

“Roberta Karmel is among those illustrious members of our community who have made Brooklyn Law School what it is today.”

— DEAN MICHAEL T. CAHILL

**ALSO INSIDE:**

**LEARNING THROUGH PRACTICE**

Alumni Expand a Legacy of Clinical Education

**REMEMBERING MINNA KOTKIN**

Trailblazer, Mentor, Inspiration

# Brooklyn Law Notes

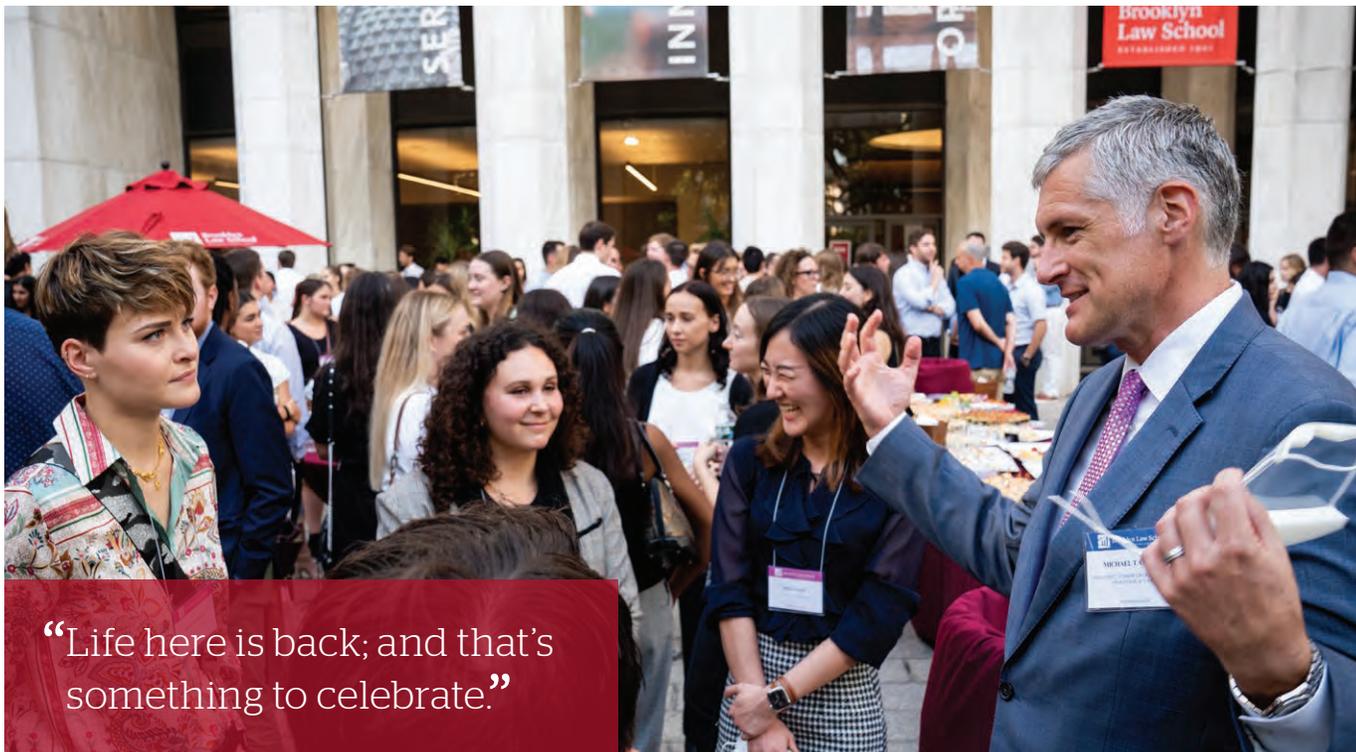
THE MAGAZINE OF BROOKLYN LAW SCHOOL | FALL 2021

Brooklyn Law Notes  
FALL 2021

# AFTER RATTICA

**The Long Journey to Justice**

# Dean's Message



“Life here is back; and that’s something to celebrate.”

**A**UTUMN IS A SEASON of relative repose and domesticity. After the escapades, travels, and outdoor activities of summer, we begin to turn back to the local, the indoors, the comfortable and familiar. In the topsy-turvy world of the pandemic, however, to be indoors is not always comfortable and can seem oddly unfamiliar.

Here at Brooklyn Law School, the resumption of in-person classes has been, overall, a successful one, but also tempered with caution and concern. Fortunately, I am happy to report that our safety measures in this new environment have been effective. With our fully vaccinated community and indoor masking, we have as yet seen no evidence of any transmission of COVID-19 from one person to another in our classrooms or on our campus. One could hardly say that life here is back to normal; even so, life here is back, and that’s something to celebrate.

Autumn is also a time of transitions, some gradual, some abrupt. At the end of this semester, Professor Roberta Karmel, one of the true giants in our law school’s history, will retire from the full-time faculty. Her stellar career and many accomplishments are highlighted in this issue (*see page 30*). Yet, Roberta’s ongoing plans and commitments to write and speak in various venues make clear that “retired” does not mean “inactive.” While she is in the autumn of her career, much remains, and we look forward to her continued, albeit somewhat reduced, presence and contributions as a scholar, teacher, and colleague.

Unfortunately, indeed tragically, not all departures are so measured or foreseen. Our entire community continues to grieve at the sudden passing in September of longstanding and treasured faculty colleague Minna Kotkin (*see page 46*). Minna’s contributions to the Law School and to the wider legal community were many and far-reaching. She was a dedicated doctrinal and clinical teacher, an insightful scholar, a central member of the Law School’s Sparer community, and an active leader in the wider academic community. Her lifelong commitment to justice and equity for all was inspiring. And, of course, to her fellow faculty members and many of our students, graduates, and staff, Minna was also a dear friend. She will be remembered, and she will be missed.

Many alumni have asked how they can honor Professor Karmel and commemorate Professor Kotkin’s life and legacy. A scholarship fund already exists in Professor Karmel’s name, and we have also created a fund in memory of Professor Kotkin. If you are interested in making a contribution in support of either fund, please contact Chief Advancement Officer Annie Nienaber at [annie.nienaber@brooklaw.edu](mailto:annie.nienaber@brooklaw.edu).

Wishing the many members of our extended community comfort, peace, and health, this holiday season, and beyond.

**Michael T. Cahill**  
*President, Joseph Crea Dean, and Professor of Law*

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ALL INMATES ARE REQUIRED TO  
MAKE THEIR BED AND TURN OUT  
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The impact of Professor Roberta Karmel's work as a public servant and legal scholar resounds from Washington, D.C., to Joralemon Street

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## Brooklyn Law Notes

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### Editor-in-Chief

Clorinda Valenti  
*Executive Director  
of Communications*

### Managing Editor

Dominick DeGaetano

### Contributing Editors

Peggy Swisher  
Rosemarie Yu

### Digital Editor

Kyle Rivers

### Design

Amy Schraub  
2communicate

### Contributors

Kim Catley  
Nanette Maxim

### Photographers

Laura Barisonzi  
Todd France  
Michael Meyer  
Conor Sullivan

### Printer

Allied Printing Services



### Contact Us

We welcome letters and comments about articles in *Brooklyn Law Notes*. We will consider reprinting brief submissions in print issues and on our website.

**TEL:** 718-780-7966

**EMAIL:** [communications@brooklaw.edu](mailto:communications@brooklaw.edu)

**WEB:** [www.brooklaw.edu](http://www.brooklaw.edu)

### MAILING ADDRESS

*Brooklyn Law Notes* Editor, External Affairs  
Brooklyn Law School  
250 Joralemon Street  
Brooklyn, NY 11201

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# NEWS

## Law School Welcomes Incoming Class at On-Campus Convocation

BROOKLYN LAW SCHOOL marked its return to campus Aug. 16, 2021, welcoming over 430 new students at the annual Convocation ceremony. The event featured remarks from **Alphonzo Grant '98**, managing director at Morgan Stanley, Dean Michael T. Cahill, Vice Dean Christina Mulligan, and Professor Neil B. Cohen.

The ceremony was held in four locations around the Law School, with a featured speaker at each site and the event livestreamed to all.

Grant, who also serves as head of the Global Litigation Group's special investigation unit for institutional securities and investment

management at Morgan Stanley, offered advice from his own experience as a first-generation law student and urged the aspiring attorneys to focus on building professional

and personal relationships that would support them as they built their careers.

"You must commit to giving back, sharing what you learn, and supporting your colleagues," he said. "Not only the ones in this room, but the ones who will come after you, and the ones who have gone before. This profession is a circle of giving. You will find that it is rare in our field for a lawyer to be called on to invent a new wheel. Everything that you do is based on something that worked before."

Cohen, the Jeffrey D. Forchelli Professor of Law, was introduced by Associate Dean Edward Janger, who noted Cohen's extraordinary influence on intellectual life at the Law School and on the fields of commercial law and international business and trade law. In his remarks, Cohen reinforced the vital importance of lawyers and legal education in rebuilding a post-pandemic economy and responding to political crises.

"The world is evolving, we are evolving, and the law is evolving," he said. "No matter one's career goal, there's no better place to be than in the profession that develops and applies the ground rules of our free society."

The incoming class of 422 J.D. students and nine LL.M. students brings an impressive breadth of previous experience to the Law School. Kaitlin O'Connell '25, of Bucks County, Pa., decided to attend Brooklyn Law after three years of hands-on experience as an investigative analyst at the Office of the Manhattan District Attorney.

"I want to be a lawyer to help people who are sometimes intimidated by the legal system, and it seems that my values and passions are in line with the Law School's," she said.

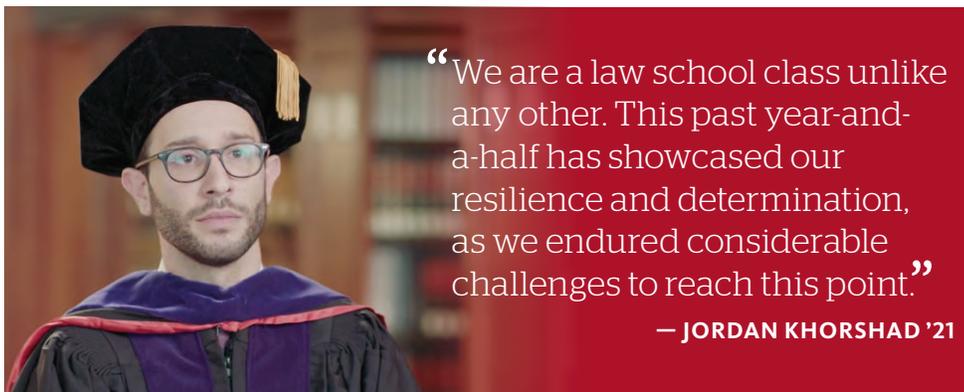
The start of law school also meant major geographic changes for some students, who come to Brooklyn from six continents, 31 countries, and 35 U.S. states. One week before Convocation, Ashley Velasquez '25 moved across the country from Los Angeles to begin her legal education. "I chose Brooklyn Law School because I feel New York is a great place to learn about what it means to practice law in a big city and at large firms," she said. "I knew that Brooklyn Law would be a place where I would be pushed out of my comfort zone and reap the benefits."



Alphonzo Grant '98

## Celebrating the Class of 2021

**BROOKLYN LAW SCHOOL CELEBRATED** its 120th commencement May 21. In lieu of a traditional ceremony, the Law School community honored the graduating class via a live video broadcast featuring remarks by U.S. Senate Majority Leader Chuck Schumer, Dean Cahill, Board of Trustees Chair **Francis J. Aquila '83**, and Alumni Association President **Valerie Fitch '88**, as well as **Jordan Khorshad '21**, valedictorian, and student speaker **Lance Bond '21**. Many of the speakers touched upon the disruptions to the class's legal education caused by the global COVID-19 pandemic and the pivot to remote learning in March 2020.



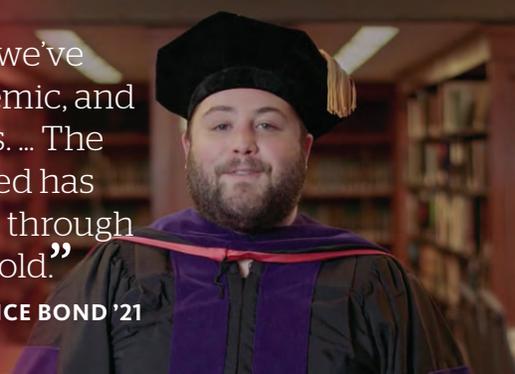
“While many of our fellow alumni have endured stiff challenges, none have experienced what you have over the last 15 months. ... If you could succeed in this environment, there is nothing you cannot accomplish.”

— FRANCIS J. AQUILA '83, CHAIR,  
BROOKLYN LAW SCHOOL BOARD OF TRUSTEES



“From our Zoom windows, we've celebrated personal, academic, and professional achievements. ... The adversity our class has faced has only changed the medium through which our story has been told.”

— LANCE BOND '21



## Melique Jones '98 and Sasha Linney '11 Join Board of Trustees

THE LAW SCHOOL HAS ANNOUNCED THE election of two new members to its Board of Trustees: Melique Jones '98, Director, Talent Pipeline, Diversity, Equity & Inclusion at Skadden, Arps, Slate, Meagher & Flom; and Sasha Linney '11, Associate General Counsel at GoldenTree Asset Management.

"Melique and Sasha bring an abundance of career experiences, energy, and talents to the Board, and I am thrilled to welcome them," said Francis J. Aquila '83, Chairman of Brooklyn Law School's Board of Trustees.

"We are fortunate to have the benefit of their unique perspectives on the future of the legal profession and their commitment to help make our great law school even better."

Jones, who has worked in diversity, equity and inclusion for most of her 20-year career at Skadden, currently leads the firm's varied efforts in this area, in addition to co-managing several firmwide processes focused on leadership development, retention, and advancement. After graduating with a degree in journalism from New York University, Jones worked at the *Wall Street Journal* for several years, then enrolled at Brooklyn Law School as a part-time student. Upon graduation, she landed a corporate communications role at Dow Jones, which publishes the *Journal*, before joining Skadden as a marketing and communications professional.

"I know how important it is to make sure all voices on a team are heard and considered, and I am inspired by the leadership and vision of the Board, which has been very good at engendering an environment of openness," said Jones. "I hope to bring to the Board my perspective about the priorities and interests of the next generation of talent entering the profession. I look forward to sharing what I have learned as the school considers its strategy going forward, including its commitment to DE&I, and I am excited to join this excellent team."

Linney has been an actively involved member of the Law School community. She served a two-year term on the Board of Trustees as a recent graduate trustee from 2015 to 2016, and was named to the Alumni Association Board in 2019. An active participant in the Law School's Business Boot Camp and Women's Leadership Network, Linney plans to help improve alumni engagement with the Law School and become more involved in mentoring students and recent graduates.

"I am incredibly honored to be on the Board of Trustees, serving alongside such distinguished members," said Linney. "As a first-generation law student, I was fortunate to receive so much guidance and practical training at Brooklyn Law School, and I am happy to have the opportunity to give back and help guide new generations of graduates into the profession. I hope I can be an example, to show that even alumni who have graduated fairly recently can make a significant gift to the Law School."

Linney is associate general counsel at GoldenTree Asset Management, an employee-owned asset management firm that focuses on distressed products and high-yield bond opportunities. A graduate of Princeton University, she was a member of the Moot Court Honor Society and managing editor of the *Brooklyn Law Review*.



Melique Jones '98



Sasha Linney '11

## Law School Helps Launch Groundbreaking Grad School Coalition

BROOKLYN LAW SCHOOL HAS JOINED with 10 other independent graduate schools from across the country to launch the National Association of Standalone Graduate Schools, a first-of-its-kind coalition that will offer a collective voice and platform for independent graduate institutions while serving as a source of innovative partnerships and strategies. The coalition, whose member institutions are diverse in size, geographic location, and academic focus, will have three main goals: advocate for new federal funding and support, create model state legislation and regulations, and serve as a hub for innovative strategies, such as shared-service arrangements and joint academic programs.

## Annie Nienaber Named Chief Advancement Officer

AFTER A NATIONWIDE SEARCH, Annie Nienaber, a highly successful fundraiser for higher education institutions, was named the Law School's chief advancement officer in May 2021. Nienaber will oversee the Office of Development and Alumni Relations and the Office of External Affairs, working closely with the Law School's leadership, faculty, and Board of Trustees to promote the Law School's visibility and reputation and advance its philanthropic priorities and goals. Nienaber joins the Law School from Rutgers University School of Engineering, where she served as assistant dean of development.

"Among Brooklyn Law School's strengths is its strong community of engaged students, faculty, alumni, and friends, built on a remarkable legacy of providing access to a legal education," Nienaber said. "I am excited by the opportunity to join this community, and look forward to the great things we will accomplish together in the years ahead."

"Annie's talent and experience will strengthen the Law School's development and advancement functions, which will permit us to better serve our students, faculty, and alumni, both now and in the decades to come," said Francis J. Aquila '83, chair of the Board of Trustees.



Annie Nienaber

## Law School Receives New York State Bar Association President's Pro Bono Service Award



THE LAW SCHOOL was selected by the New York State Bar Association to receive the President's Pro Bono Service Award in the law school category. The award is bestowed each year to individuals and entities that have rendered extraordinary pro bono service over the preceding year.

