

The Dean's Message



New York City is a mecca for food, with thousands of restaurants, markets and shops drawing millions of city dwellers and tourists from around the world. In this issue, we spotlight the stories of some of our alumni who have chosen to make the city home to their successful restaurants and food businesses. From Chelsea Market and Zabar's to the Second Avenue Deli and David's Cookies, these are names you will instantly recognize.

One of our own graduates, herself a successful food writer, wrote the feature article, offering insights that are unique to someone in the business. While not all of our graduates end up practicing law, the skills they acquire here at Brooklyn Law School prepare them for an endless variety of jobs and pursuits. These alumni prove that with a clear goal and a head for business, anything — including the competitive New York food scene — can be conquered.

For our other feature, we turned to one of our resident constitutional law scholars, Professor Joel Gora, who is known for his expertise in First Amendment and election law. During his distinguished career at the ACLU before joining our faculty, Professor Gora worked on dozens of U.S. Supreme Court cases, including *Buckley v. Valeo*, the Court's historic 1976 decision on the relationship between campaign finance restrictions and First Amendment rights. His article is an excerpt from his new co-authored book *Better Parties, Better Government: A Realistic Program for Campaign Finance Reform*, which explores how our political parties are funded and how that funding creates inequities in the system that favor incumbents.

The rest of this issue of LawNotes is full of the wonderful news you've come to expect from Brooklyn Law School. Our symposia continue to attract the brightest legal minds from around the world as they address issues from possible flu pandemics to products liability law. Our students are excelling in the application of their studies to real issues in a rapidly changing world. Our faculty accumulate awards and accolades for their work. In fact, we're proud to highlight the accomplishments of just two here — Professors Samuel Murumba and Margaret Berger — who were recently recognized for their work on human rights and scientific evidence, respectively. And our alumni — through their excellence in the practice of law and their generous contributions to our school — continue to make Brooklyn Law School a strong institution.

I hope you enjoy the magazine and find time to visit us online, as we will have a new look on the web by next fall. Our new site will offer more ways to connect with fellow alumni and will provide frequent updates about all the great things happening at Brooklyn Law School.

With all best wishes,

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

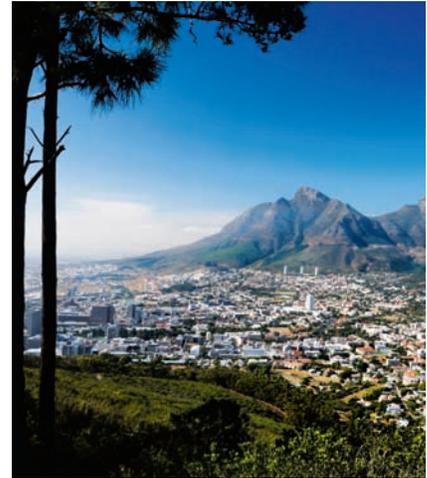
Joan G. Wexler
Joseph Crea Dean and Professor of Law

BLS Launches Summer Abroad Program in South Africa

THIS YEAR, BROOKLYN LAW SCHOOL IS offering a new summer-abroad externship program. Eight BLS students will travel to Cape Town, South Africa for six weeks to work in a civil law clinic at University of Western Cape. The program, organized by Professor Minna Kotkin following her 2008 sabbatical in Cape Town, will allow students to help the clinic provide legal services to low-income families in the area. They will also have a chance to interact with local law students. Students will live in downtown Cape Town and have the opportunity to visit courts, meet lawyers, and visit local landmarks.

Students will receive a stipend and academic credit for their participation. Before leaving, they will attend an extensive orientation course that will introduce them to the South African legal system as well as provide them with advice and training in interviewing, counseling, and other skills.

Professor Kotkin will accompany the students for the first week of the trip. During the rest of the summer, the students will report about their experiences to Professor Kotkin through an e-course. In the fall, they will organize a presentation to share their experiences with the Law School community. □



Francis Aquila Joins Board of Trustees



FRANCIS “FRANK” AQUILA '83 HAS JOINED THE BROOKLYN LAW School Board of Trustees as a new member. Aquila has been a partner in Sullivan & Cromwell's mergers & acquisitions group since 1992, specializing in handling mergers & acquisitions, takeover defense, strategic alliances and corporate governance matters for a broad range of clients.

“We are delighted to have someone of Frank's talents and abilities join the Board,” says Dean Joan G. Wexler. “He has been a strong supporter of the Law School for many years.”

“Brooklyn Law School has been a significant part of my academic and professional life,” says Aquila. “I am delighted to have the opportunity to serve the Law School in this way.” He attended evening classes at Brooklyn Law School and earned an A.B. from Columbia University.

Aquila serves as regular advisor to companies that are global leaders. For example, he represented Amgen, the world's largest biotech company, in its acquisitions of several pharmaceutical companies. Over the last decade, he has represented Diageo, the top premium drinks company, in many significant transactions, including its sale of Burger King Corporation; its acquisitions of Seagram Wines and Spirits, The Chalone Wine Group and Rosenblum Cellars; and the restructuring of its U.S. joint venture arrangements with Moët Hennessy, among many others. Aquila has also represented British Airways in numerous transactions over the last 20 years, including a joint venture with American Airlines and Iberia, and its proposed combinations with Qantas Airways and Iberia.

Recently, Aquila represented InBev in its unsolicited acquisition of Anheuser-Busch to form Anheuser-Busch InBev, the world's largest brewer. InBev's \$52 billion purchase of Anheuser-Busch was one of the largest completed deals in 2008. The new company will produce about a quarter of the world's beer and control between 40 and 50 percent of the U.S. beer market.

Aquila's work has earned accolades and attention from his peers and the media. He was named “Dealmaker of the Year” by *The American Lawyer* in 2009 for the InBev deal. He serves as a regular commentator on M&A activity and trends on Bloomberg Radio and TV, CNBC and Fox Business, and is in demand as an author and lecturer. □

Symposium Considers Products Liability Restatement's Success

When the American Law Institute decided to launch a new Restatement of Torts in 1992, it started with the torts topic that most urgently needed restating: products liability. After being parsed in thousands of appellate opinions that took divergent paths, American products liability law needed clarification, which took form in Restatement (Third) of Torts: Products Liability, adopted in 1998. Brooklyn Law School Irwin and Jill Cohen Professor of Law Aaron D. Twerski and James A. Henderson Jr. were the Reporters for that Restatement.

In November 2008, the Reporters were reunited and joined by a distinguished assembly of academics and expert practitioners in products liability who addressed whether the Restatement has accomplished its mission. Panelists from the practicing bar, the bench and academia at the symposium, "The Products Liability Restatement: Was It a Success?," spent two days analyzing Restatement provisions and their effects on the law. The symposium was co-sponsored by the Brooklyn Law Review; Gair, Gair, Conason, Steigman & Mackauf; Herzfeld & Rubin, PC; and Shook, Hardy & Bacon LLP. Two of the country's foremost experts on products liability law — Brooklyn Law School's Anita and Stuart Subotnick Professor of Law Anita Bernstein and Professor Twerski — organized the event.

Brooklyn Law School Professor Edward Cheng led the first panel, which addressed design defects. Cheng offered several factors to consider when evaluating Restatement provisions, including whether a design meets

consumer expectations, whether the design provides more utility than its risk, whether there is a reasonable alternative design, and whether the product is ultra-hazardous. The panelists discussed issues that arise with expert witnesses, burdens of proof, and the requisite standards for juries to decide cases.

The second and third panels addressed drugs and defenses to liability, respectively. Sections 16 and 17 focus on liability defenses. Under Section 16, a defendant is liable for increased harm. Thus, defendants must compensate for an injury made worse because of the defective design. To conclude, participants looked at a series of hypothetical situations and discussed whether the law should allow recovery.

Federal preemption, which is not specifically addressed by the Restatement, was the subject of the fourth panel. Mary J. Davis, an associate dean and professor at The University of Kentucky College of Law, stated that the law has been perpetually uncertain in its preemption jurisprudence. The panel

then discussed preemption with agency regulation, arguing for conflict preemption. Under conflict preemption, not every agency regulation would displace state tort law; rather, agency regulation would displace state tort law only where the two conflict.

The fifth panel addressed the Restatement's treatment of failure to warn. Panelists discussed the strict duty to warn at the time of a product's sale as well as the post-sale negligence duty to update. They also discussed the future of products liability law, addressing the significant impact that President Barack Obama's federal judicial appointments will have on products liability litigation, as well as the potential impact of the economic situation on litigation. With contracting economies, courts may curtail litigation, panelists pointed out. Health care industry developments may also impact litigation, they said, because any type of health care safety net makes the need for tort recovery less compelling.

The last panel considered the next decade in products liability. Discussion leader Professor Stephen Gilles of Quinnipiac University School of Law framed the panelists' predictions and hindsight with reference to the Restatement. Professor Bernstein finished the panel's presentations by arguing that courts should develop a new doctrine she called "implied reverse preemption." The Honorable Barbara J. Rothstein, U.S. District Judge for the Western District of Washington and director of the Federal Judicial Center, concluded the symposium, calling the



Panelist Sheila Birnbaum, a partner at Skadden Arps, speaks with attendees; symposium co-organizer Professor Aaron Twerski.

Restatement “an amazing success” and the symposium a “complex, fascinating and varied” day and a half.

The three law firms that co-sponsored the symposium all have thriving litigation practices that focus at least in part on products liability cases. New York-based Gair, Gair, Conason, Steigman & Mackauf represents plaintiffs in claims arising from construction accidents, medical malpractice, products liability, police brutality and violations of civil rights. Herzfeld & Rubin, PC

specializes in products liability, real estate, corporate, wills and estate planning matters. Shook, Hardy & Bacon LLP is an international law firm that has been named “Global Product Liability Law Firm of The Year” for four consecutive years by Who’s Who Legal, and has been involved in many major tort reform initiatives over the last 25 years.

Papers from the Symposium will appear in a special issue of the Brooklyn Law Review, which can be accessed online at www.brooklaw.edu/students/journals/blr.php. □



Professor Anita Bernstein, co-organizer of the symposium.



DANIEL VICTOR, INTERNATIONAL EXECUTIVE vice president at Sesame Workshop, spoke at Brooklyn Law School’s Media & Society Lecture on October 30, 2008.

In his talk, “Big Bird’s Lawyer: Lessons from Practicing Law on the Street,” Victor discussed the challenges faced by a small nonprofit like Sesame Workshop in protecting its valuable intellectual property in a business more often controlled by large corporations with seemingly bottomless resources. He used an example from 2001, in which Sesame Workshop wanted to buy the rights to the “Sesame Street” Muppets.

Big Bird’s Lawyer Uses Muppets to Illustrate Good Lawyering

The toughest challenge during this multi-million-dollar deal, Victor said, was reduced to one seemingly simple question: What is a Muppet? One of the first steps to completing an acquisition agreement is to list the assets being acquired. In order to do this, the Sesame Workshop legal team had to tackle the question of what exactly distinguished a Sesame Muppet from the Classic Muppet (which appeared on *The Muppet Show*) or the Fraggle Muppets (from *Fraggle Rock*). After weeks spent tackling this issue, the breakthrough finally came when the legal team realized that Sesame Street was not comprised of a random set of characters. Rather, the Sesame Muppets were all inhabitants of the world of Sesame Street, characters defined by the relationships they had with one another. It would be this fundamental belief that provided the rationale for determining which Muppets would be included in the acquisition agreement, explained Victor.

He also contextualized the results of this case in the larger issue of good lawyering. The identification of clear Sesame Muppet criteria gave the legal team the confidence to claim ownership of any Muppet who

might have been left out of the team’s subsequent effort to identify which ones qualified. In over seven years, since this agreement commenced, Victor said that this provision has never once been disputed. Although our job as lawyers is to “record the accurate and precise meeting of the minds,” he concluded, “to make a difference as a lawyer, our job is to help those minds meet.”

As Executive Vice President, International, Victor oversaw the development of international strategies for Sesame Workshop, and the overall coordination of the implementation of all international projects across divisions, including content, distribution, business development, public policy, ancillary businesses, and education and research. He previously served as executive vice president and general counsel of legal and business affairs for Sesame Workshop. Prior to joining the Workshop in 1994, Victor was affiliated with the legal department at Paramount Communications. He also served as associate general counsel of Columbia University and was a litigation associate at Paul, Weiss, Rifkind, Wharton & Garrison in New York. □

Merit Scholars' Achievements Celebrated



Parents of first-year Brooklyn Law School Merit Scholars visited the Law School on October 20, 2008 for tours of the campus and neighborhood and a mock class with Professor Jason Mazzone. Later, the first-years met up with Merit Scholars from other classes for a reception at Feil Hall in the Forchelli Conference Center, where Dean Joan G. Wexler and other professors and administrators gathered to celebrate the scholastic accomplishments of the outstanding students who receive merit scholarships at Brooklyn Law School.



Students' Petition Prompts Supreme Court Opinions

It was with very mixed emotions that students in the Capital Defender and Federal Habeas Clinic learned the surprising news on October 20, 2008 that a certiorari petition they had filed in the capital case Walker v. Georgia had prompted written opinions by two U.S. Supreme Court justices.

"Students who draft petitions on behalf of death row inmates for review of their cases in the Supreme Court know that the chances are extraordinarily small," Professor Ursula Bentele, director of the clinic, explains. Usually, the order announcing "certiorari denied" comes on the first Monday after the case appears on the Court's conference list, she says. "For Artemus Walker, that Monday was October 6, and hundreds of orders denying cert were issued, but his was not among them." Two more conferences were scheduled and the justices asked for submission of the record from the Supreme Court of Georgia. When the suspenseful wait finally ended, the students were understandably torn.

Bethany Jones '09, who had worked on the petition, says, "My first reaction to the statement from Justice Stevens and Justice Thomas was a bit selfish — I was excited and astonished that members of the United States Supreme Court took interest in our clinic's petition and that one Justice (and perhaps more) actually adopted the argument we presented." However, the Court turned down the case because the claims raised in the petition had not been adequately presented to the Georgia courts.

"After reading through the Justices' statements," Jones continues, "reality sunk in as I realized how close we came to giving our defendant a chance to be heard in the Supreme Court." Professor Bentele finds it gratifying that "at least one Justice had been persuaded that Georgia death penalty cases were not being given the careful review by the state courts on which the Supreme Court had relied when it approved the Georgia statute."



Students in the Capital Defender and Federal Habeas Clinic with Professor Ursula Bentele.

"Justice Stevens wrote a lengthy opinion regarding the denial of cert, accepting the students' claim that the state's proportionality review failed to guard against arbitrary and capricious imposition of capital punishment," Professor Bentele adds. Justice Stevens particularly noted the continuing concerns about race in a state in which death sentences are imposed most frequently in cases like Walker's involving black defendants and white victims. His statement prompted a response from Justice Clarence Thomas, who found nothing constitutionally defective about the Georgia court's review.

Other students who helped draft the petition were Kalli Koffinas '09 and Mary Anne Mendenhall '08. Three students enrolled in the clinic, Andrew Diamond '09, Shayna Kessler '10, and Jessica Spector '09, wrote a Reply to the Brief in Opposition in which they stressed the importance of the substantive claim, attempting to persuade the Court that it should grant review despite the procedural defect. □

How Are International Legal Norms Created?

Professor Roderick Macdonald opened the Brooklyn Law School symposium, “Ruling the World: Generating International Legal Norms,” with a keynote address that described three metaphors — harmonization, transplantation and viruses — he said represent international norms. Macdonald, who is the F.R. Scott Professor of Constitutional and Public Law at McGill University, argued that absolute harmonization of legal norms is impossible, but temperance can achieve compromises that create effective convergence. “Soil” must surround transplanted norms for them to take root, he said. Viruses must have methods of autonomous reproduction, vectors of transmission, and a lack of immune systems or vaccines if they are to spread. Macdonald concluded that international norms generally represent one of these metaphors.



clockwise from top left: Professor Roderick Macdonald; Professor Henry Gabriel; symposium co-organizer Claire Kelly.

The symposium, held on October 24, 2008, was sponsored by the Dennis J. Block Center for the Study of International Business Law and the Brooklyn Journal of International Law. The symposium brought together a geographically and substantively diverse group of experts to examine the development of international economic law norms. They explored the formation of international norms through the lens of three issue areas: commercial law, taxation and financial regulation.

Such norms may assume the form of soft or hard law but may also be the product of institutional regulation, private legislators, model treaties, legislative guides or transnational harmonization. Regardless of their form or origin, they consistently display a maddening combination of frailty and power. The symposium presented an opportunity for those curious about the challenges of international norm creation to share insights and raise questions about when international norms take root, how they can be cultivated and the unique challenges they raise for policymakers.

With panels addressing public and private law-making in commercial law, the impacts of global norms on taxation, and financial regulation including the Basel Accords and their impact on banking regulation, lively discussions occurred concerning the role of soft law instruments and international organizations such as the Organisation for Economic Co-operation and Development and its norms.

The symposium was organized by Brooklyn Law School Professors Steven Dean and Claire Kelly. Papers from the symposium will be published in the Brooklyn Journal of International Law. Visit the Journal online to read the papers: www.brooklaw.edu/students/journals/bjil.php. □



clockwise from top: The third panel of the symposium, addressing the universality of morality; (L to R) Professors Samuel Murumba, Bailey Kuklin and Adam Kolber; and Professor John Darley.

