

Brooklyn Law Notes

THE MAGAZINE OF BROOKLYN LAW SCHOOL | FALL 2020

Brooklyn Law Notes
FALL 2020

FIFTY YEARS OF

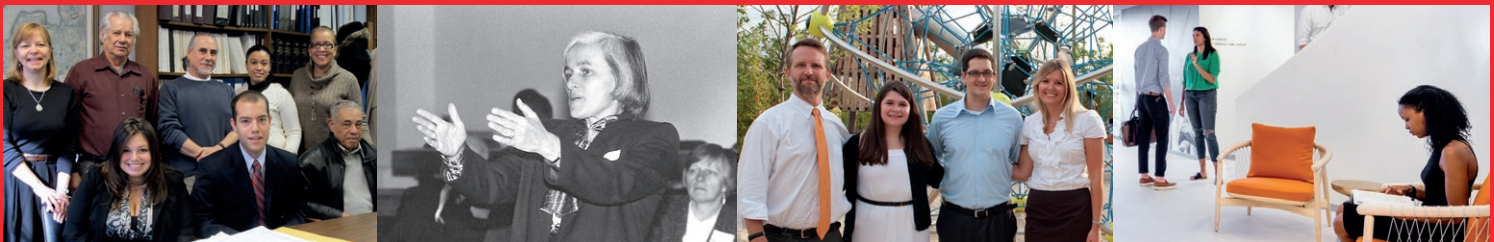


**SPECIAL
EDITION
TIMELINE
INSIDE**



CLINICAL EDUCATION 1970-2020

Preparing future lawyers while serving the community



Also Inside: Alumni Lead the Way in COVID-19 Response

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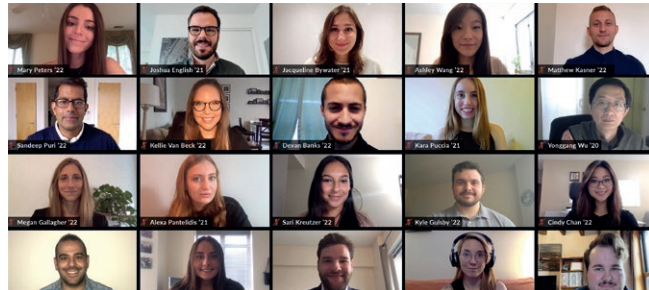
Fifty Years of Clinical Education *p. 12*

Associate Dean of Experiential Education Stacy Caplow oversees the clinical education program as it continues to advance the values that have made it a leader in the field



Real Clients, Real Cases *p. 14*

Today, Brooklyn Law School's clinical education program is more expansive than ever, while also growing to respond to current events, offering students an unparalleled experience



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Dean's Message



IN THESE DAYS so full of challenges, anxiety, and doubt, and at the risk of tempting fate, it is my pleasure to report that the fall semester is proceeding smoothly, albeit very differently, so far. It is also my distinct pleasure to be able to share some good news amid the gloom.

As this issue's feature story documents, after 50 years, our clinical program is showing its maturity but not its age—building on a proud tradition, our clinics are stronger than ever. The same is true of our faculty, and I'm thrilled whenever I can give our professors the recognition they deserve, as I have been able to do multiple times recently. One special joy of serving as dean is the opportunity to confer a named chair on a tenured faculty member. Chairs are awarded to distinguished professors in recognition of their outstanding contributions to the scholarly community, the school, and the profession. In the last month, I have had the triple pleasure of recognizing three faculty colleagues in this way (*see p. 26*).

In mid-September, I announced that Professor William Araiza would be the new occupant of the Stanley A. August chair. Araiza has served the Law School as its vice dean, and he has been a prolific and thoughtful scholar, the author of multiple casebooks as well as numerous articles and monographs. His most recent book, *Animus*, which traces a theory of unconstitutional bias over two centuries of case law, has been widely cited by scholars and in the media. Araiza is also a strong supporter of legal education, both as an admired classroom teacher and by holding leadership positions in national law school organizations.

As we all know, the American legal community lost one of its brightest stars in September, Brooklyn native Ruth Bader Ginsburg. To honor her legacy, Board of Trustees Chair Frank Aquila '85 proposed, and with unprecedented speed the board approved, the creation of the Ruth Bader Ginsburg chair. I was proud to announce its first occupant: Professor Susan Herman.

Herman is an heir, and protector, of RBG's legacy in many ways. Both are prominently linked with the ACLU, under whose auspices Ginsburg fought so many battles for gender equality, and for which Herman has served as general counsel and, since 2008, as president. She has been a major voice for civil rights and civil liberties in the courtroom, in the media, and in dozens of scholarly articles, as well as in her book *Taking Liberties*, in which she considered the effects of the war on terror on American democracy. She was the obvious choice to become Brooklyn Law School's first Ruth Bader Ginsburg Professor of Law.

In taking on this new chair, Herman vacated her existing one as Centennial Professor of Law, a title she shared with Roberta Karmel. I was delighted to fill that vacancy by naming Dana Brakman Reiser to be the new Centennial Professor of Law. Since joining the Law School in 2001, Brakman Reiser, an expert in the law of nonprofit corporations, has excelled in every aspect of an academic's role. She is an outstanding, and exceedingly popular, teacher; she has served and helped govern the school in various ways, including as vice dean; and she has risen to the top in her intellectual community as one of the most well-regarded and influential scholars in her field and on our faculty.

These three distinguished professors join nine other Brooklyn Law School faculty chairs, whose expertise spans a wide array of areas. These chairs—like the school as a whole—are supported and sustained by the generosity of donors to the Law School. I am grateful for the privilege of having Araiza, Brakman Reiser, and Herman as colleagues, and I greatly look forward to future opportunities to recognize the achievements of our outstanding faculty.

Michael T. Cahill

President, Joseph Crea Dean, and Professor of Law

NEWS

Legal Luminaries Celebrate the Class of 2020

IN LIEU OF a traditional commencement ceremony, leaders in the legal community, as well as many members of the faculty, celebrated the achievements of the Law School's graduating class in May via a video. They honored the 328 graduates receiving J.D. degrees and 19 receiving LL.M. degrees, and offered encouraging words for the start of their legal careers at a challenging time in the nation's history.



Michael T. Cahill

President and Joseph Crea Dean

This is, event or no, a time to celebrate what you have achieved and what lies before you. You have persevered through significant challenges and circumstances, and you deserve congratulations as you arrive at this day and pass this threshold.



Letitia James

New York State Attorney General

Now, as never before, New York and the nation need your expertise and commitment to the rule of law. I know you have what it takes.



Preet Bharara

Former U.S. Attorney for the Southern District of New York

You are about to join what I still think is a noble profession, in which you can do so much good for so many people. I look forward to seeing great things from all of you.



Eric Adams

Brooklyn Borough President

In the words of Marcus Aurelius, what impedes us empowers us. Graduates, you are empowered, and you will use what you've learned to empower others.



Eric Gonzalez

Brooklyn District Attorney

This won't be the last curveball you'll face in your legal career, but I know Brooklyn Law very well. Your education has prepared you to meet unexpected challenges, to overcome obstacles, and, most important, to fight for justice.



Grad Celebrates Class with Mini Ceremony

ALEXANDRA LENCZEWSKI '20

honored her classmates with a miniature graduation ceremony in her backyard that quickly went viral, leading to coverage by ABC News, NBC News, Good Morning America, Yahoo News, and international outlets.

Law School Welcomes New Students at Annual Convocation Ceremony

BROOKLYN LAW SCHOOL welcomed 425 new students on August 24 at the annual Convocation Ceremony, held online this year. Vice Dean Christina Mulligan served as master of ceremonies for the event, which featured remarks from Professor Frank Pasquale; Erika Lorshbough '12, deputy policy director at the New York Civil Liberties Union; and Dean Cahill.

The incoming class includes 381 full-time J.D. students and 33 students in the extended four-year J.D. program. The LL.M. program welcomed 11 new students from seven countries: Albania, the Dominican Republic, Germany, Greece, Romania, Russia, and Spain. The incoming class arrives after graduating from 174 colleges and universities, and brings an impressive breadth of previous experience—45 have postgraduate degrees, and many have held positions at major law firms, corporations, nonprofits, and all levels of government.

Pasquale, who joined the faculty in the fall of 2020 after serving as a visiting professor (*see p. 25*), opened the ceremony by acknowledging the extraordinary circumstances of the students' first semester of law school taking place during a global pandemic.

"We stand at a crossroads where much of our law and policy must be fundamentally rebuilt, and proven structures of the past must be better known and invigorated," Pasquale said. "That's where law school comes in."

Cahill welcomed the students with a message of hope and optimism about the legal profession, saying, "I think right now is a great time to go to law school. Our fundamental mission as lawyers is to promote and pursue justice. As lawyers, we see a lack of justice not as cause for despair, but as a call to action."



"If, 20 years ago, I had made up a perfect job for myself, it would be my current job. There is no way I could have gotten to where I am without the support of the amazing people around me at Brooklyn Law School."

— Erika Lorshbough '12,
Deputy Policy Director
at the New York Civil
Liberties Union

10
FOREIGN
COUNTRIES OF
RESIDENCE

26
COUNTRIES
OF BIRTH

51/20
AGE OF
OLDEST/YOUNGEST
STUDENTS

174
COLLEGES AND
UNIVERSITIES
REPRESENTED

84
ACADEMIC
MAJORS
REPRESENTED

11%
HOLD
ADVANCED
DEGREES

52
BROOKLYN
NATIVES

33
STATES
REPRESENTED

414
J.D.
STUDENTS

11
LL.M.
STUDENTS

22%
FIRST-GENERATION
AMERICANS



Joralemon Street Co-Named Black Lives Matter Boulevard

ON JUNE 29, BROOKLYN BOROUGH HALL unveiled a new Black Lives Matter mural along the newly co-named Black Lives Matter Boulevard. The mural runs along Joralemon Street between Court Street and Boerum Place, where the Law School's main building is located.

The mural and street co-naming commemorate the Black Lives Matter movement, paying tribute to the thousands who have marched in Brooklyn and across the nation to protest police violence. Cadman Plaza, across the street from the Law School, has been a site of frequent protests and gatherings since May.

Brooklyn Law School Students Take Top Prizes in National Writing Competition

ELIZABETH POTTER '20 AND EMILY SPANYER SANFORD '20 were awarded the top two prizes in the 2019–20 Louis Jackson Memorial National Student Writing Competition, which recognizes the best writing in the field of labor and employment law among current students. Potter placed first for her manuscript "Revoking Religious Employers' License to Discriminate: How to Limit the Ministerial Exception to What the First Amendment Requires After *Hosanna-Tabor*," winning a \$3,000 scholarship. Sanford won one of two second-place prizes for her manuscript "Equality in Parental Leave: How Women Can Achieve Workplace Parity Through Equal Parental Leave Policies," and was awarded a \$1,000 scholarship.

"This is one of the few times that this award has been won by two students from the same school, and we should be very proud of their work," said Professor Minna Kotkin, who specializes in employment discrimination law and is director of the Employment Law Clinic.

"I appreciate Professor Kotkin's help and guidance and [thank her] for encouraging us to submit," said Potter. "It was also a wonderful opportunity to take her class and learn employment law from someone who has been a real voice and advocate for workers."

The competition is underwritten by Jackson Lewis in honor of founding partner Louis Jackson and administered by the Institute for Law and the Workplace at IIT Chicago-Kent College of Law.

Spotlight on Intellectual Life

Each semester, the Law School offers a robust calendar of intellectually rich and dynamic programs sponsored by its centers and institutes, fellowship programs, and journals. Led by our nationally recognized faculty, the programs feature leading scholars, jurists, and practitioners exploring critical topics in diverse areas of the law and policy.

Community Leaders Discuss Mass Incarceration

AT “PRISON, INVISIBILITY, AND RESISTANCE,” a panel discussion held in February and organized by the Center for Criminal Justice, community leaders and academics joined together to discuss the scope of mass incarceration in the context of the experiences of those who have been incarcerated. The discussion focused on the intersections of race, gender, citizenship, and disability as identities in prisons and jails; transfers and isolation from families; the role of lawyers in fighting mass incarceration; and current campaigns against solitary confinement.

Roger Headley, a community leader at VOCAL-NY, and Robert “Saleem” Holbrook, executive director of the Abolitionist Law Center, both previously incarcerated individuals, discussed their experiences in community activism. They were

joined on the panel by Emma Kaufman, assistant professor of law at NYU School of Law, and Jamelia Morgan, associate professor of law at University of Connecticut School of Law and a visiting professor at the Law School this fall. Professors Jocelyn Simonson, codirector of the Center for Criminal Justice, and Prianka Nair, codirector of the Disability and Civil Rights Clinic, moderated the event.



Roger Headley of VOCAL-NY shares his experience

Block Center Lecture Weighs Wealth and Inequality

KATHARINA PISTOR, the Edwin B. Parker Professor of Comparative Law and director of the Center on Global Legal Transformation at Columbia Law School, delivered the annual Brooklyn Lecture on International Business Law in March. Pistor’s lecture, sponsored by the Dennis J. Block Center for the Study of International Business Law and the *Brooklyn Journal of International Law*, covered topics discussed in her recent book, *The Code of Capital: How the Law Creates Wealth and Inequality* (Princeton University Press, 2019).

Pistor identified the creation of wealth through specifically legal instruments as one of the biggest reasons for widening inequality. She discussed how the law selectively “codes” certain assets, endowing them with the capacity to protect and produce private wealth, and how lawyers are the keepers of that code.

After the lecture, Professors Julian Arato and Robin Effron, codirectors of the Block Center, with Professors Steven Dean and Frank Pasquale, joined Pistor in a panel discussion on the themes of her book.

Professor Steven Dean responds to Pistor’s presentation



Special Report: COVID-19

Law School Community Rallies to Respond to Pandemic



Professor Maryellen Fullerton teaches an in-person Civil Procedure class

LIKE MANY OTHER SCHOOLS AND BUSINESSES around the country, Brooklyn Law School quickly responded to myriad challenges in March, when COVID-19 forced the temporary closure of many institutions.

Amid sweeping restrictions instituted by New York State and New York City, the Law School quickly shifted to online learning for the remainder of the spring 2020 semester, and on-campus events went virtual.

The July administration of the New York State Bar Examination moved online as well, and was postponed until October.

After comprehensive planning by the faculty and administration for the fall semester, the Law School offered 1L students the opportunity to take one class per week on campus, with all other courses offered online.

Ever resilient, the Brooklyn Law School community has adapted to the virtual world, with a full slate of events and programs online, including alumni panels, academic symposia and book talks, student-centered programming, and wellness and social gatherings for the Law School community.

Law School Launches Video Series Examining Legal Impact of Recent Crises



THIS SUMMER, as the COVID-19 pandemic and the mass protests in the aftermath of the death of George Floyd roiled the city and the nation, the Law School launched *Law in Time of Crisis*, an online interview series that addressed the legal issues raised by the historic events and how the law can be instrumental in navigating the challenges ahead.

In one-on-one conversations, Dean Cahill sat down with members of the faculty to talk about how their individual areas of expertise have been affected by current events.

"[We discuss] how times of crisis give rise to legal issues, sometimes expose flaws or pressure points in the laws that might exist, and possibly create opportunities for legal avenues to remedy

the problems that we face," said Cahill.

