

# BLSLawNotes

THE MAGAZINE OF BROOKLYN LAW SCHOOL | FALL 2010

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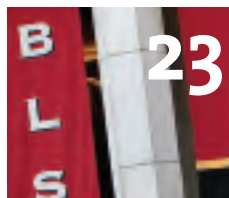


## **ON THE ROAD TO THE AMERICAN DREAM:**

**Brooklyn Law School Leads the Way  
in Immigration Law**

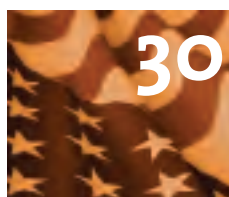


## FEATURES



### **Making the Grade: Eight New Faculty Members Join Brooklyn Law School**

In this feature we are proud to introduce the newest members of our BLS community: Bradley Borden, Adam Kolber, Gregg P. Macey, Samantha Amdursky, Mark Noferi, Jessica Attie, Margo Kaplan and Jane Yakowitz. These professors bring not only considerable professional experience, but also an impressive body of scholarship in the areas of tax, environmental justice, health law, bioethics and neuroethics, and data privacy.



### **On the Road to the American Dream: Brooklyn Law School Leads the Way in Immigration Law**

*By Andrea Strong '94 and Stephanie Staal '10*

Immigration issues have dominated the news headlines in recent years, and Brooklyn Law School is making a name for itself in the field. The Law School has produced an impressive group of judges and advocates working in all aspects of immigration law — from big firm practice to nonprofit organizations, from government to small law firms. In this feature we share some of their stories, and we also highlight some of the exciting changes in our curriculum that have inspired our students to begin their career as immigration lawyers.



### **Cooperation's Cost: A Look at the Real Price of Criminal Cooperation**

*By Professor Miriam Baer*

Fans of “The Wire” will want to read this insightful and provocative piece that explores the true effects of cooperation on potential offenders. Professor Baer argues that while cooperation is often useful, when used improperly, it may create more problems than it solves. This is particularly the case when defendants experience a Sanction Effect, in which criminal behavior may be encouraged (or at least not deterred) because of the belief that their ultimate punishment will be reduced as a result of their opportunity to become cooperators.

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**BROOKLYN LAW SCHOOL HAS GROWN** both in size and complexity over the past two decades, and as a result, the Board of Trustees has decided to separate the executive academic and executive business functions. In July, I took on the exciting new role of President of the Law School, a position that will focus my time on the executive business of the School, including major capital projects, developing more housing for our students, and of course, fund-raising and institutional advancement. While we search for a new Dean, Michael A. Gerber, who has been an integral part of the fabric of this school for nearly 30 years, has taken on the role of Interim Dean.

We open this issue of *LawNotes* with a profile of Michael, who has already begun to lead the Law School through this historic phase of transition with insight and grace. He is the ideal person for this job. He is highly respected by his colleagues, has strong ties to our graduates and the practicing bar, and is beloved by students.

Our cover feature of the magazine is dedicated to the topic of immigration law. Thanks to the passionate work of Professors Stacy Caplow and Maryellen Fullerton, the Law School is making a name for itself in the field of immigration law. This feature highlights our rich curriculum and also profiles the impressive network of BLS alumni who are practicing in this area.

Our second feature, "Cooperation's Cost," was written by Professor Miriam Baer, one of the Law School's rising stars. Her piece was one of two criminal law papers selected for the 2010 Stanford-Yale Junior Faculty Forum. "Cooperation's Cost" explores the effects of cooperation on potential offenders. She argues that while cooperation is often useful, when used improperly, it may create more problems than it solves.

We are also proud to introduce eight new faculty members who bring to the Law School not only considerable professional experience, but also an impressive body of scholarship in the areas of tax, environmental justice, health law, bioethics and neuroethics, and data privacy.

Finally, we highlight some of the most exciting events of the past semester. We were honored to welcome Mayor Michael R. Bloomberg, who addressed the Class of 2010 at the Law School's 109th commencement, Justice Samuel A. Alito, Jr., who judged the final round of the 25th Anniversary Prince Moot Court Competition, and CNN senior legal analyst and *New Yorker* staff writer Jeffrey Toobin, who was the featured speaker at the *Brooklyn Law Review* 75th Anniversary celebration. We also commemorated the 95th birthday of our greatest home-grown celebrity, Professor Joe Crea.

With the holidays right around the corner, I want to take this opportunity to wish you and yours a peaceful and joyous season and a wonderful New Year.

With all best wishes,

**Joan G. Wexler**  
*President and Professor of Law*

## Michael A. Gerber Appointed Interim Dean

While the search for a new Dean is underway, Michael A. Gerber, who has been a BLS professor for nearly 30 years and an Associate Dean for 25 years, is serving as the Interim Dean. Gerber is an ideal candidate for this position. Over the past three decades, he has been an integral part of almost every important project that the School has undertaken.

Last August, when Gerber spoke to this year's entering class, he called their attention to the career-shaping power of "plot points," which screenwriter Syd Field has described as "an incident or event that hooks into a story and spins it around into an entirely new direction." Gerber then explained, "Law School is full of plot points. They come in various forms: A classroom or clinical experience. A summer position that brings you into contact with a wise mentor... someone or something introduces you to a practice area that up to that point never particularly interested you and suddenly... you're hooked."

Gerber says that his professional life is studded with plot points. After graduating from New York University, he worked in publishing before deciding to return to NYU for law school. While a student, he interned for SDNY Chief Bankruptcy Judge Roy Babbitt. "I realize now that this internship was a turning point for me," he recalled. After graduation, Gerber became an associate at Proskauer Rose Goetz & Mendelsohn, working on antitrust, securities and intellectual property cases. Thanks to the internship, however, the firm's bankruptcy matters also came his way, and the seeds of his future as an expert in the field were planted.

After a few years at the firm, Gerber was encouraged by a colleague who had gone into teaching to consider doing the same. Gerber taught Legal Research and Writing to evening students at BLS for a year and — here is the next plot point — he was hooked. He joined the full-time faculty as a legal writing instructor in 1981, and began teaching the Business Reorganizations course

that same year. There was no casebook to teach from, so he wrote one. The casebook, *Business Reorganizations* (LexisNexis) has been used in law schools throughout the United States, and he is at work on a new edition. Gerber is also a contributing author of *Collier on Bankruptcy*, the leading treatise on bankruptcy law.



Gerber says that he has been blessed with great mentors, who have supplied the plot points that shaped the trajectory of his career as they shaped the destiny of the School. "Shortly after David Trager was named Dean, he asked me to serve as his assistant dean. As anyone who has ever worked as his assistant — at the Law School, in the U.S. Attorney's Office, or in chambers knows — he is an extraordinary teacher, lawyer, and problem-solver. He showed me how an institution can be transformed by a visionary leader and talented faculty members."

"Joan Wexler," Gerber says, "is a hard act to follow. I have worked closely with her for two decades and I have continuously marveled at her energy, creativity, and her 24/7 dedication to the School and its students. From the look — not to mention the

existence — of Feil Hall, to the richness of our academic program, to the caliber of our faculty and students, and the top clerkships that our students receive, you will find her imprint everywhere."

The late Professor Barry L. Zaretsky was also one of Gerber's mentors, and Gerber, in collaboration with BLS Professors Ted Janger and Neil Cohen, are co-directors of the Zaretsky Fellowship and Roundtable Program. "The Zaretsky Roundtable has evolved into one of the most respected and well-attended Bankruptcy/ Restructuring events of the year," said Robert T. Schmidt '89, a partner at Kramer Levin and incoming President of the Alumni Association. "It attracts judges, scholars and distinguished Bankruptcy practitioners — many of whom are BLS alumni that Michael has brought into the fold."

Mentoring works both ways, and Gerber is most passionate about the development of the students he mentors. Those students (sometimes dubbed "Gerber Babies" by members of the Law School community) say that he inspired them in the classroom and in some cases jumpstarted their careers.

For Schmidt, it only took a few weeks in Gerber's Corporate Reorganization class before he knew that he wanted to practice in the Bankruptcy area. "He has a sincere interest in students doing well and continues to guide them in the right direction when law school is behind them," said Schmidt.

Catherine McGrath '84, concurs. "There is a concept that as a student you should pursue the best teachers, not just the subject matters you are most interested in," said McGrath, who is a partner in the Intellectual Property Litigation Group at Foley and Lardner. "I followed Michael for that reason. Michael has always been a tireless advocate for BLS especially in terms of placement of students — he makes a tremendous effort to stay in touch and is a walking directory of where his old students are at any given time." □

## Associate Deanship for Student Affairs Renamed to Honor Robert B. Catell

Brooklyn Law School recently honored former Law School trustee and past National Grid Chairman Robert B. Catell by naming an Associate Deanship after him. Professor Beryl Jones-Woodin will now be known as the Robert B. Catell Associate Dean for Student Affairs. Jones-Woodin, who has been the Associate Dean for Student Affairs since 2003, specializes in copyright law, art law, and professional responsibility.

At a luncheon in May in Catell's honor, President Joan G. Wexler noted that the title was a particularly fitting choice for Jones-Woodin, since she and Catell shared a devotion to the Law School community and a commitment, both personal and professional, to the success of the student body. "In tribute to Bob and in honor of Beryl," said President Wexler, "she will be known as the Robert B. Catell Associate Dean of Student Affairs, and whoever follows her will have that designation as well."

While Catell did not attend BLS, he has long been a treasured member of the Brooklyn Law School community. In 1984, he joined the Board of Trustees; two years later, he became a member of the Finance Committee. He served on the Board of Trustees for 17 years, at the same time growing Brooklyn Union Gas into Keyspan and then National Grid.

"Bob has been a steadfast and wise advisor to the Law School through sweeping transformations during his tenure," remarked President Wexler at a gala in his honor last fall aboard the Intrepid Sea, Air & Space Museum. "With his active support, we have added scores of new and innovative courses to the curriculum, attracted world-class scholars to the faculty, and greatly expanded and improved our campus." More than 400 celebrants were in attendance at the Intrepid event, where Catell received an honorary doctor of laws degree from

President Wexler and the Chairman of the Board, Stuart Subotnick '68. The evening raised \$500,000 to benefit the Law School.

In addition to being a force of positive change for the Law School, Catell has been instrumental in revitalizing the downtown Brooklyn community. He was a member of the Executive Committee of the Downtown Brooklyn Council, which helped bring Metrotech, the Marriott, and other thriving businesses to the area. When the Executive Committee expanded to become the Downtown Brooklyn Partnership, Catell remained as its leader. "Brooklyn Law School stayed in downtown Brooklyn during the good times and the bad. So did Bob and his companies," said President Wexler. "He, more than anyone else I know, has helped make this neighborhood the vibrant community that it is today." □



*Beryl Jones-Woodin and Robert B. Catell*

## Class of 2010 Dedicates Class Gift



*Class Gift Committee: (L TO R) Paul Molina '10, Jeremy Raphael '10, Brianna McCarty '10, and Veniamin Rezavker '10*

This past spring, members of the Class of 2010, along with faculty, staff, and alumni, donated funds to create a unique bronze plaque that now hangs in the library to inspire future law students for generations to come. The plaque's inscription was decided by vote. Members of the Class of 2010 submitted their ideas for quotes, and over 50 percent of the graduating class participated in selecting the final wording: "It's supposed to be hard. If it wasn't hard, everyone would do it...The hard is what makes it great," a quote from the 1992 film, *A League of Their Own*.

In choosing this year's gift, the Class Gift Committee was inspired by the good luck charms present on the campuses of many academic institutions. They wanted to encourage camaraderie with future classes and spread school spirit as well. The plaque hangs low in the library's mezzanine stairwell, so that future law students exiting the library will be able to reach up and touch it on their way to their exams, for good luck and a dose of last-minute inspiration. □

# Michael Cahill Named Associate Dean for Academic Affairs



Professor Michael Cahill, a noted criminal law scholar, was recently named Associate Dean for Academic Affairs. He takes over from Lawrence Solan, the Don Forchelli Professor of Law, who held the position for the past four years.

Working in this new capacity, Cahill manages the Law School's academic program and hopes to build on efforts initiated by Solan, such as forging closer relationships with other institutions. "I think our status as a freestanding law school can be an advantage, enabling us to be flexible and seize unique opportunities to create beneficial associations and partnerships: sometimes with other independent schools like the medical schools at Mount Sinai or SUNY Downstate, sometimes with more broad-based academic institutions like Pratt Institute. I hope to continue to create crossover opportunities for both students and faculty."

Cahill will also oversee the continued evolution of the Law School's diverse curriculum. "One of the strengths of being a large law school is that we can offer a myriad of options, and one of the strengths of BLS in particular is that we have built a high scholarly profile without sacrificing outstanding skills training or placing unnecessary distance between faculty and students," said Cahill. "My goal is to keep making progress in multiple areas at once, so that we can keep producing lawyers who are well-rounded, fully trained professionals." Cahill also hopes to bolster existing initiatives, such as the Center for Health, Science, and Public Policy. "We have many students interested in health law, and in science more broadly, and an increasing number of faculty who are able to meet those needs, so the Center should continue to grow organically and become a vital asset for the School."

While he has taken on a number of new responsibilities as Associate Dean, Cahill will continue to work on his own legal research and writing, completing work on his treatise *Criminal Law*, written with Paul H. Robinson, to be published by Aspen Press in 2011. He will also continue teaching; Criminal Law in the fall and Criminal Procedure II (Prosecution and Adjudication) in the spring.

Cahill joined the faculty in 2003 after spending a year at Chicago-Kent College of Law as a Visiting Assistant Professor of Law. Prior to teaching, he was the staff director of the Illinois Criminal Code Rewrite and Reform Commission, helping to draft and revise criminal code provisions. He also served as a consultant for the Penal Code Reform Project of the Kentucky Criminal Justice Council. After earning his J.D. *magna cum laude* from the University of Michigan Law School, where he served as a Note Editor of the *Michigan Law Review*, Cahill clerked for Judge James B. Loken of the U.S. Court of Appeals for the Eighth Circuit. He received an M.P.P. from the University of Michigan School of Public Policy and holds an undergraduate degree in Ethics, Politics & Economics from Yale.

Since joining the Law School, he has produced an impressive body of work in the area of criminal law. His book, *Law Without Justice: Why Criminal Law Doesn't Give People What They Deserve*, also written with Robinson, was published by Oxford University Press in 2006. The book received high praise from reviewers and has since been cited in a number of law review articles. Other work by Cahill has appeared (or is forthcoming) in the *Northwestern University Law Review*, *Texas Law Review*, *Iowa Law Review*, *Washington University Law Review*, and the *Hastings Law Journal*, among other journals. □

“My goal is to keep making progress in multiple areas at once, so that we can keep producing lawyers who are well-rounded, fully trained professionals.”

— Associate Dean Michael Cahill

## Mayor Bloomberg Bids Farewell to Class of 2010 with Mix of Wisdom and Insiders' Humor



Mayor Michael R. Bloomberg addressed members of the Class of 2010 at Brooklyn Law School's 109th Commencement, held on June 4 at Lincoln Center's Avery Fisher Hall. Stuart Subotnick '68, Chairman of the Board of Trustees, and President Joan G. Wexler presented the 463 members of the graduating class with their degrees and also conferred upon Mayor Bloomberg the Law School's highest honor, an honorary doctor of laws degree.

Mayor Bloomberg, a dedicated public servant, noted philanthropist, and businessman, addressed the crowd of proud graduates with a lighthearted and hopeful speech, which included an equal mix of advice and humor. Mayor Bloomberg quipped that he had thought long and hard about what advice to bestow upon a room filled with hopeful graduates, and

had finally figured it out. "I built a business developing a way to provide up-to-the-minute financial services information on desktop computers," he told graduates, "so the first words of wisdom that naturally came to mind were: if it isn't working, try Control-Alt-Delete."

Though there were many moments of laughter, Bloomberg was serious about one



TOP: Mayor Michael R. Bloomberg addresses the Class of 2010. BOTTOM: Graduates celebrate their big day at Lincoln Center.



thing: the remarkable number of distinguished lawyers produced by Brooklyn Law School. He applauded the Law School as a source of legal talent for New York City and his own administration noting that his in-house counsel Anthony Crowell and co-counsel Bill Heinzen teach a course on the law of state and local governments together at BLS. He also pointed out that of the 600 lawyers at the city's Corporation Counsel, one in seven is a graduate of Brooklyn Law School.

Bloomberg also counseled the Class of 2010 to guard against sounding like stereotypical lawyers. "Every time you begin a sentence, 'Respondent further stated,'" he said, "maybe one thing to do is to start over." He also advised graduates to remember that, while gaining knowledge is important, even greater value lies in building strong connections. "The professional associations and relationships you establish and maintain now are going to be very important to you as you launch your careers," he explained.

His final point offered a more personal perspective on life. "Life is full of surprises," he said, "and that certainly includes surprises in your professional life, so make the most of them."

"When I went to work on Wall Street right out of college," he explained, "I was sure that it was just temporary, and that in a year or two, I'd be in the job of my dreams in a manufacturing firm," he recalled. "Fifteen years later, I was still at that firm, as a general partner. And I was as happy as a clam too, right up to the day I was let go — which is the nice way of saying I was fired. But I never looked back. I struck out on my own, started my own company, and loved every minute of it — until the day I walked away from it, and decided, against all the advice of my friends, to run for mayor. So, graduates, the pathway that takes you to your dreams may not be the one that you imagined." □



TOP: Meredith Lee Price '10, Stefanie Lampf '10, Cassandra St. Surin '10, and Cherisse Keller '10 savor the big day. MIDDLE: The Class of 2010 at Avery Fisher Hall. BOTTOM: Former Associate Dean Lawrence Solan presents Jared M. Rosen '10 with his diploma as Rosen's grandfather Irving Schiffman '50 looks on with pride.

## Justice Alito Helps Celebrate 25th Anniversary of the Prince Evidence Competition



LEFT: Judge Margaret McKeown, Justice Samuel A. Alito, Jr., and Judge Victoria A. Graffeo presiding over the Prince Evidence Competition. RIGHT: Justice Alito speaks to students, faculty, and Moot Court judges about life as a Supreme Court justice.

Brooklyn Law School's Moot Court program celebrated an incredibly exciting and successful 2009–2010 year. In honor of the 25th anniversary of the Dean Jerome Prince Memorial Evidence Competition, the Law School welcomed Justice Samuel A. Alito Jr. as presiding judge for the final round held on April 10, 2010. Teams also continued their long-standing tradition of success, winning prizes at several competitions, most notably at the Willem C. Vis International Commercial Arbitration Moot in Vienna, Austria.

### **The 25th Anniversary Prince Competition**

One of the most notable moments of the year was the celebration of the 25th Anniversary of the Dean Jerome Prince Memorial Evidence Competition. In honor of this milestone, the Law School was privileged to host Supreme Court Justice Samuel A. Alito Jr. as one of the presiding judges. Justice Alito was joined by the Honorable Margaret McKeown of the United States Court of Appeals for the Ninth Circuit and the Honorable Victoria A. Graffeo of the New York State Court of Appeals in judging the competition's final round. All of the judges spoke highly of the outstanding arguments made by the two finalists, the University of Georgia and Florida State University, and ultimately awarded Florida State top honors.

Prior to the final round, Justice Alito met with BLS students, faculty, and the federal and state judges who would judge the semi-final rounds, for an informal discussion. "In a relaxed and friendly manner, he shared a rare glimpse at life inside the Supreme Court," noted Professor Joel Gora, who was in attendance. "He discussed issues like the role of oral advocacy in influencing the Justices' decisions, the impact of friend

of the court briefs on the Court's thinking, whether the Justices visit in each other chambers' very much to talk over cases, and how the Court's reputation for a high degree of collegiality fares in light of the sometimes very sharp exchanges that appear in some of their majority and dissenting opinions."

Justice Alito also took questions from attendees and shared insights on his writing style and how opinions are drafted. "I'm a very fussy writer," admitted Justice Alito, adding that the opinions "undergo extensive editing, but it is helpful if I have the basic building blocks all in the right order." On the lighter side, responding to comments on the unwieldy length of Supreme Court opinions, Justice Alito quipped, "We'll agree not to write long opinions if law professors limit the length of law review articles!"

Justice Alito's enthusiasm for his work prompted one audience member to ask whether there was any downside to being a Supreme Court Justice. He was quick to answer, "I love what I do," and found it hard to think of ways in which he did not.



Justice Alito questions a student at the final round of the Prince Evidence Competition.

### Students Excel at the Willem C. Vis International Commercial Arbitration Moot

In addition to the impressive number of wins BLS Moot Court teams took around the country (box at right), Rachel Green '10 and Adam Scheinman '10 each took home Honorable Mention for the Best Oral Advocate at the Willem C. Vis International Commercial Arbitration Moot ("the Vis"), an international moot court competition held in Vienna, Austria. Coached by Adjunct Professors Dana MacGrath and Louis Kimmelman, and Valery Federici '10, Green and Scheinman faced 1,400 student competitors.

"Only the very best advocates with the highest overall scores are given this honor," said Kimmelman. "This is the first year we have had two award recipients. We should be very proud of what they have done. This is a fantastic honor." □



Adam Scheinman '10 and Rachel Green '10 (FIRST AND SECOND FROM THE RIGHT), with their coach and Vis team members (CENTER TO LEFT) Valery Federici '10, Elyssa Feins '10, and Kyle Marler '10.

## 2009–2010 MOOT COURT HONORS

### Regional Champions

ABA Section of Labor and Employment Law  
Regional Trial Advocacy Competition

### Best Brief

- Widener Ruby R. Vale Corporate Law Competition
- Florida Bar National Tax Moot Court Competition

### Second Place

- St. John's University National Civil Rights Competition
- Vanderbilt National First Amendment Moot Court Competition
- Evans Constitutional Law Competition

### Third Place

William E. McGee Civil Rights Moot Court Competition

### Semi-Finalists

- San Diego Defense Lawyers Mock Trial Competition
- NYU Annual Immigration Law Moot Court Competition
- Wagner Labor and Employment Law Competition
- Irving R. Kaufman Memorial Securities Law Competition

### Second Best Brief

Gabrielli Family Law Moot Court Competition

*"The judges at these competitions constantly comment that our students are better advocates than the lawyers appearing before them in court."*

— SPARKLE ALEXANDER '10, PAST MOOT COURT PRESIDENT



ABA Labor & Employment Team (L TO R): Justin Pomerantz '10, Carolyn Davis '11, Grover Francis '10, Danielle Moss '11, Paul Carson '11, Sasha Pemberton '10

## On Board

### Constructing the Law: Frederick Cohen '67

Fifteen years ago, recalls Fred Cohen, it all began over a 90-second conversation with Dean David G. Trager at a Brooklyn Law School holiday party. “I walked into the party, and Dean Trager was greeting people. “I introduced myself and told him I was a construction lawyer. He asked for my card and said: ‘I may need you some day.’ Two years later, my phone rang. Dean Trager was on the line. ‘Fred,’ he said, ‘I need you.’”

As it turned out, the Law School was dealing with a few issues relating to the construction of the new addition at 250 Joralemon Street. A seasoned construction attorney with 35 years of experience as a trial lawyer, Cohen swiftly and surely resolved the issues. Cohen remained a trusted advisor to the Law School, and in 1997, he was elected to the Board of Trustees. “It’s a position I really enjoy. I am very happy to help to guide the Law School in making important strategic decisions, especially in my particular areas of expertise: real estate and construction. It’s an opportunity to give back which is very important to me and in the process I meet lots of interesting people,” he said. Since joining the Board, Cohen has certainly done his share of giving back. He has been indispensable to the Law School, playing a dual role as trustee and lawyer in the selection of the contractor and the negotiation of the contract for the construction of Feil Hall, the Law School’s 22-story residential building. He continues to advise the School with respect to ongoing real estate issues.

Cohen, a Brooklyn native who hails from the Flatbush neighborhood, fell into a career in construction law almost by accident. He graduated from Brooklyn Law School in 1967 and began searching for a job during the height of the Vietnam War. Many firms were shying away from hiring draft-age lawyers, who might be called up for military service at any moment. But a small construction firm gave him a start. He joined the practice, loved the work, and stayed. “Construction law is basically contract law, with lots of other elements within it — insolvency, labor, insurance, and suretyship,” he said. “That’s what makes the field interesting.” He remained at the firm for 11 years then opened up his own shop with colleague Allen Ross in 1978.

More than 40 years later, the two are still partners, but now at Duane Morris, where their practice focuses on the representation of some of the largest owners, developers, and non-profit institutions in the country. They also represent contractors and sureties in the private and public sectors. Cohen is known for his skill at negotiating and drafting complex construction contracts for hospitals, university facilities, office buildings and high-rise residential buildings. His experience also includes litigating issues involving delays, defective performance, and structural failures. Cohen was recognized as one of the leading construction attorneys in New York in the 2008, 2009, and 2010 *Chambers USA Guide to America’s Leading Business Lawyers*.

Cohen is known as much for his skill as a negotiator and litigator as he is for his distinctive style — and in particular, his bow ties. “I used to wear regular ties for fear that juries would judge me and think my taste for bow ties was odd. Ultimately I got the self confidence to wear them, and now I only wear them,” said Cohen, who favors the elegant and avant garde designs by Carrot and Gibbs, a Colorado-based manufacturer of the “definitive bow.”

Over the decades since he graduated, Cohen has witnessed the remarkable growth of the Law School, and is proud to continue helping guide its development. “It has a faculty that inspires, an out-



standing curriculum that gives students many choices, and a strong and growing alumni community,” he said. “But it has been the untiring leadership of two deans, David Trager and Joan Wexler, in particular, and the shared vision of my fellow board members that have brought BLS to its prominent status today. As a board member I am looking forward to the challenges of the future.” □

# Too Big to Fail? Zaretsky Roundtable Tackles the Financial Bailout

On March 9, Brooklyn Law School hosted the ninth annual Barry L. Zaretsky Memorial Roundtable Dinner and Discussion, which addressed the U.S. government's recent bailout of the financial and automotive sectors in the aftermath of the financial crisis of 2008. Entitled "Too Big to Fail: Bankruptcy and Bailouts," the dinner brought together a distinguished group of judges, practitioners, professors, and students to discuss the Bush and Obama administrations' response to the financial crisis. The discussion focused on the treatment of firms that are deemed too big to fail, and considered resolution, reorganization, and sale, both inside and outside bankruptcy as possible responses.

At this year's Roundtable, moderated by Professor Edward Janger and Interim Dean Michael Gerber, the participants discussed the hypothetical failure of a major manufacturing and/or financial services firm. The hypothetical scenario allowed participants to engage in a freewheeling and provocative discussion of then-pending legislation proposing creation of a "resolution authority," as well as the issues surrounding the sales of Chrysler and GM in bankruptcy court.

The discussion focused first on the scope of the proposed resolution authority and on potential difficulties integrating it with the bankruptcy system. It then turned to a discussion of the automotive bailouts through bankruptcy, and focused particularly on issues surrounding expedited "all asset" sales conducted in bankruptcy court. These issues included sub rosa plans, absolute priority, valuation, and successor liability.

The Zaretsky Roundtable Program is a tribute to the memory of Barry L. Zaretsky, a member of the Brooklyn Law School faculty for 19 years who was a teacher and mentor to countless BLS students, as well as a distinguished bankruptcy and commercial law scholar.

As a further means of honoring Professor Zaretsky, the Barry L. Zaretsky Fellowship provides Brooklyn Law School students with



TOP (L TO R): Prof. Ted Janger, Hon. Robert Grossman, Interim Dean Michael Gerber, Hon. Stuart Bernstein, and Daniel McElhinney '97, whose firm Epiq was a co-sponsor of the event.  
BOTTOM: The Roundtable drew a packed house.

a unique opportunity to engage with complex and current issues in bankruptcy law. Students who have demonstrated outstanding academic achievement in bankruptcy or commercial law, and who are interested in pursuing careers in those fields, are selected as Fellows. Last year, the committee selected a record five students as Fellows: Laurie Keaton '10, Alexander Kerzhner '10, Michael Kwiatkowski '10, Meghan McDermott '10, and Shannon Pennock '10. These students worked closely with the affiliated faculty to draft and produce all of the supporting materials for the Roundtable. □

This year the Zaretsky Roundtable was sponsored by: Epiq Bankruptcy Solutions, LLC, a leading provider of comprehensive claims management; Apple Direct Mail Services, Ltd., a leader in the processing of documents related to the financial services industry; and RR Donnelley, the premier provider of printing, outsourcing and virtual data room services to the Restructuring Industry.

## Jeffrey Toobin Speaks at *Brooklyn Law Review's* 75th Anniversary Bash

On April 15, Brooklyn Law School celebrated 75 years of the *Brooklyn Law Review* with a dinner held at the Forchelli Center at Feil Hall and a captivating talk by Jeffrey Toobin, senior legal analyst for CNN and staff writer at *The New Yorker*. Toobin was welcomed by current *Law Review* students and nearly 200 *Law Review* alumni from as far away as Miami and Montreal.

President Joan G. Wexler welcomed faculty, students, and alumni — a sea of editors and staffers from eight decades of *Law Review* — and turned the floor over to Jane Wallison Stein '74, a partner at Pillsbury Winthrop Shaw Pittman LLP, who was the Editor-in-Chief of *Law Review* during its 40th anniversary, at the height of the Watergate scandal.

Stein recalled the *Law Review's* “primitive” production methods — relics like typewriters, envelopes, and stamps — and the absence of electronic communications. She recalled hours of Shepardizing, using actual reports pulled from the shelves. Despite the logistical difficulties and the long hours, Stein recalled her time on *Law Review* as the highlight of her Law School years. “Our professors gave us an excellent grounding in the law,” Stein said. “But the *Law Review* process, the demanding hours, the commitment to perfection, not to mention the dialectic — for example the intense argument between the writer of a note, defending the precedential value of a cited case, and the editor trying to shoot it down — contributed enormously to my training as a lawyer.”

Today's *Law Review* is notably different, explained Andrei Takhteyev, the 2009-10 Editor-in-Chief of the *Law Review*, who supervised a staff of 85 students (almost double the size of Stein's staff). The *Law Review's* production is now virtually paperless, but Takhteyev did mention one glaring similarity: “The office furniture is still the same,” he said, drawing hearty laughs from the crowd.

Toobin, who is no stranger to the demands of *Law Review* service (he was an editor of the *Harvard Law Review*), spoke about his latest book, *The Nine: Inside the Secret World of the Supreme Court* (2007). He discussed the Rehnquist Court, and the Supreme Court vacancy later filled by Justice Elena Kagan. He also shared some candid moments from *The Nine's* reporting process.

One colorful story he told concerned Justice Souter and Justice Breyer, who are often mistaken for one another. “When Justice Souter was driving to his house in New England, he stopped for a bite to eat along the way and was approached by a diner who said, ‘You're Justice Breyer, right?’ Not wanting to embarrass the gentleman, Justice Souter said, ‘Yes, I am.’ The diner asked, ‘What's the greatest honor of serving on the Court?’ After a moment, Justice



TOP: Jeffrey Toobin addresses the BLS Community.  
MIDDLE (L TO R): Jeffrey Toobin, Prof. Yane Svetiev, President Joan G. Wexler, Prof. Dana Brakman Reiser. BOTTOM (L TO R): Prof. Joseph Crea '47, Board of Trustee member Robert Kaufman '57, Hon. Allen Beldock '48, Hon. Arthur Spatt '49, Max Shamis '49

Souter replied, “I guess I would have to say it is the privilege of being able to serve with Justice Souter.”

Toobin also talked about his experience writing *Too Close to Call: The 36-Day Battle to Decide the 2000 Election*, and his many attempts to interview Al Gore for the book. Years later, when Toobin approached Gore to interview him for *The Nine*, Toobin told the former Vice President: “I can’t get over it. I may be the biggest *Bush v. Gore* junkie.” Vice President Gore replied, “You may be the second biggest.”

Although Toobin was certainly the evening’s celebrity draw, BLS alumni were also very excited to return to the Law School, to

reconnect with classmates and faculty, and share memories of their time on *Law Review*.

