

BLS Law Notes

THE MAGAZINE OF BROOKLYN LAW SCHOOL | SPRING 2012

In Fashion:



Four BLS Alumni
Who Rule the Runway

BLSLawNotes

Vol. 17, No. 1

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BLS LawNotes is published
semi-annually by
Brooklyn Law School
for alumni, students,
faculty and friends.

Letters and Comments

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

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By Professor James J. Park

Tackling the issue of securities enforcement, James J. Park, a professor of securities, corporations, and civil procedure, offers insight and analysis on the competition to enforce securities laws among a myriad of government regulators private enforcers. This article was adapted from a longer piece that will appear in the *California Law Review*.

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By Andrea Strong '94

From Project Runway to Fashion Week at Bryant Park, the world of haute couture is one of the most exciting and glamorous industries. In this feature, we profile four BLS alumni who are at the legal helm at the top houses of fashion in the country: Susan Posen '78 of Zac Posen, Lee Sporn '86 of Michael Kors, Sherry Jetter '86 of HMX Group (which owns Hart Schaffner Marx and Hickey Freeman), and Avery Fischer '93 of Ralph Lauren.

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In this new column we share some of our favorite spots for dining out and cultural activities in Brooklyn.





This is the last time that I'll be addressing all of you in my capacity as Interim Dean, and I'd like to share with you a few of the insights that I've gained over the course of these past couple of years.

Insight Number 1. Being dean of a law school, particularly an independent one, is a *big job* and *continuous*. Not that I'm counting, but, as of today, I have served as Interim Dean for 16,059 hours and 13 minutes and each one of them has been challenging or fulfilling or both. Those of you who are doing the math should keep in mind that deans don't sleep a lot. The fact that my predecessor, President Joan Wexler, managed to serve with grace and equanimity as Dean for 140,253 hours is astounding. It also helps explain why the Law School made such progress during her 16-year tenure.

Insight Number 2. One of the best parts about being Interim Dean has been the time I've spent meeting and working with faculty, students and graduates of the Law School. You are giving and forgiving, and I appreciate that.

Insight Number 3. It's all about the students. This is not an ethos that originated with me. It's an ethos that my colleagues share. It is as old as the Law School and is the foundation on which the Law School was built.

So, with just a touch of sadness and an immense sense of optimism, I turn this column and the keys to the Dean's office over to Nicholas Allard, who will become the eighth Dean of Brooklyn Law School on July 1st. His appointment by the board of trustees is the culmination of an extensive national search that identified a number of outstanding candidates.

Nick is a distinguished attorney and chair of the Lobbying, Political, and Election Law practice at Patton Boggs LLP. A graduate of Princeton University, Oxford University (where he was a Rhodes Scholar), and Yale Law School, Nick began his legal career as a law clerk to then Chief U.S. District Judge Robert F. Peckham in San Francisco and for U.S. Circuit Judge Patricia M. Wald in Washington, D.C. After three years in private practice, he became minority staff counsel to the Senate Committee on the Judiciary, where he served as legal counsel to Senator Edward Kennedy. He then served as chief of staff to Senator Daniel Patrick Moynihan. Prior to joining Patton Boggs, he was a partner at Latham & Watkins for over a decade, where he chaired the Government Relations Group.

Nick brings impressive experience in both the private and public sectors, along with the enthusiasm and energy necessary to continue the Law School's forward momentum. Our fall issue of *LawNotes* will include an in-depth interview with Dean Allard about his aspirations for the School.

As this issue of *LawNotes* went to press, we learned that we had lost a beloved colleague, fabulous teacher and cherished friend, Professor Michael P. Madow. A tribute to Michael will appear in the next issue of *LawNotes*, but we did not want to wait that long to take note of how much he meant to our students and our entire community. Over the course of 25 years of service on the Law School faculty, teaching and writing in the areas of First Amendment, mass media law, and criminal law, Michael touched the lives of thousands of students. His gentle and unassuming manner could not mask the brilliant intellect that his colleagues respected and his students revered.

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

Michael A. Gerber
Interim Dean

Brooklyn Law School Receives Two \$1 Million Gifts from Prominent Graduates



Dennis J. Block '67 (LEFT) and Jeffrey J. Feil '73 (RIGHT) each donated \$1 million to the Law School to help students defray the cost of their legal education.

Brooklyn Law School received two \$1 million gifts from Jeffrey J. Feil, Class of 1973, and Dennis J. Block, Class of 1967. Both gifts are directed to help students defray the cost of their legal education.

“We are so fortunate to have two such distinguished alumni support our Law School. Jeff and Dennis are always thinking of ways to help us. It is no surprise that in this era of increasing debt for our students, they reached out to support them,” said President Joan G. Wexler.

Feil is the Chairman and President of the Feil Organization, one of the nation’s foremost and diverse real estate companies. His latest gift will be added to the Gertrude and Louis Feil Scholarship Fund, which he established in memory of his parents last year with a gift of \$1.25 million. The scholarships will be awarded to extraordinary students. “I am grateful for the training I received at Brooklyn Law School. Everyday, I use the skills I acquired there to analyze complex real estate transactions. I want to help students take advantage of the opportunities the Law School offers, just as I did,” said Feil.

Block is the Senior Chairman of Greenberg Traurig’s global Corporate,

Mergers & Acquisitions Practice. He has handled numerous precedent-setting mergers and acquisitions transactions—both hostile and friendly—on behalf of acquirers, targets, and investment banks. His gift will support the Law School’s summer public service program for students who are interning with federal court judges. The students will be known as Block Judicial Intern Fellows. According to Block, “one of the best experiences a law student can have is to intern with a federal judge. It gives a student an opportunity to study the judicial decision-making process and to build writing and analytical skills.”

Both donors are longtime supporters of the School. Feil Hall, the School’s

22-story residence hall is named in honor of Feil’s generosity. That building transformed the Law School’s community by providing housing for approximately 350 students and allowing the Law School to guarantee housing to all of its first-year class. The School’s Dennis J. Block Center for the Study of International Business Law is named in recognition of the support of Block, who describes the Law School as “the institution that made my career possible.” The Center provides fellowships to students and brings together scholars, practitioners, judges and members of the international business community to explore cutting-edge issues that affect the international economy. ■

“We are so fortunate to have two such distinguished alumni support our Law School. Jeff and Dennis are always thinking of ways to help us. It is no surprise that in this era of increasing debt for our students, they reached out to support them.” —President Joan G. Wexler

Barry Salzberg '77 Honored at Inaugural Robert B. Catell Awards Dinner for Civic Leadership

On December 6, Brooklyn Law School honored Barry Salzberg '77, Global CEO of Deloitte Touche Tohmatsu, along with eight other individuals for their commitment and service to their communities at its inaugural Robert B. Catell Awards Dinner for Civic Leadership. The festive dinner, held at The Pierre, was underwritten by Catell, a Member Emeritus of the Law School's Board of Trustees and Chairman of Stony Brook University's Advanced Energy Research and Technology Center. Hosted by Consuelo Mack, Anchor and Managing Editor of *Consuelo Mack WealthTrack*, the dinner was a resounding success for the Law School, raising over \$500,000, which will be used to support scholarships and public service grants for summer internships.

President Joan G. Wexler began her remarks for the evening by expressing her gratitude to Catell, a longtime friend and supporter of the Law School. "I am incredibly grateful to Bob Catell, who has underwritten all of the expenses connected with this fabulous event," she said. "In choosing the right person to honor with this year's Robert B. Catell Award for Civic Leadership, we looked for someone like Bob, who was both a chief executive of a major international company and also a true leader in the community. We wanted an honoree who had devoted his life to reaching out to help others. In Barry Salzberg, Class of 1977, we found exactly the right person."

Salzberg, an outstanding alumnus, philanthropist, and highly respected business leader, has been a key force behind some of Deloitte's most innovative initiatives, including an unprecedented \$50 million pro bono commitment. He is well-known for his award-winning efforts to build opportunities for tomorrow's leaders and foster diversity in the workplace through his work with College Summit, YMCA of Greater New York, and the United Way.



LEFT TO RIGHT: President Joan G. Wexler, Robert Catell, and honoree Barry Salzberg '77 at the Awards Dinner.



Barry Salzberg '77, Global CEO of Deloitte Touche Tohmatsu, addressed the crowd of alumni and friends gathered in his honor.

Salzberg has also been an important supporter of Brooklyn Law School, where he has established two scholarships. The Barry and Evelyn Salzberg Scholarship, which is awarded to deserving students, was given to Varun Gupte '13 this year and to Ari Pole '12 last year. Both recipients were acknowledged at the dinner. The second scholarship, the Barry and Evelyn Salzberg/Deloitte Foundation Scholarship, provides tuition for an entering student from a minority background with an interest in accounting, economics, or business. This scholarship also includes a mentoring component by Salzberg and his partners and reflects the important role the Law School played in Salzberg's own life. Two recipients, Jeffrey Ling '14 and Ali Sultan '13, attended the dinner. ■



The Law School also honored the following people for exemplifying civic leadership in their respective communities.

- CHRISTOPHER S. AUGUSTE, a partner at Kramer Levin Naftalis & Frankel, LLP, was recognized for his involvement with the Wadleigh Scholars Program and his ongoing commitment to mentoring inner city teenagers.
- PATRICK J. CREEGAN '92, Senior Counsel at MetLife, was recognized for his involvement with the Pleasantville Lion's Club.
- LAWRENCE ELBAUM '05, an associate at Proskauer Rose LLP, was recognized for his leadership with the Brooklyn Family Defense Project.
- MICHAEL J. FARIS, a partner, and MARGRETHE KEARNEY, an associate, at Latham & Watkins LLP, were recognized for developing a clinic model that provides legal support to domestic violence victims in Chicago.
- JONATHAN GILMORE, Vice President and Assistant General Counsel at Metromedia Company, was recognized for his leadership roles with the NAACP and the Hackensack African-American Civic Association.
- KIMBERLY A. HARRIS, an associate at Skadden, Arps, Slate, Meagher & Flom LLP, was recognized for her involvement with New York Needs You, a non-profit fellowship program for first-generation and low-income college students.
- FRANCES RESHESKE, Senior Vice President of Public Affairs at Con Edison, was recognized for her service on the boards of numerous non-profit organizations.



CLOCKWISE FROM UPPER LEFT: Alumni and friends of the Law School enjoy dinner at The Pierre; Consuelo Mack hosts the evening's festivities; Barry and Evelyn Salzberg with Jeffrey Ling '14 (SEATED LEFT) and Ali Sultan '13 (SEATED RIGHT), recipients of the Barry and Evelyn Salzberg/Deloitte Foundation Scholarship.



On Board



Two Recent Graduates Join Board of Trustees

The Brooklyn Law School Board of Trustees has appointed two outstanding recent graduates to join the Board for two-year terms: Shannon M. Haley '08, an associate at Sullivan & Cromwell LLP; and Leo Kittay '08, an associate at Fross Zelnick Lehrman & Zissu, P.C. "We are very pleased to have such bright legal talent join the Board of Trustees," said Stuart Subotnick, Chairman of the Board. "With the Law School experience still fresh in their minds, their contributions to the Board will be extremely valuable to the BLS community."

Haley, who is an associate in Sullivan & Cromwell's Mergers & Acquisitions practice group, has an undergraduate degree in classical studies from Dartmouth College and a master's degree in archaeology from Bilkent University in Turkey. At the Law School, she served as the Editor-in-Chief of the *Brooklyn Journal of International Law*, held the Susan and Martin A. Fischer Scholarship, and was a Carswell Scholar. In addition, she interned at both the Center for Appellate Litigation and the New York City Administration for Children's Services. Following graduation, she clerked for Judge Ralph K. Winter of the Second Circuit Court of Appeals before she joined Sullivan & Cromwell.

On her appointment to the Board, Haley remarked: "This is a terrific opportunity for a recent graduate to be a part of the Law

School's future direction and development. It's an extraordinary privilege for me at this stage in my career."

Kittay, who studied philosophy as an undergraduate at Princeton University, spent almost a decade as a theater and television actor in New York City, before he began his legal studies. He graduated from the Law School *magna cum laude*, with a number of honors, including the Gerald Shargel Scholarship for Excellence in Criminal Law and the Donald W. Matheson Memorial Prize.

Kittay was an Articles Editor for the *Brooklyn Law Review*, and he interned both at the United States Attorney's Office in the Eastern District of New York and the New York County District Attorney's Office. Following graduation, he clerked for Judge Alvin K. Hellerstein of the United States District Court for the Southern District of New York. Before joining the intellectual property firm of Fross Zelnick, he worked at Covington & Burling LPP for two years. His practice focuses on trademark and copyright, representing clients in the publishing, luxury goods, consumer goods, entertainment, and pharmaceutical industries.

Kittay looks forward to his work on the Board. "I am honored to serve alongside such a distinguished set of board members. I hope that this is just the beginning of my involvement as a BLS alumnus," he said. ■

Law School Launches New Center for Business Law and Regulation

Brooklyn Law School has long been a leader in the areas of corporate governance, securities regulation, commercial law, and bankruptcy. Its new Center for the Study of Business Law and Regulation unites the Law School's existing diverse business and commercial law programs by providing a forum for scholarship that offers new perspectives on, and solutions to, real world business law and regulatory issues. The Center's focus is on how the law regulates financial markets and business transactions, and how best to make such regulations effective.

The Center is co-directed by Professors James Fanto and Edward Janger. Fanto is a scholar of corporate, securities and financial law and the author of *Directors' and Officers' Liability* and co-author of *Broker-Dealer Law and Regulation*. Janger, who holds the David Barse Professor of Law, is a commercial and bankruptcy law expert, a co-author of *Understanding Bankruptcy*, and author of articles on business bankruptcy, international bankruptcy, consumer finance, data privacy and security published in leading law reviews. In addition, the Center boasts an outstanding group of scholars who have expertise and a special interest in the study of corporate, securities, financial, and commercial law. They include Professors Roberta Karmel, Miriam Baer, Dana Brakman Reiser, Neil B. Cohen, Michael Gerber, Minor Myers, James Park, and Arthur Pinto.

"The Center came about for several reasons," Professor Fanto explained. "We have an excellent business and commercial law faculty at our school and a number of exciting business law events and programs that we put into a unified context. By creating this Center we hoped to showcase the achievements of our talented faculty, who have a similar intellectual orientation, which combines business, economic and financial sophistication with an appreciation for regulatory goals. Our business

The new Center for the Study of Business Law and Regulation unites the Law School's existing diverse business and commercial law programs by providing a forum for scholarship that offers new perspectives on, and solutions to, real world business law and regulatory issues.



The Center's inaugural symposium evaluated the first year of the Consumer Financial Protection Board.

and commercial law faculty have traditionally had close ties with the practicing bar and in-house counsel in financial institutions, particularly as to their work in legal compliance. We intend to formalize this relationship, offering students exposure to compliance by, among other things, involving compliance professionals in the Center's activities."

The Center's programs bring academics, adept in theoretical inquiry and policy analysis, together with practitioners, regulators, and judges to study how best to improve the functioning of a market-based economy. On March 2, 2012, the Center kicked off its inaugural program with a symposium entitled "The CFPB After One Year." The symposium, which was co-sponsored by the *Brooklyn Journal of Corporate, Financial, and Commercial Law*, evaluated the Consumer Financial Protection Board in its first year and future initiatives it may undertake. The panelists—CFPB officials, practitioners, and academics—discussed how best to protect consumer borrowers from lender overreaching in a manner that is sensitive to the functioning of credit markets and the banking system.

In addition to an annual symposium sponsored by the Corporate Journal, the Center will also host several other annual or bi-annual programs. These include the Barry L. Zaretsky Roundtable Series, a dinner that brings together distinguished practitioners, judges, and academics to discuss cutting-edge commercial and bankruptcy law topics. The Roundtable is organized with the help of a steering committee, which is composed of a distinguished group of judges, practitioners, and professors who further the scholarship and legacy of the late Professor Barry Zaretsky, a faculty member for nearly two decades and a luminary in bankruptcy and commercial law. A select group of students, who are selected as Zaretsky Fellows, also participate in the Roundtable Program. (CONTINUED NEXT PAGE)

The Abraham L. Pomerantz Lecture, a bi-annual program, commemorates the life and work of Abraham Pomerantz, a 1924 BLS graduate, who is considered by many to have been the “dean of the class action bar.” Pomerantz pioneered suits by small shareholders against executives of large corporations and specialized in so-called derivative suits, in which the company receives the award and passes it on to all stockholders. The lecture focuses on topics of corporate securities law and related issues of professional responsibility that bring nationally recognized scholars to the Law School to debate a timely topic. The law firm of Pomerantz Haudk Block Grossman & Gross LLP,

of which Abraham Pomerantz was the founding partner, provides continuing support for this series.

The Center will also sponsors a series of programs designed to prepare students for a future in the legal compliance field. These programs introduce students to the legal and compliance functions in publicly traded companies and financial firms, such as broker-dealers and investment advisers. Students will also have the opportunity to work as externs with securities regulators, FINRA, and financial institutions, and to be mentored by lawyers in the field. ■

Student Organization Spotlight: *The Philosophy and Linguistics Society*

The Philosophy & Linguistics Society (PLS) was founded in 2010 by Lisa Hatfield '12 and Elliott Siebers '12, who were philosophy majors as undergraduates. They sought to use their interest in and knowledge of philosophy to shed light on the law and its concepts and created what is now a thriving student organization. Since its inception, the PLS has held several well-attended events at the Law School.

This fall, the PLS and the Center for Law, Language, and Cognition co-hosted a weeklong series of interdisciplinary talks focused on how linguistics and philosophy intersect with the interpretation of the law. Drawing on the expertise of distinguished scholars in the area, including Brooklyn Law School Professors Lawrence Solan and Adam Kolber, the series of talks were designed to highlight emerging applications of philosophy and linguistics to issues of law.

“For more than a decade, Brooklyn Law School has been a forum for programs concerning how advances in the study of language by linguists, philosophers, and psychologists can inform the law, and this series of talks continues that mission,” said Professor Solan, the Don Forchelli Professor of Law and Director of the Center for the Study of Law, Language, and Cognition. “It is especially exciting that the idea for this series emanated from our student organization, the Philosophy & Linguistics Society. The Law School has always prided itself on blending theory and practice. It is gratifying that our students have taken a leading role in promoting this perspective.”

Building on their success this fall, the PLS hosted two additional events this spring. For the first, it arranged for a talk by prominent author Robert Lane Greene, a writer on law for *The*

“The Law School has always prided itself on blending theory and practice. It is gratifying that our students have taken a leading role in promoting this perspective.”

— Professor Lawrence Solan

Economist and author of *You Are What You Speak: Grammar Grouches, Language Laws, and the Politics of Identity* (2011). Greene’s presentation discussed the continual changes that language undergoes, especially since the advent of the internet, and what that means for lawyers in their roles as client advocates. For its second event, co-sponsored by the Center for Language, Law, and Cognition, the PLS hosted Ralf Poscher, German Professor of the Philosophy and Sociology of Law at Freiburg University, in Freiburg, Germany, who gave a talk entitled “The Common Error in Theories of Adjudication.”

“We are very proud of PLS’s success. The turnout at PLS events always amazes us, and we have consistently found that students from a variety of backgrounds are interested in philosophy, linguistics, or both,” said Hatfield. “Through these talks, we hoped to satisfy the intellectual curiosities of the larger student body and of the philosophical and linguistic communities, as well as our membership.” ■

Commissioner Alan Bersin Delivers Belfer Lecture on “The Beginning and End of Borders”

Brooklyn Law School was honored to host U.S. Customs and Border Protection Commissioner Alan Bersin, who delivered the Ira M. Belfer Lecture this past October.

Commissioner Bersin has had a long career of leadership in the public sector. A Brooklyn native who attended public schools in New York City, he holds an A.B. from Harvard University, attended Oxford University as a Rhodes Scholar, and went on to earn his J.D. from Yale Law School. He served as the Attorney General’s Southwest Border Representative, was appointed Superintendent of Public Education of the San Diego City Schools, and then served as California Education Secretary under Governor Schwarzenegger. In 2009, he was appointed as DHS Assistant Secretary for International Affairs and Special Representative for Border Affairs, a post he left in early 2010 to accept his appointment as CBP Commissioner, which he held until late 2011.

Commissioner Bersin addressed the challenges his department faces in a post-9/11 world. “Previously, borders were a jurisdictional concept, demarcated with physical barriers, such as walls or fortifications,” he said. “Today, borders are in reality the flow of goods and people. This has created a reversal of how we deal with borders.”

This dramatic shift in approach required several significant changes, including the sharing of counter-terrorism intelligence risk information across U.S. agency lines, the reorganization of those agencies, and the creation of the Department of Homeland Security in 2003. Bersin explained that Customs and Border Protection was formed through the merger of four separate organizations from three separate cabinet departments into one new agency. “A unified border management was created for the

first time in American history,” he said. “This single agency, defined by an overarching security mission, invented the institution of joint border management and the science and art of modern border protection.”

Commissioner Bersin also noted that for Americans, the very concept of a homeland is new. Generally, he explained, “homeland” had been a term used by European countries, but was not historically part of the American psyche.

Bersin spoke of the need for a new border paradigm among the U.S., Canada, and Mexico. “The focus must shift from an exclusive one on land border lines, north and south, to take into account the necessity for continental perimeter security,” he said. “This approach would have Canada, the U.S., and Mexico jointly identifying and intercepting dangerous people and things as they move in global flows toward the North American continent.”

In closing, Bersin quoted the French poet Paul Valery who said, “The trouble with our times is that the future is not what it used to be.”

The Ira M. Belfer Lecture honors the 1933 Law School graduate, who was a leading practitioner of corporate, real estate, and trust and estates law for over half a century, a member of the Board of Trustees, and a generous benefactor to the Law School. ■

“Previously, borders were a jurisdictional concept, demarcated with physical barriers, such as walls or fortifications. Today, borders are in reality the flow of goods and people.

—Alan Bersin, U.S. Customs and Border Protection Commissioner



Commissioner Bersin addressed the challenges that the U.S. Customs and Border Protection faces in a post-9/11 world at this year’s Belfer Lecture.

Professors Susan Herman and Jason Mazzone Author Books on Timely Legal Issues

The Law School was proud to celebrate the publication this fall of two highly acclaimed books addressing timely legal issues by faculty members Susan N. Herman, Centennial Professor of Law and President of the American Civil Liberties Union, and Jason Mazzone, Gerald Baylin Professor of Law.

In *Taking Liberties: The War on Terror and the Erosion of American Democracy* (Oxford University Press, 2011), Herman argues that the government's post-9/11 anti-terrorist tactics, including provisions of the USA Patriot Act, have victimized

innocent Americans and have the potential to harm many more. Moreover, she contends that our fundamental constitutional rights and even our democracy itself is at risk. "The beginning of the second post-9/11 decade is a good time to start a serious reevaluation of our approaches to fighting terrorism and to expose and question some underlying assumptions that may not be serving us well," she writes.

Taking Liberties focuses on a range of entities affected by the Patriot Act, including charities, libraries, financial institutions, and also on surveillance systems that jeopardize privacy and individual



At the faculty panel in honor of the publication of Professor Susan Herman's book *Taking Liberties*, Professor Herman (MIDDLE) and (BELOW, LEFT TO RIGHT) Professors Derek Bambauer, Nelson Tebbe, and Maryellen Fullerton discussed the erosion of civil liberties in the post-9/11 decade.

“Constitutional rights like the First Amendment freedoms of speech, association, religion, and access to the courts, and Fourth Amendment privacy, due process, and equal protection rights should not just be written off as regrettable casualties of a metaphorical War on Terror.”

— Professor Susan Herman

rights. Herman argues that the Fourth Amendment is “gutted” and describes how American democracy has suffered from a loss of checks and balances among the three branches of government.

Throughout the book, Herman offers examples of how blacklists and watchlists have kept people grounded at airports and stranded American citizens abroad, and how the FBI has used National Security letters to demand the records of innocent people from libraries and Internet service providers without ever going to court.

“Constitutional rights like the First Amendment freedoms of speech, association, religion, and access to the courts, and Fourth Amendment privacy, due process, and equal protection rights should not just be written off as regrettable casualties of a metaphorical War on Terror,” she writes. Instead, Herman argues, the courts and Congress should fully examine whether these laws and policies are constitutional, effective, or even counterproductive.

On September 15, the Law School hosted a Faculty Panel Discussion and book signing entitled “Ten Years of 9/11,” which used themes from Herman's book as a platform for a discussion of three areas affected by post-9/11 laws. At the event, Professor Derek Bambauer spoke about Internet law, Professor Maryellen Fullerton discussed immigration law, and Professor Nelson Tebbe discussed the free exercise of religion.



Professor Jason Mazzone (LEFT) led a lively discussion about his new book, *Copyfraud and Other Abuses of Intellectual Property*, with Rock and Roll Hall of Fame member and music legend George Clinton, who signed autographs and mingled with students (RIGHT). The panel of experts in the area of music and entertainment law included Michael Elkin '84, managing partner of Winston & Strawn; Beverly Tran, an advisor to Congressman John Conyers, Jr. of Michigan; and Janet Conway, George Clinton's general counsel.

Just a few weeks later the Law School hosted a book signing and discussion celebrating the publication of Professor Jason Mazzone's new book, *Copyfraud and Other Abuses of Intellectual Property Law* (Stanford University Press, 2011). The discussion included a panel of experts in the area of music and entertainment, including Rock and Roll Hall of Fame member and musical icon George Clinton. Clinton is the mastermind of the seminal funk bands Parliament and Funkadelic, whose music is hugely popular in hip-hop sampling and often cited as "the DNA" of modern-day hip-hop. Professor Mazzone was also joined by Michael Elkin '84, the managing partner of Winston & Strawn's New York office and a widely recognized litigator who focuses on legal issues associated with emerging technologies; Beverly Tran, an advisor to Congressman John Conyers, Jr. of Michigan; and Janet Conway, George Clinton's General Counsel, and his representative in several high-profile IP cases. They discussed Mazzone's book and explored the challenges facing artists and music labels, the impact of digital technology, and reforms that can benefit the listening public.

In his book, Mazzone, an expert in IP and constitutional law, argues that "intellectual property law in the United States does not work well and it needs to be reformed." He writes, "The issue is not that intellectual property rights are too easily obtained, too broad in scope, and too long in duration. Rather, the primary problem is overreaching by publishers, producers, artists, and others who abuse intellectual property law by claiming stronger rights than the law actually gives them."

Mazzone identifies a wide variety of overreaching claims of intellectual property rights that he coins "copyfraud." Examples of overreaching include phony copyright notices attached to reproductions of the U.S. Constitution and other public domain works, lawsuits designed to prevent people from poking fun at Barbie, controversies over digital sampling in hip-hop, and Major League Baseball's ubiquitous restriction on sharing any "accounts and descriptions of this game."

Mazzone contends that overreaching interferes with legitimate uses and reproductions of a wide variety of works, imposes enormous social and economic costs, and ultimately undermines creative endeavors. The solution, he maintains, is not to change the scope or content of intellectual property rights, but to create mechanisms to prevent people asserting rights beyond those they legitimately possess.

Copyfraud is the first book of its kind to examine overreaching as a distinct legal problem, and Mazzone makes a series of timely proposals by which government, organizations, and ordinary people can stand up to creators and content providers when they seek to assert more than the law gives them. Wikipedia founder Jimmy Wales calls Mazzone's book "a must read for anyone who cares about the future of creativity."

"Although the copyright system has its roots in the U.S. Constitution and is designed to promote and reward creativity on an 'honor' system, the copyright laws themselves have been hijacked and exploited by less than honorable people," said Clinton, whose case was profiled in the book.

While current debates about the proper role and reach of intellectual property rights in the modern information society have reached an impasse, Mazzone contends that the way to enhance the public domain is "not by limiting the scope and duration of intellectual property rights, but by developing mechanisms to keep those rights within their designated limits." It is not necessary to choose between the rights of creators and the interests of the public, he argues, because there are effective ways to protect both. ■

IBL Symposium Examines “Globalization of the United States Legal Model”

On October 21, legal scholars, students, and members of the wider legal community gathered at the Subotnick Center for the 2011 IBL Symposium, “Globalization of the United States Legal Model.” The symposium, co-sponsored by the Dennis J. Block Center for the Study of International Business Law and the *Brooklyn Journal of International Law*, examined how the U.S. legal model has impacted and influenced legal systems throughout the world and featured expert panels on derivatives legislation, securities litigation and enforcement, and procedural issues.

