

# BLS LawNotes

THE MAGAZINE OF BROOKLYN LAW SCHOOL | FALL 2013



## AFTER THE FALL

**The Rising Need for Compliance Lawyers  
in a Post-Financial Crisis World**

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

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**CORRECTIONS:** The Spring 2013 *LawNotes* article, "Federal Bar Association Honors Judge Leo Glasser '48 and Judge Arthur Spatt '49 for Service During WWII," incorrectly described Judge Arthur D. Spatt's service in the U.S. Navy during World War II. The article stated: "Judge Spatt's submarine sank a Japanese cruiser in the Battle of Leyte before Japan's surrender." This statement properly describes Judge Jack B. Weinstein's naval career, not that of Judge Spatt. Judge Spatt was on a ship called the USS *Sherburne* that was an amphibious transport ship and not a submarine.

In the article "The Law Student Entrepreneur," Brett Beller '13 was incorrectly identified. He is a former employee, not a co-founder, of Booze Carriage.

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### **After the Fall: The Rising Need for Compliance Lawyers in a Post-Financial Crisis World**

*By Victoria Rivkin*

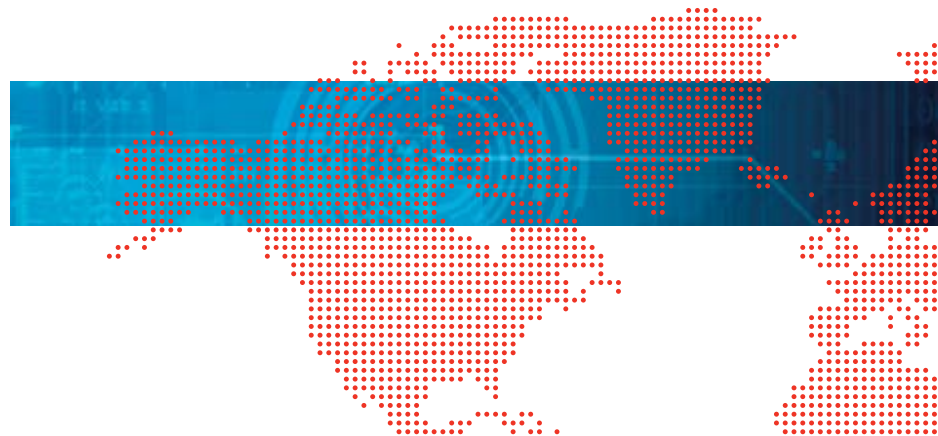
In this post-Financial Crisis world, compliance is on the minds of just about every congress person, regulator, lawyer, and financial service professional. The entire financial sector is retooling their compliance programs to meet the evolving demands of a variety of federal, state, and even international regulators. The result has been an increased demand for lawyers to interpret the array of new laws and regulations as well as implement them. To meet this demand, the Law School is well positioned. It has developed financial, corporate and regulatory coursework, produced cutting-edge symposia, and established The Center for the Study of Business Law & Regulation, as well as the highly respected *Brooklyn Journal of Corporate, Financial & Commercial Law*.

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### **Mission Possible: How BLS is Transforming Legal Education**

*By Eric Riley*

Recent years have seen a dramatic transformation of the legal profession. For law schools, this new era has prompted a reexamination of conventional principles. It's no longer enough to offer three years of legal theory in a classroom governed by the Socratic method. To address these monumental changes, and become a leader of a new paradigm of legal education, Brooklyn Law School has created several new initiatives: the addition of an accelerated two-year J.D. program to the Law School's degree options; a Business Boot Camp to develop financial literacy skills; the Center for Urban Business Entrepreneurship (CUBE), capitalizing on the explosive growth of Brooklyn's start-up culture; an extraordinary two-year Public Interest/Public Service Fellowship (PipS) program for students to work in the public interest and government; and a joint J.D./LL.M. program, in partnership with international institutions, to keep students competitive in a global economy.





**OUR LAW SCHOOL** is transforming itself to meet the demands of the new world of law. I am crazy proud of what already has been accomplished and can't wait for what is ahead. Not crazy like Colonel "I love the smell of napalm in the morning" Kilgore in *Apocalypse Now*. But where some people see problems, we see opportunities.

I am justifiably enthusiastic about educating and training students for areas of practice where the growing demand for good lawyers exceeds the supply. This emphasis raises the profile of the Law School, which boasts world-class scholarship and champions quality academic innovations while overhauling the business model of legal education.

Having spent decades as a lawyer in Washington, D.C., I have observed firsthand how government can take the speed of business to a screeching halt—often through regulations and compliance. Conversely, I have watched new laws serve as a launching pad for the proliferation of unimaginable growth and change of an industry.

Such was the case in telecommunications, where I was privileged to provide input to the Telecommunications Act of 1996. Though the Act seems like folklore, it was the beginning of a deregulated environment that brought forth unprecedented change leading to the proliferation of communications today. Needless to say, regulatory change unlocked the telecom industry for sustained growth. Now the same is happening in the Energy, Financial Services, and Health sectors.

For companies to grow, merge, prosper, and avoid pitfalls, complying with the rules and regulations in telecom, healthcare, real estate, online business, privacy, banking, and investments, to name a few, has become a full-time job for lawyers. Finding the combination to unlock a clear path through a regulatory maze is often critical to success.

Compliance requirements since the turn of this century have been game-changing for business. Consider Sarbanes-Oxley and the requirements it imposed on all public companies, or Dodd-Frank and the continued regulatory pressure on the public markets and banking and lending institutions. Now the Affordable Care Act requires teams of people and consultants to assure that states, health insurers, and employers meet compliance requirements and measure risk. All of these legal regimes have created an unprecedented demand for risk and compliance professionals—and those with a J.D. degree are preferred. Yet, the supply is not keeping up with the demand.

This discrepancy has not gone unanswered at BLS. For the past 12 months, as these pages reveal, the Law School's outstanding faculty, under the direction of the Board of Trustees, has been working hard to develop and implement a series of enterprising initiatives.

"After the Fall" describes the curriculum designed by our faculty to educate the next generation of compliance lawyers. Building on our strengths in the areas of corporate and securities law, we are carefully but rapidly educating and preparing our students, as seen in coursework co-taught by a distinguished group of alumni experts; the creation of the Center for the Study of Business Law and Regulation; and the platform of the *Brooklyn Journal of Corporate, Financial & Commercial Law*.

Our second feature, "Mission Possible," details the bold new strokes we are painting on the future of legal education: the addition of an accelerated two-year J.D. program; a Business Boot Camp to develop financial literacy skills; the Center for Urban Business Entrepreneurship (CUBE); an extraordinary two-year Public Interest/Public Service Fellowship (PipS) program for students to work in public interest and government; and a joint J.D./LL.M. program, in partnership with international institutions, to keep students competitive in a global economy.

Taken together, these measures create a new template for legal education. We are not only setting a strong foundation for our students, but we are also building straight up, where there are no limits, just infinite possibilities.

There's so much more that we can be proud of, and it is reflected on the pages of this magazine: fascinating legal symposia; a slew of new books authored by our graduates; prestigious honors and achievements of our students; and the incredible career paths of our graduates profiled in our ClassNotes section—Stan Wilcox '88, new Athletic Director at Florida State University; Ken Shapiro '61, named the most powerful lobbyist in the State of New York; and Irene Chang-Cimino '91, a key player in rebuilding New York after the 9/11 attacks and more recently in the wake of Hurricane Sandy.

In addition to the great human assets we possess—our faculty, alumni, and students—we are blessed with being in Brooklyn, at the epicenter of culture, great food, technology, entrepreneurship, and legal and civic communities. It would cost hundreds of millions—if not billions—to recreate what lies right outside your Law School's doors. If you haven't been to visit us in a while, what are you waiting for! After all, if you haven't seen Brooklyn Law School lately, you haven't seen Brooklyn Law School.

Nick Allard

Joseph Crea Dean and Professor of Law

## Law School Proudly Announces New Deans

This summer, Dean Allard announced the appointment of four new deans at the Law School: Professors Michael Cahill and Dana Brakman Reiser were both named Vice Deans; Professor Stacy Caplow was named Associate Dean for Professional Legal Education; and Jennifer Lang was named Assistant Dean of Student Affairs. These appointments are designed to reorganize and strengthen the administration of operations, academic and scholarly work, practical education and training for practice, and student services.

“We are assembling a very strong and exceptionally experienced administrative team with the talent and dedication to build on the Law School’s achievements and to enable the Law School to reach significant, sound new heights. These appointments reflect both the growth and increased complexity of law school operations, and the need to adapt to the new world of law. Business as usual is not an option,” said Dean Allard.

“Dean Allard has already instituted changes, and there are more on the way,” said Cahill, who was Associate Dean of Academic Affairs for the past three years. (Read more about the Law School’s innovations on pages 28–32.) “As all those changes are taking place, it’s critical to have the kind of administrative support and oversight to ensure that we’re not only making the right decisions about how to change, but managing the changes well and making certain that we implement new initiatives prudently and carefully. I think the Dean has organized things to get the best out of both our personnel and our programs.”

In his new role, Cahill will function as the Law School’s “Chief Operating Officer.” He will assist Dean Allard with external affairs, development, financial planning, supervision of Law School staff and administrators, and management of the Law School facilities. Cahill, who will continue to teach Criminal Law and Property (co-taught with Vice Dean Brakman Reiser), said he is extremely



LEFT TO RIGHT: The new “Dean Team:” Dana Brakman Reiser, Michael Cahill, Stacy Caplow, and Jennifer Lang.

excited about the opportunity to be a significant part of the Law School’s future. “I’m enthusiastic to be shifting gears from managing the curriculum to taking on other challenges, issues, and opportunities. I’m also thrilled, personally and professionally, to be working with Nick, Dana, Jennifer, and Stacy, all of whom are tremendously dedicated and capable, and perfect fits for their roles.”

A noted criminal law scholar, Cahill joined the faculty in 2003 after spending a year at Chicago-Kent College of Law as Visiting Assistant Professor of Law. Prior to teaching, he was the staff director of the Illinois Criminal Code Rewrite and Reform Commission, helping to draft and revise criminal code provisions. He also served as a consultant for the Penal Code Reform Project of the Kentucky Criminal Justice Council. After earning his J.D. *magna cum laude* from the University of Michigan Law School, where he served as a Note Editor of the *Michigan Law Review*, Cahill clerked for Judge James B.

Loken of the U.S. Court of Appeals for the Eighth Circuit. He also received an M.P.P. from the University of Michigan School of Public Policy and holds an undergraduate degree in Ethics, Politics & Economics from Yale University.

Looking ahead, Cahill said he hopes to “support Dean Allard in managing internal resources, and strengthening our external relations with alumni and others who are in a position to help the school or our students, so that our graduates emerge from law school in a position to flourish and thrive in their careers.”

Brakman Reiser will function under the direction of the Dean as the Law School’s “Chief Academic Officer,” coordinating faculty responsibilities, working closely with the Registrar’s office, managing the curriculum, and generally promoting the intellectual life and scholarly mission of the Law School, in addition to teaching courses in corporate and nonprofit law and co-teaching Property with Cahill. »

“My goal as Vice Dean is to promote the excellence of the academic program at BLS, both for the present and the future,” said Brakman Reiser. “In doing so, I hope to balance our proven methods with emerging opportunities, such as the new Public Interest/Public Service Fellowships (PipS) and the Center for Urban Business Entrepreneurship (CUBE) (see article on pages 28–32). “I want to ensure that our academic program equips students with the knowledge, intellectual tools, and skills they need for the evolving legal profession.”

Brakman Reiser, a leading expert in the law of nonprofit organizations, joined the Law School in 2001. Before joining the faculty, she was a legal fellow in the Office of the General Counsel of Partners HealthCare System, Inc., and served as a law clerk to Judge Bruce

stood among the most respected training grounds for lawyers. Every semester, hundreds of students receive high-quality practical training in its varied clinics and externships, taught by nationally recognized clinical educators. Behind this success has been Professor Stacy Caplow, who has served as the program’s Director since 1984.

As Associate Dean for Professional Legal Education, Caplow will continue to run the Law School’s clinical education programs, but will also lead simulation courses, the Office of Public Service Programs, and other aspects of professional skills and career development.

In addition to shepherding the Law School’s 30 clinics and externships, Caplow has spent the last year developing the PipS Fellowship program, in which third-year students work full-time

*Law Review*, as a consultant on clinical education to law faculties at Hong Kong University and University College Cork (as a Fulbright Fellow) and in Armenia and Georgia, and on 10 site inspection teams for the American Bar Association.

“Brooklyn Law School has always been a home for exceptional students who seek real-world legal experience,” said Caplow. “They have been lucky to start their careers in clinics taught by energetic and dedicated clinical faculty members. Today, students have more opportunities than ever to gain experience as lawyers before graduation. This is an exciting time in the Law School’s history, and I am delighted that experiential education is being given so much prominence in our future plans.”

Lang was previously the Law School’s Director of Campus Services, where she was responsible for housing, dining and student life. Over the course of her nearly nine years with campus services, she created many new programs for students, including Thursday Night Alternatives—which provided students with tickets to theater, music, and sporting events, all at a discounted rate.

As Assistant Dean for Student Affairs, she will continue to oversee student life within the residence halls, but will also work with student organizations to create new programs and will serve as a resource for students who require counseling or special accommodation.

Lang, who has a Masters in Social Work, hopes to continue bringing students together to develop a greater sense of community. Her goal is to reach smaller groups of students—those who don’t live on campus, or don’t live in the area, as well as evening, transfer, and LL.M. students. To accommodate the varying schedules of the student body, Lang has extended the hours of her office from 7:30 am until 8:00 pm. “These students can get lost in the shuffle,” she said. “I want them to know that my office is there for them too. I love my new position and I want my office to be a friendly place that all students can come to and get a quick response, share their concerns, and bring ideas to help make the Law School a better place for all students.” ■

“We are assembling a very strong and exceptionally experienced administrative team with the talent and dedication to build on the Law School’s achievements and to enable the Law School to reach significant, sound new heights.”

—Dean Nick Allard

Selya of the U.S. Court of Appeals for the First Circuit. In law school, she was a Note Editor of the *Harvard Law Review*. Her recent scholarship focuses on social enterprises—firms that pursue both profits and social good. In the past few years, about half of U.S. states have enacted legislation establishing specialized legal forms for social enterprises. She has critiqued the utility of these efforts from the very beginning, most recently in a piece in the *Emory Law Journal*. Her current work, with BLS Professor Steven Dean, turns from writing about organizational form to writing about financing social enterprises. They argue in two separate articles, that hybrid debt instruments and crowd funding can be shaped to broaden capital access for these innovative firms.

For nearly 40 years, Brooklyn Law School’s Clinical Education Program has

at one of the Law School’s 12 public interest or government partner agencies. She also played a key role in the development of both the new 2-year J.D. and CUBE.

A pioneering clinical teacher, Caplow teaches immigration law, criminal law, international criminal law, and immigration law-related seminars, as well as co-directs the Safe Harbor Project. She is a prolific writer and recently co-authored a treatise on federal criminal law and procedure. Her forthcoming article about expanding pardons will be published in the *Boston University Public Interest Law Journal*. She was twice named a first-prize winner in the Clinical Legal Education Association creative writing contest.

Outside of the Law School, she is a member of the Judge Robert A. Katzmann New York Immigrant Representation Study Group. She serves on the board of editors of the *Clinical*

## ON BOARD

### Bob Kaufman '57

#### *Paying Back*

**R**obert M. Kaufman '57, who has served on the Law School's Board of Trustees since 1994, has a wealth of experience in the public and private sectors, including the Department of Justice, the U.S. Senate, and nearly 50 years of private practice at Proskauer Rose LLP.

Among his peers and the legal community at large, Kaufman is something of a legend. A past President of the City Bar Association, he joined Proskauer in 1961, bringing with him a broad public policy perspective that helped to change the face of health and hospital law. Kaufman spearheaded the first large hospital law department in a major New York firm. He is responsible for the restructuring of New York not-for-profit hospital groups and for the legislative development of the New York hospital reimbursement system.

While Kaufman continues to advise his partners on health care and nonprofit corporation matters, these days he spends most of his time serving on nonprofit boards and government advisory committees. Lest his lifestyle come across as leisurely, it pays to note that Kaufman sits on the boards of five governmental organizations and 17 nonprofit organizations. He is a member of six bar associations and has held over two dozen positions in government, including working on the Defense Department Advisory Committee on Women in the Services, the Presidential Advisory Council on HIV/AIDS, the Chief of Staff's Special Commission on the Honor Code (West Point), and the NYC Age-Friendly Commission, to name just a few. He is also the executor of a substantial estate and is trustee for the children and grandchildren of clients he represented.

Kaufman may be a sought-after advocate and powerful lawyer, but he's not above getting his hands dirty, literally. An amateur farmer, he has been tending to his Vermont garden for nearly three decades. What started with a few tomato plants now includes 47 varieties of tomatoes and 26 varieties of potatoes, along with rows of peppers, lettuces, Brussels sprouts, beans, and more. With enough produce to feed a small city, Kaufman loads up two litigation bags with vegetables every other week to share with his Proskauer colleagues and makes jelly and pesto sauce for the holidays. One year he made 800 jars. The recipients on his list include the brother of one President of the United States,



the uncle of another, his colleagues, two Supreme Court justices, and Eric Ripert, the co-owner and chef at Le Bernardin. One evening, Ripert asked Kaufman for his pesto recipe. On the menu at Le Bernardin for the next two years was a dish that included "Mr. Kaufman's Pesto."

This story and many more are recounted in Kaufman's memoirs, *Paying Back: A Refugee Kid's Thank You to America*, published in September. In it, he recounts his family's escape from Nazi-occupied Vienna. Kaufman was just eight years old when Hitler marched into Austria. Soon, he was wearing a gold star on his arm. He was sent to England on the rescue train known as the Kindertransport; his older sister followed. His parents joined them, and they arrived in America in December 1939.

Kaufman went to Brooklyn College and received a Masters in Economics from New York University. He was working as an economist when a friend was forced to drop out of his first year at BLS because of a bad case of mononucleosis. "My friend told me, 'I paid \$50 for all these books. Go to law school, and I'll sell them

to you for \$5,'" he recalled. Kaufman had already been pondering law school, and he knew a good deal when he heard one. "I put down five bucks and started packing up the books."

He attended law school in the evening and graduated first in his class. He was the Decisions Editor of the *Brooklyn Law Review* and a somewhat reluctant member of the Moot Court Team. "Lucy Jurow was the librarian," he recalled. "She said, 'This year's case is on antitrust, and you're an economist. We need you.' That week every professor kept me after class and told me to be on moot court. Finally, I threw up my hands." Jurow's insistence was fortuitous. One of the judges of the competition, impressed with Kaufman's skill, connected him with the Department of Justice Antitrust Division, where

he worked after graduating. One year later, he was recruited by Senator Jacob Javits. He spent four years with him as his legislative assistant and counsel. Kaufman worked on all of the Senator's legislation. He also represented Javits on the Banking and Currency Committee and the Joint Economic Committee, among others.

As a dedicated member of the Board of Trustees for the past 20 years, Kaufman is confident that the Law School's next chapter will be its best one. "The Law School is in excellent hands with Dean Allard," he said. "He is the right person to lead the school through these challenging times." Looking back on his life's work, he added: "Everything I have done has been about paying back. I was a refugee who came to this country, and I was given tremendous opportunity. I have to give back, and I have had a great time doing it." ■

# On the Shelf: BLS Alumni Pen Noteworthy Books

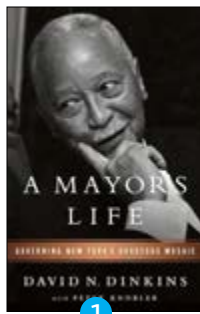
Brooklyn Law School alumni have published books in 2013 on topics as varied as the history of an ancient Irish legal system, litigation, and fashion and sports law. There's even a memoir by New York City's former mayor.

**1** A new memoir by New York City's 106th Mayor **David N. Dinkins '56** hit bookshelves this fall. In his autobiography, *A Mayor's Life: Governing New York's Gorgeous Mosaic*, published by PublicAffairs, Dinkins writes about his humble beginnings in Trenton, New Jersey, his path to Howard University, then Brooklyn Law School, and ultimately, Gracie Mansion in 1990.

Dinkins devotes a good portion of his memoir to two things he is very proud of: keeping the U.S. Open in New York and expanding its Flushing facility; and pressuring the South African government to free Nelson Mandela and end Apartheid. Dinkins notes in the book that he could have handled some things better during his administration, particularly the Crown Heights riots of 1991.

Dinkins was born in Trenton into a working class family. His parents separated, and he lived at different times in Trenton with his father and Harlem with his mother. He went to college on the GI Bill and his politically connected father-in-law encouraged him to attend law school and follow him into politics. In the late 50s, Dinkins was working for a law firm and getting involved in New York City's Democratic Party machine.

His career in public service began in 1966 in the New York State Assembly. He was president of the New York City Board of Elections, then City Clerk, and was elected Manhattan Borough President in 1985, his third attempt for the office. Five years later, Dinkins became the first black mayor of New York City.



Dinkins maintains strong ties to Brooklyn Law School. He is currently on the Board of Directors of the Alumni Association and was the Alumni of Year in 1990.

"Law school was rigorous but I learned a lot about negotiating," he wrote in his memoir. "Instead of a person who said no, I became someone with the good sense and good will to present two satisfactory solutions."

**2** **Catherine Duggan '75** has been traveling to Ireland since she was six years old, "going home" as her Irish parents referred to it. Knowledgeable about the country, its people and Celtic art and history, Duggan was surprised when she ran across something she had never heard of before, Brehon Law. When Duggan wanted to learn more about this ancient Irish legal system, her many inquiries were mostly met with blank stares.

Duggan was so intrigued with this lost knowledge and the fact that everyday Irish people knew little about their legal history, that she decided to write a book on this very topic. Her book, *The Lost Laws of Ireland*, was published in Ireland



by Glasnevin Publishing. "My purpose was to introduce a thousand years of legal history to a general audience," said Duggan.

Her book gives an intriguing glimpse into early Irish society and to Brehon Law, which was first written down in the seventh century. The Brehon legal system took a surprisingly modern approach to many laws and procedures, such as contracts, transparency of the legal process, social mobility, and women's rights. For example, in ninth century Ireland, married women had virtual equality with their husbands with regard to contracts and were able to divorce as well as keep their own property after marriage. "Brehon Law sheds light on the complex, sophisticated society of early Ireland," said Duggan.

Brehon Law officially ended in 1605, when the English outlawed it and destroyed much of its written scholarship and history. The English also forbade the Irish people to speak their own language so as time passed, new generations could no longer read and understand the texts that still remained. Brehon Law was rediscovered and translated into English in the 19th century and for the most part, has been understood only in academic circles.

Duggan, who is now retired, was a solo practitioner for 15 years specializing in trusts and estates. Prior to private practice, she was General Counsel for the American Cancer Society in California.



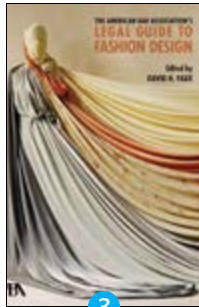
**3** David H. Faux '05 had never before written or edited a book. But when an opportunity presented itself to give something back to the very clients that have supported his solo practice, he accepted the challenge.

The result is *The American Bar Association's Legal Guide to Fashion Design*, the first fashion law book written by lawyers for a fashion industry audience. The book has chapters on trademark, copyright, design patent, Internet law, business entity formation, financing, and employment, as well as much of the law surrounding a runway event. Written by Faux and other industry leaders, the book was published in 2013.

Faux's clients are immersed in the arts and entertainment world, in particular fashion and theater. He practices in New York City and often speaks on panels about the niche field of fashion law. He is the founder and the Co-Chair of the New York State Bar Association's Fashion Law Committee and Vice-Chair of the American Bar Association's Copyright Committee for Visual Arts and Dramatic Works.

**4** Kenneth P. Nolan '77 has been litigating cases in federal and state courts since graduating from Brooklyn Law School. With over three decades of practice under his belt, Nolan has made a concerted effort not to keep all of that knowledge to himself. Since the 1980s, Nolan has been sharing his vast experience in a series of articles published in both legal and general publications.

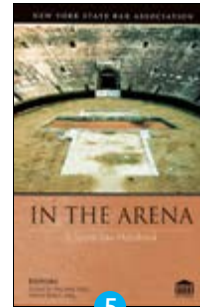
This year, the American Bar Association compiled his numerous articles and published *A Streetwise Guide to Litigation*, a practical handbook for lawyers on the art of litigation. The book addresses what a lawyer needs to know about litigating, from getting business



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to taking depositions, to trying a case. “I tried to really make it practical and direct. It’s what I learned on the streets. It’s the common sense aspect of litigating a case,” said Nolan.

With a specialty in aviation law, Nolan has tried many multi-million dollar wrongful death actions as well as personal injury cases. He has represented families of victims of such high profile tragedies as the Colgan Air crash in 2009 near Buffalo and the 9/11 terrorist attacks. Nolan is currently the managing partner of the New York office of Speiser, Krause, Nolan & Granito.

Nolan is a past Editor-in-Chief of *Litigation*, a magazine published by the American Bar Association, and currently writes a column for *Litigation* titled “Sidebar.” He has also written and was an editor for *The New York Times*, penning at least 50 articles and op-eds.

**5** For Elissa D. Hecker '98 just having a solo practice is not enough. This busy attorney with a focus on entertainment and business law has just edited her third book, *In the Arena: A Sports Law Handbook*. The book was written as a real-world guide to practicing sports law.

Published by the New York State Bar Association and written by dozens of legal and medical professionals in this field, *In the Arena* covers many issues that face athletes and the attorneys who represent them. The book addresses such topics as NCAA enforcement, advertising, sponsorship, intellectual property rights, doping, concussion-related issues, and Title IX. “If you practice sports law or want to, this is a nuts and bolts guide to look to for issue spotting,” said Hecker. In her fourteenth year as the Editor of the *Entertainment, Arts and Sports Law Journal* of NYSBA, Hecker is already working on her fourth book about ethics related to entertainment, arts, and sports law. ■



Tatiana Y. Nicoli '03 also has a love for books. After six years practicing law, Nicoli opened **Boulevard Books and Café**—a convivial bookstore and café in Brooklyn's Dyker Heights neighborhood, where Nicoli grew up. In three years, Boulevard Books and Café has flourished, becoming a local community gathering spot. It hosts monthly author readings, book signings, kids' activities, cooking demonstrations, as well as book clubs for both adults and children.

# Spring Events

Every semester the Law School hosts a variety of scholarly events that explore cutting-edge legal issues and burgeoning areas of the law. Here is a snapshot of this past spring's event season.

## International Family Law Scholars Convene at the Law School

Brooklyn Law School became a center for cutting-edge issues in family law this June. On June 5, the Emerging Family Law Scholars held their sixth annual conference at Brooklyn. The conference organizer, BLS Professor Cynthia Godsoe, hosted more than 45 young family law scholars from around the United States, and one from Israel. Conference participants shared teaching techniques and discussed their work in progress on topics ranging from "Family and Race in Post-Obama America" to "Child-Care Market Failures."

Following the conference, BLS was the venue for a meeting of the Executive Committee of the International Society of Family Law and its 2013 North American Regional Conference. BLS Professor Marsha Garrison, who convened the conference, is also the Secretary-General of the Society and has served as a member of its Executive Committee since 2001. This year's conference, on the theme "Fostering Family Harmony: Principles and Practices," drew family law scholars not just from the United States, but from more than 15 other nations and regimes with diverse family law problems, including Canada, Russia, South Africa, South Korea, and Sweden.

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This year's conference, entitled "Fostering Family Harmony: Principles and Practices," drew scholars from more than 15 nations.

The Society's president, Professor Patrick Parkinson of the University of Sydney, opened the conference with a discussion of Australia's Family Relationship Centers. For approximately a decade, the centers—which Parkinson played a major role in establishing and

that are widely credited with reducing post-divorce litigation and conflict—have provided a range of services to families that need help in forging workable agreements. Parkinson was followed by panels on family law topics ranging from family violence to age and disability.

Many family law scholars took advantage of the joint venue of the Emerging Scholars and International Society of Family Law conferences to participate in both events. "Having two important family law conferences in the same place, back to back, represented an almost unprecedented opportunity for family law scholars around the world to share perspectives and information," noted Professor Garrison. ■

## Real Estate 2.0

IN APRIL 2013, the Law School hosted a second real estate and land use event, bringing together real estate students, faculty, and graduates for a lively discussion followed by a networking reception. Professors Debra Bechtel and David Reiss, along with Tim Oberweger '05, Vice President and Counsel of Fidelity National Title and member of the Board of Directors of the BLS Alumni Association, crafted the timely topic, Brooklyn Real Estate 2.0. Panelists included Mitchell Korbey '03, Partner and Chair of the Land Use and Environmental Group at Herrick, Feinstein LLP who will also be joining the adjunct faculty at the Law School in spring 2014; Charles Wachtel '05, Principal of Lucky Boy Development; and Mark Jackson '11, Assistant General Counsel of the Brooklyn Navy Yard Development Corporation.



Prof. David Reiss moderates a panel with (L TO R) Herrick Feinstein's Mitchell Korbey '03, Lucky Boy Development's Charles Wachtel '05, and Brooklyn Navy Yard's Mark Jackson '11.



L TO R: Rafe Serouya '14 with Tim Oberweger '05, who helped organize the event, and Jason Jia '11.