“I remember *Law Review* as being a cohesive, interesting, and talented group of students — and a lot of hard work,” said Janet Ginzberg ’93, Senior Staff Attorney at Community Legal Services of Philadelphia, who made the trip to Brooklyn for the *Law Review* celebration. “The event was beautifully done. Jeffrey Toobin was an excellent speaker, the food was great, and Feil Hall, which didn’t exist when I was at BLS, is a wonderful space for events. I was impressed by how many former students came to celebrate their time at BLS.” □

## Privacy and Security: Is Your Data Safe?

Whether shoppers are paying for a flat screen TV, a pair of tickets to the World Series, or the latest iPhone, modern online payment systems require data to flow among financial institutions, consumers, merchants, and data processors. Some of this data is shared to make transactions quicker and more efficient. Other data is shared for customer service and marketing purposes.

Data privacy law governs the permissible uses of this personal information, while data security law defines and allocates the duty to keep such data secure from inadvertent disclosure. These two subjects are linked but raise different sets of regulatory questions.

On March 19, Brooklyn Law School Professors Edward Janger and Derek Bambauer organized a symposium, “Data Security and Data Privacy in the Payment System,” hosted by the *Brooklyn Journal of Corporate, Financial & Commercial Law* to address these complex issues. Over the course of three panels, the conference considered the manner in which consumers and financial institutions contract for data privacy and data security, possible regulatory responses to the limitations of contract-based regimes, and finally the possibility of coordinated regulatory architecture to deal with and minimize the harm caused by security breaches.

During the first panel, “Common Law Regulation: Contract, Tort, and Property,” Professor Chris Jay Hoofnagle from the University of California, Berkeley School of Law suggested the use of tort law. Specifically, he proposed that credit issuers be held strictly liable for



*Symposium co-organizer Prof. Derek Bambauer*

granting credit in cases of new account fraud in order to encourage them to complete the necessary due diligence before granting credit.

The second panel, “Regulatory Institutions,” considered regulatory responses to data breaches. Professor Janger discussed the regulation of data privacy and data security and argued for a stronger regulatory architecture. He argued that contract law is not a good framework to control issues of data privacy and data security, because most consumers are not skilled at negotiating non-price terms in contracts. He proposed regulation through a consumer protection agency.

In the final panel, “Towards a Coordinated Regulatory Architecture,” Professor Adam J. Levitin from the Georgetown University Law Center discussed the allocation of liability in connection with payment card fraud. He proposed various solutions to realign payment card fraud liability with the least cost avoider, the party who can most inexpensively prevent a social cost, through antitrust exemptions and antitrust enforcement.

While the world of data privacy is one that will continue to morph as technology changes, the panelists addressed the most pressing issues of the day, and provided a framework for regulating data privacy and security risks in the future. □

“Data spills and data sharing both compromise a customer’s privacy. However, financial institutions view their interests and obligations in these two contexts very differently.” — Professor Edward Janger

## Student Life: A Myriad of Community-Building Activities Outside the Classroom

The life of a law student is typically packed with long hours spent studying in the library or immersed in professional development activities, but our students find ways to balance the demands of becoming a lawyer with fun, community-building, stress-free activities. Here are a few highlights from this past spring.

### *Ice Skating under the Stars*

On February 4, the Student Bar Association and the Office of Alumni Relations co-sponsored an Ice Skating under the Stars event at Wollman Rink in Brooklyn's Prospect Park. The Law School rented the rink for the evening, and students joined hands to skate alongside alumni, faculty, staff, and their families and friends. For those who could not channel their inner figure skater, a steaming hot cup of cocoa beneath the winter sky provided the perfect counterpoint to the chill of the ice.

### *Sara Robbins Spelling Bee*

The Fourth Annual Sara Robbins Spelling Bee was held on March 3 in the Anita and Stuart Subotnick Conference Center. This year's event, moderated by Professors Michael Cahill, Christopher Serkin, and Nelson Tebbe, was, as usual, peppered with many funny moments and lots of hearty laughter. Erika Lorshbough '12, co-chair of the BLS National Lawyers Guild, won the Spelling Bee, spelling the word "cormorant." The Spelling Bee was established in 2007 in honor of Professor Sara Robbins, a beloved member of the Law School community who directed the BLS library for 20 years. The money raised through ticket sales, raffles, and a silent auction connected to the Bee goes towards the Sara Robbins Memorial Scholarship, which is awarded each year to a student who emulates Robbins' generosity of spirit, commitment to excellence, and dedication to the Law School.

### *BLSPI Auction*

On March 11 at the Forchelli Conference Center at Feil Hall, over 300 impassioned students, alumni, professors, and friends of BLS gathered together for the 20th Annual Brooklyn Law Students for the Public Interest (BLSPI) auction. By the evening's high-stakes conclusion, they had raised a record \$47,000 to support students interested in public interest work.

As was the case last year, the most coveted item of the night was a dinner with "Los Tres Geraldos" — the three famous BLS alumni who share the name "Gerald." Auction attendees participated in a heated bidding session to get the chance to enjoy a meal with famed journalist Geraldo Rivera '69, noted criminal defense attorney Gerald Lefcourt '67, and BLS Practitioner-in-Residence Professor Gerald Shargel '69.

All money raised at the auction directly funds BLSPI initiatives, including academic presentations, clothing and food drives, and community service trips. Most important, auction proceeds help fund the Annual BLSPI Summer Fellowship Program. Each fellowship provides a stipend that allows a student to work in a summer internship at a public service organization, which would otherwise be unpaid.



*BLS students compete at the Fourth Annual Sara Robbins Spelling Bee.*



*The bidding is steep at the 20th Annual BLSPI Auction.*



## Race Judicata

The Student Bar Association hosted the Fifth Annual Race Judicata on Saturday, April 17, in Prospect Park. Race Judicata is a 5K charity event that honors the memory of Professor Barry L. Zaretsky. The race is open to the Brooklyn Law School community and the public. All proceeds from the race benefit the Urban Assembly School for Law and Justice, a public high school for low-income students wishing to study law.

This year's race drew an impressive 241 participants and was one of the largest and most successful races to date. This year's winner, averaging a blistering 5:45 mile, was Scott Ruplinger '10. Professor Derek Bambauer placed first among the faculty, coming in 9th overall with a 6:27 mile. □



Competitors at the 5th Race Judicata in Prospect Park.

## Student Organization Spotlight: Legal Association for Women



LAW President Laurie Keaton '10 (THIRD FROM LEFT, FRONT ROW) with the LAW Executive Board.

The Legal Association for Women (LAW) was founded in 1970 by a group of students who wanted to prepare female law students to be leaders in the legal community. Today, LAW has grown into a dynamic and robust organization that sponsors noteworthy educational and social events at Brooklyn Law School, coordinates a mentoring program to connect students and alumnae, and participates in various community activities, such as the Courtroom Advocates Project, where students advocate in Family Court on behalf of victims of domestic violence.

Laurie Keaton '10, who was a Barry L. Zaretsky Bankruptcy and Commercial Law Fellow, and is clerking for U.S. Bankruptcy Judge William C. Hillman in the District of Massachusetts this fall, was president of LAW from 2008–2010. Under Keaton's leadership, LAW membership doubled and the group became a source of exceptional programming. As a result of her significant contributions to LAW, she was the recipient of the Carole Mehlman Gould Prize, which is given to "the graduating student who, in the judgment of the faculty, has made the greatest contributions to women's rights while in law school." □

This past spring, Keaton organized a trio of unique panels as part of her "Women in Leadership, Training for Success" series. The first panel was held on February 23, and featured U.S. Bankruptcy Judge Elizabeth S. Stong, BLS Professor Elizabeth Schneider, and Gloria Frank of the firm Anderson Kill & Olick. "The panelists discussed the common themes of women in the workplace," said Keaton, "and also highlighted what women in the law need to focus on in terms of moving forward in a variety of careers."

The second and third panels were composed of federal and state court judges who offered students a glimpse of life on the bench, including its challenges and rewards.

The highlight of the year was the Annual Alumnae Dinner, held on March 2 at the Forchelli Center, which welcomed both recent and past graduates. LAW continued to explore the theme of "Women in Leadership, Training for Success," and teamed up with the BLS Development Office to honor three women — Nancy K. Munson '65, Clare Petti '54, and Evelyn Gross — who recently made substantial charitable donations to the Law School, two of whom provide scholarships for women.

President Joan G. Wexler introduced the keynote speaker for the evening, Caroline Krauss-Browne '91, a partner in Blank Rome's matrimonial and family law practice who was recently featured in an *ABA Journal* cover story, "When the Detour Becomes the Destination." Krauss-Browne is the firm's first "reduced hours" partner and is a champion for women who are balancing family and career.

Although Krauss-Browne's work has been invaluable to women in the workplace, Keaton believes there is more to be done. "A lot of people say 'Women have equal rights. What are you still working towards?'" said Keaton. "But there are still challenges. Half of associates are women, but only 15% are partners, and that is indicative that we still have inroads to make." □

## Detainees in Danger: Immigrants' Health at Risk in Detention

For *New York Times* reporter Nina Bernstein, it all began with an email from an immigration lawyer. He had heard from his client in detention that another detainee had fallen ill and been left to languish in his cell for hours, screaming in pain, until it was too late. When Bernstein inquired into the anonymous man's death, government officials told her that no record of his death existed. Undeterred, Bernstein continued to inquire into the man's fate. Her investigation eventually uncovered a systematic and sometimes fatal lack of medical services in immigrant detention, the fastest growing form of incarceration in the United States.



*Nina Bernstein of The New York Times discusses her investigation into the health of immigrant detainees.*



**TOP:** *Allen Keller, Founder and Director of Bellevue/NYU Program for Survivors of Torture, and Prof. Karen Porter (SEATED AT RIGHT), Executive Director of the Center for Health, Science and Public Policy.*  
**BOTTOM:** *Commissioner Dora B. Schriro, New York City Department of Correction.*

"She brought this issue out of the darkness — and made it visible," said Brooklyn Law School Professor Elizabeth Schneider, director of the Edward V. Sparer Public Interest Law Fellowship Program, in introducing Bernstein as the keynote speaker for the forum "Finding a Cure: Providing Adequate Healthcare to Immigrants in Detention," held at the Law School on March 5, 2010.

The forum, co-sponsored by the Sparer Program, the Safe Harbor Project, and the Center for Health, Science and Public Policy, was organized by Professors Stacy Caplow, Karen Porter, and Dan Smulian. It brought together medical experts, government officials, and community-based immigrant advocacy organizations to discuss the problem of providing healthcare to detained immigrants, implications for public policy, and possible solutions to improve an immigration system in distress.

Over 300,000 immigrants a year are detained in a labyrinthine scheme of county jails and privately contracted facilities operated by United States Immigration and Customs Enforcement (ICE), a branch of the Department of Homeland Security (DHS). Although immigrant detention is civil detention, and thus not intended to be punitive in nature, the realities of immigrant detention are often brutal and dangerous. Deprived of the usual due process safeguards afforded to citizens, immigrant detainees are routinely shackled and suited in prison jumpsuits, have limited access to legal assistance, and often receive inadequate medical attention to their health needs.

Speakers at the symposium offered a broad array of perspectives, and included Dora Schriro, Commissioner of the New York City Department of Correction; Allen Keller, Founder and Director of Bellevue/NYU Program for Survivors of Torture; Phyllis Coven, Acting Director for the Office of Detention Policy and Planning, ICE; Jon Krohmer, Senior Medical Officer for the Office of Health

## Copyright Law in the Digital Age: A Talk with Google's William F. Patry

Affairs of DHS; Brittney Nystrom, Director of Policy and Legal Affairs at the National Immigration Forum; Cheryl Little, Executive Director and Co-Founder of the Florida Immigrant Advocacy Center; Tom Jawetz, Counsel to the U.S. House of Representative's Judiciary Committee; David Shapiro, Counsel to the Liberty and National Security Project at the Brennan Center for Justice; and Andrea Black, Network Coordinator for the Detention Watch Network.

The forum's first panel, "Our Challenge, Our Opportunity," set forth guidelines for creating a civil detention system. The second panel, "Meeting the Medical Needs of Immigrants in Detention," detailed the system's failings in treating detainees who suffered from chronic and acute health conditions. The third panel, "Administrative Challenge and Response," described the government's current efforts to revamp the system. The fourth panel, "Policy and Advocacy Initiatives," offered an inside look at grassroots campaigns to fight abuses occurring in detention centers, such as the denial of lifesaving medical treatment. The fifth panel, "Finding a Cure: Mapping Solutions," focused on possible next steps on the road to reform.

While all of the participants agreed that the immigrant detention system is deeply flawed — one speaker called it "Kafkaesque" — many also questioned whether a majority of these immigrants needed to be detained at all. "We don't just want to make detention nicer," said Andrea Black of Detention Watch Network. "We want to transform the centers and look at who is being detained and why they're being detained."

At the end of her presentation, Bernstein showed photos of the man who died while in custody, his death unacknowledged by the government for years. He was Tanveer Ahmad, a longtime, tax-paying New York City cab driver. His name still appears on the tenant list of his apartment building. □

William F. Patry, Senior Copyright Counsel at Google, Inc. and one of the foremost copyright experts in the nation, spoke with students and faculty on March 4. He discussed the Digital Millennium Copyright Act (DMCA), fair use, and digital licensing, and he also explored some of the pressing issues facing new media companies. The discussion was co-sponsored by The Dennis J. Block Center for the Study of International Business Law, the Brooklyn Law Incubator & Policy Clinic (BLIP), and the Intellectual Property Law Association.

Patry, who has been copyright counsel to the U.S. House of Representatives, a policy advisor to the Register of Copyrights, and a professor at Cardozo Law School, is also a prolific author. His books include *Patry on Copyright* (Thomson West 2009 ed.), *Patry on Fair Use* (Thomson West 2009 ed.), and the recently released *Moral Panics and the Copyright Wars* (Oxford University Press 2009).

Patry discussed the effectiveness of the DMCA at length, specifically its take-down notice protocol. A centrist with respect to copyright law, he emphasized a balanced approach to issues of copyright, and did not take sides on questions of blame when infringing material is posted on seemingly "passive" Web sites, including some owned by Google. Instead, he focused on problem-solving, and raised questions about what might be the most effective remedies for infringement. "If infringement occurs," he asked, "should it matter that it is taking place in a hard copy world or a digital environment?" He compared the copyright regime of the U.S. to those of other countries, describing failures and successes.

Patry also took questions on the extent and interpretation of fair use in digital media Web sites such as YouTube and Vimeo. He noted the difficulty in balancing the desire to protect and reward artistic creators with the need to encourage the free flow of information. He described the trouble that companies such as Google have in dealing with different standards set by

different countries. Canada, for instance, has no fair use exception for satire, he said.

A consistent pragmatist, Patry believes it is possible to resolve the confusion surrounding much of copyright law by calling for adequate notice for both creators and consumers. "If we are going to have legal consequences for law, at least make them clear, otherwise don't penalize us," he said. □



## High Honors: BLS Students Receive Presidential Management Fellowships

Brooklyn Law School is proud to count three members of the Class of 2010, Caitlin E. Coan, Nicholas Z. Enrich, and Elyssa B. Feins, among the recipients of the prestigious 2010 Presidential Management Fellowship. The Presidential Management Fellowship Program is the cornerstone of the federal government's succession planning program to help agencies meet their critical need for leadership continuity. The highly competitive two-year paid fellowships attract outstanding graduate students from a variety of academic disciplines and career paths.

Caitlin Coan will serve as a realty specialist with the Department of Veterans Affairs Office of Real Property Service, Construction and Facilities Management Division. She will be involved in the planning and development of local VA hospitals, care centers, shelters, monuments, and cemeteries in communities nationwide by partnering with local governments, state representatives, and developers. She was previously a legal intern with New York State Supreme Court Justice Arthur M. Stack and she spent a summer as a law clerk for U.S. Senator Max Baucus (D-MT).

Coan, who was raised in Billings, Montana, began law school as a part-time student while working as a commercial real estate and corporate paralegal at Ellenoff Grossman & Schole LLP. Though she decided to pursue her studies full-time, she continued to work part-time as a real estate and trusts and estates paralegal for a sole practitioner. She is the recipient of a Carswell Scholarship and a Dean's Merit Scholarship. "I know this will be an ideal position for me," she said, "because it combines my experience in real estate law with my interest in the political process."

Nicholas Z. Enrich is a Fellow at the U.S. Department of Housing and Urban Development, Office of Community Planning and Development, in Newark, NJ. During law school, he interned at the UN Office of Staff Legal Assistance, participated in Brooklyn Law School's Community Development Clinic, and interned at the Center for Human Rights and Global Justice. Enrich won a CALI Excellence for the Future Award in Legal Writing II, Best Brief Award Honorable Mention in Moot Court competitions, and a Brooklyn Law Students for the Public Interest (BLSPI) Fellowship.

Enrich, who was a Notes and Comments Editor of the *Brooklyn Journal of International Law*, has a significant background in public interest work. Last summer, he received a BLS South Africa Public Interest Program Fellowship to intern at the University of the Western Cape in Cape Town. Before law school, he served as deputy chief of staff for New York State Assembly Member Joan L. Millman of Brooklyn. As an undergraduate at Tulane University, he spent a semester in Nairobi, Kenya, working to create a waste disposal system in the most impoverished areas of the city.

## Revisiting Mandatory Arbitration in Customer Securities Disputes

On Tuesday March 23, the Corporate and Securities Law Association, the Business and Finance Society, and the Investor Rights Clinic co-sponsored a panel discussion with Theodore Krebsbach and Theodore Eppenstein, the lawyers who argued the landmark Supreme Court decision, *Shearson v. McMahon*. The case upheld the enforceability of agreements drafted by the industry mandating arbitration for public customers who have disputes with their broker or broker-dealer. Krebsbach and Eppenstein, who are luminaries in their field, were joined by George Friedman, Director of Dispute Resolution for FINRA, and Robert Davidson, Executive Director of JAMS Arbitration Practice.

Professor Roberta Karmel, a former SEC Commissioner, and Professor James Fanto, who was clerking for Justice Harry Blackmun

when he wrote his celebrated dissent in the *McMahon* case, were also in the audience and added another level of insight to the discussion. *The Securities Arbitration Commentator*, a leading newsletter in the field, covered the program, noting that the group "formed a historic bookend for a conversation about a quarter-century of Supplemental Relief Order arbitration that could well be bracketed by legislation that puts an end to the current arbitration regime. Bills in Congress will, if enacted, either outlaw the use of pre-dispute arbitration agreements or place that decision in the hands of the SEC for study and future action."

The panel was organized and moderated by Professor Karen J. van Ingen, director of the Law School's Investor Rights Clinic, who noted that she could not name a broker-dealer who does



Caitlin E. Coan '10



Nicholas Z. Enrich '10



Elyssa B. Feins '10

“Presidential Management Fellowships are highly coveted and extremely competitive, and we are honored to have had three of our students chosen as recipients.” — Interim Dean Michael Gerber

For her Presidential Management Fellowship, Elyssa B. Feins is working at Peterson Air Force Base in Colorado Springs as a contract specialist with the Space Logistics Group of the Department of Defense. The work involves aspects of the acquisition process, including legislative initiatives, policy implementation, strategy development, and contract execution.

Feins was a judicial intern with Justice Charles Ramos of the New York State

Supreme Court, Commercial Division, and participated in the Moot Court Honor Society. Her most memorable law school experience, she said, was a trip with her moot court team to Vienna, Austria to take part in the VIS International Commercial Arbitration Competition.

Feins also interned at the Federal Trade Commission and the New York State Attorney General’s Office in the Consumer Frauds Bureau. In addition, she was a

research assistant to Adjunct Professor Ernest Badway, and a summer law clerk at Jones Jones O’Connell. For several years, she volunteered at the New York Therapeutic Horseback Riding Center in Prospect Park, working with disabled children. A Richardson Scholar, Dean’s Merit Scholar, and winner of the CALI Award for Excellence in Federal Civil Litigation, Public Law & Justice, Feins grew up in Ocala, Florida and holds a B.A. from the University of Maryland.

“Presidential Management Fellowships are highly coveted and extremely competitive, and we are honored to have had three of our students chosen as recipients,” said Interim Dean Michael Gerber. “We wish them continued success in their future careers.” □

not require customers to sign a pre-dispute arbitration agreement in connection with their retail customer business. Friedman commented that FINRA had “no horse in the race” on the issue of mandatory arbitration since it took its orders from the SEC and Congress; however, he defended the fairness of the arbitration process offered at FINRA to all parties. Krebsbach also opined that securities arbitration in its present form was fair. However, Eppenstein argued strongly that customers should have the right to choose their forum, court or arbitration, and the industry should not be able to force arbitration on customers. Finally, Davidson believed that outlawing mandatory arbitration would likely not affect JAMS except that it could result in more mediation business for his organization. □



Prof. Karen van Ingen, who organized the panel, addresses the audience.

# Legal Lights

Brooklyn Law School's talented students and recent graduates continue to win praise for their outstanding achievements. Two students and two recent graduates have received recognition for excellence in writing, fundraising triumphs, and commitment to public interest law.

## DANIEL KELMAN '10

An article by Daniel Kelman '10, "Origin of the Sheriff-Friendly Clauses of CPLR Sections 208 and 215," was published in the July/August 2010 issue of the *New York State Bar Association Journal*.

Kelman's research into arcane sections of the CPLR that grant favorable terms to sheriffs with debtors in their custody was prompted by a discussion in his New York Civil Practice class. His professor, David Horowitz, offered extra credit to any student who researched the legal background of the clauses. Kelman, a history buff, accepted the challenge.

"I went to the BLS Library and found that we had copy of the 1848 code of civil procedure — the first one promulgated in New York," Kelman said. The clauses in question include a one-year statute of limitations on "actions against sheriffs for escape" and a one-year limitations period from tolling due to "infancy or insanity." When the language in those sections was first codified, civil arrest was available as a tool to enforce judgments against debtors. If a debtor in a sheriff's custody escaped, the victim of the

debtor would often seek to collect money from the sheriff by accusing him of incompetently monitoring or taking a bribe from the prisoner to let him go.

"Confusion arises because modern day readers of the CPLR are likely unfamiliar with the civil arrest provisions of Article 61, which was repealed in 1978," Kelman said. His paper outlines the origin and repeal of civil arrest. "Because there are no longer imprisoned judgment debtors escaping, actions against sheriffs for escape do not occur," he said.

He wanted to know why the sheriff-friendly provisions were included in the first place, and his research led to two hypotheses: that they were either drafting errors or the products of a lobbying effort on behalf of the sheriffs. The evidence seems to support the latter, but the truth may never be known, Kelman said.

## SCOTT RUPLINGER '10

Scott Ruplinger '10 recently celebrated a remarkable achievement: the construction of a Kenyan school financed solely by his online fundraising project and brainchild, the Penny School Project.

Though the project itself was conceived and completed in well under a year, it owed much to Ruplinger's many years of nonprofit experience — and, somewhat more unexpectedly, to his long background in competitive athletics. A long-distance runner who completed the 2010 Texas Marathon in less than three hours, Ruplinger began coaching and managing Kenyan marathoners several years ago, and was able to raise funds to fully support the runners while they trained in the States. Once Ruplinger had helped the runners develop into highly competitive athletes, they returned to Kenya as part of a mentorship program, repaying expenses and working with younger athletes to prepare them for international competition and to attend college abroad. Because of the comparatively low cost of living in Kenya and the emphasis on family and community collaboration in Kenyan society, the runners' winnings from international races were leveraged to help families stay afloat and subsidize community-based development projects.

Ruplinger's foray into school-building grew from the personal connections he developed with these Kenyan athletes. He used his skills as a fundraiser to subsidize the construction and staffing of two schools in Kenya's Rift Valley region. The first school, completed in 2007, is a primary and secondary school serving 150 students from grades two through eleven. A second school was built soon after. Two graduates from these schools will study in American universities this fall.

A Brooklyn Law Student for the Public Interest Fellow during all three years of law school, Ruplinger has an uncanny talent for selling big ideas. He has traveled the world courting big names and organizations to support his projects. But when the financial markets plummeted, things changed. Unlike before, he explained, "You couldn't just go places with your list of great, worthy projects and say, 'You know the issues, write me a check.'"

Without deep pockets to turn to for further school construction, Ruplinger came up with the idea of "penny wars," a fundraising concept used for years in elementary, middle, and high schools around the country, and the Penny School Project was born. Ruplinger got a Web site up and running, networked with friends and family with ties to the U.S. school system, and had enough support and participants to launch the project in just four months. The Penny Wars Contest ran for one week, and participants raised more than \$18,000 in pennies, enough to build and staff a second school for 150 Kenyan children in Eldoret, an impoverished town in the Rift Valley region.

## DAVID SHAPIRO '12

David A. Shapiro '12 won a trifecta of awards — all honoring his commitment to public interest law — that funded his summer externship at the Juvenile Rights Office of the Legal Aid Society in Brooklyn. He received the BLSPI Fellowship; the Equal Justice America Fellowship; and the Bergstrom Child Welfare Law Summer Fellowship, a national program based at the University of Michigan Law School.

Shapiro is passionate about a career in civil advocacy for inner city youth. In



Daniel Kelman '10



Scott Ruplinger '10



David Shapiro '12



Sarah Westby '11

his fellowship applications, he described the “school-to-prison-pipeline” as one of the systemic problems he has witnessed firsthand. As an executive board member of the Brooklyn Law School chapter of the Suspension Representation Project, he defends public school students and their parents at Board of Education hearings. “Though their infractions may be minor, these students are often penalized by missing weeks of school.” Worse still, they begin to link the educational and penal systems in their minds, he said.

“Many problems facing these kids stem from poor family structures and an educational system that does not provide adequate support. I believe that with the proper legal assistance, these young people can overcome the structural problems of poverty and racism.”

**SARAH WESTBY '11**

Sarah A. Westby '11 has won the 2009-2010 University of Iowa School of Law Trandafir International Business Writing Competition with her article, “Associations to the Rescue:

Reviving the Consumer Class Action in the United States and Italy.” It will be published in the *Iowa Journal of Transnational Law and Contemporary Problems* and she received a \$2,000 prize.

Westby’s article is a comparative exploration of the inadequacies in the consumer protection regimes of Italy and the United States, as well as the collective litigation devices that can address the problem of negative-value consumer claims. Unscrupulous business practices, such as predatory lending, have exposed the deficiencies in the United States consumer protection regime, Westby explained. Similarly, mass consumer fraud at the hands of large Italian-based food companies exposed flaws in the Italian system.

“Civil procedure in both countries allows for two collective action devices with similar benefits: the class action for damages and associational standing,” Westby said. Two important goals are advanced by these collective actions: access to justice, through ensuring that injured consumers will be compensated for the harm caused, and deterrence, providing an incentive for

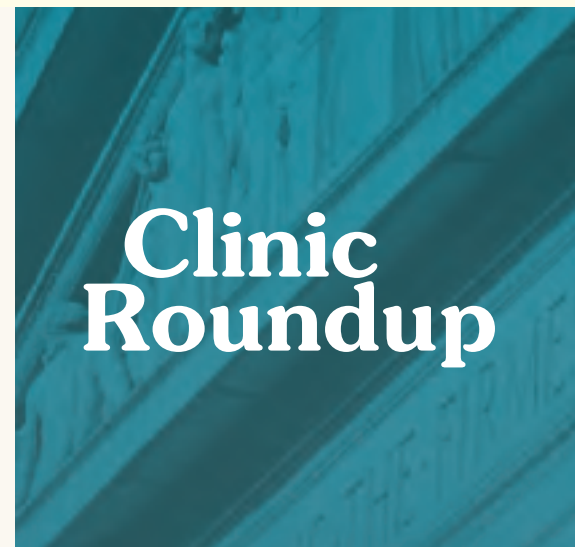
corporate entities to avoid future harms. In the paper, Westby argues that rather than utilizing each device separately, they should be harmonized. “Applying associational standing and class action devices to a single lawsuit maximizes the deterrence and access potential of that suit. Therefore, ensuring the integrity and proper functioning of these devices, as well as encouraging their combined use, should be the focus of the legislative solution to inadequate consumer protection,” she wrote.

The idea for the article, Westby said, occurred to her when she read that Italy recently enacted a law that, for the first time in its history, allows class actions for damages. The concepts crystallized further at a BLS symposium she attended in fall 2009 that examined financial regulation reform in the U.S. and the E.U. Westby is the Executive Notes and Comments Editor of the *Brooklyn Journal of International Law*, which co-sponsored the symposium. “I am especially grateful to Professor Robin Effron, who is an expert in international civil procedure, for all her help,” she said. □

## Student Argues Habeas Case Before Second Circuit

Diane Mirabile Rafal '11, a student in Professor Ursula Bentele’s Capital Defender and Federal Habeas Clinic, argued before the Court of Appeals for the Second Circuit on behalf of the Clinic’s client, Jerry McBee, who has been in prison for felony murder since 1999. Rafal, who began her third year at the Law School this fall, was clear, calm, confident, and deliberate in her argument before the three-judge panel that included Chief Judge Dennis Jacobs, Judge Barrington D. Parker, and Judge Peter W. Hall. Rafal is the third BLS student in four years to argue before the Second Circuit, an experience that exemplifies the type of substantive, real-world practice offered to BLS Clinical students.

McBee, who has been a client of the Capital Defender and Federal Habeas Clinic since 2006, is seeking federal habeas corpus relief based on constitutional errors committed at his trial in Kings County, NY. Over his attorney’s objection, three out-of-court hearsay





*Prof. Ursula Bentele and Diane Mirabile Rafal '11*

statements directly implicating him in a fatal robbery were introduced through the testimony of two NYPD detectives, despite the fact that the two men who accused him never testified in court. In his habeas petition, the students argued that the admission of these

statements violated McBee's right to confrontation under *Crawford v. Washington*, decided by the Supreme Court in 2004. The federal district court agreed that McBee's rights were violated, but declared that the error was harmless. In the Clinic's appeal to the Second Circuit, Rafal argued that the prosecution could not demonstrate that, in light of two previous trials ending in hung juries, the erroneously admitted evidence did not have a substantial and injurious effect on the third jury's verdict.

"It felt surreal to be a law student arguing before the Second Circuit," said Rafal. "I realize how rare it is for a student to be able to argue in such a prestigious court, and I am so thrilled that Professor Bentele gave me the opportunity. It was an honor to be before such a distinguished bench, and to have them focused on what I was saying. It made me feel like a lawyer — which makes me eager to graduate, take the bar, and get to work!"

While Rafal was responsible for arguing the case before the Second Circuit, several students have assisted in McBee's representation since the Clinic took on his case in 2006, including Ariel Aranda '08, Nathaniel Kunkle '07, Timothy Stapleton '08, Anita Nabha '09, Will Page '09, Daniel Goodstadt '10, Shayna Kessler '10, Brendan Palfreyman '10, and William Vandivort '10.

## Reunions for Two Longstanding Clinics

Two Clinics, the Safe Harbor Project and the Corporate and Real Estate Clinic, held their first reunions this past March, bringing together their extended families of current students, professors, and alumni for enthusiastic celebrations. Each Clinic was established over a decade ago and has a strong sense of loyalty among its graduates. Many of the graduates who attended said that the opportunity to take responsibility for their own clients through the Clinics — whether they were seeking asylum in the U.S. or seeking affordable housing in New York City — was a unique and transformative learning experience.

Professor Debra Bechtel, founder and director of the Corporate and Real Estate Clinic, organized an event for 30 alumni and 20 current students at Geraldo's, the campus café. Since the Clinic began its work in the fall of 1997, over 200 students have represented low-income co-ops across the city.

The Safe Harbor Project hosted about 50 of the more than 300 students who have participated in the Clinic, some travelling from as far as Washington, D.C., Massachusetts, and Texas. Clinic director Stacy Caplow spoke movingly at the reception about the commitment of the students, who "pour their hearts into the demanding work." She recounted some of the Clinic's many victories. Graduates were particularly interested in hearing updates about their clients, many of whom regularly keep in touch with the Clinic.

