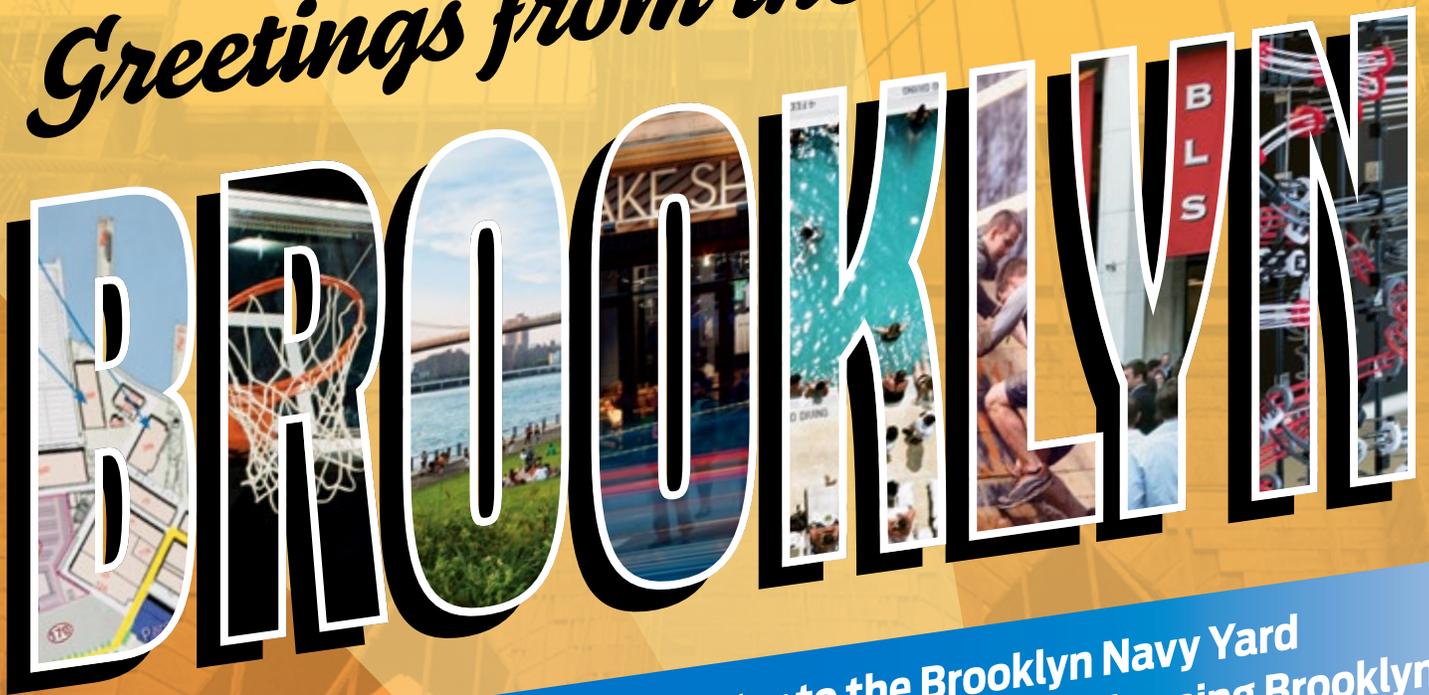


BLS LawNotes

THE MAGAZINE OF BROOKLYN LAW SCHOOL | SPRING 2013

Greetings from the New

BROOKLYN



**From Barclays Center to the Brooklyn Navy Yard
and Beyond, BLS Graduates Are Transforming Brooklyn**

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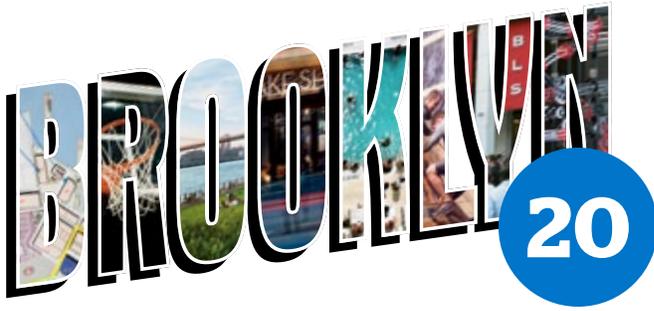
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Features

Greetings from the New Brooklyn

By Andrea Strong '94

If you haven't been to Brooklyn lately, what are you waiting for? Brooklyn is the new black. It is a hub for technology, a center of DIY fortitude, a haven for culinary talent, a mecca for fashion designers, a breeding ground for start-ups, and an oasis for all manner of innovators, creators, and entrepreneurs. In this feature, we introduce the BLS graduates and students who have played an integral part in fueling the borough's impressive development. They have had a hand in redeveloping the historic Brooklyn Navy Yard, bringing the 18,000-seat Barclays Center to Flatbush Avenue, sustaining successful start-ups like Tough Mudder and MakerBot, and counseling tech incubators and community leaders.

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Cleaning up the Financial Crisis:

Prosecutorial Discretion or Prosecutorial Abdication?

By Professors Bradley T. Borden and David J. Reiss

Like "Inside Job," the Academy Award-winning documentary about the origins of the 2008 financial crisis, this thought-provoking article by BLS Professors Bradley Borden and David Reiss tells the story of a crime without punishment. Borden and Reiss explore the wrongdoing that caused the 2008 financial crisis and examine why it is that prosecutors have been reluctant to bring charges against individuals who originated bad loans, pooled bad mortgages, and sold bad mortgage-backed securities. "Without criminal liability," they conclude, "we risk a repeat of the type of conduct that brought us to the edge of financial ruin."



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The Magnificent 7

By Andrea Strong '94

In this feature, we introduce the seven BLS alumnae selected for *Super Lawyers'* "Top 50 Women" list: Harriet Newman Cohen '74, Barbara Kaplan '75, Jane Stevens '77, BLS Board of Trustees member Eileen Nugent '78, Lynne Fischman Uniman '79, Ellen Makofsky '85, and Colleen Caden '99. Their peer-recognized success represents the best of Brooklyn Law School.



Brooklyn is the place to be, and our Law School is right at the center of all the excitement. The borough of immigrants and churches is suddenly a global brand, with everything from baby clothes to beer bearing its name. Parisians use the phrase ‘très Brooklyn’ to convey chic cool. And San Francisco’s resurgent Mission District and Washington D.C.’s hot “U” Street corridor are known as their respective city’s “Brooklyn.”

The energy, growth, and vitality of our community is staggering: culinary hot spots; film and television studios; startling high-tech innovations; world-class performing arts, sports, museums, and libraries; bold new architecture; a reborn people-friendly waterfront; and over 19,000 new businesses in 2011 alone,

according to Brooklyn Borough President Marty Markowitz, as well as more college and grad students than in the city up North along the Charles River.

Increasingly, the Law School is a partner to all this success and change, whether opening our doors to countless civic groups; running clinics that are in effect the law firms for people and new businesses throughout the borough; or bringing government and academic leaders to Brooklyn to consider issues ranging from emergency disaster response and community development to the link between immigration reform and entrepreneurship.

Brooklyn has always been known for its famous native sons and daughters, from Jimmy Durante to Mel Brooks, from W.H. Auden to Norman Mailer to Arthur Miller, from George Gershwin to Lena Horne to Barbara Streisand, from Shirley Chisholm to Elizabeth Holtzman to Ruth Bader Ginsberg, from Sandy Koufax to Vince Lombardi to Michael Jordan, and from Isaac Asimov to Carl Sagan and a galaxy of other stars—not to mention so many of our relatives and friends—that it often seems as if everyone is *from* Brooklyn. Today, increasingly, it is also a destination of choice, and it’s a great place to go to law school.

BLS embodies the innovative culture of the New Brooklyn. In this issue of *LawNotes*, our cover feature highlights both the symbiotic relationship between the borough and the Law School and celebrates our tradition of being identified with leaders who are agents of change. For example, intertwined with the borough’s meteoric rise is the work of Professor Jonathan Askin’s Brooklyn Law Incubator & Policy Clinic, and Professor David Reiss’s Community Development Clinic, both engines for Brooklyn’s long-term progress. The cover feature also highlights the central role of our graduates—like Forest City Ratner’s Linda Chiarelli ’88, Tough Mudder’s Kate Wellington Fitzpatrick ’09, and MakerBot’s Richard McCarthy ’99—in making Brooklyn an entrepreneurial mecca.

We also spotlight “The Magnificent Seven”—powerful peer-recognized alumnae who appeared on *Super Lawyers*’ list of “Top 50 Women Lawyers” and who epitomize our legacy of accomplishment and inclusion. Coincidence? Not likely. It’s what you expect from a law school where one of the first women law deans in the country, Joan Wexler, elevated BLS’s national reputation; where Professor Roberta Karmel writes about 50 years of SEC rulings from the perspective of the first woman Commissioner of that agency and the first female chair of PLI; and where Professor Susan Herman heads the ACLU and wins a major award for her most recent book.

This magazine is filled with success stories. It’s because our faculty, students, and alumni bring a depth of dedication and talent, often with transformative results. The attributes described in our profile of Sam Bernsen ’49—ambition, hard work, foresight—will be familiar to any BLS graduate.

Brooklyn Law School helped anchor Downtown Brooklyn and its legal community for more than a century. Now it is propelling it forward. Our best days are before us, and if you’ve not visited your old stomping grounds in the last few years, I invite you to come back and be amazed.

A handwritten signature in black ink that reads "Nick Allard". The signature is written in a cursive, slightly slanted style.

Nick Allard

Joseph Crea Dean and Professor of Law

Senate Confirmation Hearings Held for Nelson Stephen Román '89 and Professor Claire R. Kelly '93

Five federal judicial nominees appeared before the Senate Judiciary Committee on January 23. Of the five nominees, two were members of the Brooklyn Law School community: Nelson S. Román '89, who was nominated by President Barack Obama to a seat on the United States District Court for the Southern District of New York, and Professor Claire R. Kelly '93, who was nominated by President Obama to the Court of International Trade. "We are extraordinarily proud to have two of our graduates as judicial nominees before the Senate Judiciary Committee," said Dean Nick Allard. Other nominees included Analisa Torres for the Southern District of New York; Raymond Moore for the District of Colorado; and Derrick Watson for the District of Hawaii.

Román, a judge on the New York Supreme Court, Appellate Division, First Department since 2009, has presided over approximately 400 trials. Román began his legal career as an Assistant District Attorney in Kings County. He then became a law clerk in New York City Civil Court until 1998 when he was appointed Judge of the Housing Part in New York City Civil Court. In 2001, Román became a New York City Civil Court Judge in Bronx County, and in 2003 he joined the New York State Supreme Court, Bronx County Civil Term. He served in that capacity until he moved to the New York Supreme Court.

Román, a former president of the Puerto Rican Bar Association, has remained active in his community and with Brooklyn Law School. He recently served on a panel held at the Law School entitled, "How to Become a Judge," sponsored by the Dominican Bar Association. He has also been honored by the Latino Law Students Association.



"We are extraordinarily proud to have two of our graduates as judicial nominees before the Senate Judiciary Committee."

—Dean Nick Allard

Kelly, a member of the faculty since 1997, primarily focuses her scholarship on international business law and teaches courses in international trade law, international business law, and administrative law. Kelly's published works have appeared in top law journals and her recent scholarship has focused on international trade, NGO accountability, and the financial crisis. She is a frequent lecturer in these areas and she has presented her work at leading forums worldwide, including the American Society of International Law and the World Trade Organization.

She serves as Co-Director for the Dennis J. Block Center for the Study of International Business Law and has played a major role in developing the Center's programming and symposia while working closely with the International Business Law Fellows, advising them on their papers

and helping them develop their careers. She also serves as the faculty advisor for the *Brooklyn Journal of International Law* and helped to co-found the Law School's Trade Secrets Institute.

Kelly is a member of the American Law Institute and has served on several bar committees. She served on the board of directors of the Customs and International Trade Bar Association (CITBA), and previously chaired CITBA's Subcommittee on Trade Adjustment Assistance, in addition to co-authoring its *Primer on Litigating Trade Adjustment Assistance Cases*.

Before joining the faculty at Brooklyn Law School, Kelly practiced in the customs group at Coudert Brothers, where she advised companies on governmental compliance and litigated a broad variety of international trade matters. ■

Sparkle Sooknanan '10 to Clerk for Supreme Court Justice Sonia Sotomayor

Brooklyn Law School is proud to announce that Sparkle L. Sooknanan '10 will be clerking for U.S. Supreme Court Justice Sonia Sotomayor starting in July 2013. "Sparkle is a brilliant example of the quality of our students and the teaching they receive from the Brooklyn Law School faculty," said Dean Nick Allard. "Her high intelligence and work ethic will be put to good use by Justice Sotomayor."

Sooknanan is currently on the Appellate Staff of the Civil Division of the Department of Justice in Washington, D.C. She previously served as a law clerk to Judge Guido Calabresi of the United States Court of Appeals for the Second Circuit and Judge Eric N. Vitaliano of the United States District Court for the Eastern District of New York.

Both Judge Calabresi and Judge Vitaliano were thrilled to learn that Sooknanan would be clerking for Justice Sotomayor, but neither was surprised. "Sparkle is a splendid person and was an exceptional law clerk," said Judge Calabresi. "I know she will do us all proud as a clerk to Justice Sotomayor on the Supreme Court. There truly are few like her!"

"She is an exceptional human being and an extraordinary legal talent," echoed Judge Vitaliano. "She has the ability to quickly grasp legal issues and is probably one of the best multi-taskers I have ever met in any line of work. It's clear that Justice Sotomayor would see that kind of talent. In meeting her you grasp almost instantaneously that this person actually matches the extraordinary accolades that describe her. I know she is also appreciative of her experience at BLS and that she is very proud of her Joralemon Street family."

Sooknanan's road to the Supreme Court has been an extraordinary one. When she was just 16 years old, she left her native Trinidad and Tobago and moved to New York City to attend St. Francis College. After graduating from St. Francis,

Sooknanan went on to earn her MBA from Hofstra University. When she applied to Brooklyn Law School, she was accepted as a part-time evening student, and continued working full time at HIP Health Plan of New York, where she had been since graduate school.

Despite the demands of juggling work and classes, Sooknanan maintained a 4.0 GPA throughout law school, graduating *summa cum laude* with a slew of honors,



Law Review and the President of the Moot Court Honor Society. 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," has been cited by Bankruptcy Courts in Delaware and Pennsylvania. She spent a summer at the law firm of Davis Polk & Wardwell and was also a research assistant to Professor Dana Brakman Reiser. "Sparkle was hard-working and extremely bright, but most important was her keen critical eye. I could always count on her to ask me the tough questions about my research, and her efforts really improved my work," said Brakman Reiser.

"Law school was an incredible, life-changing experience," said Sooknanan. "I knew soon after I started that I had found my place and wanted to spend my career in the legal profession."

"I am thrilled and honored by the opportunity to clerk for Justice Sotomayor,"

"Sparkle is a splendid person and was an exceptional law clerk. I know she will do us all proud as a clerk to Justice Sotomayor on the Supreme Court. There truly are few like her!"

—Judge Guido Calabresi

including the Faculty Prize, the highest honor at Brooklyn Law School; the Professor Samuel Hoffman Memorial Prize for excellence in the study of corporate law; the *American Bankruptcy Law Journal* Student Prize for excellence in the study of bankruptcy law; and the Henrietta and Stuard Hirschman Memorial Prize for excellence in the study of property law.

While in law school, Sooknanan was the Executive Articles Editor of the *Brooklyn*

she said. "It represents the culmination of so many dreams. I will always be grateful to my family for all of their love and encouragement, to Judge Vitaliano and Judge Calabresi for their mentorship and support, and to everyone at Brooklyn Law School who invested so much of their time in my academic and career development. The relationships I built and the people who have helped me along the way will stay with me always." ■

ON BOARD

Jeffrey D. Forchelli '69

Developing Real Estate and the Future of BLS

When Board of Trustees member Jeffrey D. Forchelli's grandfather came to America from Italy in the early 1900s, he carried little more than the shirt on his back and the conviction that if he worked hard enough in this new land of opportunity, his children would prosper. He had no idea at the time that he was starting something of a BLS dynasty. In 1931, his hard work paid off: His son Liberato graduated from Brooklyn Law School and embarked on a successful career as a general practitioner. Liberato, who changed his name to Don on the advice of his law school professors, was soon joined in practice by his brother Vincent, who also was a BLS graduate, Class of 1940. Thirty years later, Don's son Jeffrey followed in his footsteps, graduating from the Law School in 1969. Jeffrey's cousin Charles, who graduated from BLS in 1971, was next. Jeffrey's daughter Nicole graduated in 2007, marking the third generation of Forchellis to graduate from BLS.

Jeffrey Forchelli started his own practice after graduating, hanging up a shingle in Oyster Bay, Long Island. Driven by client needs and his own interest in building, his practice evolved to focus on real estate and property development. In 1976, less than a decade out of law school, Forchelli founded a law firm, which is now known as Forchelli, Curto, Deegan, Schwartz, Mineo & Terrana and has over 40 lawyers. His practice concentrates on complex real estate, zoning, and land use matters, including litigation and tax certiorari for major real estate developers and national corporations. In addition to serving as the firm's Managing Partner, he has served as Counsel to the New York State Assembly, and served on the Legal Advisory Board and on the Board of Directors of Security Title and Guaranty Company.

While the first part of his career was marked by securing approvals for real estate development projects on vacant land, his recent work has been in securing approvals for the redevelopment of distressed real estate. He has played an integral role in the redevelopment of The Roosevelt Raceway property in Westbury and Long Island's Grumman Airport property in Bethpage. He also worked on the creation of the Master Plan for Adelphi University and the acquisition of over 20 acres of Navy property

for Nassau County and Nassau Community College at no cost to them. "The work I do is not only very interesting, but it is very satisfying," said Forchelli. "When you redevelop land with a sensitivity to the community and what they are looking for, and build a consensus with civic groups, that is very rewarding."

For his significant contributions to the field of real estate law, he has received multiple honors. Every year since 2007, his peers have selected him as one of New York's Super Lawyers. He was also selected for inclusion in *Who's Who in American Law* (8th Edition) and is consistently included in the "Who's Who in Law" listing by *Long Island Business News*.

Forchelli has also made a point of giving back to the Law School in a myriad of significant ways. In 2003, as a tribute to his family's strong BLS ties, Jeffrey and his wife Sadie endowed a chaired professorship at the Law School; Professor Neil Cohen was named the first Jeffrey D. Forchelli Professor of Law. Forchelli later endowed a second chair in 2004 in honor of his father, Don; Professor Lawrence Solan was named the Don Forchelli Professor of Law. Jeffrey and Sadie continued their tradition of giving in 2005, with their \$1.5 million contribution to the Residence Hall Fund to endow the Jeffrey D. Forchelli Conference Center, located on the top floor of Feil Hall. With panoramic views of the harbor and lower Manhattan, this elegant conference facility has provided space for the Law School's many academic programs and social events. "Providing a venue for the school's important events is a way to give back to a school that has given so much to me and to my family," he said.

In honor of his commitment to the Law School's future, in 2005, the Law School named him Alumni of the Year. More recently, the Jeffrey D. Forchelli Scholarship was established in his honor by an anonymous donor. The scholarship, which recognizes "Mr. Forchelli's extraordinary talents as a lawyer who not only has excellent skills, but also practices with the greatest integrity," is awarded to a deserving BLS student who has exemplified these traits during law school and shows promise to do so during his or her career.

Forchelli explains that his role on the Board is to continue the Law School's tradition of excellence. "We are facing challenging times, but our goal is to provide a quality education that is relevant to today's world," he said. He also feels a very personal duty to the Law School's future. "Three generations and five members of my family have graduated from Brooklyn Law School," he said. "We owe a lot to BLS. Education has been our ticket, and I feel devoted to ensuring that other families will have the same opportunities that we did." ■



Spotlight on BESLS:

Where Fashion, Sports, Music, Film, Television, and the Law Meet

Fashion law, music law, sports law, and film and television law are the focus of the popular student group, The Brooklyn Entertainment and Sports Law Society (BESLS), which aims to introduce students to the many different career paths under the wide umbrella of entertainment law.

“Our goal in BESLS is to educate students on current legal issues in the entertainment industry and to provide networking and speaking opportunities for members and alumni with an interest in entertainment law,” said BESLS President Mary Willis White ’13.

BESLS boasts 100 student members and an impressive number of prominent alumni who are active and engaged and who play an important role in the organization. “We are constantly reaching out to our alumni in the industry to find out the kinds of cases and issues that they are working on and to provide them a platform to speak to our students and with other industry alumni and practitioners,” said White. “The alumni who come to speak on our panels are the top experts in their fields. They provide us with great insight and perspective on current topics, and they are extremely generous with their time.”

BESLS hosts several well-attended events each year. This fall, its fourth annual panel event featured topics including: “The Rapid Rise of Music Festivals and the Emergence of Electronic Dance Music;” “Digital Media: Combating Piracy in the Face of Widespread Distribution and New Technologies;” “Collision of Interests? Ethical Issues in the Representation of Athletes;” and “IP Protection of Fashion? The Innovative Design Protection Act of 2012.”

Taking a cue from “American Idol,” BESLS co-sponsors the Battle of the Bands each spring with the Student Bar Association. At the event, student bands take to the stage at Geraldo’s in a festive competition for best jam. BESLS also hosts a Theater Panel

for students interested in the stage, with alumni panelists such as David Faux ’05, Associate Executive Director of Business Affairs of the Dramatists Guild, and an annual Advisory Panel for 1Ls to help them select courses and explore options in entertainment law as they progress through law school.

The organization’s flagship event is its Alumni Awards Dinner, co-sponsored with the BLS Art Law Association. The most recent dinner, held in April, was attended by 150 guests and honored Max Verrelli ’09, General Counsel and Director of Business Affairs for Blackheart Records Group, Inc., a New York based full-service entertainment group.

“We have a great group of members who are really passionate about their entertainment interests, both in law and outside of school, and that makes the society membership rich, diverse, and interesting,” said White. ■



BESLS honoree Max Verrelli ’09, General Counsel and Director of Business Development for Blackheart Records, with Jason Barth ’13 (L) and Daniel Rocco ’13 (R).

BLS Alumni Among Top New York *Super Lawyers*

478 Brooklyn Law School graduates were recognized in the annual New York Metro edition of *Super Lawyers Magazine*, which featured Marvin Salenger ’65 on the cover of the print edition. This is the second consecutive year a Brooklyn Law School graduate has been featured on the magazine’s cover. Gerald Shargel ’69 appeared on the cover of the 2011 issue.

The magazine names attorneys in each state who receive the highest number of points in an extensive ratings system, based on twelve indicators of peer recognition and independent research. The number of Brooklyn Law School graduates who were recognized increased significantly compared to last year, when 326 BLS graduates were included.

Seven of the Top 50 Women recognized by *Super Lawyers* are Brooklyn Law School graduates: Colleen Caden ’99, Harriet Newman Cohen ’74, Barbara Kaplan ’75, Ellen Makofsky ’85,

Eileen Nugent ’78, Jane Stevens ’77, and Lynne Fischman Uniman ’79. (See feature article beginning on page 36). Harriet Newman Cohen and Jane Stevens also appeared on the Top 100 list, along with David Aronson ’74, Dennis Block ’67, Bruce Fader ’74, Howard Hershenhorn ’89, Gerald Shargel ’69, and Harvey Weitz ’54.

In addition, 53 BLS graduates were named Rising Stars, representing New York’s top up-and-coming attorneys, an increase of 75 percent over the number represented last year.

Only five percent of lawyers in New York are recognized by *Super Lawyers* for attaining a high degree of peer recognition and professional achievement. *Super Lawyers Magazine* is published as a supplement in leading newspapers throughout the country and is recognized as an important publication among those in the legal field reaching more than 13 million readers. ■

Rising to the Top: Two Students Chase Their Dreams at BLS



Mary Willis White '13 Fighting Cancer “One Show at a Time”

Mary Willis White, Class of 2013, co-founder of Heiress Productions, is turning a family history of cancer into a legacy of great theater, cancer awareness, and fundraising for charitable cancer organizations.

White met her co-founder and friend Laura Faith in an acting class where they bonded over a passion for theater and an unfortunate history of cancer in their families. Both of White's parents were cancer survivors, while Faith lost her mother to cancer and her sister was fighting stage III melanoma. “We were both members of a ‘club’ that you really didn’t want to be part of, but we were glad to have each other for support,” said White.

As both White and Faith were “heiresses” to a legacy of cancer, in 2006 they formed a 501(c)3 not-for-profit theater production company that raises awareness and relief funds for cancer organizations. The goal of Heiress Productions is to keep expanding their network of supporters and charitable cancer organizations and eventually have a regular season of productions.

Heiress Productions produces one show per season at the Lion Theater on Theatre Row in Times Square. Their next production will be the winner of the Heiress Productions' 2012 Playwriting Competition. For each production, they identify a charitable cancer organization that will receive the proceeds of the play and free advertising space in Heiress Production's playbills.

“We have had such a great response to both our mission and our productions,” said White. “Our supporters are those people with connections to the cancer community who want to support the mission, and those who just love great theater.”

White, who will join the boutique real estate firm Kriss & Feuerstein as an associate in the fall, said that her legal training has been especially helpful in running a nonprofit organization. “Being able to handle some of the organization's corporate formalities and legal issues as they arise frees up more of other people's time to devote to production and funds to donate to the cause” she said. In fact, the last production, called “Thirds” had a legal theme; it was about three sisters who inherited a house. Speaking like a true lawyer, White explained, “It was a great show filled with fun contracts and real estate issues.”

Eric Eingold '15 Charts a Steady Course in Public Service

Eric Eingold '15, who will enter his second year at the Law School in the fall, is already charting an impressive and strong course as a public service lawyer. Eingold was among seven first-year students selected as Edward V. Sparer Public Interest Law Fellows and was recently awarded an Ella Baker Summer Internship. Created in the 1980s to honor the legacy of civil rights hero Ella Baker, the program is part of the Center for Constitutional Rights and is designed to provide the opportunity for law students to gain hands-on experience working alongside social movements and community organizations to bring about social change.

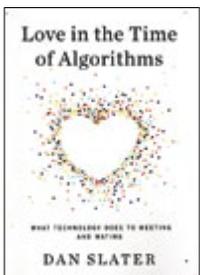
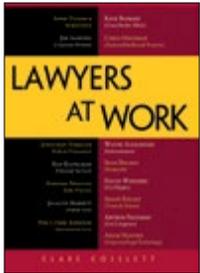
Eingold will be based in Miami, where he will work at the Community Justice Project of Florida Legal Services on workers' rights issues, immigration detention cases, and a variety of other grassroots projects. Eingold credits his experience as a Sparer Fellow with introducing him to a community of lawyers and law students committed to social justice and the public interest, ultimately steering him towards the Ella Baker Internship. “The social justice and community outreach work of the Center for Constitutional Rights is what inspired me to attend law school in the first place,” said Eingold.

Eingold received a degree in political science with concentrations in Latin American Studies and African American Studies from the University of Central Florida. After graduation, he studied at The New School for Social Research, and received a master's degree in Politics. After earning his master's degree, he became a Project Coordinator for the New York Public Interest Group, where he supervised a staff of 40 students, interns, and volunteers, training college students in civic action and organizing statewide grassroots campaigns on the organization's key issues. Immediately prior to enrolling in the Law School, he was the North American Program Director for Ma'ase Olam, where he oversaw the expansion of an Israeli-based social justice organization throughout North America and the United Kingdom.

“Preparing lawyers to work for social justice has been part of Brooklyn Law School's mission since its founding over a century ago,” said Dean Nick Allard. “Eric is already proving to be a crusader for the public interest here at the Law School and beyond. We could not be more proud of his accomplishments.” ■

On The Shelf: Alumni Authors Celebrate New Books

Brooklyn Law School alumni Clare Cosslett '84, Michelle Kaminsky '92, and Dan Slater '05, have recently published notable new books on topics as varied as the ingredients of successful law careers, prosecuting domestic violence, and the algorithms and implications of dating in the Internet age.



In Print: Alumni from three decades put their legal training to work in a trio of topical books.

Clare Cosslett '84 knows a thing or two about what makes a successful law career. After graduating *cum laude* from Brooklyn Law School, she went on to practice at Skadden, Arps, Slate, Meagher & Flom LLP and at Moses & Singer, then became vice president and senior recruiter at London and Company and senior recruiter at Lucas Group. In 2002, Cosslett founded the New York-based legal search and placement firm Cosslett & Company. Recently, she decided to gather her 20-plus years of expertise with the publication of *Lawyers at Work*. The book aims to identify what it takes to succeed and achieve career satisfaction in today's complex legal marketplace, which encompasses one million lawyers; 50,000 law firms; and roughly 65 core practice areas in the United States alone.

In *Lawyers at Work*, Cosslett presents in-depth interviews with 15 highly successful lawyers coming from a range of practice areas across the legal spectrum. With probing questions and articulate answers, Cosslett and her subjects shed light on the challenges of legal practice in the current legal market, where opportunities are fewer and competition is more intense. Cosslett ultimately argues that prospective lawyers will be best served by establishing realistic career plans and learning from leaders who came before them and grew with their careers, moving into international work, academia, and entrepreneurship.

Michelle Kaminsky '92, currently the Deputy Bureau Chief in the Domestic Violence Bureau of the Brooklyn District Attorney's Office, wrote *Reflections of a Domestic Violence Prosecutor: Suggestions for Reform* to explain "how societal beliefs about women, inadequate laws, judicial biases, inflexible prosecution policies, and a lack of resources prevent meaningful change for battered women in the criminal justice system." Kaminsky joined the Domestic Violence Bureau in 1997. As her career progressed, she found herself thinking about the discrepancies between cultural perceptions of battered women and the real-life cases she saw unfolding every day.

In *Reflections*, she argues that criminal prosecution is insufficient to eradicate domestic violence against women due to the larger social and economic context of the problem. She notes that such challenges as lack of safe and affordable housing, living wages, and child care may contribute to women's reluctance to prosecute in cases of domestic violence, because victims often fear that leaving an abusive partner will also mean the loss of these basic necessities. Kaminsky also examines potential routes to legal reform, including the creation of a judicial screening committee that includes a range of participants in the criminal justice system and domestic violence organizations, and the introduction of new evidence laws that will allow evidence of a defendant's prior history of abuse.

In spite of the current challenges, Kaminsky believes prosecution can lead to better outcomes for domestic violence victims, concluding, "If we can transform one life, then our work is not in vain."

Litigator-turned-journalist **Dan Slater '05** explores the challenges and complications of finding lasting love and partnership in the era of online dating in *Love in the Time of Algorithms: What Technology Does to Meeting and Mating*.

Once thought to be the domain of lovelorn losers, online dating is now used by a third of the 90 million singles in the United States, and the development of increasingly complex and efficient algorithms to match potential mates by services like eHarmony, Match.com, OkCupid, and Plenty of Fish further complicates matters. Slater considers the role of profit and ethics in site creators' minds, the impact of the drive to shape virtual worlds, and whether users can trust an industry whose professed goal is to find people lasting love, but whose revenue model depends on the existence of singles. Through a blend of history, social science, and interviews with the users and creators of online dating sites, Slater constructs a unique behind-the-scenes look at the world of online dating. ■

Federal Bar Association Honors Judge Leo Glasser '48 and Judge Arthur Spatt '49 for Service During World War II

On December 5, at the American Airpower Museum, Hon. I. Leo Glasser '48 and Hon. Arthur D. Spatt '49 were among five federal judges honored by the Federal Bar Association, Eastern District Chapter for their service during World War II. The three other judges honored at the ceremony were Hon. Leonard D. Wexler, Hon. Thomas C. Platt, and Hon. Jack B. Weinstein, who previously taught at Brooklyn Law School.

Born in New York City in 1924, Judge Glasser graduated from the City College of New York in 1943 and then served in the United States Army as a Tech Corporal with the 796th Anti-Aircraft Artillery Battalion. Judge Glasser landed in Europe a few weeks after D-Day at the small French town of St. Mere Englise. His unit pushed east, eventually crossing into Germany in the spring of 1945. He was awarded a Bronze Star before returning to the U.S. and attending Brooklyn Law School.

After graduating in 1948, he served on the faculty of the Law School until 1969, when he was appointed a judge of the New York Family Court. He returned to Brooklyn Law School in 1977 to serve as its dean, a position he held until 1981 when he was nominated to the federal bench. He assumed senior status on July 1, 1993.

Born in Brooklyn in 1925, Judge Spatt was a Navigation Petty Officer in the United States Navy on the USS *Sherburne*, an amphibious transport ship in the Pacific, from 1944 to 1946. The vessel was once attacked by Japanese kamikaze pilots, but sailed into Tokyo Bay as part of the flotilla of U.S. ships in September 1945, coinciding with Japan's formal surrender. He was awarded the Asiatic Pacific Medal with Star and the Philippine Liberation



The Federal Bar Association honored (FROM L TO R) Judges Platt, Glasser '48, Wexler, Weinstein, and Spatt '49 for their service during World War II.

Medal. "It was thrilling to see," Judge Spatt told *Newsday* in an article about his service.

Following his service, Judge Spatt enrolled in Brooklyn Law School and graduated in 1949. He went into private practice in New York City from 1949 until 1978. He was then appointed as a judge in the Supreme Court of the State of New York, Tenth Judicial District from 1978 to 1982, then an Administrative Judge of Nassau County, New York from 1982 to 1986, and an Associate Justice of the New York Appellate Division, Second Judicial Department, from 1986 to 1989. He was nominated to the federal bench in 1989 and assumed senior status in 2004. ■

Journal of Law & Public Policy Most Cited by Courts

Over the past eight years, courts have cited one policy journal more than any other in the nation: Brooklyn Law School's *Journal of Law & Policy*. The ranking, conducted by Washington and Lee University School of Law, found 64 judicial cites to the *Journal*, placing it well ahead of its nearest competitor, the *Harvard Journal of Law & Public Policy* (43 cites), and even further in front of such notable journals as the *Fordham Urban Law Journal*, the *Journal of Empirical Legal Studies*, the *Yale Law & Policy Review*, and *Law and Contemporary Problems*.