The panelists included scholars from the U.S., Canada, Austria, Brazil, Mexico, and Singapore. Brooklyn Law School Professors Minor Myers, James Park, Robin Effron, and Arthur Pinto (also the co-director of the Block Center) participated in the Symposium, as did Lawrence A. Sucharow ’75, Chairman of Labaton

Sucharow LLP and a leading practitioner in the area of securities law.

During the lively, day-long event, organized by Professors Pinto, Effron, Myers, and Park, the panelists shared a range of views and their analysis regarding different legal models on multiple continents, with the EU, Asia, and Latin America providing key examples that illustrated the range of models existing all over the world. Some of the important topics of the day included the role of public and private enforcement in derivative litigation and securities litigation and enforcement, “opt-in” versus “opt-out” litigation models in class actions, the role of lawyers, and the degree to which public and private entities become involved in litigation.

One question touched on by multiple panelists was the comparatively entrepreneurial model of litigation that has arisen in the U.S. Alternate models arise when

lawyers have less motivation to seek specific outcomes in the process because success or failure in the courtroom does not have the same profound and immediate effect on their bottom line.

Another point raised was the issue of “asymmetric states” in U.S. class action litigation, where a single defendant has 100 percent stake in an outcome, but each individual in the plaintiff class in question has only a fraction of that, because the stake is divided equally among the members of the class. Some of the participants argued that this may be at least a partial solution to the David-and-Goliath problem that can arise when an entity with virtually limitless resources is sued by a single individual with comparatively few.

Professor Minor Myers, speaking on derivative litigation, added another angle to the discussion, noting that “the U.S. can learn that we should be evolving” based on what has worked well in other countries. Many panelists agreed that the flow of globalization was not unilateral.

While the panelists had disparate views about what works, why, and where, they agreed that the U.S. litigation model is a topic worthy of careful consideration by legal scholars and practitioners alike. As panelist Manning G. Warren III, the H. Edward Harter Chair of Commercial Law at the University of Louisville Brandeis School of Law, noted, “We are a uniquely litigious culture.” In other words, the U.S. model presents no shortage of examples to study, and its influence is vast.

Professor Effron closed the event with an enthusiastic thank you to the participants for taking part in the spirited discussion, noting that the event highlighted “many different forms for judicial experimentation and how various types of litigation are going to succeed.” ■



Professors Arthur Pinto (LEFT) and Minor Myers (RIGHT) participate in the IBL symposium discussion about the highly globalized fields of derivative and securities litigation.

Articles from the symposium will appear in a forthcoming issue of the *Brooklyn Journal of International Law*.

“Crawford and Beyond” Symposium Addresses Confrontation Clause Limitations



Professor Robert M. Pitler (LEFT) led a panel of evidence experts through a day-long symposium dedicated to the aftermath of *Crawford v. Washington*, which abandoned a reliability-based framework for determining Confrontation Clause limitations on the admissibility of hearsay against a criminal defendant. Professor Jennifer Mnookin (RIGHT) discusses business records, forensic reports, and expert testimony.

On November 11, the *Journal of Law & Policy* sponsored the symposium “*Crawford* and Beyond III: Confrontation Clause Limitations on the Admissibility of Testimonial Hearsay Become ‘Curiouser and Curiouser’—The End of the Beginning or the Beginning of the End?” The symposium, which was organized by Professor Robert M. Pitler, was the Law School’s third symposium addressing the landmark Supreme Court decision in *Crawford v. Washington* and its aftermath.

“*Crawford* has caused a reconceptualization of the Confrontation Clause. Today, our outstanding presenters will confront the many issues raised by *Crawford*,” said Interim Dean Michael Gerber. The group of panelists included practitioners in the private and public sectors, judges, and leading evidence scholars from throughout the country who explored testimonial hearsay statements and Confrontation Clause related issues.

In 2004, when the Supreme Court decided *Crawford v. Washington*, it abandoned a reliability-based framework for determining Confrontation Clause limitations on the admissibility of hearsay against a criminal defendant, and replaced it with an historically-moored categorical exclusion of “testimonial” hearsay. Justice Scalia’s opinion for the Court left a comprehensive definition of “testimonial” for another day, but identified statements made during police interrogation at the category’s core.

Over the past five years, the Court has continued to develop post-*Crawford* jurisprudence. Last February, in *Michigan v. Bryant*, Justice Sotomayor for the Court concluded that a fatally gunshot wounded man who identified the shooter in response to police “emergency” questioning had not made a testimonial statement, because there was no primary purpose to create evidence. Concurring in the judgment, Justice Thomas criticized “primary purpose” as “disconnected from history” and “yield[ing] no predictable results.” Justice Scalia’s dissent viewed the majority opinion as an ill-disguised attempt to overrule *Crawford* that “distorts” Confrontation Clause jurisprudence, leaving it “in a shambles.”

During the day-long symposium, the panelists grappled with issues and how best to assess testimonial hearsay in the context of real and faux emergencies, business records, forensic reports, expert testimony, and the statements of children.

Professor Pitler pointed out that Bryant “may have suddenly and dramatically changed the world of *Crawford*, in particular because of its apparent emphasis on the role reliability plays in the testimonial determination. This view conflicts with the earlier *Crawford* line cases as well as Justice Scalia’s vehement, caustic *Bryant* dissent at the sight of his perhaps lost majority.” ■

Articles from the symposium will be published in a forthcoming issue of the Law School’s *Journal of Law and Policy*.

Accolades for Brooklyn Law School Programs and Graduates

Brooklyn Law School Alumni Among Top New York Super Lawyers

The New York Edition of *Super Lawyers* 2011, which featured Gerald Shargel '69 on the cover, recognized 326 Brooklyn Law School graduates as among the highest-rated lawyers in the State. The ratings are based on peer reviews and the publication's independent research.

The number of Brooklyn Law School *Super Lawyers* increased, as did the School's overall ranking. BLS tied for fourth place among all law schools in the nation.

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Six of the top 50 women recognized by *Super Lawyers* were Brooklyn Law School graduates: Harriet Newman Cohen '74, partner at Cohen Rabin Stine Schumann LLP; Barbara Kaplan '75, partner at Greenberg Traurig, LLP; Ellen Makofsky '85, partner at Raskin & Makofsky; Eileen Nugent '78, partner at Skadden, Arps, Slate, Meagher & Flom LLP; Jane Stevens '77, partner at Mitchell Silberberg & Knupp LLP; and Lynne Fischman Uniman '79, partner at Andrews Kurth LLP. In addition, 30 of the magazine's "rising stars" (the state's top up-and-coming attorneys) were graduates of BLS.

National Jurist Ranks Brooklyn Law School Among Top Schools for Public Service

The January 2012 issue of the *National Jurist* ranked Brooklyn Law School among the 20 best law schools in preparing students for public service careers in the areas of government and prosecutors/public defenders.

In the category of government, the *National Jurist* noted that roughly 6.6 percent of law graduates nationwide in 2010 received jobs in local, state, or federal government. However, this number is significantly higher at Brooklyn Law School, where more than 20 percent of graduates are working in government positions.

In large part, this can be attributed to the Law School's externship program, which is one of the largest in the country, with several hundred students participating each summer, either for credit or for a BLS-funded public service grant. During the academic year, as many as 200 students work in placements throughout the metropolitan area. In addition, the Law School offers a strong curriculum in public service law that enables students to learn about a range of subjects that intersect

with a career in government. "There is virtually no New York City government agency, public interest organization, or prosecutor's office without a BLS student at any time of year," said Professor Stacy Caplow, Director of the Clinical Education Program.

In the category of prosecutors/public defenders, the *National Jurist* recognized Brooklyn Law School for its program, which prepares students to enter these fields. About this recognition, Professor Lisa Smith, Director of the Prosecutors Clinic, said, "We have worked hard to establish liaison relationships at the various agencies to place our students in internships." In addition, more than 30 students each year graduate with a Certificate in Criminal Law, which provides an intense exposure to the theory, doctrine and practice in this field.

New Study Shows Brooklyn Law School Among Top Law Schools to Produce Big Firm Partners

In a recent study, "Where do Partners Come From?" conducted by Professor Ted Seto of Loyola Law School-LA,



Brooklyn Law School ranked 44 out of 148 law schools whose graduates are partners at the largest 100 law firms in the country, with 119 graduates at these firms. The study also looked at law school strength by region. Brooklyn Law School ranked seventh among 148 law schools for the number of graduates who are partners in New York City firms.

The study emphasized that geography plays a larger role than rankings do when it comes to becoming a partner at a major law firm. Seto's research concluded that of the nearly 17,000 partners who graduated within the last 25 years who work at one of the nation's largest 100 law firms, almost 50 percent come from 20 schools and 75 percent from 50 schools. He also found that law schools in various regions

have established strong feeder relationships with firms in their respective cities as well as establishing strategic alumni networking relationships.

Seto has been critical of *U.S. News and World Report's* law school ranking methodology, arguing that it is not useful and fails to provide explanations. His report is an effort to provide more accurate comparisons among law schools. ■

Seven Criminal Justice Post-Graduate Fellowships Awarded

A record seven graduates working in the criminal justice field have been awarded the Law School's Criminal Justice Post-Graduate Fellowship. The fellowship, which has been in existence for over a decade, is awarded to graduates who have exhibited outstanding commitment to public sector criminal law. This year's recipients are Bronx Assistant District Attorney Robert Caliendo '04, and Kings County Assistant District Attorneys Danit Almog '04, Kendra Challenger-Nibbs '04, Lisa Berk '04, Vivian R. Cedeno '01, Jose L. Nieves '01, and John Sharples '02.

The fellowship was created in an effort to help experienced graduates with substantial educational debt continue to practice public sector criminal law. The fellowship's \$10,000 award takes the form of a loan forgiveness program and is paid directly to each recipient's lending institution. It is funded from the proceeds of the annual CLE Criminal Law Procedure and Evidence Seminar, which Professor Robert M. Pitler organizes, and is held at the Law School. This seminar draws nearly 300 attorneys, who learn about the latest developments in criminal procedure and evidence law from a distinguished group of practitioners, judges, and academics.

"These graduates are very deserving of this award," said Pitler, who along with Professor Ursula Bentele and New York State Supreme Court Judge Charles Solomon, selected the fellows. "They have



LEFT TO RIGHT: Danit Almog '04, Professor Robert Pitler, Lisa Berk '04, Kendra Challenger-Nibbs '04, Judge Charles Solomon, Vivian R. Cedeno '01, Robert Caliendo '04, Professor Ursula Bentele, Jose L. Nieves '01, and John Sharples '02.

all exhibited a strong commitment to criminal justice work in the public sector and have already distinguished themselves in their young careers."

"It was a tremendous honor to receive this fellowship, and I am very thankful to the Law School and to the committee," said John Sharples, who is a Major Case Trial Attorney assigned to Trial Bureau Green, where he prosecutes the Bureau's most serious felony cases. "I enjoy the work I do because it helps NYC and it helps victims of crime. I am very honored to work at the D.A.'s office and I anticipate spending the rest of my legal career here."

Robert Caliendo, who is an ADA assigned to the Rackets Bureau (Investigations Division) of the Bronx District Attorney's Office, echoed Sharples' gratitude to the Law School for the fellowship award. He said he decided to pursue a career in criminal law in part because of his experience in Pitler's Criminal Law class and Advanced Evidence Seminar. Internships with the Manhattan D.A.'s Office and the U.S. Attorney's Office also fed his interest in public sector criminal law. "I love working at the D.A.'s Office, and this fellowship helps me continue to do the work that I love." ■

Stay Connected to the BLS Community

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- Register and update your contact information in the Online Alumni Directory (www.brooklaw.edu/alumnidirectory)
- Join the BLS Alumni Group on LinkedIn
- Become a fan on Facebook



*Expand your personal and professional network today.
Visit www.brooklaw.edu/alumni for more information
or e-mail us at alumni@brooklaw.edu*

Legal Lights

Celebrating the Achievements of BLS Students and Recent Graduates

Jane Li '12 Wins NYC Bar Association's Diversity Essay Competition

Jane Li '12, took first place in the Michael Oshima Diversity Law Student Essay Competition of the New York City Bar Committee on Minorities in the Profession.

In her essay, entitled "Civility and Public Discourse," Li argues that "civility is a starting point at which we acknowledge the humanity and good intentions of others." Li notes that "it is important that we do not confuse civility with a lack of passion or an unwillingness to challenge ideas at a practical and theoretical level."

A graduate of Georgetown University with a background in international human rights work and constitutional rights, Li came to Brooklyn Law School to pursue a career in public interest law. She previously worked with organizations such as Global Justice and the Open Society Institute, and this work fueled her passion for public interest work. At Brooklyn Law School, she has been active in the Safe Harbor Clinic and has interned at New York's HIV Law Project.

Her essay explores the effects of civility in public discourse, and the consequences when civility is lacking. "Civility is even more necessary in the United States today as our country is faced with many complex problems that lack easy answers. When possible, we should seek compromise. When the adoption of certain solutions rules out other options, we must refrain from vilifying each other and recognize that most people are well-intentioned. A commitment to cooperation and to confront issues in a civil manner is the first step in advancing our common interests," Li wrote.



Jane Li '12

The competition's namesake, Michael Oshima, was an individual who dedicated much of his legal career to ensuring that the legal profession remains diverse and open to all people no matter their race, ethnic or national origin, gender, or sexual orientation.

Colin Hedrick '13 Awarded LeGal's Judicial Internship Fellowship

The Lesbian, Gay, Bisexual, and Transgender Law Association of New York (LeGal) selected Colin Hedrick '13 as a 2011 fellow of the Dr. M.L. "Hank" Henry Jr. Fund for Judicial Internships Program. The Fund was established in memory of Dr. Henry, whose groundbreaking work as the Executive Director of the Fund for Modern Courts was instrumental in ensuring that openly lesbian and gay candidates were considered for judicial appointment.

The program provides fellows with an opportunity to work with gay and lesbian judges from different courts and each is awarded a \$5,000 stipend. Hedrick spent this past summer interning in the chambers of Judge Deborah A. Batts of the U.S. District Court for the



Colin Hedrick '13

"A commitment to cooperation and to confront issues in a civil manner is the first step in advancing our common interests." — JANE LI '12

Southern District of New York, and then rotating through several state courts. "I gained invaluable experience thanks to this fellowship," said Hedrick. "I attended court proceedings, wrote draft memos and decisions, and got a real sense of motion practice and how things work in the real world."

Hedrick is active in Legal Outreach's Mentoring Youth Through Legal Education high school debate program and is a member of the Student Bar Association Administration Committee. He is also the co-chair of Outlaws and a member of the *Brooklyn Journal of International Law*. Prior to law school, Hedrick was a practicing architect in Portland and in New York. He received his undergraduate degree

from the University of Oregon School of Architecture. He was a founding member of the Truth Anti-Tobacco Campaign, and has worked with various organizations on marriage equality and LGBT equality.

“While I was interning in Judge Batts’ chambers, the Marriage Equality Act was passed, and three other openly gay judges were nominated by President Obama to the federal bench,” said Hedrick. “It was an exciting time to be working with the Judge.”

David Shapiro '12 Awarded Gault Fellowship to Work at National Juvenile Defender Center

David Shapiro '12 has been awarded the prestigious post-graduate Gault Fellowship. For the next two years, Shapiro will work at the National Juvenile Defender Center (NJDC) in Washington, D.C., performing legal work for NJDC and assisting with the provision of training and technical assistance to the juvenile defense community.

Shapiro will work closely with juvenile defense attorneys and public defender offices nationwide, as well as with law schools, legal clinics, and nonprofit law centers, to improve the access to counsel and quality of representation for all children. He will collaborate with NJDC staff to develop legal and policy work



David Shapiro '12



Miles Schreiner '12

public interest work in the area of juvenile rights. During his first year, he received the first of two Equal Justice America Fellowships, which he used, in conjunction with a Brooklyn Law Students for the Public Interest (BLSPI) Fellowship and a Bergstrom Child Welfare Law Summer Fellowship, to fund a summer externship

“I am excited to examine the way different jurisdictions handle juvenile defenders and to help write amicus briefs on behalf of the Juvenile Defender Center.”

— DAVID SHAPIRO '12

around a broad range of juvenile defense issues, write materials to inform the field, and assist in the research, and writing of amicus briefs. Shapiro will also be expected to engage in public speaking and juvenile defender trainings, and initiate projects to improve juvenile justice in the delinquency system.

The Gault Fellowship is the sixth fellowship Shapiro has received during Law School that has allowed him to explore

with the Juvenile Rights Practice of the Legal Aid Society in Brooklyn. Shapiro is also a Sparer Public Interest Law Fellow and was awarded a second Equal Justice America Fellowship that funded his position this past summer at the Center for Children’s Law and Policy.

He is thrilled to have been awarded the Gault Fellowship and excited to begin working in earnest in a career about which he has long been passionate. “I am

particularly excited to examine the way different jurisdictions handle juvenile defenders and to help write amicus briefs on behalf of the Center,” said Shapiro. “All of my work in Law School has led me to this achievement.”

Miles Schreiner '12 Wins American College of Legal Medicine Student Writing Competition

Miles Schreiner '12 was awarded the 2012 Hirsh Award by the American College of Legal Medicine (ACLM) for his article, “A Deadly Combination: The Legal Response to America’s Prescription Drug Epidemic.” His winning paper was among 50 received by the ACLM.

Schreiner’s topic focuses on reducing the serious abuse of prescription medications facing the nation today. He argues that the legislative and judicial branches at the state and federal level can limit the flow of prescription drugs to abusers by supporting and improving prescription drug monitoring programs. “The programs are effective tools in curbing prescription drug abuse and can provide doctors with valuable information that may help save patients’ lives,” he said.

Schreiner’s interest in legal medicine and health law developed during his first year of law school. “Healthcare laws and regulations can be a matter of life and death for some people; it’s a highly relevant and interesting area of law,” said Schreiner. He credits two classes in public health law at the Law School for spurring his interest in the field: Public Health Law and Policy with Professor Karen Porter and Bioethics and Public Policy with Professor Marsha Garrison. He also received practical experience as a legal intern at Memorial Sloan-Kettering Cancer Center and as a clerk at the Law Offices of Michael Gunzburg, which enabled him to learn more about both sides of medical malpractice and regulatory healthcare issues. “Brooklyn Law School has a terrific range of health law classes and opportunities for those interested in the healthcare field,” he added.



Amy Hsieh '11

Amy Hsieh '11 Wins Georgetown University Law Center's Women's Law and Public Policy Fellowship

Amy Hsieh '11 was awarded the prestigious Women's Law and Public Policy Fellowship from Georgetown University Law Center, a first for a Brooklyn Law School graduate. The fellowship is designed to provide professional development opportunities for attorneys working to advance women's rights.

"I've been interested in working with vulnerable populations in the health context both from a personal and a professional experience," Hsieh said. "Health is a key factor to people's ability to engage in society."

Hsieh came to Brooklyn Law School after receiving her M.P.A. in health policy and management from the NYU Robert F. Wagner School of Public Service and her B.A. from Barnard College. She had already gained significant experience in public service prior to Law School, having worked at the Social Security Administration, the United Nations, the U.S. Department of Health and Human Services, the New York Attorney General, and several nonprofit organizations.

During Law School, she was actively involved in the Moot Court Honor Society, was an Edward V. Sparer Public Interest Law Fellow and a BLSPI Fellow, and worked with Professors Stacy Caplow and Dan Smulian at the Safe Harbor Clinic. Hsieh was a co-founder of the Health Law and Policy Association and helped to create the Health Law and Policy

Fellowship. It was the combination of these experiences and her involvement with the Center for Health, Science and Public Policy and its Director, Professor Karen Porter that led her to apply to the Georgetown Law Fellowship.

While at ICW Global, Hsieh will represent women living with HIV/AIDS at various global organization meetings, including UN agency policy meetings designed to create programs in developing countries that eliminate new HIV infections among children and improve the lives of those living with HIV/AIDS.

"There's a lot more that can be done in this area," Hsieh said. "The common understanding is that mothers living with HIV don't go to clinics because of the stigma attached. But if we look at that structural barrier further, we find that many gender inequities contribute to their lack of care and treatment. Our goal is to empower women living with HIV/AIDS to participate in the development of gender-sensitive programming that breaks down these barriers so that they may seek care and keep their children HIV-free."

Nicholas Bamman '11 Publishes Campaign Finance Article in UVA Journal of Law & Politics

Nicholas Bamman's article, "Campaign Finance: Public Funding After Bennett" was accepted for publication in the University of Virginia's *Journal of Law & Politics* (forthcoming 2012). His article was developed from a final brief written for a First Amendment seminar he took with Professor Joel Gora. "I was inspired by the issues raised in the class to turn my final project into an article that explored these issues on a deeper level," said Bamman.

In the piece, he examines the state of campaign finance after *Citizens United* and *Bennett*. "I argued that as the Supreme Court chips away at constitutional campaign finance provisions, states must be careful to adapt their campaign finance laws so they do not do more harm than good," said Bamman. "Specifically,

states should either adopt public funding laws or disclosure only laws. There really is no room for contribution limits absent provisions to mitigate their deleterious impact."

His mentor, Professor Gora, was very impressed with his work and his determination. "Nick's article on campaign finance reform is a remarkable accomplishment," he said. "While finishing his classes, taking exams, and studying for the Bar, he produced an extremely articulate and very thoughtful article." Then, with the support of Professor Jason Mazzone he submitted the draft for consideration, and quickly received the offer to publish it in the highly regarded *Journal of Law and Politics*. "His story is a powerful lesson of how a student's abili-



Nicholas Bamman '11

ties and determination, with a little assist from supportive faculty, can result in a truly outstanding law review article that any lawyer would be proud to call their own," said Gora.

Bamman is a graduate of Northwestern University, where he earned a dual degree in political science and international studies, with a minor in Spanish. After college, he traveled for two years, exploring the world. He graduated *cum laude* from the Law School, where he was an Articles Editor of the *Journal of Law and Policy*. He is currently clerking for Judge Joseph Irenas of the U.S. District Court for the District of New Jersey and hopes to work as a civil litigator after his clerkship is completed. ■

Clinic Roundup



Bowen Ranney '11 with Professor Ursula Bentele.

Bowen Ranney '11 Argues Before the Second Circuit

Bowen (“Bo”) Ranney ’11 graduated from Law School last spring, but his work with Professor Ursula Bentele’s Capital Defender and Habeas Clinic wasn’t finished. As a student, he had worked on behalf of client Jose Fernandez Munoz, and he wanted to see the case through. He had a chance to do just that in September, when he argued before the United States Court of Appeals for the Second Circuit.

Munoz was convicted of burglary charges in 1998 and was sentenced to a 15-year prison term. He appealed his sentence in 2000 and filed a habeas petition pro se in 2002. Bentele’s clinic became involved with the case in 2004. Over the last seven years, many students worked on the case and were involved in the various stages, both in state and federal court. “Their hard work culminated in the opportunity for Bo to argue before the Second Circuit,” said Professor Bentele.

At Munoz’s trial, the jury announced a guilty verdict on one count (and not guilty on seven others), but when polled, one of the jurors stated that it was not her verdict. The court instructed the jury to continue deliberations and what followed were highly unusual proceedings, including the questioning of four jurors that indicated racial tensions and the possibility of violence erupting during

deliberations. The attorney assigned to represent Munoz on appeal failed to raise any issue regarding the court’s handling of the jury discord, despite the fact that New York law regarding a trial court’s supervision of the deliberations of a jury in a criminal case is unusually detailed and rigidly enforced, often even when trial counsel failed to object.

The clinic argued that appellate counsel’s failure to present any of the significant issues surrounding the jury deliberations, while submitting two extremely weak and largely unpreserved claims, deprived Munoz of his Sixth Amendment right to the effective assistance of appellate counsel. The district court, while agreeing that counsel “probably should have raised” these issues, noted the “highly deferential standard of review” under the applicable statute and denied habeas relief. The clinic responded that, even under that standard, the New York courts’ rejection of the Sixth Amendment claim amounted to an unreasonable application of clearly established Supreme Court law.

In response to vigorous questioning, Ranney argued with clarity and poise that the court should affirm the district court’s decision to allow the clinic’s amendment to Munoz’s original pro se petition. “It was an exciting and somewhat grueling argument,” Ranney said, “but I felt very

prepared. My coursework and Moot Court Honor Society experiences, both in the Trial and Appellate Advocacy Divisions, gave me a confidence that served me really well.”

“Bo was terrific,” Bentele added. “He was composed and articulate under a lot of pressure from persistent questions posed by the court about how the amendment our clinic made related back to the original petition. He then made the key points in support of the merits of our claim. Bo also did a great job on rebuttal, which is a very hard thing for an experienced lawyer to do, much less for someone to do for the first time.”

Ranney was well prepared as a result of practicing before current clinic students and with Professors Neil P. Cohen, Stacy Caplow, Bob Pitler, Stanley Neustadter, Tara Urs, Mollie Falk, Mark Noferi, and his teammate, David Beddingfield ’11 who worked on the brief and helped Bo prepare.

Ranney now works at the newly-created Consumer Financial Protection Bureau (CFPB), in its Office of Supervision, Enforcement, and Fair Lending. After a competitive selection process during his 3L year he was awarded a Presidential Management Fellowship, which led to his selection at the CFPB.

LAW & THE START-UP: BLIP CLINIC HELPING THE NEW YORK TECH SCENE

BLIP Clinic's founding director Professor Jonathan Askin is regularly quoted in the media, commenting on a range of legal issues. His students are at the forefront of technology and the law issues, raising awareness of BLIP initiatives through Twitter, Facebook, and writing for multiple blogs. *Forbes* recently featured BLIP after its reporter Elmiyra Bayrasli attended a BLIP seminar, spoke with students, and shadowed Askin at tech events. She learned how BLIP students are helping start-up entrepreneurs navigate a range of legal issues that are not clearly defined, such as privacy, disclosure, equity, and ownership.

Bayrasli wrote: "The law is a fundamental part of start-up life. Except in today's 3.0 world, where technology is rapidly evolving and companies are popping up in multiple locations across the globe, the law lags behind, stuck in 20th century jurisprudence. How then does an entrepreneur make legal sense of cutting-edge 21st century innovations, especially on a limited budget? Jonathan Askin, a professor at Brooklyn Law School, has rolled out a solution for the New York tech community."

Forbes also interviewed one of BLIP's clients, Jigar Mehta, who founded "18 Days in Egypt," a collaborative documentary project. Mehta wanted to curate photos, videos, blogs, and

Tweets generated by Egyptian protesters and called Askin to assist him. "I wanted to talk to someone about copyright and the legality of using Tweets," he said.

BLIP students provided a fresh legal perspective to Mehta and to other entrepreneurs, *Forbes* noted. "Lawyers may know how to litigate for old line companies but they don't know how to represent tech start-ups," Askin said. "Without creative legal work entrepreneurs working on start-ups would die on the vine."



Professor Jonathan Askin with his students.

BLS STUDENTS HELP TACKLE REAL ESTATE FINANCE BUREAU'S GROWING CASE LOAD

In early 2008, **Ira Goldenberg**, a partner at the real estate firm of Goldenberg & Selker and an adjunct professor at the Law School, was presented with a unique challenge. As co-chair of the Condominium and Coop Committee of the New York State Bar Association, he worked as a liaison between the Attorney General's Real Estate Finance Bureau and the real estate bar. Both parties were in a bit of a bind. With the downturn in the economy, the number of deals in which purchasers were suing sponsors and developers for return of a down payment (known as escrow disputes) skyrocketed from just a dozen a year to a few hundred. The AG's office was overburdened and backlogged with cases to investigate and adjudicate, and practitioners were frustrated with the delay. Goldenberg proposed an innovative solution, offering BLS students as a potential source of assistance. The AG's office promptly accepted.

