-largest women-owned firm in New York.

Anyway, it occurred to me that it might make sense to work at one of these firms, make some money, and then segue back into entertainment. I researched the top intellectual property law firms, and Fish and Neave was the place. I was hoping to work on copyright and trademark law, but they were interested in me for their patent practice because I had a science background.

### Let's talk about the Polaroid case.

In 1972, Polaroid came out with its SX-70 camera and film system, the first one to produce instant photographs with no further manipulation by the photographer—no timing, no peeling apart or print coating. Kodak came out with a competitive system in 1976. Polaroid believed that Kodak used some of its patented technology, so it sued for infringement. Ultimately, Polaroid won and Kodak had to pay \$925 million in damages, which was a record





until just recently. Even more important, Polaroid was successful in getting Kodak enjoined from further infringement. Kodak was forced to take its cameras and film off the market even though they were in the hands of 13 million Americans. The injunctive relief was quite remarkable. And the result signaled an important juncture in the continuing evolution of patent law, back to an era in which the emphasis was on protecting a climate for innovation.

#### **How did you transition from litigator to music mogul?**

After the last post-trial briefs in the Polaroid case were filed, I left Fish and Neave, staying on as a consultant during the appeals process. Meanwhile, I started a company to discover and develop recording artists with my friend and former band member, Steve Addabbo. Our company encompassed record production, music publishing, and artist management. Steve did the recording, and ran the studio we built and operated, while I handled artist management and all the business and legal aspects.

#### **Were you out every night looking for talent?**

I was never out every night. In fact, I always hated being out—I did it only when I had to. We found Suzanne Vega, our first artist, through a tip. A lawyer at my firm had heard her sing at a Columbia University folk club, and he introduced us. I was dubious, but my partner and I took our wives down to the Village to see one of her gigs. She blew us away. She was the most unique songwriter I had ever heard. Poetic, melodic, intelligent, and unlike anyone else. She was raw and inexperienced, but we knew she had real talent. Five years later, her song “Luka” topped the charts all over the world.

#### **How did you find Shawn Colvin?**

Shawn was a struggling singer knocking around the Village. We actually hired her to sing background for Suzanne. We brought her

on tour with us, and on a tour bus in Norway, one of Suzanne’s band members tipped me off that Shawn had a demo tape of her own songs that I should check out. I did, and then went to see her do her own gig when we got back to New York. I will never forget it. It was at a small café in Brooklyn. Shawn was singing Joni Mitchell and Steve Earle covers while about five people ate and ignored her. But we knew she was amazing, and we took her on. Over the next five years, she won three Grammy Awards.

#### **What was the most rewarding part of that work?**

Discovering completely unknown but clearly talented artists, and helping them to achieve worldwide commercial success and critical acclaim, was a most gratifying endeavor. I have been fortunate to be able to work with very special singer-songwriters.

#### **It sounds like you probably had a book to write about the music business. Why did you decide to write about the Polaroid litigation?**

This was one of the most significant patent cases in history. I wanted to tell that story, especially because the narrative also includes the fascinating account of the evolution of the relationship between Polaroid and Kodak, from one of mentor/protégé to arch enemies, over six decades. And I also wanted to write about Edwin Land, the pioneer of instant photography. I worked very closely with him during the litigation and the more I learned about him, the more I was amazed. Here, I thought, is one of the greatest U.S. inventors and technology entrepreneurs—arguably, the original Steve Jobs—and yet few people have ever heard of him.

#### **You’re not a writer by trade. Did you use a ghostwriter or have help with the research?**

No, I did it on my own, with help from some sage editors along the way. To be honest, Professor Richard Farrell is as responsible as anyone for this book. He was my first-year writing professor. He mentored me and encouraged me while I wrote the note that got me onto *Law Review* and that was published. It also won for me the Scribes Award in our graduating class. I think that experience at BLS gave me the confidence to undertake this book project.

#### **You’re a producer on *Kinky Boots*. What has that experience been like?**

It’s been great. The show has a wonderful message in addition to being terrific entertainment. I thought Cyndi Lauper would be a perfect match for Harvey, who enthusiastically agreed. She had written songs like “True Colors” that made me believe she would understand one of the central themes of *Kinky Boots*, which is to live life with dignity and proudly no matter who you are.

#### **What else is on your bucket list?**

I continue to be active in the entertainment industry, working with my brother. And I had a great experience writing this book, so I may write another—if I can find a worthwhile subject. But next up on my bucket list is the commercialization of a bicycle stand that my son invented. We patented it. Stay tuned. ■

## Leading the School: The 1901 Society

**THIS PAST YEAR MARKED THE BEGINNING** of exciting new changes to the 1901 Society, an influential group of alumni and friends from private practice, government, and business, who have made an ongoing commitment to support the Law School. Members of the 1901 Society donate \$5,000 or more per year. Associates, who are recent graduates from the last 10 years, donate \$1,000 or more per year. Today, these supporters have enhanced opportunities to engage with the Law School in a more meaningful way and play a more active role in shaping its future.

In addition to participating in a variety of academic and social events, 1901 Society members are now taking part in “Leading the School” events, designed to solicit their input on issues facing the Law School. At these interactive planning sessions, members,

more chances to network, were particular aspects of the Society membership that appealed to me.” For Comerford, the connection to the Law School is particularly strong; his late father, Brian Comerford, was a longtime beloved tax professor.

**Vinoo Varghese '00**, who runs a successful criminal defense practice, Varghese & Associates P.C., and was named a 2014 NYLJ Rising Star, is another ardent supporter of the Law School and a member of the 1901 Society. Grateful for the education and opportunities he received as a student at BLS, Varghese supports the Law School financially, but aspired to contribute in other ways as well. “I wanted to give back even more,” he said, “and I believe that joining the Society was an even stronger statement of support for the School and its students.” He serves as a frequent

speaker at the Law School, as a Moot Court Honor Society judge, and he has led and recently received the Alumni Achievement Award from the Asian Pacific American Law Student Association, which he has led and advised for more than a decade.

Building on the success of the Society’s inaugural event, “Shakespeare and the Law,” the Law School hosted another interactive session for members in September 2014, “Leading the School: Addressing Jobs and Law School Affordability in the New World of Law.” The event brought together graduates to problem-solve two of the Law School’s most pressing issues: meeting the challenges of the new legal employment environment and improving law school affordability.

Members discussed innovative strategies to increase students’ job prospects and address the affordability of a legal education.

“I joined the 1901 Society because I am committed to supporting the Law School—its students, its leadership, and its tradition of excellence,” said **Colleen Caden '99**, a partner at Pryor Cashman specializing in immigration law. “The Society provides graduates like myself with a unique opportunity to socialize, network, and collaborate. While we reconnect with those we know and develop new friendships, we will be striving to ensure that those who come after us have the same opportunity to experience the many great things a legal education at BLS has to offer.” ■



**LEFT (L TO R): Vice Dean Michael Cahill, Scott Hazan '73, Garynn Noel '15, and Jamie Maguire '15 at the 1901 Society's first-ever “Leading the School” planning event. RIGHT: Janeen Hall '15 and Vinoo Varghese '00, reporting back on his group's suggestions**



in partnership with Dean Allard, the faculty, and the Board of Trustees, work together on key challenges for the Law School and strategize on the best ways to address these.

This opportunity to make a lasting impact on the Law School has been met with an unprecedented outpouring of support from the alumni community. Last year, the 1901 Society had three Associate Members; today there are 25, along with a robust membership of 137, which has grown substantially in the last two years.

“Our graduates have the opportunity now to become truly engaged with the direction of the Law School,” said Vice Dean Michael Cahill. “There is so much value that can be gained by listening to our alumni in this meaningful way.”

Alumni have been eager to contribute. **Sean Comerford '12**, counsel to a claims management company, Canopy Claims, said: “I had been thinking about more ways to get involved with the Law School without simply writing a check, and then I learned about the 1901 Society. Inviting graduates to engage with the School and voice concerns or give suggestions, as well as having

**To learn more about the 1901 Society and how to join, contact the Development Office at 718-780-7505 or at [giving@brooklaw.edu](mailto:giving@brooklaw.edu) or visit [brooklaw.edu](http://brooklaw.edu).**

## First Giving Day Is a Tremendous Success

On April 2, 2015, the Law School raised more than **\$208,000** and garnered **\$150,000** more in challenge grants during its first Giving Day, an online 24-hour fundraising event to support student scholarships and financial aid. Giving Day donations came from **620 donors**, including **392 new donors**.

**TO INCREASE** the impact of Giving Day, and to encourage participation by other alumni and friends, Jack Glaser '60 generously issued a kickoff challenge: \$50,000 for 200 donors, including 50 new donors. Barbi and Warren T. Lazarow '86 raised the bar even higher by issuing another challenge: They committed to donate \$1,000 for every new donor, up to \$100,000. The Law School had surpassed both goals by 5 p.m. on April 2, 2015.

"It was great to see the tremendous outpouring of generosity—from alumni and friends, students, faculty, and staff—all to make law school more affordable for our talented and promising students," said Dean Allard.

Nearly one-third of the gifts came from GOLD alumni, who graduated within the last 10 years. The class of 2015 had the largest number of contributors, followed by the classes of 2011 and 1988. There were 22 gifts from Brooklyn Law School faculty, and 17 gifts from the staff. Seventy-four donors gave \$500 or more. Throughout the day, alumni and student impact ambassadors made phone calls and used the power of social media to encourage donations from their peers.

"I was impressed with our recent graduates," said Kamille James, Senior Annual Fund Officer. "Our Director's Council and Dean's Challenge Committee did an incredible job spreading the word to their networks."

