



The holidays are quickly approaching, and another year is coming to a close. Although this is one of the busiest times of the year, it is also a time for reflection. Our thoughts turn to our family and friends, to all that they and we have achieved in the past year, and to what lies ahead in the new one.

Here at the Law School, there is much for which we are thankful. Our cover story about the opening of Feil Hall explains how our new residence hall, which has enabled us to guarantee affordable housing to all first-year students, has enriched and strengthened the BLS community in many ways.

But Brooklyn Law School is not just bricks and mortar, and we are thankful for the human ingredients as well.

We are thankful for our students. The feature about our student volunteers who spent their Spring Break helping Gulf Coast hurricane survivors deal with legal problems is an inspiration to us all. In “Legal Lights” we profile five recent graduates who are making their mark through public service, empirical research, and legal scholarship.

We are thankful for our faculty. Their influence is felt not only inside the classroom, but outside as well. In this issue we feature stories about their many cutting-edge scholarly symposia that have attracted participants from all over the country and around the world to the Law School. These programs provide a rich backdrop for the study of law and

an opportunity for students to meet academics, practitioners, and policy experts with diverse backgrounds, interests and expertise.

As I travel the country meeting our alumni, I am continuously impressed by their desire to help our students and support their alma mater. I am also struck by the range of careers that their law degrees have enabled them to pursue. In this issue, for example, you will read stories about a general counsel of a major media company, a United States Magistrate Judge, an alum who helps young men and women with conviction histories re-enter the workforce, and another who has served as a presidential advisor.

On the following pages of *LawNotes* you will also read about our new “Dean Team,” composed of Professors Beryl Jones-Woodin, Anthony Sebok, and Lawrence Solan. I am grateful to have these distinguished faculty join me and long-time Associate Dean Michael Gerber as we work together to ensure that Brooklyn Law School continues to grow, thrive, and excel.

I am truly thankful and privileged to lead Brooklyn Law School.

Best wishes to you and your family for the holiday season!

**JOAN G. WEXLER**  
JOSEPH CREA DEAN AND PROFESSOR OF LAW



## Professors Solan, Jones-Woodin and Sebok Named Associate Deans

At the start of this academic year three new senior faculty members assumed new leadership roles at the Law School. Dean Joan G. Wexler named Lawrence M. Solan, Don Forchelli Professor of Law, the new Associate Dean for Academic Affairs; Beryl R. Jones-Woodin, the new Associate Dean for Student Affairs; and Anthony J. Sebok, Centennial Professor of Law, the Associate Dean for Research, a new position that will support faculty members with their scholarship.

**Lawrence Solan** has taught at the Law School since 1996. Prior to joining the faculty, he was a partner in the firm of Orans, Elsen and Lupert, specializing in complex civil litigation. His experience on the faculty and handling complex civil litigation matters makes him ideally suited to the task of developing the curriculum and academic programs that respond to the needs of law students and the legal profession.

An innovative scholar with both a law degree and a Ph.D. in Linguistics, Solan is engaged in cutting-edge interdisciplinary research. He is a world-renowned expert in language and the law and the author of *Language of Judges*, the seminal work on the topic, as well as numerous chapters and scholarly articles in this area. He regularly lectures in the country and abroad on language and the law, statutory and contractual interpretation, and

linguistic evidence. He has served as a visiting professor at both Princeton and Yale, is on the board of the International Academy of Law and Mental Health, and is on the editorial board of *The International Journal of Speech, Language and the Law*.

Solan is also the director of the Law School's Center for the Study of Law, Language and Cognition, the only one of its kind in the nation. The Center is devoted to exploring how developments in the cognitive sciences — including psychology, neuroscience and linguistics — have dramatic implications for the law at both theoretical and practical levels. In his role as director, he has brought visiting scholars from around the world to the Law School and has collaborated with other faculty members to organize symposia and lectures.

Commenting on his new role as Associate Dean for Academic Affairs, Solan said, "We are planning a few key initiatives — building synergies with other institutions, expanding our centers, clinical and joint-degree programs, and enhancing the upper level curriculum. The reason for taking this job is to have a hand in shaping the future of a great law school."

**Beryl Jones-Woodin** brings twenty years of experience as an inspired teacher and strong advocate for

students at the Law School to her new role as Associate Dean for Student Affairs. She is a respected community builder on campus and off, and a leader of many professional and nonprofit organizations.

Jones-Woodin specializes in copyright law, art law, international intellectual property, and professional responsibility. She is on the Board of Directors of Volunteer Lawyers for the Arts, an organization that delivers pro bono and low-cost legal services to the arts community, and vice president of the Board of Directors of the Westchester Children's Museum. She is also a member of the editorial board of the peer-edited *Journal of the Copyright Society*.

In addition, Jones-Woodin has played an active role in improving diversity in the legal community. She was a reporter to the Second Circuit Task Force on Gender, Race and Ethnic Fairness, and an advisor to the Pennsylvania Supreme Court's Committee on Race and Bias. She is a member of the American Law Institute and the Federal Bar Council, and has also chaired the Association of American Law Schools Art Law Section and its Intellectual Property Section. In addition, Jones-Woodin has long been active in the Association of the Bar of the City of New York on its committees for art law, communications and media law, and copyright law.

"With the addition of Feil Hall, and so many students living on or near campus, we're serving the whole life



L TO R: Associate Deans Lawrence Solan, Beryl Jones-Woodin, and Anthony Sebok

of the students in ways never before possible,” she said, reflecting on her new position. “My job is to help them engage fully in the kind of rigorous academic inquiry we provide.”

Named the Law School’s first Associate Dean of Research, **Anthony Sebok** is a prolific scholar with a Ph.D. in Politics in addition to his law degree. His research interests and influence cross boundaries, extending to other academic disciplines and beyond, making him a natural choice for this new position, where he will offer a range of strategies to the faculty to promote excellence and wide dissemination of their scholarship.

Sebok’s scholarship focuses on punitive damages and the role that our liability system plays in resolving political disputes. He is the author of numerous articles about mass restitution litigation, including those involving the tobacco and handgun lawsuits and slavery reparations. He has a strong interest in German tort law and has written extensively on the differences between European and American tort systems.

The importance of Sebok’s work has been recognized by the academic community with several significant awards and fellowships. He received a Berlin Prize Fellowship in 1999, funding from the DAAD to spend a year as a Visiting Professor of Law at the Freie Universität of Berlin in 2001, and was a 2005–06 Fellow in Princeton University’s Program in Law and Public Affairs. His work has been acknowledged by the larger community as well; he is a frequent lecturer in this country and abroad. The national media frequently seek his opinion on timely legal issues. He is also a regular columnist for Findlaw, a popular legal Web site.

“At Brooklyn Law School, we could not ask for a more diverse and rich collection of scholars, with many up and

coming junior scholars.” Sebok said. “I see my role as helping organize ongoing work, encouraging new initiatives, obtaining added resources, and helping our scholars present their work. I also plan to provide information about non law-related and interdisciplinary research opportunities, and continue to work closely on our Faculty Workshop series.”

In announcing the appointments of these three highly distinguished scholars and educators as associate deans, Dean Wexler said “Their appointments make a statement about our commitment to a core set of values — scholarship, teaching, and respect for students as members of a vibrant intellectual community.” ■

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## Noted Psychologists Present Unique 4-Day Workshop in Negotiations

During the first week of January, over 30 students attended a four-day Intensive Negotiation Workshop co-taught by two leading professors of psychology, John M. Darley and Thane S. Pittman. Darley is the Warren Professor of Psychology at Princeton University and Professor of Public Policy at the Woodrow Wilson School of Public Affairs. Pittman is Chair and Professor of Psychology at Colby College in Maine.

The unique two-credit course won acclaim from participants, mostly third-year students, for its blend of theory, analytical tools and hands-on exercises, and it will take place again this January.

Laureve Blackstone ’06 said, “It was a nice change to have psychology professors, who approached teaching in an exploratory way. The intense day-long sessions really gave us a chance to delve into the negotiation exercises and debrief fully afterwards. We started simply and worked our way to more complicated negotiations. Along the way, the professors gave us the feedback and tools to help us improve.”

Dipty Jain ’06, another participant, said, “The best negotiation involved real estate brokers and a home buyer and seller. By the fourth day, we had to close on a house, and it was exciting to be put

in such a real life situation. Overall, the workshop gave me a heightened interest in negotiations and dispute resolution.” Andrew Rauschberg ’06, added, “The format was exhausting, but there were many advantages to it.”

Darley, a pioneer of social psychology, is known for his work on altruism, bystander intervention, deviation and conformity, attribution, moral judgment, and psychology and law. A Visiting Fellow at the Law School in

the past, he has also participated in programs sponsored by the Center for the Study of Law, Language and Cognition, and other distinguished colloquia. He has written and co-authored two dozen studies on psychology and the law. Pittman, who has been at Colby College since 2004, was previously on the faculty of Gettysburg College for 32 years. His research interests include the psychology of justice and morality, and he is the author and co-author of

numerous articles and books. Pittman and Darley recently completed several scholarly studies on the psychology of justice and morality.

The workshop was such an overwhelming success that it will be offered again this coming January. ■

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## Biographers for Justices Blackmun and O’Connor Hold Court at Law School Symposia

Some of the country’s most notable legal scholars, practitioners and journalists joined in discussion for a day-long symposium at Brooklyn Law School on the life and legacy of former Supreme Court Justice Harry A. Blackmun.

Linda Greenhouse, the veteran Supreme Court correspondent for *The New York Times*, and a 1998 Pulitzer Prize winner for her coverage of the Court, provided opening remarks. Her recently published book, *Becoming Justice Blackmun*, which chronicles the Justice’s life and years on the Supreme Court, provided the impetus for the symposium. The event was organized by noted constitutional law scholars Brooklyn Law School Professors Jason Mazzone and Heidi Kitrosser (now at the University of Minnesota).

“The reason why Harry Blackmun’s story is so interesting is because it gives us a window into the topic of Justices and change,” Greenhouse said. “Justices rarely change their philosophies, but Blackmun was an exception to the rule.” When he joined the Supreme Court, Blackmun leaned towards the conservative side on issues. By the end of his term, however, he had evolved into a liberal hero, perhaps best known as the author of the *Roe v. Wade* opinion and lauded by liberals as the “Father of Abortion.”

In addition to discussing Blackmun’s jurisprudence, the panelists, several of whom had been Blackmun law clerks, focused on his opinions while on the high court. Professor Chai Feldblum of the Georgetown University Law Center highlighted an oft-repeated quality

of the Justice’s jurisprudence — his discomfort with relying on bright line rules. “He was a Justice who always struggled with his opinions, always analyzed an issue from all sides,” Feldblum said.

The afternoon session was devoted to various aspects of Blackmun’s judicial biography, offering different theories as to what shaped the Justice’s judicial philosophy and inspired his shifting views. The final panel of the day examined the issue of access to judicial papers and conversations. Edward Lazarus, also a former Blackmun clerk during the 1988 term and now a partner at Aiken Gump Strauss Hauer & Feld LLP, argued not only for greater disclosure of Justices’ papers, but also for regulation governing their release. As author of *Closed Chambers*, a book on the inner workings of the Court during his tenure as clerk, he came under fire for his behind-the-scenes account of the Court.

“The order that no clerk should ever say anything about the Court for the rest of his life just seems wrong to me.”

Yale Law School Dean Harold Hongju Koh, a Blackmun clerk in the 1981 term, responded, “As a clerk, you can’t be objective about your boss. The year you’re a clerk you think is the most important year in the Justice’s life. You have no perspective and you see your relationship with the Justice in an overdone way.” On the other hand, Koh also recognized the role that judicial papers lend to humanizing the Court in the public’s eyes.

Koh provided the final words of the symposium, suggesting that perhaps Blackmun’s greatest legacy was his compassion for people. “Early in his career, Blackmun believed strongly in the institutions of American life that he had grown up to trust. He believed that the role of judges was to defer to those institutions,” Koh said. “But when he was appointed to the Supreme Court, he began to see his role as more than just a judge, but as a protector of constitutional values, especially for those marginalized in American life.”



Author and journalist Joan Biskupic signs copies of her *Sandra Day O'Connor* biography.



Linda Greenhouse, the veteran Supreme Court correspondent for *The New York Times*, headlined the *Blackmun Symposium*.

“The Blackmun symposium was such a success,” said Brooklyn Law School Professor Susan Herman, “that it spawned the idea for a second related conference on veteran Supreme Court journalist Joan Biskupic’s biography, *Sandra Day O’Connor: How the First Woman on the Supreme Court Became Its Most Influential Justice*.” Biskupic was one of the panelists at the Blackmun event.

Professor Herman quickly put together an outstanding and timely sequel to the fall symposium that was held in February 2006, entitled “Sandra Day O’Connor and the Supreme Court: A Conversation with Joan Biskupic.” The panel discussion featured Ms. Biskupic, who is a journalist for the *Washington Post* and *USA Today*, joined by a panel of former O’Connor law clerks, legal experts, and distinguished reporters, including a return appearance by Greenhouse, to discuss Biskupic’s book and the likely impact of O’Connor’s announced retirement from the Court.

This book, which draws upon recently-released papers of the Justices, interviews with legal and political insiders, and seven of O’Connor’s

colleagues on the bench, as well as the author’s 17 years of experience covering the high court, provided the backdrop for the event. Biskupic outlined O’Connor’s career as a jurist and talked about what, aside from being the first female to sit on the high court, made O’Connor stand out among the group of nine and play such a critical role in the Court’s decisions.

“I think what really set her apart for the nearly 25 years that she was on the Supreme Court was her political experience,” Biskupic said. “Justice O’Connor came to the Court knowing how to count votes, and that really affected the law of the land. During her tenure, she was the only formerly elected official on the Court, and I think that’s very important to understanding her.”

Other panelists discussed how O’Connor’s gender may have affected her jurisprudence. “When we think about what kind of qualities we want in decision makers, I think we realize that we need judges who understand their limits and have some humility, which is not usually something that comes with the terrain for lawyers or judges,” said Brooklyn Law School Professor Elizabeth Schneider, a scholar and teacher of gender and law. “I have come to think that humility is something increasingly important for judges as well as the openness to grow and change, and Justice O’Connor is an extraordinary example of that capacity.”

Videos of these symposia can be viewed on the Law School’s Web site at [www.brooklaw.edu/blackmun](http://www.brooklaw.edu/blackmun) and [www.brooklaw.edu/oconnor](http://www.brooklaw.edu/oconnor). ■

## Symposium Examines Ties Between War and Trade

In the past few decades, the world has witnessed both an increase in international economic ties and an intensification in international violence. In an attempt to analyze the interrelationship of these two phenomena, the Center for the Study of International Business Law and the *Brooklyn Journal of International Law*, sponsored a symposium entitled, “War and Trade” that took place last fall.

Over the course of the full day and a half event, legal scholars from a wide range of backgrounds and expertise examined the existence of transnational terror networks, civil wars, ethnic battles, and transnational economic trade networks. Brooklyn Law School Professor Nathaniel Berman, who co-organized the symposium with Professor Claire Kelly, argued that the relationships between “war” and “trade” are considerably more complex than in accounts familiar from liberal, Marxist and Third Worldist writers. He suggested that the very notion of “the international” as we know it might be an artifact of legal constructions of the relationship between war and trade. A common theme that ran throughout the symposium was the increasing complexity of the legal contexts in which war and trade operate, and the resulting difficulties in distinguishing between military and economic policy.

Professor Duncan McLean Kennedy from Harvard Law School delivered the opening address, “Iraq: The Case for

Losing,” in which he argued that the United States had already been defeated in Iraq. But the crux of his lecture was a proposal of why we should embrace our defeat as good for the world at large.

“I think it is good for the United States to lose power politically and militarily because we don’t use our power better than the people to whom it will be distributed, and our possession of it blocks openings to better uses by others,” Kennedy said. “The main current use of American political power in the world since 1980 has been to impose one version or another of neo-liberal economic policies that are disastrous for the great majority of the population outside the developed North and West. A reduction in our military and political power would be a good thing because it would reduce our ability to impose that policy.” He emphasized that between countries, there are winners and losers from trade,

and the more the United States pushes the developing world toward free trade, the greater the disparity between the winners and losers becomes.

Focusing on the commercial component of the international legal framework, Professor Dan Danielsen of Northeastern University School of Law explained how multi-national corporations have taken a leadership role in securing economic power. Whereas economic bargaining power was once secured by a state through war, now a modern framework exists where multi-national corporations can secure such power through direct foreign investments. Danielsen noted that a correlation exists between direct foreign investment and economic growth as it does between poverty and conflict in the modern world.

In the final panel, in which experts explored the implications of the war-trade relationship for shifting post-Cold War distributions of global wealth and power, Professor Kerry Rittich from the University of Toronto suggested that a progressive definition of international security should include a focus on the



Professor Nathaniel Berman (center) co-organized the symposium.

connections between market reforms and international security policy. Speaking about the national security strategy in Iraq, Rittich predicted that economic productivity will remain limited until the Iraqis are in a position of authority.

Professor Thomas Franck, founder of the Center for International Studies at New York University Law School, concluded the symposium by offering

his perspective on how trade has replaced war as the source of leverage in getting states to behave. "Trade has become one of the principal weapons by which states wage war by other means," he said. "In lieu of war, trading has become a major weapon in compelling states to behave in certain ways." Franck then warned against the employment of unilateral military and economic policies, and said that "multi-

lateralism is the only alternative that works towards the advantage of the world order."

Symposium articles were published in Volume 31 of the *Brooklyn Journal of International Law* (2006). To view the conference video visit [www.brooklaw.edu/war&trade](http://www.brooklaw.edu/war&trade). ■

*This story was written with the assistance of Lauren McElvoy '07.*

## Legal Writing Program Celebrates 25 Years

Brooklyn Law School's Legal Writing Program celebrated its 25th anniversary on February 17, 2006 with a symposium entitled, "Teaching Writing and Teaching Doctrine: A Symbiotic Relationship?" The event was organized and moderated by Professor Marilyn Walter, who has led the Law School's acclaimed Writing Program since its inception. Legal writing scholars from more than two dozen law schools across the country attended the half-day symposium.

The symposium focused on "writing across the curriculum," a concept of increasing pedagogical interest in the Law School curriculum, and addressed what educational justifications exist for integrating legal writing into upper-class doctrinal and lawyering courses.

Professor Carol Parker of the University of Tennessee Law School began the proceedings after opening remarks by Dean Joan G. Wexler by suggesting three educational functions served by writing across the curriculum in law

school: teaching the structure of legal analysis; familiarizing students with legal documents, the tools of the trade; and providing opportunities for students to grow as interpreters of the law and to develop their professional voice.