Episodes looked at topics including public health, free speech and protest, business, sports, attorney mental health, and the crisis at the border. A special episode featured Deborah Riegel '93, partner at Rosenberg and Estis and president-elect of the Alumni Association, who discussed the impact of the pandemic on the New York City real estate market.

Watch the series: www.brooklaw.edu/law-in-time-of-crisis

Remote Alumni Advisors Build Connections with Students

MORE THAN 300 ALUMNI volunteered last spring to join the Law School's new Remote Alumni Advisors initiative, spearheaded by the Office of Development and Alumni Relations and the Career Development Center. The program helps students and recent graduates navigate the disruption of in-person meetings, training programs, and networking events by providing them access to a broad array of graduates they can connect with in a virtual environment.

Through the program, alumni volunteer to serve as remote mentors, coaches, or sounding

boards for students and recent graduates.

Students are encouraged to reach out to alumni mentors to ask career questions and set up informational interviews.

"I want to thank our alumni for stepping up to help our students and recent graduates," said Dean Cahill. "We're very pleased that even now, when direct personal interaction is difficult, and yet connection perhaps more important than ever, we can still have mentoring take place through whatever mechanisms are available. I'm really grateful for that support."



Volunteer to be a remote mentor: www.brooklaw.edu/advisor

Women's Leadership Network Takes On the New World of Remote Work

AS OFFICES AROUND THE COUNTRY closed last spring, many attorneys were tasked with learning how to work remotely for the first time. To help explore the challenges and opportunities created by remote work, the Women's Leadership Network hosted "Working Remotely #AloneTogether," a virtual conversation that convened a panel of alumni leaders to discuss strategies on how to quickly adapt to the changing needs of their employers, colleagues, and clients.

Debbie Epstein Henry '94, founder of DEH Consulting, Speaking, Writing and executive consultant at Axiom, moderated the event. Panelists were Andrew Fleming '16, assistant vice president of legal and compliance at the Blackstone Group; Olivera Medenica '00, partner at Dunnington Bartholow & Miller; and Colleen Piccone '90, associate chief counsel at U.S. Customs and Border Protection.

The panelists encouraged the attendees to demonstrate leadership in the workplace despite the sudden lack of resources and to remain flexible in responding to the needs of their clients and employers.

"Lead from where you are with what you have,"

said Piccone. "Right now, we don't have office space, but you can take that up as a new leadership challenge and do what you can on any given day."

Mentoring Circles Advance Careers

SEVERAL OF THE Women's Leadership Network's Mentoring Circles met over the summer to offer career expertise and guidance to alumni at all professional levels. Each program, led by alumni facilitators, focused on one of three tracks.

Corporate and Compliance Mentoring Circle, led by Anna Ashurov '12, partner, commercial strategy, North America, Anheuser-Busch InBev; and Diana Lamorie '10, vice president of legal operations & senior compliance manager, Two Sigma Investments.

Government and Regulatory Affairs Mentoring Circle, led by Colleen Piccone '90, associate chief counsel, U.S. Customs and Border Protection; and Nicole Schermerhorn '12, bank supervision, LISCC, Federal Reserve Bank of New York.

Alternative Careers Mentoring Circle, led by Garynn Noel '15, vice president, fixed income division, Morgan Stanley; and Carol Nulty Doodly '04, attorney development manager, Skadden, Arps, Slate, Meagher & Flom.

Alumni Lead the Way in COVID-19 Response

As an unprecedented global pandemic hit the United States last spring, Brooklyn Law School alumni were among those leading the response. In the public and private sectors and across practice areas, they rose to the urgent challenges and helped chart a course forward.



Camille Joseph Varlack '03

Founding partner and COO, Bradford Edwards & Varlack

In late March, Varlack, who specializes in risk and crisis management, packed a bag and relocated from Brooklyn to Albany at the request of the administration of Governor Andrew Cuomo to join the task force developing New York State's initial response to the COVID-19 crisis.

We were a very small, tight-knit group, and we worked every single day. For me, it was an incredible opportunity to serve with the people in New York State government. Seeing what we were able to accomplish, seeing how sister agencies rolled up their sleeves and volunteered to help, was unbelievable.

We had to be willing to make tough decisions at times, but you can do that while still motivating people. I loved the fact that in every press conference, the governor would say, "I didn't do it. We did it. We New Yorkers can figure it out, and we can get it done."



Cole Riley '16

President, Founders Give

In March, Riley launched Founders Give, an initiative streamlining food and beverage donations from the biggest brands in the country to support frontline healthcare workers across New York City. It quickly became the largest food drive in the city, collecting and donating 2.2 million products to 100,000-plus healthcare workers and patients at 51 hospitals.

At the height of the pandemic, there was no organization focused on getting essentials into our overloaded hospitals. We succeeded in bringing together a massive community of 300 brands, including KIND and Chobani, and made it easy for them to have a direct impact on those in need. Since then, we've been looking beyond hospitals and into our communities to fight food insecurity. Later this year, we're launching our Direct-to-Need pilot program to disrupt the outdated food pantry model by delivering healthy and nutritious essentials directly to the doors of those in need.



Stan Wilcox '88

Executive Vice President of Regulatory Affairs, National Collegiate Athletic Association (NCAA)

Since the cancellation of all collegiate sports in the spring and the challenge of restarting amid an ongoing pandemic, Wilcox has taken part in developing the fall season, addressing the concerns of student athletes, and rethinking recruiting.

Collegiate athletics is like a public trust now. What would help us the most is the same as what will help everybody in our nation: Wear masks. Continue to socially distance. Follow the guidance of the CDC leadership. If we would all get together and do these things, that's what would help our student athletes the most—as well as their friends and families. And almost everybody, I think, would like to see sports get back to normal.



Daryn A. Grossman '93

Managing Partner, Proskauer Rose

Over the last several months, Grossman has been responsible for steering a global law firm through the financial pressures of COVID-19, as well as ensuring the health and safety of more than 725 attorneys around the world.

As the pandemic set in, our lawyers made it their first priority to reach out to our clients and let them know we are here to help them navigate uncharted waters. We are in the relationship business, and this has been an opportunity for us to strengthen those ties. So, we've taken a "video first" rule of thumb, which has produced a level of professional intimacy that we never had before. Seeing people's home offices, their pets walking behind camera, and the occasional child wandering in, personalizes our interactions in a way that doesn't happen in an office.



Ross Levi '97

Executive Director & Vice President, NYS Division of Tourism, Empire State Development

New York's billion-dollar tourism industry, which attracts more than 250 million visitors a year, has been devastated by the pandemic. Levi has helped reimagine what a tourism promotion organization does when people can't travel as they once did, leading New York State's tourism response as the country locked down this spring and summer. Through iloveny.com and social media, the agency has coordinated with business owners to provide information on how residents can recreate locally and safely.

New Yorkers are resilient. In recent years, we survived 9/11, a major blackout, and catastrophic storms, and we've emerged stronger every time. While this pandemic has been devastating, it has also brought out the best in people. I'm confident the collective work of New York State's tourism industry will position the state for a strong recovery when it is safe to fully travel once again.

U.S. District Judge Jennifer Philpott Wilson '01

A Job Worth Doing Well

by Dominick DeGaetano

IN JUNE 2019, JENNIFER PHILPOTT WILSON '01 was at the most intense job interview of her life. For the previous six months, she had studied the law harder than at any time since her days in law school, and taken time off from her law practice to travel and meet with selection committees, senators, and the president's executive team. All of that preparation had led to this moment in the U.S. Capitol, before the Senate Judiciary Committee, with her friends and family in the audience, to be considered for a judicial seat on the United States District Court for the Middle District of Pennsylvania.

Wilson had watched numerous confirmation hearings available on the Senate Judiciary Committee website, using the questions asked to inform her study. She pored over the constitutional law casebooks that she and her husband, David Wilson '01, had kept, and even reached out to Professor Maryellen Fullerton, her old Federal Courts professor, who sent her the current edition of a federal courts treatise.

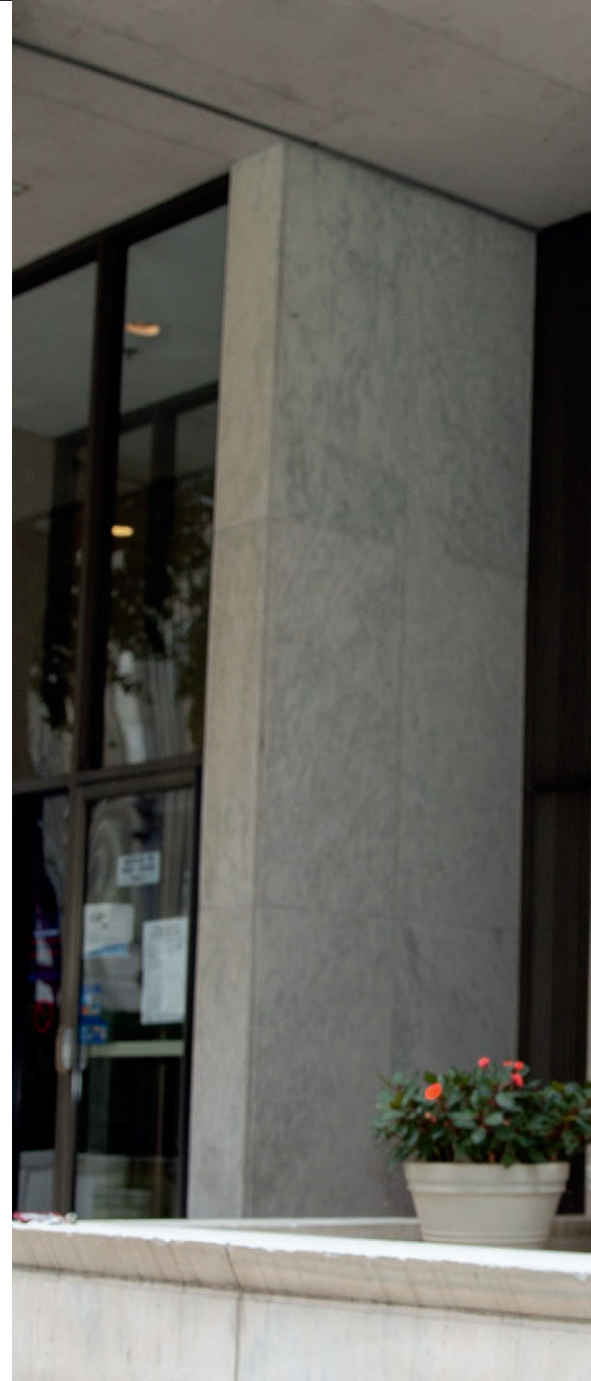
But just before she was to be called, the committee chair, Senator Lindsey Graham, called a recess. Later that afternoon, Graham was the only senator to return from the recess, and would be the sole member of the committee for the remainder of the hearing. When her time on the agenda finally arrived, he asked Wilson, "Well, why don't you tell me why you'd be a good district court judge?"

She replied, as she had in different variations for months, "I know I have the right qualifications, and I believe I also have the right personal qualities."

Her qualifications were without question: degrees with honors from both Swarthmore College and Brooklyn Law School; clerkships for judges in federal district court and court of appeals; and a law career in civil and criminal litigation, state and federal courts, and government and personal representation. She had even developed a course at Penn State Dickinson Law to teach students how to be effective law clerks.

But between the lines of her impressive resume were all of the events that had informed her character and reinforced her lifelong passion for the law. The child of a lawyer, she had wanted nothing more than to join the "endless legal conversations" at the dinner table. She had immersed herself in the law, walking across the Brooklyn Bridge every day between her day job at the Manhattan D.A.'s office and her night classes at the Law School.

From her clerkships, she had learned of the specific challenges



facing district court judges, who need to balance an overwhelming caseload with a commitment to seeing that every citizen's "day in court" is given the attention and fairness it deserves.

Perhaps most important were the lessons she learned from her mentor, the late Professor Robert Pitler. "He was a perfectionist, arguably to a fault," said Wilson. "He had difficulty ever feeling that any writing was finished, but he told me,



'Anything you find worth doing is worth doing well.' Now, his definition of 'doing something well' might drive most people crazy... but I was inspired by that. It's what pushes me forward."

In the weeks to come, the senators would send her written questions to respond to, followed by a long wait for her nomination to be placed on the Senate's schedule. Finally, five months later and on a day's notice, she watched live on C-SPAN as

the Senate confirmed her nomination by an almost unanimous vote.

Although her first year on the bench has been marked by the disruption of the pandemic, it still has been a year of exciting challenges and great responsibility. Now, back in the courtroom, physically distanced and wearing a mask, she is mindful of the things that led to her success.

"I feel very grateful to Brooklyn Law School," she said. "When you start out as a professional, much like when you leave home to go to college, the environment you're leaving can be enormously helpful. As a young lawyer, I felt I had 'left the nest,' so to speak, but one that had been really supportive and helpful."

CLINICAL EDUCATION IN BROOKLYN AT 50

by Associate Dean Stacy Caplow

FIFTY YEARS is a milestone by any account. So, reaching five decades of innovative and notable clinical education at Brooklyn Law School, delivered by dedicated and creative clinical faculty,* deserves celebration. The lives of thousands of hardworking law students have been transformed by their clinical education experience, and the clients those students assisted will always remember them. For anyone curious about this journey, as a clinician who has taught at the Law School for most of those 50 years—and steered the program for almost 40 of them—let me be your guide through our history.

A PERSONAL HISTORY

In 1976, the Law School hired me, a 28-year-old criminal defense attorney, to teach its first in-house program, a criminal defense clinic in Brooklyn Criminal Court. The Law School had only recently moved away from a New York State-oriented curriculum with no electives, as well as into a new building at 250 Joralemon Street. Students had agitated for an in-house clinic, arguing not only that they wanted practical experience before graduation, but also, in the middle of the activist 1970s, that they wanted programs that addressed social issues. Once they had additional support from a few faculty members, then-Dean Raymond Lisle, a true traditionalist, gave in to their demand. With this major step, Brooklyn Law School became an early adopter of clinical education.



* To give our former faculty members, some of whom moved on to teach at other law schools, their due, they include Gary Schultze '68 (the true parent of clinics at Brooklyn Law School), Natalie Chin, Elizabeth Cooper, Melissa Crow, Ted De Barbieri '08, Mary Jo Eyster, Hon. Mark Finkelstein, Jane Greengold, Jeffrey Heller, Jane Landry-Reyes '93, Donna Lee, Andrea Panjwani, Olga Perez, Michael Martin, Dan Medwed, Amy Mulzer, Carmen Maria Rey '06, Lisa Smith, Dan Smulian, Kathleen Sullivan, Karen van Ingen, and Marjorie White.

Even with that faculty backing, I always suspected that some of my colleagues did not really understand the program—one of them praised clinics for teaching students what line to stand on to file papers in court. In reality, our students were in the front of the courtroom every day: speaking on the record, representing clients, negotiating dispositions, and even conducting hearings and trials.

The 1980s and 1990s were a period of rapid growth for the program in all respects, accomplished with solid backing from Dean David Trager and considerable outside funding from federal, state, and local grantors, as clinical education found acceptance and support nationwide. We took advantage of that support to grow and experiment, increasing the size of the clinical faculty, providing them with job security, and adding programs taught by enthusiastic adjuncts. We started our flagship Federal Litigation Clinic, provided legal services to the elderly, assisted asylum seekers and consumer debtors, and introduced our students to mediation.