The money raised on Giving Day will benefit students right away. "By reaching both challenges, and with the contributions of all participating donors, we are positioned to offer significant new aid grants to 60 or more students," said Dean Allard. ■

**Even though Giving Day is over, you can still make a gift today to support students: [brooklaw.edu/giving](http://brooklaw.edu/giving)**



Students, faculty, staff, and friends showing their enthusiastic support for BLS



# Class Notes

**1950 Richard B. Rutledge**, a World War II Tuskegee Airman, was honored by the Miami-Dade Aviation Department in February 2015. Rutledge served as an airplane mechanic and went on to become one of the first black men to be commissioned in the U.S. Army Air Corps as a warrant officer. He was in private practice in Queens, NY, for 34 years and then went on to a lengthy career on the bench, most recently serving as a New York State Supreme Court Justice in Queens County.

**1962 Stephen H. Penn** joined the New York office of Norris McLaughlin & Marcus, P.A., as a partner. He focuses his practice in the areas of residential and commercial real estate and litigation.

**1965 Martin N. Bandier**, Chairman and CEO of Sony/ATV Music Publishing since 2007, was honored with the Recording Academy's President's Merit Award at the annual pre-Grammy gala in February 2015. The award recognized Bandier's significant contributions to the music industry; he ran EMI Music Publishing for 17 years. He was also honored for his numerous philanthropic endeavors. He is the first music publisher to receive the award.

**1967 Allen J. Grubman**, senior partner of Grubman Shire & Meiselas, P.C., was featured in the February 2015 issue of *Vanity Fair*. The article chronicled his journey to becoming the "most powerful lawyer in the music business today," representing superstars like Bruce Springsteen and Lady Gaga.

**1968 Sidney D. Bluming**, a partner at Meister Seelig & Fein and head of its Intellectual Property and International Practice Departments, has served as an arbitrator on the Commercial Panel of the American Arbitration Association for more than 20 years. He was recently named to the Commercial and Trademark Panels for the Institute for Conflict Prevention and Resolution and to the List of Arbitrators

of the World Intellectual Property Organization.

**1969 Gerald L. Shargel**, a partner in the New York office of Winston & Strawn LLP and member of its Litigation and White Collar and Internal Investigations Practice Groups, received the 2015 Norman S. Ostrow Award from the New York Council of Defense Lawyers in March 2015. The award is given to recipients whose career is "marked by numerous examples of a lawyer fighting for a client with vigor, dignity, and expertise." Prior to joining Winston & Strawn, Shargel maintained his own criminal defense practice for almost 40 years.

**1970 Peter M. Weinstein** was re-elected to a third term as Chief Judge of Florida's 17th Judicial Circuit Court, the state's second largest circuit. Prior to joining the bench in 1998, Weinstein served as a legal officer in the U.S. Army, worked as a prosecutor for Broward County, and was in private practice for many years. He also served as a Florida senator for 14 years.

**1971 Robert W. Strauss**, a partner in the Dallas, TX, office of Strasburger & Price, was re-elected chairman of the board of directors of the Dallas Area Rapid Transit (DART). He was first appointed to the DART board by the Dallas City Council in 2006. He focuses his practice in real estate and private placements of equity securities.

**1972 Martin G. Karopkin** was appointed by King Norodom Sihamoni as an international reserve judge to serve in the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC), following the nomination by the United Nations Secretary-General Ban Ki-moon, and the approval by the Supreme Counsel of the Magistracy. Karopkin most recently served as Deputy Commissioner of Trials for the New York City Police Department (2006-14). Before joining the NYPD, he held many top-level positions

in NYC government and was a judge for 17 years. He previously served as a reserve justice of the Supreme Court of the ECCC of Cambodia between 2006 and 2008, and as an international judge with the UN Interim Administration Mission in Kosovo.

**1975 Michael F. Jordan** retired from Marathon Petroleum Corporation in Findlay, OH, after 34 years of service. At the time of his retirement, he was a General Attorney in the Law Department, where he was providing legal advice to the company on its physical and derivative trading activities. Throughout his career, he provided counsel on transactional matters and corporate law. He and his wife now reside in Amagansett, NY.

**1978 Richard Grayson**, who maintains his practice in White Plains, was named as a 2015 "New York Area Best Lawyer" in the area of ethics and professional responsibility law. He represents judges and lawyers facing sanctions for ethics violations or charges of misconduct.

**1981 Arthur Sanders** joined Barron & Newburger as of counsel and managing attorney of its New York office. He focuses his practice on the defense of collection agencies and law firms engaged in the practice of debt collection.

**1980 Jeffrey Cohen** joined the Denver, CO, office of Fox Rothschild LLP as a partner. Cohen represents clients in complex commercial litigation, bankruptcy reorganization, and municipal bond defaults and insolvency. He was previously a partner with Ballard Spahr.

**1983 Joseph G. Milizio**, managing partner at Vishnick McGovern Milizio LLP, based in Lake Success, NY, has been named Governance Chair of the National MS Society, Long Island Chapter. He is a partner in the Business & Real Estate practice group and heads the LGBT practice group at Vishnick McGovern Milizio.

# Justice Dorothy Chin-Brandt '74 and Justice Peter Tom '75

## Pioneering Asian-American Judges Speak at Historical Society

**A RECENT EVENT** at the Historical Society of the New York Courts honored the state's first Asian-American judges: Hon. Dorothy Chin-Brandt '74, Hon. Peter Tom '75, and Hon. Randall Eng. As part of the 2014 Stephen R. Kaye Memorial Program, "Asian-Americans and the Law: New York Pioneers in the Judiciary," the justices spoke about highlights from their careers.

"The Law School has a strong history of producing distinguished graduates with diverse backgrounds," said Dean Allard. "Justice Chin-Brandt and Justice Tom are trailblazers in every sense of the word. We are incredibly proud of their remarkable careers and accomplishments."

Chin-Brandt, the Acting Justice of the Supreme Court 11th Judicial District, Criminal Term, in Kew Gardens, was the first Asian-American woman judge in New York and the state's first elected Asian-American public official. "I guess there is something in my blood," said Chin-Brandt, whose grandmother was the first Chinese-American woman to serve as a juror in Queens County.

A native of Queens, Chin-Brandt credits her physician father, a World War II U.S. Army Captain, and her mother, a registered nurse, for encouraging her to "always seek to climb higher and never forget that I owed an obligation to all people in need no matter what their background."

After working as a teacher for a year, she entered politics, serving as an assistant campaign manager and an assistant mayoral aide. She then graduated from BLS, and received an LL.M. degree from Harvard Law School in 1975. She joined Harvard Law School as Assistant Dean of Graduate Legal Studies and also taught at Boston College Law School between 1976 and 1978.

Chin-Brandt then entered private practice, working first with Shearman & Sterling and then with the Washington, D.C., law office of Dilworth & Paxson, where she focused on corporate, commercial, and international trade law. In 1982, she started a private law practice in New York City, representing small businesses and community organizations, as well as handling real estate and international matters. During this time, she was active on a pro bono basis in many community, civic, and cultural organizations. She also taught a course on the Chinese legal system at BLS.

"In 1986, I decided I wanted to be a judge," Chin-Brandt said. And just a year later, in 1987, she achieved her goal when she was elected to the Civil Court in Manhattan. After that, she became a judge of the New York City Criminal Court in 1998 and was appointed by then Chief Administrative Judge Jonathan Lippman as an Acting Justice of the New York State Supreme Court in 2001. Chief Administrative Judge A. Gail Prudenti reappointed her in 2013.

Justice Peter Tom, Associate Justice of the Appellate Division, First Department, immigrated from Hong Kong to the United States when he was just eight years old. Shortly after graduating from BLS, he joined the Civil Court of the City of New York as a law clerk, working on a variety of criminal and civil assignments. In 1985, he became the first Asian-American appointed to the Housing Part of the Civil Court. In the Housing Part, Tom disposed of

more than 4,000 cases by either trial or settlement. Three years later, Tom was one of the first Asian-Americans to be elected to the Civil Court and to win a countywide election in New York City. In 1990, he became the first Asian-American elected to the New York State Supreme Court from New York County. And in 1994, he became the first Asian-American appointed by the Governor to the Appellate Division of the New York State Supreme Court. Tom also served as Acting Presiding Justice of the Appellate Division, First Department, in 2007 and 2009. Outside of the legal arena, he was the first Asian-American to win the New York City Golden Gloves Boxing Championship.



**Justices Tom '75 and Chin-Brandt '74 at the New York Historical Society in December 2014**

Tom is known for his scholarly, well-reasoned, and innovative rulings, many of which have received widespread media coverage. In a *New York Times* column, for example, Bob Herbert wrote, "I couldn't agree more," with a dissenting opinion Tom wrote in *People v. Roche*, which involved a savage domestic murder and the defense of extreme emotional disturbance. Tom has so far written more than 400 legal opinions during his tenure as a judge.

During the early part of his judicial career, Tom, in one of his landmark decisions (*Kellner v. Cappellini*), used a 100-year old "Bawdy House Statute" to evict drug dealers from residential properties. The city of New York, with the New York County District Attorney's Office, then implemented a citywide program that followed his novel use of the statute. Tom's other notable opinions include *Larabee v. Governor of the State of New York*, which concerned a lawsuit brought by New York judges against the state legislature for failure to give judicial pay raises for more than 10 years.

Tom is active in the community and has received numerous awards, notably the Trailblazer Award from the National Asian Pacific American Bar Association, the Ellis Island Medal of Honor, the Louis D. Brandeis award from the Jewish Lawyers Guild, the Asian-American For Equality Leadership Award, as well as awards from the New York County Lawyers Association, the Asian-American Bar Association of New York, and Brooklyn Law School. ■

**Karen J. Tenenbaum**, who practices tax law at her firm, Tenenbaum Law, P.C., located in Melville, NY, was recognized as one of the “Top 50 Most Influential Women in Business” by *Long Island Business News* in October 2014. Tenebaum’s firm was ranked as one of the “Top Ten Tax Law Firms on Long Island” by the same publication.