The Law School was recognized for the work provided by the Pandemic Employment Relief Clinic in the summer of 2020 during the COVID-19 pandemic. Under the supervision of Professor Minna Kotkin, who died Sept. 30, the innovative program allowed 100 Law School students to help more than 700 clients—including out-

of-work drivers for ride-hailing apps, restaurant workers, film and theater actors, and many others—navigate the unemployment insurance system in the midst of the pandemic.

"I am thrilled that the Law School has been selected to receive this year's New York State Bar Association Pro Bono Service Award," said Kotkin in April. "At the height of the pandemic last summer, when the need was most urgent, I was gratified to see so many students sign up to serve the most vulnerable members of our community."

Read more about the late Professor Minna Kotkin's life as an inspiring mentor, a leader in clinical education, and a trailblazer in employment law and sexual harassment law, *p. 46*.

## Mentoring Program Founders Give First Student-Led Presentation at National Conference



Clockwise from top left: Hanna Almai '21, Emerald Gearing '21, Madison Smiley '21, Joseph Nasca '21, Megan Hallson '21, and Brian Brown '21

IN SUMMER 2020, Brooklyn Law School students launched the Student Advisor and Mentorship Program (SAMP), an innovative student-led initiative designed to close the gaps in legal education and empower a new generation of legal scholars. As a capstone to the program's successful first year, six SAMP student support coordinators from the Class of 2021, **Hanna Almai, Brian Brown, Emerald Gearing, Megan Hallson, Joseph Nasca, and Madison Smiley,**

delivered a presentation in May at the National Conference of the Association of Academic Support Educators, the first student-driven program to do so in the conference's history.

SAMP develops programming designed to help first-generation law students and those without backgrounds in the law adjust to the law school environment and prepare to enter the field. Incoming students are matched with student mentors, who ensure that they have access to the information needed to navigate their path through law school. Second-year students are matched with faculty members who can advise on their specific professional interests, and upper-division students are guided through important milestones such as course selection and early bar exam preparation. The program also hosts workshops on subjects such as academic support; on-campus interviews; and diversity, equity, and inclusion.

At the conference, hosted by American University's Washington College of Law, the student leaders gave an in-depth account of its structure, accomplishments, and next steps to an audience of more than 40 academic success professionals.

## Cecilia Caldeira Joins Law School as Director of International Programs



Cecilia Caldeira

CECILIA CALDEIRA has joined Brooklyn Law School as director of international programs. In this role, she will help recruit, advise, and enroll students who are interested in the Law School's LL.M. program and foster academic relationships and agreements with international institutions. She also serves as an adjunct professor of law, teaching Fundamentals of American Law for LL.M. Foreign-Trained Lawyers.

Caldeira's main priority at the Law School will be reinvigorating the LL.M. program, which saw a reduction in students last year due to COVID-19 travel restrictions. This year's class includes nine LL.M. candidates, five

incoming exchange students, and four returning exchange students from countries including India, Ireland, France, and Turkey. She plans to use the lessons of the pandemic to implement new ideas for international study.

"I'm excited to be here with a full class again and to carry forward the great work that has been done at Brooklyn Law School," said Caldeira. "COVID has shown us how very fragile international travel can be, but has also given us an opportunity to innovate and evolve in the way we work with our international students. I'd love for the Law School to be at the forefront of these innovations."

## BLIP Students Advocate for Innovation

ONE WOULD BE FORGIVEN for thinking, on the basis of appearances, that Dis/Connect, the product developed by one of the Brooklyn Law Incubator and Policy (BLIP) Clinic's latest clients, was nothing more than a chandelier. Yet the technology inside could potentially violate federal law.

Designed by New York-based artists Eric Forman and Ben Luzzatto, with engineer Dan Gross, the core of Dis/Connect is a signal jammer that creates a small cellular- and internet-free zone, allowing those beneath it to engage with one another without the distraction of incoming calls, texts, and notifications on their cell phones. While the device was designed for benign purposes, the technology behind it is outlawed by current regulations in order to protect signals sent by emergency services.

In response, BLIP Clinic students have provided legal, regulatory, and policy support for the designers. Students also prepared a draft petition for the Federal Communications Commission to allow for limited use of the technology, arguing that "mandating constant connectivity to the network is both invasive to property and individual privacy, and harmful to mental and behavioral health."

"Times of great turmoil can also provide opportunities for great innovation," said Professor Jonathan Askin, who directs the clinic. "Our law students have been at the forefront, providing legal support for dozens of inventors and entrepreneurs working to make the world a better—and a more equitable—place."

In July 2021, BLIP's Justice Lab was a key collaborator in the launch of the LIFT NY Family Law Navigator, a free web-based app that provides customized information on New York State family law to families and community members who might not be able to afford a lawyer. Designed in collaboration with Legal Information for Families Today, a Brooklyn-based legal services organization, and Neota Logic, a legal technology company, the tool uses a familiar question-and-answer interface to quickly gather information from the user anonymously and provides a report with relevant legal information tailored to the user's situation in under five minutes.

In April 2021, BLIP students provided administrative support to a group in New York City building People's Choice Communications, an independent, cooperatively owned internet service provider.

The co-op was founded by union members participating in the longest strike in U.S. history against Spectrum, the city's largest broadband internet provider. The light, scalable network connects homes and buildings to the internet via rooftop antennas and charges a much lower rate than comparable cable plans. Thousands of residents in the Bronx have already joined the network, and the co-op is collaborating with public schools and public housing residents to provide service to even more.

BLIP was recently praised by tech writer Cory Doctorow, who in his popular blog noted the clinic's high level of work representing local startups in patent litigation. "[BLIP] provides an invaluable community service," he wrote.



The Dis/Connect chandelier creates an internet-free zone beneath it

PHOTO:  
© Eric Forman Studio

## Disability Rights Activists Organize to 'Persist in Crisis' at Annual Roundtable

AN AUDIENCE OF 117 law students, city and state officials, disability advocates and activists, and community leaders gathered earlier this year for the seventh annual Disability and Civil Rights Clinic Breakfast Roundtable. The virtual event, sponsored by the Disability and Civil Rights Clinic and the Center for Health, Science and Public Policy, gave attendees a collaborative environment in which to explore recent legal and policy developments impacting adults with intellectual and developmental disabilities while exchanging ideas, establishing new community partnerships, and deliberating on solutions for change. The theme of this year's roundtable, "Persisting in Crisis: Civil Rights and the Disability Community," was chosen to address all of the changes in the field caused by the COVID-19 pandemic and renewed calls for racial justice.

## Intellectual Life

Each semester, the Law School offers a robust calendar of intellectually rich and dynamic programs sponsored by its centers and institutes, fellowship programs, and journals. Led by our nationally recognized faculty, the programs feature leading scholars, jurists, and practitioners exploring critical topics in diverse areas of the law and policy.



Visiting Professor  
Stephan Landsman

### Is Medical Malpractice Reform Possible?

AFTER HEART DISEASE AND CANCER, the third leading cause of death in the United States is avoidable injury or infection caused by medical treatment. This startling fact was the impetus for Visiting Professor Stephan Landsman and co-author Michael J. Saks to write *Closing Death's Door: Legal Innovations to End the Epidemic of Healthcare Harm* (Oxford University Press, 2021).

At the May 2021 virtual book launch and panel discussion, the authors described the unsuccessful efforts made by the healthcare industry and the law to effectively address death by medical error. They posit that the primary deterrent to such errors, malpractice litigation, is inadequate, with fewer than 3 percent of negligently injured patients or

their families receiving any compensation from a doctor or hospital's insurer.

Landsman, who has a long relationship with Brooklyn Law School, is an emeritus professor at DePaul College of Law, where he is the organizer and director of the Clifford Symposium on Tort Law and Social Policy. Saks is a Regents Professor at the Sandra Day O'Connor College of Law and department of psychology at Arizona State University.



### Scholars Contrast Approaches to Tech Regulation at Annual Lecture



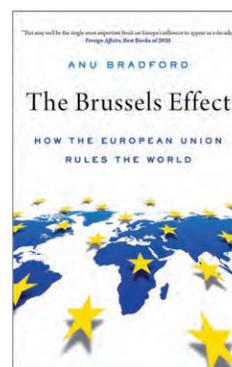
Professor Anu Bradford

DELIVERING THE ANNUAL Brooklyn Lecture on International Business Law, Professor Anu Bradford of Columbia Law School contrasted the approaches taken by the United States, China, and the European Union to regulate the tech industry. She outlined the effects of the three different regulatory systems on the behavior of tech companies, and how the different approaches protected (or undermined) democratic society and individual rights to privacy and personal autonomy.

Bradford, the Henry L. Moses Professor of Law and International Organization at Columbia, is a leading scholar on the European Union's regulatory power and a sought-after

commentator on the EU and Brexit. Her recent book, *The Brussels Effect: How the European Union Rules the World* (Oxford University Press, 2020), was named one of the best books of 2020 by *Foreign Affairs*.

The March 2020 event was hosted by the Dennis J. Block Center for the Study of International Business Law.



Brooklyn Law School  
ESTABLISHED 1901

Check out the calendar of events at [www.brooklaw.edu/events](http://www.brooklaw.edu/events)

# In the News

THE LAW SCHOOL IS frequently in the news, with members of the faculty quoted and featured in major media outlets, providing expert commentary on critical issues in the law, business, and policy.



Nov. 1 **The New York Times**

July 30

“District attorneys or prosecutors have an ethical obligation to do justice, which is why they can’t bring any charge that law enforcement brings to them to court. However, I doubt that would happen in this case because, given the other allegations ... this is a major case. Even though this is one of the more minor sex crimes, it still is a violent crime.”

— **PROFESSOR CYNTHIA GODSOE**, on the chances of the charges against former New York State Governor Andrew Cuomo being dropped by state prosecutors

“If a machine is going to decide whether or not you are hired for a job, at the very least you deserve regulatory oversight to ensure that it is using proper data, that it has actually performed well and in a nondiscriminatory way in the past, and that you can appeal to someone if you can demonstrate it has made a mistake. And if the system is based on pseudoscientific claptrap, you should not be judged by it at all.”

— **PROFESSOR FRANK PASQUALE**, in an op-ed urging the U.S. to adopt policies on AI in line with Europe’s



Sept. 30



July 24

“Americans can no longer rely on the federal judiciary to safeguard their fundamental right to vote. ... Advocates charting a path forward should think back to the framers. They would resort to extraordinary measures. They would consider amending the Constitution.”

— **PROFESSOR WILFRED CODRINGTON III**, in an essay arguing that the Founders would have supported amendments to the U.S. Constitution that promote democracy

“Athlete well-being has to be more front and center, even if that sacrifices money and medals.”

— **PROFESSOR JODI BALSAM**, discussing the need, as revealed at the 2021 Tokyo Olympics, to support athletes experiencing mental and physical ailments



Sept. 27

“It is not unheard of or infrequent for the media to discover fraud, but for the media to become part of the fraud—or part of the story, if you will—that’s less common.”

— **PROFESSOR MIRIAM BAER**, on accusations that Theranos executives Elizabeth Holmes and Ramesh Balwani leveraged the media in efforts to defraud investors

## THE WALL STREET JOURNAL

July 20

“So long as the entity that’s producing value remains on the hook to pay the tort claims, dividing the company isn’t necessarily a bad way to manage a mass tort problem. But here, they appear to be using it as a threat to coerce settlements.”

— **PROFESSOR EDWARD JANGER**, on how a chapter 11 filing could affect the legal fight between Johnson & Johnson and plaintiffs alleging harm from a product



Sept. 17



July 20

“In this time of hyperpartisanship, when we seem so irremediably divided, the best way forward may be to engage in serious discussions about whether we can all still agree to the quintessential ideas already embedded in the Constitution.”

— **PROFESSOR SUSAN HERMAN**, discussing ideas that arose from the Brooklyn Public Library’s 28th Amendment Project

“One thing that would be extraordinarily helpful is to have legislation that actually says guardianship should be the last measure and that courts should consider other less restrictive ways of providing decision-making support.”

— **PROFESSOR PRIANKA NAIR**, on proposed legislation that would “free” Britney Spears and others who are under conservatorship

## Learning through Practice

### Alumni Expand the Law School's Legacy of Clinical Education

AS ONE OF THE FIRST law schools in the country to launch a clinical education program, Brooklyn Law School paved the way for generations of law students to gain valuable experience before starting their careers. These clinical experiences also changed

the career trajectory of some alumni, who went on to lead clinical education programs at other law schools.

Meet four alumni working in clinical education today who demonstrate the Law School's influence not only on their careers, but on the field at large.



## Carolyn Grose '94

Professor of Law, Mitchell Hamline School of Law

IN HER SECOND YEAR OF LAW SCHOOL, **Carolyn Grose '94** hoped the Federal Litigation Clinic, run by Professors Minna Kotkin and Kathleen Sullivan, would help her determine her career options in public interest law. What she discovered instead was that she “did not particularly like appearing in court.”

She was surprised when Kotkin asked her to be, despite Grose's hesitation, a teaching assistant for the clinic the following year. While the experience confirmed that she didn't want to be in a courtroom, she discovered that she loved clinical teaching.

“From my experience in the Brooklyn Law School clinical program, I found my vocation,” she said. “I found my identity.”

Grose clerked for U.S. District Judge Whitman Knapp in the Southern District of New York and received a Skadden Fellowship to practice family law at Western Massachusetts Legal Services. She landed her first teaching job at the University of Connecticut in 1999; that was followed by two years at American University as a practitioner-in-residence for the Women and Law Clinic. Then, in 2006, she joined the faculty of Mitchell Hamline School of Law in St. Paul, Minn.

“Clinics aren't necessarily about learning law; they're about learning how to use the law,” said Grose. “A clinical experience is one of self-discovery.”



## Sarah Lora '02

Assistant Clinical Professor of Law and Director, Low-Income Taxpayer Clinic, Lewis & Clark Law School

AS A LAW STUDENT, **SARAH LORA '02** had three pivotal clinical experiences. She represented a Nepalese immigrant in an asylum hearing for the Safe Harbor Project under Professor Stacy Caplow, clerked for U.S. District Judge Jack Weinstein in the Eastern District of New York, and worked with Kotkin on workplace discrimination and wage claim cases in the Federal Litigation Clinic.

“I felt that Professors Caplow and Kotkin were preparing the next generation of lawyers for excellence in the practice of law,” she said. “I wanted to follow in their footsteps.”

After graduation, Lora joined Legal Aid Services of Oregon, representing farmworkers in their employment disputes and eventually leading their statewide tax project. In 2019, she became the director of the Low-Income Taxpayer Clinic at Lewis & Clark Law School in Portland, Ore. Students in the clinic are fully responsible for managing their caseloads, handling every step from the initial client interview to representing their client at trial.

She continues to see clinical education as invaluable, for reasons as varied as having the opportunity to work with marginalized communities or simply learning basic legal skills.

“Clinics help students gain the skills, knowledge, and professionalism they need to graduate with the ability to start representing clients right away,” she said. “You can't teach these skills in a podium class.”

## Jason Cade '05

Associate Dean for Clinical Programs and Experiential Learning and  
Director, Community Health Law Partnership Clinic, University of Georgia School of Law

THE CLINICAL PROGRAM was one of the primary reasons **Jason Cade '05** chose Brooklyn Law School. A civil externship with the Legal Aid Society's Immigration Law Unit, taught by Professor Mary Jo Eyster, led him to specialize in immigration law as an attorney, a teacher, and a scholar. But even more formative was his experience in Kotkin's Employment Law Clinic.

"Almost 20 years later, I'm still unpacking the lessons, in terms of both how to be a great lawyer and how to teach lawyering to students," he said. "I think the most significant thing I learned was to be willing to go big, even in what can seem like a small case."

In 2013, Cade began teaching immigration law and directing the Community Health Law Partnership Clinic (Community HeLP) at the University of Georgia School of Law. Last year, he was named associate dean for clinical programs and experiential learning, overseeing 18 clinical and externship programs.

Community HeLP works at the intersection of immigration status and health. The clinic has represented women alleging medical abuse and neglect in a Georgia detention center, noncitizen workers hurt by a gas leak at a poultry plant testifying before the Occupational Safety and Health Administration (OSHA), and women and families fleeing violence in the U.S. and abroad.

Although the clinic's caseload ranges from complex federal litigation to Supplemental Nutrition Assistance Program (SNAP) applications and hearings, Cade, following Kotkin's example, instills in his students the belief that there are no small cases.

"I teach my students to take every component of the work as seriously as they would in federal court and to leave no stone unturned," said Cade.



## Ted De Barbieri '08

Associate Professor and Director, Community Economic Development Clinic, Albany Law School

IN THE SPRING OF HIS SECOND YEAR of law school, **Ted De Barbieri '08** joined a team of students in Professor David Reiss' Community Development Clinic representing a neighborhood association near the Atlantic Yards-Pacific Park development at the corner of Flatbush and Atlantic avenues. The team was researching a housing law issue for now-New York State Assembly member Harvey Epstein. At the time, Epstein was practicing law at Housing Conservation Coordinators, a tenant organizing and advocacy group on Manhattan's West Side.