Law, Language and Cognition Symposium Grapples with Morality

“Law constantly reassesses its underlying assumptions in light of scientific advances,” said Dean Joan G. Wexler in introducing the symposium held on September 26, 2008 at Brooklyn Law School, “Is Morality Universal and Should the Law Care?” Co-sponsored by the Center for the Study of Law, Language and Cognition and the Brooklyn Law Review, the symposium was organized by Brooklyn Law School Professor Bailey Kuklin and Don Forchelli Professor of Law and Associate Dean for Academic Affairs Lawrence Solan.

As science explores new territories, many new questions have arisen: To what extent should the law respond to new learning in the cognitive sciences? Should advances in this field impact society’s notion of morality — particularly because so much of the underlying science remains a matter of debate? Or, on the contrary, is morality universal? If morality is universal, where does the consensus lie about “right” and “wrong” behavior? Three panels composed of scientists, philosophers, linguists, historians and psychologists provided a cross-disciplinary perspective on these questions, focusing on what constitutes morality, and how morality should — or should not — impact established legal principles.

The first panel explored the topic “Moral Universals vs. Adaptive Flexibility” and featured a discussion of the difference between predictive and justificatory modes, the former of which promotes compliance with laws and the latter, justification for them. The second panel discussed moral attribution topics, including the insanity defense and Associate Dean Solan’s empirical research on outcomes and intent. Discussant Joshua Knobe, University of North Carolina – Chapel Hill Assistant Professor of Philosophy,

responded to Solan’s argument, focusing on potential implications of his “conversational pragmatics” approach.

The final panel, which was moderated by Professor Kevin Carlsmith of the Department of Psychology at Colgate University, addressed the question, “How Universal Are Moral Universals?” Three case studies in developmental psychology as well as cognitive theories were addressed, and the moderator, BLS Professor Michael Cahill, asked the panel to what level morality is universal, and whether the law should include, or ignore, morality in general. He focused on whether people have impulses to favor and disfavor certain behavior, and whether the law should take on the role of shaping and changing social norms.

The symposium finished with panelists entertaining questions from audience members. Professor Carlsmith concluded that laws cannot exist without moral statements, since, even if not speaking in particulars, laws speak with a “moral voice.”

Papers from the symposium will appear in a future issue of the Brooklyn Law Review, which can be accessed online at www.brooklaw.edu/students/journals/blr.php. □

BLS Moot Court Teams Start Strong in Fall Competitions

BROOKLYN LAW SCHOOL'S MOOT COURT TEAMS ENJOYED important victories in the fall semester. "We are very proud of all our teams — they are terrific advocates!" says Marissa Lefland '09, President of the Moot Court Honor Society.

The BLS New York City Bar National Team placed second in the regional rounds of the 59th Annual National Moot Court Competition and advanced to the national competition this spring. The team also won Second Best Brief, and Sara Moser-Cohen '09 won Second Best Oralist in the final round. Team members Sparkle Alexander '10, Jason Braiman '09, and Moser-Cohen were coached by Peter Hanink '08 and assisted by Hope Yates '09.

The students argued a fictional case concerning the constitutionality of the federal Religious Land Use and Institutionalized Persons Act, as well as the interpretation of the federal Individuals with Disabilities Education Act. The competition, one of the oldest and most prestigious in the country, is co-sponsored by the American College of Trial Lawyers and the City Bar's Young Lawyers Committee.

The IT/Privacy Appellate Advocacy Team advanced to the quarter-finals at the John Marshall Law School International Moot Court Competition in Chicago. The competitors were Chris Cooper '09 and Leah Martin '10, coached by Hope Yates '09. And the First Amendment Appellate Advocacy Team — comprised of Kathleen Christatos '10, Nausheen Rokerya '09, and Brendan Tracy '10, and coached by Richa Bhasin '09 and Heather Smith '09 — won Best Brief honors and advanced to the semi-finals at the Wechsler First Amendment Moot Court Competition held in Washington, D.C.

Brooklyn Law School teams dominated the regional round of the ABA Labor and Employment Trial Advocacy Competition in New York for the second year in a row. Defending the BLS title as regional winners and earning a spot at the national competition in Chicago was the team comprised of Chloe Caraballo '09, Grover Francis '10, Terry Nelson '09 and Kevin Sullivan '10, and coached by Pooja Kothari '09 and Nekeifa Sylvester '10. The other BLS team at the ABA Labor and Employment Trial Advocacy Competition — including Dan Isaacs '10, Kajal Shah '10, Molly Sullivan '10 and Adeniyi Taiwo '09, and coached by Ashley Kelly '08 and Justin Collins '09 — advanced to the semi-finals.

Read more about Moot Court at: www.brooklaw.edu/students/moot. □



What If a Flu Epidemic Overwhelmed the Health Care System?

BROOKLYN LAW SCHOOL'S CENTER FOR Health, Science and Public Policy sponsored the most recent installment of its theory-practice seminar series, "Preventing a Disaster: Guidelines for Dealing with Epidemics," on October 2, 2008 to address the legal and policy issues that are likely to arise in an influenza pandemic — an issue that leapt to the fore in the spring of 2009 with the emergence of swine flu.

The purpose of the program, said Professor Karen Porter, was to "provide a forum that covers an issue of significant importance to the public where there hasn't been enough

public discourse." Recent outbreaks of avian influenza have generated concern about, and prompted health officials to plan for, the possibility of a pandemic that could overwhelm the health care system and its resources. Professor Porter organized the event and moderated the program, while Professor Marsha Garrison, a bioethics expert at Brooklyn Law School, introduced the panel participants.

In 2006, the New York State Department of Health released its draft preparedness plan for a possible influenza pandemic. Shortly thereafter, the New York State Task Force on Life and the Law, at the request of the

Department of Health, convened a workgroup to consider the clinical and ethical issues involved in the allocation of mechanical ventilators in such a pandemic. The group brought together distinguished experts in the fields of bioethics, law, medicine, and policymaking with representatives from medical facilities and government to address necessary alterations in the standard of care in an emergency.

At the seminar, bioethics experts, medical professionals, attorneys in the health care field, and legal scholars who study health law debated the ethical framework on which clinical solutions could be based, the critical care

BLS and the Legal Community Are Focus of New Web Program

MAHSA SAEIDI '09 HAS DEVELOPED THE first web-based news show for and about the greater Brooklyn Law School community, "Full Disclosure," which has steadily gained viewers since its launch last spring. Saeidi not only conducts on-camera interviews of students, professors and prominent members of the bench and bar, she also shoots, edits and maintains the Facebook and Youtube sites on which the show airs.

The need for "an independent source of information, career advice, and campus news" became apparent to her about a year ago, she says. With a strong commitment to unbiased reporting, she began profiling people, on campus and off, who could give students news and insights from a unique perspective.

To date, Saeidi has produced more than 60 segments. "Real Chats with Lawyers" showcases leading practitioners, including Kings County District Attorney Charles J. Hynes; Chief of the Rackets Division, Michael Vecchione; and Deputy Executive Director of the D.A.'s ComALERT Program, John R. Chaney '76. She interviewed Geraldo Rivera '69 and congressman

Herman Badillo '54 in the spring. Student Bar Association weekly updates with president Kamal Jobe '09 provide viewers with details about meetings, social and academic activities, and pro bono opportunities.

"Law School Success" provides tips on preparation for exams, for mock trials and appellate advocacy, and similar topics that are developed in interviews with leaders of various student groups at Brooklyn Law School. The "Legal Internship Vault" series features students who have landed interesting internships, like working at the National Football League.

Professors Richard T. Farrell, a leading authority on the New York Civil Practice Law and Rules; Gerald Shargel '69, a prominent criminal defense attorney and practitioner-in-residence; and William E. Hellerstein, an expert in criminal law and constitutional litigation, have been among Saeidi's interview subjects. Judges including Matthew J. D'Emic '77, Presiding Justice of the Brooklyn Domestic Violence and Mental Health Court and staff attorneys in the fields of workers compensation, patent, and corporate law have also contributed to the show.



Mahsa Saeidi '09

Recently, Saeidi has begun covering campus symposia on cutting-edge issues in the law. For example, her interview with Professor Claire Kelly '93, who helped organize the "Trade Policy and the Global Food Crisis" program on February 5, reviewed the participants' points about reversing the policies that have led to the brink of starvation for hundreds of millions of people worldwide.

Saeidi earned a B.A. at the University of Virginia in Biology and a filmmaking certificate from the New York Film Academy before entering law school. She was a student prosecutor at the Kings County D. A.'s Office, and previously interned at the Staten Island D. A.'s Office and at MSNBC. Although legal journalism is a strong interest, Saeidi's primary passion is criminal law, and she has accepted a job as an assistant district attorney in Kings County.

"Full Disclosure" can be viewed at: www.youtube.com/user/fuldisclosure. □

trriage system itself, and the legal issues that informed the recommendations of the workgroup and those that were not addressed by the resulting report.

While the New York State Task Force on Life and the Law's recommendations appear to provide a comprehensive and effective solution to the problem of scarce resources in the event of a pandemic, they remain just that — recommendations. The workgroup submitted this initial draft for public comment in early 2007 and continues to form subcommittees, conduct focus groups and incorporate suggestions of the public. □



(L to R) Panelists: Martin Strosberg, Ramathan Raju, Tia Powell, Karen Porter and Beth Roxland; Marsha Garrison.



Food for Thought

Six BLS Alumni
Who've Made
New York a Lot Tastier

By Andrea Strong '94
Photography by Ron Hester



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ori Mason still remembers the night of the wine incident. It happened about six months after she and her fiancé, chef Daniel Angerer, had opened their European-American Brasserie, Klee, in Chelsea.

The evening had started out well. Pretty young things were sharing bites at the long low-lit bar, couples were snuggled into cozy banquettes against the room's exposed brick walls, and groups of friends filled the extra large booths toward the rear of the restaurant, just a frying pan's distance from the open kitchen. Mason was pleased. That is until a waiter tapped her on the shoulder.

"Lori, there's a problem with one of the wines," he told her. The vintage on the wine bottle did not match the one on the wine list. The guest had requested to speak with the sommelier.

"Oh, great," thought Mason, who put on her best smile and approached the table. But as she got closer, she realized this wasn't just any old guest complaining about a mistaken vintage. Not only was it someone she knew, it was someone she respected and admired. It was someone she hadn't seen since she'd switched careers, leaving after eight years of corporate litigation at Hughes Hubbard to open a restaurant and become a certified sommelier. It was her former jurisprudence teacher from Brooklyn Law School.

"He was surprised to see me, too," recalls Mason, who apologized and explained that their wine systems were not quite in place yet. "I assured him that the vintage, while off by a year, should not have a great impact on the quality of the wine. He was really gracious about it. But then I teased him it would take a lawyer to notice that sort of detail."

All turned out well. The professor not only drank the wine, but he enjoyed the experience of dining at Klee so much that he's now a regular at the restaurant where he holds monthly wine dinners. These days, the topic of jurisprudence rarely surfaces in their conversations, which tend toward the differences from Pinot Noir grown in Burgundy and the Willamette Valley.

Mason's path from lawyer to restaurateur came about thanks to a combination of factors: a single mom who fed Mason in

[Stanley Zabar '56 / Zabar's](#)

[Irwin Cohen '58 / Chelsea Market](#)

[Jack Lebewohl '74 / Second Avenue Deli](#)

[David Liederman '75 / DJ Restaurant Group, Inc.](#)

[Lori Mason '99 / Klee Brasserie](#)

[Mya Jacobson '03 / Feed Your Soul](#)

Manhattan's restaurants more than at home, a passion for cooking, and a love affair with a chef who would become her husband and business partner. But all the while, she was still putting in the hours at Hughes Hubbard, and just as their new restaurant was about to open, she was called to Colorado where a case was going to trial.

"It was great to be working on the trial, but it was so disappointing to be away from the restaurant after all that searching and planning," says Mason. After the trial was over, Mason decided to take a month off to recuperate, but instead of relaxing, she spent most of her days in the restaurant, greeting customers, running the floor and managing the staff. She was thriving in her new role.

As the days and weeks passed, she started feeling that maybe the law was not where her heart was. "I didn't see myself on a partnership track. I didn't want to put my whole self into it. I was hoping there might be something else for me." Thanks to Klee, there was. "Eventually one of the partners said, 'Lori, you have to make a choice. We are trying to figure out if you are partnership material,'" Mason recalls. He suggested a leave of absence, which Mason took. After almost two years off she officially severed ties with the firm and took the ultimate step: She returned her Blackberry.



Lori Mason '99 / Klee Brasserie

While Mason's switch from lawyer to sommelier and restaurateur may seem like a quirky anomaly, it's actually been a familiar and quite successful career route for a number of BLS graduates. If you've shopped at Zabar's (Stanley Zabar '56), perused the stalls of Chelsea Market (Irwin Cohen '58), ordered a gourmet cookie box from Feed Your Soul (Mya Jacobson '03), grabbed a mile-high sandwich at the Second Avenue Deli (Jack Lebewohl '74), or snacked on a David's Cookie (David Liederman '75), you've supported a Brooklyn Law grad.

These alumni are responsible for some of Gotham's most compelling culinary landmarks. Can you imagine New York City without a Second Avenue Deli, or the Upper West Side without Zabar's? And without Irwin Cohen, it's quite possible that there would be no super-chic Meatpacking District, and no Highline—the monumental new park and greenway in the sky set to open the summer of 2009. In fact, some might say that Zabar, Cohen and Lebewohl in particular were the pioneers who knit the culinary fabric of this city by taking risks, banking on small business ideals, and channeling the passion and perseverance of their immigrant families into the food businesses that have inspired and fed generations of New Yorkers.

A Maverick in the Market

Take Cohen for instance. The first son of his Ukrainian and Polish parents to get an education, Cohen is a former Eastern Intercollegiate weightlifting champ who began his career as house counsel to a New York commercial real estate firm. But he saw more to bricks and mortar than rent and profit. In real estate, he saw ground-up community development and

improvement. And thanks to his vision, a neglected neighborhood of Manhattan on the western edge of Chelsea was transformed into not only a vibrant culinary center, but also an anchor for development and renewal.

It all started when a run-down former Nabisco cookie plant on a deserted stretch of Ninth Avenue sparked his interest. He found an opportunity for more traditional commercial tenants and also for a culinary destination where, he says, "an eight-year-old could come and shop by himself and head home." Most people thought he was crazy. But to Cohen, the idea, while risky, made perfect sense. If he intended to rent the upper floors to commercial businesses, he realized that with the neighborhood in such a poor state (it was known more for aggressive prostitutes than artisan prosciutto), the only way he could get those tenants was to put something exciting down below to bring people over. Food, he decided, would do the trick.

"It started as a social experiment where I believed that people in New York would travel to a desolate part of town for high quality food at low prices," he says. But as it turned out, it wasn't easy to convince his food tenants to sell retail; most wanted to use the space for wholesale only. Cohen did not agree.

"My first tenant, Manhattan Fruit Exchange, wanted space for storage and wholesale, and I said, 'I'll only lease it to you if you do retail.' They said, 'We don't know anything about retail,' and I said, 'I don't know it either, but we can learn together.'"

He offered the same proposal to tenants like Amy's Bread, Eleni's Cookies, The Cleaver Company and The Lobster Place, offering them space for their wholesale business only if they agreed to sell retail too. They all accepted.

Thankfully, his theory worked. Today, the Chelsea Market is one of the most thriving gourmet retailers in the city, offering



Irwin Cohen '58 / Chelsea Market

“Brooklyn Law was the most important part of my development, and the time that I spent there was the most worthwhile experience that I had in my entire business life. It was the castle of my dreams and it still is.”

— Irwin Cohen

kitchen and pantry staples from fruits and vegetables, to fresh baked brownies, artisan bread, exotic flowers, lobsters, steaks, wine and more. And yes, an eight-year-old could do just fine here. What’s more, Cohen’s unorthodox business theory—offering retail and wholesale—has allowed these operators to survive lean economic times with dual income sources—one from the home cook and the other from the restaurant business. The beauty of this model is that when the economy has slowed down and restaurant clients cut their orders, home cooks increase their shopping and fill the gap in revenue. “These past couple of years our tenants have continued to do well even though the restaurant business is down by 20 to 30 percent,” says Cohen, “I think most of our retailers are up.”

While Cohen no longer manages the property, his vision alone is the reason that this neighborhood has thrived. “We helped spur development in the community,” he says. “Now people like to live there. The Highline is something I believe we had a lot to do with.”

Cohen is now technically retired (he is a grandfather of 11, which also keeps him busy), but he continues to work as a public servant to help develop unused real estate with the city and the state. His latest project is also visionary: a groundbreaking “Market Mile” that will be located on the Park Avenue sidewalk under the Metro North tracks from 112th to 131st Streets in Harlem. He hopes to fill it with multi-ethnic, local food businesses, each 80 square feet and possibly constructed from discarded shipping containers, and each selling one dish that represents a particular culture. Cohen also plans on teaching the vendors the skills necessary to serve the catering and airline industry operating out of New York. He is also working with upstate farmers to find a way to ship their local produce by barge along the Erie Canal into a terminal for easy distribution.

Whether discussing the Market Mile, the barge project, or the Chelsea Market, Cohen is emphatic about one thing. “The only reason I was able to succeed in this business is because I was fortunate enough to attend Brooklyn Law School,” he says.

Cohen is incredibly sincere when he discusses his education. “My parents came from the Ukraine and Poland and could not read or write English,” he says. “I was the first child to go to college, and I was the first person to go to professional school from a family of 17 cousins. Brooklyn Law was the most important part of my development, and the time that I spent there was the most worthwhile experience that I had in my entire business life. It was the castle of my dreams and it still is.”



