

THE DEAN'S Message



More than a decade ago, at the dedication of what we still somewhat anachronistically refer to as “the new building,” our keynote speaker observed, “The building is magnificent, but as someone said of a library, do not call this the library; the library is inside. So this is not Brooklyn Law School, wonderful as the building is; Brooklyn Law School is inside. It is all of you.”

Although in recent issues of *LawNotes* we have reported on the construction and dedication of Feil Hall, our new residence hall, we have not lost sight of the fact that as wonderful as our growing campus may be, Brooklyn Law School is what is inside the buildings. And so, in this issue of *LawNotes*, the focus is on faculty. We are proud to introduce some of the newest additions to our faculty constellation.

First, you will meet our rising stars — junior faculty members who are already making their mark on the profession and the academy. You will also meet a group of scholars, some of whom, although they are new to the Law School, may already be well-known to you by virtue of their distinguished careers at other schools. I am confident that one of them is *very* well-known to each and every member of the Brooklyn Law School family: When Professor Aaron Twerski left us two years ago to serve as dean of another school, we were profoundly sorry to see him go; we are now profoundly happy to have him back with us.

Back in 1995, when our keynote speaker referred to “all of you,” he was not just talking about the faculty and staff who tend to the Law School on a daily basis. He was also referring to students and graduates. “Brooklyn Law School is all of you who have come through here, all of you who will go through here,” he said. As a former dean himself, he well understood the role that alumni play in maintaining the health and vitality of their school. Our devoted alumni and friends know this, too, and on behalf of all of us here at the Law School, I thank you for your generous support.

With all best wishes for a happy, healthy,
and prosperous New Year,

A handwritten signature in black ink, appearing to read 'Joan'.

Joan G. Wexler

Joseph Crea Dean and Professor of Law

International Business Law Center Named for Dennis J. Block '67

In September 2007, Brooklyn Law School named its International Business Law Center in honor of distinguished attorney Dennis J. Block, a longtime supporter of the Law School.

Block, a partner in the New York office of Cadwalader, Wickersham & Taft LLP, is widely recognized as one of the world's leading corporate attorneys. He has been called one of the "Most Influential Lawyers in America" by *The National Law Journal* and was twice named as a "Dealmaker of the Year" by *The American Lawyer*. A 1967 graduate of Brooklyn Law School, he teaches Advanced Corporate Law as an adjunct professor at the Law School.

"We are honored that the Center, now celebrating its 20th anniversary, will bear his name," says Dean Joan G. Wexler. "His support underscores the important work of the influential faculty members and talented students associated with the Center who study and shape international business law and policy."

"My long affiliation with Brooklyn Law School has provided me with countless valuable experiences, exciting opportunities, and warm friendships," says Block. "As a student, I was privileged to learn from great legal minds, and as a professor, I have had the pleasure of imparting my knowledge to the next generation of BLS



Dennis J. Block

attorneys." Block says he is confident that the law students who participate in the Center's programs will go on to make their own marks on the legal profession.

In his long and distinguished career, Block has advised numerous high-profile clients on a variety of complex issues and deals, including Procter & Gamble's acquisition of Gillette; Quaker Oats' acquisition by PepsiCo Inc.; and the largest hostile takeover in U.S. history — Pfizer's acquisition of Warner Lambert. In addition to his transactional work, Block regularly provides counsel to large publicly-held corporations, their boards of directors, and their audit and special committees on issues involving corporate governance, federal securities laws, attorney-client privilege, and government investigations.

Block is a former member and co-chair of the Committee on Corporate Counsel of the American Bar Association Section of Litigation and a former member of the Committee on Corporate Laws of the ABA Section of Business Law. He is also a member of the editorial boards of several legal publications as well as an author and a frequent lecturer. Prior to entering private practice, he served as a Branch Chief of Enforcement at the New York Regional Office of the U.S. Securities and Exchange Commission. □



THE DENNIS J. BLOCK CENTER FOR THE STUDY OF INTERNATIONAL BUSINESS LAW provides fellowships and an enriched educational experience for students who are interested in pursuing a career in the field. It draws upon the Law School faculty's depth of scholarship and experience and its strong international and business law curriculum. The Center is also known for its outstanding symposia that bring together leading practitioners, government officials, and legal scholars from around the world to discuss legal and public policy issues of concern to the international, financial and trading markets.