The new millennium saw even more new hires and extensions into new areas of work, mostly transactional and business related, including the Securities Arbitration Clinic, the Corporate Real Estate Clinic, the Community Development Clinic, and the Brooklyn Law Innovation & Policy (BLIP) Clinic. More recently, we have sustained our momentum, adding the LGBT Advocacy, Criminal Defense & Advocacy, and Disability and Civil Rights clinics.

Even though Brooklyn Law School clinics have been around for 50 years, we are still maturing and growing, attesting to the eternal energy and unceasingly inventive spirit of our program and the people who teach in it. In addition to in-house clinics, our extensive externships take our students throughout the metropolitan area and beyond, where their off-campus work is supported by a creative and demanding seminar curriculum.

Our clinic students are everywhere, impressing judges, co-counsel, and adversaries with their preparedness, skill, poise, and dedication.

BREAKING A PATH

From the earliest days, Brooklyn Law School’s clinicians have taken leadership roles in the movement to transform legal education. That original generation soldiered for decades to persuade our institutions of the benefits of learning from and through practice. Slowly, resistance crumbled as our voices were heard in law reviews (especially the innovative *Clinical Law Review*), on academic panels, at law schools outside the United States, and in activities in our respective legal communities.

Like education in other applied fields, such as medicine, legal education now has distinct features—theoretical and practical—that are both separate and overlapping. It is safe to say that, now, no law school can survive competitively without a robust clinical legal education program. Many doctrinal faculty members, once clinic students themselves, recognize the value of more active learning, addressing an issue “in role,” and translating rules and theory into living documents with a purpose.

Yet even after its near-universal acceptance, the value of a clinical education was misperceived as the teaching of only practical skills such as interviewing, counseling, and witness examination. This ignored all of the other learning that was taking place, such as problem solving, planning, case theory development, fact investigation, decision making, resilience, parallel thinking, and dealing with difference. In addition, all students benefit from the experience of taking responsibility while working in a safe setting where they can take their time and learn from their missteps.

Our students do not follow identical career paths; we are not training “housing lawyers,” “employment lawyers,” or “immigration lawyers.” A highly supervised, reflective learning experience is transformative regardless of the specific careers our students pursue. We hope to inculcate solid work habits, encourage questioning minds, and implant values that make our students thoughtful, respectful, empathic, and generous lawyers.

OUR SOCIAL RESPONSIBILITY

Our original clinics, like many throughout the country, were founded to provide greater access to justice for the poor and disenfranchised. Today, our programs are much more wide-ranging, presenting opportunities for students to work with a broad array of clients, entities, and nongovernmental organizations, but that core mission has never wavered. Our programs always have been and will continue to be committed to advocating for change in basic human and civil rights.

We try to ensure that every student will have a meaningful educational experience that will further their professional growth. We retain our commitment to both finding legal solutions for our clients and inculcating in our students a lifelong sense of their social responsibility to question what they see and encounter, to advocate to achieve client goals, and to do so ethically.

Regardless of the subject matter of the particular clinic, our

students must relate to clients with very different backgrounds and problems, both legal and nonlegal. They are taught to treat our clients with dignity and empathy, and understand circumstances outside of their personal experience. Our students go to prisons and jails, to clients’ homes and neighborhoods, to hospitals and nursing homes. There, they see the origins of legal problems, learn the roles that a lawyer can play, and, sometimes, learn how to step back and help from the sidelines as needed.

TAKING PLEASURE IN THE WORK

Clinical teaching is the best law job imaginable. We work in areas about which we are passionate and expert, while passing along our knowledge to our students, whom we then can watch develop and flourish. We spend hours with our students (sometimes on our computers in the middle of the night) brainstorming, strategizing, examining facts, learning law, managing systems, working collaboratively, writing, and revising. It is very difficult to delegate the responsibility of a case or project to inexperienced students—perhaps the hardest lesson for a new clinical teacher—but the satisfaction of measuring a student’s progress over the semester is well worth this stress. So is the satisfaction of knowing that we sometimes set our students on the track of “doing well by doing good,” as many of them go on to work in nonprofit settings or perform considerable pro bono work in their private practices.

As the Law School celebrates 50 years of clinical education in 2020, I see a solid, mature program that continues to grow. Students who worked in our earliest clinics in the 1970s and early 1980s might not recognize the variety and sophistication of our programs today, but our core is steadfast. We help ensure that our graduates become conscientious, caring, and competent attorneys, while making the world a better place—at least legally—for the people we help.

Imagining the future is not very difficult, as long as we continue to provide a place for students to learn the skills and values of our profession and to address and respond to the never-ending lack of legal resources in our community in innovative ways. We can celebrate this impressive past and look forward to years more of exciting accomplishments.

PROFESSOR STACY CAPLOW is the Law School’s first associate dean of experiential education, overseeing all aspects of clinical and experiential education. She teaches courses in criminal law and immigration, and codirects the Safe Harbor Project.

She has been the president of the Clinical Legal Education Association and served on the board of editors of the *Clinical Law Review*. She is a member of the Judge Robert A. Katzmann New York Immigrant Representation Study Group and has served as a peer reviewer for the U.S. Fulbright Commission. She has consulted on clinical education with law schools in Hong Kong, Ireland, and former Soviet countries.

Caplow previously served as Special Assistant U.S. Attorney in the Civil Division in the Eastern District of New York, and as director of training and chief of the criminal court bureau in the Kings County District Attorney’s Office. She was also a staff attorney with the Legal Aid Society.



REAL CLIENTS

by Jen Swetzo

Long a national leader in clinical education, **Brooklyn Law School** continues its tradition of meeting emerging challenges in the law and offering students unparalleled opportunities to work with **real clients on real cases.**



REAL CASES

As clinical education at Brooklyn Law School marked its 50th anniversary this year, the program faced unprecedented challenges, but proved, once again, that its work—in the classroom and in the community—is integral to the Law School’s mission and the students, communities, and clients the program serves. As the Law School moved to a virtual environment, clinical students and faculty continued to help clients in dire need of legal services across a range of practice areas—including employment law, criminal defense, LGBTQ+ advocacy, immigration, technology and intellectual property, real estate, and more. Meanwhile, faculty members launched new clinics and expanded projects to assist more people harmed by the COVID-19 pandemic, and to support students whose internships and job prospects might have been adversely affected. Students found a sense of community and support in their clinics, and, despite extreme slowdowns in the legal system, they moved cases forward and gained skills and experience that uniquely prepared them for practice in the new remote environment. The response has been emblematic of the clinical program over a half century of innovation and commitment to education and advancing justice.

“Brooklyn Law School is well known throughout the legal community for training lawyers who are ready to practice on ‘day one’ of their legal careers,” said Dean Michael T. Cahill. “That reputation is a testament to the vision and focus of our clinical faculty and the drive and sense of purpose of our students. I have no doubt that with our continued investment as a community, for the next 50 years, that reputation will only grow.”

ANSWERING THE CALL TO ACTION

As the pandemic forced the closure of all nonessential businesses in March, Professor Minna Kotkin, director of the Employment Law Clinic, immediately recognized the challenges

ahead. She anticipated that the unemployment insurance system, which would be critical in assisting those unable to work while under stay-at-home orders, would be overwhelmed by a deluge of applications, delaying their processing and effectively denying benefits when they were needed most.

Kotkin knew the clinical program could help meet the need caused by this gap in service. By June, she had rallied students and administrators to launch the Pandemic Employment Relief Clinic (PERC). Through this innovative program, 100 students served more than 700 clients, including out-of-work drivers for ride-hailing apps, restaurant workers, film and theater actors, and many others, helping them navigate the unemployment insurance system.

PERC was kicked off with a two-day virtual bootcamp in which Kotkin taught the basics of unemployment insurance law and explained new opportunities created by the federal CARES Act. Guest speakers addressed issues related to family leave and disability discrimination.

To get the word out to potential clients, the clinic’s teaching assistants posted an offer for free legal services on social media channels, including Twitter and Facebook, which garnered hundreds of responses from individuals needing assistance with unemployment benefits hearings.

“Twitter was flooded with frustrated New Yorkers waiting for benefits,” said Jamie Levitt ’21. “We tweeted at New York unions, the New York Department of Labor, and Brooklyn Law School alumni in New York with large followings, who helped us get the word out about PERC.”

“The response from both students and clients exceeded my expectations,” said Kotkin. “I think the students felt good about helping people. They gained new skills, and they gained a lot of empathy.”



Professor Kate Mogulescu appeared on ABC News affiliate WKBW in Buffalo to speak about a Criminal Defense and Advocacy Clinic case

“This clinic experience completely changed my career focus,” said Amanda Perez ’22, a student who participated in PERC. “Helping people secure their due benefits, when they felt they would never hear back from the Department of Labor, made me realize I want to work in a client-focused field serving the public interest.”

ADVOCATING FOR JUSTICE

When the New York State Legislature passed the Domestic Violence Survivors Justice Act last year, Professor Kate Mogulescu saw an opportunity. The Criminal Defense and Advocacy Clinic, which Mogulescu founded in 2017, launched its newest initiative, the Survivors Justice Project (SJP), with the support of two grants from the Vital Projects Fund. In the program, students work closely with Mogulescu to utilize the new law, which makes possible more meaningful sentence reductions for domestic abuse survivors in the criminal justice system. Led by an advisory group of formerly incarcerated women, many of whom are survivors of domestic violence themselves, the program collaborates with partner organizations and advocates—and has quickly garnered victories on behalf of clients.

“The traditional clinic defense model,” said Mogulescu, a former public defender, “is to have students work on an array of misdemeanors, but not to necessarily specialize in a particular charge or area of practice. Building a project focused in this way allows students to develop deep expertise while filling a very critical need for representation.”

In January and February, 13 students involved in the spring clinic worked on eight resentencing cases for clients in state prisons. The students had the chance to go into prisons to interview incarcerated survivors before COVID-19 prevented travel.

IN THE SAFE HARBOR CLINIC, I HELPED A CLIENT FILL OUT THE PAPERWORK FOR HIS WIFE AND DAUGHTER TO COME TO THE UNITED STATES. HE HADN'T SEEN HIS DAUGHTER IN MORE THAN A DECADE AND HAD NEVER MET HIS GRANDCHILD. HE WAS SO APPRECIATIVE THAT HE WOULD BRING ME TEA AND SNACKS ANYTIME WE MET, EVEN IF IT WAS JUST TO GET A SIGNATURE. IT WAS WONDERFUL TO SEE HIS EXCITEMENT TO REUNITE WITH HIS FAMILY.

—JESSICA DAWGERT '06, SENIOR LITIGATION COUNSEL,
DEPARTMENT OF JUSTICE

“I got the opportunity to meet with our client in prison before the pandemic began,” recalled Mike Vilensky ’21. “Knowing that he was still there, in increasingly awful and daunting circumstances, and that our motion had the potential to help free him, made me extremely motivated.”

Thanks to Vilensky, and the clinic’s ongoing work, that client’s motion was granted in August and he was released.

The program recently expanded its reach from counties near the Law School to serve clients incarcerated across the state. For example, over the summer, students petitioned for a resentencing hearing for a client serving a life sentence at Albion Correctional Facility in Orleans County. In 1999, at the age of 16, the client was prosecuted in Buffalo and convicted for the murder of a 71-year-old reverend who had been paying her for sex for nearly a year, asking her to recruit other teenagers for commercial sex, and threatening to tell her father about their “relationship” if she did not continue to submit to his abuse.

In September, a judge in Erie County granted the clinic’s resentencing application, the first time one was granted over the prosecutor’s objection and the first involving a murder conviction of an individual serving a life sentence. The work of the Law School’s students, and the SJP, helped gain her freedom after nearly 22 years in prison.

In addition to managing their caseloads, students worked with CUNY graduate students to build a robust database to track 487 incarcerated individuals who might be eligible for resentencing. Students subsequently filed emergency clemency petitions and applications for medical parole for those who were at greater risk for contracting COVID-19.

“Virtual courtrooms and remote interactions with clients are becoming common practice,” said Mia Guthart ’21 of the challenges and rewards of the clinic’s work this year. “Learning to connect with and advocate for clients through remote methods, such as phone interviews or email, has improved my ability to communicate and connect with people.”

RESILIENCE THROUGH ADVOCACY

A hallmark of clinical education at the Law School is how it harnesses the expertise of faculty to respond to emerging legal needs and areas of law. The Disability and Civil Rights Clinic, founded in 2014, promotes the self-determination and independence of low-income adults with intellectual and developmental disabilities by providing direct legal services that protect individual rights and enhance access to services. One

*RECEIVING THE NEWS THAT OUR CLIENT IN THE **LGBT ADVOCACY CLINIC** WAS GRANTED ASYLUM WAS ONE OF THE MOST MEMORABLE MOMENTS OF MY LIFE. IT WAS SURREAL TO KNOW THAT WE HAD CHANGED THE COURSE OF SOMEONE ELSE'S LIFE. NOTHING FELT BETTER THAN TO GIVE BACK TO SOMEONE IN MY OWN COMMUNITY.*

—JENNIFER RABBINO '21

of very few law school clinics in the country specializing in this area, the clinic recently received its third \$1 million grant from the Taft Foundation.

“When an adult with intellectual disabilities is under the guardianship of another adult, their legal rights are handed over to somebody else,” said Professor Prianka Nair, codirector of the clinic. “That other person, often a parent, makes decisions on their behalf. In other words, the disabled person doesn’t exist in the eyes of the law. Our work focuses on changing that.”

Over the past year, Nair and her codirector, Professor Sarah Lorr, have strengthened their advocacy work in three critical areas of individual rights cases: on behalf of adults under guardianship, on behalf of incarcerated individuals, and on behalf of parents in the child welfare system who are not granted appropriate support to reunify with their children. The clinic also works at the federal level through policy briefs and amicus briefs in front of the courts.

“We’re principally arguing for people pushed to the margins,” said Lorr. “In many cases, the laws do not account for them. It can be challenging, but when we do win a case, it feels amazing.”

In one such case in October, the clinic successfully advocated for a young mother to have her guardianship removed. Aided by petitions from many different people in their client’s life, the clinic was able to show that she was capable of parenting her child on her own.

“It feels like a real victory,” said Lorr. “Our client got her identity back. It goes to show how abused the guardianship laws are for people with intellectual and developmental disabilities. Here is a woman who could parent her own child, and yet was still considered incapacitated under our law.”

“As we realize how many of our systems are profoundly racist and ableist,” said Nair, “my hope is that radical action will help remake these institutions.

*DURING MY FIRST COURT APPEARANCE, I REMEMBER NOTICING THAT I WAS ONE OF ONLY TWO FEMALE ATTORNEYS IN THE COURTROOM. I LEANED OVER TO MENTION THIS TO THE OTHER, **FEDERAL LITIGATION CLINIC** ADVISOR PROFESSOR KOTKIN, AND SHE SAID SHE HADN'T EVEN NOTICED. IT TAUGHT ME NEVER TO BE INTIMIDATED, TO HAVE MY GAME FACE ON, AND TO FOCUS ON THE CLIENT AND THE ARGUMENT, NOT EXTERNAL FACTORS.*

—JACLYN FEFFER '03, FIDUCIARY COUNSEL,
BESSEMER TRUST COMPANY

INSPIRING THE CHANGE TO COME

While the LGBTQ+ community has gained significant victories in court in recent years, the need for robust legal representation persists, especially for those individuals who may lack access to services. Formed in 2016, the LGBT Advocacy Clinic helps meet the needs of a marginalized community that still includes many who are at great risk.