The *Journal of Law & Policy* promotes debate on legal issues and public policy through the publication of articles written by legal scholars, law students, and distinguished members of the legal and policymaking communities. The *Journal* has recently also hosted a number of noteworthy symposia at the Law School, including "Reforming Child Protection Law: A Public Health Approach," co-sponsored by the Center for Health, Science and Public Policy, and the Authorship Attribution Workshop (see page 14), co-sponsored by the National Science Foundation and the Center for Law, Language and Cognition.

"The *Journal of Law & Policy* has an extraordinarily rich tradition of publishing important scholarship that is relevant to current policy debates. The fact that courts refer to the *Journal* so frequently is a happy but not surprising affirmation of the students' hard work in running an exceptional publication."

—Professor Christopher Serkin

"The ranking is an amazing achievement for the *Journal* and a testament to the hard work and efforts of the entire editorial board," said Editor-in-Chief Samantha Glazer '13.

"The *Journal of Law & Policy* has an extraordinarily rich tradition of publishing important scholarship that is relevant to current policy debates," added Professor Christopher Serkin, faculty advisor to the *Journal*. "The fact that courts refer to the *Journal* so frequently is a happy but not surprising affirmation of the students' hard work in running an exceptional publication." ■

BLS Awards a Record Eight Criminal Justice Post-Graduate Fellowships

In January, Brooklyn Law School

awarded eight graduates Criminal Justice Post-Graduate Fellowships, the most that have been awarded in one year since the inception of this innovative fellowship program nearly two decades ago. The goal of the program is to provide debt relief assistance to experienced alumni who practice criminal law in the public sector.

This year's fellows have litigated sex crime cases, financial fraud, and hate crimes, to name just a few areas, and they represented both sides—working in District Attorney's Offices, at The Legal Aid Society, and for other public defender organizations. All the fellows received a generous \$10,000 stipend that is paid directly to their lending institutions. The recipients are chosen by the Fellowship Selection Committee, composed of Professor Robert Pitler, who created the fellowship program, Professor Ursula Bentele, and Hon. Charles Solomon '72, a New York State Supreme Court Justice.

"This year's group was as passionate about the importance of criminal lawyers working in the public sector as they were vocal in their enthusiasm for staying involved," noted Professor Pitler. "We had an excellent group of alumni from which to choose, and these eight graduates have done exemplary work in their respective



FROM L TO R: Prof. Robert Pitler, Gerard Monusky '03, Melissa Kaplan '05, Matthew Knecht '99, Prof. Ursula Bentele, Emily Auletta '06, Everett Witherell '06, and Allison Lewis '05.
NOT PICTURED: Hon. Charles Solomon '72, Damani Sims '06, and Sandra Roberts '04.

areas. The committee was proud to be able to award a record number of fellowships this year," he added.

To be eligible for a fellowship, BLS graduates must have been practicing public sector criminal law for at least five years and have had significant educational debt at the time of graduation. The fellowship is funded from the proceeds of the annual CLE Criminal Law Procedure and Evidence Seminar, organized by Professor Pitler and hosted by the Law School. Each year, this popular seminar draws approximately 300 attorneys who learn about key developments in criminal law, criminal procedure, and evidence

law from a distinguished group of practitioners, judges, and academics.

The fellows expressed excitement and thanks in response to their selection, noting that such support was vital to maintaining a talented and committed community of criminal lawyers working in the public sector.

"I love the relationships I develop with my clients, which can be as trying as they are rewarding. My clients are often in some sort of crisis in their lives, facing dire consequences. They are truly the underdogs, often themselves victims of abuse," explained Allison Lewis '05, who works at the Legal Aid Society of New York, advocating for indigent New York residents and their family members.

"Too often we lose passionate and hardworking attorneys because of low pay and the increasing costs of a law school education," noted Everett Witherell '06, a prosecutor with the Nassau County D.A.'s Office, who works in the Major Offense Bureau. "I would like nothing more than to continue my work in criminal law in the public sector."

"Thanks to the generous fellowship that Witherell and others received through this program, Brooklyn Law School reinforces its commitment to producing outstanding public sector lawyers and helping to further their careers in this field," said Dean Nick Allard. ■

2013 Criminal Justice Post-Graduate Fellowship Recipients

Emily Auletta '06

New York County D.A.'s Office,
Trial Bureau and Sex Crimes Unit

Melissa Kaplan '05

The Legal Aid Society of New York,
Criminal Defense Practice

Matthew Knecht '99

The Neighborhood Defender
Service of Harlem

Allison Lewis '05

The Legal Aid Society of New York,
Criminal Defense Practice

Gerard Monusky '03

New York County D.A.'s Office,
Major Economic Crime Bureau

Sandra Roberts '04

Kings County D.A.'s Office,
Domestic Violence Bureau

Damani Sims '06

Kings County D.A.'s Office,
Rackets/Civil Rights Division

Everett Witherell '06

Nassau County D.A.'s Office,
Major Offense Bureau

Fall Events

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



CAREER CENTER PRESENTS: **In Fashion: Four Alumni Who Rule the Runway**

This October, students, faculty, and alumni gathered in Feil Hall to get an insider look at the complex and high-stakes business of fashion law. The evening's panelists, who were featured in the cover story of the Spring 2012 issue of *LawNotes*, included a powerful group of fashion business graduates: Susan Posen '78, Chair of the Board, Zac Posen; Lee Sporn '86, Senior VP Business Affairs and General Counsel, Michael Kors; Sherry Jetter '86, then Senior Vice President and General Counsel, HMX, LLC; and Avery Fischer '93, Senior VP, General Counsel & Secretary, Ralph Lauren. The panel was moderated by Les Fagen, a litigation partner at Paul, Weiss, Rifkind, Wharton & Garrison LLP, an expert in the areas of intellectual property and trademark law, and an adjunct professor at the Law School.

To read more visit:
www.brooklaw.edu/fashion.

Health Policy under the Affordable Care Act: Writing the Master Narrative for U.S. Health Policy

In honor of its 10th anniversary, The Center for Health, Science and Public Policy, presented the symposium "Writing the Master Narrative for U.S. Health Policy" in September. The speakers explored the aftermath of the Supreme Court's decision in the Affordable Care Act (ACA), in which the Court permitted the largest expansion of health insurance in recent history by upholding the constitutionality of the ACA. The Court's decision has done little to bridge the sharp ideological divide regarding U.S. health policy.

As health care reform advances, key questions remain regarding ACA's implementation, the uncompensated costs of uninsured care, how to improve health care quality, and the effectiveness of delivery system reform. In an effort to look beyond and tie together these issues, this symposium asked: Is there a master narrative that can shape our expectations about how our health care system should work and provide a coherent vision for our continuing efforts at reform? If so, what is that narrative, and what does it tell us about the future of health care in America? With the contributions of a distinguished group of legal, medical, political science, economic, and public health experts, this symposium charted the steps that policymakers need to undertake to achieve a workable program of reform. ■

PANELISTS INCLUDED:

- **Georges C. Benjamin, M.D.**
Executive Director, American Public Health Association
- **Maxwell Gregg Bloche, J.D., M.D.**
Professor of Law, Georgetown University
- **Michael K. Gusmano, Ph.D.**
Associate Professor of Health Policy and Management, New York Medical College, Research Scholar, The Hastings Center
- **Mark A. Hall, J.D.**
Fred D. & Elizabeth L. Turnage Professor of Law, Wake Forest University School of Law
- **Miriam J. Laugesen, Ph.D.**
Assistant Professor of Health Policy and Management, Columbia University Mailman School of Public Health
- **Theodore R. Marmor, Ph.D.**
Professor Emeritus of Public Policy and Management, Yale University School of Management
- **Mark V. Pauly, Ph.D.**
Bendheim Professor, Professor of Health Care Management, Professor of Business and Public Policy, Department of Health Care Management, The Wharton School, University of Pennsylvania
- **Karen Porter, J.D.**
BLS Professor and Executive Director, Center for Health, Science and Public Policy
- **Sara Rosenbaum, J.D.**
Harold and Jane Hirsh Professor of Health Law and Policy, The George Washington School of Public Health and Health Services.

▶ To watch the video visit www.brooklaw.edu/ACA

Media & Society Program: Campaign 2012: Who is Setting the Agenda?



Students, faculty, and alumni packed into the Moot Court Room for the 14th Media & Society Program in October. Over the years, the event has brought an array of prominent figures to the Law School, including Reed Hundt, former chairman of the FCC; Russell Lewis '73, former chairman of The New York Times Company; renowned *New York Times* staffers Linda Greenhouse and Sam Roberts; and, most recently, Martin Singer '77, one of the most sought-after entertainment and business litigators in the nation. This year, the program featured Joe Lockhart, then Vice President of Global Communications for Facebook and former White House Press Secretary under President Bill Clinton. He joined Dean Nick Allard in a conversation entitled “Campaign 2012: Who is Setting the Agenda?”

Lockhart, who is now a Senior Advisor at The Glover Park Group, one of the country’s leading strategic communications and government relations firms, began his talk by giving the media an “F” in this election cycle. In explaining why he gave the media such poor marks, he painted a picture of broadcast journalism in a different time. He described an era before the rise of the 24-hour news cycle, when most of the population tuned into

one of three broadcast channels for the evening news, and when the content was a consensus of topics, determined by a small group of media elites. During this era, Lockhart explained, news broadcasts were run at a loss because networks were willing to let the news programs lose money to keep viewers. But today, with around-the-clock reporting on multiple channels, losing money on the news is no longer an option. Instead, networks fill the hours with opinions, sound bites, and

on strategy, facial expressions, and the jabs the candidates took at one another. “There was very little digging in on what the candidates actually stand for,” he said. “After the debates, reporters only want to discuss who ‘won’ or ‘lost’. The media needs to stop covering politics like a sporting event,” he said.

Switching gears to discuss social media, Dean Allard asked Lockhart how coverage of a White House scandal might differ in the Facebook era from the media that told

“There was very little digging in on what the candidates actually stand for. After the debates, reporters only want to discuss who ‘won’ or ‘lost’. The media needs to stop covering politics like a sporting event.” —**Joe Lockhart**

advertising-driven content at the expense of high-quality journalism. People tune in to the channel that offers the opinion that they want to hear, for example MSNBC versus FOX News. “It’s not serving us well,” Lockhart said.

To illustrate, Lockhart discussed coverage of the presidential debates and how most of the media coverage focused

the story of the Clinton-Lewinsky scandal. Lockhart noted that the speed of social media today does not allow for thorough fact-checking of information, nor does it give us the ability to control the timing of news stories. Yet he pointed out that social media also allows people to validate and share each other’s information and views. “There is real power in that,” he said. ■

The Promise and Perils of Shareholder Appraisal in Delaware

On November 28, Brooklyn Law School's Center for the Study of Business Law and Regulation sponsored an event titled "The Promise and Perils of Shareholder Appraisal in Delaware," which featured a presentation by the Law School's Jurist-in-Residence, Vice Chancellor J. Travis Laster of the Delaware Court of Chancery.

Vice Chancellor Laster outlined the broad policy considerations at play in applying and fashioning the appraisal remedy and went on to discuss recent developments in Delaware case law, notably the emergence of a quasi-appraisal remedy for post-closing disclosure violations. His presentation was followed by a panel discussion featuring three prominent corporate litigators.

The panelists included: T. Brad Davey of Potter Anderson & Corroon LLP in Wilmington, Del.; David A. Jenkins of Smith Katzenstein Jenkins LLP in Wilmington, Del.; and Paul K. Rowe of Wachtell Lipton Rosen & Katz in New York. The program was moderated by Professor Minor Myers, a scholar in the areas of corporate governance, shareholder litigation, executive compensation, and corporate director behavior, who teaches courses on corporate law, corporate finance, and property.



Vice Chancellor Laster examined cutting-edge issues in Delaware corporate law.

The panelists commented on the desirability of various remedies that shareholders have in M&A litigation, and examined possible strategies that plaintiffs and defendants might employ in the future, given the availability of the quasi-appraisal remedy. Among the consequences the panel considered were the number, frequency, and form of future shareholder actions in the context of public company mergers, as well as the possibility that the availability of the quasi-appraisal remedy in Delaware might further alter the jurisdictional calculus of parties involved in merger-related shareholder litigation.

During his two-day visit, Vice Chancellor Laster taught a joint meeting of Professor Myer's Corporate Finance class and Professor Roberta Karmel's Corporations class. "The visit was fantastic," said Myers. "The corporate law universe is in orbit around Delaware, and to have such a prominent member of that state's bench visit the Law School was an enormous treat. The panel examined a cutting-edge issue in Delaware corporate law, and we were exposed to a revealing and fascinating back-and-forth between top practitioners and Vice Chancellor Laster." ■



An Inside Look at Life on the Bench from Judge Frederic Block

On September 14, 1994, Frederic Block, then a lawyer in private practice in Suffolk County, was in a Mazda dealership trying to lease a car. The saleswoman, who was in the midst of checking his credit rating, received a phone call. It was the White House, calling for Block. (Block's office had forwarded the call.) With a look of incredulity, she handed Block the phone. When he hung up the phone, he told her that he had just become a federal district judge. She leased him the car.

This is just one of the anecdotes shared by U.S. District Court Judge Frederic Block at a book signing and reading at Brooklyn Law School in October in honor of his engaging new book, *Disrobed: An Inside Look at the Life and Work of a Federal Trial Judge*.

Judge Block began his talk by explaining why he had decided to write a book about his life on the bench. "Over the years, it dawned on me that there is such a lack of knowledge about what [judges] are all about," he said. "I thought there was a need to try to reach out to the public and create some transparency about the federal bench—what we do, how we get our jobs, the differences between federal and state courts, who we judges are, and more."

He hoped to educate and entertain the public with the many high-profile cases that came before him, including the death penalty trial of drug kingpin Kenneth "Supreme" McGriff, and the trials of mobster Peter Gotti, Crown Heights rioter Lemrick Nelson, and nightclub magnate Peter Gatien.

Speaking to the students in the audience, the judge offered insight into how he chooses his law clerks. "Of course, I want to see someone who has an accomplished academic record, but I want to see something more than that. I like to have clerks who have done other things—been in the Peace Corps, been teachers, worked in the real world, in business or at a nonprofit," he said. "I find that these clerks have a greater capacity for the human condition."

National Science Foundation Funds Two-Day Workshop on Authorship Attribution



Who wrote the ransom note in the JonBenét Ramsey case? Who authored emails that were part of a business fraud in England? And, was it the defendant in the Coleman murder trial who wrote several letters threatening the life of his wife? These sorts of questions arise routinely in the legal system, calling for expert testimony from experts in linguists to help answer them.

In October, BLS held a two-day symposium to examine and advance the science of forensic authorship identification. The workshop was funded by a grant to the Law School from the Law and Social Science Program of the National Science Foundation (NSF). Professor Lawrence Solan, Don Forchelli Professor of Law and Director of the Center for the Study of Law, Language, and Cognition, applied for the funding and is the grant's principal investigator.

The workshop was uniquely structured. Nine speakers from the fields of linguistics and computer science presented their methods, whether by describing a computer-generated algorithm or by describing how they go about solving cases. The speakers included leading scholars from the United States, Ireland, England, Israel, Greece, Spain, and Brazil. Prominent U.S. law professors who specialize in the field of scientific evidence then commented on how the legal system is likely to react to the methods described, and what advances might make them more attractive. Finally,

renowned experts in statistics weighed in, suggesting the implementation of additional techniques to strengthen the power of at least some of the methods.

"This workshop displayed interdisciplinary scholarship and cooperation at its best," Solan commented. "The forensic identification sciences, including everything from tooth mark analysis to ballistics, have been under criticism from the scientific community for their failure to set standards of rigor. But this field seems to be something of an exception. Here we saw scholars developing better and better methods using the tools of normal science and measuring their successes and failures accurately. Computer scientists and computational linguists, moreover, saw that they had much to learn from the insights of other linguists who use more traditional methods with less computer analysis." Solan sees the field consolidating as a healthy combination of cooperation and competition, potentially leading to the development of methods that become generally accepted among scholars and judges alike.

The presentations and commentary also revealed some difficult questions that the law of evidence has not yet solved. What happens, for example, when tested mathematical methods are not yet well enough developed to be accurate all of the time, while at the same time experts using methods that have great intuitive appeal cannot verify the accuracy of their

SPEAKERS AND MODERATORS

- **Shlomo Argamon**
Illinois Institute of Technology
- **Ronald R. Butters**
Duke University
- **Carole E. Chaski**
ALIAS Technology LLC; Institute for Linguistic Evidence
- **Malcolm Coulthard**
Federal University of Santa Catarina Florianopolis, Brazil; Aston University, Birmingham, UK
- **Edward Finegan**
University of Southern California
- **Núria Gavaldà**
Universitat Pompeu Fabra, Spain
- **Tim Grant**
Aston University, Birmingham, UK
- **Patrick Juola**
Duchesne University
- **Moshe Koppel**
Bar-Ilan University, Israel
- **Lawrence Solan**
Brooklyn Law School
- **Efstathios Stamatatos**
University of the Aegean, Greece
- **María Teresa Turell**
Universitat Pompeu Fabra, Spain
- **Carl Vogel**
Trinity College, Ireland

COMMENTATORS

Scientific Evidence Experts

- **Edward Cheng**
Vanderbilt Law School
- **Jonathan Koehler**
Northwestern University School of Law
- **D. Michael Risinger**
Seton Hall University School of Law
- **Michael J. Saks**
Arizona State University Law School and Department of Psychology

Statistical Experts

- **Bob Carpenter**
Columbia University
- **Stephen E. Fienberg**
Carnegie Mellon University

methods because they are not based in mathematics? This is the case with many developing sciences. For the legal system to exclude expert testimony altogether can lead to great injustice. But admitting all of the expert testimony that is offered can lead to error as a result of methods that have not been proven valid and reliable. Several scholars at the workshop advocated for proficiency testing of experts while the field develops into one in which a received methodology becomes the norm.

The proceedings of the workshop will be published in the *Journal of Law & Policy*. It will immediately become the leading collection of work in the field, serving as a state-of-the-art reference tool for both legal academics and those engaged in the field itself. “We are proud to be the place where science and law meet,” Dean Nick Allard commented. “We expect that this workshop and its aftermath will have long-term influence on the development of important, emerging methods in forensic science.” ■

To enhance the impact of this collaborative event, the NSF grant also includes funds to help launch a website (www.brooklaw.edu/authorship) that will report on various advances in authorship attribution research, on the testimony of various experts, and on judicial reactions to offers of expert testimony.



Prof. Lawrence Solan explores advances in the science of forensic authorship identification.

Amgen Case Mooted at Brooklyn Law School; Professor Roberta Karmel as Judge and Expert Commentator



Actors have many chances to run their lines at rehearsals, but for attorneys arguing before the nation’s highest court, it’s not quite as easy to simulate the pressure and intellectual challenge of oral argument. But on October 25, less than two weeks before arguing the case of *Amgen v. Connecticut Retirement System* before the Supreme Court, Attorney David Frederick of Kellogg, Huber, Hansen, Todd, Evans & Figel, P.L.L.C., representing the Connecticut Retirement System, conducted a “moot” argument in front of a panel of experts and BLS students in the Moot Court Room.

Professor Roberta Karmel; the Honorable Elizabeth Holtzman, co-chair of Herrick, Feinstein LLP’s Government Relations Practice; and Stanley Grossman ’67,

Senior Counsel of Pomerantz Grossman Huffard Dahlstrom & Gross, (also an Alumni Luncheon Honoree, see page 54) played the part of the Justices during Frederick’s oral argument, posing challenging questions and offering Frederick a critique of the substantive points of his argument. After the argument, students had the opportunity to pose questions to Frederick about Supreme Court practice, Frederick’s argument style, and the content of his presentation.

On the heels of the actual argument before the Court, which took place on November 5, Karmel, a former Commissioner of the Securities and Exchange Commission and an expert in securities law, wrote an analysis of the *Amgen* case for a special edition of *Westlaw Journal of Securities Litigation and Regulation* that focuses on pending Supreme Court decisions. The *Amgen* case explored whether materiality must be proved at the class certification stage in a securities fraud case that relies on the fraud-on-the-market theory.

At stake was whether the traditional rules for certifying class actions in the securities area will be toughened to make it more difficult for investors to bind together to form class actions. In the article, entitled

“The *Amgen* Case: When Must Materiality Be Proven?” Karmel analyzed the case precedent that would be used by the Court in deciding the *Amgen* case and considered at least four ways that the Court could decide the case, noting, however, that “the efficient market theory remains the predicate for the integrated disclosure regime of the Securities and Exchange Commission.” In a decision released by the Court in late February, the Court held that (1) plaintiffs need not establish materiality at the class certification stage even when relying on the fraud-on-the-market theory of reliance; and (2) defendants are not entitled to present evidence of an absence of materiality at the class certification stage to defeat certification.

The ruling emphasized that the presence or absence of materiality was to be determined on an objective basis and was an issue common to all potential class members. Justice Ginsburg wrote for the majority: “As to materiality, therefore, the class is entirely cohesive: It will prevail or fall in unison. In no event will the individual circumstances of particular class members bear on the inquiry.”

Clearly, Frederick’s practice in the BLS Moot Court Room paid off! ■

Clinic Update

New Clinics for the 2012-2013 Academic Year



The Immigrant Youth Clinic (L to R): Diana Kim '13, Amalie Silverstein '14, Adjunct Prof. Lauren Burke, and Gillian Kosinski '13.

The Law School's clinical program is one of the most diverse, extensive, and comprehensive in the country. The Law School offers over 30 clinics, but is constantly developing new programs to provide opportunities in new practice areas in order to ensure that students receive the best hands-on education possible. "We are committed to providing our students with a real-world lawyering experience that evolves with the changing landscape of the legal profession," said Stacy Caplow, Director of the Law School's Clinical Programs. Three new clinics in the areas of public benefits, immigration, and government regulation debuted this year. In addition, an LGBT rights project in which volunteer lawyers and law students collaborated, opened its Brooklyn outpost at the clinic office.

Immigrant Youth Clinic

On June 15, 2012, President Obama and DHS Secretary Janet Napolitano announced a program that would provide extended Deferred Action to an estimated 1.7 million immigrant youth under 30 who entered the U.S. as children and graduated from U.S. public schools, but remain here without any form of immigration status. The Immigrant Youth Clinic works to identify, educate, and represent youth eligible for the Deferred Action for Childhood Arrivals (DACA) program. In its first semester, the Clinic found that 25% of all young people coming forward due to DACA were actually eligible for other forms of immigration relief, but had no knowledge of their right to self-petition. Thus, the Clinic also works with DACA eligible participants to prepare and file more permanent forms of status such as T visas for survivors of human trafficking and U visas for crime victims who have made reports to law enforcement.

The Clinic is taught by Atlas: DIY Executive Director Lauren Burke, who is also a supervising staff attorney at the New York Asian Women's Center and a former Skadden Fellow. Students work at Atlas: DIY to not only represent young immigrants in

their claims, but also engage in innovative lawyering methods tailored towards the 21st century. Students, for example, will learn how to utilize social media to interact with potential clients and teach young people their rights, as well as practice "ACCESS lawyering," where young people are taught the law and create projects with their assigned intern to educate others. In addition, students of the immigrant youth clinic are taught the intricacies of interviewing youth who have experienced stigma, isolation, and trauma, and learn how to put together a successful client narrative and immigration application.

Economic Justice at the Attorney General's Office: A Practical Introduction

This one-semester Clinic provides students with the opportunity to work in the Division of Economic Justice in the Office of the Attorney General of the State of New York. The mission of the bureaus in the Division of Economic Justice, including Antitrust, Consumer Frauds, Internet, Investor Protection, and Real Estate Finance, is to protect consumers and investors across New York State from various fraudulent or unlawful schemes.

Each student is assigned to work with an Assistant Attorney General (AAG) in one of these five bureaus. Students review complaints and regulatory submissions, investigate alleged fraudulent or unlawful schemes, draft pleadings and memoranda of law, and participate in subpoena practice and discovery. The Clinic's seminar, taught by Lewis Polishook, Chief Counsel of the Real Estate Finance Bureau, provides background with respect to substantive areas of law and the practical considerations AAGs must take into account each day in deciding whether and how to approach matters before them. Students are expected to keep journals describing their work and to discuss legal and strategic issues that come up in the course of their work as part of the seminar.

Economic Justice—NYLAG Public Benefits Clinic

This two-semester clinic, co-taught by Camille Zentner '06, a former Sparer Public Interest Fellow and Skadden Fellow, and Chris Portelli, a New York Legal Assistance Group (NYLAG) lawyer, provides students with an in-depth experience in welfare benefits practice and economic justice advocacy.

ABA President-Elect Jim Silkenat Discusses Networking Value of Bar Association Memberships with Externship Students

This past November, American Bar Association President-Elect Jim Silkenat joined Adjunct Professor Diana Sen, immediate past President of the Hispanic National Bar Association, to present a panel discussion on the networking value of bar association membership.

Over 100 students from the Criminal Practice, Judicial, and Civil Practice Externships gathered for the panel, which was moderated by the Hon. Elizabeth Stong, a U.S. Bankruptcy Judge for the Eastern District of New York and an Adjunct Professor at the Law School, and Professor Lisa Smith. The panelists focused on the importance of serving on committees, volunteering to host and plan bar association events, and attending events and meetings in order to become a recognizable presence in these circles.

“Sometimes the word ‘networking’ scares people because they have the perception that you must be the most

outgoing person in the room to be successful at it,” said Silkenat. “But networking can take many forms. Active bar association participants often make a name for themselves by doing substantive work in areas of interest to them.”

Silkenat and Sen also discussed the different routes they took to get to their current positions and stressed how becoming involved with bar associations helped them find and become mentors, raise awareness surrounding issues they feel strongly about, and build professional relationships.

“We wanted to demonstrate the value of becoming active in a bar association, where you can make great contacts and accelerate your reputation by working on substantive matters,” said Smith. “Understanding the opportunities that active participation in bar associations present is part of an important transition into successful practice.” ■

Students work to ensure that individuals and families have access to basic necessities of survival to which they are entitled, and to help individuals and families navigate the City’s complex public benefits bureaucracy. Working under the supervision of two NYLAG attorneys, staff at the Project FAIR Legal Help Desk, and the Mobile Legal Help Center, students represent clients at Administrative Fair Hearings (administrative mini-trials against City representatives at which students deliver opening and closing statements, examine witnesses, and submit memoranda of law). They also engage in informal advocacy for clients with state and local agencies and agency attorneys. At the end of the year, a student is likely to have upwards of 20 cases, many of which proceed to hearing. Students also participate in other activities of the NYLAG public benefits practice, including community outreach and education programs and identification of possible issues in the practice to be pursued through impact litigation work. At weekly Clinic seminars, students learn substantive law and have the opportunity to hear from a wide range of speakers and specialists from government, legal service providers, and the bench. ■

New Student Pro Bono Project

Many student organizations sponsor pro bono projects in which students can assist individuals and groups, although not for academic credit. This year, one of these projects took place at the clinic office.

LGBTQ Brooklyn Legal Assistance Project

The LGBT Bar Association of Greater New York (LeGaL), in partnership with the Brooklyn Community Pride Center and the Brooklyn Law School OUTLaws, launched a new pro bono legal clinic devoted to serving the LGBTQ community of Brooklyn. Volunteer lawyers, assisted by BLS students, provide members of Brooklyn’s LGBTQ community with a free consultation and referrals to LGBTQ legal and social service organizations.

Kathryn Hensley ’13, with the support of Professor Bill Araiza, took the initiative to develop this project and is its first Fellow. The project has over 20 volunteer attorneys, including BLS alumni Nick Melissinos ’04, Jane Andersen ’08, and Craig Notte ’97.

This year, the project produced two CLE programs on common issues facing the LGBTQ community in the areas of family, housing, criminal, and employment law. It is also developing topic-specific community programming to further educate and empower LGBTQ Brooklynites.

➔ To read more about the Brooklyn Law School Clinical Program go to: www.brooklaw.edu/academics/clinicalprogram



Malya Levin '12 Awarded Law and Aging Fellowship

Brooklyn Law School and the David Berg Center for Law and Aging have created a new joint postgraduate fellowship opportunity. Malya Levin, who graduated from the Law School *cum laude* in 2012, was chosen as the first Law and Aging Fellowship recipient.

The Law and Aging Fellowship provides recent graduates with the opportunity to work on elder law projects in a variety of legal areas. The focus of the projects is based on the client needs at the David

fair hearings. The fellows also work on long-term development projects aimed at increasing awareness and education around issues of elder abuse in the New York legal community.

Levin has had a longstanding interest in elder law. She served as a research assistant to an elder law NGO in Israel during the summer after her first year of law school, and as an intern at the Weinberg Center during her second year. During the summer after her second year of law school, she published the article "Let Us Prey: The Victimization of the Elderly," in "Plain Views: Translating Knowledge and Skills into Effective Chaplaincy and Palliative Care," published on the website HealthCareChaplaincy.org. While in her third year of law school, she began researching and writing a journal article in collaboration with Weinberg Center staff about the impact of New York State guardianship proceedings on elder abuse victims. The article, "Changing of the Guardians: A Criticism and Analysis of the New York Guardianship Statute's Impact on Elder Abuse Victims," will be published in the Spring 2014 issue of the *National*

showed me that elder law encompasses far more than trusts, estates, and guardianships. I am thrilled at the opportunity to take my skills and knowledge of this area to the next level."



Natalie Serra '13 Takes First Place in ABA's Domestic & Sexual Violence Writing Competition

Natalie Serra '13, an Edward V. Sparer Public Interest Law Fellow, won first place in the ABA Commission on Domestic & Sexual Violence's annual Law Student Writing Competition. Her paper, "Queering International Human Rights: LGBT Access to Domestic Violence Remedies," was published in American University's *Journal of Gender, Social Policy @ the Law*. Serra also presented her paper at the Mid-Atlantic Law and Society Association's inaugural conference held in October.

Serra's note argues that survivors of domestic violence in same-sex relationships suffer from the same recognizable patterns of control and abuse at proportional rates as survivors in opposite-sex relationships. Since LGBT survivors experience the same breach of essential human rights to life, dignity, and bodily integrity when they are abused by their partners, she argues, same-sex domestic violence warrants the attention of the international community and should be incorporated into the international discourse on LGBT human rights that has been emerging and developing at the United Nations within the last two decades.

"I entered law school knowing that I wanted to use my degree to educate and empower vulnerable populations, and BLS gave me the opportunity to experience that type of work in a number of contexts." —Malya Levin '12

Berg Center housed at the Weinberg Center for Elder Abuse Prevention and Research, the nation's first residential elder abuse shelter at the Hebrew Home at Riverdale. Fellows work under the direct supervision of Deirdre Lok '03, the Weinberg Center's Assistant Director and General Counsel, in a variety of practice areas, including litigation, negotiation, advocacy, client contact, appearances in family and housing courts, and Medicaid

Academy of Elder Law Attorneys Journal.

"I entered law school knowing that I wanted to use my degree to educate and empower vulnerable populations, and BLS gave me the opportunity to experience that type of work in a number of contexts," said Levin, who also interned at The Legal Aid Society, Brooklyn Juvenile Rights Practice, and The Hebrew Immigrant Aid Society. "My experience working with the Weinberg Center

Serra, who was a Women and Gender Studies major at the College of New Jersey, has immersed herself in public interest law while at BLS. She has been an intern at the Sanctuary for Families' Center for Battered Women's Legal Services LGBT Initiative, at South Brooklyn Legal Services' HIV/Comprehensive Rights Unit, and at the Legal Aid Society's Kings County Criminal Defense Office. She is currently interning at The Kurland Group, an LGBT civil rights firm staffed with several BLS alumni.

"I grew up in a low-income neighborhood and came to law school to work in the public interest," she said. "I hope to continue this work after I graduate."



Douglas Buckley '13 Places in American Bankruptcy Institute Law Student Writing Competition

Douglas Buckley '13 was the third place winner of this year's highly competitive American Bankruptcy Institute's (ABI) Law Student Writing Competition. Buckley's paper, "Loss Mitigation in Bankruptcy: Judge-Made Programs That Need More Support," was published in the Consumer Bankruptcy Committee's newsletter. In addition to recognition and publication of his paper, Buckley received a one-year ABI membership and a cash award sponsored by McGuireWoods LLP. "Hundreds of applicants submitted their papers to the competition, so it makes me very proud to be selected representing Brooklyn Law School," said Buckley. "The honor is a tribute to the Law School's terrific bankruptcy curriculum."

Beginning with the foreclosure crisis, Buckley's paper addresses the limitations

of, and steps taken to strengthen, loss mitigation. "While corporations and those who own vacation homes may modify mortgages on real property," Buckley wrote, "the bankruptcy code singles out owner-occupied residential property as the only category of property for which the related loan cannot be modified in bankruptcy."

Buckley likens bankruptcy law to putting together a big puzzle. "Whether it is an individual or a company you are representing," he explained, "as an attorney, you are challenged with determining how to put all the structural pieces together again to fix the financial problem." He credits Professor Michael Gerber for encouraging his interest in the area of

"Hundreds of applicants submitted their papers to the competition, so it makes me very proud to be selected representing Brooklyn Law School. The honor is a tribute to the Law School's terrific bankruptcy curriculum."