The case gave De Barbieri insight into how developments can impact nearby residents and furthered his interest in pursuing transactional legal services. When Epstein went on to direct the Urban Justice Center's Community Development Project, De Barbieri followed, supported by an Equal Justice Works fellowship sponsored by Kramer Levin Naftalis & Frankel.

"Meeting my future employer and mentor was a key aspect of my early career development," he said. "I have the Community Development Clinic to thank for that connection."

De Barbieri also credits his clinical experience as the impetus for his interest in clinical teaching and legal scholarship in social movements. He returned to the Law School in 2014 to work alongside Reiss, Professor Debra Bechtel, and other faculty to teach in the clinic program.

Two years later, De Barbieri founded the Community Economic Development Clinic, a part of Albany Law School's Justice Center. The clinic serves transactional, social justice-oriented clients in and around New York's Capital Region.

"I am incredibly fortunate to have the position that I have, doing work that I love," said De Barbieri. "My clinical education at Brooklyn Law School is responsible for much of my current success, career satisfaction, and ability to contribute to the profession and our community."



# Debbie Epstein Henry '94

## Leading the Conversation

SHORTLY AFTER MOVING TO PHILADELPHIA in 1997 and securing a position at Schnader Harrison Segal & Lewis, **Debbie Epstein Henry '94** started to question the direction of her career. She wondered: Was it possible to play an integral role in her children's lives and be on a partnership track?

Henry decided to start a brown bag lunch group for other lawyers interested in work-life issues. She emailed three local lawyers she had recently met, as well as three litigators at her firm, and asked them to forward her message to anyone who might be interested.

"I was a fifth-year associate and a fairly recent New York transplant. I barely knew anybody," she said. "Within a couple of days, 150 people emailed me back. I knew I had struck a nerve."

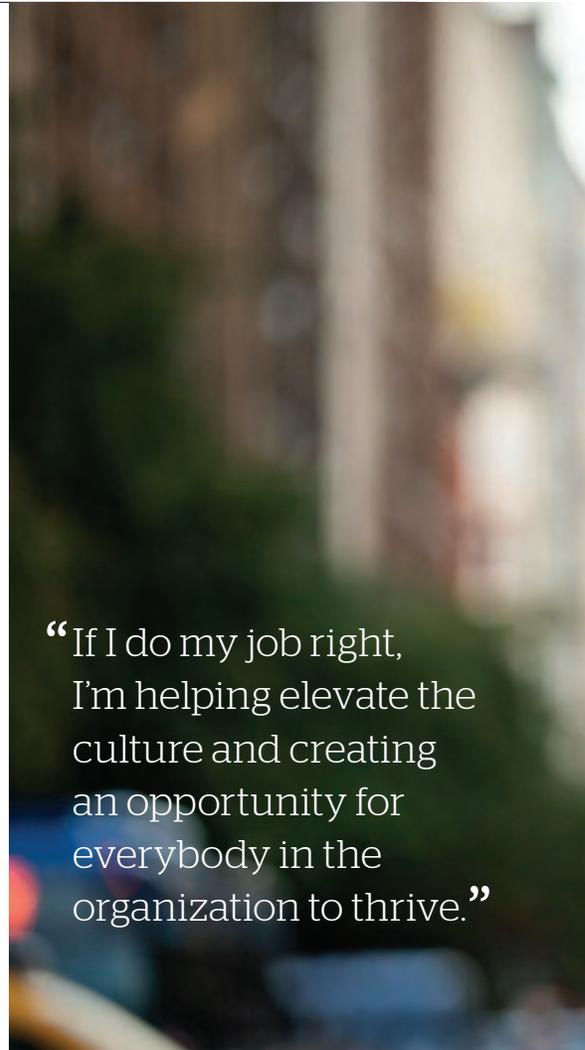
In July 1999, Henry hosted her first event at her law firm. Media stories on the workplace interest group in the *Legal Intelligencer* and NPR's *Morning Edition* gave her a national platform. After running her first event, she knew she wanted to draw from her experiences as an attorney to build a new career as a consultant on women and workplace issues.

With a rapidly growing audience for these conversations, she founded what became DEH Consulting, Speaking, Writing, which focuses on careers, workplace dynamics, women's issues, and the legal profession. Her network of 150 lawyers soon grew to more than 10,000.

In 2006, she approached *Working Mother* magazine about creating an offshoot of their popular Best Companies for Working Moms list that would highlight the best law firms for women. Together, they collaborated over a decade, developing benchmarks and reporting on trends involving women and work-life issues. They encouraged firms to foster a better workplace culture and provide benefits that would address caregiving needs most commonly faced by women, as well as support job retention and professional development.

At the same time, Henry was shaking up the legal field in other ways. In 2011, Henry co-founded Bliss Lawyers, a company hiring high-caliber lawyers to work on temporary engagements for in-house legal department and law firm clients. The company offered well-credentialed lawyers with less linear careers—particularly women who put legal work on hold to have children—a new, innovative way to thrive in the workplace.

"Bliss Lawyers was a disruptive model, and we made our mark on the profession," she said. The company was ultimately



"If I do my job right, I'm helping elevate the culture and creating an opportunity for everybody in the organization to thrive."

acquired by Axiom, its largest competitor, in 2020.

Henry's prodigious writing and advocacy have made her a thought leader in the field. She has written two bestselling books, runs a quarterly speaker series, and, recently, launched the podcast *Inspiration Loves Company*—all of which focus on women and workplace issues.

Through her consulting business, she encourages law firms, companies, and nonprofits to take responsibility and implement thoughtful changes that benefit all employees—not just women. For example, in addition to offering business development training to women struggling to earn a promotion, Henry encourages firms to evaluate their requirements for promotion and how they award business development credit.

"If I do my job right, I'm helping elevate



the culture and creating an opportunity for everybody in the organization to thrive,” she said.

Henry’s interest in the law was sparked during her undergraduate years at Yale University, where she wrote her thesis on the psychological motivations and conflicts of criminal defense attorneys. Before law school, she interned with a criminal defense firm in New Haven, Conn., followed by spending two years as a paralegal with the Rackets Bureau of the Manhattan District Attorney’s Office. Upon graduation, she was tapped as one of two recent graduates to serve on the Law School’s Board of Trustees for a two-year term. Following graduation, she clerked for U.S. District Judge Jacob Mishler in the Eastern District of New York, at which point she became a mother to the first of her three sons. She then

joined Patterson Belknap Webb & Tyler as a litigator, hoping a boutique firm would offer better work-life balance. That tension was still on her mind a year later when she moved with her husband to Philadelphia.

Henry has brought her expertise back to the Law School, co-founding the Women’s Leadership Network in 2017. The popular initiative hosts programming about women and diversity issues in the workplace, as well as networking events and mentoring opportunities to connect alumni with students. Last year, members funded the Women’s Leadership Network Scholarship, with the first scholarship awarded to **Jara Jacobson ’22**.

Henry’s business is still evolving, often mirroring her own career trajectory. When she first started public speaking, she had three young children and her work focused on the challenges of pursuing both the partner track and the “mommy track.” Today, Henry is more interested in issues surrounding workplace dynamics as well as women and ambition, power, and influence.

“Work-life [balance] is still an issue, but the broadening of topics is really heartening,” she said. “We expect parity in the profession and across industry, and we are more empowered to make that happen.” ■

— Kim Catley

# Hon. Jean Bell '83

## Staying on Track

WHEN JEAN BELL '83 (née Jones) was in elementary school in the Bedford-Stuyvesant neighborhood of Brooklyn, her older brother started a girls' track team and invited Bell, her sister, and their friends to join. Running gave her a sense of freedom, a feeling of speed—she was hooked.

Decades later, she's still running—and a recent Netflix documentary is sharing her story with the world. The film, *Sisters on Track*, follows Brooke, Rainn, and Tai Sheppard, who are members of Jeuness Track Club, an all-girls team founded and coached by Bell. The teenage sisters gained national attention after participating in the 2016 Junior Olympics and being named *Sports Illustrated's* SportsKids of the Year, leading to a dinner with LeBron James, Michael Phelps, Jay-Z, and Beyoncé, and appearances on *The View*.

Bell founded Jeuness two years after graduating from Brooklyn Law School.

The club's name—evoking the French term for “young lady”—is a nod to her goal of not only training athletes, but also supporting them academically and encouraging them to pursue college.

“I grew up very poor. We lived in a low-income housing project while I was in law school and college,” she said. “These girls come from similar backgrounds.... I try to show the girls that now colleges have funds for you to run track, and they'll pay for you to go to the college.”

The early years of Jeuness Track Club coincided with the launch of Bell's legal career. She started at a small personal injury firm before working as an attorney for several New York City agencies. In 1993, she was appointed to serve as a senior administrative law judge at the New York State Department of Labor, where she worked until transitioning to the state's Workers Compensation Board in the summer of 2021.

“I liked the idea that I could control the proceedings,” Bell said about the move from attorney to judge. “It seemed like a position

that I could really master.”

In the early days of the club, she juggled her new legal career with buying uniforms, renting vans, and paying competition entry fees for her first 10 athletes. Over time, the team grew, and she enlisted the help of other coaches, including some past team members who would return to coach the next generation of runners.

“We all come from the same neighborhood,” said Bell. “We understand where the girls are coming from and what their experiences are. There's nothing the girls are going through that we haven't already been through.”

Nearly 40 years later, Bell and the Jeuness Track Club have become a Bed-Stuy institution. Team members routinely medal in highly competitive track meets, such as the

Colgate Women's Games and the national Amateur Athletic Union Junior Olympic Games. Some standout team members have earned spots on the USA Track and Field Junior National Team and competed in the World Junior Championships. One member, Yvonne Harrison, even competed in the Olympic Games.

Beyond the athletic accolades, Bell and Jeuness are known for nurturing the girls in their club. She stresses the importance of personal responsibility, reading, and learning about how to keep their bodies healthy.

“I never miss an opportunity to give

“There's nothing the girls are going through that we haven't already been through.”

a lesson, but it doesn't always come across as a lesson," said Bell. "It's just the coach talking."

The Sheppard sisters joined Jeuness after Bell saw them compete at the Colgate Games. Not knowing they were sisters, Bell invited each individually to train with her team. At the time, the Sheppard sisters were living with their mother, Tonia Handy, in a homeless shelter. Bell connected Handy with other team mothers, who helped her secure a job at New York-Presbyterian Hospital. Bell also helped her find an apartment (which was later paid for by actor, director, and producer Tyler Perry).

Bell and the sisters caught the eye of Brooklyn filmmaker Corinne van der Borch, who approached Bell about filming their story. Bell thought that documenting the family's story of resilience would be a good idea, but didn't think much more about it until after filming finished in 2019, when she learned the film had been picked up by Netflix and would be screened at the Tribeca Film Festival.

Since its premiere, the film has inspired more young girls to come to Jeuness. Bell ensures they all have time to meet with the coaches who can assess their potential and takes on as many of the runners as she can, hoping to shape their lives for years to come.

"We're all about the empowerment of women and taking girls to that next level," she says. "It's not about getting girls to the Olympics—that was never the goal. The goal was getting girls to college, getting them to the next step in their education. And they take off from there." ■

— *Kim Catley*



# AFTER ATTICA

The Long Journey to Justice



BY DOMINICK DeGAETANO

Fifty years after the “bloodiest one-day encounter between Americans since the Civil War,” *Brooklyn Law Notes* looks back on the major roles alumni played at the Attica prison uprising and its aftermath, and how their legacy continues with the work of a new generation of alumni, as well as faculty and students striving to change the role of justice and incarceration in the 21st century.



## On September 9, 1971, 1,281 incarcerated individuals at their breaking point took over the Attica Correctional Facility in Wyoming County, N.Y.

Those men, mostly poor people of color, far from the five boroughs that most of them called home, asked only that their human dignity be respected by the state.

What happened next scarred a generation watching on their television sets, as five days of negotiations between the inmates and state officials ended with bullets and tear gas. After the toxic fog had cleared, 43 people were dead. Decades of investigations, hearings, and court cases followed, propelled by those who sought justice for the terrible events of that week.

Front and center at the crisis and its aftermath were Brooklyn Law School alumni. They were at the prison, advocating for a peaceful end to the tense standoff, and remained inside when the gas was dropped. They were in front of the prison gates in the days afterward, trying to stop the seemingly inevitable reprisals. And for 30 years after, they were in the courtroom fighting for justice.

“It’s important to understand that Attica, in general, is an incredibly complicated story,” said Heather Ann Thompson, author of the Pulitzer Prize-winning account of the uprising and its legacy, *Blood in the Water* (Vintage, 2016). “Just to map out the details of what happened when—not only the event, but the legal history of it... all of these questions are incredibly complicated.”

Fifty years later, the issues of incarceration thrust into the spotlight by the Attica uprising are still not resolved and are as politically divisive as ever. Yet alumni, faculty, and students continue the work today, as they confront the role and purpose of incarceration in a just society.

### WITNESSES TO HISTORY

It wasn’t the first time **Herman Badillo**<sup>54</sup> had been asked to help end a crisis. While wrapping up his term as Bronx borough president in 1970, Badillo joined New York City Mayor John Lindsay and U.S. Representative Shirley Chisholm to negotiate a resolution to a series of prison uprisings in the city’s jails, most notably in the Manhattan Detention Complex—“the Tombs”—and Long Island City’s Queens House of Detention.

A year later, Badillo, in his first year as a member of the U.S. House of Representatives (the first Puerto Rican elected to that office) was being called on to help resolve another incident. A series of events—a transfer of inmates from downstate prisons leading to severe overcrowding, a contaminated food supply, reprisals against political activity, a defective bolt on a prison gate—had led to the largest prison uprising in recent history. By the evening of September 9, more than 1,000 of Attica’s inmates had taken over half the facility, capturing 50 corrections officers and staff as hostages and barricading themselves in D-Yard, one of the prison’s outdoor areas.

The inmates quickly organized and drafted a list of demands to improve conditions, and requested that a group of neutral public figures be sent to observe any negotiations between the inmates and the state. New York State Commissioner of Corrections Russell Oswald added Badillo’s name to the list, hoping that his experience and clout could help bring about a swift resolution to the crisis.

When Badillo arrived the next day, September 10, more than 30 public figures had come to Attica to serve as observers. Despite their numbers, one of the inmates’ requested observers was conspicuously missing: Bobby Seale, chairman of the Black Panther Party. Badillo knew Seale would be crucial to getting the inmates to agree to any resolution.

On the observers’ first visit to D-Yard, Badillo felt as if they were “crossing a frontier like that between two foreign countries.” They were escorted through the crowd by inmate security, who formed a human chain to protect the



Herman Badillo '54, center, along with other observers, at a press conference at Attica

observers as they confirmed the health and safety of the hostages and met with the inmates' negotiators. This was the design of inmate Frank "Big Black" Smith, the prison's football coach, who had been given control of security operations by acclamation. Smith, a Brooklyn native, struck up a rapport with the observers, who appreciated his efforts to guarantee their safety and that of the inmates.

Many of the observers ended their first visit to D-Yard with a new urgency to resolve the crisis and the confidence that they could bring about a peaceful resolution. Badillo wasn't so sure. On their walk back, he said to his fellow observers, "I get the feeling they liked us better in there than they do out here."

Badillo and the other observers refined the inmates' proposals into something that both the inmates and the state could agree to before patience was exhausted. Badillo thought most of the inmates' demands seemed reasonable, but one would be difficult to guarantee: amnesty for the actions of inmates during the uprising. Oswald had already given his word that there would be no administrative reprisals, but that still left open the possibility that the state could issue indictments. Wyoming County District Attorney Louis James, while sympathetic, was also unconvinced that he could legally grant amnesty. Responding to arguments made by the observers, James provided a statement ensuring that he was "opposed to... indiscriminate mass

prosecutions" of the inmates and would prosecute individuals only where there was substantial evidence to link them to a crime.

The observers met with Oswald to develop a 28-point package that addressed many of the inmates' concerns, with the exception of full amnesty. Badillo thought the agreement was significant, but worried about what would follow if the inmates did not accept it.

Whatever optimism the observers felt was vanished once Seale landed in Buffalo and joined the negotiations, refusing to honor any agreement that did not grant amnesty. The demand had become more urgent as news got

out that William Quinn, one of the corrections officers injured on the first day of the uprising, had died from his injuries. Under New York state law, all the prisoners could now be indicted for murder. Even Badillo knew that an offer of amnesty would now be essential to any agreement the inmates would accept.

Badillo's hope that Seale could save the agreement was dashed the next morning when, upon his arrival, Oswald told Seale he would not be allowed into D-Yard unless he promised to endorse the 28 points. Seale left, but not before giving a statement to the press.

"The Black Panther Party position is this: The prisoners have to make their own decision," said Seale. "I will not encourage them to compromise their position."

Tensions were mounting. A false rumor had been passed to the media that Quinn had been sodomized and castrated by the inmates before being thrown from a high window. The inmates had started to build defenses in D-Yard, digging trenches, electrifying fences, and building barricades made of mattresses covered with gasoline.

Badillo had concerns closer to home: If the state came down hard on the inmates while retaking the prison, he believed, Black and Puerto Rican communities across the state could



Attica inmates (including Frank Smith, at center with sunglasses) negotiate with New York State Commissioner Russell Oswald (bottom left)

start violent uprisings of their own, with catastrophic results.