## Symposium Explores Cognitive Bias in Legal Writing

**DRAWING ON RESEARCH** in the psychology of decision making, Brooklyn Law School's Legal Writing Program; Center for the Study of Law, Language and Cognition; and *Journal of Law and Policy* sponsored "The Impact of Cognitive Bias on Persuasion and Writing Strategies," a symposium on the function and role of cognitive bias in legal writing. Cognitive biases are mental shortcuts that ease the processing of complex material, but may lead to errors in decision making by causing people to rely on intuition and personal experience rather than logic. The symposium panels, moderated by BLS Professors Marilyn Walter and Elizabeth Fajans, explored the role of cognitive bias in legal advocacy and writing, considering the myriad ways cognitive bias influences advocates and audience.

In his keynote address, BLS Professor Lawrence Solan proposed that knowledge about cognitive biases could enable lawyers to, within ethical bounds, adjust their writing to stave off or exploit these biases. Teaching students about these cognitive propensities may help them to understand the underlying grounds for their teachers' criticisms and suggestions, to master basic legal writing strategies, and to transfer these effective communication skills to other legal tasks.

Leading off the first panel, Professor Michael R. Smith of the University of Wyoming College of Law focused on the sociological and cognitive dimensions of policy-based arguments. He suggested that familiarity with the mental processes involved in policy-based persuasion enables advocates to produce more effective policy arguments and to appreciate the differences between policy arguments and deductive rule-based reasoning. Professor Kathryn Stanchi of Temple University Beasley School of Law noted that advocacy often puts people in a state of cognitive

dissonance, where inconsistency causes deeply held beliefs to clash. To eliminate that dissonance, individuals may change their beliefs, rationalize their beliefs, or change the narrative to make it comport with their beliefs, permitting advocates to decide which is most beneficial to the client.

Viewing cognitive bias in the context of criminal law practice, Professor Daniel Medwed of Northeastern Law School acknowledged that the phrase "cognitive bias" often has negative connotations. But he suggested that for the criminal law practitioner, the egocentric bias and the aversion to cognitive dissonance could be potential assets, enabling both defense attorneys and prosecutors to validate their roles in the criminal justice process.

In the second panel, Professor Linda Berger of UNLV Law School examined how novel characterizations and metaphors may compete with entrenched stereotypes (cognitive biases) and conventional categories to make the recipient open to new perspectives and narratives. This insight, she posited, can aid lawyers in making conscious choices about persuasion. Bret Rappaport, a partner at Hardt Stern & Kayne PC, spoke from the practitioner's viewpoint, and proposed viewing genre as a kind of cognitive bias because, in the legal context, it constrained the texts that lawyers and judges use in specific circumstances and influenced readers' perspectives. Finally, Professor Michael Higdon of the University of Tennessee College of Law, explored the role of cognitive psychology in discourse comprehension, focusing on how legal writing might employ this science to communicate more effectively with an impatient and skeptical reader. ■

*Articles from the symposium will be published in a forthcoming issue of the Journal of Law and Policy.*



### The Growth and Importance of Compliance in Financial Firms: Meaning and Implications

This symposium, co-sponsored by the *Brooklyn Journal of Corporate Financial and Commercial Law* and The Center for the Study of Business Law & Regulation, focused on the growing role of the compliance function in financial institutions, in particular broker-dealers and investment advisors. To read more about the critical need for compliance lawyers and innovations in the compliance curriculum at BLS, turn to "After the Fall," on pages 20-27.

## Ken Feinberg Urges Lawyers to Step Up and Serve in 112th Commencement Address

On Friday, June 7, Brooklyn Law School held its 112th commencement ceremony at Avery Fisher Hall at Lincoln Center. Stuart Subotnick '68, Chairman of the Board of Trustees, conferred degrees to 484 students before an audience of family, friends, faculty, staff, and alumni of the Brooklyn Law School community.

Kenneth Feinberg, founder and managing partner of Feinberg Rozen, LLP, and administrator of the One Fund Boston, established to assist victims and families affected by the tragic events at the Boston Marathon, delivered the Commencement Address and was presented with an honorary Juris Doctorate, the Law School's highest degree.

Feinberg spoke to the graduating class about his years of public service, beginning in 1984 when Judge Jack B. Weinstein asked him to design and administer a compensation program to benefit Vietnam veterans suffering from Agent Orange exposure. "Thus began a career I never anticipated, providing compensation to the victims of life's misfortune—in Aurora, Colorado; Virginia Tech, and, of course, 9/11," he said. "When presidents, governors, judges and attorneys general ask you to serve the nation and answer the call, I, like you, agree to serve. The public interest defines our role as lawyers serving our nation. Whatever our chosen path, we are all members of a noble profession. And the "public interest" lies at the heart of it."

Feinberg stressed the importance of rising up to the responsibility of serving the greater good. "It is because of horrors like 9/11 and the Marathon bombings that we, as lawyers, rise to the challenge. Forged by crisis and well aware of our common bond and obligation to serve society—something we learn every day in law school—we do not shirk our responsibilities or look for excuses not to serve. Instead, we step up—whatever the nature of our legal practice or our specialized area of law—to serve our community and our entire nation." Feinberg concluded with a heartfelt congratulations to the Class of 2013 and a directive to "Go out and live greatly in the law!"

Class valedictorian Joseph M. Binder, a former stage actor, began his remarks by admitting that he thought about giving up after the first week of classes. "But instead of quitting—which was my first impulse—I realized I'd have to work awfully hard at this, that it wouldn't come easy... I don't think one day passed when I didn't go home and work just a little bit harder because of the folks in this room," he said.

Binder was followed, for the first time, by a class-elected student speaker, Dwayne Allen Thomas. "Thank you Brooklyn Law School, for giving me this chance to earn public speaking endorsements on LinkedIn," he joked in the opening line of his speech. But Thomas concluded on a sincere note. "To the professors who helped us in this transition from prospective law students to professional lawyers, the issue is whether one student can convey the gratitude of his entire class. The rule is simple. I cannot."



**"Go out and live greatly in the law!"**

—Ken Feinberg



Dean Allard closed the ceremony with a rousing speech about the changing landscape of the world of law. "From the precipice, we clearly can see that for this great generation of new lawyers the future will bear little resemblance to that of the past. What a daunting, exhilarating, fabulous time to begin your careers. You are ready for the new world of law," he assured the Class of 2013. "The education you have gained at our great Law School, the sweat equity you have put into your studies, your hours and hours of training, the honing of your mind into the finest tool known to mankind prepares you to be agents of powerful legal change—change for the better. Make the most of it." ■



CLOCKWISE FROM TOP LEFT:  
Happy members of the Class  
of 2013 give a collective  
thumbs up; L TO R: Dean  
Allard, Ken Feinberg, and  
Chairman of the Board  
Stuart Subotnick '68;  
Three generations celebrate  
together; a view of the  
Class of 2013; We made it!

## BLS Students Run, Bid, and Spell to Raise Spirits and Funds

### » Seventh Annual Sara Robbins Spelling Bee Raises Money for Memorial Scholarship

Can you spell the word “chancel”? If so, you could have been the winner of the seventh annual Sara Robbins Spelling Bee, hosted by BARBRI and the Student Bar Association on February 7 at the Subotnick Center. The honor went to Marron Doherty '14 who correctly spelled the word, defined as “the space about the altar of a church, usually enclosed, for the clergy and other officials.” Erika Lorshbough '12, who was a previous winner of the Spelling Bee, took second place, and Rochel Weissman '14 took third. The winning capped off a lively and entertaining three-hour competition held before students, faculty, and members of the BLS community.

The energetic audience cheered on the nearly 30 spellers and heckled the presiding judges, Associate Dean Michael Cahill and Professors Chris Serkin and Nelson Tebbe. Contestants prompted the judges for humorous uses of their words in

a sentence and judges periodically paused the action for drink refills. The words chosen by the judges also drew lots of laughs from the audience. From the categories of “Groundhog Day,” “Valentine’s Day,” and “Some Weather Words,” participants spelled a range of words, including “marmot,” “tryst,” and “aphrodisiac,” as well as some non-words, like “snowpocalypse” and “snowmageddon.”

The Sara Robbins Spelling Bee was established in 2007 in honor of the late Professor Sara Robbins, a remarkable woman who directed the BLS library for 20 years. Over the past two years, the Spelling Bee has raised over \$7,000 through ticket sales, raffles, and a silent auction. The money goes towards the Sara Robbins Memorial Scholarship, which is awarded each year to a deserving student who exhibits generosity and commitment to the Law School. ■



*Marron Doherty '14 won the Sara Robbins Spelling Bee by spelling the word “chancel.”*



### » Race Judicata Charity Run

The Brooklyn Law School Student Bar Association hosted the Eighth Annual Race Judicata on Saturday, April 20 in Brooklyn’s Prospect Park. The 5K (3.1 mile) charity run was created in memory of the late Professor Barry Zaretsky, an inspiring teacher and mentor, and a devoted runner.

The race, which is open to Brooklyn Law School students, alumni, staff, and friends, drew 134 runners this year and scores more friends and family who cheered them on. All funds raised benefit the Urban Assembly School for Law and Justice, a public high school for low-income students hoping to study law. ■





### » 23rd Annual BLSPI Auction Draws BLS Community and Boosts Fellowship Funding

On March 21, Brooklyn Law Students for the Public Interest (BLSPI) held its 23rd annual auction. The festive night of bidding raised approximately \$40,000 to support BLSPI's Fellowship program, which provides funding to 20 students pursuing unpaid internships for the summer.

Planning for the event, which took over nine months, was led by a group of dedicated students: Brendan Rigby '13, Emily Shoor '14, Homer Turgeon '14, Sara Friedman '15, Brendan Gibbons '15, and Rebecca Naeder '15. Together with a group of over 70 students, they created one of BLS's largest and most successful auctions yet. "We are so grateful for the incredible amount of energy and passion put forth by the Auction Co-Chairs and their committee," said Jessica Rickards '13, Co-Chair of BLSPI.

"The Auction is vital to the sustainability of our organization," said Erin Ogburn '14, who also served as a Co-Chair. "As BLSPI's initiatives continue to grow, the money raised at the Auction goes toward programming aimed at supporting students pursuing careers working for nonprofits and government agencies. We would like to thank everyone who contributed, both to the Auction and to the success of BLSPI overall."

Dean Allard and his wife, Marla, provided a number of donations to this year's event, including dinner for two and an opening night performance of a future production at the Shakespeare Theatre Company of Washington, D.C. Bidding for lunch for four with Marla Allard at Second Avenue Deli was so heated that the Allards donated a second lunch by evening's end. ■

## 36 Teams at Prince Competition

Brooklyn Law School's 28th Annual Jerome Prince Memorial Evidence Competition, the premier appellate advocacy evidence competition, drew 36 teams to the Law School this spring for three intense days of highly competitive oral argument.

Teams from UC Hastings and Duquesne University placed first and second, respectively, after arguing before a distinguished final round panel composed of the former U.S. Chief Appellate Judge for the D.C. Circuit, Patricia M. Wald (who was awarded the Presidential Medal of Freedom in August); U.S. Senior Appellate Judge for the Second Circuit, Chester J. Straub; and the U.S. Chief Judge for the Northern District of Ohio, Solomon Oliver, Jr. Also presiding were 167 federal and state jurists, magistrates, faculty, and alumni practitioners on numerous panels in the earlier rounds.

A team of Brooklyn Law School faculty guided the tournament, led by Professor Robert M. Pitler, faculty advisor to the Moot Court Honor Society, who was presented with the Dean Jerome Prince Lifetime Achievement Award by Professors Ursula Bentele and Mollie Falk. A festive reception and dinner for all of the competitors, judges, and Moot Court students was held on Saturday evening.

Dean Allard praised BLS students—particularly the Moot Court Honor Society Executive Board led by President Caroline McKenna '13 and Prince Competition Coordinator Alexandra Olsen '13—for their work in creating a first class tournament. "Our students were responsible for a flawless tournament through their skill, attention to detail, and effort," he said. "Our congratulations go to all the BLS students whose hard work led to the success of the competition."

The competition is named in honor of the late Jerome Prince, renowned evidence scholar, teacher, and author of *Prince on Evidence*, who served as Dean of Brooklyn Law School from 1953 to 1971. The Competition provides law students with an opportunity to write an appellate brief that addresses evidentiary issues in a contemporary context. ■



L TO R: Judge Solomon Oliver, Jr., Judge Patricia M. Wald, Judge Chester J. Straub, and Dean Allard pose with the winning team from UC Hastings.

## Sparer Public Interest Law Forum Explores Legal Issues Presented by Hurricane Sandy

**HURRICANE SANDY** tore through the Northeast, devastating New York City's low-lying neighborhoods and subways. This year's Edward V. Sparer Public Interest Law Forum, "Legal Perspectives on Disaster Preparedness and Pro Bono Assistance After Hurricane Sandy," discussed New York's past, current, and future strategies when facing natural disasters. It included panel discussions centered on the City's particular vulnerability to storm surges; how regulatory controls, such as zoning and design guidelines, can make cities like New York more resilient to severe storm events; and how neighborhood-based approaches, as well as litigation, are being applied to reach and support affected communities in need of legal assistance.

Seth W. Pinsky, president of the NYC Economic Development Corporation, delivered the event's keynote address. He used the opportunity to lay out the goals and preliminary findings of Mayor Bloomberg's "Special Initiative for Rebuilding and Resilience," which include: determining what went wrong during Sandy; preparing for the City's future in light of climate change; and assessing how the City should rebuild post-Sandy. "Our response will cost a lot up front. We will be tested," he said, "but we can and will overcome our challenges."

BLS Professor David Reiss moderated a panel regarding direct services and community organizing in the storm's aftermath. Eddie Bautista of the New York City Environmental Justice Alliance, as well as Sparer alumnae Katie Brennan '00 of the Legal Aid Society and Jane Landry-Reyes '93 of South Brooklyn Legal Services, shared insights into their own advocacy work. The panelists called for long-term policies—not "Band-Aid" quick fixes—that address the City's infrastructure and service provisions.

Another panel, moderated by BLS Professor Gregg Macey, focused on policy, climate change, and land use planning. Panelists included Terri Matthews of the NYC Department of Design and Construction and Howard Slatkin of the NYC Department of City Planning, who provided updates on recent research and planning initiatives by their respective agencies. Providing what he called a more esoteric perspective in the midst of discussion of on-the-ground agency initiatives, Professor Christopher Serkin examined the potential affirmative obligations of government to take action in response to climate change under the Takings Clause.

This timely symposium was organized by Sparer Fellows Lee Wellington '13, Erin Ogburn '14, and other members of the Sparer Leadership Group. "The symposium provided law students, faculty, and community members with an opportunity to reflect on the storm and how to better protect against future storm-related consequences," said Sparer Fellowship Director, Professor Elizabeth Schneider. ■



L TO R: Terri Matthews of the NYC Dep't of Design and Construction, Prof. Chris Serkin, Howard Slatkin of the NYC Dep't of City Planning, and Prof. Gregg Macey discuss New York's vulnerability to future storms.

## Lessons from AIG: An Insider's Perspective



**H**ow did the American International Group, Inc. (AIG) go from a worldwide icon to an international villain to a victim of government overzealousness? That is what a new book, *The AIG Story*, co-written by Maurice "Hank" Greenberg, the long-time CEO of AIG, and George Washington University Professor of Law Lawrence A. Cunningham, tries to explain.

In March, before an audience of students, faculty, and alumni at Brooklyn Law School, Cunningham presented his extensive research and his thought-provoking

conclusion that "one size fits all" corporate governance is a recipe for failure. The panel discussion, "AIG's Surprising Lessons for Corporate Governance," was moderated by Professor and Co-Director of the Center for the Study of Business Law and Regulation, James Fanto, and included commentary from David Zaring, an Assistant Professor of Legal Studies and Business Ethics at The University of Pennsylvania's Wharton School of Business.

Beginning in the late 1960s until 2004, Greenberg and a few other insurance executives revolutionized the insurance



# Keeping Your Secrets Safe: Cyber Theft Tackled at the Trade Secrets Institute Symposium

**THIS YEAR'S HEADLINES** were filled with news of employee theft, international espionage, and cyber warfare resulting in significant security breaches at government entities, universities, and major international banks and corporations. The National Security Agency, Citigroup, Google, and Stanford University, just to name a few, have all joined the ranks of recent victims who have experienced significant financial, intellectual, as well as diplomatic consequences. Such tales are now common place as innovations in technology outpace our ability to implement new legal and security measures.

"There is probably not a large or mid-size company in America whose data has not been compromised," said Dean Allard in his opening remarks at last spring's Trade Secrets Institute (TSI) symposium, "Keeping Your Secrets Secret."

The symposium brought together two panels of experts in both private practice and government who are at the forefront of this evolving and critically vital area of law, and was moderated by two BLS students and TSI Fellows, Robert Levine '13 and Stephen Popernik '13. The symposium explored topics such as reasonable precautions in the cloud to avoid breach and

procedures under federal statutes once a breach has occurred.

As companies increasingly produce more information and then outsource the storage of all or part of their data, this poses many business and legal questions related to security, governance, liability, and disaster recovery. "Trying to stop the collection and analysis of data is like putting your finger on the dam," said Frank Pasquale, Schering-Plough Professor in Health Care Regulation and Enforcement at Seton Hall University School of Law.

Although federal laws governing these issues are not new, the last couple of years have seen increased prosecution under both the Economic Espionage Act of 1996 and the Computer Fraud and Abuse Act (CFAA). For instance, in the past three fiscal years, the FBI has seen a 39% rise of cases investigated in espionage alone, according to Andrea Sharrin, Deputy Chief of the Computer Crime and Intellectual Property Section of the Criminal Division at the Department of Justice.

With vast technological innovations since these laws were created, significant confusion has arisen among the legal community concerning such acts as the CFAA, explained Ian M. Goldrich, Counsel for

Kilpatrick Townsend & Stockton. Currently, there are three competing interpretations by various U.S. Circuit Courts and no Supreme Court review regarding access and use of data. "I think we will see some legislative action this Congress," agreed Sharrin. ■

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## TSI SYMPOSIUM PANELISTS

- **Colleen Kavanagh**  
Managing Director, Stroz Friedberg
- **Frank Pasquale**  
Schering-Plough Professor in Health Care Regulation and Enforcement at Seton Hall University School of Law
- **Amyt Eckstein '01**  
Of Counsel, Moses & Singer, LLP
- **Alexander H. Southwell**  
Partner, Gibson Dunn & Crutcher
- **Andrea Sharrin**  
Deputy Chief of the Computer Crime and Intellectual Property Section of the Criminal Division, Department of Justice
- **Ian M. Goldrich**  
Counsel, Kilpatrick Townsend & Stockton LLP

industry and built AIG. In three decades, AIG's assets grew from less than \$300 million to nearly \$200 billion, with offices in 130 countries. However, it all started to unravel in 2005 when NYS Attorney General Eliot Spitzer filed multiple civil charges against AIG, pushed Greenberg out of the company, imposed a set of corporate governance reforms, and according to the authors, led to the destruction of one of the largest insurance companies in the world.

Three years later, with significant mounting losses and the U.S. economy in a financial crisis, the U.S. Treasury and New

York Federal Reserve took control of AIG. Greenberg sued the government, claiming that the takeover of an 80% stake of AIG was unconstitutional. The case is currently in the U.S. Court of Federal Claims.

Five years after the federal government took control of AIG, surprising lessons can be learned from the colossal failure of the international insurance giant, offered Cunningham. For instance, the reforms put in place at AIG by Spitzer, argued Cunningham, actually caused the insurance giants downfall. The "one-size-fits-all" reforms failed because the best practices instituted by Spitzer showed a

lack of understanding of AIG's culture, history, and fundamental business. "The best practices put in place after Spitzer's prosecution had nothing to do with AIG," said Cunningham. "In this case, corporate governance just did not work."

In reexamining government intervention and takeover in his book, Cunningham concluded that some companies like AIG should have a different kind of governance structure than what current best practices dictate. "All the reforms changed AIG fundamentally," said Cunningham. "It's worth rethinking whether corporate governance has swung too far." ■

## IBL Center Hosts “Fireside Chat” with SEC Commissioner Troy Paredes

Every year, The Dennis J. Block Center for the Study of International Business Law organizes an interesting roster of events that spotlight current and emerging issues in international business law and policy. The schedule includes symposia and lectures, breakfast roundtables, international economic law forums, brown bag luncheons, and student-organized programs.

The Center led off the spring semester with a “Fireside Chat with SEC Commissioner Troy Paredes” held on February 1 at the Downtown Association. The “Fireside Chat” was moderated by Professor Dana Brakman Reiser. Commissioner Paredes spoke on a range of topics, including the rule-making process at the SEC, implementing rules pursuant to the JOBS Act and Dodd-Frank, and the global securities market.

With respect to rule-making, Commissioner Paredes emphasized the need for the SEC to establish thorough processes, which should include both data and cost-benefit analysis. In order to facilitate good decision making, he explained, there must be a full analysis of the range of outcomes, the consequences of each, and the potential trade-offs. He added that he strongly believes in a retrospective review. “Just as important as the factors that go into the pre-decision making stage is the post-decision review, which can help the SEC learn from its mistakes as well as its successes,” he said.

Commissioner Paredes applied these factors to a currently hot issue: high frequency trading. Going forward, he urged the SEC to take action driven by proven data, not as a reactionary response to the glitches in the system. According to Commissioner Paredes, research shows that high frequency trading is making a contribution to the equity markets. Therefore, the focus should be on what it is that drives the need for trading to be faster. He suggested that if the answer is that the current regulatory regime is the



SEC Commissioner Troy Paredes gives a “Fireside Chat” hosted by the IBL Center and moderated by Prof. Dana Brakman Reiser.

cause, perhaps the solution is in amending the rules rather than hindering such trading.

Commissioner Paredes also discussed the global securities market in the context of the flow of people and capital across borders. “The ramifications

“Just as important as the factors that go into the pre-decision making stage is the post-decision review, which can help the SEC learn from its mistakes as well as its successes.”

— Troy Paredes

to the U.S. securities markets would be detrimental if global issues were not taken into account,” he said. Those who understand the complex interplay of contemporary global securities recognize that overburdening investors in the U.S. will send them elsewhere, he explained. He then listed several important factors to consider, including duplication of securities regulation, conflict between different regulation schemes, and the cumulative effect of multiple regulation schemes.

Ending on a somewhat cautionary note, Commissioner Paredes stated that he was doubtful that Dodd-Frank will play a role in preventing the next financial crisis. He questioned whether there is a real consensus as to the cause of the most recent financial crisis and cautioned that the factors going forward are not likely to be the same. ■

### SPRING AT A GLANCE: The IBL Center Hosted Several Other Noteworthy Events

- Breakfast Roundtable with Georges Zavvos, *Legal Advisor, Legal Service, European Commission*
- Breakfast Roundtable with Ethiopis Tafara, *Director of the Office of International Affairs, Securities and Exchange Commission*
- International Economic Law Forum with Professor Elizabeth Trujillo, *Suffolk University Law School*

# Clinic Update

## New Clinics Focus on Securities Arbitration and Elder Rights

**TWO NEW CLINICS** debuted at the Law School this fall—**The Labaton Sucharow Pro Bono Securities Arbitration Clinic** and **The Elder Rights Clinic**.

While the clinics do not share the same subject matter, they do have a similar history; both were previously run as in-house clinics. In their new incarnations, both clinics partner with experts in the field, giving students an exceptional opportunity to work with highly respected lawyers.

The Securities Arbitration Clinic was created in partnership with Labaton Sucharow, one of the world's leading firms in securities litigation. The program serves a dual purpose: to assist defrauded individual investors who cannot otherwise afford to pay for legal counsel and to provide students with real-world experience in securities arbitration and litigation.

Associate Dean for Professional Legal Education Stacy Caplow—insistent on reviving the program in light of the current economic climate—was eager to partner with Labaton Sucharow, which was looking to collaborate with a law school on a pro bono project as part of its 50th anniversary. Renowned for prosecuting many of the leading cases resulting from the 2008 credit crisis, Labaton Sucharow's Securities Litigation Practice has recovered more than \$6 billion and represented some of the largest institutional investors in the world.

"We were one of the first law schools to respond to the invitation of the securities industry's self-regulatory organizations to create a clinic that assisted defrauded investors," said Caplow. "We are excited to partner with Labaton Sucharow and are grateful to Lawrence A. Sucharow, Class of 1975, the firm's Chairman, for his unwavering support of the program."

Leading the collaboration with the Law School are Joel Bernstein '75 and Mark Arisohn, both partners at the firm, who have designed a curriculum encompassing case evaluation, client counseling, trial skills, legal strategy, and hands-on training

in settlement negotiation. "I'm excited to work with my alma mater and law students who have demonstrated an early commitment to pro bono work," said Bernstein, a shareholder litigation expert who has recovered more than a billion dollars in damages to wronged investors. "Along with the program's value to underrepresented individual investors, the clinic will provide a valuable experience for students as future lawyers."

The Elder Rights Clinic is a collaboration with the South Brooklyn Legal Services' Elderlaw Project and the Weinberg Center

and General Counsel for the Weinberg Center. Lok will teach the clinic along with Jane Landry-Reyes '93, Senior Staff Attorney at South Brooklyn Legal Services.

The Elder Rights Clinic allows for hands-on work across diverse projects and cases. At South Brooklyn Legal Services, students handle eviction cases specific to senior citizens and take on client representation—from case intake through strategic case assessment, motion practice, court appearances, and possibly even hearings or trial. Students may also have the opportunity to identify

“In-depth familiarity and experience with this burgeoning area of law is a wonderful asset for students... when students are focused on building skills and making connections that will translate to increased job marketability.” — **Deirdre Lok '03**



for Elder Abuse Prevention. It is the latest clinic to benefit from close partnerships with community-based organizations—allowing fresh legal minds to polish their craft in the service of some of Brooklyn's neediest residents.

"In-depth familiarity and experience with this burgeoning area of law is a wonderful asset for students, especially at a time when students are focused on building skills and making connections that will translate to increased job marketability," said Deirdre Lok '03, Assistant Director

and intervene in cases of elder abuse, and to evaluate other basic food, housing, and health care needs. The process of advocating for an older adult at an administrative hearing offers another invaluable experience for learning.

In addition, students work at the Weinberg Center for Elder Abuse Prevention, enabling them to advocate for elder abuse victims in Housing, Family, or Supreme Court settings. They also have the opportunity to work on an advocacy or policy project specific to the older adult population, encompassing attorney-client issues such as ethics, privacy rights, consent to sexual activity, or access to justice.

"The ever-changing laws and regulations surrounding Medicaid benefits, health care, and insurance provides an area ripe for students to position themselves on the cutting edge of a practice that most long-time practicing attorneys are learning as well," Landry-Reyes said. ■

## Four Graduates Chosen as AG Honors Attorneys

Four Brooklyn Law School graduates—Emily Powers '12, Kristina Srca '12, Elizabeth Komar Falzone '13, and Stephanie Raney '13, have been hired through the Attorney General's Honors Program, the largest and most prestigious federal entry-level attorney hiring program of its kind. Students are chosen based on a demonstrated commitment to government service, academic achievement, leadership, law review or moot court experience, legal aid and clinical experience, past employment, and extracurricular activities that relate to the work of justice.

"This program is one of the most highly competitive in the nation, and has become even more so over the past few years given the economic crisis," said Steve Gordon, Acting Director of the Career Center. "The fact that four of our students have been accepted to the program is quite notable. There's no better experience than a post-graduate honors program with the Department of Justice for any career path."

"These graduates have demonstrated both academic excellence and a commitment to government service," said Dean Allard. "We couldn't be prouder."

**Emily Powers '12** began work with the U.S. Department of Justice, Environment and Natural Resources Division this fall. As a trial attorney in environmental enforcement, she is trying cases under the Clean Air Act and Clean Water Act. Powers graduated from Barnard College, *cum laude*, with a degree in political science. She also has a Masters of Landscape Architecture from Cornell University. During her time at the Law School, she was a research assistant to Professor Gregg Macey, a scholar of land use and environmental law, and Professor Susan Herman, a civil liberties expert, both of whom she credits as valuable mentors. "I feel extraordinarily lucky to be embarking on a career in the exact area I want to practice," she said. "It's like winning the lottery."

**Kristina Srca '12** is an Honors Attorney with the U.S. Department of Justice Antitrust Division. She earned a degree in business administration, *cum laude*, from Hofstra University. While in law school, she interned with the U.S. Securities and Exchange Commission's Division of Enforcement, the Kings County District Attorney's Office, the Federal Trade Commission's Divisions of Competition and Consumer Protection, the New York County District Attorney's Office, and the U.S. Department of Justice Antitrust Division. Outside the classroom, she has been a volunteer for New York Needs You as a professional mentor coach, and an uncontested divorce courtroom advocate for the nonprofit organization Sanctuary for Families. "Since rejoining the Division as a trial attorney, I have worked on a variety of investigations ranging from large international cartel cases to smaller regional cases," she said. "No two days are alike and the opportunities for growth are endless."

This program is one of the most highly competitive in the nation. It is an ideal post-graduate experience with the Department of Justice and helpful for any career path.

**Elizabeth Komar Falzone '13** is a Judicial Law Clerk with the Executive Office of Immigration Review at the U.S. Department of Justice. She is a graduate of University of North Carolina at Chapel Hill, where she earned a degree in Peace, War, and Defense. During law school she interned at several government agencies including the New York State Attorney General's Investor Protection Bureau, the New York County District Attorney's Office Special Prosecutions Bureau, the Executive Office of Immigration Review at the U.S. Department of Justice, the Terrorism and International Narcotics Unit of the U.S. Attorney's Office, Southern District of New York, and the Office for Civil Rights at the U.S. Department of Education. She was also a research assistant to Professors William Araiza and Mark Noferi.