**1985 Jon R. Mostel**, previously a partner in the New York office of Stroock, Stroock and Lavan in its energy and project finance group, joined the Long Island Power Authority (LIPA) as its general counsel and secretary. LIPA services 1.1 million customers on Long Island and in the Rockaways. Prior to practicing law, Mostel held a variety of engineering and management positions with the Brooklyn Union Gas Company.

**1986 Robert D. Brownstone**, Technology & eDiscovery Counsel at Silicon Valley–based Fenwick & West, LLP, taught a course in Electronic Discovery Law and Process at Brooklyn Law School during the winter 2015 term. Brownstone advises clients on electronic discovery, electronic information management (EIM) and “eWorkplace” policies, retention/destruction policies and protocols, information-security and data privacy, and social-media rewards and risks.

**1988 William P. Bowden** was named managing partner of the Wilmington, DE, firm of Ashby & Geddes, P.A. Bowden leads the firm’s Bankruptcy and Insolvency practice and represents creditors committees and debtors in a wide variety of matters.

**Ronnie Rosenberg** joined TOWN Residential, a luxury real estate firm in Manhattan, as a licensed real estate broker. She previously served as Vice President and Director at Legal Fee Advisors and as Vice President/Strategic Relationship Manager for AIG.

**Andrew W. Siegel**, a founding partner of the personal injury and medical malpractice firm, Siegel & Coonerty, published his second novel, *Cookie’s Case* (MysteriousPress.com, Feb. 2015). His first novel, *Suzy’s Case*, published in 2012, was

selected by People.com as a “Best Beach Read” for 2013 and as a *Suspense Magazine* “Best Book” of 2012.

**Roger Slade** became a named partner and shareholder of the Miami firm of Haber Slade, P.A. He practices in the area of commercial litigation, representing financial institutions in commercial real estate and personal property foreclosures and loan workouts. Slade serves on the Board of the Council for Educational Change, which is dedicated to improving Florida’s public schools, and he is the Chairman of the Council’s “Lawyers Alliance,” which connects Florida lawyers to the public school system.

**Darla C. Stuckey** was appointed President and Chief Executive Officer of the Society of Corporate Secretaries and Governance Professionals. Stuckey joined the Society in 2009 as Senior Vice President–Policy and Advocacy and most recently served as its Executive Vice President and General Counsel. The Society, whose membership includes more than 3,300 governance professionals, supports the work of corporate boards and executive management.

**1989 Gordon J. Cuffy** was appointed general counsel to the NYS Thruway Authority, which operates the Governor Thomas E. Dewey Thruway, one of the longest toll superhighway systems in the United States. Cuffy previously served as the County Attorney at the Onondaga County Department of Law since 2008, where he was the sole legal advisor to all departments of the Onondaga County government.

**Michael H. Stein**, previously with the U.S. Nuclear Regulatory Commission, joined the U.S. Department of Housing and Urban Development (HUD) as Deputy Director of its Employee and Labor Relations Division. Stein supports the Director and supervises four Branch Chiefs in the handling of all labor and employee relations at HUD. He also works directly with HUD’s unions in negotiations, grievances, and unfair labor practice charges and he reviews all the discipline and performance documentation for the Department.

**1991 Brian L. Bromberg**, founder of the consumer-protection law firm, Bromberg Law Office, P.C., was elected to the Board of Directors of the National Association of Consumer Advocates. The organization is comprised of more than 1,500 attorneys whose mission is to promote a fair and open marketplace that protects the rights of consumers.

**1993 Brian T. Frawley**, a partner in the Litigation Group at Sullivan & Cromwell LLP, was named a 2015 BTI Client Service All-Star. Attorneys on this select list are identified solely by corporate counsel and are recognized as “leaders in superior client service.” Frawley’s practice focuses on a broad range of complex securities, derivative, and commercial litigation, as well as the defense of significant regulatory matters.

**Steven Schultz** was appointed a District Court judge of the Seventh Judicial District in Colorado, effective January 2015. Prior to his appointment, Schultz was a member of McCarthy & Schultz in Hotchkiss, CO, where he specialized in family law, criminal law, civil litigation, business law, water law, and probate.

**Eric Wollman** was promoted to Senior Staff Writer for *Police Collectors News*, a national hobbyist and trade journal for the public safety community. Wollman also serves as Deputy Director of Asset Management Contracting in the New York City Office of the Comptroller.

**1994 Richard A. Behrendt** joined Elm Grove, WI–based Annex Wealth Management as its Director of Estate Planning Services. He previously served as Senior Vice President and Director of Estate Planning at Robert W. Baird & Co. Prior to going into private practice, he worked as an estate tax attorney for 12 years at the Internal Revenue Service.

**Deborah E. Henry**, founder of the consulting firm Flex-Time Lawyers, LLC, and co-founder of the secondment firm Bliss Lawyers, published a second book, *Finding Bliss: Innovative Legal Models for Happy Clients and Happy Lawyers* (ABA, Jan. 2015). The book is co-authored by the co-founders of Bliss Lawyers and it provides creative solutions to improve legal practice and client service.

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## Andrew Finkelstein '91

### Turning the Legal Profession Into a Business

**“LET’S SAY YOU GRADUATE** from business school with a great idea, but you don’t have enough money to get your startup off the ground. You ask some friends, your parents, maybe your rich uncle to help you with seed money and you agree to share the profits in return. But if you’re a lawyer just out of school and you want to start your own firm, your uncle—unless he’s a lawyer, too—can’t help you with equity,” said Andrew Finkelstein '91. Law firms in the United States, except for Washington, D.C., typically have one corporate form: a partnership owned only by lawyers.

Finkelstein, the managing partner of four strategically aligned law firms—Finkelstein & Partners; Jacoby & Meyers; Fine, Olin & Anderman; and Finkelstein, Blankinship, Garber & Frei-Pearson—aims to change that. Jacoby & Myers has filed suit in U.S. District Court, Southern District of New York, to change the rules of the U.S. legal industry by allowing non-lawyer investors to put money into a law firm.

Finkelstein argues that the existing rules violate freedom of speech and assembly. He says that outside equity capital would allow law firms to upgrade technology and grow, enabling them to take advantage of efficiencies created from size. He says the change also would give more low-income clients access to justice. “By adding business efficiencies, you lower the cost of legal services, making it affordable for attorneys to make law accessible to the economically challenged.”

Finkelstein shakes off the naysayers who argue that the sanctity of the attorney-client relationship can’t be put in jeopardy. “These concerns can be met with strict regulation, including rules about ownership percentages, restrictions on access to client information, and the requirement of ethics partners,” he said. He also points to other countries such as Australia and, recently, the U.K., that have relaxed those rules and now permit non-lawyers to own stakes in law firms—in part to make legal services more accessible to the general public. “The sky has not fallen there,” he said.

Whether a pioneer or a renegade, Finkelstein always has been a forward thinker, who can see beyond the seed of an idea to the full-grown forest. Born and raised in Newburgh, NY, Finkelstein attended Syracuse University as a dual major in finance and marketing with a plan to be an entrepreneur. After working at a brokerage house and not finding it to be the right fit, Finkelstein decided to follow in the footsteps of his father Howard (Class of 1959) and go to BLS. “My father would come to my crib at night and whisper the words ‘Brooklyn Law School’ in my ear from the day I was born,” he joked.

When Finkelstein graduated from the Law School in 1991, his father presented him with his diploma. “It was one of the most meaningful experiences of my life,” he said. “He has always held the Law School in such high regard. It is very near and dear to him.” The love of BLS has stayed in the family. Finkelstein’s father has an endowed scholarship and Andrew has been a champion of



the Law School’s innovative programming, as a donor to its Center for Urban Business Entrepreneurship (CUBE). “The CUBE program is a fantastic opportunity for young lawyers to look at law as something other than a strict legal education. The law touches everything.”

That touchstone—the intersection of law and everything else—has been a guiding force in Finkelstein’s career. After graduating from BLS, he joined his father at Finkelstein, Levine, Gittlesohn (Class of 1966) and Tetenbaum, with the purpose of getting his feet wet before entering the business world. Once at the firm, however, Finkelstein’s perspective changed. Some might have looked around and seen 25 lawyers doing plaintiff’s personal injury work. He saw a business with a huge potential for growth.

First, he dusted off the firm’s underutilized software program and put it to work. By 1996, the firm was completely paperless and fully networked—all of its files were loaded onto one remotely accessible server. He began investing millions of dollars over the years into an IT staff of 15, including seven full-time programmers. From there, Finkelstein began to grow the firm from one office to 17. “Even though we were geographically dispersed, we could see everything that was going on in every file,” he said. “It upended the traditional model where lawyers had to travel to the office to examine case files. It freed us to grow exponentially.”

Today, all four of Finkelstein’s firms are fully integrated on the same platform while keeping an appropriate Chinese wall limiting each firm access to only their own clients. Clients have access to a password-protected, fully encrypted portal that enables them to see their file-related documents, learn the status of their cases, and communicate with their lawyers.

Whether pushing the boundaries of technology or loosening the rules of capital structure, Finkelstein is where he always wanted to be—in the thick of the business of lawyering—championing change and inspiring new ways of thinking about old ways of working. He has sparked a spirited dialogue on a topic that will likely end up before the highest court in the nation. And maybe one day, that rich uncle might be able to help you out. ■

**Carolyn Pokorny**, formerly a partner at the New York litigation firm of Levine Lee LLP, became the Deputy Chief of Staff to the NYS Attorney General. She previously served for 14 years at the U.S. Attorney's Office, EDNY, most recently as Deputy Chief of its Criminal Division.