New Members Join Board of Trustees

The Brooklyn Law School Board of Trustees welcomed three new members this year. David Barse '87, president and chief executive officer of Third Avenue Management LLC, joined the Board in the summer of 2007. And two outstanding recent graduates — James Baribeau '04 and Allie Cheatham '05 — were appointed in the fall.

Third Avenue, the firm Barse oversees, is a premier asset management company based in New York that specializes in value investing and distressed debt. He

As a law student, Barse was a member of the *Brooklyn Journal of International Law*. He also interned with a federal bankruptcy court judge in the Southern District of New York. He credits Associate Dean Michael Gerber and Professor Arthur Pinto as major academic influences, explaining that they helped him find his calling. "My allegiance to the Law School stems in part from what it did to help shape my career path," he says. "My father went to Brooklyn Law School, and it was very meaningful to me to follow in his foot-

James Baribeau is an associate with Kirkland & Ellis LLP, where he focuses on secured and unsecured lending transactions, debt restructurings, loan workouts, and debtor-in possession financings. He previously clerked for U.S. Bankruptcy Judge Peter J. Walsh of the District of Delaware and was an associate at Morgan, Lewis & Bockius LLP. "I am honored to have been selected for the Board," says Baribeau. "I really enjoyed my time at Brooklyn Law School and hope to contribute to its continued success."

While at BLS, Baribeau was a notes & comments editor of the *Brooklyn Journal of International Law*, a Richardson Scholar, and an International Business Law Fellow. He received the American Bankruptcy Law Journal Prize and the Regina Crea Memorial Prize, which is given to a member of the graduating class in recognition of his service to the Law School. He earned a B.A. in economics from the University of Colorado at Boulder and graduated from Brooklyn Law School *cum laude*.

Allie Cheatham is an associate at Allen & Overy LLP, where her practice includes international arbitration, complex commercial litigation, and regulatory investigations. In April, she was a featured speaker at the International Law Alumni Panel sponsored by the International Law Society at the Law School. "I am very excited about joining the Board of Trustees," she says. "This position allows me to build on the wonderful relationship I developed with Brooklyn Law School while I was a student."

Cheatham served as editor-in-chief of the *Brooklyn Law Review* and was a *summa cum laude* graduate. After law school, she clerked for U.S. District Court Judge Alvin K. Hellerstein in the Southern District of New York. She received her B.A. from Barnard College, Columbia University and a master's degree in East Asian languages and cultures, with a concentration in Chinese history, from Columbia University as well. □



David Barse '87



Allie Cheatham '05



James Baribeau '04

has grown the company's assets under management from less than \$1 billion to \$30 billion and expanded its offerings to include several highly-regarded mutual funds, separate accounts, sub-advised portfolios and alternative investment vehicles. He is also the CEO of M.J. Whitman LLC, a full-service broker-dealer affiliated with Third Avenue.

Prior to joining Third Avenue, Barse practiced bankruptcy and corporate law, representing private investors and hedge funds that invested in distressed companies. He joined Third Avenue in 1991 as general counsel. His combined legal and financial experience allowed him to make meaningful contributions to the company's business, and his skills in strategic planning and business development helped elevate him to the position of president in 1995 and CEO in 2001.

steps." In addition to his J.D., Barse holds a B.A. from George Washington University.

Barse has maintained strong ties with the Law School. Each year, he returns to the Law School to talk to students in Dean Gerber's Business Reorganizations class about distressed debt investing, and he has endowed the Barse Family Scholarship at the Law School in memory of his late father, Lawrence Barse, Class of 1958. "I was honored to be invited to join the Board and become an even more active participant in the BLS community," says Barse. With the enthusiasm of a business development professional, he says he hopes his own recent gift of \$1 million to the school will set a marker for other alumni and future board members. "My vision is to tap into the deep well of support that the alumni of Brooklyn Law School can provide," he explains.