To buy time, the observers developed an alternative strategy, one that ran through one person: New York Governor Nelson Rockefeller. In a call that lasted over an hour, Badillo and others implored the governor to meet with them at Attica. Badillo was blunt about the risks of inaction: “You need the time as much as we do. If you send those troopers in there, you’re not going to have enough National Guardsmen in Harlem and the South Bronx.”

However, Rockefeller denied that he had the ability to grant amnesty and doubted the inmates’ will to negotiate. Privately, he felt that his presence would legitimize the uprising, leading to more inmate actions in prisons across the state.

After they hung up with Rockefeller, Badillo knew they were running out of time to prevent a massacre of the inmates. He, along with eight others, agreed to spend the night at the prison,

hoping their presence would prevent the state from acting before the morning.

The morning of September 13, Department of Corrections Services staff advised the observers that the inmates had refused Oswald’s final offer and the facility was being cleared for retaking. If they chose to remain, the state could not guarantee their safety. Despite their fear, Badillo and the others felt a deep responsibility to witness what would happen.

At 9:42 a.m., Oswald gave the order to the helicopter crews at the ready in the prison parking lot. Later accounts would show that state law enforcement fired more than 2,000 rounds into the crowds already choking on tear gas. Many were armed with shotguns loaded with wide-arc buckshot, others with their own .270 hunting rifles using unjacketed bullets, which were banned by the Geneva Conventions. By the time it was all over, more than 120 people had been shot; 43 were dead—32 inmates and 11 corrections officers.

“There’s always a time to die,” said Badillo as they listened to the gunfire. “I don’t know what the rush is.”

Once state control was reestablished, law enforcement gave Badillo and other elected officials a tour of the facility. The officials were told that the hostages who died had been murdered by the inmates, some by slit throats, some by disembowelment, all of which they claimed had been captured on film.

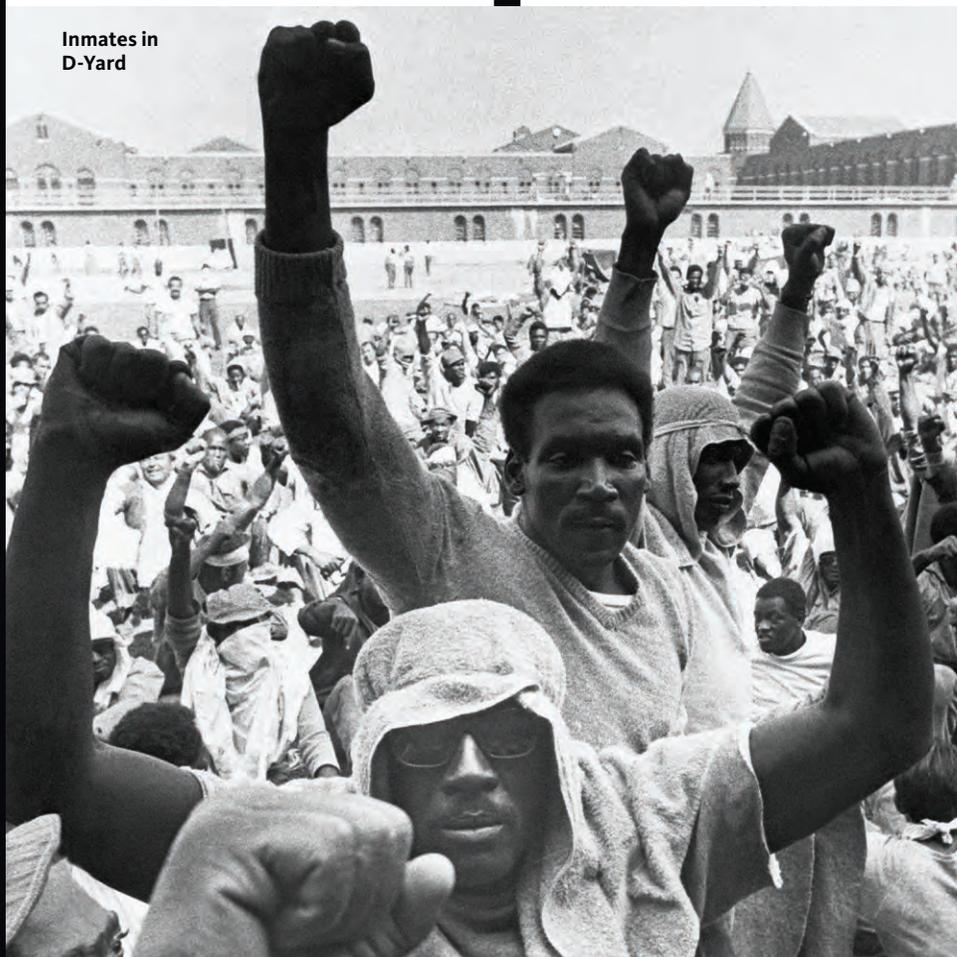
To the law enforcement officers now in charge of the facility, this justified the savage beating, torture, and humiliation that followed. Badillo watched as the inmates were forced at gunpoint to strip naked and run over broken glass past lines of guards hitting them with batons. National Guard officers would later testify that they watched as inmates bleeding out on the ground were kicked again and again by the doctors sent to help them. Frank Smith, who had ensured Badillo’s safety in D-Yard, was singled out, forced to lie on a ping-pong table in the middle of the yard, naked, beaten, and bleeding, for over six hours.

As the torture of the inmates continued, the state held press conferences just outside the prison gates, repeating the story that was relayed to the country: that the uprising at Attica was a dangerous riot incited by hardened, violent criminals. Any ill treatment they received was justified by the danger they posed to the public, and the state was fully empowered to ensure order by any means necessary.

Badillo’s involvement at Attica and his disappointment in the outcome had a lasting effect on the young congressman. In *A Bill of No Rights: Attica and the American Prison System* (Outerbridge and Lazard, 1972, with Milton Haynes), he shared how what he witnessed reframed his views on prisoner rights and rehabilitation. Attica, to Badillo, was just further proof of the injustice and racism within the American prison system, something he would carry with him for the rest of his long career in public service.

“Our society must deal with the fact of the massacre and with its implications,” wrote Badillo. “Responsibility for the slayings does not rest with one man alone. Every state official who went along with

Inmates in D-Yard



the decision to send in the troops, and every trooper who confronted the gassed inmates in the yard on Monday morning, had a choice before him.

“... One does not need to take an extreme political position. The facts of Attica are extreme enough on their own: law enforcement officials deliberately chose to shoot to kill.”

### A CALL TO ACTION

The generation of attorneys that had come of age during the anti-war and Civil Rights movements were not ready to believe the official story of Attica. On the day of the retaking, lawyers started to pour into upstate New York to help protect the inmates now at the mercy of the state.

**Emily Jane Goodman '68**, then a young lawyer in the criminal division of the Legal Aid Society, was in the office of the National Lawyers Guild when William Kunstler, the famous attorney who had represented the Chicago Seven, called from Attica, where he had been serving alongside Badillo as an observer.

“He told us that this place... is going to ‘explode,’ and doctors and lawyers are going to be needed,” she said.

Goodman raced to LaGuardia Airport to catch the first flight to Buffalo, where she rallied with other attorneys at the University at Buffalo School of Law. The lawyers suspected that violence against the inmates was still ongoing, but they didn't have any proof.

One of the attorneys present, **William Hellerstein**, proposed that they seek a federal injunction allowing them to enter the prison to assist inmates and prevent any violations of their Miranda rights. Hellerstein, today professor emeritus at Brooklyn Law School, had made a career in defendants' rights, taking civil rights cases in Mississippi and Arkansas in the 1950s and representing comedian Lenny Bruce in his obscenity trial and appeal. Now, as attorney-in-charge of the criminal appeals bureau of the Legal Aid Society, he had secured a grant from the U.S. Department of Justice to start a prisoners' rights project, which fortuitously had gone into effect the week before.

After Hellerstein secured a temporary injunction from U.S. District Judge



New York State law enforcement retaking the facility

John Curtin, a large group of attorneys and doctors, including Goodman and Hellerstein, set off for Attica late that night. At a gas station close to the prison, they were suddenly surrounded by state troopers, who pulled their shotguns and demanded to search the vehicles.

One of the troopers pointed a gun at Goodman through the car window. “[The trooper] said we couldn't go any further. We said we had a court order to enter the prison grounds. And he said, ‘You've got a court order, but I've got a bayonet.’”

Hellerstein, using lessons learned from his time in the South, argued that it was a crime for them to interfere with the process of serving a federal court order and convinced the troopers to let the group pass without interference. The lawyers arrived at the prison gates at 2 a.m., but the deputy warden refused to allow them to enter without the head warden present.

After spending the night in her car, Goodman was still in the parking lot the next morning when Monroe County Medical Examiner John Edland announced that contrary to the state's accounts, all the hostages who died did not do so at the hands of the inmates, but had been shot by law enforcement during the retaking of the prison.

For Goodman, the lawyers' treatment by law enforcement at Attica stayed with her. “We were naive,” she said. “We believed in the power of a court order.... [The encounter] certainly made it very clear who had more power, a court order or them.” When she was later elected as

a judge in the New York State Supreme Court, she would always take a second look at reports and evidence for signs of abuses of power.

Several days after the temporary injunction was formally dismissed by Curtin due to lack of evidence, members of the National Guard came forward with testimony of the violence taking place inside the prison after the retaking. Seizing the opportunity, Hellerstein filed for a permanent injunction. After two months of hearings filled with testimony from both inmates and the observer committee, Curtin recognized that the Department of Corrections had violated the rights of the inmates in the days following the retaking. However, he did not grant the injunction, ruling that because so much time had passed, the risk of reprisals had ended.

Hellerstein appealed, arguing before the Second Circuit that due to the severity of the conduct, the court could not rely on the state's representatives to guarantee that the abuse of the prisoners was over. In his closing arguments, Hellerstein quoted U.S. Supreme Court Justice Louis Brandeis: “If the government becomes the lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy.”

“I put it all out on the table,” said Hellerstein. “I mean, there was an awful lot of human emotion.... A lot of people's lives were at stake, and this was serious business.”

The Second Circuit agreed with Hellerstein, granting the injunction. For the following year and a half, whenever



Law enforcement officers on the wall surrounding D-Yard, Sept. 13, 1971

an inmate contacted Legal Aid saying that guards were not obeying the injunction, Hellerstein would return to Buffalo for contempt hearings to ensure their compliance.

“This was a major inflection point in American prison history, and still is,” said Hellerstein. “Getting the Second Circuit to reverse Judge Curtin and granting injunction was a major piece of prisoners’ rights litigation.”

Although the inmates were now protected by the courts from physical violence, other kinds of state violence could be meted out. In December 1972, a grand jury handed 62 of the surviving inmates 42 separate felony indictments, charging them with 1,289 crimes. More than half of the indictments carried a life sentence on conviction. Not a single state trooper or guard was charged with a crime.

In response, attorneys from Legal Aid and the National Lawyers Guild, along with inmates who had been released, set up the Attica Brothers Legal Defense (ABLD) to provide an attorney to every inmate charged with a crime. Working out of a converted barn outside Buffalo, the shoestring operation included not only attorneys and law students, but staffers for outreach, public relations, and graphics design. Emily Jane Goodman represented Joseph Little, the first to

be released from the prison since the retaking. Frank Smith, out on parole, dedicated himself to the cause, becoming ABLD’s executive director.

“They made it clear that this was about the state,” said Heather Ann Thompson. “It wasn’t just about defending [the Attica Brothers]. It was about state violence.” One by one, most of the cases brought against the inmates were dismissed.

Eventually, the tides of history changed. In 1974, Rockefeller left the governor’s mansion to serve as Gerald Ford’s vice president, taking the prosecution’s administrative headwinds with him. In 1975, a whistleblower on the prosecution team notified Governor Hugh Carey that his superiors were preventing the investigation of criminal actions taken by law enforcement during the retaking. After an internal investigation, Carey moved to “close the book on Attica,” and dismissed all the pending criminal cases and investigations.

While the Attica Brothers had avoided prosecution, neither they nor their counsel thought that things had been set right. The suffering of the victims from the state’s actions had not been taken into account. Smith, for one, would lose feeling in his legs from time to time. His wife would later testify about the nightmares that sent him under the bed, screaming.

Luckily, they had one ace in the hole.

## THE ARC OF HISTORY

**Daniel Meyers ’66** had been in proximity to the Attica uprising from the start. He shared a civil rights practice in Manhattan with Lewis Steel, a former NAACP attorney who was called to Attica as an observer along with Badillo. Meyers had started his legal career at South Brooklyn Legal Services, making a name for himself in cases arguing for community control of public schools and preventing the conversion of co-op buildings to private ownership.

Meyers remained involved with the ABLD from a distance until the summer of 1974, when he received a call for help that would make him a key player in the next stage of litigation.

By then, it had become apparent to the Attica lawyers that the state prosecutors, concerned only with the alleged crimes committed by the inmates, would not conduct any criminal investigations into the conduct of the Department of Corrections or state law enforcement. With the statute of limitations rapidly closing, and an entire prison population to represent, a class action civil suit would need to be filed. The ABLD attorneys in Buffalo, overwhelmed with the criminal defense cases, could not spare the time to draft and file the papers. They asked Meyers to bring the civil suit.

“I was a criminal lawyer,” said Meyers.

“I had no experience with any federal case, or any civil case, and yet for some reason I said yes.”

Meyers spent the summer studying draft complaints and collaborating with fellow lawyers. In September 1974, the day before the statute of limitations expired, Meyers filed *Akil Al-Jundi, et al. v. Rockefeller, et al.* Advancing an argument from Hellerstein’s original injunction, the plaintiffs argued that the state officials at the prison had used excessive force “calculated to cause unnecessary and inexcusable death, serious injury, terror, and suffering.”

The attorneys chose to file in the Southern District of New York, where a jury pool would be more sympathetic. Their venue was denied, and the case was transferred to the Western District of New York, where Rockefeller’s attorneys stalled the case for 17 years.

One of the first obstacles the plaintiffs faced was finding an attorney willing to commit to leading a long and complex case against what Thompson called “the best-connected and best-funded lawyers in New York.” Smith had one person in mind.

On July 4, 1974, **Elizabeth Fink ’73**, a year out of law school, had driven her mother’s car from Brooklyn to Buffalo to work for ABLD. Working for no pay, she had a tenacity in cross-examination and a knowledge of the law that quickly left an impression on Smith.

“Being around Liz is like going to school,” said Smith in the 2001 documentary *Ghosts of Attica*. “Liz is a litigator. Liz is a fact finder. Liz liked a fight, staying in your face, making you work the law and working the law, making you respect it, making you accountable.”

Fink initially refused to lead the civil litigation, citing her caseload, her lack of experience on civil cases, and the resources she would need to counter the efforts of the opposing counsel. However, Smith was eventually able to convince her to join. After Fink’s first day in court, one of the judge’s clerks recalled, “the other lawyers were blown away.”

Despite the difficulties, the Attica Brothers legal team, now a core team of five that included Fink and Meyers, did

not back down. Working out of Fink’s law office above the St. Clair Diner on the corner of Smith Street and Atlantic Avenue in Brooklyn, they continued to file motions, gather testimony, and conduct investigations. Fink emerged as the locus of the legal team, serving as the liaison between them and the Attica Brothers, while also managing the day-to-day correspondence with the courts.

“We found ourselves constantly up against the establishment, judges who acted as if they were untouchable,” said Meyers. “We were just regular four-year, five-year, six-year lawyers, working-class lawyers.”

“They tried to paper us out of court. They filed every possible paper for as long as they possibly could, but they didn’t paper us out.”

The legal team also was supported by the continued involvement of the Attica Brothers in the proceedings. Smith joined Fink’s practice as a paralegal and investigator. Akil Al-Jundi, the named plaintiff in the class action suit, became a highly regarded paralegal at the Legal Aid Society. Both would travel with the legal team to court hearings in Buffalo.

“Many of the inmates I’ve represented would have gone on to be fine lawyers,” said Hellerstein, who hired some former Attica inmates at Legal Aid. “So many of these people, who may have been convicted of serious crimes but came from [difficult] circumstances, were

highly intelligent. There was a lot of human capital in that cohort that has never been capitalized on.”

A breakthrough came when, in 1982, Fink was able to acquire a court order to see the state’s documents on Attica. From the office of the New York state attorney general in the World Trade Center, Fink sorted through countless unorganized documents, photos, and videos documenting the abuses at Attica that no one outside the state investigation had seen.

In 1991, the case finally went to trial. There, the plaintiffs’ attorneys, including Fink and Meyers, used the wealth of evidence gathered over 20 years’ worth of investigations, as well as the emotional testimony of the surviving Attica Brothers, to overwhelm the defense.

“What this case is about, ladies and gentlemen...is torture,” said Fink in her arguments to the jury. “This was torture that lasted for hours, that was physical, was race-based, and was psychological. This was torture that was witnessed by others and these witnesses will come in and testify before you about what they saw happen and their reactions to what they saw.”

Ultimately, the jury agreed that at least one of the named defendants bore responsibility for “planning and then personally [overseeing] the brutality,” proving the class-wide liability Meyers had outlined in his original filing.