—Douglas Buckley '13

bankruptcy. "I took Professor Gerber's Business Reorganizations class, which was instrumental to my education. He was also always quick to point out any extracurricular or networking opportunities to help me shape my career," said Buckley.

Buckley is an Associate Managing Editor for the *Brooklyn Law Review*. He interned for the Chief Bankruptcy Counsel at the Securities and Exchange Commission, Division of Enforcement, and interned for Judge Martin Glenn in the Bankruptcy Court for the Southern District of New York. After graduation, he will be clerking for Chief Judge Carla E. Craig in the Bankruptcy Court for the Eastern District of New York.



Cassye Cole '14 Awarded Patterson Belknap Webb & Tyler LLP Diversity Fellowship

Cassye Cole '14 was awarded the inaugural Patterson Belknap Webb & Tyler LLP Diversity Fellowship. As a Diversity Fellow, Cole will receive a financial award of up to \$15,000, a paid 2013 summer associate position, and an assigned mentor at the firm for the remainder of her time in law school.

Cole was selected from a large, competitive group of applicants from law schools throughout the country, adding to a BLS career already packed with distinguished achievements. Currently, Cole is an intern with the United States Attorney's Office, Eastern District of New York, in its National Security and Cybercrime Section. She previously interned with Judge Sterling Johnson, Jr. '66 of the U.S. District Court for the Eastern District of New York and spent last summer at the New York County District Attorney's Office as a NYC Bar Fellow. Cole also served as a Lieutenant Governor for the American Bar Association's Law Student Division and as the Director of Education & Career Development for the National Black Law Students Association.

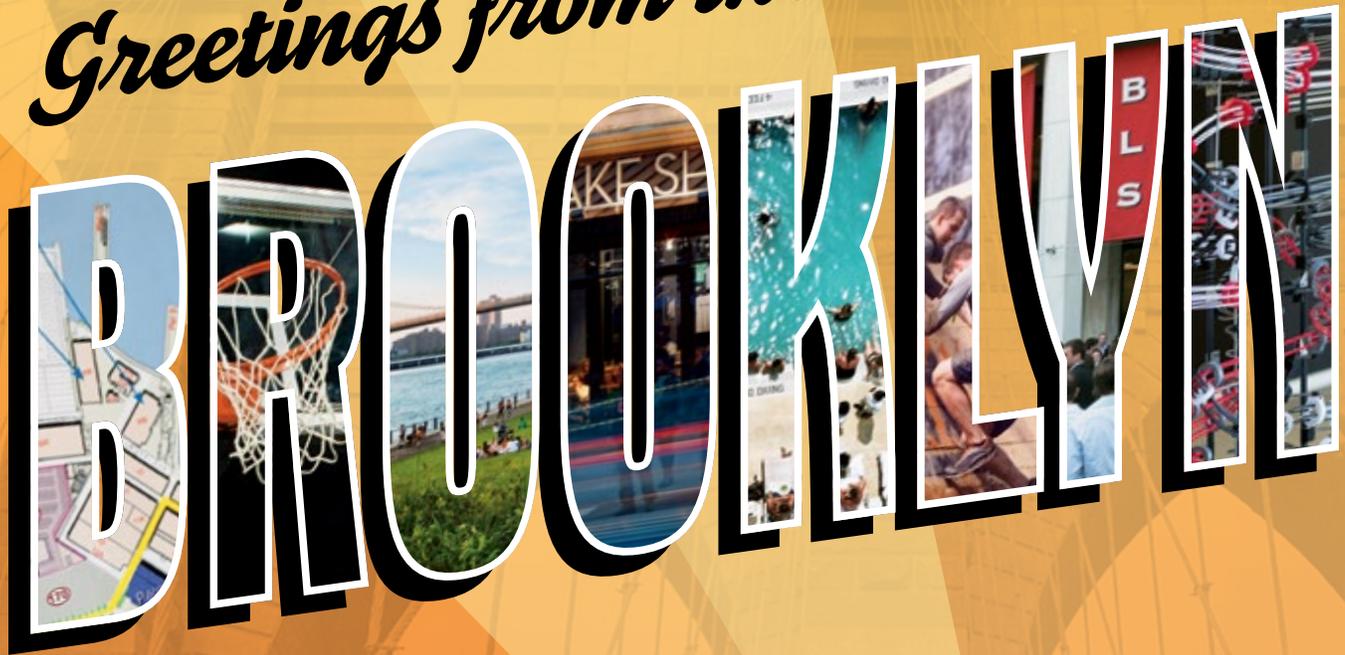
Cole holds a M.A. from John Jay College of Criminal Justice, and a B.S. in Criminology & Criminal Justice from Florida State University. Prior to law school, she lived in Costa Rica, where she taught English as a Second Language. ■

From Barclays Center to the
Brooklyn Navy Yard and Beyond,
BLS Graduates Are Transforming Brooklyn

By Andrea Strong '94

Greetings from the New

BROOKLYN

The word 'BROOKLYN' is rendered in large, bold, black-outlined letters. Each letter serves as a frame for a different image: 'B' shows a street map; 'R' shows a basketball hoop; 'O' shows a waterfront park with a bridge; 'O' shows a street scene with a sign that says 'AKESE'; 'K' shows a swimming pool; 'L' shows a person working out; 'Y' shows a crowd of people; 'V' shows a red sign with 'BLS' on it; 'N' shows a basketball game.

**“The Law School is committed to the Brooklyn community and to nurturing the businesses and opportunities that will continue to shape this borough’s bright future.”
—Dean Nick Allard**

On February 12, just two days before Valentine’s Day, restaurateur Danny Meyer bestowed a loving gift upon the borough of Brooklyn: its second Shake Shack. The first, which opened in late 2011, is located just a few steps from the Law School. The second, set to open in the fall of 2013, will be located just a three-pointer’s distance away, adjacent to Barclays Center on Flatbush Avenue. The opening of yet another Shake Shack for Meyer’s Union Square Hospitality Group (USHG), which also owns acclaimed restaurants like Gramercy Tavern and Union Square Cafe, comes as little surprise. There are already two dozen Shake Shacks in operation in the U.S. and abroad. What is noteworthy, though, is the fact that USHG doubled down opening two Shake Shacks within a mile of each other, something the company has never done before. Then again, quite frankly, no other place in the world at this time compares to Brooklyn.

“The most exciting restaurants are opening in Brooklyn, and the most interesting things happening in our city are happening in Brooklyn,” said Shake Shack CEO Randy Garutti. “It is an incredible place, and we wanted to continue to grow with Brooklyn. Being across from Barclays Center is like being at the crossroads of New York City.”

But the Shack-ification of Brooklyn is just the tip of the iceberg. Brooklyn is booming. It is a hub for technology; a center of culinary talent; a mecca for fashion designers; a breeding ground for start-ups; and a haven for innovators, creators, and burgeoning entrepreneurs. A 2012 study by Urbanomics for the Brooklyn Tech Triangle found that there are over 520 creative and tech start-ups in the area comprising DUMBO, Brooklyn Navy Yard, and Downtown Brooklyn. The study found that these “innovation firms” in the Brooklyn Tech Triangle, including companies like MakerBot (featured in this article) and Etsy, had an impact of \$3.1 billion on the Brooklyn economy. What’s more, a recent report from the State Comptroller’s office found that private sector jobs and wages grew in greater Downtown Brooklyn faster than the rest of the City. “It hasn’t happened overnight,” Comptroller DiNapoli told NY 1 in July. “But so much of what’s been invested here has been coming together.”

“Across the globe, everyone is singing the praises of Brooklyn, America’s fourth largest city (and on track to become the third!),” said Brooklyn Borough President Marty Markowitz. “Brooklyn is the destination of choice for more than 15 million visitors each year from around the world. I like to say that Brooklyn has it all and is where New York City begins—but if visitors want to take a day trip to Manhattan, that’s ok, too!”

BLS graduates and students have played an integral part in fueling and sustaining the borough’s impressive development. They have been working to redevelop the historic Brooklyn Navy Yard into a thriving center of manufacturing, technology, film, carpentry, and design; to bring the 18,000-seat Barclays Center to Flatbush Avenue; and to provide the legal and business acumen needed to foster the entrepreneurship that has created wildly successful start-ups, like the extreme sport event business Tough Mudder, and MakerBot, a pioneer in 3D printing.

Jonathan Askin’s Brooklyn Law Incubator & Policy Clinic (BLIP) is a force in fostering technology and entrepreneurship in the borough. Working with Brooklyn-based companies like Kickstarter, students are helping to leverage the wisdom and desires of the crowd to transform the ways in which products and ventures are funded, while students in David Reiss’s Community Development Clinic work to assure that community groups can be heard at a time of aggressive residential and commercial real estate development.

“Brooklyn is at the center of so much of the City’s economic and industrial development,” said Dean Nick Allard. “Given the Law School’s century-long history in the borough, it is both heartening and quite fitting to observe the significant role both our graduates and our students have played, and are continuing to play, in its growth and evolution. The Law School is committed to the Brooklyn community and to nurturing the businesses and opportunities that will continue to shape this borough’s bright future.”

On the following pages we highlight how our graduates and students are propelling Brooklyn forward.

Brooklyn's Slam Dunk

New York Magazine's 2012 year-end double issue included 74 "Reasons to Love New York." Their number one reason?

Barclays Center: "Because even a 675,000-square-foot \$1 billion stadium plunked down in the middle of the New Brooklyn can win us over any night of the week." (Reason No. 25 was MakerBot's industrial revolution).

Despite the backlash and bickering that made the construction of Barclays Center a nearly decade-long drama, its creation, by Brooklyn-based real estate developer Forest City Ratner Companies, LLC (FCRC), has caused a cosmic shift in the Brooklyn landscape. In addition to bringing Brooklyn Nets and Islanders Hockey (coming in 2015) to Flatbush Avenue, it booked over 200 events for its inaugural year, opening with eight performances by Jay-Z, and featuring an unparalleled lineup of musical superstars for the 2012-2013 year that included Barbra Streisand, The Rolling Stones, Rush, Justin Bieber, The Who, Bob Dylan, and

Neil Young. Upcoming events include the MTV Video Music Awards and concerts by Beyonce, Alicia Keys, and Rihanna.

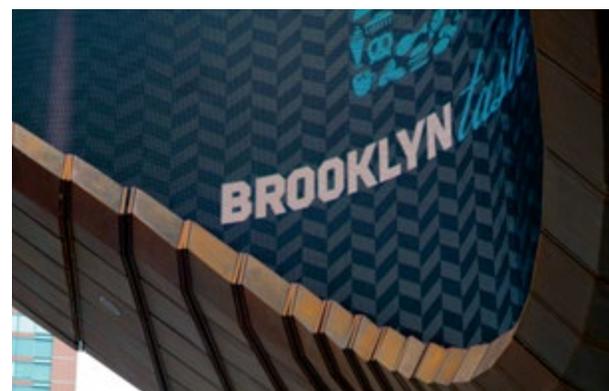
At the heart of Barclays Center's development are two Brooklyn Law School graduates: **Linda Chiarelli '88**, the Senior Vice President and Deputy Director of Construction for Barclays Center developer FCRC, and **Jeff Gewirtz '94**, Executive Vice President of Business Affairs & Chief Legal Officer, Brooklyn Nets/Barclays Center.

Chiarelli joined FCRC in 1998, with a civil engineering degree from Cooper Union, a law degree from BLS, and ten years of experience as a construction lawyer with Ross & Cohen under her belt. (The co-founder of that firm is BLS Board of Trustees member Fred Cohen '67.) Her involvement in Barclays Center's development has been ongoing since 2003. She initially worked in the legal department where she negotiated agreements with the Metropolitan Transit Authority and worked on the master plan and design of the arena with then-architect Frank Gehry. In 2008, Chiarelli, by then

FCRC's Deputy Director of Construction, was named Project Executive for the arena. Since then, she has been Barclays Center's "monitor-in-chief." For four years, she has managed all of the details relating to the arena's construction. She has spent nearly every day, often working from early morning until dusk, at the site, monitoring costs and keeping the project moving. "It's really the same as a kitchen renovation," she joked. "It just takes longer and there is more money involved."

Chiarelli's partner on the Nets side of the Barclays equation is Jeff Gewirtz, a highly competitive tennis player at Tufts University (he held the #1 Doubles Ranking in the United States Tennis Association's (USTA) Eastern Section and the #1 singles ranking in the Long Island District of the Eastern Section). Gewirtz has been in the thick of the sports law world since he graduated from the Law School and joined the New York City offices of Dunnington, Bartholow & Miller, LLP, where he served as the associate to the then general counsel of the USTA, who was a partner at the firm. Since then, he has held one dream sports lawyer job after another, including in-house counsel for the WTA Tour; General Counsel for the LPGA Tour; sports, entertainment and media counsel in The Coca-Cola Company's Corporate Legal Division; Director of Legal Affairs for the International Olympic Committee's Television & Marketing Services Division; and, most recently, General Counsel and Chief Legal & Government Affairs Officer for the United States Olympic Committee. This experience gave him the foundation (and the courage) to be part of the team responsible for bringing the Nets—and Barclays Center—to Brooklyn.

Center Court: Jeff Gewirtz '94, Executive VP of Business Affairs and Chief Legal Officer for the Brooklyn Nets and Barclays Center, oversees the arena and the team's legal affairs.



Building Barclays: Linda Chiarelli '88, Senior VP and Deputy Director of Construction for Forest City Ratner Companies, has overseen a decade's worth of planning to open Barclays Center.



Despite the legal obstacles and community hurdles Barclays Center faced along the way, there was no doubt in Gewirtz's mind that it would be a success. "First, the transportation solution was in place, which put the Center in the middle of nine subway lines and the Long Island Rail Road," he said. "But more significantly, I was a believer because Bruce Ratner is one of the great developers of New York over the past 20 plus years. No one knows Brooklyn real estate better. If Bruce said he was going to get it done, I knew he would."

"It's hard to describe in words how absolutely transcendent this move was for the franchise, the borough, and the NBA. It's been a total win." —Jeff Gewirtz '94

For Gewirtz, who oversees legal and business affairs for both the team and Barclays Center, the job has been the most exciting of his lengthy sports law career. "On a given day my legal team touches multiple areas of law and regularly interfaces with both the NBA and with David Berliner, FCRC's General Counsel, and his FCRC legal team," he said. Gewirtz's daily calendar might include the negotiation of a sponsorship agreement, working on aspects of the team and the arena's media business, hammering out an employment agreement with a coach, overseeing the team's intellectual property, and managing all of the company's litigation (he has outsourced some of this work to BLS colleague Dana Susman '94 at Kane Kessler).

The move to Brooklyn has been a huge success for the Nets. Just three months after opening, the team sold more than 11,000 full season ticket plans for the 2012-13 NBA season. It ranked fifth in gate revenues in the NBA in December 2012, compared to 28th in the previous season. On launch day of the Brooklyn Nets brand, merchandise sales more than doubled the team's total sales for the entire 2010-11 NBA season.

"Having an NBA team with 'Brooklyn' on its jersey is terrific," said Gewirtz. "Our merchandise sales are up 3,000%."

Jerseys aside, perhaps the ultimate indicator of the Center's success can be found on Facebook. Since it opened in September, its "Likes" have increased by more than 450%. "It's hard to describe in words how absolutely transcendent this move was for the franchise, the borough, and the NBA," said Gewirtz. "It's been a total win."

But Barclays Center has done more than bring two national sports franchises and top-tier entertainment to Atlantic Avenue. FCRC has also made the community's long-term economic development a priority. It was Bruce Ratner, the Executive Vice President of FCRC, who also developed other large-scale Brooklyn projects, including the business and educational center MetroTech, 330 Jay Street (which houses the Supreme Court and Family Courts), Atlantic



There's No Better Place to Eat or Drink

Ask anyone where to eat in New York right now and you'll get one answer: Brooklyn. The *New York Times* restaurant critic Pete Wells featured four Brooklyn restaurants (**La Vara**, **Gwynnett St.**, **Blanca**, and **Pok Pok NY**) in his "12 Restaurant Triumphs of 2012," while *New York Magazine's* chief food critic Adam Platt opened his "Where to Eat 2013" feature with a declaration of Brooklyn's ascension to culinary greatness: "Years from now, food scholars will record that the year of Obama II and Superstorm Sandy was also the year that the Great Brooklyn Restaurant Boom finally lived up to its hype," he wrote.

The movement that has driven chefs to Brooklyn has also lured distillers of artisan spirits. Thanks to brands like **Industry City Distillery** (a new vodka producer), **Uncouth Vermouth** (featuring Red Hook Winery's sour Riesling, local grappa and bitter herbs grown in Fort Greene), Red Hook's **Cacao Pietro's** (rum, luscious liquor, and Widow Jane Kentucky Bourbon Whiskey), Bushwick's **The Noble Experiment** (rum), and Williamsburg-based **New York Distillery** (which turns out gin and rye), there's no good reason to drink mass-made spirits ever again.

Terminal, and The Bank of New York Tower, who insisted that Barclays not just be about entertainment. He wanted to give back to the Brooklyn community and enlisted Chiarelli to help. In her role as Barclays' Center Project Executive, Chiarelli has been instrumental in creating this connection to the community. "We didn't want to be a big box business in the neighborhood," said Chiarelli. "We want to invite the outside in, with retail space woven into the development open to the neighborhood."



A ship's anchor on display at the Navy Yard's museum.

To bring the fabric of Brooklyn to Barclays, the company curated a menu of locally sourced eats including dishes from Fatty 'Cue, Habana Outpost, Brooklyn Bangers, Calexico, L&B Spumoni Gardens, Junior's, and Blue Marble. The investment in local talent has paid off. In December 2012, Barclays Center's gross food and beverage receipts were the highest of any one-team arena. Bringing in local food was only part of the equation. To staff Barclays Center, FCRC created and filled 2,000 new jobs in arena operations, guest services, and food services areas. Of these new jobs, 80% were filled by local residents.

As part of its Atlantic Yards residential development project, also under Chiarelli's purview, FCRC has committed to an affordable housing model that sets aside 2,250 rental units (of the 4,500 planned) for low-, moderate-, and middle-income families. This past December, FCRC broke ground on the first residential building at Atlantic Yards. When it is completed in the summer of 2014, the building will be the tallest building in the world built using modular technology. (In fact, its modular units are being fabricated at the Brooklyn Navy Yard).

"It took a long time to get from where we started to where we are now," said Chiarelli. "It's been quite a journey, but now that we are at the end of it, there's a great sense of satisfaction to see how much the community has embraced us. The Center has brought a great sense of pride to Brooklyn."



Industrial Revolution: (FROM L TO R): Len Wasserman '72, Marty Banker '72, Richard Drucker '67, and Mark Jackson '11 have given Brooklyn's storied Navy Yard a new life as a thriving hub of economic development.

The Longest Yard

Built in 1801 to manufacture the country's greatest war ships, The Brooklyn Navy Yard today is an enclave of dynamic economic development. Its 300 waterfront acres boast 40 buildings, four million square feet of leasable space, over 275 tenants, and nearly 6,000 workers, representing tremendous growth in the past ten years. On any given day, the Yard hums with activity: handbags are crafted from recycled leather jackets and pants; body armor is built for the U.S. military; whiskey is distilled; million-dollar portraits are restored; pink packets of Sweet & Low are packaged; hand-crafted furniture is fabricated and restored; and Steve Buscemi struts the set of "Boardwalk Empire" at the Navy Yard's Steiner Studios.

"We are witnessing the emergence, the reemergence, the new roots of 21st century manufacturing," said Professor Jonathan Askin. "We see the leaders of the "Maker Movement" setting up shop in the formerly fallow warehouses and factories of Brooklyn, once the epicenter

of the industrial revolution, planting their flags in the warehouses and neighborhood of Brooklyn."

The Yard's road from its glory as a shipbuilding center to its current renaissance as a mecca of industry was long and arduous. After closing in 1966, it was purchased by the City of New York in 1967 for \$24 million and reopened as an industrial park four years later. But the Yard's infrastructure was not maintained, and as the years went by, occupancy dwindled and the Yard drifted into disrepair. By 1995, when **Richard Drucker '67** joined the Navy Yard, it was on the verge of closing. As Vice President of the Navy Yard, Drucker was the project manager for the preparation of a "Master Development Strategy." The consultant's plan, adopted by the Navy Yard, called for the infusion of substantial capital dollars to rehabilitate the infrastructure of the Yard and to keep the facility operating as an industrial park well into this century. Drucker took the lead in negotiating the transfer of the Naval Hospital Annex from the U.S. Navy to the Brooklyn Navy Yard Development Corporation. He was also the project



Sleep Here

Downtown Brooklyn's hotel scene already includes fashionable operators including **Nu**, **Indigo**, and **Aloft**, along with national players like the **Marriott** and **Sheraton**. It was only a matter of time before boutique hotels got in on the action. The indie boom arrived in 2012 with the opening of two \$30 million projects in Brooklyn. With its 4,800 square foot sundeck, salt water pool, bamboo-floored rooms, and superfine hand-muddled cocktails, **King & Grove** feels like South Beach in the City. Elm, the hotel's restaurant, set to open this summer, features a menu by chef Paul Liebrandt, one of the country's most acclaimed chefs.

Set on the Williamsburg waterfront, **The Wythe Hotel**, built in 1901 as a cooperage, has been painstakingly renovated with artisanal detail. Custom beds are fabricated from the building's reclaimed ceiling pine and locally made furniture adorns all rooms, while custom-made Flavor Paper wallpaper by Brooklyn-based artist Dan Funderburgh lines the walls. The hotel is also home to Reynard, the critically acclaimed farm-to-table restaurant from Andrew Tarlow (Marlow & Sons, Romans, Diner).

manager for the successful establishment of a New York State Empire Zone for the Navy Yard, providing incentives for companies to move and grow in the industrial park as well as to create additional jobs.

Drucker, who is now Senior Vice President for External Affairs, has over the years been joined by three fellow BLS graduates. Together, they have formed a kind of "Dream Team" working for the Navy Yard's growth and renaissance. **Len Wasserman '72**, an Adjunct Professor at the Law School, began working with the Navy Yard in 1984 in his role as Chief of the Economic Development Division of the New York City Law Department. Wasserman's mission was to represent the City of New York as head of a team of real estate transactional lawyers in connection with deals designed to promote business retention, expansion, and attraction within the City of New York—including within the physical boundaries of the Navy Yard. He counseled and represented the Yard, as well as the City's Economic Development Corporation, on many matters, including sales, leasing and financing, and a variety of other transactional work, geared towards creating, retaining, and growing jobs in the City.

After his retirement in 2011, he became Special Transactional Counsel to the Yard and continues working on Navy Yard matters with his fellow graduates **Marty Banker '72** and **Mark Jackson '11**. Banker joined the team in 2001 as Deputy General Counsel, where he oversees everything from lease negotiation with tenants, to construction, and vendor contracts. He also plays a role in promoting community development and local hiring. Jackson joined in the summer of 2012 and has assumed an increasingly greater role in Navy Yard transactional and land use matters. Jackson, who has a background in construction management and real estate, was a member of Debra Bechtel's Corporate Real Estate Clinic and was a student in Wasserman's Megaprojects & Public-Private-Partnership course. It was actually Wasserman who tipped him off to the job opening at the Navy Yard. "It's a homerun to be able to work here," said Jackson. "I have spent 10 years living in

the leadership of President and CEO Andrew Kimball, Drucker, Wasserman, Banker, and Jackson are working on several exciting new projects that will add two million square feet of new leasable space and 2,000 new jobs (most of which will be filled by local community members) to the Navy Yard. These include the transformation of the set of buildings known as Admirals Row into a 74,000-square-foot supermarket and a 127,000-square-foot industrial light studio; the \$60 million renovation of Building 128 into a Green Manufacturing Center, the nation's first multi-tenanted, multi-story green industrial building; and the creation of a fruit and vegetable garden rooftop farm run by Brooklyn Grange that provides jobs and fresh produce to local farmers markets and residents, and diverts millions of gallons of storm water from the East River.

"There is a level of pride that is embodied by the Navy Yard," said Wasserman. "There was a time when the City was in danger of losing its manufacturing business. To be able to host so many industrial companies who have otherwise been fleeing the City is a real asset."

Jackson and Wasserman have also been tackling a key zoning variance that would allow for a seminal collaboration between Brooklyn College and the Navy Yard's Steiner Studios, which owns the five largest sound stages east of Los Angeles and has been home to such television series as "Boardwalk Empire" and "Law & Order," and movies such as "The Producers," and "The Good Shepherd." Given that the

"To be a part of the future development of this historic asset is an amazing opportunity." —Mark Jackson '11

Brooklyn, biking past the Navy Yard and always wondering, What goes on there? To be a part of the future development of this historic asset is an amazing opportunity. It's also a dynamic place to work as a real estate attorney, because I'm involved in all aspects of negotiations, financing, and construction management."

While the Navy Yard's transformation in the last 15 years has been remarkable, its future looks even brighter. Under

Navy Yard is zoned solely for manufacturing, the variance would allow students to engage in hands-on filmmaking and learning in an academic film production space. Jackson and Wasserman's work will pave the way for the Brooklyn College Graduate School of Cinema, the nation's first working film production lot to be integrated into a graduate school of cinema. The school hopes to welcome its first class of students in the fall of 2014.



Flee to the Flea!

Here's a bright concept: Take an underused outdoor space, fill it with local artisans peddling everything from homemade sausages to vintage suspenders, and let the people shop. That's precisely what two Brooklyn entrepreneurs—Jonathan Butler, founder of the popular Brooklyn real estate blog *Brownstoner.com*, and Eric Denby, former communications director for Brooklyn Borough President Marty Markowitz—did in April 2008 when they turned an outdoor church lot in Fort Greene into **Brooklyn Flea**, a weekly outdoor market.

What began with a few dozen vendors has grown to include 150 local and regional vendors of antiques, vintage clothing, handmade items, jewelry, food, bicycles, records, and more. Now in its fifth year, the Flea has since moved around to winter pop-ups in DUMBO, a holiday market in Manhattan, the Brooklyn Masonic Temple, and Skylight One Hanson at the former Williamsburg Savings Bank. With food as the central calling card of many of the Flea locations, founders premiered **Smorgasburg** in 2010, a weekly food-only feast featuring 75-80 artisanal food vendors held on Sundays in Williamsburg and DUMBO (which opened in 2012).

And that's just the beginning.

Founded in 2010 by Harvard Business School graduate Will Dean and his friend Guy Livingstone, the Dumbo-based Tough Mudder has become the challenge of choice for elite athletes, fitness enthusiasts, risk-taking adrenaline junkies, and weekend warriors alike. Designed by British Special Forces to test not just strength and stamina, but mental grit and camaraderie, Tough Mudder events consist of a 10+ mile course (the terrain is as varied as a desert flat to a snowy ski

mountain) plotted with more than 20 obstacles. All this and you won't even get a medal at the end of the course. Tough Mudder does not crown winners. Every team gets the same reward: a Dos Equis beer, live music, and an orange terry cloth Tough Mudder-branded headband.

The company has been a staggering and immediate success. From its inception in 2010, the company has grown from three events and two employees, to 53 events in 2013 and more than 140 employees (there are 80 job openings on the website). It has already outgrown its Dumbo office space and will take over about 70,000 square feet of office space at 15 MetroTech Center this fall. More than 700,000 people have participated in a Tough Mudder event since 2010; more than 1,000 of them have the Tough Mudder logo permanently tattooed on their bodies.

"I'd rather do a Tough Mudder than a marathon," said Kevin Lasko, executive chef at New York City's Park Avenue Spring restaurant, who has completed two Tough Mudders and The World's Toughest Mudder (a 24-hour endurance challenge). "Doing a Mudder is fun," he said. "It's like being a kid again, because it's athletic, but not competitive and serious. You are part of a team and it's more of just a good time. And you get to drink beer afterwards."

Two Brooklyn Law School graduates have embraced the Tough Mudder lifestyle. Deputy Director of Venues **Kate Wellington Fitzpatrick '09** and Associate Counsel **Brian Von Ancken '12** have not only each participated in more than one Tough Mudder event (with more to come), they have been key players in the company's ascension from relative obscurity to the front pages of the Styles Section of the *New York Times*.

Von Ancken has been a part of the Tough Mudder team since his third year at the Law School, when he was a member of Professor Jonathan Askin's BLIP Clinic. "The BLIP Clinic really opened my eyes to the New York start-up community," he said. "We did a lot of great concrete work that was a really unique experience." When his father, a seasoned triathlete,

Also on the film front, the Navy Yard has reached an epic agreement with Steiner Studios to transform the Naval Annex Historic Campus, perhaps the most neglected section of the Navy Yard, into a 50-acre media, technology, and film hub. Steiner's CEO, Douglas Steiner, has mentioned companies like Google and Apple as possible anchor tenants for the \$400 million project. While it is estimated to take 12 years, thanks to a \$6.5 million investment by the City of New York, the first phase of this project has been green-lighted.

"Today's Navy Yard is less a place of mass production than a boutique industrial area that commands a premium for the creative energy that is drawn towards and from it," wrote Dave Hogarty of the real estate blog, *Curbed*. "The Navy Yard vaults a part of the City into a new economic age where industrial infrastructure is used to multiply the potential of the City's creative energy."

Mud, Guts, & Glory

It's the weekend. For most, a time for family and friends, a few hours on the couch reading the Sunday papers, and maybe a leisurely brunch. For Tough Mudders, however, weekends are for obstacles. And by obstacles they don't mean sorting the recycling or spending time with the in-laws. Tough Mudder obstacles sound like this: Arctic Enema (jump into a dumpster full of ice, swim under a wooden plank, and pull yourself out on the other end before you become hypothermic); Berlin Walls (scale three 12' wooden walls with the help of your teammates); Electroshock Therapy (sprint through a field of live wires—some carrying as much as 10,000 volts of electric shock); and Funky Monkey (swing between monkey bars greased with a mixture of mud and butter spaced 1.5 feet apart and hung over an icy pond).



↑ Tough Mudders work as a team to scale a “Berlin Wall.”

➔ Good Sports: Deputy Director of Venues Kate Wellington Fitzpatrick '09 and Associate Counsel Brian Von Ancken '12 work hard and play harder.



Parks, Piers, & Pools

Brooklyn Bridge Park, an 85-acre post-industrial waterfront site stretching 1.3 miles along Brooklyn’s East River edge, is now replete with lush lawns, sandy volleyball courts, marine-blue pools and water parks, architectural playgrounds, kayak launch pads, running trails, regulation soccer fields, picnic grounds, an historic carousel, and al fresco dining.

On the Greenpoint-Williamsburg border, the newly renovated **McCarren Park** offers 35 acres of volleyball courts, beaches, and recreation. But the piece-de-resistance is the Park’s u-shaped 37,950-square-foot cerulean blue pool that debuted last summer. Originally opened in 1936 by power broker Parks Commissioner Robert Moses, it closed in 1983 and was revived beginning in 2009 when the City announced it would embark on this \$50 million facelift to restore the former glory of the pool—and glorious it is.

invited him to participate in a Mudder event, he not only agreed, he called the start-up’s offices and offered up his legal services. An internship that began his third year morphed into an Associate Counsel position after he passed the bar. At such a young company, Von Ancken has had the rare opportunity to wear a number



“The BLIP Clinic really opened my eyes to the New York start-up community. We did a lot of great concrete work that was a really unique experience.”

—Brian Von Ancken '12

of different hats. His work includes everything from intellectual property to contracts and state registrations.

Fitzpatrick’s role straddles the line between legal and operations. She negotiates contracts, but she also supervises a team of scouts and associates who are charged with finding new venues at home and abroad. An art history major with a background in nonprofit law, Fitzpatrick joined the team in September 2011 on the heels of an in-house position at an ill-fated start-up where she was responsible for legal, business, operational, and compliance work. When a friend passed along the job opening at Tough Mudder, she was taken by its entrepreneurial spirit, contagious fist-bumping energy, and its long-term vision. “Other than being terrified of electric shock, I was very attracted to the company’s mission and culture. I thought it was attracting impressive talent,” she said. “All the lessons I learned in

what not to do at a start-up, this company was doing the opposite.”

Tough Mudder is not just about the mud and the guts. It has helped raise over \$5 million for the Wounded Warrior Project, a national, nonpartisan organization that provides services for injured service members. “I like being able to wake up every day and feel like I am working with a company that is doing something good in the world,” said Von Ancken. “We are helping quite a number of people overcome obstacles and get in shape. We are also giving back to our servicemen and women. We are very much concerned with the social impact of what we do.”

Like Barclays and the Brooklyn Navy Yard, the company has brought jobs and entrepreneurial talent to the borough, which is part of the fabric of its vision. “Brooklyn fits with us,” said Fitzpatrick. “It is a part of who we are.”

A Revolution in 3D

Imagine that you've planned a trip to Great Adventure for your family. Your daughter has been looking forward to it all winter long. Several weeks before the big day, you measure her height. She needs to be 42 inches tall for the rides; she comes in just shy at 41. Tears well up in her eyes. "Have no fear!" you say, as you dash off to your MakerBot® Replicator® 2 Desktop 3D Printer. Within an hour, you've produced a pair of one-inch orthopedic inserts for your daughter. Disaster averted, hero anointed.

This is just one of the more than 40,000 curious and wonderful stories and downloadable designs shared on Thingiverse, a file-sharing database created and maintained by MakerBot Industries, a company that has grown to be a global leader in desktop 3D printing. MakerBot is the manufacturer of the MakerBot Replicator 2 Desktop 3D Printer, an incubator-sized gizmo that allows small businesses, engineers, and DIY-ers to build and develop everything from high-tech prototypes to model airplanes, toys, robots, dollhouse furniture, replacement parts, and models.