**Stephanie Raney '13** is also an Honors Attorney with the U.S. Department of Justice Antitrust Division and is already working on a case set for trial in February. Raney attended Texas A&M University where she graduated *magna cum laude* with a degree in political science. While in law school, she interned at the Kings County District Attorney's Office and at the U.S. Attorney's Office for the Eastern District of New York in its Organized Crime and Gang Unit. Interestingly, she was a paralegal with the Antitrust Division for six years, and remained with the office while she attended BLS in the evening. "I have a history here, and I am excited to be back," she said. "We take cases from the investigation stage through to trial. The process is long, but I like that I am exposed to every facet of the litigation process." ■

## » Peggy Browning Fellowship Awarded to Two BLS Students

**Gideon Martin '14** and **Charlette Matts-Brown '15** were each awarded 10-week summer fellowships supported by the Peggy Browning Fund, a nonprofit organization that encourages students to pursue careers in public interest labor law. Martin and Matts-Brown were selected from more than 500 applicants at 139 law schools following a highly competitive application process that considered educational, work, volunteer, and personal experiences.

Established in memory of Margaret A. Browning, a prominent labor attorney and member of the National Labor Relations Board, Peggy Browning Fellowships provide law students with unique work experiences in social and economic justice. The objective is to “educate and inspire the next generation of law students to become advocates for workplace justice,” according to the organization.

Martin spent the summer focusing on workers' rights and employment law at the New York office of the Major League Baseball Players Association. He is an Edward V. Sparer Public Interest Law Fellow, a member of the Law School's *Journal of Law and Policy*, and has interned for U.S. Magistrate Judge Cheryl Pollak in the Eastern District of New York. Prior to law school, he worked for two years as a policy analyst and community liaison for a New York State Assembly Member. Martin's note, “Allergic to Equality: The Legislative Path to Safer Restaurants,” will be published by the *Appalachian Journal of Law* in the Spring.

“This fellowship was an exciting opportunity to work on meaningful workers' rights and employment law issues on a daily basis—and the fact that it involved baseball was a welcome bonus,” said Martin, who has remained with the MLBPA for the 2013-14 academic year as a legal intern. “I was thrilled to have been selected.”



Gideon Martin '14



Charlette Matts-Brown '15

Matts-Brown spent her summer at the United Food and Commercial Workers Union, Local 1776, helping to ensure the rights of food and commercial workers. Her interest is rooted in personal experience, having witnessed the 2007 Writers Guild strike while working at a small Los Angeles-based production company. The event inspired Matts-Brown to learn more about how labor and employment issues affect workers, employers, and communities.

“I understand the challenges of working in the retail industry,” said Matts-Brown, who is a legal intern at Actors Equity this semester. “I was honored to have the opportunity to advocate for rights that are so essential to the livelihood and happiness of food and retail workers.” ■

## » Dominic Saglibene '14 Wins Trandafir Writing Competition

**Dominic Saglibene '14**, won the Trandafir Writing Competition for his note, “The U.K. Bribery Act: A Benchmark for Anti-corruption Reform in the U.S.” Saglibene's award includes a \$2,000 cash prize, and his note will be published in a forthcoming issue of the University of Iowa College of Law's *Transnational Law @ Contemporary Problems*. His note was also referenced in a recent article in the Risk & Compliance Report of *The Wall Street Journal*.

Saglibene's winning note focuses on a comparative analysis of the extraterritorial bribery laws of the U.K. and the U.S.—specifically, the Bribery Act 2010 and the Foreign Corrupt Practices Act (FCPA). Although the FCPA specifies only bribery of foreign *public* officials, it needs an amendment to cover bribery in the international *private* sector, which is just as rampant and harmful to the world economy, Saglibene argues. While noting the trend in developing countries towards privatization, he highlights the U.K.'s sweeping legislation that prohibits bribery without distinguishing between the public and private sector.

“I am honored that the Trandafir Writing Competition panel selected my note to demonstrate that I have worthwhile ideas to improve the criminal justice system,” said Saglibene, who hopes to work in the field of criminal law after graduation.

Professor Miriam Baer served as a sounding board for Saglibene as he refined his arguments. “Dominic developed a terrific paper that speaks for itself,” said Baer. “I am thrilled for him that his work will be published in a well-known academic journal.”

Saglibene, a graduate of New York University, developed an interest in criminal law during a college internship at NYU



Dominic Saglibene '14

School of Law's Center on Law and Security, where he worked on annual reports analyzing the federal government's investigation and prosecution of terrorism cases. This year, he is participating in the Prosecutors Clinic as a Student Assistant District Attorney with the Kings County DA's Office.

He has also held internships at the NYC Probation Department and the U.S. Attorney's Office in the Southern District. In the spring, he worked at both the Manhattan DA's Office and at Travis LLC, a boutique commercial litigation firm. Saglibene is a member of the *Brooklyn Journal of International Law*. He is the fourth BLS student to win the Trandafir Writing Competition in the past few years. Sarah Westby '11, Benjamin Falber '12, and Lindsey Zahn '12 were previous winners.

“Dominic's award, and the repeated writing awards earned by other BLS students and our recent graduates, clearly demonstrates the Law School's commitment to developing and promoting influential and sophisticated student scholarship,” said Dean Allard. ■



# AFTER THE FALL

**The Rising Need for Compliance Lawyers  
in a Post-Financial Crisis World**

By Victoria Rivkin

In 1967, a young Dustin Hoffman received the now famous advice about going into plastics in the movie, *The Graduate*. Today, undoubtedly, the word he would hear, if he were a law student, would be “compliance.” Since the Financial Crisis of 2008, it is an area of the law that has gained noteworthy significance. “It really has been a tectonic shift in terms of the magnitude of changes. There’s been nothing like this since 1934, when Congress passed The Securities Exchange Act,” said Gloria Greco ’98, Co-Chief Compliance Officer for Merrill Lynch, Pierce, Fenner & Smith and the Global Wealth & Investment Management (GWIM) Compliance Executive. “The pace of the changes and the expectations of the regulators have just grown exponentially.”

Looking back, the first serious push to regulate the financial sector came on the heels of the stock market crash of 1929 and the Great Depression. To prevent such a catastrophic event in the future and protect the public, Congress enacted The Securities Exchange Act of 1934 and six years later, the Investment Company Act of 1940. There were some changes over the decades that followed, but it was not until the Enron and WorldCom debacles that the government began to seriously overhaul corporate regulation. The Sarbanes-Oxley Act of 2002 heralded a new era of rules and guidelines, but this too proved not enough in a world where business was ever more global, financial instruments increasingly more complex, and technology seemed to evolve faster than the speed of light.

Six years later, as the financial sector was headed for a meltdown, household names such as Lehman Brothers, American International Group, and Countrywide Financial Corporation became synonymous with the financial crisis. With some of the largest financial institutions on the brink of

collapse in 2008, the government stepped in to take over financial entities and made billions of dollars in capital available to U.S. financial institutions.

An all-out financial disaster was averted, but the government was not satisfied. Congress and the public were intent to have the last word. With the American people outraged over financial excesses and activities, Congress passed the Dodd-Frank Wall Street Reform and Consumer Protection Act in 2010, tightening its reigns over the financial industry as Sarbanes-Oxley managed to do for public companies in 2002. Such reactionary tactics have strengthened government oversight of public companies, and particularly financial firms, causing businesses to put in place mechanisms that address these new laws, regulations and guidelines.

Today, compliance is on the minds of just about every congress person, regulator, lawyer, and financial service professional. Although not every financial corporation can follow in the footsteps of JPMorgan and hire 3,000 employees and spend \$1.5 billion to overhaul its compliance function, the entire financial sector is retooling compliance programs to meet the evolving demands of a variety of federal, state, and even international regulators. The result has been an increased demand for lawyers to interpret the array of new laws and regulations as well as implement them. “Compliance departments are employing more lawyers than they have ever before,” said Joy Weber ’89, Executive Director of Regulatory Affairs and Deputy General Counsel at UBS Financial Services, Inc., and an Adjunct Professor at Brooklyn Law School.



## Pioneering Programs: Advancing Scholarship and Dialogue

**F**or years, BLS has been at the forefront of such areas as compliance, securities regulation, corporate governance, commercial law, and bankruptcy, and the Law School's faculty, alumni, courses and scholarship have demonstrated this significant strength.

As the need for lawyers in this field increases, Brooklyn Law School students and alumni are well prepared to fill the growing demand. The Law School has kept pace with the rapidly changing landscape of compliance by creating a host of innovations designed to address the current needs of the industry. The faculty have developed financial, corporate and regulatory coursework, produced cutting-edge symposia, and established The Center for the Study of Business Law & Regulation, as well as the highly respected *Brooklyn Journal of Corporate, Financial & Commercial Law*.

"The Law School has retooled and reimaged its business law curriculum to meet the demands of the profession. We always strive to have the most current and innovative curriculum," said Professor James Fanto, Co-Director of the Center.

The Law School has an impressive network of graduates working in the field of compliance, in all areas where regulatory compliance is a necessity: the financial industry, law firms, public companies and various government and private regulators (see pages 24-25). Although their employers are diverse, these graduates are all engaged in analyzing, implementing and even writing regulation and making sure each business is in full compliance with the law.

"There is a high demand for risk and compliance professionals—those with a J.D. degree are preferred," said Dean Allard. "Through our curriculum, externship opportunities, and multiple networking opportunities, we are equipping our students with a competitive edge. Our alumni who have made a name for themselves in this critical field are also forging the path for our younger graduates," he said.

## *An Innovative Curriculum: Alumni in the Classroom*

The Law School's vast business and regulatory curriculum offers students many opportunities to study laws and regulations, develop experience in the financial sector, as well as network with some of the top compliance practitioners employed in financial firms, public companies, regulators and law firms. Fanto, a renowned scholar in the area of corporate, securities, and financial law, is helping to lead much of this change. He teaches a roster of courses designed to provide law students with a comprehensive understanding of the financial industry, its laws, its regulations and its business needs, including seminars on Broker-Dealer Regulation and Comparative and International Financial Regulation, and courses in Securities Regulation and Banking Law.

But his newest course, **An Introduction to Compliance and Risk Management in Financial Institutions**, is particularly novel. The course reexamines the best way to bring practical as well as academic knowledge to the classroom. He co-teaches the course with top compliance professionals in law firms and financial companies. Co-teachers have included compliance experts from major law firms and financial institutions such as:

- \* H.J. Willcox '95, Chief Compliance Officer at AQR Capital Management
- \* Jane Kanter '73, Partner at Dechert, LLP
- \* Jeffrey Harwin '91, Head of Financial Crimes Compliance, Barclays Capital
- \* Jonathan Gottlieb '92, Managing Director, Senior Counsel, and Head of Regulatory Advisory at Royal Bank of Scotland
- \* Jacqueline Doyle '93, Associate General Counsel VP at Citigroup



With the participation of esteemed alumni practitioners, the course covers such topics as internal and external investigations and risk management in financial institutions. The faculty also discusses broker-dealer and investment adviser registration, qualification and disqualification requirements, sales practices, and various broker and adviser fiduciary duties, as well as privacy and anti-money laundering practices.

This model of co-teaching not only exposes students to the field of compliance in theory and practice, but it also promotes networking with successful BLS alumni on a very intimate scale—an invaluable experience. “The class brings students in touch with alumni working in the field who can

“The culture is changing—  
good compliance is no longer just  
an obligation. It must be ingrained  
in company culture.”

—**Grace B. Vogel**, *Executive Vice President of  
Member Regulation for FINRA*



share not only their substantial knowledge of the law, but also stories of their own career paths,” said Fanto. “It’s a great opportunity to learn and to network, and get a true sense of what a day in the life of a compliance lawyer is really like,” he added.

The Law School’s alumni get back as much as they give. Jane Kanter ’73, a partner at Dechert, noted how she particularly enjoyed teaching. “BLS students are so focused, knowledgeable and so interested,” she said. “I think it’s really a great class. It’s one of the best things I do.”

Joy Weber ’89, Executive Director of Regulatory Affairs and Deputy General Counsel at UBS Financial Services, Inc., teaches a **Securities & Market Regulations Externship Seminar**

which also relies on alumni to impart practical advice to students and provide guidance to those interested in pursuing a career in compliance. Weber invites three to six guest speakers from the financial industry with connections to Brooklyn Law School to teach her students not only substance, but also share advice on how to land a compliance job.

In addition to the seminar component, where students learn how to interpret legislation and conduct investigations, students work hands-on in the financial industry. A prerequisite for taking Weber’s externship is that students must have an industry placement already secured; past placements have included the SEC, FINRA, the FTC, the CFTC, Fred Alger & Company, Third Avenue Management, and Andrews Kurth, LLP. Weber, who ran the internship program for her previous employer, the New York Stock Exchange, understands how important internships are for students. “I tell the students to look at this externship as a long job interview,” she said. “It’s all about networking and connections.”

Professor Miriam Baer’s **White Collar and Corporate Crime Seminar** examines such vital public company compliance issues as money laundering, foreign bribery, insider trading, corporate compliance, and investigations. Like Fanto and Weber, Baer invites leading white-collar defense attorneys from top firms and prosecutors from the U.S. Attorney’s Office to the classroom to demonstrate, step by step, how they would handle a SEC

## A Network of Alumni:

On these pages we spotlight just 10 of the many distinguished BLS graduates who are engaged in compliance and risk management work or who have oversight of these areas.

### **JANE A. KANTER '73** | *Partner, DECHERT LLP*

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With more than 30 years of experience in federal and state securities law matters, Kanter has advised numerous investment companies, investment advisers, broker-dealers, mutual funds, closed-end funds, fund directors, and private investment funds.

Kanter started her legal career with the government, first working as an attorney at the Department of Labor and then as Special Counsel in the SEC's Division of Investment Management. After leaving the SEC, she served as Vice President and Legal Counsel of T. Rowe Price Associates, Inc.

Kanter is a frequent speaker at conferences in the U.S. and abroad involving securities law issues. She has also acted as a consultant to foreign governments and regulatory bodies on matters relating to the regulation of securities, securities markets, and specialized issuers such as investment funds. Kanter has written multiple chapters in *U.S. Regulation for Asset Managers Outside the United States* (2008). She has also written extensively on securities law topics.

While at BLS, Kanter was a member of the *Brooklyn Law Review*. She received an LL.M. in Taxation from Washington University School of Law.

### **NOAH J. HANFT '76** | *General Counsel and Chief Franchise Officer, MASTERCARD*

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Since joining MasterCard in 1984, Hanft has held positions of increasing responsibility within the Law Department, including that of Senior Vice President, U.S. Counsel and Assistant General Counsel. In his current role, he is responsible for overseeing legal affairs, public policy and compliance. Hanft also has responsibility for Franchise Development, Global Diversity, Corporate Security and Information Security. He is a member of the company's Executive Committee.

He briefly left MasterCard from 1990 to 1993 to become Senior Vice President and Assistant General Counsel of AT&T Universal Card Services, where he successfully defended numerous legal and regulatory challenges initiated against AT&T's start-up credit card operation. He was previously associated with the intellectual property law firm of Ladas & Parry in New York. He began his career as a trial attorney in the criminal defense division of the Legal Aid Society.

Hanft has a LL.M. from New York University School of Law in trade regulations.

### **RICHARD J. PALEY '81** | *Executive Director and Associate General Counsel, W. P. CAREY INC. and General Counsel and Chief Compliance Officer, CAREY FINANCIAL, LLC*

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During his two decades of both private and government practice, Paley has advised broker-dealers, investment advisers, banks, hedge funds, insurance companies and other global financial institutions. Prior to going in-house, Paley lead enforcement and regulatory programs at the SEC, The Depository Trust and Clearing Corporation (DTCC), and New York City prosecutors' offices.

Paley is a FINRA Arbitrator and was a member of FINRA's National Arbitration and Mediation Committee. He held the position of Chairman of the NASD (now FINRA) District 10 Business Conduct Committee and currently is Chairman of the Investment Program Association's Legal and Regulatory Committee and a Member of FINRA's Corporate Financing Committee.

While at BLS, Paley was Associate Editor of the *Brooklyn Journal of International Law*.

### **MATTHEW SWAYA '81** | *Senior Vice President, Deputy General Counsel and Chief Ethics and Compliance Officer, STARBUCKS COFFEE COMPANY*

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Swaya joined Starbucks in 1997 and quickly rose through its legal department to become Vice President and Assistant General Counsel. He now oversees legal and regulatory compliance throughout the company, trains his team and senior executives on compliance issues, and vets potential conflicts of interest and invitations for board services.

After graduating from the Law School, Swaya held several in-house positions before joining PanAm and TWA as a labor lawyer focused on union issues. In 1990, he moved out to Seattle for an opportunity to work with Lane Powell, LLP as a partner in their labor law department, and seven years later joined Starbucks.

### **JOY A. WEBER '89** | *Executive Director of Regulatory Affairs and Deputy General Counsel, UBS FINANCIAL SERVICES, INC.*

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As manager of firm's regulatory program, Weber supervises a team of lawyers and non-lawyers, as well as in-house and outside counsel to determine responses to inquiries and defense strategies. In addition, Weber is responsible for managing UBS' relationship with the SEC, FINRA and other state, national and international regulators.

Prior to joining UBS in 2007, Weber was a regulator with the New York Stock Exchange for 20 years. At NYSE, Weber rose from Counsel to Enforcement Director to Vice President and Managing Director for the Division of Enforcement.

In law school, Weber was the Managing Editor of the *Brooklyn Journal of International Law*.

**H.J. WILLCOX '95** | *Chief Compliance Officer,*  
**AQR CAPITAL MANAGEMENT**

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At AQR, Willcox is responsible for overseeing and enhancing AQR's compliance program. Prior to joining AQR, Willcox was the Global Head of Compliance and Counsel at KKR & Co. L.P., a private equity firm. At KKR, Willcox assembled and managed a global compliance team of about 15 lawyers and non-lawyers, and maintained a working relationship with state, federal and international regulators. He also identified areas within his firm that raised potential compliance related risks and evaluated various means of responding to such risks.

Before making the switch to in-house, Willcox was Counsel at Wilmer Cutler Pickering Hale and Dorr, and an associate at Schulte Roth & Zabel. Willcox began his career as a staff attorney and then Branch Chief in the Division of Enforcement of the SEC Northeast Regional Office.

**GLORIA GRECO '98** | *Co-Chief Compliance Officer,*  
**MERRILL LYNCH, and Compliance Executive, BANK OF AMERICA GLOBAL WEALTH & INVESTMENT MANAGEMENT**

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Greco began her career at Merrill Lynch, Pierce, Fenner & Smith Inc. and has worked for the firm for over 30 years, holding positions within legal, accounting, finance, purchasing and technology. Prior to assuming her current role, Greco held various enterprise and line of business compliance roles, and most recently, was the Compliance Executive for the U.S. Trust and Global Wealth & Retirement Solutions lines of business within GWIM.

Greco represents the company on industry committees and panels, including FINRA's Compliance Advisory Committee, which provides insights to FINRA regarding rule proposals and related matters. She is also a member of the Compliance and Legal Division of the Securities and Financial Markets Association (SIFMA), and serves on the SIFMA Compliance & Regulatory Policy Committee.

Greco is a member of the New York Bar and holds the FINRA Series 7, 14, and 24 licenses.

**JAMES C. GANGE '99** | *Managing Director and Chief Compliance Officer,*  
**DAVIDSON KEMPNER CAPITAL MANAGEMENT LLC**

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At Davidson Kempner Capital Management LLC, a U.S. investment adviser with \$20 billion in assets under management, Gange works with the firm's various departments in avoiding, identifying and mitigating regulatory risk and monitoring compliance with the rules and regulations that apply to their business both in the States and abroad.

Prior to joining Davidson Kempner, Gange was Director and Chief Compliance Officer/Associate Counsel at DiMaio Ahmad Capital, a New York based investment adviser, specializing in credit markets. Gange started his career with the SEC and then joined Wilmer Hale doing regulatory defense work for investment advisors, hedge funds and broker-dealers.

**JUDAH KUPFER '07** | *Compliance Officer, CITIGROUP, INC.'S GLOBAL CONSUMER COMPLIANCE DEPARTMENT*

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As a compliance officer, Kupfer provides compliance support to the North American consumer credit card business. Along with a team of compliance professionals, Kupfer works hand-in-hand with the legal department to implement numerous laws and regulations.

Kupfer was previously an associate at Allen & Overy LLP, where he represented commercial banks, hedge funds, institutional lenders and borrowers in connection with domestic and cross-border transactions. Prior to joining A&O, he was legal counsel for Agudath Israel of America, a national nonprofit legal services organization, where he advised corporations, educational institutions, charitable organizations and private foundations regarding issues of tax, corporate compliance, and civil and criminal liability.

While at BLS, Kupfer was the Notes and Comments Editor of the *Brooklyn Journal of International Law*. He also has a LL.M. in Taxation from New York University School of Law.

**DANA FETNER '08** | *Senior Compliance Analyst,*  
**E\*TRADE FINANCIAL CORPORATION**

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Fetner joined E\*TRADE in 2010 after working as an associate for a year at Feldman Weinstein & Smith LLP in its Corporate and Securities Department. Prior to that, she worked at Citi Smith Barney (now Morgan Stanley Smith Barney) in their Early Dispute Resolution Group.

Fetner said that her position is always engaging and fast paced. She spends half of her time at work responding to inquiries from various regulatory bodies including the SEC, FINRA and the U.S. Commodity Futures Trading Commission. The other half she spends educating herself and the business executives on the next relevant legislation and current events coming down the pike.

While attending Law School, Fetner worked for the Depository Trust and Clearing Corporation for two years. During her second year, she interned at E\*TRADE, and during her third year, she interned in the compliance department of Brown Brothers Harriman & Co.

At BLS, she was a recipient of the Prince Scholar Award.

investigation. The hypotheticals covered by these experts in the past have included whistleblower investigations and insider trading.

“Our students are learning exactly what is critical in an investigation for both prosecutors and defendants, and they are learning it from lawyers who do this daily for a living,” pointed out Baer, who herself was an Assistant General Counsel for compliance with Verizon and an

Assistant U.S. Attorney in the Criminal Division of the U.S. Attorney’s Office, Southern District of New York, where she focused on white collar criminal prosecutions.

Baer teaches in the areas of corporate law, white collar crime, criminal law and criminal procedure, and is affiliated with the Center for the Study of Business Law and Regulation. Her scholarship, which focuses on organizational wrongdoing in public and private settings, has appeared in a number of top journals, including the *Virginia Law Review*, *Boston University Law Review*, *Indiana Law Journal*, *Boston College Law Review* and *Columbia Law Review Sidebar*.

To further build on the business literacy skills of students, the Law School has developed a three-day

**Business Boot Camp** during Winter Break. The course was created by Professor Michael Gerber, a bankruptcy law expert and an affiliated member of the Center working with other corporate faculty. The course was developed to examine business issues from the perspective of hypothetical clients. In addition to classroom instruction, the Boot Camp features informal panel discussions with BLS graduates who represent entrepreneurs or are themselves entrepreneurs.

The Business Boot Camp, team-taught by business and finance professionals from Deloitte Financial Advisory Services, covers the development of business plans, choosing the right business form, financing the business—types and sources of lenders and investors, capital budgeting, valuation of assets, accounting basics and how to read a financial statement (intelligently and skeptically),

purchase and sale of businesses, and special issues relating to closely-held businesses.

“The classic law school experience is designed to teach you to think like a lawyer,” said Gerber. “That is an essential skill. But as every seasoned and sought-after lawyer knows, there are also times when you will need to reach outside that traditional legal toolkit in order to give your clients the best possible advice and representation. From time to time, you will need to be able to think like a business person as well as like a lawyer. This course teaches you to do just that.”

## *Analytical Scholarship and Ground-Breaking Programming*

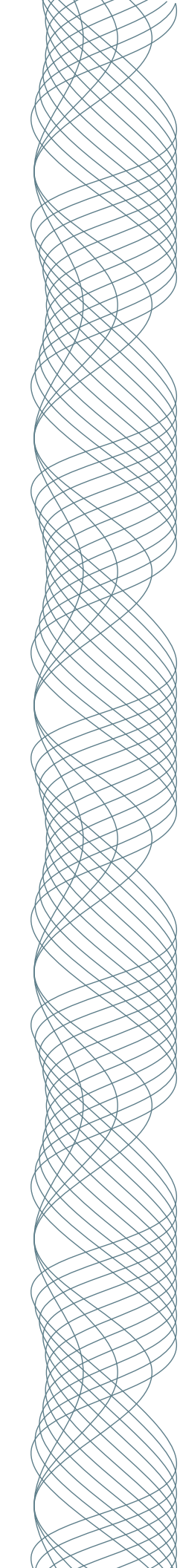
In addition to bolstering its compliance coursework, the Law School has also significantly advanced scholarship through the *Brooklyn Journal of Corporate, Financial & Commercial Law*, and its newly created Center for the Study of Business Law & Regulation.

Led by Fanto and his co-director, Professor Edward Janger, the Center comprises an outstanding group of BLS scholars who have expertise and a special interest in the study of corporate, securities, financial, and commercial law. Its programs are unique in that they bring together academics, practitioners, regulators, judges and students to study how best to improve the functioning of a market-based economy. They also focus on how the law regulates financial markets and business transactions, and how best to make such regulations effective.

“The Center’s programs address topics that are of the utmost significance to the financial services industry and to public companies,” said Fanto. “The stakes are much higher now than they have ever been and it is critical to thoroughly understand the regulatory nuances. The Center is designed to advance this scholarship.”

The Center brought together long standing and illustrious programs such as the **Barry L. Zaretsky Roundtable and Fellowship Program**, and the **Abraham L. Pomerantz Lecture**. A recent Roundtable was devoted to “Avoiding Chapter 22—Predicting Success in Chapter 11,” and the most recent Pomerantz Lecture was given by Professor Hillary Sale of Washington University Law School on “The Theory of ‘Publicness,’” a term that encompasses the shift in corporate governance from shareholders, officers, and directors to a larger set of actors beyond those on Wall Street.





The *Brooklyn Journal of Corporate, Financial & Commercial Law* is Brooklyn Law School's newest journal. It published its first issue in the Fall of 2006. It has, however, in a remarkably short time, become one of the most influential student-edited business law journals in the country, ranking in the top 10 student-edited and peer-reviewed business law journals in the country, according to the Washington and Lee Survey, and ranking in the top 10 business law journals in terms of submissions according to Expresso.

The key to the *Journal's* success has been a combination of the student editors' ability to pick excellent articles, but also the *Journal's* annual symposium issue. Each year the *Journal* sponsors a colloquium on a current business law topic, and assembles a group of academics and top legal professionals to produce an edited volume of articles that are both theoretically sophisticated, and

In October, the Center along with the Dennis J. Block Center for the Study of International Business Law sponsored a program titled "New Developments in Foreign Corrupt Practices Act Enforcement." In this program legal practitioners from law firms and financial firms discussed with students, alumni and professors the many significant domestic and international implications of the FCPA.

The *Journal's* next symposium in March 2014 is entitled "Choice of Law in International Bankruptcy Cases." It is being organized by the Center's co-director, Janger, one of the foremost bankruptcy scholars in the country. It is co-sponsored by the International Insolvency Institute and the Center. The symposium will discuss the possible benefits and risks associated with creating a harmonized choice of law rule for international bankruptcies. The program will build on recent efforts by the American Law Institute and International Insolvency

"With a curriculum that speaks to the pressing need for lawyers who can understand how to implement the newest financial regulations, and a center and journal devoted to the intersection of risk and business, the Law School is opening doors for our students to answer the call for compliance experts."

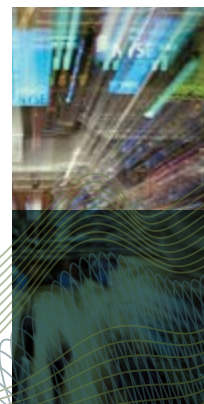
—Dean Nick Allard

address practical questions of concern to attorneys and judges. Recent symposia have discussed issues in financial compliance, the new Consumer Financial Protection Bureau, too big to fail financial institutions, data privacy and data security, and bankruptcy claims trading.

Of particular relevance, last March the *Journal* and the Center sponsored "The Growth and Importance of Compliance in Financial Firms: Meaning and Implications," a symposium which focused on the growing role of the compliance function in financial institutions, in particular broker-dealers and investment advisors. Panelists included noted legal practitioners, compliance specialists, and regulators including Grace B. Vogel, Executive Vice President of Member Regulation for FINRA, who delivered the keynote address. "Compliance professionals must be able to anticipate emerging issues domestically and abroad, and create a system by which the business is able to meet its obligations under the new and old laws," she said. "The culture is changing—good compliance is no longer just an obligation. It must be ingrained in company culture."

Institute, as well as recent amendments to the EU Insolvency Regulation that address the governing law in cases filed in EU member states.

"With a curriculum that speaks to the pressing need for lawyers who can understand how to implement the newest financial regulations, and a center and journal devoted to the intersection of risk and business, the Law School is opening doors for our students to answer the call for compliance experts," said Dean Allard. "If the last 10 years is any indication of what is to come, we are faced with a future that will have more competition and more innovation, but also more rules of the road and more risk, not less. For business to forge ahead, compliance and risk management officers must figure out how to unlock growth and mitigate problems. Compliance lawyers are needed not to say 'no,' but to say 'when and here is how.' Brooklyn Law School graduates will be those lawyers." ■



# MISSION POSSIBLE:

## *How BLS is Transforming Legal Education*

By Eric Riley

If the doomsayers are to be believed, the fifth horseman of the apocalypse has galloped in and trampled American lawyers. Without a doubt, recent years have seen the legal profession—and by extension, legal education—shape-shifting at warp speed (at least in the time continuum of law). But the realities are more complex and the reasons varied, including a stubbornly weak job market; disruptive new technology; the globalization of law practice; a demand for young lawyers who are practice-ready; and evolving legal needs. And with these changes have come many questions, much debate, and no small measure of soul-searching about the future of law.