Feil Hall Wins Award

Brooklyn Law School's Feil Hall received a 2007 Building Brooklyn Award in July. Presented annually by the Brooklyn Chamber of Commerce and its Real Estate and Development Committee, the Building Brooklyn awards recognize recently completed construction projects that have had a positive impact on Brooklyn's economy and quality of life. The awards committee is made up of architects, planners, government officials, economic development experts and business leaders. This year's 15 winning projects, their developers, builders, and architects were honored at an awards ceremony at Steiner Studios in the Brooklyn Navy Yard.

Designed by acclaimed architect Robert A. M. Stern, dean of the Yale School of Architecture, and named in recognition of the generosity of the Feil Family Foundation's gift to the Law School, Feil Hall opened in 2005. The magnificent high-rise residence hall houses 360 students in beautiful, furnished apartments. It also features Gerald's Café and the Jeffrey D. Forchelli Conference Center, the site of academic symposia and other Law School events. □



Entering Class of 2007 Boasts Highest Credentials

Not only are the students in the Entering Class of 2007 the most highly credentialed in Brooklyn Law School's 106-year history; they also reflect the long tradition of diversity for which the Law School is well-known. They come from five continents, 27 countries, 35 states and the District of Columbia, and they represent an exciting mix of social, geographical and cultural backgrounds. Sixty-seven percent took at least one year off after graduation, and nearly 14 percent were out of college for at least five years before coming to law school.

2007 ENTERING CLASS PROFILE



Applications	4,763
Class size	494
Full-time	307
Part-time	187
Out-of-state	229
Colleges represented	156
Majors	65
Master's or doctorates	39
Median LSAT	163
Average age	24
Age range	20 – 44
Languages spoken	31
Male	55%
Female	45%
Minority	28%

Pomerantz Lecture Addresses Delaware's Dominance in Corporate Law

Scholars and practitioners alike are fascinated by the continued dominance of Delaware as the state of incorporation for 50 percent of major public companies in the United States. When many companies reach a certain stage in their growth, they generally choose between reincorporating in their home state or incorporating in Delaware (usually no other state is considered).

Delaware corporate law governs such issues as the standard of care that a board of directors must apply in its decisions, directors' fiduciary duties, how a company runs its internal affairs, and forum selection. The state has historically been viewed as the seat of corporate and commercial law in the United States because so many public companies incorporate there.

On March 27, 2007, the Law School hosted the Abraham L. Pomerantz Lecture that addressed the question, "Does Delaware Compete?" in order to examine how a state of such tiny size could exert such a large amount of control over how public companies choose to do their business.

Featuring Mark J. Roe, the David Berg Professor of Law at Harvard Law School, as the Pomerantz Lecturer, the event also drew on the expertise of two prominent scholars as commentators: Donald C. Langevoort, the Thomas Aquinas Reynolds Professor of Law at Georgetown University Law Center; and Geoffrey P. Miller, the Stuyvesant P. Comfort Professor of Law and director of the Center for the Study of Central Banks at New York University School of Law. BLS Professor James A. Fanto organized the lecture and served as moderator.

Professor Roe centered his lecture around the question of whether Delaware is truly "competing" for the incorporation business it continues to receive from public companies across the country, and if so, how that competition works. Historically, the debate about Delaware's dominance sets those who say the state is in a "race



Professor Mark J. Roe was the Pomerantz Lecturer.

THE POMERANTZ LECTURE is named for Abraham L. Pomerantz, a 1924 graduate of Brooklyn Law School and a founding partner of Pomerantz Haudek Block Grossman & Gross LLP. Senior partner Stanley Grossman '67 has been instrumental in the Pomerantz firm's continued support for the series.

to the bottom" to provide corporate managers and insiders with lax laws that favor companies over shareholders and employees against those who favor a "race to the top" picture that paints the state as a promoter of well-crafted corporate laws that allow companies to operate most efficiently. This debate is based on the traditional model that says states compete in that race against each other.