“The creation of our clinic speaks to the Law School’s commitment to include and celebrate the contributions of the LGBTQ+ community, while continuing to work to dismantle the heterosexism, homophobia, and transphobia that many members of our community are still struggling with,” said Professor Susan Hazeldean, who founded the clinic.

Students in the clinic represent LGBTQ+ individuals in a variety of civil legal matters, such as obtaining legal name changes and changing gender markers on identity documents for transgender clients, filing adoption petitions for LGBTQ+ parents seeking a legal relationship with their children, defending immigrants facing deportation to countries where they would face homophobic persecution, and much more. Notably, two years ago, the clinic won a landmark \$100,000 settlement for a transgender woman who was raped by a fellow prisoner in a men’s maximum-security prison.

Hazeldean commends her students’ commitments to working tirelessly to serve clients whose need for services has only increased this year.

CONTINUED ON PAGE 24 —————>



Professor Susan Hazeldean, founder of the LGBT Advocacy Clinic



Associate Dean Stacy Caplow, on a trip to assist migrants at the U.S.-Mexico border

SAFE HARBOR CLINIC

Through 23 years, 300 clients, and 700 students, the Safe Harbor Clinic has ensured the safety of clients fleeing some of the most horrible places and gruesome mistreatment imaginable. Its work continues, notwithstanding the almost total shutdown of the immigration system during the COVID-19 pandemic and the continuing difficulties caused by changes in immigration policy by the Trump administration.

“I worked with Professor Caplow on an asylum case for a Sudanese client who escaped persecution by traveling on foot and by boat to the U.S.,” said Stacy Dieve '99, now strategic trade manager at Cisco Systems. “It felt like fate that he found his way to the Safe Harbor Clinic to become one of the clinic’s first-ever clients. I graduated before the case finished, but when Professor Caplow called me to share the good news that our client had been granted asylum, I screamed for joy so loudly that many of my work peers ran into my office to find out what the commotion was about!”



Professor Debra Bechtel and Corporate and Real Estate Clinic students assist clients in a housing cooperative closing



CORPORATE AND REAL ESTATE CLINIC

Professor Debra Bechtel started inviting students to help her represent low-income co-op boards in the early 1990s, and she officially launched her clinic at Brooklyn Law School in 1997. Today, the Corporate and Real Estate Clinic is a major draw for students because it offers them an opportunity to learn the nuts and bolts of real estate practice while also preserving affordable housing.

“Our students learn how to do closings and practice many other basic real estate transaction tasks,” said Bechtel. “Employers like that our graduates can hit the ground running. And at the same time, we’re helping low-income people to resist displacement and build wealth through equity in their homes. As more and more inequities surface throughout the pandemic, the importance of this work increases. I expect we’re going to see a new sense of urgency in coming years about preserving affordable housing and making sure that it benefits those most in need.”

AS PART OF THE JUDICIAL CLERKSHIP EXTERNSHIP, I WAS PLACED WITH U.S. DISTRICT COURT JUDGE RICHARD OWENS, WHO TREATED ME, A LAW STUDENT, AS AN EQUAL TO HIS TWO FULL-TIME CLERKS. THIS CLINICAL EXPERIENCE CERTAINLY SET BROOKLYN LAW SCHOOL APART IN THE LATE 1970s, AS THE PROGRAMS OF OTHER LAW SCHOOLS WERE NOT AS WELL DEVELOPED.

—TED BARTELSTONE '77, ATTORNEY AT LAW



Professor Gary Schultze in 1985

1970

Experiential education begins at Brooklyn Law School with externships overseen by the faculty; **PROFESSOR GARY SCHULTZE '68** is named the first full-time director of clinical programs.



Professor Minna Kotkin, circa 1980s

CIVIL LAW EXTERNSHIP (1970-PRESENT)
CRIMINAL EXTERNSHIP (1970-PRESENT)
JUDICIAL EXTERNSHIP (1970-PRESENT)

WOMEN'S RIGHTS EXTERNSHIP (1978-1986)

ELDER LAW CLINIC (1977-2005)

MEDIATION CLINIC (1982-PRESENT)

CRIMINAL DEFENSE CLINIC (1976-1982)

FEDERAL LITIGATION CLINIC (1982-PRESENT)

- EXTERNSHIP
- CRIMINAL LITIGATION
- CIVIL LITIGATION
- BUSINESS AND REAL ESTATE

INMATE LEGAL COUNSELING (1979-1981)

1972

In response to a student petition sent to the Board of Trustees, a committee composed of faculty and students is formed to design a clinical curriculum.

1976

PROFESSOR STACY CAPLOW joins the faculty to launch the Law School's first in-house clinic.

CLINICS 50

The Power of Law in Action

1970
2020

For five decades, Brooklyn Law School has been a national leader in clinical legal education. Today, its faculty continue to advance this legacy of empowerment through practice, offering students the opportunity to meet legal challenges while developing the knowledge and skills that will serve them throughout their careers.

1990s

1986

Professor Ursula Bentele, after joining the faculty in 1981, starts the **CRIMINAL APPEALS CLINIC**, later called the **CAPITAL DEFENDER & FEDERAL HABEAS CLINIC**.



Professor Ursula Bentele, circa 1980s

1994

In a ruling that the *New York Law Journal* calls the first of its kind, a lesbian parent, represented by **FAMILY LAW CLINIC** students under the direction of Professor Caroline Kearney, is permitted to legally adopt the biological child of her partner without terminating the parental rights of the biological mother.

1984

The **FEDERAL LITIGATION CLINIC** begins with Professor Minna Kotkin at its head.

CRIMINAL APPEALS/CAPITAL DEFENDER & FEDERAL HABEAS CLINIC (1986-2016)

CONSUMER COUNSELING & BANKRUPTCY CLINIC (1986-1987, 2004-2012)

CORPORATE & REAL ESTATE CLINIC (1986-2016)
SAFE HARBOR PROGRAM (1986-2016)

SECURITIES ARBITRATION CLINIC (1986-2016)

FEDERAL LITIGATION CLINIC (1984-2005)
BROOKLYN APPEAL CLINIC (1984-1990)

FAMILY LAW CLINIC (1990-1996)

NEW YORK STATE FEDERAL CIVIL LITIGATION EXTENSION CLINIC (1990-2016)

CRIMINAL APPEALS—MANHATTAN D.A. (1991-2001)

LANDLORD-TENANT CLINIC (1985-1998)

1992

A federal judge grants a female NYPD officer, represented by a team of **FEDERAL LITIGATION CLINIC** students led by Professor Kathleen Sullivan, a \$264,000 verdict for wrongful termination.



Professor Kathleen Sullivan

1997

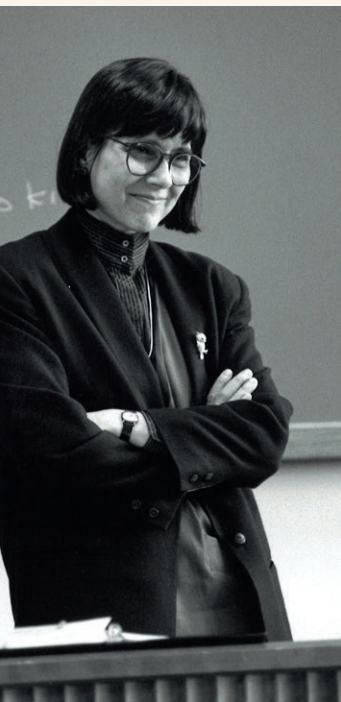
The Law School's first student-run clinic, the **ESTATE CLINIC**, is founded.

1995

A federal judge commends the “high-quality work” of **FEDERAL LITIGATION CLINIC** students in his ruling in favor of their client, a Black woman discriminated against by the luxury apartment building that employed her.

WHEN CLINICAL EDUCATION BEGAN, IT WAS A RADICAL DEPARTURE FROM ESTABLISHED EDUCATIONAL ORTHODOXY. IN THESE FEW YEARS SINCE, THAT VIEW HAS BEEN TRANSFORMED EVERYWHERE, BUT NO MORE SO THAN AT BROOKLYN LAW SCHOOL.

—PROFESSOR STACY CAPLOW, IN THE LAW SCHOOL'S STUDENT-RUN NEWSPAPER, THE *JUSTINIAN*, IN 1986



2000s



2002

16 years into a life sentence, a client is granted parole after students in the **SECOND LOOK PROJECT** investigate his case and prove his innocence.

Second Look Project director Professor William Hellerstein



Associate Dean Karen Porter in 2005

2003

As part of the new Center for Health, Science, and Public Policy, Professor Karen Porter (now associate dean for inclusion and diversity) directs the **HEALTH LAW EXTERNSHIP**.

2009

The New York City Council awards a proclamation to the **SAFE HARBOR PROJECT** for its “outstanding service” to the immigrant community.



Professors Stacy Caplow and Dan Smulian, left, with NYC Councilmember Daniel Dromm



2003

Professor David Reiss joins the Law School to start the **COMMUNITY DEVELOPMENT CLINIC**.



Professor David Reiss, left, along with clinical students

2009

CAPITAL DEFENDER & FEDERAL HABEAS CLINIC students assist lawyers for John Muhammad, better known as the “D.C. Sniper,” in his petition for certiorari to the U.S. Supreme Court.

2007

Law School launches two of its longest-running clinics: the **CORPORATE AND REAL ESTATE CLINIC** and **THE SAFE HARBOR PROJECT**.

2007

In a year in which students helped discharge the debts of 25 low-income clients, the Brooklyn Bar Association Volunteer Lawyers Project awards the **CONSUMER COUNSELING AND BANKRUPTCY CLINIC** the Gold Club Certificate of Appreciation.



The clinical faculty and staff in 2002



2010s

2011

In a three-day hearing at the Financial Industry Regulatory Authority, **SECURITIES ARBITRATION CLINIC** students successfully recover a retired couple's retirement savings in claims brought against the nation's largest broker-dealer.



Clinic students Christopher Amore '11, Bailey Somers '11, and Alfonso Iribberi '11 with Professor Karen J. van Ingen

*ONCE THE **SAFE HARBOR CLINIC** AGREED TO REPRESENT ME, I STARTED TO GAIN HOPE. I COULD SEE THE BRIGHT FUTURE IN THEIR EYES AND THEIR WORDS AND THEIR TREMENDOUS WORK.... NOW THAT MY ASYLUM HAS BEEN APPROVED, I CAN SEE THE HORIZON IS WIDE OPEN FOR ME AND MY DAUGHTER. SHE CAN PLAN HER OWN FUTURE, AND BE THE WOMAN SHE WANTS TO BE.*

—AN IRAQI CHRISTIAN ASYLUM CLIENT OF THE SAFE HARBOR PROJECT IN 2011

2020

Students in the **CORPORATE AND REAL ESTATE CLINIC**, with pro bono assistance from Kramer Levin's bankruptcy department, help 16 families save their Brooklyn building from foreclosure.

DISABILITY AND CIVIL RIGHTS CLINIC (2013-PRESENT)

HELP (HELPING ELDERLY THROUGH LITIGATION & POLICY) (2013-PRESENT)

2009)
SENT)

VETERANS' RIGHTS CLINIC (2010-PRESENT)

IMMIGRANT YOUTH CLINIC-DACA (2012-2014)

CRIMINAL DEFENSE & ADVOCACY CLINIC (2017-PRESENT)

SHIP & PRACTICUM (2009-PRESENT)

LGBT ADVOCACY CLINIC (2016-PRESENT)

SPORTS LAW EXTERNSHIP (2019-PRESENT)

BLS/EXONERATION INITIATIVE (EXI) INNOCENCE CLINIC (2011-PRESENT)

LEGAL PRACTICE EXTERNSHIP (2011-2015)

LEGAL SERVICES CLINIC (2011-PRESENT)

CONSUMER LAW CLINIC (2011-PRESENT)

2016

In its first year, **LGBT ADVOCACY CLINIC** students represent multiple clients from foreign nations seeking asylum, help a lesbian couple to legally adopt infant twins, and take on an ultimately successful case on behalf of a transgender woman assaulted by a corrections officer on Rikers Island.



2015

The **DISABILITY AND CIVIL RIGHTS CLINIC** receives the first of three \$1 million grants from the Taft Foundation, the largest major grant to any educational institution in support of such a program.



Professor Natalie Chin, founder of the Disability and Civil Rights Clinic, in 2015



2012

Nearly 300 law students, faculty members, lawyers, technologists, and entrepreneurs gather for the **BLIP CLINIC's** first annual Legal Hackathon.



2017

Professor Jodi Balsam is appointed the **DIRECTOR OF EXTERNSHIP PROGRAMS.**

I RECALL MEETING WITH A NEIGHBORHOOD COUNCIL IN A MEMBER'S APARTMENT ON DEAN STREET TO DISCUSS A REVISION TO THE GROUP'S BYLAWS TO ENABLE THEM TO TAKE A MORE ACTIVE POSITION ON THE BARCLAYS CENTER/PACIFIC PARK DEVELOPMENT; IT WAS ONE OF THE FIRST INSTANCES WHERE I HAD THE CHANCE TO USE MY TRANSACTIONAL LEGAL SKILLS TO INFLUENCE COMMUNITY-LED ECONOMIC DEVELOPMENT. MY EXPERIENCE WITH THE LAW SCHOOL'S **COMMUNITY DEVELOPMENT CLINIC** CEMENTED MY CAREER AMBITION TO DIRECT A TRANSACTIONAL SKILLS CLINIC, WHICH I'M THRILLED TO HAVE THE OPPORTUNITY AND PRIVILEGE TO DO.

—TED DE BARBIERI '08, ASSOCIATE PROFESSOR,
ALBANY LAW SCHOOL



COMMUNITY DEVELOPMENT CLINIC

“Brooklyn Law School has a transactional clinical program that’s second to none,” said Professor David Reiss, founder and director of the Community Development Clinic, which offers students a variety of opportunities to work with community organizations throughout Brooklyn. Clients typically include not-for-profits, tech startups, and low-income housing cooperatives. The clinic offers students myriad opportunities to learn practical skills they’ll use on the job.

“With remote or virtual interactions,” he said, “we have an opportunity to think and act like sophisticated global lawyers. As we’re on Zoom calls, collaboratively drafting documents across various time zones and coordinating everything with case management software, our students are really starting to work like members of an international law firm.”

A LETTER FROM PROFESSOR GARY SCHULTZE '68

In 1970, realizing the need for a clinical program, the Law School hired Gary Schultze, a recent graduate, to spearhead its development. The “godfather” of the clinical program, Schultze would found the Elder Law Clinic, lead the Landlord Tenant Clinic, and teach thousands of students interviewing, counseling, and negotiation skills. Upon his retirement this year, he wrote a letter to his last class, excerpted here, distilling 50 years of experience and wisdom.

