

# BLSLawNotes

THE MAGAZINE OF BROOKLYN LAW SCHOOL | SPRING 2010



## THE MAKING OF A LAWYER

A Conversation with Six Graduating Students

# BLS LawNotes

Vol. 15, No. 1

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

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## FEATURES



### **Equal Access and the Right to Marry**

*by Professors Nelson Tebbe and Deborah A. Widiss*

Although the subject of same-sex marriage has been a topic of national debate for several years, most state court challenges have been decided on the basis of due process or equal protection, two theories with fatal weaknesses. In this piece, Nelson Tebbe, Associate Professor of Law and a constitutional law scholar, and former Visiting Assistant Professor Deborah A. Widiss, offer a new constitutional framework for same sex marriage, a proposal they call Equal Access. Firmly grounded in existing law, it offers a moderate way for judges to strike down laws that exclude same sex couples from civil marriage.



### **The Making of a Lawyer: A Conversation with Six Graduating Students**

*by Andrea Strong '94*

While we often dedicate our magazine features to our accomplished faculty and alumni, in this issue we decided to spotlight six dynamic members of the Class of 2010. We sat down with them for a conversation about life at Brooklyn Law School. What is it that drew them to BLS? What about their experience has meant the most to them? How have they grown or changed over their three (or four) years here? What awaits them as they leave the nest and graduate?



### **Mergers & Acquisitions: Lawyers in Love— Alumni Who Met at BLS and Married**

*by Andrea Strong '94*

Law School is a time for learning, but for many of our alumni it was also a time to discover lasting love. In this article we highlight six happily married couples who found their better halves right here at Brooklyn Law School. Whether they met in the library, in the cafeteria, or on the first day of class, these couples (one from each decade stretching back to the 1950s) share two things in common: a love for each other and a debt to BLS for introducing them.

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**GRADUATION DAY IS FAST APPROACHING** here at Brooklyn Law School, and it's an exciting time — especially with Mayor Michael Bloomberg delivering this year's Commencement address. For our graduating students, who are leaving the Law School nest after three (or four) years of rigorous learning, this is a time for both thoughtful reflection and exuberant celebration.

Fittingly, the Class of 2010 is one focus of this issue of *LawNotes*. Andrea Strong '94, the Managing Editor of our magazine, sat down with six of the Class of 2010's exceptional students for a conversation about their experiences at the Law School. In "The Making of a Lawyer," the students discuss what drew each one of them to attend the Law School, their most memorable experiences, the classes they found inspirational, and what they are most looking forward to after graduation — other than being through with classes for good, that is!

The subject of marriage is also a focal point of this issue of *LawNotes*. Our first feature, written by Associate Professor of Law Nelson Tebbe and former Visiting Assistant Professor Deborah A. Widiss, addresses the hot-button issue of same-sex marriage. "Equal Access and the Right to Marry" is based on their earlier paper on the same topic, which appeared in the *University of Pennsylvania Law Review*. It offers a groundbreaking new constitutional framework for same-sex marriage. The theory Tebbe and Widiss put forth presents what may be the closest thing to a constitutional mandate to legalize same-sex marriage.

Our second feature on marriage was inspired by Joshua D. Kirshner '04 and Amy Rozenfeld '04, a couple who met and fell in love while at the Law School. When it came time to pop the question, Josh contacted me with a rather unusual favor: he wanted to propose at the Law School. I loved the idea. Together, we formulated a plan for Josh to propose at Feil Hall. Much to his — and my — delight, Amy said yes. After their engagement, we were inspired to find out how many other students met, fell in love, and married, thanks to their alma mater. In addition to the hundreds of couples who met at the Law School, we discovered that there are many other alumni who are married to each other. For our feature "Mergers & Acquisitions," we share six stories of Brooklyn Law School love and marriage, one couple every decade, stretching back to the 1950s. On our Web site, we have created a new page to supplement this story, dedicated to all the wonderful stories we have received of Brooklyn Law School marriages. You can read more at [www.brooklaw.edu/alumni](http://www.brooklaw.edu/alumni). To tell your story, send an email to [alumni@brooklaw.edu](mailto:alumni@brooklaw.edu). We hope to hear from you!

We've included plenty of other exciting news in this issue of *LawNotes*. We were honored by the *National Jurist* and ranked among the top four schools in the nation for public service programs. The lobby renovation is now complete and we are proud to include beautiful photos of the newly named Irwin B. Cohen '58 and Jill Cohen Lobby. Our students continue to shine, winning prestigious awards, clerkships, fellowships, and honors. One has even produced a documentary film entitled *Living in Emergency: Stories of Doctors without Borders* that was short-listed for this year's Academy Awards.

I hope you enjoy reading this issue of *LawNotes* and that you have a wonderful summer.

With all best wishes,

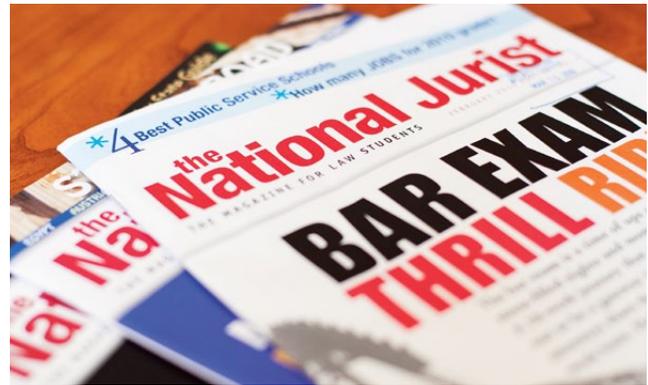
**Joan G. Wexler**  
*Joseph Crea Dean and Professor of Law*

## Brooklyn Law School Takes Top Public Service Honor in *National Jurist*

Brooklyn Law School was one of only four schools included in the *National Jurist's* 2010 Public Service Honor Roll. Using data collected by *The Equal Justice Works Guide to Law Schools*, the February 2010 issue of *The National Jurist* selected Brooklyn Law School, Boston University School of Law, Cornell Law School, and the University of Maryland School of Law for its “public service honor roll,” singling the schools out for outstanding commitment, “both emotionally and financially,” to public interest work.

The chosen schools shared an impressive holistic approach to public interest law, offering strong support from law school administration, faculty, and staff; substantial financial support; an office or administrator solely dedicated to the area; access to alumni and other working professionals in the field; a vast array of hands-on projects; a strong social network for students; and awards for public service.

The *Jurist* commended Brooklyn Law School for its course work and clinical opportunities and spotlighted the Edward V. Sparer Public Interest Law Fellowship Program, praised for fostering “a close-knit public interest community on campus with monthly forums and yearly symposia.” The article also pointed to the impressive number of students who are underwritten by the Law School to do work in the public interest (400 each year), and to the Loan Repayment Assistance Program which, since its inception in 1990, has provided more than \$2.4 million in loan forgiveness to graduates working in the public interest. The *Jurist* also highlighted the Law School’s other fellowship opportunities, including the



newly introduced International Human Rights Fellowship and the International Law Society Global Justice Fellowship.

The article noted the importance of schools like BLS, where public interest education is valued and nurtured, especially in light of the growth of “Generation G,” so named because of their generosity and involvement in this area of the law. The percentage of graduates working in the public interest has risen from 2 percent to 5.4 percent over the past 20 years.

“Brooklyn Law School was one of the first schools to enlarge its public service initiatives when it did so more than 20 years ago,” wrote the *Jurist*, “a factor that officials say makes it one of the most engaging, well-defined, and broad-based in the nation.” □

## Brooklyn Law School Shines in *Super Lawyers* Survey

*Super Lawyers*, the magazine devoted to rating the country’s most esteemed practitioners, has published a unique new survey of the nation’s best law schools that focuses on the quality of lawyers produced by law schools, a factor omitted by other rankings. The list of law schools was created by tallying the number of graduates from



each school selected for inclusion in *Super Lawyers* in 2009. The 2010 *Super Lawyers U.S. Law School Rankings* included 180 schools; Brooklyn Law School was ranked an impressive 47th, a testament to the high quality of practitioners the Law School produces.

“One thing that is lacking from other law school rankings is any indication of what type of lawyers are ultimately produced by the schools on the lists,” wrote Bill White, *Super Lawyers’* publisher, of the rationale behind this new ranking. “Our methodology is quite simple: We count the number of graduates from each school on our *Super Lawyers* list and rank the schools accordingly. We don’t look at LSAT scores or bar passage rates or the number of books in the library. In fact, we don’t look at the schools at all. The only thing we focus on is the end product — the practicing attorney.” □

## Two New Graduate Members Join Board of Trustees

The Brooklyn Law School Board of Trustees welcomed two outstanding recent graduates to the Board this winter. Kathleen M. Chastaine '06, an associate in the Private Equity Group at Winston & Strawn LLP, and Scott B. Selinger '06, an associate in the Acquisition and Leveraged Finance Group at Debevoise & Plimpton LLP, were appointed in December 2009 for a two-year term.



Kathleen M. Chastaine '06



Scott B. Selinger '06

"We are very pleased to have such bright young lawyers join the Board of Trustees," said Dean Joan G. Wexler. "With the Law School experience still relatively fresh in their minds, their contributions to the Board will be invaluable to our student and alumni community."

Chastaine began her legal career as a paralegal at Paul Weiss after graduating, *cum laude*, from Colgate University with a degree in English and a minor in Economics. She excelled at the Law School, making the Dean's List and earning the CALI Excellence for the Future Award in the Securities Arbitration Workshop.

At Winston & Strawn, Chastaine focuses primarily on leveraged buyouts, private equity, and venture capital funds. But her most recent transaction, a tender offer for a publically traded company on behalf of her client, a private equity fund, was her first foray into the world of securities and mergers and acquisitions. She joined Winston & Strawn in November 2009, after two years at Nixon Peabody, where she was part of its private equity group.

Chastaine has remained a part of the Law School community, working with the mentor program after graduating. "It's important for me to do whatever I can to support the School because I know I would

not be where I am today if it had not been for Brooklyn Law School. The reputation it has with law firms really helps a lot," she said. "I had such incredible experiences with the professors. They often went the extra mile, using their connections to help students find jobs. I know how rare that is."

In her role as Graduate Trustee, Chastaine says she is looking forward to learning more about how the School works and how decisions are made, and to representing the students. "I think that it's a great thing that the Board has younger members to give them a voice and to represent their concerns and opinions."

Like Chastaine, Selinger thrived at the Law School, graduating *cum laude* with a slew of honors including membership on the *Journal of Law and Policy*, a CALI Excellence for the Future Award in Legal Writing, and a Richardson Merit Scholarship. He was also part of the planning board that created the *Brooklyn Journal of Corporate, Financial & Commercial Law*.

An interest in finance and a background in hedge fund asset management and regulation led him to become a research assistant for Professor Norman Poser. He worked on an article exploring the SEC's proposed Regulation NMS, a series of initiatives designed to modernize and strengthen the national market system for equity

securities, and other issues relating to market structure.

After graduating, he joined Cahill Gordon & Reindell's corporate practice group. He represented investment banks and commercial banks in market-leading syndicated bank loans and high yield offerings in connection with leveraged buyout and refinancing transactions, including representing the financing sources in the leveraged buyouts of TXU, First Data, and US Foodservice. While at Cahill, Selinger became a leader in the Law School's Partners in Leadership Program, a newly launched alumni program that serves as both an invaluable networking resource for alumni and a new avenue of philanthropic support.

In April 2010, Selinger joined the acquisition and leveraged finance group at Debevoise & Plimpton, where he represents the firm's private equity and corporate clients in connection with domestic and international leveraged finance transactions.

"I had a very positive experience at the Law School. I enjoyed the professors and made good friendships that I have maintained since then," said Selinger. "As a new member of the Board, I hope I am able to contribute positively to the process while giving the perspective of someone who has gone through the Law School recently." □

# On Board

## The Deal Maker: Frank Aquila '83

Spend a month in the shoes of Frank Aquila, and your schedule might read something like this: Accept Global M&A Lawyer of the Year Award at the M&A Atlas Awards Gala. Lunch with Archbishop Desmond Tutu at the Council on Foreign Relations. Counsel British Airways on Joint Venture with Iberian Air. Receive (second) Burton Award at the Library of Congress in Washington, D.C. His are tough shoes to fill.

A member of Brooklyn Law School's Board of Trustees since 2008, Francis "Frank" Aquila '83 is one of the most dynamic members of the Law School community. Deal maker, deal breaker, deal saver: At one point or another in his remarkable career as one of the country's most prominent M&A legal strategists, he has been all three. Indeed, after almost two decades at Sullivan & Cromwell, where he is a partner in their M&A practice, his dossier of transactions reads like something out of a *Wall Street Journal* "deal of the year" playbook.

In a slew of high-profile M&A transactions, Aquila has represented British Airways, Amgen (the world's largest biotech company), Diageo (the top premium drinks company), and most notably, InBev, in its \$52 billion purchase of Anheuser-Busch, which 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. The InBev acquisition opened the awards floodgates, earning him accolades from his peers and the media, including being named "Dealmaker of the Year" by *The American Lawyer* in 2009.

In recognition of his incomparable body of work in the field of M&A, Aquila was also named Global M&A Lawyer of the Year Award in February at a gala at the Waldorf Astoria. The M&A equivalent of an Academy Award for lifetime achievement, the award was presented by Carol Maser, anchor of Bloomberg Television's "Street Smart," in honor of his work on transactions requiring "expertise of complex jurisdictional issues." "They give this award to one person each year from the international community," said Aquila. "It's a great honor."

But receiving the Global M&A Lawyer of the Year Atlas Award was just the beginning. It was followed up by an appointment as a life member of the Council on Foreign Relations (CFR). Founded in

1921, The CFR is an independent, nonpartisan membership organization, and think tank dedicated to promoting an understanding of the world and the foreign policy choices facing the United States and other countries. Aquila's group is charged with covering a range of regional and topical issues, with a strong focus on Iraq, energy and the environment, the global war on terrorism, and religion and foreign policy.

Aquila is also the recipient of the prestigious Burton Award (for the second time, his first was received in 2005) for excellence in legal writing for an article entitled "Latin American Firms Pursue Global Status" published in the *Latin Business Chronicle* (May 26, 2009). The Burton Award is a unique national awards program established to reward effective legal writing. The program honors partners in law firms and law school students who use plain, clear and concise language and avoid archaic, stilted legalese.

Despite his considerable professional responsibilities at S&C and beyond, Aquila has remained committed to his many "extracurricular" projects. 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. He is on the board of directors of Dress for Success Worldwide and the board of advisors of the Salvation Army of Greater New York, and he remains a valued resource of the Law School.

During the summer of 2009, he developed The Law Firm Challenge, a program that encourages alumni to deepen their connection to each other and to the Law School. In the short time since its creation, over 38 volunteers at 16 top law firms have signed on to accept the Challenge and lead the program as Representatives at their respective firms.

"I worked full time and went to Brooklyn Law School at night, and one of the things that experience taught me early on was how to be efficient and how to prioritize. As a result, I have the ability to focus on what is most important to my clients and to me, like working for BLS and Dress for Success," he said. "You can't make more than 24 hours in the day. You have to work with the available time and do the best you can. Ultimately your clients appreciate it, and you can contribute to the organizations you think are important." □



We are pleased to debut this new series, "On Board," in each issue of *LawNotes*. It will profile the members of the Law School's Board of Trustees, highlighting their many professional accomplishments.

## BLS Graduates Receive Coveted Clerkships

“It is a sign of the extraordinary strength of our students that in the most competitive clerkship season since I have been at Brooklyn Law School our clerkship candidates have done so well.”

— Professor Jason Mazzone

The Law School is pleased to report that 26 graduates have received clerkship appointments during the past academic year. These students will work across the country at federal and state courts at both the trial and appellate levels, learning the intricacies of the law and witnessing the judicial process from an extremely coveted perspective.

The Clerkship Committee, which is chaired by Professor James Park, was very impressed with the number of clerkships received, particularly during these challenging economic times. Professor James Mazzone, the outgoing chair of the Clerkship Committee, echoed his sentiments. “Because of layoffs from law firms and reduced hiring in all legal sectors, judges this past year received record numbers of clerkship applications, many from experienced attorneys,” he said. “It is a sign of the extraordinary strength of our students that in the most competitive clerkship season since I have been at Brooklyn Law School our clerkship candidates have done so well.” □

### Sparkle Alexander '10

Judge Eric Vitaliano  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK (2010–11)  
Judge Guido Calabresi  
UNITED STATES COURT OF APPEALS  
SECOND CIRCUIT (2010–12)

### Jaime Alonso '09

Judge Marielsa A. Bernard  
CIRCUIT COURT FOR MONTGOMERY COUNTY,  
MARYLAND

### Peter Amend '10

Bankruptcy Judge Martin Glenn  
UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

### Todd Batson '09

Judge Richard C. Wesley  
UNITED STATES COURT OF APPEALS  
SECOND CIRCUIT

### Aleah Borghard '07

Judge Dora Irizarry  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

### Grant Cartwright '07

Chief Judge Kevin J. Carey, and Judges Mary F. Walrath and Christopher S. Sontchi  
UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE

### Hillary Comb '06

Bankruptcy Judge Elizabeth Stong  
UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

### Alison Deaner '10

Supervising Judge Paul Escandon  
SPECIAL CIVIL PART IN MONMOUTH COUNTY,  
NEW JERSEY

### Rachel Green '10

Judge Ralph K. Winter  
UNITED STATES COURT OF APPEALS  
SECOND CIRCUIT

### Susan Greene '08

Judge Stephen C. Robinson  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

### James Hays II '10

Judge Edward R. Korman  
United States District Court  
Eastern District of New York

### Sarah Johnson '10

Judge Carolyn Dineen King  
UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT

### Maya Krigman '09

Judge Dora Irizarry  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

### Laurie Keaton '10

Bankruptcy Judge William C. Hillman  
UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

### Saira Khan '10

Judge Thomas Weisenbeck  
SUPERIOR COURT OF NEW JERSEY

### Stefanie Lampf '10

Judge Lisa Chrystal  
NEW JERSEY STATE COURT

### Victoria Lee '10

Magistrate Judge Ramon Reyes, Jr.  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

### Brian Morris '09

Judge David G. Trager  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

### Anita Nabha '09

Judge Jack B. Weinstein  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

### Brendan Palfreyman '10

Magistrate Judge Joan Azrack  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

### Christine Rodriguez '10

Judge Barbara Kapnick  
NEW YORK STATE SUPREME COURT  
COMMERCIAL DIVISION

### Jacqueline Tate '10

Judge Mary Thurber  
SUPERIOR COURT  
BERGEN COUNTY, NJ

### William Vandivort '10

Judge Duane Benton  
UNITED STATES COURT OF APPEALS  
EIGHTH CIRCUIT

### Anthony Wong '10

Justice Michael J. Douglas  
NEVADA SUPREME COURT

### Tatiana Zebrowski '09

Magistrate Judge Jessica Gallivan  
SUPERIOR COURT OF THE VIRGIN ISLANDS  
ST. CROIX

### Vera Zolotaryova '09

Judge Bernard Fried  
NEW YORK STATE SUPREME COURT  
COMMERCIAL DIVISION

# Brooklyn Law School at The Oscars and Sundance

## Professor Aliza Kaplan's Film, *The Oath*, Wins Sundance Award



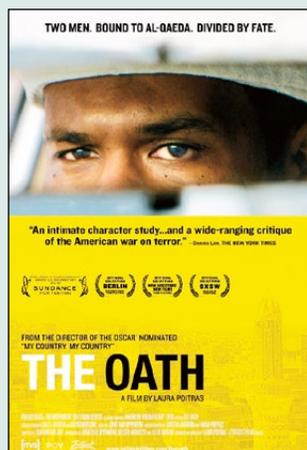
Professor Aliza Kaplan is known for many things at the Law School. Those who know her remark on her passion as a legal writing instructor, her steadfast dedication to the asylum seekers she represents through the Law School's Safe Harbor Project, and her work on the National Advisory Committee of Equal Justice Works, the nation's leading public interest law fellowship program. But in addition to the many legal hats

she wears, Kaplan is also a documentary film producer.

Her 2006 film, *My Country, My Country*, written and directed by her longtime friend Laura Poitras, was nominated for an Academy Award. Kaplan is also the co-producer of Poitras' follow up documentary, *The Oath*, which premiered at Sundance in January, where it took the prize for Best Cinematography in a documentary. It was released nationwide in May to critical acclaim.

The film, the second installment of Poitras' post-9/11 trilogy, presents the story of two brothers-in-law, Abu Jandal — Osama bin Laden's former bodyguard, and his most famous recruit, Salim Hamdam — who is on trial for terrorism. The film delves into Abu Jandal's daily life as a taxi driver in Yemen and Hamdan's military tribunal in Guantanamo Bay prison. "The complications emerging from a life devoted to jihadist revolution are considered with genuine fascination in Laura Poitras' *The Oath*," wrote *Variety's* Robert Koehler in a review of the film.

For Kaplan, the urge to produce came from a desire to explore the complexity of the human condition. "I am drawn to films that tell the stories of real people," she said. "There is so much more to a person than what you see on the surface, and Laura does a beautiful job of exploring these layers. She tells very intimate stories of real people." In this way, Kaplan explains, her production work dovetails with her ultimate goal as an advocate. "I am most concerned with changing the course of people's lives." □



## Daniel Holton-Roth '11 Produces Documentary Short-Listed for Oscar



*Living in Emergency: Stories of Doctors Without Borders*, a film produced by Daniel Holton-Roth '11, was among the 15 documentaries short-listed by the Academy of Motion Picture Arts and Sciences to compete in this year's Oscar race.

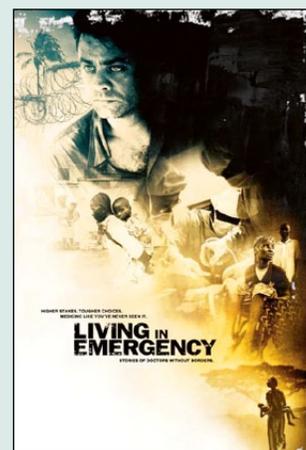
Filmed in the war zones of Liberia and Congo, with unprecedented access to the field operations of the French humanitarian aid organization Doctors Without Borders/

Médecins Sans Frontières, *Living in Emergency* interweaves the stories of four volunteer doctors as they struggle to provide emergency medical care under extreme conditions with limited resources. Two of the doctors are new recruits — a 26 year-old Australian stranded in a remote clinic and an American surgeon struggling to cope under the load of emergency cases, and two are old field hands — a Head of Mission trying to keep morale high and a veteran who has seen too much horror and wants out.

The film, which was directed by Mark Hopkins, is a raw depiction of the reality of aid work — the blood, sweat, tears, laughter, tough choices and their consequences. "To his credit, Hopkins avoids sanctifying his characters. And to his great credit, there is no uplifting drivel at the end to send audiences out on a high note," wrote the *Washington Post* about the film.

"People should see this movie because there is a romantic misconception about what it is to do international humanitarian work that the film does a good job debunking," said Holton-Roth, who was an independent filmmaker for seven years before beginning Law School. "It is very difficult getting in and even more difficult figuring out an exit strategy. The film does a great job of showing the complexity of the situation."

*Living in Emergency* premiered at the Venice Film Festival and will be released on June 4th in select cities nationwide. □



## Extreme Makeover: A Magnificent New Lobby at BLS

Every day, hundreds of faculty, students, alumni, and friends make their way through the lobby of Brooklyn Law School. It serves as a gallery of first impression, welcoming the world to BLS. Thanks to the remarkable generosity of Irwin B. Cohen '58 and his wife Jill, the lobby has been completely redesigned and renovated so that it now serves as a magnificent entrance to the Law School. In recognition of their support, the lobby was renamed the Irwin B. Cohen '58 and Jill Cohen Lobby.

"The fact that I can be part of the School and what it stands for is one of the greatest thrills of my lifetime," said Cohen. "I only hope that more people who have graduated from the school will come back and visit and walk around, because there's a certain feeling that you cannot get unless you come back."

For Cohen, who attended the Law School when it was located on Pearl Street, being a part of the lobby's metamorphosis was particularly meaningful. The son of Eastern European immigrants, Cohen is one of the country's most innovative independent real estate developers, dedicated to revitalizing neighborhoods. He is responsible for the development of the Chelsea Market, a groundbreaking retail market that transformed a deserted stretch of the West Side of Manhattan into a bustling arts, cultural, and entertainment center. Thanks to Cohen's early efforts, it is a neighborhood that continues to thrive today with the newly opened Highline Park. His other visionary projects have included jumpstarting the revitalization of the area north of Philadelphia's City Hall and developing manufacturing and retail centers in Long Island City from large underutilized warehouses.

The lobby renovation is the work of Robert A.M. Stern Architects, LLP, the same architects that designed the 1994 addition to the main building and, more recently who led the design team for the residential tower, Feil Hall. "As they have done in the past, the architects at Robert A.M. Stern have executed a marvelous vision for the Law School," said Dean Joan G. Wexler.

The new lobby welcomes visitors and students with a classical entry hall with walls made of smooth honey-colored stone, slate floors, a modernist domed ceiling, and striated frosted glass walls that set the library and student lounge apart.

"All these elements warm the lobby up and make it feel more academic," said architect Paul Whalen. "Now you have this sense of arrival, and a sense of the importance and gravitas that this institution deserves."

In addition to the architectural changes, the Law School unveiled three high-definition, full color digital monitors, adding a sleek high-tech edge to the newly renovated lobby. A gift of Barbi and Warren T. Lazarow '86, the monitors keep the entire Law School community informed about news and events happening on and off campus, as well as a live news feed on local, national and international news.

"The renovations are beautiful," said Lindsay Lieberman '11. "And the monitors are terrific." "They are a very practical source for student information," Daniel J. Goodstadt '10, agreed. "The overall appearance is much improved, and the new monitors are a great resource. They display all the daily news of the school and the world."

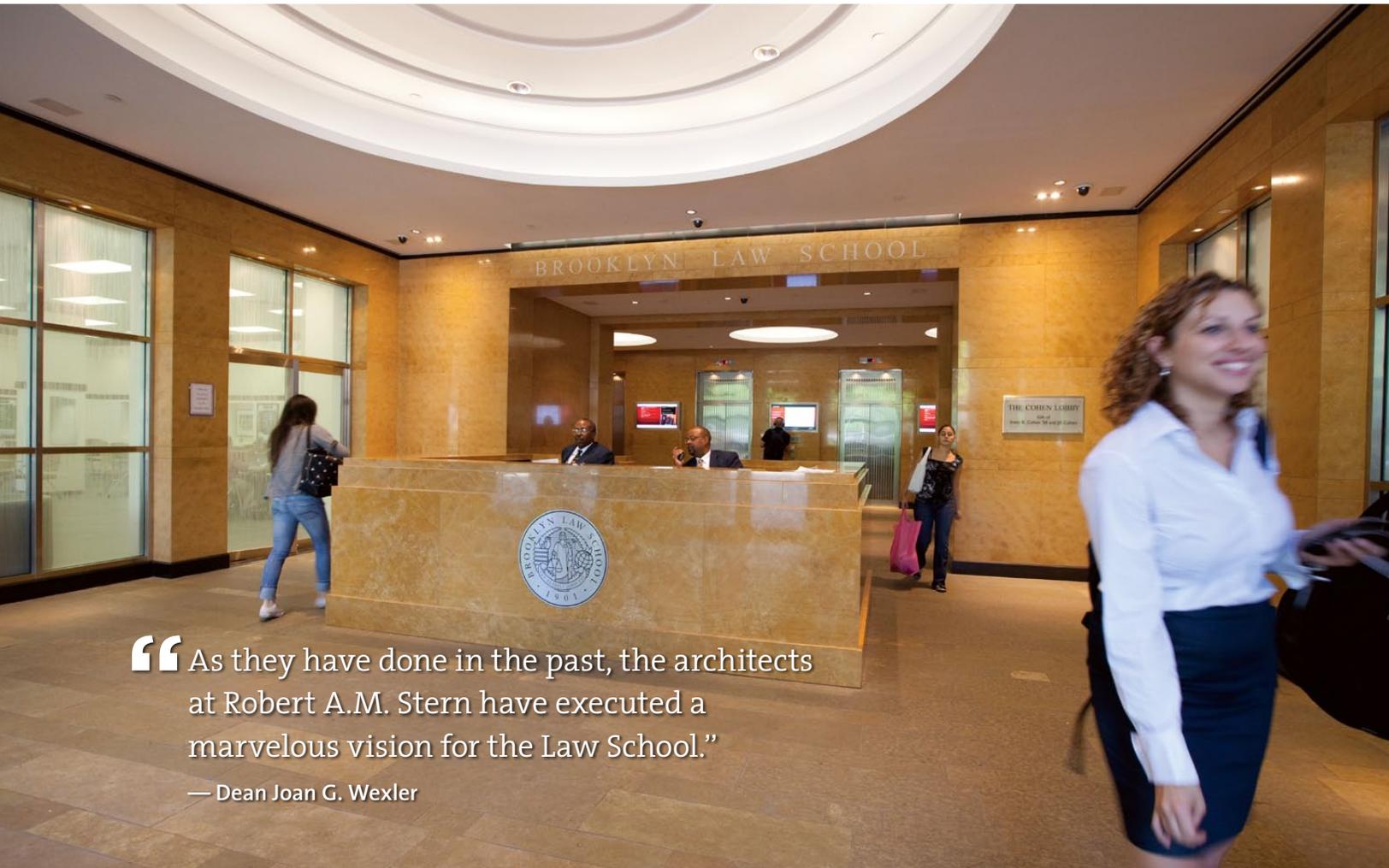
It is particularly fitting that the Law School's glossy new lobby technology was funded by Lazarow, who is one of the nation's leading technology company advisors and a managing partner of the O'Melveny & Myers Silicon Valley office.

Lazarow is a boardroom-level counselor who helps management teams, boards of directors, and investors shape and execute their business strategies. He has been repeatedly honored by the media, most notably with four appearances on *Forbes* prestigious "Midas List" of the technology industry's Top 100 Dealmakers Worldwide.

Like the Cohens, the Lazarows are longtime generous supporters of the Law School. They gave their support for the construction of Feil Hall and last year they endowed the Barbi and Warren T. Lazarow Scholarship, to be awarded each year to a student who works while attending the Law School, as Lazarow did. □

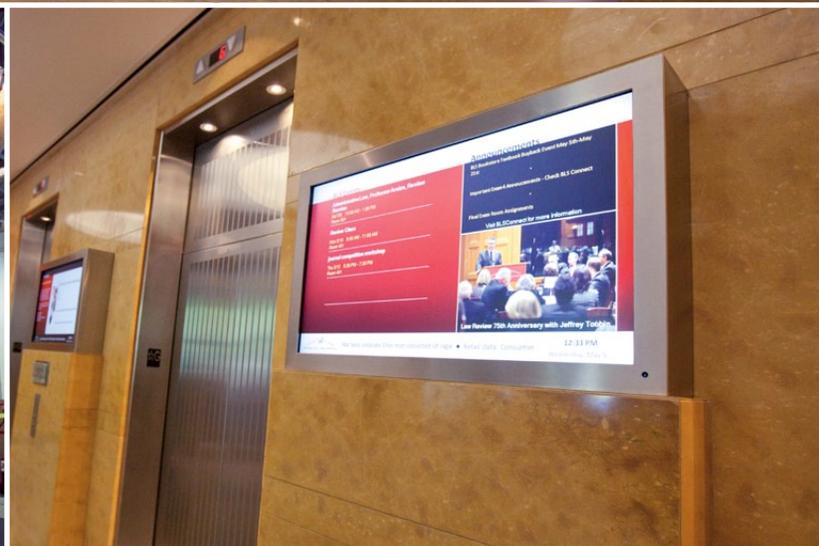


Irwin B Cohen '58, his wife Jill, and Dean Joan G. Wexler.