To consider the practical means by which writing may be integrated in doctrinal courses, Professor Pamela Lysaght of the University of Detroit Mercy School of Law described her own experience introducing writing assignments in her first year Criminal Law class. She noted that these assignments can act as pedagogical partners to traditional classroom teaching. Nevertheless, developing an effective writing assignment often poses certain challenges for non-legal writing faculty.

Following the presentations on the justifications for writing across the curriculum, four professors presented different models for integrating writing into upperclass courses. Professor Eric Goldman of Marquette University Law



*Professor Philip Meyer discusses the art of narrative persuasion.*

School, who came to teaching law after working in Silicon Valley, gave the perspective of a faculty member not associated with a legal writing program. His contract-drafting course, which has focused on such topics as a software license and services agreement, required students to learn the regulatory backdrop and the doctrinal context of their agreements along with mastery of contract drafting skills. However, he noted, "Class time scarcity makes this ideal difficult to achieve in any one course."

Professor Philip Meyer of Vermont Law School explored what he viewed as a missing piece of the legal writing



curriculum: teaching systematically the art of narrative persuasion. Because he believes that it is often narrative that does the persuasive work in legal advocacy, he argued that teachers and students need to better understand how stories work, and to develop a narrative vocabulary and a narrative toolkit to supplement analytical skills traditionally taught in law schools and emphasized in legal writing programs.

An experimental course at Brooklyn Law School was the basis of the presentation by Professor Elizabeth Fajans, the Writing Specialist at Brooklyn Law School. She described a practicum for an administrative law course, which she will be co-teaching with Professor Claire Kelly in spring 2007. The practicum will give students some hands-on experience with drafting legislation and regulations. The goal is to teach students about some of the difficulties of, and differences between, the two enterprises, thereby enriching their understanding of the administrative state.

Finally, Professor Kelly described the course in Scholarly Writing for Law Students that she taught for Brooklyn Law School students who were not selected for a student journal, but were interested in writing scholarly articles. The course encouraged students to develop their thoughts and articulate them to others. Kelly proudly noted that half of the students taking the course have had articles published, and some received multiple offers of publication.

The proceedings of this symposium will be published in the *Journal of the Legal Writing Institute*. ■

## Theory-Practice Seminars at the Forefront of Health and Science Issues

The Center for Health, Science and Public Policy continued to serve as a leading resource for interdisciplinary dialogue by hosting several theory-practice seminars, as it does each academic year. These events address some of the most pressing healthcare and science issues of the day and are designed to foster cross-fertilization between scholars and practitioners.

Last February, the Center hosted a seminar entitled, “Does Ownership Matter?: Non-profit, For-profit, and Public Hospitals” to explore whether the ownership of a hospital makes a difference in the type of service and quality of care that patients receive.

Professor Jill R. Horwitz of the University of Michigan Law School presented empirical research comparing the kinds of services provided by non-profit, for-profit and public hospitals. She noted that because for-profit hospitals must be responsive to their shareholders, they are more likely to offer profitable services, such as home care, than less profitable services, such as emergency psychiatric care. Horwitz’s findings suggest that each type of hospital ownership is subject to different incentives, which produce significant effects on the services offered by the hospital, and on the hospital’s responsiveness to community needs.

Commenting on Professor Horwitz’s presentation were Alan D. Aviles, President and CEO of New York City Health and Hospitals Corporation, and Christopher M. Jedrey, a health care attorney with the law firm of McDermott, Will and Emery based in Boston. Both commended Horwitz for her research in this area, and for bringing real-world data to the policy debate surrounding hospital ownership. The discussion was moderated by Brooklyn Law School Professor Dana Brakman Reiser, an expert in the field of non-profit law, who served as a Legal Fellow in the Office of the General Counsel of Partners HealthCare System, Inc., before joining the faculty.

Earlier in the academic year, the seminar “Litigation on Guns and Alcohol: The Impact on Public Health Policy” examined the pitfalls and poten-



University of Michigan Law School Professor Jill R. Horwitz discusses her research.

## Theory-Practice Seminars 2005–2007

Does Ownership Matter?: Non-profit, For-profit, and Public Hospitals

Litigation on Guns and Alcohol: The Impact on Public Health Policy

Advancing Vaccines: Innovations in Intellectual Property Practice

Keeping the Courts Open in a Disaster: Policy Issues for the Judiciary

tials of private litigation's influence on the regulation of public health hazards, such as guns and alcohol.

The program featured Professor Stephen Teret, Class of 1969, Director of the Center for Law and the Public's Health at the Johns Hopkins University Bloomberg School of Public Health. He also participated in a Dean's Roundtable with students earlier the same day (*see pgs 46–47*).

Teret began his talk with a riveting account of two teenage friends and the accidental shooting of one. Teret said that while the newspapers might print the story, calling it a "freak accident," in the field of public health there is a clear pattern of unintended deaths from guns.

"When you look at the data that's collected, you realize that there are high risk situations, there are high risk guns,

and there are high risk people. So in essence, it's not a freak accident. It's a foreseeable event," Teret said. "And if it's a foreseeable event, then the argument might be: how can we make it a preventable event? That's what public health is about — prevention. I believe that the law can and is one of the most important tools in public health for preventing unwanted events."

Teret emphasized the importance of litigation in preventing gun-related accidents. He said that suing gun manufacturers for unsafe design is the only way to remedy the problem because Congress has consistently refused to enact legislation that would make guns safer, such as adding a device to indicate when the chamber is loaded or to prevent the discharge of rounds when the ammunition clip is removed.

"I think some people would call litigation like that legal activism or legislating from the bench, but in my mind, there ought to be nothing wrong with bringing a lawsuit like that," Teret said. "Tort law ought to evolve as tech-

nology evolves so that new ways of preventing injury and death come about and then new responsibilities and duties come about and therefore new liabilities come about."

Paul D. Rheingold of Valet, Rheingold, Shkolnik & McCartney LLP and Professor Timothy D. Lytton of Albany Law School, served as commentators for the program. The seminar was moderated by Brooklyn Law School Associate Dean Anthony Sebok, a highly regarded authority on tort law.

The seminar ended with a question-and-answer session in which audience members raised issues such as effective lobbying, the role of culture in litigation, and dram shop liability in alcohol cases.

This academic year, the Center is hosting Theory-Practice Seminars on "Advancing Vaccines: Innovations in Intellectual Property Practice," which focuses on new approaches in intellectual property law that could aid in the development of vaccines. Participants in the discussion include legal practitioners, academics and vaccine experts. The second seminar, "Keeping the Courts Open in a Disaster: Policy Issues for the Judiciary," will discuss the role of the judicial system during an emergency situation, such as a natural disaster or pandemic flu. The event will bring together judges who have first-hand experience with emergency situations along with other experts in law and public health. ■

*This article was written with the assistance of Stefanie Shaffer '08 and Joseph Varley '08.*



L TO R: Paul Rheingold, ESQ., Professor Timothy Lytton, Professor Stephen Teret '69 and Associate Dean Anthony J. Sebok

## Brooklyn Journal of Corporate, Financial & Commercial Law:

### Newest Addition to Roster of Publications

The *Brooklyn Journal of Corporate, Financial & Commercial Law* is the newest student-edited law journal to debut at Brooklyn Law School. The *Journal* will specialize in corporate, financial and commercial law subjects, including securities and bankruptcy law. Along with publishing articles from leading scholars and student prepared notes, the *Journal* will host an annual symposium devoted to a business-related topic where current and significant questions of legal policy can be addressed by both academics and practitioners.

The inaugural issue of the *Journal* will feature papers from its first symposium, "New Models for Securities Law Enforcement: Outsourcing, Compelled Cooperation and Gatekeepers," held in March 2006. The event examined new methods of leveraging enforcement by both the U.S. Securities and Exchange Commission and the U.S. Department of Justice and analyzed whether more vigorous law enforcement techniques have been effective or have created new problems. Key addresses were given by Richard G. Ketchum, Chief Regulatory Officer of the New York Stock Exchange, and Linda Chatman Thomsen, Director of the Division of Enforcement, U.S. Securities and Exchange Commission. Three panels of distinguished academics and practi-

tioners addressed the issues of self-regulation by the securities industry and the accounting profession, new mechanisms for remedial actions and self-policing by securities law violators, and the creation of various gatekeepers to enforce the securities laws.

The inaugural issue will be dedicated to symposium honoree Irving M. Pollack, Class of 1942. Currently Senior Counsel at Fulbright & Jaworski LLP, he was Commissioner of the Securities and Exchange Commission from 1974 to 1980, among many other notable achievements.

The second symposium hosted by the *Journal* was held November 10, 2006. "Securities Market Structure and

Regulation: What Does the Future Hold?" examined the structure of the securities market in light of the prevalence of electronic trading, the merging of stock exchanges, and the transformation of exchanges from membership associations into publicly owned business corporations.

Commenting on the importance of this latest journal at the Law School, Jessica Haber '07, Editor-in-Chief, said: "The role of a legal journal is not only to publish deserving scholarly works, it's also to hone students' writing and editing skills. A fourth journal at BLS has provided more students than ever with the opportunity for this type of exposure, which is critical to employers. As New York is among the world's largest commercial centers, it's fitting that our newest journal focuses on business and securities law."

The next issue of *Law Notes* will cover both symposia in greater detail. ■



L TO R: Executive Board Members (standing) Jared Ho, Margaret Radzik, Jessica Haber, Aleah Borghard and Joshua Urist (seated) Philip Sutter and Vanessa Pompei

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## Justice Richard Goldstone Keynotes 2006 Commencement

### Dean Henry “Hank” Haverstick is honored

Justice Richard J. Goldstone, a world renowned jurist and leader in human rights law, delivered the keynote address at the 105th Brooklyn Law School Commencement on June 6, 2006 at Avery Fisher Hall at Lincoln Center.



Diplomas were awarded to 462 graduates and many special awards and honors were conferred.

Dean Joan G. Wexler also presented the Wilbur A. Levin Distinguished Service Medal to Henry W. Haverstick III, Dean of Admissions and Financial Aid. She estimated that “Hank” has been responsible for the education of some 14,000 lawyers over his 35-year tenure as an exceptional administrator and valued advisor to four deans.

Justice Goldstone spoke movingly to the graduates about the “huge challenge of the 21st century” of maintaining “the fundamental principles of democracy” in the face of terrorism. Constitutional principles such as due process of law and



*Justice Richard J. Goldstone*

the ban on cruel and unusual punishment have been beacons to the world, he said, but unfortunately, some democracies “prefer to stifle freedom rather than take the risks necessary to protect it.” He concluded with a plea for the United States to uphold its principles and “to continue to lead the free world by its traditional values.”

Appointed by Nelson Mandela as Justice of the Constitutional Court of South Africa, Justice Goldstone served from 1994 to 2003. Earlier he was Chairperson of the Commission of Inquiry regarding Public Violence and Intimidation, a body that came to be known as the Goldstone Commission. His many international leadership roles included Chief Prosecutor of the United Nations International Criminal Tribunals for the former Yugoslavia and Rwanda, and Chairperson of the International Independent Inquiry on Kosovo. Currently he is a visiting professor at a number of distinguished law schools and remains active in many human rights organizations. ■





Dean Joan G. Wexler congratulates Henry W. Haverstick III, Dean of Admissions and Financial Aid.



Valedictorian Elissa Ana Rivka Stassen Berger

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## SEC Commissioner Featured Speaker at Breakfast Roundtable

The Brooklyn Law School Center for the Study of International Business Law has been helping to shape international business law and policy since its inception in 1987. Along with sponsoring a fellowship program that supports students interested in pursuing a career in international business law, one of the cornerstone programs that the Center has held for the past 20 years is a breakfast roundtable co-sponsored with the New York Stock Exchange.

The Breakfast Roundtable Series are held one to two times each semester and they focus on the future of international capital markets, as well as other areas of international law, including trade and antitrust, intellectual property, taxation, and bankruptcy and commercial law. The breakfasts have featured prominent speakers such as a former U.S. Attorney General, top offi-

cial from the Treasury Department and the Federal Reserve System, and foreign securities regulators, among others.

Most recently, Cynthia Glassman, who at the time was Commissioner for the Securities and Exchange Commission (SEC), and is now the Undersecretary of Commerce for Economic Affairs, was the featured speaker at a Breakfast Roundtable. She discussed new initiatives that the SEC is pursuing in the international arena. Her talk focused on the SEC's ongoing dialogue with various other financial regulators outside of the United States, including regulators in Japan and China, to address issues of mutual concern and meet shared objectives. Commissioner Glassman also spoke on the SEC's initiative to take a "fresh look" at the SEC's deregistration rules in order to ease the deregistration process for non-

U.S. issuers, and she discussed the convergence of U.S. and international accounting standards.

This academic year, the Center has two outstanding speakers lined up for its Breakfast Roundtables: Sheila Bair, Chairman of the Federal Deposit Insurance Corporation (FDIC) on December 1, 2006; and John White, Director of the Securities and Exchange Commission's Division of Corporate Finance on March 23, 2007. ■



Cynthia Glassman, former Commissioner for the Securities and Exchange Commission

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## Moot Court Teams Bring Home Top Prizes

Brooklyn Law School moot court teams continued their winning ways with yet another successful season. The Civil

named the competition's Best Oralist. This year's competition problem involved the implications of the Four-



The 2005–2006 Family Law Team celebrates their victory. L TO R: Lindsay Cuttler Ashwal (Coach), Valentina Shaknes, Alicia Brooks, and Sabrina Thanse

Rights and Family Law teams both received first place in their respective events. In addition, two other teams reached the finals in their competitions, and three teams reached the semi-finals in their events. Several BLS competitors were also awarded individual honors for their oral arguments.

The Civil Rights team was victorious at the Twenty-first Annual William E. McGee National Civil Rights Moot Court Competition hosted by the University of Minnesota Law School. The team also won second place for Best Brief, and team member Michael Bell '07 was

teenth Amendment Equal Protection Clause and the Voting Rights Act on state laws and constitutional provisions that disenfranchise felons. Representing the Civil Rights team were Meaghan Atkinson '07 and Michael Bell '07, and coaches Noah Chamoy '06 and Melissa Erwin '06.

The Family Law team took first place honors at the Eighteenth Annual Dominick L. Gabrielli National Family Law Competition held at Albany Law School. BLS family law teams have proven to be the strongest contenders in this competition in recent years, and the

2005–06 team lived up to that tradition. Last year's team reached the final round and won Best Brief honors. The 2003–04 team reached the semi-finals and the 2002–03 team took first place overall. The problem for this year's competition focused on the divorce of a couple that was married under traditional Islamic law, but not by the state. The question was whether the wife would receive a monetary settlement from her husband, in accordance with the Islamic law.

The Family Law team was composed of members Alicia Brooks '07, Valentina Shaknes '07 and Sabrina Thanse '07 and coached by Lindsay Cuttler Ashwal '06. New York Court of Appeals Judge Victoria Graffeo, who was one of the judges of the competition, was quoted in an *Albany Times Union* article as being remarkably impressed with the teams' grasp of the issue.

Brooklyn Law School also turned in strong showings in other moot court competitions. The National Team came in second place and won second-best brief. The First Amendment Appellate Team reached the finals in their event. The Intellectual Property Team took home third place honors and the Tax Team reached the semi-finals and won third-best brief. Also, the International Law Team reached the semi-finals and won fourth-best brief. ■

## Clinic Roundup

### Students Win Asylum for Clients from Around the Globe

This past year proved to be an eventful one for students and faculty involved in the Safe Harbor Project, one of the law school's most popular clinics. Along with working on a range of immigration issues, such as petitions for immediate relatives and petitions for adjustment based on marriage, the clinic also secured asylum for six clients from around the world.

One of the asylum victories involved a West African man, who had been imprisoned with his family and tortured because of his political affiliation and ethnicity, which was associated with a party in opposition to the government. One of his children died while in prison due to the terrible conditions in which he was being held, and the client was deeply traumatized by his experience and suffered from recurrent nightmares. Professor Stacy Caplow, Director of the Clinical Education Program and one of the Safe Harbor Project's directors, remarked, "It was particularly gratifying to hear him say that with his grant of asylum he could now go home and sleep in peace for the first time in months."

Another win was for a client from China, who was an active member of a banned spiritual movement in her country. The students who worked on her case gathered a huge amount of evidence from family members, news sources and country condition reports that incontrovertibly showed that the

client would suffer imprisonment and torture if she were to return to her homeland.

A woman from Ecuador, who had been physically and sexually abused by her ex-husband in retaliation for her joining a political party that opposed the one in which he was a prominent local member, was another grateful client of the clinic this past year. Hers was the longest running and most difficult-to-win case the clinic had ever handled. The students' case theory argued that victims of domestic violence constitute a particular social group under the refugee definition, and that she was persecuted on account of her political opinion. Although the judge did not take the risk of granting asylum on the first theory, she did grant on the political opinion ground.

Other recent asylum wins involved a client escaping persecution in Bhutan, a man from the Côte D'Ivoire, who had been mistaken as a rebel sympathizer and threatened with death and imprisoned, and a client from Gambia, who was a victim of female genital circumcision as a child.

### Brooklyn Co-op Gets Sound Financial Footing with Clinic's Help

Corporate and Real Estate Clinic students, under the direction of Professor Debra Bechtel, gained financial stability for a distressed low-income Brooklyn co-op after a year and a half of effort. The 16-

unit building had been sold to the residents by New York City in 1982, but over the years, failure to raise maintenance charges and lack of professional management had led to significant tax arrears. Students worked to amend the certificate of incorporation, proprietary leases and by-laws, adding restrictions which enabled the co-op to qualify for partial tax forgiveness from the city. They also prepared the documents and conducted the closings for five tenants who bought their apartments, and represented the co-op in a \$65,000 loan closing. With the new infusion of funds, the co-op was able to pay the remaining taxes and still have cash in reserve. Todd Dale '06, Mojdeh Malekan '06, Tim Oberweger '05, Christina Roberts '05, Erica Kornblum '05 and Marjorie Jabouin '05 worked on the project.

### IRS Appeal Won for Nonprofit Community Group

Two students in the Community Development Clinic, Lawrence Hansen '06 and Kimberlee Joseph '06, won an appeal from the Internal Revenue Service for a nonprofit organization seeking tax-exempt status. The organization works with the United States-based Dominican community to provide goods, services and economic support to low-income communities and children in the Dominican Republic.

Professor David Reiss, the faculty director of the clinic, noted that the case was a particularly difficult one because

of the complex relationship between the organization and two affiliated foundations and for-profit institutions located in the Dominican Republic and Spain. The students counseled the client regarding the structuring of the relationship among the affiliated entities to ensure compliance with appropriate corporate formalities. They also dissected the convoluted relationships among the affiliated foundations so that the activities of the two foreign foundations did not overlap with those of the U.S.-based client. This helped ensure that the IRS would be able to evaluate the tax-exempt purpose and activities of the client separately from the activities of its affiliates.