To all of you, no longer in the classroom, but out in the world trying to make sense of it all, I want to leave you with a few final words of advice:

1. Don’t underestimate your potential to create change. The work you do in this world matters, whether it’s as a lawyer or simply as a fellow human.
2. Remember to always recognize and prioritize your clients’ needs. What they need from you may at times differ from your personal opinion.
3. Don’t fool yourself that money justifies you doing whatever necessary. When you leave this life, you can’t take the money with you, and whether or not you had a lot of money won’t be something people remember most about you. People will remember who you were.
4. Be honorable. Do what you know is right, even if it is at odds with what you feel is wanted from you.
5. Finally, have faith that you are part of something greater than perhaps you can see. Trust that even when things are failing, the pieces are still in motion; they are still coming together in a way that isn’t always clear. Trust yourself.

The world is crazy! Look at it. You are all in a position to make it better. Find a way to laugh along the way. It will save you. Do it as much as you can.

With gratitude,
Professor Gary Schultze '68

*I CHOSE TO ATTEND BROOKLYN LAW SCHOOL SOLELY BECAUSE OF THE REPUTATION OF PROFESSOR URSULA BENTELE AND THE **CAPITAL DEFENDER CLINIC** THAT SHE RAN, AND I’LL NEVER FORGET WHAT I LEARNED FROM HER. THE CLINICAL EXPERIENCE HELPED ME TO OBTAIN A JOB REPRESENTING DEATH-SENTENCED INMATES UPON GRADUATION, AND HAS GUIDED ME IN EACH STEP I HAVE TAKEN IN MY CAREER SINCE THEN.*

—DAVID BARRON '03, SENIOR CAPITAL POST-CONVICTION ATTORNEY, KENTUCKY DEPARTMENT OF PUBLIC ADVOCACY

THE OPPORTUNITY TO WORK AT A LAW SCHOOL CLINIC THAT FOCUSES ON THE LEGAL NEEDS OF LGBTQ+ PEOPLE WAS ONE OF MY MOST IMPACTFUL LAW SCHOOL EXPERIENCES. I WILL ALWAYS BE PROUD AND GRATEFUL THAT BROOKLYN LAW SCHOOL IS ONE OF THE FIRST LAW SCHOOLS IN THE COUNTRY THAT PROVIDES AN **LGBT ADVOCACY CLINIC.**

—JOHN REILLY '19, OFAC SANCTIONS COMPLIANCE ANALYST, SOCIÉTÉ GÉNÉRALE

← CONTINUED FROM PAGE 17

“Our clients, who already faced hardships before the pandemic, are facing magnified hardships now, including a lack of food security, employment, and shelter,” said Hazeldean. “We’re thinking a lot about how to meet our clients’ needs and make our services accessible, but we’re all inspired by how strong and determined our clients are. They want justice, and they want to fight and create a better world.”

In addition to managing client cases virtually, the LGBT Advocacy Clinic will spearhead a public education campaign to help inform more people about the Child-Parent Security Act, which the New York State legislature passed in the spring. The new law permits gestational surrogacy with significant safeguards, and recognizes people who conceive children through surrogacy, donor eggs or sperm, or other forms of assisted reproduction as legal parents at the birth of their child, rather than requiring them to go through a costly adoption process. The clinic plans to educate the public on the new law via a webinar and a social media campaign.

For Clint Carlisle '20, the clinic was an inspiration to him to continue this work throughout his career. He and his clinic partner worked 40-plus hours each week for a month to prepare their client, who had fled anti-gay persecution in his native Honduras, for his immigration hearing.

“I will never forget watching our client’s face as the judge granted him asylum,” said Carlisle. “This experience reminded me why I wanted to be a lawyer, and will motivate me to take on other immigration cases throughout my career.”

THE CORPORATE AND REAL ESTATE CLINIC WITH PROFESSOR BECHTEL WAS AN AMAZING OPPORTUNITY TO GAIN HANDS-ON EXPERIENCE DEALING WITH PEOPLE, CO-OP STRUCTURE, AND REAL ESTATE TRANSACTIONS. I REMEMBER HELPING RUN A CO-OP BOARD MEETING IN THE APARTMENT OF ONE OF ITS BOARD MEMBERS IN BROOKLYN. HEARING THEIR ISSUES AND CONCERNS TRULY HIGHLIGHTED THE IMPORTANCE OF WHAT THE CLINIC DOES.

—ADAM GREGORY '08, ASSOCIATE, LEVINE DESANTIS



Professor Jonathan Askin, second from right, leads a meeting of BLIP Clinic students

Carlisle will soon join Fried, Frank, Harris, Shriver & Jacobson as an associate. He was drawn to the firm because of its robust pro bono practice.

“The incredible need right now and the constraints that we’re operating under are certainly forcing all legal service providers to get creative,” said Hazeldean. “My hope is that out of this horrific situation, some good change will come, and I think our graduates are the ones who can make that change happen.”

AT THE FRONT LINE OF THE LAW

In the Brooklyn Law Incubator and Policy (BLIP) Clinic, Professor Jonathan Askin encourages students to be as flexible in their thinking as the entrepreneurs they serve.

“In the spring, we decided to pivot and primarily work with clients on matters related to the pandemic,” said Askin. “We asked ourselves, ‘What can young, forward-looking lawyers do to play a meaningful role in a pandemic and after?’”

Students initially worked on clearing compliance and regulatory hurdles to expedite medical equipment and supplies to hospitals, and worked on projects to build greater

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Learn more about all of Brooklyn Law School’s clinical offerings:
WWW.BROOKLAW.EDU/CLINICS

FACULTY

Law School Welcomes New Faculty Members

BROOKLYN LAW SCHOOL welcomed three new full-time faculty members this fall: Professors Frank Pasquale, Wilfred Codrington III, and Vijay Raghavan.

“These new faculty members bring a wealth of expertise, experience, and new ideas to the Law School, in such diverse areas as consumer finance, law and technology, and election law,” said Dean Cahill. “As our curriculum evolves to keep pace with the latest developments in the law, their contributions will be invaluable. We also look forward to their collaboration with our existing stellar group of scholars.”



Frank Pasquale

joined the faculty from the University of Maryland, where he was the Piper & Marbury Professor of Law. A noted expert on the law of artificial intelligence (AI), algorithms, and machine learning, Pasquale focuses on how information is used across a number of areas, including health law, commerce, and technology.

He is the author of *New Laws of Robotics: Defending*

Human Expertise in the Age of AI (Harvard University Press, 2020) and *The Black Box Society: The Secret Algorithms That Control Money and Information* (Harvard University Press, 2015).

Pasquale has advised business and government leaders in the healthcare, internet, and finance industries, including the U.S. Department of Health and Human Services, the U.S. House Judiciary and Energy & Commerce Committees, the Senate Banking Committee, the Federal Trade Commission, and directorates-general of the European Commission. He presently chairs the Subcommittee on Privacy, Confidentiality, and Security of the National Committee on Vital and Health Statistics, where he is serving a four-year term.

Pasquale’s move was noted by Brian Leiter’s Law School Reports as one of the top 10 lateral moves of the year—the fourth year in a row that Brooklyn Law School has been on the list.

Wilfred Codrington III

is a constitutional law scholar with a focus on constitutional reform, election law, and voting rights. He was previously the



Bernard and Anne Spitzer Fellow and counsel at the Brennan Center for Justice at NYU School of Law and taught graduate and undergraduate courses at NYU Wagner School of Public Service on topics of law, public policy, and politics. Codrington was also a fieldwork supervisor for the Brennan Center Advocacy Clinic, where he taught public policy through real-world legal reform campaigns that impact the laws of democracy and the regulation of election contests.

He is the coauthor of the forthcoming book *The People’s Constitution: 200 Years, 27 Amendments, and the Promise of a More Perfect Union* (The New Press, 2021).

Codrington clerked for Hon. Deborah Anne Batts, U.S. district judge for the Southern District of New York, and served as a staffer for U.S. Congresswoman Eleanor Holmes Norton.



Vijay Raghavan,

who focuses on consumer finance, joined the Law School after a decade in the public sector. He previously served as deputy director of the Division of Financial Institutions with the Illinois Department of Financial & Professional Regulation and as Assistant Attorney General with the Consumer Fraud Bureau of the Illinois Attorney General’s Office, where he investigated

and litigated violations of state and federal consumer protection laws.

His current research interests include regulatory design in consumer finance, defending interventions in consumer financial markets on distributional grounds, measuring risk in consumer financial markets, and emerging doctrinal issues in consumer law. He also explores in his work whether large debt write-offs in the emerging recession may be justified on efficiency grounds, in addition to moral grounds.

Faculty Chairs Recognize Scholarly Excellence

Susan N. Herman Named Inaugural Ruth Bader Ginsburg Professor of Law

BROOKLYN LAW SCHOOL has named Susan N. Herman, president of the American Civil Liberties Union, the inaugural Ruth Bader Ginsburg Professor of Law. The chair was created to honor the life and legacy of the U.S. Supreme Court justice, who died Sept. 18.

“I am thrilled to be named the first occupant of the Ruth Bader Ginsburg Chair at Brooklyn Law School,” said Herman. “RBG has been an inspiration and role model to me, another girl born in Brooklyn who followed her in the ACLU and in teaching law. She taught the world that no path should be closed to anyone on the basis of sex and so many other lessons I hope to carry on.”

Herman teaches courses in constitutional law and criminal procedure and is affiliated with the Center for Law, Language & Cognition and the Edward V. Sparer Public Interest Law Fellowship program. A highly regarded authority and prolific

author on constitutional law and criminal procedure, she is routinely sought after by the media to discuss issues on these topics. She has also participated in Supreme Court litigation, writing and collaborating on amicus curiae briefs for the ACLU on a range of constitutional criminal procedure issues. In June 2017 and 2019, *Crain’s New York Business* named her to its list of “50 Most Powerful Women in New York,” and in October 2019, Trinity College Dublin’s Law Society honored her with its Praeses Elit Award.



William Araiza Named Stanley A. August Professor of Law



WILLIAM ARAIZA has been named the Stanley A. August Professor of Law. He is an expert in administrative and constitutional law, with a focus on First Amendment law and the legal concept of equal protection.

In his book *Animus: A Short Introduction to Bias in the Law* (NYU Press, 2017), Araiza

turned to the concept of animus to explain why some instances of discrimination are unconstitutional. His recent paper, “Resurrecting Animus/Renewing Intent,” *Brooklyn Law School*,

Legal Studies Paper No. 645 (2020), examines the Supreme Court’s rejection of the doctrine in its recent decision on the Deferred Action for Childhood Arrivals (DACA) program.

“I am honored to be named the Stanley A. August Professor of Law,” said Araiza. “I am deeply appreciative that my colleagues saw fit to recognize my work in this way, and I hope the work I produce in the future will validate their regard.”

Araiza clerked for Hon. William Norris of the U.S. Court of Appeals for the Ninth Circuit, and then for Justice David Souter of the U.S. Supreme Court, before practicing with two large law firms in Los Angeles. Araiza served as the vice dean of the Law School from 2015 to 2017, and prior to that, as associate dean for faculty and the Rev. Richard A. Vachon, S.J. Fellow and Professor of Law at Loyola Law School Los Angeles.

Professor Dana Brakman Reiser Named Centennial Professor of Law

BROOKLYN LAW SCHOOL has named Dana Brakman Reiser Centennial Professor of Law. Brakman Reiser is a widely recognized authority on law and finance for both philanthropic organizations and businesses that pursue a social mission. She is the coauthor (with Professor Steven Dean) of *Social Enterprise Law: Trust, Public Benefit, and Capital Markets* (Oxford University Press, 2017) and a forthcoming book, *For-Profit Philanthropy* (Oxford University Press, 2022).

“I am thrilled to accept my appointment and profoundly appreciate this recognition of my scholarly impact,” said Brakman Reiser. “It has been a privilege to develop my academic career within the rigorous and inspiring Brooklyn Law School community, surrounded by supportive colleagues and administrators and passionate students and alumni.”

Brakman Reiser is a member of the American Law Institute

and was an associate reporter for its project on the principles of the law of nonprofit organizations. She is also a member and past chair of the section on nonprofit and philanthropy law of the American Association of Law Schools.

Brakman Reiser served as vice dean of the Law School from 2013 to 2015. She was previously a legal fellow in the Office of the General Counsel of Partners HealthCare System and served as a law clerk to Hon. Bruce Selya of the U.S. Court of Appeals for the First Circuit.



To learn more about establishing an endowed chair, please call Sean P. Moriarty, Chief Advancement Officer, at 718-780-7505

Professors Jocelyn Simonson and K. Sabeel Rahman Explore Policing and Economic Reform

AMID ONGOING NATIONWIDE PROTESTS of police-involved killings of African Americans and recent calls to reform policing, a forthcoming article by Professors Jocelyn Simonson and K. Sabeel Rahman has garnered attention.

In “The Institutional Design of Community Control,” 108 *California Law Review* (forthcoming 2020), Simonson and Rahman look at current proposals for community control of the police and of economic development, analyzing how local government might shift power and attempt to redress inequality. The authors encourage scholars “to pay closer attention to the specific levers of power over which historically disempowered groups seek control, asking not just whether shifting power downward makes sense, but also how those shifts can (or cannot) be institutionalized.”

The article was referenced in an essay in *Slate* that suggested Congress could use its power to transform policing and promote racial justice by, for instance, withholding federal funding from localities that do not implement measures such as the creation of civilian commissions transferring “power from the police to the communities most affected by mass incarceration,” as outlined by Simonson and Rahman.

In a commentary, “Power over Policing,” published in *Boston Review*, Simonson references her article with Rahman to explore the numerous approaches to police reform that have been put forward and, in some cases, implemented, in towns and cities across the nation, including Minneapolis. The commentary was based on her forthcoming paper “Police Reform Through a Power Lens,” which will appear in the *Yale Law Journal* next year.



The joint article and Simonson’s commentary were also featured in the *Law and Political Economy* blog.

In an op-ed in the *New York Times*, Simonson countered the backlash that recently has been aimed at community bail funds, which pay money bail in criminal and immigration cases for those who cannot afford it. Simonson and her paper, “Bail Nullification,” 115 *Michigan Law Review* 585 (2017), were also quoted and cited in the *New Yorker*, the *Atlantic*, *The Pavlovic Today*, and *The Ringer*. Simonson also authored a bylined article on the topic in *n+1 Magazine*.

At the Law School, Simonson teaches courses in criminal law, criminal procedure, evidence, and social change. She is codirector of the Center for Criminal Justice. Her work has been cited in two U.S. Supreme Court decisions.

Rahman teaches constitutional law and administrative law. Since 2018, he has served as president of Demos, a public policy organization focused on ensuring equality in the American democratic process and economy.



Professor Catherine Kim Examines Politicization of Immigration Bench

HAS THE EXECUTIVE BRANCH unduly influenced decisions by immigration judges? Professor Catherine Kim, in her article “Presidential Ideology and Immigrant Detention,” 69 *Duke Law Journal* 1855 (2020), coauthored with Amy Semet, examined 630,000 individual custody decisions by immigration judges from 2001 through June 2019 to explore this question.

A noncitizen charged with deportability may be detained pending the outcome of removal proceedings, often for months or even years. In many instances, individuals are eligible to be released on bond at the discretion of immigration judges. The authors found that noncitizens fared worse in bond proceedings during the current administration than they did during the prior two, even those conducted by appointees who had been relatively favorable toward noncitizens during prior eras. These findings suggest that political actors in the executive branch may be influencing immigrant bond outcomes not only through

their power to appoint, but also through their power to supervise.