“As they have done in the past, the architects at Robert A.M. Stern have executed a marvelous vision for the Law School.”

— Dean Joan G. Wexler



## Dennis J. Block Center for the Study of International Business Law Addresses Cutting-Edge Issues of Law

For the past two decades, The Dennis J. Block Center for the Study of International Business Law has consistently sponsored events tackling cutting-edge issues of international law. The Center continued its 20-year tradition this fall with three noteworthy events: a symposium entitled “New Paradigms for Financial Regulation in the United States and European Union,” a talk by Elisse B. Walter, Commissioner of the U.S. Securities and Exchange Commission, and a roundtable discussion on changes to the Canada-U.S. Treaty.

### New Paradigms Proposed

The 2009 academic year got off to an impressive start with “New Paradigms for Financial Regulation in the United States and the European Union,” a symposium co-sponsored by the Dennis J. Block Center for the Study of International Business Law; the *Brooklyn Journal of International Law*; and the Centre for Commercial Law Studies, Queen Mary College, University of London; and presented in partnership with the Securities and Exchange Commission Historical Society.

The day-long event, held in September at the Subotnick Center, brought together an impressive group of securities industry experts — private practitioners, government regulators, and scholars including BLS Professors Roberta S. Karmel, David Reiss, and James A. Fanto — to discuss the evolution of the financial crisis on both sides of the pond, and to exchange proposals for regulatory reform in order to avert another crisis.

The panelists addressed three broad themes: whether another crisis will better be averted by less regulation or more; whether regulation should be industry-driven or governmental; and whether the

regulatory body should be national or international.

Karmel summarized the consensus among the symposium participants that current administration proposals for regulatory reform will not prevent another collapse. She suggested that the Government Accounting Office monitor the Federal Reserve Bank’s decisions, as that might give the Fed more “backbone,” enabling it to stand up to financial players. Professor Arthur Wilmarth Jr. of the George Washington University Law School suggested an insurance fund overseen by the FDIC. Specific ideas were also advanced by members of the day’s third panel, consisting of former Directors or Commissioners of the U.S. Securities and Exchange Commission, who discussed national and “supranational” ways that regulation could prevent another meltdown of the entire financial system.

Professors Roberta S. Karmel and James A. Fanto organized the symposium in cooperation with Professor Takis Tridimas. Papers from the symposium will appear in the Spring 2010 issue of the *Brooklyn Journal of International Law*.

### Commissioner Walter Addresses the SEC’s International Initiatives

Elisse B. Walter, Commissioner of the U.S. Securities and Exchange Commission, addressed a rapt audience of alumni, academics, attorneys, members of the media, and BLS International Business Law Fellows at a Breakfast Roundtable held on October 9 at the Harvard Club. Fittingly, Walter was introduced by Roberta S. Karmel, Brooklyn Law School’s Centennial Professor of Law and a former SEC Commissioner who served when Walter was an SEC staff member.

In her talk, entitled “Update of International Initiatives,” Commissioner Walter identified recent SEC efforts to ensure investor protection in light of the increasing global nature of financial markets. She also examined a variety of cooperative efforts among international regulators and focused on two closely related concerns: the need to increase the communications of international



Professors Arthur Pinto and James A. Fanto (FAR RIGHT AND SECOND FROM RIGHT) join panelists at the New Paradigms for Financial Regulation Symposium.



Elisse B. Walter, Commissioner of the SEC, addresses BLS Fellows at the Harvard Club.

organizations and the necessity to shrink the information gap of certain financial markets. Walter made clear that, given the international scope of today's financial markets, these efforts must be made through multinational collaboration.

Finally, Walter addressed the difficult issue of regulating hedge funds and outlined a number of proposals to provide the SEC with the means to regulate hedge funds, including the requirement for hedge fund managers to register as investment advisers and regulating hedge funds as dealers.

### International Taxation and the U.S.–Canada Treaty

On October 30, 2009, international tax experts gathered at the midtown law offices of Baker & McKenzie LLP for a Breakfast Roundtable co-sponsored by the law firm and the Center for the Study of International Business Law to address the changes to the U.S.–Canada Treaty.

The panel of experts, moderated by Brooklyn Law School Professor Steven Dean, examined questions of stock-based compensation, business restructurings, and the Organization for Economic Cooperation and Development discussion draft. They questioned whether mechanisms in the new law meant to resolve double taxation cases, such as Competent Authority procedures and arbitration, are in fact working, and examined whether arbitration is the “magic elixir” to resolve double tax cases. Permanent establishments, limitation of benefits provisions, pro- and anti-hybrid rules, and interest whipsaw were also discussed, with panelists providing potential solutions to ongoing problems drawn from their actual practice experiences. □



LEFT TO RIGHT: Professor Steven Dean, Professor Kim Brooks, the H. Heward Stikeman Chair in the Law of Taxation at McGill University in Montreal, Quebec, who was a Visiting Scholar at the Law School for a week, with Baker & McKenzie's Marc Levey, James R. Sennema, and Chris Raybould.

**WEB** Read more about programs sponsored by the Dennis J. Block Center for the Study of International Business Law at [www.brooklaw.edu/ibiprograms](http://www.brooklaw.edu/ibiprograms).

## BLS Celebrates New Study Abroad Programs in Cork and Hong Kong



Beijing, Bologna, Hamburg, and Colchester are already among the impressive international destinations BLS students can call home for a semester or summer. Now, two new programs, one at University College Cork (UCC) and one at Hong Kong University (HKU), offer an exciting chance for students to study abroad for a semester in additional renowned legal programs.

The exchange program with the University College Cork in Ireland kicks off in the 2010–2011 academic year. Surrounded by Cork's natural beauty, UCC was founded in 1845. The law faculty is the largest department, providing a dynamic research and teaching environment. Located on the picturesque south coast, approximately 160 miles southwest of Dublin, Cork is a cosmopolitan city, the second largest in Ireland. Students will be able to choose from many courses covering Irish, European and international law.

In Hong Kong, students will benefit from a range of courses that focus on Chinese commercial law, human rights law, and international corporate and financial law. The Faculty of Law at HKU, located on the northwest side of the island of Hong Kong, was the first law school in Hong Kong and is now the premier law school in the region. Beyond the classroom, the island of Hong Kong offers a mix of cosmopolitan culture and natural beauty and acts as a bustling portal to the rest of eastern Asia.

“We are delighted to add these two universities to our student exchange program,” said Lawrence Solan, Associate Dean of Academic Affairs. “More and more, law practice has become global, and we are proud to offer our students opportunities to experience a range of legal systems from around the world.” □

## Student Organization Spotlight: A Look Inside the BLS ACLU Agenda

The Brooklyn Law School chapter of the American Civil Liberties Union has long been robust, but under the recent stewardship of faculty advisor and ACLU President Susan Herman, the group has flourished, hosting debates, presentations, and panels exploring many of the most critical civil liberties issues of this young century.

“As President of the ACLU, I brag about our student chapter all over the country,” said Herman. “The students who run the BLS ACLU have done a fantastic job of educating the BLS community about current civil liberties issues by bringing in the lawyers actually working on those issues, and in true civil libertarian fashion, many other viewpoints. They also promote vigorous debate within our community.”

With the benefit of Herman’s expertise, student co-chairs Raphael Ruttenberg ’11 and Cynthia Stallard ’10 run the day-to-day operations of BLS ACLU, which includes nearly 400 members. “Our goal is to expose students and the Law School community at large to various civil liberties issues that the ACLU devotes its attention to, whether it be issues of racial justice, discrimination, terrorism, or national security,” said Ruttenberg.

Within days of the Supreme Court’s January 2010 decision in *Citizens United v. Federal Election Commission*, Ruttenberg and Stallard put together a standing-room only discussion of the landmark case which held, 5-to-4, that corporate funding of independent political broadcasts in candidate elections cannot be limited under the First Amendment. The discussion featured two of the Law School’s leading scholars in the

areas of First Amendment and campaign finance law, Professor Joel Gora and Visiting Assistant Professor Saul Zipkin.

BLS ACLU also hosts a debate series, held twice a year. “We try to get students to think about different issues in our debate series,” said Stallard, co-chair of BLS ACLU. “Our goal is to pick an issue that even people aligned with the ACLU can disagree on.”

Their first debate, a well-attended event held October 20, focused on the Bush Administration’s notorious torture memos. Four students (two per side) hammered at the issue of whether or not the Obama administration should prosecute those who allowed torture to be used as a weapon of war.

Focusing on yet another headline topic, BLS ACLU hosted a panel on same sex marriage with speakers James Essex, co-director

article on the topic, co-written with former Visiting Assistant Professor Deborah Widiss (for more on this article, see page 21).

“This particular event was so much more than your typical presentation where people just listen and nod,” recalled Stallard. “It went deeper, exploring the legal arguments of equal protection and substantive due process that support the right to same sex marriage. It was a rare privilege to be brought up to date on the state of the law by some of the sharpest minds in this field.”

BLS ACLU’s most notable presentation of the year was the Panel on Torture on October 14. Moderated by Herman, the panel included key experts in the field of civil liberties including, Katherine Gallagher of the Center for Constitutional Rights, Joanne Mariner of Human Rights Watch, and Ben Wizner of the ACLU. Herman led

““As President of the ACLU, I brag about our student chapter all over the country. The students who run the BLS ACLU have done a fantastic job of educating the BLS community about current civil liberties issues by bringing in the lawyers who are actually working on those issues.” — Professor Susan Herman

of the ACLU’s LGBT project, Ross Levi ’97, Director of Public Policy and Education at the Empire State Pride Agenda, and Matt Faiella, a staff attorney from the NYCLU. Moderated by Professor Nelson Tebbe, the panel was held on January 20, and introduced a variety of constitutional arguments in favor of same sex marriage, with Tebbe sharing some ground-breaking ideas from his *University of Pennsylvania Law Review*

an impassioned discussion on torture and explored what should be done to hold the advocates of torture responsible.

“It was a thrill to see all these legal minds and experts come together to discuss these issues,” said Ruttenberg, who will be interning at Legal Aid in the Prisoner’s Rights project this summer. “It’s very exciting to be a part of a group that is spreading the word.” □

# Can Mainstream Media be Saved? Lon Jacobs '81, News Corp Executive, Presents Media & Society Lecture

In recent years, media giants have been experiencing profound threats to their business models, thanks to an economy in turmoil and a new and powerful Goliath known as the Internet. Online piracy has significantly altered the music industry and continues to threaten the movie and television business, newspapers are going out of business at an alarming rate because content is available online for free, and local TV stations are turning in their FCC licenses.

What needs to be done in order to ensure the continued health and vitality of content companies? Do the laws need to change? Do attitudes need to change? Is there a viable new business model that will work online? Or are the old media companies about to become a thing of the past, like typewriters and the Sony Walkman?

These were among the questions presented by Lawrence (“Lon”) Jacobs ’81, Senior Executive Vice President and Group General Counsel of News Corporation, at the Media and Society Lecture held at Brooklyn Law School’s Subotnick Center on October 14.

In his presentation, “Saving the Media Business: A New Online Model,” Jacobs discussed possible ways that “dead tree publishers,” as he jokingly referred to them, might be able to adapt to the new climate. “This is a secular rather than a cyclical shift,” said Jacobs, meaning that these current trends are not simply a temporary downturn, but rather signal a fundamental change in the industry.

Although poking fun at such technological jargon as “user-generated content” and “affinity advertising through interest matching technology,” Jacobs made clear that the state of the newspaper industry — not to mention the film and music industries, which are plagued by online piracy concerns — is no laughing matter. He addressed the significant obstacles, both practical and legal, to embracing a viable online model for the media industry.

One major barrier, he said, is convincing people to start paying for online access. “A lot of people think you can’t put that genie back into the bottle,” said Jacobs. “We’re going to have to test that.” He cited iTunes as a particularly successful model to emulate in charging for content. Another hurdle newspapers face, according to Jacobs, is the “free ride” problem, in which “aggregators” like the Huffington Post and Google swipe their headlines for their own websites. “Our journalists do the hard work,” he said, “and they are benefitting from our sweat.”

Jacobs also argued that the law has yet to evolve to the demands of the changing media landscape. For instance, Jacobs proposed that newspapers might collaborate to create a single online platform

where users could get their news from several sources, such as *The New York Times*, *The Wall Street Journal*, and their local newspaper, as well as customize a special package of, say, sports coverage, all at a discounted price.

Current antitrust laws, however, prohibit newspaper owners from getting together and even having that conversation. Jacobs called such laws against cross-ownership anachronistic. “Congress is saying these laws should stay in place because we don’t want too few voices,” he pointed out. “But this made sense when there were three or four channels, not now.”

In conclusion, Jacobs cautioned that the new media landscape will continue to shift and change in unpredictable ways in the future. Rather than resist it, he encouraged a more open-minded, forward-thinking approach. “Things are moving at such a rapid pace, and we don’t know what’s coming next — anyone who says they do is lying,” he noted. “So we’re coming up with new business models every day. It’s a challenging and exciting time.” □



“We’re coming up with new business models every day. It’s a challenging and exciting time.” — Lon Jacobs ’81

## President Leonel Fernández of the Dominican Republic Addresses BLS Community

President Leonel Fernández of the Dominican Republic paid an unprecedented visit to the Law School in the fall, addressing BLS students and faculty to discuss the dramatic constitutional reform taking place in his country. Brooklyn Law School was the only law school Fernández and his wife Margarita Cedeño de Fernández visited on their stay in the United States, a trip that was prompted by his passion for comparative legal education and an interest in Brooklyn Law School's library.



In 2008, Fernández's chief of staff approached Library Director and Assistant Professor of Law Victoria Szymczak looking for assistance in developing his law library in Santo Domingo. "Fernández had established a think tank to promote democracy throughout the Caribbean, and as part of that program, he developed a law library," explained Szymczak. "When they needed help growing their American legal collection, they contacted me. I have no idea how they got my name, but I was very flattered." In fairness to Szymczak, she is renowned for her library curatorial skills and has an LL.M. in comparative international law, which made her an ideal candidate to help Fernández.

The President's ambassador visited the Law School's library in 2008 and met with Szymczak in person about her ideas and insights. The visit led to continued conversations between BLS and the President's offices, culminating in a visit by Fernández himself, a trip that would coincide with his trip to the United Nations for the Summit on Climate Change. On September 23, following the Summit, Fernández was welcomed to the Law School's Moot Court Room by Dean Joan G. Wexler, who detailed his impressive educational and political career.

Born in Santo Domingo, Fernández was raised in Washington Heights and returned to the Dominican Republic to study law at the Universidad Autónoma de Santo Domingo, where he graduated at the top of his class and became active in local politics. In 1996, he was elected president under the Dominican Liberation Party, the youngest in the history of the nation. His second non-consecutive term began in 2000, after a constitutional amendment allowed it. In his third term election, Fernández won 54 percent of votes in a seven-person race.

Though the country weathered decades of harsh dictatorships before democracy took hold in the 1970s, Fernández assured the audience that the Dominican Republic was committed to becoming a true democracy, "one that takes the human, civil, and social rights of its citizens into account when creating laws."

"It is not enough for a constitution to be liberal and democratic," he said. "It must also consider the social factor, that which moves beyond such rights as freedom of speech and assembly to include the rights to health care, education, and housing."

In addition to reforming the country's constitution, Fernández created a Constitutional Court, separate from the Supreme Court, whose sole function is to review all laws submitted by Congress and the executive branch. Fernández compared it to the concept of "reconciling Plato with Aristotle," in that a group of experts is necessary, but the government must also consult the will of the people.

At the conclusion of his visit, Fernández spoke of creating an intellectual exchange between the Universidad Autónoma de Santo Domingo and BLS and of continuing to work together in the development of the University's remarkable library. □

## The Blame Game: Should Corporations Play, Too?

On February 5, 2010, Brooklyn Law School held the annual David G. Trager Public Policy Symposium, “Sharing the Blame: the Law and Morality of Punishing Collective Entities.” Co-sponsored by the Center for the Study of Law, Language and Cognition (LLC) and the *Journal of Law and Policy*, the symposium was organized by Brooklyn Law School Professors Michael T. Cahill and Miriam H. Baer.

The symposium was particularly timely, as a rash of high-profile corporate scandals have sparked public outrage, and thorny questions about blame and punishment have emerged: Should we impose punishment on these collective entities, and if so, what kind? How do we even conceive of a group as having its own independent existence apart from its members? Seeking to explore these questions, the symposium brought together a diverse panel of psychologists, philosophers, and lawyers to discuss the moral responsibility of groups and the possible implications for the scope of criminal law.

The first panel, moderated by the LLC’s director, Associate Dean for Academic Affairs Lawrence Solan, looked at “The Psychology of Group Identity” and some of the mental processes involved in forming our perceptions of collective entities. A group’s level of “entitativity” — a psychological term for how others view the apparent unity of a group — influences whether such a group will be held responsible for its behavior. With corporations, people tend to look for “rotten apples, not rotten trees,” said panelist Tom Tyler, Chair of Psychology at New York University. In other words, it’s much easier to ascribe blame to a person than a group.

The second panel took the philosophical approach, examining “The Morality of Imposing Collective Responsibility.”



*Steven J. Sherman, Chancellor’s Professor of Psychological and Brain Sciences, Indiana University – Bloomington, on video screen, discusses the question of corporate blame with panelists at the David Trager Public Policy Symposium.*

Philosophers tend to agree that punishment should be meted out to agents who knowingly and self-consciously cause harm. But since corporations have neither consciousness nor moral agency, punishing their actions can create both practical and ethical dilemmas, even though they act with intent. The panelists then offered various solutions to punishing corporate malfeasance, from doing nothing to eradicating the group entirely.

The third panel, a roundtable entitled “Corporate Criminal Liability and the Problem of Multiple Groups,” led to a conversation about the possible legal responses to corporate criminal behavior. Moderated by Professor Baer, the panelists discussed and debated the value of using outside monitors to keep corporations in line, considering the possible effects of having these monitors in place on subsequent corporate liability for wrongdoing.

The daylong symposium ended with a lively question-and-answer period with the audience. One listener asked whether it

made sense to broaden the scope of the discussion to look at our profit-driven corporate culture, which would seem to encourage bad behavior. “Maybe it’s not just a matter of bad apples and bad trees,” he mused, “but of bad orchards.”

This symposium is named for the Honorable David G. Trager, a United States District Court Judge for the Eastern District of New York, who served with great distinction as Dean of Brooklyn Law School from 1983 to 1994. Judge Trager continues to be a dedicated member of the Brooklyn Law School family through his active role on the Board of Trustees and as a member of the adjunct faculty.

Papers from the symposium will appear in a forthcoming issue of the *Journal of Law and Policy*. □

**WEB** View video of the event at [www.brooklaw.edu/tragervideo](http://www.brooklaw.edu/tragervideo).

# Legal Lights

Brooklyn Law School's talented students continue to garner prestigious honors. Five of the Law School's best and brightest students are publishing in highly-regarded journals, winning competitive writing awards, and receiving coveted placements.

## ANALIESE WILCOX '10

Analiese Wilcox '10 was one of nine attorneys chosen from among 2,700 applicants to participate in the U.S. Department of Transportation's Honors Attorney Program, one of the most competitive and well-respected honors programs offered by the federal government.

During the two-year program, Wilcox will rotate through several DOT offices, working on a variety of projects. At the end of one year of service, she will be eligible for a permanent position with the DOT.

Though she applied to several postgraduate honors programs, Wilcox said, "DOT was at the top of my list. It deals with a lot of the environmental law and quality of life issues that are important to me."

Wilcox is a Notes and Comments Editor on the *Brooklyn Law Review*, a Carswell Merit Scholar, and the recipient of a Paul Emery Kern Scholarship and CALI Award in Environmental Law. She completed her first summer internship—which she credits with inspiring her to pursue further government work—with Judge Martin Glenn, a United States Bankruptcy Judge for the Southern District of New York.

Wilcox also cultivated her interest in environmental issues during a summer clerkship at the National Oceanic and



Analiese Wilcox '10

Atmospheric Administration in Gloucester, MA and two internships at the U.S. Environmental Protection Agency, Region II, with the Air Branch. This spring, she interned at The City of New York Environmental Control Board.

Wilcox was drawn to Brooklyn Law School in large part because of the legal writing program, which has helped her in school, internships, and beyond. "The program is wonderful," she said. "It gives you a leg up after your first year—more so than students receive at many other schools."

In addition to her legal honors, Wilcox received a B.A. in art history with honors from the University of Chicago and is co-founder of an online vintage clothing company.



Jason Jendrewski '10

## JASON JENDREWSKI '10

Jason Jendrewski '10 won first place in the Dr. Emanuel Stein Memorial Writing Competition of the New York State Bar Association's Labor and Employment Law Section. His paper, "The Wholesale Seizure of Major League Baseball's Confidential Drug Testing Records and the Consequences for the War Against Substance Abuse in America's Workplaces," for which he was awarded \$3,000, is forthcoming in the State Bar's *Labor and Employment Newsletter*.

Jendrewski said that the paper presented "a critical labor law perspective regarding the Major League Baseball (MLB) Players Association's litigation, *United States v. Comprehensive Drug Testing, Inc.*,

challenging the federal government's seizure of its membership's drug testing records in breach of a collectively bargained confidentiality provision."

The case concerns a 2004 federal government raid of MLB's drug testing labs and the seizure of all 2003 test results, though the warrants were for only 11 players' results. The records were created as part of a landmark collective bargaining agreement between the players and the clubs, which established baseball's drug testing program, but the first season's results were intended solely to determine the extent of steroid use, not for punitive purposes. Three federal district courts found the government's conduct unlawful as an unreasonable search and seizure, but the Ninth Circuit reversed the decisions in a consolidated matter and issued two opinions adverse to the Players Association. The case was then reheard by an *en banc* panel of 11 judges, which overturned the prior decision and ruled against the federal government, and established new rules for computer searches by federal agents.

"As a baseball fan, I was curious about which players may have tested positive," Jendrewski said. "But as a law student, I was deeply disturbed by the government's conduct."

Jendrewski has held several "dream jobs" in the sports world. This spring he was a law clerk at the National Football League Management Council. Other positions have included interning at the Labor Relations Department of the Office of the Commissioner of Major League Baseball;

*"As a baseball fan, I was curious about which players may have tested positive. But as a law student, I was deeply disturbed by the government's conduct."*

— JASON JENDREWSKI '10



Jacqueline Tate '10

working as a corporate account manager at the New York Islanders Hockey Club; and serving as a paralegal at Proskauer Rose LLP, where he first learned about baseball salary arbitration.

Jendrewski is a graduate of the Cornell University School of Industrial and Labor Relations, president of the Cornell Class of 2005, and a member of the board of directors of the Cornell ILR Alumni Association. After BLS, he plans to continue his work in labor and employment law.

#### JACQUELINE TATE '10

Jacqueline Tate '10 won the 2009 Phil Cowan Memorial/BMI Scholarship Competition with her paper, "The House Always Wins: A Call to Reform Art Auction House Regulations." The competition, sponsored by the New York State Bar Association's Scholarship Committee of the Entertainment, Arts and Sports Law (EASL) Section, awarded Tate a \$2,500 scholarship, and her paper will be published in the *EASL Journal*.

Tate's paper focused on the veil of secrecy surrounding many art auction houses' practices. She wrote about the use of undisclosed reserves, or prices below which the artworks will not be sold, as well as the practice of giving guarantees, whereby money is provided up front to potential sellers to entice them to sell or a third party is brought in to guarantee the price required by a seller. Tate argued that

*"Everyone was calling for transparency in the financial world, and I thought there should be more transparency in the art world as well."*

— JACQUELINE TATE '10

such practices create artificially high prices, making art less accessible and unethically padding auction houses' bottom lines.

"I started thinking about the topic for the paper when the financial crisis hit in the fall of 2008," said Tate, who has worked as the assistant director of Floating World Gallery and interned at Christie's Fine Art Auctioneers. "Everyone was calling for transparency in the financial world, and I thought there should be more transparency in the art world as well."

Tate is a Notes and Comments Editor on the *Journal of Corporate, Financial and Commercial Law*, co-chair of the Art Law Association (ALA), and a member of Outlaws, a student organization that sponsors events relating to lesbian, gay, bisexual, and transgender issues. In the past, Tate participated in the Brooklyn Law Incubator and Policy Clinic (BLIP) and interned at Cowan, DeBaets, Abrahams and Sheppard LLP, MasurLaw, and the New York City Department of Social Services. She was also Associate Dean Beryl Jones-Woodin's research assistant.

Tate holds a master's degree in art history from the Richmond American International University in London and a B.A., also in art history, from the University of Michigan. This fall, Tate will clerk for Superior Court Judge Mary F. Thurber in Bergen County, New Jersey.



Marjorie Yang '11

**MARJORIE YANG '11**

Marjorie Yang '11 was awarded a New York State Bar Association Minority Fellowship in Environmental Law, which provides a \$6,000 stipend for a summer internship with a government or public interest environmental organization in New York State. She will work at the Environmental Protection Agency, Region II, in various areas of environmental enforcement, under the mentorship of prominent environmental lawyers.

Yang's interest in the environment was piqued in 2005, during an undergraduate summer program in Beijing. She experienced the city's notorious pollution firsthand and witnessed its consequences for inhabitants and neighboring cities. She decided to attend Brooklyn Law School in order to learn about environmental law on both domestic and international levels.

At BLS, environmental justice issues came into sharpened focus during Yang's internship with Lisa Garcia '98 at the New York State Department of Environmental Conservation. Garcia, who is now Senior Advisor on Environmental Justice to the national EPA Administrator, inspired Yang to work with minority and low-income communities, which often bear the brunt of the impact from environmental hazards.

Another internship, in the Rackets Bureau of the Kings County District Attorney's Office, involved Yang in several environmental enforcement cases, including the sale of endangered seafood and the illegal dumping of solid and toxic waste in New



Matthew Handler '10

York State waterways. Most recently, Yang interned at the office of New York State Assembly member Brian Kavanagh, working on legislation surrounding such issues as the MTA's use of tropical hardwoods for railroad ties and proposals to substitute more sustainable woods and plastic.

Yang is President of the Asian Pacific American Law Students Association (APALSA), Race Judicata Co-Chair, and serves as an Upper Class Delegate for the Student Bar Association. She holds a B.A. in Asian and Middle Eastern Cultures from Barnard College.

**MATTHEW HANDLER '10**

Matthew Handler '10 won first place in the 2009 Chief Justice John B. Doolin Writing Competition, sponsored by the Oklahoma Supreme Court. His article, "Tribal Law and Disorder: A Look at the System of Broken Justice in Indian Country and the Steps Needed to Fix It," was published in the *Oklahoma Supreme Court Sovereignty Symposium Compendium* (2009), and was recently reprinted in *Brooklyn Law Review* (Vol. 75, Issue 1, 2010).

Handler said his awareness of "the twisted criminal justice system American Indians endure" began when he learned that a shocking one in three American Indian women will become a victim of rape in her lifetime. He also learned that tribal rights to self-governance "have been significantly limited through the patchwork system of laws."

Tribes must often rely almost exclusively on the federal government for law enforcement and to prosecute crimes, but the federal government is ill-equipped for the job, while tribes themselves are severely limited in their ability to punish offenders. Meanwhile, Indians endure violent crimes at almost two and a half times the national rate.

"My article comments on recently proposed legislation to remove hindrances to effective policing and enforcement on Indian lands," he said. "It exposes the history of substandard criminal enforcement and prosecution and advocates for real reform."

Handler is Executive Articles Editor of the *Brooklyn Law Review* and a Carswell Merit Scholar, and he was awarded the Herman Fagen Scholarship (See In Memoriam, page 68). He worked as a summer associate at Brown Rudnick, L.L.P., a legal intern at The Opportunity Agenda and the Office of the General Counsel of the Port Authority of New York and New Jersey, and a judicial intern with Magistrate Judge Debra Freeman of the United States District Court for the Southern District of New York. Handler is also active in several student organizations, including the International Law Society, the Unemployment Action Center, and the Entertainment Law Society.

Handler described himself as a "passionate story-teller" who honed his investigative journalism skills at Syracuse University's Newhouse School of Communications. □

# Clinic Roundup

Brooklyn Law School's clinical program is one of the most diverse, extensive, and comprehensive in the country. The following is a brief summary of some of the important work performed by clinic students and professors in the fall of 2009. For a more complete listing of the latest clinic activities please visit [www.brooklaw.edu/academic/clinics](http://www.brooklaw.edu/academic/clinics).

## CAPITAL DEFENDER AND FEDERAL HABEAS CLINIC

It was a particularly busy fall for Professor Ursula Bentele's Capital Defender and Federal Habeas Clinic. Students assisted lawyers for John Muhammad, better known as the "D.C. Sniper," in his petition for *certiorari* to the Supreme Court of the United States.

The students first argued that Muhammad's trial attorneys rendered ineffective assistance of counsel when, despite strong evidence of their client's mental disturbance, they failed to alert the court to those deficiencies when Muhammad asked to represent himself. Next, they raised the issue of Muhammad's shortened *habeas* deadline. While the Anti-terrorism and Effective Death Penalty Act (AEDPA) set the time limit at one year, the Virginia Attorney General set the date of execution prior to the *habeas* filing deadline. Students presented the case that Virginia effectively circumvented the federal deadline by requiring that the petition be filed far sooner than required under the AEDPA.

Although cert was ultimately denied by a unanimous Court, Justice Stevens, joined by Justices Ginsburg and Sotomayor, issued a statement which decried the practice of allowing a state to execute death row inmates "before their appeals process has been fully concluded."

The high-profile case attracted the attention of the media. On November 11, Bentele, along with clinic students Michael Debbane '11 and Sarah White '11, appeared on *NBC News* to discuss Muhammad's execution, which took place by lethal injection in Virginia later that same night.

Though Muhammad's case required a significant amount of work, the clinic was also busy assisting other post-conviction clients. Students filed a petition for cert with the Supreme Court on behalf of an Alabama death row inmate raising challenges to that state's delegation of the decision about a life or death sentence to the judge, rather than a jury. They also filed a brief in the Second Circuit

Court of Appeals on a *habeas corpus* case in which the district court had found that the petitioner was denied his constitutional right to confrontation, but ruled the error harmless.

## FEDERAL CIVIL LITIGATION CLINIC

Under the supervision of Adjunct Professor Susan Halatyn, Senior Counsel in the Special Federal Litigation Division at the New York City Law Department, students in the Federal Civil Litigation Clinic made court appearances, and handled depositions and discovery. Students represent the City of New York and its employees in connection with federal civil rights lawsuits against the Police Department and the Department of Correction, and their caseload includes new cases and pending matters that they inherited from previous clinic interns and exposes them to many facets of the litigation process. For instance, Matt Modafferi '09, who took the deposition of the plaintiff in a case while he was a student in the clinic, is now an Assistant Corporation Counsel with the New York City Law Department, where he works with and supervises current members of the clinic on the same case as it proceeds to trial.

## MEDIATION CLINIC

Professor Mary Jo Eyster's students have been mediating disputes in a variety of settings. Erika Myrill '11 and Jill Wexler '10 have elected to mediate in a public middle school, continuing a program that was initiated last year by Marni Blank '10 and Laura Greenberg '09. The program provides middle school students with a way to move beyond the usual crisis intervention mediation that is prevalent in public schools. The program has been well received by students and the administration alike.

Other students in the clinic have chosen to remain in the courts, including seven students who have added Housing Court Mediation to their repertoire. These housing mediation cases involve either

non-payment of rent by tenants or “holdover” cases in which landlords are seeking to evict tenants. Because these parties are not represented by attorneys, the mediators play a crucial role in assisting both sides in reaching an understanding of their options.