Goldenberg developed a seminar to complement the AG work and launched The Advanced Condominium and Cooperative Clinic/Externship in the fall of 2008, placing four students a semester in the AG's Office. In the fall semester, when Goldenberg was busy with another course, the students participated in the Transactional Community Development Externship taught by Professor Debra Bechtel. With the leadership of their professors, and under the supervision of several Assistant AGs, the students began chipping away steadily on the backlog of escrow disputes. They investigated the cases, performed all the legal research and writing required, and wrote the actual decisions and orders for the parties in dispute. The students also

gained experience reviewing offering plan amendments. Three years later, however, the program had been so successful that the students' services were no longer required.

"The AG's office let us know that our students were instrumental in bringing down the number of these disputes and resolving hundreds of cases," said Goldenberg. "But as a result, their services will not be needed after the spring term."

While the clinic will be closing its doors, its accomplishments are a cause for celebration. "This clinic was extremely successful for the AG's office and incredibly valuable to the students," said Goldenberg. "In addition to the classroom component, where they learned the applicable statutes and case law, they were immediately given the opportunity to apply the law. They had a chance to interact with other counsel, to deal with pro se clients, and to gain real-life legal experience. The opportunity was tremendous."

Philip Tucker '11, one of Goldenberg's students in the clinic, is currently in his first year at Starr Associates, where he is working on co-op and condo matters. "Professor Goldenberg brings a great mix of practical experience and theoretical inquisitiveness to the material, and is extremely clear and engaged in the classroom. The opportunity to continue working with him was a big reason I wanted to participate in this clinic," he said. "I feel incredibly fortunate to be working in an area of the law in which I am very interested. Thanks to the clinic, I was able to develop a strong concentration in real estate law and to attain the experience necessary to make myself marketable." ■

RULES, PRINCIPLES, AND THE COMPETITION TO ENFORCE THE SECURITIES LAWS

By Professor James J. Park

In the wake of the financial crisis of 2008, the Securities and Exchange Commission (SEC) sought to make its enforcement division more effective. Part of this effort was motivated by the fact that throughout the 2000s, the SEC was overshadowed by the efforts of other enforcers. State attorneys general and class action attorneys were more active, innovative, and competent in enforcing the securities laws. Federal prosecutors often seized an enforcement role through headline-grabbing convictions. Despite the fact that the SEC has the advantage of resources and expertise, and brings hundreds of enforcement actions each year, it is often criticized as passive and even incompetent. Some legal scholars contend that multiple enforcers can help prevent underenforcement of the securities laws by competing with the SEC and prompting it to act more aggressively.

This article is adapted from a law review article, James J. Park, *Rules, Principles, and the Competition to Enforce the Securities Laws*, 100 CALIF. L. REV. 115 (2012).

On the other hand, there has also been a significant push to consolidate the number of securities enforcers and centralize more enforcement power in the SEC. Until the recent financial crisis, there were concerns that U.S. securities regulation had become too aggressive and unpredictable, partly because of its decentralized system of enforcement. Competition between enforcers has been criticized as potentially leading to enforcement efforts that are popular but lacking restraint. In addition, there is continuing criticism that private enforcers are likely to abuse the securities laws for selfish profit. For some legal scholars, the current system results in unproductive competition and conflict between multiple enforcers, leading to overenforcement. These scholars propose that the SEC, as an expert administrative agency, should control enforcement activity so it reflects a uniform and consistent policy.

The problem with this debate is that no one knows how to meaningfully determine whether securities laws are being “overenforced” or “underenforced.” It is not enough to just talk about the quantity of enforcement that has been produced; there must be a better sense of the quality of enforcement as well. Indeed, focusing solely on quantity tilts the debate in favor of centralization. If enforcement is simply a uniform product, one enforcer can adequately produce that product so long as it has sufficient resources.

This article attempts to better frame the choice between a decentralized and centralized system of enforcing the securities laws. It does so by distinguishing between two qualitatively different styles of enforcement: rule-enforcement and principle-enforcement. Different enforcers have different tendencies with respect to whether they emphasize rule-enforcement or principle-enforcement. An effective securities enforcement regime needs both types of enforcement, and the case for a decentralized system of enforcement rests on the benefits of having a mix of enforcers with different approaches to securities enforcement.

Rules and Principles

The distinction between rules, which are specific in what they require, and principles, which are general in nature, is a fundamental way of categorizing law. Consider the basic example of a speed limit. A speed limit can be set as a rule, “drive at 55 miles per hour.” It could also be set as a broader principle, “do not drive at dangerous speeds.”

The advantage of using a rule to define a speed limit is that we know exactly what the speed limit is, 55 miles per hour. On the other hand, a rule can be inflexible. It may be that driving at 60 miles an hour in a 55 mile per hour zone is perfectly safe, but a rule would technically prohibit a driver from doing so. A rule also can be too rigid in certain contexts.

What if I need to drive 70 miles per hour to rush my child to the hospital? Though it is unlikely anyone would fault me for doing this, I would technically be violating the law if the speed limit is set at 55 miles per hour.

A principle can avoid some of the problems with rules. A “dangerous speeds” limit would allow me to drive 65, 70, or 75 miles an hour, so long as I am not doing so in a dangerous way. This might allow me to speed to the hospital in the middle of the night without any fear of sanction. On the other hand, a principle creates a certain amount of uncertainty as to what conduct is permissible. Would driving 45 miles an hour near a school be considered dangerous? Maybe driving at 25 miles an hour in certain circumstances could trigger a finding of dangerousness?

Another important difference between rules and principles is that we tend to think of principle-violations as more serious than rule-violations. Many of us drive over a 55 mile per hour speed limit routinely without giving it a second thought. On the other hand, if we are found to have driven “dangerously,” we can expect a greater sanction as well as moral condemnation.

In the context of securities regulation, rules tend to implement technical regulatory policy while principles reflect a wider array of values. Consider the requirement that an officer of a corporation wait six months between purchases and sales of the company’s stock. This is a rule. It is fairly specific and provides the officer with a bright-line rule: wait six months before selling company stock. Violating this rule will trigger some penalties, but the penalties are not so severe. Moreover, it is unlikely that violating this rule will result in much moral condemnation for the violator.

In contrast, there is the prohibition of insider trading. The exact scope of this prohibition is vague. At its essence, the law prohibits an insider and those with a duty to the corporation of a source of information from profiting through the use of material information that is not available to the public. Though some elements of this prohibition are clear, others are not. What is material information? What kind of duty or relationship triggers the obligation? The concept of insider trading is more of a principle than a rule. Violating this principle can have very serious consequences. As we know, individuals have been sentenced to lengthy terms in prison for insider trading.

The choice between rules and principles in defining a law depends on many different factors. For our purposes, we only need to know that this distinction exists. Of course, the distinction is not a perfect one. There are many legal provisions that have both the characteristics of a rule and a principle. As with most theoretical concepts, the difference is somewhat artificial but gives us a way of analyzing the problem.

Rule-Enforcement and Principle-Enforcement

Enforcing a rule tends to be easier than enforcing a principle. By its very nature, a rule is designed for low-cost enforcement. In contrast, a principle can require significantly more work in building a case.

Rule-enforcement is generally less costly than principle-enforcement because rules have clearly-defined meanings and are meant to be easily applied to specific situations. Principles, on the other hand, are vaguely defined and require substantial investment in investigation and litigation to enforce. Consider our earlier example of a speed limit of 55 miles per hour. So long as someone is caught driving at 56 miles per hour or more, enforcement is a simple process, just write them a ticket. On the other hand, consider a speed limit that prohibits driving at dangerous speeds. Because it is not so apparent what “dangerous” means, enforcing such a prohibition will require building a case. Perhaps witnesses will have



to interviewed and testify as to the situation. The defendant will often have plausible arguments as to why the situation was not “dangerous.” The cost of enforcing a dangerousness standard will usually be greater than enforcing a bright-line rule of 55 miles per hour.

Rule-enforcement is also less controversial than principle-enforcement. Rule-enforcement tends to target technical violations of a regulatory scheme and is less likely to result in moral condemnation and significant sanctions for the violator. In contrast, principle-enforcement involves application of broadly worded provisions with disputed meanings to firmly sanction conduct that violates public values. Again, when we consider the case of a 55 mile per hour speed limit, violations happen frequently and many generally law abiding citizens violate the speed limit without a second thought. A ticket for violating the speed limit will impose a modest fine that a violator will typically pay without much resistance because there is

little moral stigma for violating the speed limit. On the other hand, a finding that one is a “dangerous” driver is a serious violation. A determination of dangerousness entails not just the violation of an arbitrary rule, but a finding that the driver acted in a morally reprehensible way. Most individuals will do all they can to avoid a finding that they drove in a dangerous manner. Enforcing a dangerousness principle thus involves more controversy than enforcing a 55 miles per hour rule.

The Tendencies of Securities Enforcers

Given that rule-enforcement is more costly and controversial than principle-enforcement, we might expect enforcers to differ in the mix of rule and principle-enforcement they seek to utilize. A risk-averse enforcer who seeks to emphasize quantity over quality may focus more on enforcing simple rules. A risk taking enforcer might seek to bring a small number of high-impact cases that enforce principles in novel ways. Different securities enforcers differ in their styles of enforcement.

Industry enforcers such as Self-Regulatory Organizations (SROs) are more likely to focus on rule-enforcement and interpret principles narrowly in light of industry values, which value predictability and reliance on industry standards. Because SROs rely upon limited funds from industry members, they do not have the resources to invest in significant cases. Instead, they tend to bring significant numbers of rule-enforcement cases that levy small penalties. Moreover, industry influence makes it unlikely for an SRO to aggressively sanction misconduct through principle-enforcement.

A regulatory enforcer, such as the SEC, can find it difficult to aggressively enforce principles because its enforcement must be consistent with broader regulatory policy that reflects the work of an objective, expert regulator. A primary restraint on the SEC is its size and bureaucracy. A number of studies have documented the slow pace at which enforcement actions proceed through the many levels of SEC review. Simple cases enforcing rules will have an easier time navigating this bureaucracy than complicated principle-enforcement cases. It is difficult to see how the SEC can fulfill its mission as an expert regulator without uniform processes and standard procedures. As a result, it is inevitable that the SEC will be limited at times in its ability to effectively enforce principles.

Prosecutorial enforcers, such as federal prosecutors and state attorneys general, are most likely to enforce principles aggressively, but may be more likely to be influenced by politics than the SEC. Prosecutors work by enforcing broadly worded principles in the name of the people. Prosecutors do not have the burden of regulating an entire industry and can pick and choose when they will bring significant cases. Prosecutors also have the advantage of working in small groups that are relatively unburdened by a large bureaucracy. On the other hand, prosecutors are more likely to have political ambitions so there is a greater risk that they will bring questionable cases.

Entrepreneurial enforcers, such as class action attorneys, have financial incentive to invest significantly in principle-enforcement, but also have incentives to bring questionable cases for profit. Entrepreneurial enforcers are perhaps the most likely to take on significant risk in enforcing principles. With the prospect of a significant payout, an entrepreneurial enforcer can have economic incentives to litigate cases for years rather than settle cases for nominal sums. Of course, entrepreneurial enforcers have an incentive to jump to the conclusion that any mistake was the result of some fraudulent scheme. There is a greater risk that cases motivated by profit will have questionable merit.

The Choice Between a Centralized and Decentralized System of Enforcement

In light of the different tendencies of securities enforcers, a significant concern in constructing a system of enforcement is whether any one enforcer can adequately enforce the securities laws. Though a centralized system where one enforcer controls enforcement policy might result in a uniform enforcement policy, a decentralized system can utilize multiple enforcers with different approaches and strengths.

Imagine an enforcement system where only the SEC was permitted to enforce the securities laws. Such a centralized system appears attractive at first glance. The SEC is an expert and impartial regulator. For the most part, it will not bring cases for political gain or for monetary gain. If the SEC were given a monopoly with respect to enforcement, it is less likely that the securities laws would be overenforced. On the other hand, such a system would have to rely on an enforcer that is known to be slow on its feet because of its bureaucracy. The SEC is also necessarily cautious and risk-averse because of its role of an expert regulator. As a result, if the SEC were the sole securities enforcer, we would see less innovation with respect to the principles that define securities regulation.

In contrast, the current system, which is decentralized, has the advantage of relying on a diverse range of enforcers with different roles. Some enforcers such as SROs are best suited for rule-enforcement. Other enforcers such as prosecutorial and entrepreneurial enforcers are more willing to take risks in enforcing principles. The SEC serves as a constant presence in this system, enforcing both rules and principles in light of regulatory policy. Of course, a decentralized system of securities enforcement is costly and inevitably results in some enforcement cases that are motivated by politics and profit. The question is whether these costs are justified given the benefits that diverse enforcers bring to the table.

It may be that securities enforcement could be better structured in a way that takes advantage of the differences in enforcers, while giving the SEC greater control over enforcement policy. The SEC could be permitted and even encouraged to give its view in cases brought by other

enforcers. If a state or private action conflicts with some regulatory policy, the SEC would be permitted file a brief with the court making that point, and the court could take that argument into consideration in determining whether the case should go forward. Ultimately, any enforcement system must balance the advantage of having multiple enforcers with the need to check those enforcers from overreaching.

Conclusion

An outside observer encountering the U.S. system of securities enforcement might see chaos and duplication. While that may be the case, there is a method to the madness. Different enforcers play varied roles within this scheme. Any regulatory system needs the development and enforcement of rules that define the particulars of the administrative scheme. At the same time, broader principles provide a framework for ensuring that certain value considerations remain relevant. Risk-averse enforcers tend to focus more on rule-enforcement while risk-taking enforcers are more willing to enforce principles. The case for a decentralized system of enforcement is that it utilizes the comparative advantages of different enforcers. ■

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In Fashion:

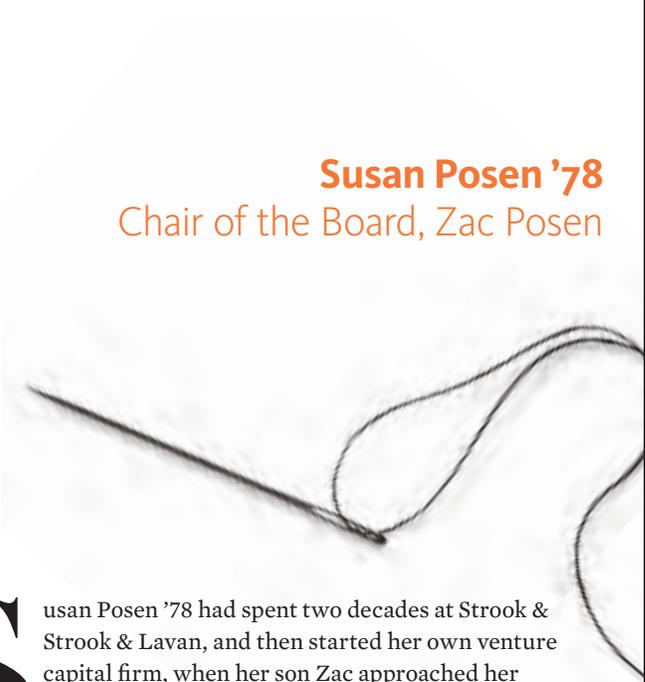
Four BLS Alumni Who Rule the Runway

By Andrea Strong '94

Flip through the pages of *Vogue* and among the hottest names in fashion you'll find: Zac Posen, Michael Kors, Ralph Lauren, Hart Schaffner Marx, and Hickey Freeman. Their clothes, accessories, and shoes are among the most coveted in the industry. But behind every beautiful gown, there's a business—and a lawyer or two. After all, fashion is more than supermodels draped in silk, teetering in sky-high stilettos. It's a thriving business that generates nearly \$200 billion in revenue annually, and one that touches on multiple areas of the law, including licensing, intellectual property, data security, real estate, employment, securities, and corporate finance.

On the following pages, we profile four Brooklyn Law School alumni who are leading these dynamic houses of fashion: Susan Posen '78 of Zac Posen, Lee Sporn '86 of Michael Kors, Sherry Jetter '86 of HMX Group (which owns Hart Schaffner Marx and Hickey Freeman), and Avery Fischer '93 of Ralph Lauren. Their stories are examples of how fascinating careers combining business and the law, unfold, develop, and flourish.

Photography by Ron Hester



Susan Posen '78

Chair of the Board, Zac Posen

Susan Posen '78 had spent two decades at Stroock & Stroock & Lavan, and then started her own venture capital firm, when her son Zac approached her with what seemed like a simple question. He had just returned from London, having studied womenswear design at Central Saint Martins College of Art and Design, and declared that he was going to establish a house of fashion. The problem was he couldn't do it alone. Then came the question: "Would you help me, Ma?" Looking back on that day, Posen recalled: "I said yes, of course. I really thought this would just entail looking over a few agreements. Instead, it turned into an incredible journey."

Susan Posen's journey actually began at Sarah Lawrence, where she graduated with a degree in Art History and Italian in 1967. Shortly after college, she married the artist Stephen Posen and began working in publishing and television. By the early 70's she had become involved in the feminist movement and decided it was time to establish a real career. "Feminism was in full force," she said. "This was a potent and interesting time when it seemed that everything was possible. Women like Marcia Tucker and Gloria Steinem influenced me, and I thought, my work is paying the rent, but it's not going to take me anywhere. I need a career."

Posen took the LSAT, applied to law school, and began her first year at Brooklyn Law School when her daughter Alexandra was just three years old. "It was a challenge, and in many ways I felt I had something to prove to her, for her future, and that was very compelling to me," said Posen. At BLS, she thrived, joining the *Brooklyn Law Review*, where she was Managing Editor, and winning a place on the Moot Court Honor Society. Posen interned for judges in the Southern and Eastern Districts while in law school, but found herself interested in corporate positions after graduation. "My internships were extraordinary experiences, but I didn't think litigation was the best way to resolve issues (and still don't!). I thought that corporate law might provide better solutions to problem solving."



Posen joined Stroock & Stroock & Lavan in 1978 upon graduation. The firm had four female partners—which at the time was impressive. At Stroock, Posen joined the corporate group, working on mergers and acquisitions and venture capital deals. She had her second child, Zac, when she was a second-year associate, took just three months off, and jumped back into work seamlessly, moving on to bigger and better deals as her experience grew.

After four years, Posen left briefly to become assistant general counsel at Cablevision, but when an offer came to lure her back to the firm, she accepted, and brought Cablevision with her as a client. In 1984, when the company announced it would go public, it wanted Posen, still an associate at the time, to handle the IPO. "It was a tremendous experience, because it was a complicated IPO," she recalled. By 1986, she had become a partner at the firm.

Posen's venture capital expertise led to an invitation by the MIT Enterprise Forum to speak to young entrepreneurs about the "art of the deal." When she returned from the conference, her phone started ringing—and it didn't stop. Many of the entrepreneurs with whom she had spoken to wanted to hire her. "I was fascinated and very interested in getting involved in start-ups," she recalled. "The Internet bubble was starting to grow, and I really wanted to get in on it." Stroock, however, was not interested in taking on that kind of risk.

In 2000, Posen stepped aside from the partnership, and with a business partner, started Diva Capital, a venture capital firm focused on early stage businesses owned or operated by women. While the idea was sound, their timing was unfortunate. The fund closed as a result of the NASDAQ crash of 2001. This happened to coincide with Zac's arrival back from London with his idea of starting a fashion company. Posen was eager to help her son, but was aware that she had a lot to learn about fashion apparel and production. "All the lessons I learned looking at small businesses and seeing what made them succeed or fail came to bear on this," she recalled.

As President and CEO, Posen was charged with handling what Zac and her daughter, Alexandra, the Creative Director (who together with Zac handles the company's creative vision) termed "everything else." "I was hiring, fundraising, building relationships with retailers, and opening up the Con Edison accounts. Whatever had to be done, I was doing it," she said. Her background as a corporate lawyer played to her favor. "All of the experiences I gathered along the way helped make me a problem solver, a person who always has a plan B, and who is alert to issues that could become problematic."

Posen was not only the company's first CEO; she was also its first landlord. "One of the mistakes I had seen with young companies was overspending, so I said to Zac, 'You can't afford to pay rent from the beginning, so start your company here.' But really, I had no idea what we were getting into."

Posen transformed their Soho home into Zac's atelier. The space where their living room had been housed two sewers and a cutting table, the kitchen and dining room were transformed into a catwalk for model casting, and the bathroom into a salon and fitting room. By October, Zac was chosen to present a capsule collection as part of GenArt's Fresh Faces in Fashion New York 2001. After his first runway show in 2002, the business was ready to leave the womb and soon moved into the space just south of Canal Street where the company remains to this day.

Today, Zac Posen has a loyal clientele that includes stars like Gwyneth Paltrow, Natalie Portman, and Naomi Campbell. Glenn Close and Miss Piggy were both dressed in Posen gowns at the 2012 Academy Awards. The company's collaborations include "Zac Posen for Target" that launched

nationwide in 2010. Zac Posen was also awarded the Council of Fashion Designers of America's 2004 Swarovski's Perry Ellis Award for Womenswear and has been inducted into the Fédération Française de la Couture du Prêt-à-Porter des Couturiers and Créateurs de Mode. The company has expanded to include the Z Spoke by Zac Posen line (including a Z Spoke store on Washington Street in the Meatpacking district), as well as the Zac Posen designer line, which is shown on the runway twice a year during New York Fashion Week.

With her son's business launched and extremely successful, Posen stepped down from her role as President and CEO in 2010, and is now Chair of the Board. This change has given her time to run a consulting business where she helps young designers navigate the pitfalls of building a fashion business. "It is wildly complicated to take a creative concept, get a sample produced, have a pattern made, convince a retailer buy it, get it produced in multiple sizes in the fit and the quality of designer-level clothing, and then get paid for it at the end of the day," she said. "It makes doing a complicated corporate deal look like a walk in the park."

Over the past 20 years, Lee Sporn '86 has found himself at the legal helm of two of the world's top fashion houses—Ralph Lauren and Michael Kors—and yet, by his own admission, is fairly notorious for bringing the fashion standards of the industry to dangerously low levels. "Some years into my stint at Polo," he recalled, "I had the misfortune of pushing the casual envelope past the limit on a day when I ended up in the elevator with Ralph Lauren. He stared a moment, gave me his best long-suffering look, and said with an absolutely straight face: 'I sure hope you're good.'" Luckily, Sporn was—and still is.

Sporn graduated *summa cum laude* from Brooklyn Law School in 1986 and spent his early years as a corporate associate focused on entertainment and intellectual property law at Proskauer Rose. A piano major in the conservatory at Oberlin College, Sporn had a passion for music, and at Proskauer, he came under the wing of partner Paul Epstein, whose major client was Leonard Bernstein. "Bernstein was my childhood idol, and working with him was fantastic," he recalled. "Really, nothing could have been better."

As Bernstein began thinking about retirement, Sporn began to think about moving on. "I knew I wanted to continue to work with someone who was a creative force like Bernstein," he said. When he was recruited for a position at Ralph Lauren, he recalled having no idea what Polo was. "I remember the recruiter said to me, 'You know the shirts with the little horse on them?' That kind of rang a bell." As Sporn learned more about Lauren, he was intrigued. "Ralph Lauren had the same kind of restless creative energy that drew me to Bernstein. Here was a guy who was on top of his game."





Lee Sporn '86

Senior VP Business Affairs and General Counsel, Michael Kors

Sporn joined Ralph Lauren in 1990, where he was mentored by John Idol, the Chief Operating Officer of Product Licensing, Home Collection and Men's Collection. "I had never worked in-house and didn't really know the business, but it was a period of explosive growth for the company, and it was a lot of good creative fun," he said. In addition to taking the company public in 1997, Sporn worked on new product lines, new territories, and handled licensing and acquisitions. He remained at Ralph Lauren for over a decade, becoming Vice President of Intellectual Property and Associate General Counsel.

Eleven years after joining Ralph Lauren, a call came from Idol, who had just been named CEO of a company called Kasper ASL, which was teetering on the brink of bankruptcy. Sporn politely declined the offer, but Idol wouldn't take no for an answer. In 2001, Sporn joined Kasper as its General Counsel, recognizing that it presented an opportunity to do something different. "And what could be more different from Polo than working with a company that didn't know if it would live to see another day?" he said. The learning curve was once again steep. Sporn had never taken a company through a bankruptcy, had never worked with a company with a significant union component, and had never been a general counsel. But together with Idol, Sporn took Kasper through a successful turn-around, and sold it to Jones NY.

In 2003, Sporn and Idol moved to what was then a small collection brand: Michael Kors. Kors had just been purchased from LVMH by Silas Chou and Lawrence Stroll, the dream team that made a fortune as early partners in Tommy Hilfiger. With their backing, what started out as a small company with around 40 employees evolved into a global lifestyle brand with 3000 employees and 300 stores in 74 countries. As Senior Vice President of Business Affairs and General Counsel, Sporn has played a key role in that growth. In addition to his role as the company's general counsel, he is also responsible for managing store design and construction, human resources, and office facilities and operations.

Sporn's job touches on a number of legal disciplines, and he pointed out how in the fashion world the law may play out differently. "For instance," he explained, "in a fashion company, how people look in clothing is fundamental to our business and a constant topic of conversation—a conversation that might provoke a sexual harassment complaint in another setting." But Sporn is quick to note that, particulars aside, fashion is a business like any other. "You design, manufacture, sell, and service," he said. "And, as would be true with any business, as general counsel, I am responsible for navigating all components of that business in a way that is efficient and avoids liability, without inhibiting creativity and growth."

If growth is any indicator, Sporn has certainly done his job exceedingly well. In December 2011, the company went public at \$20 a share. Its stock price is now trading at almost \$50 a share, making headlines in every major financial newspaper. According to Forbes.com, "Michael Kors expects fiscal year revenue to reach between \$1.27 billion to \$1.28 billion—a year ago, it posted \$757.8 million in net sales."

"I am very proud of the company and of the growth we have experienced," said Sporn. "I have no taste in clothes, but I do have the best job in the world."



Sherry Jetter '86

Senior Vice President and
General Counsel, HMX, LLC.

intersection of law and fashion. “For years, my father was the licensee for Oscar de la Renta, Botany 500, Disney, and BVD, among others, and worked on agreements and contracts,” recalled Jetter. “There is no doubt that his business sense rubbed off on me.”

Jetter graduated from Barnard College *cum laude* with a degree in American Studies and a passion for criminal justice. Primed to become a prosecutor, she enrolled in Brooklyn Law School, where she was a member of the Moot Court Honor Society and served as the Executive Comments Editor for the *Brooklyn Journal of International Law*. Through BLS’s internship programs, she worked for two semesters in the criminal division of the U.S. Attorney’s office in the Eastern District of New York. She began her career as an Assistant District Attorney in Kings County in the Sex Crimes Bureau. “It was an eye-opening experience and one that was invaluable,” she said. After three years, though, Jetter felt the emotional toll of her job and was ready for a change. Shortly thereafter, she met Stephan Weiss, the business partner and husband of a young designer at Anne Klein who was starting her own line. Her name was Donna Karan. “Stephan was looking for an assistant with a legal background and asked me if I would be interested,” she recalled. “I remember telling my brother that I had taken the job and he said, ‘You’re his assistant? You’ll never be his lawyer!’ But, I thought, life is about risks. If it doesn’t work out, I’ll leave after six months.” Six months later, Jetter was Donna Karan’s first in-house counsel.

Under Weiss’s wing, Jetter flourished at Donna Karan, learning everything from employment to trademark and licensing law on the job. “Stephan was my mentor. I would not be here without him,” she said. By the time Jetter left Donna Karan, she was Assistant General Counsel and Senior Director of Intellectual Property, and had directed the company’s worldwide intellectual property program and anti-counterfeiting efforts, negotiated its talent and commercial contracts, and was counsel on all international trade issues.

After nearly a decade at Donna Karan, Jetter became Of Counsel to Sharretts, Paley, Carter & Blauvelt, a customs and international trade law firm, expanding the practice in the area of intellectual property. She then tried something entirely different, becoming the co-founder, Executive Vice President, and General Counsel of an e-commerce site for high-end designer brand and luxury goods called Fashion500.com. While the company got off to a strong start in 2000, and Jetter successfully guided the company through two private placements, the timing was off, and the company folded within a year. A few months later, an old friend and fellow BLS graduate, Lee Sporn '86 (also featured in this article), phoned.