The reversal of the initial adverse IRS determination took only five weeks — a mere moment in time compared to the usually lengthy operations of the IRS Exempt Organizations Division.

### **Rare Federal Habeas Victory Won by Clinic Students**

A 1996 statute made it more difficult than ever to be granted habeas relief in federal court. Therefore, it was very gratifying for Professor Ursula Bentele, the Capital Defender and Federal Habeas Clinic director, to learn in September 2005 that a judge of the Southern District of New York granted habeas relief to one of the clinic's first clients. This news was followed in September 2006 with a decision by the Court of Appeals for the Second Circuit affirming the district court's grant of habeas relief. As a result, the client

will have a chance to challenge his conviction of murder in the New York State courts.

The defendant in the case was tried and sentenced in absentia. When he was apprehended to start serving the sentence, he sought to appeal the conviction. The state refused to assign counsel to him and dismissed the appeal on the basis that he had been a fugitive. The federal court determined that the state's failure to allow him to perfect his appeal with the assistance of counsel violated clearly established Supreme Court law. The court ordered that the client be released unless the state permitted the appeal to go forward within 60 days.

Numerous people shared credit in the victory. Danielle Fernan '04, Alex Lesman '05 and Alex Riley '04 developed the challenging legal theories in the case and prepared the initial memorandum starting in the fall of 2003. Lisa Jackson '06, Rachel Kish '06 and Bola Mayowa '07 wrote many drafts of the respondent's brief. Lee Bergstein '05, Benjamin Leftin '06, Jack Lockwood '05 and Everett Witherell '06, in addition to Professors Stacy Caplow, Eve Cary, Mollie Falk and Marjorie Smith, helped to prepare Lynch for the oral argument before the Second Circuit in May. ■



# Feil Hall

## Brooklyn Law School's New Residence Opens to Rave Reviews

One of the nation's premier student residences, Feil Hall, opened in fall 2005 to rave reviews from its new occupants, 350 law students living in 239 spacious, furnished apartments, many with spectacular views of the New York City skyline and harbor.

"This is a momentous event in the life of the Law School and the lives of our students," Dean Joan G. Wexler said at the opening day event, which drew 450 students, faculty, alumni and guests. "For the first time, we are able to house a critical mass of students in a single location. More than a residence, Feil Hall is a vibrant living and learning community, one that helps nurture the professional and personal relationships that are an indispensable ingredient of a great law school.

"With the addition of Feil Hall to our eight other residences in Brooklyn Heights, we are now able to

offer affordable, modern apartment living to the entire entering class," the Dean added.

The 22-floor red brick building with classical details was designed by Robert A. M. Stern, Dean of the Yale School of Architecture, to compliment its charming, historic neighborhood. Stern also designed the Law School's 1994 main building addition, described in the *Architectural Guide to Brooklyn* by the author as "hands down, the best new construction in Brooklyn since World War II."

Feil Hall apartments range in size from studios to four-bedroom suites, all with beautiful new furniture, large closets, over-sized windows and fully-equipped kitchens. Dean Wexler said, "The average age of first-year students is 25 and they are experienced in life. We knew that we couldn't provide them with just dorms. We had to provide modern, quality apartments befitting adult students of law."

**Ribbon-Cutting Ceremony, September 29, 2005:** (L to R) Alexander Warr '07, Jeffrey Feil '73, the late Gertrude Feil, Chairman Emeritus of the Board of Trustees Paul Windels, Jr., Dean Joan G. Wexler, Chairman of the Board of Trustees Stuart Subotnick '68, Jeffrey D. Forchelli '69, architect Robert A.M. Stern, Geraldo Rivera '69, Hon. David G. Trager, and Jodi Siegel '06



**A 20-YEAR ODYSSEY**

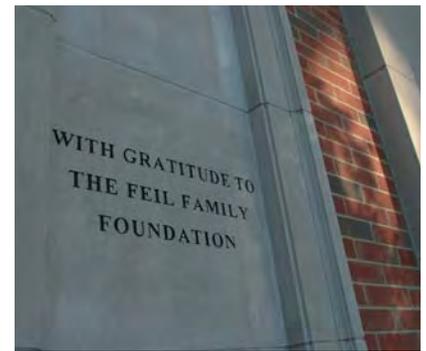
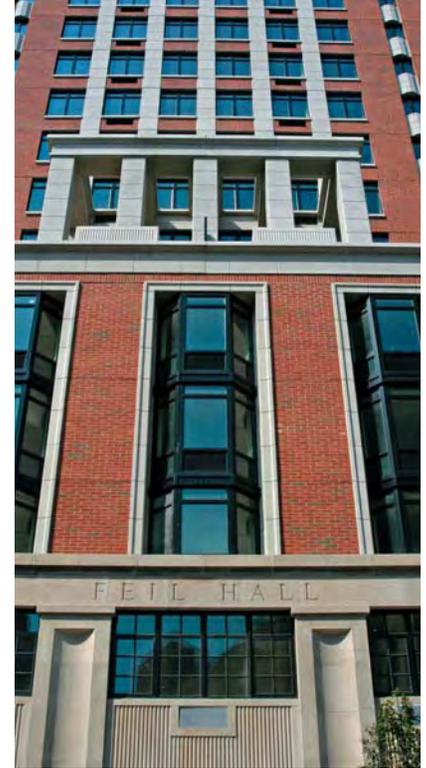
A “20-year odyssey” led to the completion of Feil Hall, Dean Wexler told the crowd at the reception held at the elegant Jeffrey D. Forchelli ’69 Conference Center, on the top floor of Feil Hall. It is a venue for scholarly and social events with sweeping vistas of Manhattan and Brooklyn.

The Dean described the time and effort that went into the development of the first-rate residence, and expressed “the immense gratitude of the entire Law School community” for the generosity of the Feil Family Foundation.

Jeffrey Feil ’73, the Foundation’s president, said, “We saw a pressing need for housing and a strategy for responding to it that we were proud to support. I commuted to law school 30

years ago, and I understand the burdens that students who live off-campus face. Apartment housing of this caliber will attract students from all over the country and the world.” Feil is a member of the Board of Trustees, and CEO of the Feil Organization, one of the largest privately owned real estate companies in the country. Five other members of the Feil family are also graduates of the Law School.

Referring to the Jeffrey D. Forchelli Conference Center, Dean Wexler noted, “This beautiful space is named in honor of his generosity. For Jeff, Brooklyn Law School is a family affair. His father, uncle, and cousin are graduates and his daughter Nicole is a third-year student.” Explaining the motivation for his gift, Mr. Forchelli, who is a founding



member of the firm of Forchelli, Curto, Schwartz, Mineo, Carlino & Cohn LLP, said, “Providing a venue for the school’s important events is a way to give back to a school that has given so much to my family for three generations.”



“Law students don’t live by libraries and academic symposia alone,” Dean Wexler continued. “Sometimes they need a double espresso and a muffin, a place where they can gather. That place is Geraldo’s, the student café named in honor of the generosity of a member of the Class of 1969, noted journalist Geraldo Rivera.”

Mr. Rivera remarked, “I wanted to help create a place where the students can meet and talk about the ideas and issues that will shape their lives.”

Dean Wexler also honored Stuart Subotnick ’68, Chief Operating Officer of Metromedia Company and Chairman of the BLS Board of Trustees, and his wife Anita Subotnick for their support of Feil Hall. Dean Wexler noted that the construction of Feil Hall elicited more alumni support than any other project in the Law School’s 104-year history.

#### STUDENTS RAVE

Yehuda Gruenberg, Class of 2010, who graduated from SUNY-Binghamton, commented: “What I like most about Feil Hall is that it feels like more than just a residence hall. With professors, families and students — and even the dean — living together there is a sense of community that is welcoming and warm. The apartments are amazing, and after having lived in Manhattan, I have to say the best part is having a big, brand new kitchen. The leather reading chair is awesome, too — it’s my favorite place to study.”

Jodi Siegel, Class of 2006 and the past President of the Student Bar Association, said, “I lived in another apartment for two years and then had the opportunity to come to Feil Hall. Everything about it is so wonderful —



View from Forchelli Center

it’s the nicest and largest apartment you can get for this amount of money. Not to mention the great security, and Geraldo’s, the student café, where everyone hangs out.

“It is a very vibrant community,” she added. “The fact is that more people are joining student activities and organizations because they know more people. They go to events because they have friends who are going to events and getting involved. For example, this

year’s SBA Barristers’ Ball more than doubled in attendance from last year’s — to 500 people — because of the new sense of community the school is experiencing. No one wanted to miss out on the fun.”

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Brooklyn Law School... is rising in prominence on various rankings lists, and when it came to naming the cafe inside the recently opened Feil Hall, a brick tower of well-appointed student apartments on State Street, there was one alumnus and generous donor whose name seemed right: Geraldo Rivera (class of 1969) [He] is not a regular fixture at the cafe that bears his name, a modern oval space with wide-screen flat-panel television sets and plenty of tan leather easy chairs. But for students who study at Geraldo’s, and enjoy its White Castle burgers and two varieties of gummy worms (neon and sour), the man whose caricature hangs on the wall ranks somewhere between myth and legend.

*The New York Times*, February 5, 2006, by Jeff Van Dam

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The luxury accommodations rival those found in New York City’s finest neighborhoods, except by one measure: The 239 apartments are affordable... Lauren Edgerton, a first-year student from Philadelphia who shares a three-bedroom apartment with two roommates, said she signed up for Feil Hall sight unseen and was “completely surprised” by what she found — not the least of which are dynamite views of Manhattan. As a Cornell University undergraduate, Ms. Edgerton said, “I lived in this dingy little house. My mother wouldn’t even come into that house.”

*The New York Law Journal*, September 9, 2005, by Thomas Adcock

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This building is even better than you said it would be. It’s every thing you said and so much more.

Parent of a first-year student from upstate New York

# Feil Hall

## One of the Nation's Premier Student Residences

- 239 furnished, affordable apartments, a mix of studios and one-bedroom to four-bedroom suites
- A private bedroom for each student
- Quality furnishings: most units have a couch, club chair, coffee table, dining set, double beds, dresser, full length mirror, desk, filing cabinet and book shelf
- Full kitchen appliances, including dishwashers and microwaves
- Two bathrooms in all three- and four-bedroom units, and in many two-bedroom units
- Central air conditioning
- Spectacular views from many apartments
- Abundant closet space
- Geraldo's, a student café on the ground floor
- Jeffrey D. Forchelli Conference Center for scholarly and social events on the top floor
- 24-hour secure lobby
- Underground parking
- Wired and wireless Internet connectivity
- Large laundry room
- On-site Director of Residence Life; live-in superintendent and porter
- Mailroom
- A great location near a transportation hub, just minutes from Manhattan



*Geraldo's*

The recent dedication of Feil Hall marked “a turning point,” as Dean Joan G. Wexler calls it—a watershed not only for the school, but for the blocks around it, where residential developers seem to be building on every square inch of land... Michael Burke, executive director of the Downtown Brooklyn Council, calls the area around Feil Hall “an epicenter” of the boom that’s bringing 2,500 to 3,000 planned new apartments to what he calls “greater downtown,” including DUMBO to the north.

*The New York Post, November 15, 2005, by Steve Cuzzo*

I was a student in the evening division at a time when there really wasn't a campus. There wasn't any place to form a community. With Feil Hall, law school becomes more the center of your life and a place to form permanent connections. It's a very positive change. So many opportunities after you graduate come through networking, and students who have the Feil Hall experience will have built so many relationships. Feil Hall will also help build a more active and committed group of alumni.

Linda Lamel '76,

President of the Brooklyn Law School Alumni Association

Law school is, to many people, a place where you come without any expectation of making any friends. At Feil Hall, you have no choice but to make friends. You're just surrounded by great people.

Jodi Siegel, '06,

Past President of the Student Bar Association

Students love the neighborhood, the shops and the restaurants. Thursday is the night do the “Brooklyn thing.” On the weekends, that's when friends and family who are jealous of their fantastic apartments come to visit. That's when they usually go into Manhattan.

Jennifer Smith, Director of Residence Life

Last week we had an ice cream social at Geraldo's—make your own sundaes—and 75 people came. They also offer weekly yoga classes, live music and even an open mic night. The programs are put together by the students, which is the most outstanding part.

Joseph Goljan '08

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A lot of people like to go to the YMCA across the street. It's brand new and beautiful, with a lot of classes, a pool and a basketball court.

Alexandra Hankin '08

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I love the view from my apartment in Feil Hall. From the Verrezano Bridge to the Statue of Liberty and Lower Manhattan...You can't beat that! Since I love to cook I especially love the kitchen. I've seen other apartments around Brooklyn and the living conditions don't compare!

Laurian Cristea '09



# FROM THE BIG APPLE

## STUDENT VOLUNTEERS PROVIDE



The Gulf Coast has long been a favorite destination for students on Spring Break. They spend a week lounging on the beach, soaking up the sun and dancing until dawn. But for a group of 19 Brooklyn Law School students, their Spring Break in the Gulf Coast region was anything but a trip to the beach. Instead, working with a national organization known as The Student Hurricane Network — a coalition of law students from around the country devoted to assisting victims of the 2005 hurricanes — these BLS students worked 12-hour days during a massive pro bono effort in Louisiana, Mississippi and Texas. They helped defendants receive due process, workers receive their wages, hurricane evacuees navigate FEMA, and small businesses get back on their feet. The students, who documented their experiences in photographs and blog posts on their Web site (<http://bls-shn.blogspot.com>), returned with new perspectives on law student life and their futures as lawyers. “Something like this shows how powerful law really is,” observed Kesav Wable, who spearheaded the Brooklyn Law School effort.

In late August 2005, as Wable and his fellow 1L’s were just getting settled in at the Law School, Hurricane Katrina hit the Gulf Coast. The Brooklyn Law School community quickly took action,

and on September 6, the Law School opened its doors to a group of displaced Tulane Law Students. That same week, the Brooklyn Law School Student Bar Association, together with over 20 student organizations, hosted a benefit event that raised almost \$9000 in cash and much needed supplies for the hurricane victims.

A few weeks later, Wable approached Elizabeth Kane, the Director of Public Service Programs, to find out what he could do to assist with hurricane relief. Kane put Wable in contact with From the Lake to the River, a foundation that needed volunteers. Soon Wable was donating his time responding to phone calls from hurricane victims. This work led Wable to the law student coordinators of the Student Hurricane Network (SHN), who put him in touch with SHN members at New York-area law schools, and he learned of their plan to send law students to the Gulf during the winter break.

With the end of the fall semester approaching, Wable set his sights instead on Spring Break. In early February, Wable sent a school-wide email asking students to volunteer their Spring Break time to “go down south and do some good work.” After a flurry of emails, Wable, working with the national SHN, managed to secure placements for 19 BLS students. Although all of the students who signed on as volun-

# TO THE BIG EASY

## LEGAL AID FOR HURRICANE VICTIMS

teers were prepared to pay their own way, Wable, along with fellow 1L's Josie Beets, Mary Anne Mendenhall and Christopher Soverow, approached the administration with a proposal seeking official support from the Law School for the effort.

"We did not require much convincing to see that it was a very worthwhile project, both for the students and for the communities they would be serving," Dean Joan G. Wexler said. "We gave our wholehearted support to the project and agreed that the School would subsidize the students' travel and hotel expenses."

Wable and the growing group of BLS students interested in the Gulf relief cause raised additional money and the profile of the BLS-SHN movement by hosting a tremendously successful Fat Tuesday-themed fundraiser at Geraldo's café in Feil Hall on February 28. The party, complete with Mardi Gras beads, featured live jazz music, as well as Southern-themed food and drinks donated by local restaurants and bars.

When Spring Break arrived, the volunteers headed for their assignments in New Orleans, Austin, Dallas and Jackson, ready to put their legal training to work. For the 14 students who went to New Orleans, the week kicked off on Sunday, March 12 with an orientation sponsored by the law firm of Jones Walker in the Central

Business District. Some 200 volunteers from law schools around the country heard presentations by local lawyers, a leading civil rights attorney and education advocate, and a panel of law students from Tulane. "It was a great way to start," said Josie Beets '08 of the orientation event.

Beets and ten other volunteers from Brooklyn Law School spent their week working for "Project Triage," creating a database of information about individuals who are scattered in prisons all over Louisiana after being evacuated from New Orleans: "There are countless people incarcerated whom the state has agreed to let out once they are identified, people who are jailed for having committed misdemeanors, and whose maximum sentences are well under the six months they've already served," remarked Mary Anne Mendenhall '08. In a blog post, Beets offered an example of one such case: "Today we met (on

paper, that is) A.A., a black male who served 7 months of a 5 month sentence." Other tales emerged from the docket sheets throughout the week, including that of "a 52-year-old man who has been incarcerated for over a year for marijuana possession," according to Mendenhall in a blog post, adding that this was "his first-ever arrest." The first two days of work on Project Triage were long 12-hour days, said Beets, but, she added, "It was so hard to leave."

Laureve Blackstone '06 and Christopher Soverow '08 volunteered with the Workers Rights Project in New Orleans. The project's goal, Blackstone explained, "is to identify who the low-wage workers are, what the working conditions are, and how these conditions might be improved." Blackstone and Soverow were on a team with other law students, and spent their days roaming the city and talking to workers. They discovered a range of obstacles that

**Sickening. Unacceptable. Incomprehensible. Wrong. Thus far, my trip "home" has been a memorable one, but not for any of the right reasons. I am confident that by week's end, I will be a part of changing the descriptive list above to one that can bring a smile to my face. Progress. Hope. Justice. Right.**

Daniel Zweben '08  
Blog post, March 13, 2006



workers in New Orleans encounter, including finding housing, receiving their wages, and facing hazardous, unsafe working conditions. Some workers face an additional burden; they are immigrants, some legal and some undocumented. “It’s estimated that 30,000 immigrant workers have come to New Orleans since Katrina,” said Blackstone. She summed up her experience in a blog post: “Everyone of us who has witnessed this situation has a serious obligation to use our skills and privilege to do more.”

The two BLS students in New Orleans who worked with Second Wind, Christine Creamer ’06 and Anna Statnikova ’07, took on a very different role from those of their counterparts. Second Wind is a nonprofit organization devoted to helping small business owners in New Orleans to rebuild. “I spent this week soliciting small business owners throughout every corner of New Orleans that was still standing,” wrote Creamer in a blog post. “I was asking them to sign on to this initiative, to support each other, so that

they can get the grant money the federal government has promised New Orleans and promised them.” In her blog post, Statnikova added, “I am convinced that the people of New Orleans aren’t only looking for housing help and legal defense. While those things are tremendously important, these people ultimately wish to regain their livelihood and re-energize their city.”