**Blair W. Todt** was appointed to the newly created position of senior vice president, chief legal and administrative officer and secretary at WellCare Health Plans, Inc. Todt joined WellCare in 2010 and most recently served as its chief strategy and development officer. Headquartered in Tampa, FL, Wellcare provides managed care services targeted to government-sponsored health care programs.

**Howard Zaretsky**, formerly a patent attorney at Woods Oviatt Gilman LLP, joined Zaretsky Patent Group PC in Rochester, NY, as its managing partner. He counsels clients in all aspects of patents, trademarks, and copyrights, and has represented clients before the U.S. Patent and Trademark Office.

**1995 Theresa B. Murphy** joined the New York City Transit Authority as Executive Assistant General Counsel. Murphy assists the general counsel in overseeing the Torts Division and the General Law Division. She previously served as of counsel to the Long Island firm of Goldberg & Connolly and as a partner at Cozen O'Connor.

**1996 Jean Han** was named a partner in the New York office of Baker Tilly Virchow Krause, LLP. She is a member of the firm's Forensic, Litigation and Valuation Services Group and holds expertise in matrimonial matters, business disputes, business valuation, forensic accounting, fraud investigation, and estate and financial planning.

**1997 Helen C. Heintz** became a partner in the Stamford, CT, office of Wiggin and Dana in the firm's Private Client Services Department. Heintz advises individuals, couples, and families in connection with tax-efficient estate, gift, and income tax planning, and she also negotiates and structures prenuptial and postnuptial agreements.

**Craig M. Notte**, a partner at Borah Goldstein Altschuler Nahins & Goidel, P.C., was elected to the Advisory Council of the New York Landmarks Conservancy. Notte represents condominium and cooperative boards in common charge/maintenance and all other board-related disputes and is versed in Housing Court holdover and non-payment litigation and bankruptcy related issues in the landlord-tenant and condominium context.

**1998 Judith K. Gargiulo** joined the Phoenix, AZ, office of Ryley Carlock & Applewhite as a shareholder in the corporate practice. She serves as outside general counsel assisting with structuring and negotiating deals. She was previously a shareholder at Zwillingers Greek & Knecht PC in Phoenix, AZ.

**Jeffrey S. MacDonald** was appointed managing partner of the Hartford, CT, office of Morgan, Lewis & Bockius LLP. A corporate transactions partner, MacDonald represents securities issuers, investment funds, operating companies, and transaction counterparties across industries in connection with mergers and acquisitions, private equity and debt financings, and general corporate and governance matters.

**Scot Phelps**, a professor at the Emergency Management Academy and an emergency management consultant, was appointed as a fellow at New York Medical College's Center for Disaster Medicine. He is researching how emergency medical services, hospitals, public health, and other healthcare organizations manage acute health care needs and function during crisis. He was also reappointed to the Fulbright Specialist Roster in the Public Administration Category for 2014-19.

**1999 Herbert Block**, Assistant Executive Vice-President of the American Jewish Joint Distribution Committee in New York, was reappointed by President Obama to the Commission for the Preservation of America's Heritage Abroad. He was first appointed in 2011. The Commission is an independent agency charged with identifying and reporting on cemeteries, monuments, and historic buildings in Eastern and Central Europe

that are associated with the heritage of U.S. citizens.

**Tamir Dardashtian** was promoted to principal at Anchin, Block & Anchin LLP, Accountants and Advisors. Dardashtian is a member of the firm's Private Client Group and its Trust & Estates Services Group and he handles all aspects of taxation and planning for high-net-worth families and large trusts and estates.

**2000 Caryn D. Finley (Mark)** was promoted to Assistant Chief of the Southern Criminal Enforcement Section at the Department of Justice, Tax Division. Finley joined the U.S. Department of Justice Tax Division in 2000 as a member of the Honors Program and served as a Trial Attorney until January 2014. Finley also serves as an adjunct professor at Georgetown Law where she teaches Tax Law and Tax Fraud.

**Alexander Kaplan** became a partner of Proskauer Rose LLP in the firm's Litigation Department. He devotes the majority of his practice to intellectual property litigation and counseling. Kaplan is also a member of the adjunct faculty at Brooklyn Law School and is affiliated with BLS's Trade Secrets Institute. He teaches the Trade Secrets Workshop and oversees the work of the TSI Fellows.

**2001 Marguerite S. Dougherty** was appointed an Interim New York City Civil Court Judge and is sitting in the NYC Criminal Court, Kings County. She previously served as an Executive Director and Assistant General Counsel at JPMorgan Chase. Dougherty also worked as a Senior Litigation Associate at Jones Day. She is on the Board of Directors of the Brooklyn Law School Alumni Association and taught New York Civil Practice at BLS as an adjunct professor.

**Patrick Fitzmaurice** joined the New York office of Troutman Sanders LLP as a partner. He focuses on complex commercial litigation involving financial contracts, real estate, bankruptcy, securities, and the workout and enforcement of various types of financing transactions. He previously served as a partner at Dentons in New York.





## *Raising the Bar* Four 1990s Graduates Awarded Top Honors in Criminal Law, Sports Law, and Pro Bono Work

### **David Frey '93**

*Deputy Chief of the Investigations Bureau,  
Richmond County District Attorney's Office*

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Frey was awarded a 2014 Thomas E. Dewey Medal in December. This prestigious honor is presented annually to an outstanding Assistant District Attorney in each of the city's District Attorney's offices and in the Office of the City's Special Narcotics Prosecutor. Frey is responsible for computer crimes and long-term investigations, including the supervision of all wiretap investigations. He joined the Richmond County District Attorney's Office in the Appeals Bureau in 1997 and has held positions of increasing authority, including Unit Chief of the newly created Computer and Technology Investigations Unit. He was promoted to Deputy Chief of Investigations in 2009. In his 17 years as a prosecutor, Frey led numerous investigations into a variety of crimes including murder-for-hire, counterfeiting, and money laundering. As Deputy Chief, Frey supervised and prosecuted violent drug gangs, doctors operating "pill mills," and organized crime. He also was instrumental in assembling task forces comprising investigators from New York City and state and federal law enforcement, and has been cross-designated as a Special Assistant U.S. Attorney on several occasions.

### **Jonathan E. Silverblatt '94**

*Partner, New York office of Dorsey & Whitney LLP,  
Corporate Practice Group*

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Silverblatt was presented in October with a 2014 Cornerstone Award for pro bono excellence by the Lawyers Alliance for New York. Silverblatt is chair of his firm's Private Equity Practice, and he concentrates his practice on representing public and privately held companies, private equity sponsors, and their related portfolio companies in corporate transactions. His experience spans a wide range of industries, including digital media, investment management, life sciences, maritime transportation, consumer products, entertainment, restaurant and retail, natural resources, mining, clean tech, and real estate.

Silverblatt has long been dedicated to pro bono work. He has volunteered with Lawyers Alliance since 1999, and he recently worked with the Alliance for Coney Island, which is dedicated to continuing the transformation of Coney Island into a year-round, world-class recreational destination by the sea, and the Millennium Film Workshop, which focuses on the exhibition, study, and practice of experimental film, video, and new media.

### **Jeff Gewirtz '94**

*Executive Vice President, Business Affairs and  
Chief Legal Officer, Brooklyn Nets and Barclays Center*

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Gewirtz was named 2014 Sports Counsel of the Year by the Association of Media & Entertainment Counsel. Gewirtz, along with fellow honorees, was presented with the award in January 2015 at a gala in Los Angeles. Gewirtz oversees legal and business affairs for both the Nets and Barclays Center. He joined the Nets and its affiliated arena operating company in May 2007 as Senior Vice President and General Counsel, and he was promoted to his current position in 2010.

Gewirtz has held a number of significant sports lawyer jobs since graduating from Brooklyn Law School. He first joined the New York City offices of Dunnington, Bartholow & Miller, LLP, where he served as the associate to the general counsel of the USTA, who was a partner at the firm. Then he became in-house counsel for the WTA Tour; General Counsel for the LPGA Tour; sports, entertainment, and media counsel in The Coca-Cola Company's Corporate Legal Division; Director of Legal Affairs for the International Olympic Committee's Television and Marketing Services Division; and the General Counsel and Chief Legal and Government Affairs Officer for the U.S. Olympic Committee.

### **Steven G. Sanders '95**

*Assistant U.S. Attorney, U.S. Attorney's Office,  
District of New Jersey*

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Sanders was presented with a J. Michael Bradford Memorial Award by the National Association of Former U.S. Attorneys in September 2014. Recipients are nominated by current U.S. attorneys and are recognized for their outstanding performance in handling "a significant investigation and prosecution or series of prosecutions that has had a significant impact and merits special recognition." In June 2015, Sanders will receive a Director's Award from Attorney General Eric Holder and Monty Wilkinson, Director of the Executive Office for U.S. Attorneys. Both awards recognize his work on the case *United States v. Paul Bergrin*, which involved the prosecution and conviction of Bergrin, a former prosecutor and defense attorney, on various charges including racketeering and murder. This case required two government appeals to the U.S. Court of Appeals for the Third Circuit, both of which he argued successfully, culminating in a decision in favor of the government. ■



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## Justine Luongo '02

### Delivering Justice

“How do we create policies that stop the merry-go-round of people coming in the system and coming right back after they go home?”

**WHEN JUSTINE (TINA) LUONGO** graduated from Brooklyn Law School in 2002, she joined the Legal Aid Society as a staff attorney in the New York County Trial Office of the Criminal Defense Practice. Today, she is the Attorney-in-Charge of the Legal Aid Society's Criminal Practice. “This has really been a dream come true for me,” said Luongo, who now oversees 1,100 staff members representing more than 230,000 indigent New Yorkers a year. “It is a very proud moment for me.”