For law schools, this new era has prompted a reexamination of conventional principles and mores. Gone are the days when the basic building blocks of law school—fixed number of years, a strictly legal curriculum, adherence to the Socratic method, traditional career services, the quaint two-step minuet of on-campus interviews and summer associate programs—all went unchallenged.

Brooklyn Law School has seized upon the challenges with an outsized vigor. With 113 years of history as a market leader in innovation, BLS is intent on overturning expectations and building a new model not just for itself, but for legal education as a whole. This transformation rests on a simple but vital strategy: anticipating the needs of 21st century lawyers, employers, and clients, and preparing students accordingly.

“Our institution has always been an agent of change,” said Stuart Subotnick ’68, chair of the Brooklyn Law School Board of Trustees. “We were among the first in the nation to welcome women and minorities, our clinical education program began long before other law schools saw the value in experiential learning, and our Edward V. Sparer Public Interest Law Fellowship Program initiated public interest opportunities more than 25 years ago, before it was fashionable to do so. There’s no one-size-fits-all. Our objective now is to provide multiple options and new paths to success.”

In just 12 months, this spirit of innovation has yielded several new initiatives that accomplish just that. They include the addition of an accelerated two-year J.D. program to the Law School's degree options; a Business Boot Camp, developed over several years and launched in 2013, to hone financial literacy skills; the Center for Urban Business Entrepreneurship (CUBE), capitalizing on the explosive growth of Brooklyn's start-up culture; an extraordinary two-year Public Interest/Public Service Fellowship (PipS) program for students to work in the public interest and government; and a joint J.D./LL.M. program, in partnership with international institutions, to keep students competitive in a global economy.

These measures—developed in consultation and under the direction of the Board and faculty—are part of Dean Allard's cohesive plan that not only emphasizes future legal needs, but also challenge assumptions about what law schools should be, why they matter, and how quickly they can evolve.

## Two-Year Accelerated J.D. Program

Debates take on new dimensions when the Commander in Chief steps in. Such was the case in August, when President Obama voiced his thoughts on legal education during a town hall-style meeting at Binghamton University. "This is probably controversial to say, but what the heck," he said. "I am in my second term, so I can say it. I believe that law schools would probably be wise to think about being two years instead of three years."

While President Obama's comments made the two-year J.D. a hot-button issue, the concept had been long simmering at Brooklyn Law School. In May, BLS became the first institution in the New York metropolitan area to enable students to earn a J.D. in two years, and the only law school in the area to offer a range of flexible 2-, 2.5-, 3-, 3.5- or 4-year options—called Brooklyn 2-3-4—to adapt to all prospective students' needs. The concept figured prominently in a panel discussion held at the Law School in September, drawing prominent members of the legal community such as American Bar Association President James Silkenat and New York City Corporation Counsel Michael Cardozo to discuss the future of legal education.

The two-year J.D. adds an intriguing new dimension to the Law School's slate of offerings. With the first entering class starting next May, the program will involve the same 85 credits and offer the same educational opportunities as the standard three-year and extended four-year options—while enabling an elite group of students to complete their studies in only 24 months. Early applicants are primarily those seeking a career transition or enhancement. The program is also expected to generate interest among individuals who have recently completed military service; foreign-trained lawyers who are proficient in English and who want to study U.S. law; and people seeking to re-enter the workforce.

"The question is how to make a J.D. degree more meaningful overall," Dean Allard said. "The Brooklyn 2-3-4 program is one of the answers. It's not for everyone, but that's exactly the point. It opens doors to another option. Above all, it empowers students to choose what's best for them."

To fulfill their degree requirements in this reduced timeframe, students will take courses not only during the fall and spring semesters, but also during summers, and during spring and winter intersessions. Despite the compressed timeframe, students will still be able to take advantage of the full range of course offerings and activities, such as participating in clinics, externships, Moot Court, journals, and student organizations.

The decision to launch Brooklyn 2-3-4 followed an in-depth, year-long planning and review process about how best to address the changing legal education landscape. In Dean Allard's first meeting with the BLS Board, he was charged with finding ways to provide a first-rate education that better met the needs of students, including determining whether a two-year alternative was feasible, desirable, and advisable.

A task force of faculty and deans was immediately established, including Dean of Admissions & Financial Aid Henry W. Haverstick III, a leader at BLS for 40 years. Following the plan's consideration and approval by the Faculty Curriculum Committee, the full faculty voted unanimously in April to approve an accelerated J.D. program.

"The accelerated J.D. will give many ambitious, talented, and hardworking students an edge in entering the marketplace sooner," said Dean Allard. "Because it is among the first of its kind and the very first in New York, we expect to draw a new cross-section of students. What matters most is the concept of choice. Whether you opt to pursue the accelerated two-year, standard three-year, or extended four-year program, Brooklyn Law School offers the same quality degree. The specific *path* is up to you."

## Center for Urban Business Entrepreneurship (CUBE)

From restaurants to real estate, Brooklyn is white hot, as the last issue of *LawNotes* highlighted in detail. The Associated Press recently praised the Borough's "growing cultural district," which is home to scores of experimental theater companies, the Brooklyn Academy of Music, and the gleaming, newly opened Theatre for a New Audience building.

Brooklyn is also a magnet for new business. Over 19,000 new businesses opened in 2011 alone, according to the Borough President's office. Today, the Brooklyn Tech Triangle (DUMBO, Downtown Brooklyn, and the Brooklyn Navy Yard) ranks second only to Silicon Alley as the largest technology hub in the nation. As Brooklyn's only law school, BLS is intent on playing an integral role in ensuring the borough's promise as *the* home for future innovators and entrepreneurs.

The Center for Urban Business Entrepreneurship (CUBE)—an extraordinary venture launching in November—will harness this energy. CUBE will be the hub for exploring

legal issues surrounding entrepreneurship, and for providing effective legal representation and support for new businesses—while also training the next generation of business lawyers. Its express purpose is to offer the tools to support and help build the start-up successes of tomorrow and beyond.

“In many ways, CUBE is the last piece of the puzzle,” said Dean Allard. “In public service, our legacy of pro bono, government, and community work is renowned. In the private sector, we lead in areas such as international business law, business regulation, and compliance. Our aspiration for CUBE is not only to build on these strengths, but also unite them for something even more powerful.”

Through CUBE, students, lawyers, entrepreneurs, legal professionals, and scholars will learn, create, share ideas, and support the formation and growth of entrepreneurial ventures. In building bridges to confront systemic problems and to promote broad policy reform, the Center ensures that entrepreneurs will have the most effective legal and policy framework in which to thrive.

The curriculum will focus on advanced training in six specific areas: Real Estate Development; Technology; Creative Arts and Media; Community Deal-Making; Energy; and

Social Enterprise. A three-pronged approach will define the experience: foundational courses focused on entrepreneurship; in-house clinics and other skills-focused courses (including the Business Boot Camp) that allow hands-on training with experienced attorneys; and, industry-specific courses, workshops, panels, symposia, and other activities for burgeoning entrepreneurial attorneys. Students completing CUBE’s coursework in all three categories will have the opportunity to graduate with an Entrepreneurship Certificate at graduation.

CUBE will also promote entrepreneurial thinking through one-year fellowships, supporting projects designed to improve legal representation and support of start-up companies. Adding to the collaborative energy will be a CUBE Business Plan Competition to encourage innovation and entrepreneurship. Students will pitch their ideas, with winners selected as Fellows by a panel of prominent judges, many of whom will be entrepreneurs themselves. Seed money will also be available to help jumpstart the winning ventures.

This new Center benefits from the stature of faculty leaders such as Professor Jonathan Askin, whose Brooklyn Law Incubator & Policy Clinic (BLIP) has won widespread attention and acclaim. Earlier this year, Askin was tapped by the

European Commission to help guide implementation of similar clinics worldwide, part of a European Union-funded pilot program. CUBE will serve as the U.S. “landing strip” for a European consortium of 16 academic partners, which includes Queen Mary University of London Centre for Commercial Law Studies in England, the KU Leuven Interdisciplinary Centre for Law and ICT in Belgium, and the University of Amsterdam, Institute for Information Law, in the Netherlands.

CUBE is made possible through the vision of BLS entrepreneurs: **Debra G. Humphreys ’84**, Founder and Chair of Board of Trustees, Thomas Jefferson Independent Day School, and **David C. Humphreys**, President and CEO, Tamko Building Products Inc.; **Evan B. Azriliant ’92**, Partner, S & E Azriliant, P.C.; **Stanley M. Grossman ’67**, Senior Counsel, Pomerantz, Grossman, Hufford, Dahlstrom, and **Nancy Grossman**; **Lawrence I. Feldman ’74**, Chief Executive Officer, Subway Development Corp., and **Diane Feldman**; **Gary M. Rosenberg ’74**, Partner, Rosenberg & Estis P.C.; **Robert B. Catell** Chairman, Advanced Energy Research & Technology Center, Stony Brook University and Former Chairman and CEO of KeySpan/National Grid.

“Brooklyn has always been a place where great ideas are born and nurtured, from the kernels of the American Revolution up to the growth of the Digital Revolution,” said Askin. “CUBE will be a home for the next generation of revolutionaries, pioneers, entrepreneurs, and leaders. It also helps the Law School ensure Brooklyn’s stature as *the* center of innovation.”

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*In building bridges to confront systemic problems and to promote broad policy reform, CUBE ensures that entrepreneurs will have the most effective legal and policy framework in which to thrive.*

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# CUBE

Brooklyn Law School  
Center for Urban Business  
Entrepreneurship



## Public Interest/Public Service Fellowship (PipS) Program

Following a year-long analysis of how to better serve students seeking an alternative to the traditional third year, Brooklyn Law School announced this fall the Public Interest/Public Service Fellowship (PipS), a new two-year program in partnership currently with 12 governmental agencies and nonprofit organizations.

Encompassing the third year of law school and first post-graduate year, the program offers not only invaluable experience for new lawyers, but also essential legal services to respected nonprofits and government agencies. BLS is the first law school on the East Coast to offer the Fellowships, which will begin in Fall 2014.

“PipS allows students to transition to law practice and have a guaranteed job after graduation,” said Professor Stacy Caplow, Associate Dean for Professional Legal Education, who spearheaded every aspect of the program’s implementation. “After two years of full-time work, the hope is that they will have accumulated enough experience to move on to their next job or continue with their Fellowship employer.”

The format is both straightforward and forward-thinking. Each PipS Fellow will commit to working full-time for a partner organization for two years. After nine months of work and evening classes, and following graduation, Fellows will have time to prepare for the bar exam. They will then return for another full year of work, with salaries provided by the partner organizations. At the end of the two-year cycle, the employer may opt to offer the Fellow a permanent job.

The growing roster of partners includes The Legal Aid Society; the NYC Law Department; the American Society for the Prevention of Cruelty to Animals; Brooklyn Bar Association Volunteer Lawyers Project; Brooklyn Defender Services; Catholic Charities; Community Service Society; NY Legal Assistance Group; Public Health Solutions; Safe Horizon; NYC Transit Authority Law Department; and Youth Represent. Each partner will accept between one and nine Fellows.

“The PipS Fellowships upends the conventional law school experience, with benefits for all parties,” said Dean Nick Allard. “Students are able to claim a full two years of on-the-ground legal training, giving them an edge in the marketplace. Partner organizations gain access to the services of motivated, entry-level employees with a long-term presence. And Brooklyn Law School is able to provide maximum experience and job opportunities for our students, part of our focused plan to enhance legal education.”

## Business Boot Camp

In today’s marketplace, thinking like a lawyer *and* like a business person holds increasing value for clients seeking advice and representation. It is this more comprehensive outlook that underlies the Business Boot Camp, introduced earlier this year. (Read more about Business Boot Camp in “After the Fall” on page 26.)



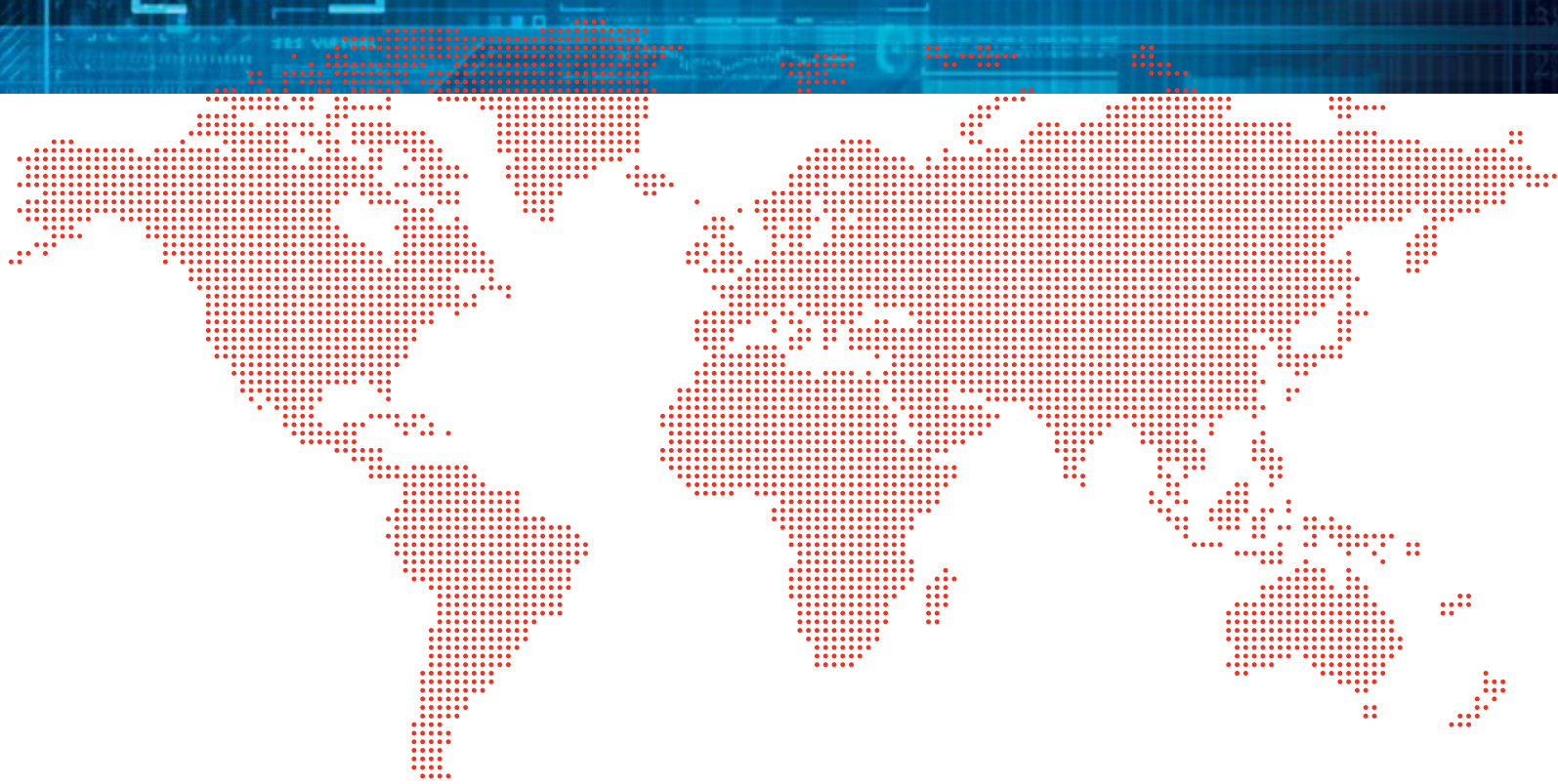
The Law School’s innovations provide students with the opportunity to work in public service (PipS) and the chance to immerse themselves in the real world of business (Business Boot Camp).

Taught by Deloitte Financial Advisory Services professionals in collaboration with BLS faculty and alumni, the curriculum is based in part on Deloitte’s own intensive training course developed for its first-year law firm associates. The objective is to introduce students to critical issues from the business person’s perspective, and provide the vocabulary and framework required to communicate effectively with clients and evaluate their needs.

“The response from both students and alumni to this program has been overwhelmingly positive,” Dean Allard said. “Our students are well aware that tangible and relevant business skills enhance their career prospects. The Business Boot Camp not only helps them stand out to potential employers, but also be ready to succeed as soon as they are hired.”

Last January, Brooklyn Law School hosted its inaugural Business Boot Camp, in collaboration with Deloitte and **John Oswald ’84**, President and CEO of Capital Trust Group. The intense “mini-MBA,” offered free-of-charge and for course credit, attracted more than 200 students over winter break. Oswald, who generously underwrote the program, said his goal was to inspire young lawyers to expand their business acumen in an increasingly competitive and challenging market. **Barry Salzberg ’77**, Global CEO of Deloitte Touche Tohmatsu Limited, introduced the course, stressing the importance of this type of program in today’s shape-shifting legal landscape.

“The course is the first of its kind and an essential offering,” said Professor Michael Gerber, who spearheaded its implementation. “There are certain issues that confront all business professionals, including how to develop a business plan, keep track of money, raise the capital necessary to run companies, and meet business goals while also complying with the law. The Boot Camp tackles them all head-on.”



## Joint J.D./LL.M. Degree with International Partners

The U.S. legal world has turned its gaze outward and now engages more closely than ever with the international community. It is why BLS has expanded its international opportunities for students exponentially over the last decade, forging partnerships with law schools worldwide—from the United Kingdom and Europe to Argentina, Israel, and China—for exciting semester-long exchange programs.

Now, with the Law School's new joint J.D./LL.M. program, students can earn both degrees in three years. Built on the strength of existing international programs, the option enables BLS students to live abroad for two semesters during their second or third year, earning both an LL.M. and credit toward their J.D. Reciprocally, international students from partner institutions can earn either an LL.M. or a J.D. (if enrolled in the accelerated two-year J.D. program). The goal is to offer new choices for students interested in international law—be it transactional or public law.

In addition to partnerships with Université Jean Moulin Lyon 3 (France) and Universidad Pontificia Comillas (Spain), the Law School is in talks with several other institutions worldwide. Each partner institution will offer a full curriculum in international public law—with courses such as Institutional Law of the EU, International Dispute Resolution, and International Banking Law—and international public law.

“It is an incredible asset to study in regions where there is so much necessary focus on international relations, especially for students interested in international law generally,” said Lawrence Solan, Don Forchelli Professor of Law and Director of Graduate Education. “The joint J.D./LL.M. program lends a truly global perspective, building not only personal credentials, but also valuable contacts.”

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*“The joint J.D./LL.M. program lends a truly global perspective, building not only personal credentials, but also valuable contacts.”*

—Prof. Lawrence Solan

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In tandem with the joint J.D./LL.M. program is the launch of the Legal Language Institute, a one- to three-week summer program designed specifically for foreign students seeking intensive Legal English training before they begin law school in the U.S.

As the Institute expands, it will include various intensive courses on legal terminology in other languages, helping American lawyers improve communication skills with foreign clients and peers. The Institute will be affiliated with the Law School's Center for the Study of Law, Language and Cognition, renowned for its studies on how the cognitive sciences affect law at both theoretical and practical levels.

“We saw a gap in how students are trained for international law,” said Dean Allard. “A narrow curriculum or niche focus makes no sense in an interconnected world. The shift is toward a global mindset, which makes Brooklyn the perfect fit. This is the borough of immigrants, multilingual and multinational—our mindset is inherently global. Our new programs reflect this core identity.” ■

## From the Newsroom to the Classroom: FOX's Judge Napolitano Joins Faculty as Distinguished Visiting Professor of Law

Over the years, the Law School has welcomed a number of distinguished jurists and scholars as visiting Professors. Their expertise, knowledge, and perspective is of great value to the student body and the Law School community at large. This year, the Law School is pleased to add Judge Andrew Napolitano to the faculty as a Distinguished Visiting Professor of Law.

A graduate of Princeton University and the University of Notre Dame Law School, Judge Napolitano spent nearly a decade on the New Jersey Superior Court bench (he was the youngest life-tenured Superior Court judge in the history of NJ), but is probably best known as Senior Judicial Analyst for Fox News, where he has been providing nationwide legal analysis on both the Fox News Channel and Fox Business Network since 1988.

A noted scholar and expert in the field of constitutional law, Judge Napolitano has published five books: *Constitutional Chaos: What Happens When the Government Breaks Its Own Laws*; the *New York Times* Best Seller, *The Constitution in Exile: How the Federal Government Has Seized Power by Rewriting the Supreme Law of the Land*; *A Nation of Sheep*; *Dred Scott's Revenge: A Legal History of Race and Freedom in America*; and *Lies the Government Told You: Myth, Power, and Deception in American History*, also a *New York Times* Best Seller.

Judge Napolitano lectures nationally on the Constitution, the rule of law, and civil liberties in wartime. He has been published in *The New York Times*, *The Wall Street Journal*, *The Los Angeles Times*, and numerous other media outlets. His weekly newspaper column is seen by millions every week.

He is putting his extensive knowledge to good use at the Law School; this fall he is teaching Con Law III (an advanced course on First Amendment), and he will be teaching an advanced seminar on constitutional interpretation in the spring. This is not Judge Napolitano's first foray into teaching. For 11 years, he served as an adjunct professor of constitutional law at Seton Hall Law School. He is excited to be teaching again. "I cannot understate the personal joy and gratification I have experienced from students and the Law School community," he said. "To be back in the classroom again is pure joy."

Judge Napolitano gets his students fired up with what he describes as "The Aggressive Socratic Method," in which he calls on several students in a row. "I will ask Miss Jones to tell us what the Court said," he explained. "Then I will turn to Mr. Smith and ask him to tell us why the Court is wrong. Then I will call on Ms. White, and ask her to tell us why Mr. Smith is wrong. When Ms. White says, 'but I agree with the Mr. Smith,' I tell her, 'I want you to think on your feet and tell us why the Mr. Smith is wrong.' It makes for a lively session and forces students to think quickly and learn to articulate their points of view." Those who have not had the opportunity to experience one of his classes should not fret. "I hope to keep teaching for as long as I can," he said. "I love it." ■



“To be back in the classroom again is pure joy. I hope to keep teaching for as long as I can.”

—Judge Andrew Napolitano

# FacultyNotes

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## Nicholas W. Allard

### PUBLICATIONS

- *The Globalization of Information Privacy and Security in Cyberspace: Government, Law and Society in the 21st Century Online World*, in UNDERSTANDING THE LEGAL ISSUES OF COMPUTER FORENSICS (Thomson Reuters Westlaw, 2013)
- *The Seven Deadly Virtues of Lobbyists: What Lawyer Lobbyists Really Do*, in LOBBYISTS AT WORK (Apress, 2013)
- *The Seven Deadly Virtues of Lobbying*, \_\_ ELECTION L. J. \_\_ (forthcoming 2014)

### PROGRAMS & PRESENTATIONS

- Panelist, “Under the Influence? Interest Groups, Lobbying, and Campaign Finance,” SUNY Buffalo Law School
- Panelist, Deans’ Discussion on Law School Graduate Employment, Luncheon of the New York Fellows of the American Bar Association, New York, NY
- Panelist, “Rule of Law/Public Law—Lobbying as a Legal Profession,” St. Petersburg International Legal Forum, Russia

### MEDIA/BLOGS/NEWSLETTERS

- Op-ed, *Save Your Startup: Hire a Good Lawyer on Day One*, FAST COMPANY (March 1, 2013)
- Op-ed, *How to Save Law School: Corporate Lawyers Must Be Ready to Do Their Jobs on Day One*, CAPITAL THINKING (March 20, 2013)
- Op-ed, *Why Compliance Experts are the New Key to Mega-Deals*, YAHOO! FINANCE (July 15, 2013)
- Op-ed, *Fracking Debate Demonstrates Renewed Energy Lawyer Demand*, BREAKING ENERGY (July 24, 2013)
- Op-ed, *Is N.J. a Bellwether in Privacy Debate?*, NEW YORK LAW JOURNAL (Aug. 15, 2013)
- Op-ed, *Why I Think Jeff Bezos Really Cares About the Washington Post Brand*, BUSINESS INSIDER (Aug. 20, 2013)

### HONORS/AWARDS/APPOINTMENTS

- Appointed to the New York City Bar Task Force on New Lawyers in a Changing Profession
- Appointed as Vice President and Trustee of the Merton College Charitable Corporation

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## William Araiza

### PUBLICATIONS

- *Deference to Congressional Fact-Finding in Rights-Enforcing and Rights-Limiting Legislation*, 88 N.Y.U. LAW REVIEW 878 (2013)
- *Flunking the Class of One/Failing Equal Protection*, 55 WM. & MARY L. REV. \_\_ (forthcoming 2014)

### PROGRAMS & PRESENTATIONS

- Presenter, “Flunking the Class of One,” New York Law School
- Presenter, “Rethinking Congressional Authority to Enforce the Equal Protection Clause,” Stetson Law School
- Presenter, “The Supreme Court’s Same-Sex Marriage Cases,” Southeastern Association of Law Schools, Palm Beach, FL

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## Jonathan Askin

### PROGRAMS & PRESENTATIONS

- Host and Moderator, “The Dismantling of the Public Telecom Utilities and the Closing Down of Telecommunications Regulation in America,” Brooklyn Law School
- Host and Moderator, “FCC Network Resiliency Forum/Workshop,” Brooklyn Law School
- Moderator and Panelist, “Technology and the Future of Privacy,” Rutgers Law Review Symposium, New Brunswick, NJ
- Mentor, Entrepreneurs Roundtable, New York, NY
- Presenter, “Law for Media Startups,” CUNY Graduate Center of Journalism
- Panelist, “Do-Good Drones,” World Science Festival, New York, NY
- Panelist, “The New World of Publishing,” The Writers’ Conference, Hunter College
- Presenter, “Startups Disrupting the Legal Industry,” General Assembly, New York, NY

### HONORS/AWARDS/APPOINTMENTS

- Board Member, Internet Society-NY
- Fellow, Columbia Institute for Tele-Information
- Advisor, MadeInNY Media Center

### MEDIA/BLOGS/NEWSLETTERS

- Op-ed, *Marriage is Totally Gay*, THE HUFFINGTON POST (June 5, 2013)
- Featured in Profile: Jonathan Askin, NEW LEARNING TIMES (June 3, 2012)

### PROFESSIONAL HIGHLIGHTS

- Founder of and advisor to ILINC, a consortium of 16 European law schools created to build a network of law clinics to support European tech startups

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## Miriam Baer

### PUBLICATIONS

- *Temporal Inconsistency and the Regulation of Corporate Misconduct*, 2 VA J. CRIM. L. \_\_ (forthcoming 2013)

### PROGRAMS & PRESENTATIONS

- Presenter, “Confronting the Two Faces of Corporate Fraud,” Florida Law School Junior Scholars Workshop, University of Florida; Faculty Workshop, Cardozo Law School
- Presenter, “Teaching the White Collar Crime Course,” and Panelist, “Adding Some Guidance to the Insider Trading Sentencing Guideline,” Southeastern Association of Law Schools Annual Meeting, Palm Beach, FL

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## Christopher Beauchamp

### PROGRAMS & PRESENTATIONS

- Panelist, “End-User Lawsuits in Patent Litigation: A Bug or a Feature of Patent Law?” Center for the Protection of Intellectual Property Teleforum (teleconference)
- Presenter, “Patent Law and the Problems of History,” Southeastern Association of Law Schools Annual Conference, Palm Beach, FL

### HONORS/AWARDS/APPOINTMENTS

- Edison Innovation Fellow, Center for the Protection of Intellectual Property

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## Ursula Bentele

### PUBLICATIONS

- LAST HOPES: STATE AND FEDERAL POSTCONVICTION REMEDIES (Lexis/Nexis, forthcoming 2014) (with M. Falk)

### HONORS/AWARDS/APPOINTMENTS

- Member, NYS Office of Indigent Legal Services Appellate Standards and Best Practices Working Group

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## Emily Berman

### PUBLICATIONS

- *The Paradox of Counterterrorism Sunset Provisions*, 81 FORDHAM L. REV. \_\_ (forthcoming 2013)
- AN ENDURING TENSION: BALANCING NATIONAL SECURITY AND OUR ACCESS TO INFORMATION (IDEbate Press, forthcoming 2014)

### PROGRAMS & PRESENTATIONS

- Presenter, “Regulating Domestic Intelligence Collection,” Law & Society Association Annual Meeting, Boston

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## Anita Bernstein

### PUBLICATIONS

- *The Trouble with Regulating Microfinance*, 35 U. HAW. L. REV. 1 (2013)
- *What's Wrong with Stereotyping?*, 55 ARIZ. L. REV. \_\_ (forthcoming 2013)

### PROGRAMS & PRESENTATIONS

- Presenter, “What's Wrong with Stereotyping?,” Dedman School of Law, Southern Methodist University; Florida State University College of Law; Washington University School of Law
- Panelist, Conference on Marshall Shapo's An Injury Law Constitution, Northwestern University Law School
- Presenter, “Voluntary Recalls,” University of Missouri-Columbia

### HONORS/AWARDS/APPOINTMENTS

- Appointed by the American Law Institute as an Adviser to Restatement (Third) of Torts: Intentional Torts to Persons
- Appointed to the Committee on Attorney Standards of Conduct, New York State Bar Association

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## Bradley Borden

### PUBLICATIONS

- LIMITED LIABILITY ENTITIES: STATE BY STATE GUIDE TO LLCs, LPS AND LLPs (Aspen, 2013) (multiple updates, with R. Rhee)
- *Quantitative Model for Measuring Line-Drawing Inequity*, 98 IOWA L. REV. 971 (2013)
- *A Model for Measuring the Expected Value of Assuming a Tax-Partnership Liability*, 7 BROOK. J. CORP., FIN. & COMM. L. 361 (2013) (with E. Blinder, J. Binder & L. Incatasciato)
- *Preserving the Conservation Contribution Deduction*, 30 J. TAX'N INV. 23 (Winter 2013) (with A. Wayment)
- *Once a Failed REMIC, Never a REMIC*, 30 CAYMAN FIN. REV. 65 (First Quarter 2013) (with D. Reiss)
- *Cleaning Up the Financial Crisis of 2008: Prosecutorial Discretion or Prosecutorial Abdication?*, 92 CRIM. L. REP. 765 (March 2013); 100 BANKING REP. 579 (March 2013)
- *Notable Partnership Tax Articles of 2012*, 139 TAX NOTES 639 (May 2013)
- *Dirt Lawyers and Dirty REMICs*, 27 PROB. & PROP. 12 (May/June 2013) (with D. Reiss)
- *Q&A on Show Me The Note!*, 19 BANK & LENDER LIABILITY 3 (June 2013) (with K. Akina & D. Reiss)
- *REMIC Tax Enforcement as Financial-Market Regulator*, 15 U. PA. J. BUS. L. \_\_ (forthcoming 2014) (with D. Reiss)
- *Goliath Versus Goliath in High-Stakes MBS Litigation*, THOMSON REUTERS NEWS & INSIGHT \_\_ (forthcoming 2013) (with D. Reiss)

### PROGRAMS & PRESENTATIONS

- Panelist, “Tax Issues Involving Flawed Securitizations,” American Bar Association Section of Taxation, Sales, Exchanges & Basis Committee Meeting, Orlando, FL (with A. Lederman & J. Rogers, III)
- Presenter, “Using the Client-File Method to Teach Transactional Law,” The Future of Law, Business, and Legal Education: How to Prepare Students to Meet Corporate Needs, Chapman Law Review Symposium, Orange, CA
- Presenter, “Dirt Lawyers, Dirty REMICs,” American Bar Association Real Property, Trust & Estate Law Section's Legal Education and Uniform Law Group, Professors' Corner Teleconference (with D. Reiss)
- Presenter, “Building on Land Already Owned & Related Party Issues,” Federation of Exchange Accommodators 2013 Northeast Regional Meeting, Philadelphia
- Panelist, “Front Page News: Tax Reform and Section 1031,” American Bar Association Section of Taxation, Sales, Exchanges & Basis Committee Meeting, Washington, D.C.