"One of my most memorable experiences was pulling an all-nighter at the Happy Days Diner trying to wordsmith our client's affidavit to best tell her story," recalled Max Shterngel '09, a Safe Harbor alumnus who is now a litigation associate at White & Case LLP. "Our client was a source of much inspiration, and I often stop to think of how she must be doing. Working to help her was one of the most meaningful and instructive experiences I had at BLS." □



*TOP (L TO R): Zia Al-Khalil '10, Ervin Taushani '10, Prof. Debra Bechtel, Richard Sobelsohn '98. BOTTOM: Prof. Stacy Caplow addresses Safe Harbor Clinic alumni as Prof. Dan Smulian looks on.*



# MAKING THE GRADE:

## Eight New Faculty Members Join Brooklyn Law School



CLOCKWISE FROM TOP LEFT: Professors Bradley Borden, Adam Kolber, Gregg Macey, Jessica Attie, Margo Kaplan, Mark Noferi, Jane Yakowitz, and Samantha Amdursky.

**EACH YEAR, THE LAW SCHOOL WELCOMES** a new group of faculty to its community, and this year was no exception. We are proud to introduce the newest members of our BLS family: three tenure-track faculty professors, Bradley Borden, Adam Kolber, and Gregg P. Macey; three legal writing instructors, Samantha Amdursky, Mark Noferi, and Jessica Attie; and two new members of our Visiting Assistant Professor Program, Margo Kaplan and Jane Yakowitz. These professors bring not only considerable professional experience, but also an impressive body of scholarship in the areas of tax, environmental justice, health law, bioethics and neuroethics, and data privacy.

“Every one of our new faculty members has already been a productive and important member of the legal profession. They are an outstanding group who will enrich the lives of our students,” said Interim Dean Michael Gerber.

# Bradley Borden

## Professor of Law

### EDUCATION

B.B.A. and M.B.A., Idaho State University; J.D. and LL.M., University of Florida College of Law

### FORTHCOMING BOOKS

- *Tax, Legal, and Financial Aspects of Real Estate Ventures*, Civic Research Institute (2011)
- *Taxation and Business Planning for Real Estate Transactions*, (LexisNexis 2011)

### RECENT AND FORTHCOMING ARTICLES

- *The Allure and Illusion of Partners' Interests in a Partnership*, 79 U. CIN. L. REV. \_\_ (2011)
- *The Liability-Offset Theory of Peracchi*, 64 TAX L. J. \_\_ (2011) (with D. Longhofer)
- *Residual-Risk Model for Classifying Business Arrangements*, 37 FLA. ST. U. L. REV. 245 (2010)
- *Profits-Only Partnership Interests*, 74 BROOK. L. REV. 1283 (2009)
- *Aggregate-Plus Theory of Partnership Taxation*, 43 GA. L. REV. 717 (2009)

For Brad Borden, the inspiration to become a lawyer came about in a rather unusual way. "I was living in South Korea after high school and largely unaware of the events happening in the United States. One day I was in a grocery store and the Rodney King riots were on the TV," he recalled. "At that moment I decided I was going to become a lawyer. I wanted to get involved." Somewhere along the way his focus turned to tax law.

He returned home from Korea, enrolled in Idaho State University to study accounting and business, and then attended the University of Florida where he received a law degree and an LL.M. in tax law. After graduation he moved to San Antonio to work at Oppenheimer, Blend, Harrison & Tate, a boutique tax firm where he practiced partnership and real estate tax. He also began to write and speak on these topics.

Borden is a prolific scholar, with expertise in partnership tax, taxation of real estate transaction, and tax-free like-kind exchanges. His pioneering work on partnership and transactional tax theory has been published in law reviews across the country. He is also the author of two books on tax-free like-kind exchanges and has authored or co-authored numerous articles, book chapters, and other materials on tax topics for national tax publications. The U.S. Court of Appeals for the Ninth Circuit and the U.S. Court of Federal Claims have cited his work in their opinions.

He is currently preparing the manuscript for *Taxation and Business Planning for Real Estate Transactions*, a casebook to be published by LexisNexis. He is also at work on two forthcoming books. The first, *Tax, Legal, and Financial Aspects of Real Estate Ventures*, is a treatise to be published by Civic Research Institute. The second, *Economic Theory of Partnership Taxation*, is a scholarly work that will compile his writing on partnership tax theory. Borden has also presented his work at many national and international tax and academic conferences. He is active in the American Bar Association's Section of Taxation, is a Past Chair of the Sales, Exchanges & Basis Committee, and was a John S. Nolan Tax Law Fellow of that organization.

Prior to joining Brooklyn Law School, Borden was an Associate Professor at the Washburn University School of Law in Topeka, Kansas. He lives in Brooklyn with his wife and daughter, where he said they are happily adapting to city life: "It's been great, but it's an adjustment," he said. "We're literally not in Kansas anymore!"

# Adam Kolber

## Professor of Law

### EDUCATION

A.B., Princeton University; J.D., Stanford Law School

### RECENT AND FORTHCOMING ARTICLES

- *The Experiential Future of the Law*, \_\_ EMORY L. J. \_\_ (2011)
- *How to Improve Empirical Desert*, 75 BROOK. L. REV. 433 (2010)
- *Alternative Burdens on Freedom of Conscience*, \_\_ SAN DIEGO L. REV. \_\_ (2010)
- *How Placebo Deception Can Infringe Autonomy*, 9 AM. J. BIOETHICS 25 (2009)
- *The Subjective Experience of Punishment*, 109 COLUM. L. REV. 182 (2009)
- *The Comparative Nature of Punishment*, 89 B. U. L. REV. 1565 (2009)

Adam Kolber may be a law professor, but he spends a great deal of time thinking about the brain. He is a scholar of bioethics and neuroethics — topics that explore the intersection of science, philosophy, and the law.

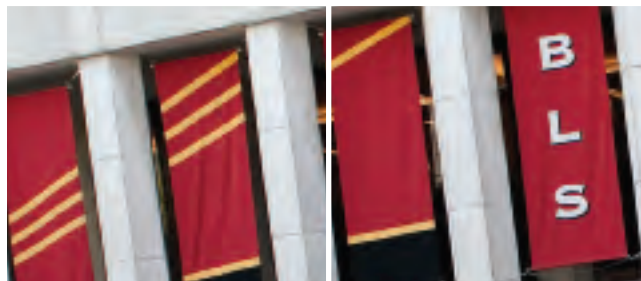
"Neuroethicists examine the moral, legal, and policy issues raised by advances in society's understanding of the mind and brain," he explained. "It is a field devoted to examining new technologies related to the brain and how they will impact law and society. Bioethics is a related field that addresses a range of questions: How do we weigh the number of lives we can save against

the quality of those lives? When can the government restrict our freedom to make decisions about our own bodies in order to further broader societal goals? In what ways can new technologies improve our lives? What sorts of changes in society ought we to promote? These are fundamental issues of the human condition.”

Kolber’s interest in questions of morality began at Princeton University where he graduated *summa cum laude* in philosophy. He then spent three years consulting at PricewaterhouseCoopers before attending Stanford Law School, where he served on the *Stanford Law Review* and graduated Order of the Coif. Kolber then practiced law with Davis Polk & Wardwell in New York and clerked for the Honorable Chester J. Straub of the U.S. Court of Appeals for the Second Circuit.

Kolber, who was a Visiting Professor at BLS in 2009, joined the faculty from the University of San Diego School of Law. He is a prolific writer whose recent publications have appeared in the *Columbia Law Review*, the *Vanderbilt Law Review*, and the *Boston University Law Review*. He is also the founder of the Neuroethics & Law Blog, an interdisciplinary forum for legal and ethical issues related to the brain and cognition. Among his many honors, Kolber was selected to be a Laurance S. Rockefeller Visiting Fellow at Princeton University, where he wrote about the theory of punishment and how advances in our understanding of the mind and brain should inform punishment practices. He has also taught law and neuroscience topics to federal and state judges as part of a MacArthur Foundation grant. He is frequently quoted in the media, including *The New York Times*, *The Wall Street Journal*, and *USA Today*.

Kolber said he is very pleased to be back at Brooklyn Law School and to be teaching his “Law and the Brain” seminar again, a class he pioneered in 2006 and taught while visiting the Law School. The seminar explores new technologies, like the potential use of brain imaging as a method of lie detection or of measuring experiences like pain and suffering. “We discuss new pharmaceuticals that enhance or dampen memories and how they may affect eyewitness testimony,” he said. “Aside from new technologies, we discuss familiar topics in criminal law related to the insanity defense and how neuroscience can inform determinations of criminally responsibility.” In other words, it’s all about the brain.



## Gregg P. Macey

Assistant Professor of Law

### EDUCATION

B.A., Duke University; M.A., University of California, Irvine;  
Ph.D., Massachusetts Institute of Technology;  
J.D., University of Virginia School of Law

### RECENT AND FORTHCOMING BOOKS

- *Sheltering in Place: Negotiating with Irrational Organizations*, (New York University Press 2010)
- *Reclaiming the Land: Rethinking Superfund Institutions, Methods, and Practices* (Gregg Macey & Jonathan Cannon eds.), (Springer-Verlag 2007)

### RECENT ARTICLES

- *Cooperative Institutions in Cultural Commons*, 95 CORNELL L. REV. 757 (2010)
- *Coasean Blindspots: Charting the Incomplete Institutionalism*, 98 GEO. L. J. 863 (2010)

### HONORS

Chair of the American Bar Association’s Environmental Justice Committee, Section of Individual Rights and Responsibilities

When Gregg P. Macey was in college, he taught summer school in Camden, New Jersey. Each day, he walked his students through the various neighborhoods to and from school. These walks piqued his interest in the urban environment and the effect it was having on his students’ health and sense of place. “It was the racial and economic status of those who must walk to school along the edge of a refinery, across vacant lots with contaminated soil, and along a skyline punctuated by prison towers that led me to devote a great deal of time to the question of environmental racism,” he recalled. The issue became a focal point of much of Macey’s academic and professional career.

Macey, who is teaching Property and Environmental Law at the Law School, holds a Ph.D. in Urban Planning from MIT, where he won the Outstanding Ph.D. Dissertation Award. He also earned a law degree from the University of Virginia. Prior to becoming a lawyer, he worked as a senior associate with E2 Inc., an environmental consulting firm, and as a senior associate with the Consensus Building Institute (CBI). While at CBI, he developed a negotiation training program for environmental justice organizations, drafted multi-party negotiation simulations, and assisted with a variety of land use mediations.

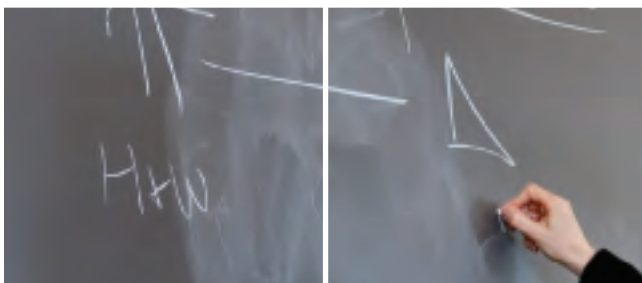
As a legal scholar, he continues to study environmental regulation and how organizations both contribute to and mitigate risk. “My research has brought me to many neighborhoods that

face similar problems yet address them in unique ways,” he said. “As with any policy problem, we need people in a broad range of professions who are willing to devote themselves to these issues. As an academic, I am fortunate to be in a position to do so.”

Macey’s research interests also include property, organization theory, responses to natural and man-made disasters, and dispute resolution. His articles on these subjects have appeared in a number of journals, including the *Journal of Policy Analysis and Management*, *Georgetown Law Journal*, *Cornell Law Review*, *Environmental Management*, *Virginia Environmental Law Journal*, *Environmental Law*, and *MIT Journal of Planning*. His co-edited volume on the future of the Superfund program, *Reclaiming the Land* (with Jon Cannon), was published by Springer-Verlag. His forthcoming work, *Sheltering in Place: Negotiating with Irrational Organizations*, will be published by New York University Press. “I look forward to growing as a researcher, to investigating events of significance, wrestling with concepts, and enjoying the path of discovery that lures many of us into academia,” said Macey. “There is so much work to be done in areas such as global climate change and environmental management.”

Macey was most recently a Visiting Assistant Professor at Fordham Law School. Prior to that, he was an associate in the intellectual property litigation department at Kirkland & Ellis where he worked on patent cases involving Internet architecture and medical devices as well as a substantial amount of pro bono litigation. He also taught graduate courses in urban planning at the University of Virginia.

“Brooklyn Law is a phenomenal place at which to teach, and teaching has been a passion of mine for some time,” said Macey. “I want to work with students to expand their opportunities in the area, as well as recruit other scholars who work in the field. I’m also excited to continue teaching property, which introduces students to questions of how we order society. It is a pleasure to work with first-year students, to watch them learn a new language and suggest how they might think about the world as they enter it in earnest.”



## INSTRUCTORS OF LEGAL WRITING

### Samantha Amdursky

#### EDUCATION

B.C., McGill University; J.D., Cornell Law School

#### RECENT EXPERIENCE

- Associate, Paul, Weiss, Rifkind, Wharton & Garrison LLP, Bankruptcy and Corporate Restructuring Department
- Honors Fellow, Cornell Law School’s Lawyering Program

Samantha Amdursky joins the legal writing faculty from private practice. She spent the last five years as an associate in the Bankruptcy and Corporate Reorganization Department at Paul, Weiss, Rifkind, Wharton & Garrison LLP, representing debtors, secured and unsecured creditors, and official and unofficial committees in large and complex Chapter 11 cases and out-of-court restructurings, including AbitibiBowater, Young Broadcasting, Ziff Davis Media, and Calpine. She also worked on several pro bono matters, representing a low-income individual in a personal bankruptcy proceeding and participating in a program in which she counseled high school students on the consequences of credit abuse. Amdursky’s practice at Paul, Weiss was extremely diverse and she gained considerable experience drafting a variety of legal documents from contracts to pleadings. While she loved her work, she decided to pursue an interest in teaching. “The partners were surprised, but very supportive,” she recalled. “It was a hard decision, but I really wanted to teach.”

A native of Montreal and a graduate of McGill University and Cornell Law School, Amdursky made the decision to switch career paths because of an interest in legal writing. As a law student, she was the notes editor for the *Cornell International Law Journal* and was selected as a Legal Writing Program Honors Fellow by the legal writing faculty. As a fellow, Amdursky assisted in teaching the first-year legal writing classes, gave blue booking sessions and grammar classes, met with students for office hours, judged oral arguments, and edited first-year writing assignments.

For Amdursky, legal writing is the most important building block of a legal education, giving students a strong foundation to lean on in their careers as lawyers. “When you go into practice, legal writing is the subject you use most,” said Amdursky. This is the class that gives you the tools to research and solve a legal problem and to express your conclusions clearly and effectively. It also gives you the tools to become a persuasive advocate. I am very excited about teaching legal writing at Brooklyn Law School. I love the subject matter and I love teaching.”

## Jessica Attie

### EDUCATION

B.A., Barnard College; J.D., Georgetown University Law Center

### RECENT EXPERIENCE

- Litigation specialist, Consumer Law and Foreclosure Units, South Brooklyn Legal Services (SBLs) and Co-Director of SBLs' Foreclosure Project
- Associate, White & Case LLP
- Law Clerk, Judge Ricardo Urbina, U.S. District Court for the District of Columbia

In her tenure as an attorney with South Brooklyn Legal Services, Jessica Attie worked in many different capacities. For the past two years, she was a litigation specialist in the Consumer Law and Foreclosure Units at South Brooklyn Legal Services. Previously, she spent three years as Co-Director of the organization's Foreclosure Project and litigated predatory lending cases on behalf of homeowners facing foreclosure.

While at the Foreclosure Project she not only had the opportunity to represent indigent clients in danger of losing their homes at the height of the subprime crisis, but also worked on federal mortgage policy. In January 2008, along with four attorneys from the National Consumer Law Center and the Legal Aid Society of Atlanta, Attie met with the Federal Reserve Bank Chairman Ben Bernanke and Federal Reserve Governor Randall Kroszner to discuss the Fed's proposed amendments to certain mortgage regulations (specifically, the regulations that implement the Home Ownership and Equity Protection Act, or HOEPA). "The Fed was interested in hearing feedback from attorneys working with homeowners in the context of subprime and predatory lending," Attie explained. "And it ended up adopting one of the changes that we advocated for."

As a result of her extensive experience with the mortgage crisis, Attie has spoken often on subprime lending, and has trained lawyers and housing counselors about abusive lending and federal and state consumer protection laws.

However, for Attie, one of the most gratifying experiences to come from working at South Brooklyn Legal Services was the interaction she had with the center's student interns, many of whom were BLS students. "I love working with law students," she said. "One of the areas we paid most attention to at SBLs was writing, and it was so gratifying to see the improvement from draft to draft. I am excited about becoming a teacher, especially

of such a small class format, which will make the learning experience more personal and intimate. I know I'll find the work gratifying."

Attie received her B.A. from Barnard College and her J.D. from Georgetown University Law Center, where she was a Public Interest Law Scholar. Following graduation from Georgetown, she clerked for Judge Ricardo Urbina of the U.S. District Court for the District of Columbia and then spent several years as an associate in the litigation and international arbitration departments of White & Case LLP's Washington, D.C.

## Mark Noferi

### EDUCATION

B.A., Boston College; J.D., Stanford Law School

### RECENT EXPERIENCE

- Public Interest Fellow, Seton Hall School of Law Center for Social Justice
- Associate, Dewey & LeBoeuf LLP
- Deputy Voter Protection Coordinator, Senator Obama's Presidential Campaign
- Law Clerk, Judge Harold Baer, U.S. District Court for the Southern District of New York

Lawyers often find that they must choose between public or private practice when they embark on their careers, but Mark Noferi, a scholar of human rights, immigration, and constitutional law, chose both.

Noferi attended Boston College, where he studied English and political science on a Presidential Scholarship. After college, he moved to Washington, D.C. and worked for the U.S. Environmental Protection Agency Office of Air and Radiation, and as a special assistant to the EPA's Energy Star Programs, eventually becoming a speechwriter for the assistant administrator of the EPA. He then served as a speechwriter to Mayor Anthony Williams of Washington, D.C. "I always thought of law as a tool for social change and that was something that I wanted to pursue. I was writing speeches for other people and wanted to be in a situation where I could do that myself, even if it was a jury of 12 people instead of a crowd of 200."

Law school at Stanford followed, where he was a member of the *Stanford Law and Policy Review* and researched Guantanamo-related issues as part of the Human Rights and National Security

## VISITING ASSISTANT PROFESSORS

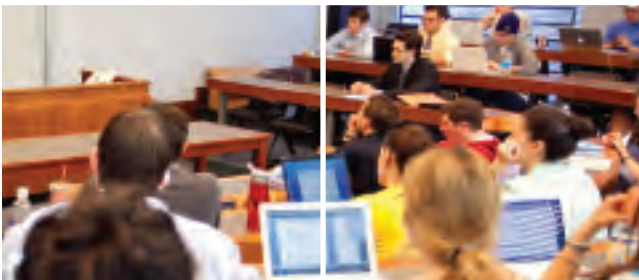
### Margo Kaplan

Clinic. Noferi then served as a law clerk for Judge Harold Baer of the Southern District of New York and worked as an associate at Dewey & LeBoeuf LLP, litigating commercial and securities transactions. While at Dewey, he also devoted a substantial amount of time to *pro bono* work, including political asylum and immigration work.

While on leave from the firm, Noferi served as a Deputy Voter Protection Coordinator with the Obama campaign's legal team. In Indiana, he served in the Election Day "boiler room," drafted litigation, conducted oversight of elections officials, and helped train and place 1,400 pollwatchers across the state; in South Dakota, he helped advocate for early voting sites on Native American reservations. "It was an exciting time, and it was great to use my legal experience in an organizing and advocacy context," he said.

Noferi was most recently a Public Interest Fellow at the Seton Hall School of Law Center for Social Justice, supervising students in the Civil Rights and Constitutional Litigation and Immigration & Human Rights Clinics.

Noferi said that he is particularly excited to work with first-year students who are new to the field of law. "I have had a fairly diverse background," he said, "and I hope that I can serve as a mentor to students as they begin to make their journey into the legal field."



#### EDUCATION

B.S., Cornell University; M.P.A., John F. Kennedy School of Government, Harvard University; J.D. New York University School of Law

#### RECENT EXPERIENCE

- Director of Planning and Research and Supervising Human Rights Attorney, Center for HIV Law and Policy
- Law Clerk, Judge John Koetl, U.S. District Court for the Southern District of New York and Judge Julio Fuentes, U.S. Court of Appeals for the Second Circuit.

#### FORTHCOMING ARTICLES AND PUBLICATIONS

- "A Special Class of Persons": *Pregnant Women's Right to Refuse Medical Treatment After Gonzales v. Carhart*, 13 U. PA. J. CONST. L. \_\_ (2010)
- *The Legal Foundation for the Right of Youth in State Custody to Comprehensive Sexual Health Care*, Center for HIV Law and Policy, (2010)

The daughter of a college professor and a special education administrator, Margo Kaplan almost pursued a career in journalism after attending Cornell University, but then decided against it. "I wanted to be involved in the issues rather than being on the outside reporting on them," she said. Once in law school, she set her sights on teaching. "I knew I would be a teacher," recalled Kaplan, "but I wanted to have some practical experience in the public interest first, to have a better idea of what I wanted to teach, and what I wanted to research."

Kaplan graduated from New York University Law School with a joint degree in Public Administration from Harvard University's Kennedy School of Government. She completed two clerkships following graduation, one with Judge John Koetl in the Southern District of New York and a second with Judge Julio Fuentes of the U.S. Court of Appeals for the Third Circuit. She then became a Staff Attorney Fellow in the Reproductive Freedom Project at the American Civil Liberties Union. Most recently, Kaplan was the Director of Planning and Research at the Center for HIV Law and Policy, a national research and strategy center for people living with HIV.

Kaplan's research interests include health law, constitutional law, and individual rights. Her forthcoming article, "A Special Class of Persons: Pregnant Women's Right to Refuse Medical Treatment After *Gonzales v. Carhart*," to be published in the *University of Pennsylvania Journal of Constitutional Law* (2010),

criticizes the Supreme Court's decision in *Gonzales v. Carhart* that upheld the federal Partial Birth Abortion Ban Act of 2003. Her article analyzes the implications of *Carhart* in a context that has thus far been overlooked and, in doing so, argues that its reasoning is broader and more troubling than the majority acknowledged or perhaps even intended.

"*Carhart* interprets the state interests in fetal life and maternal health so broadly that it essentially creates new, dubious state interests that, in the context of compelled treatment cases, expand state justifications for requiring medical treatment of pregnant women, even where such treatment would harm women's health," she explained. "The expansion of state power to compel medical treatment has disturbing implications for women's liberty and equality. *Carhart* paves the way to designating women as a 'special class of persons' who have more limited rights to bodily autonomy and informed consent."

Kaplan is currently researching a new article which examines laws that criminalize failure to disclose HIV status and state involvement in private relationships. In the fall she will teach Criminal Law, and in the spring she will teach a new class of her own design which deals with emerging issues in health care law. "The class will look at the idea of the right to health care," explained Kaplan. "We will examine different statutes that protect health care rights, the new health care policy reform act, and the constitutions of other countries that recognize a right to health care and see how those paradigms have succeeded or failed."

## Jane Yakowitz

### EDUCATION

B.S., Yale University; J.D., Yale Law School

### RECENT EXPERIENCE

Director, Project SEAPHE (Scale and Effects of Admissions Preferences in Higher Education), UCLA School of Law

### RECENT ARTICLE

*Marooned Law School Graduates: An Empirical Investigation of Law School Graduates Who Fail the Bar Exam*, 60 J. LEGAL EDUC. 73 (2010)

Once a math major at Yale University, Jane Yakowitz has always been drawn to the empirical world — and the empirical side of the law. It's a subject she developed a passion for in law school, and one that continues to be a source of much of her scholarship.

"A class in law and economics was my most inspiring class," recalled Yakowitz. "It was illuminating to find a community of scholars who actually use data to test whether policies have the impact that they are intended to have, and to find policies that make the most sense given human behavior."

After law school, Yakowitz teamed up with Professor Richard Sander of UCLA School of Law, an empirical scholar who explores questions of social and economic inequality. She became the director of Sander's Project SEAPHE — Scale and Effects of Admissions Preferences in Higher Education — a three-year project dedicated to studying the unintended effects of higher education admissions preferences based on factors such as race, socioeconomic status, and athletic ability.

While at Project SEAPHE, Yakowitz was charged with gathering information from various educational institutions, and the fruits of her research have led to several articles that have garnered a great deal of media attention. The first, "Marooned: An Empirical Investigation of Law School Graduates Who Fail the Bar Exam," was published in the *Journal of Legal Education* in August. It explores the plight of law school graduates who never succeed in passing a bar exam and has received an impressive amount of media attention. Her second article, "The Secret of My Success: How Status, Prestige and School Performance Shape Legal Careers," was written with Richard Sander and concludes that the "eliteness" of the school you attend matters much less than your GPA. It has also received a significant amount of press and was the subject of a piece in the *Wall Street Journal's Law Blog*.

At BLS, Yakowitz will teach Torts and Information Privacy Law. While she devotes the lion's share of her time to empirical legal studies, she is also an accomplished musician and singer who plays the violin, keyboards, and the musical saw. She has performed at Carnegie Hall, and has recorded four albums with the indie band One AM Radio. Their 2004 album, *A Name Writ in Water*, was included in the top ten albums of the year by *Time Out New York* magazine. □



# ON THE ROAD TO THE AMERICAN DREAM:

## Brooklyn Law School Leads the Way in Immigration Law

By Andrea Strong '94 and Stephanie Staal '10

As immigration issues have dominated the news headlines in recent years, Brooklyn Law School is making a name for itself in the field of immigration law. The Law School has produced an impressive group of judges and advocates working in all aspects of immigration law — from big firm practices to nonprofit organizations, from government to small law firms. In this feature we share some of their stories, and we also highlight some of the exciting changes in our curriculum that have inspired our students to begin their careers as immigration lawyers.

“This is an emerging field of law, and we are at the forefront,” said Professor Maryellen Fullerton, an internationally recognized expert in refugee law who is the co-author of two casebooks, *Immigration and Citizenship* and *Forced Migration*, and is currently editor-in-chief of *The Refugee Law Reader*.



# AN INNOVATIVE IMMIGRATION CURRICULUM

B

ack in the early 1980s, when immigration law was still generally regarded as an interesting, but not particularly useful, area of study in law school, Professor Fullerton began to teach a new course on immigration and nationality law. Though her primary area of interest at the time was

procedural law, she was drawn to the subject matter and had a hunch that her students might be too. “I had taken a class in law school and loved it,” she said. “What’s fascinating to me about immigration law is that there are so many disciplines that intersect: constitutional law, labor law, economics, history — and you’re dealing with people’s lives.”

Situated in New York City, one of the busiest immigration hubs in the nation, Brooklyn Law School proved to be especially fertile ground for the field of immigration law. Over the years, as questions about immigration law and policy entered the national debate, Fullerton observed that enrollment in her immigration classes surged. “More students see immigration law as a viable way to establish their own practice and the accessibility of translating it into a career,” she noted, “rather than just a political or academic interest.”

In the 1990s the Law School launched the Safe Harbor Project, a cutting-edge clinic that was the brainchild of Professor Stacy Caplow, the Director of Clinical Legal Education. Students work in teams to represent refugees in their applications for asylum and also work on immigration status cases of lawful permanent residents or victims of domestic violence. Caplow, who has taught Immigration Law for many years, wanted to expand the opportunities for BLS students interested in immigration law. “Asylum cases provide a perfect learning experience: fascinating legal issues, complex facts, learning about other countries, and heroic and deserving clients,” she noted.

The clinic, which just celebrated its 13th anniversary, was one of the first of its kind in the nation. More 300 students have now participated in the clinic, working to obtain immigration benefits for more than 100 clients. Caplow is extremely proud of their work. “Our students consistently produce excellent quality work that draws praise from adjudicators. Safe Harbor offers students the chance to change lives — their client’s and their own,” she emphasized.

The clinic resonates with students. “It was the first time I felt like I was a real lawyer,” said Patrick Taurel ’10, of successfully representing the asylum claim of a Tibetan client. “It was a genuinely transformative experience.”

“You grapple with issues of who is a part of our society, and it’s a complex area of law that requires a lot of thought,” noted Professor Dan Smulian, who co-directs the Safe Harbor Project with Professor Caplow. Smulian had many years of experience working in the field before he joined the faculty. He managed a statewide program that provides seminars and educational events on immigration law and immigrants’ rights issues for immigrant communities, and he was associate director for legal services at Catholic Charities Department of Immigrant and Refugee Services. “The work you do has an enormous influence on people’s lives that flows through the generations, which makes it very appealing to students,” said Smulian.

Safe Harbor students have won asylum for clients from around the world and have aided clients and their families in other applications affecting their rights and status as immigrants. Recent Safe Harbor victories included securing grants of asylum for an African journalist who was imprisoned and tortured for speaking out against government corruption, for a gay man who fled his home country under the threat of arrest for his sexual orientation, and for a woman from a Caribbean nation who spoke out against calls to riot by a political party and was subsequently attacked on two occasions, before fleeing to the United States. Another client, who was successfully represented by Safe Harbor students in his asylum application seven years ago, was naturalized this spring.

Now, two decades after the first immigration course was taught, the Law School has grown its curriculum into a rich and comprehensive exploration of key issues in immigration law. There are three full-time faculty members devoted to the area and students can enroll in a range of classes focusing on different aspects of immigration law. For example, Forced Migration, a comparative law class in refugee law taught by Professor Fullerton, analyzes the procedural and substantive rights of refugees under the domestic law of the United States. In Immigration and Work, Professor Cyrus Mehta’s students focus on the immigration laws of the United States and their intersection with issues involving employment, labor, enforcement, public policy, and the role of the immigration lawyer. Professor Mehta is a distinguished immigration attorney who is also the Chair of the American Immigration Lawyers Association’s (AILA) National Pro Bono Committee and the Co-Chair of the AILA-NY Chapter Pro Bono Committee. In addition, Professor Caplow’s prominence in clinical education, criminal law, and immigration law

**“Asylum cases provide a perfect learning experience: fascinating legal issues, complex facts, learning about other countries, and heroic and deserving clients.”**

**— Professor Stacy Caplow**

has led her to play a significant role in a task force studying immigrant representation chaired by Second Circuit Judges Katzmann and Chin. She also teaches a small seminar that focuses on the growing field at the intersection of criminal and immigration law, immigrants' rights, and immigration reform efforts. "We are ahead of the curve in the types of classes and experiences we offer our students in the field of immigration law," said Fullerton.

In addition to the perennially popular Safe Harbor Project, there are many other opportunities for students to gain hands-on experience outside the classroom through the Law School's acclaimed clinical program. Students can work in the Immigration Unit at the U.S. Attorney's Office in the Eastern District of New York. Under the supervision of AUSAs, students

represent the government in district court cases relating to immigration, going behind the scenes to see how the government handles immigration issues, from airport inspections at JFK Airport to litigation in the courtroom.

Students regularly intern in the New York office of the United Nations High Commissioner for Refugees (UNHCR), U.S. government agencies, non-profit organizations, such as Human Rights First and Sanctuary for Families, the Immigration Court, and law offices that specialize in immigration practice. "Professor Fullerton encouraged students in her Forced Migration class to intern at UNHCR," said Jesse Thompson '11, a Safe Harbor alumnus who also was a fellow at the Center for Gender and Refugee Studies in San Francisco during last summer. "I am excited about my internship

this semester with the largest and best known refugee aid agency in the world," said Thompson.

Because of their unique training, Brooklyn Law School students often enjoy a distinct advantage when applying for coveted positions in the field. For instance, nine Safe Harbor alumni are currently Asylum Officers.

Brian Barbour '08, a Safe Harbor alumnus and the Executive Director at the Hong Kong Refugee Advice Centre (HKRAC), was eager to forge a relationship between HKRAC and his alma mater. Last summer, he started a clinic at HKRAC in which Ari Cohen '11 and Dave Hattendorf '11 interviewed potential clients, prepared their applications for refugee status, and appeared at proceedings conducted by the UNHCR. Barbour also began to collaborate with Professors Caplow, Fullerton, and Jean Davis on a unique new course — Directed Study in International Refugee Law, that is part clinic and part seminar. Working closely with the HKRAC staff in Hong Kong via Skype and email, six students spent last spring researching legal issues in refugee law and writing both advisory memos and appeals on behalf of asylum seekers from such countries as Somalia, Democratic Republic of Congo, Egypt, and the Sudan.