Other students who worked in cities in Texas and Mississippi that were not directly hit by Hurricane Katrina dealt with hurricane-related issues from a different vantage point. Jeannette Weiss ’07 and Hilary Bauer ’07 assisted with the Mississippi Low-Income Child Care Initiative. The influx of evacuees from New Orleans increased the number of children in need of assistance. Weiss and Bauer helped the organization determine how best to utilize donations received from hurricane relief funds.

Three BLS students spent the week working in Texas. Amy Benedetto ’07, together with Denice Szekely ’06,

The days are filled with moments when our hearts race with excitement and moments when they are heavy with sadness and frustration... New Orleans is like no city in the world, and I’ve been to a lot of places... I have never experienced a city that has an actual soul... Consistently in each location, we found people who had experienced unimaginable horror and hardship, but whose will and determination, fueled by generations of history, push them to fight for the life of their city.

Christopher Soverow ’08  
Blog post, March 17, 2006



worked with Texas Rio Grande Legal Aid under attorney Heather Godwin, who is herself a hurricane survivor. They focused on the issues affecting the thousands of Katrina evacuees in Austin, a situation that has stirred up its own fallout. “The influx of 4,000 people who are all in need of public assistance puts pressure on job markets, housing supply and Austin’s already existing and strained public assistance program. So the five of us will spend the week making contact with the evacuees, documenting their situations and helping them file appropriate [FEMA] appeals,” wrote Benedetto in a blog post. There are many in Texas, Szekely wrote, “who are still seeking FEMA assistance that they have been promised publicly but often denied in seemingly arbitrary ways.”

Joseph “J.J.” Varley ’08 also spent the week in Texas working with Legal Aid of Northwest Texas in Dallas to help Katrina evacuees gain access to federal aid and assistance. “Many of those evacuees who were granted housing on a

So many stories, so many obstacles. Bureaucracy can create solutions or it can take a simple solution and blur it, lengthen it, and add in lots of conditional clauses and formalities that befuddle even the most educated mind. Imagine navigating a system of phone operators and government forms while trying to find a job, keep your family safe and sheltered, and grieve for a life you were plucked from by a helicopter to be brought to a random and often very far away “disaster recovery center” so that you can begin to rebuild your life.

Denice Szekely ’06  
Blog post, March 15, 2006

limited basis by local housing authorities have been caught in the middle of a financial dispute between those authorities and FEMA over who will pay for what housing, and when,” Varley explained in a blog post. “As a volunteer, much of the work I do involves understanding the applicant’s case, divining the real reason they were denied assistance, and writing an appropriate appeal letter.”

Despite the struggles and frustrations encountered daily — on docket sheets, in tent camps, or through evac-

uees’ stories — the BLS contingent managed to find moments of escape. Mary Anne Mendenhall wrote about one of the trip’s highlights, a surprise visit from Federal District Judge Jay Zainey to Project Triage. “He was incredibly warm, and told us stories of his days as a criminal defense attorney in Louisiana, well before Katrina.” The group also explored restaurants, music and local culinary delights. “More than anything else,” wrote Beets on the blog, “I’m really having a great time working with the students from BLS.”

## **BROOKLYN LAW SCHOOL HURRICANE NETWORK 2006 Volunteers**

### **LOUISIANA**

#### **Project Triage, New Orleans**

Josie Beets '08

Tina Bhatt '08

Rebecca Craemer '06

Courtney Gordon-Tennant '08

Annette Graumann '08

Susan Lazorchick '08

Mary Anne Mendenhall '08

Jeb Singer '08

Kesav Wable '08

Daniel Zweben '08

#### **Second Wind, New Orleans**

Christine Creamer '06

Anna Statnikova '07

#### **Workers Rights Project, New Orleans**

Laureve Blackstone '06

Christopher Soverow '08

### **MISSISSIPPI**

#### **Mississippi Justice Center, Jackson**

Hilary Bauer '07

Jeannette Weiss '07

### **TEXAS**

#### **Legal Aid of Northwest Texas, Dallas**

Joseph Varley '08

#### **Texas Rio Grande Legal Aid, Austin**

Amy Benedetto '07

Denice Szekely '06



*Brooklyn Law School SHN Volunteers*

Their experiences also reconnected the BLS students with the purpose of their legal education. "The trip was useful in grounding me in the reality of why I came to law school," said Christopher Soverow '08. Mendenhall had a similar reaction. "The trip affirmed for me that I want to do capital defense work in the South," she said, shortly after her return from New Orleans. "In law school right now, it's about the fact that eventually, I'll have a degree; I'll be a more powerful advocate, a more powerful citizen."

The students' efforts to assist hurricane victims have garnered much attention. They were featured in the *New York Law Journal*, among other papers, and the group appeared in a live news segment broadcast by NY1 News. On April 8, Kesav Wable's participation in a panel discussion at the Northeast Regional Conference of the National Lawyer's Guild regarding the legal landscape after Hurricane Katrina continued to keep the legal issues the students worked on in the Gulf Coast region in the public eye. The national Student Hurricane Network, including the Brooklyn Law contingent of 19 students,

was awarded the Lexis Nexis Martindale-Hubbell Public Service Award at the Equal Justice Works 2006 Awards Dinner in October.

The BLS-SHN volunteers have also gladly shared their stories in conversations with Brooklyn Law School students and faculty, and through their blog posts, with anyone who has an Internet connection. At a school-wide event held on April 18 in the Subotnick Center, which featured a panel discussion and slide show of student photos, the students gave compelling accounts of their experiences and spoke of their desire to return to New Orleans and continue their work.

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**This article was written by Jean Marie Hackett, the Law School's former Director of the Office of Student Affairs.**

# Legal Lights: Recent Graduates Receive Prestigious Fellowships and Recognition for Legal Scholarship

We are proud to introduce five recent graduates whose legal scholarship and novel public service projects have earned them distinction. Carrie Zoubul '06, Carmen Maria Rey '06, and Jason Cade '05, were awarded prestigious fellowships for their projects, which will focus on elder law, immigrant victims of domestic violence, and immigrant youth, respectively. Konstantina Athanasakou '06 and Lawrence Hansen '06 were awarded prizes for their writing and will have their scholarship published in legal journals. Their essays focused on world trade textile quotas and predatory lending.



## Carrie S. Zoubul '06

### Fellowship for Education Project on Law and Aging

Carrie S. Zoubul's fellowship from the Borchard Foundation Center on Law and Aging provides her an award of \$36,000 for one year to develop her interdisciplinary educational project, "Educating for Professional Intersection in Law, Medicine & Advocacy."

Zoubul's project was inspired by a forum, "Contemporary Challenges in Bioethics: An Interdisciplinary Discus-

sion of End-of-Life Issues," held at the Law School in the spring of her second year. Zoubul said the forum "modeled the dialogue between the three professions of law, medicine and health advocacy, which all serve the needs of elderly patients, but from very different perspectives." Her project will explore how this dialogue and learning experience can become an educational program.

The project will be undertaken jointly by Brooklyn Law School's Center for Health, Science and Public Policy, the Divisions of Geriatrics and Medical Humanities at SUNY Downstate Medical Center, and the Sarah Lawrence College Graduate Program in Health Advocacy. Zoubul's primary supervisor for the project will be Alice Herb, J.D.,

LL.M., Assistant Clinical Professor of Family Practice and Humanities in Medicine, SUNY Downstate Medical Center. She will also receive significant support from other professionals and educators from each school, including Brooklyn Law School Professor Karen Porter of the Center for Health, Science and Public Policy, Marsha Hurst, Director of the Health Advocacy Program at Sarah Lawrence College, and Dr. Judith C. Aronheim, Chief of the Division of Geriatrics at SUNY Downstate.

Zoubul spent the three years before law school studying and working in the field of bioethics. It made her keenly aware, she said, "of the complexities of our healthcare system and the challenges it presents to the most vulnerable individuals in our society,



## Jason Cade '05

### **Skadden Fellowship for New Advocacy Program Directed at Immigrant Youth**

Jason Cade was awarded a 2006 Skadden Fellowship by the law firm of Skadden, Arps, Slate, Meagher & Flom. Skadden Fellows receive a salary and benefits for one year, renewable for a second year, to implement projects they have designed in conjunction with organizations serving the poor, elderly, homeless, and disabled, or those deprived of their civil or human rights.

Cade will use his fellowship to start a program in the Legal Services Center of The Door to help immigrant youth overcome barriers to their survival and integration in the community through legal advocacy. His focus will be on those children who have become separated from their parents. The Door is a nonprofit youth development agency that provides a comprehensive variety of services to young people between the ages of 12 and 21 in New York City. The Door's Legal Services Center provides counsel and advocacy services to youth in civil matters and is directed by Brooklyn Law School alumna Christa Schacht Stewart, Class of 1994.

"Providing legal advocacy to immigrant youth is critical," said Cade, "because they are at a crossroads where their lives could end up in disaster or they could become healthy, productive members of our community. And of course, many of them are fleeing poverty, disease, political turmoil, and violence in their homeland."

especially the elderly." During graduate studies at Case Western Reserve University, her interests began to center on patients' welfare and rights, and the justice issues that pervade the healthcare system. She received her B.A. at the University of California at Los Angeles.

During law school, Zoubul was an Edward V. Sparer Public Interest Law Fellow and was a staff member of the *Journal of Law and Policy*. She also interned at the Neighborhood Legal Services of Los Angeles County, the New York State Attorney General's Office in the Health Care Bureau, and the Division of Bioethics at Montefiore Medical Center. She received the Samuel W. Rover and Lewis Rover Award for scholastic distinction in a course relating to medicine and the law.

Cade's dedication to public service began when he was young, and led him to leave behind a promising career as a professional musician to pursue a career in the law. As an undergraduate at the University of North Carolina, he was involved in a number of public service projects including volunteering for Rural Southern Voice for Peace, a project designed to raise awareness of racial stereotyping and bias and to seek cooperative solutions to problems of racial tension. He also volunteered in a Haitian hospital pharmacy, where he played music for TB, AIDS and other patients.

After recording two albums and touring for a few years with his band, Cade realized that the lifestyle left little opportunity to pursue the kinds of public service work he had found so fulfilling as an undergraduate and decided to pursue a law degree.

In Law School, Cade was an Edward V. Sparer Public Interest Law Fellow and worked with the Legal Aid Society's Immigration Law Unit and the Center for Constitutional Rights. Following graduation, he served as a law clerk to Magistrate Judge Steven M. Gold of the United States District Court for the Eastern District of New York.



## Carmen Maria Rey '06

### Equal Justice Works Fellowship for Immigrant Victims of Domestic Violence

Carmen Maria Rey was awarded an Equal Justice Works Fellowship, with financial support provided by Arnold & Porter, LLP, and is working for the nonprofit organization Sanctuary for Families. She will be implementing a program to provide legal information and support specifically for immigrant women and children who are victims of domestic violence.

For Rey, the problems facing immigrants are achingly familiar. She was twelve when she accompanied her parents on a trip to the United States from their homeland of Spain. When their tourist visas expired, the family decided to stay on, settling in Queens. As they began the process of trying to become legal residents of the U.S., they found themselves tangled in bureaucratic red tape. The indignities she saw her parents endure inspired her to devote herself to immigrant causes.

"Immigration is the bottom line of human rights in this country," Rey said. "I hold the U.S. to a higher standard. The

American dream exists, and I am an example of its fulfillment. But too many people here are not given the dignity they deserve."

After graduating from New York University, Rey wanted to find work aiding refugees through the United Nations or another organization. She headed to France, where she hoped to volunteer for a NGO, but found that ultimately, she would need an advanced degree to really affect change. She returned to the United States, and while considering graduate degree programs, worked as an interpreter for Bellevue Hospital.

As a law student, Rey interned not only at Sanctuary for Families, but also for the Florence Immigrant and Refugee Rights Project, Detained Immigrant and Refugee Children's Initiative in Arizona, where she represented unaccompanied minors in immigration proceedings, counseled clients, drafted documents, and represented clients at asylum hearings. She also worked for immigrant rights through Brooklyn Law School's Safe Harbor Project, where she represented and assisted clients seeking asylum.



## Konstantina Athanasakou '06

### First Prize in Customs and International Trade Law Writing Competition

When world trade textile quotas ended on January 1, 2005, China's textile and apparel exports surged. Some imports to the United States, such as cotton trousers, grew 1,000 percent. In fact, with increasing competition from low priced imports, over the past five years, at least 350 textile plants have closed and over 200,000 U.S. textile workers have lost their jobs.

"The expiration of textile quotas is a major issue," said Konstantina Athanasakou, "and I thought that the response of the global community to this problem was a very challenging topic to research." Her paper, "Why Involving the SCM Agreement May Not Be a Good Response to Chinese Textiles," to be published in the *Loyola University Chicago International Law Review*, won First Prize in the 2005 Andrew P. Vance Memorial Writing Competition and she received an award of \$1,000. The competition is co-sponsored by Brooklyn Law School and the Customs and International Trade Bar Association (CITBA).

The paper provides an overview of the current concerns of World Trade Organization (WTO) members regarding the flood of Chinese textile imports, analyzes the application of the WTO Agreement on Subsidies and Countervailing Measures (SCM) on subsidized Chinese textiles, and examines the implications of imposing countervailing measures against Chinese textiles in light of the comparative advantage principle and the termination of the textile quota system. She argues that although the SCM Agreement provides for the imposition of countervailing duties for subsidized Chinese textiles imported to a WTO country, such measures could impair the free trade system itself and should be used sparingly.

Athanasakou was involved in a number of positions in Law School that provided her with outstanding experience in her area of interest. She served as a research assistant to Professor Claire Kelly, an expert on international trade and customs law, and studied the WTO in depth. She was also a research assistant for CITBA in the drafting of the Trade Adjustment Assistance primer and served as a legal intern for Hon. Nicholas Tsoucalas of the United States Court of International Trade. Born and raised in Greece, she received a B.A. at Tufts University in Economics and International Relations.

Athanasakou is currently pursuing a LL.M. degree at Georgetown University Law Center.



Photo: Forrest David Milder

## Lawrence Hansen '06

### ABA Award for Essay on Predatory Lending

Lawrence Hansen won the 2005 writing award of the ABA Forum on Affordable Housing and Community Development Law. He took part in the group's annual conference in May in Washington, D.C. and received a prize of \$1,000. Hansen's winning essay, "In Brokers We Trust: Using Mortgage Licensing Statutes as a Response to Predatory Lending," will be published in the *ABA Journal of Affordable Housing*.

Hansen points out in his paper the alarming growth of predatory lending in the subprime market. This growth has led some states to enact new laws, but Hansen notes that most of these are not adequate to curtail the problem. After a review of the licensing statutes of three states, Hansen suggested an approach that focuses on preventing the causes of predatory lending rather than merely

providing remedies for aggrieved borrowers. He recommends the creation of greater fiduciary responsibility on the part of mortgage brokers to their clients. Brokers would not merely be salespersons looking for the highest commissions, or finding ways to ensnare less sophisticated lenders in predatory loans that strip value from their homes. Instead, they would have a duty to act in the client's best interest. Hansen's approach involves strict licensing requirements for brokers, including background checks, qualifying examinations, continuing education and oversight.

Professor David Reiss, for whom Hansen worked as a research assistant, inspired him to write and submit the paper. Hansen's novel ideas have interested scholars in the field, a few of whom have called him for further discussion about his approach.

Hansen is a graduate of Brandeis University with a B.A. in economics. He worked for two years in the construction industry before coming to law school. A Lisle Scholarship recipient and CALI Award winner in Legal Writing, he was past president of the Federalist Society. He was also on the 2004–05 moot court team that won the Albert R. Mugel National Tax Competition in Buffalo, New York.

Hansen is currently working at the boutique firm of Alter Mantel LLP.

# PROTECTING THE PREDATORS

How Rating Agencies Allow

Predatory Lending to Flourish  
in the Subprime Mortgage Market

BY PROFESSOR DAVID REISS



“My perfect customer would be an uneducated widow who is on a fixed income — hopefully from her deceased husband’s pension and social security — who has her house paid off, is living off of credit cards, but having a difficult time keeping up her payments, and who must make a car payment in addition to her credit card payments.”

Testimony of “Jim Dough,” Anonymous Employee, Finance Co.  
Hearing Before the Senate Special Committee on Aging<sup>1</sup>

Predatory mortgage lending is today’s most pressing consumer protection issue, costing American families over an estimated nine billion dollars a year.<sup>2</sup> It has achieved this status because of the convergence of three trends over the last two decades: continuing record-breaking rates of homeownership; ever-increasing housing prices; and the development of a credit market, known as the “subprime market,” for those with no credit histories and poor credit histories.

Predatory lending is particularly rampant in the subprime home equity loan market as homeowners seek to tap into their increasing home equity by taking out new mortgages in record numbers. This market is largely inhabited by unsophisticated borrowers like the victim described above and subprime lenders have made billions upon billions of dollars of loans with abusive terms to such borrowers. These terms include outrageous interest rates that are not tied to the actual risk of the loan; excessive points and fees that can

easily exceed five percent of the amount of the loan; and punitive prepayment penalties that keep borrowers from trading up to a loan with more reasonable terms.

Lawyers (as well as BLS clinic students interning at placements such as the South Brooklyn Legal Services Foreclosure Prevention Project) have sought to protect subprime borrowers using available common law causes of action and consumer protection statutes, but traditional litigation has not been sufficient to tackle the systemic problems that have arisen in the rapidly changing and growing subprime market. After years of legislative and regulatory neglect, state governments have begun to produce a variety of reforms regarding the terms and methods of lending in the subprime market, in an attempt to ameliorate the worst aspects of these predatory practices. Specifically, in the last few years, many states have enacted laws to limit abusive home lending practices within their own jurisdictions.



Large segments of the lending industry have opposed these laws, claiming that the resulting regulatory patchwork increases their compliance costs, exposes even the most law-abiding lender to liability and thereby ultimately increases loan costs for consumers. In large part as a result of these complaints, momentum has been building on three fronts to standardize the operations of the subprime market. The first front is made up of federal banking regulators in the Office of the Comptroller of the Currency and the Office of Thrift Supervision. These regulators have already preempted the application of state predatory lending laws to a broad array of lending institutions such as commercial banks and savings and loans. Following the regulators' lead, Congress is also considering legislation to preempt more broadly their application to the remaining financial institutions still subject to state laws.

The second front is composed of Fannie Mae and Freddie Mac, the two largest purchasers of residential mortgages on the secondary mortgage market.<sup>3</sup> They have indicated that they would not purchase loans from loan originators that contain certain terms that they deem abusive, such as harsh

prepayment penalties, nor those loans that are most heavily regulated by predatory lending laws.