Stanley Zabar '56 / Zabar's

The Mayor of the Upper West Side

But Cohen is not alone in his praise of Brooklyn Law. The school also made a significant impact on Stanley Zabar, another child of immigrant parents (coincidentally also from Ukraine) who spent most of his lifetime, when he wasn't practicing law, working to help grow his parents' little smoked fish business into one of the most beloved New York shopping experiences.

The Upper West Side wonderland, emblazoned with the tag line "New York is Zabar's and Zabar's is New York," has been an institution since 1934, when Louis and Lillian Zabar started the business by opening an appetizing counter in Daitch Market, a grocery store. Thanks to the high quality and fair prices of their handpicked smoked fish and house-roasted coffee in particular, the business thrived. Soon, Louis and Lillian took over the Daitch Market and began to expand as more real estate opened up. But when Louis died in 1950, the responsibility of carrying on the Zabar's name fell to his sons, Stanley, then 17 and in his second year at Wharton, and Saul, 21.

Despite his obligations to his family's business, Stanley's dream was to become a CPA and an attorney. But there was one problem: finding a law school that would allow him to work at the same time. Columbia wanted him, but would not permit him to split his time with Zabar's. He enrolled in Brooklyn Law. "I am very appreciative of Brooklyn," explains Zabar. "It had a program in which you finished at 12:30 p.m. two days and at 1:30 p.m. on three days, and then I could still work at Zabar's until 9:00 p.m. and on the weekends too. I didn't realize you weren't supposed to work 24 hours a day, 7 days a week," he jokes, but then he is serious again. "The school allowed me to do both, and it gave me a very strong background in the law. The education was superb."

"I am very appreciative
of Brooklyn Law School.
It allowed me to work and go
to school at the same time,
and it gave me a very strong
background in the law.
The education was superb."

— Stanley Zabar

After completing law school, Zabar went to work for the firm Wachtel and Michaelson, which later merged and became Rubin, Baum, Levin, Wachtel and Friedman, where he became a partner. But all the while, he always kept one foot in the family business. It was a few years later, while working as counsel for The McCory Corporation, that he realized it was time to make Zabar's his full-time occupation. "All of my clients were more interested in the fact that I was a Zabar," he recalls. "When we got finished with a deal they would shake my hand and it was only when they realized who I was that they got excited. There was a real excitement in food."

Today, Stanley and his brother Saul, who is now 80 and is the company's president, have built on that excitement. What started out as their parents' little smoked fish business is now



Jack Lebewohl '74 / Second Avenue Deli

a wildly successful New York institution, with 40,000 customers spending upwards of \$50 million a year on 800 varieties of cheeses, 300 different prepared meals, dozens of types of smoked fish and appetizers, and some of the most fairly priced kitchen equipment going.

But profitability is only part of the equation. While the Zabars may be best known for their Nova Scotia lox and great prices on food processors, they've become renowned for their rather unorthodox "employee benefits" programs. If some companies treat their employees like family, the Zabars treat theirs even better than family. For instance, if an employee is in a financial bind, he is offered an interest-free loan. But that's not all: The Zabars also pay for up to a third of their employees' children's education.

"We believe that education is very important," says Zabar. "We will give a portion of up to what is allowed by the IRS towards any employee's child's college education." They not only help ensure that their employees' children go to college, but they invest heavily in their staff, teaching English classes and moving people up the ranks. It's not unusual to find a former floor sweeper who is now a department manager. "Wherever they come from, whatever race or religion, we don't care. We are just looking for quality of person. If they get in trouble we help them as long as they are straight shooting and as long as they understand that they have to look after the other people," explains Zabar.

To reward their longest-tenured employees, Zabar has six executive employees who have become part-owners of the business and receive a share in profits. These policies go a long way to explaining why two-thirds of Zabar's employees have been with the company in excess of 10 years and many, including their chef and manager of their cheese department, have remained for over 30 years.

Nurturing a Legacy

Making business decisions based on emotions like love and theories like good karma may not be the smartest tactic, but this is how businesses were run back in the day, and it's also the way a man named Abe Lebewohl ran his fabled pastrami-fueled deli on Second Avenue until his fatal shooting in 1996. The Deli, which was forced to relocate because of a rent hike, is no longer on Second Avenue, but it still bears the familiar old world Jewish menu as it did when it was downtown. While Abe is gone, his spirit is kept alive by his brother Jack and his grandchildren Josh and Jeremy. But that's not how things were supposed to go.

"I was born in 1948 in a displaced persons camp in Italy," explains Jack Lebewohl. "It was every immigrant's dream for his or her children to receive an education and become a professional. My brother Abe was 17 years older than I, and he never wanted me to work in the deli. While I worked behind the counter from the time I was six years old, everyone knew that I would be getting an education. Abe insisted."

And that's the way things went. Lebewohl got his education, graduating from Brooklyn Law School and working first for Arthur Anderson and then moving into real estate law and investment. After Abe was killed, Lebewohl stepped into an operational role at the deli which he now shares with his two sons—Josh, a real estate lawyer, and Jeremy, a veteran of the Israeli army.

Making the shift to a business he had little practical experience with was intimidating for Lebewohl, but it's one he quickly warmed to, despite the heartbreaking circumstances of his forced career change. He recalls many occasions when he'd think back to a lesson he learned from a professor at Brooklyn Law School. "Professor Wein had an expression—'SAK.' It stood for 'Somebody Always Knows.' He always told us,



Mya Jacobson '03 / Feed Your Soul

'Don't be embarrassed to call up someone and ask.' He said that's how you learn. He'd ask us: 'What's the definition of an expert? Someone who's done it once before.'"

Doing it once before has given the Lebewohls the courage to do it again. Looking ahead, Jack and his sons plan on opening a second branch of the deli on the Upper East Side (75th Street and First Avenue), something Lebewohl explains that Abe would have never done. "Abe always said that we can't expand because we can't be in two places at once," recalls Lebewohl. "And I'd say, so what? You'll be more efficient if you have several stores. But he was from the old school. He had to be there. He had to touch the customers."

But Abe's hands-on edict is what made and still makes the Second Avenue Deli someplace special, a restaurant more like a home than a business. For instance, there's the story of the two bachelors that Lebewohl loves to share: "There were these two men—both bachelors, a divorced father and son—who'd come in 5-6 times a week to eat at the counter. And every time they'd come in, they'd sit down, and I'd notice that our waitress, Selma, who worked with us for years, wouldn't give them menus. I started to get curious, so one night I walked over and listened in. She looks at them and says, 'Okay, boys, tonight you'll start with soup then have steak, because you haven't had any steak for a while. But you're gaining some weight so you aren't having starches, only vegetables.' She told them what to eat; they did not order. It was like going to mama's table." And if Jack has anything to do with it, that's how things will stay, no matter what the address.

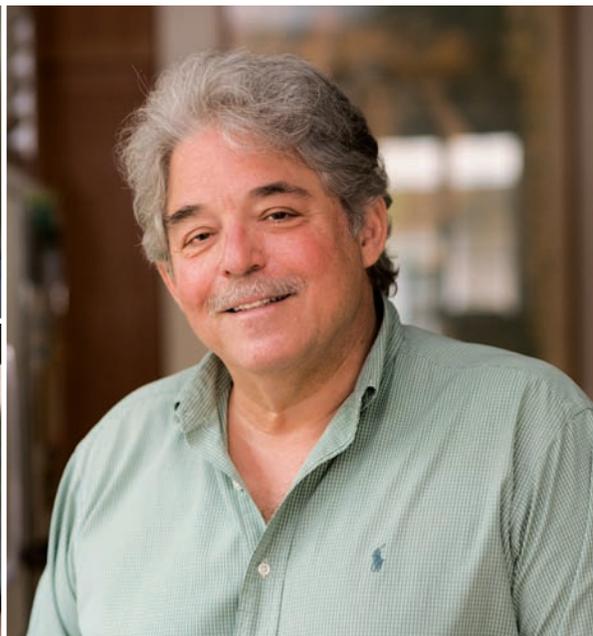
Feeding a Dream

While Zabar, Cohen, and Lebewohl make up the old guard of food pioneers, their feisty, entrepreneurial spirit has not faded with the next generations. Take Mya Jacobson '03, a 34-year-old Brooklyn Law graduate who worked as a trader on the American Stock Exchange for seven years and attended law school at night. While in law school, Jacobson became known for one thing—and it had nothing to do with mastery of torts or criminal procedure. It was all about her cookies. "I was always baking and bringing snacks for study groups—brownies, cakes, cookies. People were very helpful with their notes and in return I baked for them."

After graduation, Jacobson realized that baking might be more than just a way to get in good with her study group. She knew in her heart that Wall Street was not for her and did some soul searching, trying to determine what she really wanted from life. "I knew I wanted to create a business that meant something to me," she says. "I thought of things that feed your soul—words and charity came to mind, and something oven-fresh, and all-natural, but I also wanted something that was going to sell from a business perspective. I knew it had to be timeless, ship well, and perfect for any occasion, and that was cookies."

She launched Feed Your Soul in 2004 with little more than a mail order Web site and an oven in her apartment where she baked 25 varieties of preservative-free, all-natural soft and crispy cookies in homespun flavors like pumpkin pie and chocolate graham and more exotic creations like white chocolate cherry jubilee.

To incorporate her love of words, each cookie gift box or tin comes wrapped with an inspirational proverb or saying to match the occasion. A gift sent as a "Thank You" might include this line from Marcel Proust: "Let us be grateful to people who make us happy; they are the charming gardeners who make our souls blossom."



David Liederman '75 / DJ Restaurant Group, Inc.

“It’s important to follow your dreams, but be smart about them. You can have the best product in the world, but if you don’t sell it well and you don’t protect yourself, you have nothing. The law made me a much more paranoid business owner, but it also made me successful.”

— Mya Jacobson

Like her trailblazing culinary peers, Jacobson created a company based on more than a desire to make a profit. Feed Your Soul is a business with heart. “From the outset, giving back was my goal,” she says. To that end, three percent of proceeds from cookie sales are donated to the charity of the customer’s choice.

Jacobson now has a retail store in downtown Jersey City, and produces a full line of supermarket cookies, which are baked to the tune of 150,000 cookies a week, out of her East Rutherford kitchen. Today, you can buy her cookies online (www.feedyoursoul.com), at her shop, or in any Dean and

Deluca, West Side Market, Amish Markets, Fairway, or Kings, and you can find them at boutique hotels like the W.

While Jacobson never actually practiced law, she says she uses her education every day. “It’s not just about the occupation; it’s all about learning how to think. It’s really helped me tremendously in my business,” she says. “It’s important to follow your dreams, but be smart about them. You can have the best product in the world, but if you don’t sell it well and you don’t protect yourself, you have nothing. The law made me a much more paranoid business owner, but it also made me successful.”

The Cookie that Changed the World

Interestingly, Jacobson is not the first Brooklyn Law graduate to make a living off of cookies. She was preceded by David Liederman '75, the David of David’s Cookies. Liederman, who explains that his love of cooking was born from his love of eating, went to Brooklyn Law School by day and NY Tech culinary school by night. After a stint cooking at the Michelin-starred Troisgros in France, it became increasingly clear to Liederman that his life would be about cooking, not advocating. When he returned from a life-altering trip to France, he practiced law for three months before beginning a career in food. It didn’t take him long to hit it big.

He started his groundbreaking cookie shop featuring oven-fresh cookies made with real butter and loads of Swiss chocolate chunks in 1979, the same year he opened his nouvelle cuisine restaurant, Manhattan Market. In his spare time, he wrote two books, one a business advice book titled *Running Through Walls* (1989), and the second, a cookbook with freelance writer Joan Schwartz Liederman, *David’s Delicious Weight Loss Program* (1990), a how-to book that detailed the low-fat, low-cholesterol diet that allowed him to lose 100 pounds.

Later Liederman renovated Manhattan Market, transforming it into Chez Louis, an homage to chef Antoine Magin of L'Ami Louis in Paris, which garnered raves for its succulent roast chicken and crisped duck fat potatoes. He and his wife, Susan, who is also an outstanding chef in her own right, then opened Restaurant Luna, a lofty space with a wood-fired oven in Mount Kisco, which they ran successfully for 13 years before he wisely saw the restaurant business slowing. They sold the restaurant in January 2007.

Today, Liederman no longer owns David's Cookies—he sold it to Fairfield Gourmet Foods Corp. after building it into a \$35 million business, garnering praise along the way from luminaries such as New York Times food critic Mimi Sheraton—but is considering reconnecting with his cookie roots. He hopes to bring back the original David's Cookie under a new name within the next year. He is also eager to get back in the restaurant business, but he plans to wait out the recession in order to make his next ventures equally as successful.

In the meantime, Liederman and his wife enjoy cooking in their own professional kitchen, which boasts a wood-fired pizza oven and state-of-the-art, restaurant-grade appliances. They are a big hit at Halloween, when they invite the neighbors over for an annual pizza party. And no surprise: All the kids know theirs is the house to hit, and over 1,000 trick-or-treaters show up for some serious treats.

Meanwhile, gift tins of Feed your Soul cookies will be devoured, the crowds will line up for a dose of schmaltzy humor and a pound of Nova at Zabar's, an eight-year-old may discover the world of Fat Witch brownies and Amy's bread at Chelsea Market, bachelors will feast on pastrami, chopped liver and tongue sandwiches at the Second Avenue Deli, and at a brasserie called Klee, a litigator reborn as a restaurateur will double check the vintages on her wine inventory. Her former professor is coming to dinner. □



Like the subjects profiled in her article, Andrea Strong graduated from Brooklyn Law School, summa cum laude, in 1994. She practiced law in New York City from 1994 to 1999 at Shearman & Sterling and Camy Karlinsky & Stein. She left the law to try her hand at running several New York restaurants, including Isla and Miracle Grill, before finding her calling as a writer.

Today, Strong is a freelance food writer, reviewer and self-confessed "eater." She is the author, founder, and creator of THE STRONG BUZZ—a daily blog found at www.thestrongbuzz.com, and a biweekly newsletter devoted to New York City's food scene—which feature insider dish, news, reviews, chefs on the move, restaurants openings and closings and events. In addition, she writes a weekly Sunday food column in The New York Post.

Her work has appeared in The New York Times, New York Magazine, Time Out New York, Metropolitan Home, Real Simple, Conde Nast Traveler, and Travel & Leisure. In October 2003, she was

honored when an article she wrote for The New York Times, "An Ode To Sloppy Joe, A Delicious Mess," was selected for inclusion in Best Food Writing 2003. She is the co-author of the cookbook Sparks in The Kitchen, which was published by Knopf in 2006.

Strong has also been a television guest on Top Chef (Bravo), Gourmet's Diary of a Foodie (PBS), Heavyweights (Food Network), Fox News, and Eat This New York with Kelly Choi (WNBC). She has also been a radio guest on Martha Stewart, Food Talk with Mike Colemeco, and The Restaurant Guys.

A humanitarian activist, Strong is the founder of Dining for Darfur, a charity she created to raise awareness and funds for humanitarian relief in response to the genocide in Darfur. Since 2006, she has raised almost \$100,000. Her work for Darfur was profiled in the 2007 book, Not on Our Watch (Hyperion), by Academy Award-nominated actor Don Cheadle and Africa expert John Prendergast.



Money, Speech and Politics: A New Solution to an Old Problem



A famous California politician, Jesse Unruh, once observed that “money is the mother’s milk of politics.” For more than a century, the Congress has tried to legislate against this political law of nature, and the results have not been pretty. Perhaps not surprisingly, however, the laws have favored those who wrote them. For the campaign finance system in the United States is unusual in one major respect: it is candidate-centered. The candidates themselves, rather than the political parties, must raise the necessary funds to run a campaign. The political parties, which choose the candidates—or at least run the process under which their candidates are selected—are severely restricted in their ability to finance their candidates’ campaigns.

By Professor Joel M. Gora

As a system purportedly designed to reduce corruption and undue influence—and upheld against First Amendment challenges on this basis—a candidate-centered fundraising system seems, to say the least, rather odd. Among other things, it places the candidates and officeholders who need campaign funds in exactly the position they should not be occupying—as supplicants, seeking financial support from those who are trying to influence them.

Most of the campaign “reform” efforts that have characterized the last four decades have, in fact, made things worse, particularly for challengers.

As one might expect, there was a reason for structuring the campaign finance system in this peculiar and contradictory way: it is highly favorable to the incumbents who designed it. But it also has a number of other deficiencies: it favors wealthy candidates who can finance their own campaigns; it piles up campaign funds in the coffers of powerful officeholders where these funds are not needed; it discourages qualified people from running for office; it absorbs an extraordinary amount of the time and attention of officeholders, who should be spending most of their energy on the responsibilities of their offices; it increases the costs of campaigns by increasing the role of expensive consultants and other campaign specialists; it deprives voters of useful information; and it multiplies the power of special interests at the expense of a broader national interest. Most of all, it weakens the political parties, which alone have the ability both to develop popular support for a course of action and implement it with legislation.

Most of the campaign “reform” efforts that have characterized the last four decades have, in fact, made things worse, particularly for challengers; only the Supreme Court’s invalidation of the most egregious pro-incumbent elements of the so-called reforms has preserved for challengers some limited opportunities. Still, the restrictions that are left—on the size of contributions and, most important, on the ability of parties to fund the campaigns of their candidates—remain as

substantial obstacles for those who seek to defeat incumbent members of the House and Senate. Finally, even if the political parties were given the authority they need to contribute to and otherwise support their candidates, they are still compelled to defend themselves and their candidates with “hard money” (funds collected under contribution limits as to source and amount), while many of the outside groups that oppose them are able to raise and expend funds without any restriction, and in most cases without any disclosure.