"We offer advocacy for clients, advocacy for government, and classes on immigration and business," said Caplow of the Law School's well-rounded immigration curriculum. "We are always thinking creatively about how we can develop opportunities for our students."

Barbour, who graduated in 2008, and Thompson, who will graduate this June, are just starting out on the road to successful careers in immigration law. On the next several pages, we introduce many of the talented alumni who are already leaders in the field — judges, government officials, partners in private practice, small firm practitioners, as well as public interest advocates. This group is a small fraction of the distinguished and growing number of our graduates working in this exciting field and making a name for Brooklyn Law School.

## IMMIGRATION-RELATED COURSES

- Immigration and Nationality Law
- Forced Migration: the Law of Refugees, Asylum Seekers, and Internally Displaced People
- Immigration and Work
- Immigration and Work Practicum
- Directed Study in International Refugee Law
- The Safe Harbor Project
- The Federal Civil Litigation USAO EDNY Division Immigration Unit Clinic
- Civil Practice Externship Clinic (placements at public interest organizations and immigration agencies)
- Immigration Law: Advanced Problems
- International and Foreign Law Research
- International Human Rights
- International Law



## FORUM: Providing Adequate Health Care to Immigrants in Detention

Prize-winning *New York Times* reporter Nina Bernstein was the riveting keynote speaker at a Brooklyn Law School forum this past spring entitled, “Finding a Cure: Providing Adequate Healthcare to Immigrants in Detention.” Bernstein’s investigative reporting uncovered a systematic and sometimes fatal lack of medical services in immigrant detention, the fastest growing form of incarceration in the United States. Her talk set the stage for the day’s discussion that included medical experts, government officials, and community-based immigrant advocacy organizations. They provided insight on the many difficult issues relating to the immigrant detention system and examined ways to improve healthcare to this population

The forum was co-sponsored by the Safe Harbor Project, BLS’s Center for Health, Science and Public Policy, and the Edward V. Sparer Public Interest Fellowship Program. Our immigration law faculty, Professors Stacy Caplow and Dan Smulian, along with the Center’s Executive Director, Professor Karen Porter, were instrumental in bringing this important program to the Law School.

*Read more about this forum on page 16.*

# THE IMMIGRATION BAR: OUR ALUMNI AT WORK

## Public Interest

Immigration lawyers working in the public interest help immigrant communities to navigate this regulation-heavy area of the law, in which a missed filing deadline or an arrest can have major repercussions on a person’s ability to remain in the country legally. Some public interest lawyers

work in direct services, while others specialize in research and policy initiatives directed at improving our current immigration system.

**JACQUELINE RISHTY ’90** entered law school knowing that she wanted a career in human rights. What she did not know was that this desire would propel her into the area of asylum and refugee law. As an Edward V. Sparer Public Interest Fellow, she spent a summer interning at the UNHCR office in Washington, D.C., where she discovered her passion for immigration law. “I realized that there are a lot of people who need help and saw it as a concrete way to do human rights work here in the United States,” she said. After graduation, Rishty moved to the D.C. area and joined Catholic Charities, a nonprofit network which provides a broad set of social programs and support, among them direct immigration legal services to immigrant communities. She has remained with the organization ever since. “I got lucky in the sense that I found exactly the job I was looking for,” she said.

As a senior attorney in the immigration legal services program, Rishty works closely with the local immigrant community, assisting its members with everything from filing for a green card to helping them petition for family members to come to the U.S. “Not everyone is entitled to immigration relief,” she said, “and it’s difficult when you have to tell someone that there’s nothing we can do to help.” But Rishty is in a position to help many of her clients, and says that when she can do so it is a gratifying feeling.

A number of her clients are survivors of intimate partner violence, whose immigration status is tied to that of their abusive spouses. Under the Violence Against Women Act, however, some of these women can file for legal status on their own, and Rishty helps shepherd them through the process. “These are the most compelling cases,” said Rishty, “since legal status helps empower these women to leave abusive situations.”

**CARMEN REY '06**, an attorney at Sanctuary for Families, an organization that provides crisis intervention and other crucial support for people in abusive family situations, recalls one such case involving spousal abuse that made a deep impression on her. Rey had heard that a woman from Kosovo was being kept locked in a room by her husband, who only allowed her to leave the room to take their children to a park across the street for half an hour a day. “I showed up at the park one day dressed in my ‘power suit’ and looking like a lawyer, and I told her she didn’t have to live this way,” recalled Rey. “She started to cry, and we took her to a shelter.” Her husband was an asylee who had intentionally brought her into the country using false documents, so she would not be able to get legal status. With Rey’s intervention and help, the client is now living on her own, has custody of her two children and is hoping to use the cheese-making skills she learned while growing up on a farm in Kosovo to support herself.

“She’s such an inspiration,” said Rey. “This woman grew up on a farm, lived through war in her country, and then was brought here and treated like a slave. Helping someone like her makes this rewarding work. We are providing a voice for the voiceless — or rather, we are providing tools that empower others to speak for themselves.”

Rey’s interest in immigration law began with her work as a volunteer medical interpreter at Bellevue Hospital Center in New York prior to law school. She continued her work as an interpreter for the Safe Harbor Project before participating in the clinic as a student attorney. Her connection to the Sanctuary for Families organization began during her first year of law school, when Rey attended a networking event hosted by the Latin American Law Students Association and met an attorney at Sanctuary who eventually became her mentor. The organization sponsored her for an Equal Justice Works Fellowship, and Rey spent two years after graduation working with the Immigration Intervention Project at Sanctuary’s Battered Women’s Legal Services. After her fellowship ended, she joined Sanctuary as an attorney, working mainly with victims of domestic violence and human trafficking, as well as other marginalized groups.

Other BLS graduates are working to reform the current regulatory framework. Last year, **NIKKI DRYDEN '05** made the switch from direct services to a position as a Senior Program Associate at the Vera Institute of Justice. She works with the Unaccompanied Children Program, coordinating nationwide efforts to increase volunteer or pro bono representation for immigrant children without parents or adult guardians to assist them as they undergo deportation proceedings. Traveling around the country, Dryden talks to children who are being detained in facilities, trains pro bono lawyers to represent them, and meets with immigration judges to discuss ways to improve the system for children.

“I have a bird’s eye view of the system that is really unique,” said Dryden. “I look at big picture issues and get a sense of the immigration system across the whole country so I can see how different things work in a variety of jurisdictions.”

An Olympic swimmer from Canada who retired in 1998, Dryden did not become interested in immigration law until fairly

late in law school. She was more focused on international human rights law. That all changed in her last semester, when she signed up for a survey course in immigration and nationality law with Professor Caplow and asylum law with Professor Fullerton. “I was an immigrant myself, so I think I shied away from that area of law,” she said, “And then I took these classes and thought, ‘Wow, this is really interesting. Why didn’t anyone tell me about this before?’”

After graduation, Dryden worked in Sri Lanka, which was then in the midst of post-tsunami reconstruction and a ceasefire from civil war. Upon her return to New York, she joined the non-profit Immigration Equality as an attorney representing LGBT and HIV-positive asylum seekers and providing immigration legal services to the gay community at large. “It was a fantastic place to work,” she said, “and they hired me with almost no immigration experience.”

What she lacked in immigration experience, though, Dryden made up for in international experience. “You have to know what it’s like to live in a developing country to understand how governments work, how religion is perceived, and how these groups are persecuted,” she said. Like Rey and Rishty, Dryden stressed the importance of networking, going out on informational interviews, and gaining hands-on experience for students interested in practicing immigration law. “I absolutely loved BLS,” said Dryden, who held two public interest fellowships (BLSPI and Sparer). “I was very involved in student life, took classes I was interested in, and had great professors who have continued to help me along the way.”

## Government



On the other side of the aisle, or courtroom, as the case may be, the government’s lawyers are tasked with ensuring that immigrants who enter and remain in the country are in compliance with U.S. immigration laws.

**FRED HESS '67** started his job as a member of the Board of Immigration Appeals (BIA), the highest administrative body for interpreting and applying immigration laws, right before the terrorist attacks of 9/11. He still remembers the plane crashing into the Pentagon. “It was quite an initiation to the job,” he said. Hess was already dealing with adjusting to his new position. “I knew almost nothing about immigration law when I started,” he said. “So there I was at a pretty advanced age learning a new area of law.”

An evening student who graduated first in his class, Hess went to law school while running a retail linoleum business in Flatbush during the day. “My father died my senior year at Columbia College, and I took over his business, but I wasn’t suited for it,” he said. Although the schedule was a grind, Hess

said he took to law school like a fish to water. “It was marvelous. The faculty was excellent.”

Hess joined the Department of Justice through the Attorney General’s Honors Program straight out of law school and has been with the DOJ for 40 years. He started out as an attorney and deputy chief in the Legislation and Special Projects Section, moved on to become associate director and acting director, Office of Legal Support Services, Criminal Division, and then spent 19 years as director at the Office of Enforcement Operations, Criminal Division, before joining the BIA in 2001.

“It was a major career change, but it was the best move I ever made,” he said. The majority of cases Hess reviews are appeals of an immigration judge’s order of deportation. Hess and other member of the Board conduct a “paper review” of these cases; they do not preside over courtroom proceedings. “Most of these individuals are very productive noncitizens who have just run afoul of the system,” said Hess, “but there are times when there is someone who is a threat, and those are the times that we need to make sure that we don’t risk American citizens’ lives.”

Many BIA decisions are subject to judicial review by the federal courts. This is where the Office of Immigration Litigation (OIL) steps in. OIL, which was established in 1983, has jurisdiction over all civil immigration litigation and handles the coordination of immigration matters before federal district courts and circuit courts of appeals. “We look at all the petitions for review of BIA decisions,” said **JESSICA SEGALL ’06**, who joined the appellate team at OIL two years ago. “Eighty percent of my time is spent writing briefs and preparing oral arguments in those cases,” she said. Segall makes these arguments all around the country. “I did Moot Court in law school and have always loved the thrill and challenge of oral argument.” While she originally intended to have a career in environmental policy, Segall took an immigration course while studying abroad in Beijing through the Law School’s summer program, and became interested in the subject. “I really liked the international aspect of immigration,” she said. Still, it wasn’t until she participated in the Safe Harbor Project that she became fully hooked. “I didn’t realize how it would affect me,” she said. “I had two clients, and I was working nonstop — prepping for the interviews, working on the testimony, and preparing all the filings. You realize that what you’re doing has a monumental effect.”

After graduation, Segall worked as a staff attorney at the Court of Appeals for the Second Circuit, handling both immigration and non-immigration cases, before joining OIL in 2008. Segall does not think her work at OIL conflicts with her earlier work representing individuals through the Safe Harbor clinic. “At OIL,” she says, “our objective is to defend BIA decisions that are legally sound. Therefore, we use all litigation resources, such as mediation and motions to remand, to obtain a just result.” She also admits that she does not always view losing as a bad thing. “Sometimes, I am not disappointed to lose a case if it means that a deserving person won.”



## A VIEW FROM THE BENCH

After careers as successful immigration lawyers, several BLS alumni have gone on to become Immigration Judges in the Executive Office for Immigration Review (EOIR). Four of these judges recently discussed their journeys from BLS to the bench, reflected on the many changes to immigration practice over the years, and provided insights into the challenges and rewards of the job.

### *Paths to the Bench*

**JUDGE JOANNA M. BUKSZPAN ’76**, who was appointed as an Immigration Judge in 1995, came to the bench after 17 years of private practice. She was an evening student at Brooklyn Law School in the 70s when immigration law was far from the forefront of the news. “In 1976, there were no immigration law classes,” she recalled. “I took International Law, Administrative Law, and a clinic in Family Court, which gave me a kind of ad hoc immigration background,” she said. Bukspan’s decision to pursue a career in immigration law was personal. “My husband is a naturalized citizen, and the process of becoming a citizen was much more difficult than I had imagined, and that’s what got me thinking about immigration,” she said. “I went to BLS to help people and immigration is an area where people really need help.”

For **JUDGE MARGARET McMANUS ’83**, the decision to become an immigration lawyer was an easy one. She was already a paralegal in the Legal Aid Society’s Immigration Unit when she attended BLS in the evening. She knew from the beginning that she would take Professor Maryellen Fullerton’s Immigration Law class. “Brooklyn was one of

*(continued next page)*

the few schools to even offer a course in immigration law at the time,” said McManus, who remained at Legal Aid as a staff attorney after graduating. After leaving Legal Aid, she became a consultant to various nonprofit organizations including Catholic Charities and Volunteers of Legal Services. She then was an Adjunct Professor of Law, teaching CUNY Law School’s Immigrant’s Rights Clinic, before going on to private practice. She was appointed to the bench in 1991.

Unlike her peers, **JUDGE TERRY A. BAIN ’80** had no idea she would have a career as an immigration lawyer, let alone an immigration judge. A member of the Moot Court Honor Society, Bain loved the challenge and the excitement of appellate advocacy, but was otherwise undecided about her future career. “Immigration was not a field that was even remotely on my radar,” she recalled. “I stumbled into it because my first job out of law school in 1980 was at Barst & Mukamal, an immigration law firm.” (Stephen Mukamal, a 1965 graduate, was an early leader in the field). After Mukamal, she joined the firm of Whitman, Breed, Abbott & Morgan, where she continued to perform immigration visa work before being appointed to the bench in 1994.

“I always had a fantasy of being a trial lawyer,” said **JUDGE PHILIP L. MORACE ’80**, who is a former member of the U.S. Marine Corps. But a visit to Ellis Island just before it closed for renovation sparked an interest in immigration law. “To see it in its dilapidated state and imagine how it must have looked to the scores of immigrants who landed here was very moving,” he said. After Law School, Judge Morace joined the AmeriCorps Vista Program, a national service program designed to fight poverty. After Vista he began the process of looking for a job, which proved more difficult than he had anticipated. He finally found work at Glassman & Elias, a small firm specializing in immigration law.

“I remember getting the job and telling Mr. Elias that I had no experience in immigration law,” recalled Judge Morace. “He handed me a tattered copy of the Immigration and Nationality Act and said, ‘That’s okay. Read this. You start next week.’” Judge Morace spent seven years with Elias and then branched out on his own for another seven years before his appointment to the bench in 1995.

### ***The Importance of Law School Clinics***

At Brooklyn Law School, Judge Morace participated in both the Family Court and Manhattan District Attorney Clinics, and he emphasized their importance to this day. “Clinics really enhance your appreciation of what it is to practice law,” he said. “You learn the right way to handle your cases instead of the haphazard way that many lawyers learn on the job,” he said. “Clinics give students a clear advantage in that they have organized, guided supervision by people with loads of real-world experience,” agreed Judge Bain.

Judge Bukszpan also heralded the clinical setting. “I had signed up for the Family Court Clinic with Professor Gary Schultze, but I was overwhelmed with my schedule — raising my two young children during the day and at school in the evening —

so I was going to drop the clinic when Professor Schultze called me at home,” recalled Judge Bukszpan. “I remember him saying: ‘You have been going to a TV repair school and you have never seen the inside of a TV! You have to do this.’ I still quote him to this day. It was so useful to me to get inside the courtroom.”

### ***The Challenges and Rewards of the Job***

Over the years since their appointments, the judges have seen enormous changes in the Court’s operation and the complexity of the job. The number of judges on the Court has tripled (there are now 25), and their dockets have mushroomed. Today, a judge might oversee 1200–2000 cases. Judges preside over four hearings a day, in addition to holding conferences and handling other matters. Most immigration judges rule from the bench, giving oral decisions that outline their reasoning and conclusions. This practice requires quick mental gymnastics, intense concentration, a keen knowledge of the law, and a thorough grasp of the relevant issues and specific facts of each case.

The most obvious challenge of the job is the large caseload, the judges say, but they add that elements beyond their control often exacerbate the situation. “One of the toughest parts of the job is keeping cases moving forward,” said Judge Bukszpan. “Logistically speaking, there are so many moving parts that all need to be aligned to have a case heard. You have to have your interpreter, the respondent has to show up and be healthy, and it can’t be snowing. Many times these elements are not all in sync. It’s like being the conductor of an orchestra. You can’t have a flute concerto if the flute player doesn’t show up. It can be very frustrating.”

In addition to the logistical complexities, the judges also noted that immigration cases now take a lot more time. “The Second Circuit has been much more focused on immigration issues and this has attracted very bright minds to the field,” said Judge McManus. “The issues are also a lot more complex. This is a good thing, but it means cases take longer, which is challenging given our caseload.”

But all four judges were quick to emphasize that the rewards of the job greatly outweigh the challenges. “I remember when I was in private practice, I often felt like there was this tangle of issues, and I always hoped I could find a way to cut through that Gordian Knot and find justice,” said Judge Morace. “Now that I am on the bench, I can cut through the tangle.”

“It’s a terrific job,” said Judge Bain. “The best part is when you can grant relief to someone in desperate circumstances.” “Or when you get to keep a family together,” added Judge McManus. “And they say: ‘Thank you. You saved my life.’”

Judge Bukszpan said that she cannot think of a single reason to retire. “I have thought about it and thought about it,” she said. “Is there anything that would give me more satisfaction than helping someone and making a difference? Golf just doesn’t cut it.”

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*In addition to these four judges, two other graduates, Judge Helen J. Sichel ’82 and Judge Paul A. Defonzo ’81, are also immigration judges in the Executive Office of Immigration Review.*

**GLORIA ALFONSO '86** is Assistant Chief Counsel at the Department of Homeland Security (DHS) Office of Immigration and Customs Enforcement in Newark. During law school, she interned at Catholic Legal Immigration Network, a non-profit organization aimed at providing direct legal services to low-income immigrants, and that is when she decided to abandon her plans for corporate law and go into immigration law instead. "I had a great experience," said Alfonso. "I started interviewing clients as soon as I got there. They had such limited resources that I immediately started doing things that only the attorneys normally do. I really enjoyed it. You get incredible training." The organization offered her a job upon graduation, and she ended up staying for 10 years before joining DHS.

Although Alfonso has mainly worked as a litigator for DHS these past 12 years, she recently started working on a program that sanctions employers for hiring undocumented immigrants. "After 9/11, it became very important to know that people are here legally and employers play an important role in this," she said. "Employers have a duty to make sure they complete the appropriate forms and get the necessary documents when they hire prospective employees." Auditors go out into the field to visit employers and make sure they are complying with the law; otherwise they are subject to fines. "The program has been very successful, and we have only been doing it for about a year and a half," said Alfonso.

An immigrant from Cuba, Alfonso has a personal affinity to immigration law. "I came here when I was 10. My parents went through the process, and it's something you always remember," she said. "That experience makes you want to do something to help the process and the system, and that's what attracted me to immigration law."

While Alfonso admits that she sometimes misses helping disadvantaged immigrant clients and that it was difficult to make the transition, she says working at DHS has given her a new perspective. "Before working at DHS, I did a lot of pro bono work. I worked on various projects and helped a lot of people who had no other means of obtaining representation. After being here, I realized that there are just as many people who abuse the system as those who merit getting a benefit," said Alfonso. "So whether you're representing one side or the other, you're really just trying to do what's right."

## Private Practice: Big Firms

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BA guards, NHL goalies, international journalists, artists, and scientists are among the clients that come to **COLLEEN CADEN '99** for immigration counsel. A partner at Pryor Cashman, Caden joined the firm in 2009 after ten years as an associate at Fragomen, Del Rey, Bernsen & Loewy, LLP, one of

the most prominent immigration firms in the nation. As Chair of Pryor Cashman's immigration group, she not only counsels a variety of professional NBA and NHL athletes, but also works with Fortune 100 companies in virtually every industry.

Caden is also sought after for her expertise in helping companies navigate the increasingly complicated web of employment-related immigration regulations. She has set up compliance training programs for her clients and often works on site to educate and advise them on developing and implementing immigration compliance strategies, programs, and policies. "I love the corporate side of it," said Caden, "but it's also nice to have that interpersonal relationship with clients and to feel like you can somehow take part in their future growth and their making a life here in the United States."

Caden came to law school with a master's degree in Middle Eastern Studies from New York University after having completed an internship with the U.S. Department of State working alongside the Consul General at the U.S. Embassy in Cairo. She had a desire to one day work in the Foreign Service. Her interest in immigration law was further sparked by a position she took at Fragomen as a summer associate after her second year of law school. While she didn't have an immigration background, she was fascinated with the work and joined the firm after graduating in 1999.

Caden's experience during law school also taught her the importance of getting out into the real world. "I think that coursework is really valuable, but the practical experience is very important. Whether a student does pro bono work in asylum or deportation law, or works in business immigration law, working in a real world setting is critical. My advice to students would be, don't say no to anything. Doors open for a reason, and you should always walk through them because at some point you will rely on that experience. It will always help you sharpen your skills, from issue spotting, to knowing how to interview clients."

While Caden is negotiating visas for the NHL and the NBA, you'll probably find **MARK D. KOESTLER '91** at a Broadway theater or a Hollywood studio working on bringing in some of the most acclaimed foreign-born stage and film actors. A partner at Kramer Levin Naftalis & Frankel and Co-Chair of the firm's Business Immigration Group, Koestler has developed a national reputation in the immigration areas of advertising, theater, and film. He has represented numerous Tony and Academy Award winners and working on immigration matters for Lincoln Center Theater (including, most recently, *Women on the Verge of a Nervous Breakdown*) and the Roundabout Theatre (including *Cabaret* and *Brief Encounter*), as well as several other Broadway shows, including *Billy Elliot* and *Mamma Mia!*

Koestler is active in the immigration law community, having served as a former Chapter Chair of the New York Chapter of the American Immigration Lawyers Association (AILA), and he has been an AILA mentor for extraordinary ability artist and entertainer cases since 2003. He and his work have been recognized by *The Best Lawyers in America*, *The International Who's Who of Corporate Immigration Lawyers*, *Chambers Global—The World's Leading Lawyers for Business*, *Chambers USA—America's Leading Business Lawyers* and *New York Super Lawyers*.

While Koestler is one of the most sought-after lawyers in his field, his career got off to a difficult start. His big firm job offer, and those of his entire summer associate class, evaporated at the eleventh hour due to the real estate recession. “I originally intended to become a corporate or real estate lawyer, but I guess it wasn’t meant to be,” he said. “I heard about an opportunity in the business immigration practice at Robinson Silverman, which I pursued. While I had enjoyed Professor Coven’s immigration class, I had no intention of practicing immigration law — so the fact that I ended up in the [immigration law] practice is truly random.” Random, but fortunate as well. Koestler eventually made partner at Robinson, and ultimately moved with the rest of his Business Immigration Group to Kramer Levin in 2004.

“It’s a very rewarding area of law,” he said, “and I would recommend it to anyone who has the least bit of interest in the field. One of the things that I love about the area is that I am helping people. I still get excited when a visa petition is approved. What’s even better is when someone obtains U.S. permanent residence or naturalizes.”

A naturalization case was one of the most poignant and meaningful cases for **AMY COCOCCHIA ’98**, a partner in Fragomen, Del Rey, Bernsen & Loewy’s corporate immigration practice. An elderly client who had lived in this country most of his life, had served in the Korean War, was married to a U.S. citizen and had four U.S. citizen children, was threatened with removal for a minor offense. For eight years, Cococcia fought against his removal, before finally prevailing, and earning him the right to naturalize. Despite being ill and hospitalized, he made it to the ceremony and took the oath of citizenship. Cococcia said it was her best day as an attorney.

Cococcia, like Koestler, has also made a name for herself in the field. She was included in *New York* magazine’s New York Women Leaders in Law 2010 for her immigration work representing large multinational companies from around the world. Part of her work, like Caden’s, involves setting up compliance programs so that companies can make sure their workforce is properly documented if audited, which has been happening with increasing frequency since 9/11. “I truly feel like an advisor and a problem solver,” said Cococcia of her practice. “Even though I have been doing it for a dozen years, every matter has a set of different facts. It’s also so personal, and you feel a high level of satisfaction when you help someone through an issue.”

At Fragomen, Cococcia also plays a key role in its pro bono work. At the firm’s monthly immigration clinic with The Door, a center for youth in Manhattan, Fragomen attorneys counsel children on issues ranging from work authorization to green cards and naturalization. The firm also partners with the New York City Bar Justice Center to staff a fellowship program in which Fragomen funds a full-time attorney to provide legal advocacy and representation to low-income families with immigration matters. This year’s fellow is **MICHAEL ALMONTE**, who graduated from BLS in 2007. “These programs allow us to interact in a different way with a number of different legal organizations and organizations designed to assist immigrants,” said Cococcia. In recognition of its commitment to providing pro bono legal

representation, the firm was just awarded the 2010 Beacon of Justice Award by the National Legal Aid & Defender Association.

In describing the immigration system, Cococcia is a realist. “Those of us who work in the field believe that the system is broken, and we all agree that the solution is not simple,” she said. “The discussion today is about undocumented workers and about finding a solution to comprehensive immigration reform. It’s really about creating an immigration system that is fair and just.”

## Private Practice: Small Firms



Opening up a practice is never an easy task. For many immigration lawyers, however, a small practice offers independence and the ability to serve individual clients in a personal hands-on way that is very rewarding. Most small practices focus on business immigration

(work visas for foreign nationals), family immigration (bringing over spouses and children), and to a certain extent, deportation and removal cases, which have grown vastly since 9/11.

**RIO GUERRERO ’98** opened the doors to his boutique immigration firm in 2002. Since then he has become a leading member of the immigration bar, writing articles on employment and family-based immigration issues, speaking at a variety of events on changes in U.S. immigration law, and conducting continuing legal education courses. Guerrero is a second generation Filipino who is active in the Asian American community. He is the founder and the current chair of the Asian American Bar Association of New York’s Immigration and Nationality Law Committee.

His interest in international human rights issues dates back to law school, where he was an Edward V. Sparer Public Interest Law Fellow working as a legal observer with the Philippine Commission on Human Rights and with several NGOs in Manila. However, Guerrero began his career as a commercial litigator, before making a change to what he said was his true calling. “I was questioning what I wanted to do with my career, and knew I wanted to have my own firm. I thought back to law school and remembered fondly my work in the Safe Harbor Project,” he said. “I was on the first team that secured political asylum for a client. That win was one of the best experiences I had in law school. I really have Professor Caplow to thank for my career.”

Guerrero knew that while he wanted to build a career as an immigration lawyer, as a solo practitioner without much practical experience in the field, he needed a mentor to help him learn the ropes. Soon after he began his practice, he serendipitously leased space alongside a seasoned immigration lawyer, Nathan A. Waxman, who became a mentor and close friend. The arrangement worked out extremely well and today each is the other’s Of Counsel.





Guerrero's practice is dedicated to investor/entrepreneur immigration, family immigration and employment immigration, primarily in the area of health care. He represents foreign physicians, nurses, and therapists. While issues of non-documented workers and the porous Mexican border dominate the news, Guerrero sees the issue of increased DHS enforcement as the biggest hurdle his clients face. "Since 9/11, DHS has made it harder for our corporate clients to do business by increasing the fees for visa petitions, and increasing scrutiny of legitimate cases. This discourages the hiring of foreign nationals but this also means that they have to turn away some really brilliant people," he said. "When you think about all of the first generation immigrants who came to this country and made a difference, people like Albert Einstein or Sergey Mikhaylovich Brin (a founder of Google), we do a disservice to our economy that needs their help."

**SAMUEL J. KRANTZ '00** and his wife **GLORIA J. KRANTZ '02**, own and operate Krantz & Krantz, LLP, which is an immigration and nationality law firm that also provides immigration counsel to foreign and U.S.-based companies and individuals alike.

As the grandson and great-nephew of Holocaust survivors who immigrated to the United States after World War II, Samuel has always had a personal interest in immigration work, and similar to Guerrero, he did not start out in this field. After graduating from Brooklyn Law School in 2000, and through the fall of 2001, Samuel worked as a contract attorney at a variety of law firms practicing real estate, civil litigation and intellectual property law, before opening his own law practice in 2002 with

a focus on immigration law. Samuel's initial client was a health care provider who employed foreign health care professionals such as physicians, physical therapists and nurses, and they needed a lawyer to help with the related immigration issues. "I bought the books, connected with mentors in the field and taught myself the applicable law," he said. In 2008, Samuel's wife Gloria Krantz joined the practice.

Today, the couple, who now have a young son, have offices in New York, Westchester, and Rockland Counties and they specialize in all types of employment and family-based immigration matters, naturalization, and defense of deportation of aliens. Samuel has thrived in the ownership and operation of his own practice and possesses a deeply personal interest in helping people come to America to start a new life. "Although I work in private practice, it feels like it's in the public interest because I help my clients fulfill their dreams," he said. "My grandmother was hidden from the Nazis during the war, and my great aunts and uncles are concentration camp survivors, and they all came to the United States to start over. Hearing those stories of coming to America? That has an effect on you."

**JULES COVEN '58**, a partner at Bretz & Coven and the former president of the American Immigration Lawyers Association (AILA), is one of the few small practitioners whose focus is on asylum, deportation, and removal cases. Coven began his career at a small immigration law firm when the only reference material for the Immigration Naturalization Act was a small pamphlet. "I carried it around with me everywhere," he said. "I started out when immigration law was in its infancy, and now the book is five times the size it was then."

Coven, who taught immigration as an adjunct professor at Brooklyn Law School for 15 years, went on to become partner and start his own firm. He eventually merged with the offices of Kerry and Eileen Bretz to form Bretz & Coven. Having practiced immigration law for over 30 years, he is the attorney of record in numerous published federal court cases and precedent decisions of the Board of Immigration Appeals — most notably in *Matter of Yeung*, 1997, which was the first demonstration that a *bona fide* marriage can stay deportation.

Coven is also well known for his tireless efforts on behalf of Chinese refugees fleeing their government's "one child" family planning policy, wherein men were sterilized and women forced to have abortions if they had more than one child. He recalled a particularly poignant asylum victory. "This was a case in Miami where my client had been locked up for 60 days in a processing center that was more akin to a jail," said Coven. "It was a one-child case, and he was going to be sterilized if he was sent back to China. I was able to secure asylum for him. He was released, but all alone in Miami with no place to go. His family was in New York, so I figured I'd get him a ticket back to New York and I'd drive him home to his family from the airport. We were on the plane, and here he is a grown man, and when we hit Newark and he could see the city ahead of him, he just broke down in tears. I will never forget him," said Coven. "I know we are making a difference in people's lives." □



# COOPERATION'S COST: A Look at the Real Price of Criminal Cooperation

By Professor Miriam Baer

If you work in the criminal justice system, have ever followed a well-publicized criminal trial closely, or are an aficionado of popular law-enforcement television shows like “The Wire” or “Law and Order,” then you know that “cooperation” is a pervasive component of criminal prosecutions. By “cooperation,” I am referring to the process by which criminal defendants and their attorneys, in exchange for leniency at sentencing, routinely offer information and assistance in identifying and prosecuting other criminals. Defendants are well advised to do this: a combination of broadly phrased criminal laws and the presence of long and harsh sentences that apply upon conviction create substantial incentives for criminal defendants to cooperate with government prosecutors.

Cooperation is popular not just with defendants, but with criminal prosecutors as well. Criminal conspiracies are difficult to infiltrate, and often in the white-collar arena, equally difficult to reconstruct once they have fallen apart. Cooperators offer not only the opportunity to prospectively derail criminal plans before they come to fruition, but also the ability to convict those higher-level masterminds who run criminal operations, but are often careful not to participate so directly that they can be easily convicted and punished. Cooperation increases our ability to detect crime, what I call the Detection Effect, and because criminals know this, it also deters potential wrongdoers who know that they are more likely to be caught.

But cooperation creates another effect among criminal offenders, and that effect has not been discussed in the academic literature. It is what I call the Sanction Effect of cooperation: if the government signs up too many cooperators, offers them too much leniency in exchange for their assistance, or simply causes them to become overly optimistic about securing a cooperation agreement, then criminal defendants will come to view the eventual sentence they may receive upon conviction as much lower than it otherwise might be.