The third front is made up of Standard & Poors, Moody's Investors Services and Fitch Ratings, the three dominant bond and securities rating agencies (collectively, the "Privileged Raters"). The Privileged Raters have indicated that they will not rate securities backed by residential mortgages if any of those mortgages violate their rating

Lawyers, as well as BLS clinic students interning at placements such as the South Brooklyn Legal Services Foreclosure Prevention Project, have sought to protect subprime borrowers.

guidelines relating to acceptable liability risk stemming from state predatory lending laws. Rating agencies are in the business of providing credit ratings — evaluations of creditworthiness — for pools of similar mortgages that are sold to investors throughout the world, a process known as securitization.<sup>4</sup> The lack of a rating from at least one of the Privileged Raters, which effectively grant regulatory licenses to institutions who wish to issue securities, is the financial equivalent of a death sentence for a residential mortgage-backed securities offering.<sup>5</sup>

Advocates for the lending industry frequently promote the increased standardization of the secondary market as an approach that will reduce predatory

behavior without hurting legitimate lenders. But each of the three methods of standardization described above must be independently evaluated to determine whether it is desirable.

As a preliminary matter, we should consider the legitimacy of the entity promoting each method of standardization. Obviously, the federal government has broad constitutional authority to regulate financial institutions. This legitimacy, however, must be balanced

against the significant role in banking, consumer protection and real estate law that is granted to the states in our federalist system of governance. And while Fannie and Freddie are for-profit companies, they are federally chartered to provide ongoing assistance to the secondary market so as to help low- and moderate-income individuals become homeowners. Thus, Fannie and Freddie have been granted some legitimacy in setting policy in this sphere.

The Privileged Raters, however, have no similar mandate. These for-profit companies define their role first and foremost as protectors of investors. And while they have been granted a privileged regulatory status by the Securities and Exchange Commission and other government regulators, they





have not been assigned a reciprocal responsibility to the public, as Fannie and Freddie have been. As a result of this mismatch between privilege and responsibility, those concerned with the rights of homeowners should meet the Privileged Raters' efforts to impose standardization on the mortgage market with greater skepticism.

The most significant criticism of the federal preemption of state predatory lending laws is that it is too soon to do so. Predatory lending has only arisen as a significant problem in the last decade and not enough time has passed to say whether legislators and regulators have come up with the best solution to the problem. States, playing their traditional role as laboratories for policy experimentation, should be left alone a while longer until the relative merits of different approaches to the problem can be compared.

Fannie and Freddie's approach is probably the most limited of the three and the one least likely to harm homeowners. This is because Fannie and Freddie must balance their profit-seeking with the effectuation of their public purpose. Because Congress and the media watch them very carefully (particularly since massive accounting scandals at both companies have come to light) and because they have competitors in the secondary market, Fannie and Freddie's incremental approach is likely to do some good: it should reduce the number of loans with abusive terms without exercising an effective veto over state predatory lending laws.

Unsurprisingly, the most worrisome of the three approaches to standardization is that of the Privileged Raters. The Privileged Raters have implemented guidelines relating to predatory lending legislation that do not accurately measure the risk that such statutes pose to investors. In particular, they exaggerate the risk posed by assignee liability and punitive damages provisions in such legislation. Ultimately, these guidelines have had two major impacts: (i) they promote the interests of issuers and investors over those of homeowners and (ii) they promote the growth of the residential mortgage-backed securities market. Not coincidentally, the Privileged Raters make more money in such a growing market because they charge issuers for their work in rating new securities. Thus, it is in the Privileged Raters' self-interest to keep states from passing laws that slow secondary market growth and cut into their income.

### Privileged Raters are playing an active, albeit hidden, role in permitting predatory lending to thrive.

There is no way to formally or informally appeal the decision of the Privileged Raters. And because there is no adequate way to exercise public pressure on them, their misjudgments interfere with legitimate state policies to the benefit of the Privileged Raters themselves. This state of affairs has resulted in an abuse of the privileges that they have been granted by government regulators.

The Privileged Raters' actions have caused some state legislatures to water down predatory lending bills under consideration and have caused others to amend and dilute existing predatory lending laws so that the Privileged Raters will continue to rate pools containing loans from states with such laws. This is because funds for loans can dry up in a jurisdiction that has enacted a tough predatory lending law that falls afoul of the Privileged Raters' guidelines.

For instance, after Georgia passed a predatory lending law that contained a broad assignee liability provision applicable to "high cost" loans, the Privileged Raters actually refused to rate residential mortgage-backed securities pools containing any loans that originated in Georgia after the effective date of the law.<sup>6</sup> Immediately after the Privi-

leged Raters' pronouncements, almost all of the mortgage lenders active in Georgia announced that they would completely pull out of that market, which would make it nearly impossible for Georgia homeowners to finance and refinance their homes. The Georgia legislature quickly amended the law to meet the concerns of the rating agencies and to avert a brutal credit crunch in its mortgage market.



Since then, other state legislatures have understood that the Privileged Raters have an effective veto over state predatory lending laws. Indeed, New Jersey immediately amended its own predatory lending law as soon as one of the Privileged Raters released more restrictive criteria for New Jersey loans. New Jersey legislators even sought S&P's evaluation of the law during the amendment process.<sup>7</sup>

Privileged Raters are playing an active, albeit hidden, role in permitting predatory lending to thrive. As federal legislators and regulators continue to respond to the plague of predatory lending that has struck subprime borrowers, it is wise to remember that it is the states that have taken the lead on this issue and that the rating agencies are most unmoored from legitimate public policy goals in this arena. A decent respect for the states requires those legislators and regulators to continue on the road carefully constructed by the former and turn away from the path roughly hewn by the latter.

- 1 Equity Predators: Stripping, Flipping and Packing Their Way to Profits: Hearing Before the Senate Special Comm. on Aging, 105th Cong. (n.p.) (1998).
- 2 Christopher A. Richardson, Predatory Lending and Housing Disinvestment, at 19-20 (Feb. 2003) (estimating annual cost of predatory lending to be \$9.53 billion); Stein, Eric, Quantifying the Cost of Predatory Lending at 3 (2001) (estimating the annual economic cost of predatory lending to be \$9.1 billion).
- 3 The secondary mortgage market is easiest to visualize as "a network of lenders who sell and investors who buy existing mortgages or mortgage-backed securities. This infusion of capital from investors provides mortgage lenders such as banks, thrifts, mortgage bankers and other loan originators with a market for" the loans they make to borrowers. Kenneth G. Lore and Cameron L. Cowan, Mortgage-Backed Securities § 1.1 (2003).
- 4 More particularly, Moody's has defined a credit rating as an "opinion of the future ability, legal obligation, and willingness of a bond issuer or other obligor to make full and timely payments on principal and interest due to investors." Philippe Jorion et al., Informational Effects of Regulation FD: Evidence from Rating Agencies, J. Fin. Econ. at 7, (May 2004) (citing Moody's Investor Service, Ratings Definitions. (2003)).
- 5 "Mortgage-backed security" is the general term for "any investment security representing an interest in, or secured by, one or more pools of mortgage loans." Lore & Cowan, supra note 3, at § 1.1.
- 6 See Press Release, Fitch Ratings, Fitch Ratings Declines to Rate Georgia Loans in RMBS Pools, Considers Impact to Other Predatory Lending Legislation (Feb. 5, 2003); Press Release, Moody's Investors Service, Inc., Moody's Expands Consideration of Assignee Liability for Residential Mortgages in Securitizations (Jan. 30, 2003); Press Release, Standard and Poor's, Standard and Poor's to Disallow Georgia Fair Lending Act Loans (Jan. 16, 2003).
- 7 Erick Bergquist, N.J. to Ease Predator Law, as Ga. Did in '03, 6/29/04 Am. Banker



This *LawNotes* article is an edited version of the introduction to Professor David Reiss' scholarly article, "Subprime Standardization: How Rating Agencies Allow Predatory Lending to Flourish in the Secondary Mortgage Market," 33 *Florida State Law Review* (2006). Professor Reiss received an award from the American College of Consumer Financial Services Lawyers (ACCFSL) for the best academic article on the field of consumer financial services law.

Professor Reiss concentrates his study and practice on real estate issues and community development in the not-for-profit, government and community sectors. He teaches the Community Development Clinic, Property, and Real Estate Practice. Before joining the BLS faculty in 2003, he was a Visiting Clinical Associate Professor at the Seton Hall Law School Center for Social Justice, and was an associate in the New York office of Paul, Weiss, Rifkind, Wharton & Garrison in its Real Estate Department and an associate at Morrison & Foerster in San Francisco in its Land Use and Environmental Law Group. He was also a law clerk to Judge Timothy Lewis of the United States Court of Appeals for the Third Circuit.

His publications include "Modeling a Response to Predatory Lending: The New Jersey Home Ownership Security Act of 2002" (with B. Azmy) in the *Rutgers Law Journal*; "Neighborhood Entrepreneurs Program in New York City" in the *ABA's Journal of Affordable Housing & Development Law*; and "Housing Abandonment and New York City's Response" in the *New York University Review of Law & Social Change*.

## FACULTY HIGHLIGHTS



## Brooklyn Law School Welcomes New Faculty



Christopher Serkin



Dan R. Smulian



Christi J. Guerrini



Lara N. Gelbwasser

Brooklyn Law School welcomed several colleagues to the full-time faculty. They bring a wealth of experience, scholarship and teaching excellence to our intellectual community.

**CHRISTOPHER SERKIN**, who is teaching property and trusts and estates, joined the Law School after spending two years at New York University School of Law as an Acting Assistant Professor in the Lawyering Program. His scholarship focuses on property, land use and local government. He traces these interests to his early years growing up in Marlboro, Vermont, where he saw how important, but also how contentious land use planning can be, even in a small town.

“I became interested in the intersection between the government’s power to regulate and owners’ rights to use private property as they want,” he said. His recent publication, “The Meaning of Value: Assessing Just Compensation for Regulatory Takings,” appeared in

the *Northwestern University Law Review* (2005). It described different ways to value compensation within a single fair market standard. His forthcoming article, “Big Differences for Small Government: Local Governments and the Takings Clause,” (*New York University Law Review*) argues that the Takings Clause should apply differently to local governments than to state and federal governments. “My view is that the Takings Clause actually includes a lot of diversity. Instead of a single, unified theory, the courts and scholars should consider it across various dimensions,” he said.

Since the recent Supreme Court ruling on eminent domain in *Kelo v. New London*, “many property rights advocates have a simple story to tell — good policy means making it more difficult and more expensive for the government to take property.” But, he argues, local governments are generally risk-averse, and the threat of takings litigation and liability may

over deter them from enacting environmental or land use regulations — regulations that society may want. “There are no simple answers,” says Serkin.

Serkin enjoys teaching students to explore a richer sense of the facts than a court will necessarily discuss or admit. “It may be easier to teach doctrinal classes like property with a narrow focus,” he says, but he wants “to help students develop a broader skill set and a different vocabulary, to talk in human terms about the issues that led to the litigation.”

Serkin’s background includes clerking for Judge John M. Walker, Jr. of the U.S. Court of Appeals for the Second Circuit and for Judge J. Garvan Murtha of the U.S. District Court for the District of Vermont. He was also a litigation associate with the New York office of Davis Polk & Wardwell from 2000–2002. He received his B.A. from Yale University and J.D. from the University of Michigan Law School, and was an articles editor on the *Michigan Law Review*.

A close relationship with his grandfather, the renowned pianist Rudolf Serkin, who founded the Marlboro Music School and Festival, also had a profound influence on him. A towering figure in music, the elder Serkin sometimes took his grandson on world concert tours. “My grandfather set an example of the importance of working at something bigger than yourself.”

## Clinical Faculty

**DAN R. SMULIAN** joined the faculty as an Assistant Professor of Clinical Law teaching in the Safe Harbor Project. He has a strong background in public service, having worked for a decade as an immigration attorney, legal educator, and outspoken advocate for immigrants' rights.

Most recently, Smulian served as the Director of Training and Legal Services at the New York Immigration Coalition, providing hundreds of seminars and events each year to attorneys and others interested in immigrants' rights issues. As a spokesperson for the coalition, he was regularly sought by the English and Spanish-language press for his analysis.

Born in England, Smulian moved to Trinidad with his family, and also lived for many years in Colombia and Venezuela because of his father's work as a city planner. He came to the United States when he was 15 and, fluent in Spanish and Portuguese, maintained his love of Latin American culture and literature. He focused on these subjects at the University of Virginia, where he received a B.A., and then at Yale University, where he earned a Masters in Philosophy and taught Spanish language courses.

"I loved literature and teaching. But there was another current in my life, community-building work, which I had done for years. Its pull on me just grew stronger and stronger." After Yale, he took a position as a deputy director of a community mediation center in Brooklyn and also helped set up mediation programs in New York City middle schools. He went on to earn a J.D. at New York University School of Law, interning at several non-profits representing clients in immigration matters.

He was an IOLA Fellow with the Legal Aid Society of Rockland County and then became a staff attorney at both the Queens Legal Services Corporation and the Catholic Legal Immigration Network, Inc. He later served as Associate Director for Legal Services at Catholic Charities Department of Immigrant and Refugee Services before joining the staff of the New York Immigration Coalition.

Today, when the issue of immigration is at the forefront of national discussion, the Safe Harbor Project gives students a small but important window into one aspect of immigration law, Smulian said. "It is interesting for them to work with people seeking asylum — not only because the students get to represent people in real need, but they also get to see the incredible strength it takes for them to escape terrible conditions in their countries, to stand up to persecution, discrimination, and harassment. The students learn how to work through linguistic barriers and cultural differences and to help people navigate a very complex legal system with dignity."

## Writing Faculty

**CHRISTI J. GUERRINI** joined the legal writing faculty from private practice. From 2001 to 2005, she was an associate in the Intellectual Property and General Litigation Departments at Kirkland & Ellis LLP in its Chicago headquarters. She litigated patent, trademark, trade dress, contract, and other disputes across a spectrum of industries, including robotics, gaming, transportation, and securities. She also represented pro bono clients in litigation and taught constitutional law issues to local public schoolchildren.

She enjoys teaching law students the mechanics and ethics of legal research, writing, and lawyering, and helping them think critically about the legal and policy issues that underlie each writing assignment. "I treat my students as real-world problem-solvers and my efforts are geared towards helping them be effective and ethical lawyers."

Guerrini received a B.A. at the University of Virginia and a J.D. from Harvard Law School. She was Notes Editor of the *Harvard Journal of Law & Public Policy* and Co-Editor of the Legal Developments Section of the *Journal of Law, Medicine & Ethics*.

**LARA N. GELBWASSER** is another new addition to the legal writing faculty. She was previously a litigation associate at Bingham McCutchen in Boston, where she represented broker-dealer firms, financial institutions and international companies. While in law school and during her tenure in private practice, she engaged in pro bono work, representing abused and neglected children in the juvenile court system.

Gelbwasser says, "My goal in teaching legal research and writing is to equip students with the skills they need to communicate effectively as practicing attorneys and client advocates. At the same time, I hope to foster a deeper appreciation of the law as students learn to consider a legal issue from multiple perspectives, and explore the court's reasoning and the legislature's intent when analyzing case law and statutes."

Gelbwasser received her B.S. at Cornell University and her J.D. from Harvard Law School, where she was executive editor of the *Harvard Women's Law Journal*. ■



Nathaniel A. Berman



Margaret A. Berger



Dana Brakman Reiser

## Faculty Notes

### RICHARD ALLAN

- “Eurabia: Is it Already a Threat to Stability in Europe? Does a Similar Threat Exist in the United States?,” *22 Crime and Just. Int’l* (forthcoming)
- Spoke on health facilities and their responses to terrorism, SUNY Downstate Medical Center

### DEBRA A. BECHTEL

- Spoke on low-income cooperatives, New York State Bar Association CLE Program on Advanced Topics in Condominium and Cooperative Law
- Panelist, “Ethical and Practice Issues in Legal Collaborations,” American Association of Law Schools Clinical Section Conference
- Appointed Co-chair, New York State Bar Association Affordable Housing Subcommittee of the Co-op and Condo Committee

### MARGARET A. BERGER

- “Evidence Law to Protect the Civil Defendant, but Not the Accused,” in *Law and Class in America: Trends Since the Cold War* (New York University Press 2006)
- “Uncertainty and Informed Choice: Unmasking *Daubert*,” *104 Mich. L. Rev.* 257 (2006) (with A. Twerski)
- “From the Wrong End of the Telescope: A Reply to Professor David Bernstein,” *104 Mich. L. Rev.* 1983 (2006) (with A. Twerski)
- “The Impact of DNA Exonerations on the Criminal Justice System,” *34 J.L. Med. & Ethics* 320 (2006)
- Participated in a conference held by SKPP, an initiative of scholars to examine the application of scientific evidence in the legal and regulatory arena
- Organizer, Science for Judges Program VII, Brooklyn Law School
- Appointed a Commissioner of the American Judicature Society’s Commission on Forensic Science and Public Policy
- Appointed to the Board of Directors of Hastings Institute for Studies in Science and Law

### NATHANIEL A. BERMAN

- “Intervention in a ‘Divided World’: Axes of Legitimacy,” *17 Eur. J. Int’l L.* 743 (2006); reprinted in *Human Rights, Intervention and the Use of Force* (Oxford University Press, forthcoming)
- “War, Trade, and the Construction of the International,” *31 Brook. J. Int’l L.* 685 (2006)
- “*Les Ambivalences Impériales*,” in *Impérialisme et Droit International en Europe et en Amérique* (Editions Pedonne 2006)
- “International Legal Modernism,” European Law Research Center, Harvard Law School
- “History of International Law,” panel chair, Biennial Conference of the European Society of International Law
- “Intervention in a ‘Divided World’: Axes of Legitimacy,” Faculty Workshop, Boston University Law School
- “1906: The Birth of the American Society of International Law and ‘Guerrilla Warfare,’” Roundtable on War, Force, Revolution, American Society of International Law Annual Meeting
- “The Law of War as a Field of Battle,” American Jewish Committee ACCESS Seminar
- Elected to the Executive Council of the American Society of International Law

### DANA BRAKMAN REISER

- “Nonprofit Takeovers: Regulating the Market for Mission Control,” *2006 BYU L. Rev.* (forthcoming)
- “Nonprofit Takeovers: Regulating the Market for Mission Control,” Stanford-Yale Junior Faculty Forum
- Moderator, “Does Hospital Ownership Matter in Patient Care? Mapping the Missions: Nonprofit, For-Profit, and Public Hospitals,” Brooklyn Law School Theory-Practice Seminar



Michael Cahill



Edward K. Cheng

**MICHAEL CAHILL**

- “Attempt, Reckless Homicide, and the Structure of Criminal Law,” 78 *U. Colo. L. Rev.* (forthcoming)
- “Real-World Retributivism,” Second Annual Junior Criminal Law Professor Conference
- Panelist, discussion on medical errors, Mt. Sinai Medical School

**EDWARD K. CHENG**

- “Independent Judicial Research in the *Daubert* Age,” 56 *Duke L. J.* (forthcoming)
- “Structural Laws and the Puzzle of Regulating Behavior,” 100 *Nw. U.L. Rev.* 655 (2006)

- “Same Old, Same Old: Scientific Evidence Past and Present,” 104 *Mich. L. Rev.* 1387 (2006) (reviewing T. Golan, *Laws of Men and Laws of Nature* (2004))
- Presented “Independent Judicial Research in the *Daubert* Age” at several venues: Southeastern Association of Law Schools Annual Meeting; Law & Society Association Annual Meeting; and Faculty Workshops at Northwestern University School of Law and Brooklyn Law School
- Moderator, “The Effect of the *Daubert* Trilogy on Products Liability Litigation,” Association of American Law Schools Section on Evidence

## Professor Caplow Awarded Fulbright to Teach at University College Cork

**PROFESSOR STACY CAPLOW**, Director of the Law School’s Clinical Education



Program, was selected by the Ireland-U.S. Fulbright Commission for a lecturing and research position at University College Cork for the fall 2006 term. She is working with the Faculty of Law to augment the clinical curriculum for LL.B. and LL.M. students. Among the projects and workshops that have been planned are “teaching and learning” seminars that Professor Caplow will conduct for the faculty and students. She is also working with LL.M. criminal justice students who participate in an externship, and with a local refugee center in conjunction with an immigration law course.