**MEDIA/BLOGS/NEWSLETTERS**

- Op-ed, *Third-Party Litigation Financing and the Impending Resurgence of the Legal Profession*, THE HUFFINGTON POST (May 4, 2013)
- Interviewed for *Payroll Tax Overlooked During Fiscal Cliff Worries* (Jan. 3, 2013), *Analyst: Closing Tax Loopholes May Not Help Alleviate Deficit* (Feb. 7, 2013), and *A New Proposal Would Change the Tax Requirements for Internet Retailers*, AMERICAN EDITION ON THE VOICE OF RUSSIA (radio broadcasts, Apr. 30, 2013)
- Ongoing Contributor and Editor, REFINBLOG

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**Dana Brakman Reiser**

**PUBLICATIONS**

- *Hunting Stag with FLY Paper*, 54 B.C. L. REV. 1495 (with S. Dean)
- *Theorizing Forms for Social Enterprise*, 62 EMORY L.J. 681 (2013)

**PROGRAMS & PRESENTATIONS**

- Moderator and Panel Organizer, “Nonprofits and Social Enterprise,” AALS Annual Meeting, New Orleans
- Presenter, “Regulating Social Enterprise,” Conference on “The Future of State Charities Regulation,” Columbia Law School
- Interviewer, “A Conversation with SEC Commissioner Troy Paredes,” Breakfast Roundtable, Center for the Study of International Business Law, Brooklyn Law School
- Presenter, “What Is Charity? How Should the IRS Treat It?,” First Annual Not-for-Profit Law Institute, New York City Bar Association
- Presenter, “Hunting Stag with FLY Paper” and “SE(c)(3): A Hybrid Tax Regime for Social Enterprise,” (both with S. Dean) and Discussant, “Adapting Corporate Law for the Social Good,” Law & Society Association Annual Meeting, Boston, May 2013
- Presenter, “SE(c)(3): A Hybrid Tax Regime for Social Enterprise,” University of Colorado Leeds School of Business Crowdfunding Conference, Boulder, CO (with S. Dean)
- Presenter, “Legal Forms for Social Enterprise in the U.S.: An Overview and Critique,” EMES International Research Conference, Liege, Belgium

**MEDIA/BLOGS/NEWSLETTERS**

- Quoted in *When Doing Good Meets Investing*, WALL STREET JOURNAL (July 13, 2013)

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**Michael Cahill**

**PUBLICATIONS**

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

**PROGRAMS & PRESENTATIONS**

- Commentator, Works-in-Progress Panel, AALS Mid-Year Conference on Criminal Justice, San Diego
- Moderator/Discussant, Criminal Theory Panel, Law & Society “Shadow” Conference on Criminal Justice, Boston
- Commentator, Junior Scholars’ Conference, University of Florida Levin College of Law
- Presenter, “Mistake of Law as Nonexculpatory Defense,” NYC Criminal Law Theory Colloquium, NYU School of Law

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**Bennett Capers**

**PUBLICATIONS**

- *Crime, Surveillance, and Communities*, 40 FORDHAM URB. L.J. 959 (2013)
- *Real Women, Real Rape*, 60 UCLA L. REV. 826 (2013)

**PROGRAMS & PRESENTATIONS**

- Presenter, “Sexy Searches,” Law, Identity and Culture Workshop, Washington University Law School
- Commentator, “Rethinking Sexual Offenses Workshop,” Minnesota Law School
- Organizer and Moderator, “Fresh Ideas for Intractable Problems” and “A Man’s Castle?: The State, Crime, and the Home,” AALS Mid-Year Conference on Criminal Justice, San Diego

**MEDIA/BLOGS/NEWSLETTERS**

- Op-Ed, *Moving Beyond Stop-and-Frisk*, THE NEW YORK TIMES (Aug. 12, 2013)
- Interviewed for ‘Cannibal Cop’ Trial, WNYC (radio broadcast, Feb. 26, 2013)
- Interviewed for ‘Cannibal Cop’ Trial Features Some Disturbing Evidence, ABC LOCAL NEWS (television broadcast, March 3, 2013)
- Discussed stop-and-frisk policies, ARD GERMAN PUBLIC RADIO (Aug. 23, 2013)

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**Stacy Caplow**

**PROGRAMS & PRESENTATIONS**

- Panelist, “Building Justice: Increasing Quality Immigration Representation in New Jersey,” Rutgers Law School, Newark
- Presenter, “Israel’s Refugee Crisis,” New Israel Fund CLE, New York, NY

**HONORS/AWARDS/APPOINTMENTS**

- Named First Prize Winner in Clinical Legal Education Association Creative Writing Contest, Creative Non-fiction Category

**MEDIA/BLOGS/NEWSLETTERS**

- Op Ed, *Pardon Me, Guv’nor!*, NATIONAL LAW JOURNAL (Apr. 15, 2013)

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**Neil B. Cohen**

**PUBLICATIONS**

- CONTRACTS: CASES AND MATERIALS (8th Edition, West, 2013) (with E.A. Farnsworth, C. Sanger, R. Brooks & L. Garvin)
- SELECTIONS FOR CONTRACTS 2013 (Foundation Press, 2013) (with E. A. Farnsworth, C. Sanger, R. Brooks & L. Garvin)

**PROGRAMS/PRESENTATIONS/MEETINGS**

- Participant, meeting of the Working Group on the UNIDROIT Principles of International Commercial Contracts, Rome, Italy
- Participant, meetings of the Uniform Law Commission Drafting Committee for the Uniform Fraudulent Transfers Act, Tucson, AZ; Washington, D.C. (attended as PEB Liaison to Drafting Committee)
- Participant, UNCITRAL Working Group on Secured Transactions, New York, NY (served as a member of the U.S. delegation)
- Participant, 2013 Annual Meeting of the American Law Institute, Washington, D.C.

- Presenter, “Commercial Lending Today” (ALI-CLE Course), San Francisco
- Panelist, “The Future of the Uniform Commercial Code,” Uniform Law Foundation Symposium in Honor of the 50th Anniversary of the Uniform Commercial Code, Boston
- Participant, Special Commission of the Hague Conference on Private International Law Considering the Choice of Law in International Commercial Contracts, The Hague (served as a member of the U.S. delegation)
- Participant, United Nations Commission on International Trade Law, Vienna, Austria (served as a member of the U.S. delegation)

#### HONORS/AWARDS/APPOINTMENTS

- Appointed to the Working Group on the UNIDROIT Principles of International Commercial Contracts
- Appointed as PEB Liaison to the Uniform Law Commission Drafting Committee for the Uniform Fraudulent Transfers Act
- Appointed as member of the World Bank’s new Insolvency and Creditor/Debtor Regimes (ICR) Task Force

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### Steven Dean

#### PUBLICATIONS

- *Hunting Stag with FLY Paper*, 54 B.C. L. REV. \_\_ (forthcoming 2013) (with D. Brakman Reiser)

#### PROGRAMS & PRESENTATIONS

- Presenter, “FATCA’s Unanswered Questions,” Antwerp Tax Institute, University of Antwerp, Belgium
- Presenter, “SE(c)(3): A Tax Regime to Catalyze Social Enterprise Crowdfunding” and “Hunting Stag with FLY Paper” (both with D. Brakman Reiser), Law & Society Association Annual Meeting, Boston, May 2013
- Presenter, “SE(c)(3): A Hybrid Tax Regime for Social Enterprise,” University of Colorado Leeds School of Business Crowdfunding Conference, Boulder, July 2013 (with D. Brakman Reiser)

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### Robin Effron

#### PUBLICATIONS

- *Reason Giving and Rule Making in Procedural Law*, 64 ALA. L. REV. \_\_ (forthcoming 2014)
- *Trial and Appellate Judging in the Measure of Judicial Responsiveness*, 64 FLA. L. REV. F. 1 (2013) (response to C. Oldfather, et al., *Triangulating Judicial Responsiveness: Automated Content Analysis, Judicial Opinions, and the Methodology of Legal Scholarship*, 64 FLA. L. REV. 1189 (2012))

#### PROGRAMS & PRESENTATIONS

- Presenter, “Reason Giving and Rule Making in Procedural Law,” Columbia Law School Legal Theory Workshop; University of Kentucky Faculty Workshop; Branstetter New Voices in Civil Justice Workshop, Vanderbilt Law School
- Panelist, “Choice of Law In the Post-Nicastro Era,” Southeastern Association of Law Schools Conference, Palm Beach, FL

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## Reason and Rules Explored



Robin Effron, a professor of civil procedure and business law, focuses her scholarship on issues relating to complex litigation. Her latest piece, “Reason Giving and Rule Making in Procedural Law,” will be published in the *Alabama Law Review* in 2014.

In this article, she investigates problems with the procedural rules closely associated with a judge’s managerial capacity, and suggests a new paradigm for crafting and evaluating these rules by drawing on the administrative law principles of reason giving in decision-making.

“For certain types of procedural rules, rulemakers should abandon the task of trying to regulate procedure by promulgating rules or standards regarding the desired outcome of the application of the device at issue,” she said. “Instead, they should turn their attention to regulating the process by which judges make procedural decisions.”

Borrowing concepts from administrative law, Effron argues that rulemakers should employ the technique of reason giving to regulate select procedural devices. Reason giving and the information it produces can work in tandem in the procedural realm by leveraging a core intuition—that requiring regulators and the regulated to engage in a reasoning process constitutes an effective form of regulation. Effron envisions how rulemakers can promote this sort of process among trial court judges, and how that process can ameliorate some of the problems that rulemakers encounter in current attempts to regulate procedural devices.

Effron concludes by suggesting that commentators rethink the value of precedential opinions in some procedural decisions. “Rather than straining to identify uniformity in the application of vague standards, rulemakers should be satisfied that they have regulated an area through the delegation of authority and the promotion of a systematic use of that authority by judges as regulators and regulated subjects,” she said. “These sorts of decisions have the potential for developing stability and standards in certain areas of procedural law.” ■

## The Shell Bill Game



Professor Rebecca Kysar teaches and researches in the areas of federal income tax, international tax, and legislation. Her recent scholarship examines tax treaties, as well as the tax legislative process. In her article, “The ‘Shell Bill’ Game: Avoidance and the Origination Clause,” to be published in the

*Washington University Law Review* in 2014, she examines the Senate’s power to amend revenue legislation, such as the Affordable Care Act and the American Taxpayer Relief Act of 2012, which began as “shell bills.”

The Senate has interpreted its amendment power under the Origination Clause (which requires revenue legislation to begin in the House) broadly, striking the language of a bill passed by the House (the shell bill) and replacing it entirely with its own unrelated revenue proposal. Kysar’s article draws upon constitutional text, history, and congressional and judicial precedent to conclude that such amendment power is broad and, accordingly, that the Affordable Care Act and other laws that began as shell bills do not violate the Origination Clause.

Her article also proposes a conceptual framework for analyzing existing jurisprudence interpreting the Origination Clause — a “legislative process avoidance” doctrine, whereby the Court deflects searching review of lawmaking procedures. Grounded in constitutional text and history, theories of judicial review, and longstanding principles guarding congressional purview over internal rules, this legislative process avoidance doctrine further supports deference to the Senate’s expansive interpretation of its amendment power without rendering the Clause a nullity. Separation of powers concerns also show the doctrine’s promise in other constitutional contexts, such as the interpretation of gaps in the lawmaking process left open by Article I, Section 7.

“My work in this area began with a project arguing that tax treaties violate the Origination Clause because, as self-executing Article II treaties, they wholly omit the House from the tax treaty process,” she said. “Having explored the Origination Clause, an often ignored part of our Constitution, in this context, I was inspired to delve into the Senate’s amendment power under the Clause once the Affordable Care Act challenge became a live issue. There are not any scholarly papers on the topic, and the seriousness of the challenge has been downplayed in the media.” ■

### Elizabeth Fajans

#### PUBLICATIONS

- WRITING AND ANALYSIS IN THE LAW, (6th Edition, Foundation Press, 2013) (with H. Shapo & M. Walter)
- *Hitting the Wall as a Legal Writer*, 18 J. LEGAL WRITING (Sep. 2013)
- *The Impact of Cognitive Bias on Persuasion and Writing Strategies: An Introduction*, 22 J.L. & POL’Y \_\_ (forthcoming 2013)

### James Fanto

#### PROGRAMS & PRESENTATIONS

- Organizer, “The Growth and Importance of Compliance in Financial Firms: Meaning and Implications” Symposium, and Presenter, “A Changed Orientation of Compliance in Financial Firms?,” Center for the Study of Business Law & Regulation, Brooklyn Law School
- Moderator and Organizer, “AIG’s Surprising Lessons for Corporate Governance,” Center for the Study of Business Law & Regulation, Brooklyn Law School
- Participant, “Investment Funds: A Roundtable Discussion,” University of Chicago Law School

#### PROFESSIONAL HIGHLIGHTS

- Prepared and taught compliance officers, FINRA staff members, and others in four sessions at the Certified Regulatory and Compliance Professional Program, the FINRA Institute at The University of Pennsylvania Wharton School

### Maryellen Fullerton

#### PUBLICATIONS

- FORCED MIGRATION: LAW AND POLICY, American Casebook Series (2nd edition, Thomson West Publishing Co., July 2013) (with D. Martin, T. A. Aleinikoff & H. Motomura)

#### PRESENTATIONS

- Presenter, “Immigration and Refugees in Italy and the United States,” Spring Hill College Italy Center, Bologna, Italy
- Presenter, “What’s So Special About Refugees?” Faculty of Political and Social Sciences, University of Milan
- Presenter, “State Citizenship: American and Swiss Perspectives,” Comparative and European Legal Studies, University of Trento, Italy
- Presenter, “University Education and Research in the United States,” University of Burgos, Spain
- Presenter, “The Common European Asylum System and Forced Migration: Legal Developments and Field Research in Italy,” Faculty of Law, University of Burgos, Spain

#### HONORS/AWARDS/APPOINTMENTS

- Distinguished Fulbright Chair in Law, University of Trento, Italy, Spring 2013
- Visiting Fulbright Professor, University of Burgos, Spain, Apr. 2013



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## Marsha Garrison

### PUBLICATIONS

- *The Changing Face of Marriage: Policy Challenges*, in ROUTLEDGE HANDBOOK OF FAMILY LAW AND POLICY (forthcoming 2014) (J. Eekelaar & R. George eds.)
- *The Wild West of Parentage Determination: ART in the USA*, in INCIDENCES DE LA BIOMÉDECINE SUR LA PARENTÉ (Bruylant, forthcoming 2013) (B. Feuillet ed.)

### PRESENTATIONS

- Presenter, "Child Neglect: What is It? How Do We Respond to It?," University of Florence, Italy
- Presenter, "The Structure of American Family Law," University of Bologna, Italy
- Panelist, "Child Maltreatment Research: A Case Vignette Study," ISFL North American Regional Conference, Brooklyn Law School

### HONORS/AWARDS/APPOINTMENTS

- Visiting Scholar, University of Bologna, Italy, Spring 2013

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## Cynthia Godsoe

### PUBLICATIONS

- *Permanency Puzzle*, \_\_ MICH. STATE L. REV. \_\_ (forthcoming)
- *Contempt, Status and The Criminalization of Non-Conforming Girls*, \_\_ CARDOZO L. REV. \_\_ (forthcoming)

### PROGRAMS & PRESENTATIONS

- Presenter, "Administering the Family," "Making and Teaching Real Family Law" Conference, University of Wisconsin Law School
- Presenter, "Permanency Puzzle," "In Search of Equality in Family Law" Symposium, Michigan State University School of Law
- Presenter, "Punishing to Protect," Law and Society Annual Meeting, Boston
- Presenter, "The Black Box of Child Protection Systems," International Society of Family Law Regional Meeting, Brooklyn Law School
- Co-host and Presenter, Emerging Family Law Scholars and Teachers Conference, Brooklyn Law School
- Panelist, "The Rights of Adolescents," 16th Annual Children's Law Institute, Practising Law Institute, New York, NY

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## Joel Gora

### PUBLICATIONS

- *Free Speech, Fair Elections and Campaign Finance Laws: Can They Co-Exist?*, 56 HOW. L. J. 763-800 (2013)
- *An Essay in Honor of Robert Sedler: Fierce Champion of Free Speech*, 58 WAYNE L. REV. 1087-1103 (2012)

### MEDIA/BLOGS/NEWSLETTERS

- Guest Writer, McCutcheon v. FEC and the Fork in the Road, SCOTUSBLOG (Aug. 15, 2013)
- *Free Speech, Fair Elections and Campaign Finance Laws: Can They Co-Exist?*, 56 HOW. L. J. 763-800 (2013) was featured in ELECTION LAW BLOG (July 20, 2013) and referenced in MORE SOFT MONEY HARD LAW BLOG (July 24, 2013)

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## Susan Herman

### PUBLICATIONS

- *Embattled Paradigms: The "War on Terror" and the Criminal Justice System*, in THE CONSTITUTION AND THE FUTURE OF CRIMINAL JUSTICE IN AMERICA (Cambridge Univ. Press, 2013) (John Parry & Song Richardson eds.)

### PROGRAMS & PRESENTATIONS

- Speaker, "The ACLU's Agenda for the Obama Second Term and Beyond," Florida State University Law School; University of Nevada at Las Vegas
  - Speaker, "A Conversation with Professor Susan Herman, President of the ACLU," University of Miami Law School
  - Speaker, "Yes, He Can? What Our Second Term President Can Do to Protect Our Civil Liberties," Unitarian Universalist Church Speakers Series, Naples, FL
  - Speaker, Democratic Senators Steering and Outreach Committee, Pending Birth Control Issues, Washington, D.C.
  - Keynote Speaker, "Gideon's Muted Trumpet: The Supreme Court, the Criminal Justice System, and the Quest for Equality," Florida Association of Criminal Defense Lawyers Seminar, Fiftieth Anniversary of *Gideon v. Wainwright* Program, Tampa, FL
  - Speaker, Yale Political Union Debate, "Resolved: America is Not at War with Terror," New Haven, March 2013
  - Roy C. Palmer Civil Liberties Prize Address, "Taking Liberties," IIT Chicago-Kent College of Law
  - Keynote Speaker, U.S. Army War College National Security Seminar, Carlisle, PA
  - Keynote Speaker, "Paths Are Many: How to Win Civil Liberties Victories," ACLU Biennial Leadership Conference, Detroit
  - Speaker, IEEE International Symposium on Technology and Society, University of Toronto
- ### MEDIA/BLOGS/NEWSLETTERS
- Op-ed, *Should the Boston Bombing Suspect Be Tried as an Enemy Combatant?*, Debate Club online symposium, U.S. NEWS & WORLD REPORT (Apr. 24, 2013)
  - Interviewed on Smiley and West Show, NPR (radio broadcast, June 28, 2013)
  - Interviewed in *Was Obama in Franklins Schreibtisch macht*, TIROLER TAGESZEITUNG (July 21, 2013)

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## Edward J. Janger

### PUBLICATIONS

- *Ice Cube Bonds: Allocating the Price of Process in Chapter 11 Bankruptcies*, 123 YALE L.J. \_\_ (forthcoming 2014)

### PROGRAMS & PRESENTATIONS

- Participant, Roundtable Discussion, Sixth Annual Antitrust Marathon, Rome, Italy

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**Adam Kolber**

**PUBLICATIONS**

- *Against Proportional Punishment*, 66 VAND. L. REV. 1141 (2013)

**PROGRAMS & PRESENTATIONS**

- Commentator, “Vagueness in Law: Philosophical and Legal Approaches,” NYU Department of Philosophy
- Presenter, “Free Will and Neurolaw Revolutions,” Society for Evolutionary Analysis in Law, University of Pennsylvania School of Law; Joint faculty workshop and summer class on “Law and Memory,” Rutgers School of Law, Camden, NJ
- Presenter, “Card Counting and Freedom of Thought,” Freedom of Expression Scholar’s Conference, Yale Law School
- Presenter, “Neurointerventions and Changing Selves Roundtable,” Stanford Law School
- Presenter, “The Neurolaw Revolution,” Governance of Emerging Technologies: Law, Policy and Ethics Conference, Arizona State University, Sandra Day O’Connor College of Law

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**Rebecca M. Kysar**

**PUBLICATIONS**

- *The ‘Shell Bill’ Game: Avoidance and the Origination Clause*, 91 WASH. U. L. REV. \_\_ (forthcoming 2014)
- *Reconciling Congress to Tax Reform*, 88 NOTRE DAME L. REV. \_\_ (forthcoming 2013) (solicited symposium piece)

**PROGRAMS & PRESENTATIONS**

- On the Constitutionality of Tax Treaties, Yale Law School, Apr. 2013
- The ‘Shell Bill’ Game: Avoidance and the Origination Clause, Conference on the Hundredth Anniversary of the Sixteenth Amendment, University of Southern California Gould School of Law

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**Brian Lee**

**PUBLICATIONS**

- *Just Undercompensation: The Idiosyncratic Premium in Eminent Domain*, 113 COLUMBIA L. REV. 593 (2013)

**PROGRAMS & PRESENTATIONS**

- Participant, “Copyright, Creativity, & Commercialization Roundtable,” sponsored by the George Mason University Law School Center for the Protection of Intellectual Property, Dana Point, CA

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**Gregg Macey**

**PUBLICATIONS**

- *The Architecture of Ignorance*, 2013 UTAH L. REV. \_\_ (2013)
- Introduction, in *Post-Zoning: Alternative Forms of Public Land Use Controls*, 78 BROOK. L. REV. 305 (2013) (with C. Serkin)

**PROGRAMS & PRESENTATIONS**

- Presenter, “Environmentalism and Disruptive Technologies,” American Bar Association Midyear Meeting, Dallas, TX
- Presenter, “The Architecture of Ignorance,” Faculty Workshop, Brooklyn Law School

- Moderator, Association for Law, Property and Society Annual Meeting, University of Minnesota Law School
- Presenter, “The Future of Environmental Poverty Lawyering,” American Bar Association Annual Meeting, San Francisco, CA

**MEDIA/BLOGS/NEWSLETTERS**

- Guest Blogger, PRAWFSBLAWG (July 2013)
- Reviewer, *Good Green Jobs in a Global Economy: Making and Keeping New Industries in the United States* (D. Hess), ANTHEM ENVIROEXPERTS REVIEW (Aug. 2013)

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**Roger Michalski**

**PUBLICATIONS**

- *Rights Come with Responsibilities: Personal Jurisdiction in the Age of Corporate Personhood*, 50 SAN DIEGO L. REV. 125 (Winter 2013)

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**Minor Myers**

**PROGRAMS & PRESENTATIONS**

- Presenter, “Do the Merits Matter in Stockholder Appraisal?,” American Law & Economics Association Conference, Nashville, TN; Harvard/Yale/Stanford Junior Faculty Forum, New Haven, CT; National Business Law Scholars Conference, Ohio State University Moritz College of Law

**MEDIA/BLOGS/NEWSLETTERS**

- “The Law and Economics of Merger Litigation: Do the Merits Matter in Shareholder Appraisal?” (2013, with C. Korsmo) discussed in *For Dell Investors, A Safety Valve*, THE NEW YORK TIMES (June 22, 2013), and in THE NEW YORK TIMES DEALBOOK (June 25, 2013)

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**Arthur Pinto**

**PUBLICATIONS**

- UNDERSTANDING CORPORATE LAW (4th ed., Lexis, update 2013) (with D. Branson)
- *United States Corporate Governance* in COMPARATIVE CORPORATE GOVERNANCE—A FUNCTIONAL AND INTERNATIONAL ANALYSIS (Cambridge Press, 2013) (A. Fleckner & K. Hopt eds.)
- *Corporate Law (public traded)*, in INTERNATIONAL ENCYCLOPEDIA OF SOCIAL AND BEHAVIORAL SCIENCES (Pergamon/Elsevier, 2013) (J. Wright ed.)

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**Norman S. Poser**

**PUBLICATIONS**

- LORD MANSFIELD: JUSTICE IN THE AGE OF REASON (McGill-Queen’s University Press, 2013)

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## David Reiss

### PUBLICATIONS

- *Cleaning Up the Financial Crisis of 2008: Prosecutorial Discretion or Prosecutorial Abdication?*, 92 CRIM. L. REP. 765 (March 2013); 100 BANKING REP. 579 (March 2013)
- *Once a Failed REMIC, Never a REMIC*, 30 CAYMAN FIN. REV. 65 (First Quarter 2013) (with B. Borden)
- *Message in a Mortgage: What Dodd-Frank's "Qualified Mortgage" Tells Us about Ourselves*, 31 REV. BANKING & FIN. L. 717 (2012), reprinted in FSOXKX.COM NEWSLETTER (Apr. 2013)
- *Dirt Lawyers and Dirty REMICs*, 27 PROB. & PROP. 12 (May/June 2013) (with B. Borden)
- *REMIC Tax Enforcement as Financial-Market Regulator* 15 U. PA. J. BUS. L. \_\_ (forthcoming 2014) (with B. Borden)
- *Goliath Versus Goliath in High-Stakes MBS Litigation*, THOMSON REUTERS NEWS & INSIGHT \_\_ (forthcoming 2013) (with B. Borden)

### PRESENTATIONS

- Speaker, "REMIC Failure," Real Property, Trust and Estate Law Section, American Bar Association "Professors' Corner" teleconference presentation
- Moderator, "Legal Perspectives on Disaster Preparedness and Pro Bono Assistance after Hurricane Sandy," Sparer Public Interest Law Forum, Brooklyn Law School
- Panelist, "The Ethics of Sub-Prime Lending," The Mortgage Crisis—Five Years Later, Fordham Law School
- Presenter, "FHA and Housing Affordability," 2013 AALS Workshop on Poverty, Immigration and Property, San Diego, CA

### MEDIA/BLOGS/NEWSLETTERS

- *Q&A on Show Me The Note!*, THOMSON REUTERS KNOWLEDGE EFFECT BLOG (Aug. 2013) (with K. Akina & B. Borden)
- Quoted extensively as a real estate and consumer financial services expert in BLOOMBERG, the BALTIMORE SUN, the CHRISTIAN SCIENCE MONITOR, and dozens of other media outlets

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## Elizabeth Schneider

### PUBLICATIONS

- *Only Procedural: Thoughts on the Substantive Law Dimensions of Preliminary Procedural Decisions in Employment Discrimination Cases*, 57 N.Y. L. SCH. L. REV. 767 (2013) (with N. Gertner)

### PROGRAMS & PRESENTATIONS

- Presenter, "Only Procedural: Thoughts on the Substantive Law Dimensions of Preliminary Procedural Decisions in Employment Discrimination Cases," Faculty Workshop, University of New Mexico Law School
- Facilitator, "Access to Justice: The Role of Law Schools," Curriculum Workgroup, New York Law School Task Force to Expand Access to Civil Legal Services in New York, Second Annual Law School Conference, New York, NY
- Panelist, "Gender and Justice: Why Women in the Judiciary Really Matter," Law and Society Association Annual Meeting, Boston, MA

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## Government's Power of Eminent Domain



Professor Brian Lee is a property scholar who writes on the intersection between moral reasoning and economic analysis in the law. His latest article "Just Undercompensation: The Idiosyncratic Premium in Eminent Domain," was published in the *Columbia Law Review*. It explores

the government's power of eminent domain and the Fifth Amendment's requirement that the property's owners receive "just compensation," which the Supreme Court has defined as equal to the property's fair market value.