So cooperation creates *two* effects for potential offenders. On one hand, it deters them by causing them to believe they are more likely to be detected, but on the other hand, it encourages (or at least does not deter) them by causing them to believe that their ultimate punishment will be reduced because of their opportunity to become cooperators. If the Sanction Effect of cooperation outweighs its Detection Effect, then the government may unwittingly be using a law enforcement tool that *creates more crime*.

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This is a summary of a law review article, “Cooperation’s Cost,” which will be published in the *Washington University Law Review* in 2011.

Even worse, because cooperation is itself administratively costly (criminals must be interviewed and vetted, cooperation agreements must be hammered out by the two parties, and cooperating defendants must be supervised and protected), cooperation may cause society to pay for more crime. For all these reasons then, we should be more careful when law enforcement agencies reflexively claim (as the Department of Justice often does) that cooperation deters crime, or when administrative agencies (such as the Securities & Exchange Commission's Enforcement Division) proclaim an interest in expanding cooperation in the civil and administrative context. Cooperation is surely useful, but used improperly, it may create more problems than it solves.

## The Theory of Deterrence

According to standard theories of deterrence, a person refrains from engaging in wrongdoing when the expected costs of such wrongdoing — the criminal penalty, modified by the probability that such penalty will be imposed — exceed its expected benefits. Now, there are obvious problems with this theory, which criminal deterrence theorists have recognized over the years. Criminals are not necessarily “rational.” They may respond (as all of us do) more readily to changes in the likelihood of getting caught than they do to an increased sanction. Put another way: a ten-year sentence in jail is not double the pain of a five-year sentence in jail. At some point, the pain of an additional day in prison decreases or stays flat. At that point, the only way to convince people not to engage in wrongdoing is to convince them that they are likely to get caught.

The government can increase the probability of detection in a number of ways. It can hire new agents and officers to investigate reports of wrongdoing. And, as members of corporate compliance departments are well aware, it can impose disclosure and monitoring and reporting requirements on corporations. All of these requirements make it more difficult for wrongdoers to evade detection.

The government also can encourage innocent victims and witnesses of crimes to come forward with information, either through laws that protect them from retaliation, or which reward them financially for their assistance, such as the newly enacted whistleblower protections of the Dodd-Frank Act.

All of these tactics are helpful, but many of them come with their own costs; law enforcement is not free. Cooperation, by contrast, provides several unique advantages to law enforcement agents, which are described below.

## Cooperation's Benefits

Cooperation increases the probability of detection in a number of ways. First and foremost, it increases the government's ability to elicit information about numerous offenders, potential offenders, and criminal activity in general. This information includes details that fill in blanks in the government's case against the defendant — such as the location of a weapon, the manner by which a fraud was introduced, or the extent of harm caused by a given scheme. Cooperation also elicits new information about other defendants and suspects — who else is committing the same or similar crimes and who else plans on committing future crimes.

Cooperation also provides certain “meta-information” that is less easily identified but nevertheless important. Through talking to criminal defendants, the government learns about the efficacy of its investigation techniques. Was the undercover officer posing as a buyer of cocaine convincing or did she do something to tip someone off? Finally, because cooperation often involves a meeting between the prosecutor, the criminal defendant and her defense attorney, cooperation enables the government to learn something about the defendant's personality, bargaining position, and willingness to go to trial.

Does cooperation also yield benefits for defense attorneys? It is no secret that the unequal bargaining position between prosecutor and defense attorney serves as an information-forcing device that benefits primarily prosecutors. Whereas the prosecutor often may choose her cooperator from a group of willing defendants, the defendant has no choice but to take her information to the prosecutor trying her case. Generally, prosecutors control the process: they can say little, but require defendants to say a lot. Thus, the information flows one and only one way: from the defendant to the government.

Cooperation produces information not simply because the government controls the process, but also because it has the power to limit the number of cooperation agreements available to defendants. For every defendant who receives a cooperation agreement, some undefined additional number will at least “try out” for such an agreement by meeting with the government and proffering information.

Consider the average defendant who seeks cooperation and attends a typical “proffer” session with the government. If the government's case already is strong, the defendant will likely conclude that the “opportunity costs” (the costs of losing any alternative action that she could take) of cooperation are rather low. The upside is a vastly reduced sentence. Accordingly, even if the defendant maintains a healthy skepticism regarding her chances of becoming a cooperator (and behavioral psychology would suggest that she will do exactly the opposite), she will likely conclude that she has much to gain by offering her assistance.

Once she attends the proffer, the defendant will answer the government's questions and provide information about her own crime, other crimes, and any number of topics. Regardless of whether she becomes a cooperator, at least some of her information will assist the government. She may identify new suspects;

confirm the government's instincts (good or bad) about another cooperator's information; allow the government to improve its investigative technique; and clarify information that the government already possessed but previously did not comprehend.

The fact of the defendant's proffer (assuming it is communicated to others) also aids the government in prosecuting the defendants who are being tried in the same case. The possibility of cooperation enhances the government's bargaining position if all of the defendants in the case either know or assume that the government is conducting proffers and choosing cooperators. This is what has classically been called "the prisoner's dilemma": the self-interest of each individual defendant trumps the collective interest of the group in remaining silent.

Because the government controls the cooperation process, it can extract "proffer agreements" with defendants that are quite beneficial to the government. For example, most proffer agreements provide that even if the defendant fails to receive a cooperation agreement and decides to go to trial, the government may use her proffer statements for impeachment purposes

**"A criminal offender who thinks she can cooperate if caught also thinks that she will receive a relatively light sentence if she successfully cooperates with the government. That offender therefore may conclude that the increased probability of detection is outweighed by the likelihood that she will receive a light sentence. It is this possibility that should cause us to stop and reconsider cooperation's presumed value in law enforcement."**

at trial. Attempted cooperation therefore often forecloses the defendant's ability to testify at trial. Moreover, proffer agreements usually do not preclude the government from gathering derivative evidence from the defendant's proffered information. This leaves government agents free to establish new leads and strengthen their case against the defendant, regardless of whether she subsequently cooperates.

Cooperation also alters criminal behavior prior to arrest. Because anyone could be (or become) a cooperator, criminals must invest time and energy screening their co-conspirators, victims and associates. All of this creates incentives for offenders to abandon their course of criminal conduct.

Given the foregoing, it is no surprise that law enforcement officials often embrace and defend cooperation as a useful tool.

## Cooperation's Costs

There are, however, drawbacks to criminal cooperation. First, it may be used not to detect more crime, but to cover up the government's violation of constitutional rights. For example, a prosecutor might head off a suppression motion from a defendant who was the victim of an illegal search by offering that defendant a cooperation agreement. The defendant (who knows she is guilty of the underlying crime) might conclude that cooperation offers her a better outcome than proceeding with a suppression motion whose success is uncertain. Cooperation thus increases the potential for government abuse.

Even if we assume the government is acting in good faith, it still might misuse the cooperation's information, or elicit incorrect or false information. As a result of that erroneous information, government actors might act on false leads or convict the wrong person. To prevent these problems from occurring, prosecutors and government agents must spend a fair amount of time extracting and sifting information. They also must develop organizational mechanisms to maintain and use cooperation information effectively. Even when effective, these tools are themselves costly and therefore reduce the "net" Detection Effect of cooperation.

But apart from these costs, there is an entirely different problem that cooperation creates — the Sanction Effect. A criminal offender who thinks she can cooperate if caught also thinks that she will receive a relatively light sentence if she successfully cooperates with the government. That offender therefore may conclude that the increased probability of detection is outweighed by the likelihood that she will receive a light sentence. It is this possibility that should cause us to stop and reconsider cooperation's presumed value in law enforcement.

Three factors can inflate the Sanction Effect: how broadly the government extends cooperation agreements; how deeply judges impose discounts in the cooperator's sentence; and how optimistically criminals perceive the likelihood of securing a cooperation agreement and obtaining a beneficial discount.

Prosecutors have the greatest control over the first factor, which is how broadly they extend cooperation agreements to defendants. Why might prosecutors extend too many agreements? Let's assume that most prosecutors want to lock in as many convictions as they can, and also avoid embarrassing losses. Cooperation serves both of these ends. Each additional cooperation agreement counts both as a guilty plea (and therefore a conviction) and as insurance against some other defendants' acquittal should she choose to go to trial.

Put it this way: in a huge prosecution of a corporate chieftain, how would we expect a prosecutor to err? If she signed up too many cooperators, the CEO still would be convicted and sent to jail. The costs of "overcooperating" would be felt in the aggregate and in the future, and would not be attributable to her particular trial. By contrast, if she signed up too few and the CEO was acquitted, the costs would be immediate and directly attributable to her. Clearly, risk-averse prosecutors prefer more rather than fewer cooperators.

Prosecutors might prefer to err in the direction of “hiring” too many cooperators, but this might not benefit society. In an ideal world, prosecutors should sign up only as many cooperators as they need to make new cases and solve crimes. Any cooperation beyond that point unnecessarily reduces the sentence that all criminals can expect to receive if their wrongdoing is detected and punished.

The second problem with “overcooperation” is that it may lead judges to impose excessively lenient sentences on cooperators. Prosecutors may be unwilling to admit that they have “hired” or “purchased” less-than-stellar cooperators. Accordingly, they may overstate the value of certain cooperators. Meanwhile, the inclusion of less-than-stellar cooperators in the cooperator pool may cause judges to “overpay” *all* of the cooperating defendants. If the typical judge applies a modest sentence discount (30%) for cooperators whose assistance meets the government’s minimal definition of substantial assistance, the 30% discount may be the “floor” from which the judge builds increasingly generous discounts. She may apply a more generous discount (50%) for “good” cooperators and a extremely generous discount (80%) for “very good” cooperators. Everyone wins — except society.

A final factor that might inflate the Sanction Effect is the over-optimism of criminal offenders. Criminals may overestimate both the likelihood of securing a cooperation agreement as well as the discount they can expect to receive if they in fact cooperate with the government.

Consider the defendant’s over-optimism about being designated a cooperator. By design, prosecutors possess far more information about their choices of cooperators than do criminal defendants. As a result, it would not be surprising if defendants were overly optimistic about their chances of being chosen as a cooperator. Indeed, skilled prosecutors might attempt to nurture this optimism, since it would result in additional proffers and additional flows of information. The problem, of course, is that the very optimism that causes an offender to provide information might also cause her to discount the sentence that she would receive if caught.

Moreover, criminals also may overestimate the potential discount they will receive in exchange for cooperation. Defendants may have outsized expectations of how “well” they will do if they cooperate. Indeed, the media’s discussion of infamous cooperators may contribute to them. By design cooperation is purposely portrayed by the government as a good deal. To potential offenders, however, it may appear to be *too good* a deal.

## Implications

Cooperation is surely useful, but it may create more problems than it solves. This is particularly true when the Sanction Effect grows too large and defendants are incentivized to commit more and not less crime.

Having said all that, it is unrealistic and indeed undesirable to eliminate cooperation in the criminal context. Regulatory agencies that have yet to adopt such programs (or, like the SEC,

have recently announced them) would do well to consider cooperation’s costs closely prior to implementing cooperation-style programs. Moreover, all law enforcement agencies should do everything possible to identify and minimize cooperation’s costs. To that end, we can try to measure the effect of cooperation on potential offenders through experimental studies in psychology; pay closer attention to the ways in which government prosecutors choose cooperators and hand out cooperation agreements (by compiling more rigorous data, for example); and survey sentencing judges to get a better sense as to which variables most affect cooperation discounts. None of these measures are easy, but they may put us on the road toward one of cooperation’s main goals: deterring crime. □



**Miriam Baer** is an Assistant Professor of Law at Brooklyn Law School and teaches in the areas of corporate law, criminal law, and criminal procedure. Her scholarship, which focuses on private and public efforts to deter criminal behavior in business settings, has appeared in a number of journals,

including the *Virginia Law Review*, *Indiana Law Journal*, *Boston College Law Review*, and *Columbia Law Review Sidebar*.

Professor Baer’s article, “Cooperation’s Cost,” from which this piece is adapted, will be published in the *Washington University Law Review* and was one of two criminal law papers selected for the 2010 Stanford-Yale Junior Faculty Forum.

Prior to joining the Law School’s faculty in 2008, Professor Baer spent two years as an Acting Assistant Professor in New York University School of Law’s Lawyering Program. Before entering academia, she was an assistant general counsel for compliance with Verizon and an Assistant U.S. Attorney in the Criminal Division of the U.S. Attorney’s Office, Southern District of New York, where she focused on white collar criminal prosecutions. She also practiced as a litigation associate with Cravath, Swaine & Moore and was a law clerk to Judge Jane Roth of the U.S. Court of Appeals for the Third Circuit.

## Lively Gathering Celebrates Professor Joseph Crea's 95th Birthday and Six Decades of Teaching

**O**n April 29, nearly 300 people, including multiple generations of faculty, students, alumni, and friends, gathered at the Forchelli Center to celebrate the 95th Birthday of Professor Joseph Crea. A teacher, scholar, and mentor, Crea is a Brooklyn Law School original, a man almost a century in the making who has touched countless lives in the 62 years he has been a professor at the Law School.

"In his own — sometimes not-so-quiet — way, Professor Crea was responsible for many of the early changes that set the Law School on its path to high quality," said Stuart Subotnick, Chairman of the Board of Trustees. "His students all know to follow through and 'not to drop your briefcase and run.'"

Generations of law students who have been mentored by Professor Crea owe their thanks for a lifetime of lessons, at least in part, to a soggy stack of books. The story goes that in the early 1930s, Crea was working his bread delivery route in Flatbush when he came across a pile of abandoned law books on the side of the road, soaked with water and stuck together. He took them to his family's Gravesend home and dried them on top of the oven. One title in particular caught his eye: *Reorganization of Railroad Corporations*. What he discovered reading the book was that, even during the Depression, the legal fees for reorganizing a railroad were \$2–3 million dollars. And he thought at that moment about becoming a lawyer.

After finishing six years of evening high school in four and attending Brooklyn College at night with a leave to enlist in the army, Crea finally made it to Brooklyn Law School and graduated in 1947. At that time, he had no interest in making a career as a law professor; instead, he wanted to become a practicing lawyer, because he felt this was the best way to change the world. But fate conspired to keep him at the Law School. While in his last year of Law School, Crea was working on an article regarding evidence for *Law Review* and asked then-Dean Jerome Prince a question about an issue the article addressed. The Dean urged



CLOCKWISE FROM TOP: Prof. Joe Crea with his family (L TO R) Paul Mysliwicz, Lorraine Crea, Prof. Joe Crea, Brendan Mysliwicz and Regina Mysliwicz; Faculty, staff, former students and admirers salute Prof. Crea with applause; Prof. Crea speaks to the crowd as Chairman of the Board Stuart Subotnick looks on.

Crea to figure it out for himself. When Crea did, his intellect did not go unnoticed. Dean Prince offered him a temporary position in the library after graduation. When the Law School finally hired a full-time librarian, Dean Prince asked Crea to accept an instructor's position.

And so it was that in 1948, Professor Crea began teaching Torts, Legal Research and Bailments, and pursuing what, in retrospect, seems to have been his true calling all along: teaching. In his six decades as a professor, he has taught nearly every course in the Law School's curriculum, including Evidence, Corporations, Tax, Commercial Paper, Property, and more.

"When it comes to students, you are their father, their mother, their confessor," said Crea in the 1998 issue of *LawNotes*, commemorating 50 years of his teaching. "You must teach them the ways, you must teach them the angles. Most importantly, you must teach them to survive."

At his birthday party, Stuart Subotnick gave Crea a rather unique birthday present: part interest in a horse that went on to win his race at Saratoga this past summer. Subotnick drew an apt comparison between the promising young racehorse and the young Joe Crea, remarking on the "bright future" of the horse — whose name, unsurprisingly, is "Crea's Law." □

# FACULTY Notes

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## Richard Allan

### PUBLICATIONS

- *New Battlefields of Terrorism*, CRIME & JUST. INT'L (June 2010), [www.cjimagazine.com](http://www.cjimagazine.com)

### APPOINTMENTS

- Elected as a Board Member of the Senior Advisory Council for the EastWest Institute
- Elected to the Editorial Board of *Crime and Justice International Magazine*
- Elected as a Senior Fellow & Member of the Board of Directors for the Center of Security & CounterTerrorism

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## William Araiza

### PUBLICATIONS

- FIRST AMENDMENT LAW: FREEDOM OF EXPRESSION AND FREEDOM OF RELIGION (LexisNexis 2d ed. 2010) (with A. Hellman and T. Baker)

### PROGRAMS & PRESENTATIONS

- "New Groups and Old Doctrine: Rethinking Congressional Power to Enforce the Equal Protection Clause," Colloquium: Reinventing Regulation/Reinventing Accountability: Judicial Review in New Governance Regimes, Hofstra Law School
- "New Groups and Old Doctrine: Rethinking Congressional Power to Enforce the Equal Protection Clause," Florida International University School of Law Workshop
- "Reinventing Government/Reinventing Accountability: Judicial Review of the New Governance," Administrative Law Scholars' Roundtable, Quebec
- Moderator, Panel on academic life post-tenure; and Presenter on the Roberts Court and stare decisis, Southeastern Association of Law Schools Conference, Palm Beach

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## Jonathan Askin

### PROGRAMS & PRESENTATIONS

- Co-hosted a public meeting with the Internet Society at NYU on "Software Freedom, Privacy and Security for Web 2.0 and Cloud Computing" and an Internet Talk Series along with the NYU Association for Computing Machinery and the Internet Society of New York
- Organizer and Moderator, "A Conversation with William Patry," Senior Copyright Counsel, Google, Inc., Brooklyn Law School
- Speaker, 2010 Spring Hackathon, New York University
- "Legal Issues for Startups," Microsoft Headquarters, New York City
- Speaker, "Wow, That's Cool," Telecom, Cable and Wireless Seminar, University of Texas School of Law
- "Navigating the Law to Create and Evolve Your Startup," Guruloft Continuing Education Classes, New York City

### MEDIA

- Op-Ed: "Google is Anakin, Verizon is The Emperor, and the Dark Side Is Winning," *TechCrunch* (Aug. 21, 2010)
- Quoted in "Frivolous Facebook Lawsuit May Have A Leg to Stand on," *ECommerce Times* (July 13, 2010)

- Quoted in "Is FCC 'running wild' with its big fines for 'fleeting expletives'," *Christian Science Monitor* (July 14, 2010)
- Quoted in "Next Step for Wikileaks: Crowdsourcing classified data," *Computerworld* (July 27, 2010)
- Quoted in "Crowdsourcing: Learning from the herd," *Fox Business News* (Aug. 24, 2010)

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## Miriam Baer

### PROGRAMS & PRESENTATIONS

- "Punishment and Discipline in Corporate Law," Law & Society Association's Annual Meeting, Chicago
- "Cooperation's Cost," American Law and Economics Association, Princeton University, and the Yale/Stanford Junior Faculty Forum, Yale Law School
- Organizer and Moderator, David Trager Public Policy Symposium: Sharing the Blame: The Law and Morality of Punishing Collective Entities, Brooklyn Law School
- Commentator, Prawfsfest! Junior Scholars Workshop, Brooklyn Law School

### MEDIA

- Quoted in "Why Goldman's \$550M Settlement is Barely a Wrist Slap," *The Atlantic Wire* (July 16, 2010)
- Quoted in "The Short List for HP's Next CEO Could Be Long," *Computerworld*, and *The New York Times*, *Reuters* and several other publications (Aug. 11, 2010)

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## Derek Bambauer

### PUBLICATIONS

- *The Hacker's Aegis*, 60 EMORY L.J. \_\_ (forthcoming 2010) (with O. Day)
- *Cybersieves*, online at the LEGAL WORKSHOP, [legalworkshop.org](http://legalworkshop.org) abridged version of *Cybersieves*, 59 DUKE L. J. 377 (2010)
- *The Enigma of Internet Freedom*, EJOURNAL USA, a publication of the U.S. State Department (July 29, 2010), [www.america.gov](http://www.america.gov)

### PROGRAMS & PRESENTATIONS

- Presenter, Internet Content Regulation and Young People, University of New South Wales, Australia
- "Cybersieves," Intellectual Property Speaker Series, Cardozo Law School
- "Hacker's Aegis," Junior Scholars in Intellectual Property Workshop, Michigan State University College of Law
- Panelist, "Freedom of Speech v. Privacy: The Google Case," St. John's University School of Law
- Moderator, "Copyright and Risk in Film Practice," Copyright Society of the U.S.A., New York City
- Moderator, "Technological Workarounds: How Feasible Is Restriction?," U.S. Department of State Conference on Balancing Free Expression and Security In Cyberspace, Washington, D.C.
- Moderator, "Protecting an Open Society: Information Law and Policy, Liabilities and Incentives," at a conference on Europe and the Global Information Society Revisited: Developing a Network of Scholars and Agenda for Social Science Research on Cyber Security, Central Europe University, Budapest, Hungary

# NEWLY TENURED PROFESSOR: Frederic Bloom, Scholar of Civil Procedure and Evidence

Professor Frederic Bloom, who received tenure this spring, started his career as a Junior High School teacher in his native Colorado, where he taught English and History. A graduate of Washington University in St. Louis — Bloom kept busy as a triple-major and soccer player — he went on to earn his J.D. from Stanford University Law School. Following law school, Bloom clerked for Judge Sidney R. Thomas of the U.S. Court of Appeals for the Ninth Circuit, and Judge Marilyn Hall Patel of the U.S. District Court for the Northern District of California. He joined Brooklyn Law School in the fall of 2009; before that, he taught civil procedure, federal courts, and evidence at Saint Louis University School of Law, where he had been since 2004. He was also a visiting professor at the University of California, Los Angeles School of Law.

Bloom, who teaches Civil Procedure, Federal Courts, and Evidence at BLS, aims to help his students acquire a set of essential legal tools from his classes. “I hope that my students learn how to unpack cases, how to put policy together with application. I hope that they walk away with coherent set of skills that they can apply to any set of legal



*Prof. Frederic Bloom*

problems with appropriate confidence,” he said. “And, from a big-picture perspective, I hope they see that these are really terrific puzzles that aren’t easy to solve but are fun and satisfying to engage.”

Bloom’s research and writing has been published in the *Stanford Law Review*, *Cornell Law Review*, *Washington University Law Review*, and the *Saint Louis University Law Journal*. He has just completed a

new article, entitled “Information Lost & Found,” in which he examines the law’s system for managing legally salient information, from memos outlining trial strategy to documents produced for trial prep. He begins by examining five pieces of our civil information architecture — evidence tampering rules, automatic disclosure requirements, work product doctrine, peremptory challenge law, and bans on juror testimony — and then analyzes how those doctrines intersect and overlap. At each step, Bloom sheds new light on how legal information rules function and where they may still fail. His article offers fresh and focused insight into the nature of information in civil litigation — from before a lawsuit is initiated until well after it ends.

“While I haven’t been at Brooklyn Law School for that long,” said Bloom, “I have been here long enough to learn first-hand that this is an incredible community, one full of life and ambition and vibrant energy. I hope that, in my short time here, I’ve already contributed a great deal to that community. And I look forward to making new and bigger contributions in the years to come.”

## MEDIA

- Quoted in “Privacy and Facebook,” *La Repubblica* (July 7, 2010)
- Quoted in “In the Trenches,” *Die Press* (July 8, 2010)
- Quoted in “eBay Accused of Stealing Trade Secrets in \$3.8B Patent Suit,” *ECommerce Times* (July 14, 2010)

## Anita Bernstein

### PUBLICATIONS

- *The 2x2 Matrix of Tort Reform’s Distributions*, 60 DE PAUL L. REV. \_\_\_ (forthcoming 2011)
- *Reparations, Microfinance, Gender: A Plan, With Strategies for Implementation*, 44 CORNELL INT’L L. J. 1 (forthcoming 2011) (with H.D. Seibel)
- UNDERSTANDING TORTS (LexisNexis 4th ed. 2010) (with J. Diamond and L. Levine)
- TORTS: Q&A (LexisNexis 2d ed. 2010) (with D. Leonard)

- *A Little Happier*, 43 LOY. L.A. L. REV. \_\_\_ (forthcoming 2010) (with D. Leonard)
- *Civil Rights Violations = Broken Windows: De Minimis Curet Lex*, 62 FLA. L. REV. 895 (2010)
- *Teaching Torts: Rivalry as Pedagogy*, 18 TORTS L.J. 187 (2010)

### PROGRAMS & PRESENTATIONS

- Panelist, “Gender-Based Violence and Justice in Conflict and Post-Conflict Areas,” Avon Global Center for Women and Justice, Washington, D.C.
- “Using ‘Pitfalls’ to Understand Professional Responsibility,” College of Management, Israel
- “Security, Freedom, Predictability, Unpredictability: A 2x2 Matrix of Tort Reform’s Distributions,” Conference on the Limits of Predictability and the Value of Uncertainty, De Paul College of Law
- Moderator, Panel on “The Expressive Power of Marriage,” Southeastern Association of Law Schools Conference, Palm Beach

### APPOINTMENTS

- Appointed to the Ethics Committee of the New York City Bar



**Bradley Borden**

## PUBLICATIONS

- TAXATION AND BUSINESS PLANNING FOR REAL ESTATE TRANSACTIONS (LexisNexis forthcoming 2011)
- *The Allure and Illusion of Partners' Interests in a Partnership*, 79 U. CIN. L. REV. \_\_\_ (forthcoming 2011)
- *The Liability-Offset Theory of Peracchi*, 64 TAX LAW. \_\_\_ (forthcoming 2011) (with D. Longhofer)

## PROGRAMS &amp; PRESENTATIONS

- "The Inequity Function in Line-Drawing Analysis," Washburn Tax Law Colloquium, Topeka
- Speaker, "The Inequity Function in Line-Drawing Analysis," and Chair/Discussant on "Individual Filers, Preparation Services, and Strategies for Reform," Law & Society Association's Annual Meeting, Chicago
- Panelist, "How to Select a Section 1031 QI," 28th Annual Advanced Tax Law Course for the Texas Bar Association, Dallas

**Dana Brakman Reiser**

## PUBLICATIONS

- *Self-Regulatory Club Goods: Filling the Gaps in Nonprofit Accountability Enforcement*, in NGO ACCOUNTABILITY CLUBS: VOLUNTARY REGULATION OF NONPROFIT AND NONGOVERNMENTAL ORGANIZATIONS (Cambridge University Press forthcoming 2010) (M.K. Gugerty & A. Prakash eds.)
- *The Dual Mission Dilemma*, 35 VERMONT L. REV. \_\_\_ (forthcoming 2010)

## PROGRAMS &amp; PRESENTATIONS

- Keynote address, "Governing Blended Enterprise: The Dual Mission Dilemma," Symposium: "Corporate Creativity: The Vermont L3C and Other Developments in Social Enterprise," Vermont Law School
- "Nonprofit Takeovers," Bocconi University, Milan, Italy
- "Blended Enterprise and Hybrid Forms in the US and UK," The Research Center on Philanthropy and Social Innovation of the University of Bologna, Italy

**Michael Cahill**

## PUBLICATIONS

- *Punishment Pluralism*, in RETRIBUTIVISM: ESSAYS ON THEORY AND POLICY (Oxford University Press forthcoming 2011) (M. White ed.)
- *Competing Theories of Blackmail: An Empirical Research Critique of Criminal Law Theory*, 89 TEX. L. REV. \_\_\_ (forthcoming 2010) (with P. Robinson and D. Bartels)

## PROGRAMS &amp; PRESENTATIONS

- Organizer and Moderator, David Trager Public Policy Symposium: Sharing the Blame: The Law and Morality of Punishing Collective Entities, Brooklyn Law School
- "Punishment Pluralism," Prawfsfest! Junior Scholars Workshop, Brooklyn Law School

**Neil B. Cohen**

## PUBLICATIONS

- "Should UNCITRAL Prepare a Model Law on Secured Transactions?," *The Uniform Law Review/Revue de Droit Uniforme*, UNIDROIT (The International Institute for the Unification of Private Law/ Institut International Pour L'unification Du Droit Prive) 2010

## PROGRAMS &amp; PRESENTATIONS

- Participated in preparation of the UNIDROIT Principles of International Commercial Contracts at a meeting of the International Institute for the Unification of Private Law, Rome
- "Harmonizing and Modernizing the Law Governing Secured Transactions in Intellectual Property — Why Is It So Difficult?" at biennial meeting of the International Academy of Commercial and Consumer Law, Toronto
- "Payment Law Rules for Mortgage Foreclosures" at the New Jersey Judicial Conference, New Brunswick

**Steven Dean**

## PUBLICATIONS

- *Tax Deregulation*, 86 N.Y.U. L. REV. \_\_\_ (forthcoming 2011)

## PROGRAMS &amp; PRESENTATIONS

- "Tax Deregulation," at the Indiana University Tax Policy Workshop; at the Washburn Tax Law Colloquium, Topeka; and at the Law & Society Association's Annual Meeting, Chicago
- "A Post-Industrial International Tax Regime," Symposium: "Taxation in an Era of Globalization," Willamette University College of Law
- Commentator, Summer Tax Workshop, Columbia University School of Law

**Robin Efron**

## PUBLICATIONS

- *The Plaintiff Neutrality Principle: Pleading Complex Litigation in the Era of Twombly and Iqbal*, 51 WM. & MARY L. REV. 1997 (2010)

## PROGRAMS &amp; PRESENTATIONS

- "Revisiting The Death of Contract: Gilmore's Thesis in Comparative Perspective," University of Las Vegas: William S. Boyd School of Law
- "Judicial Ideology in Comparative Perspective," Panel: "New Empirical and Theoretical Approaches to Judicial Ideology," Southeastern Association of Law Schools Conference, Palm Beach
- Host and Coordinator, the Junior International Law Scholars Association New York Area Summer Symposium, Brooklyn Law School

## MEDIA

- Quoted in "When the Wheels of Justice Ground Out," *Miller-McCune* (magazine) (Aug. 3, 2010)

## FACULTY Highlights

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### Elizabeth Fajans

#### PUBLICATIONS

- SCHOLARLY WRITING FOR LAW STUDENTS (West Publishing 4th ed. forthcoming 2011) (with M. Falk)

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### James Fanto

#### PUBLICATIONS

- “Reform in the Financial Services Industry,” as a member of the Advisory Panel on Compensation, Institute for International Finance

#### PROGRAMS & PRESENTATIONS

- Panelist, “Corporate Criminal Liability and the Problem of Multiple Groups,” Symposium: Sharing the Blame: The Law and Morality of Punishing Collective Entities, Brooklyn Law School
- “‘Breaking Up is Hard to Do’: Should Financial Conglomerates Be Dismantled?,” Symposium: The Globalization of Securities Regulation: Competition or Coordination?, University of Cincinnati College of Law
- “Justifying Board Diversity,” Conference on Board Diversity, University of North Carolina School of Law

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### Richard Farrell

#### PROGRAMS & PRESENTATIONS

- “Evidence and Motion Practice,” Center for Continuing Legal Education, New York City Bar

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### Linda Feldman

#### PROGRAMS & PRESENTATIONS

- Co-chair and Presenter, “Using Rounds Conversations in Academic Support,” New York Regional Academic Support Workshop, New York Law School
- “Acquiring Skills for Success,” New York Leo Program, Pace Law School

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### Maryellen Fullerton

#### PUBLICATIONS

- IMMIGRATION AND NATIONALITY LAWS OF THE UNITED STATES (West Publishing 2010) (with A. Aleinikoff, D. Martin and H. Motomura)
- *A Tale of Two Decades: War Refugees and Asylum Policy in the European Union*, 10 WASH. U. GLOBAL STUDIES L. REV. \_\_\_ (forthcoming 2010)
- RECUEIL DE DROIT DES REFUGIÉS (1st French ed. 2010) (R. Byrne et al. eds.), at <http://www.fr.refugeelawreader.org>
- FORCED MIGRATION (West Publishing 2010 Update) (with A. Aleinikoff, D. Martin and H. Motomura)
- IMMIGRATION AND CITIZENSHIP (West Publishing 2010 Update) (with A. Aleinikoff, D. Martin and H. Motomura)

#### PROGRAMS & PRESENTATIONS

- Chair and Moderator, Roundtable Discussion on “Sources for Understanding International Law in Domestic Courts,” and

“The Interaction of Exceptionalism and Counterterrorism: International Refugee Law in U.S. Courts,” Seminar on International Law in Domestic Courts, Committee on Science and Technology, Budapest, Hungary

- “Protection for Refugees Fleeing Indiscriminate Violence,” Training for Asylum Officers, New York Asylum Office, New York City
- Principal Commentator, “Japanese Legislation to Protect Foreign Workers,” Immigration Law Professors Biannual Workshop, Chicago

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### Marsha Garrison

#### PUBLICATIONS

- PROPERTY RIGHTS FOR COHABITANTS: CONTRACT VS. STATUS (Cambridge University Press forthcoming 2011) (J. Miles ed.)