It may come as a surprise to most supporters of campaign finance reform that Congress has been helping itself all these years—rather than trying seriously to clean up the system—but that is the unavoidable conclusion one must draw from a review of modern campaign finance laws enacted by Congress and consisting largely of efforts to dress up incumbent protection to look like something more praiseworthy. But the evidence of lawmakers’ real purpose is powerful, and it is clear that putting Congress in charge of campaign finance

is like letting the home team pick the referee and write the rules.

Rather than a system that maximizes competition and encourages political accountability, our campaign finance regime is a complex tangle of laws, rules, regulations, exceptions, exemptions, and safe harbors—a veritable labyrinth of federal statutes and regulations spanning 165 pages of the United States Code Annotated and over 300 pages of implementing regulations, and augmented by literally thousands of rulings and interpretations by the Federal Election Commission. It is difficult to believe that such a system could be consistent with the simple language of the Constitution’s First Amendment: “Congress shall make no law... abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” What could the framers have had in mind with this language, other than a guarantee of freedom to speak in the context of democratic elections?

heads they win, tails they win

That the real purpose of campaign finance rules is to protect incumbents should be no surprise.

First, of course, incumbents are the ones who write the rules, giving them an opportunity to stack the deck in their favor. In almost any other aspect of public life, this inherent conflict of interest would be recognized, and the resulting action viewed through this lens. But surprisingly little commentary about the federal campaign finance laws—the Federal Election Campaign Act of 1971, the major 1974 amendments to the FECA, and the Bi-partisan Campaign Reform Act of 2002, popularly-known as the McCain-Feingold law—has addressed this obvious issue when considering the legitimacy of these rules.

Second, almost every key provision of those laws seems to have been designed to benefit and entrench incumbents. Spending limits and contribution limits—the keystones of all modern campaign finance “reforms”—are both of great assistance to incumbents; they reduce the amount of money that challengers can raise and spend and thus magnify the advantages of incumbency. These advantages include, among many others, appropriated funds for staffs, free communications to the state or district, constituent services, name recognition, access to and coverage from local media, and backing from interest groups eager to aid and support an incumbent with the power to do good or ill. Sweeping disclosure provisions discourage individuals from supporting challengers for fear of reprisals from incumbents.

The proof of the incumbency-protective nature of campaign finance limits is there in the numbers. Since the enactment of the FECA in the early 1970s, the reelection rate of congressional incumbents has increased steadily, and in the last twenty years it has often reached more than 98 percent. Similarly, the amount of money raised by challengers has, relatively speaking, declined, so that the incumbent-to-challenger funding ratio, which was 3 to 2 before FECA, has increased to approximately 5 to 1. So the result of greater campaign finance controls, supposedly passed to “level the playing field,” has been to entrench incumbents and enhance their fundraising advantage over challengers.

Because many of the inherent advantages of incumbency cannot be eliminated—they are a part of the important process of communication between an officeholder and his or her constituents—a truly competitive system should at least provide the potential for challengers to spend more than incumbents in elections. The place where

limits pinch most is precisely in the competitive elections where challengers—if they are allowed to raise and spend sufficient funds to mount an effective campaign against an incumbent—have a decent prospect of winning.

If challengers are to have at least the potential to raise more funds than incumbents, where are these funds to come from? Under the current campaign finance regime, contribution limits make it much more difficult for challengers to raise funds than incumbents; indeed, the gap between incumbent and challenger fundraising is widening. The only logical and consistent source of challenger funding is the political party. Parties alone have the ability and the incentive to provide to challengers the early funding—and the necessary financial support overall—that will give them a chance to overcome the inherent advantages of incumbents. Accordingly, if our goal is a more competitive electoral system, restrictions on parties, more than any other element of our current campaign finance structure, must be eliminated. Only through this change in policy can we be assured of a competitive electoral system in the future.

Critics of the current campaign finance system generally fall into three camps: those who favor more extensive regulation of private funding; those who propose expanded and perhaps even exclusive public funding; and those who advocate extensive deregulation and argue that the First Amendment alone should govern campaign finance, reasoning that the

current regulatory regime is inconsistent with constitutionally protected speech or has otherwise failed to achieve its claimed objectives. A party-oriented approach falls into none of these camps; it proceeds from the assumption that the contribution limits in current law will remain, but it avoids or eliminates the adverse effects of these limits by freeing the political parties to become the principal financing sources for their candidates.

has our campaign finance system “collapsed?”

A recent online symposium carried the following ominous title: “Has the American Campaign Finance System Collapsed?” The title does not seem too wide of the mark. It is surely extraordinary that after all the years that courts, legislatures, politicians, think tanks, and academics have been addressing the issue of campaign finance, we have arrived at such a place. At the same time, it is remarkable that so much effort should be poured into restricting the means by which citizens in a democracy are informed or inform others about their government and the doings of their representatives, especially in light of the commands of the First Amendment. It is ironic that close scrutiny is given to laws regulating pornography, yet members of Congress are permitted, without serious outcry from large portions of the public or press, to make laws that protect their own positions by restricting the amount of funding available to their challengers

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and the amount of information available to voters. If the First Amendment has only one purpose, surely it is to protect the right of the public to have the greatest possible influence on the electoral process. But somehow, things have gotten twisted around, so that sensible people spend their time trying to help Congress impose restrictions on political speech.

The central reason for this outcome is a focus on the wrong issue. Our current system of campaign finance regulation aims at reducing or eliminating the influence of private interests in elections by reducing the amount of money that flows into political campaigns. However, in a democratic system, the focus should be on encouraging competitive elections, with the elimination of money influence an important but secondary consideration. This is especially true given that years of scholarly inquiry into the relationship between campaign contributions and voting have not been able to show that lawmakers are being corrupted or subjected to undue influence. Despite the media's insistent and self-interested view that elected officials favor the interests of their contributors, academic studies have repeatedly shown that money follows policy and not the other way around. We should refocus campaign finance reform on the question of increasing the competitiveness of elections, particularly by reducing the advantages of incumbency.

Instead, our current campaign finance system is a mixed and incoherent hodgepodge of restrictions and

exemptions. Contributions can be limited, but expenditures cannot—especially when they are made by individuals and groups acting completely independently of candidates and political parties. Candidates can contribute as much as they want to their own campaigns, but the political parties that nominated them are severely limited in what they can either contribute or expend on behalf of their candidates. Candidates and parties live with extensive controls, as do some independent groups, while other powerful actors are completely immune from regulation. Surely, we can come up with a way out of this wilderness.

One promising solution would be a more party-oriented campaign finance system which would serve a number of important purposes, including a more competitive electoral system, greater accountability of parties and candidates, the attenuation of concerns about undue influence or corruption, and more coherence to our frighteningly complex campaign finance laws. The efforts by Congress to use the campaign finance laws to create obstacles for challengers, and the actions of the Supreme Court in striking down most—but not all—of these self-serving attempts have left us with a mare's nest of restrictions, exclusions, exemptions, and allowances that is both a trap for the unwary and an unmanageably complex, incumbent-protective legal regime that accomplishes none of its stated purposes. Congress would do well to consider whether it does not owe the American people a more honest system for financing political

campaigns in what is still the greatest democracy in the world.

The simple irrationality of the current system makes the point. Since the enactment of the BCRA, our national political parties must carry on all their activities with hard money. This means that the money a political party committee raises is limited in amount, must be fully disclosed (above the most modest threshold of \$200), comes only from individuals (not corporations, unions, foundations, or other similar entities), and comes in amounts and under conditions prescribed by Congress or approved by the Federal Election Commission.

the party's over?

These restrictions on political parties put them at a distinct disadvantage compared to other powerful players in the political system that do not have to play by those same restrictive rules. Almost immediately after the BCRA took soft money away from parties, a group of "shadow parties"—the so-called "527s"—arose as serious political players. These entities can do almost everything parties can do—including the financing of issue advertising and organizing get-out-the-vote campaigns—but with less disclosure and less accountability; and they can take money from corporations, unions, foundations, and similar entities forbidden to candidates and political parties. Thus the effect of the BCRA was to diminish the importance of the political parties in the electoral process and to empower competing organizations that are not subject to the same restrictions on how and from whom they can raise funds. In the 2004 election cycle, for example, a mere twenty-four individuals contributed an astounding total of \$142 million to 527s—an amount that was approximately 20 percent of the sum raised by both major political parties—and the spending of

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these wealthy individuals inevitably affected the outcome of the election. Supreme Court Justice Antonin Scalia noted the irony that a law intended to take the “fat cats” out of politics just herded them to a less visible location and made them relatively more powerful. Under these circumstances, can anyone really question that this outcome is irrational?

Then there are the continuing and pointless restrictions on the ability of our national parties to use hard money to support their candidates, restrictions which make no sense—unless of course we simply admit that the purpose of the campaign finance system is to protect incumbents. At the outset, it is important to recognize that the reason hard money contributions have a maximum size in the first place is that Congress has asserted that a contribution up to this amount will not cause corruption, the appearance of corruption, or undue influence. So why is it, then, leaving aside the protection of incumbents, that a party permitted to raise only hard money cannot use as much of these funds as it wants to aid the campaigns of its candidates? If the party is not deemed by Congress to be unduly influenced or corrupted by the hard money contributions it is permitted to receive, how can these contributions then be said to corrupt or unduly influence the candidates for whom the party uses these funds? Especially, since it is illegal for a party donor to earmark the funds for a particular candidate.

Nevertheless, several years ago, a bare five to four majority of the Supreme Court—disregarding the law’s explicit prohibition against earmarking contributions for specific candidates, and Congress’ obvious conflict of interest—upheld the current restrictions on a party’s support for its candidates. The hypocrisy of Congress’ faux concern with limiting contributions is demonstrated in the BCRA’s infamous Millionaire

Amendment, which provided, in effect, that when candidates face a challenger who has made a personal contribution of \$350,000 or more to his or her own campaign, the restrictions on party coordinated expenditures are eliminated and the parties are allowed to assist their candidates (who will, of course, usually be incumbents) until the challenger’s financial advantage is overcome. By this measure, Congress communicated that it well understands the power of the political

they are simply another demonstration of the central inconsistency of the campaign finance laws we have today, in which the same contribution limits that are supposed to insulate candidates from undue influence require candidates to go hat in hand to the very people who supposedly want to corrupt them.

Even if there were a legitimate concern that removing the limits on a political party’s ability to contribute to or coordinate expenditures with its

Unfortunately, while the current campaign finance system is irrational and absurd in many ways, it is wholly rational in one: from the perspective of incumbents, even with all the losses they have suffered at the Supreme Court, the current system works exactly as designed.

parties to provide campaign funds, but just wants that power limited in cases where it might be used to assist challengers.

Fortunately, the Supreme Court easily saw through this incumbent protection device and invalidated the provision on First Amendment grounds. But the failed attempt at incumbent protection showed both the hypocrisy of Congress and the importance of party support for candidates.

Finally, there is the ultimate absurdity, the fact that although contributions directly to candidates are limited to \$2,300, the law also permits the use of “bundlers,” who collect the contributions of large numbers of individuals and deliver them directly to candidates. Clearly, this provision destroys the notion that limiting contributions to candidates reduces the appearance of corruption or undue influence. This is not to oppose bundlers;

candidates creates the possibility of corruption or circumvention—recall that it is illegal for a donor to earmark funds for a particular candidate—there are simpler ways to address the issue. For example, a great deal of party hard money comes in the form of very small donations, averaging \$50 annually, as well as from those who give much more. Parties could be permitted to set up a special fund for all contributions of \$2,300 or less and then use only those funds to engage in coordinated expenditures with their candidates. This would enhance the value of smaller contributions, eliminate any realistic concern with corruption/circumvention, and better enable parties and candidates to help their candidates through coordinated election spending.

Unfortunately, while the current campaign finance system is irrational

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and absurd in many ways, it is wholly rational in one: from the perspective of incumbents, even with all the losses they have suffered at the Supreme Court, the current system works exactly as designed. The major threat they face has always been the ability of the parties to raise the funds for challengers and hence to create a truly competitive electoral system. That's why parties have been restricted to hard money, and why their ability to assist their candidates through coordinated expenditures or direct contributions has been severely limited.

a modest proposal

Because the Supreme Court has ruled that restrictions on parties' contributions and coordination with their candidates are constitutional, the only recourse is to prevail upon Congress to change the law. As difficult as this will be (given that current law heavily favors incumbents), it is the only way that our electoral system can be made more competitive and the benefits of that competition made available to the American people. Perhaps the logic of the case will have some impact. Since parties are now limited to raising and spending only hard money, but can spend unlimited amounts of such funds "independently" of their candidates, why not allow unlimited spending in coordination with their candidates. This would let parties and their candidates work together more sensibly and effectively and would strengthen the role of parties in our democracy.

Our campaign finance system is now seriously broken. Although it may not be in the interest of incumbents to fix it—that is, to eliminate the current



Professor Joel M. Gora has devoted his entire professional career to serving the public interest. Following summer internships with the NAACP and the ACLU while a student at Columbia Law School, from which he graduated with honors, Professor Gora served for two years as the Pro Se Law Clerk for the United States Court of Appeals for the Second Circuit. After that clerkship, he worked as a full-time lawyer for the ACLU for nine years, first as National Staff Counsel, then Acting Legal Director and Associate Legal Director. During his ACLU career, he worked on dozens of U.S. Supreme Court

cases, including many landmark rulings. Chief among them was the case of *Buckley v. Valeo*, the Court's historic 1976 decision on the relationship between campaign finance restrictions and First Amendment rights. Professor Gora was one of the lawyers who argued the case against such restrictions. Since that time, he has worked, on behalf of the ACLU, on almost every one of the important campaign finance cases to come before the High Court. At Brooklyn Law School, Professor Gora has served on the faculty since 1978, teaching constitutional law, civil procedure and a number of other related courses and serving as Associate Dean for Academic Affairs from 1993 to 1997 and again from 2002 to 2006. He is the author of a number of books and articles dealing with First Amendment and other constitutional law issues. He also served for more than 25 years on the board of directors of the New York Civil Liberties Union, and as one of its general counsel.

restrictions on what the parties can do to assist their candidates—there is no question that the necessary repairs are a responsibility and obligation of our senators and representatives. Now, it's up to Congress.

Under these circumstances, a total overhaul of a failed system would seem to be required, but in fact only one major change in current law is necessary: the elimination of all restrictions on the ability of political parties to finance the campaigns of their candidates. □

This article is based on excerpts from a recently published book by Peter J. Wallison and Joel M. Gora titled, *Better Parties, Better Government: A Realistic Program for Campaign Finance Reform* (AEI Press 2009).



BLS Honors Two Professors with Faculty Chairs

In October 2008, Brooklyn Law School named Professors Marsha Garrison and Edward Janger to faculty chairs. “It is my pleasure to bestow these honors on Professors Garrison and Janger,” said Dean Wexler. “They are outstanding teachers who bring recognition to the Law School through their scholarship and teaching.”

Professor Marsha Garrison is the new Suzanne J. and Norman Miles Professor of Law. Professor Garrison is an expert on law and policy relating to families, children, and reproductive technology. Her research and writing spans a broad range of topics, including marriage, cohabitation, parentage determination, the economics of divorce, and child welfare decision making. Much of her research is interdisciplinary, applying social science and economic data to legal policy issues. She is co-author of a widely used family law casebook, *Family Law: Cases, Comments, and Questions* (Thompson-West 6th ed. 2007), and an interdisciplinary textbook, *Law and Bioethics: Individual Autonomy and Social Regulation* (Thompson-West 2003). Her work has been published in a variety of edited books and journals, most recently in the *Harvard Law Review* and *UCLA Law Review*.

Professors Garrison and Janger
are outstanding teachers
who bring recognition to
the Law School through their
scholarship and teaching.

The generosity of Suzanne J. Miles led to the creation in 1995 of Professor Garrison’s chair, in memory of Norman Miles ’41, a highly regarded lawyer who was known for his work in arbitration and mediation. Miles was a loyal graduate whose deep commitment to Brooklyn Law School led his wife to make several generous gifts in addition to the endowed chair, including the Norman and Suzanne Miles Memorial Scholarship and the Norman Miles Study and Conference Room in the law library.

Edward Janger is the new David M. Barse Professor of Law. Professor Janger is an expert in the areas of bankruptcy law, commercial law and data privacy. His recent publications appear in a range of law reviews, including the *Michigan Law Review*, *Texas Law Review*, and *Journal of Law, Medicine & Ethics*. He has served as the Robert Zinman Scholar-in-Residence at the American Bankruptcy Institute in Washington, D.C., and he recently completed a semester at Harvard Law School as the Bruce W. Nichols Visiting Professor of Law. An active speaker at conferences around the country, he covers topics from the subprime crisis to commercial law. He is one of the primary organizers of the Barry L. Zaretsky Roundtable Program, an annual event that draws practitioners, professors, and judges to Brooklyn Law School to discuss recent developments in bankruptcy law.

Professor Janger’s chair is named in honor of David M. Barse ’87, president and chief executive officer of Third Avenue Management LLC, a premier asset management company based in New York that specializes in value investing and distressed debt. Barse has maintained strong ties with the Law School, returning each year to talk to students in Associate Dean Michael Gerber’s Business Reorganizations class about distressed debt investing, and he was recently a Dean’s Roundtable guest. In addition to endowing the chair, he endowed the Barse Family Scholarship in memory of his late father, Lawrence Barse, Class of 1958. In 2007, Barse became a member of the Brooklyn Law School Board of Trustees. □

Professor George Johnson Retires

Professor George W. Johnson III retired from teaching law at the end of the spring semester in 2008. Faculty members and his family attended an event honoring him for his 35 years of service to Brooklyn Law School in November 2008. The event included the unveiling of Johnson's portrait.