Lee explains that a well-established consensus exists on three basic propositions about this fair market value standard. First, the standard systematically undercompensates owners of taken property, because market prices do not reflect owners' personal valuations of particular pieces of property. Second, this undercompensation is unfair to those owners. And third, an appropriate way to rectify this problem is to add fixed-percentage bonuses to the amount of compensation paid. Several states have recently enacted laws requiring such bonuses, and prominent academics have endorsed their adoption.

In his article, however, Lee argues that all three of these widely accepted propositions are false. First, examining the economics of market-price formation reveals that fair market value includes compensation for more subjective value than previously recognized. Second, much of what market value leaves uncompensated should not, in fairness, receive compensation. Third, although justice may require paying compensation above fair market value in certain situations, Lee argues that the solution favored by academics and recent state legislation is itself unjust, undermining the civic and moral equality of rich and poor property owners by relatively overcompensating the rich while undercompensating the poor for losses which have equal value to rich and poor alike. Lee concludes by showing how an alternative approach can avoid these fairness problems.

"This article began as a way to shed more theoretical light on the 'just compensation' dimension of takings law, and I hope that the implications of that analysis will help guide courts and legislatures when they are faced with determining what amount of compensation actually is just in specific takings cases," said Lee. ■

## FACULTY HIGHLIGHTS

- Presenter, “The Tenacity of Mental Health Stereotypes of Women in Sexual and Intimate Violence,” International Association of Law and Mental Health Annual Meeting, Amsterdam, The Netherlands
- Plenary Speaker, “Parenting, Gender Roles and Gender Equality, Current Challenges and Opportunities,” 2nd International Family Law and Practice Conference, London

### MEDIA/BLOGS/NEWSLETTERS

- Interviewed regarding Vito Lopez sexual harassment scandal in Albany, NY1 (television broadcast, May 20, 2013)

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### Janet Sinder

#### PUBLICATIONS

- *From the Editor: Passing the Torch*, 105 LAW LIBR. J. 423 (2013)

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### Lisa Smith

#### MEDIA/BLOGS/NEWSLETTERS

- Guest commentator: *Help for victims of domestic violence* (March 2013), *Protect yourself: stop being the victim of stalking* (Apr. 2013), *Stop sexual harassment in the workplace or in your personal life* (June 2013), EXPERT BEACON

#### HONORS/AWARDS/APPOINTMENTS

- Appointed to ABA Commission on Domestic and Sexual Violence
- Elected Co-Chair of AALS Clinical Externship Section

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### Lawrence Solan

#### PUBLICATIONS

- *Intuition versus Algorithm: The Case of Forensic Authorship Attribution*, 21 J.L. & POL'Y 551 (2013)
- *Four Reasons to Teach Psychology to Legal Writing Students*, 22 J.L. & POL'Y \_\_ (forthcoming 2013)

#### PROGRAMS & PRESENTATIONS

- Presenter, “Linguistic Issues in Statutory Interpretation,” Department of Linguistics, University of California, Davis
- Presenter, “Transparent and Opaque Consent in Contract Formation,” McGeorge School of Law, University of the Pacific, and Texas A&M University School of Law
- Presenter, “Vagueness and Ambiguity in Legal Interpretation,” Conference on Vagueness in Law: Philosophical and Legal Approaches, New York University
- Presenter, “Linguistic Issues in Legal Interpretation,” Department of Linguistics, College of William & Mary
- Presenter, “Four Reasons to Teach Psychology to Legal Writing Students,” Symposium: The Impact of Cognitive Bias on Persuasion and Writing Strategies, Brooklyn Law School
- Panelist, “American Perspectives on National and International Jurisdiction over International Crimes,” St. Petersburg International Legal Forum, Russia
- Presenter, “Law, Language and the Modular Mind,” University of Exeter Law School, United Kingdom

- Presenter, “Forensic Linguistics: Linguistic Evidence in Court and How to Provide It,” Law as Text in Context Seminar, University of Copenhagen Faculty of Law, Denmark
- Lecturer, “Forensic Linguistics: The Need for Methodology,” University of Copenhagen Faculty of Law, Denmark
- Presenter, “Consumer Contract Formation in the U.S. and Europe: Almost a World Apart,” University of Hamburg, Germany

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### Nelson Tebbe

#### PUBLICATIONS

- RELIGION AND EQUALITY LAW (Ashgate Press, 2013) (N. Tebbe ed.)

#### PROGRAMS & PRESENTATIONS

- Presenter, “Can Government Deny the Use of Public Space for Religious Services? Bronx Household of Faith vs. NYC Dept. of Education,” New York Lawyers' Chapter of the Federalist Society, The Cornell Club, New York, NY
- Participant, “Free Speech Roundtable,” Washington University Law School
- Participant, “Is the Supreme Court Threatening Religious Groups?,” Debate with John Inazu, Terrence J. Murphy Institute, University of St. Thomas
- Presenter, “Religion and Social Constitutionalism,” Faculty Workshop, University of St. Thomas School of Law
- Co-organizer, Law and Religion Roundtable, Stanford Law School

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### Aaron Twerski

#### PUBLICATIONS

- *The 9/11 Litigation Database: A Recipe for Judicial Management*, 90 WASH. U. L. REV. 653 (2013) (with A. Hellerstein and J. Henderson, Jr.)
- *Optional Safety Devices: Delegation Product Design Responsibility to the Market*, 45 ARIZ. ST. L.J., Issue 5 (forthcoming 2013) (with J. Henderson, Jr.)
- *Sufficiency of the Evidence Does Not Meet Daubert Standards: A Critique of the Green-Sanders Proposal*, 23 WIDENER L. J. \_\_ (forthcoming 2013) (with L. Sapir)

#### PROGRAMS & PRESENTATIONS

- Presenter, “The Unique Aspects of the 9/11 Mass Tort Litigation,” Conference on Perspectives on Mass Tort Litigation, Widener University School of Law
- Presenter, “Legal Ethics in Quasi Class Actions,” American Bar Association Conference on Legal Ethics, San Diego

#### PROFESSIONAL HIGHLIGHTS

- Articles were cited by numerous courts and in 23 law reviews in the last six months

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### Marilyn Walter

#### PUBLICATIONS

- WRITING AND ANALYSIS IN THE LAW (6th Edition, Foundation Press, 2013) (with E. Fajans & H. Shapo)
- *The Impact of Cognitive Bias on Persuasion and Writing Strategies: An Introduction*, 22 J.L. & POL'Y \_\_ (forthcoming 2013)

## Letter from the Alumni President



As a committed Brooklyn Law School alumnus for almost 30 years, and an active director and officer of the BLS Alumni Association for most of that time, it is my pleasure and honor to introduce myself as the new president of the BLS Alumni Association.

I have always believed that a close connection to the various educational institutions I have attended (and those my children have attended) has provided me the opportunity to establish meaningful personal and professional relationships. My involvement with these institutions has also created numerous opportunities for current students and alumni of these academic institutions. Brooklyn Law School is particularly dear to me, as it is where I met my wife and where several of our family members attended law school. BLS has always prided itself on being about family, and I therefore encourage all alumni, recent and not so recent, to become acquainted (or reacquainted) with what is happening at the Law School.

My personal experience also tells me that the more involved you become the more gratified you feel as an alumnus/alumna of a school or as a member of an organization. There are countless ways to become involved at Brooklyn Law School:

- › Join the Alumni Association! We have so many activities to become involved in and there are many benefits and discounts for Association members.
- › Attend one of the many symposia, alumni receptions, or academic programs sponsored by the Law School.
- › Donate to the Annual Fund—every donation counts and strengthens the Law School (as well as the value of our diploma).
- › Hire a Brooklyn Law School student or graduate! Becoming involved in this way is one of the most meaningful ways to stay connected and serve the Law School. The qualifications, academic records, and diverse professional backgrounds of the current and recent BLS students are simply staggering! It is no secret, however, that we are living in very challenging economic times. Providing an employment opportunity to a BLS student or graduate is an invaluable and greatly appreciated contribution.
- › If you are not in a position to hire a BLS student, consider mentoring one. Please contact Susan Bainnson at 718-780-7963 or [mentor@brooklaw.edu](mailto:mentor@brooklaw.edu) to learn more about the Mentor and ACES programs at BLS.

However you choose to become involved, please become an active member of the BLS family once again. I look forward to working with you and getting to know you in the coming months.

Sincerely,

**Eric M. Kornblau '84**

*President*

Brooklyn Law School Alumni Association

# Class Reunions



**ON MAY 9**, members of the Classes of 1953, 1958, 1963, 1968, 1973, 1978, 1983, 1988, 1993, 1998, 2003, 2008, and the Golden Circle (Classes of 1952 and earlier) celebrated their reunions in the New York Public Library's spectacular Astor Hall. Graduates were thrilled to reconnect with friends, classmates, and professors and to make new connections. The incredible food and atmosphere made for a truly memorable night. ■



**TOP:** Members of the Class of 2008 with Dean Allard; **ABOVE:** (L TO R) Hon. Ramon Reyes Jr. '92, Jane Landry-Reyes '93, and Rhonda Panken '93; **LEFT:** Enjoying the company of old friends at the New York Public Library.



- 1. Hon. Phoebe Greenbaum '53 and Lola Locker '53
- 2. L TO R: Gail Williams '83, Claudia Saunders '83 and Hon. Tandra Dawson '83
- 3. Members of the Class of 1993
- 4. Members from the Class of 1963 celebrate their 50th Reunion
- 5. L TO R: Vincent Balzano '83, Michael Calano '83, and Scott Tulman '83
- 6. Members of the Class of 1998
- 7. L TO R: Beth Schudroff, Daniel Schudroff '08, and Jeffrey Moskatel '08



## Grand Central Terminal Tour and Reception

Grand Central Terminal celebrated its 100th birthday this year and Brooklyn Law School commemorated this milestone with a guided tour of the famed New York City landmark. Anthony Robins, former survey director for New York's Landmarks Commission and author of *Grand Central Terminal: 100 Years of a New York Landmark*, led Brooklyn Law School graduates and friends on a tour of the terminal. He provided an in-depth account of its history and shared some little-known details, like the fact that it took a 1978 U.S. Supreme Court decision to save Grand Central from destruction. After the tour, participants gathered over sangria and tapas at La Fonda del Sol, located just steps from Grand Central. ■



FAR LEFT: Monique Montenegro and John Buhta '09; CENTER TOP: (L TO R) Adam Scheinbach '96, Beth Sheinbach, Associate Director of Admissions Alicia Meehan '07, and Tim Oberweger '05.

## Recent Grad Event at Hudson Station



L TO R: Prof. Steven Dean, Prof. Ursula Bentele, Ashley Fisher '09, Brian Mangan '09, and Megan Tlusty '09.

In June, recent graduates kicked off the summer with a reception at Hudson Station Bar & Grill. More than 60 alumni and guests attended and were joined by several faculty members. Located in midtown Manhattan, Hudson Station is co-owned by James Murray '07, Head Equity Trader of Vision Capital Advisors. ■



# ON THE ROAD: Westport, CT & Florida



1

Every year the Law School organizes receptions across the country to strengthen BLS communities beyond New York City. More and more of these events are taking place thanks in large part to the generosity of friends and alumni.

This summer, Brooklyn Law School graduates spent a lovely Saturday afternoon at the Westport, Connecticut home of Andy '90 and Nancy Frankel. New friends were made and old friends reconnected over hors d'oeuvres and cocktails, as Dean Allard provided an update on new initiatives taking place at the Law School. Several current and newly admitted students also attended, enjoying a wonderful opportunity to meet Brooklyn Law School alumni and share their experiences.

In April 2013, the Law School held two alumni receptions hosted by fellow graduates. Irwin '61 and Rosalyn Engelman hosted an intimate cocktail reception at their beautiful home in Bal Harbour. That same weekend, Florence Subin '75 and Martin Fischer '64, both members of the BLS Board of Trustees, hosted graduates for a brunch in Boca Raton at the Polo Club of Boca Raton. Attendees of both events were excited to meet the new Dean and to learn about the latest news and events happening at the Law School. ■



2

If you are interested in hosting an event in your town, please contact Caitlin Monck-Marcellino '02, Director of Alumni Relations, at 718-780-0322 or via email at [caitlin.monck@brooklaw.edu](mailto:caitlin.monck@brooklaw.edu).

1. Graduates get together at the Connecticut home of the Frankels
2. Dean Allard (CENTER) with Connecticut hosts Andy '90 and Nancy Frankel
3. Dean Nick and Marla Allard with Bal Harbour hosts, Irwin '61 and Rosalyn Engelman
4. L TO R: Norma Halpern, Florence Subin '75, Bill Halpern '68, Martin Fischer '64, and Susan Fischer at the Brunch in Boca Raton
5. Members from the Class of 1952 enjoy reminiscing about law school at the Boca Brunch
6. Larry '74 and Diane Feldman with Dean Nick and Marla Allard at the Brunch in Boca Raton



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5



6

## Giving Thanks: Endowed Scholars Reception Unites Scholars and Generous Donors

**IN MARCH**, Brooklyn Law School hosted its 32nd Annual Endowed Scholarship Reception. The popular event drew a large crowd of scholarship benefactors and student scholarship recipients to the Law School's Forchelli Conference Center in Feil Hall. The celebration offered a special opportunity for students to express gratitude to their benefactors in person and likewise donors were pleased to see how their scholarships directly aided students.

Josh Card '13 and Kiran Sheffrin '13 spoke about the profound effect that scholarship assistance has had on their collective law school experience. "Your scholarships support students whose commitment to the school is strong, who will work hard to protect and advance its reputation, and whose many accomplishments will reflect the quality of a Brooklyn Law School education," said Card. "Better still, you have set a strong example for us to give back in the future." Sheffrin echoed that sentiment saying, "I will give back, not just with a donation, but as many of the sponsors here have done, with

their time, their perspective in the legal profession, and with their internship and mentorship opportunities."

Attendees also had the opportunity to hear from two benefactors. David Berger, a member of the Class of 1989, reminisced about his late mother, Professor Margaret Berger, one of the nation's leading evidence and civil procedure scholars who was preeminent in the field of scientific evidence. A member of the Brooklyn Law School faculty for over 35 years, she was an outstanding teacher, mentor, and inspiration to many. A scholarship was created in Margaret's honor by her family, friends, and colleagues to be awarded to a student who demonstrates exceptional achievement in the law of evidence or civil procedure. He went on to note, "My mother was never a self-promoter who needed to see her name associated with something. Nonetheless, I do think she would be pleased to know that her name will be associated with this scholarship so that in some meaningful way her mentoring of students continues."

Les Fagen, a partner at Paul, Weiss, Rifkind, Wharton & Garrison, LLP and a member of the adjunct faculty at Brooklyn Law School, discussed the scholarship he created in honor of his father, Herman Fagen, a member of the Class of 1942. The scholarship is awarded to a deserving student in need of financial support. "Without Brooklyn Law School, a generation of lawyers, like my Dad, and their descendants, trying to break into the American mainstream would not have made it," he said. "Those lawyers became great practitioners, public office holders, and judges in this city." At the close of his remarks, Fagen shared a poignant story. "Nearly every Monday fall evening on my way to class here, I walk here from the subway. I always make a point of passing the old Brooklyn Law School building on Pearl Street, where, after a long day of work, my dad studied the law at night. I take that detour just to remind myself that in many ways, for my dad and my family, it all started here." ■



David Berger '89 (RIGHT), son of the late Prof. Margaret Berger, with Pierre Ratzki '13, the recipient of the scholarship created in her memory.



Samuel Sporn '53 (LEFT) congratulates the recipient of his scholarship, Brendan Rigby '13.

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### NEW ENDOWED SCHOLARSHIPS

*The Law School is grateful for the creation of four new scholarships this year:*

- The Gertrude and Louis Feil Scholarship
- The Humphreys Family Scholarship
- The Michael Romanoff Scholarship
- The Rosenberg Family Scholarship

If you are interested in setting up a scholarship, please contact Jean Smith at 718-780-0638 or [jean.smith@brooklaw.edu](mailto:jean.smith@brooklaw.edu).

## Jeffrey Sherman '80: Giving Back



Jeffrey S. Sherman '80, Senior Vice President and General Counsel of Becton Dickinson and Company (BD), made an extraordinary gift to the Law School in September: a \$1 million life insurance policy. "In planning my financial affairs, I spent a lot of time thinking about philanthropy, but I specifically wanted to give back to the Law School because of the impact it had on my career," he said. "The critical thinking I learned at Brooklyn Law School cannot be overestimated."

Interestingly, Sherman didn't start out wanting to be a lawyer. He had a mind for business and had his sights set on an MBA. Sherman sought advice from family and friends and instead enrolled at Brooklyn

Law School. He loved it from the start. "There were all of these puzzles I wanted to solve," he said. "It was very empowering because I felt that I was learning how to think. From the moment I left law school, I felt I could form a point of view and defend it with my newly acquired skills and knowledge."

After graduating in 1980, he joined Proskauer Rose's Corporate Department, and after three years there, he moved to Shereff, Friedman, Hoffman & Goodman, where he later became a partner. In 1990, he moved to an in-house position at Wyeth (then, American Home Products Corporation), where he was responsible for corporate and M&A areas. He soon found the transactional work to be more fulfilling.

"Going from deal to deal in law firm practice did not allow me to understand the connection between a transaction and the client's strategic goals and vision," said Sherman. "This new role provided me with a more comprehensive experience, where I could see how each transaction fits in with the overall strategy and direction at the company." Sherman rose to Vice President and Associate General Counsel at Wyeth prior to joining BD in 2004.

"My work at BD has provided me with total fulfillment of my career aspirations," said Sherman. As a leading medical technology company with nearly 30,000 employees around the world, BD creates

**“BLS was a very collegial place. It felt like home very quickly and still does.”**

products that fulfill its corporate purpose of helping all people live healthy lives. Having responsibility for legal defense and other legal aspects of the business is, as he says, "a noble calling and one which I try to be worthy of each and every day." In addition to oversight of the law group and corporate secretary's department, Sherman has senior management responsibility for enterprise compliance and ethics functions, corporate regulatory affairs, worldwide quality, and corporate business development.

Throughout his impressive career, Sherman has remained an active part of the BLS community. He served on the President's Advisory Council, was Class Chair for his reunion year, has participated in Dean's Roundtable events, and served as a student mentor. "Basically anytime the Law School calls, the answer is yes," he said. "BLS was a very collegial place. It felt like home very quickly and still does." ■

### Planned Giving Makes a Difference

You can make a lasting and profound impact by including Brooklyn Law School in your estate plan. Bequests and planned gifts can be designated for a specific purpose such as a scholarship, faculty chair, public service program, or unrestricted support for the Law School to use where it is needed most.

Your gift enables the Law School to continue to attract the most qualified students and outstanding faculty. It also provides the opportunity to improve our programs and facilities. With a bequest or planned gift, you will have the satisfaction of knowing your personal legacy will make a difference to generations of students to come.

For more information on how to include the Law School in your estate planning and join in the process of shaping the Law School's future, contact Jean Smith at 718-780-0638 or [jean.smith@brooklaw.edu](mailto:jean.smith@brooklaw.edu) or visit [www.brooklaw.edu/legacy](http://www.brooklaw.edu/legacy).

# Q&A

## Good Sport: A Conversation with FSU Athletic Director Stan Wilcox '88

**F**or those who don't spend weekends glued to the games, Florida State University is among the Goliaths of college sports. Its Seminoles teams finished among the Top 15 in each of the last seven years in the Learfield Sports Directors' Cup, which measures overall program excellence. It won six ACC regular season or tournament championships in 2012–2013, including football, and all but one sport advanced to NCAA postseason competition. In total, 31 FSU student-athletes were named All-Americans last year, and five Seminoles were named ACC Scholar-Athlete of the Year in their sports. It is also the only school with more than one starting quarterback in the 2013 NFL season (Christian Ponder of the Minnesota Vikings and EJ Manuel of the Buffalo Bills are both FSU grads). The man just hired to propel the Seminoles to the next chapter of greatness? Brooklyn Law School's Stan Wilcox '88.

Wilcox started out a student-athlete himself. At Notre Dame, he played basketball for the Fighting Irish, leading them to the 1978 Final Four against Duke, and a four-year ledger of 92–26 with four NCAA Tournament berths. After Notre Dame, Wilcox made his way to Brooklyn Law School. After graduating, he took a series of powerful positions, first with the NCAA (as a legislative assistant) and then with the Big East (as their representative to the NCAA Management Council). During his 11 years with the Big East, he served on the NCAA recruiting task force, received the National Association of Athletics Compliance Coordinators Outstanding Achievement Award, helped create the Minority Opportunity Athletics Association, and served as president of the Black Coaches Association. He returned to his alma mater in 2005 as deputy director of athletics at Notre Dame and became senior deputy director of athletics at Duke in 2008.

This New York native is now at the helm of one of the country's most impressive college athletics departments, where he's responsible for planning and directing the overall administrative and operational activities of the university's 20 athletics programs.

Just days after the Seminoles crushed the Nevada Wolf Pack 62-7 in their football home opener, *LawNotes'* Managing Editor Andrea Strong '94 spoke to Wilcox from his Tallahassee offices about his dream of playing pro ball, the challenges of being FSU's Athletic Director, and the responsibility he feels for the welfare of his student-athletes.



PHOTO: Mike Olivella

### **You started out playing basketball at Notre Dame. Do you still play?**

Unfortunately, I don't. When I was at Duke, I agreed to participate in Coach K's Basketball Academy, a fantasy camp for individuals 35 years and older. We played two games a day, and by the second game of the last day, my knees were so swollen I had to stop. My coach was Grant Hill, and I told him, I love you, but I can't go on. It took me three months to walk regularly again. That put me into permanent retirement. These days, I golf and walk for exercise.

### **Was it a dream of yours to play professional sports?**

It was. You don't realize how good you are in a sport until you get an opportunity to participate against others on a national level in your age range. Between junior and senior year at North Babylon High School, I went to Five-Star Basketball Camp and played against some of the best players in the country. I played pretty well, and in my senior year I was recruited by the top schools and ended up going to Notre Dame. My aspirations were to play professionally, but I didn't play as much my junior and senior years, and I was not a highly touted professional prospect. Although I did get offers to play in Europe, I was married and had a baby, and I didn't want to keep chasing a dream that might not happen, especially since I had a family.

### **What led you to law school?**

I actually never planned on going to law school. After Notre Dame, I became an assistant coach at CW Post for one year, but I felt like I needed a career. I took a job as an account executive for Serres, Visone & Rice Insurance in Manhattan. It was owned by Joe Monticello, whose father was a Brooklyn Supreme Court Justice, and Gerald Esposito, who was the Brooklyn Borough

President for many years. They encouraged me to work for the courts and to go to law school. Through them, I took a position in Brooklyn Supreme Court as a senior court analyst with Judge Yoswine. I worked there for eight years and for four of them, I attended BLS in the evening program.

**You went to law school to find a “regular career” and yet it led you back to the world of sports.**

True. But I knew I wanted to get back into athletics. I was thinking of maybe being a sports agent or of working for the front office of a professional team. I happened to go back to a Notre Dame football game and ran into an old friend who was an attorney with the NCAA in enforcement. She told me that they were interested in hiring people with legal backgrounds.

**The NCAA was that first step on a path that led you to FSU. What came next?**

I worked at the NCAA for five years, helping membership understand the rules and regulations and helping them craft and change legislation. I got a bird's-eye view of how that organization operates. From there I was recruited to work for the Big East Conference as an associate commissioner. I grew the regulatory side of the services they provide to their member schools. After 11 terrific years, I went to work for my alma mater, Notre Dame, as deputy athletics director, and worked with Dr. Kevin White who became my longtime mentor.

**What did you learn from your mentor, White?**

White has a total understanding of what it means to be an effective athletic director. From him, I learned how to navigate the politics that go along with running an athletics department. That's not just the politics on your campus with professors, deans, presidents, and all the various constituents and stakeholders. He taught me the “big picture” politics of your position within the conference. You have to be selfless enough to make decisions that may not be best for your institution, but that are in the best interests of your conference and the NCAA as a whole.

He also taught me that an AD needs to be a good steward of the budget and has to look to the future to add to the fan experience and create amenities that add new streams of revenue. I also learned the need to have a master facilities plan. Student-athletes are savvy consumers. They want the best facilities to play and practice in, and want the best training and medical attention. If you are falling behind in those areas, you will lose prospects that you need to create winning programs.

**You've been at FSU since September 1st. What's it been like?**

It's a big job with a lot of public relations components. Last week, which was only my third week on the job, there was an athletic Board of Trustees meeting, a Gathering of the Chiefs Appreciation Party (a mix and mingle with boosters, donors, coaches, and student-athletes), dinner at the President's House, and a Hall of Fame banquet in which we inducted seven former student-athletes. Before the home opener, I attended a dedication of our

new indoor practice facility for our football program and did a radio show. Then I was on the field to shake the hands of the Hall of Fame inductees. In between all of that I've been trying to get to all our athletic events: soccer, football, tennis, golf, and cross-country. It's busy, but I love it down here.

**Being an AD means dealing with serious issues too. Sports Illustrated recently published an in-depth series about players who received under-the-table income from boosters. How do you deal with this at FSU?**

We are all in glass houses when it comes to that, but one of the areas that is a strength for me is compliance. FSU puts a lot of resources into compliance, which for me, in considering the job, was very important. There are three challenges in being an AD: student-athlete balance, economics, and compliance, which is a shared responsibility of everyone who has anything to do with athletics, from top down. I have to set the tone for the entire department and we have to be vigilant in communicating this to the entire community.

We also have to self-police so if there is a violation, it is reported to the NCAA or conference office. You can get into big problems when you don't do regular maintenance. I stress that to all my student-athletes, coaches, staff, and everyone when I give a talk to benefactors and boosters. They have to hear that message. You might think you can help out a student-athlete, but you may be jeopardizing the entire program, and you don't want to be that person.

**You mentioned student-athlete balance and economics as the other challenges you face?**

I tell student-athletes all the time, just as you compete for MVP on the field, you have to take that same mentality and energy and apply it to academics, because when your playing days are over, the education piece will always be with you. That's what will get you a job.

The economics challenge is what we call “the arms race.” Athletics is about people having opportunities to flourish in a sport that they love and providing the necessary tools and funding that each coach and program needs to be successful. That is what I have to provide. But we don't want to be in a position where the faculty can't get funding because it's being siphoned off for athletics programs. We want to be an auxiliary unit where we can turn money back to university. The constant challenge is to figure out ways to capture new resources.

**Do you have any advice for current students who might want to have a career in sports law?**

It would be helpful, while in law school, to seek paid or volunteer internships at law firms with entertainment/sports departments, or with professional sports teams, leagues, the NCAA, NAIA, collegiate conferences, or institutions' athletics departments, specifically in the area of compliance. It's also helpful to join an entertainment or sports lawyers association. At the end of the day, my advice is to follow your passion. Then, it doesn't matter how many hours you put in the day because your passion for doing the job takes over. ■

# ClassNotes

**1951 Frederick M. Molod**, a founding member of Molod Spitz & Desantis, PC and a past president of the Jewish Lawyers Guild, was presented with the Guild's Tzadik Award at its 37th Annual Dinner in March 2013.

**1952 Bernard Mirotznik**, who maintains his own practice in East Meadow, NY, was honored by the Bar Association of Nassau County for 60 years of being admitted to the New York Bar at its 114th Annual Dinner Dance in May 2013.

**1953 Warren H. Hyman**, who is currently retired and living in Bayside, NY celebrated his 87th birthday in July 2013. Hyman enjoyed a lengthy career working at the trial commission for the New York Department of Corrections, where he presided over disciplinary trials. He was also a member of the faculty at Baruch College, City University of New York for over 18 years, where he taught law courses at Baruch's graduate school of business and published several law review articles.

**1957 Stuart Kessler**, a senior tax director in the New York office of CohnReznick, was presented with the Best of Brooklyn Award, by Brooklyn College in May 2013. Kessler is a specialist in estate and personal financial planning. He served as chairman of the American Institute of Certified Public Accountants (AICPA), president of the AICPA Foundation, and as president of the NYS Society of CPAs and its Foundation of Accounting Education.

**1960 E. Leo Milonas**, a partner in the New York office of Pillsbury Winthrop Shaw Pittman LLP, co-wrote an article, "The Serious Business of Appealing a Sanctions Order," published in the *New York Law Journal* (Aug. 26, 2013). Milonas concentrates his practice on complex commercial litigation, appeals and alternative dispute resolution. Before joining Pillsbury, he served as an Associate Justice of the Appellate Division of the New

York State Supreme Court and as Chief Administrative Judge of New York State.

**1964 Sayward Mazur** merged his firm, Mazur Carp with Schiff Hardin LLP. Mazur counsels contractors and developers in every aspect of private and public construction law.

**1965 James Duffy**, senior trial partner of Duffy & Duffy, obtained one of the Top 30 New York Verdicts in 2012 as reported by *Verdict Search* in *The New York Law Journal* (April 2013). Fellow graduates who also obtained a Top 30 New York Verdict in 2012 include, **Steven E. North '66**, founder of Steven E. North PC, **Gerard Lucciola '82**, partner of Rosato & Lucciola, P.C., and **John Bonina '90**, senior partner of Bonina & Bonina P.C.