The company was launched in 2009 and is headed today by Bre Pettis, the company's CEO and original founder. Since introducing its first 3D printer, the Cupcake CNC in 2009, it has followed up with a rapid succession of incarnations and is currently on its fourth-generation 3D printer. With the MakerBot Replicator 2 Desktop 3D Printer, it has improved and optimized 3D printing making it accessible for professional consumers or "prosumers" such as engineers, architects, and designers, as well as the average creative thinker. Its MakerBot Replicator 2X Experimental 3D Printer targets the more experienced user. Both utilize MakerWare, customized software



Meet the Maker: MakerBot's in-house counsel Richard McCarthy '99 at the company's Downtown Brooklyn offices where its 3D printed models and toys are on display.

to interact with the 3D printers, offering robust features to optimize the user experience.

If you can't wrap your head around the concept of a 3D printer, take a trip down to the MakerBot store, which opened last fall in the NoHo neighborhood of New York City. The store was quickly named the "Best Futuristic Toy Store," by *New York Magazine*. There, you can demo the printers and take workshops to sharpen your 3D printing skills. There are also classic gumball machines that dispense prize capsules of Replicator 2-made items, and a photo booth that can print your 3D

portrait. One afternoon at the store and it's easy to see why the company has been featured on the cover of *Wired*, and in *Forbes*, *Fast Company*, *Worth*, *Crain's New York*, *The New York Times*, and as Reason #25 in *New York Magazine's* "Reasons to Love New York Right Now" list.

With 170 employees at the moment (approximately 100 were added in the past year), 50 current job openings, and bright new offices on the 21st floor of One MetroTech Center in Downtown Brooklyn, MakerBot's mission is to lead the next industrial revolution. Helping the company orchestrate its tech uprising is its in-house counsel, **Richard McCarthy '99**. "Our goal is to empower people to innovate," said McCarthy. "We have what we like to call 'The MakerBot 3D Ecosystem,'" a suite of products and offerings aimed at fostering creativity, making the design process accessible, and localizing customized

manufacturing. We hope to get these desktop printers into every creative hand and every home. It's an ambitious goal, and we're going for it."

As MakerBot's counsel, McCarthy oversees a broad range of matters including commercial contracts, intellectual property, employment, real estate, corporate governance, and compliance. He gets involved at the product development stage to ensure the company is meeting regulatory requirements and is responsible for a product's terms of service once it has been released. McCarthy also works on partnering with other like-minded tech companies. For example, MakerBot has just reached an agreement with Autodesk, which makes the 123D family of products and AutoCAD design program, to add design capability that can then be 3D printed on a MakerBot Replicator. The company has also partnered with Nokia to allow users to customize the back panels of their Lumia phones, and with OUYA to make their new video game console available for customization and 3D printing. "The name of the game here is collaboration, which provides for some very interesting work," said McCarthy.

Working for a start-up is a departure for McCarthy, who had previously been with more mature, global companies, most recently Halcrow, an international, UK-headquartered civil engineering firm where he was the sole U.S. attorney. Halcrow entered the U.S. market via an acquisition and corporate-wide support functions were needed, including legal, which McCarthy spearheaded. He addressed contracts, compliance, insurance, and governance for its U.S. operations. "The companies couldn't be more different: MakerBot is an emerging company with an energy level that is palpable, positive, and forward-looking," he said. "We are in serious growth mode, working in an aggressively expanding industry where the technology is often referred to as disruptive—it may not yet be ready to change the world, but it may be in a few years. There's always so much to do and, though very demanding, it's challenging, exciting work." For some much needed relief from being the

company's sole legal officer for the past nine months, McCarthy hired BLS graduate **Brian Kimmelblatt '11**, an alumnus of the BLIP Clinic, this past March.

Perhaps it is fitting that the company's legal team is staffed exclusively with Brooklyn Law School graduates. As McCarthy explains it, MakerBot's success is deeply tied to its Brooklyn roots. "You look at what Jonathan Askin is doing at the Law School and how important BLIP has become to the Tech Triangle," said McCarthy. "There is a 'get it done' mentality here at MakerBot and there are a growing number of companies in Brooklyn focused on the creative professions and technology that we wanted to tap into. We wanted to be part of the energy in this community. Brooklyn has been vital and instrumental in making MakerBot a better company."

The Next Generation Student

While alumni are playing pivotal roles in Brooklyn's renaissance, two of the Law School's clinics are giving students the opportunity to be a part of the revolution as well. Both Professor Jonathan Askin's Brooklyn Law Incubator & Policy Clinic (BLIP) and Professor David Reiss's Community Development Clinic (CDC) are making their mark as key players in the transformation of Brooklyn by providing real world legal services that are directly impacting the long term growth and development of the borough.

BLIP Clinic

As Brooklyn has become a haven for the next generation of tech entrepreneurs, BLIP founder Professor Jonathan Askin and his students are supporting that entrepreneurial spirit. "We have a disproportionate number of innovators



A New Life for an Old Army Terminal

Elvis Presley deployed to Germany from the **Brooklyn Army Terminal** in 1958, one of three million troops to pass through the Cass Gilbert-designed building. The area was once so busy that it had its own rail line and police and fire departments. But today, many of these historic buildings, with about 15-million-square feet of light manufacturing space in Sunset Park, Brooklyn, are antiquated and struggling to stay relevant. Like the recent revitalization of the Brooklyn Navy Yard, that's all been changing. The City, which owns more than one-third of the space, and private developers are revamping these properties to appeal to a new manufacturing tenants. In 10 years, Sunset Park will be the coolest, most important waterfront manufacturing hub in America," said Carlo Scisurra, president of the Brooklyn Chamber of Commerce.

Tenants include **Urban Green**, a new eco-friendly and sustainable furniture brand; **Chashama**, which supports communities by transforming temporarily vacant properties into spaces where artists can flourish; and **IAVI**, a full-scale AIDS vaccine research, advocacy, and policy organization. Brooklyn-based food businesses like **Blue Marble Ice Cream**, **Colson Bakery**, and **Nunu Chocolates** are also putting down roots here. Most notably, in February, **Jacques Torres** moved his massive Willy Wonka-styled chocolate factory to the Army Terminal. His factory not only features chocolate manufacturing, but also tourist attractions such as a four-foot-wide, 70-foot long tunnel, a chocolate powder room, an ice cream room, and a five-ton melter. A crew of Oompa Loompas can't be far behind.



Shop 'Till You Drop

The Fulton Mall, just steps from the Law School, is about to become a new shopping destination thanks to City Point, a 1.9-million-square-foot mixed-use development of new construction, including retail, residential, and office space. Developers are planning to feature the best of Brooklyn's food purveyors along with high-end retailers like **A|X Armani Exchange** (already open), and anchors including **Century 21** and a branch of **Alamo Drafthouse Cinema**, the Austin, Texas-based craft beerhouse/seasonal restaurant/movie theater. City Point will soon be joined by **H&M**, set to open nearby on the corner of Bridge Street and Fulton Mall. What's more, Amazon.com has purchased a 40,000-square-foot warehouse in Williamsburg to house its fashion operations. The warehouse is the largest of its kind in the City and will be used as a studio to photograph products for its online store, **Amazon Fashion**.

In addition to providing important legal services to the Brooklyn start-up scene, Askin and his students are out many nights each week meeting with the Brooklyn tech community. The goal of this continued outreach and networking is to build the BLIP brand, make the Law

School available as a resource to the community, and ensure that BLIP is exposed to the newest and most exciting clients and legal challenges. BLIP has also been partnering with tech incubators in the neighborhood as a way of finding new clients, including the Pratt Design Incubator for Sustainable Innovation, Blue Ridge Foundation, the Brooklyn Enterprise on Science and Technology at NYU/Brooklyn Polytechnic, the Dumbo Startup Lab, and Digital Dumbo. "The Brooklyn tech scene is no longer up and coming; it's here," said Sarah Parker '13, a current BLIP student. "We're excited that the work we do in the Clinic plays a part in helping these start-up companies grow and thrive."

BLIP is also bringing the entrepreneurs into the Law School by playing host to regular Brooklyn Tech Meetups, the Brooklyn Futurists Meetup, Legal Hacker meetings, and other events that bring together a range of exciting companies and projects that are helping push law and policy into the 21st century. "Hosting these meetings is a way of connecting Brooklyn entrepreneurs with the Law School," said Alex O'Sullivan-Pierce '14, a current BLIP student. "We had the first Brooklyn Tech Meetup at the end of the summer and we now have over 600 members. Our events are often sold out."

"I see Brooklyn at the forefront of new models of employment, promoting sustainability, sharing resources, and promoting responsibility in business," said Dean Allard. "We are excited that BLIP can play a role in shaping this new frontier."

and creators that live in Brooklyn—there are something like 300 tech companies in Dumbo alone," Askin said. "At this rate Brooklyn is quite likely to become the Silicon Valley for the next generation of creators and entrepreneurs."

Since its inception in 2008, BLIP has represented more than 500 companies, primarily Brooklyn-based. Functioning like a bona fide, full-service law firm, BLIP represents Internet, new media, communications, and other tech entrepreneurs and innovators on both business and legal fronts. "There is no other clinic like BLIP in the nation. Professor Askin is training the next generation of lawyers to be lawyers for the next generation of entrepreneurs," said Dean Allard.

Some of BLIP's recent Brooklyn-based clients include DShape and other makers of revolutionary 3D printing technology; Kicker, a news aggregation service geared towards Millennials; 110Stories, a smartphone App that uses augmented reality to share a story with a silhouette of the World Trade Center; Docracy, a socially curated community of contracts and other legal documents made freely available; and CommonBond, a start-up that connects graduate students with alumni investors through crowdsourced funding, allowing the company to offer loan recipients low fixed rates. BLIP students have represented and advised these clients on matters including corporate formation, intellectual property issues, business and policy decisions, and setting industry guides and best practices. "BLIP provided me with solid advice on issues of copyright, intellectual property, and contracts, as well as business counsel on issues I didn't even know to ask about at the early stages," said Holly Ojalvo, CEO and Founder of Kicker. "The kind of textured legal support that BLIP provided on a pro bono basis was invaluable for my launch."

Start Me Up: A BLIP team, with Prof. Jonathan Askin (THIRD FROM LEFT), engaged in collaborative legal hacking.



Community Development Clinic

As new commercial developments and glossy high-rises pop up around Brooklyn at startling speeds, fresh opportunities are presented for Professor David Reiss's Community Development Clinic. The CDC routinely represents the voices and concerns of community organizations hoping to shape the future of the distinct neighborhoods of Brooklyn. "Cities have a natural cycle; they rise and fall with their industries. Brooklyn is currently experiencing a dynamic rise as people flock here for the intellectual, artistic, and other creative communities that populate the borough," said Reiss. "The Clinic is committed to working with Brooklyn residents on long-term development plans that hopefully include affordable housing and other ways that



Waterfront Makeover: The Community Development Clinic, with Prof. David Reiss (THIRD FROM LEFT), working to clean up the Gowanus Canal.

Brooklyn can attract the new, yet not lose its rich and diverse base of residents."

This fall, the CDC was retained by the Friends and Residents of Greater Gowanus ("FROGG"), a neighborhood advocacy organization in the Gowanus neighborhood. CDC students were placed in the center of the legal battle surrounding the large scale development abutting the Gowanus Canal. This work bore fruit when the developer altered its plans to meet the Clinic's concerns about the land use review process for the project. Another team of students represented a group of tenants who live in Brooklyn's Old Fire Headquarters. The students are ensuring that the tenants' interests are being addressed as the building is renovated and conveyed to by the City to a not-for-profit housing provider.

As Reiss explained, historically, less organized communities have not been represented in large-scale development plans, which often leads to inequities in services and amenities in a neighborhood. "Most people assume that community groups are anti-development, but in fact, most are not: They are only against development that will tear at the texture of their communities," said Reiss. "Most of our clients are political realists; they accept development, but want to help shape it."

The CDC is also playing a vital role in opening up large swaths of the Brooklyn

waterfront to the public. CDC students Heather Stiell '14, Lauren Schwartz '13, and Jeffrey Lederman '14 represent the Metropolitan Waterfront Alliance and the Gowanus Canal Conservancy. "Brooklyn is full of underutilized waterfront areas that, if made accessible, can be repurposed to serve a variety of people and help bring in different kinds of businesses," said Lederman. "Areas that are not being used now can be re-integrated into the fabric of the neighborhoods."

The waterfront projects and neighborhood organizations are just a few micro-level ways of how the Clinic is serving the community. In the Clinic's weekly seminar component, the students are considering changes in Brooklyn on a macro-level, and getting the opportunity to discuss land use, policy, and other external factors at work, providing a more enriched view of what development looks like today and should look like in the future.

"The Clinic is helping us develop an appreciation for non-monetary value in development—human and social capital—and challenging us to leverage 'development' into something bigger," said Stiell, who grew up in Brooklyn. "It's great that BLS provides us with the opportunity to give back to the community that we are part of." ■

Additional reporting by Debra Sapp '04.



Theater for a New Audience

Brooklyn already boasts a myriad of performance spaces including St. Ann's Warehouse and the Brooklyn Academy of Music (BAM). This spring, it welcomes the **Theatre for a New Audience**, located in the heart of Brooklyn's BAM Cultural District. Set to open in spring 2013, the Hugh Hardy-designed building will house a three-level 299-seat theater, a rehearsal room, public lobby, and various supporting spaces, providing a state-of-the-art venue for the theater company's interpretations of Shakespeare and classical drama. The 27,500-square-foot theater will be the first classical theater built in New York City in more than four decades and is only the second new theater to be built from the ground up in more than 50 years.

Cleaning Up the Financial Crisis of 2008: Prosecutorial Discretion or Prosecutorial Abdication?

When finance professionals play fast and loose, big problems result. Indeed, the 2008 financial crisis resulted from people in the real estate finance industry ignoring underwriting criteria for mortgages and structural finance products. That malfeasance filled the financial markets with mortgage-backed securities (MBS) that were worth a small fraction of the amount issuers represented to investors. It also loaded borrowers with liabilities that they never had a chance to satisfy. Despite all of the wrongdoing that caused the financial crisis, prosecutors have been slow to bring charges against individuals who originated bad loans, pooled bad mortgages, and sold bad MBS. Unfortunately, the lack of individual prosecutions signals to participants of the financial industry that wrongdoing will not only go unpunished, but will likely even be rewarded financially. Without criminal liability, we risk a repeat of the type of conduct that brought us to the edge of financial ruin.

By Bradley T. Borden & David J. Reiss
Professors, Brooklyn Law School



A version of this article also appeared in *BNA Banking Daily*, *BNA Banking Report*, *BNA Daily Report for Executives*, and *BNA Criminal Reporter*.

The Bill of Particulars is Mounting

There is ample evidence of Wall Street's extensive and critically damaging wrongdoing. Documents such as *The Financial Crisis Inquiry Report* have documented wrongdoing in the aggregate. Recently filed civil lawsuits against financial institutions highlight wrongdoing by the organizations themselves, but they also provide glimpses of wrongdoing by individuals that was illegal and warrant prosecution. (REFinblog.com, a website edited by the authors, and written by BLS students and the authors, is tracking these cases.)

One of the settlements relating to the robo-signing scandal provides some of the clearest evidence of wrongdoing by individuals. While the defendants, various Lender Processing Services ("LPS"), did not admit "any violation of law," there are some interesting admissions. These include the fact that some mortgage loan documents executed by employees of LPS subsidiaries contain "unauthorized signatures, improper notarizations, or attestations of facts not personally known to or verified by the affiant" and some may contain "inaccurate information relating to the identity, location, or legal authority of the signatory, assignee, or beneficiary or to the effective date of the assignment." LPS subsidiaries also "recorded or caused to be recorded [m]ortgage [l]oan [d]ocuments with these defects in local land records offices or executed or facilitated execution on behalf of the Servicers knowing some of these [m]ortgage [l]oan [d]ocuments would be filed in state courts or used to comply with statutory, non-judicial foreclosure processes." And employees of LPS subsidiaries signed mortgage loan documents in the name of other employees. These actions sound

very much like “violations of law” yet only one person pled guilty for her role in this racket.

Lawsuits against rating agencies provide some of the most colorful evidence of wrongdoing by individuals. The litigation in this area is international. For example, the Federal Court in Australia has held Standard & Poor’s liable for misrepresentations it made in ratings of structured financial products. Similar litigation will likely spread to other countries. Domestically, the Department of Justice and the State of California (among others) have filed lawsuits against Standard & Poor’s, claiming it made material misrepresentations about its rating processes for MBS. Some of the allegations in these complaints are shocking.

According to the Department of Justice’s complaint, S&P executives allegedly “suppressed development of new, more accurate rating models that would have produced fewer AAA ratings—and therefore lower profits and market share.” A senior managing director at S&P later said, “I knew it was wrong at the time.” Senior S&P executives allegedly stated that its rating models were “massaged” using “magic numbers” and “guesses.” Why would S&P do this? According to one executive quoted in the complaint, “The revenue potential was too large.”

Because investor cases are just winding their way through the courts, there are few findings of fact about wrongdoing arising from the housing boom of the early 2000s. But they are beginning to appear, and they are disturbing. In a denial of a motion to dismiss, Judge Rakoff (SDNY) wrote that “the confidential witness statements incorporated into the [a]mended [c]omplaint, combined with the documentary sources, support a strong inference that the defendants knew that the mortgages included within the loan pools were not of the quality represented in the offering documents.” These are the same types of claims that New York Attorney General Eric T. Schneiderman makes in recent lawsuits filed against JPMorgan Securities and Credit Suisse Securities for wrongdoing related to securitizing mortgages.

Recently filed suits by investors also allege disturbing actions that may have criminal implications. Labaton Sucharow, a leading securities fraud firm (Lawrence Sucharow, BLS Class of 1975, is a partner and the firm’s Chairman; Joel Bernstein ’75 and Jonathan Plasse ’76 are partners), has filed dozens of lawsuits on behalf of MBS investors against MBS sponsors. Those suits claim that the MBS sponsors made material misrepresentations. The alleged misrepresentations include claims about the occupancy rates of homes secured by mortgages held by MBS trusts. Despite representations in the MBS offering materials regarding owner-occupancy rates, the complaint reviews studies showing that owner-occupancy was much lower than

evidence may be sufficient to indict but unlikely to result in a conviction. Or the prosecutor may not have the resources to conduct a thorough investigation nor the resources to effectively prosecute the case. While the first two reasons are legitimate reasons to abstain from prosecuting a case, the last one may, in certain circumstances, amount to an abdication of the prosecutor’s role in the criminal justice system.

Why haven’t prosecutors pursued cases arising from the financial crisis against individuals? We review some possible reasons below.

One depressing but legitimate reason for prosecutorial abstention is that a surprising amount of bad behavior is still legal. In the lead-up to the financial crisis,

Without criminal liability, we risk a repeat of the type of conduct that brought us to the edge of financial ruin.

represented. Studies also show that in the overwhelming majority of cases, the originator and MBS sponsor did not properly transfer mortgage notes to the MBS trust. Furthermore, despite many uncertainties regarding the tax status of the MBS trusts, the offering materials provided that trusts “will” qualify for REMIC tax status—“will” is the highest level of tax certainty available for tax opinions, suggesting a 90-95 percent certainty of the position. If these misrepresentations are proven, they could have implications for various criminal fraud statutes.

Greed is Legal, but...

Statutes of limitations will soon bar nearly all remaining claims arising from the MBS mess. We, along with many others, wonder why so few of the individuals who profited from packaging and selling damaging MBS have faced criminal charges. Prosecutors have various reasons to exercise their discretion not to prosecute. The evidence resulting from the criminal investigation may not be enough to support the charges. Or the

lenders, for instance, often took steps to ensure that their loans complied with relevant statutes like the Truth in Lending Act. Unfortunately, the relevant consumer protection statutes and regulations were often out of date. As a result, lenders had enough wiggle room to make loans that were clearly inappropriate for millions of people but that complied with the letter of the law. Going forward at least, the newly created Consumer Financial Protection Bureau has begun to issue new rules to better regulate the consumer credit markets.

Another, almost counterintuitive, reason to choose not to prosecute is that parties to sophisticated contracts contemplated a lot of bad behavior. The litigation brought by mortgage insurers like Syncora against Wall Street firms such as Bear Stearns subsidiary EMC provides a great example. Syncora claims that EMC enticed it to provide insurance on many fraudulent mortgages, but the agreement between the parties says that Syncora’s only remedy is to return the mortgages to EMC. EMC employees would argue that they did not commit fraud by entering into the insurance contract; they merely sought to allocate risk.

A third reason is that much of the bad behavior may have been driven by greed, not criminal intent. Michael Lewis's *The Big Short* illustrates that greed in detail. Some Wall Street executives and managers saw their bonuses go from six figures to eight figures during the pre-crisis boom because they took advantage of uninformed investors who relied upon rating agencies and offering documents to make investment decisions. Greed in itself is not criminal. Juries seem to have seen things this way too, at least with respect to two Bear Stearns MBS hedge fund managers whom the jury acquitted.

That acquittal may have been taken as a harbinger of prosecutions to come in document-heavy cases of financial wrongdoing, and it may be supporting evidence that prosecutors believe that they are unable to make a case against individuals. Indeed, the Assistant Attorney General in charge of the Criminal Division, Lanny Breuer, seems to see it that way: "I understand and share

its employees, a bit here and a bit there. The end result is that there is effectively a much higher burden to prove the guilt of the individual employee than the corporation itself.

This leads to the final and perhaps most important potential reason for prosecutorial abstention. Large scale financial crimes are very difficult to prove in the absence of a smoking gun or an informant. Each investigation requires extraordinary manpower to sift through hundreds of thousands of documents. Intent can be very hard to prove. For every email that describes a pool of mortgages as a "sack of shit," another 50 discuss how well the market had done historically and how the firms' complex computer models indicated that the pool would perform well, based upon the past performance of similar products. And most prosecutors, even those in the biggest and most elite offices face technical and training challenges in putting together an effective investigation.



the public's outrage about the financial crisis. Of course we want to make these cases.... If there had been a case to make, we would have brought it. I would have wanted nothing more, but it doesn't work that way."

A fourth reason is that proving the guilt of individuals for their work within a corporation presents its own set of challenges. A corporation can be charged based on its "collective knowledge," in order to keep companies from slicing and dicing a criminal enterprise into non-criminal components. An employee, on the other hand, cannot be criminally charged based on the knowledge of his or her colleagues. That is, an individual cannot be found guilty unless he or she had the requisite *mens rea*, whereas the corporation can be found guilty if the requisite *mens rea* was found among all of

A securities fraud case based on even a single mortgage-backed security can involve thousands of mortgages originated by many different lenders. Numerous hands touch those files at origination as well as during the securitization process. On top of that, many of the key documents are missing or at least their chain of custody is uncertain. The net result is that building such a case can be exponentially harder than building even a complex insider trading case. This is particularly true because many prosecutor offices do not have the sophisticated software (Excel is not enough!) to track all of the relevant data nor the training (forensic accounting skills, for instance) to do an effective job.

Prosecutors may realize that they can indict in such cases, but may have a hard time convicting. The Bear Stearns hedge

fund executives are a good example. Prosecutors may also be considering their other serious priorities in making these decisions (even though it is difficult to imagine many things more important than the world economy). They may believe that civil lawsuits, with their lower burden of proof, provide sufficient justice. They may also believe that regulators like the SEC and the IRS are in a better position to investigate and respond to these complex financial disasters. These all may appear to be good, measured reasons not to pursue criminal charges against individuals, but the lack of convictions still chafes. To the extent that a lack of resources is the reason for no meaningful prosecutions, prosecutors should consider reallocating resources to cover this complex field that is so fundamental to our country's economy and national security.

While the complexity of the transactions that led to the financial crisis is almost beyond comprehension, there is also a simplicity behind what went wrong that should guide investigations. A basic definition of fraud would appear to apply to much of the wrongful behavior. Some individuals had to know (if they did not have actual knowledge, their lack of knowledge would appear to be reckless) that the information in offering materials was inaccurate, that investors would rely upon the information, and that the investors would suffer harm. Simply stated, they presented the incorrect information and harm resulted.

The Fight for Justice is Not Easy

For every million homeowners who are underwater, there is also someone like Dick Fuld, Lehman Brothers' CEO during its worst excesses in the mortgage markets. He suffered to some extent from the failure of his firm, as he lost his equity when it went under. But he also earned a half billion dollars in compensation during his time there. That provides a troubling coda to our modern morality tale. There are many others who were well (if not *that* well) compensated

during the boom. The evidence exists that some of them knew “it was wrong at the time.”

Prosecutors’ lack of action against more of the individuals within the organizations that sold bad mortgage instruments and who oversaw the machinery that produced millions of terrible mortgages is discomfiting. Indeed, by exercising their discretion to abstain from prosecution, it appears as if federal prosecutors have abdicated each and every one of their stated roles as it relates to the crisis:

To enforce the law and defend the interests of the United States according to the law; to ensure public safety against threats foreign and domestic; to provide federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behavior; and to ensure fair and impartial administration of justice for all Americans.

The financial services industry almost sent the global economy into a death spiral. Its participants should account for their roles in that destructive pursuit. If prosecutors continue to refuse to proceed on general criminal charges, the IRS should move forward with criminal investigations for representations parties made with respect to arrangements that could not qualify for claimed tax treatment. Lawmakers should also consider changing laws, as needed, to facilitate prosecution of financial wrongdoers.

Our laws should encourage managers on Wall Street to scrutinize their decisions before acting and understand that the pursuit of short-term profits have long-term consequences for all of society. Successful prosecutions of individuals who created the financial crisis would help deter future wrongdoing, and prosecutors should allocate resources as needed to help with such deterrence. We applaud prosecutors for filing civil suits against institutions, but if they do not take actions against individuals, individual actions will, no doubt, lead to another boom and bust when greed and bad behavior once again overwhelm a well-ordered market. ■



Bradley Borden is a leading authority on taxation of real property transactions and flow-through entities (including tax partnerships, REITs, and REMICs). He teaches Partnership Taxation, Taxation of Real Estate Transactions, and a general income tax course.

His scholarship focuses on flow-through and transactional tax theory. He has been published in numerous law reviews and is the author or co-author of several books, including *Limited Liability Entities: a State by State Guide to LLCs, LLPs, and LPs* (Wolters Kluwer Law & Business 2012), and *Taxation and Business Planning for Real Estate Taxation* (LexisNexis 2011). He is frequently quoted in leading news publications.

Professor Borden is a consultant to The Joint Committee on Taxation, Congress of the United States. He also often serves as an expert consultant or witness on major litigation matters that relate to real estate, flow-through taxation, or legal malpractice. Before entering academia, he practiced tax law in the San Antonio, Texas law firm of Oppenheimer, Blend, Harrison & Tate, Inc.



David Reiss, a scholar in the areas of real estate finance and community development, is the founding director of the Community Development Clinic, and teaches a Property Law Colloquium.

He has written extensively on the secondary mortgage market, predatory lending, and housing policy. He is frequently sought after for commentary on the subprime market, ratings agencies, real estate and land use issues, and issues related to consumer protection and the nation’s new agency, the Consumer Fraud Protection Bureau.

Before joining Brooklyn Law School, he was a visiting clinical associate professor at the Seton Hall Law School Center for Social Justice. Previously, he was an associate in the New York office of Paul, Weiss, Rifkind, Wharton & Garrison in its real estate department, and an associate in the San Francisco office of Morrison & Foerster in its land use and environmental law group. He also clerked for Judge Timothy Lewis of the U.S. Court of Appeals for the Third Circuit. Prior to attending law school, he worked for a nonprofit organization that assists people who have psychiatric disabilities as they make the transition from shelters and hospitals to independent living.

REFinBlog

Tracking developments in the law and practices of the real estate finance industry.



➔ Borden and Reiss are the co-founders of the recently launched **REFinBlog.com**, which provides indispensable insight and commentary on the latest news and cases, with an emphasis on securitization. Currently focused on litigation arising from the 2008 financial crisis, its attendant misrepresentations and resulting defaults and foreclosures, refinblog.com provides information about “upstream” litigation (lawsuits against underwriters, promoters, and other market actors), “downstream” litigation (foreclosure and bankruptcy cases brought by and against homeowners), and other timely information about related tax and regulatory actions.

THE *Magnificent* SEVEN

Seven of the “Top 50 Women” recognized by *Super Lawyers* this year are Brooklyn Law School alumnae: **Harriet Newman Cohen ’74, Barbara Kaplan ’75, Jane Stevens ’77,** BLS Board of Trustees member **Eileen Nugent ’78, Lynne Fischman Uniman ’79, Ellen Makofsky ’85,** and **Colleen Caden ’99.** Cohen and Stevens also appeared on the “Top 100” list.

“The presence of so many alumnae on this list is a source of great pride for the Law School,” said Dean Nick Allard. “It is especially meaningful that it includes graduates from three decades, all of whom have contributed to the development of the law and represent the best of the profession. This honor is especially fitting given that the Law School was one of the first schools in the nation to appoint a woman as its dean. President Joan G. Wexler’s pioneering leadership over the past 20 years has brought us to the forefront of legal education.”

Of particular note is that the lawyers selected for the Top 50 List were chosen by a vote of their peers. Their inclusion is therefore a testament not only to their skill as practitioners and advocates, but also to the high degree of respect with which they are held by their colleagues in the legal community.

On the following pages, we have profiled each of the “Magnificent 7” and have posed a series of questions about their rise to the top and the status of women in the legal profession. What obstacles have they faced? Do they view the partnership track as a level playing field? How do they define success? Their answers are as interesting and varied as their practice areas.



Harriet Newman Cohen '74

Founding Partner

Cohen Rabin Stine Schumann LLP

AREA OF EXPERTISE

Matrimonial and Family Law

EDUCATION

J.D., *cum laude*, Brooklyn Law School

M.A., Bryn Mawr College

B.A., Barnard College

A divorce lawyer known for her skill as a compassionate yet steely negotiator, Harriet Newman Cohen has a client list including the likes of Governor Andrew Cuomo; Laurence Fishburne; Linda Lavin; Howard Stern's ex, Alison; Ronald Perleman's ex, Patricia Duff; Harvey Weinstein's ex, Eve; and Bob Weinstein's wife, Annie—that is a testament to her experience and reputation. She has been called a “formidable divorce force” by the *New York Observer*, and has been regularly named to the NY Metro Super Lawyers list in the field of Family Law. Outside the courtroom, she has been called upon by the Governor to serve on the Child Support Commission of the State of New York and by the Mayor to serve on the Foster Care Commission. A regular contributor to the *New York Law Journal*, she is the author of the book, *The Divorce Book for Men and Women: A Step-by-Step Guide to Earning your Freedom Without Losing Everything Else* (Avon 1994).

Cohen is not only a mediator of others' marital splits. In fact, her roots as a divorce lawyer are very personal: She was 40-years-old and heading into her second-year law exams when her husband of 21 years walked out.

“I had four daughters at home, and he just left,” she recalled. The painful divorce, which she personally handled when she graduated from BLS, was among the factors that led her to devote her career to the practice of family and matrimonial law. After graduating with honors in 1974, she started out as a generalist, but soon moved to matrimonial matters.

“I was advised to stay away from matrimonial law because it was considered ‘women’s work,’” she explained. “It was helpful to have lived through a complicated matrimonial situation myself, but I really just loved the field.”

Cohen joined the Phillips Nizer firm in 1976. She went on to run the matrimonial and family law practices of several prominent Manhattan law firms before starting a firm of her own, Cohen Hennessey Bienstock & Rabin, in 1994. In 2011, she dissolved that firm, moving 13 employees to form Cohen Rabin Stine Schumann LLP.

Who have been your most important mentors and why?

Brooklyn Law School Professors I. Leo Glasser (later the Dean of the Law School) and Sam Hoffman, because they were such gifted teachers, and so in love with the law. Louis Nizer, because he was a magical, brilliant, indefatigable lawyer and was also an amazing teacher and so committed to winning for his clients. I still recall his instruction to me to “win in the first paragraph on the first page of your papers because the judges may not read much beyond that. You have to grab their attention right away. Move your last paragraph up to page one.” My parents. They instilled the love of learning and life in me. My piano teachers. They taught me to strive for perfection and beauty.

What has been the toughest career challenge you have overcome?

Keeping my shoulder to the wheel and continuing to work hard even in the face of severe personal adversity, such as the loss of a beloved husband and a beloved teenage grandson.

What has been your proudest moment?

Robbing my youngest daughter, Patricia Cohen (Epstein), when she graduated from Brooklyn Law School in 1989. Like me, she has been voted a “Super Lawyer” in Madison, WI, where she is probably the top defender of doctors. She is a phenomenal trial attorney.

Any advice for women who are just starting out in their legal careers?

Continue to study. Read the decisions. Join bar associations. Take the CLE courses. There is no substitute for hard work. If you have multiple offers, pick a position that lets you shadow and work with an excellent mentor so you can learn how to think, act, prioritize, strategize, interact with others, present yourself, and evolve into a master lawyer.

Say “yes” when asked to assist on a case or project. Make sure your colleagues know that you are willing to adjust your personal life to get things done. Give a talk as soon as you can at a local organization, a women's club, a church or synagogue group, or a school. A focused topic that you have developed some expertise in can provide an interesting experience for you and your audience. And market yourself.



Barbara Kaplan '75

Shareholder, Chair of the New York Tax Practice
Greenberg Traurig LLP

AREA OF EXPERTISE

Tax Controversies and Litigation

EDUCATION

LL.M., New York University School of Law

J.D., *cum laude*, Brooklyn Law School

M.A., Northwestern University

B.A., University of Wisconsin-Madison

When Barbara Kaplan left her hometown of Chicago with a master's degree in educational television from Northwestern University, she had one dream: to work on Sesame Street.