Sherry Jetter '86 has negotiated contracts with NHL Hockey Star Sean Avery, hammered out agreements with the U.S. Olympic Committee, and fine-tuned licenses with the U.S. Tennis Association. Yet Jetter’s career is about as far from the wide world of sports as the grass court is from the ice rink. Jetter is one of the fashion industry’s legal stars, a woman who spent decades in top leadership roles at Donna Karan and Ralph Lauren and is now Senior Vice President and General Counsel of HMX, LLC, leading a multi-million-dollar global luxury brand manufacturer best known for its Hickey Freeman and Hart Schaffner Marx lines of finely tailored menswear.

To Jetter, who has been immersed in the world of haute couture for most of her career, it all makes perfect sense. “People always ask me, ‘What is fashion law?’ And I tell them, it’s every kind of issue you’d have in any other corporation: employment, M&A, licensing, privacy, data security, customs, marketing and intellectual property. But it becomes a lot sexier in a fashion environment.”

Jetter, who was raised in Oceanside, Long Island, was probably destined for a career in law. Her grandfather, Moses Harris Hoenig, was an early mentor and inspiration. He graduated from Brooklyn Law School in 1919 and was a member of the bar for 70 years. (To honor his memory, Jetter purchased a Moot Court seat in his name last year.) Jetter credits her father, a lawyer who started a successful line of men’s and boy’s sleepwear, for sparking her interest in the

He was leaving his position at Polo Ralph Lauren and wanted to know if she was interested in his job. The answer was an enthusiastic yes.

At Ralph Lauren, Jetter found herself once again at the heart of a company ripe with opportunity. “The company was growing exponentially,” she said. Over the next 10 years, as Polo’s Vice President of Intellectual Property and Legal Affairs, Jetter directed and managed the company’s global commercial transaction practice, orchestrating mergers and acquisitions and negotiating worldwide joint ventures and worldwide licensing undertakings. She managed the company’s global trademark portfolio and anti-counterfeiting efforts, successfully negotiated and drafted the U.S. Olympic Games, U.S. Open, and Wimbledon sponsorships and testified before Congress in support of amending the Federal Trademark Dilution Act.

While at Ralph Lauren, Jetter was selected for inclusion among women on the rise in *Courageous Counsel: Conversations with Women General Counsel in the Fortune 500*, which is the first full account of the emergence and growing clout of women in general counsel positions at Fortune 500 companies.

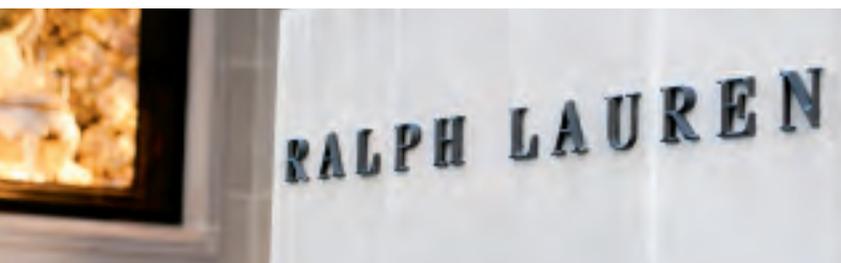
After a decade at Ralph Lauren, Jetter had accumulated a wealth of legal experience (not to mention a fantastic wardrobe), and was ready to run her own show. Her opportunity came at the end of October 2011, when she was hired as Senior Vice President and General Counsel of HMX, LLC., a New York City-based apparel retailer and manufacturer that owns a stable of American brands including the Hart Schaffner Marx flagship label (which President Obama chose to wear to his inauguration), Hickey Freeman, Bobby Jones, and Ivanka Trump under chief creative officer and president, Joseph Abboud. “I wanted to be a General Counsel and I took a risk by coming to a much smaller company.” Yet again, Jetter followed the lead of another mentor, Doug Williams, the CEO of HMX, with whom she had worked for several years at Ralph Lauren. “Doug encouraged me to come on board,” she said. “I was drawn to the entrepreneurial spirit of HMX and am very proud of this company. It reminds me of my early days at Donna Karan, where you would roll up your sleeves and get the job done. I am creating this legal department. I am the architect of it, and that’s what makes it very exciting.”

Avery Fischer '93
Senior VP, General Counsel &
Secretary, Ralph Lauren

The Ralph Lauren Corporation, which is publicly traded with a share price around \$180, needs little introduction. It seems that there’s not a category of merchandise Lauren has left unturned. The company designs, manufactures, and sells in the apparel, home, accessories, and fragrance categories. Its brands include Polo by Ralph Lauren, Ralph Lauren Purple Label, Ralph Lauren Collection, Black Label, Blue Label, Lauren by Ralph Lauren, RRL, RLX, Rugby, Ralph Lauren Childrenswear, American Living, Chaps, and Club Monaco. It employs 24,000 people in the United States, South America, Asia, and Europe. And the person charged with sorting through the legal issues that may arise with the company’s brands, its stores, its employees, its trademarks, its leases and contracts, and its SEC filings is its general counsel: Avery Fischer '93.

Strangely enough, Fischer was never all that interested in fashion. What he was interested in was business. After beginning his professional career in accounting, Fischer decided he was not really the auditing type and applied to law school. “I loved the analytical training, and because I knew I was interested in corporate law, I took securities regulation, tax law, international law, corporate finance, and any class that I thought would build a strong business foundation,” he said. “Brooklyn Law School gave me an excellent education.”

Fischer, who was on the *Brooklyn Journal of International Law*, graduated *cum laude* and joined Shea & Gould after



graduation. The firm only had room for him in its litigation department, which was not Fischer's first choice, but one he accepted to gain some big firm experience. Seven months later, the firm shocked the legal world when it voted to dissolve, giving Fischer the unexpected opportunity to join the firm of Rosenman and Colin and begin his training as a corporate lawyer.

Fischer was fortunate because its corporate group was a general practice group. This gave him the opportunity to perform a variety of work, from mergers and acquisitions to corporate governance, private finance, and securities work. "I got a great general flavor for the world of corporate law, which is essential training for a general counsel," he said. After four years with Rosenman, he was approached by Ronald Lauder, son of the famous fragrance icon Estee Lauder and a former client, who asked him to join his telecom start-up, RSL Communications. Fischer joined the company in 1997 as its first in-house lawyer where he built the legal department and became general counsel. He managed all legal affairs and corporate governance matters, SEC reporting, and negotiated numerous mergers and acquisitions, joint ventures, and partnership agreements. "Very early in my career, I was responsible for what was then a multi-billion dollar company, with operations in 20 countries around the world," he said. "It was an exciting time." The company went public and continued to perform well, but when the telecommunications market collapsed in 2001, the company went bankrupt.

Fischer was then brought in as a partner at Kelly Drye and Warren to expand and grow the firm's corporate practice. In 2009, one of the firm's clients, Ralph Lauren, called to see



“Our products are sold all over the world. You can imagine the different legal issues that come up. There is always a myriad of fascinating legal issues on my desk.”

—AVERY FISCHER '93

if he might be interested in becoming general counsel. The chance to work at a multi-billion-dollar company, not to mention one of the most prestigious houses in fashion, was one Fischer was not willing to pass up.

At Ralph Lauren, the scope of Fischer's job is both thrilling and daunting. "We are in wholesale, retail, and licensing; we sell menswear, womenswear, and childrenswear apparel, in addition to fragrances, jewelry, accessories and home products. And, to make things more legally challenging, our products are sold all over the world. You can imagine the different legal issues that come up. There is always a myriad of fascinating legal issues on my desk."

As Fischer describes it, he spends his days strategizing on business issues, advising on corporate governance matters, drafting licensing agreements, protecting trademarks from counterfeiters, negotiating leases, hammering out commercial contracts, sorting through employment issues, and filing various SEC forms. In his "spare" time, Fischer serves on the international Best Lawyers Advisory Board, which includes select general counsel of the Fortune 500 companies and the Global 500 companies.

But for Fischer, the people make all the difference. "At a fashion house you work with an enormously creative and talented group of people, which is a little bit different than most other companies," he said. "It's a great environment. What's also nice about working at Ralph Lauren is that almost everyone who hears what I do, and who I do it for, smiles. They say, 'I love Polo!' That makes me feel great. And then there's the inevitable, 'You know what to get me for the Holidays!'" ■

FACULTY Highlights

William Araiza

PUBLICATIONS

- *Justice Stevens and Constitutional Adjudication: The Law Beyond the Rules*, 44 LOY. L.A. L. REV. 889 (2011) (symposium issue)

PROGRAMS & PRESENTATIONS

- Presenter, “Equal Protection from *Lochner* to *Carolene*: Continuity or Revolution?,” Constitutional Law Colloquium, Loyola University Law School
- Presenter, “*Stern v. Marshall*: Texas Justice Triumphant,” Cardozo Law School
- Panelist, “Annual Review of the Supreme Court,” New York State Bar Association Annual Meeting, New York (with Jason Mazzone)

Jonathan Askin

PROGRAMS & PRESENTATIONS

- Presenter, “What Does Antitrust Mean Under the Obama Administration: The AT&T/T-Mobile Merger, Spectrum, and Competition in Mobile Wireless Infrastructure,” Yale Law School
- Moderator, “Social Media Ethics for Law Students,” New York City Bar Association, New York
- Judge, Brooklyn PowerUP! Business Plan Competition

OTHER PROFESSIONAL HIGHLIGHTS

- Nominated for the Board, New York Tech Meetup

Jessica Attie

PROGRAMS & PRESENTATIONS

- Panelist, Legal Writing Institute, One-Day Workshop, Brooklyn Law School

Miriam Baer

PUBLICATIONS

- *Choosing Punishment*, 92 B.U. L. REV. ___ (forthcoming 2012)
- *Four Questions for the Regulator: A Comment on Manuel Utset’s Theory of Temporal Inconsistency and Corporate Fraud*, 2 VA. J. CRIM. L. ___ (forthcoming 2012)
- *Some Thoughts on the Porous Boundary between Ordinary and Extraordinary Fraud*, 14 U. PA. BUS. L.J. ___ (forthcoming 2012) (book review)

PROGRAMS & PRESENTATIONS

- Presenter, “Choosing Punishment,” The Legal Workshop Class, University of Chicago School of Law; and Program on Business Law & Policy, Corporate Colloquium, University of Illinois College of Law
- Presenter, “The Law of Criminal Fraud and Corporate Enforcement,” American Law Institute, Duke Law School

Derek Bambauer

PUBLICATIONS

- *Orwell’s Armchair*, 79 U. CHI. L. REV. ___ (forthcoming 2012)

PROGRAMS & PRESENTATIONS

- Speaker, “The Hacker’s Aegis—Protecting Hackers From Lawyers,” Berkman Center for Internet & Society, Harvard Law School
- Panelist, “Government Transparency in the Digital Age,” National Security Law Section Meeting, AALS Annual Meeting, Washington, D.C.
- Invited Speaker, “Open Source and Free Software 2011: Benefits, Risks and Challenges,” Practising Law Institute, New York
- Guest Speaker, “Derek Bambauer on Censorship,” Surprisingly Free, George Mason University
- Commenter, “Convening Cultural Commons” Workshop, New York University School of Law
- Guest Speaker, “Hacking and Cybersecurity,” Bloomberg Law, New York

Christopher Beauchamp

PROGRAMS & PRESENTATIONS

- Presenter, “The Pure Thoughts of Judge Hand: A Historical Note on the Patenting of Nature,” New York City Junior Faculty Forum, Fordham University School of Law

Deborah Bechtel

PROGRAMS & PRESENTATIONS

- Presenter, “Affordable Housing Issues,” New York State Bar Real Property Section Committee on Condominium and Cooperative Law Annual Meeting, New York
- Presenter, “Community Benefits Agreements,” New York City Community Economic Development Attorney Network Event, New York

Ursula Bentele

PROGRAMS & PRESENTATIONS

- Panelist, “Federal Habeas Petitions,” Federal Bar Council, New York

Anita Bernstein

PUBLICATIONS

- *Real Remedies for Virtual Injuries*, 90 N.C. L. REV. ___ (forthcoming 2012)
- *Toward More Parsimony and Transparency for “the Essentials of Marriage,”* 2011 MICH. ST. L. REV. 83 (2011) (symposium issue)
- *Reparations, Microfinance, Gender: A Plan, With Strategies for Implementation*, 44 CORNELL INT’L L.J. 77 (2011) (with H.D. Seibel)

Dana Brakman Reiser Addresses the New and Growing Field of Social Enterprise in a Forthcoming Article for *Emory Law Journal*



Professor Dana Brakman Reiser always wanted to study how organizations are governed, and her interest was piqued further while studying at Harvard Law School. In particular, she wondered, “How do you enforce an organization’s mission to do good?” It is a question she has written on extensively throughout her academic career, with an emphasis on nonprofit governance and the role of non-fiduciary constituencies in nonprofit organizations.

Most recently, Brakman Reiser’s scholarship has expanded to address the legal and social ramifications of social enterprise. She defines a social enterprise as an organization pursuing social or charitable purposes while also seeking to make profits for investors. This new emphasis came about as a result of her research on nonprofit governance and teaching her Corporations class. She observed an

“The line between business and charity is fluid. Both have a role to play to make society a better place.”

interesting phenomenon—very few cases applied corporate law to nonprofit governance issues, so courts and commentators frequently draw on for-profit corporate law as an analogue. She also found that social enterprises were forming in the U.S. and abroad. At the same time, jurisdictions around the globe began offering new legal forms to house social enterprises. In her last several articles she has

explored these new legal forms, comparing and contrasting them with each other and with traditional nonprofit and for-profit forms of organization.

“The line between business and charity is fluid,” she says. “Both have a role to play to make society a better place.” She highlights these roles and how they can be encouraged and enforced in her forthcoming piece on social enterprise in the *Emory Law Journal*. She seeks to identify the goals of social enterprise founders who use hybrid legal forms, and questions the enforcement tools available to police these organizations. “Is a dual mission effective and stable?” she asks. “Can one organization accomplish both goals, and what kind of enforcement tools could work to ensure it would?”

Her article considers a range of possible private enforcement mechanisms, some already in use in hybrid legal forms now available in the U.S. and abroad. With her insights as a starting point, the debate awaits the results of the natural experiment that is occurring as jurisdictions enact, and social enterprises adopt, these new legal forms. ■

PRESENTATIONS

- “Real Remedies for Virtual Injuries,” University of Colorado Law School; and Conference on Social Networks and the Law, University of North Carolina School of Law
- “More Parsimony and Transparency in the ‘Essentials of Marriage,’” Hastings College of Law

Bradley Borden

PUBLICATIONS

- TAXATION AND BUSINESS PLANNING FOR REAL ESTATE TRANSACTIONS (LexisNexis, 2011)
- *Sales of Church Real Property to Parishioners*, 23 TAX’N EXEMPTS __ (forthcoming 2012)
- *Tax-Free Exchanges of Art and Other Collectibles*, 29 J. TAX’N INV. __ (forthcoming 2012)
- *The Law School Firm*, 63 S.C. L. REV. 1 (2011) (with R. Rhee)
- *Series LLCs in Real Estate Transactions*, 46 REAL PROP., TRUST & EST. L. J. 255 (2011) (with M. Vattamala)

- *The Liability-Offset Theory of Peracchi*, 64 TAX LAW 237 (2011) (with D. Longhofer)

PROGRAMS & PRESENTATIONS

- Discussant, “*The Market for Tax Services After Sarbanes-Oxley* by Stanley Voliotis” and “Quantitative Model for Measuring Line-Drawing Inequity,” American Accounting Association, White Plains, New York
- Chair, “Tax Law Session” and “Quantitative Model for Measuring Line-Drawing Inequity,” Canadian Law and Economics Association Meeting, University of Toronto
- Presenter, “Measuring Inequity Caused by Line Drawing,” Midwest Law and Economics Association Meeting, Indiana University Maurer School of Law
- Panelist, “Check-the-Box *Bramblett?* Alternative Structures for Capital Gain Step-Up Planning,” American Bar Association Section of Taxation and Section of Real Property, Trust & Estate Law, Trust and Estate Division, Sales, Exchanges & Basis Committee Meeting, Denver

COURT CITATIONS

- *The Federal Definition of Tax Partnership*, 43 Hous. L. Rev. 925, 928–29 (2006) was cited in *Southgate Master Fund, L.L.C. v. United States*, 659 F.3d 466 (5th Cir. 2011)

Dana Brakman Reiser

PUBLICATIONS

- *Theorizing Forms for Social Enterprise*, 61 EMORY L.J. ___ (forthcoming 2012)
- *Flexible-Purpose Corporations*, 2 BUS. L. REV. ___ (forthcoming 2012)
- *Benefit Corporations—A Sustainable Form of Organization?*, 46 WAKE FOREST L. REV. 591 (2011)

PROGRAMS & PRESENTATIONS

- Presenter, “Unincorporated and Incorporated Forms for Social Enterprise,” Section on Agency, Partnerships, LLC’s and Unincorporated Business Associations, AALS Annual Meeting, Washington, D.C.
- Presenter, “Nonprofit Governance Basics,” Financial and Reporting Issues for Nonprofit Organizations Seminar, Practising Law Institute, New York
- Presenter, “Benefit Corporations—A Sustainable Form of Organization?,” 40th Annual Conference of the Association for Research on Nonprofit Organizations and Voluntary Action, Toronto

Michael Cahill

PUBLICATIONS

- CRIMINAL LAW (Aspen Treatise Series, 2d ed. 2012) (with P. Robinson)

PROGRAMS & PRESENTATIONS

- Presenter, “Defining Inchoate Crime,” NYU–Brooklyn Criminal Law Theory Colloquium; Pace Law School Faculty Colloquium; and Florida State University College of Law Faculty Enrichment Colloquium
- Commentator, Vice and Crime Conference, Rutgers–Newark School of Law
- Presenter, “Punishment Pluralism,” The Retributivist Tradition and Its Future Conference, St. John’s University School of Law

Stacy Caplow

PUBLICATIONS

- “Accessing Justice: The Availability and Adequacy of Counsel Removal Proceedings,” *The Steering Committee of New York Immigrant Representation Study Report*, 33 CARDOZO L. REV. 357 (2011)

Neil B. Cohen

PROGRAMS & PRESENTATIONS

- Presenter, “The New Hague Conference Project on Choice of Law in International Commercial Contracts,” the United

States Department of State Advisory Committee on Private International Law, Washington, D.C.

- Presenter, “The UCC and the Mortgage Crisis,” Section on Commercial and Related Consumer Law, AALS Annual Meeting, Washington, D.C.

OTHER PROFESSIONAL HIGHLIGHTS

- Reappointed member of the drafting committee for the Multistate Essay Examination of the National Conference of Bar Examiners

COURT CITATIONS

- *Board of County Commissions v. Park County Sportsmen’s Ranch*, 2011 WL 5089466 (Colo. App. Oct. 27, 2011) (citing *Suretyship Principles in the New Article 3: Clarifications and Substantive Changes*, 42 ALA. L. REV. 595 (1991))
- *Deutsche Bank Nat’l Trust v. Brumbaugh*, 2012 WL 130661 (Okla. Jan. 19, 2012), and *Jones v. Wells Fargo Bank*, 2012 WL 34123 (5th Cir. Jan. 9, 2012) (citing REPORT OF THE PERMANENT EDITORIAL BOARD FOR THE UNIFORM COMMERCIAL CODE: APPLICATION OF THE UNIFORM COMMERCIAL CODE TO SELECTED ISSUES RELATING TO MORTGAGE NOTES)

Steven Dean

PROGRAMS & PRESENTATIONS

- Presenter, “Tax Reform: What’s All the Noise About?” Tax Section Panel: Tax Reform, New York State Bar Association Annual Meeting, New York
- Presenter, “Fragile Fiscal Chains: Budget Accountability and Fiscal Arbitrage at Loyola-L.A.,” Tax Policy Colloquium Series, Loyola-L.A. School of Law

Robin Effron

PUBLICATIONS

- *Letting the Perfect Become the Enemy of the Good: The Relatedness Problem in Personal Jurisdiction*, 15 LEWIS & CLARK L. REV. ___ (forthcoming 2012)
- *The New Commonality: Rule 23(a)(2) After Wal-Mart v. Dukes*, 18 WESTLAW CLASS ACTION J. 2 (2011)

PROGRAMS & PRESENTATIONS

- Presenter, “The Shadow Rules of Joinder,” Section on Civil Procedure, AALS Annual Meeting, Washington, D.C.; Faculty Workshop, Case Western Reserve Law School; and Law & Society Annual Meeting, San Francisco
- Presenter, “Information Forcing Rules,” Legal Scholarship Workshop, University of Chicago Law School

James Fanto

PUBLICATIONS

- DIRECTORS’ AND OFFICERS’ LIABILITY (Aspen, 2011 update)
- BROKER-DEALER LAW AND REGULATION (Aspen, 2011 update) (with N. Poser)

PROGRAMS & PRESENTATIONS

- Speaker, “Developments in Compliance,” Results of the Crisis: Acknowledging How Financial Firms Will Be Operating Differently Forum, 7th Securities Litigation & Enforcement Summit, New York

OTHER PROFESSIONAL HIGHLIGHTS

- Working group member, Institute for International Finance, for the report, *Compensation Reform in Wholesale Banking 2010: Assessing Three Years of Progress*
- Co-editor-in-chief, *Practical Compliance and Risk Management for the Securities Industry* (Wolters Kluwer)

Richard Farrell

HONORS AND AWARDS

- Recognized by the New York State Bar Association for “Outstanding Contribution in the Field of Criminal Law Education”

Linda Feldman

PROGRAMS & PRESENTATIONS

- Presenter, “Leveraging Academic Support Principles and Programs to Meet Strategic Institutional Goals,” Workshop on Academic Support, AALS Annual Meeting, Washington, D.C.

Maryellen Fullerton

PUBLICATIONS

- IMMIGRATION & CITIZENSHIP: PROCESS AND POLICY (West, 7th ed. 2011) (with A. Aleinikoff, D. Martin, and H. Motomura)

PROGRAMS & PRESENTATIONS

- Chair of Conference: “Asylum and Refugee Law Education in Europe: New Challenges, New Responses?,” Budapest, Hungary

Marsha Garrison

PUBLICATIONS

- MARRIAGE AT A CROSSROADS (Cambridge University Press, forthcoming 2012) (with E.S. Scott, eds.)
- *Property Rights for Cohabitants: Status v. Contract*, in FAMILY PROPERTY LAW (Intersentia, 2011) (Jo Miles et al. eds.)
- *Why Has the United States Failed to Ratify the U.N. Convention on the Rights of the Child?*, in MARGINALIZED IDENTITIES IN THE DISCOURSE OF JUSTICE: REFLECTIONS ON CHILDREN’S RIGHTS (Polymetrica Int’l, 2011) (G. Cortese ed.)
- *What’s Fair in Divorce Property Distribution? Cross-National Perspectives from Survey Evidence*, 72 LA. L. REV. 57 (2011) (symposium issue)

PROGRAMS & PRESENTATIONS

- Speaker, “Divorce Property Distribution: Cross-National Perspectives on Fairness,” The Future of Community Property, Louisiana Law Review Symposium, Louisiana State University
- Speaker, “Can Family Law Change Family Life?” Plenary Session, International Society of Family Law World Conference, Lyon, France

- Moderator and Speaker, “Rebuilding Family Law: From Adjudication to Family Services,” Cross-Border Family Law Adjudication and Enforcement Symposium, Lithuanian Department of Justice, Vilnius, Lithuania

OTHER PROFESSIONAL HIGHLIGHTS

- Re-elected as Secretary-General of the International Society of Family Law

Cynthia Godsoe

PUBLICATIONS

- Introduction, *Adolescents in Society: Their Evolving Legal Status*, 20 J.L. & POL’Y 1 (2012)

PROGRAMS & PRESENTATIONS

- Panelist, “Protection, Punishment & the Regulation of Sexuality in Young Girls,” Children and the Law and Mass Communication Sections, AALS Annual Meeting, Washington, D.C.
- Roundtable Participant, “Military Recruitment,” Rutgers Law School
- Presenter, “Parsing Parenthood,” New York Area Family Law Scholars Workshop, Cardozo School of Law

OTHER PROFESSIONAL HIGHLIGHTS

- Appointed Secretary, AALS Section on Children and the Law
- Invited Participant, New York Raise the Age Coalition

Susan Herman

PROGRAMS & PRESENTATIONS

- Panelist, “Civil Rights and National Security Post 9/11,” Philanthropy NY, New York
- Speaker, “Portrait of a Judge,” Unveiling of Judith Kaye Portrait at New York State Court of Appeals, Albany
- Speaker, “Obama and the War on Terror,” American Constitution Society, University of Chicago Law School
- Panelist, “The ‘National Security State’: Technology and Abuse of Power,” World Technology Summit & Awards 2011, New York
- Speaker, “Taking Liberties: Gender, Race, and Rights in Post 9/11 America (and Why You Should Care),” Harvard Law School
- Speaker, “Civil Liberties Today,” Packer Collegiate Institute
- Panelist, “Engage 2012,” Women of Color Policy Network, Robert F. Wagner Graduate School of Public Service, New York University
- Speaker, “The War on Terror and the Erosion of American Democracy: An Illustrated Book Lecture,” Mid-Manhattan Library, New York
- Spoke at numerous venues nationwide throughout her TAKING LIBERTIES book tour

Joy Kanwar

PROGRAMS & PRESENTATIONS

- Panelist, Legal Writing Institute, One-Day Workshop, Brooklyn Law School

Marsha Garrison Addresses Controversial Marriage Topics in New Book



Ask Professor Marsha Garrison, a highly regarded family law expert, what drew her to this field of law, and she responds enthusiastically, “Because it’s the stuff of human life! What’s more basic to us than our families?” She also notes the dynamism of the subject: courts often respond to cultural changes and the problems that families bring to them. Because the nature of the family has changed significantly over the last several decades, so too has the law. From issues of artificial reproductive technology, to increased rates of cohabitation and non-marital births, to same-sex marriage, modern-day family law has evolved and grown more complex.

When Garrison first started teaching in 1979, the idea of same-sex marriage was a “laugh,” Garrison says. “No student took the possibility seriously.” Today, same-sex marriage is a large segment in casebooks and “many students couldn’t imagine same-sex marriage not being in them.” Additionally, she points out that there has been a huge cultural shift accompanied and reinforced by legal reform.

In her most recent book, *Marriage at a Crossroads* (Cambridge University Press, forthcoming 2012), social scientists from top universities and experts in family law examine contemporary marriage through the lens of its historical and social context. “The institution of mar-

riages, she says, “have generated substantial academic interest and no small amount of political controversy.”

The contemporary legal framework of marriage has been challenged in several ways. Some argue that marriage is out of date and should lose its legally-privileged status. Others advocate a return to traditional marriage, arguing that government can and should promote the institution. *Marriage at a Crossroads* captures the complexity of the debate about marriage within an interdisciplinary framework guided by impartial social-science research. Garrison argues that the current debate about marriage must be informed by the best available evidence in order to advance societal

“The institution of marriage is at a crossroads. Although marriage continues to be the preferred family form in this country, sweeping social and economic changes in recent decades have diminished its importance as a core institution.”

riage is at a crossroads,” says Garrison. “Although marriage continues to be the preferred family form in this country, sweeping social and economic changes in recent decades have diminished its importance as a core institution.” These

understanding of marriage and other family forms. “Empirically grounded analysis can offer a neutral lens that may enhance understanding and even produce consensus across ideological divides,” she says. ■

Roberta Karmel

PUBLICATIONS

- *Realizing the Dream of William O. Douglas—The Securities and Exchange Commission Takes Charge of Corporate Governance*, 30 DEL. J. CORP. L. 79 (2005), republished in *THE HISTORY OF MODERN U.S. CORPORATE GOVERNANCE* (Edward Elgar, 2011) (B. Cheffins ed.)