#### PROGRAMS & PRESENTATIONS

- Featured Speaker, “Property Rights for Cohabitants? Contract vs. Status,” Biennial Conference of the European Commission on the Harmonization of Family Law, Cambridge University, U.K.
- “What We Can Learn From Systematic National Data Collection in Family Proceedings,” Colloquium on Family Research and Family Law, Uppsala University, Sweden

#### MEDIA

- Quoted in “Change to Divorce Law Could Recall a TV Quiz Show: ‘To Tell the Truth,’” *The New York Times* (June 16, 2010)
- Quoted in “Divorce Liberation,” *New York* (June 18, 2010)
- Regular contributor to *International Family Law*, a British publication, on U.S. developments in family law

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### Cynthia Godsoe

#### PROGRAMS & PRESENTATIONS

- “All in the Family: Towards A New Representational Model for Parents and Children,” Oregon Child Advocacy Project Conference, University of Oregon School of Law; and William and Mary School of Law’s Family/Children & Law Junior Faculty Workshop

#### MEDIA

- Op-Ed: “Restoring Families,” *The National Law Journal* (June 1, 2010)

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### Joel Gora

#### PROGRAMS & PRESENTATIONS

- Speaker, on the Supreme Court’s Citizens United decision, Media Law Committee of the New York State Bar Association
- Speaker, on campaign finance laws, Board of Directors of the New York Civil Liberties Union, New York City

#### MEDIA

- Op-Ed: “The ACLU Approves Limits on Speech,” *The Wall Street Journal* (April 30, 2010)
- Op-Ed: “Restoring Free Speech in Elections,” *The New York Times* (June 15, 2010)
- Op-Ed: “Burying the Incumbent Protection Racket,” *The American*, a publication of The American Enterprise Institute (June 16, 2010)

# NEWLY TENURED PROFESSOR: Steven Dean, Scholar of Tax

When Steven Dean graduated from Williams College, he knew one thing. He had no interest in law school. But after a little while in the real world, he was surprised by what he learned: “I quickly realized that the lawyers were doing the interesting work, and that’s where I needed to be,” he said. So, after two years as an economics consultant, he found himself at Yale Law School. Then, at Yale, where he was an editor of the *Yale Law and Policy Review*, he swore he’d never become a professor. “I wanted to go into practice or government,” he recalled. But after two years as a tax associate at Cravath, Swaine & Moore, and three more years at Debevoise & Plimpton, his perspective changed yet again. Inspired by his wife, now a professor of art history at St. Francis College, he set his sights on a career in academia and joined the faculty in 2004, teaching federal income tax, corporate tax, international tax and tax policy courses.

“I loved teaching from the first day,” he said of his unexpected career. “It was a lot of hard work, many hours of prep for every hour of class, but I had so much support from the faculty here.” Dean was rewarded for his deep commitment to teaching and his scholarship when the Law School granted him tenure this spring. “I ruled out law school in college, and I ruled out teaching when I was in law school,” he said. “Now I guess I’m trying to rule out ruling things out — I’m not very good at it!”

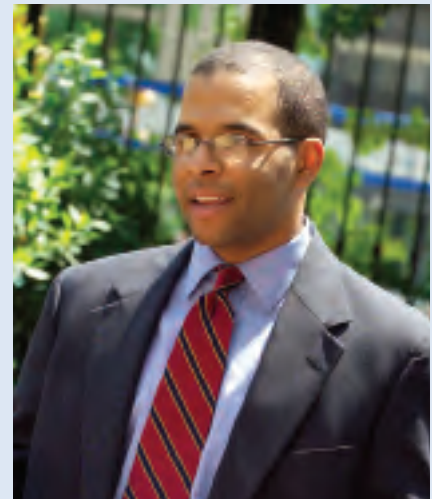
As a professor, Dean hopes to provide his students with a broad foundation of

knowledge for daily legal practice. “My goal is to provide them with the tools to understand the issues that may arise when they come up in deals and to be conversant in these concepts and doctrines. I want them to be able to rise to the challenge. If it turns out that they need to spot, solve, or argue about a tax issue I hope that they can do it intelligently.”

He also has several specific goals for students of his classes. “For an upper level class like corporate tax, I want them to be able to read a sophisticated tax article and have a conversation about it. These are articles that maybe 100 people in the world can read and think about intelligently. I want my students to be among those 100.”

Outside the classroom, Dean’s scholarship addresses a range of critical vulnerabilities in the U.S. tax system, including tax havens, shelters, and complexity. His research also explores issues related to U.S. federal income tax law, such as the implications of making the tax treatment of business entities independent of “real world” facts. In addition, his research examines the role of current and historical tax policy in shaping tax law, and the economic fortunes of the developing world. His articles have appeared in the *Boston College Law Review*, *Hastings Law Journal*, *Tulane Law Review*, and *Virginia Tax Review*, among others.

His most recent article is “Tax Deregulation,” forthcoming in the *NYU Law Review*. Dean argues that for past 30 years we have been experiencing more tax deregulation than we should. “We think we



Prof. Steven Dean

are simplifying the tax rules but we are in fact deregulating,” he said. “Simplifying is nearly always good, but deregulating may be good and may not be, so understanding that what we are doing is actually deregulating may make us pause.”

Dean is beginning to research a new piece that deals with the international issue of the benefits principle, the idea that countries may impose a tax on foreign individuals and businesses as a national rental charge. “The question I am interested in is whether and how this benefits principle adapted or failed to adapt to a post-industrial world,” said Dean. “Does it make sense in today’s world? If so, how does it need to adapt, and if not, what should replace it?”

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## Susan Herman

### PUBLICATIONS

- *The Limits of Advocacy: Lawyers for Terrorists/Lawyers for Torturers*, HARV. L. & POL’Y REV. (July 9, 2010) [www.hlpsonline.com](http://www.hlpsonline.com)

### PROGRAMS & PRESENTATIONS

- Keynote Speaker, Women and the Law Week, Northwestern University School of Law
- Keynote Speaker, “The State of Civil Liberties,” National Security Week, U.S. Army War College, Carlisle, PA

- Participant, “Terrorism, Rights, and National Security: A Debate on Detainee Treatment,” University of Pittsburgh Law School
- Speaker, Criminal Justice Faculty, NYU Law School
- Panelist, Supreme Court panel, Federal Judicial Center, Federal Defenders Conference, Washington, D.C.
- Panelist, Supreme Court panel, American Constitution Society/New York City Bar
- As President of the ACLU, Prof. Herman functioned as the keynote speaker at ACLU affiliate events nationwide

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**Edward Janger****PUBLICATIONS**

- *Locating Data Privacy and Data Security: CFPA?*, \_\_ BROOK. J. CORP., FIN. & COMM. L. \_\_ (forthcoming 2010)
- *Reciprocal Comity*, \_\_ TEX. INT'L L.J. \_\_ (forthcoming 2010)
- *Consumer Credit and Competition: The Puzzle of Competitive Credit Markets*, 6 EUR. COMP. J. 68 (2010) (with S. Block-Lieb)
- *Virtual Territoriality*, 48 COLUM. J. OF TRANSNAT'L L. 401 (2010)

**PROGRAMS & PRESENTATIONS**

- "General Growth Properties and the Future of Bankruptcy Remote Entities," Eastern District of Pennsylvania Bankruptcy Conference.
- "Comments on Kanellopoulou, Curren, and Kaye," Privacy Law Scholar's Conference, sponsored by George Washington University School of Law and Boalt Hall School of Law
- "Reforming the Market for Home Loans," Law & Society Association's Conference, Chicago
- "Reciprocal Comity," Texas International Law Journal's Symposium: The Priority Dilemma
- Organizer, Symposium: Data Privacy and Data Security in the Payment System, and presented "Locating Data Privacy and Data Security: CFPA?"
- Organizer and Moderator, the Barry L. Zaretsky Roundtable: "Too Big To Fail: Bankruptcy and Bailouts"

**MEDIA**

- Quoted in "EU Privacy Rules Changing US Companies," *EU Observer* (June 29, 2010)

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**Patricia Judd****PUBLICATIONS**

- *Toward a TRIPS Truce*, 32 MICH. J. INT'L L. \_\_ (forthcoming 2011)
- *Helping Hands: Using U.S. Government Tools to Address Intellectual Property Infringement in China*, Tennessee Bar Association Newsletter (IP Section), Aug. 2010

**PROGRAMS & PRESENTATIONS**

- "Toward a TRIPS Truce," Junior International Law Scholars Association Annual Meeting, San Francisco; Drake University Intellectual Property Scholars Roundtable, Des Moines; and 2010 Intellectual Property Scholars Conference, Berkeley

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**Aliza Kaplan****PUBLICATIONS**

- *A New Approach to Ineffective Assistance of Counsel in Removal Proceedings*, 62 RUTGERS L. REV. 345 (2010)

**PROGRAMS & PRESENTATIONS**

- Moderator, Edward Sparer Public Interest Law Symposium: "Finding a Cure: Providing Adequate Healthcare to Immigrants in Detention," Brooklyn Law School

**HONORS**

- Co-produced the film, "The Oath," Winner of Best Documentary Cinematography at the 2010 Sundance Film Festival

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**Roberta Karmel****PUBLICATIONS**

- *Voting Power Without Responsibility or Risk—How Should Proxy Reform Address the De-Coupling of Economic and Voting Rights?*, 55 VILL. L. REV. 93 (2010)

**PROGRAMS & PRESENTATIONS**

- Panelist, "Debating the Need for Systemic Risk Regulation," Conference on The Challenge of Systemic Risk Regulation, Cardozo Law School
- Panelist, "Judicial and Legislative Developments," SEC Speaks in 2010 Conference, Washington, D.C.
- Commentator, Conference on "International Financial Regulation," Cardozo Law School
- Panelist, "Wake Up Calls or Snooze Alarms: Are Recent CyberSecurity Regulations Giving Birth to Cyber-Fiduciary Duties?," ABA Annual Meeting, San Francisco

**APPOINTMENTS**

- Reappointed as a member of the American Bar Association Presidential Task Force on Financial Regulatory Reform

**MEDIA**

- Regular columnist for *The New York Law Journal*: "Competition Versus Fragmentation in Fast Equity Markets" (Feb. 18, 2010); "Bowling to Political, Media Pressure SEC Issues New Rules on Short Sales" (April 15, 2010); "Balancing Federal and State Law on Corporate Governance" (June 17, 2010); "Reform of the Municipal Securities Market" (Aug. 19, 2010)
- Quoted in "Meeting Held by Mylan Being Probed," *The Wall Street Journal* (June 16, 2010)
- Quoted in "Assessing Winner and Losers in Final Reform Bill," *The American Banker* and *Insurance Networking News* (June 25, 2010)
- Quoted in "Vietnam's Stock Market Has Come Far in its First 10 Years," *USA Today* (Aug. 22, 2010)

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**Claire Kelly****PUBLICATIONS**

- *Financial Crisis and Civil Society*, \_\_ CHI. J. OF INT'L L. \_\_ (forthcoming 2011)
- *Lifting the Veil on Security: Transparency in Customs-Trade Partnership Against Terrorism*, in SIXTH ANNUAL PROCEEDINGS OF THE WORLD CUSTOMS ACADEMY (forthcoming 2011) (with S. Offerman)
- *The Brand X Liberation: Doing Away with Chevron's Second Step and Other Doctrines of Deference*, 44 U.C. DAVIS L. REV. \_\_ (forthcoming 2010)
- *Introductory Note to the WTO Panel Report: United States - Anti-Dumping Measures on Polyethylene Retail Carrier Bags From Thailand Opposition to the U.S. Practice Of Zeroing*, 49 INT'L LEGAL MATERIALS \_\_ (forthcoming 2010)
- *Court of Appeals for the Federal Circuit Announces Equal Protection Exception for Customs Cases: Totes-Isotoner v. United States*, THE AMERICAN SOCIETY OF INTERNATIONAL LAW, Vol. 14, Issue 12 (May 17, 2010), [www.asil.org](http://www.asil.org)

## PROGRAMS &amp; PRESENTATIONS

- Commentator, “Neither Constitution nor Contract: Reconceptualising the WTO by Examining Legal Limits on Contracting Out through RTA,” Institute for International Law and Justice Scholars’ Conference, New York University
- Panelist, “Alternative Careers in Customs and International Trade,” the United States Court of International Trade, New York City
- Speaker, Conference on the Financial Crisis and Civil Society’s International Financial and Monetary Law, Cardozo Law School

## APPOINTMENTS

- Appointed to the Board of the Customs and International Trade Bar Association; Chair of the Liaison with Other Bar Associations Committee

**Adam Kolber**

## PUBLICATIONS

- *The Experiential Future of the Law*, \_\_ EMORY L.J. \_\_ (forthcoming 2011)
- *How to Improve Empirical Desert*, 75 BROOK. L. REV. 433 (2010) [Symposium: The Universality of Morality]
- *Ethical Implications of Memory Dampening*, reprinted in NEUROETHICS: AN INTRODUCTION WITH READINGS (Martha J. Farah ed., 2010) (abridged version of *Therapeutic Forgetting: The Legal and Ethical Implications of Memory Dampening*, 59 VAND. L. REV. 1561 (2006))

## PROGRAMS &amp; PRESENTATIONS

- “The Experiential Future of the Law,” Workshop on Law & Biosciences, Vanderbilt University School of Law; and Workshop on Critical Perspectives on Law & Economics, University of Minnesota School of Law
- “Brain Scan Evidence in Criminal Cases,” Fidler Institute for Criminal Justice Symposium, Loyola Law School, Los Angeles
- “Benevolent Deception and Public Policy,” National Institutes of Health Joint Bioethics Colloquium; Georgetown University School of Law; and George Washington University School of Law
- “Imaging Experiences,” Workshop: Neuroimaging and Law, Canada Institutes of Health Research and Dalhousie University, Halifax, Nova Scotia

## MEDIA

- Quoted in “The Future of the Past: Cleansing our Minds of Crime and Vice,” *Slate* (June 2, 2010)

**Rebecca Kysar**

## PROGRAMS &amp; PRESENTATIONS

- “Lasting Legislation,” Tax Policy Workshop, McGill University; Tax Policy and Public Finance Colloquium, UCLA; and Tax Policy Colloquium, New York University
- Organizing Member, 5th Annual Junior Tax Scholars Workshop, University of Notre Dame Law School

**Brian Lee**

## PROGRAMS &amp; PRESENTATIONS

- “Moral Rights Statutes and the Foundations of American Intellectual Property Law,” Intellectual Property Scholars Conference, University of California, Berkeley

**Gregg Macey**

## PUBLICATIONS

- *Cooperative Institutions in Cultural Commons*, 95 CORNELL L. REV. 757 (2010)
- *Coasean Blind Spots: Charting the Incomplete Institutionalism*, 98 GEO. L.J. 863 (2010)

## PROGRAMS &amp; PRESENTATIONS

- Moderator, panel on “Environmental Impacts of the Deepwater Horizon Oil Spill: A Failure of Oversight?,” American Bar Association

## APPOINTMENTS

- Appointed Chair of the American Bar Association’s Environmental Justice Committee, Section of Individual Rights and Responsibilities

**Jason Mazzone**

## PROGRAMS &amp; PRESENTATIONS

- “The Rise of the Bureaucratic Court,” Symposium: Democracy and the Courts: Judicial Elections, Legal News, and the Politics of Law, University of California, Hastings College of the Law
- “Copyright and the Information Society,” American Society for Information Science and Technology Symposium, Pratt Institute
- “Three Wishes,” New York State Bar Association Program: The Copyright Office Comes to New York, Fordham Law School
- “Politicians and the Supreme Court,” Law & Society Association’s Annual Meeting, Chicago
- “The Roberts Court and the State Courts” and “Sweat of the Brow and Databases,” Southeastern Association of Law Schools Conference, Palm Beach

## MEDIA

- Quoted in “NYC’s Hot New Export? Supreme Court Justices,” *AOL News* (May 10, 2010)

## APPOINTMENTS

- Elected to the Board of Trustees of the Copyright Society of the USA and appointed to the Society’s Executive Committee

**Gary Minda**

## PUBLICATIONS

- *WORK LAW IN AMERICAN SOCIETY* (Carolina Academic Press 2d ed. 2010) (with K. Casebeer)
- *Lessons from the Meltdown: Global Feminism, Critical Race Theory and the Struggle for Justice*, 18 AM. U. J. GENDER SOC. POL’Y & L. \_\_ (forthcoming 2010)
- *Law, Justice, and Cosmopolitan Jurisprudence in the Aftermath of the Financial Crisis*, 13 IOWA J. GENDER & JUST. 647 (2010)

# Jason Mazzone Receives String of High Honors



Prof. Jason Mazzone

2010 has been a very good year for Jason Mazzone. A professor and noted scholar of constitutional law, intellectual property, and legal history, Mazzone has been on the receiving end of a number of coveted honors from the Federalist Society, the American Law Institute, the Copyright Society, and Brooklyn Law School.

His string of accolades began in January when his article, “When the Supreme Court is Not Supreme,” published in the *Northwestern University Law Review* (Vol. 44, forthcoming 2010), was competitively selected for presentation at the Federalist Society’s Young Legal Scholars Panel at the Society’s 12th annual faculty conference held in New Orleans. Then he was elected to The American Law Institute, a governing body of 4,200 lawyers, judges, and law professors selected on the basis of professional achievement and demonstrated interest in improving the law.

In June, his article, “Freedom’s Associations,” printed in *The George Washington Law Review* (Vol. 77, 639, 2002), was cited by Justice Antonin Scalia in his concurring opinion in *Doe v. Reed* (June 24, 2010), which held that signatories of referendum petitions generally do not have a constitutional right to keep their identities private.

Mazzone was also appointed to the Board of Trustees of The Copyright Society and was elected to its Executive Committee in June. The Society is the country’s preeminent organization for lawyers and other professionals working in the field of copyright and intellectual property law.

In his capacity as a member of the Board, Mazzone hopes to bridge the gap between practitioners and academics. “There is a real divide between lawyers who practice intellectual property law and the law professors who teach it,” he said. “Professors are more skeptical of the scope of copyright law, whereas lawyers are in favor of the current regime because they are concerned about issues of infringement. There is no middle ground, and it’s frustrating to see. I hope to be able to find areas of consensus.” Mazzone also hopes to encourage students to become more involved in the Society. “Traditionally student membership has been low, and that’s a shame because of the mentoring and networking opportunities available.”

In June, Mazzone also was named the Gerald Baylin Professor of Law. President Joan G. Wexler announced this new chair at the precommencement dinner, recognizing Mazzone’s significant achievements and noting how well deserved an honor this was. It was made possible by the generous gift of the late Gerald Baylin ’53. “This is the

highest honor the Law School can confer on a faculty member, and I am absolutely thrilled to receive it,” said Mazzone. “The title was given to me in recognition of my past achievements, but more importantly, it was given to me with high expectations for what I will accomplish in the future. I will be working hard to meet the high standards that this position requires.”

Mazzone, who was born and raised in Tasmania, Australia, received yet another honor late this spring. He became a naturalized citizen of the United States at a ceremony held in the Southern District of New York, where he had previously clerked for Judge John G. Koeltl. “It was a very moving ceremony,” said Mazzone. “Judge Pauley (the presiding Judge) mentioned that I had clerked in the courthouse, and spoke of how I teach constitutional law. He said I was an example of how anything is possible.” Mazzone was further honored when Judge Koeltl took a break from proceedings to present him with his naturalization certificate. “Personally, this was a very significant moment,” he said. “My father worked in construction and my mother did part-time office work in Australia. I am the first person in my family, and in my parents’ families, to complete more than a 10th grade education.”

“I always tell my students that whatever they end up doing in life, they should read the Constitution from time to time,” he said. “I myself follow this practice. Each year, on July 4, I sit down and read the Constitution from beginning to end. I invariably find something I had not noticed before. Reading the Constitution this past July was particularly special for me.”

- *The New Arbitral Paradigm in the Law of Work*, 51 MICH. ST. L. REV. 51 (forthcoming 2010) (with D. Klein)

#### PROGRAMS & PRESENTATIONS

- “Edwin Barker and the American Left in Legal Studies,” the Institute of Philosophy Habermas Legal Theory Annual Meeting, Czech Republic
- “Freedom’s Appeal to Constraint and Employment Law,” Law & Society Association’s Annual Meeting, Chicago

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#### James Park

#### PUBLICATIONS

- *Rule 10b-5 and the Rise of the Unjust Enrichment Principle*, 60 DUKE L. J. 345 (forthcoming 2010)

#### PROGRAMS & PRESENTATIONS

- “Shareholder Compensation as Dividend,” Securities Litigation Seminar, Vanderbilt University Law School

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**Arthur Pinto****PUBLICATIONS**

- *An Overview Of United States Corporate Governance In Publicly Traded Corporations*, 58 AM. J. COMP. LAW 257 (Supp. 2010) (National Report on Corporate Governance for the 18th Congress of International Academy of Comparative Law)

**PROGRAMS & PRESENTATIONS**

- “An Overview of United States Corporate Governance In Publicly Traded Corporations,” Congress of the International Academy of Comparative Law, Washington, D.C.

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**David Reiss****PUBLICATIONS**

- *Housing Policy Foundations*, in COMMUNITY, HOME, AND IDENTITY (forthcoming 2011) (M. Diamond and T. Turnipseed eds.)
- *Reforming the Residential Mortgage Market*, Filene Research Institute (forthcoming 2010)

**PROGRAMS & PRESENTATIONS**

- “First Principles for an Effective Federal Housing Policy,” Association for Law, Property and Society, Georgetown University Law Center
- “Corporate Criminal Liability: What, Why, and How,” Weil, Gotshal & Manges Roundtable, Yale Law School
- “Community Benefits Agreements,” Task Force on Public Benefits, Inaugural Meeting of the Comptroller of the City of New York
- Panelist, “Land Use and Local Voices,” Conference: Community Benefits Agreements for Municipal Arts Society, Pace Law School

**APPOINTMENTS**

- Appointed to the Comptroller of the City of New York Task Force on Public Benefits

**MEDIA**

- Interviewed on rating agencies by *Bloomberg News* (simultaneous TV and radio broadcasts) (April 8 and June 3, 2010)
- Quoted in “Last Atlantic Yards Hold-Out,” *New York Daily News* (April 22, 2010)
- Quoted in “Credit Rating Agencies Should Not Be Dupes,” *Reuters* (May 14, 2010)
- Quoted in “Fannie, Freddie and the Future of Housing,” *Governing Magazine* (Aug. 12, 2010)

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**Jayne Ressler****PUBLICATIONS**

- *Plausibly Pleading Personal Jurisdiction*, 82 TEMP. L. REV. 627 (2009)

**MEDIA**

- Op-Ed: “Civil Contempt Confinement Should be Reformed,” *The Los Angeles Daily News* (July 29, 2010)

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**Elizabeth Schneider****PUBLICATIONS**

- *WOMEN AND THE LAW STORIES* (Foundation Press forthcoming 2010) (S. Wildman co-ed.)

**PROGRAMS & PRESENTATIONS**

- Panelist, “Sexual Violence and the Law: Bridging Scholarship and Activism,” College of Staten Island/CUNY
- “The Impact of *Iqbal* on Employment Discrimination Cases,” Connecticut Employment Lawyers Association, New Haven
- Moderator, Panel: “Women in the Legal Profession and the Legal Academy,” Conference on The Power of Women’s Stories II: Examining Women’s Role in Law and the Legal System, Santa Clara University Law School
- Panelist, “*Twombly v. Conley*—The Fight of the Century,” and “*Iqbal/Twombly* Fallout: Are General Federal Rules Passé?,” ABA Section of Litigation Annual Conference, New York City

**APPOINTMENTS**

- Appointed Co-Reporter of the American Bar Association Task Force on Federal Pleading Standards

**MEDIA**

- Quoted in “*Iqbal, Twombly* Enmesh Seventh Circuit, Yielding Split Decision in Loan Bias Case,” *U.S. Law Week* (Aug. 24, 2010)

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**Christopher Serkin****PUBLICATIONS**

- *Existing Uses and the Limits of Land Use Regulations*, in NEW YORK ZONING LAW AND PRACTICE (4th ed. West Publishing 2010) (P. Salkin ed.) (reprint of 84 N.Y.U. L. REV. 1222 (2009))
- *Entrenching Environmentalism: Private Conservation Easements Over Public Land*, 77 U. CHI. L. REV. 341 (2010) [Symposium: Reassessing the Local Government Toolkit]

**PROGRAMS & PRESENTATIONS**

- “Public Entrenchment,” Georgetown Law Association for Law Property and Society, and Environmental Law Colloquium, Tel Aviv University

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**Gerald Shargel****PROGRAMS & PRESENTATIONS**

- “Cooperation and Plea Agreements: Practitioners and Professors,” Philip D. Reed Lecture: U.S. Judicial Conference Subcommittee on Privacy: Protecting Private Information in Court Filings, Fordham University School of Law

**HONORS AND APPOINTMENTS**

- Joined the Board of Directors of The Exoneration Initiative
- Ranked among the 500 leading lawyers in America by *Lawdragon* magazine in May, 2010

## FACULTY Highlights

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### Lisa Smith

#### APPOINTMENTS

- Reappointed to the Kings County Democratic Judicial Screening Panel
- Co-Chair of the Academics Committee Meeting at the ABA Criminal Justice Section Conference
- Represented the Law School at the AALS CLEA Externship Conference

#### MEDIA

- Quoted in “Experts: Recession Increases Pressure on Domestic Abuse,” *Newsday* (Aug. 11, 2010)
- Serving as a consultant to the television show “Damages” on the FX Network

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### Lawrence Solan

#### PUBLICATIONS

- *Response: Opportunistic Textualism*, 158 U. PA. L. REV. PENNUMBRA 224 (2010)
- *Praise, Blame, and the Structure of Legal Rules*, 75 BROOK. L. REV. 517 (2010) [Symposium: Is Morality Universal and Should the Law Care?]
- *The Forensic Linguist Meets the Adversarial System*, in THE ROUTLEDGE HANDBOOK OF FORENSIC LINGUISTICS (Routledge 2010) (M. Coulthard and M. Johnson eds.)

#### PROGRAMS & PRESENTATIONS

- “Justifying Board Diversity,” Conference on Board Diversity, University of North Carolina School of Law
- “Lawyers as Insincere Actors,” Department of Philosophy Conference on Lying and Deception, The University of Sheffield, U.K.
- “Ethics and Method in Forensic Linguistics,” Conference on Forensic Linguistics, Universitat Pompeu Fabra, Barcelona
- Presented lectures to graduate students at the Universitat Pompeu Fabra in Barcelona as a member of the Masters program faculty in Forensic Linguistics

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### Victoria Szymczak

#### PROGRAMS & PRESENTATIONS

- Moderator, “Mile High Summit on Training: Are Things Coming to a Peak?,” and Speaker, “Budget Management in a Shrinking Economy,” American Association of Law Libraries, Denver

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### Nelson Tebbe

#### PUBLICATIONS

- *Equal Access and the Right to Marry*, 158 U. PA. L. REV. 1375 (2010) (with D. Widiss)
- *Constitutional Borrowing*, 108 MICH. L. REV. 459 (2010) (with R. Tsai)

#### PROGRAMS & PRESENTATIONS

- Panelist, on “Legal Regulation of Polygamy,” *Cardozo Journal of Law and Gender*, Symposium on Religion, Sexuality, and Law
- “Equal Access and the Right to Marry,” University of Pennsylvania Law Review Author’s Lunch

- Organized the first annual Law and Religion Roundtable, which brought leading scholars to Brooklyn Law School for two days of workshops on working drafts of cutting edge scholarship

#### MEDIA

- Interviewed on the California same-sex marriage ruling, *Legal Talk Network Blog Radio* (Aug. 17, 2010)
- Appeared on “Summer Law Institute for New High School Students,” *ABC Eyewitness News* (Aug. 30, 2010)

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### Aaron Twerski

#### PUBLICATIONS

- *PRODUCTS LIABILITY: PROBLEMS AND PROCESS* (Aspen Publishing 7th ed. forthcoming 2011) (with J. Henderson, Jr.)
- *TORTS: CASES AND MATERIALS* (Aspen Publishing 3rd ed. forthcoming 2010) (with J. Henderson, Jr.)
- *Reaching Equilibrium in Tobacco Litigation*, 62 S.C. L. REV. \_\_\_ (forthcoming 2010) (with J. Henderson, Jr.)

#### APPOINTMENTS

- Appointed by Judge Alvin K. Hellerstein of the Southern District of New York as Special Master in the 9/11 disaster litigation with co-master Professor James A. Henderson, Jr.

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### Karen van Ingen

#### PROGRAMS & PRESENTATIONS

- Organizer and Moderator, “Revisiting Mandatory Arbitration in Customer Disputes,” BLS Business and Finance Society and the Investor Rights Clinic, Brooklyn Law School

#### APPOINTMENTS

- Appointed to the Planning Committee for Public Investors Arbitration Bar Association Annual Meeting

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### Marilyn Walter

#### PUBLICATIONS

- *A Special Focus on Legal Writing: Teaching*, 61 MERCER L. REV. 782 (2010)

#### PROGRAMS & PRESENTATIONS

- “Getting Tenure: Variations, Expectations, and Celebrations,” Conference of the Legal Writing Institute, Marco Island

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### Jane Yakowitz

#### PUBLICATIONS

- *Marooned: An Empirical Investigation of Law School Graduates Who Failed the Bar Exam*, 60 J. LEGAL EDUC. 3 (2010)

#### PROGRAMS & PRESENTATIONS

- “The Secret of My Success: How Status, Prestige, and Law School Performance Shape Legal Careers,” Law & Society Association’s Annual Meeting, Chicago

#### MEDIA

- Quoted in “Law School Grades More Important to Career than Elite School, Researchers Say,” *ABA Journal* (Aug. 3, 2010)



## Endowed Scholars Celebration Pays Tribute to Students and Scholarship Donors

**O**n the evening of March 17, over 175 students, alumni, family and friends of Brooklyn Law School gathered in the Forchelli Conference Center for the annual Endowed Scholars Celebration. The event was a wonderful opportunity for those who have established scholarships to meet the students who have received them and share experiences.

At this year's event, scholarship recipients Sparkle Alexander '10 and Michael Pope '10 spoke to the group about how meaningful their endowed scholarships have been to them. Barry Salzberg '77, who is the CEO of Deloitte LLP, described how important giving back to the Law School has been to him. His legal education helped shape his successful career, he said, and he noted how important it is for companies and individuals alike to support the leaders of tomorrow through the funding of education.

Other donors who have endowed scholarships as a memorial to loved ones discussed the importance of creating a legacy of

this significance. Helen Welling spoke movingly of the scholarship that the Welling family endowed in memory of their daughter Kate Welling, the beloved sister of Thomas J. Welling Jr. '07, who passed away tragically at a young age. Rick Koven, who traveled to the celebration from Oregon, spoke about how pleased his late mother, Joan Koven '74, would have been about the new scholarship his family created to honor her memory. Professor Koven taught at the Law School and served as the Associate Dean for Alumni Affairs.