Luongo has always loved the law and been passionate about social justice. As a student at Brooklyn College and later at the Law School, she worked for the Council for Unity, a nonprofit organization dedicated to reducing violence in schools and communities. While serving as vice president of operations for the organization, she attended classes at the Law School in the evening where she was bitten by the litigation bug. “I took Trial Advocacy with Adjunct Professor Jane Booth, and when I realized that I loved trial work, Professor Booth helped steer me to public defense,” said Luongo, who was also a member of the Moot Court Honor Society. “She also suggested I take classes with the late Professor Eve Cary. Both women were alumni of the Legal Aid Society. This changed the trajectory of my life and career path. While in Professor Cary's class, I interned with the Legal Aid Society's Prisoner Rights Project. From that moment on, I knew that I wanted to work for Legal Aid. Luckily for me, the organization hired me in 2002.”

Luongo was in her element at the Legal Aid Society, and she quickly ascended the ranks. In 2007, she was promoted to Supervising Attorney, and in May 2011, she was appointed Deputy Attorney-in-Charge of the Criminal Practice, a position that changed her perspective. “I was always a lawyer representing a client and for the first time I didn't have a caseload,” she said. The new role gave her the opportunity to think more broadly about policy and the overarching issues that her clients were facing. “I loved being in the courtroom, but I was excited about a broader approach to public defense,” she said.

As Deputy Attorney-in-Charge, she helped to oversee daily operations and was responsible for the practice's many specialty teams including the DNA Unit, the Trafficking Victim's Advocacy Project, and the Adolescent Intervention and Diversion Unit. She also worked with staff to create the innovative Digital Forensic Unit, which scrubs and analyzes data from cell phones, cameras, tablets, computers—any and all technology—in order to possibly exonerate a client. The unit is the only one of its kind in New York City.

From her vantage point as Attorney-in-Charge, she has a unique bird's-eye view of the criminal justice system and its often daunting challenges. “How do we create policies that stop the merry-go-round of people coming in the system and coming right back after they go home? Finding the right solution is important,” she said. To this end, Luongo is thinking about bail reform, discovery reform, developing a more client-centered court system and practice, and reducing rates of recidivism through, among other things, Legal Aid's dedicated Reentry Practice Group.

Luongo has also championed the implementation of the Cop Accountability Project, a “bad cop accountability” database, aimed at helping defense attorneys question the credibility of police officers in court. This groundbreaking initiative of Legal Aid's Special Litigation Unit tracks objectionable acts by police officers—both official complaints and information gathered through web searches and news media. The project was profiled recently in the *New York Daily News* and Slate.com. “It's an important tool, especially when we see the recent issues on police officer misconduct,” said Luongo.

“I look at myself as a facilitator,” she said. “We have all this talent on our staff—from social workers to investigators and lawyers. All of these professionals are really dedicated to changing their clients' lives and my role is to help them do that. Whether it's more technology, different training, or starting another unit, I am always thinking about how to make this a good place to work and a great place for our clients to be represented.” ■

**Lara R. Sheikh**, previously an associate at Togut, Segal & Segal LLP practicing in the areas of corporate bankruptcy law, joined Practical Law Company as a Senior Legal Editor, writing and editing bankruptcy resources. A division of Thomson Reuters, Practical Law provides lawyers with online services with checklists, practice notes, and forms to help them work more efficiently.

**Janine C. Waldman (Guido)**, previously special counsel at Sullivan & Cromwell LLP, joined GE Capital headquarters as Executive Counsel for Regulatory Affairs, where she advises on all aspects of U.S. banking laws and regulations and implementation of the Dodd-Frank Act.

**2002 Angela L. Baglanzis**, an associate in the Philadelphia, PA, office of Obermayer, Rebmann, Maxwell & Hippel LLP in the firm's Creditor's Rights, Bankruptcy Financial Reorganization Department, was appointed to the Board of Directors of the Consumer Bankruptcy Assistance Project (CBAP). CBAP provides pro bono legal services to low-income individuals in need of Chapter 7 bankruptcy relief in Philadelphia.

**Samantha M. Hanley** was promoted to Vice President, General Counsel and Secretary of Cambrex Corporation, a life sciences company working to accelerate the development and commercialization of small molecular therapies. Hanley previously served as its Assistant General Counsel and Secretary. Prior to joining Cambrex, Hanley served as Director of Intellectual Property at Alkermes Pharmaceuticals.

**2004 Daniel B. Besikof** became a partner in the New York office of Loeb & Loeb LLP. He represents a variety of stakeholders in Chapter 11 bankruptcy proceedings, corporate restructurings, and liquidations, including indenture trustees, lenders, administrative and collateral agents, trade creditors, lessors, committees, investors and Chapter 7, and liquidating trustees.

**Daniel P. Blouin**, previously with Weitz & Luxenberg P.C., joined the New York office of Simmons Hanly Conroy as a partner in its asbestos litigation

department. Blouin was named a National Trial Lawyer "Top 40 under 40" in 2014 and 2015. The National Academy of Personal Injury Attorneys also named him a "Top Ten Under 40" in 2014 and 2015. Prior to entering private practice, Blouin served as an Assistant District Attorney in Kings County as a felony trial-attorney and a criminal-court supervisor.

**Grace C. Bonilla** joined the Committee for Hispanic Children and Families, Inc. as its new President and Chief Executive Officer. Prior to joining the organization, Bonilla worked at the New York City Human Resources Administration/Department of Social Services since 2004, most recently serving as the Deputy Commissioner overseeing the Office of Community Affairs and Immigrant Services.

**Craig Spierer** became a partner in the Long Island office of Harris Beach PLLC. He focuses his practice in the areas of intellectual property, corporate transactions, and food, drug, and cosmetic law. He was selected as a New York Metro Rising Star by Super Lawyers in 2013 and 2014.

**2005 Adam B. Ginder** was promoted to Chief Operation Officer at MNS, a residential brokerage, sales and marketing firm in New York. He oversees the firm's legal and regulatory matters and spearheads its strategic initiatives and growth. Ginder previously served as the company's General Counsel and Senior Vice President.

**Jennifer L. Marines** became a partner in the New York office of Morrison Foerster in the firm's Business Restructuring & Insolvency Group. She represents Chapter 11 debtors, creditors, investors, and other parties in interest in all aspects of complex corporate restructurings.

**Matthew V. Soran** became a partner in the New York office of Fried, Frank, Harris, Shriver & Jacobson LLP, in its Corporate Department and Mergers and Acquisitions and Private Equity Practice. Soran represents private investment groups and public and private companies in corporate and governance matters.

**Neil Weisbard**, previously at Slater & Beckerman, P.C., joined the New York

office of Pryor Cashman LLP as Counsel and leader of its Zoning and Land Use Practice. He represents developers, property owners and representatives, architects, expeditors, restaurant operators, and hotel operators in land use, zoning, securing construction permits, and administrative law matters.

**2006 Kathleen M. Chastaine** became a partner in the New York office of Winston & Strawn LLP. She represents clients in corporate transactions pertaining to all aspects of the creation and implementation of leveraged buyouts and the execution of various exit strategies, such as divestitures, public offerings, and recapitalizations.

**Gregory S. Chiarello** joined the employee rights law firm, Outten & Golden, as an associate. He represents employees in litigation and negotiation in all areas of employment law, including discrimination, retaliation, and wage and hour matters, professional contracts, and executive compensation. He previously worked at Vladeck, Waldman, Elias & Engelhard, P.C.

**Michael W. Reddy** and **Joshua Zelig** were elected members of Cahill Gordon & Reindel LLP this year. Reddy is a partner in the firm's corporate practice group, where he represents investment and commercial banks. Zelig is also a partner in the corporate practice group, where he represents commercial and investment banks in capital market transactions.

**2007 Amy F. Altman**, previously with Herzfeld & Rubin, PC, joined the Long Island firm of Meltzer Lippe Goldstein & Breitstone, LLP as an associate in the firm's Trusts & Estates Practice Group. Altman focuses her practice on estate and trust administration, estate planning, and probate litigation.

**Carrie A. Goldberg** participated in two recent symposia, in February 2015 at Cumberland School of Law, Samford University, "Practicing Law in the Age of Surveillance and Hackers: Exploring Privacy and Data Security," and in March 2015 at the University of Wisconsin Law School, "Civil Rights in the Digital Age: Developing Effective Legal Responses to Cyber Sexual Harassment." She was

featured in the August 2014 issue of *Cosmopolitan* for her work as a “cyber-crusader.” Goldberg maintains her own firm in Brooklyn, NY, focusing on elder law, trusts and estates, internet privacy, and sexual assault. Prior to opening her own firm, she worked at the Vera Institute of Justice Guardianship Project as the Associate Director of Legal Services.

**Brandon Gribben** joined the Seattle, WA-based firm of Helsell Fetterman as a senior litigation associate. His primary areas of concentration include real estate litigation, commercial litigation, commercial and residential landlord/tenant law, and general real estate law. He previously served as a litigation associate at Kucker & Bruh, LLP, in New York.

**2008 Jordan Elsas and Benjamin Ritzo '09** joined the Seattle, WA, office of Amazon Web Services (AWS) as corporate counsel. AWS offers cloud computing services to businesses. Elsas previously served as an associate in the New York office of Skadden, Arps, Slate, Meagher & Flom LLP, where he focused on mergers and acquisitions and investment management. Ritzo was an associate in the New York office of Kirkland & Ellis LLP in its Corporate Department.

**2009 Nicholas M. David**, previously with Belkin Burden Wenig & Goldman, LLP, joined the New York office of Troutman Sanders LLP as a construction associate. He advises clients on issues arising from the ownership and development of real property and also handles litigation involving complex construction, real estate, and general commercial disputes.

**Kate A. Murphy**, a private real estate investor, was recently elected to the board of directors of Legacy Bank of Florida in Boca Raton. She was previously with the Canadian Imperial Bank of Commerce in New York as an Executive Director in its Real Estate Finance Group.