Johnson taught environmental law and an environmental law topics seminar, as well as courses on property law and land use controls. He is the co-author of a widely used casebook, *Land Use Controls: Cases and Materials* (New York University School of Law 2nd ed. 1977, Supp. 1984) (with J. Johnston).

In 1973, when Johnson joined the faculty, he was in the vanguard of a group of new faculty members who were determined to modernize the curriculum and reform antiquated legal systems, and the legal system that caught his attention was land use.

After practicing as a land use lawyer in Florida for several years, he became disenchanted with developers who gave little thought to the land use and environmental implications of their projects. He left Florida to study land use at NYU, where he met a professor with whom he would eventually co-author the land use casebook — an experience that piqued his interest in teaching law. At BLS, Johnson was very popular with students, in part because of his classroom charisma, and in part because he was an early advocate of clinical and skills courses. In the early 1980s, he served as Associate Dean for Academic Affairs and as Acting Dean.

With a background that also includes the study of psychoanalysis, Johnson publishes in several fields. For example, he authored "The Feminine Origins of Justice and Law," in *Psychological Perspectives* in 2000. After retiring, he has continued his inquiries into the archetypal aspect of judicial decisions, and he serves on several energy task forces. He is also chair of the Westchester Institute, a free-standing, not-for-profit educational organization that offers training in psychoanalysis and psychotherapy.

Johnson earned a B.A. from Davidson College, a J.D. from the University of Florida College of Law, and an LL.M. from New York University School of Law. His daughter, Elizabeth Johnson, graduated from Brooklyn Law School in 2007. He has served as president of the Eastern District Civil Litigation Fund, an autonomous organization chartered by the state of New York to provide private money for pro se litigants and volunteer lawyers. In June 2008, he was honored with a proclamation from U.S. District Judge Jack B. Weinstein and Chief Judge John Dearie of the Eastern District of New York, who acknowledged his 25 years of "outstanding and exemplary service" as head of the Fund. □



clockwise from top: Professor George Johnson's portrait, and the honoree himself; (L to R) Professors Neil B. Cohen, Bailey Kuklin and George Johnson; and Professor Maryellen Fullterton speaking at the dinner.



Deborah Widiss



Ben Trachtenberg

Visiting Assistant Professors' Work Wins National Acclaim

Brooklyn Law School's Visiting Assistant Professor Program continues to draw outstanding faculty whose writings are winning accolades.

Visiting Assistant Professor Deborah Widiss won a Scholarly Paper Award from the Association of American Law Schools, which was recognized at the 2009 AALS Annual Meeting in January in San Diego. The Special Committee to Review Scholarly Papers chose Professor Widiss's paper, "Shadow Precedents and the Separation of Powers: Statutory Interpretation of Congressional Overrides," out of almost 60 papers submitted to the prestigious competition. In her winning paper, which will appear in the *Notre Dame Law Review* later this year, Widiss addresses Congressional override of judicial interpretation of statutes. She argues that because judges are often faced with determining the exact extent to which Congress has overridden a judicial decision, they can easily leave in place as precedent the very concepts that Congress sought

to override. When other courts follow these "shadow precedents," legislative supremacy is threatened and the standard rationales offered for adherence to precedent are undermined.

Widiss joined Brooklyn Law School's Visiting Assistant Professor Program in 2007 and recently accepted a position as an associate professor at the Maurer School of Law at Indiana University—Bloomington for the fall of 2009. She taught employment and family law at BLS, and her research interests include employment law, the legislative process, and the significance of gender and gender stereotypes in the development of law and government policy.

Visiting Assistant Professor Ben Trachtenberg won the 2009 Ross Essay Contest, which is sponsored by the American Bar Association's *ABA Journal*. His essay, "Incarceration Policy Strikes Out," was published in the February 2009 issue of the *ABA Journal*. The Ross Essay Contest carries a \$5,000 prize that is supported by

a trust established in the 1930s by the late Judge Erskine M. Ross of Los Angeles. This year's prompt was to write an open letter to President Barack Obama and Congress describing the most important priority for improving the U.S. justice system.

In his essay, Trachtenberg argues that the exploding prison population compromises U.S. criminal justice policy and that a properly funded justice system that utilizes alternatives to incarceration, when appropriate, would place state budgets into a better balance concerning other resources.

Trachtenberg began his two-year visiting professorship this past fall. He teaches criminal law and environmental law — courses representing both of his research interests.

"Our visiting assistant professors' achievements at the early stages of their careers is a source of great pride for us at Brooklyn Law School," says Associate Dean for Academic Affairs Lawrence Solan. "We are looking forward to seeing more excellent work from these young professors." □

Faculty Notes



William Araiza



Jonathan Askin



Miriam Baer



Ursula Bentele

William Araiza

publications

- Constitutional Rules and Institutional Roles: Lessons from the Equal Protection Class of One, 62 *Smu L. Rev.* __ (forthcoming 2009)

Jonathan Askin

presentations

- “Media and Technology Policy-Making in the 21st Century: By the Time You Read This, It Will Be Obsolete,” *The New School*
- “Copysquare: Rethinking Sharing Licenses in the Entertainment Media,” *Cardozo Law School*

media

- Quoted in *Telecommunications Reports*, *Communications Daily* and *RCR Wireless* about technology, telecom and Internet policy
- Appeared on “The Digital Age,” *WNYE*, Channel 25, and *NPR* on the topic of the Obama administration’s proposal for a “digital czar”

Miriam Baer

publications

- The Consequences of Calibrated Sentencing: A Response to Professor Kolber, 109 *Colum. L. Rev. Sidebar* 182

presentations

- “Adjudication, Compliance and New Governance,” *New York City Junior Faculty Colloquium*
- Moderator, *Moral Universals vs. Adaptive Flexibility* panel, “Is Morality Universal and Should the Law Care?” Symposium, *Brooklyn Law School*

Ursula Bentele

presentations

- Participant, *Federal Bar Counsel-sponsored training for law clerks in the U.S. Court of Appeals for the Second Circuit*

Anita Bernstein

publications

- Pitfalls Ahead: A Manifesto for the Training of Lawyers, 94 *Cornell L. Rev.* 479 (2009)
- Asbestos Achievements, 37 *Sw.U. L. Rev.* 709 (2008)

presentations

- “Gender Bias in the Courts: Getting Better, Not Gone,” *Brooklyn Law School Professional Ethics Series*, *Dewey & LeBoeuf*, *New York*
- Co-organizer, “The Products Liability Restatement: Was It a Success?” Symposium; and panelist, “The Next Decade in Products Liability,” *Brooklyn Law School*

Dana Brakman Reiser

publications

- For-Profit Philanthropy, 77 *Fordham L. Rev.* __ (forthcoming 2009)
- Filling the Gaps in Nonprofit Accountability: Applying the Club Perspective in the U.S. Legal System, in *Ngo Accountability Clubs: Voluntary Regulation of Nonprofit and Nongovernmental Organizations* (Cambridge University Press) (M.K. Gugerty & A. Prakash eds.) (forthcoming 2009)

presentations

- “For-Profit Philanthropy,” and “Filling the Gaps in Nonprofit Accountability: Applying the Club Perspective in the U.S. Legal System,” 36th Annual Conference of the Association for Research on Nonprofit Organizations and Voluntary Action, *Philadelphia*

Michael Cahill

presentations

- Moderator and discussant, “How Universal Are Moral Universals?” panel, “Is Morality Universal and Should the Law Care?” Symposium, *Brooklyn Law School*

Edward Cheng

publications

- *Modern Scientific Evidence* (American Casebook Series, 2008-09 ed.) (5 vols) (with D. Faigman et al.)

presentations

- Distinguished guest lecture, “A Practical Solution to the Reference Class Problem,” *New Voices in Legal Scholarship*, *University of Utah*, *S.J. Quinney College of Law*
- Discussant, “Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?” by J.J. Prescott; moderator *Judicial Interpretation* panel; and presented “Specialist Judges,” *Conference on Empirical Legal Studies*, *Cornell Law School*
- Lecturer, “Moneyball for Lawyers,” *Brooklyn Law School Boston Alumni Gathering*



Anita Bernstein



Dana Brakman Reiser



Michael Cahill



Edward Cheng



Neil B. Cohen



Steven Dean

- “A Practical Solution to the Reference Class Problem,” Northeast Law and Society Meeting, Amherst College
- Moderator and panelist, “The Restatement and Product Defects: An Introduction,” “The Products Liability Restatement: Was It a Success?” Symposium, Brooklyn Law School

appointments

- Chair-elect, AALS Evidence Section

Neil B. Cohen

presentations

- “Commercial Law Treaties and Trends for 2009,” Secretary of State’s Advisory Committee on Private International Law, Annual Meeting, Washington, D.C.
- Participant, Director of Research of the Permanent Editorial Board for the Uniform Commercial Code, first meeting of the UCC Article 9 Review Committee and UCC annual meeting
- Participant, Working Group meeting, Annex to the UNCITRAL Legislative Guide on Secured Transactions concerning security interests in intellectual property
- Participant, Multistate Essay Exam, Drafting Committee, National Conference of Bar Examiners
- Participant, UNCITRAL Expert Group meeting, Vienna, Austria
- “Institutional Pluralism and the Development of Commercial Law,” Commercial and Related Consumer Law Section, AALS annual meeting, San Diego

appointments

- Member, Working Group on Conflicts of Law of the Secretary of State’s Advisory Committee on Private International Law, U.S. Department of State
- Executive Committee, AALS Commercial and Related Consumer Law Section

Steven Dean

publications

- Tracking Our Fiscal Footprint: Assessing the Impact of Conventional International Tax Standards on Low-Income Countries, Distributed Taxation (October 2008)

presentations

- Co-organizer, “Ruling the World: Generating International Legal Norms” Symposium; and moderator, “Transnational Legal Networks: Epistemic Communities and International Taxation” panel, Brooklyn Law School

Professor Margaret Berger Wins Wigmore Award



The Evidence Section of the Association of American Law Schools presented Margaret Berger, Trustee Professor of Law at Brooklyn Law School, with the Wigmore Lifetime Achievement Award at the Association’s annual meeting in January 2009. The Wigmore Award recognizes the work of scholars in the field of evidence. Last year,

Professor Berger introduced a recipient of the inaugural award, U.S. District Court Judge Jack B. Weinstein of the Eastern District of New York.

A member of the Brooklyn Law School faculty since 1973, Professor Berger held the Suzanne J. and Norman Miles Chair before retiring from full-time teaching in 2008. “We are so proud that Professor Berger’s important work in the law of evidence is being recognized on this level by our peers,” said Dean Joan G. Wexler. “Her national reputation has helped us attract some of the best and brightest students, as well as many of her esteemed colleagues, to Brooklyn Law School.”

Professor Berger is widely recognized as one of the nation’s leading authorities on scientific evidentiary issues, in particular DNA evidence, and is a frequent lecturer across the country on these topics. She is the recipient of the American Law Institute/American Bar Association’s Francis Rawle Award for outstanding contributions to the field of post-admission legal education for her role in developing new approaches to judicial treatment of scientific evidence and in educating the legal and science communities about ways to implement these approaches. She is the author of dozens of law review articles and many books, including the leading evidence casebook, *Evidence: Cases and Materials*, with Judge Weinstein and others. She also contributed an amicus brief in the landmark U.S. Supreme Court case *Daubert v. Merrell Dow Pharmaceuticals, Inc.* (1993).



Robin Effron



James Fanto



Richard Farrell



Maryellen Fullerton

Professor Claire Kelly Awarded Tenure



Professor Claire Kelly was awarded tenure at the end of the fall 2008 semester. An expert in international law, she teaches New York Civil Practice, administrative law courses, and international business and trade law courses. An active member of the Brooklyn Law School community, she also serves as Associate Director

for The Dennis J. Block Center for the Study of International Business Law and as the faculty advisor for the Brooklyn Journal of International Law.

Professor Kelly's scholarship primarily focuses on public and private international law, and her most recent article, "Institutional Alliances and Derivative Legitimacy," was published in the Michigan Journal of International Law. Other law review articles have appeared in the Berkeley Journal of International Law, Virginia Journal of International Law, Michigan Journal of International Law, the Minnesota Law Review, New York University Journal of International Law & Politics, and the Arizona Law Review. She presented her most recent work in progress, a paper about international norm generation at UNICTRAL, at the American Society of International Law in March.

She has served on several bar committees as well as on the Board of Directors of the Customs and International Trade Bar Association. She chaired CITBA's Subcommittee on Trade Adjustment Assistance and co-authored its Primer on Litigating Trade Adjustment Assistance Cases. Before joining the faculty at Brooklyn Law School, from which she graduated in 1993, she practiced as an associate at Coudert Brothers, where she advised companies on governmental compliance and litigated a broad variety of international trade matters.

Robin Effron

presentations

- "Judicial Cooperative Federalism," Legal Scholarship Workshop, University of Chicago
- Moderator, Junior International Law Scholars Workshop, Temple University Law School

Elizabeth Fajans

presentations

- Panelist, "Appropriate and Inappropriate Collaboration: Where to Draw the Line," Legal Writing Section, AALS annual meeting

James Fanto

publications

- The Role of Financial Regulation in Private Financial Firms: Risk Management and the Limitations of the Market Model, 3 Brook. J. Corp. Fin. & Com. L. 29 (2008)

presentations

- "What Lies Beyond Functional Regulation," Banking Law Committee, New York State Bar Association

Richard Farrell

presentations

- Lectured on developments and trends in evidence law at numerous bar association and trial lawyers' programs, including Columbian Lawyers of Brooklyn, Association of Justices of the Supreme Court, Nassau Lawyers Association of Long Island, NYS Judicial Institute, and Marino Institute for Continuing Legal Education

Lara Gelbwasser Freed

publications

- Cooperative Federalism Post-Schaffer: The Burden of Proof and Preemption in Special Education, 2009 Byu Educ. & L.J. 103

Maryellen Fullerton

presentations

- Speaker and chair, Emerging Research Issues workshop, "The Dynamics of Refugee Protection in an Era of Globalization" conference, Brussels, Belgium



Marsha Garrison



Susan Herman



Edward Janger



Roberta Karmel

appointments

- Editor in chief, *The Refugee Law Reader: Cases, Documents and Materials*, available at www.refugeelawreader.org

Marsha Garrison

publications

- *Nonmarital Cohabitation: Social Revolution and Legal Regulation*, 42 *Fam. L.Q.* 309 (2008)
- *Regulating Reproduction*, 76 *Geo. Wash. L. Rev.* 1623 (2008)
- *Reviving Marriage: Could We? Should We?*, 10 *J.L. & Fam. Stud.* 279 (2008), reprinted in part in M. Brinig & C. Schneider, *An Invitation to Family Law* 577-89 (3rd ed. 2006)
- *Why Has the United States Failed to Ratify the U.N. Convention on the Rights of the Child?*, in *Marginalized Identities in the Discourse of Justice: Reflections on Children's Rights* (G. Cortese ed.) (forthcoming)

presentations

- "Trends in the Emerging Law of Nonmarital Cohabitation: A Progress Report," University of Uppsala, Sweden
- "Why Has the United States Failed to Ratify the U.N. Convention on the Rights of the Child?" University of Torino
- "Property Distribution at Divorce: Determining the Meaning of Fairness," International Society of Family Law World Conference

appointments

- Re-elected secretary-general, International Society of Family Law

Cynthia Godsoe

media

- *Exploited Youth: Finally, There's a Safe Harbor*, *National Law Journal* (Nov. 10, 2008)

Susan Herman

publications

- Foreword to *Aclu, Human Rights Begin at Home: Celebrating The 60th Anniversary of the Universal Declaration of Human Rights* (December 2008)

presentations

- "The Criminal Justice System and the Federal Courts, Past and Future" Federal Judicial Center 40th Anniversary Symposium, Lewis and Clark Law School

- Keynote speaker, Council of Appellate Staff Attorneys, Supreme Court Review
- "The Jury According to Hollywood," Appellate Judges Education Institute
- Moderator and panelist, "The Patriot Act Seven Years Later," Eastern District Association
- Speaker, New York State Bar Association, Committee on Attorneys in Public Service, Supreme Court Review
- Panelist, "The Supreme Court in Changing Times," New York State Bar Association, Committee on Criminal Justice and Committee on Civil Rights Appointments

appointments

- Elected President, American Civil Liberties Union

media

- Tribute to Charles Morgan, *Time* (Jan. 15, 2009)
- Interviewed on Dutch TV show *Nova* concerning freedom of speech and the Geert Wilders case (Jan. 29, 2009)

Edward Janger

presentations

- Workshop on third party releases in Chapter 11 plans of reorganization, Eastern District of Pennsylvania Bankruptcy Conference
- "Virtual Territoriality," Brooklyn Law School Faculty Workshop

media

- Quoted in *Forbes.com*, concerning bonus pay to Wall Street executives (Oct. 2, 2008)

Roberta Karmel

publications

- *The EU Challenge to the SEC*, 31 *Fordham Int'l L.J.* 1692 (2008)
- *Achieving Financial Stability Through Disclosure*, in *International Monetary Fund, Current Developments in Monetary and Financial Law* (Vol. 5) (2008)

presentations

- Harry Cross Lecture, "The Future of the Securities and Exchange Commission," University of Washington School of Law
- Panelist, "The Hardening of Soft Law in Securities Regulation," "Ruling the World: Generating International Legal Norms" Symposium, Brooklyn Law School

Faculty Highlights



Claire Kelly



Minna Kotkin



Bailey Kuklin



Jason Mazzone

Claire Kelly

presentations

- Panelist, "Administrative Law in the 21st Century: The Supreme Court and the Administrative State," National Association of Administrative Law Judiciary Annual Conference
- Panelist, "Trade Issues for Corporate Counsel," New York State Bar Association, Weil, Gotshal & Manges
- Panelist, "The Hardening of Soft Law in Securities Regulation," and co-organizer, "Ruling the World: Generating International Legal Norms" Symposium, Brooklyn Law School
- "The Politics of International Economic Law: The UNICITRAL Working Methods," "The Politics of International Economic Law: The Next Four Years": International Economic Law Group Conference, American Society of International Law, George Washington University Law School

Minna Kotkin

presentations

- "Blogging as Global Outreach for Justice," Global Alliance for Justice Education Meeting, Manila
- "Diversity and Discrimination," Employment Discrimination Section program, and "Of Authorship and Audacity: An Empirical Study of Gender Disparity and Privilege in the 'Top Ten' Law Reviews," Law and Social Science Section poster presentation, AALS annual meeting, San Diego

appointments

- North American representative, the Global Alliance for Justice Education's International Steering Committee

Bailey Kuklin

presentations

- Panelist, "Moral Universals vs. Adaptive Flexibility," and co-organizer, "Is Morality Universal and Should the Law Care?" Symposium, Brooklyn Law School

Jason Mazzone

presentations

- Moderator, "Moral Attribution: Positive and Negative" panel, "Is Morality Universal and Should the Law Care?" Symposium, Brooklyn Law School
- Speaker, New York State Bar Association, Committee on Attorneys in Public Service, Supreme Court Review

James Park

publications

- The Competing Paradigms of Securities Regulation, 57 Duke L.J. 625 (2007), reprinted in 50 Corporate Practice Commentator 723 (2008)

presentations

- "Securities Fraud and the Unjust Enrichment Principle," faculty workshops, University of Pittsburgh Law School and Brooklyn Law School

Arthur Pinto

publications

- Understanding Corporate Law (LexisNexis 3rd ed.) (May 2009) (with D. Branson)
- The European Union's Shareholder Voting Rights Directive from an American Perspective: Some Comparisons and Observations, 32 Fordham Int'l L. J. 587 (2008)
- Corporate Governance: Monitoring the Board of Directors in American Corporations, 46 Am. J. Comp. L. 317 (Supp. 1998), excerpted in Control of Corporate Management (4th ed. 2008) (L. Campbell ed.)