President Joan G. Wexler also expressed gratitude for the nine new scholarships that were created this past academic year: the Carol H. Arber Scholarship; the Martin Besen Scholarship; the Gerald Director Scholarship; the Joan C. Koven Scholarship; the Judge Shirley Wohl Kram Memorial Scholarship; the Jeffrey D. Forchelli Scholarship; the Marguerite Munger Peet Scholarship; the Thomas J. and Deborah B. Nugent Memorial Scholarship; and the Clare R. Petti Scholarships. □



**CLOCKWISE FROM TOP LEFT: (L TO R) Evelyn Salzberg, Robert McRae '11, recipient of the Barry and Evelyn Salzberg/Deloitte Foundation Scholarship, and Barry Salzberg '77; Sparkle Alexander '10, recipient of the Martha Prince Scholarship; Celine Chan '10, recipient of the Joan C. Koven Scholarship, and Rick Koven (Joan Koven's son); Thomas J. Welling Jr. '07, Elizabeth S. Edmonds '11, recipient of the Kate Welling Fellowship, Helen Welling and Thomas J. Welling.**

## Law School Creates New Moot Court Naming Opportunities

Graduates now have an exciting opportunity for lifetime recognition in the Jerome Prince Moot Court Room, where seats are available for personal dedication. The Law School has created this new naming opportunity as a meaningful way to commemorate your personal experience, to recognize your moot court team, or to honor someone of importance in your life.

Jeffrey Kimmel '91, who is a partner in the firm of Salenger, Sack, Kimmel & Bavaro, was on the Administrative Law and National Team in 1990 and chose to dedicate a seat in honor of his place on the Moot Court Honor Society's National Team. "Moot Court defined my experience at the Law School," said Kimmel, who is a trial lawyer. "It was such a huge effort and commitment and it taught me how to argue both sides of an issue. Having my name on a seat solidifies the notion that I will always be a part of this great program."

An engraved plate can be purchased for \$2,000, or \$1,000 for alumni who graduated within the last ten years. □

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To reserve your seat please contact Ali Rosof at 718-780-7530 or [ali.rosof@brooklaw.edu](mailto:ali.rosof@brooklaw.edu).



## Herman Gottfried '34 Names Law School in Trusts



Herman Gottfried, who graduated from Brooklyn Law School in 1934, was one of the key players in the development of New York City's water system, first as an advocate for the city, and then as a representative of the landowners and merchants forced to relinquish their homes and businesses as the city made way for the reservoirs. He and his wife Peggy were noted philanthropists and contributed generously to the communities

in which they lived, giving to local schools, hospitals, and libraries.

In 1993, the Gottfrieds set up generous charitable remainder annuity trusts (CRATs) and charitable remainder unitrusts (CRUTs) in the name of several of the most important institutions in their lives, including Brooklyn Law School. Gottfried passed away in April, 2009, just six months shy of his 100th birthday and seven years after the death of his wife. The Law School is now the beneficiary of these consummate annual gifts.

"The Law School is grateful to have been included in this gift," said President Joan G. Wexler. "Herman led an extraordinary life and his history of giving back has helped improve the lives of so many. His legacy will live on for generations to come."

A Brooklyn native, Gottfried was born in 1910 and earned a bachelor's and master's degree in English literature at City College before attending Brooklyn Law School. Following graduation, he went to work for the city, eventually heading up the Law Department of the Comptroller's Office during the tenure of Mayor Fiorello LaGuardia. In 1941, he married Peggy O'Neill, daughter of a New York City Board of Water Supply (BWS) engineer. The following year, he joined the U.S. Navy, served as an officer aboard the USS Isherwood and survived a Japanese attack on the vessel, stationed in the Pacific Theater. On his return to civilian life, he was named Acting Corporation Counsel in charge of the BWS Kingston, New York law office where he handled the city's land acquisition cases for its upstate reservoirs.

Gottfried spent more than three years in that capacity, during which time he argued before appraisal commissions and Supreme Court justices to persuade them to allow the city to pay as little as possible for the farms, homes, and businesses it was taking. Then, in late 1949, Gottfried was urged by his colleagues to leave the city's employ and establish his own practice in Margaretville, NY and represent the very people whose claims he had been paid by the city to oppose. Gottfried represented not only those who had lost property to the reservoirs, but merchants who had lost businesses, workers who had lost jobs and wages, and downstream landowners whose riverside properties had been devalued. He was an effective advocate for his clients and won them substantial awards and developed an outstanding reputation as a specialist in the area of condemnation law. □

## BLS Faculty Reconnect with Alumni Around the World

**A**s the Brooklyn Law School alumni base continues to expand worldwide, the Law School has sought ways to continue to reconnect with these graduates and keep them informed of the latest news. When two BLS faculty members — Professor Stacy Caplow and former Associate Dean Lawrence Solan — had working trips to China and England planned in this spring, the Alumni Relations Office helped arrange reunions for BLS graduates working and living in these countries.

Solan's June trip to England began with a presentation at the Interdisciplinary Centre of the Social Sciences at the University of Sheffield. After the conference, Solan attended an alumni luncheon hosted by the London office of White & Case LLP. The office is home to three BLS graduates: Sven Krogjus '92, Josh Kiernan '93, and Bryan Kelly '02, who graciously organized the event. The luncheon was a wonderful opportunity for London-based graduates to meet one another and reminisce about their days at Brooklyn Law School. The diverse group included graduates from large international law firms,

in-house attorneys, and attorneys working in the financial services industry. But perhaps our most popular member of the international bar is Janet K. Kollek Evans '79, the owner of Janet's Bar, a popular watering hole in the South Kensington area of London.

In May, Professor Stacy Caplow, the Director of the Clinical Education Program and Co-Director of the Safe Harbor Project, traveled to Hong Kong to visit the Hong Kong Refugee Advice Centre. The Centre's Executive Director Brian Barbour '08 is an alumnus of Caplow's Safe Harbor Project. Caplow traveled to Hong Kong with Ari Cohen '11 and David Hattendorf '11, who spent the summer at the Centre as part of a new clinical program.

While in Hong Kong, Professor Caplow hosted an alumni gathering for the students and some graduates, including Brian Barbour, Man (Summer) Li '03, Jean Hee Cho '04, Michael Perry '01, Douglas Silin '04, Bradley Szu-Tu '08, and Jon Zinke '80. The graduates gathered for dinner and cocktails and celebrated the chance to bring a bit of Brooklyn overseas. □



Former Associate Dean Lawrence Solan (CENTER) with graduates living in England, at a reception hosted by Sven Krogjus '92 of White & Case.



Professor Stacy Caplow (FIFTH FROM LEFT) with students working in Hong Kong and graduates from the area.

## Student Organizations Host Exciting Mix of Alumni Networking Events



Throughout the spring semester, several student organizations hosted annual alumni dinners to bring graduates back to campus and celebrate the work of their respective organizations. The well attended dinners offered valuable networking opportunities for both students and graduates alike. Some dinners featured keynote speakers while others honored distinguished alumni, practitioners, and jurists for their contributions to different fields of law. □

*The Brooklyn Entertainment & Sports Law Society (BESLS) and Art Law Association (ALA) hosted an alumni dinner in April. This year's honorees were: (L TO R) Bob Lenaghan '92, Major League Baseball Player's Association; Dorothy Weber '81, Shukat Arrow Hafer Weber & Herbsman; and Charles Ortner '71, Proskauer Rose LLP.*

## Hundreds of Graduates Celebrate Class Reunions

On May 13, 2010, members of the Classes of 1950, 1955, 1960, 1965, 1970, 1975, 1980, 1985, 1990, 1995, 2000, and 2005 celebrated their Law School reunion at the Lighthouse, Pier 61 in Manhattan. Alumni enjoyed a festive evening of reconnecting with classmates and professors, reliving old memories, and creating new ones.



## Save the Date!

### Spring 2011 Class Reunions

Thursday, May 19, 2011

7:00–10:00 PM

The New York Public Library

### Classes celebrating anniversaries are:

1951, 1956, 1961, 1966, 1971,  
1976, 1981, 1986, 1991, 1996,  
2001, 2006

Mark your calendar to join us  
“between the lions” at the  
New York Public Library’s Astor Hall  
this spring. Enjoy a gala evening  
with classmates and colleagues  
in our ever-growing BLS family.



- 1 (L TO R) Odette Wilkens '00, Kenneth Harton '05, Dana Lennon '00, and Jeffrey Peskin '00
- 2 The capacity crowd enjoyed delicious food and reconnecting with classmates.
- 3 President Joan G. Wexler with 1975 classmates Hon. William Froehlich (LEFT) and J. Michael Fried (RIGHT).
- 4 (L TO R) Brian Sokoloff '86, Steven Stern '95, and Jeffrey Kestenbaum '95
- 5 (L TO R) David Weiss '05, Melanie Marino '05, Deborah Koplovitz '05, and Jeanne Zelnick '05
- 6 The Class of 1960 came out in force.
- 7 Members of the Class of 1950 renew friendships.





## The A-List Lawyer: Allen Grubman '67



Scroll through Allen Grubman’s client list and you’ll be hard-pressed to find a name you don’t recognize; it’s a veritable roster of A-List celebrities. There are athletes (Lebron James) and designers (Tommy Hilfiger), musicians (Madonna, Elton John, Bruce Springsteen) and actors (Robert DeNiro), news anchors and personalities (Diane Sawyer, Barbara Walters, Martha Stewart). These are just a small sample of the big-name clients Grubman has counseled over the years.

A founding father of the Rock and Roll Hall of Fame, Grubman has been called “the undisputed king of music entertainment law” by *Forbes* and “the head of the most powerful entertainment law firm in the country,” by *Vanity Fair*, which included him in an elite group of “must-see agents, lawyers, and studio heads for any deal worth doing.”

Grubman’s first experience with the entertainment industry was as a child singer on the Sunday afternoon “Horn and Hardart Children’s Hour.” He appeared on the show for three years, from age 11 to 13, but when his voice began to change his days in show business came to an end. His passion for entertainment, however, lingered.

“I was brought up modestly,” recalled Grubman, who was born to working-class parents in Crown Heights. “I remembered when I was on the show everyone appeared to have money. They took us to great restaurants. I was taken to rehearsal in a limousine. I knew then that I wanted to be an entertainment lawyer.”

Grubman started his firm with fellow BLS graduates Paul Schindler ’71 and Arthur Indursky ’67 in 1974, which later became known as Grubman Indursky & Shire.

The *LawNotes* editors sat down with Grubman in his sprawling, mahogany-lined offices in the Carnegie Hall Towers overlooking Central Park, where we discussed how he went from being a “straight C student” to being the most sought-after entertainment lawyer in the nation, why he will forever be indebted to Professor Joseph Crea, and why he never rides the subway — not to mention sharing a few insiders’ tips for making a world-class grilled cheese sandwich.

### **BLS: How did you get started in the field?**

**AG:** I had terrible grades in law school. In college, too. I graduated in the bottom of my class, so my transcript was not going to help me get a job. Instead, I got a list of entertainment lawyers and knocked on doors and said, “Can I speak to the partners?” Finally, one said yes. His name was Walter Hofer, and he represented a band you might have heard of called The Beatles. I said, “Listen, I don’t have a lot of money so I can’t afford a lot, but tell me what I have to pay you to let me work here.” Instead, he agreed to pay *me* \$125 a week.

### **BLS: Did you have any experience in entertainment law?**

**AG:** I had to support myself during law school and my first year I worked nights in the mail room at the William Morris agency. The second and third year I was a page at CBS, which is a fancy word for an usher. I had to wear a gray sport jacket with the CBS eye on it. I would walk into class wearing it and people thought I was crazy. Most students got part-time jobs with law firms. No one understood what I was doing. They didn’t understand that I was trying to develop

relationships — I didn’t, but I enjoyed it anyway. Years later, I got a call from a former classmate who said, “You’re not that schlemiel Grubman, are you?” And I said, “Yes I am. Anything I can do for you?”

### **BLS: Any advice for students who want to make a name for themselves in entertainment law like you have?**

**AG:** You have to believe in yourself, have tenacity, and go that extra step. You can’t just send out a resume and wait to hear. You have to have drive, desire, and be forceful. And something else: you also have to have *sachel*. *Sachel* is a Yiddish word that means a combination of intellect, street smarts, and common sense. And the most important thing is you have to be lucky.

### **BLS: Is common sense part of the reason you never take the subway?**

**AG:** No. It’s purely symbolic. I never minded the subway. It was great and fast. But I made a promise to myself as I took off my robes after law school graduation. I looked up, and I said, “I will never ride the subway again.” I had spent my life on the subway, traveling to City College at 23rd and Lexington, and to Brooklyn Heights for law school. When I graduated, I taught 6th grade in the

public school system for a year and a half, and I drove to work. Then I got married and we moved to Forest Hills in Queens, and I took an express bus into the city to work for Hofer. I made partner very quickly, and went from taking the express bus to taking a taxi. So I avoided taking the subway and lived up to my promise.

**BLS: You mentioned Professor Crea as the person who saved your career. How did that happen?**

**AG:** On Professor Crea's torts final, I left out a 40-point essay. It was a six-credit class, and if I had failed it I would have flunked out. I had a mental block on the essay and I wrote total mumbo jumbo, and I knew I failed. I missed two other finals because I thought it didn't matter, that I was finished. But my friend said, "Call Professor Crea." So I called him up, told him what happened, and asked if there was anything I could do to make up the final. He said, "I don't know who you are. Obviously you never raised your hand in class. But if you take your other finals and pass, I'll give you a D instead of an F." So I took my other finals and passed, and Professor Crea passed me. On my transcript you will see the words "FINAL WARNING." But I got enough passing grades to hang on, and I graduated. Then I passed the bar on the first try, which to this day is my greatest achievement.

If it weren't for Professor Crea, I wouldn't be a lawyer. I never get emotional, not about my kids, not about anyone, but when I think about Professor Crea, I do. I would have had a different life without him. If I sat down and wrote out my perfect career, it would not have been a fraction of what it ended up being if it had not been for Professor Crea. There are so many people whose lives he has impacted.

**BLS: How do you manage not to be star-struck by your celebrity clientele?**

**AG:** I started in this business when I was 26. How do I put this? If every night of your life you ate the best quality steak, what else would you know? That's what you know. Springsteen, Elton — they're

nice guys. You develop a relationship, sure, but I never wanted to hang out with my creative clients. You know what they say? Familiarity breeds contempt. There is a loss of respect over time. I am very close to my clients, but I don't cross that line. When there is an issue, we talk. Other than that, we don't need to talk.

**BLS: You've worked with Madonna since 1981, when she was an unknown dancer. How did you come to represent her?**

**AG:** She came to me through her boyfriend at the time, a DJ named Jellybean Benitez. She is the only client I can remember who came in as an unknown and became an iconic star. I never really understood music in the sense that I could listen to it and know what was going to be the next big thing. But Jellybean said, "Allen, she's gonna be a star," and I said, "Jellybean, I totally trust your judgment," and we started representing her. It was a stroke of pure luck that she walked into our office. Most of the people we represent we took on after they became stars, but Madonna we were with since day one. But I do have long relationships with all of my clients.

**BLS: What contributes to the long relationships you have with these celebrities?**

**AG:** Our firm does a great job. Creative people want stability. They want to make sure that the people taking care of them today will be here tomorrow. We have only 32 lawyers in our firm for a reason. You can't have hundreds of lawyers because it's all very personal service. We hire lawyers who have several years of experience at large law firms with great training programs. We don't want entertainment lawyers. We want good contractual and transactional lawyers.

**BLS: What are some of the current issues facing your clients?**

**AG:** The biggest issue facing my music clients is the Internet and how it's changing the world of media, and how content will be dealt with in the future. People don't pay for music anymore. Kids can download and file

share and buy singles off of iTunes. The issue is one of compensation. There are two primary areas of revenue in music: the sale of records and live performances. If you're not successful in those areas, you won't make it. Thanks to the Internet, you can distribute your music by yourself and people will download it, but it's nickels and dimes compared to traditional avenues of distribution.

**BLS: Speaking of the Internet, why don't you have a Web site?**

**AG:** I'm not looking for press. People have Web sites for one reason: to generate business. That's not me. I don't want people calling me up and saying, "I know how to tap dance. Will you be my lawyer?"

**BLS: As passionate as you are about the entertainment business, you also seem to have a love affair with food. There's even a dessert named after you: the Allen Grubman Double Chocolate Pudding Pie with candied hazelnuts at the Brooklyn Diner in Manhattan.**

**AG:** You'll die when you try it. It's a dessert I created that comes from my poor Brooklyn background. Shelly Fireman [the owner of Brooklyn Diner] called me up and asked me for a real Brooklyn dessert for his restaurant. When I was little, my mother couldn't afford to go to the bakery, so she would take My-T-Fine brand chocolate pudding and put it into a prepared graham cracker crust pie shell. She topped it with homemade whipped cream. That's what I asked him to create. He sent over a number of versions of it until he found one that worked best.

I also created a dish at Estia's in the Hamptons. It's called the Grubman Classic. It's the greatest grilled cheese sandwich you've ever tasted in your life. You take big thick slices of Tuscan bread, toast them, then top it all with tomato slices, bacon and some Gruyere cheese and then put it back in the oven. It's a bubbly open-faced sandwich, and it's served with cole slaw. I once said, "Would you please make this for me?" and when I went back the next week, it was on the menu. It's a good seller. Everyone likes a grilled cheese sandwich. □

# ClassNotes

1939

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**Sam Eisenberg**, a founding partner of the New York law firm of Kurzman, Eisenberg, Corbin & Lever, LLP, was a recipient of a 2010 Pace Setter Award from Above the Bar Awards, which recognizes excellence in the Westchester legal community. Prior to founding his firm, Eisenberg served as a Judge of the City Court of Mount Vernon and as Chairman of the city's Zoning Board of Appeals.

1950

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**Murray H. Greenspan** was recognized by the Nassau County Bar Association at its 11th Annual Dinner Dance for his 60 years of legal service. Greenspan, who is Of Counsel at

Rosenberg, Fortuna & Laitman LLP of Long Island, concentrates his practice in all areas of real estate law, including landlord/tenant matters, as well as estate planning and estate administration. He has also been honored by the Lawyers Committee of the UJA-Federation of New York.

1958

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**George J. Siracuse** was presented with the Frank J. Pino Award by the Columbian Lawyers Association of Brooklyn at its 42nd Annual Dinner in June. The award recognizes excellence in the service of jurisprudence and promotion of Italian-American culture in the legal community.

1959

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**Howard S. Finkelstein** was presented with the Orange County Bar Association's Lifetime Achievement Award at its annual meeting in June 2010. Finkelstein is the founding partner of the Newburgh, NY based Finkelstein & Partners, LLP, where he focuses his practice on criminal defense and plaintiff's personal injury.

1962

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**Michael A. Gallo**, a partner in the New Jersey firm Schenck, Price, Smith & King LLP, relocated his firm to a new space in Florham Park. He practices in the areas of banking, finance, commercial real estate, restructurings, and workouts, and is one of four BLS graduates at the firm. The other alumni are: **Stephen A. Geffner '51**, a partner in the Business Law and Litigation Departments and an expert in land use issues, **John M. DeMarco '81**, a partner in the Business Law Department who focuses on commercial real estate and leasing, land use, and environmental litigation, and **Florelee R. Wan '02**, an associate who practices in the areas of commercial litigation, insurance defense, and products liability matters.

1965

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**Bernard J. Fried** was nominated by Governor Paterson to serve as an Acting Justice of the NYS Supreme Court, Tenth Judicial District. He currently serves as an Acting Justice of the NYS Supreme Court, New York County, Commercial Division, First Judicial District, a position he has held since 2004. He has been a sitting judge for three decades since his appointment as a criminal court judge in 1980.

1967

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**Jerome Feldman**, a principal of Capital Solutions Group, LLC, an asset based lending company, was appointed as Chairman of the Board of Directors of CTX Virtual Technologies, Inc. Headquartered in Boca Raton, FL, the company designs and manufactures mobile data and telecommunications products and has facilities around the world.

1968

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**Jerome A. Deener** joined the Roseland, NJ office of Fox Rothschild LLP as a partner in the firm's Tax and Estate Planning Practice Group. Deener focuses his practice in the areas of individual, corporate, and estate planning, real estate and taxation. Prior to joining the firm, he was the managing

partner of Deener, Hirsch & Shramenko, P.C., which he founded in 1980.

1969

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**Vincent J. Syracuse**, senior partner in the New York firm of Tannenbaum Helpert Syracuse & Hirschtritt LLP, was appointed to the Ethics Commission for the Unified

Court System by the Chief Judge of the State of New York. Syracuse is chair of Tannenbaum's Litigation and Dispute Resolution Practice Group, where he represents a wide variety of clients in commercial litigation matters. He is also a mediator in the Commercial Division of the New York County Supreme Court and is a member of the NYSBA's House of Delegates and chair of the NYSBA's Commercial and Federal Litigation Section.

1972

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**Nicholas J. Camera**, Senior Vice President, General Counsel and Corporate Secretary of the Interpublic Group of Companies Inc. (IPG), was profiled in *The National Law Journal* (March 22, 2010). The article outlined his duties as Chief Legal Officer of IPG, the fourth-largest advertising and marketing communications company in the world, and highlighted the success he has achieved in this role.

**Lawrence H. Ecker** was nominated by Governor Paterson to serve as an Acting Justice of the NYS Supreme Court, Ninth Judicial District. Justice Ecker is currently a Village Justice in Irvington, NY, a position he has held since 1993. He is also a partner in the Yonkers, New York law firm of Ecker and Ecker, LLP.

1973

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**Stephen I. Siller** joined the New York office of LeClairRyan as a shareholder and member of the firm's Corporate Services and International Transactions Practice Groups, which he will help develop. He previously



## Thomas P. Vartanian '76: Rock and Roll Banker



Thomas P. Vartanian has no regrets about the choices he has made in his professional life. A fiercely talented rock drummer who was studying to be a Catholic priest, Vartanian was offered a job with a new Long Island band. A dutiful son, he discussed the opportunity with his mother, who told him the seminary would not approve.

He referred the job to a friend, Liberty DeVitto, who went on to become Billy Joel's drummer for more than 40 years. Eight years later, Vartanian left the seminary. But he has found other ways to be the master of his destiny — and a very successful destiny it turned out to be.

Today, Vartanian is a renowned corporate banking lawyer and a partner at the international law firm of Dechert LLP, a firm he joined this spring after a quarter of a century at Fried, Frank, Harris, Shriver & Jacobson LLP, where he served as chair of the Financial Institutions Transaction Group.

The son of a postmaster and a homemaker, Vartanian began his non-seminary, non-Billy Joel career as a commercial casualty underwriter at Aetna Casualty & Surety, which was then located on Remsen Street. After five years, he was ready for a bigger challenge and enrolled in the evening program at Brooklyn Law School. He graduated *cum laude*, and started out as a staff attorney at the office of the Comptroller of the Currency, the federal regulator of national banks. "The first time I ever walked into a court room as a government litigator, I had zero experience," he recalled. "That's the difficulty and the beauty of working for the government."

Within four years, Vartanian became the Special Assistant to the Chief Counsel and Senior Trial Litigator. By the age of 33, he left the office to serve in the Reagan Administration as General Counsel of the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation (now part of the FDIC), where he was responsible for a range of legal issues affecting all savings institutions, the FSLIC, the Federal Home Loan Bank System, and the Federal Home Loan Mortgage Corporation ("Freddie Mac"). During his tenure, he guided the

drafting of the Garn-St. Germain Act of 1982 and the seizure, receivership, and sale of 400 savings institutions.

After two years with the Reagan Administration, Vartanian joined Fried Frank where he structured and engineered deals between banks and lending institutions. He continued to make a name for himself as a lawyer with a sixth sense for the intricacies of federal banking regulation. Vartanian has structured many of the first interstate and inter-industry mergers and acquisitions in the financial services business. He has been described by *Chambers* as "an icon in the financial services space," which further noted, "he is equally adept at regulatory, enforcement and transactional matters. He knows the law exceptionally well, has exemplary judgment and is just a class act."

His considerable experience had him tackling the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 as the principal co-author of the American Bankers Association's published analysis. "These 2,500 pages have changed the landscape of financial services for years to come," he said.

While the legal nooks and crannies of the banking business are what drive Vartanian's professional life, he admits that at 60, he is still a slave to rock and roll. But now he has taken up the electric guitar. He may not be Billy Joel's sideman, but he is a proud member of The Johnny Esquire Band, a classic rock band that plays the charity circuit. Vartanian is also an avid baseball player, having co-founded the Washington All Stars, an over-40 baseball team that has competed in the Roy Hobbs World Series (a world series for senior baseball players held in Fort Meyers) since 1998, and has helped raise more than \$250,000 for Special Olympics.

"About 20 years ago at Fried Frank, I was losing the balance in my life. Work was overwhelming me, and Harvey Pitt, who recruited me to Fried Frank, gave me a piece of wise advice. He said, 'At this firm, we provide a culture for our lawyers to be the best human beings that they can be, and if they do that, they will be the best lawyers that they can be.' I still remember that advice. As lawyers we can do things we are proud of professionally, but at the end of the day it's what you do as a human being that makes a difference."

was CEO and senior partner at Siller Wilk LLP, a firm he founded in 1987. He is a member of the International Bar Association and the American Bar Association's Committees on Negotiated Acquisitions and Partnerships and Unincorporated Business Organizations.

### 1974

**Joseph S. Karp**, a nationally certified elder law attorney and founder of the Florida law firm the Karp Law Firm, P.A., was elected President of the American Association

of Trust, Estate Planning, and Elder Law Attorneys. Karp is also Vice-Chair of the Alzheimer's Association of Southeast Florida and a Red Cross Lifetime Legacy Fellow.

## Dave S. Hattem '81: The General Counsel



In February, Dave S. Hattem was elected Senior Vice President and General Counsel of AXA Equitable Life Insurance Company, a leading financial protection company and one of the nation's premier providers of life insurance and annuity products, as well as investment products and services.

In his new position as General Counsel (he was previously Deputy General Counsel), Hattem is responsible for the overall running of the company's 200 person Law Department. In addition to the National Compliance Office, the Department is comprised of the Litigation, Customer Relations,

Corporate, Insurance Products and Funds Management Practice Groups.

The youngest of four children, Hattem was born in Queens and attended New York City's public schools. His mother worked for the Lefrak Organization, and his father, who never went to college, ran a chain of popular luncheonettes in Manhattan, rising every morning at 4:00 to commute to the city in time for the breakfast rush. As a youngster, Hattem's love of the law sprang from a very particular source. "I grew up on Perry Mason and my idea of a lawyer was a trial lawyer," he said. "I always wanted to be a prosecutor, but I really had no idea how to make it happen."

He decided, however, that Brooklyn Law School was the first step. There, he participated in the Manhattan District Attorney's clinic, was the managing editor of the *Law Review*, and became a fan of Professor Henry Holzer's constitutional law classes. "He had a real 'Ayn Randian' view of the world, and he applied the concepts of individualism and self-determination to constitutional law," said Hattem. "He was my most influential teacher."

After graduating, Hattem took a job in corporate litigation at a mid-sized Wall Street firm. Three years later, he made his Perry Mason career move and became a federal prosecutor with the U.S. Attorney's Office in the Eastern District of New York. His caseload read like a Scorsese film: a high-profile mix of bank robberies, drug cases and white-collar crime. In 1994, after nine years with the office, Hattem decided it was time for a change. Rather than choose a big firm or a criminal defense shop, which were more expected moves at the time, he found a home at AXA Equitable.

For Hattem, the work is incredibly diverse and very rewarding. "As general counsel, you are in touch with the human aspect of management, of making sure people are being developed, engaged and rewarded in their careers," he said. "You are also charged with making sure that the Law Department functions well as an integral part of the company, and that everyone is doing a high-quality job. You are doing the real counseling and dispensing wisdom on a variety of matters from high-profile litigations to sensitive regulatory matters to security law issues. I really enjoy the fact that my job is different every day and that it calls on a number of different skill sets. It keeps me intellectually stimulated."

Hattem credits his Law School education with teaching him a skill that will never grow old. "One of my greatest strengths is that I am very analytical thinker," he said. "No matter what you do as a lawyer, you have to figure out the facts, analyze them appropriately, and exercise the right judgment. Without analytical skills you cannot do your job. Brooklyn Law School helped me learn those skills, and I also met a terrific group of people, a number of whom I'm still friends with today."



**Harriet Newman Cohen**, a founder of the New York firm Cohen Hennessey Bienstock & Rabin P.C., co-wrote a *New York Law Journal* article, "What's Equitable When

Distributing Businesses, Enhanced Earning Capacity?" (Aug. 9, 2010). Cohen concentrates her practice in the areas of complex matrimonial and family law negotiation and litigation. She was selected by the Governor of New York State to serve on the New York State Child Support Commission and by the Mayor of New York City to serve on the New York City Foster Care Commission.

### 1975

**Bruce M. Balter**, a Justice of the Supreme Court of the State of New York, was presented with The Justice William T. Bellard, Jr. Distinguished Service Award by the Brooklyn-Manhattan Trial Lawyers Association at its 73rd annual golf outing in June. A member of the bench for 12 years, he currently sits in the Criminal Term in Kings County.



**Louis B. Kupperman**, a partner in the Berwyn, Pennsylvania office of Obermayer Rebmann Maxwell & Hippel LLP, was appointed by the Commissioners of Chester

County to the Board of Directors of the Chester County Industrial Development Authority. A member of Obermayer's Litigation, Business and Finance and Regulatory, Administrative and Gaming Departments, Kupperman represents a wide variety of clients in complex business and real estate transactions, and in commercial, industrial and municipal project financing and permitting. He also serves on the Board of Directors of the Chester County Chamber of Business and Industry.

## 1976

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**Susan M. Alexander** was appointed Chief Judge for the Confederated Tribes of the Warm Springs Indian Reservation in Oregon. Alexander continues to serve as Chief Appellate Judge for the Nisqually Indian Tribe in Washington. She has had a lengthy career working with Native Americans for the past 15 years, having served as a judge for several tribes.



**Anne C. Flannery**, a partner in the New York office of Morgan, Lewis & Bockius LLP, received a 2010 President's Medal from Marymount Manhattan College for her work as part of Marymount Manhattan's Women in Leadership, a group that leads various fundraising and philanthropic efforts to uphold the college's mission. Flannery is also a trustee of the college. She focuses her practice in the areas of securities regulation, enforcement and litigation matters.

**Franklin D. Siegel**, and three co-counsel to the class in *Handschu v. Special Services Division*, received a favorable ruling to their challenge of a 2004 NYPD policy allowing police to video-record and photograph participants at lawful demonstrations and political gatherings. Siegel is an Adjunct Professor of Law at CUNY School of Law, where he teaches courses in Constitutional Law. He also serves on the Board of Directors of the Center for Constitutional Rights.

## 1977

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**Avery E. Neumark**, the partner-in-charge of the Employee Benefits and Executive Compensation Practice at the accounting and consulting firm Rosen Seymour Shapss Martin & Company, LLP, spoke at the AICPA National Conference on Employee Benefits Plans in Las Vegas. He also spoke on health care reform at the Annual Conference of the New York Society of Association Executives. Neumark is also an Adjunct Professor of Law at Brooklyn Law School.

## 1978

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**Robert D. Schmicker**, formerly Of Counsel at Paul, Hastings, Janofsky & Walker LLP, joined the New York office of Hunton & Williams LLP, as a senior attorney with the firm's Energy and Project Finance Team.

## 1979

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**Charles-Eric Gordon** was re-elected First Vice President of the Society of Professional Investigators, a non-profit fraternal and educational organization of current and former law enforcement, intelligence, and other investigative persons. Gordon, an investigative counsel with offices in Manhattan and Plainview, NY, concentrates in locating missing heirs, witnesses, and other absentees, and he teaches CLE courses on investigative subjects.

## 1983

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**Harvey S. Jacobs**, an attorney in the Rockville, MD office of Joseph, Greenwald & Laake, P.A., writes the column, the "House Lawyer," for the *The Washington Post*. In his law practice, Jacobs advises high-tech and emerging technology companies and real estate investors in various matters, including the formation of new business entities, whether as start-ups, spin-offs from mature enterprises, or via mergers or acquisitions.