“Our findings underscore the importance of insulating immigration judges from control by politically motivated superiors,” said Kim. “These judges, like all other judges, should be deciding cases on the merits of individual facts presented at hearing, not on the basis of a political calculus dictated by the White House. Due process requires nothing less.”

The following are selected highlights of recent faculty scholarship.
To learn more, visit www.brooklaw.edu/facultyscholarship

Julian Arato

Parsing and Managing Inconsistency in Investor-State Dispute Settlement (with Chester W. Brown and Federico Ortino), 21 *Journal of World Investment and Trade* __ (2020)

WITH REGARD TO inconsistency in legal interpretation in investor-state disputes, a key international trade issue, Arato makes a distinction between the types of norms with which a degree of inconsistency is manageable and tolerable, and those with which inconsistency affects the structural “rules of the game” and is most destructive.

Miriam H. Baer

Law Enforcement’s Lochner, 105 *Minnesota Law Review* __ (forthcoming 2021)

BAER FORECASTS that the government-friendly “first-party” rules that enable the government to demand information from business entities will increasingly come under attack as a result of the Supreme Court’s Fourth Amendment privacy decisions and its emerging stance on corporate personhood. Although she rejects the claim that the demise of these rules would trigger a collapse in regulatory and corporate law enforcement, she believes their loss could exacerbate current problems in regulatory and white-collar enforcement.

Anita Bernstein

(Almost) No Bad Drugs: Near-Total Products Liability Immunity for Pharmaceuticals Explained, 77 *Washington & Lee Law Review* 3 (2020)

ALTHOUGH ALMOST EVERY major pharmaceutical manufacturer has shelled out millions in settlements for misconduct related to the marketing of prescription drugs, they enjoy near immunity from liability—in particular products liability—when their products are found to be defective. Bernstein examines the three categories of product defect liability and how seldom judges apply them in pharmaceutical cases.

Heidi K. Brown

Get with the Pronoun, 17 *Legal Communication & Rhetoric: JALWD* 61 (2020)

BROWN PROPOSES that legal writers can enhance and foster clarity, accuracy, inclusion, and respect through purposeful and intentional usage of the singular “they” and other pronouns. She offers examples of how American lawyers and judges have effectively used litigants’ and witnesses’ personal gender pronouns in pleadings, briefs, and judicial decisions.

Elizabeth Fajans

Hendiadys @ Legal Interpretation: What Part of “and” Don’t You Understand? (with Mary Falk), 17 *Legal Communication & Rhetoric: JALWD* 39 (2020)

THE RHETORICAL DEVICE known as hendiadys joins two words by “and” to express a single complex idea, such as “sound and fury.” Professor Samuel L. Bray was the first to argue that legal phrases such as “cruel and unusual” and “necessary and proper” may also be interpreted as hendiadys. Fajans and Falk argue that hendiadys is an obscure and mysterious literary device, and that to use it to interpret phrases in the law is wrongheaded.

Heidi Gilchrist

“Act Normal or Leave”: *When Law and Culture Collide*, 26 *Columbia Journal of European Law* __ (forthcoming 2020)

GILCHRIST EXAMINES the idea of legislating “normal” behavior, and what this means in a diverse world. Laws that criminalize dress in Europe, such as burqa bans that can carry jail time, she argues, constitute forced assimilation and simply equate to a “Muslim ban,” which can both be ineffective and create future national security threats. Gilchrist questions whether the European Court of Human Rights, in upholding and justifying these laws, has created a dangerous new right of the majority not to be offended. She also considers what duty to integrate newcomers countries do have.

Andrew Gold

Oxford Handbook of the New Private Law (Coeditor with J.C.P. Goldberg, D.R. Kelly, E. Sherwin, and H.E. Smith, Oxford University Press, forthcoming 2020)

GOLD AND HIS COEDITORS help redefine and reinvigorate the subject of private law by crosscutting perspectives and relations between areas of the law, with special attention to its doctrines and structures, and offering analysis and criticism of existing law.

Edward Janger Aaron Twerski

The Heavy Hand of Amazon: A Seller Not a Neutral Platform, 14 *Brooklyn Journal of Corporate Financial & Commercial Law* 259 (2020)

CONSUMERS WHO BUY from reputable sellers are almost always guaranteed that they will have a solvent defendant if injured by a product defect. But Amazon, though responsible for a

vast number of retail sales, has sought to avoid liability by claiming that it is not a seller but a neutral platform that merely facilitates third-party sales to consumers. Most courts have sided with Amazon. Janger and Twerski put the lie to Amazon’s claim that it is not a seller by demonstrating how Amazon controls third-party sales and hides its true role from consumers.

Adam Kolber

How to Fix Legal Scholarmush, 95 *Indiana Law Journal* 1191 (2020)

LEGAL SCHOLARS often fail to distinguish between descriptive claims about what the law is and normative claims about what it ought to be. The distinction couldn’t be more important, yet scholars frequently mix them up, leading those scholars to mistake legal authority for moral authority, treat current law as a justification for itself, and generally use rhetorical strategies more appropriate for legal practice than scholarship. Kolber argues that scholars must be more clear, transparent, and rigorous about which of their claims are descriptive and which are normative in order to develop more objective criteria for evaluating both scholarship and public policy.

K. Sabeel Rahman

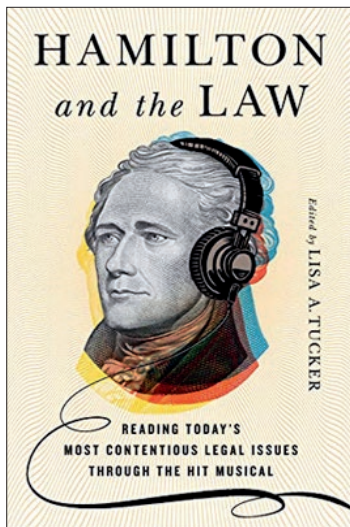
Building a Law-and-Political-Economy Framework: Beyond the Twentieth-Century Synthesis (with Jedediah S. Britton-Purdy, David Singh Grewal, and Amy Kapczynski), 129 *Yale Law Journal* 1784 (2020)

THE “TWENTIETH-CENTURY SYNTHESIS,” the authors write, is a pervasive view of law that insulates “the market” from claims of justice and conceals it from analyses of power. The article offers a framework for identifying and critiquing the Twentieth-Century Synthesis and creates a framework for a new “law-and-political-economy approach” to legal scholarship, placing themes of power, equality, and democracy at its center.

Jocelyn Simonson

Police Reform Through a Power Lens, 130 *Yale Law Journal* __ (forthcoming 2021)

SCHOLARS AND REFORMERS alike have in recent years begun to imagine new and different configurations for how the state can design institutions of policing. Simonson fleshes out a theoretical account of why the power lens is an important and necessary addition to how scholars and reformers view the regulation of policing, opening up discussions of police reform to first order questions about how the state should go about providing safety and security in our time.



Professor Robin Effron and Vice Dean Christina Mulligan Examine Hamilton through a Legal Lens

IN A COLLECTION OF ESSAYS in *Hamilton and the Law: Reading Today's Most Contentious Legal Issues through the Hit Musical* (Lisa A. Tucker, ed.; Cornell University Press, 2020), legal scholars, including Professor Robin Effron and Vice Dean Christina Mulligan, discuss the show, based on the life of attorney and Treasury Secretary Alexander Hamilton, from a legal point of view.

In "Finding Constitutional Redemption through Hamilton," Mulligan examines the meaning and controversy over casting actors of color as historical figures who were white. "We construct who America is," she writes. "*Hamilton* participates in that construction by 'reallocating the ownership of the republic' to people who have historically and unjustly been alienated from it."

In "Taking Law School Musicals Seriously: A Little Love Letter to Legal Musicals and the Lawyers Who Love Them," Effron, who enjoyed a previous career as a singer and musician, reflects on the importance of the "law revue," a student-produced annual musical parody of law school and the law, to her ability to tie her two worlds together. "It was the repetition and evolution of law in the books and law on the stage that kept me afloat and propelled me toward my career in which I find utter joy and satisfaction," she writes.

Noteworthy

Professor Julian Arato, codirector of the Dennis J. Block Center for International Business Law, was awarded the prestigious Francis Deák Prize by the American Society of International Law for his article "The Private Law Critique of International Investment Law," 113 *American Journal of International Law* 1 (2019). The prize is awarded annually for the best scholarly article by a younger author published in the *American Journal of International Law*.

An article authored by **Professor Miriam Baer**, "Pricing the Fourth Amendment," 58 *William & Mary Law Review* 1103 (2017), was cited by Hon. Guido Calabresi in his concurrence in *United States v. Weaver*, 975 F.3d 94 (2d Cir. 2020), which reversed a lower court's holding that a frisk for weapons was appropriate under the Fourth Amendment. In his concurring opinion, Judge Calabresi criticized the exclusionary rule and noted that several scholars had advocated alternative mechanisms to punish violations of Fourth Amendment rights. Baer's article, which hypothesizes a tax-driven approach to searches and seizures, was among the three he cited.

Professor Susan Hazeldean's paper, "Privacy as Pretext," 104 *Cornell Law Review* 1719 (2019), was selected as a winner of the Southeastern Association of Law Schools' call for papers for the 2020 conference. The awards ceremony, typically held during a luncheon at the annual meeting, was held virtually this year.

Professor Edward Janger joined with other bankruptcy scholars on the Small Business Committee of the Bankruptcy & COVID-19 Working Group, formed to study financial distress and COVID-19 and make policy recommendations. The committee submitted a letter to congressional leaders proposing changes to the Small

Business Reorganization Act of 2019 that would help small businesses affected by COVID-19.

Professor Minna Kotkin was named an academic fellow for the Pound Civil Justice Institute following her participation as a panelist for the Institute's 2020 Judges Forum. The Pound Civil Justice Institute is a national legal think tank created by pioneering members of the trial bar and dedicated to ensuring access to justice for ordinary citizens.

Professor Emeritus Norman S. Poser's book *The Birth of Modern Theatre: Rivalry, Riots, and Romance in the Age of Garrick* (Routledge, 2018), was a finalist for the Society for Theatre Research Theatre Book Prize 2020, awarded annually to the best new book on any aspect of British or British-related theater history and practice.

Professor Janet Sinder, director of the Law School's library, was awarded the top prize in the AALL/LexisNexis Call for Papers in the open category by the American Association of Law Libraries for her paper "Correcting the Record: Post-Publication Corrections and the Integrity of Legal Scholarship," 112 *Law Library Journal* __ (forthcoming 2020). This is the second time Sinder has received the award, having previously been recognized in 1997.

Resolved

ON AUGUST 21, 2020, the Brooklyn Law School faculty adopted an anti-bias resolution, issuing a statement acknowledging their responsibility to identify, challenge, and condemn structural inequity and identifying several immediate action items.

"As members of the Brooklyn Law School faculty, we are compelled to act," the resolution stated in part.

ALUMNI

Valerie Fitch '88 Named President of the Alumni Association

"WHEN I FIND SOMETHING I LIKE, I tend to stick with it," said Valerie Fitch '88, senior director of talent development at Pillsbury Winthrop Shaw Pittman and president of the Law School's Alumni Association. The Law School is the beneficiary of that commitment, as the Alumni Board moves forward under the guidance of an experienced chair presiding over important structural changes to advance the organization and capitalize on the talent and energy of the Law School's global alumni community.

"We have so many alumni who are nearby, as well as many who are around the world," said Fitch, whose husband Edward Flanders '89 and stepson Dylan Flanders '21 are also part of the Law School community. "We want to bring those people back in and remind them how important the Law School has been to them."

Fitch had also previously served as president from 2015 to 2017. In her second term, which started last year, she wanted to build on the work of her successor, Michael

Grohman '83, and continue to revamp the organization. She added three new committees: Professional Development and Mentoring, Alumni Activities, and Philanthropy, giving alumni more ways to become engaged at a higher level.

As a result, the Alumni Association's events have become more dynamic than ever and serve an expanded body of engaged members. In 2019, the Association hosted the best-attended alumni luncheon in recent years, with over 450 guests gathered at the Mandarin Oriental in New York City.

In addition, the association has been a strong partner in the Law School's response to the COVID-19 pandemic, as alumni quickly volunteered to be a part of the Remote Alumni Advisors program for students and organize fundraising at virtual class reunions. Looking forward, Fitch is working with the board to plan upcoming programs, including the spring's annual alumni luncheon. "While I am heartbroken that COVID-19 happened when it did,"



Valerie Fitch '88

said Fitch, "we need to do what we can to maintain our momentum in the coming months and years."

Meet the Alumni Association Executive Committee

<i>Alumni Board President</i>	Valerie Fitch '88 , Pillsbury Winthrop Shaw Pittman
<i>President-Elect</i>	Deborah Riegel '93 , Rosenberg & Estis
<i>Chair, Professional Development and Mentoring</i>	Dona Fraser '01 , BBB National Programs
<i>Chair, Alumni Activities</i>	Sasha Linney '11 , GoldenTree Asset Management
<i>Chair, Philanthropy</i>	Timothy Oberweger '05 , Stewart Title Guaranty Company
<i>Member-at-Large</i>	Evan Azriliant '92 , S & E Azriliant
<i>Member-at-Large</i>	Neil Goldstein '67 , Robinson Brog Leinwand Greene Genovese & Gluck

GIVING

Alumni Support Scholarships to Empower the Next Generation

IN 2020, SIX NEW SCHOLARSHIPS were created by generous alumni to help attract high-achieving students from diverse backgrounds to the Law School. These scholarships help bolster the efforts of the Professor Arthur Pinto and Stephen Bohlen Diversity Initiative to support the Law School's core commitment to creating an inclusive and welcoming environment for all members of its community and aid in transforming the legal profession. Highlighted below are four of these new scholarships:

CLASS OF 2005

When his class's 15-year reunion was interrupted by the pandemic, Tim Oberweger '05, head of the Alumni Association's Philanthropy Committee, along with Peter Altman '05 and Deborah Koplovitz '05, convened a group of classmates to think of ways to use their anniversary year to give back to the Law School community. After a summer spent reconnecting and discussing, the class had collected almost \$20,000 to fund a scholarship that will support students of color, creating an impact that will far outlast their reunion year.

MARK FUNG '94

Recently, Fung created the John and Susan Fung Memorial Scholarship. Named in memory of his parents, the scholarship is awarded for three years to assist the Law School in attracting highly qualified students from underrepresented backgrounds. Fung, in addition to maintaining his own practice focusing on international arbitration, international business practice, and corporate law, is a noted leader in U.S.–China relations, holding posts at the Harvard University Asia Center, the Council on Foreign Relations, and the National Committee on U.S.–China Relations.

"I believe that diversity strengthens the foundations of law and society," said Fung. "The John and Susan Fung Memorial Scholarship reflects Brooklyn Law School's highest virtues of diversity and diligence."

SHAWN MILES '98

Miles, who has built a multifaceted career in the areas of public policy, law, and business, as well as serving on the Alumni Board, created a new impact scholarship to meaningfully help law students of color. The scholarship will provide immediate funds for three students, one per academic year, increasing the Law School's ability to recruit and retain highly qualified Black students with an interest in social justice.