Attica inmates corralled in D-Yard at gunpoint by law enforcement, Sept. 13, 1971

After another five years of waiting, the court held two representative damages trials to determine the state's monetary liability. Frank Smith, as representative for the "most harmed" class in one of the trials, received a jury verdict of \$4 million, a historic amount for damages awarded to a plaintiff against the government.

Facing a potentially massive payout, the state immediately appealed. The Second Circuit, in a decision drafted by then Law School Trustee Judge **Ralph K. Winter**, dismissed the class action liability. Facing the prospect of trying 1,281 individual cases 25 years after the uprising, the Attica Brothers and their attorneys decided to agree to a \$12 million settlement in 2000.

"You can't try 1,281 individual cases," said Meyers. "[It was] an impossible situation. A class action [suit] gives you the ability to have everything considered under one roof. It's the only way in these civil mass cases that you can have any kind of justice.... In Attica, how could you not have a class of people affected when gas is dropped on them? Where brutality and torture is commonplace?"

"Justice is what everyone is due and

no one gets," said Fink in an interview in *Ghosts of Attica*. "What would have been justice would have been very simple: to indict the murderers, to impeach Nelson Rockefeller, and to award significant compensation immediately to the victims."

### GHOSTS

The Attica uprising was an inflection point in the struggle for prison reform. Yet this is a somber anniversary for those who continue to work tirelessly to reform the criminal justice system. The prison population has grown from about 300,000 in 1970 to more than 2.4 million today. In 1971, there were 12 New York state prisons; in 2021, there are 50. Among incarcerated individuals, 48 percent are Black, compared with just 15 percent of the state population as a whole. In New York City, city officials at the Rikers Island jail complex have struggled to adequately respond to the twin crises of the COVID-19 pandemic and rampant staff absenteeism, leading to the rapid deterioration of conditions for detainees, an overwhelming majority of whom are awaiting trial. As of this writing, 14 detainees in the facility had died since the start of the year, making 2021 the

deadliest year in the city's jail system since 2016.

"All of the things—the overcrowding in the prisons, the lack of parole, the number of prisons—are worse," said Meyers. "People who were [at Attica] and are doing prison work now say that conditions at Rikers are worse than they were then."

Although the state's narrative about what happened at Attica was thoroughly discredited by the Attica attorneys, the dark force of the lies told about the uprising endures. Fink, who died in 2015, dedicated her life to making sure the truth of what occurred lived on. Her encyclopedic knowledge of the events of September 1971 and the ensuing 30 years made her an invaluable resource for the many documentarians, writers, and historians looking for the real story of what happened. She also ensured that many of the key pieces of evidence, including photographs of the abuse of inmates, were made available to the public after her death.

"You couldn't write a book [about Attica] without talking to Liz," said Thompson. "It was always such a privilege to be in her presence. She embodied the spirit of 'Attica means fight back.' It was heartbreaking that she passed away a few months before [*Blood in the Water*] went to press. I always wanted to show her the full draft of the book... I wanted her to think it was good and honored the story. In so many ways, it was her history."

As the country's current reckoning with its deep legacy of racism renews calls for social justice, the present moment can feel much like 1971. A new generation of lawyers, activists, and academics are now rising to the challenge of creating a better and broader idea of justice.

"For law students, this is a moment to think of the law as an opportunity to do good for the community and for a more just future," said Thompson. "A whole generation of law students came out of the Attica movement and felt they could make a difference. There is no better example than that to inspire you." ■



Elizabeth Fink '73 (center) with Attica Brothers outside the federal courthouse in Buffalo, 1992

## OUR CURRENT RECKONING

# Fifty years later, the issues of incarceration in the United States still persist.



Professor Jocelyn Simonson

### THE PROMISE AND IMPACT OF BAIL REFORM

*Professor Jocelyn Simonson's recent scholarly and advocacy work on bail reform has made her a highly sought-after commentator on the topic in the national media.*

*"We need to widen the scope of our thinking beyond the relatively simple idea that 'money bail is unfair to poor people' to a larger imagining about the harms of pretrial detention and even criminal adjudication itself," she said in our spring 2020 issue.*

*Brooklyn Law Notes spoke with Simonson, who serves as co-director of the Center for Criminal Justice, about the impact of bail reform and its role in the larger efforts to transform ideas of justice and public safety.*

### Q: Criticism of New York state's bail reform measures from the public and law enforcement led to a rollback of the law in April 2020. What were the results of that decision?

A law that led to more people being jailed without conviction passed at the very moment that the COVID-19 virus spread through New York state at a terrifying rate, with correctional institutions as the biggest hot spots in the nation. I do still have faith that if we are able to look beyond inflammatory headlines to ask deeper questions about the causes and prevention of violence, and if we recognize that incarceration is itself a form of violence, there is hope for more lasting reform.

### Q: In your 2021 article in the *Yale Law Journal*, "Police Reform Through a Power Lens," you examine potential reforms that shift control of law enforcement to the policed populations. What does that look like?

I believe that listening to the wisdom of people who have experienced the harms of policing and incarceration can help us imagine a way out of our current crisis. Who is more of an expert on what "works" in policing, a police officer who has arrested 10 people, or someone who has been arrested 10 times?

Shifting power to those who have been most harmed by mass criminalization and mass incarceration changes power relations and helps us reimagine expertise as something broader that people who have been criminalized—including the incarcerated—can possess because of their experiences.

### Q: How has the COVID-19 pandemic affected our perceptions of public health and public safety?

Collective movement struggles during the twin crises of COVID-19 and the uprisings for racial justice have helped blur the concepts of "public safety" and "public health," showing how both suffer for all when we use the police, prosecution, and prisons to solve our collective problems.

Prisons and jails are the center of a long-standing public health crisis, only amplified by COVID-19, the harms of which spill out of prison walls and into directly impacted communities. For example, in August 2021, the Prison Policy Initiative quantified the suffering of the children and loved ones of the incarcerated, including having shorter life expectancies, and poorer physical and mental health.

However, many official acts during the pandemic—to roll back bail reform; to refuse clemency requests; to arrest more people, charge them with crimes, and put them in jails and prisons—depend on an understanding of public health in which the "public" does not include the people held in cages. This understanding, which seemed to gain strength during the pandemic, cannot be squared with social movements' calls to recognize that the health and safety of us all is tied up with the health and safety of the most marginalized. ■



Professor Kate Mogulescu

## SEEKING JUSTICE, NOT INCARCERATION, FOR SURVIVORS

*In 2019, the New York State Legislature passed the Domestic Violence Survivors Justice Act (DVSJA), which created a pathway for meaningful sentence reductions for domestic abuse survivors in the criminal justice system. The following year, the Law School's Criminal Defense and Advocacy Clinic launched the Survivors Justice Project (SJP). Led by clinic founder Professor Kate Mogulescu, students in the program work with an advisory group of formerly incarcerated women, many of whom are survivors of domestic violence, to help clients take advantage of the new law. This year, SJP secured a grant from the Tow Foundation, ensuring it will continue to help clients who have endured terrible abuse exit incarceration.*

### **Q: What kind of work will the Tow Foundation Grant support?**

The grant will support the ongoing work of SJP: working directly with incarcerated domestic violence survivors who are seeking resentencing using the DVSJA; supporting and building an interdisciplinary statewide network of defenders, social workers, and advocates; educating judges and prosecutors on a trauma-informed approach to the act;

and collecting data about the statute's implementation in order to promote accountability, guide implementation, and identify trends that will shape necessary areas of additional reform.

The support also allowed us to hire Elizabeth Isaacs, a former appellate defender at the Legal Aid Society, to co-teach the clinic and expand SJP's reach.

### **Q: In its first year, the Survivors Justice Project was already getting impressive results and expanding to serve clients across the state. Since then, what kind of impact has the project had on imprisoned victims of violence?**

Thus far, the clinic has worked with numerous incarcerated survivors of domestic violence, including five who have gone through the DVSJA process. Of those five, four have had their sentences significantly reduced, saving many years in prison. The process of preparing an application and litigating each case often takes more than a year and requires thorough investigation, deep emotional engagement, many strategic considerations, and intensive writing in the drafting phase. Our work with survivors also extends to other kinds of advocacy—support through the parole process and clemency petitions, for example. Each student team works closely with the

person we represent in a collaborative and supportive process that centers healing and conscientiously tries not to re-create or exacerbate the dynamics of trauma that survivors have experienced in the past—not only before their arrest, but also while being prosecuted and during their incarceration. We hope that this approach will inform the practice of clinic students throughout their careers, no matter what kind of work they end up doing.

### **Q: The clinic has been working to get the state legislature to pass the START (Survivors of Trafficking Attaining Relief Together) Act, which would help more victims of violence burdened by criminal records. How does advocacy dovetail with the work of students in the clinic?**

Advocacy outside of the court system is integral to the clinic's work. From day one of orientation, we situate the passage of the DVSJA in historical context as the culmination of decades of advocacy by directly impacted people—survivors of domestic abuse, currently and formerly incarcerated people, and women of color. The clinical work goes hand in hand with this advocacy: tracking the law's implementation, supporting survivors going through the process and reentering society, and educating the broader community about the linkages between domestic violence and criminalization. For instance, clinic students actually named the START Act bill and worked with a client/advocate/survivor to write an op-ed in the Gotham Gazette supporting its passage. The bill passed both houses this past spring and was signed into law by Governor Kathy Hochul on Nov. 16.

We also encourage students to think about what amendments are needed to the DVSJA. This fall, students are joining in a national convening with organizers from across the country—brought together by SJP, the Sentencing Project, and the Cornell Center on the Death Penalty Worldwide—to discuss how lessons learned in New York can inform legislative advocacy for survivors in other jurisdictions.

*For more information and to support the Survivors Justice Project, please visit [www.brooklaw.edu/SJP](http://www.brooklaw.edu/SJP) ■*

## THE FRONT LINE OF REFORM

For alumni working in prison reform and providing legal services to the incarcerated, the work of Attica attorneys and activists continues.

**“There’s a through-line between the Columbia University protests in 1968 and events in prisons that led to Attica. There was organizing among lawyers that hadn’t happened before. The Attica attorneys taught me and those in my generation the meaning of the slogan ‘Attica means fight back.’ The only way to get a scrap of transparency and accountability from the government was, and is, to fight back, and to fight back in a sustained way in solidarity with your clients.”**

—Gideon Oliver ’03, the son of Attica Brothers Legal Defense attorneys and a mentee of Elizabeth Fink ’73 and Daniel Meyers ’66, now keeps a full docket of criminal defense cases for clients arrested while protesting.

**“As we address the injustices of the criminal legal system, it is important to recognize that those injustices are amplified in the immigration system. Access to counsel is one tool that can disrupt the pipeline from arrest to deportation, combating the unfair double punishment often inflicted upon Black immigrants and other immigrants of color as a result of contact with criminal law enforcement. We should, instead of relying on criminalization, advance policies that support due process and the availability of resources to live safe and healthy lives.”**

—Shayna Kessler ’10, senior planner at Vera Institute of Justice, a national criminal justice organization, works to create universal access to counsel for people in detention and facing deportation.

**“The Attica uprising is a reminder that confining people in deplorable, inhumane conditions is not simply harmful to those in custody, it debases everyone involved in the process: guards, judges, prosecutors, and ultimately all of us for whom those officials work. All of society played a role in allowing those conditions to fester, and all of us have a role in rolling back the harms from mass incarceration today.”**

—Robert Quackenbush ’09, a staff attorney at the Legal Aid Society’s Prisoners’ Rights Project, founded by William Hellerstein, has helped the medically vulnerable leave prisons on home confinement during the COVID-19 pandemic and ensured that vaccines are made available to the incarcerated.

**“Attica showed just how hard those in power work to maintain the criminal justice system. After Attica, the Nixon administration was committed to making sure that this type of prison uprising would not happen again. Rather than improving conditions in prisons, they made measures to quell prison activism. If there is ever going to be any change to this system, we all must be just as committed and just as involved as those who are trying to uphold it.”**

—Balfour Takyi ’18 worked at an after-school program before attending law school, with the goal to change outcomes for young people. Now, as a law fellow at Youth Represent, he’s continuing that work, helping to remove the barriers that prevent his clients from reintegrating into their communities.

**“The Attica Uprising was a demonstration of what happens when the voices of the oppressed are unheard for far too long. The answer was to no longer tolerate these injustices against the incarcerated and to no longer remain silent. I hold this spirit in my own work by advocating tirelessly on behalf of youth from diverse racial and ethnic backgrounds and ensuring I act as a disrupter and educator in spaces that fail to recognize how embedded systemic racism is across numerous institutions within our society.”**

—Steffi Jean-Jacques ’18, after interning at the Innocence Project and the NAACP during law school, is now a staff attorney at Youth Represent, where she helps young people affected by the criminal legal system find fulfillment and self-determination on their own terms.

A trailblazing public servant and legal scholar, Professor Roberta Karmel has an impact that resounds from Washington, D.C., to Wall Street, to her classroom at Brooklyn Law School. When her colleagues shared stories and explored her work at a May symposium in her honor, they brought into sharp focus her enduring legacy and influence—her relentless drive for excellence and her deep devotion to her students, colleagues, and family.

# **A CAREER AND LIFE AT THE CENTER**

BY NANETTE MAXIM  
PORTRAIT BY LAURA BARISONZI





### Three decades ago, attorney Roberta Karmel's work was already legend.

She had joined Rogers & Wells (now Clifford Chance) in 1972, becoming one of the first female partners at a top Wall Street law firm. Then, after being among the first women on staff at the U.S. Securities and Exchange Commission (SEC), she was nominated by President Jimmy Carter to serve as its first female commissioner in 1977. By 1985, she had built a deeply respected career as a leading authority in domestic and international securities regulation, published scholarly journal articles and the book *Regulation by Prosecution: The Securities and Exchange Commission Versus Corporate America* (Simon & Schuster, 1982), and served on several corporate boards. Yet there was another chapter in her career that Karmel was eager to explore.

She called David Trager, who was then dean of Brooklyn Law School, where she had taught as an adjunct professor in the early 1970s and early 1980s. "It was one of the few law schools hiring women in tenure-track faculty jobs," Karmel later said. "And I said, 'David, you've always wanted me to go onto the full-time faculty; I have always wanted to be a full-time academic. This is your chance.'"

Thirty-six years later, as Centennial Professor Roberta Karmel announces her retirement from the Law School and begins yet another chapter in her life, generations of her students and colleagues are grateful Trager jumped at that chance.

"Roberta Karmel is a reminder that deans come and go, but faculty define an institution," said Dean Michael T. Cahill. "Roberta is among those illustrious members of our community who have made Brooklyn Law School what it is today."

### FROM CHICAGO TO THE SEC

That pursuit of excellence forms a long line tracing back to Karmel's early years in Chicago, where the passion of her youth was studying and teaching ballet. After she earned her bachelor's degree in history and literature at Radcliffe, a post-college stint at a small brokerage firm in Boston sparked her interest in law. New York University School of Law followed, and after earning her J.D., she was accepted into an honors program at the New York regional office of the SEC in 1962.

Within three years, she became a branch chief and, a year later, assistant regional administrator. Litigating against experienced lawyers at top firms, including future U.S. District Judge for the Southern District of New York Alvin Hellerstein, she gained invaluable lessons in practicing law.

Private practice beckoned, and in 1969, she became an associate at Willkie Farr & Gallagher, where she built a thriving practice conducting regulatory work, representing many small broker-dealers. Undaunted by the sexism of the day in the profession, she sought a partnership in private practice and was told by one firm, "While we are ready



Clockwise from top left: Karmel and her young family, 1977; upon joining the Law School faculty, circa 1980s; at the book launch for *Life at the Center*, 2014

for female associates, we're not ready for a female partner." But she persisted, ultimately becoming the first woman partner at Rogers & Wells in 1980.

### COMMISSIONER KARMEL

From the start of her tenure as the first woman nominated and confirmed as an SEC commissioner, Karmel was, as her chief counsel John Paul Ketels said, "an activist change agent, not to be denied or deterred." She was concerned that the agency's Enforcement Division was taking extreme positions not in accordance with the law, and then settling cases with consent decrees containing relief that no court would or could have ordered. She believed that SEC prosecution should be based on existing law, rather than being used to make new law, and she expressed this position in her votes on enforcement actions.

"What [Karmel] did as SEC commissioner made the SEC think about the way it wields its power," said Ketels.

During her early years at the SEC, Karmel bucked tradition by having three children while continuing to work. She recalled that many members of the male investigative team thought a mother shouldn't be working. Not only did she ignore their criticisms, but she also led by example, helping to hire more women as attorneys at the agency.

## INNOVATION AT THE CENTER

Seeing the need to provide a key resource for the international business law community and future lawyers who will practice in a global legal marketplace, Roberta Karmel and Professor Emeritus Arthur Pinto co-founded the Law School's first academic center, the Dennis J. Block Center for the Study of International Business Law. For more than three decades, the Center's programs have promoted scholarship on topics such as corporate social responsibility, international trade, bankruptcy and insolvency, intellectual property, conflict of laws, antitrust, and social policy. The International Business Law Fellowship Program has helped prepare generations of students to enter the field.