### SAFE HARBOR CLINIC

Under the supervision of Professors Stacy Caplow and Dan Smulian, students at the Safe Harbor Clinic work in teams to represent individuals in their applications for asylum. This fall, Kathleen Christatos '10, Nathaniel Moore '10, and Adam Scheinman '10 were successful in securing a grant of asylum for their client who survived the murder of her parents and brother as a pre-teen, during a period in which persons of her ethnicity were mass victims of genocide (clients' names and countries of origin are kept confidential). The client later identified and testified against her family's persecutors and was forced to flee the country after she was once again threatened with death because of her pursuit of justice. Mandy Tenner '10 served as the client's interpreter and helped draw out her tragic story, which was critical to presenting her case.

### CORPORATE AND REAL ESTATE CLINIC

Co-op members from a low-income co-op on Clinton Street on the Lower East Side came to the Corporate and Real Estate Clinic in 2006 owing over a million dollars in real estate taxes and many years of mortgage payments to the City of New York. Since then, the efforts of eleven students culminated in a loan closing on March 4, 2010 that financed payment of the remaining tax arrears.

The problems for the 19-unit building arose primarily because it never received the property tax exemption that New York normally

grants to such buildings. In addition, many residents were on fixed incomes and unable to pay significant maintenance increases. The Urban Homesteading Assistance Board helped negotiate a real estate tax cap for the building's future taxes while clinic students sought to refinance the mortgage and make amendments to corporate documents which were required in order to qualify for a real estate tax forgiveness program.

Melissa Rivero '08 and Jessica Macina '07 conducted research on amending the certificate of incorporation from a not-for-profit corporation to a business corporation and prepared a bilingual presentation on the topic for residents. Clinic fellow Joshua Messian '09 conducted the closing of the refinanced City mortgage in December of 2009. In order to pay the remaining taxes, Niki Tsismenakis '11 and Zehra Ali '10 obtained a subordination agreement from the City which cleared the way for the March 4 closing of a \$300,000 loan from the Lower East Side People's Federal Credit Union. Tsismenakis and Ali continued work begun by Melissa Wengroff '10 and Vimala Veeramachaneni '10 on resolving title issues, preparing the opinion letter and board resolutions, and reviewing and negotiating the mortgage and environmental indemnity agreement. Under the supervision of Professor Debra Bechtel, Tsismenakis and Ali conducted the credit union closing. They will then turn their attention to closing a low interest rehabilitation loan from the City to finance a new roof and other crucial repairs.

Other students who worked on the tax forgiveness effort and facilitating the closings include Tom Vance '07, Josefina Colomar '10, Nick David '09, and Niki Prenoveau '08. □

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## Professor Askin Brings NYSTAR Grant to BLS



The New York State Office for Science, Technology, and Innovation (NYSTAR) awarded Brooklyn Law School the prestigious \$40,000 NYSTAR Grant. BLS was one of only two law schools in New York

to receive this coveted honor. Professor Jonathan Askin, founder of the Brooklyn Law Incubator & Policy (BLIP) Clinic, plans to use the grant to help create what he has coined “a sustainable ecosystem” for tech commercialization in New York City.

“We are trying to build a superstructure to ensure that tech entrepreneurship perpetuates in New York,” said Askin. “This means the projects we take on are those that create a template that allows others to build on it and follow suit.”

Askin has hired three BLIP alumni, Natalie Phelps '09, Eric Barr '09, and J.J. Varley '08, as NYSTAR Fellows, and together they are working to implement various projects by their grant's deadline at the end of August, 2010.

Askin and the Fellows plan to devote the next several months to working on technology commercialization and technology transfer projects, primarily in Brooklyn, but more generally in the greater New York area. Askin noted, “We have an eye towards creating an ecosystem in which technology start-ups can turn their ideas into reality.”

Askin's NYSTAR Fellows are also working to develop a more viable process to commercialize university software applications. “For every Facebook,” he said, “there are thousands of other world-changing applications that are never seen beyond the ivory tower. We want to increase public access to these applications.” □

# Equal Access and the Right to Marry



By Nelson Tebbe and Deborah A. Widiss

**H**ow should courts think about the right to marry? This is a question of principle, but it is also a key question of litigation strategy for advocates challenging laws that prohibit gay and lesbian couples from marrying. Getting the answer right is particularly important right now. Although same-sex marriage has been the subject of a national debate for several years, most challenges so far have been brought in state court. Recently, however, David Boies and Theodore Olson, former adversaries in *Bush v. Gore*, teamed up to file a federal challenge to a California law that limits marriage to the union of one man and one woman. Many experts anticipate that the case will ultimately be decided by the Supreme Court of the United States. A decision from the Supreme Court invalidating the California law could require states across the country to open up marriage to gay and lesbian couples—and a decision upholding the amendment would not only hamper federal challenges for the

foreseeable future, but also greatly decrease the likelihood of success for state constitutional claims.

In an article that will appear this spring in the *University of Pennsylvania Law Review*,<sup>1</sup> we argue that earlier litigation and commentary have overlooked the most promising argument in support of same-sex couples' marriage rights: an approach that we call *equal access*. Under this approach, once a state decides to recognize and support marriage, it presumptively must make that status available evenhandedly. Although this might sound like an obvious argument, two other legal theories have dominated litigation surrounding the right to marry for same-sex couples so far. While these other arguments have merit, they also suffer from serious limitations. Equal access is more likely to succeed. Firmly grounded in existing law, it offers a sensible, moderate way for judges to strike down laws that exclude gay and lesbian couples from civil marriage. Equally important, it opens up a more satisfying way of conceptualizing the right to civil marriage generally.



## *Civil Marriage and Due Process*

The first argument that has dominated recent litigation is that everyone has a liberty right protected by the Due Process Clause to get married in a state-recognized ceremony. The Supreme Court has often referred to a right to marriage. For example, in 1967, in *Loving v. Virginia*,<sup>2</sup> the Court ruled that state laws prohibiting interracial couples from marrying were unconstitutional, in part because they violated due process. “Marriage,” the Court explained, is “fundamental to our very existence and survival.” Similar language has appeared in other cases. Based on these precedents, gay and lesbian couples argue that they too should enjoy the freedom to marry.

But this due process theory has been largely unsuccessful in litigation. Although courts have typically agreed that the Due Process Clause protects a right to marry generally, they have held that there is no right to “same-sex marriage” in particular. Judges have observed that due process law often looks to American history and traditions in order to determine whether a right is protected, and they have concluded that marriage between people of the same sex is not deeply rooted in the nation’s customs. Thus, with very few exceptions, even state courts that have overturned different-sex marriage requirements have rested their decisions on grounds other than a fundamental right to marry under state or federal due process provisions.

We disagree with the line that courts have drawn between “marriage” and “same-sex’ marriage.” If there is a due process right to marriage, it should be understood as a fundamental right to choose one’s spouse—a freedom that same-sex couples share. But there is a deeper flaw in this argument: there may be no due process right to civil marriage at all, even for different-sex couples. The cases typically cited to support a due process-protected right to marry link marriage to a due process-protected interest in procreation. While this link may have made some sense in an earlier era, when many state laws made marriage a prerequisite to legal childbearing, today having children outside marriage is accepted, both socially and legally.

In fact, civil marriage—marriage that meets state law requirements and thus is recognized by the state—is different from other constitutionally-protected family-related rights, such as the right to make choices regarding child rearing, sexual intimacy, contraceptive use, or termination of a pregnancy. These other rights can be exercised without any state involvement, and due process protects against burdensome government regulations that could unduly limit individual choices. Civil marriage, by contrast, is a government program that provides certain benefits, both material and expressive, and imposes certain obligations. In this respect, civil marriage is also different from private or religious marriage. Civil marriage requires government sanction—a marriage license—while private or religious marriage does not.

To see this more clearly, imagine a state that chose to abolish civil marriage altogether, leaving marriage to religious groups or other private organizations. Such a state could decide to offer civil unions or domestic partnerships, or it could designate some other form of family relationship, such as parent-child relationships, as the basis for government benefits or recognition. While these reforms are probably not politically viable, we agree with the majority of scholars that they would not violate any constitutional rights. Yet, a state’s decision to get out of the marriage business would impose the maximum possible burden on access to civil marriage. If the Due Process Clause really did guarantee a right to civil marriage, a law ending that institution would almost certainly be unconstitutional. This suggests a weakness in the due process argument. In sum, a right to enter a private or religious marriage may indeed be protected by due process, but a right to civil marriage is likely not.

## *Standard Classification-Based Equal Protection*

The second argument dominating litigation today is that a same-sex marriage ban discriminates on the basis of sexual orientation in violation of the Equal Protection Clause or similar state constitutional provisions. In general, courts defer to judgments by legislatures about what laws should be made. But to make sure that the state does not unfairly discriminate, courts look carefully at laws that single out individuals on the basis of race, sex, religion, or alienage. In cases seeking to expand marriage rights, advocates have argued that laws that make distinctions on the basis of sexual orientation should likewise trigger such heightened scrutiny (or, in legal parlance, they claim that sexual orientation should be considered a “suspect classification”). Where they have been able to convince state courts to apply heightened scrutiny, same-sex couples have won the right to marry, or at least the right to an equivalent legal status. In fact, no state court that has applied any form of heightened equal protection review has upheld a different-sex marriage requirement.

However, courts in several states have held that classifications on the basis of sexual orientation do not raise special concerns and therefore do not prompt any presumption of invalidity. Courts in New York, Washington, Maryland, Indiana, and Arizona have all upheld different-sex marriage laws under ordinary scrutiny, as have several lower federal courts. While the highest court in Massachusetts did strike down a ban on same-sex marriage under ordinary review,<sup>3</sup> it does not seem to have inspired a trend in that direction.

We agree that bans on same-sex marriage should be held to violate the standard conception of equal protection. But there is a widespread sense that the Supreme Court is unlikely to announce that classifications on the basis of sexual orientation are always

suspect. Indeed, the Court may be moving away from the tiers of scrutiny framework altogether. As a practical matter, therefore, a classification-based equal protection argument is not likely to succeed in federal court or in many state courts.

## *A Solid Constitutional Foundation: Equal Access*

Equal access argues that, *once conferred*, the right to marry in a legally recognized ceremony is fundamental. In other words, if a government decides to recognize and support civil marriage, it cannot exclude same-sex couples without providing an adequate justification. There is a particular harm when the material and expressive benefits of a fundamentally important government institution, such as civil marriage, are not extended evenhandedly. This approach differs from both the due process theory and the classification-based equal protection theory described above. It recognizes a harm that may exist even if the relevant conduct is not protected by due process, and even if does not single out individuals on “suspect” grounds. Independent analysis is required to determine whether a different-sex marriage requirement violates equal access.

Equal access is grounded in a longstanding, if overlooked, branch of equal protection law. Under this line of cases,

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Equal access argues that, once conferred, the right to marry in a legally recognized ceremony is fundamental. In other words, if a government decides to recognize and support civil marriage, it cannot exclude same-sex couples without providing an adequate justification.”

government cannot interfere with a fundamental interest in unequal ways unless it can show that it has a particularly good justification. In one important decision, the Supreme Court struck down an Oklahoma law that permitted sterilization of certain criminals.<sup>4</sup> The law subjected individuals convicted of larceny to the procedure, but not individuals convicted of embezzlement, even when the amount of money stolen was the same. The Court reasoned that procreation was fundamentally

important and, critically, that the law interfered with it unequally. Normally, imposing greater punishments on larcenists than embezzlers would have been permissible, but because Oklahoma made this distinction with respect to procreation, the Court held that it violated equal protection. This was true even though procreation was not protected under due process at the time.

The fundamental interest branch of equal protection law has even been applied in the specific context of the right to marry. The Court used it to strike down a state law that prohibited most fathers who owed child support from marrying.<sup>5</sup> Although the Court referred to the full range of precedents that spoke to the fundamental importance of marriage, ultimately it grounded the decision squarely in equal protection. Strict scrutiny was applied not because singling out scofflaw fathers was particularly suspect, nor even because the law placed a particularly heavy burden on poor people, but instead because the government differentiation impacted a fundamentally important institution, civil marriage.

In much the same way, laws that deny marriage licenses to gay and lesbian couples should be struck down unless the government can show that they are justified by some exceedingly strong public interest. Courts should look carefully at such laws for two reasons. First, civil marriage is fundamentally important in American society, both socially and legally. That is true regard-

less of whether there is a due process right to marry in a civil ceremony. Second, states have administered that critical institution unequally. When you combine interference with a fundamental interest with inequality toward such a group, heightened scrutiny is appropriate, even if discrimination on the basis of sexual orientation alone does not always require courts to take such a hard look.

The right to civil marriage is similar to several other key guarantees, particularly the right to vote and the right to court access. It surprises many Americans to learn that there is no federal constitutional right to vote in state elections or even for President of the United States.

A state could, if it wished, fill key positions by appointment rather than by elections. Yet once a state decides to hold an election, it cannot exclude a subset of citizens from the vote without raising a federal equal protection concern. Like civil marriage, voting is seldom constitutionally mandated, but once it is offered to the public it normally must be administered equally.

Something similar is true of access to courts. Although the federal Constitution does not require states to allow criminals to appeal their convictions, once states decide to do so they

presumptively cannot exclude, for example, indigent defendants who cannot pay certain court costs. Neither due process nor equal protection alone can wholly explain the result in these cases—instead, the overlapping interests at play deserve special consideration. Civil marriage is similar: because of its fundamental importance, selective exclusion from legal marriage should be unconstitutional in most situations.

This legal theory captures the most important constitutional considerations surrounding same-sex marriage. It recognizes that access to civil marriage is partly about liberty—here, the ability of individuals to choose a spouse and to form a legally-recognized family—and that it is partly about a type of

same-sex marriage litigation. In earlier cases, the result usually turned on whether the court applied the sort of heightened standard that we are proposing. Again, no high state court that has applied any sort of heightened review in recent years has found that there is adequate justification for denying same-sex couples the legal benefits of marriage (although some courts have permitted states to establish separate statuses such as civil unions). In other words, much of the legal work is done by the standard of review, at least ostensibly. Nevertheless, we will now briefly show how our approach might be applied.

In recent cases, states have offered two main justifications for laws that deny same-sex couples a right to marry. First, they

note that only different-sex couples can procreate accidentally and they claim that marriage is therefore needed to provide stability to different-sex couples who might otherwise be inadvertent and irresponsible parents. Officials contend that same-sex couples, who typically have children through laborious and necessarily preplanned processes like artificial insemination or adoption, do not need the same state incentives.

Not only does this “accidental procreation” argument rest on unproven assumptions about human behavior, it is also dramatically under- and overinclusive. On the one hand, many different-sex couples who are permitted to marry are incapable of having children—think of elderly individuals or infertile men and women—or those who simply do not want to be parents. On the other hand, thousands of same-sex couples are raising

children in America today. Doesn’t excluding them from civil marriage actually hurt the state’s goal of promoting stability for families with children?

The second rationale that states put forward is that different-sex couples provide the optimal environment for childrearing. Again, this argument ignores the fact that prohibiting same-sex couples from marrying in no way guarantees that children will be raised by both parents. But more importantly, numerous social science studies have found that children do just as well with parents of the same-sex as parents of different-sexes. Gay and lesbian couples are every bit as capable of providing loving, skillful guidance to their children.

States have an even more difficult time justifying laws that extend all the material benefits of marriage to same-sex couples under the rubric of civil unions or domestic partnerships. These “separate but equal” arrangements still deny the important expressive benefits of civil marriage, relegating couples to second-class status. Testimony by children suggests that this

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This legal theory captures the most important constitutional considerations surrounding same-sex marriage. It recognizes that access to civil marriage is partly about liberty—here, the ability of individuals to choose a spouse and to form a legally-recognized family—and that it is partly about a type of equality—namely, the right to be free from government discrimination.”

equality—namely, the right to be free from government discrimination. It combines considerations of liberty and equality in a way that matches the harm that many couples feel. Moreover, equal access is both backward- and forward-looking. On the one hand, it recognizes that civil marriage has played an important role in American history and traditions. On the other hand, it challenges the way that many officials have drawn lines around that institution—and in this way it looks to the future, like the best of American equal protection law.

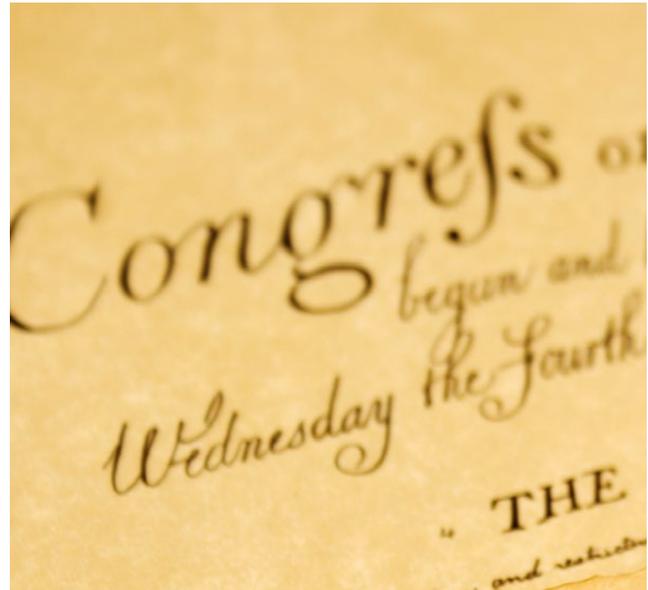
## *Putting Equal Access to Work*

A court applying equal access would require states that exclude gay and lesbian couples from civil marriage to give strong reasons for that policy. The justifications that states would offer probably would not differ too much from what we have seen already in

two-tier system actually hurts families by sending a message that same-sex parents are less valuable or respected.

Equal access, in sum, offers real advantages over the arguments that have dominated the litigation so far by providing courts a way to invalidate different-sex marriage requirements that is moderate, well-grounded in precedent, and reflective of the real harms at stake—and it offers a better conceptual framework for thinking about civil marriage in general. We hope not only to influence current litigation over same-sex marriage rights, but also to offer lawyers, judges, and other commentators a framework for thinking about other nontraditional family structures in the future. □

- 1 Nelson Tebbe & Deborah A. Widiss, *Equal Access and the Right to Marry*, 158 U. PA. L. REV. 1375 (2010).
- 2 318 U.S. 1 (1967).
- 3 *Goodridge v. Dep't of Pub. Health*, 798 N.E.2d 941 (Mass. 2003).
- 4 *Skinner v. Oklahoma*, 316 U.S. 535 (1942).
- 5 *Zablocki v. Redhail*, 434 U.S. 374 (1978).



**Nelson Tebbe** teaches constitutional law, religion and the law, and professional responsibility at the Law School. His scholarship focuses on the relationship between religious traditions and constitutional law, both in the United States and abroad. His articles have appeared in the *Georgetown Law Journal*, *Journal of Religion*, *Michigan Law Review*, and *University of Pennsylvania Law Review*. He is Chair Elect of the Law and Religion Section of the Association of American Law Schools.

Tebbe, who has a law degree from Yale University and a Ph.D in religion from the University of Chicago (with distinction), joined Brooklyn Law School from St. John's University School of Law, where he received a Dean's Teaching Award. Before teaching, he clerked for Judge John M. Walker Jr. of the U.S. Court of Appeals for the Second Circuit and practiced law at the American Civil Liberties Union and at Davis Polk & Wardwell. He was also a Fulbright Scholar at the University of Cape Town in South Africa.



**Deborah A. Widiss** joined the faculty of the Indiana University Maurer School of Law after two years as a Visiting Assistant Professor at Brooklyn Law School. Her research interests include family law, employment law, and the significance gender and gender stereotypes in the development of law and government policy. Prior to teaching, Widiss was a staff attorney at Legal Momentum (formerly NOW Legal Defense and Education Fund), where she authored several *amicus* briefs in support of marriage rights for same-sex couples. Earlier in her career, Widiss worked for the Campaign for Fiscal Equity and for Lawyers Alliance for New York. She clerked for Judge Allyne R. Ross of the U.S. District Court for the Eastern District of New York.

In 2009, Widiss was a winner of the Association of American Law Schools' annual scholarly papers competition, and in 2008, she was honored with a Dukeminier Award from the Williams Institute at UCLA School of Law, which recognizes the best sexual orientation and gender identity law scholarship published in the previous year. Widiss received her law degree from Yale University.



# THE MAKING OF A LAWYER

By Andrea Strong '94

The pages of this magazine are routinely filled with the experiences of accomplished alumni or talented faculty, but in this issue, we chose to focus on graduating students—our future—and explore what it’s really like to become a lawyer here at Brooklyn Law School. We invited six dynamic students from the Class of 2010—Paul Molina, Sparkle Alexander, Shannon Sneed, James Hays II, Michael Pope, and Gloria Yi—to join in a candid conversation about the past three (or four) years, and encouraged them to reflect on their lives as BLS students. We talked about the reasons they choose Brooklyn Law School, their most treasured experiences, and the moments that made the biggest impact on their law school careers.

**BLS: There are many excellent law schools to choose from, and many in New York City. Why Brooklyn Law School?**

**Mike:** As someone committed to public interest work, I wanted to go to a school that could provide me with enough financial support so that I wasn't overwhelmed with debt after graduating. It's definitely a school that doesn't just put public interest as a selling point on the Web site. This is a place that follows through with financial, academic, and faculty support.

**Shannon:** I was really impressed with the alumni that I met. Even alumni who had graduated a long, long time ago were still very active in the alumni association and had so many great things to say about the people here. It was really important to me that Brooklyn Law seemed to have this large and connected alumni base—that gives the school so much more credibility.

I was also impressed with the school's flexibility. I had a baby right before I started law school, and I was under this delusion that I was going to go full-time. When I realized that wasn't practical, I called a number of schools to see if I could switch to part time. Some schools didn't get back to me at all, but the Admissions Director here said, "That's no problem. If you need to start in the part-time program you can transfer to the full-time program whenever you're ready." It was hugely reassuring. It made me feel like people at Brooklyn Law School were going to be responsive to what I needed, and that made a difference.

**James:** I knew I wanted to do something finance-related, and there's no better place in the world to do that than New York City. Brooklyn was a great choice. I was an intern for FINRA (the Financial Industry Regulatory Authority), and an intern for the Bankruptcy Court in the Southern District of New York, which is one of the busiest bankruptcy courts in the country. I'm also an International Business Law Fellow, so once or twice a month I listen to a variety of speakers talking about cutting edge issues in securities and financial law.

**Sparkle:** I had a full-time job, so I looked at schools in the city that had evening programs. After meeting with the admissions staff, I was impressed with Brooklyn, and with the openness to meet with me early on—much more so than some of the other schools. The evening program turned out to be fantastic.

**Paul:** I'm from Texas, and other than six months in South America, I've never lived outside of the state. I taught for two years, and when I was ready to go to law school I was pretty sure I didn't want to limit my search to only Texas law schools. I knew

nothing about Brooklyn Law, but I was attracted to the public interest work, like Mike, and the more I learned about it, the more appealing it was. I was also thinking about international law, and if you're going to work in this field, it makes sense to come to New York. I came to Brooklyn Law because they gave me the most attractive offer, and I fell in love with the School and the neighborhood immediately.

**Gloria:** The financial support was a huge factor in my decision, because I knew that I wanted more flexibility in terms of the career I ultimately decided to pursue. And the location was a big factor, because I wanted to do public service work and be involved in the government. I was also impressed with the clinical program and the ability to have access to the courts on a variety of levels.

## Sparkle L. Alexander

When Sparkle Alexander was 16, she left Trinidad & Tobago and moved to New York City to attend St. Francis College. With her immediate family still living in Trinidad, she moved in with her uncle in New Jersey until she found an apartment closer to school. To support herself, she worked for the school's Dean of Management Sciences. "There are so many more job opportunities in New York than in Trinidad; once I came to college here, I knew I wanted to stay," she recalled. Alexander went on to earn her MBA from Hofstra University, maintaining a 4.0 GPA while working at the school's Provost's Office. She applied to Brooklyn Law School as a part-time student, with plans to continue working full time at HIP Health Plan of New York, where she had been working after graduate school.

Despite juggling work and classes, Alexander maintained a 4.0 GPA throughout law school. She is the Executive Articles Editor of the *Brooklyn Law Review* and the President of the Moot Court Honor Society. Last year, she earned the National Best Brief award at the 59th Annual New York City Bar National Moot Court Competition. Her note, *The Rule 2019 Battle: When Hedge Funds Collide with the Bankruptcy Code* (73 BROOK. L. REV. 1411), has already been cited by Bankruptcy Courts in Delaware and Pennsylvania.

"Law school has been an incredible, life-changing experience," said Alexander. She will begin a clerkship with Judge Eric N. Vitaliano of the United States District Court for the Eastern District of New York in the fall and then will clerk for Judge Guido Calabresi of the United States Court of Appeals for the Second Circuit. After her clerkship, she will return to Davis Polk & Wardwell, where she was a summer associate.

## Gloria Yi

Gloria Yi spent two years as a corporate legal assistant at Willkie Farr & Gallagher LLP and one year at Franklin Templeton Investments before deciding to go to law school. While most of her experience was in the corporate field, at BLS she found her true passion in the court room. Her love of litigation sprung from several sources, including her clinical experience with the Immigration Unit in the United States Attorney's Office for the Eastern District of New York, where she assisted in litigating naturalization petitions. Her love of advocacy was also nurtured by her experience with the Moot Court Honor Society, where she served on the executive board and was a finalist in the NYU Immigration Law Competition. "Moot Court was one of the highlights of my time in Law School," she said. "It got me really excited about

advocating on behalf of a client. I used to be timid and reserved, and Moot Court forced me out of my shell. It helped me grow."

Yi, who is the recipient of the Judge Max E. Cooper Endowed Scholarship and the Carswell Merit Scholarship, will be the first lawyer in her family. In the fall, Yi will return to the New York City Law Department, where she spent last summer as part of their Honors Program.

**BLS: You are all very involved in the School—as fellows, with the SBA, in Moot Court, and on Journals. What part of your work has been the most valuable or treasured experience that you've had here?**

**Sparkle:** For me it was definitely Moot Court. The practical experience I gained through working on briefs and oral arguments is truly amazing. And having the opportunity to argue before Court of Appeals judges is something that's invaluable. Everyone on Moot Court comes back from competing and says the same thing: "I just argued in front of these Circuit Court

judges, or these State Supreme Court judges." It's an incredible experience. When I was at Davis Polk over the summer I was assigned to help on a brief and I said, "Let's dive in," because I had written three or four of them throughout law school, and I wasn't intimidated to do the work. Moot Court was also the most fun I had in law school, and I developed relationships outside the classroom that will last a lifetime.

**Gloria:** To meet the judges and to talk to them and have them tell you you did such a fantastic job and have a promising future in litigation—that's serious encouragement. My clinical work at the U.S. Attorney's office in the Eastern District was also a remarkable experience. Appearing in court helped build my confidence. It tested my nerves and showed me that I could make a coherent argument even in high-pressure situations.

**James:** It was my internship with the Bankruptcy Court during my second year. I was working on a weekly basis with a judge who really took the time to mentor me and help me understand the issues going on in court.

**Mike:** For me it's the realization that I have already done a lot of really good work to help people through the internships and clinical programs at Brooklyn Law. I interned at three different public defense offices. A couple of days ago I argued a tenant's housing eviction case, and in another case I tried to keep a kid from being suspended from school. I have a lot of positive memories of the past three years, but for me it's all about the clients. It's that I did more than research a memo. I was actually able to stand before a court and argue for people's rights.

**Gloria:** I just want to add that, aside from the clinics and clerkship opportunities, Mike and I also had the pleasure of being in a seminar with Magistrate Judge Steven Gold, and we met weekly in his chambers. There were only six of us in his Evidence Workshop: Law of Privilege class, and we talked about legal issues that came up in his courtroom and did mock hearings. That was such a unique experience.





**Shannon:** The close relationship that the School has with the federal judges of the Eastern District is amazing—to have them teach us and to hold classes in chambers. Not many law students can boast this type of experience.

**Paul:** I participated in the Courtroom Advocates Project, in which students assist victims of domestic violence with filing orders of protection. People come in and they tell you what they need, and you protect them. In one case, we got a restraining order against a grandson who was beating his grandfather. You realize that you're in a position with a lot of power and you can use that power to do good.

## James Hays II

James Hays II spent five years working in retail at Lacoste before he decided that there had to be more to life than a self-satisfied crocodile on a polo shirt. "I knew that I wanted to do something more intellectually stimulating than retail, so I applied to law school," he said. "It has opened doors that I would never have expected. Because of Brooklyn Law School, I've interned for a federal judge (Judge Martin Glenn in the U.S. Bankruptcy Court, S.D.N.Y.), worked at a big law firm (Simpson Thatcher), and published a note in the *Brooklyn Law Review* (on renegotiating the terms of sovereign bonds). I was a research assistant to Professor Roberta Karmel and Professor Yane Svetiev, and I've interned for FINRA. This is a world I never knew existed."

In spite of his culture shock, he certainly acclimated quickly. Hays has excelled in virtually every area of his law school career. He is the Executive Articles and Research Editor of *Brooklyn Law Review* and is an International Business Law Fellow. He is also at the top of his class, and has received several honors: the Dean's Recognition Merit's Scholarship, the Martin Besen Endowed Scholarship, and the Judge Nicholas Coffinas Endowed Scholarship.

Hays will clerk for Judge Edward R. Korman '66 in the U.S. District Court for the Eastern District of New York. Following his clerkship, he will become an associate at Simpson Thatcher & Bartlett.

## **BLS: What course did you find to be the most useful, interesting, or inspiring to you?**

**James:** One of my favorite classes was Federal Courts and the Federal System. While many of the upper-level courses focus principally on practical skills, Federal Courts addresses the very complicated relationship between the third branch and the other two branches of government. Because of the focus on constitutional law, this course requires both a high degree of critical thinking as well as an ability to express complex issues in a methodical way. I felt the most engaged in this class. I think that it will also turn out to be the most useful course as I prepare for my upcoming clerkship.

**Mike:** I loved my classes that were taught by actual judges: Mental Health Law, with Magistrate Judge Robert Levy, Sentencing Law, taught by Carol Amon who is a United States District Court Judge in the Eastern District, and New York Criminal Procedure Workshop with New York State Supreme Court Judge Barry Kamins. The subjects were incredibly relevant to the work I'm doing after graduation. All these judges are masters in their fields and care deeply about building relationships with BLS students. We were also able to hold many classes in the judges' courtrooms and litigate the issues in a federal courthouse, which was an amazing experience.

**Sparkle:** My favorite course was the Bankruptcy and Commercial Law Colloquium. The class was helpful, interesting and inspiring! It was structured into seminar and colloquium sessions. During the colloquium weeks, we had bankruptcy scholars and professors from around the world present their papers to us for questions and comments. This was a remarkable experience. It was inspiring that such renowned and distinguished scholars were interested in our comments and questions while working on their papers. It also provided invaluable insight into the scholarship process. During the semester, we each picked a bankruptcy or commercial law topic and presented drafts of our papers to our classmates for their feedback. At the end of the semester, it was extremely rewarding to have completed a quality piece of writing and present our final papers in class.

## Paul Molina

Paul Molina always knew that law school was in his future. As an undergrad at Texas State University, he worked in the state legislature in Austin, Texas, and became fascinated by policy work. “Most of the legislators were lawyers,” he recalled. “You’re more empowered and in a better position to understand policy if you understand the law.” After two years of teaching 7th grade history in Dallas, he packed his bags and headed to New York City to start the next chapter of his life at Brooklyn Law School.

His passion for politics and policy work has followed him to Brooklyn Law School, where he is the President of the Student Bar Association. He also interned for the government relations firm Pitta Bishop Del Giorno & Giblin, led by Vincent Pitta, Class of 1978. He monitored legislation and political events with a focus on issues pertaining to labor, procurement, minority- and woman-owned businesses, health care, law enforcement, juvenile justice, and green energy.

During the spring of his second year, Molina worked at the New York State Department of Environmental Conservation as a legal intern to Lisa Garcia '98, then the Chief Advocate for Environmental Justice and Equity. “It was a great experience,” he recalled. “I worked on a number of issues that had a big impact on communities—people who lived near power plants, or on waterfronts near major sources of pollution. I’ve always been passionate about policy work because you’re helping people without a voice.”