A renowned leader the field of clinical legal education, she recently completed her term as president of the Clinical Legal Education Association and is also on the board of editors of the *Clinical Legal Review*. Professor Caplow directs the Law School’s Safe Harbor Project, in which students represent individuals in a range of cases affecting their status and entitlements in the United States. Many cases involve applications for asylum, and some involve the immigration status of lawful permanent residents or victims of domestic violence.

This past spring, Professor Caplow spent the semester at the University of Hong Kong helping to establish that city’s first legal clinic. She consulted with leading lawyers, NGO leaders, scholars and judges, including the Chief Justice of the Court of Final Appeals. An

article she wrote, “Clinical Legal Education in Hong Kong: A Time to Move Forward,” was published this fall in the *Hong Kong Law Journal*. In addition, a news report about the project appeared in the *South China Morning Post*.

Among her other recent publications are: “Reversal of Fortune, Affirmation of Ambiguity,” in *Screening Justice — The Cinema of Law: Significant Films of Law, Order, and Social Justice* (William S. Hein & Co. 2006); “Deport All the Students: Lessons Learned from an Xtreme Clinic,” in the *Clinical Law Review*; and an Op-ed, “Two Immigrants, Two Standards” (co-authored with Lauren Kosseff ’06), in the *Washington Post*, (2/11/06) and reprinted in the *Miami Herald* and *Salt Lake Tribune*.



Neil B. Cohen



Steven A. Dean



James A. Fanto



Richard T. Farrell

#### NEIL B. COHEN

- “The Calamitous Law of Notes,” 68 *Ohio State L. J.* (forthcoming)
- “Revised Article 9 and International Secured Transactions,” 39 *UCCL J.* (forthcoming)
- “Issues Raised by Non-Uniform Enactment of UCC Article 1,” 38 *UCCL J.* 21 (2006) (with E. Smith)
- *Perfection Beyond Security Interests Created and Perfect by Filing Under Former Article 9* (June 2006), Permanent Editorial Board for the Uniform Commercial Code, Principal Drafter
- Participant, Joint Meeting of Advisors and Members Consultative Group for American Law Institute’s “Intellectual Property: Principles Governing Jurisdiction, Choice of Law, and “Judgments in Transnational Disputes”
- Served as a member of the delegation of the United States to UNCITRAL for its meeting on the development of international secured transactions law
- Elected to the International Academy of Commercial and Consumer Law
- Named to the United States Drafting Committee of the Committee to Harmonize North American Law with Regard to the Assignment of Receivables in International Trade Convention

#### STEVEN A. DEAN

- “Philosopher Kings and International Tax,” 58 *Hastings L. J.* (forthcoming)
- “Attractive Complexity: Tax Deregulation, the Check-the-Box Election, and the Future of Tax Simplification,” 34 *Hofstra L. Rev.* 405 (2005)
- Op-ed, “Get the Havens to Help,” *National Law Journal* (9/11/06)
- “Tax Flight Treaties — Designing a More Effective Solution to the Tax Haven Problem,” University of Colorado’s Junior Tax Scholar’s Workshop
- Panelist, “New Perspectives on Corporate Taxation,” Association of American Law Schools Conference

#### MARY JO EYSTER

- “The Promise and Limitations of Consumer Debtor Education,” Widener Symposium on the Changing Landscape of Bankruptcy in America
- Elected to the Safe Horizon Mediator Advisory Board

#### ELIZABETH FAJANS

- “Learning from Experience: Adding a Practicum to a Doctrinal Course,” 12 *J. of Legal Writ. Inst.* (forthcoming)
- “Publishing Legal Writing Books,” Legal Writing Institute Conference
- “Adding a Writing Practicum to a Doctrinal Course,” Symposium: “Teaching Writing and Teaching Doctrine: A Symbiotic Relationship?,” Brooklyn Law School

#### JAMES A. FANTO

- *Broker-Dealer Law and Regulation* (Aspen Publishers 4th ed., forthcoming) (with N. Poser)
- *Directors’ and Officers’ Liability* (Practising Law Institute 2d ed. 2006 update)
- “Paternalistic Regulation of Public Company Management: Lessons from Bank Regulation,” 58 *Fla. L. Rev.* 859 (2006)
- Commentator, panel on Gatekeepers, Symposium: “New Models for Securities Law Enforcement,” Brooklyn Law School
- Co-organized a workshop on “The Business Firm as Social Entity,” Center for the Study of Law, Language and Cognition, Brooklyn Law School

#### RICHARD T. FARRELL

- *Prince, Richardson on Evidence* (Cum. Supp. 2006) (Brooklyn Law School)
- Lecturer at numerous bar association and trial lawyers programs on developments in the law of evidence and civil procedure throughout New York State

#### LINDA FELDMAN

- Panelist, discussion on academic support, Northeast Regional Academic Assistance Workshop Conference, Roger Williams School of Law
- Appointed to the Law School Admission Council’s Academic Assistance Initiative Review Workgroup

#### MARYELLEN FULLERTON

- *The Refugee Law Reader: Cases, Documents and Materials* (Hungarian Helsinki Committee 3rd ed. 2006) at <http://refugeelawreader.org>



Marsha Garrison



Joel M. Gora



William E. Hellerstein

**MARSHA GARRISON**

- “Promoting Cooperative Parenting: Programs and Prospects,” *8 J. L. & Fam. Stud.* (forthcoming)
- “Marriage Matters: What’s Wrong with the ALI’s Domestic Partnership Proposal,” in *Reconceiving the Family: Critique on the American Law Institute’s Principles of the Law of Family Dissolution* (Cambridge Univ. Press 2006)
- *Bioethics and the Law: Individual Autonomy and Social Regulation* (Supp. 2006) (with C. Schneider)
- “Implications of the Principles of Family Law for Paternity Disestablishment,” U.S. Department of Health and Human Services symposium
- “Promoting Cooperative Parenting: Programs and Prospects,” University of Oregon Center on Child Advocacy

**JOEL M. GORA**

- “First Amendment Cases in the October 2004 Term,” Touro Law School Annual Symposium on the Supreme Court, *21 Touro L. Rev.* 851 (2006).
- Panelist, “Politics and Money,” Conference on Law and Money, Princeton University Woodrow Wilson School of Public and International Affairs
- Served as counsel to the ACLU in *Randall v. Sorrell*, a Supreme Court case invalidating Vermont’s limits on expenditures on contributions; assisted with the ACLU amicus curiae brief in *Wisconsin Right to Life, Inc. v. Federal Election Commission* dealing with the rights of issue advocacy organizations under the federal campaign finance laws
- Organized a panel discussion of the Supreme Court’s prominent recent decisions dealing with the reference to foreign law to interpret the U.S. Constitution, Federal Bar Council program
- Appointed to the Board of Academic Advisors of the Center for Competitive Elections

**CHRISTI J. GUERRINI**

- “Ontology and the Multinational Use of Patented Inventions,” Law and Society Association Annual Meeting
- “Product Patents, Process Patents and Multinational Use,” Legal Writing Institute’s Annual Writer’s Workshop

**WILLIAM E. HELLERSTEIN**

- Co-chaired the Commission on the Future of Indigent Defense Services, which issued a report stating that local governments were falling short of constitutional requirements in providing legal representation to the poor, and recommended a permanent state commission be created to take over the responsibility
- Panelist, Symposium: “Sandra Day O’Connor and the Supreme Court: A Conversation with Joan Biskupic,” Brooklyn Law School

**SUSAN N. HERMAN**

- *The Right to a Speedy and Public Trial: A Reference Guide to the United States Constitution* (Praeger Publishers 3rd ed. 2006)
- “Reading Between the Lines: Judicial Protection for Socioeconomic Rights Under the South African and United States Constitutions,” in *Comparative Constitutionalism and Rights: Global Perspectives* (Cambridge Univ. Press, forthcoming)
- “Philadelphia: Law in the City of Brotherly Love,” in *Screening Justice — The Cinema of Law: Significant Films of Law, Order, and Social Justice* (William S. Hein & Co. 2006)
- “Balancing the Five Hundred Hats: On Being a Legal Educator/Scholar/Activist,” *42 Tulsa L. Rev.* (forthcoming)
- “The USA Patriot Act and the Submajoritarian Fourth Amendment,” *41 Harv. C.R.-C.L. L. Rev.* 67 (2006)
- “Patriot Games,” *The Jurist* (06/26/06)
- “Spying on Americans: Do the National Security Surveillance and the Patriot Act Go Too Far?,” presented to Hawaii ACLU, University of Hawaii at Hilo, and several other locations in the state
- Spoke at several conferences and programs on the Supreme Court’s 2005 Term: Federal Judicial Center’s Federal Defenders Conference; National Association of Appellate Court Attorneys’ Annual Conference; Annual New York State Bar Association Meeting for the Committee on Attorneys in Public Service; and the Practising Law Institute
- Spoke on Theodore Dreiser’s *An American Tragedy* and the Gillette Trial, New York Court of Appeals



Susan N. Herman



Nan D. Hunter

- Panelist, “Extraterritorial Application of Constitutional Rights,” Symposium on the Constitutional Implications of the War on Terror, New York University Annual Survey of American Law
- Co-organizer and moderator, Symposium: “Sandra Day O’Connor and the Supreme Court: A Conversation with Joan Biskupic,” Brooklyn Law School

**NAN D. HUNTER**

- *Sex Wars: Sexual Dissent and Political Culture* (Routledge 2006) (10th Anniv. ed.) (with L. Duggan)
- *Sexuality, Gender and the Law* (Foundation Press Abridged 2d ed. 2006) (with W.N. Eskridge)
- “Public-Private Health: Multiple Directions in Public Health Law,” 10 *J. Health Care L. & Pol’y* (forthcoming)

- “Justice Blackmun, Abortion, and the Myth of Medical Independence,” 72 *Brook. L. Rev.* (forthcoming)
- “Managed Process, Due Care: Structures of Accountability in Health Care,” 6 *Yale J. Health Pol’y L. & Ethics* 93 (2006)
- “Twenty-First Century Equal Protection: Making Law in an Interregnum” [Eighth Annual Gender, Sexuality & Law Symposium], 7 *Geo. J. Gender & L.* 141 (2006)
- Panelist, “Teaching Public Health Law” and “Managed Care System Appeals,” Association of American Law Schools Conference
- Panelist, “Looking at *Lawrence*,” University of California at Los Angeles School of Law
- Invited participant in Scholars Conference on Sexuality Research

## Professor Kamins Elected President of the City Bar

Brooklyn Law School Adjunct Professor **BARRY KAMINS** was elected president of the Association of the Bar of the City of New York, one of the oldest and largest bar associations in the country. His term began in June 2006 and he will serve for two years. Professor Kamins, who has been a member of the Law School’s adjunct faculty since 1999, teaches a workshop on New York Criminal Procedure, which is hugely popular with the students. He is a partner at Flamhaft Levy Kamins Hirsch & Rendeiro, and for the past 30 years he has been actively engaged in his firm’s criminal trial and appellate practice and in the representation of attorneys in disciplinary matters.

In its 136-year history, Professor Kamins is the first president of the City Bar with a law practice based outside of Manhattan. He is, in fact, a Brooklynite through and through, having grown up



in the Midwood section of Brooklyn and graduating from Brooklyn Tech, one of the city’s specialized public high schools. He began his legal career in the Brooklyn District Attorney’s Office before joining his present firm, which is located in Downtown Brooklyn, and he and his wife currently live in Brooklyn Heights.

Professor Kamins has been active in the City Bar and public affairs for many years. He served as chair of the City Bar’s Judiciary Committee, president of the Brooklyn Bar Association and is currently vice president of the New York State Bar Association. He is also co-chair of the Chief Administrative Judge’s Advisory Committee on Criminal Law and Procedure, and he has

been a member of the *New York Law Journal’s* Board of Editors since 2002. Professor Kamins has also written widely on criminal justice issues and is the author of a treatise on search and seizure law in New York. On several occasions, he has been appointed a Special Prosecutor in Kings County and he has been appointed by the courts to serve on several committees dealing with current problems in the criminal justice system.

During his tenure as City Bar president, Professor Kamins has said that he will continue some of the Bar’s long-standing initiatives, such as strengthening pro bono and legal services and promoting diversity within the profession. Professor Kamins also intends to push the association in new directions, particularly with initiatives in the criminal justice area. ■



Edward J. Janger



Robert A. Kahn



Roberta S. Karmel



Claire R. Kelly

#### EDWARD J. JANGER

- “Anonymous Disclosure of Security Breaches: Mitigating Harm and Facilitating Coordinated Response,” in *Securing Privacy in the Internet Age* (Stanford Univ. Press, forthcoming)
- “Consumer Bankruptcy Law and the Heuristic Borrower,” in *Law and Psychology* (Oxford Univ. Press, forthcoming) (with S. Block-Lieb)
- “Notification of Security Breaches,” 105 *Mich. L. Rev.* (forthcoming) (with P.M. Schwartz)
- “The Myth of the Rational Borrower: Behaviorism, Rationality and the Misguided Reform of Bankruptcy Law,” 84 *Tex. L. Rev.* (2006) (with S. Block-Lieb)
- “Universal Proceduralism,” Academics’ Session of the International Conference of the International Association of Restructuring, Insolvency & Bankruptcy Professionals
- “The Myth of the Rational Borrower,” Conference on The Future of Consumer Law, University of Hull and the British Institute of International and Comparative Law
- Workshop on Bankruptcy and Business Reorganization, New York University School of Law

#### ROBERT A. KAHN

- “*Schenck v. United States*,” “Clear and Present Danger;” “*Chaplinsky v. New Hampshire*,” “*Beauharnais v. Illinois*,” “*R.A.V. v. St. Paul*,” and “Hate Speech” in *Encyclopedia of the Constitution* (forthcoming)
- “The Headscarf as Threat: A Comparison of German and American Legal Discourse,” 40 *Vand. J. Transnat’l L.* (forthcoming); presented at the Law & Society Association Annual Meeting
- “The Legal Regulation of Cross Burning and Holocaust Denial in Comparative Perspective,” 83 *U. Det. Mercy L. Rev.* (forthcoming)
- “Did the Burning Cross Speak? *Virginia v. Black* and the Debate Between Justices O’Connor and Thomas Over the History of Cross Burning,” in 39 *Studies in Law, Politics and Society* (Elsevier 2006)
- Op-ed, “Why Europeans Criminalize Holocaust Denial,” *The Jewish Week* (4/3/06)
- Panelist, “Rights, Riots and Responsibilities: the Mohammed Cartoons,” Manhattanville College
- Panelist, “The Origins of Holocaust Studies,” Museum of Jewish Heritage

#### ROBERTA S. KARMEL

- “From SEC Enforcement Attorney to Commissioner,” 65 *Md. L. Rev.* 692 (2006)
- “EU Financial Services Regulation: Completing the Internal Market,” Queen Mary University of London
- “Achieving Financial Stability Through Disclosure,” International Monetary Fund Seminar on Current Developments in Monetary and Financial Law: Law and Financial Stability
- “Recent SEC Cases against Attorneys Including In-House Counsel,” Corporate Counsel Section meeting of the New York State Bar Association
- Presented “The Future Regulation of the New York Stock Exchange and its Issuers,” and panelist on “The Nuts & Bolts of Law Practice: How to Successfully Work Within Your Organization,” and “Do Lawyers Ever Make Good Board Members,” ABA Session of the Business Law Section
- Participant, Women Commissioners’ Roundtable at the SEC
- Participant, “SEC Speaks in 2006”
- Testified at a hearing of the Commodities Futures Trading Commission on self-regulation and self-regulatory organizations in the commodities futures industry
- Appointed Co-chair of the International Coordinating Committee of the Business Law Section of the American Bar Association.
- Appointed to the Executive Committee of the Securities Regulation Committee of the AALS

#### CLAIRE R. KELLY

- “Power, Linkage and Accommodation: The WTO as an International Actor and Its Influence on Other Actors and Regimes,” 24 *Berkeley J. Int’l L.* 79 (2006)
- “The Dangers of *Daubert* Creep in the Regulatory Realm [Science for Judges V: Risk Assessment Data: Disclosure and Protection],” 14 *J.L. & Pol’y* 165 (2006)
- “Teaching Scholarly Writing,” Symposium: “Teaching Writing and Teaching Doctrine: A Symbiotic Relationship?” Brooklyn Law School
- Moderator, “Legal Ethics for Trade and Customs Lawyers,” 2006 International Trade Update, Georgetown University Law Center



Minna J. Kotkin



Jason Mazzone



Arthur R. Pinto

- Panelist, “Current Issues in the International Sale of Goods: Excused Performance, The CISG and the UCC, The New Uniform Commercial Code,” and “Hot Topics in Letter of Credit Law,” ALI-ABA

#### MINNA J. KOTKIN

- “Outing Outcomes: An Empirical Study of Confidential Employment Discrimination Settlements,” 64 *Wash. & Lee L. Rev.* (forthcoming)
- “Secrecy in Context: The Shadowy Life of Civil Rights Litigation,” 81 *Chi.-Kent L. Rev.* 71 (2006)
- “Invisible Settlements, Invisible Discrimination,” 84 *N.C. L. Rev.* 927 (2006)
- Moderated several panels of the GAJE North American Region International Conference, Fordham Law School

#### BAILEY KUKLIN

- “Peril Invites Rescue: An Evolutionary Perspective,” 35 *Hofstra L. Rev.* (forthcoming)
- “Probability Misestimates in Medical Care,” 59 *Ark. L. Rev.* (forthcoming)