But Roe argued that the traditional debate misses some important developments that reveal a more complicated explanation for Delaware's dominance. "Delaware

"Delaware doesn't operate in a vacuum. It has to place itself in relation to what's going on in Washington."

— Professor Mark J. Roe

doesn't operate in a vacuum," said Roe. "[I]t has to place itself in relation to what's going on in Washington." He explained that while Delaware must compete nominally with other states, by making sure it maintains laws that are fair to corporations and by ensuring that its courts are well-stocked with commercial law experts, its true competitor is the federal government. Securities laws and regulations, Sarbanes-Oxley, and the Williams Act are all examples of Congress' willingness to step in and regulate corporate governance.

Given federal legislators' and regulators' growing interest in corporate governance issues, and the cyclical nature of major corporate scandals that appear once every decade or so, federal authorities are more likely to intervene and "compete" with Delaware by federalizing more corporate governance laws that touch on or affect many of the state laws that now govern how companies do business, Roe said.

Student Organizations Address Growing Range of Interests

The commentators agreed for the most part with Roe's theory but added a few twists to his argument. Professor Langevoort predicted that as global trading platforms move away from the New York Stock Exchange and the United States' myriad federal regulations, Delaware — and, for that matter, Washington, D.C. — really need to worry about competition from London, which he said is building a reputation with its coherent regulatory regime and high-quality market trading plat-



Professor James Fanto organized and moderated the lecture.

forms, making it “an awfully nice package” that could easily include cross-border regulation of corporate governance and commercial law.

Professor Miller argued that Roe underestimates the extent to which Delaware faces competition from the states for corporate charter business. New charters in Delaware actually fell off in recent years, he pointed out, and are now down by 27 percent. They went up in states like California, New York, Texas, and Florida, the last of which has seen a 55 percent increase. □

The lecture will be published in the *Brooklyn Law Review*, Vol. 74, No. 1.

Brooklyn Law School has one of the most active student populations of any law school in the country. Focusing on a range of interests, motivated students formed five new organizations and reinstated three in the Fall 2007 semester.

The **Civil Legal Advice and Resource Office Student Action Group** grew from an innovative project started by the Brooklyn Bar Association Volunteer Lawyers Project that helps consumers represent themselves in debt collection cases. In Fall 2007, Natalie Peled '09, along with co-chair John Buhta '09, helped bring CLARO to the Law School as an official student organization. Every Thursday night, volunteer CLARO lawyers gather in a courtroom in the Brooklyn Civil Court. Student volunteers help set up the room, get paperwork in order, and explain the process to clients. In 2006, volunteer lawyers and students assisted over 500 unrepresented litigants who were battling credit report errors, reporting and rectifying identity theft, and facing debt collectors.

The **Art Law Association** provides a forum for students to explore the wide range of legal issues associated with the creation, collection, presentation, and preservation of the visual arts. “Our goal is to make students aware of the ways they can get into a career in art law,” says Derek Kelly '09, co-founder of the group. “Brooklyn is one of very few law schools with a full-time faculty member whose focus is art law,” adds M.J. Williams '09, co-founder of ALA. Professor Beryl Jones-Woodin, who serves as Associate Dean for Student Affairs at the Law School, teaches an art law seminar and practicum. The ALA organizes and publicizes art law events and explores networking opportunities on campus and in New York City.

Law Students for Veterans Rights assists veterans in the New York City area who have recently returned from combat. The group will be working closely with several large law firms in New York and New Jersey that have partnered with the New York City Bar Justice Center to create legal clinics dedicated to representing veterans. The clinics provide a wide range of services, from helping disabled veterans secure benefits payments to lobbying Congress for technical corrections to military legislation that deals with veterans issues.