**BLS:** You are all at the end of your journey now. How do you think you changed from the beginning to third year? Any “Aha” moments?

**James:** It sounds kind of odd, but not being so intimidated by your own success, if that makes sense. Realizing that if you really put the work into something that it will come out well, and that’s okay. I think law school, at least for me, opened up so many doors that I just never even knew existed, and I think if I knew what I was getting myself into my first year, I would have been very intimidated by that.

**Sparkle:** Law school has taught me that there’s nothing I can’t do if I put the work in. I started off law school thinking, “I’m going to keep my job, go part time, and do my best in my classes, but we’ll see what happens. I don’t need to be at the top, I don’t need to do very well, I just need to graduate and get a law degree.” The experience has far exceeded my expectations. All these opportunities are now available to me that I never would have imagined back then.

**Shannon:** This summer at Paul Weiss I felt like I was able to put into practice everything I had learned. I was going toe to toe with other summer associates from Harvard and Yale and I felt like I knew more than they did, and that I had been trained in a way that I could get the job done much more efficiently. It felt really good.

**Gloria:** I wouldn’t say it’s any one moment, I’d just say it’s the culmination of three years of a lot of hard work and growth. There’s an overall confidence level accumulated from experience, from interactions, from friends, from classmates—you just learn so much. You go from first year, when you’re afraid to even ask a question for fear of sounding stupid, to third year, when you get much more comfortable with yourself and your capabilities.



**BLS: What's the one thing you're most excited about as you graduate and start to work as a lawyer?**

**Mike:** The opportunity to change a life. My fellowship with Youth Represent will make a difference in the lives of youth in need. I can't imagine something in life that's more important than that.

**Gloria:** I'm excited to use all the skills I've learned and to achieve results that affect the greater community in my work at the New York City Law Department. Hopefully I will do something to improve life in the city for others.

**James:** I am going to be clerking for Judge Edward Korman in the Eastern District. To be a part of the third branch of government, and to have my own incremental contribution to justice in our society, whatever that may be, is just incredibly humbling. To know that I was able to make some type of impact that won't just affect the people in front of me now, but has the potential to affect the law for generations to come.

**Sparkle:** I'm going to be clerking in the Eastern District for Judge Eric Vitaliano and then in the Second Circuit for Judge Guido Calabresi. The opportunity to work for such distinguished judges is incredible. I sometimes think, "I went to law school reading Judge Calabresi's opinions, and now I'm going to be sitting in his chambers, helping to write them!" It's humbling, that's exactly what it is.

**Shannon:** I'm also very humbled. I know it's not an easy time for people who are looking for jobs right now and I am very grateful to have a job at Paul Weiss that I really want and that I'm excited about. I'm taking the bar in New Jersey as well because I want to keep my options open. Maybe one day I'll open my own firm.

**Paul:** What am I excited about? Having graduated! Law school is a lot of hard work. I feel ready to move on, and I think that's what you're supposed to feel in the end. Not "Oh my god, I'm so unprepared." I think you're supposed to be ready to go on, to leave the nest and conquer new challenges.



## Shannon Sneed

Four weeks before her first day at Brooklyn Law School, Shannon Sneed gave birth to her first child. Sleep deprived and full of the frayed nerves of new motherhood, Sneed navigated her first year with incredible grace and acuity, helped along by supportive family and faculty, including Professor Jayne Ressler, a fellow new mother who provided the privacy of her office so that Sneed could pump breast milk to feed her daughter while briefing cases and studying for finals.

Her daughter Story is now three, and Sneed, who switched to the part-time program from full-time to accommodate her needs as a new mother, is a Barry L. Zaretsky Fellow, a member of the *Brooklyn Law Review*, a member of the Moot Court Honor Society, and on the Dean's List. "It worked out well to take the full four years. I had the opportunity to take more classes, and I got to spend time with my daughter," she said.

Sneed has never shied from challenges. After college, she quickly grew tired of living in her native Texas. In search of adventure, she sold her car and moved to New York City with nothing more than the proceeds in her pocket. Within days she found an apartment in the Meatpacking District and a job as a paralegal at a law firm, which eventually led her to BLS. Sneed will be working in the Bankruptcy and Corporate Restructuring Department of Paul, Weiss, Rifkind, Wharton & Garrison in the fall.

## Michael Pope

Michael Pope knows the key to finding happiness in law school. “It’s all about understanding why you actually came and what drove you here,” he explained. “For me, it was the work I did at the Seattle, Washington-based Innocence Project. I saw how the law could be used as a tool for social justice.” A passion for social justice is what inspired him to apply to law school—and what brought him to Brooklyn Law School in particular. “I came here because there was a strong focus on public interest, and there was financial support for those who seriously want to work in the field.”

Pope, who grew up in Bellingham, Washington stocking candy and drinking Slurpees in the 7-11s his parents managed, has had a wealth of opportunities in public interest work during law school. In addition to being a Sparer Public Interest Fellow, he worked for the BLS-Holland & Knight Community Service Team, Brooklyn Defender Services, the Legal Aid Society’s Juvenile Rights Division, and the Bronx Defenders Civil Action Practice. He was also a member of the Moot Court Honor Society.

Pope is the recipient of the prestigious Equal Justice Works Fellowship, which will fund his upcoming position as the Director of the Community Youth Reentry Project at Youth Represent. For the next two years he will provide proactive, community-based legal representation to New York’s young people as they attempt to reenter the community after being in court or in jail. He will work with youth who are reentering the community after any sort of criminal accusation or conviction, helping with housing, employment, and education.

“I’ve always wanted to do public interest work,” he explained. “I want to fall asleep knowing that I’ve done something in that day or that week that has improved the life of someone else.”

### **BLS: Let’s say you were hired by the Law School to write about the student experience and your job was to finish the sentence “Brooklyn Law School is...”**

**James:** *Brooklyn Law School is Life-changing.* I can’t emphasize this enough. You don’t know what to expect when you get here, and it has changed my life drastically. The opportunities are incredible, and there is a great support system here. There’s also a phenomenal alumni network to draw upon throughout the state and country.

**Mike:** *Brooklyn Law School is Real.* The approach of the faculty is not all theoretical, at least in the majority of the classes. Working in these internships we’re able to do so much more than write memos. We can draft and file pleadings, argue before judges, and make a real impact. I feel like that’s a difference in approach between Brooklyn Law School and a lot of other law schools that are more focused on teaching students how to be professors rather than lawyers.

**Sparkle:** *Brooklyn Law School is Family.* It’s much more than a school for me. My professors, my friends, everyone I’ve met here—it’s family. The relationships I’ve built here and the people who have helped me here will stay with me regardless of what I do.

**Shannon:** *Brooklyn Law School is the Place to Be.* We’re at the heart of everything—the state and federal courts are right here. New York is one of the largest cities in the world, and it draws so much talent. This is definitely a place for people to come that want to seize different opportunities. You come here and you get to go to that next level. You have all the brilliance of the professors that are really behind you.

**Gloria:** *Brooklyn Law School is a Platform for Success.* However you define success for yourself, I think that’s for each individual to decide, and make it their own. And I think that the resources are here for students to do just that.

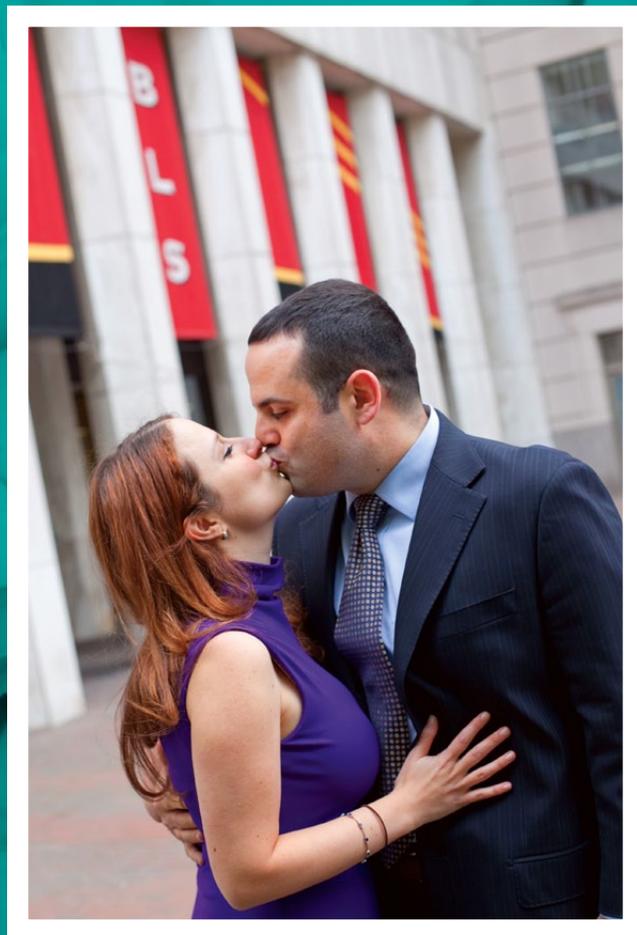
**Paul:** I have two. The first one is *Brooklyn Law School is Undervalued.* If you’re not here, you don’t know how good it is. That’s the truth of it. You get here and learn very quickly that you’re going to be a quality lawyer because you’re here. Not because of who taught you or the city you’re in, but because of what they taught you and how you learned it. You get a really high-quality education. Also, Brooklyn Law School is the first place I’d look if I needed to hire a lawyer, and that’s what really counts in the end. □



# Mergers & Acquisitions

## *Lawyers in Love: Alumni who Met at BLS and Married*

*By Andrea Strong '94*



When Joshua D. Kirshner '04 proposed to his then girlfriend, Amy Rozenfeld '04, he did what most men do: he took a deep breath, got down on one knee, took out a black velvet box containing a radiant diamond, and popped the question. On the surface, everything about the proposal was rather textbook. Everything but the location, which was Brooklyn Law School's Feil Hall. Not exactly the most intimate of surroundings, but for Kirshner, who met Rozenfeld in law school and fell in love with her over case books, commercial outlines, and the occasional Kentucky Fried Chicken feast, Brooklyn Law School is the most romantic place in the world.

“I was shocked and I was so touched,” recalled Amy, an attorney in the Tax and Bankruptcy Litigation Division of the New York City Law Department. “It was so sweet for him to plan all of this. We have such good memories of BLS.”

Although the couple was in the same Corporations class, they didn’t actually meet until the spring semester of their second year of law school, late one rainy night in the student lounge. Josh was carrying a large umbrella with a handle in the shape of a dog’s snout. Amy was enjoying a little Kentucky Fried Chicken. “She said, ‘Nice umbrella,’” Josh recalled. “I told her I respected the fact that she was chowing down on the KFC.” The chance meeting led to a casual friendship. In January 2004, they went on their first date. Love blossomed, and almost six years to the day of their first date, Josh proposed.

“I was struggling to be creative with the proposal. I wanted to do something unique that would surprise her,” said Josh, a former Bronx Assistant District Attorney who is now the criminal law clerk to Judge William H. Pauley III in the Southern District of New York. “And then it came to me. We met at Brooklyn Law, we live here in Park Slope. Why not get engaged here?”



*Phyllis Mehler-Seavey '52 and Robert Seavey '52 on their 50th Wedding Anniversary.*

He thought it was a long shot, but contacted Dean Wexler on a lark. The Dean was thrilled to help. With the help of Rachel Rehwinkel '07, Assistant Director of Alumni Relations, Josh concocted a phony alumni event at Feil Hall’s Forchelli Center as the decoy.

On the night of the proposal, they arrived at Feil Hall and took the elevator to the event at Forchelli on the 22nd Floor. The doors opened to music playing and a table covered with name tags. Around the corner, a room with breathtaking views of the city was suspiciously empty—save for a bottle of champagne, two glasses, two chairs, and a large sign on an easel that read: Brooklyn Law School Alumni, 6pm: Cocktails, 7pm: *Amy, will you marry me?* Amy turned around to find Josh down on one knee, ring in hand. Through tears, she answered: “Yes.”

Not only is their proposal sweet, it also inspired an exploration of the many unions in the BLS family. The following pages tell the stories of alumni from as far back as the 1950s who met at Brooklyn Law School, fell in love, and merged—that is, married.

#### **PHYLLIS MEHLER-SEAVEY '52 and ROBERT W. SEAVEY '52**

For the Seaveys, it all started in the library. It was there that Robert Seavey first noticed Phyllis. “I was walking with a friend, and I looked to my right and saw the most beautiful girl,” he recalled. “I said to my friend, ‘Do you know that girl over there?’ She didn’t know her. So I walked over to introduce myself. I asked her to have lunch with me, and one lunch led to another.”

While Phyllis has a slightly different recollection of the events—she recalled that they were introduced by a mutual friend and first had coffee at the Automat—the two do not differ on how things progressed. “Robert was the most outstanding student in the school and editor-in-chief of *Law Review*. He was also tall, dark, and handsome, and on top of it all, a very nice person. I was definitely interested in him.” Shortly after graduating in 1952, the couple eloped, strolling over to the courthouse for a quick civil ceremony. Phyllis’s mother, disappointed that she missed her daughter’s wedding, threw the couple a “real” wedding on January 10, 1953. Three days later, Robert reported to active duty in the Korean War as a First Lieutenant in the Air Force, flying through California to Okinawa.

A newlywed who had little time to enjoy being married before his deployment, Robert was

## **BLS MERGERS**

### **1940s & 1950s**

I. Leo Glasser '48  
Grace G. Glasser '53  
Bernard Greenbaum '52  
Phoebe Greenbaum '52  
Paul Fink '54  
Nancy H. Fink '70

### **1960s**

Martin Gershon '66  
Ruth Moskowitz '64\*  
Edward R. Korman '66  
Diane R. Eisner '74  
Marvin I. Zalman '66  
Greta A. Zalman (Durst) '66  
Barry Singer '68  
Bonnie P. Singer '68

### **1970s**

Roy J. Bernstein '70  
Amy (Honigsberg) Bernstein '70  
Allan D. Pfeffer '70\*  
Sharon L. Steinberg '91  
Howard M. Liberman '72  
Susan (Schwartz) Liberman '72  
Joyce N. Adolfsen '74  
Louis G. Adolfsen '74  
Gerald Dunbar '74\*  
Christine A. Pasquariello '75  
Charles W. Segal '74  
Hannah K. Flamenbaum '74  
Gary Young '74  
Wendy (Lowenthal) Young '74  
Wayne I. Baden '75  
Drayton Grant '75  
Ramon Cintron '77  
Ronni E. (Altman) Cintron '77\*  
Jay S. Grossman '77  
Eleanor R. Goldman '77  
Ronald K. Fierstein '78  
Dorothea W. Regal '78  
Robert A. Zirinsky '78  
Kathryn (Sinatra) Zirinsky '80\*  
Edward P. Zujkowski '78  
Frances (Raffaele) Zujkowski '78  
Barry B. Adler '79  
Patricia E. Permakoff '79  
Jeffrey Bader '79  
Lauri Cohen '80  
Daniel J. O'Reilly '79\*  
Barbara E. Adelman '79  
David J. Silverberg '79  
Ronne Hoffman '79  
Irwin M. Slomka '79  
Susan F. Lerner '79

missing his wife when he learned of a possible solution. “I was driving through the jungle with my colonel and we saw a house. The colonel said to me, ‘You know, if you own the house, even if it’s in a combat zone, and your commander approves of it, the Air Force must bring your family over.’ I thought, if that’s what the regulation says, that’s what I’ll do. So I built a house. I actually built five houses, so other families could come over too.” Phyllis, then working for an immigration lawyer, was flown to Okinawa by military transport in June of 1953.

While some new brides might have bristled at the idea of making a home in a foreign land (during wartime, no less), Phyllis loved it. “It was a wonderful experience to live on Okinawa. We had cloistered lives in New York, where we lived with our parents. On Okinawa, we met people from all over the United States. We traveled to Tokyo and Hong Kong. We were very happy in the service.”

During the nearly five years they remained on Okinawa, the couple had their first child, a son named Avery, and pursued their individual careers. Phyllis worked as a United States Army attorney, and Robert rose to become an Air Force Captain. After the war ended, the couple remained in the service and eventually returned to Manhattan, had their daughter Nealle, and began to work in real estate development and government-subsidized housing.

In the early eighties, Robert and Phyllis opened their law firm, Seavey & Seavey, which specialized in the development of subsidized housing. Based on his leadership in the area, Robert was eventually chosen by Governor Cuomo to be the Chairman of Battery Park City.

Today, Robert and Phyllis are retired and are enjoying their five grandchildren. Their two children are both lawyers—in fact, their daughter Nealle graduated from BLS in 1984 and met her husband Eric Seltzer, also Class of 1984, at the Law School.

“Law school is a great education no matter what you want to do in life,” said Phyllis. “Going to Brooklyn Law School was a very wonderful and happy experience for both of us. I loved the reading, the stories, the cases, it was better than any novel that anyone could ever write. Law school was a pleasure.”



*Arlene Colman-Schwimmer '63 and Arthur Schwimmer '64*

### **ARTHUR SCHWIMMER '64 and ARLENE COLMAN-SCHWIMMER '63**

Arlene Colman needed a date. The annual Brooklyn Law School dance was quickly approaching, and she did not have an escort. It’s not that she didn’t know who she wanted to ask, but in 1962, women did not ask men to go on dates. But Arlene Colman was different. One of only seven women in her class at Brooklyn Law School, she had already made waves when she defied her parents’ wishes to pursue a career in the law instead of following in the footsteps of “every other middle-class Jewish woman and becoming a teacher.”

She surreptitiously took the LSAT and applied to Brooklyn Law School. When she was accepted, her parents were furious. “They told me I would never get married if I went to law school—that I would be too smart for any man,” she said. “I told my parents that if they didn’t let me go I would work as a secretary/lingerie model in the garment district. My parents were horrified, so my father struck a deal with me. He said if I got Bs or better I could stay.”

Her first year, she got As in all three of her classes. She noticed a certain young gentleman who was noticing her, too. Back then, women sat clustered together in the third row of the classroom, separated by one empty seat on either side of them, smack in the center of the alphabetically ordered men. Her seat had one advantage. She was in the line of sight of one Arthur Schwimmer, seated in the so-called “jury box,” three rows of seats perpendicular to the others, at the front of the classroom. “Arlene and I were able to flirt and make frequent eye contact,” Arthur recalled.

Though they made eyes in class, they didn’t officially meet and get to know one another until they were invited to be on the Moot Court team,

## **1980s**

Lawrence H. Marco '80

Jane R. Fuerst '80

Jeffrey I. Shapiro '80\*

Madelaine R. Berg '80

Kenneth W. Sold '81

Joanne (Greenwald) Sold '81

John Wright '81

Linda B. Feldman '83

Stephen V. Barbaro '82

Margaret L. Pecoraro '83

Mark A. Canizio '82

Candida L. (Deyubero) Canizio '83

Brian L. Diamond '82

Lauren H. Diamond '82

Majer H. Gold '82

Shari S. (Russo) Gold '83

Donald S. Kurtz '82

Nina L. Kurtz '82

Gerard A. Lucciola '82

Ann Marie C. Petrey '83

Leon E. Roday '82

Lisa E. (Printz) Roday '82

Scott P. Shelkin '82

Linda A. Stagno '82

James D. Wylly '82

Virginia (Medici) Wylly '82

Ira J. Checkla '83

Susan L. Orr '83

Thomas Gordon '83

Lisa H. (Heide) Gordon '84

Peter W. Klestadt '83

Patricia (Mairs) Klestadt '83

David B. Levy '83

Judy L. (Shouse) Levy '83

Richard A. Meyerson '83

Jane L. Gordon '85

Peter Schillinger '83

Lori J. Finsterwald '83

Edward D. Friedman '84

Cindy J. Mendelson '84

Richard G. Gertler '84

Randi L. Hermann '86

Richard L. Goldberg '84

Bonnie B. Berger '84

Eric M. Kornblau '84

Stacy J. Kanter '84

Fred C. Quagliato '84

Marie R. Hodukavich '84

Eric H. Seltzer '84

Nealle B. Seavey-Seltzer '84

Mark M. Holtzer '85

Amy L. (Goldblatt) Holtzer '86

and even then, they didn't have their first date until Arlene asked him to the dance. He said yes. The dance was followed by a series of Friday dates and a courtship that led to marriage in March of 1964. Forty-six years and two children later, they are still happily together. Each has nurtured the other over the years, leading to successful professional lives as well.

Arlene, who started off at the SEC, went on to become one of the most respected family lawyers in Los Angeles. She opened her own practice in 1972, handling a range of issues of law, from dissolution of businesses, to division of assets, to custody battles for a high profile, celebrity clientele. Arlene is a past president of the Family Law Section of the L.A. County Bar Association and served as a Judge Pro Term in Los Angeles County Superior Court. She taught family law as a member of the American Academy of Matrimonial Lawyers, and has regularly lectured about issues of family law for the L.A. County Bar Association, the Practicing Law Institute, and the California Center for Judicial Education and Research. A passionate feminist, she is a founding and lifetime member (and for-



*The Harmons: (clockwise from top left) Ellen, Rachel, Joshua, Rebecca, and Mark*

mer president) of the Women Lawyers' Association of Los Angeles, a founding and lifetime member of the California Women Lawyers' Association, the original incorporator and past chairperson of the National Women's Political Caucus, and a past board member of the National Organization for Women.

Arthur, who began his career with the Department of Justice as a trial attorney in the civil division in Washington, D.C., and New York City, credits his love for the law to Brooklyn Law School's I. Leo Glasser (former Dean of BLS from 1977 to 1981 and currently U.S. District Judge for

the Eastern District of New York). "I was uncertain that I wanted to go to law school," he recalled. "My father, Bertram, who is also a BLS alumnus, Class of 1931, urged me to give it a try. In my first semester I had Professor Glasser for torts. He is the reason I fell in love with the law and decided to continue on. He was a wonderful teacher, and I was hooked."

Like his wife, Arthur went on to achieve substantial success as an attorney. In 1977, Arthur opened his own complex civil appellate practice in Los Angeles. Over the years, he earned a reputation as an acclaimed appellate lawyer. A past president of the California Academy of Appellate Lawyers and a member of the American Academy of Appellate Lawyers, he wrote and lectured frequently on California and federal appellate practice and was appointed by the Chief Justice of California to serve on the Judicial Council Advisory Committee which assisted in drafting new rules for the California Supreme Court.

Arthur and Arlene are both retired now and are enjoying the successes of their two children, Ellie, an intellectual property and corporate lawyer with Live Nation Entertainment

in Beverly Hills, and David, a writer, actor, and director, well-known for his longtime role as Ross on the hit NBC series "Friends." Looking back on their life together, they both recall the effort and the rewards. "Every couple finds their own way, but we had a real commitment to one another to always make our marriage work," Arthur said. "We were two busy professionals, but we always made time for each other and for our kids and their activities. They were always our priority."

"We each had our own professional life, and we had our life together, and I feel that that's very important," said Arlene. "Neither party has to give up his or her identity to make it work."

#### **MARK HARMON '78 and ELLEN TAUBENBLATT HARMON '79**

Love can be about many things: friendship, passion, and shared values, to name a few. In the case of Ellen and Mark Harmon, it was about all of the above, plus one more critical factor—real estate. "I came with a dowry," recalled Ellen, who met and fell in love with Mark during her second year of law school, while they prepared

Craig S. Libson '85  
Marilyn Rosenberg-Libson '85  
Brian H. Pall '85  
Ellen D. Smolinsky Pall '85

Barry L. Rabinovich '85  
Shelley Zavlek '85

Richard P. Schroeder '86  
Helene (Danzilo) Schroeder '85

Louis H. Weinberg '85  
Ellen H. (Greiper) Weinberg '85

Arthur K. Feldman '86  
Arlene F. Feldman '85

Jay C. Shoulson '86  
Jody M. Ain '86

James T. Scalise '87  
Deborah Scalise '87

Steven I. Spiegel '87  
Elizabeth A. (Hadad) Spiegel '91

Andrew G. Vassalle '87  
Sally R. Maiolo '88

Rick Brodsky '88  
Hope (Goldmacher) Brodsky '88

Philip J. Loree, Jr. '89  
Lori E. Mann '89

#### **1990s**

Scott L. Bookstein '90  
Desiree Bookstein Kim '90

Steven T. Decker '90  
Pamela L. Fisher '90

Marc H. Miner '90  
Tara Christie-Miner '90

James M. Strauss '90  
Denise L. Iocco '90

Andrew S. Sturmer '90  
Sherry (Studnik) Sterner '90

Carlos A. Cabrales '91  
Anna M. Cabrera '91

Mitchell A. Drossman '91  
Valerie L. (Weinstock) Drossman '91

Mark D. Koestler '91  
Elyse (Kimmelman) Koestler '91

George F. McCray '91  
Renee D. McCray '92

David E. Miller '91  
Gae H. Polisner '91

Robert J. Segall '91  
Karin (Fromson) Segall '92

Patrick Vallone '91  
Michelle D. Mogal '93

Jonathan P. Willmott '91  
Linda M. McMahon '92

Jeffrey Berkowitz '92  
Emily M. (Berman) Berkowitz '92

Richard D. Forbes '92  
Joanne (Matthews) Forbes '92

for the Moot Court national team competition. “I owned a co-op in Brooklyn Heights, and I think he was immediately attracted to my apartment. His parents probably convinced him of the long term value of my real estate.”

They had their first date on New Year’s Eve and both admit that after that they were inseparable. They married a year later. Mark and Ellen have



*Amy C. Reich '88 and James O'Donnell '88*

been married for 31 years and have three children: Joshua, Rebecca, and Rachel.

After law school, Mark started at Bondy & Schloss, where he was one of four associates, three of whom had no interest in litigation. He became the firm’s go-to litigation lawyer and made partner in 1986. In June 2005, the firm consolidated with Hodgson Russ. Mark is now the practice group leader for business litigation in the New York City office, where his docket includes employment discrimination cases, securities, and general business litigation, with a specialty in an esoteric area of law, transfer agent issues.

Ellen began her career as an associate at Kronish Leib and moved in-house after five years. Today she is Executive Vice President and Chief Legal Officer, Chief Compliance Officer and Secretary for ATMI, Inc., a publicly held global semiconductor business in Danbury, Connecticut. “Over 25 years, I’ve worked at five different public companies and at three of them (plus one privately-held company) I served as general counsel with a very diversified practice,” she said. Raising three children never thwarted her career plans. She took eight weeks maternity leave for each child and then returned to work full time. “Back then, in the 1840s when my career was taking off,” joked Ellen, “you either committed to your career full steam or not. If you took off a few years you were out of the main-stream track. I felt that I was a better wife, mother,

and role model because I had outside intellectual and professional stimulation to bring to those other roles.”

While many years have passed since the Harmons graduated from BLS, they still recall their time in law school with fondness. “I know this sounds hokey, but I really enjoyed the entire law school experience,” said Mark. “We had some sensational teachers who we still talk about to this day: Margaret Berger, Jerry Leitner, Joseph Crea, George Johnson, and Henry Holzer.”

The couple continues to maintain strong ties to Brooklyn Law School. Mark returns regularly to serve as a judge for the Dean Jerome Prince Memorial Evidence Moot Court Competition. They also sponsor the Leonard Taubenblatt '50 Ethics Award, which is awarded at graduation by the faculty to a student who has demonstrated the highest standard of ethics. The couple established the award as a gift to Ellen’s

father Leonard for his 75th birthday.

“Looking back, what I loved about Brooklyn Law School was that it provided such a valuable balance among academics, clinical work, clerkships, and *Law Review*, which occupied a lot of time but was an extraordinary learning process,” said Ellen. “When you add up all those experiences, the Law School was about a lot more than just sitting in class and taking notes and studying for exams.”

#### **JAMES O'DONNELL '88 and AMY C. REICH '88**

It is often said that a lifetime of experiences can hinge on one decision. For Jim O'Donnell, that decision was to go to Brooklyn Law School. “Professor Crea called me, and we talked for a while about the Law School and after a while he said, ‘Well son, do you want to come to BLS?’ And I said, ‘Yes sir. I do.’ That was one of the very best moves that I made in my life. Everything that I have in my life—and I have been very fortunate—is because I came to Brooklyn Law School, and because I met Amy.”

Professor Crea, who just celebrated his 95th birthday, was also instrumental in bringing Jim and Amy together. It was in his Commercial Paper class that the two first met. “She was the most beautiful girl in the school, and the smartest,” said Jim. “But in the two classes we took together, I got a higher grade,” he added. “He distracted me,” she joked.

Steven I. Fried '92  
Robin (Cohen) Fried '92

Keith M. Golden '92  
Suzanne Treibitz Golden '92

Andrew N. Goldman '92  
Jill R. Goldman '94

Blake R. Gronich '92  
Kim B. (Gullo) Gronich '93

Brian R. Heitner '92  
Maureen (McHugh) Heitner '91

Kenneth S. Horowitz '92  
Helene S. Fisher '93

Daniel T. Leav '92  
Jill M. (Hollander) Leav '92

Jordy E. Rabinowitz '92  
Deborah N. (Collenstein) Rabinowitz '92

Ramon E. Reyes, Jr. '92  
Jane L. Landry-Reyes '93

Gregg A. Waxman '92  
Lori A. (Bienstock) Waxman '92

Ivan S. Alter '93  
Ilyssa (Rothman) Alter '93

Lawrence Chiarelli '93  
Linda A. Chiarelli '88

Charles M. Geiger '93  
Kathleen (McGonigle) Geiger '93

Louis P. Giordano '93  
Jeanmarie G. Paparella '93

Lawrence E. Howard '93  
Susan L. Taylor '93

Richard E. Noll '93  
Joan L. Schwartz '93

Oliver A. Zitzmann '93  
Kelly (Carr) Zitzmann '93

Anthony DiFilippi '94  
Patricia Roberts '94

Jason A. Greenstein '94  
Susan M. (Schneider) Greenstein '94

Nicholas J. Mundy '94  
Marina C. (DeTiberis) Mundy '95

Andrew N. Steinvurzel '94  
Jordana Silverstein '94

John E. Knudsen '95  
Katherine J. (Torok) Knudsen '95

Seth M. Lehrman '95  
Kimberly J. (Sanders) Lehrman '95

Russell B. Lusthaus '95  
Julianne (Cowan) Lusthaus '95

Brian A. Stark '95  
Aviva (Rudsky) Stark '95

Gerald H. Silk '95  
Robin L. (Kitzes) Silk '95

Allen Huang '96  
Joanna C. Ma '97

While the attraction was mutual, the couple did not start to date until law school was over. “I knew when I met Jim that he was the person I was going to marry, but I wasn’t ready for a relationship at the time,” recalled Amy. The two drifted apart, but when Jim found out they had each passed the bar, he reached out to congratulate her. “We went out on our first date in November 1988 and we have been together ever since,” he said. The couple will be married for 17 years in June.

Amy, who is now Deputy General Counsel and Managing Director for Citigroup Global Markets in Hong Kong, has loved securities law since her first class with Professor Roberta Karmel. “I graduated from college with a liberal arts degree and no idea what I wanted to do,” she recalled. “My parents encouraged me to go to law school because they said I knew how to argue, but I had no interest in any particular area of the law. When I took Securities Law with Professor Karmel it all clicked. I found my career from that one class, which is a pretty amazing thing.”

Karmel helped Amy secure an internship at the Securities and Exchange Commission in New York, an office to which she returned after graduation. After six years at the SEC, where she worked her way up from Staff Attorney, to Branch Chief, to Assistant Regional Director, she moved on to become the Regional Compliance Director for



*Meeka Jun Bondy '94 and Joseph A. Bondy '94*

Smith Barney and eventually to head their Capital Markets Compliance. Smith Barney became a part of Citigroup in 1998, and in 2008, an opportunity to move to Citigroup’s Hong Kong offices came about, and Amy jumped on it. Jim, who was also working in the securities enforcement field, followed. “I was still in love with her, so I decided I would go too,” he joked.