PROGRAMS & PRESENTATIONS

- Keynote, “Self-Regulation Versus SEC Regulation for Investment Advisers,” The Dodd-Frank Blueprint Registration for Alternative Asset Managers Conference, Center on Financial Services Law, New York Law School
- Presenter, “The Theory and Efficacy of Independent Directors: An Overview,” Corporate Governance in an Age of Increasing Complexity and Uncertainty: Theory and Ideals Meet Reality Conference, 2011 Berle Colloquium, Seattle University School of Law

- Speaker, “Non-Executive Directors,” Hong Kong Institute of Certified Public Accountants, Chartered Secretaries and Members of the Law Society
- Keynote, “IOSCO’s Post-2008 Initiatives,” Hong Kong Securities and Futures Commission
- Speaker, “High Frequency Trading,” Corporate Law Studies Interest Group and Asian Institute of International Financial Law, University of Hong Kong
- Speaker, “My Experiences as a Woman Lawyer,” Skadden Arps, Hong Kong
- Moderator, “Challenges for Global Corporations,” IBL Center Breakfast Roundtable, New York

OTHER PROFESSIONAL HIGHLIGHTS

- Selection Committee, 2012 Burton Foundation Regulatory Innovation Award

Roberta Karmel Gives a Series of Talks in Hong Kong on Securities Regulation

Professor Roberta Karmel is a renowned expert in the field of international and domestic securities regulation, and she is regularly asked to present high-level talks on this subject. In December, she traveled to Hong Kong where she gave three talks at universities and regulatory organizations, and also met with alumni based in Hong Kong.

“Hong Kong is a booming financial center,” says Karmel. “Regulators, academics, and lawyers are interested in improving standards for securities regulation and being real players in capital markets.”

The first lecture she gave was about independent non-executive directors, and she presented it to the Hong Kong Institute of Certified Public Accountants, the Chartered Secretaries Organization, and the Law Society of Hong Kong. She provided an overview of the reforms of the late 1970s, touching on the post-Watergate corporate governance debate and new regulations that were implemented pursuant to the Investment Company Act, the Sarbanes-Oxley Act, and the Dodd-Frank Act. She focused on whether or not “directors should be independent of management in order to serve shareholders, or their independence should be for the benefit of other constituencies, such as creditors, customers, and communities.” Her talk



“The flash crash exposed serious dysfunction and risk in the trading markets, and that extreme volatility has continued so that the markets are a joy ride for a few and a bad trip for everyone else.”

raised important points about independent directors in the United States compared to China and concerns that academics and others have had about the 2008 financial crisis and the implementation of Dodd-Frank.

At the Hong Kong Securities and Futures Commission, Karmel spoke about IOSCO’s Response to the 2008 financial crisis. (IOSCO is the only international body devoted to regulation of the securities markets.) Karmel addressed systemic risk in the securities markets—a new concern of IOSCO—and the regulation of hedge funds, short selling, and high frequency trading. She concluded that the IOSCO principles are very general, that national politics may trump harmonization, and that leadership may give way to other models.

In her final lecture, she addressed an audience from the Corporate Law Studies Interest Group and the Asian Institute of International Financial Law at the University of Hong Kong, and focused on the “flash crash” and its aftermath. She provided an overview of the various possible regulatory responses to high-frequency trading and certain technological innovations such as direct electronic access and dark pools. “The flash crash exposed serious dysfunction and risk in the trading markets, and that extreme volatility has continued so that the markets are a joy ride for a few and a bad trip for everyone else,” says Karmel. “Regulators must restore investor confidence by emphasizing the goals of transparency and neutrality.” ■

Claire Kelly

PROGRAMS & PRESENTATIONS

- Moderator, “Export Controls: What In-House and Outside Counsel Should Know for 2012,” CITBA and Brooklyn Law School, New York
- Presenter, “Breaking the Frame between Public International Trade and Private International Business,” American Society of International Law Research Forum, UCLA Law School; and Center for International and Comparative Law, New York Research Roundtable, St. John’s University School of Law
- Panelist, “The Doha Round, Where We Go from Here,” Roundtable, Fordham University School of Law
- Presenter, “New Conceptions of Governance and Legitimacy,” International Law and International Relations Colloquium, Temple University Beasley School of Law

- Presenter, “International Financial Reform and the Domestic Response;” Moderator, “The Future of US Trade Negotiations—What is a 21st Century Trade Agreement?,” International Law Weekend, Fordham University School of Law
- Moderator, “Discussions in International Economic Law,” Safe Spaces Roundtable, Brooklyn Law School
- Presenter, “The Evolving International Trade Order: The Global Sourcing and New Challenges to the WTO System,” Geneva, Switzerland
- Presenter, “Promises and Perils of Global Governance,” International Financial Regulation Conference, Wharton Legal Studies Business and Ethics Department, University of Pennsylvania

OTHER PROFESSIONAL HIGHLIGHTS

- Appointed to the International Trade Committee, New York City Bar Association

Adam Kolber

PROGRAMS & PRESENTATIONS

- Presenter, “Smooth and Bumpy Laws,” Law and Biosciences Workshop, Stanford Law School; Faculty Workshop, Saint Louis University School of Law
- Presenter, “The Legal and Ethical Implications of Memory Dampening,” Neuroethics of Memory Symposium, SUNY Downstate Medical Center
- Presenter, “Memory-Dampening Drugs,” New York University
- Presenter, “Law and Subjective Experience,” Neuroscience and the Law Conference, University of San Diego School of Law

Rebecca Kysar

PUBLICATIONS

- *Penalty Default Interpretive Canons*, 76 BROOK. L. REV. 953 (2011)
- *Lasting Legislation*, 159 U. PA. L. REV. 1007 (2011)

PROGRAMS & PRESENTATIONS

- Presenter, “On the Constitutionality of Tax Treaties,” University of Florida Levin College of Law Tax Policy Colloquium; University of Notre Dame Law School Faculty Colloquium; and St. John’s University School of Law

Gregg Macey

PUBLICATIONS

- *Environmental Crisis and the Paradox of Organizing*, 2011 BYU L. REV. 2061 (2011)

PROGRAMS & PRESENTATIONS

- Commenter, “Convening Cultural Commons Workshop,” New York University School of Law
- Presenter, “From Oil Spills to Nuclear Waste: Why Cross-Border Environmental Justice Matters,” American Bar Association Annual Meeting, Toronto
- Presenter, “Environmental Law and the Management of Crisis,” Brooklyn Law School Junior Faculty Workshop
- Presenter, “Drilling in an Abandoned Field: Hydraulic Fracturing in the Absence of Federal Regulation,” American Bar Association Teleconference/Webcast
- Presenter, “Environmental Law and the Management of Crisis,” Disasters and Environment Symposium, Brigham Young University Law School

Jason Mazzone

PUBLICATIONS

- *Rights and Remedies in State Habeas Proceedings*, 74 ALB. L. REV. 1749 (2011)

PROGRAMS & PRESENTATIONS

- Presenter, “Copyfraud and Other Abuses of Intellectual Property Law,” at numerous colleges and law schools in the U.S. and Canada

- Presenter, “Batson Remedies,” Symposium on 25th Anniversary of *Batson v. Kentucky*, University of Iowa College of Law
- Presenter, “Guns and Healthcare,” William & Mary Law School
- Presenter, “Facebook’s Afterlife,” Symposium on Law and Social Networks, University of North Carolina School of Law
- Presenter, “The Normalization of Anonymous Testimony,” Bocconi University, Milan, Italy
- Commentator, “Morality and Intellectual Property,” Tri-State Region IP Workshop, Fordham University School of Law
- Panelist, “Annual Review of the Supreme Court,” New York State Bar Association Annual Meeting, New York (with Bill Araiza)

Minor Myers

PUBLICATIONS

- *The Perils of Shareholder Voting on Executive Compensation*, 36 DEL. J. CORP. L. 417 (2011)

PROGRAMS & PRESENTATIONS

- Presenter, “Fixing Multi-Forum Litigation,” Business Law Colloquium, Pace Law School

James Park

PROGRAMS & PRESENTATIONS

- “Rules, Principles, and the Competition to Enforce the Securities Laws,” Faculty Workshop, University of Iowa College of Law; and Faculty Workshop, Cardozo School of Law
- “Securities Class Actions and Bankrupt Companies,” Annual Meeting, Canadian Law and Economics Association, University of Toronto; and Annual Meeting, Midwest Law and Economics Association, Indiana University

Norman Poser

PUBLICATIONS

- *The Supreme Court’s Janus Capital Case*, 44 REV. SEC. & COMM. REG. 205 (2011)

David Reiss

PUBLICATIONS

- *Message in a Mortgage: What the “Qualified Mortgage” Tells Us About Ourselves*, 31 REV. BANKING & FIN. L. __ (forthcoming 2012) (symposium issue)
- *Three Principles for Federal Housing Policy*, 26 PROBATE & PROPERTY __ (forthcoming 2012)
- *Reforming the Residential Mortgage-Backed Securities Market*, 35 HAMLIN L. REV. __ (forthcoming 2012) (symposium issue)
- *Learning from Financial History: An Academic Never Forgets*, WESTLAW JOURNAL EXPERT COMMENTARY SERIES CONSUMER PROTECTION UPDATE: BANKING, FINANCE & DATA PRIVACY 8 (2011) (reprinted in BANK & LENDER LIABILITY 4 (Sept. 12, 2011) and in AALS SECTION ON REAL ESTATE TRANSACTIONS NEWSLETTER (2011))

Adam Kolber Paves the Way in the Field of Neuroscience and the Law



Professor Adam Kolber has spent his academic career focusing on a new and provocative intersection of law, neuroscience, and ethics. In 2006, he taught the first law school course devoted to law and neuroscience, introducing students to cutting-edge theory and practical application. Kolber joined the Brooklyn Law School faculty in 2010 and teaches Bioethics and Public Policy, Criminal Law, Health Law, and a Law and the Brain Seminar.

“In recent decades, researchers have gotten better at imaging and manipulating the brain,” says Kolber, and “these advances are starting to raise more and more questions for legal scholars and ethicists.”

“We tend to think of our memories as our own in some deep and fundamental way. When we imagine a world, however, where we can intentionally dampen or erase memories, it’s not so clear that our memories are entirely our own.”

He has written numerous articles about the legal and ethical implications of memory dampening, which he calls “therapeutic forgetting,” and continues to speak at symposia on this topic nationwide. Kolber asserts that research on pharmaceutical drugs that can alter, dampen, or erase memories should continue and that someday, the benefits of such drugs may outweigh the risks. He argues that “memory dampening drugs can help millions of people suffering from post-traumatic stress disorder or those who have experienced a violent attack by dulling emotional pain.”

Kolber points out, however, that the potential legal implications of memory dampening drugs are massive. Factual recall is an important part of legal proceedings and can raise questions about the admissibility of hearsay evidence. He concedes that safe and effective memory dampening drugs do not yet exist, but as research continues, the possibility of such drugs becoming a reality increases. Accordingly, assessing the legal and ethical implications has never been more important. “We tend to think of our memories as our own in some deep and fundamental way,” he says. “When we imagine a world, however, where we can intentionally dampen or erase memories, it’s not so clear that our memories are entirely our own.”

Kolber’s *Neuroethics & Law Blog* explores these issues and more (<http://kolber.typepad.com>). He hopes the blog will unite an interdisciplinary community of scholars and practitioners who may not have otherwise crossed paths. ■

- Book Review, ENVIRONMENT AND PLANNING A (forthcoming 2012) (reviewing EDWARD GLAESER, TRIUMPH OF THE CITY: HOW OUR GREATEST INVENTION MAKES US RICHER, SMARTER, HEALTHIER, AND HAPPIER (2011))

PROGRAMS & PRESENTATIONS

- Speaker, “The Future of Fannie, Freddie and the Federal Housing Market,” American Credit Union Mortgage Association Annual Conference, Las Vegas
- Speaker, “Secondary Mortgage Market Issues: Causes and Cures;” Panelist, Secondary Mortgage Market Reform Symposium, Hamline Law School
- Participant, “Big Problems, Small Government: Assessing the Recent Financial Crisis’ Impact on Municipalities,” Cooper-Walsh Colloquium, Fordham University School of Law
- Keynote, “Foundations of Federal Housing Finance Policy;” Speaker, “The Role of Home Mortgage Protection Reforms in Dodd-Frank,” Ongoing Implementation of the Dodd-Frank Act: Consumer Protection and Other Goals from a Rulemaking and

Litigation Perspective Symposium, University of Pennsylvania Law School

- Speaker, “Community Benefits Agreements: The New York Experience,” The New York City Community Economic Development Network
- Speaker and Panelist, “Rethinking Urban Development,” Real Estate Transactions and Property Sections, AALS Annual Meeting, Washington, D.C.

OTHER PROFESSIONAL HIGHLIGHTS

- Elected Secretary, BLS Legal Services Corp.
- Elected Secretary, Real Property Section, AALS

Elizabeth Schneider

PUBLICATIONS

- *The Evolution of a Casebook and the Development of Domestic Violence as a Field: Clare Dalton and Thirty Years of Feminism in American Legal Education* (symposium issue), 20 J.L. & Pol’y ___ (forthcoming 2012) (with C. Hanna)

- *The AALS Section on Women in Legal Education: The Past and the Future* (Symposium: Reflections of Women in Legal Education: Stories from Four Decades of Section Chairs), 80 UMKC L. REV. ___ (forthcoming 2012)
- *The Conundrums of Unsexing Parenting*, HARV. J.L. & GENDER ONLINE COLLOQUIUM, <http://harvardjlg.com> (Feb. 2012) (response to D. Rosenblum, *Unsex Mothering: Toward a New Culture of Parenting*, 35 HARV. J.L. & GENDER 57 (2012))

PROGRAMS & PRESENTATIONS

- Speaker, "Jessica Lenahan (*Gonzales*) v. *United States*; Implementation, Litigation and Mobilization Strategies," Human Rights Institute Program, Columbia University School of Law
- Panelist, "Work/Life Balance in 2011: Possibilities and Perspectives," Bryn Mawr College Club of New York

OTHER PROFESSIONAL HIGHLIGHTS

- Wallace S. Fujiyama Visiting Professor, University of Hawaii Law School, J-Term 2012

COURT CITATIONS

- *The Changing Shape of Federal Civil Pretrial Practice: The Disparate Impact on Civil Rights and Employment Discrimination Cases* was cited by the Tennessee Supreme Court in *Webb v. Nashville Area Habitat for Humanity*, 346 S.W.3d 422 (Tenn. 2011)

Christopher Serkin

PROGRAMS & PRESENTATIONS

- Presenter, "Suing Courts," Vanderbilt Law School
- Presenter, "Entrenchment," Environmental Law and Policy Conference, Georgetown University Law Center

OTHER PROFESSIONAL HIGHLIGHTS

- Editor, *Annual Land Use and Environmental Law Review*

Lisa Smith

PROGRAMS & PRESENTATIONS

- Speaker, "Domestic Violence and the Judiciary," New York State Judicial Conference
- Speaker, "Domestic Violence and the Homeless Shelter System," Center for the Homeless, New York
- Moderator, "Alternatives to Incarceration that Work," ABA Criminal Justice Section Meeting, Washington, D.C.
- Organized ABA Law School Roundtables on Criminal Justice Policy Implementation

OTHER PROFESSIONAL HIGHLIGHTS

- Reappointed to Kings County Judicial Screening Committee

Lawrence Solan

PUBLICATIONS

- *Linguistic Issues in Statutory Interpretation*, OXFORD HANDBOOK OF LANGUAGE AND LAW (Oxford University Press, 2012) (with P. Tiersma)
- *The Lawyer as Insincere (But Truthful) Actor*, 36 J. LEG. PROF. ___ (forthcoming 2012)

PROGRAMS & PRESENTATIONS

- Speaker, "Fear of Vagueness and the Making of Common Law Statutes," Freiburg University Conference on Vagueness and the Law, Freiburg, Germany
- Panelist, "From Risk to Knowledge," Conference on Empirical Legal Studies, Northwestern University Law School
- Discussant, "The Language of Statutes," Seminar on Legislation, Yale Law School

COURT CITATIONS

- *GMG Capital Investments, LLC v. Athenian Venture Partners I, L.P.*, 2012 Del. LEXIS 1, * (Del. Jan. 3, 2012) (citing *Pernicious Ambiguity in Contracts and Statutes*, 79 CHI.-KENT L. REV. 859, 862 (2004))
- *State v. Pals*, 805 N.W.2d 767 (Iowa Oct. 28, 2011) (citing Peter M. Tiersma & Lawrence M. Solan, *Cops and Robbers: Selective Literalism in American Criminal Law*, 38 LAW & SOC'Y REV. 229, 243 (2004))

Winnie Taylor

PROGRAMS & PRESENTATIONS

- Speaker, "Consumer Protection Bureau and Implications for Credit Unions," Hawaii Credit Union League, Honolulu

Nelson Tebbe

PUBLICATIONS

- *Nonbelievers*, 97 VA. L. REV. 1111 (2011)

PROGRAMS & PRESENTATIONS

- Presenter, "Secular Nonendorsement," Faculty Workshop, Vanderbilt Law School; Cornell Law School; Florida State University College of Law; and First Amendment Law Review Symposium, University of North Carolina

Aaron Twerski

PUBLICATIONS

- *At the Boundaries of Managerial Judging: The 9/11 Responders' Tort Litigation*, 98 CORNELL L. REV. 1 (2012) (with A. Hellerstein and J. Henderson)

OTHER PROFESSIONAL HIGHLIGHTS

- Appointed Special Master to assist Judge Alvin Hellerstein of the U.S. District Court, SDNY, with organizing a second World Trade Center-related mass tort litigation
- THE RESTATEMENT (THIRD) OF TORTS: PRODUCTS LIABILITY (1998) for which Professors Twerski and Henderson served as co-reporters received numerous citations this past year

Aaron Twerski Appointed Special Master Again in Second Round of World Trade Center Mass Tort Litigation



Aaron Twerski is a preeminent authority in the areas of products liability and tort law and he has garnered numerous awards, including the American Bar Association's Robert B. McKay Law Professor Award and being named the American Law Institute's R. Ammi Cutter Reporter.

In 2006, Senior Judge Alvin Hellerstein of the Southern District of New York appointed Twerski as one of two Special Masters to help manage the litigation of nearly 10,000 rescue workers who had sued the City and its contractors. The workers claimed they were not properly warned or equipped to work on the toxic World Trade Center site in the aftermath

of 9/11. Twerski and Cornell Law Professor James Henderson Jr. (a frequent co-author of Twerski's) helped to create an elaborate database that differentiated the exposures and various backgrounds of each claimant and the nearly 400 diseases from which claimants suffered. The

“There was no other litigation like this in the history of the United States. Managing the massive amount of information was unprecedented.”

purpose of the database, he explains, was to “get a handle on what the population was and how many injuries were serious in order to create a demographic to settle the cases or go to trial.”

He managed the assessment of 350 questions that helped define the plaintiff/defendant population by categorizing injuries according to American Medical Association standards. After determining what could be considered as objective criteria, it became clear that a settlement was possible. In June 2010, the majority of the parties settled for approximately \$700 million. Twerski says “there was no other litigation like this in the history of

the United States. Managing the massive amount of information was unprecedented. We dealt with excellent counsel on both sides and a very intelligent judge who was insistent that the entire proceedings be as transparent as possible.”

In 2012, Judge Hellerstein once again appointed Twerski and Henderson as Special Masters to oversee a second round of mass tort claims. This time approximately 1,000 workers brought suit against building owners for being exposed to toxic dust when cleaning over 100 buildings in the aftermath of 9/11.

As a result of this experience, Twerski, Henderson, and Hellerstein jointly wrote an article about the process of managerial judging that will be published in the *Cornell Law Review*. This massive endeavor was unusual because it was not a class action but was comprised of numerous separate cases. They outline a detailed description of the cases and the difficulties involved with managerial judging. There was some criticism of Judge Hellerstein, Twerski explains, because the judge was thought to have “exceeded his powers by managing the discovery process.” However, Twerski and Henderson both argue that Hellerstein's motives and actions were right, and that the settlement reached was fair. ■

COURT CITATIONS

- Professor Twerski's work was cited by several courts: *Exxon Mobil Corp v. Ford*, 2012 WL 426748 (Md. App. 2012); *Jablonski v. Ford Motor Co.*, 955 N.E. 2d 1138 (Ill. 2011); *Metropolitan Property and Cas. Ins. Co. v. Deere and Co.* 25 A.3d 571 (Conn. 2011); In re New York Asbestos Litigation, 921 N.Y.S. 2d 466 (2011); *Schmidt v. Boardman. Co.* 11 A.3d 924 (2011); *Pannu v. Land Rover North America, Inc.* 120 Cal. Rptr. 3d 605 (Cal App. 2011)
- His law review articles co-authored with Professor James A. Henderson, Jr. were cited by 28 law journals in the past several months

Marilyn Walter

PROGRAMS & PRESENTATIONS

- Site Chair, Legal Writing Institute, One-Day Workshop, Brooklyn Law School

Jane Yakowitz

PUBLICATIONS

- *The Illusory Privacy Problem* in Sorrell v. IMS Health, Technology Policy Institute (2011) (with D. Barth-Jones)

PROGRAMS & PRESENTATIONS

- Speaker, “The Benefits and Risks of De-Identification,” The Future of Privacy Forum, Washington, D.C.

Adjunct Faculty Bring Wealth of Expertise from the Courtroom to the Classroom

The strength of Brooklyn Law School's adjunct professors rests in their ability to guide, teach, and lead by example. They bring real-world expertise and practical skills to the classroom. The five adjunct faculty members highlighted here have all been in the news recently.

"Our adjunct faculty have been central to the Law School's ability to broaden and enrich its curriculum in recent years," said Associate Dean Michael Cahill. "They are terrific teachers. The dedication and enthusiasm they bring to the task, while also facing the ongoing demands of their 'day jobs,' is inspiring."

BARRY KAMINS *Administrative Judge, New York City Criminal Court*

The Honorable Barry Kamins, who teaches the New York Criminal Procedure Workshop, was recently appointed Administrative Judge for the New York City Criminal Court. "The New York City Criminal Court is probably the busiest court in the state," Kamins said. "It is a court that needs constant attention, and my number one priority is to decrease the time from arrest to arraignment."

Kamins was appointed to the Criminal Court bench in 2008 and quickly rose to Acting Supreme Court Justice in 2009, and was then named administrative judge for criminal matters in Kings County. Prior to becoming a judge, he was a partner at Flamhaft Levy Kamins Hirsh & Rendeiro, a criminal defense firm in Brooklyn. He was the first Brooklyn attorney to serve

as president of the New York City Bar Association, a position he held from 2006 to 2008. Before that, he was president of the Brooklyn Bar Association. He got his start as an ADA in the Brooklyn District Attorney's office, eventually becoming deputy chief of its Criminal Court Bureau. "That's where you really learn your craft. You learn what the elements of a crime are, how to draw up a complaint, and how to present a case to the grand jury," Kamins said.

In his class, Kamins teaches New York criminal procedure in the context of simulated litigation exercises: students draft



charging documents, motion papers, and search warrants, and perform oral arguments in support of dismissal, suppression, and *in limine* motions. "I always look forward to teaching the workshop," Kamins said. "No matter how well you may think you know the law, there is always some question about an area of law or new way of looking at things that a student asks you about that can really surprise you."

Judge Kamins is a member of the *New York Law Journal* board of editors and writes the "Criminal Law and Practice" column. He co-chairs the New York State Chief Judge's Advisory Committee on Criminal Law and Procedure and the New York State Permanent Sentencing Commission. He is also the author of *New York Search and Seizure*.

RICHARD SOBELSOHN '98 *Associate, Moses & Singer LLP*

Richard J. Sobelsohn '98 is an attorney in the real estate practice at Moses & Singer and is a leader in the greening of New York City. He is one of only 24 lawyers in New York City to be a Leadership in Energy and Environmental Design (LEED) Accredited Professional. Sobelsohn is also a prolific writer who is often published in trade publications, the popular press, and legal journals.

In his most recent co-authored article, "The Greenwashing Domino Effect," published by Thomson Reuters, he identifies "greenwashing," as a problematic trend. The term describes the deceptive use of green marketing that promotes a misleading perception that a company's policies, practices, products, or services are environmentally friendly.

Sobelsohn brings his depth of experience to his course, Legal Issues Affecting Sustainable Buildings. "No other law school was offering this kind of course when I started teaching in 2009," said Sobelsohn. "At the time, there was only one case to study. Now, there are a slew of cases, and the term 'LEEDigation' has become a phenomenon. Similarly, legislatively, most municipalities were just getting off the ground in 2009, and now most cities have sustainability-driven laws on the books."

Sobelsohn often gives students examples of contracts that he's negotiated and drafted, which he says are "getting greener every day." For example, "green leases" are one type of instrument he says will soon "become the norm instead of the exception." There are even new professions popping up in the sustainable building world, such as the Chief Sustainability Officer, a hybrid job requiring green business and green legal acumen—a position that Brooklyn Law School graduates will be better able to secure with the knowledge and training gained in Sobelsohn's course.

FACULTY Highlights

LINDA LAMEL '76

Attorney at Law, Consultant

Linda Lamel's entry into the insurance world came shortly after her graduation from Brooklyn Law School in 1976, when she was appointed the Deputy Superintendent of Insurance by Governor Hugh Carey. Lamel subsequently held a number of key positions in the industry, including serving as head of the College of Insurance, RIMS (a trade association of risk managers).

Some 35 years later, she is still excited about how relevant insurance is today. "The insurance portion of the nation's GDP is significant; it affects many public policy issues, and it is international and dynamic in scope. When you think about it, most businesses can't operate without having insurance," she said.

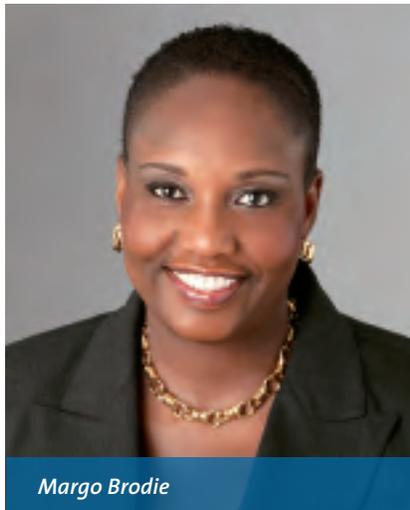
For the past seven years, she has taught Insurance Law at the Law School. Recently, she forged a partnership between the Law School and WRIN.TV, an insurance news website, to spotlight professors who comment on issues related to insurance and the law.

Lamel is particularly passionate about exposing BLS students to the employment opportunities available in the insurance field. "Part of what I teach is to expound upon the career opportunities in this field, many of which students have never heard," she said. "Jobs related to insurance and risk management are also available in most large enterprises." Whether a student chooses to practice real estate law, employment law, mergers and acquisitions, art law, or entertainment law, Lamel says that these can be done within an insurance company or brokerage firm. "The possibilities are numerous," she said.

KEITH SULLIVAN

Partner, Sullivan & Galleshaw, LLP

Keith Sullivan is a regular commentator on television, analyzing the latest legal issues of the day. He is often seen on FOX News, CNN, MSNBC, NBC and other news outlets. He is also a national lecturer for the multi-state Bar Exam in the



areas of criminal law, criminal procedure, evidence, and torts, and is a guest lecturer for Bloomberg Law.

A 2011 SuperLawyers awardee, Sullivan got his start by working as a litigation attorney for numerous insurance companies, defending them in various types of personal injury claims. Several years later, he founded Sullivan & Galleshaw, LLP, a personal injury and criminal defense firm. His cases have ranged from a suit to enjoin a hospital from pulling life support from a child, to obtaining a dismissal of alleged civil rights violations by federal corrections officers.

Sullivan is excited about teaching Professional Responsibility. He sees it as an opportunity to teach the law and mentor students as well. "Third-year students are at a crossroads in life," he explains. "It's my job to help them navigate the next steps in their life. One of the great strengths that adjuncts provide to students is real-life experience. I'm able to offer them practical advice to help them accomplish their dream of becoming a lawyer."