"As I've become more involved with the Law School as an alumnus, I've been inspired by its programs like the Criminal Defense & Advocacy Clinic that are advancing real improvements in social justice," said Miles. "This gift is my opportunity to support students who care as much about these issues as I do."

JORDAN ZIMOLKA '16

In the spring, Zimolka made a gift, matched by his employer, Lincoln Financial Group, to strengthen the Frederick E. Curry III '03 Scholarship. At a point in his career when he "realized it was time to start giving back," he made this three-year commitment to help continue the growth of the scholarship fund. Named in honor of the Board of Trustees member who founded it, the scholarship is offered to outstanding Black students to help fund their legal education.

To learn more about these and other scholarship opportunities at Brooklyn Law School, please call the Office of Development and Alumni Relations at 718-780-7505.

Student Support Fund

In the spring of 2020, alumni, faculty, staff, parents, and friends of the Law School came together to support students facing unexpected financial hardships during this time of tremendous challenges. Their donations to the **Student Support Fund** were immediately disbursed to more than 100 students who had been adversely affected by the pandemic, including those who had lost their part-time jobs, whose family financial situation was affected, or who needed help to ensure that their studies were not affected by the pandemic.



Give to the Student Support Fund by making a gift TODAY at www.brooklaw.edu/give

Real Estate Alumni Offer Career Advice to Recent Grads

AT THE REAL ESTATE ROUNDTABLE DISCUSSION “Starting or Reinvigorating a Real Estate Legal Career in 2020 and Beyond,” more than 60 current students and recent graduates learned how to break into the industry from a distinguished panel of successful alumni.

The virtual event featured Tim Oberweger '05, vice president at Stewart Title Company and member of the Brooklyn Law School Alumni Board, who served as moderator; Lisa Bova-Hiatt '94, executive vice president for legal affairs and general counsel at the New York City Housing Authority; Adjunct Professor Richard J. Sobelsohn '98, vice president, legal, at Cohen Brothers Realty; Craig L. Price '99, partner at Belkin, Burden, Goldman; Robert Alleman '10, shareholder at Greenberg Traurig; Niki Tsismenakis '11, partner at Goldstein Hall; and Karl Dowden '13, of KarlDowdenLaw.

The panelists highlighted the Law School's prominence in the real estate sector, with alumni who are leaders in the industry, including alumni in roles in the public and private sectors, at large law firms and as solo practitioners, as representatives for buyers and sellers, and in financing and bankruptcy.

“We have a plethora of people practicing all over real estate, and it's a part of our alumni network of which we are particularly proud,” said Dean Cahill. “We are delighted to have so many people from so many different settings here to talk to you, so that our strength in real estate can be passed on to the next generation.”

“Use your education to find the next opportunity,” said Oberweger. The other panelists agreed, citing the alumni network as instrumental in developing their own careers. The panelists encouraged attendees to reach out to individual alumni personally for advice. “We take such pride in our school,” said Bova-Hiatt.



Tim Oberweger '05 served as the roundtable moderator

“Even if we can't offer you a job, we can help talk you through the path you want to take.”

The panel was organized by Professor Debra Bechtel, director of the Law School's Corporate and Real Estate Clinic, with assistance from the Brooklyn Law School Real Estate Society and its copresidents, Molly Drescher '22 and Daniel Landau '21; the Office of Development and Alumni Relations; and the Career Development Center.

Dean Cahill Greets Alumni Across the Country

IN HIS FIRST YEAR ON THE JOB, Dean Cahill traveled to introduce himself to the Law School's widespread alumni community, making stops in Arizona, Florida, and Washington, D.C.

Cahill kicked off 2020 in Washington, D.C., at the Association of American Law Schools' annual meeting in January. At an accompanying alumni event, faculty members reconnected with conference attendees and local alumni.

In February, Cahill attended an event in Phoenix at the Royal Palms Resort and Spa, where more than 20 alumni were in attendance, including Lawrence Sucharow '75, a member of the Board of Trustees.

Later that month, Cahill traveled to Florida to attend an alumni event at the Kimpton EPIC in Miami, home to an increasingly active chapter of the Alumni Association. Local alumni leaders, including Roger Slade '88, Jason Goldberg '11, and Gina Shlaferman '12, look forward to continuing the momentum generated by the event. He then met with alumni at an event in Boca Raton at the Polo Club, hosted by Board of Trustees member emerita Florence Subin '75.

More in-person alumni events across the country will be scheduled once large gatherings are safe for attendees.

ClassNotes

1969

Jeffrey Forchelli has been named to Wagner College's Board of Trustees. Forchelli is a member of the Brooklyn Law School Board of Trustees and chairman and comanaging partner of Forchelli Deegan & Terrana. The Jeffrey D. Forchelli Conference Center in Feil Hall is named in honor of his family.

Michael Rikon was selected for the Top Attorney of the Decade Award for 2020 by the International Association of Top Professionals. Rikon is a partner at Goldstein, Rikon, Rikon & Houghton and focuses his practice on condemnation and eminent domain cases.

1978

Marshall D. Feiring joined Dentons as partner in its capital markets group. He was previously at Sidley Austin.

Eileen T. Nugent joined Morrow Sodali's newly formed strategic advisory board. She is currently of counsel at Skadden, Arps, Slate, Meagher & Flom in its mergers and acquisitions group. She is also a member of the Brooklyn Law School Board of Trustees.

Alumni Elected Leaders of Professional Organizations

Anthony Lamberti '90, partner at Armstrong & Lamberti, was installed as president of the Brooklyn Bar Association in June. He started his career as a court officer, later attending Brooklyn Law School at night, starting in 1986. He practices in the areas of guardianship, elder law, and trusts and estates.

Anta Cissé-Green '03, associate general counsel at NYU Langone Medical Center, was installed as the president of the Metropolitan Black Bar Association in July. She was previously senior counsel at Akin Gump Strauss Hauer & Feld in its private client services group.

Jenny Chung '14 was named president of the Asian Pacific American Lawyers Association of New Jersey in May. In addition, she was elected by her peers for inclusion in *The Best Lawyers in America* as one of the "Ones to Watch" in commercial litigation. She is an associate at Chiesa Shahinian & Giantomasi.

1981

Sylvia Goldschmidt was named a Top Prominent Attorney by Continental Who's Who for her outstanding contributions in the field of law and acknowledgment of her excellence as founding partner at Goldschmidt & Genovese. Goldschmidt focuses her practice on family law matters.

1983

James A. Hicks joined Wilentz, Goldman & Spitzer as counsel in its workers' compensation group. He focuses his practice on advocating for the rights of injured workers and workers diagnosed with occupational illnesses.

1985

James I. Glasser received the 2020 American Inns of Court Professionalism Award for the Second Circuit. Glasser is a partner at Wiggin and Dana and head of its litigation group.

1986

Saliann Scarpulla was appointed an associate justice of the New York State Supreme Court, Appellate Division, in the First Department of New York State. She previously served as a justice on the New York State Supreme Court.

1987

Michael Gottfried joined Elkins Kalt Weintraub Reuben Gartside as a partner to help launch its bankruptcy and restructuring group. Gottfried was previously a partner at Landau Gottfried & Berger.

1989

Evan M. Goldberg, principal owner of his own law practice and past president of the NYS Trial Lawyers Association, was appointed chair of the legislative committee of the New York State Bar Association. Goldberg focuses his practice on personal injury law.

1992

Naftali Dembitzer was promoted to partner at DLA Piper. Dembitzer's practice areas include state and local taxes, real estate transfer taxes, federal and state tax audits and controversies, and federal and state employment taxes.

1995

Rebecca Leon joined Baker McKenzie as a partner in its North America litigation and government enforcement group. She was previously at Holland & Knight.

1996

Ari Markenson was elected to the board of directors of the American Health Law Association. Markenson is partner at Winston & Strawn and co-chair of its health care and life sciences industry group.

1998

Kalman Magyar launched *Tanchaz Talk*, an English-language program focusing primarily on Hungarian folk music. He launched the podcast in July to keep enthusiasts connected during the pandemic. He is also managing partner at his Toronto-based commercial law firm, Magyar, Bogle & O'Hara.

1999

Samuel Kohn joined Dorsey & Whitney as a partner in its business reorganizations group. He was previously a partner at Norton Rose Fulbright.

2000

Keith Brandofino joined Thompson & Knight as partner in its real estate and banking group. He was previously a partner at Kilpatrick Townsend & Stockton.

2002

Leslie Rosen joined Connecticut College's Board of Trustees. She is a principal at Rosen Harbottle Commercial Real Estate.

Florelee Wan was promoted to partner at Wong Fleming in its insurance coverage and defense, products liability, and premises liability groups. Wan previously was an associate at Schenck, Price, Smith & King.

2003

Winston M. Paes was promoted to partner at Debevoise & Plimpton in its white-collar and regulatory defense groups. Paes was previously an Assistant U.S. Attorney in the Eastern District of New York, spending two years as chief of the business and securities fraud section.

Camille J. Varlack was appointed as a trustee of the SUNY Board of Trustees. She is a partner and the chief operating officer of Bradford Edwards & Varlack.

2004

Ryan Thompson opened the law firm Thompson Esquire, which concentrates on Title IX, sexual misconduct, and civil rights law and investigations. Previously the Title IX coordinator and civil rights officer at Niagara University, Thompson has been called one of the top legal scholars in this concentration by Buffalo Business First and the *Buffalo Law Journal*.

2006

Jodi Siegel Stein joined Sheppard, Mullin, Richter & Hampton as a partner in its real estate, land use, and environmental groups. She was previously a partner at Herrick, Feinstein.

Alex Threadgold joined Fox Rothschild as a partner in its entertainment and sports law group. He previously was in-house director of business affairs at VP Records and its distribution, music publishing, apparel, booking, and international affiliates.

2007

Joe DiGiglio joined the financial services regulatory consultancy Bovill as a managing consultant. He was previously a senior compliance officer at Cadre, a real estate investment firm.

Keith Sheldon joined Hard Rock International and Seminole Gaming as its president of entertainment. Sheldon previously worked for BSE Global, parent company of the Brooklyn Nets and Barclays Center.

David M. Knapp joined Lippes Mathias Wexler Friedman as partner in its insurance group. He was previously a partner at Ward Greenberg Heller & Reidy.



Maria Corvaia O'Donnell '01 started a plaintiff-side insurance practice in 2014, and since has had a long streak of successful decisions, helping her clients repair property damage on their homes.

A serial entrepreneur, she started her first firm in 2006 as a new mother, realizing that the only way to "have it all" by raising a family and building a career was through the flexibility of her own practice. That firm, which began in her home, grew into one of the largest fully female-owned insurance defense firms in the state of Florida, with over 20 attorneys on staff. Due to that experience as a working mother, she supports the continued advancement of women in business, who may encounter difficulties similar to the ones she overcame.

O'Donnell said she owes much of her career success to Myron Chaitovsky, the former director of admissions at the Law School, who helped steward her application. In 2013, she donated a seat in the Moot Court Room in his honor, to show her gratitude, the first ever donated in honor of a member of the Law School administration.

"Because of people like [Chaitovsky]," said O'Donnell, "people like me can have a chance to succeed, people who might not have otherwise had that opportunity."



Kenneth Anand '02, cofounder and COO of Roth House, a luxury apparel and accessory house, and **Jared Goldstein '17**, legal counsel at the marketing company LiveIntent, will release their new book, *Sneaker Law* (Sneaker Law LLC, 2020), in December. The book, aimed at designers, collectors, law students, and entrepreneurs, details everything needed to succeed in the sneaker industry, a multibillion-dollar business requiring expertise in legal fields such as patents, trade

secrets, and endorsement deals.

“We wanted to cover everything,” says Goldstein. “When we started outlining [the book], we realized how many facets of business and law touch upon sneakers.”

They previewed the book during a lecture earlier this year at Harvard Law School’s Fashion Law Lab. The book also has received advance coverage from *Business Insider*, *Women’s Wear Daily*, *Yeezy Mafia*, and other media outlets.

Anand and Goldstein continue to actively engage with Brooklyn Law School students. Through the Law School’s externship program, they brought on **Rylan Brook '20** and **Daphne Spector '22** to assist with writing their book. Anand also gave a talk to students sponsored by the Career Development Center, where he discussed his work and offered career advice.

Nate Hennagin joined Amazon Studios in the Culver City, Calif., office as corporate counsel, labor relations. He was previously counsel in the legal department at the Screen Actors Guild–American Federation of Television and Radio Artists (SAG-AFTRA).

Dacia Read joined the Office of Rhode Island Governor Gina M. Raimondo as deputy chief of staff. She was previously assistant secretary for human services at the Executive Office of Health and Human Services for Rhode Island.

2016

Benjamin Schachter joined Riemer & Braunstein as an associate in its real estate finance group. He was previously an associate at Goldstein Hall.

Steven Ballew and **Katie Harrigan** were married on June 27, 2020. The wedding took place in the Brooklyn Law School courtyard after their previous plans were upended due to the pandemic.



2008

Shujah Awan joined CapVenture Partners, an alternative asset management firm, as partner and general counsel. Awan was previously the vice president and deputy general counsel at Biz2Credit Inc.

Max McCann was promoted to executive senior attorney for litigation and special projects in the Florida Department of Financial Services General Counsel’s Office.

2009

Alex C. Drylewski was named a 2020 Rising Star by the *New York Law Journal*. He is a partner at Skadden, Arps, Slate, Meagher & Flom in its complex litigation and trials group.

2011

Zachary H. Klein was promoted to general counsel for the New York Islanders National Hockey League franchise and named general counsel for UBS Arena at Belmont Park, the Islanders’ future home.

2012

Jared Newman was promoted to senior counsel at real estate services and investment firm CBRE Group. He was previously an associate at Chaves Perlowitz Luftig.

Erika L. Lorshbough was promoted to deputy policy director at the ACLU of New York. She monitors and analyzes legislative activity and agency action affecting civil rights and civil liberties and works with coalition partners to promote community-driven law reform based upon constitutional principles.

2013

Dong Joo Lee was appointed as a Special Assistant U.S. Attorney in the fraud and public corruption section of the U.S. Attorney’s Office for the District of Columbia.

2014

Meagan Dean was promoted to partner at McGivney, Kluger, Clark & Intoccia and managing partner of the firm’s Syracuse, N.Y., office.

In Memoriam

Beverly Cohen '46

Beverly Cohen, who led a full life with many chapters, died April 29, 2020, at the age of 97.

Born in Brooklyn to one of the first female attorneys in the country, Cohen worked as a welder in the Brooklyn Navy Yard during World War II while taking classes at Brooklyn Law School. She then pursued a doctorate in city planning before marrying Dr. Samuel Cohen, who predeceased her. The family moved to Altoona, Pa., where she became an active member of the community and raised her children.

Later, Cohen earned a master's degree in library science and worked at Mount Aloysius Junior College until 1989. Upon her retirement, she and her husband moved to Marietta, Ga., where she volunteered at the Atlanta History Center assisting in the restoration of fabrics, including several Atlanta Braves uniforms, and became active in the National Embroiderers Guild, winning awards for her stitching. Her baking skills were the subject of an article in the *Columbus Dispatch*.