**Lauren M. Solimine (Davis)**, an associate in the Cincinnati, OH, firm of Cummins & Brown LLC, was selected to the 2015 Ohio Rising Star list by *Super Lawyers*. Solimine's practice focuses on securities and corporate finance and business litigation. Before relocating to Ohio, she was an associate with the New York office of Kasowitz, Benson, Torres & Friedman LLP.

**2010 Josie Colomar**, previously a trusts and estates associate at McGrath Law Offices, joined Withersworldwide as an associate in its International Wealth Planning Group. She is helping the company to expand its Latin American Planning Group and advising families and individuals on structuring estate plans, including drafting all the necessary documentation.

**Alexander Kerzhner**, previously with Rosenberg, Fortuna & Laitman, LLP, joined the New York office of Dentons as an associate in its Venture Technology and Emerging Growth Companies practice. Kerzhner maintains a broad corporate practice, working with a range of venture capital, private equity, and other investors, as well as with technology, media, entertainment, and life science companies.

**2011 Christopher D. Amore** joined the U.S. Attorney's Office, District of New Jersey as an Assistant U.S. Attorney in the Civil Division. He was previously an associate in the New York office of Mound Cotton Wollan & Greengrass.

**2012 Andrew D. Bochner**, a patent attorney registered to practice before the USPTO, joined Cowan, Liebowitz & Latman, P.C., as an associate. He prepares and prosecutes patent applications in a variety of technologies and his practice also includes patent litigation, freedom to operate opinions, infringement and validity analyses, due diligence, and trademark and trade dress litigation. He was previously with Weiss & Aarons LLP.

**David A. Shapiro**, who recently completed a two-year Gault Fellowship with the National Juvenile Defender Center in Washington, D.C., is serving as Campaign Manager for the NJDC's Campaign Against Indiscriminate Juvenile Shackling, a national organizing campaign seeking the end of the automatic shackling of children in delinquency court. Shapiro does extensive research on shackling practices, reaches out to various constituencies to support reform, and coordinates and organizes state-based campaigns.

**2013 Alana R. Heumann**, previously a law clerk to the Honorable **Robert E. Grossman '73** of the U.S. Bankruptcy Court, EDNY, joined the New York office of Weil, Gotshal & Manges LLP as an associate in the firm's Business Finance and Restructuring Practice Group.

**Danielle Levine** is the Continuing Legal Education Director for the Brooklyn Bar Association, where she manages the implementation of new technology to expand its CLE program.

**Thibault Schrepel** recently published a paper, “Friedrich Hayek's Contribution to Antitrust Law and Its Modern Application,” in the 2014 edition of the *ICC Global Antitrust Review*. He is working in the Paris, France, office of Mayer Brown LLP while pursuing a Ph.D. in international antitrust law at the University of Versailles. ■

## Herman Badillo '54

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**HERMAN BADILLO, CLASS OF 1954**, who served on the Brooklyn Law School Board of Trustees for nearly 20 years, died in December 2014 at the age of 85.

A trailblazer in New York and U.S. politics, Badillo was the country's first Puerto Rican-born congressman and the city's first Puerto Rican commissioner and borough president. In a 2001 interview with the *New York Daily News*, he called himself "the first Puerto Rican everything."

Badillo was a fixture in New York City politics for four decades beginning in 1962. He championed civil rights, jobs, housing, and education reforms. In addition to serving as a four-term congressman, City Commissioner for Housing Preservation and Development, and Bronx Borough President, he was Deputy Mayor for Management and Deputy Mayor for Policy under Mayor Ed Koch, and later served Mayor Rudolph Giuliani as Special Counsel for the Fiscal Oversight of Education. He also ran for mayor several times.

Badillo was born in Caguas, Puerto Rico, in 1929, the only child of Francisco and Carmen Rivera Badillo. His father, an English teacher, died when he was one year old and his mother died when he was five years old—both of tuberculosis. Relatives took him in, and at age 11 he was sent to New York. He then lived with other relatives in Chicago, California, and East Harlem. He learned English and became an excellent student at Haaren High School in Manhattan. Working as a dishwasher, bowling pinsetter, and accountant, he graduated with high honors from City College in 1951.

At Brooklyn Law School, Badillo was the valedictorian of his class, awarded numerous prizes for his academic talents, the student commencement speaker, and a member of the *Law Review*. He was a member of the Board of Trustees between 1994 and 2014, adding immeasurably to the Law School's progress during this period. In addition to his impressive career in public service, Badillo was a named partner at the law firm of Fischbein, Badillo, Wagner & Itzler, then of counsel to Sullivan Papain Block McGrath & Cannavo, and most recently senior counsel at Parker Waichman.

A trailblazer in New York and U.S. politics, Badillo was the country's first Puerto Rican-born congressman and the city's first Puerto Rican commissioner and borough president.

This past March, U.S. Senators Charles E. Schumer and Kirsten Gillibrand and U.S. Representatives Jose E. Serrano, Charles Rangel, and Joseph Crowley introduced legislation to rename the Morrisania post office, in the Bronx, in Badillo's honor. "This dedication will be a lasting tribute to Herman Badillo's steadfast commitment and dedication to New York City," said the lawmakers in a statement.

"Badillo was a true public service icon," said Dean Allard. "He will be missed greatly, but his legacy is enduring."

Badillo is survived by his wife, Gail; his son, David; and his extended family. ■

## Catherine McGrath '84

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**CATHERINE M. MCGRATH '84**, a member of the board of directors of the Brooklyn Law School Alumni Association and a member of the Law School's President's Advisory Committee, died in January 2015.

She was a graduate of the Herbert H. Lehman College of the City University of New York, and while in Law School she served as the topics editor of the *Brooklyn Law Review*. McGrath was most recently a partner in the litigation department of Schnader Harrison Segal & Lewis LLP, where she handled complex commercial matters. She represented clients in jury

and bench trials and argued many appeals in the state and federal courts. She began her career as an associate in the Litigation Department of Proskauer Rose and later helped found the Litigation Department of Brown Raysman Millstein Felder & Steiner LLP. Her Brown Raysman colleagues have described her as "a mentor, role model and friend to so many, admired for her intellect, humor, warmth, tenacity, courage, sense of justice and generosity of spirit."

She is survived by her husband, Robert Kochenthal. ■

## Remembering Robert M. Pitler '66

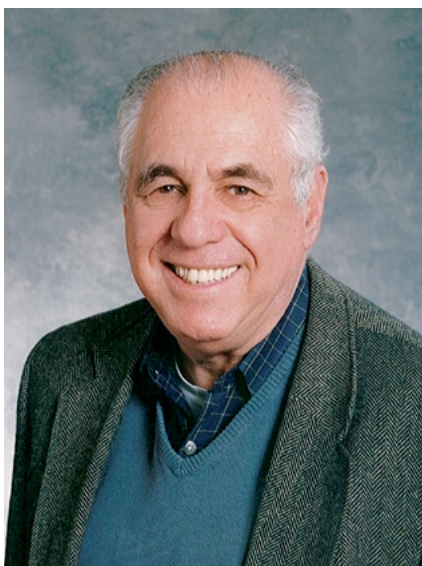
Professor Robert M. Pitler '66, a deeply cherished member of the Law School's faculty since 1988, died on March 15, 2015. The Law School celebrated his life at a Memorial Service held on April 27, attended by hundreds of faculty, staff, students, alumni, family, and friends.

"Bob Pitler was a revered member of the Brooklyn Law School community who had a profound and lasting impact on generations of students," said Dean Nick Allard in an email to the Brooklyn Law School community. "He will be greatly missed for his passion for teaching and the law and, above all, his tireless dedication to his students, who will never forget him. His passing is a tremendous loss for our community."

Professor Pitler joined the Law School faculty after serving for 13 years in the Manhattan District Attorney's Office, where he was Chief of its Appeals Bureau, Chief of the Investigation Division, and Counsel to the District Attorney. He served as Chair of the New York State Law Revision Commission, and he was the principal drafter of the Commission's 1990 proposed Code of Evidence. Earlier in his career, he taught at the University of Colorado Law School and Syracuse University College of Law.

At Brooklyn Law School he taught criminal law, criminal procedure, evidence, and seminars in law and film and about great trials. His article on the constitutionality of New York's search and seizure procedures, published in the *Brooklyn Law Review*, is considered the authoritative source on the subject.

Professor Pitler's dedication to teaching and his strong passion for the law and advocacy was evidenced by his many roles at the Law School. For the last 12 years, he served as faculty advisor to the Moot Court Honor Society, a program that is a Law School highlight for many BLS students. For more than 20 years, he directed the annual Dean Jerome Prince Memorial Evidence Competition, the premier appellate advocacy evidence competition in the nation, for which he received a Lifetime Achievement Award



Since its inception, 48 alumni have benefited from this fund.

"Bob had an unusual combination of characteristics that made him a very special person," said Professor Ursula Bentele, a member of the committee that oversees the Fellowship Fund. "Though he had a brilliant legal mind, he never flaunted it. He was more concerned about people, foremost his students, than about lofty scholarship, though he contributed significantly on that front as well. He had the tenacity of a bulldog when it came to doing things right. That tenacity could be trying to those working with him, but because he cared so deeply and had such integrity, everyone loved him. Brooklyn Law School will miss him."

“Bob was brilliant, funny, and kind. He was my dearest friend, like the brother I never had. For more than 30 years, we spoke almost daily. There is a huge void in my life since he passed away.”

—Hon. Charles Solomon '72

in 2013. His perfectionism and attention to every detail of the competition was legendary; his office was festooned with mementos of past competitions.