David Reiss

publications

- Landlords of Last Resort: Should the Government Subsidize the Owners of Multi-Family Buildings?, 31 W. New Eng. L. Rev. __ (forthcoming 2009)
- Rating Agencies and Reputational Risk, 4 Md. J. Bus. & Tech. L. __ (forthcoming 2009)

presentations

- "The Federal Government's Implied Guarantee of Fannie Mae and Freddie Mac's Obligations: Uncle Sam Will Pick Up the Tab," St. John's Financial Services Institute Symposium
- "Rating Agencies and Reputational Risk," University of Maryland Business Law Conference
- "The Social Utility of the Small Rental Property Owner: Should Landlords Be Subsidized?," Western New England College of Law
- Participant, Foreclosure Prevention Roundtable, NYU Law School and the Urban Institute
- "Analysis of the Subprime Mess," New York State Bar Association Banking Law Committee
- Commentator, "The Subprime Crisis: Going Forward Panel," University of Connecticut



James Park



Arthur Pinto



David Reiss



Elizabeth Schneider

- “The Residential Mortgage Foreclosure Crisis – Policy Solutions” panel, New York City Bar Housing & Urban Development Committee
 - “Restructuring the U.S. Banking System,” Business Law Section Panel, New York State Bar Association annual meeting
- media**
- Hail Paulson, *Legal Times* (Sept. 29, 2008)
 - After Fannie and Freddie, *National Law Journal* (Sept. 15, 2008)
 - Interviewed on WNYC concerning Fannie Mae and Freddie Mac buying subprime mortgages in New York State (Aug. 27, 2008)

Elizabeth Schneider

publications

- Domestic Violence Law Reform in the Twenty-First Century: Looking Back and Looking Forward, 42 *Fam. L.Q.* 353 (2008)
- Domestic Violence, Citizenship and Equality, in *Gender Equality: Dimensions of Women’s Equal Citizenship* (J. Grossman & L. McClain eds.) (Cambridge University Press)(forthcoming)
- Power, Law and Final Thoughts: The Contributions of Peter Bachrach, *Perspectives on Politics* (forthcoming)

presentations

- “The Dangers of Summary Judgment: Gender and Federal Civil Litigation,” Columbia Law School Gender and Sexuality Law Program Workshop
- “Domestic Violence in the 21st Century: Violence and Equality,” Columbia Law School Domestic Violence Project
- “The Changing Shape of Federal Civil Pretrial Practice: The Disparate Impact on Civil Rights and Employment Discrimination,” Columbia Law School Faculty Workshop
- “Civil Procedure and Discrimination,” Columbia Law School Civil Rights Law Society
- “The Changing Shape of Federal Pretrial Practice,” Civil Procedure Section program, AALS annual meeting, San Diego

appointments

- Chair, AALS Curriculum Issues Committee
- Reappointed chair, Judicial Academic Network, National Association of Women Judges

Human Rights Watch Honors Professor Samuel Murumba



Professor Samuel Murumba was honored by the Human Rights Watch board of directors on February 5 at a dinner held to highlight his many years of service to the organization.

Murumba, who has served HRW for 12 years, was appointed a board member emeritus in 2008.

He also serves as a member of the board of directors’ policy committee and the advisory boards of the Women’s Rights Division and the Africa Division at the organization. At Brooklyn Law School, he teaches and writes principally in the fields of intellectual property and international human rights.

Human Rights Watch is a New York-based organization dedicated to defending and protecting human rights around the world. In December 2008, HRW won the 2008 United Nations Prize for Human Rights in recognition of the role it has played in the human rights movement over the past 60 years.

Murumba, who taught at the Monash University Law School in Australia for many years prior to joining Brooklyn Law School, visited Monash in May to teach courses in human rights and intellectual property. He was also honored with an invitation to give a public lecture in Melbourne for Monash University’s Castan Centre for Human Rights Law while he was there.

Faculty Highlights



Lisa Smith



Lawrence Solan



Nelson Tebbe



Aaron Twerski

Lisa Smith

publications

- ReEntry initiatives for 2008, ABA Criminal Justice Magazine (forthcoming 2009)

presentations

- "You Don't Practice in the Area of Domestic Violence: What do you do if a client calls in that situation?" panel, New York City Bar, CLE program
- "Sentencing Practice, Advocacy and Reform," ABA meeting, Washington D.C.

appointments

- Community Advisory Board, Long Island College Hospital

media

- Appeared on Good Morning America, discussing the criminal justice system's response to juvenile murderers
- Quoted in Slate Magazine and in the ABA Criminal Justice Magazine on victim intimidation
- Court TV: commented on People v. Hughes, Michigan v. Calamita, Tennessee vs. Houston, and Massachusetts v. Hilton

Lawrence Solan

presentations

- Co-organizer, "Is Morality Universal and Should the Law Care?" Symposium; and panelist, "Moral Attribution: Positive and Negative," Brooklyn Law School
- "Law, Language and the Modular Mind," Donald and Margaret Freeman Lecture, University of Massachusetts
- "Stability and Other Values in Statutory Interpretation" and "Why it is Easier to Blame than to Praise," University of Southern California Law School
- "False Consensus Bias in Insurance Policies" (with D. Osherson and T. Rosenblatt) and "Learning from Legal Texts," AALS annual meeting, San Diego

appointments

- Distinguished visitor, University of Southern California Law School

Nelson Tebbe

publications

- Eclecticism, Constitutional Commentary (forthcoming 2009) (reviewing Kent Greenawalt, Religion and the Constitution: Establishment and Fairness (2008)).

presentations

- "Condemning Religion: The Political Economy of RLUIPA," Religion and Land Use Symposium, Albany Law School; and the Municipal Arts Society, New York
- Panelist, "Kent Greenawalt, Religion and the Constitution: Establishment and Fairness" Roundtable, Notre Dame Law School
- "Lawyers' New Duties Concerning Real Evidence: Obstruction of Justice and Sarbanes-Oxley," Brooklyn Law School Professional Ethics Series, Milbank, Tweed, Hadley & McCloy, LLP, New York
- "Current Topics in the Constitutional Law Concerning Religion," Mark Berger Memorial Lecture, East Fifty-Fifth Street Conservative Synagogue, New York
- "Originalism and Living Constitutionalism," Street Law, Inc. Supreme Court Seminar, Fried, Frank, Harris, Shriver & Jacobson LLP, New York

appointments

- Co-chair, Program Committee of AALS Law and Religion Section

Aaron Twerski

publications

- The Cleaver, the Violin and the Scalpel: Duty and the Restatement (Third) of Torts, 60 Hastings L.J. 1 (2008)

presentations

- Co-organizer, "The Products Liability Restatement: Was It a Success?" Symposium; panelist, "The Restatement and Liability for Failure to Warn"; and response, "The Restatement and Product Defects: An Introduction," Brooklyn Law School
- Lecture on Products Liability Restatement, Products Liability Section, New York City Bar
- "Rethinking Self-Worth in the Context of Recession: A Primer for Professionals," Association of Jewish Outreach Professionals, Newark

honors

- Award for contributions to the advancement of scholarship in tort law and products liability, Comptroller of the City of New York

Karen van Ingen

presentations

- Participant, BLAW Academic Panel Roundtable, Bloomberg Headquarters

Brooklyn Law School Goes On the Road

During the fall semester, members of the Law School community traveled from coast to coast and places in between to visit alumni who are living and working outside the metropolitan New York area. The events were an opportunity for alumni to hear from Dean Joan G. Wexler and other faculty members about the latest news at the Law School and to share their experiences in particular areas of the law with alumni and students.



- In Washington, D.C. a reception at the Sequoia included a group of current students interested in working in D.C. who met with graduates to learn more about opportunities in the area.
- In Chicago, the Law School hosted a dinner with Associate Dean Lawrence Solan at Brasserie Joe for a group of graduates working and living in the area.
- In Los Angeles, Associate Dean Solan gave a talk, "Interpreting Statues: Can Scalia Be Right?," at the Jonathan Club, followed by a reception. Harvey Oringher '73 and his firm, Theodora Oringher Miller & Richman PC, helped to organize the event and underwrote a majority of the costs.
- In Boston, Professor Edward Cheng presented "Money Ball for Lawyers," with a reception afterwards at the Nine Zero Hotel.



Alumni Association Luncheon Honors Three Standouts

Brooklyn Law School's Alumni Association held its annual luncheon reception on October 31, 2008. Dean Joan G. Wexler and outgoing Alumni Association President Hon. Robert E. Grossman '73 recognized three outstanding graduates — Warren T. Lazarow '86, Eileen T. Nugent '78, and Nicholas Scoppetta '62 — with Alumni of the Year Awards, and Grossman himself was honored with a distinguished service award.



above: BLS alumni gathered to celebrate the accomplishments of three of their finest at the W New York Hotel; honoree Warren Lazarow with his wife, Barbara, and their sons, Malcolm (L) and Paul (R).

opposite page: (L to R) Hon. Robert Grossman presents an award to honoree Eileen Nugent; and honoree Nicholas Scoppetta with his wife, Susan, and colleagues.

Warren T. Lazarow is the managing partner of the Silicon Valley office of the international law firm O'Melveny & Myers LLP. He also serves on O'Melveny's Policy Committee, which is responsible for overseeing the firm's general affairs and management. He counsels emerging growth corporations, public companies, venture capital firms, private equity funds, and investment banks on a diverse range of transactional matters including investments, mergers, acquisitions, divestitures, financings, and public and private offerings of equity and debt, as well as broad corporate governance, securities, and compliance issues. In 2008, Lazarow was named for the fourth time to Forbes Magazine's "Midas List" of the world's top 100 technology dealmakers, and he has been ranked among the world's leading lawyers for Corporate/M&A, Capital Markets, and Communications/Technology work by Chambers and Partners. He has also been on the "top lawyers" lists of several publications including The Legal 500. He graduated cum laude from Princeton University in 1982 and received his J.D. in 1986. He was the Notes Editor for the Brooklyn Law Review. Following law school, he worked at Cahill Gordon & Reindel LLP in New York before moving to Silicon Valley. This year, Lazarow and his wife, Barbara, are funding the digital technology for Brooklyn Law School's lobby, currently under renovation. They are also endowing the Warren T. and Barbara M. Lazarow Scholarship, and they are on the Honor Roll of Donors for the construction of Feil Hall.

Eileen T. Nugent is a partner at the global law firm, Skadden, Arps, Slate, Meagher & Flom LLP. A leading practitioner in the field of mergers and acquisitions and co-head of the firm's private equity group, Nugent has worked on a wide variety of acquisitions and dispositions of companies, subsidiaries, and divisions, both public and private, hostile and negotiated, in the United States and around the world. She is a senior legal, business, and strategic advisor to her clients, including many Fortune 500 companies, particularly in the areas of corporate governance, conflict-of-interest and other matters. Nugent is a frequent lecturer and panelist at the Practising Law Institute, ALI-ABA and other M&A seminars, and she plays a key role in the annual Tulane M&A Institute. She has taught classes on M&A at Harvard Law School and New York University Law School and has published articles and a treatise on M&A-related topics. Nugent received an A.B. from Cornell University in 1975 and her J.D. in 1978. During law school, she was a member of the Brooklyn Journal of International Law. In November 2003, she was elected to serve on the Brooklyn Law School Board of Trustees. She has participated as a Dean's Roundtable Luncheon speaker, and she is on the Honor Roll of Donors for the construction of Feil Hall.

Nicholas Scoppetta is Commissioner of the Fire Department of New York, leading a 16,000-member department that encompasses fire and emergency medical services for the city. His extensive experience in government and management spans more than four decades. Scoppetta served as the first commissioner of the Administration for Children's Services from 1996 through 2001. During his tenure, ACS engaged in a comprehensive reform of the city's child welfare system, which won national praise. Earlier in his



career, he was a Deputy Mayor and Commissioner of Investigation for the City of New York. He also served as associate counsel to the Knapp Commission, as an Assistant United States Attorney for the Southern District of New York, as an Assistant District Attorney for New York County, and as the Deputy Independent Counsel in the investigation and prosecution of a former special assistant to the President of the United States. In 1978, Scoppetta joined the faculty of New York University School of Law and he also became director of the Institute of Judicial Administration. In 1980, he founded the law firm of Scoppetta & Seiff, where he was in the private

practice of law until his return to public service in 1996. He has served on numerous boards of non-for-profit institutions including the Children's Aid Society, New Yorkers for Children, an agency he founded, and the New York City Bar. He was also chairman of the Commission to Combat Police Corruption. Scoppetta attended Bradley University after serving in the Army, where he earned a degree in engineering. He then went to Brooklyn Law School at night while working as an investigator for the Society for the Prevention of Cruelty to Children. He has been a speaker at several Dean's Roundtable Luncheons. □

Recent Graduates Enjoy Holiday Reception



On December 4, 2008, recent Brooklyn Law School graduates met at PS 450 in Manhattan to reconnect and enjoy the holiday season.



I am pleased to introduce myself as the new president of the Brooklyn Law School Alumni Association. Having participated as an officer and a director of the Association for many years, I am honored to take on the challenges of this new position.

Brooklyn Law School has steadily built a reputation for excellence. By every measure — faculty, students, curriculum, clinics, fellowship programs, centers, and facilities — we have made our mark as one of the nation's top law schools. Our graduates are known as high achievers with an unequalled ability to hit the ground running. They can thrive in any legal environment.

But, even with impressive credentials, in these difficult economic times our graduates are finding fewer job opportunities at the leading law firms, nonprofits, corporations, and government offices that have been welcoming them for years. Fortunately, the economic downturn has not stopped top-notch students from applying in record numbers for admission. But, they require more financial support than before to pay for law school.

Now — when the need is greater than at any time in recent memory — I strongly encourage you to demonstrate your commitment to strengthening the Law School and giving back to your alma mater. There are many ways to show your support:

- Donate any amount you can to the Annual Fund. You will be supporting the growth of our curriculum and our ability to attract leading faculty. You will also be underwriting scholarships and special programs — everything that enhances the value of a Brooklyn Law School education.
- Join the Alumni Association. You will receive library privileges and the ability to earn CLE credits at a discounted rate through our academic programs.
- Hire a Brooklyn Law student or graduate. You will be helping the Law School and, at the same time, benefitting from employing a highly qualified, competent, and intelligent lawyer.

There are also many ways to get involved and stay connected:

- Attend one of our many alumni networking receptions or academic programs on cutting-edge legal topics.
- Volunteer as an Alumni Mentor and enjoy sharing your knowledge and expertise with a student.

Of course, few among us have been unaffected by the economic downturn. Yet we as alumni have one asset to rely on that has demonstrated consistent growth — a great legal education. We owe it to ourselves and the next generation of lawyers to support the Law School.

I look forward to meeting you soon at one of our many exciting programs. Also, we welcome your ideas. Please feel free to contact me through the Law School or Caitlin Monck-Marcellino '02, Director of Alumni Relations, with any suggestions you may have.

Sincerely,

A handwritten signature in black ink that reads "Scott L. Hazan". The signature is written in a cursive, slightly slanted style.