Sullivan is also committed to giving back to the community. "As a licensed attorney, it's a privilege to represent people," he said. "We have a calling to do more to help others and serve society." He sits on the boards of three charities and has a large pro bono practice.

MARGO BRODIE

United States District Judge, United States District Court for the Eastern District of New York

The Honorable Margo Brodie was confirmed by the U.S. Senate on February 27, 2012 as the first Afro-Caribbean-born federal judge to serve in the United States. In March, she was sworn in by Chief Judge Carol Amon and now sits on the bench of the Eastern District of New York. U.S. Senator Charles Schumer, who nominated Brodie for the post, said, "Ms. Brodie's career and achievements embody everything this court strives to uphold."

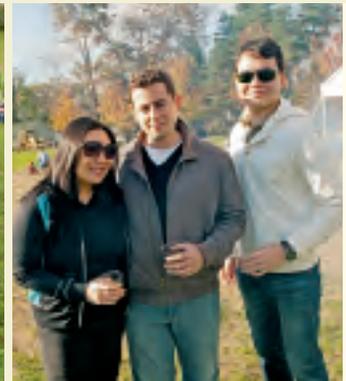
Judge Brodie's journey to the bench began when she immigrated to the United States from St. John's, Antigua and became a citizen in 1996. She received her law degree from the University of Pennsylvania Law School and began working as Assistant Corporation Counsel for the City of New York. She later worked in private practice, before returning to public service, where she joined the U.S. Attorney's Office for the Eastern District of New York. She initially began as an AUSA, then took on increasing responsibilities, and eventually was appointed the Deputy Chief of the Criminal Division, supervising more than 100 attorneys.

Judge Brodie teaches Fundamentals of Law Practice I and II and said that she always wanted to teach. "Legal writing is such an important skill. When I began teaching first-year law students in 2009, I thoroughly enjoyed watching students improve with each assignment. I have been teaching the class every semester since then."

Her civic leadership duties are numerous. She is the former president of the Association of Black Women Attorneys in New York and serves on the New York City Bar Criminal Justice Council Committee. She has served as a legal advisor on behalf of the U.S. Department of Justice to several Nigerian prosecution agencies to assist them in the areas of public corruption, economic and financial fraud, and human trafficking. She has also trained prosecutors and law enforcement officers in the Bahamas, Bosnia, Jordan, Lesotho, Sierra Leone, Swaziland, Tanzania, and Trinidad. ■

Alumni Hike & Wine Tasting

This past fall, graduates spent a beautiful October day hiking in the Hudson Valley, led by professional tour guides from Outdoor Bound. Along the trails, alumni enjoyed spectacular views of the fall foliage and took a break for lunch alongside the Hudson River. After completing the invigorating hike, the group proceeded to the nearby Warwick Valley Winery, where they had a chance to enjoy wine tastings, relax on the outdoor patio, and stroll through the winery's beautiful grounds and orchards in the late afternoon sun. It was a great opportunity to reconnect with old friends and to escape the city for a day. The response was so positive that planning is already underway for the next hike! ■



Recent Graduate Reception

In November, recent graduates kicked off the holiday season with a reception at Arctica Bar & Grill in Murray Hill. The warm and inviting venue offered graduates from the Classes of 2004 through 2011 the opportunity to reconnect and network over cocktails and hors d'oeuvres. The reception drew a large number of graduates from the Class of 2011, as it was the first event that many had attended as new members of the alumni community.

Join us at the next recent graduate event on June 7 at the Brooklyn Brewery. ■



Alumni Association Honors Three Distinguished Graduates at Annual Luncheon

This past November, more than 300 alumni attended the Brooklyn Law School Alumni Association's Annual Luncheon at New York's Plaza Hotel to pay tribute to three highly distinguished graduates: Francis J. Aquila '83, the Hon. Robert E. Grossman '73, and Gary Pillersdorf '71.

Interim Dean Michael A. Gerber welcomed graduates, faculty, and judges of the Bankruptcy Courts of the Eastern and Southern Districts, "who are the great friends of Judge Robert Grossman and also great friends of the School," he said. "I can't thank them enough for all they do for our students as interns and for our graduates as clerks. We consider them members of the BLS extended family."

"The opportunity to speak at this year's luncheon is particularly meaningful to me, because our honorees are the wonderful Gary Pillersdorf; Frank Aquila, who was a student of mine and is now my boss; and Judge Robert Grossman. Bob has been a mentor to me and to many students."

Francis Aquila '83

Francis (Frank) Aquila has been a partner at Sullivan & Cromwell LLP in its Mergers and Acquisitions Group since 1992. He advises companies and boards of directors with respect to corporate governance, mergers and acquisitions, takeover defense, and strategic alliances. Among his clients are global leaders such as Amgen, the world's largest biotech company; Diageo, the top premium drinks company; and British Airways. In one of the largest and most high-profile deals of the last decade, he represented InBev in its successful unsolicited bid for Anheuser-Busch. Widely recognized as a leading M&A and corporate governance lawyer, Aquila has been the recipient of numerous honors and awards.

In 2009, *American Lawyer* named him "Dealmaker of the Year" and the American Bar Association named him a "Legal Rebel"—one of the profession's 50 leading innovators. The following year, he received the Atlas Award as the "Global M&A Lawyer of the Year." He is also a two-time recipient of the Burton



TOP: Interim Dean Michael Gerber (bottom left) and Alumni Association President Robert Schmidt '89 (top left) with honorees Robert E. Grossman '73 (top middle), Frank Aquila '83 (top right), and Gary B. Pillersdorf '71 (bottom right). **BOTTOM:** The Annual Luncheon at The Plaza Hotel drew more than 300 alumni.

Award for Legal Achievement (2005, 2010). For his work in corporate governance, the National Association of Corporate Directors has selected Aquila as one of its 2011 NACD Directorship 100, which honors the most influential people in corporate governance and the boardroom.

Aquila is a regular columnist for *Businessweek* and a frequent commentator on M&A and corporate governance on Bloomberg TV, CNBC, and Fox Business. He is the chair of the board of trustees of the NALP Foundation for Law Career Research and Education, and he also serves on the boards of the International Institute for Conflict Prevention and Resolution, Dress for Success Worldwide, and the Salvation Army of Greater New York. He is a member of the Council on Foreign Relations, the Economic Club of New York, and the Leadership Council on Legal Diversity.

Aquila has been a member of the Brooklyn Law School Board of Trustees since 2008. He also serves as chair of the Law Firm

Challenge (LFC), a successful program he developed. Now in its third year, the LFC boasts a total of nearly 500 participants from 36 firms and in the last fiscal year raised a total of \$280,000 in charitable gifts for the Law School.

Robert E. Grossman '73

The Honorable Robert E. Grossman is a past president of the Brooklyn Law School Alumni Association, having served from 2006 to 2008. He is also a founding member of the Brooklyn Law School Barry L. Zaretsky Bankruptcy and Commercial Law Roundtable Steering Committee, the driving force behind the Law School's Barry L. Zaretsky Roundtable Series, which brings together a panel of distinguished practitioners, judges, and academics to discuss cutting-edge bankruptcy and commercial law topics.

Judge Grossman was appointed as a United States Bankruptcy Judge for the United States Bankruptcy Court, Eastern District of New York in 2008. Before joining the

bench, Judge Grossman was a member of Duane Morris LLP in its Corporate and Business Reorganization and Financial Restructuring Practice Groups. He focused a significant portion of his practice on providing advice to troubled or newly restructured companies spanning a wide range of industries, including real estate and health care. He began his career at the Securities and Exchange Commission in the Division of Enforcement, where he worked in a group associated with the Division of Corporate Finance. After leaving the SEC, Judge Grossman founded and served as general counsel to a large financial services company that focused on acquiring and operating distressed assets. He then joined Arent Fox LLP, where he chaired the Restructuring Practice Group before moving to Duane Morris.

In addition to his duties on the bench, Judge Grossman teaches a bankruptcy seminar as an adjunct professor at Touro Law School. He is also a past chair of the International Secured Transactions and Insolvency Committee of the American Bar Association, and is a frequent speaker in the United States and Europe.



Gary B. Pillersdorf '71

Gary B. Pillersdorf is a highly respected civil trial attorney, having tried over 300 cases to verdicts in a career that spans almost four decades. Pillersdorf's legal career includes verdicts in almost every type of personal injury case, many of which have led to precedent-setting judicial opinions that have reshaped both the law and our environment.

Pillersdorf has been recognized for his trial accomplishments, and his commitment to his clients and the profession, receiving many honors and awards, both nationally and locally. He is past president and Dean Emeritus of the New York State Trial Lawyers Association and past president of the New York State Network of Bar Leaders. He lectures nationwide and has authored numerous articles and two books, including the highly acclaimed *New York Motor Vehicle Accidents*. He has received the "The Mel Award" from the Melvin Belli Society, in recognition of innovative techniques in trial advocacy, and is the only Northerner to have won the prestigious "War Horse Award" from the Southern Trial Lawyers Association in recognition of extraordinary commitment to justice.

Pillersdorf has been named Trial Lawyer of the Year by the Institute of Jewish Humanities, is a member of the Million and Multi-Million Dollar Advocates Forum, has been selected to New York Super Lawyers for the past six years, and, most recently, received the Lifetime Achievement Award from the New York City Trial Lawyers Association. He has generously volunteered his time to Brooklyn Law School, devoting many hours to working with his reunion committee and to mentoring BLS students. ■

TOP (L TO R): Professor Roberta Karmel with Susan Weiswasser '00, Robert Axelrod '95, and Stanley Grossman '67. **MIDDLE (L TO R):** Alex Ginsburg '11, Justin Mayer '10, and Ashley Kelly '09, with the Robert B. Catell Associate Dean for Student Affairs Beryl Jones-Woodin.

BOTTOM (L TO R): Professor Joseph Crea '47 with President Joan G. Wexler and Chairman of the Board Stuart Subotnick.



Eric Friedberg '83: Battling Cybercrime

On June 30, 2010, Paul Ceglia sued Facebook co-founder Mark Zuckerberg, claiming that Zuckerberg had signed a 2003 contract giving him half-ownership of the company (now valued at \$75 to \$100 billion, according to the *Wall Street Journal*). Zuckerberg maintains that Ceglia made up the whole story and forged documents to support his claims. “The contract is a cut-and-paste job, the e-mails are complete fabrications, and this entire lawsuit is a fraud,” reads a statement filed by Zuckerberg’s lawyers with a U.S. District Court in Buffalo, New York. To prove it, Zuckerberg hired digital forensics expert Eric Friedberg ’83, who has battled all manner of cybercriminals, from rogue hackers to e-forgers to sophisticated intellectual property thieves. For most people, a call from Mark Zuckerberg would be out of the ordinary, but this is the sort of call Friedberg gets every day.

LawNotes Managing Editor Andrea Strong ’94 met with Friedberg at Stroz Friedberg’s 50,000-square-foot Tribeca office, a stunning steel-on-white space equipped with one of the largest digital forensics lab in the country. Over the course of the morning, Friedberg discussed a career that took him from Skadden Arps, to the U.S. Attorney’s Office, to leading one of the nation’s top digital risk and cybercrime firms. He discussed what it takes to deal with cybercriminals, the perils of using your smartphone in Asia, what risks you’re taking by Tweeting your life away, and the threats that loom in the future.

Tell me a little bit about your background. Were you primed from an early age to be a lawyer?

Even though my father Irving Friedberg is a lawyer, BLS Class of 1948, I didn’t come to the law right away. I studied philosophy and poetry at Brandeis. I was accepted to the Bread Loaf Writers’ Conference and tried to establish myself as a poet, but it turned out to be an isolating and difficult existence. So I took the LSAT, and I had a terrific three years at BLS. The caliber of the teaching was so high and thought provoking. Its world-class talent provided me with a very stimulating education.

You began your legal career at a big firm. What was that like for you?

Skadden gave me the foundation for a successful business career. The level of rigorousness, the responsiveness towards clients, and the perfectionism that the firm demands stays with you your entire life. It sets you apart from many other professionals.

What led you to leave Skadden and join the U.S. Attorney’s Office?

When I joined the U.S. Attorney’s Office, Rudy Giuliani was prosecuting a number of high-profile cases—the insider trading scandals, the organized crime trials—and I really wanted to devote a good period of my life to the public good. The U.S. Attorney’s

Office gave me the opportunity to do that. I spent the early part of my career focusing on South American narco-terrorism. That work culminated in me leading a 50-person task force investigating and prosecuting six accomplices in the Cali Cartel-ordered assassination of Manual De Dios Unanue, the former editor-in-chief of *El Diario*. It’s a case that made front page news for years.

How did you transition from Chief of Narcotics to running a cybercrime team?

One day, a few DEA Agents walked into my office and told me that they were working on an investigation involving someone who was selling illegal wiretapping equipment for cell phones over the Internet. We were concerned about our undercover agents being killed if they were found out, so we had a joint DEA-Secret Service investigation. As part of this investigation, I did one of the first e-mail wiretaps in the country by the non-intelligence side of the government. After that, I handled all the Secret Service’s computer crime matters, and in 1996, I was a founding member of the Electronic Crimes Task Force that now plays a big role in fighting cybercrime. It was through that group that I met Ed [Stroz] because he had founded and was running the FBI’s first computer crime squad in New York.

How did Stroz Friedberg go from dream to reality?

In 2000, Ed was working on his own and founded the firm in a small office on Maiden Lane. I joined him in 2001. We were committed to the idea that digital fact-finding and digital evidence was going to become important. We pioneered many of the methodologies in the field of digital evidence, and in doing so, we have replicated the best of what we had in the government, which is a prosecutor/agent model. Our firm is staffed with former prosecutors with legal expertise who understand the legal context into which the legal fact-finding will fit and with former agents who are phenomenal at digital fact-finding. This is an incredibly powerful combination.

What are the main reasons clients come to you?

We operate in a field that we call “digital risk management and investigations.” Clients come to us in areas such as digital forensics, data breach and cybercrime response, security consulting, business intelligence and investigations, and electronic discovery. Recently, for example, Google mistakenly included code in software in its Street View cars that collected fragments of private user data from WiFi networks. Google hired us to review the software at issue, how it worked, and what data it had actually gathered. We led a digital forensics team that analyzed the proprietary source code and approved a protocol to ensure that any WiFi-related software is removed from the cars before they start driving again.

What about battling hackers?

Many of our clients seek help when they experience an intrusion. It could be an industrial or state-sponsored espionage case, where a competitor or a foreign government is trying to steal trade secrets or intellectual property. Or it could involve an organized crime group targeting credit card information, or, more recently, “hactivist groups” such as Anonymous who are not trying to steal money as much as they are trying to penalize companies that run afoul of their credos.

Can you protect these companies from these intrusions?

The current thinking in security is that if your attacker is sophisticated and persistent enough, which is usually the case, it’s unlikely that the attack can be prevented. It becomes more a question of how you respond. We help companies make sure that their detection and response capabilities are enhanced. Our job is to help figure out what happened, how it happened, how to get these intruders out of the network, and how to be better prepared next time—because they will definitely come back.

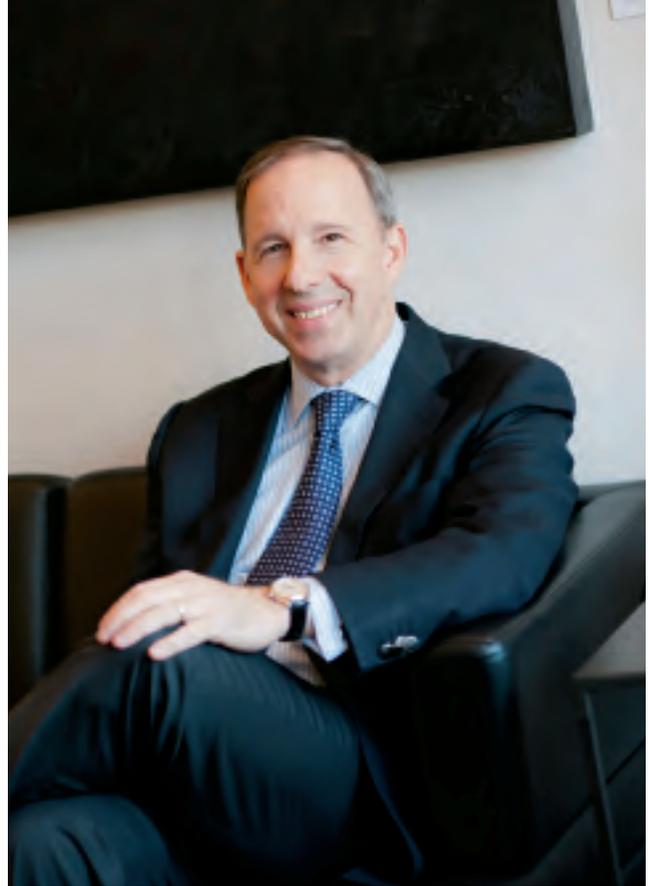
As we become more socially networked, with much of our personal information out in the open, how does that manifest itself in the cybercrime war?

You’ve hit on a major issue. The bad guys are using social networking to “spear-phish,” or send a baited e-mail that they know you will open because it is made to look like it comes from a friend. Often the attacker conducts reconnaissance on your business and personal relationships, for example, by using LinkedIn, Facebook, and business websites, so that the spear-phishing e-mail can also contain references to content that you might expect to receive via e-mail. Once you click on that link, it opens up malware that gives them control of your computer and access to all your data. These sites have provided a wealth of new opportunities for bad guys to deliver malware to targets.

In addition, these social networking platforms are running on devices that are far less secure than office laptops and desktops. Tablets and mobile phones are way behind in terms of security, and attack programs are being written to target these devices. Employees, especially top executives, who are running around with BlackBerrys, iPads and iPhones are vulnerable to these security attacks. The trend to allow employees to connect any device of their choosing to the network is called “BYOD,” or Bring Your Own Device. You also have to be particularly vigilant if you are travelling abroad. Companies need to train their employees to avoid conduct, like leaving laptops in hotel rooms, that enables foreign agents to copy or bug computing devices.

Your offices and staff have grown exponentially in the past 10 years.

Our clients have complex and global needs. The Google WiFi scandal ended up being a 30-country privacy scandal. A state-sponsored espionage case can require 10 to 20 people, and if



you have four, five, or six of these going on at the same time you need the staff to handle this. We are planning on hiring 100 new employees this year alone.

With such growth and demand, what advice do you have for students who may want to work in the area of digital forensic and cybercrime in the future?

What lawyers add to the matters that we handle is a deep understanding of how litigation and investigations work and how digital fact-finding fits into that. This requires developing that expertise through litigating, trying cases, or being a prosecutor. You can focus in civil law on computer trespass, privacy, and those areas of the law. A lot of our lawyers are also coming from intellectual property or privacy practices at law firms. You need to be working in a relevant sector, know how to run an investigation, and be the quarterback for the technical talent. Once you have that, give us a call. ■

ClassNotes

1943

Eleanor K. Boner recently celebrated her 90th birthday and published a memoir, *Alexander, Child of Love: A True Story of Life, Lies, Secrets, and Above All Else, Love* (WestBow Press 2011). Boner, who is retired and living in White Plains, NY, enjoyed a career working as a solo practitioner on international corporate transactions with offices in Washington, D.C., Switzerland, and New York City.

1952

Max Hahn, who maintains his own practice in New York, was presented with a Lifetime Achievement Award from the New York State Land Title Association at its annual convention at Saratoga Springs in September 2011.

Benjamin Podgor, who is a retired New York State attorney and C.P.A., recently published a novelette, *Ode to the Revenue Code*. He is currently living in Atlanta, GA.

Norman Shapiro, who maintains his own practice in Goshen, NY, was presented with the Service of Justice Award from the New York State Defender's Association at its 2011 Annual Meeting. Shapiro previously received a Lifetime Achievement Award from the Orange County Bar Association and a Recognition Award from the National Institute of Justice for his work on a crime scene investigation guide.

1960

E. Leo Milonas, a partner in the New York office of Pillsbury Winthrop Shaw Pittman LLP, and former Chief Administrative Judge of New York State, was inducted into the Warren E. Burger Society during the National Convention for State Courts (NCSC) Annual Recognition Luncheon in November 2011. Membership in the Society honors individuals who have demonstrated exemplary commitment to improving the administration of justice through their contributions of service or support to NCSC. Milonas concentrates his practice on complex commercial litigation, appeals and alternative dispute resolution.

1965

Bernard J. Fried, a New York State Supreme Court justice in New York County, will retire in July 2012, ending a judicial career spanning over three decades. Fried will join JAMS, a private mediation and arbitration provider, as a neutral. He was appointed to the Criminal Court in 1980, became an Acting Supreme Court justice in 1984, and was appointed to the Commercial Division in 2004.

Gary H. Friedenberg, a partner in the Long Island firm, Berkman, Henoch, Peterson, Peddy & Fenchel, P.C., was the Chair of the Bud Rosner Memorial Long Island Estate, Tax & Financial Planning Conference presented by the UJA-Federation in October 2011. Friedenberg is head of the firm's practice groups in the areas of wills, estates, trusts, estate planning, elder care, federal, and state taxation.

1967

Dennis J. Block, a shareholder in the New York office of Greenberg Traurig, P.A., and senior chairman of the firm's Global Corporate M&A Practice, was named a 2012 *BTI Client Service All-Star* by BTI Consulting Group. Inclusion on the list of only a few hundred attorneys nationwide is based on recommendation from corporate counsel for attorneys having a keen understanding of business issues, thought-leading approaches to legal services, and total commitment to client needs.

Charles D. Goldman, who maintains his own practice in Washington, D.C., recently published an article, "Pursuit of Happiness: A Senior Lawyer Revisits an Old Flame," in the fall 2011 issue of the NYS Bar Association's *Senior Lawyer*.

Jerome A. Landau, a mediator, arbitrator and multi-panel AAA Neutral in Scottsdale, AZ, was initiated into the National Academy of Distinguished Neutrals. He was also elected chair of the International Advanced Commercial Mediation Institute for a sixth term and a presenter at its two day conference.

1968

I. Stephen Turer, who maintains his own practice in Sonoma County, CA specializing in criminal defense law, was presented with a 2011 Career of Distinction Award by the Sonoma County Bar Association in October 2011. Turer served on the board of California Attorneys for Criminal Justice and is a founding member and former president of the Sonoma County Criminal Defense Bar Association.

Alan E. Weiner, founding tax partner and partner emeritus of the accounting firm Holtz Rubenstein Reminick LLP, was selected as the 2012-2013 chairman of the IRS Garden City, NY, Tax Practitioner Liaison Committee. Weiner also published an article, "Preparer Tax ID Number: Revisited and Up for Renewal," in the December 2011 issues of *The Suffolk Lawyer* and the *Tax Stringer*.

1969

Jeffrey D. Forchelli, managing partner of Forchelli, Curto, Deegan, Schwartz, Mineo, Cohn & Terrana LLP, was presented with an Inaugural Leadership of Law Award from the *Long Island Business News* in November 2011. He was also reappointed to the Judicial Hearing Officer Selection Advisory Committee for the Second Judicial Department, Tenth Judicial District. Forchelli concentrates his practice on complex real estate and land use matters. He is also a member of the Brooklyn Law School Board of Trustees.

Daniel Retter was profiled in the *New York Times* for his work in creating an index of *The Talmud* (Feldheim Publishers 2011). The index represents seven years of work with 6,600 topical entries and 27,000 subtopical entries that point students to the treatises and pages of text that they are seeking. Retter is counsel in the New York office of Herrick, Feinstein LLP and he focuses on general corporate law as well as real estate immigration law matters.

Ira B. Warshawsky, formerly a New York State Supreme Court justice in the Commercial Division, joined the Garden City, NY firm of Meyer, Suozzi, English & Klein, P.C. as of counsel in its Litigation and Dispute Resolution Practice. Warshawsky represents clients in commercial litigation and he is also a mediator, arbitrator, litigator, and private judge and referee in the areas of business disputes and electronic discovery.

1970

William Berger, shareholder in the Fort Lauderdale, FL office of Greenspoon Marder, and managing shareholder of the firm's Palm Beach County office, was reappointed to the District Board of Trustees of Palm Beach State College. Berger also serves on the Fourth District Court of Appeal Judicial Nominating Commission, the board of directors of the Business Development Board of Palm Beach County, and on the board of the nonprofit organization, HomeSafe.

Perry E. Meltzer, who maintains his own practice in Monticello, NY, was re-elected town justice of the Town of Thompson in Sullivan County, NY. He has held the office since 1978.

1973

Stephen I. Siller, a shareholder in the New York office of LeClairRyan published an article, "The Neglected Three-State Solution," in September 2011 in the online magazine, *The Jerusalem Post*. Siller leads the firm's International Law team, and he represents international and domestic clients on business and legal issues involving corporate law, mergers and acquisitions, and other disciplines.

Steven D. Usdin, previously a partner in the Business Practice Group of Cohen, Seglias, Pallas, Greenhall & Furman PC, joined the Philadelphia, PA office of Flaster Greenberg PC as a shareholder in the firm's Bankruptcy, Financial Restructuring and Risk Management Practice Group. His practice is focused on commercial and personal bankruptcy, general corporate and transactional matters, and commercial litigation.

Lawrence A. Vogelman, a named partner in the New Hampshire firm, Nixon, Vogelman, Barry, Slawsky & Simoneau, is president-elect of the New Hampshire Bar Association. Vogelman practices in the areas of criminal defense, plaintiff's civil rights, employment law, professional malpractice, and complex commercial and tort litigation. Vogelman is a member of the New Hampshire Supreme Court's Board of Bar Examiners and the Board of Directors of the New Hampshire Bar Foundation.

1977

Thomas P. Aliotta, a New York State Supreme Court justice in Richmond County, was appointed to the Appellate Term, Second, Eleventh and Thirteenth Judicial Districts, which hears appeals from the Criminal Court and the Civil Court in Brooklyn, Queens, and Staten Island. He was designated a Richmond County Supreme Court acting justice in 1999 and elected to the Supreme Court in 2002.

William G. Kelly, a partner in the White Plains office of Goldberg Segalla LLP, was elected chair of the Trial Techniques Committee of the American Bar Association's Tort Trial & Insurance Practice Section. Kelly concentrates his practice on defending complex product liability and construction site litigation, as well as catastrophic damages cases. He also became a member of the faculty of the Judicial Institute.

Vivian Shevitz relocated to Portland, ME and has continued to work on sophisticated appeals, arguments, and forfeitures. She also serves as counsel to the New York Bar.

1978

Richard E. Grayson, who maintains his own practice in White Plains, NY, was included in "The New York Area's Best Lawyers, 2012" edition in the field of Ethics and Professional Responsibility Law. Grayson represents judges and lawyers who are investigated or charged with professional misconduct or unethical practices.

William H. Schrag, formerly a partner at Duane Morris, LLP, joined the New York office of Thompson Hine LLP as a partner in its Business Restructuring, Creditors' Rights and Bankruptcy Practice Group. Schrag focuses his practice in the areas of bankruptcy, commercial litigation, and creditors' rights. He represents clients in domestic and international bankruptcy litigation, workouts, corporate reorganization and related matters.

Lillian S. Weiss recently co-wrote a book, *Endless Enemies: Inside FBI Counterterrorism* (Potomac Books, Inc. 2011) with Raymond Holcomb, a terrorism consultant for the federal government who retired from the FBI after 22 years of service. Weiss practices government contract law in Philadelphia, PA.

1981

Kevin Nathaniel Fox was appointed Chief Magistrate Judge for the U.S. District Court, Southern District of New York, where he has been a Magistrate Judge since October 1997. Prior to his appointment, he had a lengthy career in public service, working for the Legal Aid Society, the New York City Transit Authority, and the Triborough Bridge and Tunnel Authority.

Sharon Katz, senior counsel in the New York office of Davis Polk & Wardwell LLP, was presented with a pro bono award by the *New York Law Journal* at its 1st Annual Lawyers Who Lead by Example Awards Dinner in November 2011. A member of the Litigation Department, Katz represents clients in general litigation matters, with particular emphasis on federal securities law and professional malpractice.