**Joel M. Lutwin**, and his son, Erik, have formed their own personal injury law firm, Lutwin & Lutwin, LLP. Joel is a former prosecutor and vice president of Madison Square Garden. Erik was previously an associate in an insurance defense firm.

**1966 Kenneth A. Rosenblum** was appointed visiting professor and director of the Veterans' and Service Members' Rights Clinic at Touro Law Center. Rosenblum has been affiliated with Touro since 1990 and serves as the Associate Dean for Administration. He spent five years on active duty as a U.S. Army JAG officer, serving a tour in Vietnam and working as a court-martial prosecutor, war crimes investigator, and military judge, and, among his decorations, he was awarded the Bronze Star.

**1969 Gerald L. Shargel** closed his criminal defense law practice that he ran for almost 40 years and joined the New York office of Winston & Strawn LLP as a partner. Shargel will represent clients facing government prosecution and investigation and he will also take on civil litigation matters. He is the Practitioner-in-Residence at Brooklyn Law School, where he teaches

a number of courses in criminal law, evidence, and trial advocacy.

**1971 David Louis Cohen**, who maintains his own practice specializing in criminal defense and is also counsel to the New York State Assembly Codes Committee, was elected member-at-large on the Executive Committee of the New York State Bar Association. Cohen also serves as vice president of the NYS Bar and was a founding member of the New York State Association of Criminal Defense Attorneys.

**Louis-Jack Pozner** joined the Albany, NY office of Fitzsimmons, Mack & Mills, P.C. as of counsel, where he concentrates his practice on matrimonial and family law, personal injury litigation, legal malpractice litigation and estate planning. Pozner previously served as a confidential law clerk to the NYS Supreme Court, Appellate Division, 3rd Department and maintained his own practice for nearly 37 years. He is the 2011-2013 Campaign Chairman of The Jewish Federation of Northeast New York and became chairman of the board of the Federation in June 2013.

**1972 Howard M. Liberman**, a partner in the Washington, D.C. office of Drinker, Biddle & Reath LLP, was named a 2013 Washington, D.C. *Super Lawyer* in Communications Law. A member of the firm's Government and Regulatory Affairs Practice Group and its Telecommunications and Mass Media Team, he represents broadcasters, cable TV operators, and private radio licensees in regulatory proceedings, transactions, strategic planning, and litigation, including FCC hearings and appeals of FCC decisions.

**Marsha Steinhardt**, a New York State Supreme Court justice in Kings County, was presented with the Lifetime Achievement Award by the Brooklyn Women's Bar Association at its 95th Annual Dinner in May 2013. Steinhardt has been on the bench since 1991.



## Kenneth Shapiro '61

### Albany's Power Broker

When Ken Shapiro '61 was a kid growing up in Brooklyn, he was a diehard Dodgers fan. When the team defected to Los Angeles, he was crushed. "It was horrible, just horrible," he said. "I swore off baseball for years after that." Perhaps if young Shapiro had brought his lobbying skills to the table, the Dodgers might still be playing at Ebbets Field. Shapiro, a partner at Wilson Elser and the founder and chair of its Government Relations Practice, is one of the most well-respected and sought-after lobbyists in New York. In May, he was named to *City and State's* "Power 100 List" of the top 100 most powerful "players" in Albany. He was the highest ranked lobbyist on the list.

Shapiro attended Farleigh Dickinson College and decided on law school, "because I didn't want to go to work yet," he recalled with a laugh. But from the first day of class, he said, he knew he had found his life's work. "I loved law school," he said. "The subject matter was fascinating. I loved reading cases, and I enjoyed the dialogue with my professors, in particular Dean Jerome Prince whom I was lucky enough to have twice."

After law school, he connected with Assemblyman Stanley Fink who urged him to join the Democratic Club of Canarsie. Soon, he was off to Albany as Assistant Counsel to Minority Leader Stanley Steingut. He remained with the New York State Assembly for

19 years, serving as Chief Counsel to three Speakers: Steingut, Stanley Fink, and Melvin Miller.

"Sometimes you fall in love, and I just fell in love with the Assembly," he said. "It was an exciting place with some really articulate and eloquent debaters. I can still remember the debates on the death penalty and the night that the abortion bill passed. It was very moving to be part of the process."

After two decades, Shapiro decided it was time to move on. "There comes a time when you are burned out, when you don't want to look at your phone messages," he said. "That's when you know it's time to go." He moved into private practice, first at Bower & Gardner and then to Wilson Elser in 1994 to start their Government Relations practice. His group represents state and national associations and Fortune 500 corporations with concerns in areas as diverse as health care, energy and environment, telecommunications, taxation, insurance, transportation, financial services, accounting, education, construction, tourism, and entertainment. Longtime clients include the Big Four accounting firms and the Healthcare Association of New York State.

Under his leadership, the Joint Commission on Public Ethics has ranked Wilson Elser the number one lobbying firm in the state of New York for the past 16 years. For 13 straight years, Wilson Elser has taken in the most lobbying revenue of any other firm, according to state data. Lobbying revenue in the Albany office has jumped 56% and the Albany branch is Wilson Elser's most profitable of its 21 offices.

Shapiro dismisses those who disparage his chosen profession. "Like every industry, there are good lobbyists and bad ones, but lobbying is something that is part of the foundation of our government. My client

**Under Shapiro's leadership, Wilson Elser's has been ranked the number one lobbying firm in the state for the past 16 years.**

for many years has been the Healthcare Association of New York State. When they needed money for a new infant unit, I fought for them." But Shapiro is discriminating in choosing his clients; if the cause affronts his morality, he says no.

Looking back on three decades in Albany, Shapiro has no regrets. "If I could do it all over again, I would," he said. "Being in government is incredibly exciting. I was just so lucky." If only he could get the Dodgers back. ■

**1974 Bernard V. Kleinman**, who maintains a private practice specializing in criminal, civil, commercial, and general litigation, was appointed a Civilian Defense Attorney by the Office of the Chief Defense Counsel of the Department of Defense. He represents detainees before military commissions in Guantanamo Bay, Cuba. Kleinman also serves as of counsel to Aitken Berlin LLP handling litigation matters.

**George A. Schieren**, a partner in the New York office of Gibson Dunn & Crutcher, was awarded an honorary doctorate from The Hebrew University in June 2013. Schieren is governor of the university's International Board of Governors and he is also the International Campaign Co-Chair and a member of the Executive Committee. He is a member of Gibson Dunn's Securities Litigation, Securities Enforcement, Crisis Management, and White Collar Defense and Investigations Practice Groups.

**1975 Jeffrey I. Citron**, co-managing partner of the firm of Davidoff Hutcher & Citron, LLP, was named "Best Attorney" by *The New York Enterprise Report* in July 2013. Recipients were selected based on their "outstanding commitment to the success of their small and midsize business clients." Citron focuses his practice in the area of real estate law and general commercial litigation.

**Lawrence A. Sucharow**, chairman of plaintiffs' securities and class action firm, Labaton Sucharow LLP, was named a 2013 "Leading Lawyer" for Securities Class Action Litigation by *The Legal 500*; a 2013 "Senior Statesman" for Litigation: Securities Mainly Plaintiff-Nationwide and New York by *Chambers @ Partners USA*; and one of "The 500 Leading Lawyers in America" for 2013 by *Lawdragon 500*. Sucharow was also elected vice chair of the recently formed International Financial Litigation Network, an inclusive movement of law firms and organizations committed to working collaboratively to advocate for improvement of good practices in the financial markets worldwide.

**1977 Fred J. Hirsh**, a judge of the Nassau County District Court, was elected secretary of the New York State District Court Judges Association and treasurer of the Nassau County District Court Judges Association.

**Steven R. Wagner** joined the New York office of Porzio, Bromberg & Newman PC as a principal. He concentrates his practice in co-op and condominium law, real estate litigation, land use, and overall real estate in the New York City area. He also has a practice in Internet defamation law. Wagner was formerly a member of Wagner Davis P.C., which he founded in 1984.

**1978 Howard B. Sirota** joined the Fort Lauderdale, FL office of Roetzel & Andress as of counsel in the firm's Business Services Group. Sirota focuses his practice on corporate and business services, with a concentration on corporate and securities legal matters, including litigation, broker-dealer regulation, and securities class actions.

**Benjamin Weinstock**, a partner of Ruskin Moscou Faltischek P.C. and co-chair of its Real Estate Department, became chair of the Real Estate Section of the New York State Bar Association. Weinstock also serves as deputy mayor of Cedarhurst, NY.

**1979 Michael V. Kaplen**, a partner in the personal injury firm of DeCaro & Kaplen, LLP, was appointed a professorial lecturer in law at The George Washington University School of Law, where he teaches a course titled "The Legal Aspects of Traumatic Brain Injury." Kaplen was also recertified as a civil trial advocate by the National Board of Trial Advocacy, a testing and approval process that officially recognizes the extensive education and courtroom experience of attorneys.

**1980 Maxine Blake** was named Senior Vice President and General Counsel, Major Brokers Division of QBE Insurance Corporation. Headquartered in Sydney, Australia with offices in 48 countries, QBE is one of the world's top 20 general insurance and reinsurance companies.

**Carol L. Buell**, founding partner of Weiss Buell & Bell, and **Eric I. Wrubel '95**, a partner at McLaughlin & Stern LLP, participated in a New York City Bar CLE program on Marriage Equality in June 2013. Buell's practice areas include residential real estate transactions, estate planning, and she also represents non-traditional families in domestic partnership, second parent adoption, and other family law matters. Wrubel focuses his practice in the areas of complex family and matrimonial law.

**Arlene G. Dubin**, a partner at Moses & Singer, LLP and co-chair of the firm's Matrimonial and Family Law Practice, co-wrote "Understanding Portability is Crucial for Prenup Drafting," published in the *New York Law Journal* (July 29, 2013). Dubin's practice encompasses all aspects of matrimonial and family law, and she is nationally recognized in the area of matrimonial agreements.

**Rosemary C. Salomone**, the Kenneth Wang Professor of Law at St. John's University School of Law, participated in a symposium, "Evaluating Claims About the 'End of Men': Legal and Other Perspectives," at Boston University School of Law and her paper, "Rights and Wrongs in the Debate Over Single-Sex Schooling," was subsequently published in the *Boston University Law Review* in May 2013. Salomone teaches constitutional law, administrative law, and a seminar on children and the law.

**1981 Robert A. Ansehl**, formerly with Clyde & Co., joined White and Williams LLP as a partner and chair of the firm's Insurance Transactional and Regulatory Group. Ansehl advises clients with respect to mergers, acquisitions, capital raising and capital markets transactions as well as captives, BOLI/COLI, securitizations, CAT bonds, ILS, and alternative risk transfers.

**Michael A. Pysno** opened his own practice in the Minneapolis/St. Paul, MN where he provides services as a mediator, arbitrator, and neutral evaluator. Pysno was most recently a managing director, senior associate general counsel, and litigation manager at RBC Wealth Management in Minneapolis.



**1983 Michael D. Grohman**, managing partner of the New York office of Duane Morris LLP, was honored in June 2013 as one of two inaugural recipients of the Girls Educational and Mentoring Services (GEMS) Male Allies award. Grohman, who is also chair of the firm's Wealth Planning Practice Group, spearheads the firm's work on behalf of GEMS. He practices in the areas of tax and estate planning and administration.

**Karen J. Tenenbaum**, who practices tax law at her firm, Karen J. Tenenbaum, P.C., located in Melville, NY, was presented with *Long Island Pulse Magazine's* Most Impressive Case Victory Award at its 2013 Legal Eagles Awards Dinner. The award recognized her firm's recent successful representation of taxpayers in a New York State income tax residency audit.

**1984 Kenneth A. Kopelman and Susan L. Merrill '86** were featured in an article in the *New York Law Journal* (Apr. 3, 2013) about their move as part of an 11 lawyer team from Bingham McCutchen LLP to Sidley Austin LLP to expand Sidley's Securities Enforcement and Regulatory Practice Groups. Kopelman counsels broker-dealers, banks, hedge funds and other financial institutions on a wide range of financial products and services. Merrill, former head of Bingham's Securities Enforcement Practice, advises clients on regulatory enforcement matters and assists broker-dealers, investment advisers, financial institutions and Fortune 500 companies on internal investigations for the SEC and FINRA. She is the former head of enforcement at FINRA.

**1985 James I. Glasser and Joseph W. Martini** were both appointed to leadership positions in the Litigation Department at the firm of Wiggin and Dana LLP. Glasser, a partner in the New Haven and New York offices, was named chair of the firm's Litigation Department. He represents clients in complex civil litigations and in investigations and prosecutions conducted by the Department of Justice, the SEC, FINRA, the State Department, State Attorneys General, and other federal and state regulators. Martini, a partner in the Stamford and New York

offices, was named co-chair of the firm's White Collar Defense, Investigations, and Corporate Compliance Practice Group. He counsels clients in prosecutions and investigations including a broad range of federal criminal laws and regulations involving export and OFAC compliance, tax fraud, mortgage and financial fraud, bankruptcy fraud, mail and wire fraud, and securities fraud.

**Ellen G. Makofsky**, founding partner of the Long Island firm of Raskin & Makofsky, was appointed co-chair of the New York State Bar Association's Committee on Women in the Law. Makofsky also serves as at-large member of the Executive Committee of the NYSBA. She focuses her practice in the areas of elder law, trusts and estate, probate and estate administration, guardianships, and disability planning.

**Robert Pardes** joined the executive team of World Business Lenders, a lender to small business, as director of operations. Pardes was previously vice president and chief operating officer of Cercasa, a de novo mortgage banking subsidiary established in consultation with Deutsche Bank in Bogota, Columbia.

**Fred B. Ringel**, a partner at Robinson Brog Leinwand Greene Genovese & Gluck P.C., was named co-chair of the firm's Bankruptcy and Reorganization Department. Ringel represents a wide variety of constituencies in complex Chapter 11 cases throughout the country. He joined the firm in 1988 after serving as an Assistant Corporation Counsel for New York City.

**1986 Edward L. Chun** joined the Santa Cruz, CA law firm of Atack & Penrose, LLP. Chun focuses his practice in the areas of real property and estate and trust litigation and general civil litigation. Chun also serves on the board of directors of the Santa Cruz Little League.

**Andrew I. Silfen**, a partner in the New York office of Arent Fox LLP and chair of its Bankruptcy and Financial Restructuring Group, was presented with a 40th Leadership in Credit Education Award by the New York Institute of Credit in June 2013. The award is given to two individuals who have "demonstrated

dedication and commitment to the New York Institute of Credit and the Credit Industry." Silfen represents creditors' committees, indenture trustees, and bondholders in bankruptcy proceedings, as well as acquirors of and investors in troubled, distressed, and bankrupt companies.

**1988 James D. Diamond**, a criminal law attorney in the Stamford, CT firm of Cacace Tusch & Santagata, recently completed a year in residence at the University of Arizona College of Law, Indigenous People's Law and Policy Program where he studied Indian Law. Diamond is a candidate for an S.J.D. and is completing a doctoral dissertation at the University.

**1990 Linda A. Mercurio**, executive director, lead instructor, and attorney coach for the Lawyer Reentry Program at the American University Washington College of Law, was a featured speaker at the Military Spouse J.D. Network Annual Conference held in Washington, D.C. in May 2013.

**1991 Hope N. Kirsch** relocated to Arizona in 1999 and formed the firm of, Kirsch-Goodin & Kirsch, PLLC, where she specializes in special needs law, restraint and seclusion and bullying. Her work in this area was influential in having a bill on restraint and seclusion signed into law by Governor Jan Brewer in April 2013.

**1992 Robert S. Gershon**, who serves as a special prosecutor in Kings County and also maintains a private criminal defense and family law practice, was elected to the Syosset Central School District Board of Trustees for a three-year term. Gershon is the immediate past president of the Kings County Criminal Bar Association.

**Jaime A. Siegel**, previously vice president, senior IP counsel of Sony Corporation of America and its Representative to Taiwan, joined the management team of Acacia Research Group LLC as senior vice president. Acacia Research Corporation's subsidiaries partner with inventors and patent owners, license the patents to corporate users, and share the revenue.



## Irene Chang-Cimino '91

### Rebuilding New York

On the morning of September 11, 2001, Irene Chang-Cimino '91 forgot to vote. She left her Battery Park City apartment bright and early, but she was on her way to Chinatown where she had volunteered to poll watch bilingual ballots for the Asian American Legal Defense and Education Fund (AALDEF). When she remembered, she was already on the subway, and figured she would vote later. “Who knows where I would have been when the Towers came down,” she said. “My polling site was in the World Financial Center. Volunteering saved my life.” Maybe so, but then she turned around and worked to help rebuild the city, not once, but twice; first as General Counsel of the Lower Manhattan Development Counsel (LMDC), and most recently as Lead Counsel of the President’s Hurricane Sandy Rebuilding Task Force.

A lifelong New Yorker, Chang-Cimino was born and raised on the Lower East Side. She attended Stuyvesant High School and New York University where she majored in psychology. She spent four years at NYU Medical Center’s Department of Psychiatry, but when research money became scarce, she enrolled in law school. She graduated *cum laude* and became an active member of the Law School community, as President of the Asian American Law Students Association, Vice President of the Student Bar Association, Managing Editor of the school newspaper, and a performer in the *Second Circus Revue*, a follies and sometimes roast of then Dean, the late Honorable David Trager.

After law school, Chang-Cimino spent five years in Shearman & Sterling’s Litigation Group, and three years at the Civil Division of the United States Attorney’s Office for the Southern District of New York, before becoming Deputy General Counsel of Kozmo.com, a high profile start-up poised to go public that

quickly became a casualty of the dot-com bust. It was August of 2001 and Chang-Cimino was out of a job. While planning her next steps, she joined the Board of Directors of the AALDEF, including volunteering as a poll watcher on that clear morning in September.

With the downtown community in ruins, Chang-Cimino was without a home (Battery Park residents couldn’t return), but she was certain of what she wanted to do next—help rebuild her city. When an opportunity to work at the LMDC became available, she did not hesitate. Over the course of nearly 10 years, Chang-Cimino worked her way up from Vice President for Legal Affairs to General Counsel and Secretary. She was responsible for all legal and governance matters, worked closely with municipal, state, and federal agencies on grant agreements, and completed all legal requirements for the World Trade Center Memorial and Redevelopment Plan.

Chang-Cimino left the LMDC after a decade to join Seedco, a nonprofit dedicated to community development and community-based lending. A year later, Hurricane Sandy battered the Northeast, devastating lower Manhattan once again along with so many vital communities in the region. Chang-Cimino realized that her years in government and work at LMDC made her uniquely qualified to help. Secretary of Housing and Urban Development Sean Donovan agreed. In early 2013, he appointed her Lead Counsel to the Hurricane Sandy Rebuilding Task Force. “Our goal was not only to help people recover in the short term, but, given the size of federal investment, to be mindful of the future in terms of how to strengthen communities and make resilient, long-term improvements to the physical infrastructure,” she said.

At the conclusion of seven months, the Task Force produced “The Hurricane Sandy Rebuilding Strategy,” a 212-page report with 69 policy recommendations, many of which have already been adopted. The recommendations included helping homeowners stay and repair their homes (a moratorium on foreclosure was adopted), strengthening small businesses, revitalizing local economies, and ensuring entire communities are better able to withstand and recover from future storms. “We have cut red tape, piloted cutting-edge programs, and strengthened our partnership with state and local officials,” President Obama said in a press release announcing the publication of the Strategy.

The Task Force sun set a month shy of the anniversary of Sandy, but Chang-Cimino has been offered the opportunity to continue working on the recovery, as Senior Advisor–Strategic Regional Coordination with the Federal Emergency Management Agency and the U.S. Department of Housing and Urban Development, a role dedicated to Hurricane Sandy and other recovery efforts in the region, including New York, New Jersey, Connecticut, Rhode Island, and Maryland.

“I am a lifelong New Yorker who has seen the city change in so many ways,” she said. “It means a lot to me to be a part of the recovery of the region and all the places I call home. I only hope that in the not too distant future my community development work will stop being in the context of a disaster.” ■

**1993 Jewell L. Esposito**, formerly co-chair of the ERISA practice at Constangy Brooks & Smith LLP, joined the Washington, D.C. region office of Jackson Lewis LLP as a partner. Esposito practices in the areas of ERISA, executive compensation, and tax law.

**Thomas J. Frank, Jr.** joined the San Francisco, CA office of Whittier Trust as executive vice president and Northern California regional manager, and he also sits on the firm's Executive Committee. He was previously a director at Abbot Downing, a division of Wells Fargo Bank.

**Pasqualino Russo** was honored by The Bay Ridge Lawyers Association as its outgoing president at its 59th Annual dinner in June 2013. Russo is special counsel at Windels Marx Lane & Mittendorf, LLP, where he focuses his practice on transportation law.

**Anthony M. Vassallo**, previously an attorney in the bankruptcy departments of Willkie Farr & Gallagher, LLP, Togut Segal & Segal LLP, and Golenback Eiseman Assor Bell & Peskoe, LLP, opened his own practice focusing on bankruptcy and restructuring services.

**Ira R. Weissman**, a partner in the Law Office of Naiburg, Obedin & Weissman, was elected president of the Suffolk County Criminal Bar Association.

**Phoebe A. Wilkinson**, previously a partner at Chadbourne & Parke LLP and co-head of its Products Liability Group, joined the New York office of Hogan Lovells as a partner. Wilkinson focuses her practice on complex and international disputes with an emphasis on products liability on behalf of pharmaceutical, medical device, and consumer appliance manufacturing companies.

**1994 Larry Bortstein**, founder of The Bortstein Legal Group, was awarded a 2013 Lexology Client Choice Award USA & Canada in the Information Technology category for the New York Region. Recipients of the 2013 award were selected from a pool of over 2,000 nominations submitted by corporate counsels from around the world. Bortstein's firm focuses on supporting the business operations of its clients with an emphasis on negotiating contracts relating to technology,

telecommunications, outsourcing, data/content, cloud services, corporate services, and corporate real estate. Prior to founding his firm, Bortstein was the global head of technology law at Lehman Brothers.

**Jeffrey B. Gewirtz**, executive vice president of business affairs & chief legal officer of the Brooklyn Nets and Barclays Center, served as the keynote speaker at the 25th Anniversary Celebration of the New York State Bar Association's Entertainment, Arts & Sports Law Section in May 2013.

**Alan J. Pollack**, formerly with Frank & Pollack, LLC, joined the Bridgewater, NJ office of Norris, McLaughlin & Marcus, P.A. as of counsel. Pollack concentrates his practice in the area of immigration law. He is chair of the New Jersey Chapter of the American Immigration Lawyers Association and head of the Chapter's Unauthorized Practice of Law and Ethics Committee.

**Bonnie Sard**, an assistant district attorney at the Manhattan District Attorney's Office, will be presented with a Public Service Award by the New York County Lawyer's Association at an award ceremony in September 2013. The award honors lawyers in the public sector who have distinguished themselves as role models, innovators, and problem solvers of complex legal issues.

**Andrea Strong**, the managing editor of this magazine and a freelance food writer, and her husband Craig Weiner, welcomed the birth of their son, Sam Harrison, on May 28th. Sam joins big sister, Emily, who is four. Strong's latest article, a profile of *Bon Appetit* Restaurant and Drinks Editor Andrew Knowlton entitled, "Will Fly for Food," appeared in *Edible Brooklyn's* September/October issue.

**1995 Robert F. Fodera** was appointed the assistant commissioner of administrative policy and enforcement with the New York City Department of Buildings. Fodera oversees the agency's prosecution of Building and Construction Code violators, discipline of professionals who practice before the agency and he is also responsible for developing policy to help the agency become more productive

in protecting the public health, safety and welfare. He previously served as the Executive Officer of the NYPD Civil Enforcement Unit for over 10 years.

**1996 Michael E. Benzi**, president of Federated Title Services, was presented with a Community Visionary Award by MBD Community Housing Corp. at its gala in May 2013. MBD works to improve the quality of life in the Bronx through housing development, property management, economic development, and the delivery of human services.

**Mark D. Lipton** joined the newly opened New York office of @Legal Discovery, LLC, an end-to-end eDiscovery technology provider, as an account executive. He previously held executive positions at AccessData, XMLAW, and Thomson Elite and maintained a private practice for 10 years.

**1997 Alexandra S. Fisher** joined the New York City Office of Payroll Administration as its general counsel. She was formerly deputy general counsel of the New York City Department of Correction and has held positions at the New York City Fire Department and the Department of Buildings.

**Linda Werbel Dashefsky**, Vice President for Government and Community Relations at St. Francis College, was awarded the Distinguished Administration Award by the College at its Alumni Dinner in May 2013.

**Daniel C. McElhinney** joined the New York office of Donlin Recano & Company, Inc., a bankruptcy management claims company, as its director of business development. McElhinney was most recently a managing director with Epix Bankruptcy Solutions.

**Craig M. Notte** was promoted to partner at Borah, Goldstein, Altschuler, Nahins & Goidel, P.C., a real estate litigation and transactional firm. Notte specializes in litigating condominium and cooperative apartment disputes, New York City rent stabilization, and other landlord-tenant matters.

**1998 Robert C. Angelillo** joined classmate, **Lisa C. Solbakken's** firm, Arkin

Solbakken, as a partner. Angelillo focuses his practice in the area of commercial litigation.

**Michael Asaro** was recently named to *Law360's* 2013 list of Rising Stars Under 40 in the Securities Bar. Asaro is a partner in the New York office of Akin Gump Strauss Hauer & Feld LLP, focusing on U.S. Securities and Exchange Commission investigations, white-collar criminal defense, corporate internal investigations, and commercial litigation. As a former federal prosecutor and enforcement attorney at the SEC, he used his decade of experience as a government lawyer to help hedge-fund industry giants navigate high-stakes litigation. He has also been recognized as a leading lawyer by *Chambers USA*, *New York Super Lawyers*, and *BNA's Securities Regulation & Law Report*.

**1999 Jaime A. Maurer** was promoted to partner in the Fort Myers, FL office of Roetzel & Andress. Maurer focuses her practice on representing employers in disputes and counseling them with respect to any and all employment law issues.

**Adam W. Snukal**, of counsel at Greenberg Traurig, moved to Tel Aviv to help the firm in its pioneering effort to open an office there. Greenberg is the only major law firm that boasts a full service/presence in Israel. Snukal focuses his practice on technology, corporate law, intellectual property, and banking law.

**2000 Sylvia E. Di Pietro**, who maintains her own practice focusing on real estate, guardianship law, and trusts and estates, was presented with the Jack Newton Lerner Award for Outstanding Contributions to Continuing Legal Education, from the New York County Lawyers' Association in September 2013.

**Jeffrey Schulman**, a partner at Dickstein Shapiro LLP, was selected by the *New York Law Journal* as one of its 44 Rising Stars for 2013. Schulman's practice focuses on representing corporate and commercial policyholders in a variety of significant and complex coverage disputes, including construction defect, product liability, director and officer, multimedia, asbestos, and first-party claims.

**2001 Joshua Bernstein** is a partner at Pryor Cashman LLP and a member of the firm's Real Estate Litigation and Hospitality Litigation Groups. Bernstein was recognized by *Law360* as a 2013 Rising Star. Several of Bernstein's most high-profile cases have secured multimillion-dollar judgments for developers fighting against global hoteliers, including Starwood Hotels & Resorts and Mandarin Oriental Hotel & Residence. Bernstein advises clients in disputes ranging from the acquisition and development of real property to the operation and management of hotels. He has also written two articles on hospitality litigation for the *New York Law Journal*.

**Dona J. Fraser** was promoted to vice president in the Privacy Certified Department of the Entertainment Software Rating Board (ESRB). ESRB is a nonprofit, self regulatory body that assigns ratings for video games and apps. Fraser joined the company in August 2007 as director of the Privacy Online Department.

**2002 Angela L. Mastrangelo (Baglanzis)**, an associate in the Philadelphia office of Obermayer Rebmann Maxwell & Hippel LLP, was selected as a 2013 Pennsylvania Rising Star in bankruptcy law. In her practice, Mastrangelo serves businesses in need of restructuring, reorganization, and liquidation. Her clients represent a variety of industries. Mastrangelo is also a volunteer lawyer for the Homeless Advocacy Center, helping the homeless community find housing and employment. She and her husband, John, welcomed the birth of their second child, Nicholas James, in May 2013. Nicholas joins big brother Johnny.

**Thomas E. Brennan** became a partner in the Westport, CT office of Halloran & Sage LLP. He concentrates his practice in the area of commercial litigation. He also litigates employment related matters.

**Joseph Lynch** became the managing partner of the New York City office of Nixon Peabody LLP. Lynch is a partner in the firm's Affordable Housing Group representing for-profit and not-for-profit developers, owners, and managers in complex real estate transactions involving tax-exempt bonds, low-income housing

tax credits, and new markets. He succeeds **Arthur Rosner '76** who held this position for over 40 years.

**2003 Joshua R. Kopelowitz** was promoted to partner at Rosenberg & Estis, P.C. in the firm's Real Estate Litigation Group. He focuses his practice in all areas of complex litigation including commercial and residential landlord/tenant disputes, HP proceedings, and Yellowstone Injunctions.

**Justin J. Mazzola**, a research associate at Amnesty International, participated in a conference, "Killing by Drones: Human Rights Implications," at New Mexico Highland University in April 2013. Mazzola has worked in the Research Unit of Amnesty International since 2003, and has contributed to reports on police abuse of LGBT people and the failure to protect indigenous women from sexual violence.