#### MICHAEL P. MADOW

- “Personality as Property,” in *Intellectual Property and Information Wealth* (Praeger/Greenwood, forthcoming)
- “Appropriation of Name or Likeness,” “False Light Invasion of Property,” and “Son of Sam Laws” in *Encyclopedia of American Civil Liberties* (Routledge 2006)
- “Privacy, Publicity, and Free Expression in the United States,” Conference on privacy and personality rights, Centre for Intellectual Property and Information Law, Cambridge University

#### JASON MAZZONE

- “Copyfraud,” 81 *N.Y.U. L. Rev.* 1026 (2006)
- “The Justice and the Jury,” 72 *Brook. L. Rev.* (forthcoming)
- “Brown v. Board of Education,” “Bakke Decision,” “Constitutional Amendments,” and “New Federalism” in *Postwar America: An Encyclopedia of Social, Political, Cultural, and Economic History* (M.E. Sharpe 2006)
- “Freedom of Association,” in *Encyclopedia of Privacy* (Greenwood Publishing 2006)
- “John Alsop,” “Aaron Ogden,” “Elias Dayton,” and “Philip Van Cortland” in *Encyclopedia of the American Revolutionary War* (ABC-CLIO 2006)

- Co-organizer and moderator, Symposium: “Sandra Day O’Connor and the Supreme Court: A Conversation with Joan Biskupic,” Brooklyn Law School

#### SAMUEL K. MURUMBA

- “Trade, Peace and Human Dignity: An Inter-Play of Freedom and Cognition,” in *Trade as a Guarantor of Peace, Liberty and Security? Critical, Historical and Empirical Perspectives* (American Society of International Law 2006)
- Elected to the Advisory Board of the Human Rights Watch Women’s Rights Division

#### ARTHUR R. PINTO

- “Control and Responsibility of Credit Rating Agencies in the United States,” 54 *Am. J. Comp. L.* 341 (2006)
- “Globalization and the Study of Comparative Corporate Governance” 23 *Wis. Int’l LJ.* 477 (2005); reprinted in *Corporate Governance and Globalization* (Sage Publications 2006)

#### NORMAN S. POSER

- *Broker-Dealer Law and Regulation* (Aspen Publishers 4th ed., forthcoming) (with J. Fanto)
- *Escape: A Jewish Scandinavian Family in the Second World War* (2006)

#### DAVID REISS

- “Subprime Standardization: How Rating Agencies Allow Predatory Lending to Flourish in the Secondary Mortgage Market,” 33 *Fla. St. U. L. Rev.* 985 (2006)
- Op-ed, “No Safety Net for Fannie and Freddie,” *Christian Science Monitor* (7/13/06)
- Op-ed, “Supreme Power to Seize Land Goes Too Far,” *Daily News* (3/6/06)
- Appointed Chair of the Brooklyn Community Board 6 Budget/Community Development Committee

#### JAYNE S. RESSLER

- “Civil Contempt Confinement and the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005: An Examination of Debtor Incarceration in the Modern Age,” 37 *Rutgers L. J.* (forthcoming)

#### SARA ROBBINS

- Elected to serve on the board of the Association of American law Schools Section on Law Libraries



Elizabeth M. Schneider    Anthony J. Sebok

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**ELIZABETH M. SCHNEIDER**

- *Domestic Violence and the Law: Theory and Practice* (Foundation Press 2d. ed. of *Battered Women and the Law*, forthcoming) (with C. Dalton, C. Hanna & J. Greenberg)
- Speaker, United States Department of State, Office of Democracy and Human Rights programs on domestic violence with governmental officials and activists in Sweden
- Panelist, “The New Fact-Finder: Jury to Judge,” Third Circuit Judicial Conference
- Panelist, “Procedural Innovations and Money Matters,” Conference on The Plaintiff’s Bar, New York Law School
- Panelist, Symposium: “Sandra Day O’Connor and the Supreme Court: A Conversation with Joan Biskupic,” Brooklyn Law School
- Panelist, “Gender, Race and Decisionmaking: New Perspectives on Summary Judgment and Damages,” Association of American Law Schools Annual Meeting
- Program Chair, “The Future of Domestic Violence Intervention: What is the Role of the Court System?,” Center for Court Innovation in New York
- Served as a consultant/writer to the United Nations Division on the Advancement of Women on the Secretary-General’s Report on Global Violence Against Women
- Appointed to the Editorial Board of the *Journal of Legal Education* for a three-year term

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**ANTHONY J. SEBOK**

- “The Politics of Tort Law: A Review Essay,” 85 *Tex. L. Rev.* (forthcoming)
- “Punitive Damages: From Myth to Theory,” 92 *Iowa L. Rev.* (forthcoming)
- “Fraud and Reliance,” [Symposium on the Restatement (Third) and Economic Torts], 48 *Ariz. L. Rev.* (forthcoming) (with J.C.P. Goldberg & B. Zipursky)
- “Perspectives on Teaching Torts from a Transnational Perspective,” 56 *J. Leg. Educ.* (forthcoming)
- “Translating the Immeasurable: Thinking About Pain and Suffering Comparatively,” 55 *DePaul L. Rev.* 379 (2006)
- “Virtual Public Law and the Politics of Tort Law,” Annual Meeting of the Law & Society Association

- “The Future of Punitive Damages,” Conference on Law and Money, Princeton University
- “Between Lon Fuller’s Morality of Law and Jeremy Waldron’s Democratic Jurisprudence,” Conference on Legal Positivism, Democracy and Constitutional Interpretation, Columbia Law School
- “Punitive Damages: From Myth to Theory,” Faculty Workshop, University of Texas School of Law and Program in Law and Public Affairs, Princeton University
- “Investing in Litigation: Champerty, Assignment and Tort Reform,” Conference on the Plaintiffs Bar, New York Law School
- “Statutory Interpretation as if Only the Law Mattered,” Conference on the Internal Point of View in Law and Ethics, Fordham Law School
- Speaker, Workshop on Integrating Transnational Legal Perspectives into the First Year Curriculum (Torts), Association of American Law Schools Annual Meeting
- Appointed to the Products Liability Committee of the Association of the Bar of the City of New York
- Appointed a Drafter for the ABA Litigation Section Project on “The Rule of Law in Times of Calamity”

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**CHRISTOPHER SERKIN**

- “Local Property Law: Adjusting the Scale of Property Protection,” 107 *Colum. L. Rev.* (forthcoming)
- “Big Differences for Small Governments: Local Governments and the Takings Clause,” 82 *N.Y.U. L. Rev.* (forthcoming)
- “The Meaning of Value: Assessing Just Compensation for Regulatory Takings,” 99 *Nw. U. L. Rev.* 677 (2005); reprinted in *2006 Zoning and Planning Law Handbook* (West 2006)
- Panelist, “What is Progressive View of Eminent Domain?,” American Constitution Society, New York University Law School



Gerald Shargel



Lisa C. Smith



Marilyn R. Walter

#### GERALD SHARGEL

- “The Psychology of Cross-Examination,” in *Take the Witness: The Experts Speak on Cross-Examination* (Juris Publishing Inc. 2006)
- Panelist, “What is Progressive View of Eminent Domain?,” sponsored by the American Constitution Society, New York University Law School
- Awarded the Thurgood Marshall Award from the New York State Association of Criminal Defense Lawyers

#### LISA C. SMITH

- Appointed to the Council on Criminal Justice of the Association of the Bar of the City of New York
- Appointed Co-chairperson of the ABA Committee on Reentry and Collateral Consequences
- Appeared on Court T.V. several times regarding high-profile criminal cases

#### LAWRENCE M. SOLAN

- “Language and Law: Definitions in Law,” in *Elsevier Encyclopedia of Language and Linguistics* (Elsevier 2006)
- “La Lingüística Forense en los Tribunales Norteamericanos,” in *Lingüística Forense, Lengua y Derecho: Conceptos, Metodos y Aplicaciones* (2006) (with P.M. Tiersma)
- “Where Does Blaming Come From?,” 71 *Brook. L. Rev.* 939 (2006)
- Co-organized a workshop on “The Business Firm as Social Entity,” Center for the Study of Law, Language and Cognition, Brooklyn Law School

#### CARRIE W. TEITCHER

- Moderator, Symposium: “Teaching Writing and Teaching Doctrine: A Symbiotic Relationship?,” Brooklyn Law School

#### MARILYN R. WALTER

- “Don’t Slow Down: Teaching Law and Literature,” Legal Writing Institute Conference
- Organizer and Moderator, Symposium: “Teaching Writing and Teaching Doctrine: A Symbiotic Relationship?” Brooklyn Law School
- Appointed to the Editorial Board of the *Journal of the Association of Legal Writing Directors*

#### JOAN G. WEXLER

- “Raising the Bar — What Being a True Professional in the Practice of Law Means,” New York State Bar Association Program
- “Introduction to the American Legal System: Its Nature, Function, and Institutions — What to Expect in Law School?,” Cornell University Summer Pre-Law Program
- “Legal Education, Institutional Change, and a Decade of Gender Studies,” Harvard Law School Conference

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## Alumni Describe their Paths to Success at Dean's Roundtable Luncheons

What practical steps can a new lawyer take to jumpstart his or her career? What other qualities and skills beyond knowledge and experience do you need to become a leader in your field? Can you really chart your own course of professional development and success?

Thirteen highly successful alumni addressed issues such as these this past academic year at the Dean's Roundtable Luncheons. It was the seventh and most successful year to date for the program of frank conversation between prominent alumni and small groups of students hosted by Dean Joan G. Wexler. The graduates shared



*Charles S. Cohen '77, owner, president and chief executive officer of Cohen Brothers Realty Corporation*

stories of their careers and accomplishments, and insights and strategies they gleaned along the way.

One participant, Jodi Siegel '06, said that the luncheons are an opportunity for "valuable face-time" with the alumni, who are "open about their law school experiences, the different paths they took to get to where they are now and how they really feel about their current jobs." Jordan Elsas '08 said that he attended many luncheons because he has not yet chosen a field of practice to pursue. "Hearing about different jobs that actually exist was just as helpful to me as hearing about the path that the alumni traveled to get to their current positions."

Jodi L. Avergun '87, Chief of Staff to the Administrator of the Drug Enforcement Administration (DEA), and a noted expert in electronic surveillance and international prosecutions, was one of the speakers. "The program is an excellent opportunity for alumni to interact with students in an intimate setting," she said. "It is far more than a career advice session. Both times I have done this event, I was struck by the incisiveness and intelligence of the students' questions and the lively discussion that ensued. It made me prouder than ever to be a Brooklyn Law School alum."

Charles B. Ortner '71, a noted entertainment attorney with Proskauer Rose who has represented many leading talents and major corporations, said that he enjoyed being able to share his experience with the students and come back to the Law School. "There are often many misconceptions about entertainment law, and it is helpful for students to have a clearer understanding of the field. The work is far broader and more diverse than students realize," said Ortner.

Caitlin Monck-Marcellino '02, Director of Alumni Relations, who coordinates the lunches, noted that certain themes run through the stories that these talented alumni tell. Strategies such as finding a mentor, cultivating lasting relationships, volunteering for new assignments, knowing and capitalizing on one's own strengths, and setting clear goals are fundamental in building a career. "The one word that keeps coming up is serendipity—being in the right place at the right time. You never know when someone will remember you as a good worker and recommend you. It was the key that opened doors for many of our most successful alumni," said Monck-Marcellino.

## Speakers at the 2005–06 Dean's Roundtable Luncheons

### **Jodi L. Avergun '87**

*Cadwalader, Wickersham & Taft LLP:*

*Counsel*

*Formerly Chief of Staff, Drug Enforcement Administration*

Widely recognized for her expertise in electronic surveillance and international prosecutions. Previously she was Chief of the Narcotic and Dangerous Drug Section in the Department of Justice's Criminal Division and she was an Assistant United States Attorney in the Eastern District of New York.

### **Charles S. Cohen '77**

*Cohen Brothers Realty Corporation:*

*Owner, president, and CEO*

Expert in all phases of building development—construction, leasing, financing, marketing and managing. The company re-develops underutilized buildings, from office skyscrapers to corporate parks to design centers; CBRC has 300 employees and 11 million square feet of properties in New York, Texas, Florida and California.

### **David De Gregorio '89**

*New York Stock Exchange:*

*Chief Counsel of the Division of Market Surveillance*

Supervises a group of lawyers and professional staff that provides legal and support services to the Division. Previously, he was Senior Counsel in the Division, and before that, Trial Counsel in the Division of Enforcement. Earlier, he was an associate at Cadwalader, Wickersham & Taft in corporate and commercial litigation.

### **Astrid Garcia '80**

*Philadelphia Inquirer and Daily News:*

*Senior Vice President of Human Resources, Labor, Legal and Operations*

Previously worked in the same capacity with the *San Jose Mercury News* and the *Milwaukee Journal Sentinel*. Earlier, she was Vice President of Labor and Human Resources at the *St. Paul Pioneer Press* and Director of Human Resources at the *Miami Herald*. Served as past president of the National Association of Minority Media Executives.

### **Noah J. Hanft '76**

*MasterCard International:*

*General Counsel and Corporate Secretary*

Responsible for overseeing the legal affairs of global operations and is also Chief Compliance Officer responsible for govern-

ment affairs and public policy. Previously, he was Senior Vice President and Assistant General Counsel of AT&T Universal Card Services and was with the intellectual property firm of Ladas & Parry. He began his career as a trial attorney in the criminal defense division of the Legal Aid Society.

### **George Frederick McCray '91**

*U.S. Customs and Border Protection:*

*Chief of Intellectual Property Rights and Restricted Merchandise Branch*

Administers the IPR border enforcement program. Prior to becoming Branch Chief, he served as the branch's Senior Attorney-Advisor, with particular emphasis on the Far East. He is a delegate to the IPR Strategic Working Group of the World Customs Organization.

### **Steven B. Nadel '91**

*Seward & Kissel:*

*Partner, Investment Management Group*

Specializes in hedge funds, private equity funds, group trusts, broker-dealers, SEC and state registered investment advisers, among others. Editor of the firm's *Private Funds Report*, and has authored articles in the area of investment management. He is the co-founder and member of the Board of Governors of the Wall Street Hedge Fund Forum.

### **Charles B. Ortner '71**

*Proskauer Rose:*

*Partner, Litigation and Dispute Resolution Department*

Represents technology and entertainment companies, as well as individuals, in litigation and as a counselor and strategic advisor. Handles copyright claims, misappropriation of trade secrets, contract and commercial disputes, enforcement of personal services contracts, and privacy issues, among other issues. Has represented some of the biggest names in the music industry, including Madonna, Sting, Shania Twain, Green Day, and major recording labels.

### **Roger N. Parker '97**

*Memorial Sloan-Kettering*

*Senior Vice President and General Counsel*

Works for one of the oldest and largest privately operated not-for-profit cancer centers in the world. Responsible for legal oversight for corporate governance, risk management, and corporate compliance. Previously held several nursing positions and offices in the American Nurses Association.

### **Barry Salzberg '77**

*Deloitte & Touche USA LLP:*

*Managing Partner*

Works for one of the nation's leading professional services organizations, providing audit, tax, consulting and financial advisory services through nearly 30,000 people in more than 90 cities in the U.S. Serves as Chairman of the Deloitte U.S. Firms' Executive Committee and oversees the management of four businesses and operating infrastructures. Member of Deloitte U.S. Firms' Board of Directors.

### **Michele Siano '97**

*Citigroup's Global Control Group:*

*Director and Co-head*

Oversees the firm's information barriers and conflicts. Supervises teams of lawyers and professionals in New York, Hong Kong, London, Sydney and Tokyo. Previously was Assistant General Counsel at UBS Financial Services in the Regulatory Legal Group and a litigation associate in securities enforcement and regulatory matters at Davis Polk & Wardwell.

### **Stephen P. Teret '69**

*Johns Hopkins Center for Law and the Public's Health (CLPH):*

*Director of the CLPH and Professor of Health Policy and Management*

Joint faculty appointments in Pediatrics and Emergency Medicine at the Johns Hopkins School of Medicine and Adjunct Professor of Health Law at the Georgetown University Law Center. Research, teaching and public service in injury prevention/gun policy. Author, lecturer and consultant to federal agencies and state legislatures. His background includes work as a poverty lawyer and trial lawyer. ■



Roger N. Parker '97, Senior Vice President and General Counsel of Memorial Sloan-Kettering Cancer Center, with Shilpa Patel '06, and Bolanie Mayowa '07

## Two Outstanding Members of the Class of 1969 Honored



Honorees with Dean Joan G. Wexler and Alumni Association President Linda Lamel '76

Last November, Dean Joan G. Wexler and the Brooklyn Law School Alumni Association hosted a festive cocktail reception for 250 alumni, their families and friends in the Forchelli Conference Center at the Law School's new Feil Hall. It was the first visit to Feil Hall for many at the reception, and they expressed delight with the elegant setting and dramatic views of the city skyline at night. The 2005 honorees were two distinguished graduates who contributed generously to the residence hall: **Jeffrey D. Forchelli '69**, for whom the Forchelli Conference Center was named; and **Geraldo Rivera '69**, for whom Geraldo's, the café on the ground floor of Feil Hall, was named.

**Jeffrey d. forchelli**, who is a member of the Law School's Board of Trustees, is the founder and managing partner of the firm Forchelli, Curto, Schwartz, Mineo, Carlino & Cohn, LLP,

which has offices in Mineola and Melville, New York. His practice concentrates on complex real estate and land use matters, including litigation and tax certiorari for major real estate developers and corporations. Mr. Forchelli has served as Counsel to the New York State Assembly, and on the Legal Advisory Board and the Board of Directors of Security Title and Guaranty Company. He is a member of the New York State and Nassau County Bar Associations and a Fellow of the New York Bar Foundation.

Three generations of Forchellis have attended the Law School. Mr. Forchelli's father, Don Forchelli, graduated in 1931; his uncle, Vincent, in 1940; his cousin, Charles, in 1971, and his daughter, Nicole, in 2006. Mr. Forchelli's recognition of the role that the Law School has played in his family's life prompted him and his wife Sadie to endow a faculty chair in 2003. Professor Neil B. Cohen was named the first Jeffrey D. Forchelli Professor of Law. In 2004, the Forchellis endowed a second chair in honor of Mr. Forchelli's father, which is held by Associate Dean Lawrence M. Solan. The Forchellis continued their steadfast support of the Law School with their most recent gift to Feil Hall, The Jeffrey D. Forchelli Conference Center, which is the venue for academic programs and social events.