John T. Wright, counsel in the New York office of Davis Polk & Wardwell LLP, was presented with a 2011 Above & Beyond Pro Bono Achievement Award by Sanctuary for Families in November 2011. The award recognized him for "compassionately and fervently fighting for the rights of domestic violence victims."



Charlie Platt '79

From Park City to Park Avenue

Charlie Platt '79, a leading commercial litigator who is recognized nationally for his defense work in class action matters for financial services and insurance companies, was recently made partner-in-charge of the New York office of WilmerHale. A member of the firm since 2003, Platt is also a partner in the firm's Litigation/Controversy and Securities Departments, a co-chair of the Business Trial Group, and a member of the firm's Management Committee.

Platt grew up in Huntington, Long Island, and is the son of Byrd (Symington) Platt, a commercial illustrator and artist, and Thomas Platt, Jr., United States District Court Judge for the Eastern District of New York, who has been on the bench for nearly 40 years. Given his father's profession, Platt was strongly predisposed to a career in the law. Yet he wasn't firmly convinced of this choice. To appropriately consider what he might make of his future, after graduating from the University of Virginia in 1975, he moved to Park City, Utah, where he skied at Snowbird from dawn to dusk. "At the time, I was conflicted about whether I wanted to be a lawyer or not, so I did the obvious thing. I became a ski bum," he said wryly. After a year on the slopes, however, he thought better of his decision. "I looked around and noticed that for the guys in their 20's it was a lot of fun,

but as they got into their 40's, things were not as rosy." Perhaps, he thought, law was the right move after all.

He enrolled in Brooklyn Law School in 1976, but on his first day, got cold feet. "I remember carting these huge books home from the bookstore, leafing through them and thinking, 'What have I done?' It was all very intimidating to me." Soon, though, Platt found he was in his element. "I was very fortunate to come under the wing of some wonderful teachers," said Platt. "Richard Farrell, who taught me civil procedure, was terrific. Stacy Caplow mentored me about the world of lawyering. They were a fountain of wisdom, and were very supportive and helpful to me at the time."

Platt's first job out of BLS was as a law clerk for Judge Charles Brieant of the United States District Court for the Southern District of New York. He then joined LeBoeuf Lamb as an associate in 1980, splitting his time between its corporate and litigation departments. After three years with the firm, he moved to its litigation group full time. In 1992, Platt took a leave from the firm when he was appointed as Special Assistant United States Attorney for the Banca Nazionale Del Lavoro ("Iraqgate") investigation by the U.S. Department of Justice, in which it was revealed that an Atlanta, Georgia branch of the bank was making unauthorized loans to Iraq to buy weapons. Implicated in the scandal with the bank were White House and Justice Department officials.

Platt returned to LeBoeuf after completing the investigation, and then joined WilmerHale in 2003. Since joining the firm, he has helped grow the office from a tight-knit group of 20 to its current size of approximately 180 lawyers. Over the years, his work has earned him many accolades, including inclusion in the 2006 through 2011 editions of *Chambers USA: America's Leading Lawyers for Business*, and selection by his peers for inclusion in the 2006 through 2012 editions of *The Best Lawyers in America*. He was also named a 2011 "New York Super Lawyer" for his work as a leading commercial litigator.

While he continues to litigate and mentor young lawyers in his firm, Platt's energies have been occupied recently by his new role as the firm's New York Partner-in-Charge and his continuing role as a member of the firm's Management Committee. "In the past, I was much more engaged in the practice of law, more preoccupied with winning cases in court," he said. "Now I'm apt to also be thinking about how best to run a legal practice or how best to develop our younger lawyers. It's a big change, but I am honored to have the opportunity to be a part of the future growth of the firm."

And when he's not concentrating on developing the office or winning his cases, he still loves the snow in Utah. Though he now hits the slopes with his wife, daughter, and son, it's one place where his inner ski bum lives on. ■

1982

Vivian A. Maese Bannon, formerly global head of the Workforce Strategy and Solutions team at Morgan Stanley, joined Dechert LLP as a partner and head of the firm's new practice group, Global Outsourcing and Offshoring. The group helps investment bank clients with complex issues raised by the Dodd-Frank Act concerning financial institutions that contract to have work done overseas.

Edward S. Weisfelner, a partner in the New York office of Brown Rudnick LLP, chairman of the firm's Bankruptcy and Finance Department and head of its Bankruptcy and Corporate Restructuring Practice Group, co-authored the recently published book, *Contested Valuation in Corporate Bankruptcy* (Lexis Nexis 2011). Weisfelner represents official and ad hoc creditors' and equity holders' committees, individual creditors, indenture trustees, equity holders, and other parties in restructurings.

1983

Larry Cary, a founding partner of Cary Kane LLP, was honored by the New York Labor History Association at its 25th Annual John Commerford Labor Education Awards Reception in November 2011. Cary practices in the areas of labor, employment, and employee benefits law.

Stephanie R. Feld, counsel in the New York office of Skadden, Arps, Slate, Meagher & Flom LLP, was presented with a pro bono award by the *New York Law Journal* at its 1st Annual Lawyers Who Lead by Example Awards Dinner in November 2011. A member of the Corporate Restructuring Group, Feld represents debtors, creditors and equity holders in Chapter 11 reorganization cases and out-of-court restructurings.

1984

Richard G. Gertler, a founding partner of the East Meadow, NY firm, Thaler Gertler, LLP, was presented with the *Long Island Business News*' Fifty or so Around 50 Award at the *Long Island Business News* Annual Awards ceremony in October 2011. He was recognized for his leadership in

business, his mentoring, and his support of Long Island's non-profit organizations.

Ann T. Pfau, a NYS Supreme Court justice in Kings County and coordinating judge for the pilot New York State Medical Malpractice Program, was presented with the Stanley H. Fuld Award by the Commercial and Federal Litigation Section of the New York State Bar Association in January 2012. The award recognizes outstanding contributions to the development of commercial law and jurisprudence in New York. Pfau previously served as the Chief Administrative Judge for New York State from 2007 through 2011.

1985

Harry Steinberg, a partner in the firm, Lester Schwab Katz & Dwyer, LLP, recently had an article published in the *New York Law Journal*, "The Twists, Turns, and Potholes on the Road to the Court of Appeals" (August 2011). Steinberg writes and argues appeals in state and federal appellate courts.

1986

Mark G. Bosswick was named co-managing partner of the C.P.A. and advisory firm, Berdon LLP. He advises family businesses and high net-worth individuals in a variety of industries, including real estate, financial services, entertainment and hospitality. **Stanley H. Freundlich '68**, who served as managing partner of the firm since 1980, has taken on the role of managing partner emeritus.

Karen C. Ellinwood (Christensen) joined the University of Arizona-College of Medicine as an associate specialist in the Office of Medical Student Education. Ellinwood develops programs for faculty instructional development. She was previously a trial lawyer focusing on criminal defense law.

Warren T. Lazarow, a partner in the Silicon Valley, CA office of O'Melveny & Myers LLP, was appointed chair of the firm's Transactions Department. A member of the Mergers and Acquisitions and Capital Markets Practice Groups, Lazarow

advises technology-focused companies and investors in M&A, public offerings, and private financing transactions, including private equity and venture capital.

1990

Kevin R. Morrissey, principal law clerk to Justice Leonard Livote of the NYS Supreme Court, Bronx County, published an article, "'Threshold Law': Is a Contemporaneous Exam by Court of Appeals in Order?" (*New York Law Journal*, Jan. 2011) that was subsequently cited by the New York Court of Appeals in *Perl v. Meher*, N.Y.3d (2011).

1991

Andrew K. Levi is currently serving as the head of the Miami, FL office of Nardello & Co., a global investigative firm that provides litigation support, due diligence, and asset tracing. He is a member of the firm's Financial Investigations and Litigation Support Practice. He previously served as an Assistant U.S. Attorney in the Economic Crimes Section of the U.S. Attorney's Office of the Southern District of Florida.

Luke T. Martland was named Director and Chief Counsel of the Vermont Legislative Council. Martland oversees a 52-member staff and assists with drafting assignments, provides advice to members, coordinates with other offices, and acts as the office's spokesperson. He previously served as Assistant Counsel to the Governor of New York and was also the first Director of the Office of Sex Offender Management in the New York State Division of Criminal Justice Services.

1993

Renee C. Redman, former Executive Director of the Iran Human Rights Documentation Center, started her own practice in New Haven, CT focusing on immigration law and business litigation. Redman also teaches Immigration Law at the University of Connecticut School of Law and Quinnipiac University School of Law.

1994

Ross B. Intelisano recently merged his firm with **Daniel E. Katz '81** and his legal team forming Rich, Intelisano & Katz, LLP. The firm focuses on complex, highly

sophisticated litigation and arbitration, and related advisory and transactional services, representing clients in securities, commercial, employment, construction and real estate disputes.

Carolyn Pokorny was promoted to Deputy Chief of the Criminal Division of the U.S. Attorney's Office, Eastern District of New York. Pokorny joined the office in 1999 and most recently served as Chief of the General Crimes Section.

Jon L. Swergold, a shareholder in the Fort Lauderdale, FL office of Greenberg Traurig, P.A., was elected to the board of trustees of the Museum of Discovery and Science. A member of the firm's Litigation Practice, Swergold represents clients in commercial litigation.

1995

Devin P. Cohen, a New York County Civil Court Judge, and his wife, welcomed their second son in December 2011.

1996

Matthew W. Lee became a partner in the McLean, VA office of Wilson Elser Moskowitz Edelman & Dicker LLP in its General Liability and Casualty, Lawyers Liability, and Medical Malpractice Practice Groups. Lee focuses his practice on the area of professional liability defense and is a member of the Virginia State Bar's Special Committee on Lawyer Malpractice Insurance. He also practices in the areas of product liability, contract law, premises liability, personal injury, and insurance law.

Ari J. Markenson was named a partner in the White Plains, NY office of Benesch Friedlander Coplan & Aronoff LLP. A member of the firm's Health Care Practice Group, he is an expert in the representation of post-acute care providers and he represents health care clients on a variety of matters including, mergers and acquisitions, due diligence, corporate and business matters, and legal and regulatory compliance issues.

Matthew E. Ross, previously with Ballard Spahr Andrews & Ingers, joined the Washington, D.C. office of Polsinelli

Shughart, PC, as a shareholder in the firm's Business Department. A LEED accredited professional, he focuses his practice on all aspects of energy law including assisting clients with developing renewable energy projects and in achieving energy efficient business practices.

1997

Lowell I. Dashefsky was named a partner in the New York office of Kaye Scholer LLP in the firm's Corporate Department. He focuses his practice on corporate transactions, including mergers and acquisitions, private equity investments, joint ventures, strategic alliances, and complex intellectual property licensing agreements.

Stuart A. Miller, a partner in the New York and White Plains offices of Wilson Elser Moskowitz Edelman & Dicker LLP, was appointed to the Committee on Character and Fitness for the Ninth Judicial District. He practices in the areas of transportation litigation, product liability defense, general tort liability defense, and labor law litigation.

1998

Robert C. Angelillo, a member of the Garden City, NY firm of Meyer, Suozzi, English & Klein, P.C., was honored by the Long Island Art Council at Freeport as a "Top 25 Advocate for the Arts" at its benefit in January 2012. Angelillo practices general commercial litigation, with a focus on construction litigation and disability benefits litigation.

Alison Arden Besunder, who maintains her own firm in New York City, appeared on a WWRL 1600 AM NYC talk radio program in December 2011. She discussed estate and tax planning issues for same-sex couples, who are married and unmarried. Besunder counsels clients in the areas of estate planning, elder law and litigation matters.

Susie S. Cheng joined the White Plains, NY intellectual property firm of Leason Ellis LLP as a partner. Cheng, who also holds a Ph.D. in Genetics from Columbia University, specializes in pharmaceutical and biotechnology matters.

Charles N. Curlett, Jr., previously a partner in the Litigation Department of Saul Ewing and chair of its Securities Litigation Practice and vice-chair of its White Collar and Government Enforcement Practice Group, formed his own firm in Baltimore, Maryland, Levin & Curlett LLC. He practices in the area of criminal and civil litigation.

Michael A. Fleming became an equity partner of Mendes & Mount LLP. Fleming joined the firm upon graduation and concentrates his practice in the areas of construction defects and healthcare. His works focuses on providing coverage opinions, managing high-exposure claims portfolios as coordinating counsel and performing claim audits throughout the U.S. and Canada for reinsurers and direct insurers.

Gerald W. Griffin became a partner in the New York office of Carter Ledyard & Milburn LLP in its Litigation Department. His practice focuses on general commercial litigation and white collar defense.

Elissa D. Hecker, who maintains her own practice focusing on entertainment and business law in Irvington, NY, received the inaugural Excellence in Service Award from the Copyright Society of the USA. Hecker was also appointed to serve on the Advisory Committee of Dance/NYC.

1999

Meredith S. Levande, creator of the children's music videos, Monkey Monkey Music, was profiled in an article in the *Rochester Democrat and Chronicle* (December 2011) and other news outlets. Levande has been performing since graduating from law school and currently over 50 public television stations nationwide air her videos.

Lori A. Mason joined Panam Mortgage & Financial Services, Inc. as a mortgage broker, loan officer, and real estate attorney. Mason previously co-founded and served as general counsel to Workshop Restaurant Group LLC, which owned restaurants in New York City, including Klee Brasserie and The Little Cheese Pub.

Mark Yosowitz '94

Roads Less Travelled

Two roads diverged in a wood, and Mark Yosowitz '94 took both. And then some. He has been an English teacher, a big firm lawyer, a Hollywood screenwriter, and a corporate executive. These days, he finds himself something of a start-up guru as Senior VP of a company that hopes to change the way we use electricity through a clever new device called the Modlet.

Yosowitz began to realize his life was not destined for a traditional path shortly after he graduated *cum laude* from the University of Pennsylvania in 1990. He was at an interview for a management-track job when he had a “light bulb moment.” “It just hit me. It’s not my time to work in a large corporate environment,” he recalled. He promptly thanked the interviewer for his time and left.

Within a month, he had moved to Madrid with nothing more than a suitcase. Yosowitz found work teaching English as a second language and as a freelance writer. After a year in Spain, Yosowitz decided he was ready for the real world. Following in his father’s footsteps, he applied to law school.

At Brooklyn Law School, Yosowitz excelled, earning spots on the Moot Court Honor Society and the *Brooklyn Journal of International Law*. He graduated *cum laude* and, in 1994, joined Shearman & Sterling’s International Corporate Finance Group. There, he traveled extensively throughout South America, putting his Spanish to good use while working on corporate finance, mergers and acquisitions, and international project finance matters.

Yosowitz moved to Shearman’s San Francisco office, where he continued to work on corporate finance matters during the dot-com boom, while developing a niche for prospectus writing. But as Yosowitz learned more about the businesses he was describing, he grew frustrated. “I wanted to be on the other side of the table,” he said. In 1998, he returned to New York, to work as a strategic consultant, helping develop ideas into business plans, and eventually, offering memos for seed capital. One of his clients was Opus360, a workforce management technology company that he guided through several acquisitions, three rounds of financing, and an IPO in April 2000, the week the NASDAQ dropped 900 points. “We were the last company before the door slammed shut on that whole era,” he recalled. He moved to California to help run Opus360’s Los Angeles office, but the company stagnated in the post-tech bust and was sold.

Yosowitz once again found himself considering disparate choices. He knew he could go back to law or consulting, but he’d missed writing since his days in Spain. He decided he’d try his hand at writing a screenplay. His first didn’t sell, but was good enough to land him an agent right out of the gate. His second screenplay was bought by Paramount Pictures. Yosowitz was hired to do rewrites on the film, but, as is often the case in Hollywood, the project died in development. When a friend from Penn called to see if he was interested in returning to the business world, he said yes.



With a few partners they founded Educational Direct, a federal student loan consolidation company that Yosowitz, as President, grew from a pure start-up into the fourth largest in the United States, with over \$5.5 billion in loan origination. The company eventually became a lender with a \$2 billion line of credit, and was sold to a private equity firm in 2006. But when the credit markets collapsed and private lender participation was eliminated in 2008, the business was over. Yosowitz was charged with dismantling a company it had taken him five years to build. “It was an emotional process,” he said, but also a learning experience. “We had to take it apart in the same thoughtful manner as we did in building the business.”

By 2009, it was time to look for new opportunities. Through his investment company AMP LLC, Yosowitz took interests in a variety of early-stage businesses. At these companies, Yosowitz continued to play the part he played throughout his career, advising on business and legal matters, and managing strategic investments from term sheets to completion.

Yosowitz’s current project is ThinkEco, a leading NYC green technology company and inventor of the Modlet, a “smart outlet” that monitors and controls appliance electricity usage. Generally, when plugged in, appliances drain power even when not in use. The Modlet eliminates wasteful energy use by automatically turning off power to appliances when they are not needed, increasing energy efficiency and savings for both commercial and residential consumers. So far, the Modlet has been shown to save six to ten percent on monthly utility bills. The device has been featured on the Martha Stewart Show, the Today Show, and in *The New York Times’* Technology section.

Teacher, lawyer, screenwriter, executive, and entrepreneur: Yosowitz relished all of his roles, and has no regrets. “I am the sum of my experiences to date” he said. “There are more hills to climb, and I look forward to the next opportunity.” One more road to travel. ■

Steven B. Smith, formerly with Dechert LLP, joined the New York office of Edwards Wildman Palmer LLP as a partner in its Restructuring & Insolvency Department. Smith focuses his practice on complex corporate restructuring and creditors' rights issues, with a particular focus on Chapter 11 matters.

Whitney B. Walters became a partner in the Century City, CA office of Sheppard, Mullin, Richter & Hampton LLP in its Business Trial and Entertainment, Media, and Technology Practice Groups. Walters practices complex business litigation and represents clients in cases involving allegations of fraud, breach of contract, breach of fiduciary duty and accounting issues. She also represents motion picture studios and broadcasting companies in claims relating to participation accounting, and motion picture and television distribution rights.

2000

Anne Marie Bowler and **Sari Gabay-Rafiy**, founding partners of Gabay-Rafiy & Bowler LLP, were featured in an article in the Business Section of the *New York Times*, "Skipping the Partner Track for a Shingle of One's Own" (November 2011). Both Bowler and Gabay-Rafiy were associates at Proskauer Rose LLP before they formed their own firm over five years ago.

Richard F. Martinelli became a partner in the New York office of Orrick, Herrington & Sutcliffe LLP in its Intellectual Property Group. Martinelli's practice focuses on all aspects of intellectual property with emphasis on patent litigation, patent prosecution, and client counseling.

Jeffrey I. Schulman was elected a partner in the New York office of Dickstein Shapiro LLP in its Insurance Coverage Practice Group. Schulman is a member of the firm's Hiring Committee and the national leader of its Business Transactions Insurance Initiative and national co-leader of its Construction Defect Insurance Initiative. He represents corporate and commercial policy holders

in a variety of significant and complex coverage disputes, including construction defect, product liability, director and officer, multimedia, asbestos, and first-party claims.

Joshua M. Silverman was appointed Executive Vice President of Global Licensing for Disney and Marvel at Disney Consumer Products, the segment of The Walt Disney Company that extends the Disney brand to merchandise. Silverman joined Marvel Entertainment in 2001 as a corporate attorney and most recently was senior vice president of Global Strategy, Business Development and Brand Management.

2001

Joshua D. Bernstein became a partner in the New York office of Pryor Cashman LLP in its Real Estate Litigation and Hospitality Litigation Groups. He advises clients in the real estate and hospitality industries in all types of disputes including those involving the acquisition and development of real property, the operation and management of hotels, real estate and hospitality financing matters, commercial lease disputes, and construction litigation.

Amyt M. Eckstein became of counsel at the firm of Moses & Singer LLP. A member of the Entertainment, Intellectual Property, Internet/Technology, and Advertising Practice Groups, he advises clients on matters involving e-commerce, intellectual property, privacy, and issues concerning emerging laws and regulations affecting the technology aspects of regulated, and unregulated industries.

William I. Friedman was promoted to special counsel in the New York office of Schulte Roth & Zabel LLP. A member of the Litigation Group, his practice concentrates on anti-money laundering, Foreign Corrupt Practices Act, Office of Foreign Assets Control issues, and other regulatory issues. Prior to joining the firm, Friedman served as special counsel at the New York Stock Exchange in its Division of Enforcement.

William X. Lang was elected a partner in the New York office of Nixon Peabody, LLP in the firm's Real Estate and Community Development Practice Groups. He represents clients in the acquisition and sale of commercial and multi-family properties, leasing of commercial and retail properties from both the landlord and tenant perspective, and borrower-side financing of commercial properties. Lang was recently awarded a pro bono award from the New York City Bar Justice Center.

Adam Silverman was named Vice President of Legal and Business Affairs at Alloy Media + Marketing, a leading youth media and entertainment company and creator of properties such as "Gossip Girl," "Sisterhood of the Traveling Pants," and "The Vampire Diaries." Silverman has been with the company for the past eight years.

Cari J. Sommer, co-founder of Urban Interns that connects growing companies with part-time help and interns, started a media and communications consulting firm focusing on high growth companies. Sommer also contributes a monthly column to *Forbes* online and is a mentor-advisor to entrepreneurs in Cornell e-Lab, an undergraduate incubator.

David Y. Wolnerman, who formerly practiced in the Business Finance, Restructuring and Bankruptcy Groups at Weil, Gotshal & Manges LLP and Greenberg Traurig, P.A., opened his own firm, White & Wolnerman, PLLC. The firm specializes in bankruptcy, commercial litigation, and various corporate matters.

2002

James T. Bentley was promoted to special counsel in the New York office of Schulte Roth & Zabel LLP. A member of the Business Reorganizations Group, Bentley represents secured and unsecured creditors, debtor-in-possession lenders, acquirers, plan sponsors, and others in reorganizations and out-of-court workouts.



Faisal Khan '01

Chicago Hope

For decades, the Chicago City Council has resisted efforts to increase oversight of its controversial Aldermen. That all changed last year, when the Council agreed to appoint an internal watchdog. The man it chose as Chicago's first Legislative Inspector General was Faisal Khan, Class of 2001. "I commend the City Council for taking this important step to institute oversight and reform," said Chicago Mayor Rahm Emanuel in response to Khan's selection.

Khan has long been interested in criminal justice. After graduating from Rutgers College in 1997 with a B.S. in Administration of Justice and a B.A. in Sociology and Criminology, he spent four years as a Senior Investigator for the Civilian Complaint Review Board (CCRB), where he was charged with investigating allegations of police misconduct for the City of New York, including wrongful death actions.

Working at the CCRB during the day, Khan became a student in the Law School's evening division. With an eye toward continuing a career in criminal justice, he enrolled in the Prosecutor's Clinic and found a mentor who helped shape his future. "Professor Lisa Smith was an excellent teacher," said Khan. "She was the person who guided me through my career choices."

After graduation, Khan became an Assistant District Attorney in the Queens County District Attorney's Office, beginning in the Intake Bureau, and rising to the Narcotics Trials Bureau, and then moving to the Career Criminal Major Crime Bureau. "It was a fantastic job, and I received outstanding investigative and trial experience working there," he said. "I loved being in a position to directly help people and hopefully to prevent crime from happening."

After almost a decade as an ADA, Khan became an Inspector General for the New York City Department of Investigations. He was responsible for policing eight city agencies, including the Department of Finance, the Office of Payroll Administration, the Tax Commission, and the City Civil Service Commission, among others. It was a job with enormous scope, investigating major theft and corruption by employees and contractors of NYC, vendor contract fraud, criminal activity, and unethical and corrupt practices by City agency officials. It was also a rewarding position that gave him the opportunity to mentor many future police officers and law enforcement agents. "I had the chance to teach the art of investigations," said Khan. "My goal was not only to make sure there was fairness on all sides, but also teach others that the target is not a guilty verdict. The target is the truth. Fairness and integrity come above everything else."

After two years with the Department of Investigations, Khan relocated to Chicago, where his original plan was to open a small private practice. But when the Legislative Inspector General position was created, he felt compelled to toss his hat in the ring. "Once you have the public service bug, it bites you, and you can't walk away. I saw this opportunity, and I thought it was the perfect fit," he said. Khan was one of more than 170 applicants. A panel interviewed about 30 candidates before he was chosen for the job.

As the first ever Legislative Inspector General in Chicago, Khan is now the official watchdog of the City of Chicago Aldermen and employees of the Chicago City Council, who have been prone to getting in trouble with federal law enforcement officials. "Over the last 30 years, more than 30 different aldermen have been convicted of federal crimes, yet there has never been any real oversight," he said. "There is a lot of mistrust in Chicago, so one of my responsibilities is to change that perception."

As part of his efforts to do so, Khan is in the process of creating an office from scratch, developing its policies and procedures, setting up a website and citizen hotline, and eventually hiring investigators, lawyers, and support staff. "The beauty of this position is that we are molding and creating a new agency that acts as a watchdog and as an investigator," he said. "We are creating a place for members of the public to come forward and have a place to be heard." ■

Jeffrey Deusch was elected to counsel in the New York office of Phillips Nizer LLP, where he has been since 2006. A member of the Trusts and Estates Department, he focuses on all aspects of estate planning, charitable and non-charitable gift planning, and succession planning.

2003

Todd W. Blanche was appointed Deputy Chief of the Violent Crimes Unit in the Criminal Division of the U.S. Attorney's Office, Southern District of New York. Blanche joined the Office in 2006 and has been a member of the Violent Crimes Unit since 2008.

Nicholas A. Brunero became interim president of Ener1, Inc. Brunero joined the company in 2008 and has most recently served as its vice president, general counsel and corporate secretary. He will continue to serve as general counsel. Ener1, Inc. is an energy storage technology company that develops compact, lithium-ion-powered energy storage solutions for applications in the electric utility, transportation and industrial electronics markets.

Frederick E. Curry III, a principal of Deloitte Financial Advisory Services LLP, was named to the board of directors of Transparency International – USA, an anti-corruption civil society with more than 90 chapters worldwide. A member of Deloitte's Anti-Money Laundering and Economic Trade Sanctions Practice in Washington, D.C., Curry specializes in advising senior executives and board directors of global financial institutions on compliance programs and responses to regulatory enforcement actions.

John P. Flanagan, an associate in the New York office of Paul Hastings LLP, was presented with a 2011 Cornerstone Award by the Lawyers Alliance for New York in November 2011. The award recognized his pro bono legal work on behalf of Neighborhood Housing Services of New York, Inc. Flanagan is a member of the firm's Real Estate Practice Group and he

practices in all areas of commercial real estate, with an emphasis on real estate finance.

Catherine Parrish Lake was elected partner in the Salt Lake City, UT office of Stoel Rives LLP in the firm's Technology and Intellectual Property Group. She advises clients on acquiring, registering, maintaining, licensing and enforcing trademark, copyrights, and trade secrets.

2004

Joseph D. Zavaglia was named a partner at Cravath, Swaine & Moore LLP in the firm's Corporate Department. He advises financial institutions and corporate clients on capital markets transactions, syndicated loan transactions and mergers and acquisitions. He has been with the firm since his graduation.

Karen I. Wu, an associate at Perlman & Perlman LLP, was named the New York State Bar Association's Outstanding Young Lawyer for 2012. Wu was recognized for her many community activities including, Open Hands Legal Services, of which she is a founding member, officer and volunteer attorney, the Taiwan Mission Foundation, the New York Christian Legal Society, the American Cancer Society's Initiatives Division, and the Asian American Bar Association of New York.

2005

Nadeen Aljijakli and **Lauren M. Kosseff '06** launched their own immigration law firm, Aljijakli & Kosseff, LLC, with offices in Cleveland, OH and New York City. They handle all aspects of immigration law with an emphasis on complex deportation and family-based cases.

Lawrence S. Elbaum, an associate in the New York office of Proskauer Rose LLP, was presented a Family Defender Award by the Brooklyn Family Defense Project in November 2011. The award is in recognition of his work on numerous pro bono cases and his contributions as co-chair of BFDO's newly-created Associates' Advisory Board. Elbaum was also married in November 2011.

Adam B. Ginder joined MNS, a real estate brokerage, sales, and marketing firm, as general counsel and senior vice president of business development. Ginder oversees the firm's legal matters and works closely with the CEO to develop the firm's professional opportunities. He was previously an associate at Wolf Haldenstein Adler Freeman & Herz LLP.