Professor Pitler's erudition and energy made his annual Criminal Law and Evidence CLE a soldout event for more than two decades. With the proceeds of this program, he created the Criminal Justice Post-Graduate Fellowship Fund, which provides loan forgiveness to experienced alumni who practice in the criminal justice field and have significant student loan debt. Last year, a record 10 alumni received the fellowship (see page 5).

Professor Pitler also organized an influential series of symposia at the Law School devoted to the U.S. Supreme Court's 2004 decision *Crawford v. Washington*. The papers presented by highly distinguished experts from throughout the country were published in 71 *Brooklyn Law Review* (2005) and in 20 *Journal of Law and Policy* (2012). Professor Pitler was widely recognized for his work, honored twice by the New York State Bar Association for "Outstanding Contribution in the Field of Criminal Law Education" and for "Outstanding Contribution in Criminal Justice Legislation."

In January 2015, the Brooklyn Law School Alumni Association named Professor Pitler a Distinguished Alumnus of the Year for his many achievements and remarkable devotion to teaching (see page 42). At the annual Luncheon at the Plaza, Professor Pitler's family members, friends, and former students celebrated this greatly deserved honor.

Charles H. Solomon '72, Acting Justice for the Supreme Court, New York County, said, "Bob was brilliant, funny, and kind. He was my dearest friend, like the brother I never had. For more than 30 years, we

spoke almost daily. There is a huge void in my life since he passed away."

Former students remember him well—both the Mr. Chips and the Professor Kingsfield side. When news of Professor Pitler's passing was shared on Facebook, former students paid tribute to their beloved professor in the comments with moving and sometimes humorous remembrances.

Boyd Rogers '98, wrote: "One of the great ones, as a person and as a professor. I will never forget him leading my evidence class in a round of congratu-

latory applause when I returned to class after missing a few days for the birth of my first child as a 3L. Very classy and appreciated."

"I had Professor Pitler for four semesters," wrote Stephanie Weiner Gelwarg '00. "His passion and love for criminal law will live on forever in his students who adored him. My favorite professor of all time. Back in 1998 we called him the Pitbull. He loved it. We will miss you."

Scott J. Krischke '11, wrote: "I got to know Professor Pitler over many different classes and activities during my time at Brooklyn Law, and he quickly developed into not only one of my favorite law professors, but one of my favorite teachers in my life. The world has lost an excellent lawyer, teacher, mentor and unique human being. I am comforted only in thinking of how successful he was in so positively influencing and greatly inspiring so many young lawyers."

"As a student I came to him for help, as a prosecutor I came to him for help, and as a defense lawyer I came to him for help," said Greg Zenon '99. "He was always there, always available, the sharpest of minds."

As "Commissioner Bob," Professor Pitler had another side, less visible to people in the legal profession but extremely important to him. He was the organizer and indefatigable pitcher and coach of the Seaview, Fire Island, Little League. Every weekend, twice a day he would run baseball games early in the morning for little kids and late in the afternoon for teenagers. He taught the players skills and sportsmanship.

"Many Saturday and Sunday mornings, I walked with Bob on his way to the ball field as he pulled his traditional Fire Island wagon filled with equipment where kids eagerly awaited him," said Professor Stacy Caplow, his colleague, friend, and Fire Island neighbor. "He brought joy to them, to their spectator parents, and to the community."

Professor Pitler is survived by his daughter, Rebecca; his brother, Sandy; his wife, Joanne Boris; and his extended family. ■



Professor Pitler (far right) with the 2007 Moot Court Honor Society

“ Though he had a brilliant legal mind, he never flaunted it. He was more concerned about people, foremost his students, than about lofty scholarship, though he contributed significantly on that front as well.”

— Professor Ursula Bentele



Plaque in Seaview, Fire Island

## Robert J. Mangum '49

**ROBERT MANGUM '49**, the youngest deputy police commissioner in New York City, the chief of President Lyndon B. Johnson's War on Poverty in the Northeast, chairman of the New York State Commission on Human Rights, and a New York State Court of Claims Judge, died in October 2014 at the age of 93.

An orphan who arrived in New York in 1933, Mangum started out on the edge of poverty, selling newspapers, manning a vegetable stand, and working as a page at the Metropolitan Opera. From these modest beginnings, he rose to become one of the city's greatest civil rights leaders.

Mangum earned a bachelor's degree from the City College of New York in 1942 and then became a police officer. One year later, he helped found the Guardians Association, a fraternal group for blacks in the New York City

Police Department, which still exists today. During World War II, he served in the army as a courts-martial officer, which piqued his interest in the law. He returned to the NYPD in 1946 and coordinated Police Athletic League activities in Harlem while earning a law degree from Brooklyn Law School in the evening program. He later earned a master's degree in public administration from New York University.

Mangum joined with David N. Dinkins '56, Jackie Robinson, and business leaders to create One Hundred Black Men in 1963, an organization that enhances opportunities and provides role models for minorities. It now has 116 chapters and more than 10,000 members throughout the world. Mangum was the first president of both organizations and in 1966 was appointed

director of the Northeast region of the Office of Economic Opportunity, the lead agency in President Johnson's War on Poverty.

Governor Nelson A. Rockefeller named Mangum chairman of the State Commission on Human Rights in 1967. In that post, he persuaded real estate firms to eliminate racial imbalances in housing, Consolidated Edison to stop discriminating against women on pensions, and a gas station to hire a woman. He also convinced a minor-league baseball league to hire a female umpire. In 1971, he became the first black judge appointed to the New York State Court of Claims.

Mangum is survived by his partner of 30 years, Barbara Baxter Cuyjet; his son, Paul; three stepsons; and four grandchildren. ■

## Linda H. Lamel '76



**Hon. David Dinkins '56 swearing in Linda Lamel '76 as president of the Alumni Association**

**LINDA H. LAMEL '76**, a longtime adjunct professor of insurance law at Brooklyn Law School and a former president of the Alumni Association, died in December 2014 after a three-year struggle with cancer.

A pioneer of the women's movement and a leader of the insurance industry, Lamel was New York's first female Deputy Superintendent of Insurance and a founder of the National Organization for Women (NOW) on Long Island. As President and CEO of The College of Insurance, she helped launch the

insurance industry careers of numerous protégés. She was the Campaign Manager and later Chief of Staff for Lieutenant Governor Mary Anne Krupsak. After government service, she worked in the insurance industry as a Vice President of TIAA-CREF; Executive Director of the Risk and Insurance Management Society (RIMS); CEO of Claims on Line, Inc.; and as a consultant, trainer, and arbitrator.

Lamel also served as a director of several insurance companies and most recently served on the boards of Universal American Co., American Progressive Insurance Co., and SCOR Reinsurance Co. In 1988, Lamel was selected as the Insurance Woman of the Year by the Association of Professional Insurance Women, and in 2000 was selected by Crain's Business Insurance as one of the 100 Women Industry Leaders.

"She had written to the dean volunteering to speak about the insurance ramifications of 9/11, so I invited her as a guest speaker to address my class," said Professor Lawrence Solan, who taught insurance law at the Law School. "She was not only a distinguished expert in the field, but a person of great generosity. We instantly became both friends and colleagues, and remained so. We all miss her."

Lamel is survived by her daughter, Diana Sands; her sisters, Donna Weintraub and Eileen Hill; her brother, Jerry Treppel; and her mother, Sylvia Treppel. ■



## Ramon Alcantara-Rivas



**RAMON ALCANTARA-RIVAS**, a maintenance worker at the Law School, died in February of cancer. Ramon joined the Law School in 2009 and quickly became a part of the BLS family. “Ramon was very helpful, always there to lend a hand,” said James Chung, a member of the maintenance team who worked closely with Ramon over the past five years. “He was so thoughtful and always doing nice things. He would also cook for us, bringing in big pots of stews.”

As a young man, Ramon played baseball in the California Angels Rookie league in Idaho Falls. “I always wanted to throw a ball around with him,” said Steve Oleksiw, who supervised Ramon for many years. “I never got the chance.” Ramon never lost his love of the game. He was an avid softball player and a fisherman, too. “Ramon was that kind, smiling face you always saw in the Law School, who would go the extra mile for you” said Dean Allard. “We all miss him and extend our deepest condolences to his family.”

Alcantra-Rivas is survived by his partner, Maria Moronta, and his daughter, Doria. ■

1949

**Morton J. Gold**  
December 19, 2013

1950

**Joseph Colby**  
January 18, 2015

**James Manos**  
November 21, 2014

**Ivan L. Schwartz**  
December 26, 2014

1951

**James J. Kelly**  
October 15, 2014

**Anthony Pace**  
November 28, 2014

**Herbert Sachs**  
March 15, 2015

**Sheldon Tabak**  
August 30, 2014

1952

**Jack C. Garfield**  
October 31, 2014

**Harvey A. Sackstein**  
October 26, 2014

**Alexander E. Teodosio**  
February 10, 2015

1954

**Norman H. Dachs**  
December 10, 2014

**Harold C. Herman**  
October 1, 2014

1955

**Ronald D. Saypol**  
November 28, 2014

1956

**Arthur R. Calger**  
September 6, 2014

**William E. Simon**  
December 20, 2014

1957

**George Nager**  
November 6, 2014

1959

**Robert R. Koepfel**  
February 6, 2014

1960

**Alvin M. Glasser**  
November 7, 2014

**Robert M. Leff**  
December 10, 2014

1961

**Bernard Hein**  
February 2, 2014

1962

**Alexander Joseph  
Lapinski**  
November 19, 2014

1964

**Carroll Clancy**  
October 9, 2014

1966

**Paul M. Markhoff**  
January 18, 2015

1969

**Matthew L. Byrne**  
March 13, 2015

1973

**Michael L. Tumolo**  
February 4, 2015

1976

**Maria S. Rose**  
September 30, 2013

1982

**Angela Iammatteo  
Robins**  
November 3, 2014

**EDITOR'S NOTE:** The Alumni Relations Office receives information for Class Notes 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 Class Notes information received after production has begun is included in the next issue.