Scott L. Hazan '73
President, Brooklyn Law School Alumni Association

ClassNotes

1948

Stuart R. Reichart is living in Delray Beach, FL. Reichart had a distinguished career in the Air Force, serving for over 39 years in both military and civilian capacities. Prior to entering law school, he served in the Army Air Forces, and after graduation, he returned to active duty with the newly established Air Force as a judge advocate and ultimately as general counsel of the Air Force. In 1981, the Air Force Association established the Stuart R. Reichart Award, which recognizes outstanding achievement in the field of law within the Department of the Air Force by a senior attorney.

1959

Carl L. Steinhouse published the fifth book in his creative nonfiction Holocaust Heroes series, Wily Fox. He served as a federal prosecutor for 15 years and was a litigator in private practice for 20 years, specializing in antitrust/white collar crime. He was active on the National Conference of Soviet Jewry and he remains active in Anti-Defamation League matters and in genocide prevention programs.

1963

Richard Weinberger, a partner in the New York office of Ballon Stoll Bader & Nadler, P.C., joined the National Arbitration Forum's national panel of independent and neutral arbitrators and mediators. The Forum is a leader in dispute resolution, which provides fair, affordable, and accessible civil justice through its arbitrators and mediators. Weinberger practices in the area of commercial litigation, including bankruptcy litigation.

1967

Frederick Cohen, formerly with Thelen LLP, joined the New York office of Duane Morris LLP in the firm's construction practice. As

one of the practice group's leaders, Cohen represents owner-developers, nonprofit institutions, contractors and sureties in both the private and public sectors, resolving issues involving delays, defective performance and structure failures. Six other graduates joined him in the move to Duane Morris: Mark A. Canizio '82, Dennis A. Konner '67, Lawrence Chiarelli '93, Jose A. Aquino '93, James Lotito '99 and Brian J. Markowitz '01.

Steven A. Weingarten has been living in Utuado, Puerto Rico for the past 14 years, where he owns and runs the Casa Grande Mountain Retreat, a retreat center practicing sustainable tourism. His inn is a four-time winner of the Puerto Rico Hotel & Tourism Association Green Inn of the Year award.

1968

Joseph C. Wasch formed Florida General Counsel Services, a law firm located in Boca Raton. It offers small and mid-size businesses a comprehensive range of corporate legal services on a part-time or per-project basis.

1970

Lester M. Bliwise, a partner in the New York office of Sutherland Asbill & Brennan LLP, was presented with a 2008 Cornerstone Award by Lawyers Alliance for New York. The award recognizes his work assisting organizations providing low-income and supportive housing for homeless and mentally ill populations. Lawyers Alliance for New York provides business and transactional legal services for nonprofit organizations that focus on improving quality of life in New York City neighborhoods.

1972

Stuart A. Hoberman, a shareholder in the New Jersey law firm of Wilentz, Goldman & Spitzer, P.A., was named the 2009 "New

Jersey Best Lawyers Banking Lawyer of the Year." Hoberman is chair of the firm's banking and financial services team. He is also a member of the Board of Trustees of the New Jersey Chamber of Commerce, and a member of the Bank Lawyers Council of the New Jersey Bankers Association.

Michael S. Sachs has maintained a solo practice in New Windsor, NY since 1976, focusing primarily on criminal defense, family, real estate and estate law matters.

1974

Harriet N. Cohen was featured in an article, "The Second Life of Harriet Cohen," in New York Super Lawyers 2008. The article chronicled her path from starting law school at age 40, having recently been divorced with 4 children at the time, to becoming the head of one of the most successful family law firms in New York.

Kenneth Kirschenbaum, managing partner of Kirschenbaum & Kirschenbaum PC, was inducted into the Security Sales and Integration magazine's 2009 Hall of Fame in recognition of his work providing legal counsel and guidance to the alarm and security industry for over 30 years. He also practices in the areas of commercial and civil matters in state and federal court, and in contract, corporate and transaction matters. He serves as a United States Bankruptcy Trustee in the Eastern District of New York, Central Islip Division.

1976

Thomas A. Dunne was appointed vice president for government relations and urban affairs at Fordham University. He was previously with Verizon-New York, where he was responsible for the corporation's interaction with various government agencies and offices. He has over 20 years of experience in both the public and private sectors on legislative and policy issues.

Rosalyn H. Richter '79 Appointed to Appellate Division



IN MARCH, GOVERNOR DAVID PATERSON appointed the Honorable Rosalyn Richter to the Appellate Division, First Department, of the New York State Supreme Court. Immediately prior to her appointment, she served as a justice of the New York County Supreme Court, presiding over matrimonial cases, felony criminal matters, guardianship cases and general civil litigation. The Appellate Division is the intermediate appellate court for the State of New York and hears appeals from a number of courts including the New

York Supreme Court, the state's general jurisdiction trial court.

The appointment of Justice Richter, along with Judge Elizabeth Garry to the Third Department, is historic because both judges are openly gay. Justice Richter has spent many years on the bench in New York. She served as the Supervising Judge in Bronx Criminal Court, a criminal court judge in New York County, and a judge in the Midtown Community Court. In the 1980s, she served in the appeals bureau of the Brooklyn District Attorney's Office, and then presided over administrative proceedings in the New York City Office of Administrative Trials & Hearings. Justice Richter was executive director of Lambda Legal Defense & Education Fund, a groundbreaking anti-discrimination organization, and prior to that was an associate in a family law practice.

Justice Richter's noteworthy cases include *Ward v. Klein*, in which she upheld a complaint alleging defamation against Gene Simmons of the rock band KISS; and *Rosenberg, Minc & Armstrong v. Mallilo & Grossman*, in which she set aside an award of punitive damages, finding that the required moral turpitude had not been established. The Rosenberg trial arose from the misconduct of a former associate of the defendant law firm who impersonated a member of the plaintiff law firm and contacted prospective clients of the plaintiff firm.

At Brooklyn Law School, Justice Richter was active in the Moot Court Honor Society. "I attribute my interest in appellate law, in part, to that experience," she says. "I was also inspired by the outstanding professors there who were involved in cutting-edge issues of women's rights and domestic violence." She later taught at the Law School as an adjunct professor.

Justice Richter holds a B.A. from Barnard College. She currently serves on a number of court advisory groups and bar association committees.

1977

Barry Salzberg, CEO of Deloitte LLP, was named to Accounting Today's "2008 Top 100 Most Influential People in Accounting." The magazine noted that in his first year as head of the largest of the Big Four, Salzberg not only helped orchestrate double-digit growth

and a half a dozen acquisitions, but quickly distinguished himself with next-generation projects such as Deloitte University; D Street, an online social networking environment; and a "green" movement.

1978

Ernest J. Choquette was named president of Stevens & Lee, a professional services firm located in Reading, PA with over 190 lawyers and more than 40 non-lawyer business and consulting professionals. Choquette is responsible for the day to day management of the firm and for implementing policy and strategic plans. He focuses on representing private companies in business transactions including, acquisitions, divestitures, mergers and joint ventures both domestically and abroad.



William H. Schrag, formerly a partner at Dewey & LeBoeuf LLP, joined the New York office of Duane Morris LLP as a partner in the firm's business reorganization and financial restructuring

practice group. He practices in the areas of bankruptcy, commercial litigation, and creditors' rights. He focuses on domestic and international insolvency litigation, workouts, corporate reorganization and bankruptcy matters.

1979

Joseph Diamante, formerly a partner at Jenner & Block LLP, joined the New York office of Stroock & Stroock & Lavan LLP as a partner in the firm's intellectual property group. He litigates cases involving all forms of intellectual property and unfair competition, and he also assists technology companies to develop, protect and commercialize their intellectual property assets.

Charles Eric Gordon, an investigative counsel in Plainview, NY, taught a continuing legal education course at the Brooklyn Bar Association for the Volunteer Lawyers Project on "Tracing Missing Persons." Gordon focuses on locating missing witnesses, heirs, distributees, defendants and other absentees. He is a member of the World Association of Detectives and the American Academy for Professional Law Enforcement.

Anthony Annucci '80 Recognized for Public Service



THE NEW YORK STATE BAR Association's Committee on Attorneys in Public Service awarded Anthony J. Annucci with a 2009 Excellence in Public Service Award at its annual meeting on January 27. Annucci is the Executive Deputy Commissioner for the Department of Correctional Services. The Association

chooses award recipients based on their dedication to a "higher calling" by not only working in the public sector but also demonstrating a commitment to service, honor and integrity.

Annucci was appointed to his current position in 2008 after 24 years of service at DOCS. As the agency's chief legal advisor, he has played an integral role in shaping correctional programs in New York by drafting or contributing to legislative initiatives such as Jenna's Law, the Comprehensive Alcohol and Substance

Abuse Treatment Program, and the Sentencing Reform Act of 1995. Last year, Annucci served as the agency's lead counsel on negotiating a settlement involving several state agencies regarding the treatment of mentally ill inmates. As a result of this landmark settlement, New York has become a new national model for providing services to mentally ill prisoners.

While a student at Brooklyn Law School, Annucci participated in the Judicial Clerkship Program which, he says, "was instrumental in launching my legal career in criminal justice." He was also active in the Italian American Law Students Association and the Legal Fraternity, Phi Delta Phi. "One of the first lessons I learned at Brooklyn Law School was understanding why something is even an issue," he says. "This approach to legal analysis has served me well throughout my career."

Annucci was a key member of the New York State Commission on Sentencing Reform and has provided proposals on new sentencing guidelines, changes in Merit Time and Rockefeller Drug Law requirements and other critical issues. He is a graduate of Fordham University.

1981

Leon J. Bijou was appointed managing director and associate general counsel of the Securities Industry and Financial Markets Association. He is a member of SIFMA's capital markets team, working primarily with the municipal division on legal, regulatory and market practice initiatives. He was formerly a vice president and associate general counsel at Goldman, Sachs & Co., serving as general counsel for the municipal bond department.

Ira Cohen, a partner in the Miami law firm of Silver, Garvett & Henkel, P.A., was named to the faculty of the University of Phoenix, South Florida Campus. He teaches business law and related courses at both the undergraduate and graduate levels.

Katherine R. O'Brien, chief diversity officer of New York Life Insurance Company, was promoted to first vice president. New York Life is the largest mutual life insurance

company in the United States and one of the largest life insurers in the world. O'Brien is responsible for identifying and implementing best practices in the areas of recruitment and training of a diverse workforce, and for the development and promotion of culturally diverse and women employees.

1982

Samuel E. Kramer, who maintains a private practice in East Hampton and New York, was named to the Town of East Hampton Planning Board. He practices commercial litigation and bankruptcy law.

1983

Beth Schillinger Patterson is living in Denver, where she has a private law practice representing musicians. She completed a masters degree in Transpersonal Counseling Psychology and also has a psychotherapy

practice that focuses on grief, loss and life transitions, in addition to working as a bereavement and volunteer coordinator for SolAmor Hospice.

1984



Caryn B. Keppler, formerly of counsel at Salans, joined Hartman & Craven LLP as a partner in its trusts and estates practice group. She focuses on all aspects of estate, gift and charitable planning for individuals, as well as business succession and continuity planning. She has also assisted families in planning for their disabled children. She is a member of the NYC and Westchester Estate Planning Councils and is a past president of the Rockland County Estate Planning Council.

1995

Rebecca A. Brazzano, of counsel in the New York office of Thompson Hine LLP, was presented with a Community Service Award by the New Jersey Corporate Counsel Association for her dedication and service to the community through efforts to rally volunteers and sponsors for worthwhile causes. A member of Thompson Hine's business litigation practice group, Brazzano focuses on complex litigation matters and has extensive experience in the securities, intellectual property and bankruptcy arenas. She is also an active member of the firm's diversity committee.

Paul A. Rachmuth, formerly with Reed Smith LLP, joined New York firm Gersten Savage LLP as a partner and chair of the firm's bankruptcy and corporate reorganization practice. His experience includes leading complex bankruptcy litigations and negotiations, selling large bankruptcy claims, prosecuting reinsurance coverage actions, defending recovery actions, and analyzing complex financing structures for major banking institutions.

1996

Lawrence W. Rosenblatt became a partner of Aaronson Rappaport Feinstein & Deutsch, LLP. He handles a broad and varied range of litigation, with a concentration in high exposure medical malpractice matters.

1997

William G. Ford was elected as a judge of the Suffolk County District Court in November 2008. He was previously a principal assistant county attorney in the Suffolk County Law Department General Litigation Bureau. He is the first African-American District Court Judge elected from the Town of Islip.

Angel L. Ortiz, in house counsel at NBC Universal, was presented with a 2008 Cornerstone Award from the Lawyer's Alliance for New York in recognition of his pro bono work for Housing Conservation Coordinators and Brooklyn Community Housing and Services, which he advised on union negotiations and an existing collective bargaining agreement. Lawyers Alliance provides business and transactional legal services for nonprofit organizations that focus on improving the quality of life in New York neighborhoods.

Aviva Warter Sisitsky gave birth to her second child, a daughter named Summer Dutchie, in December 2008. Sisitsky also became a partner in the New York office of Jones Day, LLP, where she practices in the area of securities litigation.

1998

Sean R. O'Loughlin, president of New York-based Global Biomechanical Solutions, was featured in an article in National Underwriter Magazine in December 2008 about the use of biomechanics specialists who reconstruct accidents in an effort to combat insurance fraud. O'Loughlin's company acts as an intermediary between insurers and biomechanical experts.



Richard J. Sobelsohn, an associate in the real estate department of Moses & Singer LLP, earned accreditation from the U.S. Green Building Council as a Leadership in Energy and

Environmental Design Accredited Professional. The LEED Green Building Rating System is a globally accepted rating and certification program for design, construction, operation, and maintenance of green buildings.

Christian J. Soller became a partner in the Albany office of Hodgson Russ LLP. A member of the firm's torts, insurance and products liability practice group, as well as its bankruptcy, restructuring and commercial litigation practice group, he concentrates on business litigation and personal litigation.

1999

Allison R. Graffeo was named a partner in the New York office of Wilson Elser Moskowitz Edelman & Dicker LLP. She focuses on the defense of medical malpractice claims.



Michael J. Kurtis became a partner in the Blue Bell, PA office of Nelson Levine de Luca & Horst LLC. He practices in the area of reinsurance law, advising clients on contracts, coverage analysis, claim presentations and dispute resolution.

2000



Leah M. Eisenberg became a partner in the New York office of Arent Fox LLP in the firm's bankruptcy and financial restructuring group. Eisenberg focuses on corporate reorganization, bankruptcy matters, and inter-creditor issues. She is also a member of the steering committee for the firm's Women's Leadership Development Initiative.

Rohan Barnett '96 Named Executive Director of FSC of Jamaica



ROHAN BARNETT HAS BEEN NAMED EXECUTIVE director of the Financial Services Commission, the agency responsible for supervising and regulating the securities, insurance and private pension industries in Jamaica.

After earning an undergraduate degree in economics at New York University and graduating from Brooklyn Law School in 1996, Barnett joined Smith Barney, which subsequently became part of Citigroup. There, he was exposed to regulatory aspects of the financial services industry. Barnett

initially served as a litigator for the Smith Barney division, Citi's retail brokerage arm that is now owned by Morgan Stanley. As first vice-president, Barnett led the team that dealt with all legal and regulatory compliance issues related to the development of the brokerage house's first non-discretionary advisory program. He then transitioned to the role of divisional counsel for Smith Barney's northeast division, where he was responsible for providing legal coverage for all Smith Barney branches located from northern Virginia to Maine.

Barnett left Citi for the FSC in December 2008. "My private sector background made my entry into the government system challenging, but I love the new dynamic of working in the public sector," he says. "The FSC deals with the very same issues you have to deal with on Wall Street or in London."

At Brooklyn Law School, Barnett was greatly influenced by the teachings of Professors Fanto, Pinto, Karmel and Poser. But he also attributes a significant part of his legal foundation to Professor Samuel Murumba whose courses on human rights "were exceptional in showing how esoteric financial principles had very real effects in developing economies," he says.

investments, joint ventures, and M&A, and also manages litigation. He was previously an associate general counsel at Hanwha Group in South Korea, a conglomerate with positions in chemical, construction and financial services markets.

Adam Silverman was promoted to assistant general counsel of Alloy Media + Marketing, a youth media, marketing and entertainment company. Silverman has been with the company for five years, most recently serving as director of corporate legal affairs.

2002

Richard H. Abend formed his own firm, Abend & Silber, PLLC, a full-service law firm with a core litigation practice located in Manhattan.



Kenneth J. and Safia A. Anand welcomed the birth of their son, Alexander Jaron in June 2008. Kenneth opened his own firm, the Law Office of

Kenneth J. Anand, and Safia is an associate at Olshan, Grundman, Frome, Rosenzweig & Wolosky, LLP in the firm's intellectual property practice group.

Danielle J. Bernthal (Garber) and her husband, Aaron, welcomed the birth of their daughter, Ella Robin, in December 2008. Danielle is assistant general counsel of Six Flags, Inc. in New York.

Brian J. Grieco and his wife, Nina, welcome the birth of their son, Giovanni Alexander, in November 2008. Grieco is an associate in the New York office of Hogan & Hartson LLP, where he practices in the areas of bankruptcy, business reorganization, and commercial finance.

Jaime Lathrop joined Volunteer Lawyers Project, Inc. as director of its newly created Pro Bono Foreclosure Intervention Program. The program assists poor and

2001

Elchonon "Eli" Golob relocated to Saipan, in the Commonwealth of the Northern Mariana Islands, USA, where he has been appointed an assistant attorney general by the Commonwealth's governor. He is assigned to the Department of Labor, handling all of the department's legal issues. He was previously a private commercial litigator in both New York and Arizona.

Ziad A. Hammodi became a partner of Reed Smith LLP in its New York office. He practices real estate law, representing permanent and construction lenders in loan transactions; local and

national developers in office and hotel developments; and a major financial institution in managing its own national and international real estate needs.