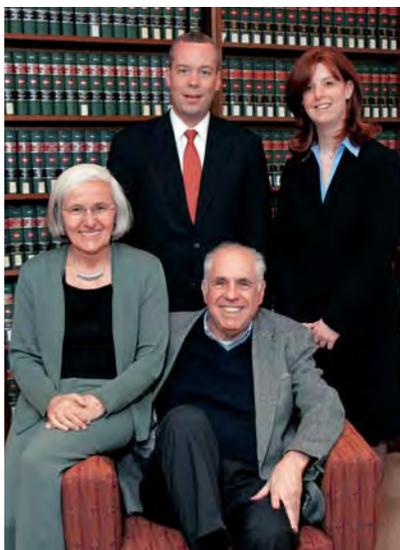
**geraldo rivera** is an award-winning veteran journalist. He is currently the host of "Geraldo at Large," a live investigative news show on the

FOX News Channel, a network he joined in November 2001 as a war correspondent. Mr. Rivera began his career as a reporter for WABC-TV in New York, where he gained national recognition in 1972 for his exposé on the Willowbrook State School for the mentally ill. Mr. Rivera became the host of the ABC News magazine program "Goodnight America," and then was a member of the original cast of ABC's "Good Morning America." He continued his association with ABC as an investigative reporter for "20/20." In 1987, he began producing and hosting his own program, "The Geraldo Rivera Show," which ran for 11 years. He then joined CNBC, where he served as host of the prime-time "Rivera Live."

Mr. Rivera has received more than 170 awards for his work, including the prestigious George Foster Peabody Award, three national and seven local Emmys, and two DuPont-Columbia Awards. He is also a three-time recipient of the Robert F. Kennedy Journalism Award and winner of a Scripps Howard Foundation National Journalism Award.

Mr. Rivera has been a loyal supporter of the Law School. In 1992, he established the Geraldo Rivera Scholarship, awarded each year to a student of Hispanic background who shows great promise in the study and practice of law. His most recent demonstration of pride in the law school was his generous contribution to the Residence Hall Fund, and Geraldo's café was named in recognition of his generosity. ■

## Brooklyn Law School Awards Loan Forgiveness Fellowships to Public Sector Alumni



*Fellowship recipients Brian Meagher '99 and Patricia McNeil '94 with Professors Ursula Bentele and Robert M. Pitler*

As it has for the past 10 years, Brooklyn Law School's Criminal Justice Post-Graduate Fellowship Program awarded its annual fellowships to graduates who demonstrate an outstanding commitment to public sector criminal

law practice. Created and directed by Professor Robert M. Pitler, the innovative program provides generous stipends to graduates who have been practicing in public sector criminal law for at least five years, and who had significant educational debt at the time of graduation.

The 2005 Fellowship recipients, Patricia M. McNeill '94 and Brian C. Meagher '99, each received \$7,500. Both McNeil and Meagher are prosecutors with the Kings County District Attorney's Office; she is Deputy Bureau Chief of the Rackets Division and he is a Senior Assistant District Attorney.

The Fellowships are funded from the proceeds of the Criminal Procedure, Evidence and Law Seminar organized annually by Professor Pitler and held at Brooklyn Law School. The recipients are selected by the Fellowship Selection Committee, which is composed of Brooklyn Law School faculty members and graduates. ■



*Dr. Jerome Zwanger and Bernice L. Zwanger '49*

## Roberta Zwanger Reading Room Dedicated

Bernice L. Zwanger '49 and Dr. Jerome Zwanger along with members of their family—including six of their seven grandchildren—joined friends, BLS faculty, deans and librarians, to dedicate the Roberta Zwanger Reading Room on the second floor of the library. The reading room is named in memory the Zwangers' daughter, Roberta. During the dedication ceremony, Dr. Zwanger said that the reading room was a fitting tribute to their daughter, who, through her mother, Bernice Zwanger, developed a life-long love of learning and the law. At the reception following the ceremony, Dean Wexler led a toast to the Zwangers, thanking them for their generosity to the Law School. ■

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[www.brooklaw.edu/alumni](http://www.brooklaw.edu/alumni)

## Large and Joyous Gatherings at

# Class Reunions

On May 18, more than 300 alumni filled Tavern on the Green in Central Park to reminisce over cocktails and dinner. Graduates from class years ending in one and six took part in the festive celebration, along with their family and friends.



- 1 *Thomas F. Whelan '81, Hon. Louis J. Ohlig '61, Michael Macco '81, and Harold Berzow '71*
- 2 *Michelle Blumber '91 and Nancy Green '91*
- 3 *Susan L. Merrill '86, Joseph M. Heppt '86, and Dean Joan G. Wexler*
- 4 *Kenneth L. Shapiro '61, Stephanie Plaumann '91, Joseph R. Corozzo '91, Robert Leighton '61, and Caitlin Monck-Marcellino '02, Director of Alumni Relations*
- 5 *2001 classmates: Nicole V. Barbaro, Kathryn Marie Mellosi, Brandi Feingold, Aline Taireh, and Arete Helen Koutras*
- 6 *Robert Schachter '71, Hon. Arthur S. Block '71, Laurance Nagin '71, and Francine Nagin*





7

7 *Marialina Dominguez '81 and Joseph DeGirolamo '81*



8

8 *Andrew J. Smiley '96, Professor Maryellen Fullerton, and Eli B. Nathanson '96*



9

9 *Irwin S. Davison '66, Henry Haverstick III, Dean of Admissions, and Martin J. Siegel '66*



10

10 *Laurie E. Rosen '96, Michelle Cucuzza '96, Michael J. Kahan '96, and Angelo Bonvino '96*

11 *Hon. Joanna Miller Bukszpan '76, Rose Marie Anderson and Burnside E. Anderson III '76*

12 *Harriet Galvin '76, Barbara Weltmen '76, Ken Sutak, Sherri Venokur '76, and Jay Fialkoff '76*



11



12

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## Alumni Connect in Hong Kong

This past spring, while working on a special project for the University of Hong Kong, Professor Stacy Caplow took advantage of the opportunity to connect with Brooklyn Law School alumni living and working in Hong Kong. Professor Caplow organized a dinner at Opia in the Jia Hotel, where she met Patrick J. Sheil '92, partner at Linklaters, Jon W. Zinke '80, shareholder of Keesal, Young & Logan, his wife Ellen Zinke, and Karmen Kam '02, an associate at Morrison & Foerster **LLP**. James F. Grandolfo, '96, senior associate at Allen & Overy, **LLP**, and Donald Leo '91, of Fortress Global Investigations, who were unable to attend the

dinner, are also part of the Brooklyn Law School community in Hong Kong.

The alumni were thrilled to see each other. "It's nice to know that I'm not alone on this island," Mr. Zinke said. And Ms. Kam noted, "It's particularly motivating for me. After meeting the other alumni in Hong Kong, I know that a successful legal career can be established outside of the U.S."

Professor Caplow said, "This dinner was a highlight of my time in Hong Kong. The graduates shared remembrances of the Law School's old basement cafeteria, the low cost of rentals in Brooklyn Heights, and told stories about how each of them found



**I to r:** Patrick J. Sheil '92, Karmen Kam '02, Ellen Zinke and Jon W. Zinke '80 with Professor Stacy Caplow

themselves practicing law so far from Joralemon Street. The only problem I encountered was finding a time for the dinner for busy lawyers who travel on a regular basis to Korea, India, Singapore and mainland China." ■



*Graduates at Grace Bar*

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## Recent Grads Meet in Manhattan

Recent graduates gathered at Grace Bar and Restaurant in Manhattan to catch up with former classmates, network and talk shop over drinks and hors d'oeuvres. The event was the third such event established in 2004 by the Director of Alumni Relations, Caitlin Monck-Marcellino, Class of 2002.

Visit [www.brooklaw.edu/alumni/events](http://www.brooklaw.edu/alumni/events) to see upcoming events for recent graduates. ■



**I to r:** Amy Lurie '04, Odelia Levy '05 and Annesa Paul '05



Jessica Silverstein wedding

**Jessica Silverstein (Stillman) '02** was married to Andrew Silverstein in April 2005. In attendance at the Washington, D.C. ceremony were **Stefanie Friedman '02, Alison Moss (Aaronson) '02, and Rachel Nass '02**, all three of whom were bridesmaids. Also in attendance were **Michele Abraham '02, Jennifer Meisel '02, Allison Kamensky '02, Ingrid Jacoby (Manevitz) '02**, and cousins of the bride, **Stuart Hoberman '72 and Roy Stillman '73**.

**Annie Goldstein '03**, an associate in the New York office of Winget, Spadafora & Schwartzberg, **LLP**, and **Justin Cohen '03**, an associate with Gusrae, Kaplan & Bruno **PLLC**, were married in December 2004.

**Tim Oberweger '05** and his wife, Willow, celebrated the birth of their first child, Naomi Grace, born in October 2005.

## IN MEMORIAM

### Hon. Howard E. Bell '47

Howard E. Bell, a retired state Supreme Court justice, died on October 10, 2005 at his home in Harlem. He was 85 years old. Justice Bell was born in Norfolk County, VA, and his experiences growing up in the segregated South inspired a lifelong devotion to justice and shaped his career path.

Justice Bell earned his undergraduate degree from Virginia Union University in 1944 and received his J.D. degree in 1947 from Brooklyn Law School. Upon admission to the New York Bar in 1948, he engaged in general practice with the late William T. Andrews, the senior African American Assemblyman in New York State's Legislature at that time. While he was in private practice, Justice Bell tried numerous civil and criminal cases, including one of the earliest civil rights challenges to segregated travel in 1950.

After several years in private practice, Justice Bell became the assistant counsel to the Housing and Redevelopment Board of the City of New York, where he was assigned to write legal opinions for the Board and its bureaus as well as advise the Corporation Counsel's office on many of the technical aspects of the City's new middle-income housing program. Justice Bell conducted the closings for over 90 percent of the housing developments in the City that were constructed under this program.

In 1969, he was appointed a Judge of the Civil Court of the City of New York and was elected to a full term the following year. He was elected a Justice of the Supreme Court of the State of New York in 1975 and was re-elected in 1989. During his 28 years on the bench, Justice Bell presided over a number of high-profile cases, including *People v. Robert Chambers*—the Central Park "Preppy" murder case, and the trial of Robert Davis, the first 13-year old to be indicted for murder in New York.

Justice Bell retired in 1996, but continued to work part-time as a judicial hearing officer in both the Civil and Supreme Courts. He was the recipient of numerous honors and awards and was inducted into the The National Bar Association Hall of Fame in 1999. Justice Bell was also a generous benefactor of Brooklyn Law School and was one of the first graduates to make a major gift to the school's Centennial Campaign.

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**Hon. Albert R. Murray Sr. '52**

Hon. Albert R. Murray Sr., a retired state Supreme Court Justice, died on October 21, 2005, at the age of 84. Justice Murray was born in Appling, GA. Upon graduation from high school, he served as a Staff Sergeant in the U.S. Army during World War II. He was assigned to Wharton, England by the Army, where he later received a degree in Industrial Management from the Wharton School. He received a B.A. in accounting from Long Island University and his J.D. from Brooklyn Law School.

Justice Murray and Abraham Kaufman made history when they formed one of the first law partnerships consisting of African-American and Jewish lawyers. In 1954, Justice Murray and Mr. Kaufman purchased 109 acres of property in Marshalls Creek, Pennsylvania, upon which Justice Murray and his wife, Odetta Sanders Murray, opened the Hillside Inn, a resort proclaimed as a state historical treasure by Pennsylvania Governor Edward Rendell.

In addition to running the resort, Justice Murray served as an assistant district attorney in New York City. He was appointed Criminal Court Judge in 1965, the first African-American to serve in such a capacity. This was followed by a Special Appointment to serve as a Supreme Court Justice for the State of New York, a position he filled until retirement from the court in 1983.

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**Irwin M. Taylor '47**

Irwin M. Taylor, a former Professor of Brooklyn Law School for 25 years, passed away in July 2005 at the age of 90. Professor Taylor was born in Montreal, Canada in 1914 and moved to Brooklyn as a young child.

He received his B.S. cum laude from the City College of New York, his M.A. from Columbia University and graduated from Brooklyn Law School at the top of his class. He was then invited to become a faculty member, becoming life long friends with Dean Jerome Prince.

For 50 years, Professor Taylor also practiced law in New York with the firms of Kaufman, Taylor, Kimmel and Miller, Taylor Newmark and Rosenberg, and as special counsel to Buchman & O'Brien. He authored *The Law of Insurance* and also played a prominent role in establishing the legal committees of the American Sub-Contractors Association and the New York Subcontractors Trade Association, which he served for 22 years as chief counsel. He also served as chairman of the Mayor's Committee on Brotherhood in Rockville Centre, Long Island, and was a trustee of the Metropolitan Synagogue in Murray Hill in New York City.

His wife of 50 years, Roselyn Schorr Taylor, died in September 2000. Professor Taylor is survived by his daughter, Kathy Taylor Brown, son, Steven Taylor, and his five grandchildren.

**Bert W. Wasserman '61**

Bert W. Wasserman, retired Time Warner executive, business leader and philanthropist, passed away August 1, 2005. He graduated from the Baruch School of the College of the City of New York in 1954. After serving two years in the U.S. Army, Mr. Wasserman attended Brooklyn Law School at night.

He joined Warner Communications (Time Warner's predecessor company) in 1966 as controller, and served as an officer of the company from 1970 to 1980 when he was appointed Executive Vice President and Chief Financial Officer. In 1981, he was appointed to the Board of Directors of Warner Communications and then became a board member of Time Warner in 1990. Mr. Wasserman retired from Time Warner in 1994.

At the time of his retirement, he was serving as a director and trustee of a number of business and non-profit organizations, including serving as a member of the National Advisory Board of Chemical Bank and director of The New German Fund. He was honored with the Eleanor Roosevelt Humanitarian Award in 1982 for his philanthropic activities, such as founding the Baruch College Fund and the Bert W. and Sandra Wasserman Trading Floor, the centerpiece of the school's state-of-the-art financial services center, founding the Gurwin Jewish Geriatric Center, a non-profit geriatric facility, and supporting Brooklyn Law School's Capital Endowment Campaign.

**corrections for bls lawnotes:**

In a story on Brooklyn Law School alumni and the New York State Bar Association luncheon in the Fall 2005 issue of *LawNotes*, we incorrectly identified an alumnus in a photograph. Mr. Calvin Hamilton, Class of 1983 is the alumnus shown speaking to Mr. Robert Lewis, Class of 1950.

We sincerely regret this inaccuracy.

**1930**

**Max Dickstein**  
May 6, 2005

**Mildred A. Eichner**  
March 19, 2005

**1935**

**Hyman Gold**  
August 27, 2005

**1938**

**Henry Heppen**  
October 10, 2005

**Herbert Kampf**  
August 12, 2005

**1941**

**Bertha F. Montag**  
April 10, 2005

**1942**

**Claire M. Cutler**  
August 12, 2005

**1949**

**Hon. Bertram L. Podell**  
August 17, 2005

**1950**

**Dominic J. Baranello**  
March 9, 2006

**Leo Conrad**  
September 6, 2005

**1951**

**Harvey Goodman**  
December 9, 2005

**1952**

**Robert John Wilbur**  
September 27, 2004

**1953**

**Sheldon Flanzig**  
December 28, 2005

**Bernard D. Landau**  
May 6, 2005

**John A. Maguire, Jr.**  
September 16, 2005

**John A. Passidomo**  
March 2, 2005

**1954**

**Ronald Berson**  
February 1, 2006

**George T. Greenfield**  
January 13, 2006

**Thomas P. McAlduff**  
October 2, 2005

**1958**

**John B. Franklin**  
February 18, 2006

**1960**

**Melvin Goldstein**  
December 4, 2005

**1961**

**Irwin H. Lieberman**  
September 25, 2005

**1962**

**David J. Eden**  
March 18, 2005

**Andrew H. Serell**  
August 19, 2005

**1963**

**Gene I. Esser**  
September 28, 2005

**1966**

**Hon. Jean E. Matusinka**  
March 27, 2006

**1967**

**Jerome S. Raifman**  
June 5, 2005

**Isaac W. Zisselman**  
April 13, 2005

**1968**

**Herbert Dubno**  
February 24, 2006

**1970**

**Allan D. Pfeffer**  
September 5, 2005

**1992**

**Noel C. Bonilla**  
March 9, 2005

# CALENDAR OF EVENTS

## 2007

- JANUARY 4**      **WASHINGTON D.C. ALUMNI COCKTAIL RECEPTION**  
The Willard InterContinental Hotel
- JANUARY 12-14**      **BRIDGE THE GAP**  
(CLE Credit for 2006 Graduates)
- JANUARY 26**      **NEW YORK METROPOLITAN AREA ALUMNI LUNCHEON**  
The Princeton Club
- FEBRUARY 8**      **DAVID G. TRAGER PUBLIC POLICY SYMPOSIUM**  
"Bioethical Perspectives on End of Life Care"  
SPONSORED BY The Center for Health, Science and Public Policy
- FEBRUARY 22**      **EDWARD V. SPARER PUBLIC INTEREST LAW FORUM**  
"Global Violence Against Women: The Secretary General's Study"
- MARCH 2**      **SYMPOSIUM**  
"A Cross-Disciplinary Look at Scientific Truth"  
CO-SPONSORED BY The Center for the Study of Law, Language and Cognition and the *Brooklyn Law Review*
- MARCH 21**      **COURTROOM DISCOURSE IN CHINA AND THE U.S.: A COMPARATIVE ANALYSIS**  
SPEAKER: PROFESSOR MEIZHEN LIAO  
Visiting Scholar  
SPONSORED BY The Center for the Study of Law, Language and Cognition

- MARCH 23**      **NEW YORK STOCK EXCHANGE BREAKFAST ROUNDTABLE**  
"Current Issues in International Equity Markets"  
SPEAKER: JOHN W. WHITE  
Director of the Division of Corporate Finance, Securities and Exchange Commission  
SPONSORED BY The Center for the Study of International Business Law
- MARCH 27**      **ABRAHAM L. POMERANTZ LECTURE**  
"Does Delaware Compete?"  
SPEAKER: PROFESSOR MARK J. ROE  
Harvard Law School
- MARCH 29-31**      **22ND ANNUAL JEROME PRINCE MEMORIAL EVIDENCE MOOT COURT COMPETITION**
- APRIL 13**      **THEORY-PRACTICE SEMINAR**  
"Keeping the Courts Open in a Disaster: Policy Issues for the Judiciary"  
SPONSORED BY The Center for Health, Science and Public Policy
- APRIL 13**      **INTERNATIONAL ECONOMIC LAW FORUM**  
SPEAKER: PROFESSOR CRISTIE FORD  
Faculty of Law, University of British Columbia  
SPONSORED BY The Center for the Study of International Business Law
- MAY 16**      **CLASS REUNIONS:**  
1962, 1967, 1972, 1977, 1982, 1987, 1992, 1997, 2002  
Chelsea Piers, New York City
- JUNE 4**      **COMMENCEMENT**  
Avery Fisher Hall



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