That Jim also ended up working in the world of

securities is no coincidence. “My interest in securities law came about because Amy loved her job at the SEC, and I pestered her about openings. She let me know when one came up and that’s where I got started myself. It’s a fantastic way to learn how to be a lawyer from the ground up.”

Jim followed his almost six years with the SEC with 12 years at The New York Stock Exchange and a stint at FINRA, and moved to Hong Kong with a position at the Enforcement Division of the Securities and Futures Commission. The pair moved to their new home in Hong Kong in April 2008. While they miss New York, the professional experience has been unparalleled.

“From a professional standpoint it is an amazing experience to deal with issues coming up in emerging markets,” said Amy. “To travel to Vietnam and Sri Lanka and learn about their regulatory systems is fascinating. This is where everyone wants to be.”

#### **JOSEPH A. BONDY '94 and MEEKA JUN BONDY '94**

For Joseph Bondy, Legal Process was the most exciting class in Law School. It was the class he shared with Meeka Jun. “It was love at first sight,” he recalled of the first day, when she walked into Professor Bailey Kulkin’s class. “I was pretending to be a good student so I sat in the front row. She walked in and went straight to the back row, and I was lovestruck. At the end of class, I was surprised when Meeka asked me to lunch.” He was smitten. So was she. But they were each dating someone else. Their platonic friendship lasted until both became romantically unencumbered by their second year of law school. “We had our first date on December 19, 1992,” Joe recalled. At the time, he wrote a column for the BLS newsletter entitled “Wine, Women, and Song,” where he reviewed restaurants for the law school, and he took Meeka to Acadia Parish, a Cajun restaurant on Atlantic Avenue. “I didn’t review the restaurant that night. We have been inseparable ever since.”

The two dated for their remaining years in law school and moved in together after graduation. They became engaged in August 1996, after a clear ultimatum was delivered. “I told Joe I would not move into a new apartment with him until we were engaged,” recalled Meeka. “It was the night before we were to move out, and he took me out to dinner.

Scott H. Ollendorf '96  
Pamela K. Friedman '96  
Mitchell B. Taras '96  
Estee M. (Weinstein) Taras '97

Lowell I. Dashefsky '97  
Linda D. Werbel-Dashefsky '97

Clinton Hughes '97  
Nancy Slahetka '97

Jonathan H. Beemer '98  
Ruth Kalbitzer '98

Aashish K. Nangia '98  
Tara A. Bonomo '99

Mark L. Pagliuco '98  
Alena S. Weiserbs '99

Jamie A. Schreck '98  
Sheri L. (Abramson) Schreck '99

Scott H. Zwillinger '98  
Doriane F. (Leibowitz) Zwillinger '98

Lawrence T. Shepps '98  
Wendy B. (Skopp) Shepps '97

Roberto Cuan '99  
Johanna (Hernandez) Cuan '00

Samuel S. Kohn '99  
Ella Argaman Kohn '99

Kevin T. O'Brien '99  
Dahlia Y. (Fredericks) O'Brien '99

Scott A. O'Malia '99  
Melissa L. (Sorgen) O'Malia '99

#### **2000s**

James I. Alexander '00  
Kim (Feigenbaum) Alexander '01

Jeffrey R. Burke '00  
Joy A. Weber '89

Jamie A. Forman '00  
Gretchen C. Brownscheidle '99

Samuel J. Krantz '00  
Gloria J. (Rottell) Krantz '02

Jonathan P. Tortora '00  
Judith (Salzman) Tortora '02

Darin B. Wizenberg '00  
Evangeline M. Chan '00

Joshua S. Bauchner '01  
Eurydice A. Kelley '03

Jonas C. Katz '01  
Stephanie E. (Benig) Katz '01

Justin Kletter '01 ♥  
Katharine Suarez '01

Jon C. Popin '01  
A. Camila (Flores) Popin '00

John N. Poulos '01  
Laurie A. (Corsentino) Poulos '01

Charles S. Raifman '01  
Helena (Sverdlov) Raifman '01

I was expecting it.” Joe, with ring in pocket, took Meeka to Sparks Steakhouse. “I chose Sparks because I was really interested in criminal law, and it was where the Gambino crime family boss Paul Castellano had been gunned down. When I got down on my knee we both just started to laugh. It was pretty funny.”

Meeka and Joe were married in September 1997. While raising three children, they have each thrived professionally, becoming accomplished lawyers in their respective fields. Joe, who nourished a love of criminal work at the Law School, is now considered among the top criminal defense lawyers in the city. He credits the Federal Defender’s Clinic as a life-changing experience that solidified his desire to become a criminal defense attorney. In fact, while at the Clinic, he befriended a few high-profile defense lawyers who took him on as their paralegal. With them, he began to work on the jet bombing case involving Pablo Escobar and spent 41 days in Colombia, investigating the allegations.

After law school, Joe attended the National Criminal Defense College in Macon, Georgia, which is the benchmark training school for the criminal defense bar. While there, he met Robert Fogelnest, the internationally prominent criminal defense attorney who was the President of the National Association of Criminal Defense Lawyers. Joe ended up renting a suite in Fogelnest’s office in 1996 and there he began to build an impressive solo criminal defense practice. The two shared offices for several years on and off and Fogelnest became one of Joe’s most valued mentors. Joe has represented several high-profile clients including Strip Club impresario Louis Posner, “Mafia Cop” Louis Eppolito, fugitive hedge fund manager Michael Berger, alleged Gambino Crime Family Boss Peter Gotti, and his former Scout Master (Joe is an Eagle Scout) in a highly publicized pedophilia case. He has secured numerous acquittals, reversals and reduced sentences through the years. Joe also frequently lectures to bar associations and attorneys on a variety of criminal law subjects. He is a life member of the National Association of Criminal Defense lawyers, a former director of the New York State Association of Criminal Defense Lawyers, and has served on the faculties of the National Criminal Defense College and the New York City Bar, and is currently on the faculty of Cardozo Law School’s Intensive Trial Advocacy Program. He writes and publishes a public service newsletter on federal sentencing guidelines, and maintains the website [www.sentencingguideline.com](http://www.sentencingguideline.com).

Meeka, who is now Vice President and Senior Counsel at HBO, started off at Brown Raysman as an associate in the licensing and technology group before moving in house at Time Inc. where she worked for the company’s new media information technology and business 2.0 groups. Her move to HBO in 2004 was preceded by a two-year stint at Time Warner Interactive Video Group where she acted as General Counsel for Mystro TV, a start up group funded by Time Warner with a mandate to develop and commercialize a digital video recorder (what is now known as On-Demand Television). At HBO, Meeka runs three client groups: domestic and international licensing; information technology; and corporate services (everything from real estate contracts to employee amenities). She is also active in her children’s lives, as is Joe, who plays the guitar twice a week at his kids’ sing-along classes. “That is more important than anything I do,” Joe said. “I am very proud of my kids.”

#### **DENISE MENIKHEIM FALTISCHEK '00 and KENNETH FALTISCHEK '00**

Sometimes love takes its sweet time to bloom. Denise Menikheim and Kenny Faltischek spent three years at the law school together without more than a second thought. They poured over the same books, studied at the same library desks, ate in the same cafeteria, and walked the same Brooklyn streets to homes just a few blocks apart. One afternoon, a heavy rain soaked the city, and Denise was heading home from class without an umbrella. Kenny, who had a large golf umbrella big enough for two, offered to walk her home. “It was not only three blocks out of my way,” he recalled. “It was all up hill, too!” But nothing ever came of it. “She was always taken,” said Kenny. It was not until after they graduated, when Denise took a job at Ruskin Moscou Faltischek, the Long Island firm where Kenny’s father was managing partner, that the two finally got to know each other.

At Ruskin, Denise soon found herself immersed not only in corporate and securities work but in regular phone calls from her former classmate, Kenny, who began calling to see how she was doing at his father’s firm. “As the months went by, we formed a friendship over the phone,” Denise recalled. “Soon, he asked whether I’d like have a drink.” While she was interested, she was not sure it was such a good idea.

“I was concerned about getting involved with the managing partner’s son,” she recalled. “I thought it would impact my career at the law

Brian Yoon '01  
Euisun Pyun '00

Richard H. Abend '02  
Alison (Ginsberg) Abend '01

Kenneth J. Anand '02  
Safia A. (Nurbhai) Anand '02

James T. Bentley '02  
Marianna C. Sarkis Bentley '02

Bryan M. Konoski '02  
Kira Treyvus '02

Robert F. LeMoine '02  
Melinda (Eades) LeMoine '01

Anthony J. Novella '02  
Deirdre M. Lok '03

Kiat M. Oboler '02  
Kara A. (Paxton) Oboler '02

Mark F. Parise '02  
Jessica S. (Blatt) Parise '02

Justin H. Cohen '03  
Anna A. (Goldstein) Cohen '03

Ronald J. Goldstein '03  
Alicia E. (Camron) Goldstein '03

Jeremy B. Hazan '03  
Rachel H. Brecher '03

Michael D. Kim '03  
Cindy S. (Chae) Kim '04

Eric S. Malinowski '03  
Jennifer C. (Plotkin) Malinowski '03

Nicholas J. Minella '03  
Emily J. Thompson '04

Bryan C. Bughman '04  
Skye S. Phillips '05

Casimir W. Cook '04  
Deanna (Pisoni) Cook

John J. Rizio-Hamilton '04  
Marji Molavi '04

Ross E. Elfand '05  
Gabrielle Puchalsky Elfand '05

James T. Killelea '05  
Erin E. McMurray-Killelea '05

Nicholas M. Lucca '05  
Heather A. (Gallagher) Lucca '04

Matthew C. McCann '05  
Melissa J. (Gosdzinski) McCann '05

Jamal Murphy '05 ♥  
Monique Gallien '05

Damon T. Osborne '05  
Elizabeth (Lemanowicz) Osborne '06

Paul B. Reinitz '05  
Gabrielle Glemann '06

Matthew V. Soran '05  
Marissa (Ceglie) Soran '05



*Denise Menikheim Faltischek '00 and Kenneth Faltischek '00*

firm, and I worried about what would happen if things did not work out between us. I was telling my mother about him and telling her how much I liked him, and she gave me what I considered to be some very good advice. She said, 'If he is the one, you'll never find another. You can always find another job.' I thought she was right."

So the two met for a drink at the Heights Café in December 2000. In February 2003, Kenny bought a car from a friend in Los Angeles. The couple planned to fly to L.A. to pick it up and then take the cross-country drive back home together. They not only survived the trip (in a Mini-Cooper no less), but Kenny proposed at sunrise after an early morning hike in the Grand Canyon. Denise and Kenny were married in November 2003, and have two children: Ava, who is three and a half, and Lily, who is two.

While their lives have been entwined, their careers have also taken curiously parallel paths. Denise spent five years at Ruskin Moscou before moving joining The Hain Celestial Group, Inc., a leading natural and organic food and personal care products company in North America and Europe. As General Counsel, she oversees the legal affairs of the company and manages its legal department, including SEC compliance and mergers and acquisitions. Kenny began his career at Rosenman and Colin where he worked as a corporate associate doing M&A and securities work. In 2002, he joined Sandata Technologies, the largest provider of technology services to the home healthcare industry. He became General Counsel in 2004 and was promoted to Chief Legal Officer and General Counsel in 2010.

Both find working as in-house counsel very satisfying. "I work on incredibly diverse matters, from acquisitions to employment law, and there is great exposure to the business side," said Kenny. Denise agrees. "I do enjoy being in-house," she said. "It is great being part of a company whose mission I believe in and being able to work as a lawyer while helping to achieve that mission."

Like the other six couples profiled in this story, the Faltischek's lives together began at Brooklyn Law School. Since leaving the cocoon of BLS, all of the couples featured in this story have thrived in their marriages and excelled in their professional endeavors. Whether fate or luck, it's a recipe for happiness and success that we hope will continue for generations to come. □

**W**hen we started researching this story on alumni who met at BLS and married, we were completely unprepared for the incredible number of wonderful love stories we would discover. We were inundated with stories of couples who met at the Law School, and who have remained together over the years, raising families, and sending their children off to BLS as well. We also discovered that there are many other alumni couples who met before or after Law School.

Unfortunately we could not print the complete list of all of these couples, but we plan to have a comprehensive list online in a new alumni section of our site. We have compiled an expanded list of all BLS who married (whether they met at the Law School or someplace else) so that we can share some of the other poignant stories of BLS Mergers & Acquisitions, and we hope to keep adding to it as we learn of more.

We are also planning a Valentine's Day party this February for these alumni to come together and celebrate their alma mater/ dating service.

Please visit [www.brooklaw.edu/alumni](http://www.brooklaw.edu/alumni) to read more and to stay connected.

- Kasper Sorensen '05
- Jennifer A. White '05
- James M. Attonito '06
- Mekhala (Subramanian) Attonito '06
- Peter Beardsley '06
- Rachel J. (Hollrah) Beadsley '06
- Michael G. Freedman '06 ♥
- Rebecca A. Craemer '06
- Adam S. Greene '06
- Susan L. Greene '08
- Gabriel P. Harvis '06
- Haley J. (Eppler) Harvis '06
- Gregg A. Pinto '06
- Allison C. Voetsch '06
- Andrew K. Rafalaf '06
- Penney Vachirapapun '05
- Brian P. Spitzer '06
- Lauren N. Slusser '06
- Joshua S. Trauner '06
- Jessica J. Craig-Trauner '00
- Max V. Weisman '06
- Naomi L. Kantrowitz '05
- Steven J. Auletta '07
- Emily L. (Orfinger) Auletta '06
- Michael Blatchley '07 ♥
- Bindu Krishnasamy '07
- Philip S. Frank '07
- Kathrine M. (Borowiecki) Frank '07
- Adam M. Jaskowiak '07
- Julie E. Dechen '07
- David M. Knapp '07
- Lucrecia Z. Ponce '07
- Adam M. Lubow '07
- Sarah A. Siegel '07
- Mark C. Taylor '07
- Stephanie B. Morin '06
- Brian W. Disler '08
- Marjan (Foruzani) Disler '08
- Eugene A. Drozdetski '08
- Heather F. Stone '08
- Peter J. Scollidge '08 ♥
- Margaret A. Radzik '07
- Casey R. Kroma '09
- Tatiana R. Zebrowski '09
- Thomas C. Kung '09
- Elizabeth C. Towell '09
- Jonathan A. Selkove '09 ♥
- Rebecca E. Sendker '08
- H. Adeniyi Taiwo '09 ♥
- Jennifer L. Fisher '08

\* = Deceased

♥ = Engaged

## Jerry Leitner, Legendary Professor of Torts (and Turtlenecks), Retires

Professor Richard Allan missed his windows. His previous office, at Kelly Drye & Warren, was walled in glass, with expansive views of the city. At Brooklyn Law School, where he had just begun a career as a professor, things were different. “My office had no windows, no file cabinets, not even a book shelf,” he recalled.

What it did have going for it, though, was its proximity to the office of one Jerry Leitner, a professor who had joined the faculty a few years earlier, in 1969. Leitner popped his head in to visit Allan on his first day. Introducing himself and nodding at Allan’s cramped surroundings, he joked, “Gorgeous, right? I’m here if you need anything.” He meant it. Later that week, Leitner stopped by again, this time carrying a large gift-wrapped package containing a cleaned up storm window. “He wanted me to have a window, so he gave me one,” chuckled Allan. “That is Jerry Leitner.”



*Professor Jerry Leitner with former student and Baker & McKenzie partner Joseph Samet '74 at Leitner's retirement luncheon where his portrait was unveiled.*

Known for his gregarious personality, his trademark turtlenecks, his love of French food and wine, his dynamic teaching style, and above all his kindness — whether to first-year students or colleagues — Professor Jerome Leitner is a Brooklyn Law School legend.

“Jerry set a very high standard for effective teaching, and being knowledgeable, thorough, articulate, polished, witty and dramatic in the classroom,” said Joseph Samet '74, a friend and former Torts student of Leitner’s who is now a partner at Baker & McKenzie. “He enhanced the reputation of the school. And he’s always been a pretty suave dresser too.”

Leitner retired last spring after nearly thirty years of teaching first-year Torts classes. On November 30, colleagues and friends gathered at a lunch in his honor, concluding with a portrait dedication at the Subotnick Center. “Professor Leitner is one of a kind,” said Dean Joan G. Wexler. “Over three decades, his zeal for teaching and his dedication to his students never once waned.”

Born in Brooklyn, Leitner is the son of garment district sewers (his mother made button holes, his father pockets) and a graduate of Brooklyn College. Drafted into service as a field artillery lieutenant

during World War II, Leitner was set to ship out to Europe from San Francisco when the war ended. Instead, he returned home and enrolled in an accelerated law school program for returning veterans, completing an LL.B. from New York University School of Law in two years, rather than three. He joined Brooklyn Law School after 23 years of private practice, building a reputation as a hard-nosed litigator with expertise in malpractice and an impressive body of scholarly writing on premises liability, intentional torts, and dram shop liability. It was that real life experience that he brought to his famous Torts classes, peppering his lectures with tales of his own personal experiences and cases, breathing the drama of the courtroom and the energy of the law into the dusty creases of his first-year students’ casebooks.

“I loved teaching the minute I started,” said Leitner. “I took to it like fish to water. They were the best years of my life.”

His unflinching passion for teaching was clear to his students and colleagues alike. “Before I started Brooklyn Law School, he was what I imagined a law school professor would be. He was quintessential, in fact. He was a practitioner of the Socratic method,” recalled Stacey Levine, '94, now an Assistant United States Attorney in New Jersey. “I learned a tremendous amount from him and will be forever grateful.”

“Jerry Leitner was the most engaging professor,” recalled Professor Carrie Teitcher '81, who in addition to being his colleague, was his student in 1978. “He told great stories that always shed light on something we were learning. He loved being in front of the classroom and he loved his students. He really made the cases come alive.”

Leitner had a firm open door policy that allowed him to mentor many of his first-year students well beyond his Torts class. He often counseled them on career decisions and life in general. “When I graduated, I had an opportunity to take a clerkship with Asa Herzog, dean of the U.S. Bankruptcy Judges, but I would have had to accept a big pay cut to take it,” recalled Samet, who heads Baker & McKenzie’s Restructuring/Creditors’ Rights/Bankruptcy practice. “Jerry helped me make the decision, and my career in the creditors’ rights and restructuring took off after that.”

Leitner’s reputation as one of the Law School’s most quick-witted and approachable teachers was buoyed by another of his other consummate passions: the New York Knicks. His season tickets were an object of much envy, but he was as generous with his Knicks tickets as he was with his thoughtful advice.

“My son loved the Knicks, and I knew that Jerry had tickets to every game,” recalled Teitcher. “I approached Jerry once and asked him if he could spare a ticket to a charity game they were playing. Not only did he give me the ticket, but he took my son to the game. They had never met before, but that’s Jerry. He has an incredibly generous spirit.” □

# FACULTY Notes

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## William Araiza

### PUBLICATIONS

- *FIRST AMENDMENT LAW: FREEDOM OF EXPRESSION AND FREEDOM OF RELIGION* (LexisNexis 2d ed. forthcoming 2010) (with A. Hellman and T. Baker)
- *New Groups and Old Doctrine: Rethinking Congressional Power to Enforce the Equal Protection Clause*, 37 FLA. ST. U. L. REV. \_\_ (forthcoming 2010)
- *Campaign Finance Regulation: The Resilience of the American Model*, 2 AMSTERDAM L. F. 55 (2009)

### PROGRAMS & PRESENTATIONS

- Speaker, New York State Bar Association's Annual Meeting on the Supreme Court's 2008 Term

### APPOINTMENTS

- Selected to serve on the LexisNexis Law School Publishing Advisory Board

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## Jonathan Askin

### PROGRAMS & PRESENTATIONS

- Testified before the New York City Council Committees on Technology in Government and Economic Development, Technology Community, Entrepreneurs, and Developers at a public hearing on "Tech Start-Ups, their Benefits to NYC, and Methods to Encourage Digital Entrepreneurship"

### MEDIA

- Quoted in "Painters in Brush with Law," *New York Post*, (Oct. 26, 2009)

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## Miriam Baer

### PUBLICATIONS

- *Cooperation's Cost*, 88 WASH U. L. REV. \_\_ (forthcoming 2011)

### PROGRAMS & PRESENTATIONS

- Moderator, Symposium: "New Paradigms for Financial Regulation in the United States and the European Union," Brooklyn Law School
- Presenter, "Cooperation's Cost" at Prawfsfest! Junior Scholars Workshop at Southwestern Law School and at the Federalist Society, Young Scholars Panel Presentation, New Orleans

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## Ursula Bentele

### PUBLICATIONS

- *The Not So Great Writ: Trapped in the Narrow Holdings of Supreme Court Precedents*, 14 LEWIS & CLARK L. REV. 741 (2010)

### PROGRAMS & PRESENTATIONS

- Held training sessions on federal habeas corpus law as part of a Federal Bar Council program for all law clerks in courts within the Second Circuit

### MEDIA

- Appeared on *NBC Nightly News* with students from the Capital Defender and Habeas Corpus Clinic regarding the execution of John Muhammad, known as the "DC Sniper." (see article on p.19)

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## Anita Bernstein

### PUBLICATIONS

- *Distributive Justice Through Tort (And Why Sociolegal Scholars Should Care)*, 35 LAW & SOC. INQUIRY \_\_ (forthcoming 2010)
- *Teaching Torts: Rivalry as Pedagogy*, 18 TORTS L. J. \_\_ (forthcoming 2010)
- *Pecuniary Reparations Following National Crisis: A Convergence of Tort Theory, Microfinance, and Gender Equality*, 31 U. PA J. INT'L L. 1-51 (2009)

### PROGRAMS & PRESENTATIONS

- Moderator and Speaker, Panel on "Engaging Faculty: Using Pro Bono to Teach Doctrine and Skills," American Association of Law Schools Annual Conference, New Orleans
- Panelist, "The James Baldwin Approach to Wrongful Death and Consortium," the Lavender Law Conference, Brooklyn
- Moderator, "Compliance with the Law" at the Conference on the "Duty of Good Faith," New York Law School
- Panelist, "Criminal Law, Procedure, and Evidence Annual Seminar," Brooklyn Law School

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## Dana Brakman Reiser

### PUBLICATIONS

- *Charity Law's Essentials*, 86 NOTRE DAME L. REV. \_\_ (forthcoming 2010)
- *Governing and Financing Blended Enterprise*, 85 CHI.-KENT L. REV. 2 (2010)

### PROGRAMS & PRESENTATIONS

- "Governance of Nonprofit/For-Profit Hybrids," Symposium: "Philanthropy Law in the 21st Century," sponsored by American College of Trust and Estate Counsel, Chicago-Kent College of Law
- "Charity Law's Essentials," at the Temple Law School Faculty Colloquium and the 38th Annual Conference of the Association for Research on Nonprofit Organizations and Voluntary Action, Cleveland
- "Governing and Financing Blended Enterprise," Symposium: "In Berle's Footsteps," sponsored by the Adolf A. Berle, Jr. Center on Corporations, Law and Society, Seattle University School of Law

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## Michael Cahill

### PROGRAMS & PRESENTATIONS

- Commentator, Conference on "Philosophical Foundations of Criminal Law," at Rutgers School of Law – Newark
- "Introduction to Law and Medicine," Mt. Sinai School of Medicine

### MEDIA

- Quoted in "Drug-Dealer Bill's Wording Criticized," *Newsday* (Jan. 21, 2010)

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## Edward Cheng

### PUBLICATIONS

- *A Practical Solution to the Reference Class Problem*, 109 COLUM. L. REV. 2081 (2009)

- *Law, Statistics, and the Reference Class Problem*, 109 COLUM. L. REV. Sidebar 92 (2009)

PROGRAMS & PRESENTATIONS

- “A Practical Solution to the Reference Class Problem,” Vanderbilt University Law School Faculty Workshop and at the University of Alabama School of Law Faculty Colloquium

APPOINTMENTS

- Elected Chair of the Association of American Law Schools Section on Evidence

**Neil B. Cohen**

PUBLICATIONS

- *Resolving the Dilemma of Non-Justiciable Causation in Failure-To-Warn Litigation*, 84 S. CAL. L. REV. \_\_ (forthcoming 2010) (with A. Twerski)

PROGRAMS & PRESENTATIONS

- “Future Work on the Law of Secured Transactions in the United Nations Commission on International Trade Law,” at a meeting of the Secretary of State’s Advisory Committee on Private International Law, Washington, D.C.
- Served as a member of the delegation of the U.S. to the United Nations Commission on International Trade Law Working Group on Secured Transactions for its meeting in Vienna, Austria
- Attended the Hague Conference on Private International Law in The Hague, Netherlands, as the only member of the Hague Conference’s Working Group on Choice of Law in International Contracts from the United States
- Served as a member of the faculty at the ALI-ABA advanced course on “Commercial Lending Today”

APPOINTMENTS

- Elected a Regent of the American College of Commercial Finance Lawyers
- Appointed to the Secretary of State’s Advisory Committee on Private International Law by the U.S. Department of State
- Designated as an expert by the UN Commission on International Trade Law concerning security interests in intellectual property
- Chair-elect of the Association of American Law Schools Section on Commercial and Related Consumer Law

**Steven Dean**

PUBLICATIONS

- *More Cooperation, Less Uniformity: Tax Deharmonization and the Future of the International Tax Regime*, 84 TUL. L. REV. 425 (2009)

**Robin Effron**

PUBLICATIONS

- *The Future of Complex Litigation in the Era of Twombly and Iqbal*, 51 WM. & MARY L. REV. \_\_ (forthcoming 2010)

PROGRAMS & PRESENTATIONS

- “The Plaintiff Neutrality Principle: Pleading Complex Litigation in the Era of Twombly and Iqbal,” Junior Faculty Federal Courts Conference, Michigan State University
- “Presentation of Papers to American Law Faculty Audiences,” at the University of Haifa, Israel
- Moderator, “Civil Pleading Standards After Iqbal,” at the Federalist Society Faculty Conference, New Orleans

**Elizabeth Fajans**

PROGRAMS & PRESENTATIONS

- Panelist, “Nuts & Bolts: Diagnosing Writing Problems” and “How to Grade Papers without Losing Your Mind,” Legal Writing Institute Workshop for New Legal Writing Professors, St. John’s University

**James Fanto**

PUBLICATIONS

- DIRECTORS’ AND OFFICERS’ LIABILITY (Practising Law Institute 2004, Supp. 2009)
- *Anticipating the Unthinkable: The Adequacy of Risk Management in Finance and Environmental Studies*, 44 WAKE FOREST L. REV. 731 (2009)

PROGRAMS & PRESENTATIONS

- Panelist, “The Future of State Regulation of Financial Services,” co-sponsored by Brooklyn Law School Dennis J. Block Center for the Study of International Business Law and Cadwalader, Wickersham & Taft LLP
- “Financial Regulation Reform: Maintaining the Status Quo,” Brooklyn Law School-Queen Mary Conference on “New Paradigms for Financial Regulation in the EU and the U.S.,” London

**Richard Farrell**

PRESENTATIONS

- “Evidence and ‘Electric Evidence,’” Nassau Lawyers Association of Long Island
- “Electric Evidence,” Association of Judges for the New York State Court of Claims
- “Civil Practice Update,” at the Marino Institute of Continuing Legal Education, New York State Assembly CLE Program, and the Brooklyn Bar Association

**Linda Feldman**

PROGRAMS & PRESENTATIONS

- Co-presenter at a workshop on legal writing and analytical skills for success on law school exams Practising Attorneys for Law students (PALS)
- Moderator, “You’ve Survived Your First Year of Law School. Now What? A Roadmap for Law Students,” New York City Bar

# Four Faculty Elected to the American Law Institute

The Law School is pleased to report that four members of the faculty—Edward Janger, Claire R. Kelly, Jason Mazzone, and Louis “Benno” Kimmelman—were recently elected to The American Law Institute (ALI) this academic year. They join 14 other esteemed members of the BLS faculty who are already members of the ALI.

The elected membership of ALI is comprised of 4,200 lawyers, judges, and law professors from the United States and abroad, selected on the basis of professional achievement and demonstrated interest in improving the law. By participating in the Institute’s work, ALI’s members have the opportunity to influence the development of the law in both existing and emerging areas, to work with other eminent lawyers, judges, and academics, to give back to a profession to which they are deeply dedicated, and to contribute to the public good.

**Janger**, the David M. Barse Professor of Law, is an expert on commercial transactions and bankruptcy law and has published extensively in the areas of bankruptcy law, commercial law, consumer credit and data privacy. He is the past-chair of the Association of American Law Schools’ Section on Commercial and Consumer Law, and served as consultant to the Business Bankruptcy Subcommittee of the Federal Bankruptcy Rules Advisory Committee. He is also a member of the board of directors of the Coalition for Debtor Education. He has served as the Robert M. Zinman Scholar-in-Residence at the American Bankruptcy Institute.

**Kelly** focuses her scholarship primarily on public and private international law. Her numerous articles have appeared in leading law reviews, and she has presented her work at such prominent organizations as the American Society of International Law. At Brooklyn Law School, she 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*. She serves on the board of directors of the Customs and International Trade Bar Association and co-authored its *Primer on Litigating Trade Adjustment Assistance Cases*.

**Mazzone** specializes in constitutional law and history, and in intellectual property law. His scholarship in constitutional law involves a close look at how constitutional provisions have operated in particular historical circumstances in order to generate lessons about constitutional interpretation and institutional design. In intellectual property law, his interest is in the problem of overreaching: uses of IP law to assert rights beyond those the law actually confers. Mazzone’s up-and-coming book, *Copyfraud and Other Abuses of Intellectual Property*, has quickly become a highly influential work (Stanford University Press, forthcoming 2010).