Eugene D. Kublanovsky was named a partner at the NYC commercial litigation firm, Fensterstock & Partners LLP. He practices in the area of employment law, commercial contract disputes, partnership disputes, and other general litigation matters.

Song-Chu Lee was promoted to Trademark Counsel at Colgate-Palmolive Company. Lee manages the company's worldwide trademark portfolios for the toothbrush, professional oral care and underarm protection product categories, and handles Internet and domain name matters.

Jennifer L. Marines was promoted to partner in the Restructuring Group of Kirkland & Ellis LLP. She represents debtors, creditors, and investors in both transactional and litigation related matters across a wide variety of industries.

Timothy D. Oberweger was promoted to Vice President of Business Development at Fidelity National Title. Oberweger oversees the generation of multifamily, retail, hotel, office and residential real estate deals for the title insurance underwriter. He joined the company in 2009, serving most recently as a Director of Business Development.

Matthew T. Tulchin, formerly an associate in the New York office of Goodwin Procter LLP, joined Duke University School of Law as a Lecturing Fellow, teaching U.S. Legal Analysis, Research and Writing for International Students in the Law School's LL.M. program. Tulchin is also an attorney for the North Carolina Department of Justice's Consumer Protection Division.

Zachary C. Warzel, an associate in the Denver, CO firm of Roberts Levin Rosenberg PC, was recognized as one of the “Top 40 under 40” trial lawyers in Colorado by The National Trial Lawyers. His practice focuses on the areas of insurance coverage, and complex personal injury on behalf of individuals and corporations.

2006

Nithya B. Das joined AppNexus Inc., a New York-based company that offers a platform for buying online advertising inventory, as in-house legal counsel. Das was previously an associate in the New York office of Goodwin Procter LLP in the firm’s Technology Companies Practice Group. While at Goodwin, she created a blog, Founders Toolbox, a high-caliber legal blog focused on the emerging tech industry.

Matthew B. Moses, a litigation associate in the New York office of Kramer Levin Naftalis & Frankel LLP, and **Ieslie A. Rosen ’07**, a real estate associate in the New York office of Paul Hastings LLP, were presented with a 2011 Above & Beyond Pro Bono Achievement Award by Sanctuary for Families in November 2011. The award recognized their outstanding pro bono representation and advocacy on behalf of victims of domestic violence and drug trafficking.

Jarred L. Pinkston joined the Vienna, Austria law firm, Dorda Brugger Jordis as of counsel, where he focuses his practice in the area of international commercial arbitration. Pinkston is also attending the University of Vienna studying for an LL.M. in European and International Business Law.

2007

Daniel O. Bodah is serving as a law clerk to Judge Gregory W. Carman of the U.S. Court of International Trade. He is also a member of the Federal Bar Council’s Special Committee on Prison Reform and the New York City Bar’s Criminal Courts Committee. Bodah hosts a music program, the Airborne Event, on WFMU 91.1 FM and online at wfmou.org.

Justine A. Gozzi joined the New York office of Baker Botts LLP as an associate in the firm’s Intellectual Property Group. She focuses her practice on intellectual property asset management including, patent prosecution, due diligence, freedom to operate opinions, intellectual property licensing and transactions, and intellectual property litigation strategies.

William E. Stephenson, who recently returned from a year abroad in Tallinn, Estonia, joined the Washington, D.C. office of Mitchell, Williams, Selig, Gates & Woodyard, PLLC. He focuses his practice on U.S. and international regulation of insurance companies. He previously served for 11 years as a consultant, Director of Operations and Director of Government Affairs for Barnert Associates, Inc.

Thomas R. Vance joined the Milwaukee, WI office of Reinhart Boerner Van Deuren as an associate in the firm’s Tax Practice, where he advises clients on tax litigation, audit, and planning matters. Vance is also an adjunct professor at the University of Wisconsin Law School, where he teaches advanced classes in taxation.

2008

Elan A. Gershoni joined the Miami, FL firm of Ehrenstein Charbonneau Calderin as an associate in its Restructuring Group. He previously served as a law clerk in the Bankruptcy Court of the District of Massachusetts and in the Virgin Islands Superior Court, St. Croix Division.

Jason C. Halpin joined the Syracuse, NY firm, Menter, Rudin & Trivelpiece, P.C. as an associate in the firm’s Litigation Practice. Halpin concentrates his practice in the areas of commercial, employment, intellectual property, and environmental law. He previously served as a law clerk to U.S. District Court Judge Glenn T. Suddaby of the Northern District of New York.

Allan J. Rotlewicz joined the Miami, FL office of Rumberger Kirk & Caldwell as an associate in the firm’s Casualty Defense Group. He practices in the areas of casualty defense, insurance coverage and commercial litigation.

2009

Todd D. Batson joined the New York office of Quinn Emanuel Urquhart & Sullivan, LLP as an associate. He previously served as a law clerk to Judge Richard C. Wesley of the U.S. Court of Appeals for the Second Circuit.

Ian Davis Hucul joined Certilman Balin Adler & Hyman, LLP as an associate in the firm’s Litigation Practice Group. He practices in the areas of complex commercial litigation, employment law, and appellate practice.

Laurie E. Hutchins (DePalo) relocated to San Diego, CA and is serving as a law clerk for the U.S. Bankruptcy Court for the Southern District of California.

2010

David Glanzman is serving as a law clerk to **Judge Lawrence H. Ecker ’72** of the New York State Supreme Court, Orange County.

Lydia L. Potter married **F. Eckert Snyder** in August 2011 in Newport, RI.

Sparkle L. Sooknanan (Alexander), currently a law clerk to the Honorable Guido Calabresi of the U.S. Court of Appeals for the Second Circuit, will join the Appellate Staff of the U.S. Department of Justice, Civil Division in the fall of 2012.

2011

Thomas J. Curtin, an associate in the Financial Restructuring Group at Cadwalader, Wickersham & Taft LLP, was a national finalist in the Constance Baker Motley National Student Writing Competition run by the American Constitution Society and the University of Pennsylvania.

Pay it Forward: Four Graduates Who Are Giving Back

Brooklyn Law School graduates support the Law School in many ways, with planned gifts, endowed scholarships and generous donations to the Annual Fund, as well as giving their valuable time and support. Here, we introduce four graduates and friends whose generosity makes a difference at the Law School every day.

Robert Levitt '39 graduated *cum laude* and credited Brooklyn Law School with launching his successful career. Levitt was an editor of the *Brooklyn Law Review*, was elected to the Philonomic Council, an honorary law fraternity, and received the Class of 1911 award for his outstanding scholastic work. He began his career as an attorney in the office of Arthur Brothers in New York City and later joined Levitt and Levitt in Brooklyn. He then worked at the Office of the Solicitor in the U.S. Department of Labor, serving in New York City, Washington, and Birmingham, Alabama. In 1947, he returned to the private sector and joined Western Electric, a subsidiary of AT&T, where he served as general labor counsel until 1978 when he began a private legal practice in Greensboro, NC. After her husband's death in 2011, Shirley Levitt made a bequest to endow the Robert A. and Shirley Levitt Memorial Scholarship, which will be awarded to a student in need of financial assistance to achieve his or her academic goals.

"A scholarship in my late husband's name is a wonderful way to honor his memory. He received a scholarship during his time at Brooklyn Law School, and creating a new scholarship is a fitting tribute to him."

—SHIRLEY LEVITT



Bruce Fader '74, a litigation partner at Proskauer Rose, has been a longtime and passionate supporter of the Law School. He was one of the first graduates to be a firm representative for the Law Firm Challenge, encouraging the collective participation of fellow BLS graduates at Proskauer. He has been a member of the 1901 Society for 10 years, and he is a member of the Law School's President's Advisory Council. This past year, Fader made a direct impact on BLS students as he took his years of litigation expertise to the classroom, teaching Trial Advocacy as an adjunct professor. In addition, he and Steve Elbaum '74, a friend and fellow classmate, endowed the Steven S. Elbaum and Bruce E. Fader Scholarship, in recognition of their fond memories of BLS and the education and opportunities that led each to successful careers.

"Professor David Trager encouraged me to take a clerkship with Ed Neaber, a federal judge for the Eastern District of New York. At the time, Proskauer did not hire BLS graduates, but the firm did hire federal clerks, so the clerkship turned out to be even more valuable than I ever anticipated. I will be forever grateful to the school." —BRUCE FADER '74

Rodney Stilwell '82, who runs his own firm in Staten Island, has been a consistent supporter of the Law School for more than 25 years and is an active member of the BLS Alumni Association Board of Directors. Interestingly, it was his love of golf that led to his involvement with the Alumni Association 12 years ago. Judge William Thompson, Jr. '54 asked the late Judge Thomas Sullivan '62 if he knew any BLS graduates who might want to chair the Law School's annual golf and tennis outing. Judge Sullivan, the former Staten Island District Attorney and Supreme Court Justice, knew his son-in-law, Rodney, would be the perfect man for the job. (In addition to Judge Sullivan, Stilwell's cousin, Robert Scamardella '75, also attended BLS, as did his brother-in-law, Timothy Gilman '95.) Stilwell, who has never missed a Class Reunion, will celebrate his 30th this year. As a Reunion Class Champion, he has been actively reaching out to former classmates to encourage their attendance and support.

"I am proud to call myself a BLS grad, and when I meet BLS grads, I always encourage them to join the Alumni Association!"

—RODNEY STILLWELL '82

As Director of Alumni Relations, **Caitlin Monck-Marcellino '02** gives back to the Law School every day, helping to build a strong alumni network by planning a broad range of activities to keep graduates connected to the School. Monck-Marcellino recognizes that her position provides her with a unique advantage, allowing her to work with all graduates, as well as current BLS students who are the future of the Law School. "I'm happy to do whatever I can to help graduates and students create stronger bonds with the School," said Monck-Marcellino, who worked at Goodwin Procter before returning to the Law School as a member of the staff in 2004. Monck-Marcellino will be celebrating her tenth reunion this year and is serving as a Reunion Class Champion in honor of that milestone. ■

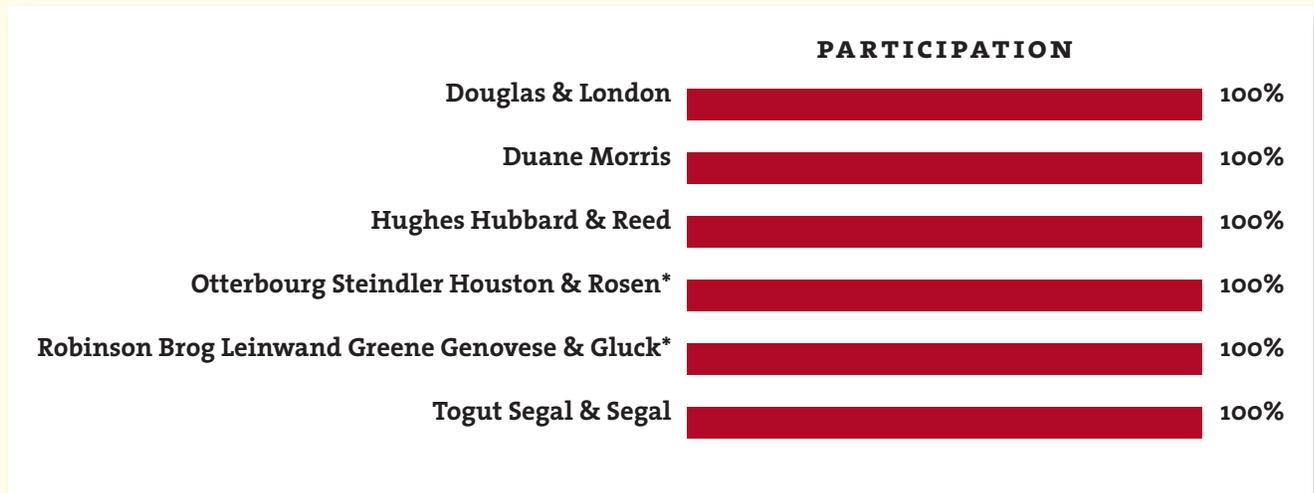


"My favorite part of the job is working with fellow graduates to build connections that strengthen the Law School. I support BLS because I see first-hand the impact of alumni gifts."

—CAITLIN MONCK-MARCELLINO '02

The BLS Law Firm Challenge

Special thanks to these six firms who topped the chart with 100% participation last fiscal year:



Stay tuned as these, plus 30 other firms, compete to achieve 100% Participation by June 30, 2012.

For more information on the Law Firm Challenge, please contact Julia Fernandez at Julia.Fernandez@brooklaw.edu or call 718-780-7564.

**Reached 100% Participation AGAIN this fiscal year!*

Morton Pickman '39

MORTON PICKMAN, A NOTED REALTOR AND PHILANTHROPIST, died on December 22 at the age of 98.

Pickman was born in Brooklyn and received degrees at New York University and Brooklyn Law School. Following graduation in 1939, he fought in World War II and was awarded a Purple Heart for being wounded in action. Upon returning to New York, Pickman worked with his father, Morris Pickman, to develop and manage residential and commercial properties in Brooklyn and Queens. He assumed leadership of Pickman Realty Corp. in 1960. The company has grown to manage properties throughout Queens, Nassau County, and Suffolk County.

Pickman was deeply invested in extensive charitable endeavors, serving as board member and trustee for many philanthropic organizations. His charitable work included serving as a trustee of the Museum of Jewish Heritage, and founder of the museum's Pickman Museum Shop; a member of the American Committee of the Weizmann Institute of Science's Board of Directors; a member of the President's Circle and board of trustees for the Weizmann Institute International Board of Directors; and head of the Anti-Defamation League's Pickman Foundation. He was also a longtime supporter of Brooklyn Law School.

Pickman is survived by his wife of 39 years, Gladys; his children, James, Patricia, Teresa, and Charlotte; five grandchildren; and eight great-grandchildren. ■

Robert Lewis '50

ROBERT LEWIS, THE ESTEEMED FOUNDER OF JACKSON LEWIS LLP, passed away February 12 in Los Angeles. He was 88 years old.

Born and raised in Brooklyn, Lewis enlisted in the U.S. Army and served in Italy during World War II as a secretary for the Office of the Staff Judge Advocate. His experiences there inspired him to attend Brooklyn Law School, where he graduated in 1950. Shortly after law school, Lewis partnered with Louis Jackson, and together they formed Jackson Lewis, LLP. Today it has grown to become one of the country's leading firms specializing in labor and employment law, with nearly 50 offices nationwide.

Lewis' passion for the law spread beyond his successful practice. He was the co-author of *Winning NLRB Elections*, and was well-known for his mentorship of young attorneys. A devoted friend to Brooklyn Law School, he established the Robert Lewis Prize for graduates who achieved excellence in Labor Law.

He is survived by his wife of 65 years, Ethel; their two daughters, Eileen and Nancy; and three grandchildren. ■

Theodore Mann '49

THEODORE MANN, ONE OF THE FOUNDING FATHERS OF THE OFF-BROADWAY THEATER MOVEMENT and of the legendary Circle in the Square, died on February 24. He was 87 years old.

Mann was born in Brooklyn and served in the U.S. Army medical corps during World War II. He attended Brooklyn Law School on the G.I. Bill with plans to join his father's firm, but was drawn to the theater soon after graduation. In 1950, Mann co-founded the legendary Circle in the Square, a key influence in the rise of Off-Broadway theater. His theater was well-known for successfully reviving plays previously neglected by other production groups. In 1957, he produced "Long Day's Journey into Night," by Eugene O'Neill, which won a Tony Award for Best Play.

Circle in the Square later created an acting school in 1963. Its renowned alumni include Philip Seymour Hoffman, Benicio Del Toro, and Felicity Huffman. For its 25th anniversary, the theater was presented with a special Tony Award in recognition of its consistently high-quality productions. In 2007, Mann published a memoir, *Journey in the Night: Creating a New American Theater with Circle in the Square*.

He is survived by his sons, Jonathan and Andrew, and his five grandchildren. ■

Cynthia Straker Pierce '53

CYNTHIA STRAKER PIERCE, A DISTINGUISHED ATTORNEY AND LAW PROFESSOR, died on November 30. She was 82.

Born in Brooklyn, Pierce attended Hunter College and received her LL.B. and LL.M. from Brooklyn Law School at a time when it was rare for African-American women to become lawyers. She served for 20 years as an attorney with the Federal Aviation Administration and worked as a senior attorney in the General Counsel's Office of the U.S. Department of Transportation. She also taught at Howard University School of Law and St. John's University Law School before retiring.

Pierce received many honors, awards, and recognitions for her work, and she held positions on multiple commissions and boards. These included serving as a member of the Judicial Commission on Minorities in the Legal Profession; the Committee on Character and Fitness for the First Department, New York State Appellate Division; and the board of directors for the Hebrew Hospital Home in the Bronx and Westchester.

She was a resident of Sag Harbor, NY, and is survived by her husband, Lawrence W. Pierce, a retired judge of the U.S. Court of Appeals for the Second Circuit. ■

Christopher Mega '53

CHRISTOPHER MEGA, A RESPECTED JURIST AND LEGISLATOR, died on October 30. He was 80 years old. A lifelong resident of Brooklyn, he served for 20 years in the New York State Legislature and as a judge for over a decade.

Mega graduated from St. Francis College and Brooklyn Law School in 1953 before serving in the U.S. Army. He practiced law in Brooklyn until 1974, when he was elected as a Republican to the New York State Assembly. He later served in the New York State Senate, where he was chairman of Crime and Corrections Committee as well as chairman of the Judiciary Committee. In these positions, he spearheaded efforts to improve early education, enforce tougher sentences for convicted sex offenders, and support local community organizations.

In 1993, Mega was appointed a New York State Court of Claims Judge, and soon became Presiding Judge. He was later appointed as a New York State Supreme Court Justice, where he remained until his retirement in 2006.

Mega is survived by his wife of 59 years, Madelyn; their four children, Christopher, Jeffrey, Valerie, and Jacqueline; and six grandchildren. ■

Professor Estella Schoen

ESTELLA JANE SCHOEN, WHO TAUGHT LEGAL WRITING COURSES at the Law School from 2007 to 2010, died of cancer on November 20. She was 40 years old.

"Schoen was a wonderful teacher who brought an energetic spirit for advocacy and justice to her classroom," said Interim Dean Michael Gerber. "Her memory will live on through her many students who cherished her wisdom and mentorship."

Born in New Orleans, LA, Schoen attended Oberlin College, where she met her future husband Steve Salett, and then received her law degree from the University of Minnesota, *magna cum laude*.

Schoen began her legal career as a clerk for the Honorable Harold Baer, Jr. of the Southern District of New York. She then became an associate with Patterson, Belknap, Webb, and Tyler. A talented litigator, she helped lead a successful class action suit on behalf of mentally disabled New Yorkers to help them to fully utilize the subway system. Throughout her life, Schoen remained dedicated to protecting the welfare and rights of women, children, and the disadvantaged. She was an appellate lawyer for the Children's Law Center in Brooklyn before joining the faculty.

Schoen is survived by her husband, Steve Salett; her two daughters, Amelia Jane Salett and Jessie Mae Salett; her parents Patricia Weymouth Schoen and John Garic ("Chick") Schoen, Jr.; her brother Garic Jesse Schoen; and her grandparents, J. Garic Schoen and Susan D. Schoen. ■

Isiah C. Smith '54

ISIAH C. SMITH, A FORMER JUDGE AND PIONEER IN THE CIVIL RIGHTS MOVEMENT in Florida, passed away on February 29. He was 89 years old.

After graduating from Brooklyn Law School in 1954, Smith returned to his home in Delray Beach, Florida, where he became the area's third African-American lawyer. He partnered with William Holland and together they were instrumental in bringing about many significant civil rights efforts in Palm Beach County. The success of their cases led to the desegregation of the county's public schools, integration of municipal golf courses and beaches, and elimination of separate eating and bathroom facilities on the Florida Turnpike. In 1986, Smith was appointed as a judge in Palm Beach County, a position he held for six years until retiring in 1992.

Smith is survived by his wife, Dr. Henrietta Smith, and children, Robin Smith and Rev. Cynthia Smith Jackson. ■



In Memoriam

1930

Joseph Resnick
September 30, 2011

1938

Simon Taub
February 7, 2012

1939

Saul Seigle
January 5, 2012

1945

Doris Balmuth Farber
January 3, 2012

1949

Bevin Koepfel
December 20, 2011

Theodore Mann
February 24, 2012

1950

George Karr
November 9, 2011

1951

Patrick J. Pagnani
September 3, 2011

Edward P. Bracken
November 30, 2011

Irving Tabman
January 17, 2012

1952

Milton Herson
September 12, 2011

Lewis Werb
September 23, 2011

Raymond A. Rowell
November 18, 2011

Jerome Feinstein
December 30, 2011

1953

Ralph Yachnin
October 19, 2011

Frank Cascio
November 2, 2011

1954

Gloria M. Jimenez
November 21, 2011

Harold L. Kajellen
January 12, 2012

1955

Herbert Dicker
September 21, 2011

Aaron Shapiro
October 5, 2011

1956

David O. Alfert
January 12, 2012

1957

Melvin H. Rosenblatt
August 30, 2011

Richard F. Kirchner
January 7, 2012

1959

Walter C. Silverstein
November 9, 2011

Lawrence Butner
November 14, 2011

1960

Alan L. Lebowitz
December 11, 2011

1961

Ralph A. Larrain
December 31, 2011

Adam Kanarek
January 16, 2012

1962

John V. McHugh
September 3, 2011

Louis J. Profera
November 13, 2011

1963

Toby Alan Weil
September 25, 2011

1969

Eugene Francis Bannigan
November 15, 2011

1976

Christopher E. Finger
December 20, 2011

1984

Martin Felix Keane
October 3, 2011

Cara A. Garofalo
October 24, 2011

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

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OVER THE PAST TWO DECADES

Brooklyn has gone from a culinary wasteland to a foodie's paradise. While the borough's restaurants used to pale in comparison to those in Manhattan, in 2011 it led the popular New York City Zagat Survey with a record 11 restaurants topping the charts.

"There are a lot of revolutionary changes this year, as restaurants that have dominated in the past have been surpassed by restaurants that are new and, most often, in Brooklyn," said Zagat Survey CEO Tim Zagat.

Zagat is not the only publication singing this borough's praises. The leafy hamlet of Brooklyn Heights was recently named by *Travel & Leisure* as the second most beautiful neighborhood in the country, edging out favorites like the beloved Garden District of New Orleans (#3), and Frank Lloyd Wright's architectural haven of Oak Park in Chicago (#8). *GQ* followed up with an outright love letter to the borough of Brooklyn titled, "Brooklyn is the Coolest City on the Planet," a multi-page guide to the urban mecca, noting that the borough has become a thriving incubator for both food and fashion.

In light of the borough's recent accolades, we are pleased to introduce a new *LawNotes* column, "Brooklyn's Finest," devoted to some of our favorite local spots. Managing Editor Andrea Strong '94, a food writer for over a decade, reports on a few of these.

RED GRAVY

151 Atlantic Avenue,
between Clinton and Henry Streets
www.redgravynyc.com

Red Gravy is the latest restaurant from Saul Bolton, the chef behind Saul, the Michelin-starred French-American restaurant on Smith Street, the Vanderbilt, an urban gastro-pub in Prospect Heights, and Brooklyn Bangers, the borough's first artisan sausage company.

The restaurant, opening soon on Atlantic Avenue, is part red sauce joint, part locavore farmhouse, with soulful dishes from Sardinia and Sicily like house-cured sardines, chicken fra diavolo, and braised lamb neck pasta on the rustic menu. There are also daily Blue Plates including the signature Sunday gravy: hearty, rich, and served with ribs, meatballs, and sausages. Housemade, barrel-aged vermouth and amaro are on the sophisticated beverage program.

DEKALB MARKET

138 Willoughby Street
at Flatbush Avenue
www.dekalbmarket.com

Dekalb Market debuted in the summer of 2011, launching a new community destination in Downtown Brooklyn for shopping, eating, and playing. The Market is an outdoor artisan mall made up of a colorful collection of salvaged shipping containers, where Brooklyn's creative entrepreneurs operate an incubator farm, an event and performance venue, and a collection of eateries and work-sell spaces.

There are over 50 retailers, many Brooklyn-based small businesses, including antiques from The Dumpster Project, vintage décor from Pip & Estella, and accessories from Dog Tag Designs, a company that takes re-purposed items and turns them into furniture and vintage

jewelry. Food vendors include Cheeky Sandwiches, Joe, the Art of Coffee, Robicelli's cupcakes, and Park Slope fro-yo fave Culture. The entertainment space includes a roller-skating party on the third Friday of every month (beginning May 18) and a lobster boil by the Red Hook Lobster Pound (May 5). The Market has secured a license to open up a permanent beer (and wine) garden in early May with picnic tables for 150 people.

GRAN ELECTRICA

5 Front Street,
between Old Fulton and Dock Streets
www.granelectrica.com

Great Mexican food has never been synonymous with Brooklyn. Thanks to Tamer Hamawi, Elise Rosenberg, Emilie Kihlstrom, and Bradford McDonald, the team behind Brooklyn Heights' popular restaurant *Colonie*, that's all changed. They've opened *Gran Electrica*, a hip spot in DUMBO dedicated to authentic regional Mexican cooking. Chef Sam Richman of *The Fat Duck* and Jean Georges is serving high-brow fiesta food that includes savory tacos, simmering moles, Oaxacan garnachas (humble masa cakes topped with shredded chicken, pasillas, and refried beans), chili-blackened pork spare ribs, and more. Naturally, margaritas are a specialty, and they are made from fresh seasonal fruit with small-batch mezcal and are best enjoyed on the sun-drenched back patio.

ON OUR RADAR: Moving in to the Law School neighborhood over the next few months are several noteworthy restaurants, including David Chang and Christina Totsi's cult-favorite bakery, *Momofuku Milk Bar*, known for its Crack Pie and Cereal Milk; *La Vara*, a Spanish eatery serving small and medium plates, owned by Alex Rajj and Eder Montero, the husband and wife team who also run *Chelsea's Txikito* and *El Quinto Pino*; and an as-of-yet unnamed pizza place led by San Francisco's beloved Elizabeth Falkner (*Citizen Cake*).

Cheers from Brooklyn!



250 Joralemon Street, Brooklyn, New York 11201

ADDRESS SERVICE REQUESTED



UPCOMING EVENTS

MAY 10 CHICAGO ALUMNI RECEPTION

Hosted by Geoffrey Richards '95
The Chicago Club

MAY 17 CLASS REUNIONS

For the classes of 1952, 1957, 1962, 1967, 1972,
1977, 1982, 1987, 1992, 1997, 2002, and 2007
New York Public Library

MAY 21 SUMMER SESSION CLASSES BEGIN

JUNE 1 COMMENCEMENT

SPEAKER: Honorable Carol Bagley Amon,
Chief Judge, United States District Court
for the Eastern District of New York
Avery Fisher Hall

JUNE 7 RECENT GRADUATE RECEPTION

Brooklyn Brewery
Williamsburg

**JUNE 12 BARRY L. ZARETSKY ROUNDTABLE DINNER
AND DISCUSSION**

Debtors in Play: Insider Trading, Claims
Regulation, and Safe Harbors in Chapter 11

JUNE 13 ALUMNI RECEPTION

Lori Bookstein Fine Art Gallery
Chelsea

AUGUST 12 CONVOCATION

AUGUST 20 FALL SEMESTER CLASSES BEGIN

SEPTEMBER 28 THEORY PRACTICE SEMINAR

Writing the Master Narrative for U.S. Health Policy
In celebration of the Center for Health, Science
and Public Policy's 10th Anniversary

OCTOBER 11–12 SYMPOSIUM

Forensic Authorship Identification Workshop
Sponsored by the Center for Law, Language,
and Cognition and the *Journal of Law and Policy*

NOVEMBER 2 ALUMNI ASSOCIATION LUNCHEON

The Plaza Hotel

*For more information about events and dates, please visit
our Web site at www.brooklaw.edu/NewsAndEvents.*