"Roberta's biggest contribution to the center is her generosity of leadership," said center co-director Professor Robin Efron. "For her, it's about being better and changing to reflect the students."



## PROFESSOR, INNOVATOR, MENTOR

Joining the Law School as a full-time faculty member in 1985, Karmel quickly became known for her engaging teaching and invaluable mentorship in classes on tort law, securities regulation, corporations, administrative law, and European Union law.

“She showered our securities regulation class with her wonderful wit and insight from her time at the SEC, while also giving us a grounded and practical understanding of the framework of [those] regulations,” said New York County Civil Judge Ilana Marcus ’87. “She was one of the main reasons I became a securities attorney.”

Karmel’s influence extended to the intellectual life of the Law School. She co-founded and co-directed the Dennis J. Block Center for the Study of International Business Law, the Law School’s first academic center (see “Innovation at the Center”). She also developed the Center for the Study of Business Law and Regulation and helped create and expand the *Brooklyn Journal of Corporate, Financial & Commercial Law*.

Additionally, Karmel played a critical role in building the Law School’s national reputation for scholarly excellence, drawing talented young scholars to the faculty and serving as a key mentor—especially for women faculty members.

The obstacles that Karmel faced early in her career as a woman rising in a then male-dominated profession sparked her lifelong commitment to opening doors for others. In the early days, as she contemplated a career in the law, she recalls her attorney father saying, despite his belief in her abilities, “Why go to law school? You’re a woman. You’ll never get a job.” But her mother, a homemaker, said Karmel, “believed in women achieving what they could in the world,” and encouraged her.

Professor Miriam Baer, one of those to benefit from Karmel’s mentorship, recalls her “willingness to be a sounding board, her ability to see nuance, her fearlessness to do the right thing, and her encouragement of individuality, making

her a particularly effective teacher, mentor, and friend.”

Karmel has never relented in her pursuit of fairness and opportunity.

“There’s the saying, ‘speaking truth to power,’” said U.S. Court of International Trade Judge and Law School Trustee Claire Kelly ’93. “Roberta speaks truth to everyone, with a purpose of being helpful. She cuts through the posturing and politicizing to what needs to be done, and makes sense of it. Roberta Karmel fought for us.”

## A SALUTE TO KARMEL’S IMPACT

In May, Karmel’s colleagues and students past and present gathered to pay tribute to her, as the Law School hosted the virtual symposium *A Life Navigating the Securities Markets: A Celebration of Professor Roberta Karmel’s Work, Teaching, and Mentorship*. Panel discussions focused on areas of the securities markets in which Karmel has had a significant impact, and an evening celebration was filled with stories from attendees.

Karmel’s four children, multiple grandchildren, and other family members also joined in the celebration. They recounted Karmel’s passion for sharing cultural events, travel, good conversation, and arguments, and described a lifetime of encouraging their unique abilities, all while honing her own career in securities law. As her son Philip Karmel said, “Like Walt Whitman, Roberta Karmel contains multitudes.”

“Usually when I go to events where I am honored, I receive some beautiful piece of crystal in a lovely box,” Karmel said, in the celebration’s closing remarks. “One day a student came to my office and happened to look into one of those boxes and questioned why there were pieces of glass scattered around the bottom. I told him, ‘It’s simply about breaking the glass ceiling.’”

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**Listen to Karmel discuss her career as a securities scholar, teacher, practitioner, and regulator with Professor Andrew Jennings on the Business Scholarship Podcast [www.brooklaw.edu/karmel\\_pod](http://www.brooklaw.edu/karmel_pod)**



Returning to private practice in 1980, again with Rogers & Wells, Karmel joined the board of the New York Stock Exchange, where she became the first woman to serve as a director, and helped it as it faced great challenges, including the crash of 1987. For Karmel, being an agent of change isn’t extraordinary; it has simply been her life’s work.

“I hope I always did a good job so that more women would be appointed to the positions [I had held],” said Karmel in an interview on Professor Andrew Jennings’ Business Scholarship podcast (see box). “I always advise younger women to lead a full life.... Don’t wait to become a partner, don’t wait to get tenure as a professor to round out your personal life.”

# Faculty

## New Faculty Making an Impact

The Law School welcomed seven new full-time faculty members to campus this year. They bring an impressive range of scholarly and teaching expertise across diverse areas of the law and legal education.

### Professors Alexis Hoag and Andrew Jennings Share Legal Expertise in the Classroom and the Public Arena

PROFESSORS **ALEXIS HOAG** AND **ANDREW JENNINGS**, who joined the Law School in the summer of 2021, regularly take their authoritative knowledge of the law beyond the classroom, helping the public to make sense of current legal issues of national interest.

Hoag, whose research examines the ways in which the criminal legal system's operation can erode people's constitutional rights and perpetuate racism, is a frequent legal contributor for CBSNews, and has appeared on MSNBC, NPR, Al Jazeera, and other media outlets. Before entering

academia, Hoag served as an assistant federal public defender and as senior counsel for the NAACP Legal Defense & Educational Fund. Hoag uses this deep experience in litigation to inform her analysis of important trial cases, such as *Minnesota v. Derek Chauvin*.

"Following George Floyd's tragic murder, I noticed several media outlets began to prioritize featuring pundits with backgrounds in racial justice and criminal defense," said Hoag. "Given my experience as an appellate defender and racial justice litigator, I was willing to fill this role. It's vital for the public to hear from commentators who regularly center racial justice in practice and who can speak about the presumption of criminality that the society assigns to Black people."

Jennings is the creator and host of the Business Scholarship Podcast. On his weekly show, Jennings interviews an array of guests from the world of business, including academics from across disciplines, journalists, and practitioners. Jennings, who studies corporate governance and compliance, securities regulation, and white-collar crime, began producing the podcast in 2019. Since then, it has covered topics such as the growth of blockchains in finance, the trial of Theranos founder Elizabeth Holmes, the rise of SPACs, and the mechanics of antitrust enforcement. Guests have included the Law School's own Professors Julian Arato, Miriam Baer, Steven Dean, and Roberta Karmel.

"The most surprising thing has been how useful podcast episodes can be for teaching," said Jennings. "I've heard from a lot of professors who say they use Business Scholarship Podcast episodes in the classroom. It's been great to learn that the show isn't just distributing scholarship to a broader audience but it's also being used to teach future lawyers."



## New Faces on Campus



**Faiza W. Sayed**  
Assistant Professor of Law and  
Director of the Safe Harbor  
Project

Sayed's scholarship focuses on how immigration law intersects with criminal and national security law and explores how the law can protect vulnerable immigrant populations while still achieving other desired policy outcomes.

Sayed, who previously served as a visiting professor at the Law School, began her academic career as a clinical teaching fellow and supervising attorney at the Center for Applied Legal Studies at Georgetown University Law Center. Previously, she was a staff attorney at the New York Legal Assistance Group, an Immigrant Justice Corps Fellow at Sanctuary for Families, and a Kirkland & Ellis New York City Public Service Fellow at Her Justice. She also served as a refugee officer for the U.S. Citizenship and Immigration Services and as law clerk for U.S. District Judge Kimba M. Wood for the Southern District of New York.



**Cherie Brown**  
Assistant Professor of  
Academic Success

Brown teaches courses and workshops designed to sharpen students' legal analytical skills, enhance their academic experience, and prepare them for the bar examination and real-world practice.

Brown joins the program as a full-time member after previously serving as a small group instructor and an adjunct professor. Prior to her academic career, Brown was an assistant corporation counsel for the New York City Office of the Corporation Counsel and a fellow for the New York City Police Department.



**Meg Holzer**  
Assistant Professor of  
Legal Writing

Holzer joins the Law School's nationally ranked legal writing program after serving as a visiting professor since 2017. She also teaches in the Law School's externship program and academic success program. Her scholarship

interests relate to legal education pedagogy with a focus on equity and accessibility.

Before joining the Law School faculty, Holzer was a visiting assistant professor of legal writing at the Maurice A. Deane School of Law at Hofstra University. She has practiced as a litigation associate at Sullivan & Cromwell and as staff attorney in the Public Policy Litigation & Law Department at Planned Parenthood Federation of America.



**Irene Ten Cate**  
Assistant Professor of  
Legal Writing

Ten Cate's research focuses on features of, and values promoted by, adjudication in court systems and in international arbitration, as well as legal reasoning, effective teaching of legal writing, and the legal academy.

Ten Cate serves on the editorial boards of *Legal Writing: The Journal of the Legal Writing Institute* and the Legal Writing Institute's monograph series. She most recently practiced law in Jenner & Block's commercial litigation and international arbitration practice.



**Danielle Tully**  
Assistant Professor of  
Legal Writing

Tully previously taught at Suffolk University School of Law and Northeastern University School of Law. In addition, she was a clinical teaching fellow in the Civil Rights and Constitutional Litigation Clinic at Seton Hall. Her recent article "The Cultural (Re)

Turn: The Case for Teaching Culturally Responsive Lawyering," 16 *Stanford Journal of Civil Rights & Civil Liberties* 201 (2020), was selected for the Legal Writing, Reasoning, and Research Section's Newer Scholars' Showcase at the 2021 meeting of the American Association of Law Schools.

Before entering academia, Tully worked in public interest law both domestically and internationally and clerked for U.S. District Judge D. Brock Hornby for the District of Maine.

Following are selected highlights of recent faculty scholarship.  
To learn more, visit [www.brooklaw.edu/facultyscholarship](http://www.brooklaw.edu/facultyscholarship)

### William Araiza

*Regents: Resurrecting Animus/Renewing Intent*, 51 **Seton Hall Law Review** 983 (2021)

A SLEEPER ISSUE in the U.S. Supreme Court's decision in *Department of Homeland Security v. Regents of the University of California*, invalidating the Trump administration's rescission of the Obama-era Deferred Action for Childhood Arrivals program, is the Court's rejection of the plaintiffs' equal protection animus claim. That rejection may well portend a revival of the animus concept that many had speculated the Court would abandon after its primary proponent, Justice Anthony Kennedy, left the Court.

### NEW IN FACULTY BOOKS

#### Wilfred Codrington III

**The People's Constitution: 200 Years, 27 Amendments, and the Promise of a More Perfect Union** (with John Kowal) (The New Press, 2021)

THE REAL HISTORY of the Constitution is the astonishing story of how subsequent generations have reshaped this founding document amid some of the most colorful, contested, and controversial battles in American political life. In their book, Codrington and Kowal offer an alternative history of the continuing struggle to realize the Framers' promise of a more perfect union.

#### Cynthia Godsoe

*The Place of the Prosecutor in Abolitionist Praxis*, \_\_ **UCLA Law Review** \_\_ (forthcoming 2021)

PROGRESSIVE PROSECUTORS have been widely hailed as the solution to mass incarceration, but Godsoe argues that the legal arm of law enforcement can never be the full answer to its problems. She questions whether the system should be changed from within and if it can be changed from within. Godsoe concludes by gesturing to the limits of all lawyers in fixing the carceral monster they largely created, and a call for greater attention to grassroots bottom-up change.

### Robin Effron

*Forum Selection Clauses, Non-Signatories, and Personal Jurisdiction*, \_\_ **Notre Dame Law Review** \_\_ (forthcoming 2021) (with John Coyle)

EFFRON AND COYLE critique the rules that determine whether a non-signatory is bound by a forum selection clause. They propose reforms that would impose a degree of order on a fractured due process landscape, and that provide more robust protections to non-signatory defendants.

### Andrew Gold

*Pernicious Loyalty*, 62 **William & Mary Law Review** 1187 (2021)

SOME OF THE VERY FEATURES of fiduciary loyalty that make it valuable also encourage behaviors harmful to beneficiaries, third parties, or society as a whole. Examples include the corporate director whose concern with shareholder wealth maximization leads to considerable environmental harm and the skillful attorney whose zealous representation undermines justice between the parties. Gold considers the nature of pernicious loyalty together with potential legal responses to its excesses.

### Edward Janger

*Private Equity @ Industries in Transition: Debt, Discharge, @ Sam Gerdano*, 71 **Syracuse Law Review** 521 (forthcoming 2021)

BANKRUPTCIES OF BRICK-AND-MORTAR RETAILERS seem to follow a similar path. A private equity firm purchases the retailer, ostensibly to save it, but the firm ultimately fails and liquidates. The predominance of failed rescues does not seem to dissuade investors. Indeed, the private equity firms appear to make a profit while the businesses fail. Janger examines the plausibility of two competing and irreconcilable micro-stories with macro implications: the private equity/market discipline story and the industry-in-transition story, and evaluates the Stop Wall Street Looting Act of 2019 in light of these considerations.

### Andrew Jennings

*Follow-Up Enforcement*, 70 **Duke Law Journal** 1569 (2021)

WHEN FIRMS BREAK THE LAW, government agencies have the power to bring enforcement actions against them. One of the goals of enforcement is to prevent recidivism. Jennings takes a critical look at the "clawback" approach, under which defendant firms receive penalty credit in exchange for remedial efforts that, it is hoped, will prevent misbehavior tomorrow. Jennings concludes that an alternative "follow-up" approach that credits only firms' demonstrated results would be more effective and efficient at recidivism prevention.

### Alice Ristroph

*The Curriculum of the Carceral State*, 120 **Columbia Law Review** 1631 (2020)

SINCE THE MIDDLE OF THE TWENTIETH CENTURY, American law schools have offered a course in criminal law in which homicide is the paradigm crime and legality a core organizing principle. The curricular canon depicts criminal law as a necessary and race-neutral response to grave injuries, and it also depicts criminal law as capable of self-restraint through various internal limiting principles. This model does not correspond closely to actual legal practices, but was designed to model what criminal law could become. Ristroph reveals the pro-carceral implications of the prevailing canon and offers the outline of a different model that could alter American attitudes toward criminal law.

### Faiza Sayed

*Terrorism and the Inherent Right to Self-Defense in Immigration Law*, 109 **California Law Review** 615 (2021)

THE IMMIGRATION AND NATIONALITY ACT (INA) deems an individual inadmissible to the United States for having engaged in terrorist activity, but these provisions often have been used to deny relief to individuals who have taken actions in self-defense. Sayed argues that Congress should adopt reforms to ensure that the government does not deny immigration relief to individuals who have exercised this most basic of rights, accomplishing two desired immigration law goals: excluding terrorists and providing protection to individuals fleeing persecution.

## Professor Steven Dean Goes to Washington

PROFESSOR **STEVEN DEAN**, an expert on international tax and social enterprise, has become an influential voice in the conversations shaping the nation's tax policy. He has successfully pushed for changes to President Joe Biden's tax policies and testified before Congress on the issue of racial bias in tax enforcement.

In his address to a joint session of Congress in April 2021, Biden, responding to prompts from Dean, pivoted his message regarding tax havens. Dean had been critical of the president's omission of European countries such as Switzerland and Ireland when he discussed tax havens, naming only countries with majority-Black populations such as the Cayman Islands and Bermuda. In an open letter published in the *Nation*, Dean urged Biden to use his power to eradicate systemic racism in international tax policy. Dean also addressed his concerns in conversations with staff members of the Biden administration.

In June 2021, Dean testified before members of the U.S. House of Representatives Ways and Means Committee on "Minding the Tax Gap: Improving Tax Administration for the 21st Century." He has written articles in the *Nation*, the *New York Daily News* and *New York Law Journal*, and been quoted in Politico and other outlets on the subject. His next book will expand on the themes of his recent article, "Ten Truths About Tax Havens: Inclusion and the 'Liberia' Problem," 70 *Emory Law Journal* 1657 (2021, with Attiya Waris).

Watch Professor Dean address members of the U.S. House Ways and Means Committee  
[www.brooklaw.edu/dean\\_congress](http://www.brooklaw.edu/dean_congress)



"This pivot in message is definitely a step in the right direction, but much more needs to be done by this administration if it is to live up to its pledge to end systemic racism," said Dean. "I and many of my colleagues in academia stand ready to assist in any way we can."

Dean's scholarship addresses the impact of neoliberalism and racial capitalism and the evolving relationship between financial profit and social mission evident in the emergence of social enterprise, impact investing, and unregulated philanthropy. He was named a co-director of the Dennis J. Block Center for the Study of International Business Law, joining Professors **Julian Arato** and **Robin Effron** to lead one of the most active international law institutions in New York. He has served as vice dean of the Law School and, while a visiting professor of law at New York University School of Law, as faculty director of that school's graduate tax program.

## Professor Andrew Gold Offers New Theory of Private Law in *The Right of Redress*



IN THE INTRODUCTION TO HIS LATEST BOOK, *The Right of Redress* (Oxford University Press, 2020), Professor **Andrew Gold** begins with this scenario:

"As you leave a store, a stranger approaches and steals your shopping bag from you. As you run after the thief, they stumble so that you have a chance to grab the bag back. You also see that

there are no police in sight. Is it morally acceptable for you to grab the bag?"

To Gold, this example illuminates his concept of *redressive justice*, which governs "when right holders undo the harms they have suffered," as opposed to having the state compel the wrongdoer to correct the wrong. Through his analysis of this concept, Gold reimagines rights in private law and the political theory behind them, complicating our conventional understandings of torts, contracts, and fiduciary law.