**Athena M. Mihalos** was elected counsel in the Matrimonial and Family Law Department of Phillips Nizer LLP. Mihalos negotiates divorce settlements and pre- and post-nuptial agreements, and litigates disputes involving custody and visitation, child and spousal support, and equitable distribution of complex asset structures, businesses, and professional licenses.

**Andrew D. Stillufsen**, previously an associate at Kaye Scholer LLP, joined the Princeton, NJ office of Reed Smith LLP as a senior associate in its Life Sciences Health Industry Group. Stillufsen focuses his practice on pharmaceutical and medical device product liability defense.

**Robert G. Vidoni** joined Dietrick Group Property Management, located in Allentown, PA, where he leads the organization's team and all of its operations as principal and general counsel. Vidoni was previously a corporate and real estate transactions attorney at Gross McGinley, LLP.

**2004 Grace C. Bonilla** was appointed deputy commissioner of the Office of Community Affairs and Immigrant Services for the NYC Department of Social Services/Human Resources Administration. Bonilla oversees the agencies' call center and works directly with the public and community leaders to address issues facing HRA's three million clients

and to ensure that the agency is complying with federal, state, and local laws regarding the administration of benefits for the non-citizen and limited English proficient clients the agency serves. She joined the agency in 2004 as an attorney.

**Jamie Brody-Johnson**, an Assistant District Attorney at the Nassau County District Attorney's Office, and her husband, Kenny, a New York City Fireman, welcomed the birth of their second child, Sydney Morgan Johnson, in March 2013.

**Daniel E. Gospin** became a partner in the Houston, TX office of Epstein Becker & Green, P.C. in the firm's Health Care and Life Sciences Practice Group. He represents a variety of health and life science entities on corporate compliance and fraud abuse issues. He also advises investors and other financial institutions that invest in or support the health care industry.

**Cassandra M. Porter** is counsel to Lowenstein Sandler LLP in the firm's Bankruptcy, Financial Reorganization & Creditors' Rights Group. Her practice focuses exclusively on bankruptcy, restructuring, debtor-creditor law, and bankruptcy litigation. Porter's successful representation of major clients such as U.S. Eagle Corp and its affiliates, Meridian Behavioral Health LLC, and RoomStore, Inc., led to her inclusion on the *New Jersey Super Lawyers* 2013 list of Rising Stars. She is also the secretary and member of the board of directors of The Financial Clinic, a leading nonprofit dedicated to helping the working poor build financial security.

**Nicole A. Wyskoarko** was promoted to senior vice president, business & legal affairs at Island Def Jam Music Group. In this leadership position, she negotiates and structures recording agreements, label deals and joint ventures, manufacturing and distribution agreements, and agreements concerning new media. Wyskoarko has been with the company for 11 years, starting as an intern while completing her law degree. She was awarded ASCAP's Women Behind the Music Award in 2012 and is a founding member of the nonprofit advocacy group, Black Women in Entertainment Law.

**2005 Jeremy M. Attie** joined the Executive Chamber of New York Governor Andrew Cuomo as a senior policy analyst for civil rights and workforce in August 2012. Attie works to develop and implement state-wide civil rights and workforce policy through legislation, regulation, and state operations. He was previously an associate at Judd Burstein, P.C.

**Jason Cade** joined the faculty at the University of Georgia School of Law as an Assistant Professor of Law where he will teach Immigration Law and establish the school's new Medical-Legal Partnership Clinic. He previously served as an acting assistant professor at New York University School of Law, where he taught in the Lawyering Program and also served as a supervising attorney for the NYU Immigrant Rights Clinic.

**Clifford R. Cone** was elected a partner of Clifford Chance U.S. LLP in the firm's Capital Markets Practice Group. Cone focuses his practice on the investment management sector, advising alternative investment managers, registered investment companies, and boards of directors with respect to all aspects of the Investment Company Act of 1940 and the Investment Advisers Act of 1940.

**Song-Chu Lee** was promoted to Chief, Toothbrush, Professional Oral Care & Tom's of Maine Trademark Counsel at Colgate-Palmolive Company. Lee manages the Company's global trademark portfolios for the Toothbrush and Professional Oral Care product categories as well as the cross-category Tom's of Maine trademark portfolio. She also manages the Company's internet and domain name matters. Lee joined the Company in 2005 as a consulting attorney.

**Amber W. Locklear** became a partner in the New York office of Ropers, Majeski, Kohn & Bentley PC. She concentrates her practice in the areas of complex insurance coverage, commercial litigation, securities arbitrations, unfair business practices, employment law, and defense of professional malpractice actions.

**Errol T. Louis**, host of "Inside City Hall" on NY1, moderated "An Evening with the New York City Mayoral Candidates," held at the New York City Bar Association in June 2013. Louis is also an adjunct

professor at CUNY Graduate School of Journalism, where he teaches a course on political reporting.

**Jennifer L. Marines** became of counsel at Morrison & Foerster LLP in the firm's Business Restructuring & Insolvency Group. Marines represents Chapter 11 debtors, creditors, investors, and other parties in interest in complex corporate reorganizations.

**Daniel B. Slater**, online dating expert and author of *Love in the Time of Algorithms: What Technology Does to Meeting and Mating* appeared on "The Today Show" in late April alongside his aunt by marriage, Martha Stewart, and the CEO of Match, Inc., to discuss Ms. Stewart's dating profile. Slater is a former legal affairs reporter for *The Wall Street Journal* and is currently a contributor to *Fast Company*.

**2006 W. Peter Beardsley**, previously an associate at Hughes Hubbard & Reed LLP, joined the New York office of Troutman Sanders as an associate in the firm's Lending & Structured Finance and Bankruptcy Groups. Beardsley represents lenders and borrowers in all types of finance transactions.

**Natalie S. Feher** was promoted to eDiscovery Counsel by Complete Discovery Source. Feher previously served as senior project manager and in-house counsel specializing in intellectual property and contract negotiations.

**Marcus D. Friedman**, previously an associate at Bracewell & Giuliani LLP, joined the New York office of Ropes & Gray LLP as an associate. Friedman advises clients on mergers and acquisitions, asset sales, private equity investments, financing arrangements, securities law compliance, corporate governance, and general corporate matters in public and private takeovers, investments, restructurings and reorganizations in the U.S. and abroad.

**Brian S. Hsu** became a partner in the firm of Goldstein Hall PLLC. Hsu focuses his practice in the areas of affordable housing, development, corporate governance, and nonprofit law, representing clients in a wide range of real estate transactions.

**Michael R. Nerenberg**, previously with Gorlick, Kravitz & Listhaus PC, joined Borah, Goldstein, Altschuler, Nahins & Goidel, P.C. as a senior real estate associate. He handles all transactional matters, including commercial and residential sales and acquisitions, office and retail lease drafting and negotiations, commercial finance, and matters involving the representation of residential and commercial landlords and tenants in litigation.

**Jodi R. Siegel-Stein**, formerly an associate at Wachtel Missry LLP, joined Fox Rothschild LLP, as an associate in the firm's Real Estate Practice Group. Siegel-Stein assists real estate developers in New York through the life cycle of the construction process.

**Robert J. Walther**, previously deputy director for Energy at Third Way, joined POET as its director of federal affairs. POET is one of the world's largest ethanol producers and is a leader in biorefining. Walther is tasked with opening a POET office in Washington, D.C. and representing the company in talks with members of Congress, their staffs, and federal agencies regulating renewable fuels.

**2007 Erin W. Boardman**, an associate at Robbins Geller Rudman & Dowd LLP, wed **Jason S. Eisenfeld '07**, an associate at Pyrras and Serres LLP, in April 2013.

**Christopher L. Buck**, who maintains his own firm in Houston, TX, was elected to the Texas Court Appointed Special Advocates (CASA) Board of Directors. The statewide nonprofit organization provides training, technical assistance, and funding to the 70 local CASA programs across Texas to recruit, train, and support court-appointed volunteers who advocate for abused and neglected children. Buck focuses his practice in the area of family law and child advocacy.

**2008 Marjan Disler** joined the Seattle, WA firm of Short Cressman & Burgess PLLC as an associate in the firm's Environmental and Litigation Practices. Disler focuses her practice on environmental and natural resources law and commercial litigation, advising clients on all aspects of site remediation under

federal and state environmental laws, and she handles multi-party CERCLA contributions actions.

**Elan A. Gershoni**, an associate in the Miami, FL firm of Ehrenstein Charbonneau Calderin, co-wrote an article, "The Case for Committee Surcharge Actions," published by the American Bankruptcy Institute in its *ABI Journal* in June 2013. Gershoni focuses his practice in the areas of bankruptcy, business reorganization and bankruptcy-related litigation.

**2009 Bryan S. Arce**, founder of the employment law firm, The Arce Law Group, PC, served as trial co-counsel on the employment discrimination case that won the highest verdict in 2012 in New York State for an employment case (*Salemi V. Gloria's Tribeca Inc.*) as cited in Verdict Search.

**2010 Matthew P. Cueter**, previously with Smith Mazure, joined the New York office of Rawle & Henderson LLP as an associate. Cueter practices in the areas of construction, insurance, products liability, premises liability, toxic tort litigation, and professional responsibility.

**Deborah B. Diamant, Leigh M. Mangum '11 and Julia Howard-Gibbon '12** joined the New York Legal Assistance Group (NYLAG) as staff attorneys. NYLAG provides free legal services to low-income New Yorkers. Diamant and Mangum are working in NYLAG's Housing Project and Howard-Gibbon joined the Storm Response Unit.

**Brendan M. Palfreyman**, previously an associate at Proskauer Rose LLP, joined the Syracuse, NY office of Harris Beach PLLC as an associate in the Intellectual Property and Business and Commercial Litigation Practice Groups. Palfreyman focuses his practice on intellectual property matters and other complex litigation, including patent, trademark, copyright, and trade dress infringement actions.

**Jonathan M. Sabin**, previously an associate at Simpson Thacher & Bartlett LLP, joined Holwell Shuster & Goldberg LLP as an associate where his practice focuses on complex commercial litigation.

**Russell F. Spiegel**, a staff lawyer in the rights-management group at A&E Networks, wed Annie Marie Wyks in July 2013. Present at the wedding were **Glen Kendall '10, Chloe Jones '10 and Guy Lometti '10**.

**2011 Christopher D. Amore**, an associate at Mound Cotton Wollan & Greengrass, recently published an article, "Rules of Engagement: Balancing the (Inherent) Right and Obligation of Self-Defense with the Prevention of Civilian Casualties," in the *National Security Law Journal* (2013).

**Ariel Burman** recently opened Cottage, a menswear boutique in Miami Beach, FL. Burman handled legal work for his family's seafood company in Miami while coordinating plans for his new store.

**Katherine F. Cser**, previously an associate at the Carabba Law Firm P.C., joined the Manhattan office of Jackson Lewis LLP as an associate. Cser represents management in employment litigation, handling employment discrimination claims, harassment, retaliation, wrongful discharge claims, and wage and hour actions.

**Amy M. Handler**, previously with Hughes Hubbard & Reed LLP, joined the Newark, NJ office of Sills Cummis & Gross P.C. as an associate in the firm's Litigation Practice Group.

**Maja Szumarska** joined the Garden City, NY firm of Stagg, Terenzi, Confusione & Wabnik, LLP as an associate. She focuses her practice on commercial litigation.

**2012 Dalila Castillo**, who recently joined the Compliance Department at American Express, founded and is serving as the chairperson of the Young Professional's Committee within The Cerebral Palsy International Research Foundation. She is in charge of planning events to both raise funds and to spread awareness about the condition to younger generations.

**Jacqueline K. Holmes (Conahan)** joined the Allentown, PA firm of Norris, McLaughlin & Marcus, PA as an associate. She concentrates her practice on commercial litigation and general civil litigation matters. ■

## George G. Gallantz '35

George Gallantz, a distinguished member of the Class of 1935, and a steadfast, devoted, and beloved member of the Board of Trustees from 1983 to 1997, died on April 24 at age 100.

Known to many as the “Grandfather of Sports Law,” Gallantz was a partner at Proskauer Rose for nearly 50 years, where he founded and played a key role in developing the firm’s renowned sports law practice. Today Proskauer represents all the major leagues: the National Basketball Association, the Women’s National Basketball Association, the National Hockey League, the National Football League, Major League Baseball, and Major League Soccer.

“George was the cornerstone of our sports law practice,” said Proskauer’s sports law group co-chair Howard Ganz in an obituary published in the *New York Law Journal*. “Gallantz took the practice from a two-lawyer group into one known for winning cases for major sports clients. He was also regarded as a wonderful teacher and mentor.”

Gallantz helped shape the early careers of NBA commissioner and former Proskauer partner David Stern, NHL commissioner Gary Bettman and New York City Corporation Counsel Michael Cardozo.

Gallantz was also a mentor to members of the Brooklyn Law School family,



including Bruce Fader '74, who, like Gallantz, was the chair of the Proskauer Litigation Department for many years, and BLS Professor Michael Gerber. “Rarely does a day go by that I don’t pass along to students something George taught me,” said Gerber. “In fact, not too long ago, when I was sharing a George recollection with my bankruptcy students, several of them—with a touch of amazement—asked whether I could possibly be talking about the *same* lawyer that their Trial Advocacy professor quoted the day before. Their Trial Ad professor was Bruce Fader.”

“Even into his last years, George was the master,” said Fader. “Stories of his triumphs are legendary. Judges called him by his first name and listened care-

fully to what he said because they knew they could rely on it. George did not overstate. He could cross-examine a witness into the ground. His openings and closings were to the point and eloquently delivered.”

Born to Ukrainian Jewish immigrants, Gallantz grew up in East Harlem and the Bronx. He attended City College before earning his J.D. from Brooklyn Law School in 1935. Gallantz’s legal career began at the New York City Corporation Counsel’s office during Fiorello LaGuardia’s Administration. After a decade with the city, Gallantz was appointed to serve as law clerk to New York Court of Appeals Judge Thomas D. Thacher, and he later joined Simpson, Thacher & Bartlett, where he practiced until 1957. He then moved into the field of entertainment law, when he went to work for Paramount Pictures, and later formed a small entertainment firm which counted Marlon Brando, Mickey Mantle, and Shirley Booth among its clients.

He worked at Proskauer until 1985, when he reached the firm’s mandatory retirement age of 72, though he continued to work on cases for several years afterward. He is survived by his son, Michael, his daughter, Judith Coven and her husband, Tony Coven, two grandchildren, and two great-grandchildren. ■

## Al DeMeo '34



Al DeMeo, a beloved colleague, teacher, and friend, and a member of the class of 1934, died in March at the age of 101. Professor DeMeo joined the BLS faculty in 1961. Over nearly four decades, he taught a wide variety of courses, including criminal law, criminal procedure, evidence, trial and appellate advocacy, constitutional law, and real estate practice. He retired in 1999.

Prior to joining the faculty, DeMeo was an Assistant United States Attorney in the Eastern District of New York and an Assistant District Attorney in Kings

County. He also served as an administrative law judge and an arbitrator in the Civil Court of the City of New York. The Law School celebrated his 100th birthday on April 26, 2011 with his friends and former colleagues.

“Al touched the lives of thousands of Brooklyn Law students and friends over the years and he will be missed,” said Professor Joseph Crea. “He always wanted students to do their best. He took their success to heart.”

DeMeo is survived by his son, Robert. ■

## Leonard Garment '49



Leonard Garment, Class of 1949, Counsel to President Richard Nixon, died on July 12 at the age of 89. A cherished member of the BLS community, he taught a seminar entitled “Law, Politics and Personality” as an Adjunct Professor from 2006 to 2010 and is a former member the BLS Board of Trustees.

The son of immigrant parents, Garment was raised in the Brooklyn neighborhood of Brownsville. He was a model law student, graduating first in his class, serving as editor of the *Brooklyn Law Review*, and representing BLS in the first national moot court competition. After graduation, he joined the firm of Mudge, Stern, Williams, & Tucker, where he became partner and met and befriended Richard Nixon, a fellow law partner who was building a political career. Following the presidential election victory in 1968, Garment joined the Nixon Administration as an informal liaison with Israel and the American Jewish community. He also advised Nixon on cultural affairs, Native Americans, and civil rights.

In 1973, he became Counsel to the President, and during the Watergate Affair urged him not to obstruct justice by destroying tapes of White House conversations. When Nixon resigned in 1974, Garment stayed on with President Ford briefly, helping to persuade him to pardon Nixon. After leaving the White House in 1973, Garment was appointed U.S. Representative to the United Nations Human Rights Commission in Geneva. He returned to private practice where he became one of Washington’s most sought-after lawyers, known for his strong intellect, gift of gab, and savvy media skills. He often represented powerful figures in trouble, including NSA Adviser Robert McFarlane during the Iran-Contra hearings, and representing Robert Bork when he was being considered for the Supreme Court.

Garment had another passion aside from the law; his first love was music. He took up the clarinet at age 13 and mastered the tenor saxophone as well. He played in big bands with such artists as Billie Holiday and Woody Herman. In Henry Jerome’s band he teamed up with an aspiring young economist named Alan Greenspan, also on saxophone. His passion for music later led to his founding the National Jazz Museum in Harlem, for which he served as chairman. In 2005, Garment was awarded the National Medal of Arts, the nation’s highest honor for artistic excellence. Garment also authored two books: *Crazy Rhythm: My Journey from Brooklyn, Jazz, and Wall Street to Nixon’s White House, Watergate, and Beyond* (1997), a memoir, and *In Search of Deep Throat: The Great Political Mystery of Our Time* (2000). Reviewers called his writing “absorbing,” “eloquent,” and “refreshingly candid.”

Garment is survived by his second wife, Suzanne, his daughter, Dr. Ann Garment, and his brother, Martin Garment. Garment’s first wife died in 1977. ■

## Frank A. Dellomo

Frank A. Dellomo, a longtime Trustee, supporter, and friend of the Law School, died on April 8. He was 79 years old. Dellomo joined the Law School’s Board of Trustees in 1989, and served as a Trustee and integral member of the Finance Committee to the Board for over 20 years, most recently holding the position of Trustee Emeritus. “His extraordinary energy and dedication as an advisor to the Law School will be forever appreciated and remembered,” said Stuart Subotnick ’68, Chairman of the Board.

As the former Vice Chairman of the \$15 billion CrossLand Savings, FSB, Dellomo brought a wealth of experience and expertise to his position on the Board. Under Dellomo’s leadership at CrossLand, the bank was the first in the New York area to introduce a debit card, and in the 1970s, he guided the bank into 24-hour electronic banking.

Born and raised in Brooklyn, he was a graduate of Midwood High School, Brooklyn College, the Graduate School of Savings Banking, and the Management Development Program at Amherst

College. Dellomo began his banking career in 1951 with The Brooklyn Savings Bank, rising through the ranks, eventually becoming President in 1979. In 1981, The Brooklyn Savings bank merged with Metropolitan Savings Bank to form CrossLand, where Dellomo became Senior Executive Vice President and then, in 1985, Vice Chairman.

He is survived by his wife of 52 years, the former Patricia Turvey, his daughters, Tracy and Alysén, his brothers, James and Anthony, and two granddaughters. ■



1939

**Norman J. Elliott**  
April 11, 2013

1941

**Aaron M. Scharf**  
April 13, 2013

1942

**Samuel Kirschenbaum**  
April 14, 2013

1948

**David S. Kelson**  
April 15, 2013

1949

**Norman Dreyfuss**  
April 20, 2013

**Leonard J. Mazzarisi**  
April 24, 2013

**Daniel Turchin**  
April 25, 2013

**George A. Weissblum**  
May 2, 2013

1950

**Samuel Landa**  
May 5, 2013

1951

**Jeff L. Greenup**  
May 6, 2013

**Harold Servin**  
May 6, 2013

1952

**Irwin A. Pierce**  
May 8, 2013

**Benjamin Podgor**  
May 20, 2013

**Norman Shapiro**  
May 25, 2013

1953

**Joseph J. Risi**  
May 26, 2013

**Beverly Cox Smith**  
June 3, 2013

**Paul Vladimir**  
June 9, 2013

1955

**Arnold A. Gurwitch**  
June 18, 2013

**Lawrence J. Holt**  
June 20, 2013

**Jacob Sklover**  
June 22, 2013

1957

**John J. Klaum**  
June 23, 2013

1958

**John M. Braisted**  
June 30, 2013

**Joseph H. Horak**  
July 12, 2013

1960

**Edwin H. Sunshine**  
July 14, 2013

1961

**Jesse Gerald Alexander**  
July 29, 2013

**Richard A. Benack**  
August 3, 2013

**Frederick Harap**  
August 4, 2013

1967

**James G. Fine**  
August 9, 2013

1968

**Walter Gumbinger**  
August 10, 2013

1971

**Donald G. Koch**  
August 11, 2013

1973

**Howard Kass**  
August 17, 2013

2002

**Jordan A. Bergman**  
August 18, 2013

2012

**Daniel Joshua Rosen**  
August 20, 2013

As the magazine was going to press, **Mary Lee Bedford**, a longtime and beloved member of the BLS community passed away. An article about her life will appear in the next issue of *LawNotes*.

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

Please send ClassNotes information for future issues to [communications@brooklaw.edu](mailto:communications@brooklaw.edu), or visit [www.brooklaw.edu/classnotes](http://www.brooklaw.edu/classnotes) to submit a classnote online.



# Closing Arguments

By Professor Bennett Capers

» My husband and I are about the same age and build, wear the same clothes and share the same gender, but I am far more likely to be stopped by the police. This isn't because I have a criminal record or engage in furtive movements. Nor is my husband a choirboy. Statistically speaking, it's because I'm Black and he's White.

Even before Judge Shira A. Scheindlin of the Federal District Court in Manhattan issued her courageous opinion in the two-month civil rights trial of *Floyd v. City of New York* on Monday, the numbers bore this out.

Since 2004, the New York Police Department has stopped more than four million individuals, approximately 84 percent of whom have been Black or Hispanic. In one recent year, stops of Whites amounted to approximately 2.6 percent of the White population; in contrast, stops of Blacks amounted to just over 21 percent of the Black population.

According to Jeffrey A. Fagan, a statistician at Columbia Law School who testified on behalf of the plaintiffs, Blacks and Hispanics are more likely to be targeted than similarly situated Whites, even after adjusting for precinct crime rates, racial demographics and other social and economic factors. For too many officers, male + Black = reasonable suspicion.

Judge Scheindlin has thus confirmed what many of us suspected all along. A large number of these stops and frisks failed to satisfy the minimal constitutional requirements that the Supreme Court put in place with its decision in *Terry v. Ohio* in 1968: for a stop, reasonable and articulable suspicion that a person is engaged in a crime, and for a frisk, reasonable and articulable suspicion that a person is armed and dangerous.

Even more important, Judge Scheindlin found that many stops were based almost entirely on race, in violation of the 14th Amendment's guarantee of equal protection under the law, and that the city has long responded with deliberate indifference.

But even if these practices were constitutional, they're still a bad idea. Of course, one wouldn't know that listening to Mayor Michael R. Bloomberg and other true believers, who insist that aggressive stop-and-frisks have reduced violent crime. But they're wrong.

The most obvious reason is the brute numbers. For every 100 individuals stopped and frisked, only about 6 are arrested, often for minor offenses like marijuana possession. The success rate for finding a gun borders on the nonexistent: 1 in every 1,000 stops. In fact, purely random stops have produced better results.

For another thing, the government's reasoning is empirically suspect, and conflates correlation with causation. The homicide rate has been dropping during the time that stop-and-frisk has been policy. By its defenders' logic, stop-and-frisk works—even though there are many other reasons for the drop in homicides.

Moreover, when the number of stops dropped by 20 percent last year, there should have been a corresponding rise in homicides. There wasn't.

And there is a more important argument that isn't captured by the numbers. Aggressive stop-and-frisks sow community distrust of the police and actually inhibit crime control, creating a generation of disaffected minority youths who believe that cops are racists.

Last, the pro-stop-and-frisk camp ignores the strategies other cities have employed to reduce crime without violating civil liberties, like "focused deterrence," which works with communities to go after the few individuals who are typically responsible for driving up crime rates.

None of this means that stop-and-frisk should be junked. As Judge Scheindlin made clear, she is "not ordering an end" to stop-and-frisks. She's ordering the police to follow the law.

When my students ask, what should a cop do to "follow the law," I think back to Martin McFadden, the detective in *Terry v. Ohio*. Detective McFadden saw two men he thought were acting suspiciously. But he didn't immediately stop or frisk them. Instead, he took up a post to watch them. Only when he had seen enough to think the men were "casing a job, a stickup," did he stop and frisk the men, finding two guns.

That's reasonable suspicion. That's good police work.

Instead, the New York Police Department has watered down the standard so that almost any Black or Hispanic male can be deemed suspicious without need for further investigation. That means me. Now imagine if it meant you, too.

That still leaves the question, "What now?" Mayor Bloomberg is sure to appeal Judge Scheindlin's decision, both in the court of appeals and the court of public opinion. But that's not the only option.

He could actually welcome Judge Scheindlin's decision to appoint an independent monitor to supervise reform. Mr. Bloomberg already claims crime reduction as part of his legacy. It's not too late for him to claim that and more: that he reduced crime and finally did so in a way that was fair, egalitarian and not racially discriminatory. And it's certainly not too late for his successor.

Just imagine what a legacy that would be. And not just for the mayor, but for New York City as well. ■

## Moving Beyond Stop-and-Frisk

**Agree or Disagree? Share your opinion with us! Write to us at the Law School or email [communications@brooklaw.edu](mailto:communications@brooklaw.edu).**

Bennett Capers is a professor at Brooklyn Law School and a former federal prosecutor. He was appointed to Judge Scheindlin's Academic Advisory Council to reform Stop-and-Frisk procedures. A version of this op-ed appeared in print on August 13, 2013, on page A23 of *The New York Times* with the headline: "Moving Beyond Stop-and-Frisk."



**100%**  
**TEAM CHALLENGE**

## ***Accept the Challenge!***

**The Team Challenge** began as the Law Firm Challenge in 2009 when alumni at 14 law firms dedicated themselves to increasing the percentage of BLS alumni at their firms who make a gift of any amount to the Law School in a given year.

Under the guidance of Chairperson Francis J. Aquila '83, the Team Challenge has grown over the last four years to include 34 employers, including both law firms and companies: the newest participant is New York Life Insurance Company. Four of those firms deserve special recognition for achieving 100% participation from their BLS alumni this past year:

- **Akin Gump Hauer & Feld LLP**
- **Andrews Kurth LLP**
- **Duane Morris LLP**
- **Otterbourg, Steindler, Houston & Rosen, P.C.**

If they can do it, so can you! Join the 100% Challenge. This new Team Challenge serves three important goals:

### **Increase Participation**

Participation is not just a statistic, but a measurement of alumni support that impacts BLS's legal and academic reputation.

### **Promote Your Law Firm and Company**

Participating firms and companies obtain recognition in publications (like this one!) sent to BLS alumni, students, faculty, and staff, as well as the legal community.

### **Strengthen the Alumni Network**

This friendly competition gives graduates an opportunity to work together toward the common goal of supporting their alma mater and their fellow graduates.

For more information on the 100% Challenge, please contact Jennifer Apicella at [jennifer.apicella@brooklaw.edu](mailto:jennifer.apicella@brooklaw.edu) or call 718-780-0657.



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## Upcoming Events

Nov. 6	<b>Recent Graduate Reception</b> The Custom House, Brooklyn	Jan. 13	<b>First Day of Spring Semester classes</b>
Nov. 7	<b>Book Launch and Reception</b> <i>Lord Mansfield: Justice in the Age of Reason</i> By Professor Norman Poser	Jan. 24	<b>Alumni Association Annual Luncheon</b> Honoring Gary Rosenberg '74, Debra Humphreys '84, and Hon. Claire Kelly '93 The Plaza Hotel, New York
Nov. 14	<b>CUBE Inaugural Event</b> Entrepreneur Lawyers Showcase SPONSORED BY the Center for Urban Business Entrepreneurship	Feb. 24	<b>IBL Breakfast Roundtable</b> SPEAKER: Andrew Ceresney, Co-Director of the Division of Enforcement, U.S. Securities and Exchange Commission SPONSORED BY the Dennis J. Block Center for the Study of International Business Law Downtown Association, New York
Nov. 18	<b>Barry L. Zaretsky Roundtable Discussion</b> <b>Avoiding Chapter 22—</b> <b>Predicting Success in Chapter 11</b> SPONSORED BY the Center for the Study of Business Law and Regulation	March 7	<b>Symposium</b> <b>Choice of Law in Cross-Border Bankruptcies</b> SPONSORED BY the Center for the Study of Business Law and Regulation, the <i>Brooklyn</i> <i>Journal of Corporate, Financial &amp; Commercial Law</i> , and the International Insolvency Institute
Nov. 19	<b>Town Hall Meeting</b> <b>Transforming Health Care in Brooklyn</b> SPONSORED BY the Center for Health, Science and Public Policy, The Brooklyn Hospital Center, and Lutheran HealthCare	March 18	<b>Endowed Scholars Celebration</b>
Dec. 3	<b>Alumni Reception and Tour</b> Brooklyn Brewery, Brooklyn	March 20	<b>Edward V. Sparer Public Interest Law Forum</b> <b>Ongoing Challenges to Access and Autonomy:</b> <b>Women's Reproductive Choice in 2014</b>
Jan. 10–11	<b>Bridge the Gap CLE Program</b> Classes of 2012 and 2013	March 27–29	<b>29th Annual Prince Evidence Memorial</b> <b>Moot Court Competition</b>

For more information about events and dates, please visit our website at [www.brooklaw.edu/NewsAndEvents](http://www.brooklaw.edu/NewsAndEvents).