Marc J. Monte was appointed senior counsel at Wingate Kearney & Cullen, LLP. His practice is in the areas of litigation, condominium law, and cooperative housing association law. He and his wife Lauren, are expecting their third child in May 2009.

Woong C. Park joined SK Telecom Co., Ltd., a mobile and Internet services provider in South Korea, as an associate general counsel. In this position, he advises in various areas, including foreign

Brian Sullivan '03 Anchoring at Fox Business Network



BRIAN SULLIVAN JOINED FOX Business Network as an anchor in April 2008, co-anchoring the 10:00 am – 12:00 pm hours of the FOX Business block. While at FOX Business Network, Sullivan has used his legal training to analyze the complexities of the current market and credit environments, as well as

anchoring live from the Milken Institute conference and the nation's capital during the height of the credit scare.

Prior to joining FOX, Sullivan served as an anchor for Bloomberg Television where he hosted the programs "Morning Call" and "In Focus." He also frequently hosted the weekend interview program, "For the Record." His 2007

special "Subprime Shockwaves" won the New York CPA Society Excellence in Financial Journalism award and was nominated for the Loeb Award for its early reporting on the impact of subprime mortgages on the housing market and economy. Sullivan joined Bloomberg Television in 1997 and during his 11 years with the network served in various roles as a writer, editor, on-air reporter and stocks editor.

Born in Los Angeles, Sullivan earned a bachelor's degree in political science from Virginia Tech and a certificate in journalism from New York University School of Continuing Education. He earned his law degree from Brooklyn Law School as an evening student while anchoring a morning television show.

"There is no better journalistic training than a legal education," Sullivan says. "You learn how to analyze all sides of an issue, and legal writing is not much different than broadcast writing because the key is to be concise and to the point."

low-income families facing foreclosures in many of Brooklyn's neighborhoods. He also works on behalf of VLP in partnership with the South Brooklyn Legal Services Foreclosure Prevention Project, which staffs a walk-in foreclosure clinic at Kings County Supreme Court.

2003



Mitchell A. Korbey was named a partner in the New York office of Herrick, Feinstein LLP. A member of the firm's government relations, real estate and land use practice groups, he resolves zoning conflicts and analyzes complex regulations affecting properties throughout New York. He also works closely with the firm's litigation team on construction and code-related disputes. He is a former commissioner of the New York City Board of Standards and Appeals, and a former director of the City Planning Department's Brooklyn Borough Office.

Yong J. Lee, who is a military prosecutor at the Military Justice Section in the Office of the Staff Judge Advocate on the Marine Corps Base in Quantico, VA, was commissioned as a captain in the U.S. Marine Corps. In August 2007, he was awarded the Republic of Korea Joint Chief of Staff Certificate of Commendation and Commendation Medal for promoting cooperation between the Republic of Korea and U.S. Judge Advocate Offices.

Michael Z. Maizner, an associate in the labor and employment law firm of Kauff McGuire & Margolis LLP, was an associate producer on the recently released film, *Explicit Ills*, starring Rosario Dawson. Maizner is a member of KM&M's entertainment, sports and arts practice group where he focuses on employment policies and practices, restrictive covenants, discrimination claims, and issues arising under the National Labor Relations Act and other federal and state labor laws.

2004

Joseph Anci, a law clerk to Justice Marsha Steinhardt '72 of the New York State Supreme Court, Kings County, was married to Karen Broderick, a reading specialist at the Woodmere Middle School in Hewlett, NY.

Jean H. Cho (Park), a law clerk to U.S. Magistrate Judge Marilyn Dolan Go of the U.S. District Court, EDNY, was married to Albert Cho, a partner in the New York office of Kirkland & Ellis, LLP.

Brian R. Fitzgerald joined the New York office of Mayer Brown LLP as an associate in the firm's litigation practice. He was formerly an associate at Willkie, Farr & Gallagher LLP.

Darryl H. Hall joined TIBCO Software Inc. as corporate counsel. The company provides software products that enable real time processing and presentation of information. Hall was previously an associate at Thelen, LLP.

Tiffany M. Lenz and her husband, Jonathan, welcomed the birth of their daughter, Abigail Virginia, in September 2008.

Jennifer L. Marines (Greene) joined the New York office of Kirkland & Ellis LLP as an associate in the restructuring group, focusing on complex corporate restructurings. She was formerly an associate at Simpson Thacher & Bartlett LLP.

Gillian Shoch Reeder joined the American Law Institute as its Director of Foundation Relations and Planned Giving, a newly created position. Reeder previously had leadership responsibilities for fundraising at the New York Historical Society.

Harper D. Robinson (Fertig) wed James Robinson in January 2009. Harper is an attorney in the legal department at Citigroup in New York. James is a vice president in New York for a unit of Skanska, a Swedish construction company.

Sara S. Rubenstein wed Yariv Ben-Ari in November 2008. She and her husband are both associates at Herrick, Feinstein LLP.

2005

David H. Faux, executive committee member of the Entertainment, Arts and Sports Law Section of the New York State Bar Association, organized a panel discussion on boxing law held in September 2008 at Gleason's Gym in DUMBO, one of New York's oldest boxing gyms. Faux is the director of business affairs at the Dramatists Guild of America.

Frank M. Mischia was appointed president of FLM Reprographics. Located in Fairfield, NJ, the company provides reprographics, document management and digital imaging services to the architectural, engineering and construction industries in the New York-New Jersey areas. He oversees the management of all the company's operating units and business development.

Joshua B. Selig, previously an associate in the New York and Seattle offices of Heller Ehrman LLP, joined the Seattle trial firm of Byrnes & Keller, LLP as an associate practicing complex commercial litigation. He and his wife, Shannon, have a daughter, Riley, and a son, Flynn.

2006

Kavi C. Grace, joined the Chicago office of Mayer Brown LLP as an associate, practicing in the areas of transactional technology licensing and outsourcing matters. Grace was formerly an associate in the New York office of DLA Piper US LLP in its technology and sourcing and corporate and securities practice groups.

Justin R. Leitner, formerly with Wilson, Elser, Moskowitz, Edelman & Dicker LLP, joined Roberts Ritholz Levy Sanders Chidekel & Fields LLP as an associate. He practices in the firm's core practice areas, representing clients in the music, motion picture/television, fashion, internet, video game, wireless and electronic transactions industries, and their financiers.

Daniel K. Wiig joined Mintz & Gold LLP as an associate concentrating on commercial litigation. He was previously a law clerk to Hon. Eileen Bransten of the New York State Supreme Court and a commercial division law clerk to Hon. Richard B. Lowe III. He serves as chair of the Subcommittee on the Judiciary for the New York County Lawyer

Association's Young Lawyer's Committee and on the executive committee of the NYC Bar Association's Young Lawyer's Section.

2007

Karina Garden Jimenez, an attorney practicing commercial real estate law with Foot Locker Inc., wed Carlos Jose Jimenez '08 in October 2007. She recently started a wedding consulting and event planning boutique in New York called Something Blue Bridal Consulting & Events.

2008



Blake T. Denton, a law clerk to Hon. Phyllis Kravitch of the U.S. Court of Appeals for the 11th Circuit, is having an article, "While the Senate Sleeps: Do Contemporary Events Warrant a New Interpretation of the Recess Appointments Clause?," published in the Catholic University Law Review in 2009. Upon completion of his clerkship in fall 2009, he will join the New York office of Latham & Watkins, LLP as an associate.

Adam Seth Turk and Jacob Davidoff have formed Turk & Davidoff PLLC, a full service law firm focusing on business law and contract negotiations, real estate, trusts and estates, and uncontested divorces and annulments, and collections.

Editor's Note:

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

Please send ClassNotes information for future issues to the following e-mail address: communications@brooklaw.edu.

New Endowed Scholarships Encourage Dedication to Public Good

Brooklyn Law School is pleased to announce three new endowed scholarships that support one of the Law School's main priorities: to attract the best and brightest students to study here. On a more personal level, endowed scholarships provide inspiration and distinction to the recipients. Students can add the name of the scholarship to their resumes and learn of both the achievements and challenges of those who came before them. Each spring at the Endowed Scholars Celebration, donors and students have an opportunity to meet and talk with one another.

The Carol H. Arber Scholarship will support students interested in protecting civil rights, or in protecting and preserving the environment. The Marguerite Munger Peet Scholarship will support students with an interest or background in the visual arts, or who are from Missouri or Kansas and want to study law in the New York area. And the Gerald Director Memorial Scholarship will be awarded to a student who shows great promise as a courtroom advocate and whose interests also lie in broader civic, charitable or educational pursuits.

Carol H. Arber Scholarship A Legacy to Protect Civil Rights

Carol Arber, a former judge of the New York State Supreme Court and a friend to Brooklyn Law School, has established a scholarship to assist a student who has had an internship in a government office, with a judge, or for a public interest organization. Arber established the scholarship in honor of the late Carol Lefcourt, Class of 1967, who along with Arber was a member of one of the first all women's law firms, Lefcourt Kraft and Arber, in Greenwich Village in New York.

"It was a law collective where everyone was equal, where everyone including the secretary and law clerk was part of the process," says Arber, who, with Lefcourt, fought passionately for women's rights. Among its many achievements, the collective prepared a do-it-yourself divorce kit for the Presbytery of New York City, enabling women to pursue divorce without incurring attorney's fees. The group also litigated a number of sexual discrimination cases, including those against Columbia University, brought under Title VII of the Civil Rights Act of 1964 in the initial

days after its passage. Arber went on to a distinguished legal career, including service as a state judge.

The Carol Arber Scholarship, which will support a student who is interested in pursuing a career focused on protecting the rights of others, is a tribute to Arber's friend, mentor and former law partner who maintained a strong connection to Brooklyn Law School. Lefcourt served as an adjunct professor at the law school for nearly a decade, teaching a women's rights clinic. She died of breast cancer in 1991 at age 47. "The world would be a better place if there were more people like Carol Lefcourt working on making things better," notes Arber. "The idea that a scholarship in her memory will support someone like Carol is something that I feel very fortunate to be able to provide."

Marguerite Munger Peet Scholarship Giving Back: Supporting the Next Generation of Attorneys

For many years, Susan Foster, Class of 1987, enjoyed a successful career as a trust and estates attorney at a major New York law firm and later, a trust company. But unlike her peers who attended law school right out of college, she chose law as a second career. A career-ending car accident prompted Foster, a successful modern dancer and choreographer, to attend Brooklyn Law School at the age of 32.

Foster knew that moving from the art world into the legal world might be challenging, and at times she questioned her decision to begin the study of law in her thirties. But she found extraordinary support from her husband's grandmother, Marguerite Munger Peet. Peet was a socialite and a visual artist from Kansas City, who in her youth studied art in New York, and later balanced her family life with an active pursuit of painting. She was also a generous patron of the arts, funding scholarships for Kansas City Art Institute students and supporting the Nelson-Atkins Museum of Art. Peet influenced Foster to complete her law degree. "The impact of her comments was profound," Foster says.

As a tribute, Foster endowed the Marguerite Munger Peet Scholarship in memory of her grandmother-in-law. Brooklyn Law School students with a prior career or degree in the visual arts, or who demonstrate an interest in pursuing a law career in support of the arts will be eligible, as well as students who are from Missouri or Kansas and want to study law in the New York area.

Like Peet, Foster has also been engaged with the arts. She served on the board of directors for the House Foundation for the Arts/Meredith Monk and chaired various art committees. As an

(continued next page)

attorney, part of her work involved representing artists' estates. As a professional modern dancer, she was the dancer-in-residence for South Carolina's Arts Commission. She was also awarded a scholarship to study dance in New York.

"Brooklyn Law School was a transformational experience," says Foster. "I hope the scholarship will provide its recipients the same opportunity."

Gerald Director Memorial Scholarship Memorializing Devotion to Both Career and Community

Gerald Director, Class of 1959, was a successful trial lawyer for many years at the firm he helped found, Smith Mazure Director Wilkins Young & Yagerman, P.C. He rose to the highest ranks of success and professional recognition as a trial lawyer, but he remained deeply devoted to his family and friends, his community and his faith. After his death in September 2008, his wife, Tami Director,

established the Gerald Director Memorial Scholarship at Brooklyn Law School. The scholarship memorializes her husband's dedication to both his career and his community.

Gerald Director was admired by his clients, colleagues, family and friends for his integrity and loyalty as well as his remarkable humor and oratorical gifts. With offices in Mineola, NY and Somerville, NJ, Smith Mazure focuses on civil defense litigation, and Director mainly tried cases involving the transportation industries, with a particular emphasis on construction and transportation-related accidents. His engaging personality put him in high demand as a speaker and a teacher in professional, academic and social settings, and he also used his skills as an advocate to assist numerous civic and charitable causes.

"His wisdom, integrity and eloquence were surpassed only by his immeasurable love and devotion to each of us," says Tami Director. "This scholarship, which is designed to support a student who wants to use courtroom skills for the greater good, will help us remember his legacy and the lifetime of memories he created for us all." □

brooklyn law school presents

A Salute to Former Brooklyn Law School Trustee Robert Catell

at the Intrepid Sea, Air & Space Museum
September 23, 2009 at 6:00 pm

Cocktails followed by Dinner

Brooklyn Law School will honor former Trustee and good friend Bob Catell for his extraordinary business leadership, personal accomplishments and dedication to countless civic causes during his remarkable 50-year career.

This will be the definitive salute to Bob, reflecting his lifelong achievements as an executive at Brooklyn Union Gas Company, Keyspan and finally, National Grid U.S., and as a leader in key civic organizations, especially Brooklyn Law School.

To make a reservation, please contact Terry Cooper by phone at 212-997-0100, or fax 212-997-0188.

Please support Brooklyn Law School generously.

1929

Joseph B. Castleman
February 23, 2008

1931

Jacob A. Olstein
March 3, 2009

1936

Harold Baer
March 8, 2009

Rabbi David B. Hollander
February 22, 2009

Stanley Zuckerman
December 5, 2008

1937

Henriette B. Frieder
December 14, 2008

Charles Lunin
December 29, 2008

Col. Leonard Rovins
February 18, 2009

1939

Norman Stamm
February 24, 2009

Elmer Lincoln Steinbock
October 23, 2008

Morris Weissbrod
May 25, 2008

Harry Winetz
May 4, 2008

1941

Bernard Feldman
April 13, 2008

Prof. Peter W. Thornton
January 19, 2009

1946

Ruth T. Schwartz
July 19, 2008

1948

Thomas J. Walsh
January 23, 2009

1951

Alvin M. Fischbein
November 10, 2008

1952

Col. William F. Hebert
November 25, 2008

Joseph Kennedy
October 12, 2008

Burton Ritter
November 19, 2008

Frederick Witte
December 29, 2008

1953

Norman Greenberg
March 31, 2008

Isaac Kramer
February 15, 2008

Salvatore J. Martino
March 12, 2009

Edgar Unker
July 11, 2008

Thomas Harvey Winfield Jr.
March 10, 2009

1954

Herbert Nason
November 6, 2008

1955

Herbert Boxer
November 12, 2008

Fabian Ferber
March 10, 2009

1956

Ernest J. Codella
February 28, 2009

1957

Morris Markowitz
January 19, 2009

Allen Wisser
August 2, 2008

1958

Eugene J. Adams
August 7, 2008

1959

Donald H. Greener
May 12, 2008

Milton D. Kramer
August 28, 2008

Thomas F. Vasti Jr.
October 21, 2008

1961

Milton Bernstein
March 20, 2009

1962

Sylvia G. Grossman
June 22, 2008

1967

Marilyn Goldstein
November 3, 2008

1973

Joel Hirschel
February 2, 2008

Ira S. Schneider
September 3, 2008

1976

Meyer H. Brissman
August 30, 2008

1978

Hon. Janice L. Bowman
January 22, 2009

William M. Dugan
October 30, 2008

1979

Jacqueline Rubin
June 22, 2008

1983

Michael P. Barnes
August 16, 2008

Marya L. Yee
December 1, 2008

1985

James P. Braisted Jr.
August 8, 2008

Michael S. Schreiber
October 25, 2008

Joan Koven '74



Joan Koven, former Associate Dean for Alumni Affairs at Brooklyn Law School, passed away on February 14, 2009.

Koven joined the Law School in 1984 as an adjunct professor and director of continuing legal education — the first person to hold this position at Brooklyn Law School. She was appointed associate dean in 1998, overseeing the Office of Alumni Affairs and coordinating symposia and special events for the Law School. Under her leadership, the office greatly expanded opportunities for alumni to stay connected with the Law School. She helped implement many alumni programs that built stronger bonds between alumni and the Law School. She also

helped expand the intellectual life at the Law School through high-level symposia.

"Joan used her considerable talents to enhance the greater law school community until she retired in 1995," said Dean Joan G. Wexler. "Her grace, professionalism, and dedication to generations of students and alumni left a lasting legacy, and she will be deeply missed."

Born and raised in Brooklyn, Koven was educated at Skidmore College and Columbia Teachers' College. She spent many years serving in leadership positions with the League of Women Voters, Local School Board 22 of New York City and other civic organizations, including the Citizens' Committee for Children. At age 43 she entered Brooklyn Law School and excelled in her studies. She was an editor of the *Brooklyn Law Review* and graduated magna cum laude. Following graduation, she clerked for the late U.S. District Court Judge Orrin G. Judd of the Eastern District of New York. She then practiced with the New York law firm Poletti Freidin Prashker and Gartner.

She is survived by her children and their spouses — David and Diane, Richard and Melinda, Suzanne and Carlo — seven grandchildren, and one great-grandchild.