The Law School celebrated the book's publication with a book launch event in February 2021. Panelists included Associate Dean **Edward Janger** and Vice Dean **Christina Mulligan**, along with John C.P. Goldberg and Henry E. Smith of Harvard Law School. The event was sponsored by the Center for the Study of Business Law and Regulation, where Gold is an associate director.

"I want to show that there's a thread that runs through different parts of private law," said Gold. "One of the puzzles that the book sets up is in figuring out why redress looks the way it does in particular fields. While I'm offering a general theory that I think has explanatory payoffs for each field, there are also important nuances."

Gold is co-editor of multiple books on private law theory and fiduciary law, including *The Oxford Handbook of the New Private Law* (Oxford University Press, 2020). He previously was the Bruce W. Nichols Visiting Professor at Harvard Law School; an HLA Hart Visiting Fellow at the University of Oxford; and a Fulbright Visiting Research Chair at McGill University. He is a co-founder of the North American Workshop on Private Law Theory and is a member of the American Law Institute.

## Professor Anita Bernstein's Scholarship Inspires Two Law Review Symposia



Professor Anita Bernstein

WHEN PROFESSOR ANITA BERNSTEIN published *The Common Law Inside the Female Body* (Cambridge University Press, 2019), an in-depth exploration of U.S. common law through history as a source for strengthening women's rights and freedoms, a great many legal scholars were intrigued by the topic and wanted to engage in the dialogue.

*Northwestern University Law Review* seized the opportunity to publish an online symposium issue, composed of seven essays and a foreword contributed by Bridget Crawford, professor of law at the Elisabeth Haub School of Law at Pace University. However, there were enough scholars with ideas inspired by Bernstein's book for Crawford to arrange a second online symposium issue published by *Boston College Law Review*, where she introduced six additional essays.

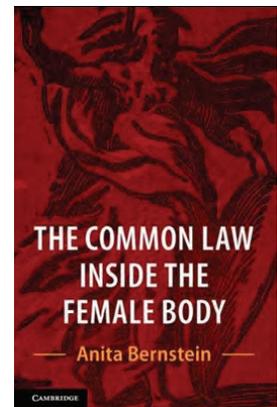
These issues also gave Bernstein the opportunity to address other important related topics not included in the book and engage with the scholarly discussion. In the first of her two essays, "Negative Liberty Meets Positive Social Change,"

114 *Northwestern University Law Review Online* 195-211 (2019), Bernstein delved into the rights of women to refuse exploitation of their bodies, with a focus on the historical oppression of women of color.

"Honoring negative liberty makes lives better for all persons, but especially for those who are subordinated," she wrote. "Its force and strength against group-based oppression might be obscured by the priorities that stem from material disadvantage."

In "There's Feminism in Those Judgments," 61 *Boston College Law Review Electronic Supplement* I.112 (2020), Bernstein takes the opportunity to examine her book in relation to the feminist judgments movement, in which scholars rewrite historical decisions from a feminist point of view, using only the facts and ideas that were available to judges at that time.

"Having two symposia on my book was a double honor," said Bernstein. "I had two separate ideas for what I wanted to say about the essays the scholars submitted, and I appreciated having a second space to express them."



### Noteworthy

**BROOKLYN LAW SCHOOL'S FACULTY rank 33rd in the nation for scholarly impact**, according to a newly released study conducted by the University of St. Thomas School of Law. According to the study, the 10 most-cited tenured professors at Brooklyn Law School were Professors **William Araiza, Miriam Baer, Anita Bernstein, Andrew Gold, Edward Janger, Roberta Karmel, Frank Pasquale, Alice Ristroph, Elizabeth Schneider, Jocelyn Simonson, and Lawrence Solan**. Pasquale was also the third most-cited scholar in the Law & Technology category.

Turnaround Management Association named Professor **Debra Bechtel** and **the Corporate and Real Estate Clinic** winners of the 2021 Turnaround/Transaction of the Year Award in the pro bono category.

The American Law Institute voted to approve the ALI-ELI Principles for a Data Economy, on which Professor **Neil B. Cohen** served as ALI reporter.

The American Law Institute voted to approve the Principles of the Law, Compliance and Enforcement for Organizations, on which Professor **James Fanto** served as an associate reporter.

Professor **Maryellen Fullerton** published a case preview and post-decision analysis on SCOTUSblog of *Sanchez v. Mayorkas*, argued before the U.S. Supreme Court in April 2021.

The Uniform Law Commission has invited Professor **Edward Janger**, associate dean for faculty research and scholarship, to serve on its Committee to Review Uniform Acts.

# IMPACT

## New Fellowship to Assist Aspiring Public Defenders

IN THE MEMORY OF a renowned public defender who escaped the Nazis during WWII to ultimately attend Brooklyn Law School and lead an illustrious legal career, the family of **Roland Thau** has established a fellowship that will support law students pursuing careers in criminal defense.

“He was an extraordinary man who lived an extraordinary life, and I want him to be remembered,” said Mary Farrington, Thau’s wife and a retired attorney who had a long career in public service.

Thau, who died Nov. 10, 2020, at age 86, was born in France. Much of his early childhood was spent in hospitals because of prolonged illnesses, but the hospital stays kept him hidden from the Nazis. His mother was able to smuggle him into Switzerland, and he and his family eventually settled in Brooklyn after the war. He arrived with no knowledge of English and only two years of formal education.

When he turned 19, his family decided to return to Europe, but Thau remained in New York on his own. Inspired by the McCarthy hearings and their injustices, he wanted to pursue his dream of becoming a lawyer, and believed he had a better chance to do so in the United States.

Thau attended Brooklyn College at night while working full time. He then enrolled at the Law School for one year in 1957 before completing his legal education by apprenticeship, as is permitted by New York state.

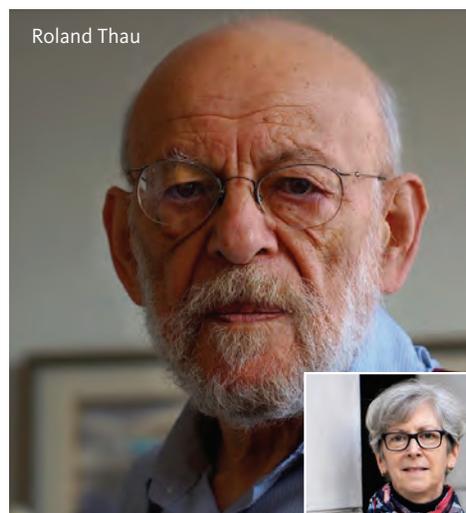
Thau’s job at the Legal Aid Society, his first after passing the bar exam, began his lifelong devotion to criminal defense. His commitment would cause him to work all night at times, often waking Farrington to rehearse his summation arguments with her.

“From the time he was very young he was concerned with inequities here and in Europe,” said Farrington. “Roland was a talented advocate to the indigent, dedicated to his career. I thought that a fellowship that helps others become public defenders would continue that legacy.”

Colleagues considered Thau, who eventually joined the Federal Defenders of New York, “a giant of the Southern District of New York courthouse.” Among other honors, in 2010 he was recognized by the New York Council of Defense Lawyers with the Norman S. Ostrow Award.

The endowment will provide a permanent source of funding for a grant every year to a student who is dedicated to a career in criminal defense.

“Aside from the financial assistance, I also believe my husband’s story is an inspiration,” said Farrington. “So many people are concerned today about how COVID has hurt children’s education. Roland’s life is proof that you can overcome these setbacks.”



Roland Thau



Mary Farrington

### The Gift of a Legal Education

Donors create scholarships for a variety of reasons: to reward achievement, to help students with financial need, to promote work within their practice area, to help create an opportunity, or to honor a legacy. Whatever your motivations or ability to give, there are many options to create an enduring impact on the future of the legal field.



To learn more about how you can help the next generation of Brooklyn Law School students, contact Chief Advancement Officer Annie Nienaber at 718-780-7516 or [annie.nienaber@brooklaw.edu](mailto:annie.nienaber@brooklaw.edu)

## Arthur Riegel '94 Establishes Scholarship for Nontraditional Students

IN TWO CHERISHED Brooklyn Law School commencement traditions, children of graduates are allowed to join their parents on stage and alumni may present degrees to their graduating family member. **Arthur A. Riegel '94** fulfilled both traditions at once when his daughter, **Deborah Riegel '93**, president-elect of the Alumni Association, joined him on stage and presented him with his degree, to thunderous applause from the audience.

“Brooklyn Law School has been a family affair,” said Arthur Riegel. This feeling of family extended to the whole Law School community, which he felt fully embraced him, an older student who had already retired from his first career when he enrolled.

It is for this reason Riegel has decided, after a full second career in labor and employment law arbitration, to establish a scholarship to assist other nontraditional students embarking on the same path.

Riegel, who grew up in a family with little money but with parents who instilled in him the value of education, was a public school principal for 20 years before deciding to apply to law school.

From his first day of classes, said Riegel, he felt “treated with such care” by the Law School. His admissions counselor, recognizing his apprehension over returning to school after so many years, suggested he start with a lighter first semester before jumping in with a full course load. A chance early encounter with Dean David Trager led to a friendship not as dean and student, but as two professionals who had experience running educational institutions. Riegel also had many professors whom he considered mentors, including Professor Joel Gora. However, the most help came from Professor Linda Feldman. She acted as Riegel’s informal guidance counselor, spending hours helping him learn how to take law school exams.

“At the end of my first year, I sent Dean Trager a letter titled ‘Observations from the Senior Set,’ enumerating all the kindnesses shown to me by the faculty,” said Riegel. “When I got back to school, faculty kept stopping me to thank me. It turned out the dean had made copies and shared it with everyone I mentioned in the letter.”

After passing the bar exam on his first try, Riegel launched an arbitration practice. After a long career as part of a “big machine,” Riegel had vowed “never to work for someone else again.” His wife encouraged him to follow his dream, despite the challenges he experienced.



“My wife said, ‘Don’t give up,’” he said. “Give yourself time. Have confidence in yourself.”

A year later, he was added to a panel of arbitrators and, within three years, had a thriving practice. Today, at the age of 84 and after 25 years of practicing law, Riegel is still thriving.

After years of loyal giving, Riegel made a commitment of \$25,000 to establish the Arthur A. Riegel Scholarship for nontraditional students who, like him, have not taken the typical path to law school.

“But for Brooklyn Law School, I would not have achieved such great success, and it’s only fitting that I give back,” he said. “I’ve given in the past, and I’m not done.”

Riegel looks forward to meeting with the recipients of his scholarship to provide them with encouragement and advise them to seek out the assistance of others.

“I hope this story will help others see that no one makes it on their own,” he said. “I’m giving back to the community that made me what I am and I want to encourage others to do the same.”

# Alumni Events

## Alumni Luncheon Raises Funds for Student Mental Health

ALUMNI, FACULTY, TRUSTEES, AND GUESTS gathered virtually May 7, 2021, for the annual Alumni Luncheon. Three alumni were honored for their outstanding contributions to the Law School community and the legal profession: **Stan Wilcox '88**, executive vice president of regulatory affairs at the National Collegiate Athletic Association, received the Alumnus of the Year Award; **Ashley Fisher '09**, senior managing counsel of global brand, marketing and sponsorship at Visa, and **Jordan H. Oreck '11**, senior counsel at Blue Pool Capital, were honored as Rising Stars. The virtual format included engaging conversations with the honorees conducted by the interviewer of their choice.

The Luncheon was sponsored by 36 law firms, organizations, and individuals connected to the Law School. All proceeds from the event will benefit the new Student Mental Health Initiative, which supports students' mental health and well-being, enabling them to thrive in the classroom and beyond.

“The Alumni Board recognized that connecting with fellow graduates and friends was an important and cherished aspect of the Luncheon. Both the board and our very creative staff were determined to ensure that this opportunity was not lost in a virtual setting.”

— ALUMNI ASSOCIATION PRESIDENT VALERIE FITCH '88

“You, our graduates, are our pride and our legacy. Even as we are continually strengthening your ranks, you are continually making us a stronger law school with your support, your advice, your help, and your good example.”

— DEAN MICHAEL T. CAHILL



“Law school taught me what it really means to compete in the classroom. I learned to put the same kind of effort into law school that I had put into my athletics on the playing field [as a collegiate basketball player at the University of Notre Dame].”

— STAN WILCOX '88



“The way I think about giving is that now I am the one reaching a hand down and helping up those who are coming up after me. Whether through financial support, mentoring time, or participation in anything that is asked of me, it's about paying it forward.”

— ASHLEY FISHER '09



“All the exposure that I got through classes and internships was a phenomenal foundation for what I do. Being exposed to things like securities law, corporate finance, international arbitration, and banking before starting my career gave me a head start.”

— JORDAN H. ORECK '11

## Fred Rosen '69 Gets Down to Business with Students



TO **FRED ROSEN '69**, president and CEO of Ticketmaster Group from 1982 to 1998, the most important thing for entrepreneurs to possess is conviction in their abilities.

“The only thing that prevents you from doing anything is yourself,” said Rosen. “Sometimes people are angry at you, sometimes they are mad at you, sometimes they don’t like you... but so long as you feel you are doing the right thing, you just have to tune out the noise and keep moving forward. You wake up in the morning, and start a new day. I did what I wanted to do—that was my journey.”

Rosen imparted his philosophies of entrepreneurship to a captivated audience of entertainment law students in a Q&A with Dean Cahill hosted by the Brooklyn Entertainment & Sports Law Society. In a free-ranging conversation, Rosen related how he leveraged his experience in practice to build the world’s leading computerized ticketing service.

Not content just to donate his time to students, Rosen created the Seymour and Hannah Rosen Endowed Scholarship in 2021. Named after his parents, the scholarship has unique criteria targeting students who possess the skills that Rosen believes were essential to his success.

## The Future of New York City Real Estate: Here to Stay

AS NEW YORK CITY EMERGED from the COVID-19 pandemic, Brooklyn Law School alumni and students convened virtually at a networking event to discuss the ongoing impact of lockdown orders and remote work on the city’s real estate industry. The April 2021 event was organized by the Brooklyn Law Real Estate Society.

“What I love about what I do is that it’s tangible. It’s wonderful to walk around the city and see projects I worked on and contributed to,” said **Laurie Stanziale '97**, partner at Fox Rothschild, in her opening remarks. “For every person who has

left, there are five more who want to live here. There may be a lot of shifting going on, but New York City real estate is here to stay.”

Attendees entered breakout rooms for discussions on their practice areas of interest, led by Stanziale; **Robert F. Alleman '10**, Greenberg Traurig; **Andrea Anderson '04**, WeWork; **Evelyn D’Angelo '13**, Starr Associates; **Mitch Korbey '03**, Herrick Feinstein; **Steven Sladkus '94**, Schwartz Sladkus Reich Greenberg Atlas; **Moira Skeados '09**, New York City Housing Development Corporation; and **Philip Tucker '11**, Herrick Feinstein.



High-rise apartments under construction in Greenpoint, Brooklyn, 2021

# ClassNotes

## GOLDEN ALUMNI HONORED BY FLORIDA BAR ASSOCIATION

The following alumni have been honored by the Florida Bar Association for being members in good standing for 50 years:

**Corinne R. Korn '53**

**Gerald Korman '63**

**Barry M. Elkin '64**

**Morris Engelberg '64**

**Noel Jay Feinberg '64**

**Jack Stein '66**

**Kenneth Rappaport '69**

**Daniel Retter '69**

**Larry H. Schatz '69**

**Leonard Zedeck '69**

### 1969

**Jeffrey D. Forchelli** was named a 2022 Lawyer of the Year by *Best Lawyers in America* in the area of land use and zoning law for the fifth consecutive year. Forchelli is a member of the Brooklyn Law School Board of Trustees and chair and co-managing partner of Forchelli Deegan & Terrana.

### 1971

**Marc Berman** was appointed to the advisory board of Options Solutions. He is currently a senior advisor at OCA Ventures.

### 1975

**Daniel Moskowitz's** novel *Bronx Stagger* was recognized by the 2021 Independent Press Award program in the "Cross-Genre" category.

### 1978

**Dorothea Regal** was named a 2021 Distinguished Leader by the *New York Law Journal*. She is a partner at Hoguet Newman Regal & Kenney.

### 1980

**Jay Cantor** founded Gil & Cantor. He focuses his practice in real estate law.

### 1985

**Richard Goldstein** joined Summit Health Law Partners as a litigation partner. He previously managed his own private practice.

### 1988

**Roger Slade** was elected president of the Dade County Bar Association. He is a shareholder at Haber Law.

### 1991

**Hemalee J. Patel** became the general counsel for the Board of Elections in the City of New York. She was previously a special referee for the Supreme Court of Richmond County.

### 1992

**Jeffrey Berkowitz** joined Pharma Two B as chair of the board. Berkowitz is the CEO of Real Endpoints.

**Martin Friedlander** joined American Academy of Matrimonial Attorneys as a fellow. He is currently the principal attorney at his own practice.

**Garret Lepaw** returned to the Corcoran Group as a senior managing director. He was previously an executive sales manager at Douglas Elliman Real Estate.

### 1993

**Scott Bersin** joined Bellmore-Merrick Central High School District as assistant superintendent for curriculum and instruction. He was previously the principal at Seaford High School.