Despite her passion for Big Bird and Cookie Monster, the early 70s were not a great time for working in children's public television. Funding was being cut, the job market was tight, and Kaplan wound up unemployed and considering other options. Law school was a path she had kept in the back of her mind. "I thought, no matter what I chose to do with my life, law school will be useful." At BLS, she enrolled in an entertainment law class, thinking it might dovetail with her background in television, but thanks to several classes, she developed a passion for tax law instead.

After graduating from BLS in 1975, she joined the Chief Counsel's Office of the Internal Revenue Service working in criminal tax, while pursuing her LL.M. in tax at New York University at night. After three years of criminal tax work, she began working on civil tax litigation cases as well, representing the government in the U.S. Tax Court and working on large tax collection and bankruptcy tax matters. "That was the best job," she recalled. "I spent three years investigating cases, assisting special agents, and working with the U.S. Attorney's Office on grand jury investigations of tax crimes. I loved it."

She then moved on to Wein Lane and Malken, a real estate firm, and then later to Roberts & Holland, a preeminent tax firm. In 1985, she joined the tax firm of Saltzman & Halloran, which

eventually became Saltzman Halloran & Kaplan. The firm was acquired by Baker & McKenzie in 1991. "I went from the smallest law firm in the world to the largest," she joked. She joined Greenberg Traurig in 1998 as a shareholder, where she is the Chair of the New York Tax Practice. Her practice includes both criminal and civil tax litigation, including representing domestic and foreign corporations, partnerships, and individuals in federal, state, and local tax examinations, controversies and litigation, including administrative and grand jury criminal tax investigations.

While Kaplan doesn't work with Muppets for a living, she loves the advocacy of litigation. "I also like that tax is so complex. The laws are constantly changing, so you are always learning. It's intellectually challenging and it's stimulating," she said.

What has been the toughest career challenge you have overcome?

For me, the biggest challenge was overcoming my own insecurities and learning to be confident. I got over these issues by putting myself in the most uncomfortable situations possible and forcing myself to just deal with them. I have always had the personal insight to know what my weaknesses are and then to try to figure out how to overcome them.

What do you believe are the major obstacles facing women in the legal profession?

The major issue is dealing with a very demanding profession, which has only gotten more stressful as the world has become a 24/7 environment. It is difficult to find equilibrium. I find it hard, and I don't have children. Clients expect you to be responsive all of the time, and it's difficult on your personal and family life. This is not a gender issue, because it's an issue for both men and women. However, because women usually bear more of the burden of child rearing, it is particularly hard on them. Many women lawyers drop out not for lack of devotion, but because it's just too demanding.

Any advice for young women who might want to follow in your footsteps?

Number one is you have to be realistic. This is a time-consuming, demanding profession. You have to make that commitment. I think the work environment has improved with alternate work schedules and flex time, which help women advance while raising a family. In order to succeed you have to challenge yourself, and get out of your comfort zone—that will open doors. Certainly, it opened doors for me. Be open-minded. Seize an opportunity when you see it.

How should legal education change to better serve the changing landscape of the legal profession?

Brooklyn Law School taught me a lot of pragmatic things: analysis, research, and writing, to name a few. I was greatly helped by the practical approach that the Law School gave me. I think all law schools should offer more skills in the area of the business of law, client management, client development, and leadership.



Jane G. Stevens '77

Managing Partner

Mitchell Silberberg & Knupp LLP

AREA OF EXPERTISE

Commercial Litigation

EDUCATION

J.D., Brooklyn Law School

B.A., New York University

When Jane Stevens was growing up, her father, an ophthalmologist, gave her this piece of advice: “Don’t become a doctor. It’s too hard on women.” Stevens was fine with leaving medicine behind. She preferred writing to science and had grown up knowing of her mother’s abandonment of her legal education when Stevens’ father was stationed in California for military service. “I suppose part of my desire to become a lawyer was inspired by wanting to finish what my mother had started,” she said.

Stevens began her career at Shea & Gould but left after one year. “It wasn’t the place for me,” she said. A journalism major, a music lover, and a theater buff, Stevens focused her job search on opportunities that would allow her to work in the entertainment industry, and joined the litigation boutique firm of Gold, Farrell & Marks, where she remained for two decades. She became a partner and developed expertise as a commercial litigator, specializing in high-profile entertainment and intellectual property cases, which she found exciting and fun. “We used to joke that we were the East Coast version of the television show, ‘LA Law.’”

In 1999, the firm merged with Rubin, Baum, Levin, Constant, and Friedman. Rubin Baum, in turn, was acquired by Sonnenschein Nath & Rosenthal (now SNR Denton) in 2002. While at Sonnenschein, Stevens served as co-lead counsel for one of the carriers in the highly complex appraisal of the property and rental losses sustained on 9/11 by the leaseholders of the World Trade Center, involving claims in excess of \$7 billion. Though a sharp detour from her entertainment law comfort zone, Stevens noted how incredibly exciting and interesting case it was and how it presented a new intellectual challenge.

The case settled in the summer of 2007, and Stevens faced a crossroads in her career. When the opportunity was presented at year end to open a New York office for the prominent Los Angeles-based entertainment firm of Mitchell Silberberg & Knupp, Stevens accepted the challenge. There, she has acted as the New York office’s Managing Partner since the 2008 launch. Back in the world of entertainment law and into her third decade as a litigator, Stevens’ client list has included matters for many prominent celebrities, recording artists, filmmakers, music publishers, record companies, actors, and directors.

Who have been your most important mentors and why?

Leonard Marks, who was one of the partners at Gold Farrell and Marks, was an amazing man. While being a phenomenally successful and talented lawyer, he was also very involved in social and spiritual issues. Early on he showed me the value of having balance in one’s life and inspired me to “give back” to the community.

What has been the toughest career challenge you have overcome?

Marketing. As good a lawyer as one might be, in today’s competitive environment, you can’t just sit and wait by the phone. You have to get out there and sell yourself, and I have never been entirely comfortable doing that.

Is the playing field leveling out? If not, do you see a time when this will happen?

I don’t think it will be a level playing field until there are as many women as men in positions of power. If you look at the statistics of how many women are partners versus men, how many women serve on important committees at law firms, and how many women are in the position of referring work in the corporate arena, women still have a long way to go, although it has improved somewhat.

Any advice for women who are just starting out in their legal careers?

I don’t think that I knew starting out how hard being a lawyer can be. There is enormous stress and long hours and, as a litigator, a lack of control over your schedule. I would tell anyone (woman or man) starting out only to do this if you really want to be a lawyer—it is not a default career.

How should legal education change to better serve the changing landscape of the legal profession?

There is growing attention in the legal field for the need to manage stress better and practices that promote dispute resolution. I am a long-time meditator and my practice has helped me enormously in managing stress over the years. Law schools have begun to have programs that focus on meditation as a stress reduction tool and on contemplative and mindfulness practices. These types of programs need to be more widely adopted so that young lawyers have these tools available to them from the outset of their career.



Eileen T. Nugent '78

Partner, Co-Head of Global Transactions
Skadden, Arps, Slate, Meagher & Flom LLP

AREA OF EXPERTISE

Mergers & Acquisitions

EDUCATION

J.D., Brooklyn Law School

A.B., Cornell University

In the high stakes world of mergers and acquisitions, Eileen Nugent '78 is pretty much Martin Scorsese. A partner at Skadden, Arps, Slate, Meagher & Flom LLP, where she is the New York office leader, and co-head of its Global Transactions Practice, she's scripted, directed, orchestrated, and negotiated many of the front-page deals of our time. These include: Warner-Lambert's \$85 billion merger-of-equals with American Home Products Corporation, and its ultimate acquisition by Pfizer Inc.; Trane Inc.'s \$10.1 billion acquisition by Ingersoll-Rand Company Limited; and Burger King's \$4 billion acquisition by 3G Capital Management.

Nugent, who is a member of the Law School's Board of Trustees, has been recognized in *Chambers Global: The World's Leading Lawyers for Business* for her work in M&A and private equity, *Chambers USA: America's Leading Lawyers for Business*, *The International Who's Who of Corporate Governance Lawyers* and *The Best Lawyers in America*.

But what her professional profile does not reveal is that she achieved her significant success, despite early setbacks, through unparalleled determination, perseverance, and intellect. At age 15, Nugent's father, Thomas Nugent, an Irish-born immigrant and bricklayer by trade, died. Nugent, her mother and sisters struggled in the wake of his death, but Nugent excelled in school, which made all the difference to her future.

A combination of a National Merit Scholarship and other scholarships, part-time jobs during the school year, and full-time jobs during the summer, enabled Nugent to attend Cornell University. After graduating from Cornell in 1975, she entered Brooklyn Law School, where she continued to thrive academically and was a member of the *Brooklyn Journal of International Law*. To honor her parents' memory, and in appreciation of the scholarship assistance that Brooklyn Law School provided, she established the Thomas J. and Deborah B. Nugent Memorial Scholarship.

Who have been your most important mentors and why?

In one of my early legal jobs, I worked for a Deputy General Counsel who would clearly be described as "old school." He was a serious, intellectual, and thoughtful advisor. I learned a lot from him about professionalism and ethics, and that it was important for a lawyer to give the correct advice—correct both under the law and in a real-world way—no matter how unpopular the advice might be. I have thought of him often over the years, particularly when presented with a thorny question. And I am extremely grateful for all of my Skadden partners who in different ways and at different times have helped me develop as a lawyer.

How do you define success?

To be able to look back and believe you did the best you could—in your career, and in life with your family and friends.

Any advice for women who are just starting out in their legal careers?

To quote Nike's ads—Just Do It !! Go after what you want, work hard, and just do the best you can. Also, be yourself—it's the only thing that will work in the long run. And by all means, although it is hard and it may take awhile to achieve, be confident in your own abilities.

What are your fondest memories from Law School?

During my first week at BLS, in the small basement cafeteria in the one and only building, I met two women who have remained my closest friends with whom I remain in close touch—even after all these years. That is as fabulous a thing as can happen!



Lynne Fischman Uniman '79

**Partner, Head of the New York Litigation Department
Andrews Kurth**

AREA OF EXPERTISE
Litigation

EDUCATION
LL.M., New York University Law School
J.D., *cum laude*, Brooklyn Law School
B.A., New York University

A few years into her career as a lawyer at Mudge Rose Guthrie Alexander & Ferdon, Lynne Fischman Uniman considered leaving law. She thought she would open a clothing boutique. She almost took the leap, but reconsidered. "I liked litigation, but I didn't like litigating as part of a mega-team and not going to court. I thought, before I decide not to use this degree, let me go to firm that focused on rough and tumble litigation. I joined Shea & Gould in 1984 and before I knew it, four years had gone by. I loved every minute of it. I loved the logical sequence of arguments. I loved figuring out the strategy, and I really loved the adrenaline rush of being in court. There's nothing that replaces it."

In 1990, Uniman left Shea & Gould to lead the litigation department at the newly formed New York office of Andrews Kurth. Today, she is a mother of two, the head of the firm's New York Litigation Department, and Managing Partner of the New York office. She sits on the Partner Compensation Committee, the Diversity, Client Screening, and Conflicts Committees and was also a founding member of the Women's Initiative Committee.

With more than 33 years of experience in trial work, appellate advocacy, and alternative dispute resolution procedures, her practice at Andrews Kurth is broad-based and includes disputes involving breach of contract, employment, class actions, contested corporate acquisitions and divestitures, fraud,

trademark, securities, professional malpractice, sports and entertainment, trusts and estates, tax, bankruptcy, real estate, and banking. Uniman also has a long history advising Fortune 500 companies on ways to manage and control litigation volume and expense.

Who have been your most important mentors and why?

Honestly, I didn't have any mentors. When I started out practicing law, I observed what people did to succeed. When I went to a meeting, I watched everything. How did this person present their argument? What were they wearing? When a disagreement came up, how did they handle it? I would watch lawyers in court, and I would pick out what it was that I liked about a lawyer's style, and what I found ineffective.

I came up with a list of qualities I wanted to have. They were: be a doer; remain above the fray; always be true to my sense of justice and values; never play dirty; always walk away from a case when the adversary respected me and where we could meet for lunch the following week; and never lose my cool, but at the same time, don't suppress my personality.

What has been the toughest career challenge you have overcome?

Getting business. I think that women are very reluctant to sell themselves. We don't naturally brag about ourselves. One of the keys to the success of a lawyer is having business, but the hardest thing for me was self-promotion.

Is the playing field level between men and women in terms of advancing to partnership?

Yes, absolutely.

Any advice for women who are just starting out in their legal careers?

The most important thing starting out is for people to have confidence in you, and the only way to do that is to approach every assignment like it's the most important piece of work in the world. People confuse speed with doing a good job. Take your time, do it right, and go that extra mile. Let that person know that what they gave you is important, because when you make people feel important, then they view you as important.

How should legal education change to better serve the changing landscape of the legal profession?

There is a lot in the news about getting rid of third year of law school, and I don't agree with it because law school is a place to teach people how to think analytically and you can never get enough instruction in that area. The rest of your life you will figure it all out by yourself, and a law school education is not just about thinking; it's also about exposure to as many different areas of the law as is possible in a relatively short time.



Ellen Makofsky '85

Founding Partner
Raskin & Makofsky

AREA OF EXPERTISE

Elder Law, Trusts & Estates

EDUCATION

J.D., *cum laude*, Brooklyn Law School
M.S., Queens College of the City of New York
B.S., Boston University

Ellen Makofsky, a former teacher, had two young children when she decided to become a lawyer. “My father was a lawyer, and I started to think about law as a possibility because he was someone I admired.” She enrolled at Brooklyn Law School, commuting from her home in Long Island. The workload was intense, but she loved it. “I had an appreciation for law school in a way that students who were just coming straight from college did not,” she explained. “As you get older, opportunities appear fewer because you are on a set path. When I went to law school, all of these doors opened up for me. I also loved the intellectual challenge, but I was nervous about whether I could keep up or be smart enough.” But after that first semester, she was ninth in her class.

After graduating *cum laude* in 1985, Makofsky joined Garwin, Bronzaft, Gerstein & Fisher, where she worked as a securities litigator handling class action shareholder suits. Six years in, she decided to go into private practice. “I wanted to work in Nassau County and be more available to my kids. Elder law was a brand new area of law. I also believed from my education at BLS that I could learn any body of knowledge, and that niche seemed very rewarding.”

In 1991, she partnered with Judith Raskin to form Raskin & Makofsky. They started from scratch building both their knowledge of elder law and their business. “Initially, we had to make our own forms, trusts, and strategies. We were learning and building the practice from the ground up,” she recalled. “We were on the forefront of developing elder law in Nassau County.” Today, they

have a robust practice that encompasses wills, trusts, probate, estate administration, estate litigation, powers of attorney, health care proxies, living wills, asset protection, Medicaid eligibility issues and Medicaid applications, guardianship matters, and veterans work. Makofsky is the only member of the elder care bar to be selected as a Top 50 Super Lawyer.

Who have been your most important mentors and why?

My dad, Sidney Garwin, was an attorney. He died before I graduated from law school, but he knew I was going to go and that warms my heart. He cared about justice and protecting the ordinary person. I always saw him as thoughtful and wise, and I saw how people looked up to him for advice. One year, my father gave my mother a charm of the scales of justice. When I graduated from law school my mother gave it to me. That charm reminds me of how proud my mother was to be married to a lawyer. My mother would have had a great career herself if she had been born in another time. But she is the reason I was able to go to law school. She always picked up my slack and helped with my kids, and in many ways she was the key to my success.

What has been your proudest moment?

There are two different moments. The first was when my fellow elder law attorneys selected me as chair of the elder law section of the New York State Bar Association. I worked very hard on a piece of legislation called “The Compact for Long Term Care,” which is an alternative to Medicaid. When we got that passed, I received an award from the Elder Law Section. My involvement led to further participation with the Bar, and I am now on the Executive Committee.

I’m also proud of how I’ve mentored women in our office. We hired two 15-year-old girls to work for us as file clerks many years ago. Today, one is our paralegal and the other is an associate. My partner and I try to nurture our employees. I am really proud of the family in my office and the one I have at home.

How do you define success?

My answer is the Whitman’s Chocolate Sampler currently sitting on my conference room table. It is one of many small gifts clients have given me in appreciation of what I have done for them. People who come to see me are so worried. They think they are going to lose their nest egg, or that they will grow old eating cat food, or that their spouse will die penniless. Very often I can provide a solution, and they are so grateful.

It’s a wonderful practice. I urge young people to explore this field all of the time. I have found a niche that has made me really happy. But as enthusiastic as I am about my work, the best thing I ever did was raising my children. The law is just the icing on my cake.



Colleen Caden '99

**Partner, Chair of the Immigration Group
Pryor Cashman**

AREA OF EXPERTISE

Immigration

EDUCATION

J.D., Brooklyn Law School

M.A., New York University

B.A., New York University

NBA guards, NHL goalies, and international journalists are among the clients that come to Colleen Caden for immigration assistance. A partner at Pryor Cashman LLP, Caden joined the firm in 2009 after 10 years at a boutique immigration law firm, to launch Pryor Cashman's corporate immigration group. In the course of three short years, the practice has tripled in size and now includes three partners, three associates, and three paralegals. "Pryor Cashman offered me a rare entrepreneurial opportunity to launch and build a preeminent practice. It has been a very exciting and rewarding professional experience."

She not only counsels a variety of professional NBA and NHL athletes, but she also works with Fortune 100 and 500 companies and represents clients in an array of industries from media to consumer products to pharmaceuticals to consulting. Caden is also sought after for her expertise in helping companies navigate the increasingly complicated web of regulations that govern immigration law. She has set up compliance training programs for her clients and travels on site to educate and advise them on developing and implementing immigration strategies, programs, and policies.

Caden found her calling as an immigration lawyer rather by chance. She came to Brooklyn Law School with the goal of working for the U.S. Department or the United Nations. After her second year at BLS, she was a summer associate at a law firm where she had the opportunity to work on a variety of employment-based immigration matters. "I got hooked," she recalled.

"It was pre-9/11 and business immigration law, in particular, was not a high profile practice area. I worked with large multinational companies and the bright, talented foreign nationals they were hiring to drive and build their companies and who also needed employment visas and green cards. The hands-on client representation involved strategizing and preparing temporary visa as well as green card applications and the work was both fascinating and exciting."

Who have been your most important mentors and why?

I lived at home while I was in law school. Every day, I commuted with my father [the late Eastern District Magistrate Judge John Caden '67]. I would wait for him in chambers after school and got to know his law clerk at the time, Dyan Finguerra-Ducharme '96. She became a mentor and today is a good friend. She had been the Editor-in-Chief of the *Journal of Law & Policy* where I was Articles Editor, and she advised me on the development and drafting of my note. She encouraged me to move to Pryor Cashman.

I also found many career mentors through my involvement as a volunteer with the New York Junior League, where I will begin serving on the Board of Directors beginning this July. Working closely with strong, dynamic women from diverse industries who are breaking ground in their own fields, while taking on leadership positions within the organization, inspired me to do more.

What do you believe are the major obstacles facing women in the legal profession?

One of the biggest obstacles women grapple with in this industry is learning how to market themselves and develop business. It is not something that is taught in law school, but it is absolutely a skill that needs to be developed in order to be successful. To address this challenge, in the past year, we started a Women's Leadership Initiative at Pryor Cashman. The program grew out of the need raised by many women at the firm who wanted to emulate my success and implement a strategy for building a strong practice. The Women's Leadership Initiative provides mentoring, business development advice, and education. It is all about how we can help women move forward.

What are your fondest memories from law school?

I thoroughly enjoyed law school—the coursework, the faculty, and the friendships I made and still enjoy today. I will always cherish my memories of this time because I was able to enjoy it with my father. Throughout my three years at BLS, we would talk about cases I was reading, internships I was enrolled in, as well as my experiences on Moot Court. My father was passionate about the law and always shared his ideas, insights, and opinions with me. His boundless enthusiasm in my career and his love of the law continue to inspire me today. ■

From Television to Counterterrorism: Professor Richard Allan Retires

After nearly 40 years of service to the Law School, spent teaching courses in civil procedure, entertainment law, family law, and national security and terrorism, Professor Richard Allan retired this past fall.



While most of his professional career has been devoted to teaching and scholarship, Allan actually started out in the arts. While in college at New York University, he starred in the off-Broadway play “Home of the Brave.” After graduating in 1953 with a double major in motion pictures and psychology, he took on a coveted slot as a writer, director, and producer at CBS. He was quickly promoted to associate producer, assistant director, and stage manager, working on programs like “The Gary Moore Show” and “The Edge of Night.” In 1959, Allan was approached by upper management with an unusual proposal. They wanted to send him to law school. “All of the major producers are lawyers,” they told him. “After you’re done, come back, and we’ll make you an executive producer.” Allan took them up on their offer, and attended NYU Law School, where he was accepted into an honors program with the Manhattan District Attorney’s Office.

He never did make it back to CBS. Instead, he spent three years as an ADA prosecuting white collar crime, and then went into private practice as a litigator with Kelly Drye & Warren, where he handled matters for Union Carbide, Chrysler, Manufactures Hanover Trust (now Chase), and the Jesuits in a seminal First Amendment case that defined the use of the word “religious” in the State of New York.

By late 1972, Kelly Drye was talking to him about partnership, but when his father died of a heart attack just two days after discussing retirement, he realized it presented a moment of reflection. “I was always at the office, I was never home with my family, and I thought, ‘Is this what I want?’ It wasn’t,” recalled Allan.

Changing course again, Allan joined the faculty in September 1973. He initially taught federal jurisdiction, and quickly expanded his course load to include classes in civil procedure, family law, and entertainment law. In 1988, Allan had completed *Family Law: Cases and Materials*, a one-volume treatise on family law and began a sabbatical exploring the very new world of counterterrorism. He first went to Interpol, then trailed the Israeli counterterrorism expert Yigal Kamun, and finally landed at the Institute for East West studies (now called the East-West Institute) as the American Scholar in Residence, working with international security expert Ian Cuthbertson.

Allan quickly became a noted scholar in the area of international and domestic counterterrorism, traveling though most of Europe speaking at conferences, writing articles for law reviews and journals on subjects such as interdiction and terrorism and civil rights, and consulting for various agencies including the Metropolitan Transit Authority. He also began teaching a seminar entitled National Security and Counterterrorism.

On October 9, the Law School hosted a retirement dinner in Allan’s honor at Feil Hall attended by faculty, former students, family, and friends. Allan’s portrait was unveiled as colleagues shared memories. Professor Joel Gora, whose office was adjacent to Allan’s for six years, spoke at the dinner. “When I think of Richard Allan, I think of two things: teaching and family,” he said. “In the almost 35 years that I’ve known him, I’ve seen that a central element of his character and personality has been his steadfast devotion to his students and to the beloved members of his family.”

“Coming to Brooklyn Law School was the wisest, best decision of my life,” he said. “It has been an enormous privilege to work here.” ■

FacultyNotes

Nick Allard

PROGRAMS & PRESENTATIONS

- Speaker, “The Seven Deadly Virtues of Lobbyists,” University of California, Washington Campus
- Speaker, “Campaign 2012: Who is Setting the Agenda?” A Conversation with Joe Lockhart, Media & Society Program, Brooklyn Law School
- Participant, St. Petersburg Legal Forum, Grays Inn, London, England

OTHER PROFESSIONAL HIGHLIGHTS

- Fellow, ABA Bar Foundation
- Elected to American Law Institute

SELECT MEDIA

- *Brooklyn Dean Campaigns for Graduate Employment*, NEW YORK LAW JOURNAL (Oct. 16, 2012)
- Q & A, *Brooklyn Law School*, NEW YORK LAW JOURNAL (Oct. 30, 2012)
- Discussed Campaign Financing in *U.S. Democracy: The power of money*, AL JAZEERA (television broadcast Dec. 2, 2012)
- Quoted in *Educators, Court Officials to Discuss If Third Year of Law School Is Needed*, NEW YORK LAW JOURNAL (Jan. 15, 2013)

William Araiza

PUBLICATIONS

- *The Troubled Adolescence of City of Boerne v. Flores*, in CONTROVERSIES IN EQUAL PROTECTION (A. Richardson ed., forthcoming 2013)

OTHER PROFESSIONAL HIGHLIGHTS

- Appointed Chair, AALS Section on Administrative Law
- Discussant, “Arguendo,” Public Theater, New York, NY

Jonathan Askin

PROGRAMS & PRESENTATIONS

- Moderator, “Comparing International Anti-Piracy Strategies,” National Association of Recording Merchandisers, New York, NY
- Keynote, “Next-Generation Legal Ethics: Balancing Speed, Accuracy, Quality, and Ethics in a World Moving at the Speed of Bits,” Harvard Club, New York, NY
- Keynote, “Ultra-Light Lawyers and Bootstrapping Clients,” University Club, New York, NY

OTHER PROFESSIONAL HIGHLIGHTS

- Fellow, Columbia Institute for Tele-Information

SELECT MEDIA

- Quoted in *Balance Speed-To-Market With Regulatory Compliance*, INVESTOR’S BUSINESS DAILY (Aug. 24, 2012)
- Quoted in *E.U. Gives Google a Privacy To-Do List*, ECOMMERCE TIMES (Oct. 17, 2012)
- Featured on *Today’s Verdict*, BRONXNET (television broadcast, Dec. 4, 2012)



Bill Araiza and Nelson Tebbe Take to the Stage at the Public Theater »

After January performances at the Public Theater of “Arguendo,” a dramatic and humorous verbatim reading of the oral argument court transcript of the 1991 U.S. Supreme Court case of *Barnes v. Glen Theatre, Inc.*, Professors Nelson Tebbe and Bill Araiza took to the stage for an audience “talkback,” discussing the subject matter of the show, which involved complex constitutional law issues.

The case dealt with two adult entertainment businesses that intended to feature fully-nude dancers. The case reached the U.S. Supreme Court on First Amendment grounds considering the issue of whether dancing naked in an adult entertainment establishment is a protected exercise of artistic expression.

“Arguendo was a very creative and intelligent theatrical interpretation of the case,” said Tebbe. “There was a lot of entertainment value in hearing the very dignified court debate on the subject of nude dancing.”

Miriam Baer

PROGRAMS & PRESENTATIONS

- Presenter, “Multi-Dimensional Wrongdoing,” Canadian Law and Economics Association, University of Toronto; ABA/AALS Criminal Law Educators Roundtable, Washington, D.C.
- Presenter, “Pre-Committing Prosecutors,” NYC Junior Scholars Workshop, Fordham Law School (paper was one of four early papers chosen for presentation at workshop)

Christopher Beauchamp

PUBLICATIONS

- *Patenting Nature: A Problem of History*, 16 STAN. TECH. L. REV. __ (forthcoming 2013)

Debra Bechtel

OTHER PROFESSIONAL HIGHLIGHTS

- Appointed Chair, Legislative and Policy Subcommittee, New York City Bar Housing and Urban Development Committee

Emily Berman

PUBLICATIONS

- *The Paradox of Counterterrorism Sunset Provisions*, 81 FORDHAM L. REV. __ (forthcoming 2013)



Christopher Beauchamp Explores Patenting of Genetic Material in *Stanford Technology Law Review* »

Professor Christopher Beauchamp's article, "Patenting Nature: A Problem of

History," will be published in a forthcoming issue of the *Stanford Technology Law Review*, exploring the history of how patent law has dealt with "products of nature," and revealing how isolated biological materials first came to be patented. Beauchamp also explores the century-old decision of *Parke-Davis & Co. v. H. K. Mulford Co.*, which now stands as a central (and much disputed) precedent for the patenting of DNA sequences. The article shows how *Parke-Davis* came to prominence during the biotechnology era, and how the decision's original rationale suddenly seems poised to control the Federal Circuit's thinking on gene patentability.

Beauchamp teaches intellectual property and legal history at the Law School. His first book, *Invented by Law: Alexander Graham Bell and the Patent that Changed America*, is under contract with Harvard University Press.

Anita Bernstein

PUBLICATIONS

- *Diversity May Be Justified*, 64 HASTINGS L.J. 201 (2012)
- *Voluntary Recalls*, 2013 U. CHI. LEGAL F. __ (forthcoming)
- *The Trouble with Regulating Microfinance*, 35 U. HAW. L. REV. __ (forthcoming 2013)

PROGRAMS & PRESENTATIONS

- Presenter, "The Trouble with Regulating Microfinance," Touro Law Center
- Presenter, "Voluntary Recalls," Symposium: Frontiers of Consumer Protection Conference, University of Chicago Legal Forum
- Presenter, "What's Wrong with Stereotyping?," University of Arizona, James E. Rogers College of Law; and Arizona State University, Sandra Day O'Connor College of Law
- Organizer, "Restatement Of...," Symposium, Brooklyn Law School

Bradley Borden

PUBLICATIONS

- LIMITED LIABILITY ENTITIES: STATE BY STATE GUIDE TO LLCs, LPS AND LLPs, Volumes 4–10 (Wolters Kluwer, 2012) (with R. Rhee)
- *Beneficial Ownership and the REMIC Classification Rules*, 28 TAX MGMT. REAL EST. J. 274 (Nov. 2012) (with D. Reiss)
- TAXATION OF PARTNERSHIPS AND LLCs (Aspen, forthcoming 2013)
- *Using the Client-File Method to Teach Transactional Law*, 16 CHAP. L. REV. __ (forthcoming 2013)

- *A Model for Measuring the Expected Value of Assuming a Greater Share of a Tax Partnership's Liability*, 6 BROOK. J. CORP., FIN. & COMM. L. __ (forthcoming 2013) (with L. Incatasciato, E. Blinder & J. Binder)
- *Once a Failed REMIC, Never a REMIC*, 30 CAYMAN FIN. REV. __ (forthcoming 2013) (with D. Reiss)
- *Dirt Lawyers and REMIC Failures*, __ PROBATE AND PROPERTY __ (forthcoming 2013) (with D. Reiss)

PROGRAMS & PRESENTATIONS

- Presenter, "Is it Treated as a Sale? Something Else?—Part III: Issues Surrounding Tax Ownership of U.S. Residential Mortgage Debt," ABA Section of Taxation and Section of Real Property, Trust & Estate Law, Joint Fall CLE Meeting, Boston, MA
- Presenter, "The Law School Firm: A Legal Teaching Model for the 21st Century," Education Law and Policy Society, Columbia Law School
- Presenter, "Conservation Easements" and "REMICs," Idaho State Tax Institute
- Panelist, "Tax Issues Involving Flawed Securitizations," ABA Section of Taxation, Sales, Exchanges & Basis Committee Meeting, Orlando, FL

SELECT MEDIA

- Op-ed, *Did the IRS Cause the Financial Crisis?*, THE HUFFINGTON POST (Oct. 18, 2012)
- Op-ed, *An Uneasy Justification for Prosecutorial Abdication in the Subprime Industry*, THE HUFFINGTON POST (Nov. 7, 2012) (with D. Reiss)
- *Guest on Payroll Tax Overlooked During Fiscal Cliff Worries*, AMERICAN EDITION: THE VOICE OF RUSSIA (radio broadcast, Jan. 3, 2013)



Anita Bernstein Organizes "Restatement Of..." Symposium »

Professor Anita Bernstein, a noted expert on tort law and feminist jurisprudence, served as organizer of the symposium

"Restatement Of..." bringing together leading scholars and practitioners to consider the influential role of the "Restatement" series over the past century. Co-sponsored by the American Law Institute (ALI) and the *Brooklyn Law Review*, discussion topics included new projects that the ALI could undertake, concerns about restating specific areas of the law, restatements currently in progress, doctrines that will resist restatement, and old restatements that have disappeared.

Bernstein's article, "Diversity May Be Justified" was recently published in the *Hastings Law Journal*. She has two additional articles to be published this year, "Voluntary Recalls," in an upcoming issue of *University of Chicago Legal Forum* and "The Trouble with Regulating Microfinance," to be published this spring in the *University of Hawaii Law Review*.

Dana Brakman Reiser

PUBLICATIONS

- *The Next Big Thing: Flexible-Purpose Corporations*, 2 AM. U. BUS. L. REV. 55 (2012)
- *Theorizing Forms for Social Enterprise*, 62 EMORY L.J. — (forthcoming 2013)

PROGRAMS & PRESENTATIONS

- Presenter, “Theorizing Forms for Social Enterprise,” Faculty Workshop Series, Brooklyn Law School
- Presenter, “Hunting Stag with FLY Paper,” Emerging Issues in Social Enterprise Symposium, Regent University Law School, Virginia Beach, VA
- Presenter, “Legal Principles for Changing Charitable Purpose: Who Decides?,” 41st Annual Conference of the Association for Research on Nonprofit Organizations and Voluntary Action, Indianapolis, IN
- Presenter, “Nonprofit Governance Basics,” Practicing Law Institute Seminar on Financial and Reporting Issues for Nonprofit Organizations, New York, NY

I. Bennett Capers

PUBLICATIONS

- *Enron, DOMA, and Spousal Privileges: Rethinking the Marriage Plot*, 80 FORDHAM L. REV. 715 (2012)
- *Rethinking the Fourth Amendment: Race, Citizenship, and the Equality Principle*, SEARCH & SEIZURE L. REP., Vol. 39, No. 10 (Nov. 2012)
- *Crime, Surveillance, and Communities*, 40 FORDHAM URB. L.J. — (forthcoming 2013)

PROGRAMS & PRESENTATIONS

- Presenter, “Queering Criminal Justice,” Queer Theory Workshop, Center for Gender and Sexuality Law, Columbia Law School
- Presenter, “Crime, Surveillance, and Communities,” Cooper-Walsh Colloquium on Urban Policing, Fordham Law School
- Panelist, “Pre-Tenure Professors Scholarship Workshop,” Northeast Professors of Color Conference, Suffolk University Law School

OTHER PROFESSIONAL HIGHLIGHTS

- Appointed Chair, AALS Law and Humanities Section
- Appointed to AALS Committee on Professional Development
- Elected to American Law Institute

Stacy Caplow

PUBLICATIONS

- Co-author, “Accessing Justice II: A Model for Providing Counsel to New York Immigrants in Removal Proceedings,” New York Immigrant Representation Study

PROGRAMS & PRESENTATIONS

- Presenter, “Immigration Detention and Asylum Seekers in the U.S.,” The Israeli Asylum System: Contemporary Challenges in Comparative European Context, The Academic Center of Law and Business, Tel Aviv

OTHER PROFESSIONAL HIGHLIGHTS

- Appointed to Academic Peer Review Committee, Fulbright U.S. Scholar Program, Law
- Appointed to Special Committee on Human Trafficking, New York State Bar Association



Bennett Capers Elected to American Law Institute »

Professor Bennett Capers was elected to the American Law Institute (ALI) in September, joining the company of the many Law School faculty members

who have previously achieved this honor. Capers’ previous involvement with the ALI was as an Adviser on ALI’s Model Penal Code: Sexual Assault and Related Offenses Project. He will continue to work on that Project, now as an Adviser and ALI Member.