**Kimmelman**, an Adjunct Professor of Law, teaches several international law classes including International Commercial Arbitration and International Litigation. He is a partner at Allen & Overy LLP in the International Arbitration group where his work focuses on the arbitration and litigation of a broad range of complex commercial and construction disputes. Kimmelman has arbitrated cases before the International Court of Arbitration of the International Chamber of Commerce, the American Arbitration Association, the Kuala Lumpur Regional Center for Arbitration, and other international and domestic arbitration bodies. □

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## Marsha Garrison

### PUBLICATIONS

- THE LAW OF BIOETHICS: INDIVIDUAL AUTONOMY AND SOCIAL REGULATION (Thomson West 2d ed. 2009) (with C. Schneider)

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## Cynthia Godsoe

### PROGRAMS & PRESENTATIONS

- Panelist, “Little Adults: Minors, the Law, and Changing Sexual Mores,” New York Law School “Justice Speaks” Luncheon

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## Joel Gora

### MEDIA

- “Gagging Political Criticism” (Sept. 8, 2009) and “Restoring Free Speech in Elections,” (Jan. 21, 2010) both regarding *Citizens United v. Federal Election Commission*, 130 S. Ct. 31 (2009), were published for *The New York Times*’s online feature “Room for Debate”
- Appeared on the online version of ABC News Nightline/Twitter Cast
- “A Collection of Opinions of the Opinion,” *National Law Journal* (Feb. 1, 2010)

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## William Hellerstein

### MEDIA

- Quoted in “State’s Top Court Ready to Hear Challenge to Appointment of Lieutenant Governor,” *The New York Times* (Sept. 10, 2009)
- Quoted in “Ex-judges Deny Partisan Politics,” *Associated Press* (Oct. 4, 2009)

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## Susan Herman

### PUBLICATIONS

- *American Federalism and the American Civil Liberties Union*, in WHY THE LOCAL STILL MATTERS: FEDERALISM, LOCALISM, AND PUBLIC INTEREST ADVOCACY (Arthur Liman Public Interest Program and National State Attorneys General Program 2009) (with N. Dorsen)

### PROGRAMS & PRESENTATIONS

- “Civil Liberties in the Age of Obama,” Cornell Institute for Public Affairs Colloquium Series and University of Toledo School of Law
- “Inverting Democracy,” Cornell Law School Faculty Workshop
- “Public Interest Law as a Career,” Keynote Speaker at Harvard University Public Interest and Law Conference

- “Constitutional Rights and National Security: Do We Need to Compromise?” University of Utah S.J. Quinney School of Law, 26th Fordham Debate, [www.ulaw.tv/watch/809/2010\\_fordham](http://www.ulaw.tv/watch/809/2010_fordham)
- “The ACLU and Scientific Freedom,” Congress of Luca Coscioni Association, World Congress for Freedom of Scientific Research, Udine, Italy
- As President of the ACLU, keynote speaker at ACLU affiliate events in Massachusetts, New Mexico, Ohio, Rhode Island, Utah, and Virginia

#### MEDIA

- Gave radio interviews in Ithaca, NY, Cleveland OH, and Toledo, OH on civil liberties under Obama, civil liberties generally, Guantanamo, and antiterrorism laws.
- Featured in articles for the *Cornell Daily Sun* at <http://cornellsun.com>, the *Salt Lake Tribune*, [www.sltrib.com](http://www.sltrib.com), and the *Daily Utah Chronicle*

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### Edward Janger

#### PUBLICATIONS

- *Virtual Territoriality*, 47 COLUM. J. TRANSN'L L. \_\_ (forthcoming 2010)
- *Consumer Credit and Competition: The Puzzle of Competitive Credit Markets*, \_\_ EUR. COMP. J. \_\_ (forthcoming 2010)
- *Demand Side Gatekeepers in the Market for Home Loans*, 82 TEMP. L. REV. 101 (2010) (with S. Block-Lieb)
- *The Costs of Liquidity Enhancement*, 4 BROOK. J. CORP. FIN. & COM. L. 39 (2009)

#### PROGRAMS & PRESENTATIONS

- “Consumer Credit and Competition: The Puzzle of Competitive Credit Markets,” Fourth Annual Antitrust Marathon, sponsored by the British Institute of International and Comparative Law, Loyola University, Chicago, Center for Consumer Antitrust Studies, and the Irish Competition Authority
- “The Future of Bankruptcy Remote Entities,” Eastern District of Pennsylvania Bankruptcy Conference

#### APPOINTMENTS

- Elected to the American Law Institute

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### Patricia Judd

#### PROGRAMS & PRESENTATIONS

- Commentator, Panel on Copyright Law, “Intellectual Property Developments in China: Global Challenge, Local Voices” Conference, Drake University

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### Roberta Karmel

#### PUBLICATIONS

- *Voting Power Without Responsibility or Risk—How Should Proxy Reform Address the Decoupling of Economic and Voting Rights?*, \_\_ VILL. L. REV. \_\_ (forthcoming 2010)

- *The Future of the Securities and Exchange Commission as a Market Regulator*, 78 CINCINNATI L. REV. 501 (2009)
- *The Controversy over Systemic Risk Regulation*, \_\_ BROOK. J. INT'L L. \_\_ (forthcoming 2010)

#### PROGRAMS & PRESENTATIONS

- Panelist, “The Future of State Regulation of Financial Services,” co-sponsored by Brooklyn Law School Dennis J. Block Center for the Study of International Business Law and Cadwalader, Wickersham & Taft LLP
- Participant, Roundtable Discussion on the “New World of Financial Regulation,” SEC Historical Society
- “The Controversy Over Systemic Risk Regulation,” Symposium: “New Paradigms for Financial Regulation in the United States and the European Union,” co-sponsored by the Dennis J. Block Center for International Business Law, the *Brooklyn Journal of International Law*, and the Centre for Commercial Law Studies, Queen Mary College, London. Also presented in London at Queen Mary College.
- “Reflections on My Career and the Revolving Door,” Vanderbilt Lecture Series for Hauser Global Law School Scholars, NYU School of Law
- Panelist, “Will Harmony Prevail Between the SEC and CFTC?,” Program on “Regulatory Developments Affecting Futures and Derivatives in 2009 and Beyond,” New York County Lawyers’ Association
- “Regulatory Structure and Systemic Risk Regulation,” FINRA Institute for Professional Development at the Wharton Executive Education Center

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### Claire Kelly

#### PUBLICATIONS

- *The Politics of Legitimacy in UNCITRAL Working Methods*, in THE POLITICS OF INTERNATIONAL ECONOMIC LAW (Cambridge University Press 2010) (T. Broude, M. Busch and A. Porges, eds.)

#### PROGRAMS & PRESENTATIONS

- Chaired “Trade and Climate Change,” a Panel for International Law Weekend, 88th Meeting of the American Branch of the International Law Association, New York
- Chair and Commentator, Panel on “Risk, Science and International Governance,” Risk, Science, Law and International Governance Research Forum, hosted by the American Society of International Law at Chicago-Kent College of Law

#### APPOINTMENTS

- Elected to the American Law Institute

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### Rebecca Kysar

#### PUBLICATIONS

- *Lasting Legislation*, 159 U. PA. L. REV. (forthcoming 2010)

#### PROGRAMS & PRESENTATIONS

- “Lasting Legislation,” Brooklyn Law School Junior Faculty Workshop and Columbia Law School Tax Policy Colloquium

# Professor Mazzone's and Baer's Papers Chosen for Federalist Society's Young Scholars Panel



Professor Jason Mazzone

Papers written by Professors Miriam Baer and Jason Mazzone were competitively selected for presentation at the Federalist Society's Young Legal Scholars Panel at the Society's 12th annual faculty conference held in New Orleans in January.

Baer's piece, "Cooperation's Cost," will be published in the *Washington University Law Review* (Vol. 88, forthcoming 2011). In the article, she analyzes the practice of cooperation, whereby federal criminal defendants receive reduced sentences in exchange for assisting the government in detecting and



Professor Miriam Baer

prosecuting other criminals. The article contends that cooperation exerts two effects on deterrence: a "Detection Effect," which increases the government's overall ability to detect and punish criminals, and a "Sanction Effect," which reduces the sentence that the defendant expects to receive upon being apprehended, assuming he believes he can cooperate. She argues that contrary to common assumptions, cooperation may reduce overall deterrence, particularly if the government extends too many cooperation agreements or overpays cooperators, or if criminals become overly optimistic about their ability to secure such agreements.

Baer's paper was chosen to be presented at the prestigious American Law

and Economics Association Annual Meeting in early May. Her paper was also chosen for presentation at the highly competitive Yale Stanford Junior Faculty Forum in late June.

Mazzone's article, "When the Supreme Court is Not Supreme," published in the *Northwestern University Law Review* (Vol. 44, forthcoming 2010), won the 2009 Federalist Society Junior Scholar's writing competition prize. It explores the role of state courts in deciding issues of federal constitutional law. "State courts," said Mazzone, "have always exercised a good deal of authority to determine, independently and definitively, the meaning of the Constitution. Until the early twentieth century, this authority was formalized in the statutory law that governed the Court's appellate jurisdiction. Today, however, that law has changed. In practice the state courts continue to hold and to exercise substantial authority on issues of federal constitutional law." The article offers a proposal to formalize the authority state courts exercise today in practice.

"I was very pleased to have the opportunity to present the paper in this venue," said Mazzone. "To its credit, the Federalist Society does a very good job in bringing together people with different perspectives. The feedback I received from conference participants led me to rewrite portions of the paper and to add some additional material. The paper is much improved as a result." □

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## Brian Lee

### PROGRAMS & PRESENTATIONS

- "Compensation for Emergency Destruction," *Midwestern Law and Economics Association Annual Meeting*, Notre Dame Law School

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## Jason Mazzone

### PUBLICATIONS

- *When the Supreme Court is Not Supreme*, 104 *Nw. U. L. Rev.* \_\_\_ (forthcoming 2010)
- *Politics and Judges*, 61 *HASTINGS L. J.* \_\_\_ (forthcoming 2010) (with R. Alleman)
- *Administering Fair Use*, 51 *WM. & MARY L. REV.* 395 (2009)

### PROGRAMS & PRESENTATIONS

- "When the Supreme Court is Not Supreme," DePaul University School of Law, Vanderbilt University Law School, and the Federalist Society Faculty Conference, New Orleans
- "Is the Copyright Office Unconstitutional?," Intellectual Property Law Forum, University of Akron School of Law
- "The Life and Times of Justice Smith Thompson," U.S. Court of International Trade, New York
- "Supreme Court Update," New Jersey Judicial College
- "State Gun Control Laws Post-Heller" New York State Legislature CLE Program, Brooklyn
- "Precedents or Principles?: Supreme Court Review," New York State Bar Association Annual Meeting
- "Real DVD or Steal DVD?" Copyright Society of the U.S.A., New York

- Participant, Seminar on “Lincoln’s Constitution,” Institute for Constitutional History

#### APPOINTMENTS AND HONORS

- Elected to the American Law Institute
- *When the Supreme Court is Not Supreme*, won the 2009 Federalist Society Junior Scholars Writing Competition Prize

#### MEDIA

- Selected by Microsoft as a featured academic and commentator for its Technology-Academics-Policy website

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### Gary Minda

#### PUBLICATIONS

- *WORK LAW IN AMERICAN SOCIETY* (2d ed. forthcoming 2010) (with K. Casebeer)
- *The New Arbitral Paradigm in the Law of Work*, \_\_ MICH. STATE L. REV. \_\_ (forthcoming 2010) (with D. Klein)

#### PROGRAMS & PRESENTATIONS

- “The Emerging New Paradigm in Labor Arbitrations: A Critical Review of the Supreme Court’s Decision in *14 Penn Plaza v Pyett*,” St John’s University School of Law

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### Minor Myers

#### PUBLICATIONS

- *The Decisions of Corporate Special Litigation Committees: An Empirical Investigation*, 84 IND. L. J. 1309 (2009), to be reprinted in *CORPORATE PRACTICE COMMENTATOR* (forthcoming)

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### James Park

#### PUBLICATIONS

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

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### Arthur Pinto

#### PROGRAMS & PRESENTATIONS

- Moderator, “Proposals for the Regulation of Financial Institutions,” Symposium: “New Paradigms for Financial Regulation in the United States and the European Union,” co-sponsored by the Dennis J. Block Center for International Business Law, the *Brooklyn Journal of International Law*, the Centre for Commercial Law Studies, and Queen Mary College, London
- Discussant, Conference on “Origin of Shareholder Advocacy,” Yale School of Management
- Speaker, Conference on Corporate Fiduciary Duties and Delaware Law, European Corporate Law Study Group, Orvieto, Italy

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### David Reiss

#### PUBLICATIONS

- *Fannie Mae and Freddie Mac: Creatures of Regulatory Privilege* in *FINANCIAL INSTITUTIONS AND MARKETS: CURRENT ISSUES IN FINANCIAL MARKETS* (forthcoming 2010) (R. Bliss and G. Kaufman, eds.)
- *Fannie Mae and Freddie Mac and the Future of Federal Housing Finance Policy: A Study of Regulatory Privilege*, \_\_ ALA. L. REV. \_\_ (forthcoming 2010)
- Book Review of Dan Immergluck, *FORECLOSED: HIGH-RISK LENDING, DEREGULATION, AND THE UNDERMINING OF AMERICA’S MORTGAGE MARKET* (Cornell University Press 2009) in *ENVIRONMENT AND PLANNING A* (forthcoming 2010)
- *POLICY ANALYSIS: WHICH FUTURE FOR FANNIE AND FREDDIE?* (2009) (prepared on behalf of the Cato Institute)

#### PROGRAMS & PRESENTATIONS

- “First Principles for an Effective Federal Housing Policy,” Symposium: “New Paradigms for Financial Regulation in the United States and the European Union,” co-sponsored by the Dennis J. Block Center for International Business Law, the *Brooklyn Journal of International Law*, and the Centre for Commercial Law Studies, Queen Mary College,
- Participant, “Empowered Cities: The Emergence of Cities as Autonomous Actors,” Fordham Cooper-Walsh Colloquium
- “Which Future for Fannie and Freddie?,” Cato Institute

#### MEDIA

- “Which Future for Fannie and Freddie?” delivered at the Cato Institute and aired on C-SPAN repeatedly
- Quoted about the financial crisis and rating agencies in “Mending the Seams: Financial Crisis Points to Need for International Regulatory Reform,” *The Investment Professional* ( Fall 2009), and also in “How Reform Minus GSEs Will Add Up,” *American Banker* (Dec. 28, 2009)

#### APPOINTMENTS

- Executive Committee, Real Property Section of American Association of Law Schools

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### Elizabeth Schneider

#### PUBLICATIONS

- *The Changing Shape of Federal Civil Pretrial Practice: The Disparate Impact on Civil Rights and Employment Discrimination Cases*, 158 U. PA. L. REV. 517 (2010)
- *Power, Law and Final Thoughts: The Contributions of Peter Bachrach*, in *Profession Symposium, Theories of Power, Poverty and Law: In Commemoration of the Contributions of Peter Bachrach*, 43 POL. SCI. & POL. No. 1 (2010)

#### PROGRAMS & PRESENTATIONS

- Participant, “Constance Baker Motley: A Symposium about Her Life and Work,” Quinnipiac and Yale Law Schools
- Panelist, “Transformative Teaching and Institution-Building,” Presidential Program, American Association of Law Schools Annual Meeting, New Orleans

## FACULTY Highlights

- “Teaching Beyond the Appellate Opinion,” AALS Annual Meeting
- APPOINTMENTS**
- Co-Chair of the Domestic Violence Committee of the National Association of Women Judges

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### Christopher Serkin

**PUBLICATIONS**

- *Existing Uses and the Limits of Land Use Regulations*, 84 N.Y.U. L. REV. 1222 (2009)
- *Condemning Religion: RLUIPA and the Politics of Eminent Domain*, 85 NOTRE DAME L. REV. 1 (2009) (with N. Tebbe)

**PROGRAMS & PRESENTATIONS**

- “Existing Uses and the Limits of Land Use Regulations,” Law School Works in Progress Faculty Workshop, University of Chicago

**MEDIA**

- Guest appearance on a 15-minute segment on eminent domain for WNYC’s “The Brian Lehrer Show”

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### Lisa Smith

**PROGRAMS & PRESENTATIONS**

- Moderator, “The Second Chance Act,” ABA Criminal Justice Section, Washington D.C.
- Panelist, “Sentencing and Reentry,” ABA Meeting

**MEDIA**

- Court TV, commented on cases and trials including: *Oregon v Worthington*, *People v. Michael King*, *Texas v. Hill*, *Florida v. Heyne*, and *Florida v. Galek*

**APPOINTMENTS**

- Executive Committee of the American Association of Law Schools Criminal Justice Section
- Reappointed to the Judicial Election Qualification Commission

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### Lawrence Solan

**PUBLICATIONS**

- *Doing Wrong Without Creating Harm*, 7 J. EMPIRICAL LEGAL STUD. 30 (2010) (with J. Darley, M. Kugler, and J. Sanders)

**PROGRAMS & PRESENTATIONS**

- Discussant, “Behavior Law and Economics,” Conference on Empirical Legal Studies, Los Angeles
- “Why Statutory Interpretation is So Difficult,” Universitat Pompeu Fabra, Barcelona

**APPOINTMENTS**

- Elected Chair of the Legislation Section of the American Association of Law Schools

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### Yane Svetiev

**PROGRAMS & PRESENTATIONS**

- “Learning from Difference in International Antitrust,” EU Center for Excellence at the University of Madison – Wisconsin

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### Nelson Tebbe

**PUBLICATIONS**

- *Equal Access and the Right to Marry*, 158 U. PA. L. REV. \_\_\_ (forthcoming 2010) (with D. Widiss)
- *Condemning Religion: RLUIPA and the Politics of Eminent Domain*, 85 NOTRE DAME L. REV. 1 (2009) (with C. Serkin)

**PROGRAMS & PRESENTATIONS**

- “Privatizing and Publicizing Speech,” Supreme Court Roundup: Religious Speech and Government Property, Brooklyn Law School
- Panelist, Legal Ethics Discussion, Federal Bar Council / NYCLA Federal Criminal Practice Institute at the New York County Lawyers’ Association
- Moderator, “Nonbelievers and the First Amendment,” American Association of Law Schools Annual Meeting, New Orleans
- “Equal Access and the Right to Marry,” Faculty Workshop, Pace University Law School

**MEDIA**

- Quoted in “Recorded Calls to Voters From Brooklyn Bishop Praise a Democratic Leader,” *The New York Times* (Nov. 1, 2009)

**APPOINTMENTS**

- Chair-Elect of the Law and Religion Section of the American Association of Law Schools

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### Aaron Twerski

**PUBLICATIONS**

- *Resolving the Dilemma of Non-Justiciable Causation in Failure-To-Warn Litigation*, 84 S. CAL. L. REV. (forthcoming 2010) (with N. B. Cohen)
- *Negligence Per Se and Res Ipsa Loquitur: Kissing Cousins*, 44 WAKE FOREST L. REV. 997 (2009)

**PROGRAMS & PRESENTATIONS**

- “Delivery of Mental Health Services to the Chassidic Community,” International Nefesh Convention

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### Marilyn Walter

**PROGRAMS & PRESENTATIONS**

- Plenary Speaker, “Teaching” Panel, Symposium: Celebrating 25 Years of Teaching and Scholarship of the Legal Writing Institute, sponsored by the *Mercer Law Review* and the *Journal of the Legal Writing Institute*, Mercer Law School

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### Saul Zipkin

**PROGRAMS & PRESENTATIONS**

- “Democratic Standing,” Junior Faculty Federal Courts Workshop, Michigan State University College of Law

## The Road to Giving Back: Michael Grohman '83

For twenty years, Michael Grohman just wasn't interested. "Thanks, but no thanks," he recalled, was his standard line. He didn't have the time, didn't have the money. He was starting a family, working beastly hours, and building a reputation as one of the city's most esteemed trust and estate lawyers. And then one day, he changed his mind. He didn't say no. He asked how he could help.

"It took twenty years for me to start giving back to the Law School," he said. "Until then my most active participation was going to reunions. It wasn't until I had reached a certain level of success that I could reflect, and I realized that I would not be in this position but for the fact that I got this incredible foundation from Brooklyn Law School. That is where this all started."

Grohman graduated from Brooklyn Law School in 1983 and then earned an L.L.M. in Tax from New York University. Grohman spent two years working as a tax attorney at what was known as Price Waterhouse, and afterward, as he remembers it, "stumbled into a job at Shearman & Sterling where they happened to have a need for attorneys in their Individual Clients group."

After four years at Shearman, a tax lawyer was transformed into a valued estate planner and advisor. Grohman then spent seven years at Crummy Del Deo, now the Gibbons law firm, and joined Duane Morris's New York office in 1996, shortly after its opening. Grohman now runs the national Estates and Assets Practice Group, representing a variety of clients from closely held businesses to celebrity athletes and entertainers. Grohman is also the firm's hiring partner and has been

instrumental to the growth and success of this 700-lawyer international firm. In 2007, Mr. Grohman was included in *Worth* magazine's annual listing of the top 100 attorneys in the U.S. for estate planning.

Since his "Aha" moment, Grohman has become the model alumnus. A generous supporter of the Law School, he is also a member of the Board of Directors of the Alumni Association, and a Representative in the Law Firm Challenge. In this role, he is fostering



alumni involvement in the Law School in many ways, from mentoring, to networking, to encouraging gifts to the Law School.

"I am now in a position where I can really help graduates," he said. Grohman does what he can to help students find work, whether it's with letters of recommendation, internships, or by opening doors to full time employment as he did for Spensyr Krebsbach '08, a former mentee who is now a litigation associate in Duane Morris's New York office.

"Michael was an invaluable mentor, and it was my good fortune to be paired with him," said Krebsbach. "He helped me shape my resume, walked me through the interviewing process, and opened doors at Duane Morris that would otherwise have been closed." Thanks to Grohman's involvement, she was hired as a summer intern and was given the opportunity to rotate through a variety of practice areas until she found her calling as a litigator.

"It's no secret that if she just wrote to us requesting an interview, there would be little chance of her getting one. We recruit for lateral partners here in New York, but not recent grads," said Grohman. "That was the very beginning for me of realizing how meaningful my time and effort could be to someone else."

It is that spirit of making a difference and giving back to the Law School that Grohman so distinctly embodies. "Michael is incredibly enthusiastic about the Law School. He is always thinking of new ways we can reach out and keep the alumni network strong," said Krebsbach. "He encourages all of us to extend a hand and to think outside the box to do almost anything we can to work with the Law School, especially the mentor program. Personally, I can't wait to be a part of it and help a student the way Michael helped me."

Grohman remains unwavering in his commitment to the BLS community. "I have been practicing long enough and that alone doesn't do it for me," he said. "It pays the bills, sure, but I like to give back. Now it's my turn to help. It's an obligation that I enjoy." □

## The Eve Cary Memorial Legal Writing Scholarship

With the untimely passing of Professor Eve Cary, the Brooklyn Law School community lost a cherished member of its faculty this past September. Professor Cary's love of good writing—and her wealth of knowledge about how to achieve it—inspired her students for nearly a quarter of a century. To honor her memory and her unconquerable spirit, the Eve Cary Memorial Legal Writing Scholarship has been established by family, friends, and members of the Law School community.

The scholarship is to be awarded annually to one student who demonstrates exceptional interest and achievement in legal writing. In the brief time since it has been established, more than 130 donors have contributed to the fund and we hope to award this new scholarship in the coming academic year. For more information on how to make a contribution in honor of Professor Cary's memory, please visit [www.brooklaw.edu/makeagift](http://www.brooklaw.edu/makeagift) or call Susan Foster at 718-780-0638. □

## Law Firm Challenge Update: Alumni at Two Firms Achieve 100% Participation

The inaugural year of *Partners in Leadership: The BLS Law Firm Challenge* ends on June 17, but well in advance of that deadline two firms have already achieved 100% alumni giving to the Law School. We extend our enthusiastic congratulations to our alumni at Otterbourg, Steindler, Houston & Rosen, P.C. and Duane Morris LLP who rallied together to accomplish a giving milestone for the Law School.

Scott L. Hazan '73, the BLS Alumni Association President, served as LFC Representative at Otterbourg, Steindler, Houston & Rosen, P.C., a 70-lawyer New York City-based firm, which represents,

among other clients, an elite group of leading financial institutions, commercial businesses and creditors committees in chapter 11 cases throughout the country, including Kmart, Macy's and Northwest Airlines. Last year Otterbourg celebrated its centennial anniversary. Otterbourg has consistently hired BLS graduates, and today our alumni representation at the firm spans from the Class of 1954 to the Class of 2008. The firm kicked off the Challenge with 100% alumni attendance in June 2009 at a special Ben & Jack's Steakhouse dinner hosted by Hazan. Alumni enjoyed the opportunity to reminisce with colleagues and hear about life at the

Law School today from Dean Joan G. Wexler. As a result of this meaningful event and the leadership of Hazan, Otterbourg's eight BLS alumni attained 100% giving.

Frederick Cohen '67 and Michael D. Grohman '83 shared responsibility as LFC Representatives at Duane Morris LLP. They took on this role in addition to their current positions serving on the Board of Trustees and Alumni Association Board, respectively. Duane Morris is a full-service firm with over 700 lawyers around the world. BLS alumni representation extends beyond the New York City office to Chicago, Newark, Princeton, and Washington, D.C. Over the course of the year, Cohen and Grohman used wit and humor in their communications to colleagues and hosted a well-received cocktail party in March 2010. They encouraged alumni to give back and to become involved with the vibrant life of the Law School today. As a result of their efforts, Duane Morris had the highest number of alumni in attendance at the Law School's annual Alumni Luncheon and has now achieved 100% alumni giving with all 21 of the BLS alumni at the firm donating to their alma mater.

As the Law Firm Challenge nears the end of its first year, one firm has newly accepted the Challenge. In March, Proskauer Rose LLP, the firm with the highest representation of Brooklyn Law School alumni, joined under the leadership of Michael E. Feldman '69, Bruce E. Fader '74, and Bradley R. Bobroff '03.

Brooklyn Law School extends thanks to all of its dedicated representatives and loyal alumni for being a part of the Law Firm Challenge and for helping the Law School fulfill its educational mission. More than half of the alumni who have given as a part of the Law Firm Challenge have been first-time or lapsed donors. We are looking forward to welcoming LFC alumni back to Brooklyn on June 17, 2010, for a special Dean's Cocktail Celebration in thanks and recognition for what has been a banner year.

To view a list of the 16 participating firms and current LFC standings, please visit [www.brooklaw.edu/LFC](http://www.brooklaw.edu/LFC). □



SEATED, LEFT TO RIGHT: Hyman L. Schaffer '79, William H. Schrag '78, Frederick Cohen '67, Dennis A. Konner '67, Michael D. Grohman '83; STANDING, LEFT TO RIGHT: Patrick R. McDuff '03, Jon C. Popin '01, James Lotito '99, Laurence S. Hughes '81, Jose A. Aquino '93, Brian J. Markowitz '01, Robert P. Firriolo '91, Spensyr Ann Krebsbach '08; NOT PICTURED: Nadeen Al-Jijakli Abbass '05, Robert Paul Bramnik '73, Mark A. Canizio '82, Lawrence Chiarelli '93, Lawrence W. Diamond '78, Brian Seth Goldstein '65, Won Joon Kouh '99, Barbara J. Scheiner '84



SEATED, LEFT TO RIGHT: Steven I. Pollack '69, Scott L. Hazan '73; STANDING, LEFT TO RIGHT: James M. Cretella '04, John A. Bougiamas '92, Enid Nagler Stuart '80, Kevin Zuzolo '08, Samir Ahuja '07; NOT PICTURED: Bernard Beitel '54

## Alumni Admitted to Supreme Court



On Monday, October 19, Dean Joan G. Wexler moved the admission of 22 graduates into the United States Supreme Court. The group, made up of alumni who have generously supported the Law School, traveled to Washington D.C. the night before to attend an alumni reception at Sequoia at Washington Harbour. They met bright and early the next morning for breakfast in one of the Court's beautifully appointed conference rooms before the Swearing in Ceremony led by Chief Justice John G. Roberts, Jr. After the Ceremony, they convened on the stairs leading up to the Court for a group photo. It was a moving and memorable experience for all involved.

## Faculty Present Legal Ethics Program to LA Alumni

In November 2009, Associate Dean Lawrence Solan and Professor Gerald Shargel '69 took their Professional Legal Ethics Program, *How Insincere May Lawyers Be?*, which they originally presented in New York, to Los Angeles, California. The program, which was organized and hosted by Proskauer Rose, LLP, was a similar resounding success. It was a wonderful opportunity for our Los Angeles area graduates to network and earn Ethics MCLE credits at the same time. □



LEFT TO RIGHT: Judge William Norris, 9th Circuit Court of Appeals, Johanna Shargel, Prof. Gerald Shargel, D. Eric Remensperger '84 of Proskauer Rose, and Assoc. Dean Lawrence Solan.



LEFT TO RIGHT: Eric Brown '09, Masumi Patel '04, and Jami Berdelis.

## More than 300 Alumni Gather to Honor Alumni of the Year

Over 300 alumni attended the annual luncheon of Brooklyn Law School's Alumni Association held on Friday, November 13, 2009 at The Plaza Hotel. Dean Joan G. Wexler and Alumni Association President Scott L. Hazan '73 presented three highly distinguished graduates—Leon H. Charney '64, Judge John M. Leventhal '79, and C. Glenn Schor '72—with Alumni of the Year Awards.

### Leon H. Charney '64

Leon H. Charney, Class of 1964, has distinguished himself as a lawyer, author, and broadcaster, as well as a business leader and former advisor to world and national leaders including President Jimmy Carter, Prime Minister Itzhak Rabin, and President Ezer Weizman of Israel.

After working his way through Yeshiva University and Brooklyn Law School, Charney launched his own law firm, where he represented well-known sports figures and big names from the entertainment industry. At age 35, he was appointed to serve as Special Counsel to Senator Vance Hartke of Indiana. Over the course of the next four years, he built relationships with world leaders, including Israeli Prime Minister Golda Meir, who asked for his assistance in obtaining the freedom of Soviet Jewish dissidents. Charney's involvements brought about the successful emigration of 1,000 Jews from the Soviet Union to Israel. From 1976 to 1980, Charney served as an advisor to President Carter and was instrumental in the drafting and adoption of the Camp David Accords. President Carter has often referred to Charney as "the unsung hero of the Camp David Peace Treaty." In 1986, at the behest of a high Israeli government official, Charney traveled secretly to Tunisia to meet with Yasser Arafat to encourage a dialogue between Palestinian authorities and the State of Israel.

Today, Charney is CEO of the property firm L.H. Charney Associates, Inc., with major commercial real estate assets in Connecticut, Ohio, Florida, and New York, including several buildings in Times Square. In addition, for over 15 years he has moderated *The Leon Charney Report*, an award-winning, nationally televised public affairs program. He is the author of four books: *Special Council* (1984), *Spy for Peace* (1993), *The Charney Report: Confronting the Arab-Israeli Conflict* (2001), and *The Mystery of the Kaddish* (2001), now in its second printing. His fifth book, *Battle of the Two Talmuds: Judaism's Struggle with Power, Glory, and Guilt*, is forthcoming in September 2010.

Charney is the recipient of many awards, among them four honorary doctorate degrees. He has also been a participant in the Dean's Roundtable Luncheon series for students at Brooklyn Law School.



TOP, LEFT TO RIGHT: Scott Hazan '73, Leon Charney '64, Dean Joan Wexler, Judge John Leventhal '79, and Daniel Schor '09.

### John M. Leventhal '79

John M. Leventhal, '79, is an Associate Justice of the Appellate Division, Second Judicial Department. Prior to his appointment to the Appellate Division in 2008, he served as a Justice of the Supreme Court of the State of New York for 14 years. Before joining the bench, he had a distinguished career in private practice.

From 1996 to 2008, Justice Leventhal presided over the nation's first felony Domestic Violence Court, which has become a model studied by judges and court administrators worldwide. The "DV Court" received a special commendation from the Northeast States Domestic Violence Registry Conference in 1997. He also presided over a guardianship part for alleged incapacitated persons from 2001 to 2008.

Justice Leventhal's outstanding work has been recognized by many organizations. In 2008 alone, he received the Distinguished Achievement Medal from the New York State Free and Accepted Masons, the Brooklyn Women's Bar Association Beatrice M. Judge Recognition Award, the New York Board of Rabbis and Dayenu Voices of Valor "Elijah Award" for male leadership in ending domestic violence, and the National College of District Attorneys' Stephen L. Von Riesen Lecturer of Merit Award for professional education of

those working on behalf of domestic violence survivors. In 2005, he received a Special Commendation from the U.S. Department of Justice for his contribution to the prevention of violence against women and groundbreaking work on the role of judicial reviews of domestic violence offenders. His work has frequently drawn media attention, including a profile published in *The New York Times*.

Justice Leventhal is the author of 16 articles relating to criminal and civil law that have appeared in various publications, including the *Berkeley Journal of Criminal Law*, the *Utah Law Review*, the *New York Law Journal*, the *Jurist*, and the *Kings County Criminal Bar Journal*. He has also written a book, *Full Order of Protection*, as yet unpublished. He was the Editor-in-Chief of the *Barrister*, the legal quarterly publication of the Brooklyn Bar Association, and he served as a Trustee of the Association from 1987 to 1994. Justice Leventhal was a long-time member of the Board of Directors of the Brooklyn Law School Alumni Association, serving from 1983 to 2004. He was also Editor-in-Chief of *Veritas*, which was published by the Association from 1982 to 1984.

### C. Glenn Schor '72

C. Glenn Schor, '72, is the Chief Operating Officer of the Treeline Companies, a premier full-service real estate ownership, development, and investment firm based in Garden City, New York. Treeline is a family-owned and operated company. Schor is joined at Treeline by his wife Frances and two of his sons, Michael and Howard.