## 1984

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**Michael S. Elkin**, managing partner of the New York office of Winston & Strawn LLP, co-authored a *New York Law Journal* article, "The Right of Publicity Goes Digital" (Aug. 16, 2010). He was also profiled by Lawdragon in its July 2010 Lawyer Limelight section. Elkin focuses his practice on legal issues involving emerging technologies.

**Barbara Jaffe** was appointed by the Office of Court Administration to the New York State Supreme Court in New York County as an Acting Supreme Court Justice. She was formerly a Manhattan Civil Court Judge.

**Marilyn (Trautfield) Sugarman**, former Court Attorney to Justice Joan B. Lobis of the NYS Supreme Court, New York County, was appointed as a Special Referee.

## 1985

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**James I. Glasser**, a partner in the New Haven and New York offices of Wiggin and Dana, was named Co-Chair of the firm's White Collar Defense, Investigations, and Corporate Compliance Practice Group. Glasser represents corporations and individuals in connection with alleged export violations, environmental crimes, tax offenses, False Claims Act Violations and other white collar crimes. He also conducts internal investigations and ensures corporate compliance for companies including those in the defense, financial, and healthcare industries. He was also selected by Chief Judge Dennis Jacobs to serve on the Committee on Admissions and Grievances for the Court of Appeals for the Second Circuit.

## 1986

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**Robert D. Brownstone**, Law and Technology Director of Fenwick & West LLP and co-chair of the firm's Electronic Information Management Group, was quoted in a variety of news articles on the subject of the recent U.S. Supreme Court decision *City of Ontario v. Quon*, relating to workplace electronic privacy. Brownstone advises clients on electronic discovery, retention/destruction policies and protocols, information security and electronic information management.

**Darryl E. Marschke** became a manager in the Wealth Management Group of RubinBrown Group, headquartered in St. Louis, MO. The company is one of the Midwest's largest accounting and business consulting firms, and Marschke provides income and estate tax planning for clients, as well as individual and fiduciary tax return preparation services.

**Susan L. Merrill**, the former Executive Vice President and Chief of Enforcement at the Financial Industry Regulatory Authority (FINRA), joined the New York office of Bingham McCutchen LLP as a partner in the Broker-Dealer Group. She leads the firm's enforcement practice and advises financial industry clients on regulatory and securities enforcement matters.

### 1987

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**Chanwoo Lee**, who maintains a private practice in Flushing, Queens focusing on criminal and family law, was installed as the 2010-2011 president of the Queen's County Bar Association. Lee is the first Asian-American to hold the post and only the third woman in the Association's 134-year history.

### 1988

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**Eric M. Schwartz** joined Ranieri Real Estate Partners (RREP) as president and founding partner. RREP is a commercial real estate merchant bank that provides global advisory, investment management, and capital market solutions throughout the commercial real estate spectrum. Schwartz was previously the U.S. co-head of Deutsche Bank Commercial Real Estate.

### 1990

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**Robert J. Sacco** joined the West Palm Beach, FL office of Fox Rothschild LLP as a partner in its Intellectual Property and Life Sciences Practice Groups. He focuses his practice on a broad range of complex domestic and foreign patent prosecution, and on licensing and counseling on issues in the technical fields of electronics, communications, software, mechanical systems and physics.

### 1991

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**Annabel (Hubbard) Bazante** received a Board of Director's Award from the Nassau County Bar Association in recognition of her work as Chair of the NCBA Lawyer Assistance Program Committee. Bazante is an associate in the Long Island firm of Brosnan & Hegler LLP, where she is a member of the firm's Estate Litigation, Estate Planning and

Estate Administration Groups. She is also a volunteer panel member of the Surrogate Decision-Making Committee for the New York State Commission on Quality Care for the Mentally Disabled.

**Thomas A. DiBiase**, formerly counsel to Washington, D.C. firm Shapiro, Lifschitz & Schram, was named Deputy General Counsel to the U.S. Capitol Police, a force of over 2,200 members and civilians that protects the Congress and its members. DiBiase also consults with police and prosecutors throughout the country on "no body" murder cases. He was previously an AUSA in the District of Columbia for 12 years and was the Deputy Chief of the Homicide Section.

### 1992

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**Jaime A. Siegel**, Senior Intellectual Property Counsel for Sony Corporation of America, was elected to the Board of Trustees of the Rock & Roll Hall of Fame and Museum as a National Trustee. Siegel is responsible for the licensing of technology in and out of Sony and for the enforcement of Sony's patent rights. He is an expert in patent pools and has been a key contributor to the creation of several patent pools managed by MPEG LA.

### 1993

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**Bradford H. Bernstein**, senior partner with the New York immigration law firm Spar & Bernstein, P.C., appeared on "Fox Business News" in July to discuss U.S. immigration and employment policy. Bernstein is a regular guest commentator on the subject of immigration law for the Fox Business channel and BBC World Radio. He also has a weekly radio show on New York station 93.5 FM that is broadcast internationally.

**Matthew S. Dunn** was elected partner in the Immigration Group at Kramer Levin Naftalis & Frankel LLP. Dunn practices in the area of business immigration, with a particular focus on finance, health care and technology. He is Co-Chair of the New York State Bar Association's Immigration and Nationality Law Committee, and past Chair of the American Immigration Lawyers Association's New York Chapter.

**Avery S. Fischer** joined Polo Ralph Lauren Corporation as Senior Vice President, General Counsel, and Secretary. Fischer was previously a partner in the New York Corporate and Securities Practice Group of Kelley Drye & Warren LLP.

### 1995

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**Amy E. Altshuler** was presented with a Daniel R. Ginsberg Leadership Award by the Anti-Defamation League (ADL) for outstanding leadership and exceptional dedication to its mission at the ADL's 2010 Annual Leadership Conference in Washington, D.C. She is a Regional Board Member of the ADL and Chairperson of the ADL's Glass Leadership Program. Altshuler is a partner in the Real Estate Practice Group of the Phoenix, AZ firm of Lewis and Roca LLP, and practices in the areas of retail, restaurant, commercial and industrial leasing, land acquisition, land development, and related business issues.



**Michael R. Gordon**, a partner in the Research Triangle Park, NC office of K & L Gates LLP, was appointed to the Board of Directors for Big Brothers Big Sisters of the Triangle.

Gordon practices in the areas of white collar criminal defense, civil fraud defense, medical malpractice defense, and commercial litigation.

### 1996

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**Ari J. Markenson**, Of Counsel in the Health Care Practice Group of Benesch Friedlander Coplan & Aronoff LLP, is serving as the 2010-2011 Chair of the Health Law Section of the New York State Bar Association. He is also a member and Vice Chair of the Long-term Care, Senior Housing, In-home Care and Rehabilitation Practice Group of the American Health Lawyers Association and a member of the American College of Health Care Administrators. This fall, he is teaching a Health Law Practice Workshop at the Law School.

## Claudine K. Brown '85: Museum Crusader



Claudine K. Brown was named the new Director of Education for the Smithsonian Institution this June. Brown was previously the director of the arts and culture program at the Nathan Cummings Foundation in New York, a position she held since 1995.

In her new position, Brown is responsible for defining the Smithsonian's education programming and developing an Institution-wide plan for educational initiatives, assessment strategies, and funding for students in the K-12 range. Brown is also charged with overseeing five of the Smithsonian's educational organizations — the National Science Resources Center, the Smithsonian Institution Traveling Exhibitions Service, the Smithsonian Affiliates, The Smithsonian Associates and the Smithsonian Center for Education and Museum Studies. She will coordinate and support the efforts of 32 education-based offices in Smithsonian museums and science centers as well.

Brown wasted no time immersing herself in the formation of dynamic new initiatives at the Smithsonian. Her first project is to expand and enhance the Smithsonian's ability to reach a wider audience. "We are trying to reach both those who attend programming and those who may never come to our museums," she said. She is coordinating an effort to support the development of Smithsonian "apps" for mobile devices, interactive games, and online conferences that research diverse learners throughout the country. She is also working on creating a learning community within the institution so that Smithsonian educators and scholars can work across disciplines. "I hope that we can grow into a more collaborative organization with the ability to deliver a wider range of high-quality educational experiences," she said.

Originally from Baltimore, Brown moved to Brooklyn to attend Pratt Institute, where she spent her undergraduate years studying fashion design and art education. While in college, she took a job at the Brooklyn Museum, starting out in

1976 as an intern in the education department. She worked her way up to instructor, and then senior instructor, so that by the time she started Brooklyn Law School in 1981 as a night student, she was the manager of school and youth programs.

Though she was already well on her way to a career as a successful museum educator at the Brooklyn Museum, Brown said that she still felt the need to get a legal education in order to have a better grounding in the legal aspects of artist advocacy and to earn a better salary.

Brown remained at the Brooklyn Museum for 14 years in various capacities, building a vibrant and diverse community around the museum's programming. "Communities are really important to me," she said. "I have always been interested in how large institutions interact and engage with their communities."

Brown joined the Smithsonian in 1990 as director of the National African American Museum Project, where she coordinated the efforts of advisory committees that considered the role of the Smithsonian in the development of a national museum devoted exclusively to the documentation of the African-American life, art, history, and culture. She developed the Institution's initial program plan for the proposed museum, and in 1991 also became the assistant secretary for the arts and humanities and developed policy for many of the Smithsonian museums.

A position at the Nathan Cummings Foundation, a nonprofit committed to democratic values and social justice, including fairness, diversity, and community, lured her away from the Smithsonian in 1995. She positioned the organization as a leading arts grantmaker and in doing so, fulfilled her pre-law-school goal of being able to advocate for artists. She worked to strengthen community-based arts programs and to build the emerging field of art and social justice.

While Brown never did formally practice law, she says she is indebted to the Law School for teaching her a new way of thinking. "Law school helps one to become a clear thinker," she said. "The process of having to marshal facts and examine what is in dispute and what is on the table is a great skill, no matter what path you choose as a professional."

### 1997

**Ross D. Levi** was named Executive Director of the Empire State Pride Agenda and Foundation. The Pride Agenda is New York's largest statewide civil rights organization committed to achieving equality and justice for LGBT New Yorkers and their families.

Levi oversees the Pride Agenda's legislative and political activities, as well as the education and community organizing work of the Empire State Pride Agenda Foundation. Levi joined the organization in 2000, and has served in a number of successive roles, most recently as Director of Public Policy and Education.

### 1998

**Robert C. Angelillo** of Meyer, Suozzi, English, Klein, P.C., was named to the Long Island Business News' "40 under 40" list. Angelillo practices in the areas of general commercial litigation, construction law, and disability benefits litigation. He

## Stacey A. Levine '94: Champion for Justice



If you were to play an episode of “Law & Order” against a day in the life of Stacey Levine, chances are Jack McCoy and Michael Cutter would end up looking rather dull in comparison. Levine has been a federal prosecutor for 15 years and during that time she has taken down drug lords, dismantled gangs, tried kidnapers and child pornographers,

and uncovered Medicaid fraud and Ponzi schemes.

In July, Levine, who is currently an Assistant U.S. Attorney in the District of New Jersey, made headlines for her work on the case of Leonid Zaltsberg, a New Jersey UBS client who pled guilty to failing to report \$2 million concealed in a Swiss Bank account. And in August, Levine was in the news again for her work in *US v. Bent, et al.*, a multi-defendant investment fraud, money laundering, and tax evasion case involving over 80 victims who were defrauded out of millions of dollars.

Levine graduated from Brooklyn Law School in 1994 and began her career in the Southern District of Florida as a law clerk to Judge Edward B. Davis, who recently passed away. “He became a treasured mentor,” said Levine. “He taught me so much about the law — and about life generally. He was known for the fairness he showed attorneys, litigants, and defendants who appeared before him.”

While offers at big law firms loomed, her experience with Judge Davis changed her career outlook. “I spent a year watching federal prosecutors go head-to-head with some of the most prominent defense attorneys in the country,” she said. “After that I knew I wanted to work in the public sector.”

Levine accepted an offer from the U.S. Attorney in Miami. She spent her first year in the appellate office, where she wrote nearly a dozen briefs and argued three before the 11th Circuit Court of Appeals. “Standing before the brightest minds in the nation was an incredible experience, and it’s one that I was better prepared for thanks to my experience on Moot Court,” she said. “We were accustomed to brief writing and oral argument. It gave me a great foundation.”

A year later, when Levine moved to trials, she sought out AUSA Christopher J. Clark as a mentor. The decision to shadow

Clark was a wise one; it landed her on one of the most high-profile cases in Miami crime history — the prosecution of Kenneth “Boobie” Williams, who was featured on America’s Most Wanted. The 11-defendant “Boobie Boys” gang case involved 35 homicides, a corrupt police officer, wiretap evidence, and the importation of three tons of cocaine. When the arrests were made, the homicide rate in Miami dropped by 50 percent. For her work on the case, Levine received the Director’s Award, one of the most prestigious awards given by the U.S. Department of Justice.

While working the Boobie Boys case, Levine worked on a high-profile kidnapping case involving a mother and her two young children who were held captive for five days until they were located and rescued by the FBI in a scene that could have come straight from a Jerry Bruckheimer film.

Through these trials she learned how to manage the emotional toll of working with victims of violent crime. “I really had to separate my emotions from the work. My biggest challenge in this job is my greatest reward — working with victims to get them justice and by extension some kind of closure in cases involving horrible crimes,” Levine said.

In addition to prosecuting violent crime in Miami, Levine also tried several computer crime cases, which landed her a position with the Computer Crime & Intellectual Property Section of the U.S. Department of Justice in Washington, D.C. While there, Levine worked on legislative, investigative, and prosecutorial aspects of high-tech crime.

In 2002, Levine joined the U.S. Attorney’s Office in her home state of New Jersey. As part of the Securities and Health Care Fraud Unit, Levine directed complex high-profile investigations, including drafting the first deferred prosecution agreement in a health care fraud case involving the largest public health institution in the nation. For her work on that case, she received the Inspector General’s Integrity Award, one of the most esteemed awards given by the U.S. Department of Health & Human Services.

Levine’s life continues to read like an episode of “Law & Order,” as she fights for justice and for victims without a voice. It’s all she has ever wanted to do. “For as long as I can remember, I wanted to be a lawyer,” she said. “I love having the opportunity to make a difference.”

is a co-founder of the Next Generation Professional Networking Group, a group of young professionals in some of the leading professional services companies on Long Island.

**Charles N. Curlett Jr.** was elected partner in the Baltimore, MD office of Saul Ewing LLP and he was also named Vice-Chair of the firm’s White-Collar and Government Enforcement Practice Group. Curlett concentrates his practice in white-collar matters

involving securities enforcement defense, criminal defense, corporate internal investigations, Foreign Corrupt Practices Act, and governmental regulation at the federal and state levels. Prior to joining the firm in 2006, he was an ADA in the Manhattan District

Attorney's Office and he also worked in the Office of the Prosecutor at the International Criminal Tribunal for the former Yugoslavia in the Hague.

**Elissa (Hecker) Strauss**, who maintains a private practice focusing on entertainment and business law, edited *Entertainment Litigation – Know the Issues and Avoid the Courtroom and Counseling Content Providers in the Digital Age*, published by the New York State Bar Association. Hecker is also the editor of the NYSBA's Entertainment, Arts and Sports Law Journal and the editor of the EASL Blog at <http://nysbar.com/blogs/EASL>.

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## 1999

**Keith M. Brandofino** became a partner in the New York City office of Phillips Lytle LLP, where he heads the firm's commercial litigation practice group. He concentrates his practice in the areas of banking and commercial litigation, including business disputes, restructuring of credit facilities, and creditors rights.

**Christine (Miller) Martin** was named a Managing Director at Warburg Realty Partnership Ltd., where she has been working as a luxury residential real estate broker since 2003.

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## 2000

**Elizabeth S. Doerfler** was promoted to Deputy Bureau Chief of the Sex Crimes/Special Victims Bureau in the Kings County District Attorney's Office. Doerfler has served as an Assistant District Attorney in Kings County for the past 10 years.

**Kenneth D. Faltischek** was promoted to Chief Legal Officer and General Counsel for Sandata Technologies, LLC. He is responsible for developing and implementing Sandata's legal strategy and information technology and software product offerings. Headquartered in Port Washington, NY, the company is a leading nationwide provider of information technology solutions to the home healthcare industry.

**Douglas H. Mannal** was elected partner in the Corporate Restructuring and Bankruptcy

Group of Kramer Levin Naftalis & Frankel LLP. Mannal represents creditors' committee, bank agents, ad hoc bondholder groups, indenture trustees, and other parties in all aspects of bankruptcy cases, out-of-court restructurings, and other distressed situations. He also advises hedge funds and financial institutions regarding investments in distressed companies.

**Catherine Paszkowska** was promoted to Principal Court Attorney to Acting Supreme Court Justice **Barbara Jaffe '84** of the New York State Supreme Court in New York County.

**Deirdre J. Sheridan** joined the New York office of Schoeman, Updike & Kaufman, LLP as counsel in the firm's litigation practice. Sheridan focuses her practice on complex business litigation, including representation of clients in employment, intellectual property, products liability, ERISA and other commercial matters. She was formerly an associate at Hughes Hubbard & Reed LLP.



**David I. Zalman** was elected partner in the Litigation Department of Kelly Drye & Warren LLP. He practices in the areas of commercial and complex civil litigation, including contract disputes, unfair competition, theft of trade secrets, lender liability, corporate fraud, insurance bankruptcy litigation, advertising, foreclosure, and employment-related matters.

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## 2001

**Donald R. Boyce** was appointed by President Obama as the New England Regional Administrator for the Federal Emergency Management Agency. He previously served as the Director of the Massachusetts Emergency Management Agency, where he was responsible for developing, directing, and implementing a statewide all-hazards emergency management plan with state and local officials.

**Ime Nse Imeh** became Executive Director of New York Christian Legal Services, an organization that provides legal services and

counseling to poor and indigent individuals. Imeh also works as a senior staff attorney with Manhattan Legal Services.

**Ho-El Park**, who maintains a private practice in Buena Park, CA, concentrating on real estate and business matters, was elected and installed as the President of the Orange County Korean American Bar Association for the term July 2010-June 2011.

**Laurie A. Poulos**, Of Counsel in the New Jersey office of Greenberg Traurig, LLP and her husband, **John N. Poulos '01**, an associate in the New Jersey office of Hughes Hubbard & Reed LLP, welcomed the birth of their second child, Ethan Thomas, in August 2009. He joins big brother, Nicholas Tyler.

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## 2002



**Angela L. Baglanzis**, an associate in the Philadelphia, PA firm of Obermayer Rebmann Maxwell & Hippel LLP, was named one of Pennsylvania's "2010 Rising

Stars." A member of the firm's Creditor's Rights, Bankruptcy and Financial Reorganization Department, Baglanzis concentrates her practice in the areas of Chapter 7 and Chapter 11 debtors, trustees, and representation of official committees of unsecured creditors.

**Matthew W. Olsen** was elected partner in the New York office of Katten Muchin Rosenman LLP in its Bankruptcy and Creditors' Rights Group. Olsen represents bank lenders and agents, investment funds, commercial landlords, media manufacturers and other creditors in all aspects of bankruptcy and insolvency related matters. He and his wife, **Susan Chan-Olsen '03**, have a two-year-old daughter and they welcomed a new baby, Henry, in early September.

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## 2003

**Tatiana Y. Nicoli** opened a bookstore, Boulevard Books & Cafe, in her community in Dyker Heights, Brooklyn. The independent book store offers book club meets, family storytime, cooking classes, speed dating, and author events.

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## 2004

**Jamie Brody-Johnson**, an Assistant District Attorney in Nassau County assigned to the Special Victims Bureau, and her husband, Kenny, a New York City Firefighter, welcomed the birth of their first child, Matthew Sean Johnson, in July 2010.

**Michelle (Gitlitz) Courtney** is an associate in the New York office of Blank Rome LLP, where she concentrates her practice in the areas of corporate litigation, white collar criminal defense, government and internal investigations. After the birth of her daughter, Gitlitz Courtney started a group called New York City Professional Moms that meets to discuss issues surrounding child rearing and succeeding at work. The group also has a blog on Facebook and Meetup.com.

**Brian R. Fitzgerald** joined the Philadelphia office of Klehr Harrison Harvey Branzburg LLP, where he concentrates his practice in complex commercial and other civil litigation matters for both large public companies and small closely-held concerns and their principals. He was previously an associate in the New York office of Mayer Brown LLP.

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## 2005

**Jason A. Cade**, formerly an associate at the Law Offices of Claudia Slovinsky practicing immigration law, joined New York University School of Law as an Acting Assistant Professor of Lawyering. He and his wife, Clare Norins, also welcomed their first child, Brodie, in November 2009. A song from his band, "Ganstagrass," is currently the theme song of the TV show, *Justified*, on the FX Channel.

**Melissa J. (Gosdzinski) McCann** and her husband **Matthew C. McCann '05** welcomed the birth of their son, John Malachy, in May 2010. Melissa is studying for her Masters in Math Education at New York University, and Matthew is an associate at Ford Marrin Esposito Witmeyer & Gleser, LLP.

**Erin E. McMurray-Killelea**, previously an associate at Heller Ehrman LLP, joined Dobrish, Zeif, Gross, LLP, where she practices matrimonial law. Her husband **James T. Killelea '05**, is an associate in the Insurance and Reinsurance Group in the New York office of Edwards Angell Palmer & Dodge, LLP. They have two children, Margaret Sheila and Thomas Charles.

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## 2006

**David K. Ries**, Chief Legal Counsel to Human Capital Specialists (HCS), a management consulting company to the healthcare industry, wrote an article on the impact of healthcare reform on mental health that was published in the June 2010 edition of the ABA Health Law Section's newsletter. Ries also moderated a panel on how healthcare legislation will affect mental health coverage at The Healthcare Reform Conference in September, 2010. Ries and his wife also celebrated the birth of their daughter, Josephine.

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## 2009

**Joshua A. Roy** was named Managing Attorney in the New York office of Morrison & Foerster LLP.

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

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## In Memoriam



## Irina Shekhets '10

The Brooklyn Law School community mourns the tragic loss of recent graduate Irina Shekhets '10, who was killed in a plane crash in Nepal on her 30th birthday. The private plane was transporting a small group of tourists on their way to climb Mount Everest.

"We extend our deepest sympathy to Irina's parents, Tatiana and Boris Shekhets, her sister Marianna, and her family and friends," said Interim Dean Michael Gerber. Professor Kelly, who had Irina as a student in two of her classes, said, "She was an extremely intelligent, talented, and insightful student with a wonderfully engaging personality."

Irina was valedictorian of her Fair Lawn, NJ high school class and was at the top of her class at Columbia University. At Brooklyn Law School she excelled and served as Associate Managing Editor of the *Brooklyn Journal of International Law*. □



**1934**

**Herman E. Gottfried**  
April 28, 2010

**Hyman Lifschitz**  
August 3, 2010

**1935**

**Irene Kaufman**  
September 19, 2010

**1937**

**Sidney D. Young**  
June 6, 2010

**1939**

**Bertram Freedman**  
May 8, 2010

**Irving A. Green**  
June 3, 2010

**1943**

**Jerome J. Feiner**  
May 12, 2010

**Morris B. Raucher**  
May 31, 2010

**1948**

**Anna Withey Gladwin**  
July 2, 2010

**1950**

**Arnold A. Secunda**  
August 30, 2010

**1953**

**Carmen J. MacAluso**  
June 6, 2010

**Irving Schaffer**  
August 17, 2010

**1954**

**Eileen E. Newmark**  
August 12, 2010

**1956**

**Joseph Giovanniello**  
September 6, 2010

**Martin H. Rettinger**  
April 18, 2010

**1957**

**Milton E. Kramer**  
July 24, 2010

**1959**

**Edward J. Spires**  
August 16, 2010

**1960**

**Lewis R. Cohen**  
April 21, 2010

**1962**

**Norman J. Feldherr**  
April 22, 2010

**1965**

**Lewis E. Alperin**  
July 25, 2010

**David Sable**  
June 7, 2010

**Barry Ivan Zonon**  
July 22, 2010

**1970**

**Harvey M. Paroff**  
September 14, 2010

**1975**

**Rochelle Kraus**  
July 24, 2010

**1983**

**Robert J. Saltzman**  
May 24, 2010

## Himan Brown '31



Himan Brown, the classic radio drama creator and producer, died on June 4 at the age of 99. His work spanned the 20th century and included the immensely popular serials: “The Adventures of the Thin Man,” “Dick Tracy,” “Grand Central Station,” “The Inner Sanctum,” and the “CBS Radio Mystery Theater.”

Described by *The New York Times* as “the patriarch of radio drama,” Brown grew up in Brownsville, Brooklyn, the son of immigrant tailors from the outskirts of Odessa

in Ukraine. He began his career at 17, persuading the head of a young NBC station, WEAf, that he could read a newspaper column in Yiddish dialect. One of his listeners was Gertrude Berg, who had an idea for a radio show about a Jewish family living in the Bronx. He soon successfully pitched the idea for “The Rise of the Goldbergs” and voiced the role of Berg’s husband.

Brown continued to work on developing, writing, casting, and producing radio dramas while attending Brooklyn College, and then Brooklyn Law School, where he was the valedictorian of the Class of 1931. While he never practiced law, his legal skills did prove useful during his acquisition of the rights to several fictional characters from novels and comic books, including *Dick Tracy*, *The Thin Man*, and *Flash Gordon*. By his own count, Brown produced and participated in more than 30,000 radio shows and directed a veritable Who’s Who of actors including Helen Hayes, Orson Wells, Frank Sinatra, and Peter Lorre. He continued to produce radio dramas about influential Americans into his 90s for Brooklyn College’s station.

For his remarkable contributions to the medium, Brown was inducted to the Radio Hall of Fame and has also received the prestigious Peabody Award and the American Broadcast Pioneer Award, among many other honors. Later in life, Brown founded the Radio Drama Network, a not-for-profit educational foundation devoted to preserving the spoken word.

Brown was a very generous and loyal supporter of Brooklyn Law School through the years and was named Alumni of the Year in 2004. He returned to the Law School in 2006 to lead an interactive workshop with law students on the art of the spoken word. “He had an extraordinary life and leaves an incredible legacy,” said President Joan G. Wexler on learning of his passing. “Not many people have such a remarkable combination of brains and creative talent.”

Brown is survived by his son, Barry; his daughter, Hilda; two grandchildren, Melina Brown and Barrie Sansted; and four great-grandchildren. □

## Henry Bramwell '48



Judge Henry Bramwell, the first African-American judge appointed to serve in the Eastern District and a distinguished graduate and Trustee Emeritus of the Law School, died on May 28.

Judge Bramwell was born and raised in Brooklyn and was admitted to Brooklyn Law School following World War II. He received his LL.B. in 1948.

He began his professional career as a general practitioner in the Borough Hall area of Brooklyn. In 1953, he became an Assistant United States Attorney for the Eastern District of New York, and then served as an Associate Counsel to the New York State Rent Commission. He started his career in the judiciary in 1966 as a judge of the Civil Court of the City of New York, a position he held until 1974, when he became the first African-American appointed to the United States District Court for the Eastern District of New York. Judge Bramwell assumed senior status on October 1, 1987, and retired thereafter.

Judge Bramwell gave generously of his time to the Law School, serving as a member of its Board of Trustees for 23 years. During his tenure on the Board, the Law School changed dramatically, adding scores of courses to its curriculum, attracting outstanding scholars and teachers, and planning and constructing new buildings and student housing. "We are deeply saddened at the passing of both a dear friend of the Law School and an accomplished jurist," said President Joan G. Wexler. "Judge Bramwell's intelligence, wisdom, and judgment will be missed, but his legacy will be long-enduring."

He is survived by his wife, Ishbel, and his family. □

## Martin B. Bernstein '58

Martin B. Bernstein, who died on March 29, was known by his peers as strong, intelligent, and honest. A graduate of Far Rockaway High School, the SUNY Maritime College, and Brooklyn Law School, he began practicing law in 1958.

During his legal career, Bernstein served as a private attorney, an Assistant Attorney General, and corporate counsel for various banks and insurance companies. He was also a successful real estate developer and investor, at one time working in partnership with Louis Feil, and fellow alumnus Jeffrey Feil '73. Bernstein was also active in his community, serving on the Town of Hempstead Council and on the Board of Directors of the Long Island Power Authority.

Long before recycling became a household word, Bernstein founded Ponderosa Fibers of America, once the largest producer of recycled pulp in the world. As Ponderosa's CEO, Bernstein pioneered the manufacturing of de-inked market pulp in the United States. He financed various ventures, served as a director on numerous educational and private boards, and worked tirelessly to give senior citizens in New York City better, safer lives.

Bernstein and his brother Edwin A. Bernstein '51 have been dedicated supporters of the Law School for many decades. They established the Joseph J. Bernstein '19 and Judge Jonas H. Bernstein Memorial Scholarship, which is awarded to a student who has demonstrated exceptional ability in the law of creditors' rights and who is in need of financial assistance.

Bernstein is survived by his wife, Deborah; his sons, Scott Bernstein, Nathan Bernstein, and Paul Meyer; his daughters, Lori Chaiken and Michelle Salem; and ten grandchildren. □

## Richard L. Metrick '68

Richard L. Metrick, a distinguished member of the evening class of 1968 and a longtime Bear Stearns executive, died on August 3, at the age of 69.

Metrick, known to his friends as Richie, was a generous benefactor and beloved member of the Brooklyn Law School community. "Generations of students have benefited from his philanthropy through the Metrick Family Scholarship Fund, which provides support to evening students who have family obligations," said Interim Dean Michael Gerber.

Metrick was born in New York City in 1941 and moved to New Rochelle while in high school. He graduated from Brooklyn Polytechnic University in 1962, and while working for the Hazeltine Corporation, attended Brooklyn Law School's evening program.

Metrick joined Bear Stearns in 1989, after spending the first part of his career as an engineer, lawyer, and finance executive. He spent nearly two decades as a top adviser to Alan D. Schwartz, another Bear veteran who was named chief executive a few months before the sale of the investment bank to JPMorgan Chase in March 2008. Metrick was instrumental in helping Schwartz put together some of the media industry's biggest deals, including Disney's purchase of Pixar. He also played a critical role in shaping the firm's strategy in its fight for survival, orchestrating Bear's government-assisted sale in the early days of the financial crisis.

Metrick is survived by Cheryl Metrick, his wife of 29 years; his three children, Andrew Metrick, Sara Gewirtz, and Marc Metrick; and six grandchildren. □



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## UPCOMING EVENTS

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**JANUARY 10**      **SPRING SEMESTER BEGINS**

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**JANUARY 21 – 23**      **BRIDGE THE GAP**

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**FEBRUARY 25**      **SYMPOSIUM**  
“Comparative Approaches to Systematic Risk and Resolution”  
Co-sponsored by the *Brooklyn Journal of Corporate, Financial, & Commercial Law* and the Dennis J. Block Center for the Study of International Business Law

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**MARCH 3**      **BLSPI AUCTION**

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**MARCH 15**      **POMERANTZ LECTURE**  
SPEAKER: Frank Partnoy, University of San Diego Law School

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**MARCH 18**      **SYMPOSIUM**  
“The Adolescent in Society”  
Sponsored by the *Journal of Law and Policy* and the Center for Health, Science & Public Policy

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**MARCH 22**      **ENDOWED SCHOLARS CELEBRATION**

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**MARCH 25**      **25TH ANNIVERSARY EDWARD V. SPARER PUBLIC INTEREST FELLOWSHIP REUNION**

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**MARCH 31 – APRIL 2**      **26TH ANNUAL JEROME PRINCE MEMORIAL EVIDENCE MOOT COURT COMPETITION**

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**APRIL 12**      **BARRY L. ZARETSKY ROUNDTABLE DINNER & DISCUSSION**

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**MAY 19**      **CLASS REUNIONS**  
1951, 1956, 1961, 1966, 1971, 1976, 1981, 1986, 1991, 1996, 2001, 2006  
New York Public Library

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**JUNE 6**      **COMMENCEMENT**  
SPEAKER: Judge Thomas Buergenthal, International Court of Justice in The Hague (ret.)  
Avery Fisher Hall

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