Capers is an expert in criminal law and procedure, and a prolific writer and commentator on these topics. Prior to teaching, he spent nearly ten years as an Assistant U.S. Attorney in the Southern District of New York. His article “Real Woman, Real Rape,” discussing the implications of rape shield laws, is forthcoming in the *UCLA Law Review*.

Neil B. Cohen

PROGRAMS & PRESENTATIONS

- Director of Research and Presenter, proposed “PEB Commentaries,” Annual Meeting of the Permanent Editorial Board for the Uniform Commercial Code

OTHER PROFESSIONAL HIGHLIGHTS

- Served as a member of the U.S. delegation to a Special Commission of the Hague Conference on Private International Law considering the proposed Hague Principles on Choice of Law in International Commercial Contracts, The Hague
- Participated in the first meeting of the Advisory Committee for the American Law Institute’s proposed Restatement of Consumer Law, New York, NY
- Served as a member of the U.S. delegation to the United Nations Commission on International Trade Law (UNCITRAL) Working Group on Secured Transactions, Vienna

Steven Dean

PUBLICATIONS

- *The Tax Expenditure Budget is a Zombie Accountant*, 46 U.C. DAVIS L. REV. 265 (2012)

PROGRAMS & PRESENTATIONS

- Presenter, “Tax Apps: 50 Years of Tax Expenditures,” The Carter Commission 50 Years Later: A Time for Reflection and Reform, Halifax, Nova Scotia
- Presenter, “Hunting Stag with FLY Paper: A Hybrid Financial Instrument for Social Enterprise,” Toronto Tax Law and Policy Workshop

Robin Efron

PROGRAMS & PRESENTATIONS

- Presenter, “Letting the Perfect Become the Enemy of the Good: The Relatedness Problem in Personal Jurisdiction,” Canadian Law and Economics Association, University of Toronto
- Presenter, “Reason Giving and Rule Making in Procedural Law,” Federal Courts Junior Faculty Workshop, William and Mary Law School; Drawing Board Workshop, University of Texas School of Law
- Presenter, Workshop for University of Chicago and Northwestern Law School students on developing an academic agenda

James Fanto

PUBLICATIONS

- DIRECTORS’ AND OFFICERS’ LIABILITY (Practising Law Institute, 2d ed., update 2012)
- BROKER-DEALER LAW AND REGULATION (Aspen Publishers, 4th ed., update 2012)
- Co-editor-in-chief of bimonthly journal, *Practical Compliance and Risk Management for the Securities Industry* (Wolters Kluwer)

PROGRAMS & PRESENTATIONS

- Panelist, “Comparative Corporate Governance: Stakeholders and Quotas,” 91st Annual Meeting, American Branch of the International Law Association, New York, NY
- Faculty, “Advanced Issues in Supervision,” FINRA Institute at Wharton, The Wharton School, University of Pennsylvania

Linda Feldman

OTHER PROFESSIONAL HIGHLIGHTS

- Founding Committee of the Association of Academic Support Educators (AASE)
- Appointed to Planning Committee for the Inaugural Conference of AASE in May 2013 at UNLV William S. Boyd School of Law

Maryellen Fullerton

PUBLICATIONS

- *Stealth Emulation: The United States and European Protection Norms*, in THE GLOBAL REACH OF EUROPEAN REFUGEE LAW (Cambridge University Press, forthcoming 2013)
- FORCED MIGRATION: LAW AND POLICY (2d ed., forthcoming 2013) (with D. Martin, A. Aleinikoff & H. Motomura)

PROGRAMS & PRESENTATIONS

- Speaker, “Temporary Protection in European and International Law,” Tel Aviv Academic Center for Law and Business
- Speaker, “Stealth Emulation: Tracing European Norms in U.S. Refugee Law,” Refugee Studies Conference, Oxford University

Marsha Garrison

PUBLICATIONS

- *The Wild West of Parentage Determination: ART in the USA*, in INCIDENCES DE LA BIOMÉDECINE SUR LA PARENTÉ (Brigitte Feuillet ed., Bruylant, forthcoming 2013)

OTHER PROFESSIONAL HIGHLIGHTS

- Runner-Up, in “Innovating Justice” Competition, Hague Institute for the Internationalisation of Law



Cynthia Godsoe Joins Tenure-Track Faculty »

Professor Cynthia Godsoe is the most recent addition to the Law School’s tenure-track faculty, but she has already been teaching here for several years. “I am delighted

to be able to continue working with such inspiring and wonderful colleagues,” she said. Godsoe joined the BLS faculty in 2007 as an Instructor of Legal Writing, teaching Fundamentals of Law Practice. Over time, her teaching role has expanded to include courses in family law, children and the law, professional responsibility, and public-interest lawyering.

Godsoe’s scholarship centers on family law, juvenile justice, and legal ethics, and she has presented widely on these issues. Among some of her recent publications are “Parsing Parenthood” in the *Lewis & Clark Law Review* (2013) and “Just Intervention: Differential Response in Child Protection” in the *Journal of Law & Policy* (2012). She has also published numerous op-eds in the *National Law Journal* on juvenile justice matters and family law legislation.

Prior to Brooklyn Law School, Godsoe was an attorney at the Legal Aid Society’s Juvenile Rights Division and at Advocates for Children, representing children and youth in juvenile justice, education, and child-protection matters. She also worked on institutional reform litigation in the child welfare, juvenile justice, and education systems. She clerked for Judge Edward Korman in the U.S. District Court for the Eastern District of New York and was a Skadden Public Interest Fellow.

- Guest commentator, *The Changing American Family*, THE MELISSA HARRIS-PERRY SHOW, MSNBC (television broadcast, Nov. 24, 2012)

Cynthia Godsoe

OTHER PROFESSIONAL HIGHLIGHTS

- Board Member, EDNY Civil Litigation Fund
- Chair-Elect, AALS Section on Children and the Law

Joel Gora

PROGRAMS & PRESENTATIONS

- Presenter, “2012 Supreme Court Term,” New York State Bar Association, New York, NY
- Presenter, “In Defense of Super PACs, and of the First Amendment,” Symposium: The Changing Landscape of Election Law, Seton Hall Law School
- Presenter, “Negotiating the Extremes: Impossible Political Dialogues in the 21st Century,” Symposium, Cardozo Law School
- Presenter, Federal Bar Council, Inn of Court Program on Citizens United, United States Courthouse, Foley Square, New York, NY

SELECT MEDIA

- Guest Blogger, *Five Ideas for Campaign Finance Reform*, JOURNAL OF CORPORATE POLITICAL ACTIVITY LAW (Oct. 3, 2012)



On the Record

WNYC

“That is the crucial issue that the jurors are going to be wrestling with—was this fantasy or did this have the real possibility of becoming a reality?”

—**Professor Bennett Capers** discussing the high-profile trial of Gilberto Valle, the so-called “Cannibal Cop,” a 28-year-old New York City police officer charged with conspiracy to kidnap, kill, and eat women.

Baltimore Sun

“Most fundamentally, tailoring our immigration laws and practices to actual risk would help ensure that in America, detention without criminal conviction remains the exception, not the rule.”

—**Professor Mark Noferi** co-authoring an op-ed discussing new data technology that will allow the U.S. to decriminalize the immigration detention process without increasing risk to the public.

National Law Journal

“The federal government’s responses to the current crisis in the housing markets have been half-hearted and at cross purposes. So it is not surprising that local governments are attempting to fashion solutions to the problem with the tools at their disposal. Courts should, and likely will, give these democratically implemented and constitutionally sound solutions a wide berth.”

—**Professor David Reiss** opining that the power of eminent domain to restructure underwater mortgages is constitutional, beneficial, and administratively feasible.

New York Times

“It’s a perfect storm. The longstanding concerns over access to justice for most Americans and a lack of skills among law graduates are now combined with the problems faced by all law schools. It’s creating conditions for change.”

—**Professor Stacy Caplow** commenting on the growing trend of clinical education for law students through practical experience with low-income clients.

Huffington Post

“The IRS possesses a fearsome audit power that gives it access to records and information that the public and litigants are yet to obtain. It should have used that power more effectively before the financial crisis.”

—**Professor Bradley Borden** discussing the role that lax IRS enforcement of the mortgage-backed securities industry played in the financial crisis.

Law 360

“There could be a fairly dramatic impact on the property-tax base for municipalities. [Towns] would either have to make that up by increasing the taxes that everybody else pays, or the state would have to make [it] up.”

—**Professor Christopher Serkin** commenting on Governor Andrew Cuomo’s new proposal to buy homeowners out of properties that were severely damaged by Hurricane Sandy.

E-commerce Times

“With such an arsenal of information, Google and its marketing partners will likely know more about the user’s interests and proclivities than the user herself, or the user’s psychologist, could ever know or ascertain.”

—**Professor Jonathan Askin** speaking on the European Union’s data protection authorities’ directive to Google to modify its global privacy policy in order to give users a better understanding of what personal data is being collected.

New York Law Journal

“It is a little over 25 years since the stock market crash of Oct. 19, 1987, when the market lost 23 percent of its value, and then continued to fall the next morning. The New York Stock Exchange almost closed before the market turned around. The important lessons that should have been learned in 1987, but were not learned are many.”

—**Professor Roberta Karmel** in an op-ed on looking back at the unlearned lessons of the Stock Market Crash of 1987.

Christian Science Monitor

“In almost every case I’ve seen in the last year involving young people, there’s been some kind of documentation of the incident. This is what they do all day long and it doesn’t make any difference with the substance of what they are documenting... There is no judgment.”

—**Professor Lisa Smith** referring to evidence in criminal cases involving text messages, mobile videos, Facebook, and Twitter as a result of the Millennial generation’s habit of recording and transmitting most aspects of their lives—even if those details are criminal.



Susan Herman Takes Home Prestigious Civil Liberties Book Prize >>

Professor Susan Herman has been awarded the 2012 IIT Chicago-Kent College of Law/Roy C. Palmer Civil Liberties Prize for her book

Taking Liberties: The War on Terror and the Erosion of American Democracy. The award honors a work of scholarship that explores the tension between civil liberties and national security in contemporary U.S. society.

In *Taking Liberties*, Herman focuses on the impact on ordinary Americans of our post-9/11 anti-terrorism strategies, arguing that the government's hastily adopted anti-terrorist tactics may not be keeping us safe, are infringing on our civil liberties, and in some respects may be counter-productive. The book provides examples of individual people, charities, and businesses affected by ubiquitous surveillance systems, expanded criminal laws, watchlists, blacklists, and conscription as government agents.

Herman serves as president of the American Civil Liberties Union, a position she has held since 2008, after having served in different capacities at the ACLU for over twenty years.

Susan Herman

PROGRAMS & PRESENTATIONS

- Panelist, Symposium, "What Are We Saying? Violence, Vulgarity, Lies ... and the Importance of 21st Century Free Speech," Albany Law School
- Speaker, "Benjamin Franklin's New Desk," Likover Lecture, Cleveland-Marshall Law School
- Speaker, "The War on Terror and the End of Civil Liberties," Clark University
- Speaker, "Truthiness, Civil Liberties, and the Presidential Election," University of Washington School of Law
- Speaker, "The ACLU and the Election," Seattle University School of Law
- "Debating the Patriot Act a Decade Later" (with S. Bradbury), Appellate Judges Education Institute Summit 2012

OTHER PROFESSIONAL HIGHLIGHTS

- Awarded the 2012 IIT Chicago-Kent College of Law/Roy C. Palmer Civil Liberties Prize for *TAKING LIBERTIES: THE WAR ON TERROR AND THE EROSION OF AMERICAN DEMOCRACY* (Oxford University Press, 2011)

Roberta Karmel

PROGRAMS & PRESENTATIONS

- Presenter, "The Extraterritorial Application of U.S. Securities Law," The German-American Lawyers' Association, Fordham University School of Law

- Discussion with Sandra Day O'Connor Honorees of Direct Women, New York, NY
- Presenter, Will Law Firms Go Public? Colloquium Presentation, Touro Law School
- Guest Judge, Moot Court for U.S. Supreme Court Argument in *Amgen v. Conn. Retirement Plans*, Brooklyn Law School
- Moderator, Scholars Roundtable: Post Crisis Implementation of Regulatory Reforms, Brooklyn Law School
- Participant, Institute for Law and Economics Corporate Roundtable, University of Pennsylvania Law School
- Panelist, Former Commissioners Panel, New York State Bar Association Meeting
- Panelist, "Looking Back on the Stock Market Crash of 1987, 25 Years of Banking Regulation," AALS Meeting, New Orleans, LA

SELECT MEDIA

- NEW YORK LAW JOURNAL Column, *If It is Broken, We Should Fix It* (Aug. 16, 2012); *Changes to the Gun Jumping Rules* (Oct. 18, 2012); *The Stock Market Crash of 1987: A Look Back at Unlearned Lessons* (Dec. 19, 2012)
- *The Amgen Case: When Must Materiality Be Proven?* 18 WESTLAW J. SEC. LITIG. & REG. at 19 (Dec. 26, 2012)

Claire Kelly

PUBLICATIONS

- *Are the Global Trading Rules Passé? Trade Anachronism and Its Discontents*, 53 VA. J. INT'L L. __ (forthcoming 2013) (with S. Cho)

PROGRAMS & PRESENTATIONS

- Moderator, Scholars Roundtable: Post Crisis Implementation of Regulatory Reforms, Brooklyn Law School

Adam Kolber

PUBLICATIONS

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

PROGRAMS & PRESENTATIONS

- Presenter, "Will There Be a Neurolaw Revolution?" Law and Neuroscience Conference, Rutgers School of Law-Newark
- Presenter, "Smooth and Bumpy Laws," SciFoo Conference, Googleplex; Deciding Under Non-Epistemic Uncertainty Conference, University of Freiberg, Germany
- Presenter, "The Experiential Future and the Neurolaw Revolution," Columbia University, Master of Science in Bioethics Program

Rebecca M. Kysar

PROGRAMS & PRESENTATIONS

- "Reconciling Congress," Symposium on The American Congress: Legal Implications of Gridlock, Notre Dame Law School

Brian Lee

PUBLICATIONS

- *The Nature of Coasean Property*, 59 INT'L REV. ECON. 145 (2012) (with H. E. Smith)



Adam Kolber Tackles Issues of Proportional Punishment in *Vanderbilt Law Review* >>

Professor Adam Kolber's article "Against Proportional Punishment" will be published in a forthcoming

issue of the *Vanderbilt Law Review*. In his article, he notes the apparent contradiction between Supreme Court pronouncements that pre-trial detention is not punishment and the fact that most detainees nevertheless receive reductions in their sentences for time served in detention.

He weighs the idea of "proportional punishment" in the narrow way the Supreme Court and many theorists use the term, against the idea of "proportional harsh treatment," which others might think of as a more fair and equitable way of doling out punishment. Weighing "proportional harsh treatment" often depends on fact-intensive inquiries, and the consequences of trying to salvage proportionality by better measuring harsh treatment may often result in absurd consequences. In his article, Kolber explores both proportional punishment and proportional harsh treatment, and their sometimes counterintuitive implications.

Roger Michalski

PUBLICATIONS

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

Gary Minda

PUBLICATIONS

- *Freedom and Democracy in a World Governed by Finance: Habermas and the Crisis in Europe—A Free Labor Response*, __ RUTGERS J.L. & PUB. POL'Y __ (forthcoming 2013)

PROGRAMS & PRESENTATIONS

- Panelist, "Workers after the Ascendancy of Global Financial Capital," AALS Annual Meeting, New Orleans, LA

Samuel Murumba

PUBLICATIONS

- *Foxes and Hedgehogs at the Intersection of Human Rights and Intellectual Property*, 38 MONASH U. L. REV. 119 (Special Issue: Intellectual Property 2012)

Minor Myers

PROGRAMS & PRESENTATIONS

- Presenter, "Fixing Multi-Forum Shareholder Litigation," Canadian Law & Economics Association, University of Toronto Law School; Midwest Law & Economics Association, Washington University Law School; and Conference on Empirical Legal Studies, Stanford Law School
- Moderator, "The Promise and Perils of Shareholder Appraisal in Delaware," Brooklyn Law School

OTHER PROFESSIONAL HIGHLIGHTS

- Winner, Federalist Society Young Legal Scholars Paper Competition for "Fixing Multi-Forum Shareholder Litigation"

Mark Noferi

PUBLICATIONS

- *Cascading Constitutional Deprivation: The Right to Appointed Counsel for Mandatorily Detained Immigrants Pending Removal Proceedings*, 18 MICH. J. RACE & L. 63 (2012)
- *Making Civil Immigration Detention "Civil": Defining the Emerging Civil Detention Paradigm*, 27 J. CIV. RTS. & ECON. DEV. __ (forthcoming 2013) (symposium article)
- *U.S. Mandatory Detention: The Noncitizen Presumption of Dangerousness* (forthcoming 2013-14) (peer-reviewed article in FIRST CRIMMIGRATION CONTROL CONFERENCE PROCEEDINGS)
- *Moncrieffe: Whither Proportionality and the Constitution*, CRIMMIGRATION.COM (online symposium) (Oct. 12, 2012)

PROGRAMS & PRESENTATIONS

- Panelist, "Justice and Social Control," CINETS First Crimmigration Control Conference Universidade de Coimbra, Portugal

OTHER PROFESSIONAL HIGHLIGHTS

- Appointed Chair, Detention Subcommittee, New York City Bar Association Immigration & Nationality Law Committee

James Park

PUBLICATIONS

- *Two Trends in the Regulation of the Public Corporation*, 7 OHIO ST. ENTREPRENEURIAL BUS. L.J. 429 (2012)

PROGRAMS & PRESENTATIONS

- Presenter, "Securities Class Actions and Bondholders," Faculty Workshop; and Junior Business Law Faculty Forum, UCLA School of Law

Arthur Pinto

PUBLICATIONS

- *The United States Supreme Court and Implied Private Cause of Actions Under SEC Rule 10b-5: The Politics of Class Actions*, in COLLECTIVE ACTIONS: ENHANCING ACCESS TO JUSTICE AND RECONCILING MULTILAYER INTERESTS (Wrbka, Van Uytsel & Siems eds., Cambridge University Press, 2012)

OTHER PROFESSIONAL HIGHLIGHTS

- Elected to a three-year term, Board of Trustees, Law School Admissions Council



Minor Myers Wins Federalist Society Young Legal Scholars Paper Competition >>

Professor Minor Myers was selected as a winner in the 2013 Federalist Society Young Legal Scholars Paper Competition for his paper “Fixing Multi-Forum Shareholder Litigation.” In his paper he demonstrates how important shareholder litigation is regularly filed in multiple court systems, explains how that litigation pattern injures shareholders, and proposes a way to fix it.

Myers teaches courses on corporate law, corporate finance, and property. His recent scholarship focuses on corporate governance, shareholder litigation, executive compensation, and corporate director behavior. His article, “The Judicial Service of Retired U.S. Supreme Court Justices,” 32 *Journal of Supreme Court History* 46 (2007), was prominently cited in a recent *Washington Post* article.

David Reiss

PUBLICATIONS

- *Beneficial Ownership and the REMIC Classification Rules*, 28 *Tax MGMT. REAL EST. J.* 274 (Nov. 2012) (with B. Borden)
- *Dirt Lawyers and REMIC Failures*, __ *PROBATE AND PROPERTY* __ (forthcoming 2013) (with B. Borden)
- *Once a Failed REMIC, Never a REMIC*, 30 *CAYMAN FIN. REV.* __ (forthcoming 2013) (with B. Borden)

PROGRAMS & PRESENTATIONS

- Participant, Roundtable on Federal Renters' Tax Credit, New York University School of Law, Moelis Institute for Affordable Housing Policy
- Presenter, “The Federal Housing Administration as Social Engineer,” International Atlantic Economic Society Conference, Montreal, Quebec
- Speaker, “Teaching Real Estate Transactions,” AALS Real Estate Transactions Annual Meeting, New Orleans, LA

OTHER PROFESSIONAL HIGHLIGHTS

- Chair-Elect, AALS Section on Real Property (2013)
- Op-ed, *Eminently Reasonable*, *NATIONAL LAW JOURNAL* (Sept. 24, 2012)
- Op-ed, *An Uneasy Justification for Prosecutorial Abdication in the Subprime Industry*, *THE HUFFINGTON POST* (Nov. 7, 2012) (with B. Borden)
- Paper discussed in *Why a Tax Crackdown Is Not Needed on Mortgage-Backed Securities*, *NEW YORK TIMES DEALBOOK* (Nov. 21, 2012)
- Quoted in *In JPMorgan Case, a Potentially Potent Alliance for State, Federal Prosecutors* and in *New York AG and U.S. Collaborate to Prepare Suit Against JPMorgan*, *NATIONAL LAW JOURNAL* (Oct. 2 and Oct. 4, 2012)

Elizabeth Schneider

PUBLICATIONS

- *DOMESTIC VIOLENCE AND THE LAW: THEORY AND PRACTICE AND TEACHER'S MANUAL* (Foundation Press, 3d ed. 2013) (with C. Hanna, J. Greenberg & E. Sack)

PROGRAMS & PRESENTATIONS

- Keynote speaker, “Intimate Partner Abuse: The Myth of Battered Woman Syndrome,” Annual Meeting of Pennsylvania, West Virginia and Ohio Feminist Law Teachers, Temple Law School

Christopher Serkin

PUBLICATIONS

- *THE LAW OF PROPERTY* (Foundation Press, 2013)
- *Affirmative Constitutional Commitments: The State's Obligations to Property Owners* __ *BRIGHAM-KANNER PROP. RTS CONF. J.* __ (forthcoming 2013)
- Introduction, *Post-Zoning: Alternative Forms of Public Land Use Controls*, 77 *BROOK. L. REV.* __ (forthcoming 2013) (with G. Macey)

PROGRAMS & PRESENTATIONS

- Presenter, “Affirmative Constitutional Commitments: The State's Obligations to Property Owners” Brigham-Kanner Property Rights Conference, William & Mary Law School

Gerald Shargel

OTHER PROFESSIONAL HIGHLIGHTS

- *SuperLawyers*, Top 100 New York Super Lawyers 2012
- *Lawdragon*, 500 Leading Lawyers 2012
- *Best Lawyers in America*, 15th consecutive year

Lisa Smith

PROGRAMS & PRESENTATIONS

- Panelist, State Policy Implementation Task Force, ABA Criminal Justice Section
- Speaker, “Clarity in Mandated Reporting,” Jewish Board of Family and Children Services

SELECT MEDIA

- Quoted in *Ohio Rape Case: Evidence on Social Media Creates New World for Justice System*, *THE CHRISTIAN SCIENCE MONITOR* (Jan. 8, 2013) also on *YAHOO NEWS*
- *I Know Something Happened!: Physician Management of Parental Disclosure of Suspected Child Sexual Abuse*, *MEDPORTAL*, Jan. 2013 (with Dr. I. Walker-Descartes et al.)

Lawrence Solan

PUBLICATIONS

- *When Does Knowledge Become Intent? Perceiving the Minds of Wrongdoers*, 9 *J. EMPIRICAL LEGAL STUD.* 859 (2012) (with P. Mueller & J. Darley)
- *Legislative Style and Judicial Discretion: The Case of Guardianship Law*, 35 *INT'L J.L. & PSYCHIATRY* 464 (2012)
- *Interpretando las Leyes: ¿Lenguaje o Intención?*, in *LINGÜÍSTICA FORENSE: LA LINGÜÍSTICA EN EL ÁMBITO LEGAL Y POLÍTICAL* (with E. Garayzábal Heinze, M. Jiménez Bernal, M. Reigosa Riveiros, eds., 2012)

PROGRAMS & PRESENTATIONS

- Presenter, “Consenting to Everything by Consenting to Nothing: A Paradox in Contract Interpretation,” John Marshall Law School
- Presenter, “Ethics and Method in Forensic Linguistics,” Authorship Attribution Workshop, Brooklyn Law School; Organized this two-day program co-sponsored by the National Science Foundation
- Moderator, Panel on Preliminary Jury Instructions, ABA Conference on The Optimal Jury, Northwestern University School of Law
- Presenter, “Ethics and Method in Forensic Linguistics,” Universidad Autónoma, Madrid, Spain
- Presenter, “Why We Don’t Need a Restatement of Statutory Interpretation,” Restatement Of... Symposium, Brooklyn Law School
- Presenter, “Fear of Vagueness,” AALS joint session on Law & Economics and Law & Interpretation, New Orleans, LA

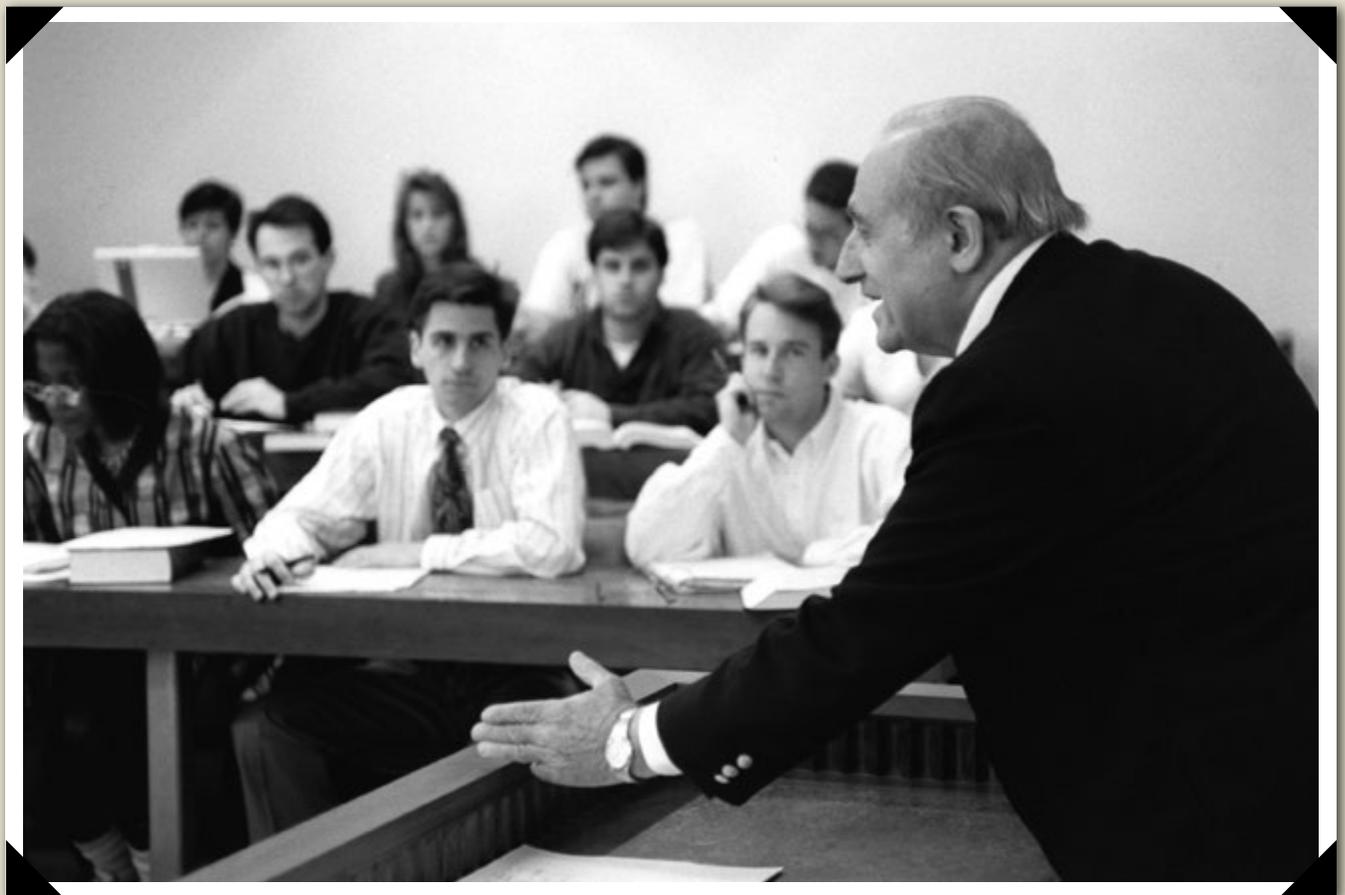
SELECT MEDIA

- Op-ed, *Pay Associates Less? A Novel Response to a Rapidly Changing Legal Market*, THE HUFFINGTON POST (Jan. 22, 2013)

Nelson Tebbe

PROGRAMS & PRESENTATIONS

- Presenter, “Religious Institutionalism and Constitutional Change,” The Freedom of the Church in the Modern Era Conference, Institute for Law and Religion, University of San Diego School of Law
- Presenter, “Religion and Social Constitutionalism,” Faculty Workshop, Temple University Beasley School of Law; Faculty Workshop, Cornell Law School; and Religion and Legal Theory Colloquium, BYU Law School
- Presenter, “Freedom of the Church: Religious Organizations and Constitutional Law,” Grace Church Forum, New York, NY
- Supreme Court Review, New York State Bar Association, Committee on Attorneys in Public Service, Annual Meeting, New York, NY
- Discussant, “Arguendo,” Public Theater, New York, NY



Professor Joseph Crea, who has been teaching at the Law School for five decades, celebrated his 98th birthday on April 26 with a surprise hosted by the BLS community. In this archived photo, he is, no doubt, sharing with students that classic Crea combination of legal jurisprudence and witty life lessons. Do you have any favorite “Crea-isms?” If so, please share them by writing to us at the Law School or by emailing alumni@brooklaw.edu. We look forward to hearing from you!

Alumni Luncheon Honors Three Distinguished Graduates



FROM L TO R: Incoming Alumni Association President Eric Kornblau '84, Dean Nick Allard, honorees Stanley Grossman '67, Judge Ramon Reyes '92, and Lawrence Sucharow '75, and outgoing Alumni Association President Robert Schmidt '89.

On January 25, the Brooklyn Law School Alumni Association hosted its Annual Luncheon at the Plaza Hotel in New York City to honor three distinguished graduates: Stanley Grossman '67, Lawrence Sucharow '75, and the Hon. Ramon Reyes Jr. '92. Despite the need to reschedule the luncheon due to Hurricane Sandy, a record 400 people attended.

After a warm welcome and the “State of the School” from Dean Nick Allard, Alumni Association President Robert Schmidt '89 introduced the three honorees, who each spoke fondly about their Brooklyn Law School experiences. The luncheon also marked the passing of the Alumni Association Presidency. Schmidt introduced the new Alumni Association President, Eric Kornblau '84 who will serve a two-year term.

Stanley M. Grossman '67 is Senior Counsel and the former Managing Partner of Pomerantz Grossman Hufford Dahlstrom & Gross LLP. The securities and corporate governance litigation firm is one of the oldest and most respected firms dedicated to representing investors, and Grossman has been with it for over 40 years. He is a recognized leader in the plaintiffs' securities bar and has prosecuted numerous groundbreaking cases involving

securities, as well as derivative and antitrust matters resulting in recoveries for his clients aggregating well over a billion dollars. He was featured in a *New York Law Journal* article as one of the “Top Litigators in Securities Field—A Who's Who of City's Leading Courtroom Combatants.”

A nationally respected authority in corporate governance, he is a regular advisor to Congress on legislation to protect investors. He testified before Congress concerning proposed legislation dealing with state class actions and has briefed the Democratic Caucus of the House Committee on Financial Services on issues pertaining to what evolved as the Sarbanes-Oxley Act. Grossman served on former New York State Comptroller Carl McCall's Advisory Committee for the New York Stock Exchange Task Force on corporate governance. He is also a former president of the National Association of Shareholder and Consumer Attorneys.

In addition, he has been active in a number of other professional activities, serving for several years on the New York City Bar Association's Committee on Ethics, as well as on the Association's Judiciary Committee. He was a director of the Lincoln Center Institute for the Arts in Education, as well as a member of the Appleseed Foundation, a national public interest advocacy group. He is also the author of numerous articles about shareholder suits, including in the *Brooklyn Law Review*.

Grossman maintains close ties to the Law School through his involvement with the biennial Pomerantz Lecture. He most recently served as a judge in the Amgen case mooted in the fall (see page 15). He has been an extremely generous supporter to BLS, and on page 60 is an article about his latest gift to the Law School and how it is benefitting current students and generations to come.