Treeline owns and manages over three million square feet of commercial real estate in the metropolitan area. The company has a strong commitment to the Brooklyn community and, as part of its portfolio, owns 600,000 square feet of prime office property in Downtown Brooklyn, close to the Brooklyn Law School campus.

Schor has been actively involved in large capital improvement projects in the Treeline portfolio and oversees construction management and development for the firm. With over 35 years of experience



LEFT TO RIGHT: Harriet Newman Cohen '74, Professor Joseph Crea, and Diane Eisner '74.

as a developer, investor, and attorney, Schor focuses on off-market transactions. His roots in Brooklyn and Long Island provide a distinct advantage in investing in those communities, where Treeline has demonstrated ongoing support for economic development.

Schor maintains active relationships with a variety of business, educational, and philanthropic organizations, including the Real Estate Board of New York, the Building Owners and Managers Association, the Long Island Board of the Jewish National Fund, and the Brooklyn Law School Alumni Association. In addition, Schor has served as the Executive Vice President of Congregation Sons of Israel, a member of the Board of Directors of Temple Beth Shalom in Roslyn, the Chairperson of the Long Island Cabinet of the Jewish Theological Seminary, a member of the Rabbinic Board of Overseers of the Jewish Theological Seminary, and a member of the Long Island Cabinet of State of Israel Bonds.

Schor has been married to his wife, Frances, for more than 40 years and is the father of four sons, Michael, Howard, Jonathan, and Daniel '09; and two daughters-in-law, Rachel and Michelle. □

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## Reunions for Recent Graduates



In December 2009, the Law School hosted its semi-annual cocktail reception for recent graduates with an event at Croton Reservoir Tavern in Manhattan. Alumni from 2001–2009 gathered to reconnect with classmates and professors and celebrate the holiday season. This fall's event was particularly popular among the class of 2009, since it was the first event that many had attended as new members of the alumni community. The bi-annual recent graduate events have grown tremendously popular, with over 100 graduates attending each one. □

**Our next recent graduate event will take place on May 25, 2010 at the Mad Hatter in Manhattan.**



## Secretary of Defense: Gerald Shargel '69

Since graduating from Brooklyn Law School in 1969, Gerald Shargel has spent practically every day building a reputation as one of the country's most dynamic, effective, and acclaimed defense attorneys. Over the past 40 years, he has won an acquittal for legendary mob boss John Gotti; negotiated an unheard of plea bargain on behalf of Joe Halderman, the man accused of attempting to extort \$2 million from David Letterman; defended financial marauder Marc Dreier, accused of a \$400 million Ponzi scheme; and represented Jimmy Coonan, one of the leaders of the Irish mafia. He has counseled top restaurateurs like China Grill's Jeffrey Chodorow, who was convicted on charges related to the bankruptcy of Braniff Airlines, and politicians such as embattled New York State Senate President Malcolm Smith, who is under investigation in connection with his nonprofit, New Direction.

Named the most visible criminal defense lawyer of the year by *The American Lawyer* (2009) — in addition to being a regular on the "Best Lawyers" list—Shargel is also Brooklyn Law School's Practitioner in Residence, where he teaches a variety of criminal law subjects. This past spring he taught Criminal Law: Current Events in which students explored current topics and events in criminal law, with the help of a variety of guest speakers including former Attorney General Michael Mukasey and New York State Court of Appeals Judge



Carmen Ciparick. In his spare time, Shargel serves on the Board of the Directors of the Exoneration Initiative, a ground-breaking non-DNA-based innocence project, and is also a contributor to the *Daily Beast*. (And he still finds time to spend with his college sweetheart, whom he married almost 43 years ago.)

On a Monday morning in March, this magazine's editor sat down with Shargel in his lofty Midtown offices to learn a little more about the criminal defense lawyer the *New Yorker* called "quite possibly the finest of his generation." Clad in jeans (but with a jacket and tie for photos), Shargel answered questions about the state of the criminal justice system, how he handles the stress of his caseload, and why even the most heinous of criminals deserve the very best defense.

**BLS:** You are intimately familiar with the criminal justice system. Is it working?

**GS:** I think that the criminal justice system works well in the vast majority of cases. There are, however, a disturbing number of wrongful convictions. There is no

doubt about that, and these cases need the attention of the public, the defense bar, and prosecutors. I'm on the Board of the Exoneration Initiative and we're working on that. Even one wrongful conviction is one too many, but by and large I'm not one who thinks that the criminal justice system is broken.

**BLS:** You have represented mobsters and alleged murderers, and you are now representing Gigi Jordan, a woman accused of murdering her 8-year old autistic child. Why do you take on such difficult cases?

**GS:** I don't judge my clients. I let the jury do that. I believe in what I call "role morality." Your moral guidance is determined by your role in the process. As I have said in the past, a criminal trial may be the search for truth, but I am not part of the search party. The way I see it, the prosecution has a burden to meet, and I don't make a threshold finding of innocence or guilt. I try to make it as difficult as possible for the prosecution to prove its case within the realm of what is legal and ethical. I can't sit around and say, "This person is guilty, so it doesn't matter if

my cross-examination is effective.” My cross always has to be effective, because I want to paint the government’s case in the worst possible light, develop inconsistencies, and fight to the finish. That is my job: to do everything I can to raise reasonable doubt.

**BLS: Does it feel worse to win a case on behalf of a guilty client, or to lose a case on behalf of an innocent client?**

**GS:** There’s no question that my worst nightmare is to lose a case on behalf of someone I know is innocent. If I win a case for a client who is guilty that means that the state failed to sustain its burden and it doesn’t deserve a conviction. I have no moral reservations about it. It’s happened many times.

**BLS: There was a time in your career when you were derided for being a “mob lawyer.” Do you regret representing John Gotti?**

**GS:** I don’t regret the number of mobsters I represented. I was at the cutting edge of criminal law, beginning in the 1970s with the introduction of the RICO Act. I have argued before the Second Circuit Court of Appeals 60 to 70 times on a range of incredible issues. People called me a mob lawyer, but the way I see it, I have an eclectic practice. I don’t look down my nose at anyone from an oil baron to a gang leader, or anyone in between. Looking back, I have no regrets. The road turned rocky at some points, but I am very proud of what I have accomplished, and what I hope to accomplish in the future.

**BLS: What makes a good defense attorney?**

**GS:** It takes a combination of many traits. You need to be a people person and a good storyteller because you have to persuade a judge and jury. You need to be passionate; you cannot be a shrinking violet. You need to be a hard worker, because there is no such thing as an easy trial. You also have to be

prepared on the law and have a thorough knowledge of the rules of evidence, and of the factual and legal basis of your case. You have to love it, because it’s too hard a job to do if you don’t.

**BLS: What advice do you have for students or recent graduates who hope to become criminal defense attorneys?**

**GS:** Students are always asking me should I work in Legal Aid or the DA’s office? I tell them that if you are interested in criminal law just get in the game, whether it be at the DA’s office, Legal Aid, a small defense shop, or if you are lucky enough, the U.S. Attorney’s Office. The people who have the ability, confidence, and skill will rise to the top regardless of where they start out.

**BLS: What will you do when you retire?**

**GS:** I’m never going to retire. To quote Neil Young, “I’d rather burn out than fade away.” □

## BROOKLYN LAW SCHOOL

# ClassNotes

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**1953**

**Zelda Jonas** joined the law firm of Mirotznik & Associates, LLC, owned by **Michael Mirotznik '91**, after serving for more than 24 years as a Judge in Nassau County, most recently on the Supreme Court of Nassau County. Judge Jonas will practice in the areas of matrimonial, negligence, and commercial litigation.

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**1959**

**George Salerno** recently retired as a Bronx New York State Supreme Court Justice. He was first elected to the bench in 2000 and served on the Civil Court for three years. Previously, he was a trial lawyer for over

two decades, counsel to the New York City Department of Transportation, and chairman of the New York State Board of Elections.

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**1960**

**Marquette I. Floyd** was featured in an article in the February 2010 edition of *The Suffolk Lawyer* chronicling his life from growing up in the segregated South to his impressive and long- standing career as a judge. He served as a Justice on the NYS Supreme Court from 1989 until his retirement in 2002, and remains the only African-American from Suffolk County to hold that position to date.

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**1965**

**Bernard J. Fried**, currently serving as Acting Supreme Court Justice, was reappointed to the Criminal Court by Mayor Michael Bloomberg. Judge Fried was first appointed to the court in 1980.

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**1968**

**Ronald J. Bekoff**, founding member of Long Island firm, Hession, Bekoff, Cooper & Lo Piccolo, LLP, was presented with a Unispan Award in recognition of his service to the community at an annual scholarship dinner at Hofstra University. He practices in the area of criminal defense law and is a member of the Criminal Law Committees on the Nassau County Bar Association and the NYSBA.

## 100 Years and Counting: Leah Ornstein Leoniff '32



*Leah Leoniff, second from left, celebrates with son Jack, grandson Jonathan, and daughter-in-law Davi.*

In 1932, 514 students graduated from Brooklyn Law School, and only 21 of them were women. Leah Ornstein, who celebrated her 100th birthday on February 26, 2010, was one of them.

Born in Manhattan, Leah is the daughter of a real estate developer who was eager for a son to help run his legal affairs. Eight daughters later, a son, Jacob, finally arrived, and her father's wishes seemed to have been answered. But when Jacob died tragically at the age of 19, her father made a bold decision. Leah would go to Brooklyn Law School.

After graduating, she became her father's (literal) in-house counsel, advising him on a myriad of legal issues relating to the sale and purchase of real estate. A maverick in many ways, Orenstein stayed single until she was 36, when she married Julius Leoniff, a machinist with whom she would have two sons: Jack and Robert. When Julius was forced to retire early for health reasons, the couple started their own real estate business, buying and selling houses and developing empty lots.

"She was never afraid to speak her mind before it was fashionable to do so and never afraid to confront injustice or unfairness," said her nephew George Grifka.

On February 27, the day after her 100th birthday, her son Jack hosted a "Leah Olympics" at his home, which was attended by 100 guests, including many friends from her temple, and from the retirement village where she lives in Florida. The "Olympic" festivities included mini-golf, horseshoes, and croquet. Her fierce skill on the golf course won her a trophy for the day's only hole-in-one putt.

"She went to law school to become a savvy businesswoman at a time when women became secretaries and men ruled the world," said her niece Edie Cohen. "She was an entrepreneur."

**Vincent J. Syracuse**, a senior partner with the New York firm of Tannenbaum Helpert Syracuse & Hirschtritt LLP and chair of its Litigation and Dispute Resolution Practice Group, became the chair of the Commercial and Federal Litigation Section of the New York State Bar Association. He is a frequent chair or participant in NYSBA CLE programs. He is also a member of the New York State and New York County Advisory Committees for the Commercial Division of the Supreme Court of the State of New York.

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### 1970

**Robert J. Architect** was named Vice President of Compliance and Market Strategy at the Variable Annuity Life Insurance Company, a service provider for elementary school, higher education, and health care employee retirement plans. From 1975 to 2009, he served as Senior Tax Specialist with the Employee Plans Division of the Internal Revenue Service.

**Ralph J. Kreitzman**, senior counsel of Hughes Hubbard & Reed LLP, was re-elected mayor of the Village of Great Neck, New York. Previously, he was deputy mayor for four years, a trustee for six years, a member and then chair of the Planning Board, and a member of the Architectural Review Committee. He is also the Vice President of the Great Neck Village Officials Association and a member of the Executive Board of the Nassau County Village Officials Association.

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### 1969

**Jeffrey D. Forchelli**, founder and managing partner of Forchelli, Curto, Deegan, Schwartz, Mineo, Cohn & Terrana, LLP, was again chosen by his peers to appear in *New York Super Lawyers*. Forchelli's practice concentrates on complex real estate and land use matters. He is currently a trustee of Brooklyn Law School and a trustee and treasurer of Wagner College.

**Frederic D. Rosen** joined Englander Knabe & Allen as senior counsel. Rosen's practice focuses on reputation and crisis management, litigation support, and financial communications. He was formerly the president and CEO of Ticketmaster Group, Inc. from 1982 to 1998, transforming the company into the world's leading computerized ticketing service.

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### 1972

**Robert D. Kalish** was reappointed to the New York City Criminal Court by Mayor Michael Bloomberg. Judge Kalish was first appointed in 2005 and was previously with the New York City Law Department, where he last served as the Chief of Brooklyn's Tort Division.

**C. Glenn Schor**, General Counsel and COO of The Treeline Companies, was honored at the spring luncheon of the Education & Assistance Corp. in Woodbury, NY, for his commitment to fostering economic development in the tri-state area. The Treeline Companies is a full-service real estate ownership, development and investment firm based in Garden City, New York.

**Charles H. Solomon**, currently an Acting Supreme Court Justice, was reappointed to the Criminal Court by Mayor Michael Bloomberg. Judge Solomon was first appointed to the court in 1986.

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### 1973

**Michael L. Faltischek**, a senior partner at the Long Island firm of Ruskin, Moscou & Faltischek, P.C., has been named chairman of the executive board of the Long Island Angel Network, a not-for-profit group providing exposure and access to early-stage capital for Long Island-based companies and companies that are moving to Long Island.

**Arthur E. Shulman**, a solo practitioner in Islandia, is currently serving as the second Vice President of the Suffolk County Bar Association. He is also the Managing Director of the Suffolk Pro Bono Foundation, and a past dean of the Suffolk Academy of Law.

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### 1975

**Howard Kopel** was elected to the Nassau County Legislature, joining the Republican majority. He is an attorney and Chief Executive Officer for Sutton Alliance, a leading provider of commercial and residential real estate transaction services headquartered in Valley Stream, Long Island.

**Robert Scamardella**, a partner in the Staten Island law firm of Russo, Scamardella, & D'Amato, PC, and a partner in the lobbying and consulting firm The Molinari Group, LLC, was honored at the College of Staten Island's first annual scholarship gala in December 2009. An alumnus of the college, he specializes in estate and commercial litigation.

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### 1976

**William Garnett**, currently an Acting Supreme Court Justice, was reappointed to the New York City Criminal Court by Mayor Michael Bloomberg. Judge Garnett was first appointed to the Criminal Court in 1991.

**Stephen J. Silverberg** has founded a new estate and elder law firm, the Law Office of Stephen J. Silverberg, P.C., in Uniondale, NY. He is President of the National Academy of Elder Law Attorneys (NAELA) and was awarded the credential of NAELA Fellow, the highest honor bestowed by NAELA. He is also a founding member of the New York chapter of NAELA.

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### 1977

**Andrew D. Kozinn** is president of Saint Laurie, a custom suitmaker located in New York City. Saint Laurie has a long history of creating clothing for Broadway shows and the film industry, most recently for Twyla Tharp's newest production, *Come Fly Away*. Other shows include, *Jersey Boys*, *Chicago*, and *42nd Street*.

**Avery E. Neumark**, the partner-in-charge of employee benefits and executive compensation with Rosen Seymour Shapss Martin & Company LLP, was appointed a member of the Employee Benefits Technical Resource Panel of the American Institute of Certified Public Accountants. He spoke on employee benefits and executive compensation at various seminars throughout the fall for the UJA Federation, the Practising Law Institute's Estate Planning Institute, and the New York State Society of Certified Public Accountants.

**Edward Steen** has retired after 31 years with Vale Inco Limited, having spent 18 of those years as associate general counsel-chief intellectual property counsel. Steen is now consulting on intellectual property matters.

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### 1979

**Lawrence W. Pollack** joined JAMS, the world's largest private alternative dispute resolution (ADR) provider, as a mediator and arbitrator. Pollack was previously a partner at Dewey & LeBoeuf, LLP and retired in 2009 after 28 years with the firm. His ADR practice will cover a variety of areas including, insurance, reinsurance, general commercial disputes, professional liability, antitrust, environmental, and personal injury/torts.

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### 1980

**Jay S. Cantor** recently celebrated his 25th year as partner in the Dutchess County law firm of Tendy & Cantor. He continues to practice primarily in the area of real estate, as well as serious personal injury and criminal matters.

**Richard Liebman**, previously of counsel at Schiff Hardin LLP, joined the New York office of Tully Rinckey PLLC. His practice focuses on commercial real estate, debt transactions, and equity investments.

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### 1981

**Anthony M. Miele**, CPCU, is a compliance director with Zurich American Insurance Company, a provider of commercial property/casualty insurance in the US and Canada. He also grades business law exams for the American Institute for the Chartered Property Casualty Underwriter Society. Miele is also a Ph.D. student in mathematics education at Columbia University.

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1982

**Robert J. Leo**, a partner in the New York office of Meeks, Sheppard, Leo & Pillsbury, spoke at a seminar in November at the University of Pittsburgh on the laws and best practices of importing. He was recently reappointed by the U.S. Department of Commerce and the Office of the U.S. Trade Representative to the Industry Trade Advisory Committee on Customs and Trade Facilitation. He is also a member of the Board of Governors of the American Association of Exporters and Importers.

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1983

**Harvey S. Jacobs** has merged Jacobs & Associates, Attorneys at Law, LLC, with Joseph, Greenwald & Laake, P.A., a 33-attorney full-service law firm in Rockville, MD. Jacobs will continue to represent small and medium-size business clients and individuals in real estate, corporate formation, business transactions, contracts, Internet and technology, and intellectual property matters.

**Neil I. Jacobs** received an MBA from the Fundação Getulio Vargas in Rio de Janeiro, Brazil. He serves as general counsel of the North American unit of Televisão Record, Brazil's second-largest television network.

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1985

**Carol LaPunzina**, formerly a Senior Vice President, General Counsel, and Secretary at W.R. Berkley Corp., a Greenwich, CT insurance holding company, has been appointed to Senior Vice President in human resources for the company. She has more than 23 years of experience in the insurance and reinsurance industry, and has been with W.R. Berkley for more than 11 years.

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1986

**Richard I. Garelick**, a partner with the New York City firm, Flicker, Garelick & Associates, LLP, is a contributing author to *Defense Base Act and War Hazards Compensation Act Handbook* (LexisNexis 2008). His practice focuses on the defense of claims arising under the Longshore and Harbor Workers' Compensation Act and its statutory extensions (including the Defense Base Act), as well as the defense of workplace injury actions brought by seamen and rail workers.

**Arnold Lim** was reappointed to the New York City Family Court by Mayor Michael Bloomberg. Judge Lim was first appointed to the Family Court in 2000.

**Gerard Romski** was appointed to the Board of the Dormitory Authority of the State of New York (DASNY) by the State Senate. He is counsel and project executive for "Arverne by the Sea," one of New York City's largest mixed-use developments located in Queens. Romski is also of counsel to the law firm of Bauman, Katz & Grill, LLP.

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1987



**Jodi L. Avergun** was elected partner in the Business Fraud and Complex Litigation Group at Cadwalader, Wickersham & Taft LLP. Prior to joining the firm in 2006, Avergun served as a senior executive in the U.S. Department of Justice and also served as the Chief of Staff to the head of the DEA.

**Peter Cahill** and his wife, Cristina, welcomed the birth of twin boys, Gavin and Patrick. The boys join their older siblings, Andrew and Jordan. Cahill is an executive director with the General Counsel's Office of Ernst & Young.

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1988

**Darren W. Saunders**, a partner at Hiscock & Barclay LLP, co-authored a *New York Law Journal* article entitled, "Trademark License Disputes are Unfortunate but Inevitable." Saunders' practice encompasses litigation involving trademarks, copyrights, patents, unfair competition, false advertising, and related areas at the trial and appellate levels and in administrative proceedings before the U.S. International Trade Commission and the U.S. Patent and Trademark Office.

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1989

**David P. Bloch** has been appointed to serve as Deputy Chief Investigative Counsel to the Special Inspector General for the Troubled Asset Relieve Program (SIGTARP).

**Joseph R. Morano** was appointed Special Assistant to the President for Labor Relations and Legal Affairs at Middlesex County College in New Jersey. He has worked for over 20 years in various positions in education and government employment law, most recently serving as General Counsel with the Hoboken public schools. Morano is a frequent presenter, trainer, and guest lecturer and has served as current and past chairman of the Administration Law Section of the NJSBA since 1999.

**Sheila G. Passenant** joined the Charlotte, NC office of Wishart Norris Henninger & Pittman, P.A. as an associate concentrating on family law. Passenant has long been an advocate for women and children, working in the Custody Advocacy Program for the Council for Children's Rights, and most recently on behalf of United Family Services, recruiting and training attorneys to do pro bono work for victims of domestic violence. A mother of four, Passenant holds state certification as a permanency mediator, and she is also certified as a parent coordinator.

## Bernard Nash '66: Making the Case of First Impression



For the past three years, Bernard Nash '66, a partner with Dickstein Shapiro LLP, has been singled out by *Chambers USA: America's Leading Lawyers for Business* as "the leading practitioner in the country" in representing clients before State Attorneys General. The award serves as an annual reminder of all Nash has accomplished.

Under his leadership, his firm has become the country's largest and premier practice devoted to resolving State Attorney General disputes.

Born on the Lower East Side of Manhattan, Nash is the son of a dairy delivery truck driver who attended City College intending to become an accountant. As it turned out, he gave up his CPA plans and instead enrolled in Brooklyn Law School. "I preferred the law to accounting. It was much more freewheeling and expansive," he said.

After graduating, Nash took a job with the U.S. Securities and Exchange Commission in Washington D.C., serving as trial attorney and special counsel from 1966 to 1971. He moved from the SEC to the U.S. Senate Subcommittee on Antitrust and Monopoly as counsel from 1971 to 1977, where he was responsible for drafting the landmark Hart-Scott-Rodino Antitrust Improvements Act of 1976 and for developing and executing the legislative strategy that overcame two filibusters prior to enactment of the bill. In a *National Law Journal* article, Nash was credited with "masterminding the strategic efforts while at the same time providing the technical and parliamentary expertise required for passage of" the Hart-Scott-Rodino Act. In 1977, he started his own firm, Nash, Railsback & Plesser, which merged to form Dickstein Shapiro LLP in 1988.

In some ways, Nash's daily docket may seem no different than his Beltway peers. He is handling antitrust cases, consumer protection suits, intellectual property issues, environmental challenges, and constitutional conundrums. But the similarities end there. What sets him apart are two things: the

clients that seek his counsel—a list which includes companies like AT&T, Pfizer, Time Warner Cable, Pepsico, Intuit, HBO, and Time Inc., and the types of cases he is often charged with handling: those of first impression.

"With the cases that I work on, it's not about finding precedent, it's about finding a strategy," Nash explained. "We are shaping and making the law. These are high-profile clients and big-ticket issues and we have to be very innovative. I don't care if it's a merger, an antitrust case, or a First Amendment issue, they all require out-of-the-box thinking."

For instance, in *Delaware v. New York*, a 1993 case, Nash represented 37 intervenor states in a case of original jurisdiction before the Supreme Court. While he lost before the Court (6–3), he then set to work lobbying for legislation that would effectively overturn the Court's decision. Fearing that legislation would negate the Court's ruling, the states of Delaware and New York paid Nash's clients a \$200 million settlement. "This is an example of the out-of-the-box thinking that can really turn a loss into a win," he said.

One of his most famous cases—that of journalists Judith Miller and Mathew Cooper—brought him before the Supreme Court yet again, this time in a battle over a federal common law reporter's privilege. Nash coordinated an amicus brief signed by 35 Attorneys General in support of his client Time Inc.'s petition for *certiorari* to the U.S. Supreme Court, concerning refusal by journalists to divulge confidential sources to prosecutors investigating the leak of an undercover CIA officer's identity.

While *certiorari* was denied, Nash was grateful for a vantage point that put him squarely at the heart of the discourse. "The Judith Miller case was very high profile and very politically charged, and it was exciting to be a part of it. Unfortunately, I was not on the success side of the ledger, but I got to work with the icons of the Supreme Court bar and it was just pretty thrilling."

For Nash, who continues to craft arguments and lay the groundwork for the future, a loss is not a defeat. Rather, it is an opportunity to one day return to the nation's highest court to make the case of first impression.

**Eden I. Rohrer** has been named partner at Haynes and Boone, LLP, in the Business and Securities Regulation Practice Group. Rohrer's practice focuses on broker-dealer compliance, arbitration, and litigation.

### 1990

**Ann Marie (Stanger) Henderson** was promoted to Associate Vice President and Deputy General Counsel of Staten Island University Hospital.

**Kevin Lauri** was named managing partner of the New York City office of Jackson Lewis LLP, one of the country's largest workplace law firms. He specializes in employment litigation and has been with the firm since 1995, elected to partner in 1998. Lauri has been named a "leader in the field" by the *U.S. Legal 500*.

## Healing Haiti: Thomas Small '93 Aids Disabled Survivors



In the wake of the devastating earthquake that struck Haiti on January 8, incredible stories of the tragedy's bravest heroes—donors, rescuers, doctors, and Samaritans—have flooded the media. But closer to home, just a few blocks from Brooklyn Law School on Pierrepoint Street, a solo practitioner with a neuromuscular condition is fighting a battle for survivors of the earthquake who have been largely overlooked: those with disabilities.

Thomas K. Small '93, whose practice specializes in helping people with disabilities, whether receiving home care under the Medicaid program or gaining access to governmental services or public entities, has long been an advocate and a beacon of hope for individuals with disabilities. But his most enduring legacy may be his current groundbreaking effort to raise money and collect supplies for disabled survivors of the Haiti earthquake.

"I was very moved by the images on television and really wanted to be a part of making a contribution to the organizations providing relief," he told BLS librarian Harold O'Grady in an interview. "Given my connection with disability law and culture, I wanted to try and target my efforts to benefit those people with disabilities affected by the earthquake in Haiti."

With the help of Portlight Strategies, Inc. ([www.portlight.org](http://www.portlight.org)), an aid group dedicated to serving those with disabilities, Small has spearheaded an effort to raise money to help transport medical supplies and equipment to Port au Prince and is also running a collection drive to gather medical equipment—everything from crutches to canes to wheelchairs. To date, the organization has raised \$7500 and shipped 15 container loads of medical supplies to Port au Prince.

Small's passion for helping disenfranchised disabled people comes largely from personal experience. Small spent the majority of his youth in a children's hospital in Westchester County. Once he turned eighteen, he was to be sent to an out-of-state nursing home where he would live out the rest of his life. But Small had other plans. He was determined to attend college and live independently. He attended SUNY Farmingdale and went on to SUNY Albany, eventually graduating from Long Island University's Brooklyn campus and later from Brooklyn Law School.

In the years since graduating, Small has achieved his goal of living independently, and has become well known in his field. In addition to his legal work, he is the co-host of "The Largest Minority," a biweekly radio show on WBAI (99.5FM) that deals with social, legal, and cultural issues of being disabled. But he is perhaps best known for helping to get wheelchair lifts installed on MTA buses by staging a wheelchair sit-in with some friends, blocking a downtown Brooklyn street in the 1990s.

As for his work in Haiti, Small said he is grateful to help where he can. "I just feel there is work to be done, and I try to do the best that I can do," he said. "I have certain gifts, and I try to use them to help the world."

To listen to Small's interview with Harold O'Grady, visit [www.brooklaw.edu/blogstory](http://www.brooklaw.edu/blogstory).

**Erol Mucen**, previously a solo practitioner in Staten Island, has become an adjunct professor of law teaching in the Business Management Department at the Middle East Technical University in its campuses in Ankara, Turkey and in northern Cyprus. He teaches Introduction to Law, Introduction to Business Law, and International Transactions classes.

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### 1991

**Kenneth S. Buffaloe** was elected partner in the litigation practice group of Cullen and Dykman LLP. He has more than 17 years experience in tort litigation defense, including labor law, premises liability, personal injury, motor vehicle, and false imprisonment matters and has tried over 50 cases to verdict.

**Carolyn M. Glynn** has joined the accounting firm of Rosen, Seymour, Shapss, Martin & Company, LLP in New York and is the firm's director of fiduciary services. Glynn was previously a partner at Satterlee, Stephens, Burke & Burke. Her primary area of practice is estate and fiduciary tax planning and reporting.

**Caroline Krauss-Browne**, partner at Blank Rome LLP, was profiled in the cover story of the January 2010 issue of the *ABA Journal* entitled "When the Detour Becomes the Destination: How 5 grads survived a recession — and how you can too." Her practice focuses on advising clients on all aspects of matrimonial law. Krauss-Browne was also the keynote speaker at the Brooklyn Law School Law Association for Women's Annual Alumnae Dinner in March 2010.

**Brian P. Stern**, formerly Chief of Staff to Rhode Island Governor Donald L. Carcieri, was sworn in as an Associate Justice of the Rhode Island Superior Court in October 2009.

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## 1992

**Michael F. Buchanan** joined Patterson Belknap LLP as a partner in the Intellectual Property Litigation and White Collar Defense and Investigations Teams. Previously, he was with the U.S. Attorney's Office for the District of New Jersey, where he served as Chief of the District's Securities and Health Care Fraud Unit.

**Alexandra Duran**, founder and principal of Career Transitioning, a career coaching service, was profiled in the cover story of the January 2010 issue of the *ABA Journal* entitled "When the Detour Becomes the Destination: How 5 grads survived a recession — and how you can too."

**Charles Gillman** joined Banta Immigration Law Ltd. in Atlanta as counsel to the firm. His practice focuses on employment-based immigration law.

**Mark A. Kornfeld**, formerly with Hogan & Hartson LLP, joined the New York office of Baker Hostetler LLP as a partner. He represents clients in complex commercial litigation, including accounting liability, construction, environmental credits, real estate, securities, and shareholder class actions.

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## 1993

**David Frey** has been appointed the Deputy Chief of the Investigations Bureau at the Richmond County District Attorney's Office. He has been with the office since 1997 and served as the Unit Chief of the Computer and Technology Investigations Unit since 2001.

**Jennifer L. Naiburg**, the Deputy Director of Trial Advocacy at the Queens County District Attorney's Office, has been appointed Deputy Bureau Chief of one of the office's Supreme Court Trial bureaus. Naiburg has also joined the faculty of Fordham University School of Law as an Adjunct Professor of Law.

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## 1994

**Erick J. Ellsweig**, a financial advisor in the Greensboro, NC office of Merrill Lynch Wealth Management, was recognized as one of the top advisors in North Carolina by *Barron's* on the "America's Top 1,000 Advisors: State-by-State" list, published in February 2010.

**Narda Jones** has been appointed Division Chief of the Strategic Analysis & Negotiations Division at the International Bureau of the Federal Communications Commission. Jones joined the FCC in 2001 and held several positions in the Wireline Competition Bureau before being named Assistant Bureau Chief of the International Bureau in 2006.



**Bonnie Sard** was appointed the first Conviction Integrity Chief for the newly created Conviction Integrity Program at the Manhattan District Attorney's Office.

The Program was created to prevent wrongful convictions and to address claims of actual innocence. Sard, who has been with the District Attorney's office since 1994, will oversee the Conviction Integrity Committee, comprised of 10 senior members of the District Attorney's staff, and lead the reinvestigation of any cases that present a meaningful claim of actual innocence.

**Christa S. Stewart**, Coordinator of Human Trafficking Programming and Supervisor of the Newcomer Transition Unit at the NYS Office of Temporary and Disability Assistance (OTDA), taught a series of training programs for law enforcement officials and victim services providers in the NYC region designed to educate them on the state's human trafficking law, which took effect in November 2007. Prior to joining OTDA,

Stewart served as director of legal services at The Door, a youth development agency in NYC, and she co-founded and directed Safe Horizon's Anti-Trafficking Initiative.

**Lorin Streim**, a private practitioner on Long Island, was appointed as a board member and the transitional Chief Executive Officer of Med Gen Inc, a Long Island based company that sells welding and gas supplies.

**Andrea Strong**, a food writer for the popular blog *The Strong Buzz*, has returned to the Law School part-time as Managing Editor of *BLS LawNotes*. She continues to work as a freelance writer and writing instructor at Mediabistro. She and her husband, Craig Weiner, welcomed their daughter, Emily Juliet, in May 2009.