### 1994

**Todd Zarin** joined Stearns Weaver Miller as a shareholder in its corporate practice group. He previously managed his own firm, Todd Zarin Consulting.

**Frank Carone '94** and **Errol Louis '05** were included in *City & State's* Brooklyn Power 100 for 2021. Carone is an executive partner at Abrams Fensterman, and Louis is the political anchor of Spectrum News NY1 and director of urban reporting at the City University of New York Graduate School of Journalism. He has recently joined *New York Magazine* as a columnist.

### 1996

**Eva Anthony** was appointed managing director and wealth & fiduciary advisor of Evercore Wealth Management and Evercore Trust Company. She was previously a senior fiduciary specialist at BNY Mellon Wealth Management.

**Allen Huang** joined JetBlue Airways as associate general counsel. He was previously deputy general counsel at Virgin America.

### 1997

**Michael Anthony Baston** was elected to the board of directors of the American Association of Community Colleges (AACC), the primary advocacy organization for the nation's community colleges. He is currently president of Rockland Community College in Suffern, N.Y.

**Jennifer Cattier** joined SK Capital Partners as general counsel and chief compliance officer. She was previously general counsel at Almanac Realty Investors.

**William Grandison Ford** was appointed an associate justice of the New York State Supreme Court, Appellate Division, Second Department. He was elected to the New York State Supreme Court in 2016.

**Virginia Trunkes** joined Gordon Rees Scully Mansukhani as a partner in its construction practice group. She was previously of counsel at Robinson+Cole.

### 1999

**Jonathan Schulman** received the New York City Big Apple Award for Teacher Excellence. He is a fourth grade teacher at P.S. 110 The Monitor School in Greenpoint, Brooklyn.

### 2000

**James Fox** was elected vice chair of Vinson & Elkins' senior leadership team. He is co-managing partner of the firm's New York office.

**Jean Soo Park** joined the City Bar Justice Center as director of the Federal Pro Se Legal Assistance Project. She was previously a hearing officer at the New York City Office of Administrative Trials and Hearings.

### 2001

**Nicole George-Middleton** was appointed executive director of the American Society of Composers Foundation. She will continue as senior vice president of membership.

**Baaba Halm** joined Enterprise Community Partners as its vice president and New York market leader. Halm was previously executive deputy commissioner and chief diversity officer at the New York City Department of Housing Preservation & Development.

**John Minardo** joined Ironwood Pharmaceuticals as its vice president and chief legal officer. He was previously the vice president at Seqirus.

**Lisa Varlack** founded the real estate brokerage firm Boulevard Real Properties. She was previously the principal broker at Brooklyn Quarters.

### 2002

**Vicki Andreadis** joined Bank Hapoalim International as general counsel. She was previously director and senior counsel for RBC Capital Markets.

**Alexandra Chandler** was included in *Out in National Security* and *New America's 2021 LGBTQIA+ Experts* in U.S. National Security and Foreign Policy list. Chandler is a policy advocate and impact manager for elections and voting rights at Project Democracy.

**Seth Merl** joined Reed Smith as a partner in its global corporate practice group. He was previously special counsel at Kramer Levin Naftalis & Frankel.

### 2004

**Manar Waheed** joined Facebook as associate general counsel on its civil rights team. She was previously senior legislative and advocacy counsel for the American Civil Liberties Union.

### 2005

**Andrew Brettler** was selected as one of the *Hollywood Reporter's* Power Lawyers Top 100 Attorneys in Hollywood. He is a partner at Lavery & Singer.

**Hylan Fenster** was promoted to associate general counsel at Adobe.

**Sirimal Mukerjee** was appointed to the Securities and Exchange Commission (SEC) Chair Gary Gensler's policy staff. He previously served as branch chief in the SEC's Investment Adviser Regulation Office in the Division of Investment Management's Rulemaking Office.

**Brian Robb** joined Berkshire Hathaway Specialty Insurance as senior vice president and head of its cyber/miscellaneous professional liability/tech division in the United States. He was previously assistant vice president at CNA Insurance.

**Jill Spielberg** joined Abrams Fensterman as a partner and leader of its matrimonial and family law practice group. She was previously a partner at Harold, Salant, Strassfeld & Spielberg.

### 2006

**Keith Billotti**, co-head of Seward & Kissel's capital markets practice group, was given the Deal of the Year award by *Marine Money*. Seward & Kissel was also recognized for the Equity Follow-on Deal of the Year, which was also spearheaded by Billotti.

**Daniel Wiig** was elected chair of the commercial and federal litigation section of the New York State Bar Association. He is the host of *Amicus Curiae*, a New York-focused legal podcast sponsored by the New York County Lawyers' Association.

## 2007

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**Jared Ho** joined Facebook as associate general counsel for privacy. He was previously at the Federal Trade Commission.

**Jordana L. Renert** joined Lowenstein Sandler as a partner in its bankruptcy and restructuring practice group. She was previously a partner at Arent Fox.

**Josh Shpayher** joined USA Vein Clinics as associate general counsel. He was previously general counsel at Simple Laboratories.

## 2008

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**Shujah Awan** joined Roxe as general counsel and as its chief compliance officer. Awan was previously general counsel and chief compliance officer of CapVenture Partners.

**Michael Calcagni** was appointed co-vice chair of the Surrogate's Court Estates & Trusts Committee of the Nassau County Bar Association. He is of counsel at Moritt Hock & Hamroff.

## 2010

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**Elliot J. Coz** joined Cozen O'Connor as counsel. He focuses his practice in the areas of contract, breach of fiduciary duty, fraud, employment law, residential and commercial real estate, and corporate governance.

**Alexander Kerzhner** joined Forchelli Deegan Terrana as a partner in its corporate and mergers & acquisitions practice group. He was previously an associate at Fox Rothschild.

## 2011

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**Risa Chalfin** joined Norris McLaughlin as a member in its litigation practice group. She was previously of counsel at Wilentz, Goldman & Spitzer.

**Tom Curtin** was promoted to special counsel at Cadwalader, Wickersham & Taft. He focuses his practice in financial restructuring and bankruptcy.

**Mathew Thomas** was promoted to chief of staff at TriNet USA in its legal and compliance division. He was previously senior corporate counsel within TriNet's commercial contracts division.

## 2012

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**Jaelyn Ruch** joined Greenberg Traurig as a shareholder in its corporate practice group.

## 2013

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**Cassidy Merriam** joined DISH Network as general counsel. Merriam was previously an intellectual property attorney at EmergeCounsel.

## 2014

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**Charles Barker** was appointed a member of New Jersey's Cannabis Regulatory Commission by Governor Phil Murphy. He was previously associate general counsel for Alma Realty Corp.

**John Runne** was promoted to counsel at David Polk & Wardwell in its capital markets practice group.

## 2015

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**Mario G. Bai** joined Ellis Law Group as an attorney in its estate planning and corporate practice groups. He was previously a founding member and partner of the Law Offices of Contaldi and Bai.

## 2016

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**Daniel S. Chertok** joined Archer & Greiner as an associate in its real estate practice group. He was previously an associate at Troutman Pepper.

**Ned L. Schultheis** joined Kirkland & Ellis as an associate in its private equity and mergers and acquisitions transaction practice group. He was previously an associate at Ropes & Gray.

## 2018

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**Ryan Foley** joined Pillsbury Winthrop Shaw Pittman as a litigation associate. He was previously an assistant district attorney in the appeals bureau of the Bronx District Attorney's Office.

**Rachel Mohabir** joined the Queens District Attorney's Office as an assistant district attorney.

## 2020

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**Khaled Mekki** joined the TacoCat Company as chief business development officer and community manager.

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# In Memoriam

## Professor Minna J. Kotkin

**Professor Minna J. Kotkin**, a longtime and esteemed member of the Brooklyn Law School faculty and a trailblazer in employment law and sexual harassment law, died suddenly Sept. 30, 2021. She was 70.

Kotkin, who joined the faculty in 1984, was professor of law and director of the Federal Litigation Clinic and the Employment Law Clinic, specializing in employment discrimination law and sexual harassment issues. She also taught Civil Procedure, Administrative Law, Civil Rights Law, and Interviewing and Counseling.

In 2020, in response to the nationwide shutdown of businesses caused by the COVID-19 pandemic, Kotkin launched the Pandemic Employment Relief Clinic, which rallied hundreds of law students to help New York workers who had been displaced, particularly freelance or gig workers. In recognition of this work, the Law School received the New York State Bar Association President's Pro Bono Service Award (*see page 7*).

A vocal advocate for the rights of the disempowered, Kotkin wrote and lectured extensively on issues of employment discrimination, with a particular emphasis on sexual harassment and confidentiality. She was also called upon frequently to discuss employment discrimination and sexual harassment in the media, including the *Washington Post*, the *New York Times*, HuffPost, NPR, "PBS Newshour," and *Wired*, among other national outlets.

"Losing Minna as a friend and colleague is devastating," said Professor Stacy Caplow, associate dean for experiential education. "A consummate teacher and litigator, she valiantly fought for her clients while inspiring her students to do well by doing good. Everyone she touched benefited from her wisdom and example. We will all miss her deeply."

A pioneer and leader in the clinical legal education community, Kotkin served at various times as the chair of the Association of American Law Schools' sections on Litigation and Clinical Legal Education; on the steering committee of the association's Equal Justice Project; on the board of editors of the *Clinical Law Review*; and on the boards of directors of the Global Alliance for Justice Education, Disability Advocates, Inc., the Eastern District of New York Litigation Fund, MFY Legal Services, and Manhattan Legal Services.

She spent time as a visiting scholar at New York University School of Law, the University of East London, and the University of Cape Town. Before joining the Law School's faculty, she was the litigation director of New York Lawyers for the Public Interest and a litigation associate at Proskauer Rose. She graduated from Rutgers University Law School, where she was editor-in-chief of the law review, and Barnard College.

Kotkin is survived by her partner, Deena Hellman; her sons, Eli and Sam Stillman; and their father, Joseph Stillman.



Clockwise from top left: Kotkin as a panelist at the 2018 Sparer Forum, with clinic students circa 1980s, with Professors Stacy Caplow and Susan Herman in 2018

## Jack B. Weinstein

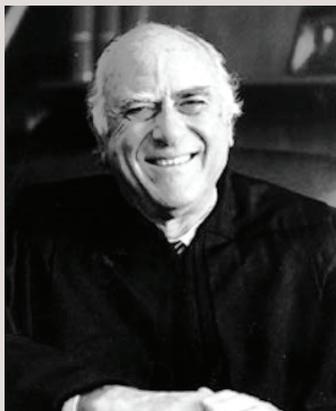
**Jack B. Weinstein**, who served as a judge for 53 years and as chief judge of the U.S. District Court for the Eastern District of New York for nearly a decade, died June 15. He was 99.

Weinstein's long and influential career—he retired from the federal bench at 98—included noteworthy leadership and scholarship in the areas of evidence and mass torts. He was a fierce advocate for the rights of the marginalized in the legal system and a larger role for young lawyers, especially women, in the courtroom.

Weinstein had long associations with the Law School's faculty and students. As an adjunct professor from 1991 to 1996, he taught Individual Justice in Mass Society, Science and the Law Seminar, and Complex Litigation. He was co-author with the late Professor Margaret Berger of several books, including *Weinstein's Federal Evidence*, widely considered the preeminent treatise on the federal rules of evidence. President and Dean Emerita Joan Wexler served as a law clerk for Weinstein, as did Professor Anita Bernstein. Several Law School graduates also went on to serve as law clerks for the judge. An esteemed colleague on the faculty, he was honored on his 80th birthday with the special event "Judge Jack B. Weinstein, Tort Litigation, and the Public Good," which featured commentary from Professor Aaron Twerski and Berger.

Weinstein was nominated to the bench by U.S. President Lyndon Johnson in 1967 and served as chief judge of the Eastern District from 1980 to 1988. His judicial service extended to membership of the Judicial Conference of the United States, and he was a member of the committee that drafted the Federal Rules of Evidence. He was a graduate of Brooklyn College and Columbia Law School, and, as a young lawyer, assisted Thurgood Marshall with briefs for *Brown v. Board of Education*.

He is survived by his wife, Susan Berk; three sons, Seth, Michael, and Howard; two stepchildren, Ronnie Rosenberg and Stephanie Berlin; two grandchildren; and four step-grandchildren.



1953  
**Edward Newman**

1954  
**Joseph J. Longo**  
April 22, 2021

1956  
**Donald Henry Blyn**  
Jan. 12, 2021

1959  
**Ethel Chiulli**  
Jan. 9, 2021

1960  
**Robert Norman Littman**  
March 20, 2021

1965  
**Paul Leonardo**  
May 16, 2021

1966  
**Joel Winograd**  
July 18, 2021

1967  
**William Joseph O'Shea**  
May 6, 2021

**Stephen B. Schneider**  
June 9, 2021

1973  
**David M. Stern**  
June 29, 2021

## Memorial Fund Established to Honor Professor Kotkin

Professor Minna Kotkin was a trailblazer in the law and in the classroom, where she inspired generations of Brooklyn Law students. Join with other alumni and friends to honor her life and carry her legacy forward by making a gift to the Minna Kotkin Memorial Fund.

To learn more and make a gift, please visit [brooklaw.edu/KotkinMemorialFund](http://brooklaw.edu/KotkinMemorialFund)

A Conversation with Marissa Espinoza '23

## Holding Nursing Homes Accountable

*In her note “Shadow Nursing Home Ownership: How a Failure in Government Oversight of For-Profit Nursing Homes in New York Has Allowed Profits to Balloon and Standards of Care to Plummet,”* 28 *Cardozo Journal of Equal Rights and Social Justice* \_\_ (forthcoming 2022) **Marissa Espinoza '23** examines how owners of for-profit nursing homes create byzantine ownership structures that shield them from regulation, liability, and public scrutiny, increasing profits at the expense of vulnerable patients and their families.

### **How is nursing home ownership generally structured, and how does that drive profits to the owners?**

In problematic nursing homes, critical functions, such as laundry, are outsourced to outside LLCs, which are owned by relatives or close associates. The relative's company sets prices for the service, which is paid for by the nursing home's LLC.

The trouble with this dynamic is that approximately 70 percent of nursing home revenue stems from Medicare and Medicaid—taxpayer-funded programs. So, these subsidiary LLCs set their prices knowing that the nursing home LLC isn't going to challenge them.

In one nursing home I examined, relatives both ran the facility and owned the land it was built on. The nursing home held a long-term lease with an outrageously high rent, allowing the family to funnel the nursing home's rental expenses back into their profits.

### **How do nursing home owners avoid laws and policies already in place to protect nursing home patients?**

Public attention focuses on ensuring there is adequate staffing for nursing home residents and proper medical attention paid when patients require it. While those factors are critically important, the issue of patient care goes hand in hand with resolving how easy it is for private equity investors to siphon money from facilities, instead of increasing patient care and raising standards of living.

Nursing homes have also become savvy at adapting their accounting methods and legal structures to evade trouble. For instance, New York prevents the kinds of massive corporate nursing home structures that you see elsewhere in the country, but what you have in practice is shadow corporate nursing home networks run by the same owners—just using multiple LLCs. These owners buy up nursing home facilities and find ways to extract profit—either through exorbitant consulting or administrative fees or by directing contracts to LLCs that their relatives own. The attorney general's report on COVID-19 and nursing homes acknowledged

this problem but noted nothing in state law prevents it.

### **How has the COVID-19 pandemic exacerbated the problems with for-profit nursing homes?**

COVID-19, which so severely impacted large portions of the nursing home population, exacerbated long-existing problems the industry has with meeting baseline standards of care. When the pandemic hit, these facilities, some of which are run by private equity investors with no true medical expertise, were totally unprepared. Some nursing homes didn't even have serious emergency plans in place, despite laws explicitly requiring them.

The nursing home lobby came annually to Albany requesting an increase in the Medicaid reimbursement rate due to rising costs. Yet, when you examine the cost reports, you see that nursing homes are not paying staff more, but aggressively diverting money into LLCs owned by relatives and expensive consulting contracts.

The issue of patient care goes hand in hand with resolving how easy it is for private equity investors to siphon money from facilities, instead of increasing patient care and raising standards of living.

### **In 2021, New York state passed legislation establishing a direct care ratio, which mandates that nursing homes spend a minimum percentage of revenue on patient care. What steps can state regulators take to ensure that nursing homes comply with the new laws, both in letter and in spirit?**

One step that the New York State Department of Health (DOH) can immediately take is to narrowly define what costs are allowable toward the direct care ratio requirement as costs that specifically impact residential care and preclude exorbitant administrative costs. In addition, the DOH should scrutinize costs from companies that share principals with the nursing home operator or whose principals are related to the nursing home operation.

The most troubling aspect of this new law is that it allows the DOH commissioner the exclusive authority to waive this direct care ratio requirement in nursing homes that purport to experience “exceptional circumstances.” To address this loophole, the state legislature can remove this portion of the statute or the DOH can promulgate a regulation fleshing out transparent steps the commissioner must take before waiving this requirement. ■

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**Marissa Espinoza '23**, a part-time student at the Law School, is director of communications for New York State Senator James Gaughran. As a Fulbright scholar, she developed an index to measure financial stability within Ecuador's economy. She received her bachelor's degree in economics from Hofstra University.

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