Cohen is survived by her children Larry, Gil, Susan, and Doug; her brother Major Cohen and sister-in-law Marthe Cohen; her sister-in-law, Suzanne Bourgeois Cohen; and nieces and nephews.

June Marston Dyson

June Marston Dyson, a pioneering woman in the legal profession, died May 5, 2020, at the age of 101.

Born in Long Beach and raised in Locust Valley, Dyson was later a resident of both Lenox Hill in Manhattan and Tuxedo Park, N.Y. After graduating from Brooklyn Law School, Dyson practiced law at Hawkins Delafield & Wood as one of the first female attorneys at a large downtown firm.

In addition to her legal career, Dyson had a lifelong commitment to philanthropy. She served as trustee emerita of the Museum of the City of New York, and was the 11th president of the Society of Memorial Sloan Kettering. She was involved with the Metropolitan Opera and a member of the Isaac Stern Society of Carnegie Hall. In addition, she was a decades-long member of the Colony Club and the Union Club in Manhattan, and the longest-serving member of the Tuxedo Club, one of America's oldest country clubs.

Predeceased by her husbands Randy Marston and Charles Dyson, she is survived by stepsons John and

Robert, 10 step-grandchildren, nieces and nephews, her devoted caregiver Maria, and many friends.

Dyson gave a lasting legacy to Brooklyn Law School by including in her estate a gift to support scholarships.

Hon. Arthur D. Spatt '49



Hon. Arthur Spatt, Senior District Court Judge for the Eastern District of New York, died June 12, 2020, at age 94, leaving a lasting mark on the legal community.

Spatt was known for his extraordinary work

ethic, presiding in his chambers six days a week even after gaining senior status at the court in 2004. Even during the COVID-19 pandemic, Spatt maintained a full case load while working from his home in Commack, N.Y.

"Beyond having a first-rate legal mind, Judge Spatt may have been the most tireless and diligent worker Brooklyn Law School has ever produced," said Dean Cahill. "Not a single day of his long and admirable life was spent idly or in vain. He fully embodied the professionalism we hope to instill in all of our graduates."

Spatt was born in Brooklyn. He joined the U.S. Navy at age 17, serving as a navigation petty officer in the Pacific during World War II. Upon his return, he used the GI Bill to attend Ohio State University and then Brooklyn Law School.

He spent the next 25 years in private practice before entering the New York State judiciary. After serving in various roles in the state and Nassau County justice systems, he was appointed to the federal bench in 1989 by President George H.W. Bush.

Spatt's chambers were regularly staffed by students from the Law School, whom he brought on as interns and clerks. In 1991, the Law School honored him as one of its Alumni of the Year.

In December 2019, the atrium of Central Islip's federal courthouse was dedicated in Spatt's honor to commemorate his 40 years of service as a federal judge.

During his lifetime of service, Spatt was "uninhibited by ego," according to Richard P. Donoghue, U.S. Attorney for the Eastern District of New York, in an email to his staff. "[He] would describe himself as 'just a lucky kid from Brooklyn.'"

Spatt was predeceased by his wife Dorothy, and is survived by five daughters, 10 grandchildren, and one great-grandchild.

Sam Bernsen '49

Sam Bernsen, a former general counsel of the Immigration and Naturalization Service (INS), from 1974 to 1977, died on July 26, 2020, at age 101.

Over his 38-year career with INS, a legacy agency of the U.S. Department of Labor, Bernsen rose from working as a messenger on Ellis Island to holding top leadership roles, including four years as general counsel, and helped shape American immigration law for a generation. He worked on a variety of issues, including the denaturalization and deportation of Nazi war criminals and racketeers. Policy that he developed at the agency would later be enacted into law by Congress in the Immigration & Nationality Act Amendments of 1981. Another set of his policies would, years after his retirement, form the basis for the Deferred Action for Childhood Arrivals (DACA) program. He taught at the Foreign Service Institute of the State Department and the INS Officer Development Center, and was a frequent speaker at the conventions of the American Immigration Lawyers Association and the National Association of Foreign Student Advisers.

After retiring from the federal government, Bernsen went into private practice with the firm that would later be known as Fragomen, Del Rey, Bernsen and Loewy. There, he opened its Washington, D.C., office, and assisted clients such as movie star Yul Brynner. He also served as an adjunct professor of immigration law at Catholic University and American University, and authored over 20 published articles on immigration law.

Bernsen was born in New York City in 1919. He attended the City College of New York and graduated with honors from Brooklyn Law School. During World War II, he served in the U.S. Army for four years. He would later join the Air Force Reserve and retire as a major.

He was predeceased by his wife Elizabeth and son Clifford. Survivors include his son Stuart and daughter-in-law Judith.

Bernsen's generous support of the Law School was recognized by a reading room in the library named for him and his wife.



1937

Alan Nemser
June 10, 2020

1949

William Aronstein
July 11, 2020

1954

Alan Hirshman
April 9, 2020

1956

Ralph Bashan
June 8, 2020

Sam L. Resnick

May 21, 2020

1958

Dennis J. Monaghan
July 17, 2020

Arthur J. Simm

August 13, 2020

1959

Anthony V. Lombardo
September 21, 2020

1960

Norman A. Levy
January 27, 2020

1961

Aaron Britvan
July 10, 2020

1962

Alan Richards
March 20, 2020

Norman Ginstling

April 16, 2020

1967

Norman E. Powell
March 27, 2020

Kenneth S. Michaelson

February 17, 2020

1968

Nelson W. Schmukler
May 20, 2020

1971

Eric William Hildebrand
April 13, 2020

1976

Alan Lebenbaum
February 9, 2020

1998

Eric S. Westenberger
August 8, 2020

In Memoriam

Carson D. Mascoll '51

Carson Mascoll, a pillar of the Nassau County legal community who offered legal guidance for countless Long Islanders out of his home as well as county and town offices, died of natural causes on April 22, 2020, at the age of 101.

Growing up during the Great Depression, he was a student at St. John's University when he was recruited to the 761st Tank Battalion, the first African American battalion to see combat during World War II.

After being honorably discharged in 1947 and receiving a Purple Heart, he returned to St. John's to complete his bachelor's degree in 1948, and after that, his law degree from Brooklyn Law School.

He became the first African American to serve in two local offices: first, as the Village of Hempstead prosecutor in 1957, and again as the Town of Hempstead's assistant attorney in 1961. A decade later, he joined the county as the deputy attorney, taking on the role of executive assistant to the commissioner of health for Nassau County.

A longtime member of the Hempstead Republican Club, he was also involved with the Hempstead Housing Authority and served on the village's board of zoning appeals.

Even as he rose through different positions, Mascoll would continue to provide free or low-cost legal assistance out of his home in Hempstead. This was true even after his retirement in 1989.

In 2019, Mascoll was recognized by the U.S. House of Representatives for his achievements on the occasion of his 100th birthday.

William Gladstone '55



William Gladstone, 2017 Alumnus of the Year, died on April 30, 2020, at age 88. Gladstone was chair and principal owner of Troy, N.Y.-based Minor League Baseball team Tri-City ValleyCats,

the Class A affiliate of the Houston Astros, after a long career with Ernst & Young.

Born and raised in Brooklyn, Gladstone served a tour of duty with the U.S. Air Force as a second lieutenant during the Korean War and spent most of his business career at Arthur Young & Company. He played a key role in the firm's merger with Ernst and Whinney and became cochief executive of Ernst & Young in 1989.

Gladstone and his partners purchased the Pittsfield Mets franchise in 1992, and, in 2002, he was instrumental in moving the team to Troy, where it was renamed the Tri-City ValleyCats. He was elected to the board of directors for the National Baseball Hall of Fame and Museum in 1991 and was a member of Minor League Baseball's board of trustees for 12 years, and he served on the board of directors and executive committee for the New York-Penn League. In 2015 he was crowned the "King of Baseball" by Minor League Baseball for his dedication and service to the sport.

Gladstone is survived by his daughter Susan, son Doug, and five grandchildren. He was predeceased by his wife of more than 60 years, Millie, who died in 2018.

Brooklyn Law School Extends Condolences to Mark Anderl '83 and Judge Esther Salas on the Death of Their Son

On July 19, the 20-year-old son of Mark Anderl '83 and his wife, U.S. District Judge Esther Salas, was shot and killed at the family home in North Brunswick, N.J. Anderl was shot and seriously injured. Salas was unharmed in the attack.

Anderl is a defense lawyer and partner at Anderl & Oakley. He previously served for a decade as assistant prosecutor at the Essex County Prosecutor's Office. Salas, seated in Newark, was nominated by President Barack Obama and confirmed in 2011. Prior to that she served as a U.S. magistrate judge in New Jersey.



← CONTINUED FROM PAGE 24

capacity for home-testing capabilities. Throughout the summer, clinic students also provided legal support to a team at the Massachusetts Institute of Technology building an encrypted contact tracing app.

The clinic also stretched into podcasting to provide the latest information from the forefront of the legal field. Not only did the clinic serve as the legal research team for CyberSpace, a new podcast on CAFE, the network of former U.S. Attorney Preet Bharara, it also created its own podcast, BlipPod, to discuss emerging legal issues. These projects gave students such as Husain Bazzi '20, who took a leading role in starting the podcast, a new vector for exploring the law.

"[BlipPod] gave me and my fellow students the opportunity to lead conversations with very interesting people, and build content-creation and networking skills," said Bazzi.

In addition, BLIP built out its new Justice Lab, where students can learn to create software applications that help deliver legal services to people in need. The Justice Lab creates, maintains, and extends apps that increase the accessibility, efficiency, and effectiveness of legal guidance and services.

"The clinic helped me understand that the law is constantly evolving," said Bazzi. "Because we work with entrepreneurs who are often innovating into new frontiers like blockchain technology and artificial intelligence, it gives us the opportunity to explore new areas and in turn shape how policy is implemented."

"Participating in a clinic demystifies the practice of law," said Askin. "Students get really cool stories to tell their future employers and they build connections. More important, I think, they feel useful."

PREPARING LAWYERS FOR CHALLENGES AHEAD

Over the past five decades, the clinical program at Brooklyn Law School has had a profound impact on thousands of individuals and entire communities, helping the underserved while giving students a sense of purpose, as well as the skills and confidence they need to build careers. As the most recent clinics demonstrated during a year of crisis, lawyers are often most needed, and often at their best, during the most difficult times, working as advocates for those in need and as powerful defenders in the fight for justice.

"I was feeling scared in March and April," said Jane Brennan '20, who participated in the Criminal Defense and Advocacy Clinic in the spring before receiving a fellowship from Harvard to continue working with the clinic in the summer. "We were reaching out to people who were incarcerated, hearing about their conditions inside and their own reflections on what was happening. But it felt grounding to be able to do something—working through a case, contextualizing the circumstances of a case, and getting to know our clients holistically. I really learned the power of asking questions and listening to people."

Like thousands of clinic students before her, Brennan developed the critical thinking and problem-solving skills essential to being an effective lawyer and the resilience necessary to vigorously pursue justice and work on behalf of clients during challenging times.

"I think the clinic experiences renewed their feelings about being a lawyer," said Kotkin. "Their confidence. Their enthusiasm. Their altruism."



By Wilfred Codrington III, Assistant Professor of Law

How American Democracy Survives

EDS. NOTE: As this issue went to press, Joseph R. Biden Jr. had been elected the 46th president of the United States.

THIS YEAR WAS ALWAYS GOING TO BE A FASCINATING ONE for those interested in election law and U.S. democracy. But now, as the country grapples with the political trifecta of a raging pandemic, a reeling economy, and a racial awakening, it's clear that this will be an election year for the books.

These problems and others have left many wondering whether American democracy can survive 2020. Although the analysis is complex, the short answer, I believe, is yes. Daunting as they are, the challenges that the country now faces pale in comparison to the fraud, discrimination, and sheer violence that have plagued it historically.

This is not to downplay the significance of the immediate threats posed, but to encourage the many officials committed to safeguarding elections to consider what might be done to mitigate them. Clarity can be hard to come by in the eye of the storm, but reforms in at least three critical areas seem plainly necessary.

Invest in Election System Resilience

Four years after Russia tried to infiltrate U.S. election systems, there remains no hard evidence that it altered the vote count. And yet, the attempts exposed gaping vulnerabilities for future interference by rogue actors.

Compounding this election administration concern were the system breakdowns Americans began to witness at the outset of the COVID-19 pandemic just as the primary elections got underway. Some were new, such as the sharp decrease in the availability of poll workers and the increase in mail ballot rejection rates. Sadly, others, such as the long waiting lines and voting machine malfunctions, have become all too familiar.

These human and electronic elements constitute integral parts of America's voting apparatus. As revealed by the 2020 primary elections, they are in dire need of investment.

Rethink Court Intervention

In April, the U.S. Supreme Court weighed in on Wisconsin's primary elections. With the residents under a stay-at-home order, and the board of elections overwhelmed by requests, the mailing of absentee ballots was delayed. A federal district court modified the date by which ballots needed to be received, but the Supreme Court, in a 5-4 opinion, overruled that decision on the day before the primary, when some 12,000 Wisconsinites had yet to receive their ballots.

But it didn't stop there. In July, the Court permitted Florida to demand certain payments of ex-felons before restoring their right to vote, undermining a voter-approved amendment to the state constitution and preventing thousands of Floridians from voting. The justices similarly intervened in cases from states including Alabama, Texas, Idaho, and South Carolina to frustrate lower court orders that sought to ease burdens on the franchise during an unprecedented health crisis and provided little to no rationale for their decisions.

The partisan bent in these emergency matters is eerily reminiscent of the 5-4 majority decisions in *Bush v. Gore*, *Shelby County v. Holder*, *Rucho v. Common Cause*, and other landmark election cases. The Court should exercise caution before intervening in these types of matters, as each new ruling can be even more destabilizing than those that preceded it and can pose serious risks to the Court's institutional credibility.

Unless we begin the process of restoring our democracy, the institutional weaknesses we've seen will continue to affect our elections for many years.

Bolster Public Faith in Democratic Legitimacy

Were these concerns not enough to sour Americans on civic participation, consider what is coming from the world's most powerful office: persistent claims of rampant voter fraud, despite the lack of proof; attacks on mail-in voting and the postal service itself when they are needed most; thinly veiled threats to send law enforcement to intimidate voters; and even proposals to unilaterally delay the election, with no legitimate justification or constitutional authority. Such actions have taken a toll on the public's faith in our system. Lawmakers weighing policies to strengthen voting need to ensure that they help bolster the perception of legitimacy.

When all is said and done, 2020 will inevitably leave a welt on the American democratic system. Nevertheless, we can continue to expect the unexpected—the events and rulings that, for better or for worse, will shape the policies, practices, and doctrine that govern our political contests. Unless we begin the process of restoring our democracy, the institutional weaknesses we've seen will continue to affect our elections for many years. Given the great deal of work that lies ahead, that process should begin now.

Wilfred Codrington III is a constitutional law scholar with a focus on constitutional reform, election law, and voting rights. He is also a fellow at the Brennan Center for Justice at NYU School of Law, and he has taught graduate and undergraduate courses in public policy at NYU Wagner School of Public Service. He is the coauthor of the forthcoming book *The People's Constitution: 200 Years, 27 Amendments, and the Promise of a More Perfect Union* (The New Press, 2021).

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The Power of Law in Action

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2020