Lawrence A. Sucharow '75 is chairman of Labaton Sucharow LLP, a 70-person plaintiff securities and antitrust class action firm. An internationally recognized trial lawyer and a leader of the class action bar, Sucharow has litigated hundreds of cases, and his firm has recovered over \$8 billion in groundbreaking securities, antitrust, business transaction, product liability, and other class actions.

In 2010, in recognition of his career accomplishments, Sucharow was selected by Law360 as one of the Ten Most Admired Securities Attorneys in the United States. He is also one of a small handful of plaintiffs' securities lawyers in the United States independently selected by *Chambers* and *Partners USA*, *The Legal 500* and *Benchmark Plaintiff* for their highest rankings.

His professional activities are numerous. He serves as a trustee of the Federal Bar Council Foundation and is a member of the Federal Bar Council's Committee on Second Circuit Courts, and



Alumni, faculty, and friends of the Law School gather at the Plaza Hotel; Old friends reconnect (FROM L TO R): Janine Guido '01, William Friedman '01, and Tracey Seraydarian '01.

the Federal Courts Committee of the New York County Lawyers' Association. He is also a member of the Securities Law Committee of the New Jersey State Bar Association and was the Founding Chairman of the Class Action Committee of the Commercial and Federal Litigation Section of the New York State Bar Association. Sucharow has also served as president of the National Association of Shareholder and Consumer Attorneys.

Sucharow is an ardent and longtime supporter of the Law School. In addition to participating in career and academic programs, he has endowed scholarships in his firm's name and in his own. He recently made an extraordinary gift to BLS to build its endowment (see article on page 60). The luncheon also marked a special occasion for Sucharow as his firm surprised him with a major gift to be used to support one fellow of the Dennis J. Block Center for the Study of International Business Law. The fellow will be designated the Lawrence A. Sucharow '75 International Business Law Fellow.

The Honorable Ramon E. Reyes Jr. '92 has been a United States Magistrate Judge for the Eastern District of New York since 2006. Previously, Judge Reyes was an Assistant United States Attorney in the Southern District of New York for eight years, where he served as Deputy Chief of Civil Appeals. Before that, he was an associate in the New York office of O'Melveny & Myers, LLP, where he litigated intellectual property and insurance cases for three years. He also served as one of the first law clerks to the late Honorable David G. Trager, United States District Judge for the Eastern District of New York and former dean of the Law School, and was a legislative attorney for the New York City Council.

Judge Reyes has presided over several notable jury trials, including *Patsy's Italian Restaurant v. Patsy's Pizzeria*, the epic trademark battle between these two famous New York eateries; *Artica, et al. v. J.B. Custom Masonry, Inc.*, a 26-plaintiff Fair Labor Standards Act case; and *Lewis v. City of New York*, an excessive force case under 42 U.S.C. 1983 that resulted in a \$4.3 million plaintiff's verdict.

Judge Reyes is a trustee of the Federal Bar Council and has participated in the Federal Bar Council's Inn of Court since its inception in 2000. From 2000 to 2003, he served as a member of the United States Magistrate Judge Merit Selection Panel for the Eastern District of New York. He has published several law review articles on intellectual property, as well as international law and litigation issues. He is also a member of various bar associations, including the Brooklyn Bar Association, the Association of Judges of Hispanic Heritage, the Hispanic National Bar Association, and the Puerto Rican Bar Association.

Judge Reyes remains actively involved with the Law School. He is currently an Adjunct Professor of Clinical Law and has taught the Judicial Clerkship Externship for many years. Numerous Brooklyn Law School students and graduates have served as his interns and law clerks. Judge Reyes is married to BLS alumna Jane Landry-Reyes '93, who is a Senior Staff Attorney in the Housing Unit at South Brooklyn Legal Services. ■

BLS Goes to Washington



U.S. Supreme Court Swearing-In Ceremony

On November 13, Brooklyn Law School President Joan Wexler stood before the U.S. Supreme Court Justices and presented a motion for 29 BLS graduates, along with Dean Nick Allard, to be admitted to the U.S. Supreme Court bar. Chief Justice John Roberts (*see photo, center*) administered the oath for the group admission, giving each new member the right to argue cases before the highest court in the nation. Justice Roberts was joined on the bench by Justices Antonin Scalia, Anthony Kennedy, Clarence Thomas, and Elena Kagan.

A reception at the Court followed the ceremony, where graduates and their guests were honored to receive a visit from Chief Justice Roberts and Justice Thomas, who stopped by to congratulate the new members and join them for photos. ■

Mentor Program Kicks off at Weil Gotshal & Manges

This year marked the 20th Anniversary of the Brooklyn Law School Mentor Program. The program matches current students with graduates who share a common career interest. It affords students an invaluable opportunity to network and gain real world guidance and provides graduates with a meaningful way to give back to the Law School.

This year, there were 147 pairs of graduates and students. At the Mentor Kick-off Reception, held in early October at Weil Gotshal & Manges, LLP, mentoring matches had an opportunity to meet in person and “officially” begin their

year-long relationship. The Law School is grateful to Joseph Smolinsky '88, a partner in the Business Restructuring and Finance Group at Weil and a member of the Brooklyn Law School Alumni Association Board of Directors, and Stephen Dannhauser '75, former Chairman of the firm, for hosting the reception this year at their firm. ■

If you are interested in becoming a mentor, please contact Susan Bainnson, Esq., Associate Director of Alumni Career Services, at 718-780-7578 or by email at susan.bainnson@brooklaw.edu.



Wine Tasting for Lawyers

Brooklyn Law School alumni may be able to craft legal arguments with grace and ease, but their wine knowledge was put to the test at the Law School's first wine tasting.

On December 3, over 70 graduates gathered for a wine tasting and reception hosted by Lisa Milano, Fine Wine/Specialty Spirit Manager of Empire Merchants. The evening kicked off with glasses of Prosecco and moved on to a more formal tasting and discussion of eight wines from top-trending regions around the globe.

At the reception held at the Law School's Subotnick Center, graduates mixed and mingled over wine, antipasto, and hors d'oeuvres. Graduates from the 1950s through 2012 were in attendance, providing an excellent opportunity for alumni of all decades to come together to network and reconnect, and raise a glass (or two)! ■



Nick and Marla Allard Host Alumni for a Garden Party

The night before the U.S. Supreme Court swearing-in ceremony, Dean Nick Allard and his wife, Marla, hosted a reception in their Georgetown home. Along with the newly admitted Supreme Court bar members, Washington, D.C.-area graduates and their guests enjoyed the opportunity to meet the new dean. A group of BLS students also traveled down to Washington to attend, giving them the valuable opportunity to network with alumni working inside the Beltway in an intimate setting. Thanks to an unseasonably mild fall evening, guests were able to enjoy drinks and conversation in the Allards' lovely candlelit back garden.



Sam Bernsen '49 and Elizabeth Bernsen Honor Brooklyn Law School with Historic Charitable Remainder Trust

Sam Bernsen '49, a noted authority in the field of immigration law, and his wife Elizabeth, recently made an extraordinary gift of \$1 million to Brooklyn Law School to set up a Charitable Remainder Trust. This trust, the largest the Law School has ever received, will guarantee income to the Bernsens during their lifetimes, with the remaining assets later passing to the Law School to benefit future generations of law students.

"We are so grateful for this incredible gift to the Law School," said Dean Nick Allard. "It not only honors Sam and his distinguished career, but also signifies Sam and Elizabeth's unwavering commitment to the future of the Law School. In appreciation of this outstanding gift, the Law Library Reference and Reading Room will be named for them."

Bernsen's interest in law began early, when at age 19 he began his career with the U.S. Attorney's Office in New York City as a junior messenger in 1937. Less than a year later, he was promoted and transferred to the Immigration and Naturalization Service (INS) at Ellis Island. There, he found his life's specialty.

He served for four years in the U.S. Army during World War II. On completion of his military service he returned to his job at the INS and attended Brooklyn Law School in the evening. Bernsen started his days early, working long hours as an immigration inspector and ended with classes at the Law School. His most memorable course, he recalled, was Evidence, taught by his favorite professor, the late Jerome Prince, a renowned scholar and exceptional teacher who later served as Dean of the Law School

"We are so grateful for this incredible gift to the Law School. It not only honors Sam and his distinguished career, but also signifies Sam and Elizabeth's unwavering commitment to the future of the School." —Dean Nick Allard

from 1953-1971. Bernsen took his studies seriously and graduated *cum laude* in October 1949. Shortly after graduation, he was appointed a reserve officer in the U.S. Air Force Judge Advocate General's Department. He retired with the rank of Major.

While serving with the INS, Bernsen held several positions, including District Director in New Orleans, Assistant Commissioner of Adjudications, and ultimately, as General Counsel. He was interviewed by media legends David Susskind and Mike Wallace on such timely immigration matters as Nazi War Criminals in the U.S., and aliens who became a public charge. After 38 years of U.S. Government service, he retired and went into private practice.

Bernsen became a named partner in the firm of Fragomen, Del Rey, Bernsen and Loewy in 1978 and opened the firm's Washington, D.C. office. There, he handled several immigration matters for prominent public figures and celebrities. One client had Bernsen flown to London on the Concorde to handle a visa problem with the U.S. Consul. "It was an unbelievable trip," he recalled. "The Concorde flew at more than twice the speed of sound. I departed London at noon and arrived in the U.S. three hours before my departure time!"

One of his most memorable cases involved the late Broadway and Hollywood legend Yul Brynner, most famous for his



Sam Bernsen '49 with his wife, Elizabeth.

leading role in *The King and I*. Bernsen recalls meeting Brynner, his wife, Jacqueline Thion de la Chaume, and their children at an exclusive Philadelphia restaurant to discuss the star's immigration case. He remembers the tremendous attention their table received from restaurant patrons and staff—attention that followed them all the way into the local INS office, turning the heads of passersby and INS staff alike.

Brynner's case had an interesting twist: He had been a naturalized citizen, but renounced his citizenship before the American Consul in Paris. He did this for personal reasons while living and making movies abroad for several years. Renunciation made him an alien. He sought out Bernsen's counsel and advice to

become a U.S. citizen again.

Bernsen advised Brynner that he should first apply for permanent resident status as such status can be obtained without a long wait

by an alien with extraordinary ability in the arts. Brynner followed Bernsen's advice and was promptly granted permanent resident status. "We thought we could relax and begin our case with the State Department for restoration of citizenship," said Bernsen, "but unfortunately Yul died before we could get started."

During his career, Bernsen authored over 20 articles on immigration and testified before Congressional committees as an expert on immigration issues and policy. He also was a frequent speaker at academic conferences, lecture series, and legal education events. He was a "distinguished lecturer" at Catholic University and an adjunct faculty member at American University. In 1993, Bernsen retired from private practice. He is now 93 years of age.

Bernsen decided to make his gift because of the great value he attributes to his law school education. "I have many wonderful remembrances of my time at Brooklyn Law School," he said. "The Law School gave me a strong foundation in law, politics and civics, and helped me forge an identity in the legal field. I want to ensure that today's students have access to the same quality education, support, and resources that I received from Brooklyn Law School throughout my career."

Sam and Elizabeth Bernsen live in Chevy Chase, Maryland. ■

Stanley M. Grossman '67 *Continues His Unwavering Support with His Latest Gift*

Stanley M. Grossman '67, one of the Law School's esteemed Alumni Luncheon Honorees (see page 54), and a longtime supporter, continued his extraordinary generosity with his most recent gift of \$500,000 to the Law School's Endowment. "I am heartened every time I visit the Law School by its ever-expanding curriculum and professional programs," said Grossman. "I am happy to be a part of it." In appreciation of this gift, a scholarship/fellowship will be named for Stanley and his wife Nancy.

Stanley Grossman is Senior Counsel and the former Managing Partner of Pomerantz Grossman Hufford Dahlstrom & Gross LLP. He has litigated complex securities and antitrust actions for over 40 years, resulting in recoveries for his clients aggregating well over a billion dollars. He was selected by *Super Lawyers* magazine as an outstanding attorney in the United States for the years 2006 through 2012, among other accolades, and serves as a regular advisor to Congress on legislation to protect investors. Beyond his dedication to his alma mater, Grossman has held leadership roles in numerous professional organizations, and is actively involved in local and national civic affairs.

The Pomerantz Grossman firm sponsors an ongoing lecture series at the Law School named for Abraham Pomerantz, a 1924 graduate of Brooklyn Law School and founding partner of the Pomerantz firm. The biennial lecture focuses on topics of corporate securities law and related issues of professional responsibility that brings nationally recognized scholars to the Law School to debate a timely topic. In September, Professor Hillary Sale of the Washington University School of Law will be the keynote speaker. Grossman has been integral in continuing the support for this lecture, and he has worked closely with the Law School to ensure the ongoing lecture's success. ■

Lawrence A. Sucharow '75 *Committed to Student Success Through His Philanthropy*

Another Alumni Luncheon honoree, Lawrence A. Sucharow '75, is also an ardent supporter of the Law School. In 2006, his firm Labaton Sucharow endowed the Labaton Sucharow Scholarship, awarded annually to a first-year minority student who has demonstrated academic excellence in his or her first semester. Then in 2010, he and his wife endowed the Larry and Fran Sucharow Scholarship, awarded to a deserving student who demonstrates academic excellence. And just this past January, at the Annual Alumni Luncheon, Sucharow himself was thrilled when, to honor the occasion, his firm surprised him with a major gift to help support a fellow of the Dennis J. Block Center for the Study of International Business Law each year. This deserving student will be designated as the Lawrence A. Sucharow '75 International Business Law Fellow.

His continued extraordinary support to Brooklyn Law School was exemplified this past December when he made a gift of \$500,000 to support the Endowment, which will benefit future generations of BLS students. "Without BLS, where would I be?" he said. "I hope that this gift plays a part in opening doors and creating opportunities for generations to come."

It is fitting that Sucharow's generosity to his alma mater is directed to helping talented students achieve success. Sucharow attended Brooklyn Law School at night, and today he is chairman of the 70-person plaintiff securities and antitrust class action firm. He has been selected by Law360 as one of the Ten Most Admired Securities Attorneys in the nation. (see page 55 to read more about his distinguished career.) Raised by a working mother in Rego Park, Queens, he equates scholarship with opportunity, and he is grateful to do what he can to help this generation of BLS students achieve their dreams. ■

Planned Giving Makes a Difference

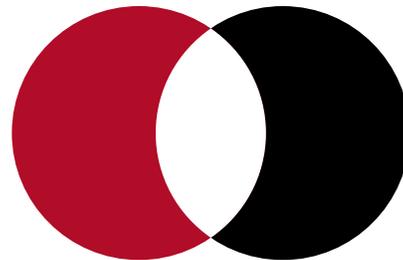
You can make a lasting and profound impact by including Brooklyn Law School in your estate plan. Bequests and planned gifts can be designated for a specific purpose such as a scholarship, faculty chair, public service program, or unrestricted support for the Law School to use where it is needed most.

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

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

Dean Nick Allard... *In Conversation*

When Dean Nick Allard joined the Law School on July 1, one of his top priorities was getting to know the extended BLS family. With 20,000 alumni to meet and greet, Dean Allard hosted a series of casual cocktail receptions. These “In Conversation” events, held at the Law School, were organized by decade, and were designed to allow Dean Allard to introduce himself and to share his vision for the future of the Law School. More important, the events gave him the chance to listen to his new “constituency.” Graduates were eager to engage him in conversations about the changing legal profession, the broader community, the BLS curriculum, careers in general, and ways in which alumni could engage in the life of the Law School. Dean Allard was excited to exchange ideas, and he was moved by the enthusiasm that each decade displayed toward their alma mater.



ClassNotes

1949 Murray Schwartz, managing partner of the New York employment law firm of Schwartz & Perry, LLP, will serve as the keynote speaker at The Unemployment Action Center's 32nd Anniversary Fundraising Dinner in April 2013. **David Raff '68**, managing partner of the New York employment law firm of Raff & Becker LLP, and a founder and advisor of The Unemployment Action Center, will give a special presentation at the event.

1960 Sheldon Lobel, founder of the zoning, land use, and real estate firm, Sheldon Lobel, PC, was presented with a Lifetime Achievement Award by the National Committee for Furtherance of Jewish Education at its Annual Awards Dinner in November 2012. The organization was founded to teach the Torah to public school students and, today, is known for its crisis intervention services and its work with at-risk youth.

1967 Edward M. Kaplan, who maintains a law and accounting advisory practice in Boca Raton, FL, was elected to the board of directors of American Associates, Ben-Gurion University of the Negev. Prior to retiring to Florida, Kaplan was one of the founding partners of DDK & Company, a Manhattan accounting firm.

1968 Arthur L. Alexander, who maintains his own practice in New York focused on real estate law and estate planning, was appointed President of the American Friends of Yeshivot Bnei Akiva, the U.S. fundraising arm of the religious Zionist educational network in Israel.

Alan E. Weiner, founding tax partner and current partner emeritus of the accounting firm Holtz Rubenstein Reminick LLP, was appointed to a fifth term, for the 2013-2014 period, as a judge on the New York State Society of Public Accountants' Excellence in Financial Journalism Awards Committee. The annual award recognizes reporters from the press who contribute to a better understanding of business topics.

1969 Richard S. Solove joined the Lancaster, PA firm of Woolford Law PC as of counsel. Solove counsels businesses in various areas including entity formation, corporate governance, regulatory compliance, acquisitions, and real estate matters. He was previously attorney-in-charge of the Lancaster, PA office of McNees Wallace & Nurick.

1973 Michael L. Faltischek, a founding partner of the Long Island firm, Ruskin Moscou Faltischek, P.C., was elected Vice Chair of the Long Island Association (LIA). He has served as a member of the board of directors for 10 years. Founded over 80 years ago, the LIA's mission is to strengthen Long Island as a place to live, work, and do business. He is also a founding member and chairman of the Long Island Angel Network, a forum for entrepreneurs, investors, and businesses to examine investment opportunities in new technologies.

1975 Douglas E. Grover, a partner in the New York office of Thompson Hine LLP, co-wrote a *New York Law Journal* article, "Combatting Intercepted Co-Conspirator Statements with FRE 806" (February 2013). Grover focuses his practice on white-collar criminal matters and civil litigation.

1976 Gregory J. Wallance, a partner in the New York office of Kaye Scholer LLP published a nonfiction book, *America's Soul in the Balance: the Holocaust, FDR's State Department, and the Moral Disgrace of an American Aristocracy* (Greenleaf Book Group Press 2012). The book recounts the dramatic interplay between the Department of State and the Department of the Treasury during the Holocaust over the fate of the Jews of Europe. Wallance has published several other books that have received critical acclaim. He practices in the areas of white collar litigation and civil and commercial litigation.

1977 Matthew J. D'Emic, a New York State Supreme Court Justice in Kings County, was featured in a Q&A in the *National Catholic Reporter* (December 2012). D'Emic has presided over the Brooklyn Domestic Violence Court since 1997 and the Brooklyn Mental Health Court since 2002. He is also a member of the adjunct faculty at Brooklyn Law School, where he teaches in the Judicial Clerkship Externship Clinic.

1978 Sara Schoenwetter retired in December 2012 from her position as Assistant General Counsel–State Regulatory Services at Consolidated Edison Company of New York, Inc. She had been with the company for 34 years.

1980 Anne J. Swern, First District Attorney at the Kings County District Attorney's Office, was honored by the Brooklyn Women's Bar Association in September 2012. Swern was recognized for her ongoing work in the areas of criminal law and substance abuse rehabilitation. At the District Attorney's Office, where she has served for over 30 years, she is the senior executive for alternative sentencing policy and programming and the Drug Treatment Alternative-to-Prison Program. She also supervises three substance abuse treatment courts in Brooklyn.

1981 Terry D. Horner relocated his practice to Poughkeepsie, NY. His practice is focused on civil and criminal appeals.

1982 Peter W. Tunnicliffe has been working at CDM Smith, a full-service consulting, engineering, construction, and operations firm, for over 38 years. Tunnicliffe is based at the firm's headquarters in Cambridge, MA and he currently serves as executive vice president, global market development where he has directed project development and execution of some of the firm's most significant construction and design-build projects.

1983 Dennis M. Brown was appointed the Suffolk County Attorney. The County Attorney handles the civil legal business of the Suffolk County government and its agencies. Brown previously served as Bureau Chief of the Municipal Law Bureau in the Suffolk County Attorney's Office.

Karen J. Tenenbaum, who practices tax law at her firm, Karen J. Tenenbaum, P.C., located in Melville, NY, was featured with her cartoon character, Walter the Vault, in an article on financial literacy for children in the *Long Island Business News* (October 17, 2012). Tenenbaum was one of 50 female small-business owners from across the country named a Top 10 Pitch winner by Count Me In/American Express OPEN, for her plans to promote financial literacy using her cartoon character.

Linda A. Wroblewski was featured in *Crain's 25 Years of 40 Under 40 The Reunion Issue* (Oct. 15–21, 2012). Also featured were **Stacy Kanter '84**, a partner in the New York office of Skadden, Arps, Slate, Meagher & Flom LLP and co-head of its global Corporate Finance Group, and **Y. David Scharf '91**, a partner in the Business Litigation, Real Estate, and Bankruptcy and Restructuring Groups at Morrison Cohen.

1984 Risa B. Gerson, previously director of the wrongful conviction Reinvestigation Project at the Office of the Appellate Defender, was named director of quality enhancement for appellate and post-conviction representation for the NYS Office of Indigent Legal Services. Gerson leads and oversees efforts to improve the quality of appellate and post-conviction representation under Article 18-B throughout the state.

1986 Michael J. Butler published a book, *Through the Eyes of a Lawman* (August 2012), available through Amazon.com. The book details cultural events involving his past occupations as a police officer, lawyer, soldier, college instructor, U.S. intelligence analyst, and administrative hearing officer.

1986 Carlos F. Ortiz, previously a partner at LeClairRyan, PC and head of the firm's Investigations, Compliance and White Collar Criminal Defense Team, joined the New York City and Madison, New Jersey offices of Edwards Wildman Palmer LLP, as a partner in the firm's White Collar & Government Enforcement Practice Group. Ortiz advises organizations and individuals on matters related to the Foreign Corrupt Practices Act, allegations of fraud against government agencies and financial institutions, securities and health care fraud, and high-risk tax controversies.

1987 Miles M. Borden, previously with Troutman Sanders LLP, joined the New York office of Seyfarth Shaw LLP as a partner in the firm's Real Estate Department. Borden's practice focuses on commercial real estate, hotels and resorts, and the real estate aspects of mergers and acquisitions, alternative energy, and other project finance deals.

Wendy M. Derzaph, a deputy district attorney in the Los Angeles District Attorney's Office, was presented with the 2012 Prosecutor of the Year Award by the Coalition Against Insurance Fraud in December. She was recognized for her work as lead prosecutor in dismantling a large complex international medical insurance fraud and money-laundering ring headquartered in Dubai, United Arab Emirates. Derzaph was also awarded the International Public Service Award by the International Association of Special Investigative Units (IASIU) in September 2012.

1988 Flor M. Colon, associate general counsel at Xerox Corporation, joined the Monroe Community College Foundation Board of Directors. Colon manages the legal departments within Xerox's Developing Markets Operations, covering more than 150 countries. From 2008 through 2011, she served as chair of the Xerox Office of General Counsel's Diversity Committee, where she worked to promote and increase diversity in Xerox's external legal representation.

Eileen J. Goggin, a law secretary in the New York State Unified Court System, was appointed a member of the five-member City Council in Long Beach, New York.

1989 David P. Bloch was named the Director of the Division of Mortgage, Investments and Risk Analysis for the Office of the Inspector General of the Federal Housing Finance Agency (FHFA). He oversees the FHFA's work in the Capital Markets businesses of Freddie Mac and Fannie Mae, particularly the use of derivatives and hedging activities in the investment portfolios of the two businesses as well as matters pertaining to market risk, credit risk, and operations risk.

Terri A. Herubin joined Cornerstone Real Estate Advisers LLC as the portfolio manager of the Cornerstone Patriot Fund, an open end U.S. core real estate commingled fund with \$1.7 billion in gross asset value. She was previously principal portfolio manager at The Townsend Group and was a member of the Group's Investment Committee.

Maureen F. Roaldsen, a former Miss Subway from the 1960s, was featured in an October 2012 exhibit at the New York Transit Museum and in a book, *Meet Miss Subways* (Smith/Kerr Associates). Both the exhibit and the book chronicle the lives of the nearly 200 women who were selected by public referendum to receive this honor between 1941 and 1976. When Roaldsen was selected, she was in her early 20s and a secretary at Downstate Medical Center. In her 40s, she went on to attend Brooklyn Law School as a night student. She recently retired after working as a lawyer for the New York State Appellate Court in Brooklyn.

Howard S. Shafer, managing partner of the New York insurance and corporate liability defense firm of Shafer Glazer, LLP, is the 2013 chair of the Corporate Counsel Section of the New York State Bar Association, whose membership includes over 1,700 attorneys. Shafer, who has been named a "Super Lawyer" every year since 2006, is also the president and general counsel of Counsel Holdings, Inc. which operates a national consortium of insurance and corporate liability defense law firms.

The Emmy Award-winning NBC series “30 Rock” had just wrapped its series finale after shooting seven seasons at Silvercup Studios. The crew was dismantling the sets, and pulling down steel bars and metal frames across several stages. Wardrobe racks lined the halls: Jack Donaghy’s pajamas and suits; a collection of pastel-colored prom dresses (marked: To Be Donated!); and a row of Liz Lemon’s maroon Snuggles.

Standing out of the fray, smiling and chatting with the crew, was Gary Kesner ’78, who joined Silvercup 19 years ago, helping to turn this dilapidated former bakery on the Long Island City waterfront into the largest independent, full-service film and television production facility in the northeastern United States.

Raised by middle-class parents in the Bronx, Kesner never had any intention of winding up in the glitzy world of film and television. “I’ve always wanted to do good, not well,” he explained. After graduating from City College of New York in 1971, he spent four years running an achievement program for kids and teens at the Hudson Guild, one of the oldest settlement houses in Manhattan, before enrolling in Brooklyn Law School. During his first summer, he secured a position with the General Counsel to the Bronx Borough President where he was involved in legislation, policy, and programming. “It opened my eyes to the kind of work I wanted to do,” he said.

Following law school, he began a 12-year stint in the administration of Mayor Edward I. Koch, holding several high-profile positions in economic development, including Executive Vice President of the Financial Services Corporation of New York City and Executive Vice President of the New York City Public Development Corporation. In 1986, he was named Commissioner of the New York City Office of Business Development. “My main focus was always to keep companies in New York City, to help companies grow, and thereby create and retain jobs for the City,” he said.

It was during his tenure at the Financial Services Corporation that he met Harry Suna and his sons Alan and Stuart. The Suna family was looking for a new facility for their metal fabrication business and had their eye on the old Silvercup Bakery. With Kesner’s guidance, they were able to access financing and to purchase the building, where they put a small portion of it to use for their business. Not quite sure of what to do with the extra space, they came up with the idea of turning what was the former flour silo room of the bakery into a sound stage. Silvercup shot its first commercial (for Cool Whip) in 1983. The rest, as they say, is history.

With the Silvercup project filed away, Kesner continued his work in economic development for the City, working on such historic projects as the Brooklyn Army Terminal, the South Street Seaport, and the Intrepid Museum. He also administered and expanded a series of commercial revitalization programs, which eventually became known as Business Improvement Districts (BIDs)—powerful engines for economic development and neighborhood revitalization.

When Koch’s third term ended, Kesner began consulting, providing management, policy analysis, program development services, and advice on real estate issues and financing to private and nonprofit organizations. A few years into his work as a consultant, he met again with the Sunas, who offered him a job at Silvercup. “Silvercup was one of my favorite projects,” he said. “You take a building that was not utilized at all, and bring it back to life and have a business that grows and benefits the City. That is the story of New York City. It continues to regenerate itself.”



Gary Kesner '78

Bringing the Silver Screen to Silvercup

As Executive Vice President at Silvercup, Kesner has been instrumental in developing the company into a critical player in the birth of the New York City film industry, now thriving with other facilities such as Kaufman-Astoria and Steiner Studios (at the Brooklyn Navy Yard, see article on page 24). Silvercup itself has grown from one building with 10 studios to two lots with 19 studios, and the business has largely shifted from commercials to film and television. In addition to the critically-acclaimed “30 Rock,” Silvercup has been home to such hits as “The Sopranos” and “Gossip Girl,” and “Girls.” Movies shot at Silvercup include, “Date Night,” “Julie & Julia,” and “The Devil Wears Prada.” Silvercup has also added a location lighting company, Silvertrucks, and a real estate development affiliate that develops market-rate, middle income, and affordable housing projects. It is also in the process of developing what will be known as a property known Silvercup West that will include studios, retail, and residences, and a waterfront promenade in Long Island City.

Yet, after nearly 20 years of hobnobbing with celebrities (standing in line for Mister Softee with James Gandolfini is a favorite memory), Kesner remains rooted to his mission to “do good.” He is Chair of the Long Island City Partnership, Vice Chair of the Queens Theater, and works with The Explorers, a city-wide high school mentorship program. “I feel I have had an impact. I feel like I am doing good,” he said. “That’s what I have always wanted to do.” ■



Harris Diamond '83

Communicating in 140 Characters or More

Harris Diamond '83, the newly appointed CEO and Chairman of McCann Worldgroup, doesn't have a Facebook page and doesn't use Twitter. "It just doesn't work for me," he said. "I don't deal in 140 characters or less." One of the public relations industry's brightest stars, Diamond prefers to communicate the old fashioned way, and it's served him quite well. Diamond's influence is massive in scope. He oversees McCann Worldgroup's eight companies—McCann Erickson (the world's largest advertising agency network); MRM Worldwide (digital marketing/CRM); Momentum Worldwide (event marketing/promotion); McCann Health (professional/dtc communications); Craft Worldwide (global production); UM (media management); Weber Shandwick (public relations); and FutureBrand (consulting/design)—with responsibilities for a total of 23,000 people, across 120 countries, and 300 cities.

Standing at the helm of one of the nation's largest communications businesses, Diamond is keenly aware of the ways in which social media has changed the traditional communications landscape. While his organization has adopted the Facebook "Like" and the 140-character tweet as important tools to communicate both internally and externally, he remains steadfast that his job has remained the same. "The only thing that's really changed is the way we communicate, but not the messages we deliver," he said. "At the end of the day, it's still all about articulating a vision,

getting people to believe in the vision, and then getting them to agree to carry out and execute that vision. There are a large number of voices out there, and you have to craft a message that will cut through the noise. But that was always the job. It's just that there is more noise out there than there used to be."

Diamond has long been in the business of conceptualizing, creating, and communicating a sharp, clear vision for his clients. He arrived at Brooklyn Law School in 1980 from a position at the Prudential Insurance Company and a desire to work in politics. While attending law school, he served as the Confidential Assistant to Brooklyn District Attorney Elizabeth Holtzman, a job that required him to manage public outreach and community issues and to act as a liaison with the New York City Police Department and the Mayor's Office. "Working for someone like Liz, who was a senior political figure with substantive responsibilities, you learn how to get things done and how to work around bureaucracy," said Diamond. "I saw her focus, intensity, and drive producing results notwithstanding the skepticism by a lot of institutions when she took the job. That has stayed with me all these years."

In 1985, after Holtzman's first term ended, Diamond became a political consultant working throughout the U.S. and later joined the political consulting firm of Sawyer Miller, where he worked on U.S. gubernatorial and senatorial campaigns, and advised foreign governments and political candidates, including Israeli Prime Minister Shimon Peres. "We were just beginning to see emerging democracies and changes in the ability of candidates to campaign outside of government strictures," said Diamond. "It was a very exciting time."

In 1991, Diamond left the world of politics to move into corporate positioning, embarking on a career that included serving as Chief Executive Officer of Interpublic's Constituency Management Group, whose companies include DeVries Public Relations, FutureBrand, GolinHarris, Jack Morton Worldwide, Rogers & Cowan, and Weber Shandwick. He also served as Chief Executive Officer of Weber Shandwick, one of the world's leading global public relations firms. Over the course of his career, he has worked with clients such as General Motors, American Airlines, Prudential Insurance, and the Government of the People's Republic of China. In recognition of his contribution to the field over the past two decades, Diamond has been named "PR Agency Executive of the Decade" by *The Holmes Report*, and has been cited as one of the "100 most influential PR people in the 20th century" by *PRWeek*.

While Diamond has never practiced a day of traditional law in his life, he remains a champion of legal education. "The law was a great foundation for my business career," he said. "It fundamentally makes you better equipped to understand the issues that businesses confront in a way that no other academic discipline does."

Diamond recalls the closing lecture of his beloved torts professor, Joseph Crea. "On the last day of our torts class Professor Crea gave what he called his most important lecture. He said, 'The world always turns. There are days when you will be on top and days you are going to be on the bottom. Treat people well. The world always turns.' I still recall that advice today." A valuable message and one that cannot be contained in 140 characters. ■

1991 Lawrence J. Tenenbaum, a partner of the Long Island firm, Japan Schlesinger LLP, was elected to the board of trustees of the Cradle of Aviation Museum, a leading educational facility located on Long Island that features one of the world's most diverse aerospace collections. A member of the firm's Education, Labor, and Municipal Law Practice Groups, Tenenbaum counsels public school districts, libraries, and other municipal and private entities. He is a past president of the New York State Association of School Attorneys.

1993 Richard R. Rowe just celebrated the 10-year anniversary of the opening of his firm, the Law Office of Richard R. Rowe, P.C. He focuses his practice in the area of Social Security disability and New York State worker's compensation.

1994 Lisa Bova-Hiatt, deputy chief in charge of condemnation in the Tax & Bankruptcy Litigation Division of the New York City Law Department, co-managed a hurricane shelter in her home borough of Staten Island during Hurricane Sandy, where she oversaw over 900 evacuees. She also served on the recovery team for Staten Island created by Mayor Bloomberg, where she established a distribution site to pick up supplies and coordinated volunteers to help with clean up.