Please send Class Notes information for future issues to [communications@brooklaw.edu](mailto:communications@brooklaw.edu), or visit [brooklaw.edu/classnotes](http://brooklaw.edu/classnotes) to submit a class note online.



# Closing Arguments

By Dean Nick Allard

## Too Much Power Rests with the National Conference of Bar Examiners

*Time to Improve the Way We Test and License Lawyers*

» Trying to improve the broken bar exam system has been for too long like tilting at windmills while singing “The Impossible Dream.” There is a disconnection between what the exam tests and what the ABA and law schools require students to learn. Graduates must enroll in costly cram courses, forgo employment for almost three months, and incur hundreds of millions of dollars in costs and lost income to survive the semiannual culling of the herd. Nor does the exam, which relies heavily on questions developed and scored by the National Conference of Bar Examiners (NCBE), measure what one needs to know to be a lawyer.

Last July’s historic nationwide drop in the bar passage rate brought into sharp focus the urgent need to overhaul a system that ill serves the public, the profession, and certainly the graduates of our law schools. Over the last several months, fellow deans across the country have asked for a complete, credible, and accurate explanation of the July 2014 results. We are still waiting.

Unfortunately, the NCBE has been dismissive of our concerns and unforthcoming with critical information. Perhaps in an attempt to stave off a deeper look into what happened with the July exam, the NCBE president wrote to law school deans in October, before the results became public, and said that its internal “review” showed “the results are correct.” Blame was placed squarely on the test takers themselves, with the president calling them “less able” than the group that sat in July 2013. This is unsupported nonsense. In fact, experts have shown through statistical analysis that, contrary to the claims by the NCBE, the LSAT scores in 2014 were comparable to the previous year’s, and that the exam results do not correlate with any measurable change in LSATs. An important analysis by Professor Deborah Merritt at Ohio State’s Moritz College of Law, suggests that scoring errors were the source of the problem with the July 2014 exam. Clearly, we need a better, more open, and more honest way to license lawyers.

Our Panglossian adherence to a deeply flawed test as the best of all possible ways to license lawyers creates unnecessary hardships for new lawyers and the public. We must consider how our bar exam system erects guild-like barriers and discourages talented individuals, especially students who do not come from privileged backgrounds, from pursuing law careers. Why should a student spend years working hard in a demanding law school program only to have their new career derailed by an expensive all-or-nothing test with little relevance to the practice of law?

Taking on a powerful organization with a virtual monopoly over the bar exam system is daunting. However, the good news is there are practical steps we can take now to create a rigorous, comprehensive, transparent system to ensure well-qualified candidates enter the profession.

- First, we need an independent audit of the July 2014 bar exam results and all results going forward.
- A national commission should be established that would study, evaluate, and make recommendations on how to efficiently and accurately measure competency and reduce barriers and costs to entering the profession. Members should be appointed by a national leader with sufficient status and independence of the testing industry, such as the Chief Justice of the Supreme Court or the U.S. Attorney General. The commission should include state chief justices, deans, practitioners, public and private interest groups, and consumers of legal services.
- On the state and national levels, we need to compile, analyze, and publicize data on exam results each year to determine if there is evidence of disparate impact on historically disadvantaged groups, such as minorities and people who are not wealthy. The annual reports should address the impact of licensing practices on access to affordable legal services for the underserved public and small businesses.
- We should develop effective, rigorous methods—beyond a written test—to evaluate and measure practical, clinical skills, and professional experience.
- We must investigate and pilot alternative methods of assessing law students—for example, testing at milestone points in a law student’s career instead of relying on an all-or-nothing exam after graduation. We should look to other professions, to states exploring innovative approaches, and internationally for ideas on evaluating and licensing professionals, as well as ways to assess lawyers throughout their careers.

The aim of these measures is to maintain and advance the best standards for admission to the bar. If we do not now seize the opportunity to undertake significant improvements in how we test and license lawyers, we will impose a serious self-inflicted wound on our profession and the country. A testing organization should not determine the future of the legal profession. Let us take back that power and invest it where it belongs: with the ABA, the state courts and state bars, and law school boards and faculty, as well as the people and businesses who need affordable legal services. Let us begin a national conversation to move our entrenched and dysfunctional system to license attorneys forward. ■

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A version of this column first appeared in the March 30, 2015, edition of *The National Law Journal*.



# GALA

Thursday, June 11

7:00 | COCKTAIL RECEPTION

8:00 | DINNER AND PROGRAM

BUSINESS ATTIRE

Join us on historic Ellis Island for a celebration of a very special group of extraordinary individuals who have made lasting contributions to the rich legacy of Brooklyn Law School and set the stage for our exciting future.

## HONORING

PROFESSOR EMERITUS

Joseph Crea '47

DEAN OF ADMISSIONS

Henry W. Haverstick III

THE HONORABLE

David N. Dinkins '56

CENTENNIAL PROFESSOR

Susan N. Herman

DISTINGUISHED SERVICE  
PROFESSOR OF LAW

Richard T. Farrell '64

CENTENNIAL PROFESSOR

Roberta S. Karmel

PROFESSOR

Linda B. Feldman '83

IRWIN AND JILL COHEN  
PROFESSOR OF LAW

Aaron D. Twerski

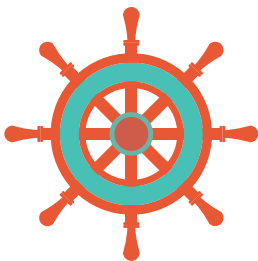
## MASTER OF CEREMONIES

CNBC ANCHOR

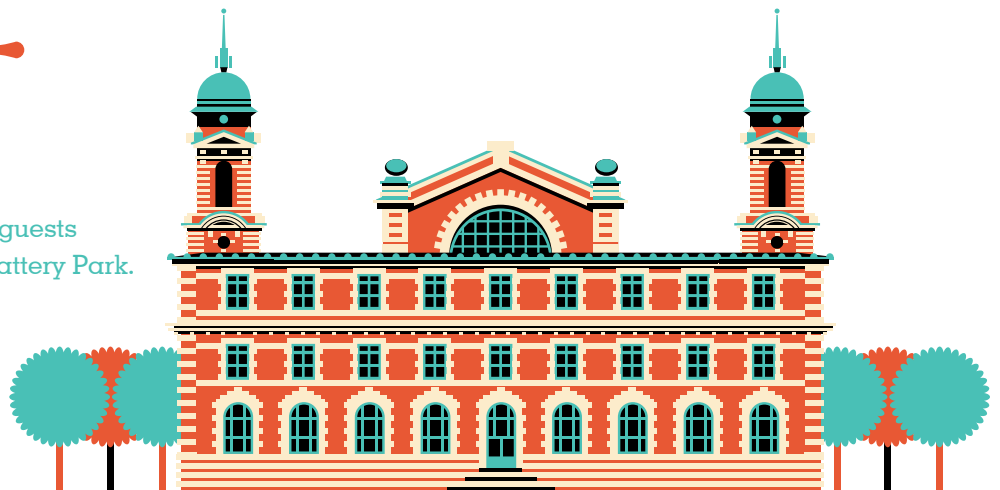
Brian T. Sullivan '03

MORE INFORMATION: [brooklaw.edu/iconsgala](http://brooklaw.edu/iconsgala)

RSVP: [brooklaw.edu/iconsgala-rsvp](http://brooklaw.edu/iconsgala-rsvp)



Private ferry service for guests will be provided from Battery Park.





**ADDRESS SERVICE REQUESTED**



## Upcoming Events

**May 14**     **Alumni Class Reunions**  
Reunions for the Classes of 1955, 1960, 1965, 1970, 1975, 1980, 1985, 1990, 1995, 2000, 2005, and 2010  
New York Public Library, Astor Hall

**May 15**     **Class Reunions Boat Cruise**  
Sail Around New York Harbor  
Battery Park

**May 28**     **114th Commencement Ceremony**  
SPEAKER: U.S. Senator Charles Schumer  
Brooklyn Academy of Music  
Howard Gilman Opera House

**May 28**     **First Day of Classes for the 2-Year J.D. Accelerated Program**

**June 11**     **Salute to Brooklyn Law School Icons**  
Ellis Island

**June 25**     **Alumni Reception and *Kinky Boots* Performance**  
Talk-Back with Producers Ron Fierstein '78 and Dorothea Regal '78  
SPONSORED BY the BLS Alumni Association  
Ça Va Todd English and Al Hirschfeld Theater

**Aug. 18**     **Convocation Ceremony**  
U.S. District Court, Eastern District of New York

**Aug. 19**     **Fall Semester Classes Begin**

**Sept. 14–21**     **Magna Carta: Enduring Legacy, 1215–2015**  
American Bar Association Traveling Exhibition  
Brooklyn Law School

**Sept. 20**     **Brooklyn Book Festival**  
Borough Hall and Brooklyn Law School

**Sept. 28**     **International Economic Law Forum**  
SPEAKER: Professor Muna Ndulo,  
Cornell University Law School  
SPONSORED BY the Dennis J. Block Center for  
the Study of International Business Law

**Oct. 1**     **Roundtable: Effective Interrogation Without  
Producing False Confessions**  
SPONSORED BY the Center for Law, Language  
and Cognition

**Oct. 8**     **Pomerantz Lecture**  
SPEAKER: Jill Fisch, Perry Golkin Professor of Law  
and Co-Director of the Institute for Law and Economics,  
University of Pennsylvania Law School  
SPONSORED BY the Center for Business Law  
and Regulation

**Oct. 23**     **Symposium: Reconsidering the Tax Treaty**  
SPONSORED BY the Dennis J. Block Center for the Study  
of International Business Law