**Blair W. Todt** joined WellCare Health Plans, Inc. as Senior Vice President and Chief Compliance Officer. Headquartered in Tampa, FL, the company provides managed care services exclusively for government-sponsored health care programs, focusing on Medicaid and Medicare. Todt was previously Senior Vice President, General Counsel, and Secretary for the health care provider MedCath Corporation.

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## 1995

**Joseph J. Lynett**, a partner at Jackson Lewis LLP, was the presenter for a webcast entitled, "Complying with the New GINA Regulations Governing Wellness Programs" for the Research and Markets website. Lynett is a member of the firm's disability, leave and health management practice group.

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## 1996

**Gregg Buksbaum** has been named a partner at Patton Boggs LLP, where he was previously of counsel. His practice focuses on advising international and domestic clients on international business transactions.

## Ross Intelisano '94: Fighting Fraud from Bear Stearns to Bernie Madoff and Beyond



In 2006, Ross Intelisano made a prediction. A seasoned securities arbitration lawyer with a reputation as one of the leading authorities on securities fraud and Ponzi schemes, Intelisano looked into the future and saw a financial crisis of unimaginable proportion. He put his vision on paper and published an article in *Bloomberg Law Reports* entitled “Hedge

Fund Fraud — The Future of Securities Arbitration?” in which he predicted, one year prior to the Bear Stearns High Grade Funds implosion, that broker-dealers would roll out proprietary hedge funds that were bound to unleash havoc on the financial system. Unfortunately for the market, and for the countless number of investors hurt by Bear Stearns, Intelisano was right.

In 2007, as predicted, Bear Stearns’ High Grade hedge funds crashed, with \$1.6 billion in losses. Intelisano was there to pick up the pieces, taking on Bear Stearns on behalf of Racetrac, a multi-billion dollar private company that had lost \$5 million in Stearns’ High Grade Structured Credit Strategies Hedge Fund. In December 2009, after a 16-day arbitration in Atlanta, Intelisano won a \$3.4 million arbitration award on their behalf. The award was groundbreaking for two reasons: It was the first verdict in any forum relating to the High Grade Funds, and it was rendered after portfolio managers Ralph Cioffi and Matthew Tannin were acquitted in a federal criminal trial.

While the Racetrac arbitration was an historic case, it was not the first time Intelisano had been on the pioneering end of an arbitration. He has long been a crusader for defrauded investors.

After graduating from the Law School in 1994, Intelisano joined Pressman & Associates, a one-man shop where he began to practice securities and employment law. Three years later, he was recruited by Eppenstein & Eppenstein, a premier securities arbitration firm, where he served as co-trial counsel on *Engel et. al. v. Refco*, the legendary commodities fraud case. The 100-day arbitration, on behalf of 13 individuals and family-run businesses, generated a \$43 million judgment in 2001. It remains the largest collected arbitration award ever rendered on behalf of retail investors against a brokerage firm.

In 2003, he joined forces with Eppenstein colleague John G. Rich to form Rich & Intelisano where he continued to try landmark cases, most notably working on behalf of investors who lost over \$25 million in the \$300 million Bayou hedge fund Ponzi scheme run by convicted fraudster Sam Israel. In Bayou, Intelisano once again did the unprecedented, filing a group arbitration case not against Israel, but against the registered investment advisor who had recommended Bayou to investors, for failure to perform adequate due diligence. The case, which was settled in mediation, was the first time in the world of securities arbitration that anyone had implicated an investment advisor in a Ponzi scheme.

And then came Bernie Madoff and a Ponzi scheme so large that it dwarfed anything the securities world had ever seen (\$18 billion is the latest estimate). Intelisano’s phone started ringing. “I spent hours consoling investors, listening to all of these tragic stories of middle class people who had lost every dime they had saved over a lifetime,” he recalled. “I knew they would never get it back. It was the lowest point of my career as a lawyer.”

While he knew he would not be able to help investors sue Madoff (their restitution is being handled by a court-appointed trustee), he brought back the “investment advisor theory” he advanced in Bayou, and is currently representing a group of 12 victims in claims against investment advisors to Madoff feeder funds. The hearings begin in June.

With the Madoff cases ahead of him, and the victories in Racetrac and Bayou behind him, Intelisano has become one of the country’s most well respected experts in the world of hedge fund fraud. He has appeared on *The Today Show*, *Anderson Cooper 360*, *Dateline NBC*, *PBS’s Frontline*, *Closing Bell with Maria Bartiromo*, and is regularly quoted in *The New York Times* and *The Wall Street Journal*.

Looking into the future, Intelisano believes the horizon remains clouded over with the potential for serious fraud. “Over-the-counter derivatives, credit default swaps, oil futures, all of these products that the government is worried about regulating are very complex and are improperly being sold to retail and institutional investors. Firms aren’t watching the shop. No one is.”

Prediction noted.

**Ira Greenberg** was appointed to the Metropolitan Transportation Authority (MTA) Board as a non-voting member recommended by the LIRR Commuters Council.

Greenberg is also president of the Sunnyside Chamber of Commerce and is an attorney with Leavitt, Kerson & Duane.

**Charles H. Jainchill**, Assistant Division Counsel in the Executive Liability Division of Chartis Insurance, wed Jill Rosenberg, Senior Director of Benefits and Compensation at the Donna Karan Company.

**Ari J. Markenson** recently joined the new New York office of Benesch, Friedlander, Coplan & Aronoff, LLP, in its national health law practice. Prior to joining Benesch, Markenson served as Deputy General Counsel for Cypress Health Care Management LLC.

**Gary S. Newman** joined the New York office of Holliday Fenoglio Fowler, LP, a commercial real estate capital intermediary, as Director of its Debt Placement Group. He was previously with Hypo Real Estate, and has also held positions at Barclays Capital and Lehman Brothers.

**Joseph A. Patella** was named a partner in the New York office of Andrews Kurth LLP. He specializes in commercial litigation and represents clients throughout the country in a wide array of matters, including class actions, contract claims, deceptive trade practices, shareholder derivative disputes, employment issues, and fine art and cultural property litigation.

**Joshua L. Raskin**, formerly a partner in the Business Law Department of Cozen O'Conner, joined Bernstein Litowitz Berger & Grossman LLP in its Intellectual Property Litigation Department. Raskin specializes in patent litigation and has led large, groundbreaking intellectual property cases at both the trial and appellate levels.

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## 1997

**Marsha Lebedev Bernstein** and her husband, Leon, welcomed the birth of their second daughter, Kyra Gabrielle, joining big sister Olivia. Bernstein is a freelance writer living in New York.

**Laura Markovich** has been named a partner at Sedgwick, Detert, Moran & Arnold, LLP in its New York office. She represents insurers in matters involving directors and officers liability, financial institution liability, and employment practices liability policies.

**Don M. Obert** joined New York firm, Cowan, Liebowitz & Latman, P.C., as a senior attorney. He concentrates his practice on customs and international trade law, representing American, foreign, and multinational importers, exporters, manufacturers, customs brokers, and freight forwarders. Obert is a member of the Customs and International Trade Bar Association and the Customs and International Trade Committee of the NYSBA.

**Andrew R. Sherriff Jr.**, opened Sound Title, LLC, a Westport, CT based title search company providing title services for the State of Connecticut. He previously served as general counsel to a Connecticut-based title search company and was associated with Zeisler & Zeisler, P.C. He and his wife Jenn welcomed their first child, Finnian William, in April 2009.

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## 1999



**Colleen L. Caden**, formerly with Fragomen, Del Rey, Bernsen & Loewy, LLP, joined Pryor Cashman LLP as a partner and launched the firm's Immigration Practice. Caden has experience in all aspects of immigration and nationality law, including advising clients on the development and implementation of immigration programs and policies, strategic planning of long-term and short-term immigration needs, and immigration issues related to changing corporate structure.

**Paul Hare** was elevated to counsel at the firm of WilmerHale. He joined the firm in 2008 and is a member of the Securities Litigation and Enforcement Practice Group, where he focuses on securities regulatory investigations, examinations, and actions, and internal corporate investigations. Prior to joining the firm, Hare was a senior regional attorney in the Department of Enforcement for the Financial Industry Regulatory Authority (FINRA).

**Samuel S. Kohn**, formerly with Dewey & LeBoeuf, was named a partner at Winston & Strawn, LLP. His practice focuses on business reorganizations, including complex Chapter 11 cases, and out-of-court restructurings.

**Cyril E. Smith**, formerly with Nixon Peabody LLP, joined the West Pam Beach, FL, office of Gunster, Attorneys at Law as an associate. He litigates all aspects of insurance coverage and related matters, including high-exposure construction defects and environmental cases, and general commercial and professional liability cases. He participated in a NYSBA seminar, "Additional Insured Coverage: Hot Topics and Critical Issues for 2009."

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## 2000

**Leslie A. Kramer** has been elected as a shareholder of Hangley, Aronchick, Segal & Pudlin in Philadelphia and is a member of the firm's litigation group. Prior to joining the firm, Kramer served as a law clerk for the Honorable Russell M. Nigro of the Supreme Court of Pennsylvania.

**Bennett S. Silverberg**, previously with Skadden, Arps, Slate, Meagher & Flom LLP, joined the New York office of DLA Piper as counsel in its Restructuring Group. He represents debtors and creditors across a wide array of industries, including automotive, food, manufacturing, real estate, lending, technology, and telecommunications, in chapter 11 reorganization cases and out-of-court restructurings.

**Maurice Smith**, formerly with Berdon CPAs and Advisors, has joined Hunter Group CPA as a manager in the tax department. His practice focuses on areas of trust and estates, as well as corporate and nonprofit matters.

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2001

**Joshua Bauchner**, an associate at Kasowitz Beson Torres & Friedman LLP, was quoted in a *New York Times* article entitled “No Longer Majority Black, Harlem is in Transition” (1/6/10). A member of Community Board 10 in Central Harlem, which plays an important advisory role in dealing with land use and zoning matters, the City budget, municipal service delivery, and other matters relating to the community, he commented on the state of the housing market in Harlem.

**Mark R. Consigli**, formerly a senior contracts manager for Computer Sciences Corporation, was named Corporate Counsel at Vertis Communications. Headquartered in Baltimore, MD, the company is a provider of targeted advertising and marketing solutions to retail and consumer services companies.

**Marguerite S. Dougherty**, an associate in the New York office of Jones Day, was honored in March 2010 for her pro-bono work in helping consumer debtors overcome the barriers in the civil court system. She led the firm’s efforts in this matter working with Applesseed, one of the nation’s largest nonprofit public interest justice centers. Dougherty concentrates her practice in the area of complex commercial litigation.

**Christopher C. Fowler**, formerly with Liner Grode Stein Yankelevitz Sunshine Regenstreif & Taylor LLP, joined the Los Angeles firm of Rutter Hobbs & Davidoff Inc. as a business litigation attorney.

**Evan D. Fox**, formerly with Kingside Partners and Circle-T Partners, has joined Olympia Capital Markets Group as a member of the firm’s research team. Olympia Capital Markets Group is a wealth management, investment banking, and research firm.

**Jason E. Goldberg**, an attorney in the corporate affairs and contract division of the New York City Housing Authority’s Law Department, wed Dr. Shira S. Goldstein in August 2009.

**Ron Lebow** and his wife, Allison, recently welcomed their daughter Anneliese Mae into their family on December 8, 2009.

**David K. S. Kim**, a senior associate with the New York immigration law firm Bretz & Coven, LLP, led a CLE Panel, “The Overview of Inadmissibility and Deportability Defenses,” at the National Conference of American Immigration Lawyers Association in Las Vegas. Kim also authored an article, “INA § 212 (d)(3) Nonimmigrant Visa Waiver,” in the practice handbook, *Navigating the Fundamentals of Immigration Law: Guidance and Tips for Successful Practice*. In addition, Kim won a precedential decision regarding asylum in the case *Shi Jie Ge v. Holder*, 588 F.3d 90 (2nd Cir. 2009).

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2002

**Katherine Dominus**, an attorney focusing on intellectual property and technology law, most recently working in-house as an attorney at MetLife, and her husband, Chris Robinson, welcomed sons John Robin Robinson and Milo Brenner Robinson into their family on October 8, 2009.

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2003

**Danielle Gordon**, previously the American National Standards Institute’s licensing attorney, has been appointed the Institute’s senior manager of business development and licensing. In her expanded role, Gordon is responsible for the identification, evaluation, and execution of new revenue opportunities and for drafting and negotiating commercial contracts.

**Yong J. Lee** was promoted to the rank of Major in the United States Marine Corps.

**Bella (Promyslovskaya) Pevzner**, previously a senior associate for Gibson & Behman, P.C., has been promoted to co-director of the firm’s New York City office. Pevzner specializes in insurance defense,

premises and liquor liability, workers’ compensation, and motor vehicle issues. Prior to joining the firm in 2006, she worked at Lerner & Kaplan.

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2004

**Rebekah Rollo**, formerly an associate at Clifford Chance US LLP, has joined the law firm of Kleinberg, Kaplan, Wolff & Cohen, P.C. in New York City.

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2005

**Song-Chu Lee** became an in-house attorney at Colgate-Palmolive Company in its trademark and copyright department. She joined the company in 2005 as an attorney-consultant.



**Errol T. Louis**, *Daily News* columnist, was the master of ceremonies at the Brooklyn Legal Services Gala, held on November 19, 2009. The evening celebrated the 41st anniversary of Brooklyn Legal Services Corporation and honored former Chief Judge Judith Kaye.

**James M. Roberts**, formerly an assistant district attorney in the New York County District Attorney’s Office, joined the New York office of Thompson Hine LLP. Roberts is a member of the firm’s Business Litigation & Competition Practice Group and Antitrust & White-Collar Crime Practice Group.

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2007

**Adam J. Glanzman** has joined the law firm of Sills Cummis & Gross P.C. as an associate in the Creditors Rights and Bankruptcy Reorganization Practice Group. He was previously a law clerk for several United States Bankruptcy Judges for the District of New Jersey.

**Kelly Kocinski** is pleased to announce the opening of her own law firm, the Law Office of Kelly Kocinski. Her practice is focused on intellectual property related matters, small businesses, and estate planning. Prior to starting the firm, Kocinski was an attorney at Volunteer Lawyers for the Arts. She also writes a legal blog entitled "Law Out Loud."

**Adam M. Lubow**, a criminal defense attorney with the Brooklyn Legal Aid Society, wed **Sarah A. Siegel**, an attorney with the Children's Law Center.

## 2008

**Jake W. Bedor** joined the Long Island firm of Alan J. Schwartz, P.C. as an associate. Prior to joining the firm, he completed a Brooklyn Law School Graduates' Public Service Fellowship, where he worked in the sex crimes bureau of the Kings County District Attorney's Office.

**Seth Leventhal Cardeli** and Lori Adrienne Apfel were married in September 2009 in Washington, D.C. He is an associate at Gurfein Douglas LLP, and she recently joined Goshow Architects, a Manhattan firm focused on healthy and sustainable living and learning environments.

**Jill Kaden Grant** and her husband Michael are the proud parents of a baby boy, Rowan Francis Grant, born on November 26, 2009. Grant is an associate at Willkie, Farr & Gallagher LLP.

**Susan L. Greene**, a law clerk to Judge Stephen Robinson on the United States District Court, SDNY, commencing September 2010, and her husband, **Adam S. Greene '06**, a vice president in the Global Legal Derivatives Group at Barclays Capital, welcomed a baby girl, Freya Rose, in December 2009.

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**Rachel Moston '08** and **Garrett Ross '08**, who met at Brooklyn Law School, were wed in November 2009. He is a litigation associate in the New York office of Cahill, Gordon & Reindel, and she is an assistant corporation counsel at the New York City Law Department.

**Hani Sarji**, who is pursuing an LL.M. in tax at New York Law School, started a blog to track the future of the federal estate tax, <http://www.mhs.typepad.com/threepointfive-45>.

## 2009

**Abigail N. Campanie** has joined Campanie & Wayland-Smith PLLC, in Sherrill, NY, as an associate. Her practice focuses on creating and advising not-for-profit entities.

**Daniella S. Golshani** joined Moritt Hock Hamroff & Horowitz LLP as an associate in its Bankruptcy & Creditors' Rights Practice Group.

**Kate A. Murphy**, Director of Real Estate Finance in the Manhattan office of the Canadian Imperial Bank of Commerce, wed Charles Voltz III, a mathematics teacher at Bushwick Community High School in Brooklyn.

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

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Professor Roberta Kamei Speaks about Losses from May 6 Stock Market Freefall on CNBC

Professor Gerald Shargel Criticizes Senators' Call to Omit Miranda Rights for Terrorist Suspects

Professors Joel Gors and Susan Herman in Wall Street Journal on Campaign Finance Restriction and the ACLU

Dennis J. Block '67 Honored as American Lawyer Dealmaker of the Year for Third Year

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October 3, 2009

**Everton Brathwaite**  
January 7, 2010

**1952**

**Murray Dembo**  
October 18, 2009

**Bernard Pliskin**  
November 1, 2009

**Sheldon Feitell**  
November 18, 2009

**1953**

**Gerald Baylin**  
July 27, 2009

**Albert J. Fiorella**  
December 26, 2009

**Bernard Kreiker**  
December 19, 2009

**1954**

**Shyleur Barrack**  
December 3, 2009

**Joseph J. Lambert**  
October 28, 2009

**1955**

**Irving A. Harrow**  
April 9, 2010

**Bernard Riffkin**  
February 9, 2010

**1957**

**Frank S. Dimare**  
December 4, 2009

**1958**

**Russell J. Greco**  
October 12, 2009

**Martin B. Bernstein**  
March 29, 2010

**1959**

**James F. Rappaport**  
January 4, 2010

**Walter P. Halm**  
March 26, 2010

**1960**

**Barry W. Grennan**  
February 21, 2010

**1961**

**Peter Augustine**  
December 27, 2009

**1962**

**Albert U. Barone**  
October 2, 2009

**1963**

**Jay H. Korn**  
March 22, 2010

**1964**

**Kenneth V. Fisher, Jr.**  
February 19, 2010

**1966**

**Ronald D. Goldberg**  
October 26, 2009

**Michael H. Shanahan**  
January 6, 2010

**1967**

**Jeffry M. Picower**  
October 25, 2009

**Stephen A. Miller**  
October 8, 2009

**Livingston L. Hatch**  
January 4, 2010

**1971**

**Donald R. Heiner**  
March 7, 2010

**1972**

**William L. Doyle**  
December 4, 2009

**1979**

**Michael S. Becker**  
December 30, 2009

**1985**

**Sheldon A. Leon**  
April 7, 2010

**1999**

**Randall J. Cude**  
April 6, 2010

## Bernard J. Ruggieri '51: Democratic Party Political Leader

Bernard J. Ruggieri, whose life's work made him an integral part of the political and social fabric of New York City, died on May 8, 2009 at the age of 83.

Born in Brooklyn in 1926, Ruggieri was a graduate of Brown University who served in the U.S. Army as second lieutenant. After graduating from Brooklyn Law School in 1951, he joined his father's law firm and worked as a confidential assistant to New York State Supreme Court Judge Charles M. Cohen.

His political career began in 1955 as an assistant counsel to Governor Averell Harriman. He went on to serve as legislative representative of the City of New York under Mayor Robert Wagner, and was New York City's liaison to the administrations of Presidents John F. Kennedy and Lyndon B. Johnson. Ruggieri served as Counsel to the Minority Leader of the New York State Senate, and later as Counsel to the Majority Leader when the Democratic Party took control of the Senate. In 1972, he was elected the head of the New York City Democratic Party.

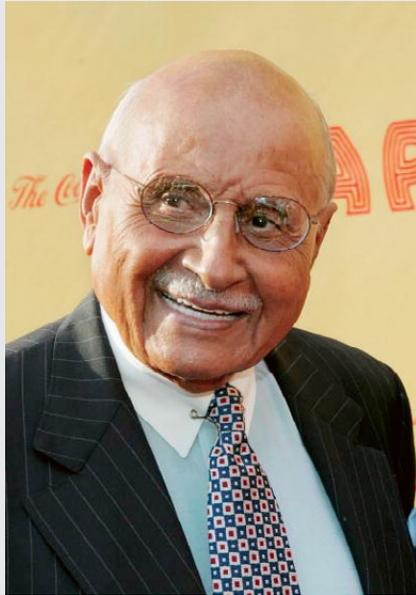
He left government to become William A. Shea's partner in Shea & Gould where he became the head of the government relations department. With Ruggieri at the helm of this practice area, Shea & Gould grew to become one of the largest lobbying firm in the state capital. Following the dissolution of Shea & Gould, Ruggieri practiced at Gibney, Anthony & Flaherty, Herrick Feinstein, Pryor Cashman Sherman Flynn, and Pitta, Bishop, Del Giorno.

Ruggieri served on the boards of Daytop Village and St. Vincent's Hospital. He was also a member of the Meadow Club and The Bathing Corporation of Southampton.

"My dad inspired me to become a lawyer," said Ruggieri's daughter Kate Ruggieri '00. My grandfather Joseph also graduated from Brooklyn Law School. I was very touched by the fact that I would be third generation BLS. Our family has such history at the school." Kate, who is the Litigation Business Development Manager at Cravath, Swaine & Moore LLP, remembers her father as an equally devoted advocate and parent. "He was extremely dedicated to whatever he did, whether it was work or his family," she said.

Ruggieri is survived by his wife Martha B. McLanahan, a noted philanthropist, his daughters Christina and Kate Ruggieri, their half-sister Lisa Hearst Hagerman, and his sister Mari Conti. □

# Percy Sutton '50: Trailblazing Civil Rights Leader



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*“Sutton was a true hero to African-Americans in New York City and around the country. His life-long dedication to the fight for civil rights and his career as an entrepreneur and public servant made the rise of countless young African Americans possible.”*

—PRESIDENT BARACK OBAMA

**P**ercy Sutton, the pioneering civil rights attorney, political leader, and media icon, died on December 26, 2009 at the age of 89. A member of the Class of 1950, he was one of Brooklyn Law School’s most distinguished graduates and one of the nation’s most influential African-American leaders.

Sutton was born on November 24, 1920, the youngest of 12 surviving children whose father, Samuel Johnson Sutton, was born into slavery before the Civil War. Sutton’s father became a high school principal and entrepreneur, and he inspired a passion for education and justice in his children.

Sutton attended college at Prairie View A & M, Tuskegee Institute, and Hampton Institute in Virginia, without earning a degree. He served with the Tuskegee Airmen in World War II and won combat stars as an intelligence officer with the 332nd Fighter Group’s Black 99th Pursuit Squadron in the Italian and Mediterranean Theater.

Following military service, Sutton entered Columbia Law School on the G.I. Bill on the basis of his solid college grades, but transferred to Brooklyn Law School because he worked two jobs — at a post office from 4 p.m. until midnight, then as a subway conductor until 8:30 in the morning. He reported to law school at 9:30. This punishing schedule continued for three years until he graduated.

Following Law School, he served as an Air Force intelligence officer during the Korean War. In 1953 he opened a law practice in Harlem. While he would eventually establish a reputation as a fierce defender of civil rights, the initial going was rough; he had to take extra jobs, one of which involved scrubbing floors. In time, though, his reputation grew and his practice flourished. His law firm represented Malcolm X and his family, and handled the cases of more than 200 defendants arrested in the South during the 1963-64 civil rights marches. Sutton himself was a Freedom Rider in nonviolent protests against Jim Crow segregation, and he was arrested in Mississippi and Alabama. Sutton

was also elected to two terms as president of the New York office of the NAACP.

He became active in politics beginning in the 1960s and served in the state Assembly in 1965 and as Manhattan borough president from 1966 until 1977. He later campaigned unsuccessfully for the U.S. Senate and New York mayoralty, and then served as political mentor for Jesse Jackson’s two presidential races.

In 1971, he headed a group that purchased *The Amsterdam News*, the second largest black weekly newspaper in the country, and an AM station, WLIB, making it the first black-owned radio station in New York City. In 1974, his group, Inner City Broadcasting, bought WBLS-FM and eventually another eighteen radio stations nationwide and several cable franchises.

Among Sutton’s other remarkable endeavors was his famed rescue of Harlem’s historic Apollo Theater. He purchased the theater in 1981 and after a gut renovation, reopened it in 1985. With the Apollo back in business, Sutton, who became known around the 125th Street as “The Chairman,” put the wheels in motion to revitalize a vital neighborhood with music and dance.

Upon his death, countless politicians and statesmen remarked on his significant life accomplishments and his enduring legacy. Former New York Mayor David Dinkins, class of 1956, was a friend of Sutton’s since the 1950s. He remarked that Sutton was a visionary who set the stage for all future black politicians.

President Barack Obama called Sutton “a true hero to African-Americans in New York City and around the country” and said Sutton’s “life-long dedication to the fight for civil rights and his career as an entrepreneur and public servant made the rise of countless young African-Americans possible.”

Sutton is survived by his wife, Leatrice; a son from their marriage, Pierre; a daughter from his second marriage, Cheryl Lynn Sutton; his sister, Essie Mae Sutton of New York; and four grandchildren. □

## Expert in Tort Law: Herman Fagen '42



Les Fagen with his father Herman Fagen

One of the Law School's oldest alumni, Herman Fagen, Class of 1942, died in January at the age of 93.

A member of the bar for over 60 years, Fagen came of age during the Depression and attended City College, taking courses at night at a high school in Queens while working during the day. Following the path of his two older brothers, Bernard Fagen '30 and Israel Fagen '31, he continued his education at Brooklyn Law School, also at night. Upon graduation, at the beginning of World War II, Mr. Fagen joined the Army to serve in the artillery and then the military police.

After the war, he built a general practice and later became an in-house attorney for the New York City Transit Authority. Fagen earned a reputation as an expert in tort law and was a well-known and respected figure in the New York State Supreme Court, Kings County, where he often appeared as counsel. He was on the adjunct faculty at

Brooklyn College and was active in reform Republican Party politics for over 30 years.

Both of Fagen's children followed in their father's footsteps and became lawyers. His daughter Susan Britt is a trial lawyer at her firm, Hirsh, Britt, & Mosé, in Garden City, New York. Fagen's son Les is a senior litigation partner at the law firm of Paul, Weiss, Rifkind, Wharton & Garrison. He is also an Adjunct Professor of Law at Brooklyn Law School where he teaches a popular course, Litigating an IP Case. In 2004, he created the Herman Fagen Scholarship Fund to honor his father's memory.

"My father was always proud to be a Brooklyn Law School graduate," he said. "He wore his class ring 'til his last day."

Fagen is survived by his son, Les, his daughter, Susan Britt, grandchildren, Amy Britt and Jennifer Britt Germana, and two great-granddaughters, Sarah and Katie Germana. □

## David Shapiro '49, Defender of Civil Rights

David Israel Shapiro, a champion of civil rights and pioneer of the class action suit, died on October 1, 2009 in London at the age of 81. Shapiro co-founded the law firm of Dickstein Shapiro with Sidney Dickstein in 1953. The multi-service law firm now boasts over 400 attorneys in Washington, D.C., New York, and Los Angeles.

Born in Brooklyn in 1928, Shapiro went to the University of Wisconsin and served in the U.S. Navy Reserves before graduating from Brooklyn Law School in 1949. Shapiro was one of the youngest lawyers ever to appear before the Supreme Court, and through the years he argued several well known cases, including the First Amendment case of George Lincoln Rockwell, the head of the American Nazi Party. Whether defending prostitutes against police entrapment charges, or defending those blacklisted by McCarthy era purges, a hallmark of his legal career was the defense of the least popular members of society.

"David was brilliant," said Bernard Nash '66, a partner of Shapiro's since 1988. "He was a firm believer in the hard black and white of right and wrong and his mission was to make the law prohibit what was wrong and permit what was right."

Shapiro argued a landmark antitrust case before the U.S. Supreme Court in 1963, *Silver v. New York Stock Exchange*,

representing a securities dealer who had been excluded from wire connections on grounds that he was disloyal. The Court ruled in Shapiro's favor, upholding the right of the dealer to challenge his exclusion under the Sherman Act.

Following a 1968 suit against the pharmaceutical industry for fixing the price of the drug tetracycline (which resulted in a \$120 million settlement), Shapiro developed a reputation as a fearless class-action attorney. Over the next quarter of a century, he took on the manufacturers of Agent Orange and the producers of silicone breast implants. He is generally credited with having invented the consumer class *parens patriae* and "fluid recovery" concepts in the antitrust litigation field.

In 1996, he relocated to London, joining the law firm SJ Berwin to proselytize for legal mediation in the UK. Despite local legal skepticism, he won the ear of Lord Woolf, the architect of litigation reform in Britain. Thanks to Shapiro's steadfast advocacy, today alternative dispute resolution, mediation by another name, is firmly rooted in the British legal system.

Shapiro is survived by his wife of 29 years, Carolyn Shapiro (née Foy, five children from two earlier marriages, and numerous grandchildren. □

# ***JOB HUNTING? JOBS TO POST?***

The Career Center is Here to Help

*Brooklyn Law School's Career Center is a resource for students, graduates and employers.*

## **GRADUATE SERVICES:**

- Individual Career Counseling: The Career Center has nine attorney-counselors who can help you market yourselves effectively and increase your success in the job market. Let our counselors hone your interview skills, refine your résumé and cover letter, and work with you to develop dynamic career strategies.
- Jobs Database: Symplicity provides access to thousands of job listings and allows graduates to search for employment from practically anywhere.
- Alumni Programming: Join us at one of our programs this fall devoted to job searching techniques in a new economy, starting a practice, and professional development.

## **EMPLOYER LISTINGS:**

- We encourage you to think of your alma mater when jobs become available — for summer or part-time internships for students, entry-level positions for recent graduates, and lateral positions for more experienced graduates. Project-based/contract listings are always welcome as well. We take great pride in making the best matches between employers and students or graduates.
- We know that many of our graduates use or want to use their lawyering skills in non-traditional practice. If you are engaged in alternative or quasi-legal practice, please post these positions with us.
- Our students and graduates seek positions across the country and around the world. If you have or know of such opportunities, please contact us.

To post a position go to [www.brooklaw.edu/careers](http://www.brooklaw.edu/careers) or email us at [career@brooklaw.edu](mailto:career@brooklaw.edu)



**BROOKLYN LAW SCHOOL**

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## UPCOMING EVENTS

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**MAY 25**      **RECENT GRADUATE COCKTAIL PARTY**  
Mad Hatters, Manhattan

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**JUNE 4**      **COMMENCEMENT**  
Avery Fisher Hall

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**JUNE 17**      **LAW FIRM CHALLENGE RECEPTION**

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**JUNE 24–25**      **ANNUAL LAW & RELIGION ROUNDTABLE**

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**JULY 6–7**      **PRAWFS BLAWG CONFERENCE**

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**AUGUST 15**      **CONVOCATION**

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**AUGUST 23**      **FALL SEMESTER CLASSES BEGIN**

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**OCTOBER 10**      **PARENTS' DAY FOR FIRST-YEAR STUDENTS**

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**OCTOBER 15**      **THEORY PRACTICE SEMINAR**  
“The Ethics of Diagnosing and Treating  
Mental Disorders in Poor Children”

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**OCTOBER 22**      **SYMPOSIUM**  
“Governing Civil Society:  
NGO Accountability, Legitimacy and Influence”  
Co-sponsored by the Dennis J. Block Center for  
the Study of International Business Law and the  
*Brooklyn Journal of International Law*

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**NOVEMBER TBA**      **ANNUAL ALUMNI LUNCHEON**  
The Plaza Hotel

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**NOVEMBER 2**      **U.S. COURT OF APPEALS FOR  
THE ARMED FORCES HEARING AND VISIT**

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**NOVEMBER 19**      **SYMPOSIUM**  
“Statutory Interpretation:  
How Much Work Does Language Do?”  
Sponsored by the Center for Law, Language,  
and Cognition and the *Brooklyn Law Review*

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