Jeffrey B. Gewirtz, executive vice president, business affairs and chief legal officer of the Barclays Center and Brooklyn Nets, was profiled in an article, "Hoop Dreams: Jeff Gewirtz Feels Like a Winner as the Top Lawyer for the Brooklyn Nets and Barclays Center," in the September 2012 issue of *Inside Counsel*. Also see page 22 for more on Gewirtz in our cover feature article.

Lorin Rosen joined Citadel EFT, Inc. as its primary securities attorney. Based in Oceanside, CA, Citadel provides credit card merchant account services to retailers, mail order companies, and online service providers. Rosen previously worked at Prudential Securities Inc. as Assistant Corporate Secretary and she also maintained a general practice in Brattleboro, VT.

George M. Silfen, previously a partner at Schulte Roth & Zabel LLP, joined Kramer Levin Naftalis & Frankel LLP as a partner in the firm's Financial Services Group. Silfen advises clients on regulatory and compliance matters associated with investment companies, and investment advisory, brokerage, securities custody, and transfer agent services. In 2011, he was named Independent Counsel of the Year by *Fund Directions*.

1995 Rebecca Brazzano became a partner in the Business Litigation and Labor and Employment Practice Groups at Thompson Hine LLP. Brazzano litigates complex commercial, employment, and IP matters across a variety of industries including financial services, health care, manufacturing, telecommunications, hospitality, and medical devices. She is also co-chair of the firm's Diversity Outreach Subcommittee and its Pro Bono Committee.

Dean Kusakabe was appointed by Mayor Michael Bloomberg to the New York City Family Court. Prior to becoming a judge, he served with the Legal Aid Society in the Juvenile Rights Division and maintained his own practice specializing in family law.

1996 Mark E. De Angelis, chief executive officer of the global environmental investment firm, Macro Climate Solutions, LLC, moderated a panel discussion in November 2012 on "Hydraulic Fracturing: A Practical Approach to the Business, Science and Policy Issues," that was sponsored by the Cornell Institute for Public Affairs.

Rami S. Kidouchim was promoted to special counsel in the Finance Group at Schulte Roth & Zabel LLP. He represents both creditors and debtors in a wide range of domestic and cross-border commercial and corporate finance transactions.

James M. Moschella, co-founder of the firm, Karasyk & Moschella LLP, recently expanded his practice and moved to a new location in Manhattan. The firm was appointed general counsel to the New York City Police Department's Detectives' Endowment Association and Lieutenants' Benevolent Association unions. The firm

continues its federal and state criminal and civil litigation practice.

Joshua L. Raskin joined the New York office of Greenberg Traurig, LLP as a shareholder in the firm's Intellectual Property & Technology Practice. Raskin focuses his practice on intellectual property litigation with an emphasis on patent litigation. He was previously a partner and head of the Intellectual Property Litigation Group at Bernstein Litowitz Berger & Grossmann.

Sarah Whittle Spooner was appointed executive director of the Federal Labor Relations Authority. In this position, Spooner is responsible for management of agency-wide administrative offices, including budget and finance, administrative services, information technology, and human capital.

1997 Ryan Stark Lilienthal, who maintains his own practice focusing on immigration law in Princeton, NJ, joined the board of trustees of Einstein's Alley, a private nonprofit economic development initiative. Lilienthal also chairs the Einstein's Alley Task Force on Immigration. He also serves on the board of the New Jersey Immigration Policy Network, on the advisory board of the Latin American Legal Defense and Education Fund, and he hosts "In the Public Interest," a live radio program on WIMG AM 1300.

Robert A. Rosenberg, senior vice president, deputy general counsel and senior vice president, digital strategy at Showtime Networks, Inc. served as a speaker at the New York City Bar Association program, Careers in Technology Law in October 2012. Joining him as speakers were **Larry Bortstein '94**, founder of the Bortstein Legal Group, and **Roy A. Shulman '85**, vice president and chief legal officer, operations and systems at Prudential Financial, Inc.

1998 Gloria R. Greco was named as the compliance executive for the Global Wealth & Investment Management division of Bank of America. In connection with this appointment, Greco was also named co-chief compliance officer for Merrill Lynch, Pierce, Fenner & Smith

Incorporated, one of the world's largest broker/dealer and registered investment advisers servicing retail and institutional clients. Greco began her career with Merrill Lynch and has been with the company more than 30 years.

Leonard M. Kohen, who maintains his own general commercial litigation practice in New York specializing in election law and also serves as of counsel to Kurzon LLP, co-authored an article, "Court Deference to State Legislatures in Redistricting after *Perry v. Perez*," published in the *Election Law Journal* (December 2012).

1999 Melissa Norden was appointed senior vice president and general counsel of The American Society for the Prevention of Cruelty to Animals, the first humane organization to be granted legal authority to investigate and make arrests for crimes against animals. She joined the ASPCA as staff counsel in 2000 and most recently served as senior vice president, chief of staff, and acting general counsel.

Eric B. Post, previously a litigation associate at Kelley Drye & Warren LLP, joined Abrams Garfinkel Margolis Bergson, LLP as a partner in its Litigation Practice Group. Post focuses his practice on complex commercial litigation and dispute resolution.

Michael J. Wasser, assistant corporate counsel in the Tax & Bankruptcy Litigation Division at the New York City Law Department, was featured by the American Bar Association Commission on Disability Rights as its September 2012 spotlight, a monthly feature that highlights an attorney with a disability who is an asset to the profession. Wasser, who has progressive muscular dystrophy and is functionally quadriplegic, serves on his office's Diversity Committee for Attorney Recruitment and provides advice to other attorneys with disabilities and the Law Department on issues of access and reasonable accommodation. He spearheaded the Law Department's effort to foster the inclusion of lawyers with disabilities in the legal profession.

Stacy L. Weinberg Dieve joined the Global Customs & Compliance team in the San Francisco area office of Hewlett-Packard. She works with the Global Supply Chain Network & Logistics organization on import and export matters for the company.

2000 Alfred L. D'Isernia III became a partner of Ford Marrin Esposito Witmeyer & Gleser, LLP. He focuses his practice in the areas of trademark, trade dress, copyright and unfair business practice as well as complex insurance coverage and products liability litigation.

Olivera Medenica, founding partner of Wahab & Medenica, LLC and head of its branding, intellectual property and commercial litigation practice group, served as a chair of the New York County Lawyers' Association CLE program, "Down the Runway: A Day of Fashion Law," in February 2013. Serving as faculty members at the program were fellow graduates:

Dyan Finguerra-DuCharme '96, partner in the New York office of Pryor Cashman LLP; **Steven R. Gursky '79**, partner of Olshan, Frome, Wolosky LLP; **Michael Khorsandi '06**, senior associate at PricewaterhouseCoopers LLP; and **Lee S. Sporn '86**, senior vice president of business affairs, general counsel, and secretary of Michael Kors (USA), Inc. and an adjunct professor at Brooklyn Law School.

Vino P. Varghese, principal of Varghese & Associates, P.C., a criminal and asset forfeiture defense firm, participated in a *New York Law Journal* webinar, "Exploring the White Collar Crime Landscape" in February 2013.

2001 Frank T. Santoro, counsel to the Long Island firm of Farrell Fritz, PC, and a member of the Trusts and Estates department, was elected to the board of directors of the Queens Botanical Garden. Santoro was also selected as a "Rising Star" by *The Queens Courier* in recognition of his "outstanding leadership skills in the legal and business communities."

Andrew J. Scholz became a partner in the White Plains, New York office of Goldberg Segalla. He focuses his practice in the areas of mass tort, toxic tort,

environmental, products liability, transportation, and complex commercial litigation. Scholz is a co-chair of the Toxic Tort Subcommittee of the ABA's Mass Torts Committee.

2002 Kenneth J. Anand joined Vandenberg & Feliu, LLP as a partner. He focuses his practice in the areas of employment, intellectual property, and entertainment law. He previously maintained his own practice.

Gina Mavica-Farraj became a partner in the New York office of Herrick, Feinstein, LLP in the firm's Real Estate Practice. She has been with the firm since 2003 and focuses her practice on finance and commercial development.

Mathew B. Tully, a Lieutenant Colonel in the New York Army National Guard and founding partner of Tully Rinckey PLLC, a federal employment law firm, was awarded a Purple Heart in August 2012 for wounds he sustained in a suicide bombing attack while serving in Afghanistan. Tully concentrates his practice on the representation of military personnel and federal government sector employees. He is also a syndicated columnist for the *Army Times*.

Nyieri Vosebikian (Nazarian) and her husband, Steve, welcomed the birth of their second son Tomas Yerem, in September 2012. Nyieri is vice president and counsel for regulatory matters at Credit Agricole CIB.

2003 Alan K. Albert joined the Teaneck, NJ firm, Law Offices of Jeffrey S. Hasson, PC as an associate. He focuses his practice in the areas of personal injury, medical malpractice, employment discrimination, and criminal law. Albert is also a member of the New Jersey Association of Justice.

Richard W. Donner became a shareholder in the Milwaukee, WI office of Reinhart Boerner Van Deuren s.c. A member of the firm's Real Estate Practice Group, he focuses his practice on governmental relations, zoning, land use, property tax, eminent domain, and other aspects of real estate development.

For Claudia Werman Connor '88, the new Director of Foundation & Trusts at Save the Children, one summer working on Riker's Island was all it took. She was in her second year at Brooklyn Law School when she began interning at the Legal Aid Society's Prisoner's Rights Project (PRP). Her main task was to travel to Riker's Island to document injuries and interview inmates who alleged physical abuse by corrections officers. "That experience solidified my desire to do something that would have a positive impact on marginalized people," she said. "The work was transformative and eye opening." Since that summer, Werman Connor has dedicated her career to being a voice for the voiceless, both at home and abroad.

Following law school, where she was a Sparer Public Interest Law Fellow and a member of the Moot Court Honor Society, Werman Connor joined the Criminal Defense Division of Legal Aid's Manhattan office. Three years later, having gained trial and litigation experience, she returned to PRP as a staff attorney. Coincidentally, her first assignment was to prepare the pleadings for the Riker's prisoner abuse case she had documented as a student. The class action was brought on behalf of 22 inmates and was settled for \$2.2 million in 2006. The landmark case was one of the only victories in which the City paid damages to inmate plaintiffs, and also put in place citywide reforms, including the use of video cameras for the security of inmates and strict guidelines on the use of force by guards.

After two years at PRP, Werman Connor took a leave of absence to teach law at Hofstra, but quickly returned to trial work, this time at Legal Aid's Brooklyn office. "I loved being on trial and missed it," she explained. "The people I represented at Legal Aid had terribly difficult backgrounds; they had lost parents, were on the streets, or were in and out of institutions. They had so little trust in the system, and I thought it was important for them to know that sometimes the system could work in their favor."

While advocating for those on the margins of society in Brooklyn, Werman Connor also began to think about human rights in a more global context. In 1998, to explore the international arena, she took a leave of absence from Legal Aid and moved to Mozambique with her husband, who took a position as the director for a USAID-funded HIV/AIDS project. The couple planned on returning to the States in a year or two. Instead, they stayed abroad for a decade, doing human rights and humanitarian work in both Africa and Southeast Asia.

While in Mozambique, Werman Connor worked first with Save the Children UK on child protection policy, then with the Carter Center on voter registration and election monitoring. Her final role in the region involved working with Population Services International, where she edited and co-wrote a report examining the prevalence of AIDS and patterns of transmission in key locations across the Maputo Corridor, a heavily trafficked route for Mozambicans traveling for work into South African mines, truckers, and prostitutes.

In 2001, Werman Connor moved to Malawi, where she began work with a national human rights organization, The Malawi Center for Advice, Research, and Education on Rights (CARER), leading the day-to-day operations of CARER's rural paralegal program and human rights monitoring. Four years later, she and her family were off to Myanmar in Southeast Asia. Werman



Claudia Werman Connor '88

A Voice for the Voiceless

Connor joined UNICEF where she developed a training manual on the national anti-trafficking legislation. She was subsequently retained by the Myanmar UN Country Team to draft a report for the UN Secretary General on child soldiers.

When Werman Connor returned to the United States in 2008, she joined the International Rescue Committee (IRC), a nonprofit that offers life-saving care and assistance to refugees forced to flee from war or disaster. At the IRC, she served first as a technical advisor on protection and rule of law for international programs; then as the Regional Director of U.S. Programs, where she supervised seven regional refugee resettlement offices across the U.S.; and, most recently, as the Director of National Programs.

Last October, Werman Connor joined Save the Children, the leading independent organization creating lasting change in the lives of children in need in the United States and around the world, as Director of Foundation & Trusts. "While it's a shift in my professional focus, I am still contributing to improving the lives of vulnerable and marginalized people. That's what I started out doing at Legal Aid," she said. "My career path has been a cumulative process. In many ways, the work I did at Malawi CARER set me up to do the work at the IRC and at Save the Children. And I continue to rely on what I learned in law school—from my professors and mentors, as a Sparer Fellow, and as part of the Federal Litigation Clinic. Those experiences continue to inspire me." ■

Evandro C. Gigante was promoted to senior counsel in the New York office of Proskauer Rose LLP. A member of the firm's Labor & Employment Law Department, he represents and counsels clients on a broad range of disputes, including allegations of race, gender, national origin, disability, and religious discrimination, sexual harassment, wrongful discharge, defamation, and breach of contract.

Michele E. Kenney became a partner in the Portsmouth, NH office of Pierce Atwood LLP in the firm's Litigation Practice Group. She focuses her practice in the area of commercial litigation. Kenney is on the board of trustees of the Portsmouth Museum of Art.

Nicholas J. Minella, an agency attorney with the NYC Department of Consumer Affairs, where he investigates and prosecutes illegal business practices, was promoted to Captain, U.S. Army Reserves, Judge Advocate General Corps. He is currently assigned to the Ft. Hamilton Team, 4th Legal Operations Detachment as a legal assistance officer. Minella was also recently appointed to the New York City Bar Association's Military Affairs and Justice Committee.

Peter R. Stambleck became a partner of the firm of Aronson Mayefsky & Sloan LLP. He concentrates his practice in the areas of matrimonial and family law.

2004 Cara A. Ceraso became a member in the Stamford and Bridgeport, CT offices of Pullman & Comley LLC in the firm's Litigation Department. Ceraso represents insurers and insureds in coverage disputes and individual and commercial clients in a variety of matters including contract disputes, unfair trade practices, misappropriation of trade secrets, and proprietary information.

Michelle Gitlitz Courtney was elected a partner of Blank Rome LLP. She concentrates her practice in the areas of corporate litigation, white collar criminal defense, government, and internal investigations. She is also a member of the firm's China Securities Litigation Task Force.

Lauren Farkas (Zimmerman) became a partner of the Dallas, TX based firm of Hermes Sargent Bates, LLP in the firm's Labor and Employment Practice Group. Farkas represents employers on issues involving discrimination, harassment, contracts, and other employment-related matters.

Justin A. Greenblum joined Carter Ledyard & Milburn LLP as a partner in the firm's Litigation Department. He concentrates his practice on complex commercial and business disputes in the financial services industry and the general representation of private investment funds.

Roger J. Griesmeyer joined the New York office of Andrews Kurth LLP as a partner in the firm's Corporate Practice Group. He represents companies, investment funds, private equity funds, and other institutions, as well as individual and institutional investors, in a variety of corporate advisory and transactional matters. Griesmeyer is also an adjunct professor at Brooklyn Law School, where he teaches Fundamentals of Legal Drafting.

Cassandra M. Porter, counsel in the Bankruptcy, Financial Reorganization & Creditors' Rights Groups at Lowenstein Sandler, PC, was elected secretary of The Financial Clinic, a New York-based nonprofit focused on building financial security among working poor families and individuals. The organization offers tax preparation and financial education workshops, legal assistance with bankruptcy, foreclosure and consumer law, and long-term, one-on-one financial coaching.

Christopher E. Ruggiero became a partner in the New York office of London Fischer LLP. A member of the firm's Construction and Labor Law Practice Groups, his practice focuses on the areas of both litigation and commercial litigation, including construction, premises liability, labor law, mass torts, toxic/environmental torts, property damage, employment, discrimination, insurance coverage, and contractual disputes.

2005 Rachel M. Bien became a partner of the firm of Outten & Golden LLP. Bien is also co-chair of the firm's Class & Collective Action Practice Group. Her practice focuses on complex litigation, including hybrid wage-and-hour class and collection actions and Title VII discrimination class actions.

Hylan B. Fenster, previously with Epstein Becker & Green, PC, joined the Long Island firm of Certilman Balin Adler & Hyman, LLP, as an associate in its Corporate/Securities Practice Group. Fenster concentrates his practice in all areas of corporate law and transactional matters.

2006 Andrae S. Eccles joined The Bank of New York Mellon as vice president and counsel in its Litigation and Regulatory Enforcement Group. He provides counsel on Bank Secrecy Act, Anti-Money Laundering Law, and USA PATRIOT Act matters.

Kavi C. Grace joined The Walt Disney Company's Technology Legal Group in Burbank, CA as an associate principal counsel. Grace focuses his practice on technology transactions and IT outsourcing matters for The Walt Disney Company and its global subsidiaries. He previously worked in the Technology & Sourcing practices of DLA Piper LLP in New York and Mayer Brown LLP in Chicago.

2007 Jason Klimpl, an associate in the Employment, Staffing Law, and Corporate Practice Groups at Tannenbaum Helpert Syracuse & Hirschtritt LLP, was named associate general counsel of the New York Staffing Association. Klimpl was also recognized as the "2012 Rising Star for Best Accountants & Attorneys for Privately Held Companies" by *The New York Enterprise Report*.

James C. Murray, head of equity trading at Vision Capital Advisors, LLC, opened Hudson Station, a bar and grill in midtown Manhattan.

Thomas J. Welling, Jr., formerly an associate with Simpson Thacher LLP, joined the New York office of Venable LLP as an associate concentrating in the area of commercial litigation.

2008 Jason C. Halpin, previously an associate at Menter, Rudin & Trivelpiece, PC joined the Syracuse, NY office of Hiscock & Barclay LLP as an associate. Halpin focuses his practice on all aspects of intellectual property and commercial litigation.

Manu Nathan, associate counsel at IMG World, was presented with the 2012 Man of the Year Award by the New York City Chapter of the Leukemia & Lymphoma Society in recognition of his top fundraising for the organization. Nathan advises on corporate and sports & entertainment law, negotiates complex rights and talent agreements, and manages corporate projects and acquisitions.

Emily E. Roberts relocated with her husband, Aaron Springer, and their son, Ozzie, from Philadelphia, PA to Washington, D.C. to join the Congressional Research Service at the Library of Congress as a law librarian. She was previously the research and electronic content librarian in the Philadelphia office of Cozen O'Connor.

Erin H. Rump, formerly an associate at Labaton Sucharow LLP, joined The Garden City Group Inc. (GCG) as a senior consultant for business development in the company's class action team.

2009 Rebecca L. Avrutin, previously an associate at Cadwalader, Wickersham & Taft LLP, joined the New York office of Blank Rome LLP as an associate. She concentrates her practice in general litigation matters.



Ashley E. Fisher (Kelly) '09 wed Jeff Fisher in September 2012.

Ashley E. Fisher (Kelly), an associate in the New York office of Debevoise & Plimpton LLP, wed Jeff Fisher in September 2012. The couple met while clerking together for Judge James O. Browning in the District of New Mexico. The bridal party included: **Katherine Nicolais '09**, **Laura Bellrose '09**, and **Jane Dryer '09** and in attendance were **Jonathan Selkove '09**, **Rebecca Selkove (Sendker) '08**, **Will Page '09**, **Seher Khawaja '09**, **Todd Batson '09**, and **Peter Mazzone '09** (see photo).

Marcus A. Nussbaum, previously an associate at Goetz Fitzpatrick, joined the Garden City, NY firm of Stagg, Terenzi, Confusione & Wabnik, LLP as a commercial litigation associate. Nussbaum served as a platoon leader in the U.S. Army, where he was awarded the Bronze Star Medal for his conduct during the 2003 Iraq conflict.

Greg M. Steinberg joined the New York office of White and Williams LLP as an associate. Steinberg represents foreign and domestic insurers in matters involving directors and officers' liability policies, errors and omissions, and fiduciary liability.

2010 Jeremy A. Raphael, previously an associate in the New York office of Andrews Kurth LLP, joined Orrick, Herrington & Sutcliffe LLP as an associate in its Emerging Companies Practice Group. Raphael represents technology startups, founders, and venture capital firms in many areas including company formation, corporate governance and securities law, angel investments, and venture capital financings.

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

Jason Blanchard is serving as law clerk to Judge Alan S. Trust of the U.S. Bankruptcy Court for the Eastern District of New York. His two-year term began in the summer of 2012. ■

Drayton Grant '75

Drayton Grant '75, a dedicated protector of the environment and practitioner of environmental law for more than 30 years, died on October 31, after a battle with lung cancer. She was 64.

Grant graduated from Smith College in 1970, with a B.A. in English, and then attended Brooklyn Law School where she was the Second Circuit editor of the *Brooklyn Law Review*. Following law school, she began as a litigation associate at the New York firm of Donovan Leisure Newton & Irvine. In 1979, she left Donovan to pursue a career in environmental law, securing a position as an attorney with the New York State Department of Environmental Conservation (DEC). In 1983, Governor Mario Cuomo appointed her Deputy Commissioner of the DEC with responsibility for New York State land use and conservation programs. Following her years as DEC Deputy Commissioner, she served on the State Freshwater Wetlands Appeals Board and founded the Rhinebeck, New York firm of Grant & Lyons LLP where, until recently, she practiced environmental and land use law throughout the Hudson Valley with her law partner, John Lyons.

Grant returned to Brooklyn Law School as an adjunct professor of environmental law from 1987–1998, teaching seminars and survey courses to upper level law school students in environmental law. She served on the boards of Dutchess County institutions such as Hudson River Heritage, Winnakee Land Trust, Hudsonia, the Sloop Clearwater, and Northern Dutchess Hospital. She was also a dedicated Rotarian.

She is survived by her husband of 30 years, Wayne Baden '75; her two sons, Samuel Grant Baden and Nathaniel Rush Baden; her sisters Barbara Grant and Priscilla Grant; and her brother Charles Grant. ■

Stanley Snadowsky '67

Stanley Errol Snadowsky, a music-loving lawyer and a founder of the landmark Greenwich Village nightclub The Bottom Line, died on February 25. He was 70.

Snadowsky and his partner, Allan Pepper, had been booking performances at clubs in the City for nearly a decade when they opened the 400-seat Bottom Line in February of 1974. The opening-night concert became legendary, drawing a star-studded audience that included Mick Jagger, Carly Simon, and Stevie Wonder, who took to the stage for a jam session with the night's featured headliner, the New Orleans R&B artist Dr. John.

For 30 years, Snadowsky and Pepper continued to nurture the City's music scene, presenting artists like Bruce Springsteen, Miles Davis, and Billy Joel in a setting often described as "one of New York City's great living rooms." Over the years, until they were forced to close because of an impasse in negotiating a new lease with their landlord, the club

Phyllis Mehler-Seavey '52

Phyllis Mehler-Seavey '52 passed away on January 10 after a courageous battle with cancer. Born on November 9, 1928, she was the daughter of the late Harry and Jean Mehler, who instilled in her a strong work ethic, high moral standards, and an incredible drive to succeed. She went on to earn a B.A. from Long Island University and her J.D. from Brooklyn Law School in 1952.

While in law school, she met her future husband, Robert, who was a classmate. The couple was featured as part of a Spring 2010 LawNotes story entitled "Mergers & Acquisitions: Lawyers in Love: Alumni who Met at BLS and Married." "Robert was the most outstanding student in the school and editor in chief of Law Review," she said in the story. "He was also tall, dark, and handsome, and on top of it all, a very nice person. I was definitely interested in him."

The pair married in January 1953 and began their life together in Okinawa, Japan, where Robert served in the military during the Korean War, and Phyllis became general counsel of a major photography company. Following the birth of their son Avery in 1956, they returned to New York and began a journey of professional success, ultimately opening their law firm, Seavey & Seavey, and devoting themselves to the real estate development and management business that Phyllis actively managed until the last few years of her life.

Phyllis is survived by Robert W. Seavey, her husband of 61 years; her children, Avery Seavey and his wife Dr. Emily Senay, and Nealle Beth Seavey '84 and her husband Eric Seltzer '84; her grandchildren, Veronica Jean, Bryn, Harry, Lucy, and Ruby; her sister, Maxine; and her in-laws Gilbert and Harriet Seavey. ■

hosted some of the most important musicians in folk, jazz, rock and roll, and country, among them Dolly Parton, Tito Puente, Joan Baez, Dizzy Gillespie, Lou Reed, Harry Chapin, The Ramones, Prince, The Cars, The Police, Joan Armatrading, Janis Ian, and Suzanne Vega.

Snadowsky was born in Brooklyn on May 28, 1942, and attended Stuyvesant High School and Hunter College. While in law school, he and future business partner and longtime friend Pepper began promoting jazz concerts at clubs like the Village Gate, Gerde's Folk City, Steve Paul's the Scene, and the Electric Circus. When they learned that a Dixieland jazz club called the Red Garter was about to close, they took over the space and renamed it the Bottom Line. (The space is now used as an NYU lecture hall.)

Snadowsky is survived by his wife of 44 years, Michelle; two daughters, Leslie and Daria; and his brother, Alvin. ■

1937

Jerome Levy
February 9, 2013

1939

Harry Dubin
May 21, 2012

Milton S. Teicher
December 1, 2012

1948

Martha Mass
January 19, 2013

1949

Robert M. Maidman
November 22, 2012

Eugene M. Maloney
December 1, 2012

Max Shamis
December 19, 2012

1950

Jules Schwabinger
October 22, 2012

Max Heit
November 19, 2012

Ramon A. Carrano
January 18, 2013

1952

Stanley D. Applebaum
October 8, 2012

Eugene Arons
January 5, 2013

1954

Saul Horing
September 29, 2012

Stanley H. Reitman
October 10, 2012

Nicholas Scourby
February 8, 2013

1956

Manuel Ramos
November 24, 2012

Bernard H. Jackson
January 17, 2013

1957

Richard H. Gaebler
December 21, 2012

1958

Harvey S. Gilbert
November 15, 2012

Milton E. Bernhard
December 4, 2012

James Timothy Murphy
February 10, 2013

1960

Jay Budin
December 3, 2012

1962

Frederic B. Potack
September 13, 2012

David G. Roepe
November 12, 2012

William J. Fox
January 16, 2013

1964

Michael A. Lewis
October 5, 2012

James T. Byrne
October 29, 2012

1965

Norman J. Gross
January 12, 2013

Emil F. Mastrodomenico
January 13, 2013

1968

Stuart R. Weiner
January 29, 2013

1974

Rolf M. Sternberg
November 29, 2012

1975

John T. Hug
February 27, 2013

1983

Rhonda S. Farber
November 17, 2012

1984

Mark Rogers
January 17, 2013

1985

Arthur S. Tucker
December 7, 2012

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

Please send ClassNotes information for future issues to communications@brooklaw.edu, or visit www.brooklaw.edu/classnotes to submit a classnote online.



Closing Arguments

By Professor Miriam Baer

» In an article in this issue (see page 32), my fellow professors, Brad Borden and David Reiss, very sensibly lay out all the reasons why we have not seen significant prosecutions of individuals in connection with the mortgage backed securities debacles that led to the 2008 financial crisis. As Reiss and Borden report, not all morally questionable conduct is illegal. The fact that institutions and individuals who traded in mortgage-backed securities sold questionable products—and became quite wealthy from their behavior—does not, by itself justify criminal prosecution. And yet, my colleagues conclude that prosecutors still should bring cases against certain individuals (mostly unnamed), in part because a number of reports suggest that some individuals were, at some point, aware that the securities were extremely risky, and in part because some of these individuals were left unscathed by (and indeed benefitted from) the events that ultimately led up to the financial crisis.

I agree with my colleagues that the government should aggressively investigate instances of fraud or similar wrongdoing. I disagree strongly with the notion, however, that criminal prosecutions are warranted when some individuals emerge better off—even exponentially better off—than everyone else in the wake of some scandal or crisis.

Scandals and crises occur periodically. In their wake, some people are left seriously harmed, and others emerge with their homes, finances, or physical property completely intact. No doubt, this form of inequality is very unsettling, but we can alleviate it in different ways. Regulation, for example, can correct and prevent some of the excesses that led to the liquidity crisis that affected financial institutions when the housing market began to fail and the mortgage-backed securities market plummeted. Limitations on risk-taking by banks can preserve stability across financial institutions. A more transparent, and regulated, credit-default-swap market might prevent situations such as the one that led to the federal government’s bailout of AIG. Finally, to some degree, civil liability can compensate some of the “losers” in a crisis by prevailing on previous “winners” to pay fines and other penalties, assuming those “winners” transgressed statutes or common law rules.

Criminal law’s primary purpose is not to rearrange outcomes to make them more palatable or equitable. Rather, it is to condemn and punish conduct that a democratically elected legislature has specified in advance. If a prosecutor is unable to prove beyond a reasonable doubt that an offender engaged in legally proscribed conduct while (under most statutes) also maintaining some wrong-

ful state of mind, then that prosecutor has no business bringing a criminal case. So, if prosecutors genuinely conclude that the conduct leading up to the 2008 financial crisis was within the letter of the law, the issue is closed. There is no countervailing argument that a prosecutor can, or should, bring criminal prosecutions anyway because the economy suffered harm, or because so many people suffered while CEOs like Dick Fuld (Lehman Brothers) or Jamie Diamond (JPMorganChase) thrived.

The reason we adhere to these limitations is that we recognize just how different the imposition of criminal liability is from other types of liability. Criminal liability is a distinct kind of condemnation that we impose on people’s *acts* and not on people *themselves*. One can plausibly argue that our current financial system is highly inequitable; or that corporate officers make far too much money; or that a number of corporate executives became rich while recklessly promulgating schemes that ultimately harmed our economy. But none of these arguments are, or ever have been, the proper

predicate for criminal liability. The purpose of criminal law is not to denounce a system in hindsight or to condemn people who possess values we happen not to share. Rather, it is to condemn clearly defined *acts* that our society has identified and prohibited *in advance*.

Again, none of this is to say that there should be *no* prosecutions. And to that end, I agree with my colleagues that the various emails and documents that emerged from lawsuits and government inquiries clearly merit criminal *investigations* to determine if certain individuals, or entities, perpetrated legally defined crimes. The government has tried to do this already, but unfortunately

has come up largely empty-handed in several well-publicized prosecutions. Meanwhile, we have implemented new regulations (albeit ones that may not be strong enough), and agencies such as the SEC have sought civil penalties (again, perhaps too light). No doubt, our collective reaction to the crisis leaves many observers disappointed. But the answer to this disappointment is not to encourage prosecutors to bring empty prosecutions premised on populist anger. Rather, it is to focus our energy in a different direction: at the regulators and legislators charged with promulgating the rules and structures that prevent crises from happening in the first place. ■

“No doubt, our collective reaction to the financial crisis leaves many observers disappointed. But the answer to this disappointment is not to encourage prosecutors to bring empty prosecutions premised on populist anger.”

Agree or Disagree? Share your opinion with us! Write to us at the Law School or email closingarguments@brooklaw.edu.

Miriam Baer, a scholar in the areas of corporate law, white collar crime, criminal law, and criminal procedure, is a former Assistant United States Attorney in the Criminal Division of the U.S. Attorney’s Office, Southern District of New York, where she focused on white collar criminal prosecutions. She joined the faculty in 2008.



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The mission of the ACES program—Alumni Committed to Employing Students—is to recognize alumni who dedicate their time and efforts to the career success of both our current students and fellow alumni. All alumni who qualify as an ACE will be placed on the ACES Honor Roll and will be recognized at an ACES reception.

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- Conducting an informational interview
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- Providing a letter of recommendation for a student
- Hosting a Career Center event
- Sponsoring a Career Center program
- Teaching a career-related workshop
- Providing an internship
- Listing a paid position for summer or during the school year
- Hosting a recipient of the Graduates' Fellowship
- Hiring a graduate into a permanent position

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To get involved in ACES please contact the Career Center at ACES@brooklaw.edu.



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Upcoming Events

May 9 **Alumni Class Reunions**
The New York Public Library, Astor Hall
Reunions for the classes of 1953, 1958, 1963, 1968,
1973, 1978, 1983, 1988, 1993, 1998, 2003 & 2008

May 28 **First Day of Summer Semester Classes**

June 7 **112th Commencement Ceremony at Lincoln Center**
Avery Fisher Hall
SPEAKER: Kenneth Feinberg, Founder & Managing
Partner of Feinberg Rozen, LLP

June 8 **On the Road: Connecticut**
Home of Andy and Nancy Frankel '90
Westport, CT

June 12 **Recent Graduate Event**
Hudson Station Bar & Grill
New York, NY

Aug. 13 **Convocation Ceremony**
U.S. District Court, Eastern District of New York
Brooklyn, NY

Aug. 21 **Fall Semester Classes Begin**

Sept. 26 **Abraham L. Pomerantz Lecture**
SPEAKER: Hillary Sale, Walter D. Coles
Professor of Law; Professor of Management
Washington University School of Law

Oct. 4-5 **Junior Faculty Federal Courts Workshop**

Oct. 18 **SYMPOSIUM:**
What Law Governs International Contracts?
Sponsored by: The Dennis J. Block Center for the
Study of International Business Law

*For more information about events and dates, please visit
our website at www.brooklaw.edu/NewsAndEvents.*