Through **Brooklyn Law School Legal Outreach**, first-year students supplement their constitutional law and legal writing courses by coaching local high school students from underserved communities. The high school students compete in four Legal Outreach debates throughout the year, and law students join judges and attorneys in judging the final competition.

For students looking to stay fit and relieve some pre-finals stress, the **All BLS Tennis and Racquet Sports Club** plans to sponsor tennis nights, during which students can play for free under the lights in Prospect Park.

Several associations that were active in past years have been given new life this semester including the **Muslim Law Students Association**, the **Student Animal Legal Defense Fund**, and the **Corporate and Securities Law Association**.

Second-year student Hayley Moore '09 revived the Corporate and Securities Law Association with the goal of promoting awareness of corporate law and related fields among students. She especially hopes to interest first years who have not been exposed to corporate law. “This club can help get them up to speed before they interview with law firms at the start of their second year,” Hayley says. CSLA plans to bring several practitioners to campus this year to educate students in the areas of corporate litigation, bankruptcy, commercial real estate, securities, and finance. □

Canadian Justice Addresses 2007 Graduates

Canadian Supreme Court Justice Rosalie Silberman Abella and 470 students were awarded Brooklyn Law School degrees at the School's 106th Commencement Ceremonies on June 4, 2007 at Lincoln Center. Stuart Subotnick '68, chairman of the Law School's Board of Trustees, presented Justice Abella with an honorary doctor of laws degree. She also holds honorary degrees from over 20 other schools.

Justice Abella, an authority on human rights law, encouraged the graduates to stay well-rounded, to work together and to keep an open mind as new lawyers. "Unless we continue to immerse ourselves in life, we will become strangers to the world which comes to us and asks us to solve its problems," she said. "Don't ever forget law's noble purpose and the important lessons you've learned at this law school about justice." Her speech also drew on the experiences of her family, who came to Canada in 1950 after having survived the Holocaust. She was born in a displaced persons camp in Germany in 1946.



Stuart Subotnick '68, chairman of the Brooklyn Law School Board of Trustees, looks on as Justice Abella greets the Class of 2007 at Lincoln Center.

Justice Abella was appointed to the Supreme Court of Canada in 2004 after serving 12 years as a justice on the Ontario Court of Appeal. As Commissioner of the Royal Commission on Equality in Employment, she authored a groundbreaking report that introduced the concept of "employment equity," a new strategy for reducing barriers in employment faced by women, aboriginal people, non-whites, and persons with disabilities. The Supreme Court of Canada adopted the report's theories of equality and discrimination in its first decision dealing with equality rights under the Canadian bill of rights. The report has also been implemented by the governments of New Zealand, Northern Ireland, and South Africa.

A prolific scholar, Justice Abella has written over 90 articles and written or co-edited four books. She has served as a visiting professor at the McGill Law School and at the University of Toronto Law

School. Active in Canadian judicial education, she lectures extensively in Canada and around the world. She is a graduate of the University of Toronto Law School and

"Don't ever forget law's noble purpose and the important lessons you've learned at this law school about justice."

— Justice Rosalie Silberman Abella

a former civil and criminal litigator. The recipient of many prizes and fellowships in recognition of her public policy service, she was awarded an Honorary Fellowship in the American College of Trial Lawyers in 2007. Justice Abella is also a graduate of The Royal Conservatory of Music, where she studied classical piano. □



CLOCKWISE FROM TOP LEFT: Members of the Class of 2007 cheering for each other; Valedictorian Kelly Gilmore '07; graduates gather outside before the ceremonies; Associate Dean Beryl Jones-Woodin with Sam Chay, who received a posthumously granted diploma for his son, Sergeant Kyu Hyuk Chay '07; and new graduates celebrating outside Lincoln Center.

Symposium Takes Cross-Disciplinary Look at Scientific Truth and the Law

The question of how science measures truth is an old one. Scientists — along with lawyers, policy-makers and scholars — struggle every day to apply what happens in the laboratory to what can or should happen in society. The legal system in particular needs to be able to tell whether science can provide “the truth”: Lives depend on it in the criminal justice system, plaintiffs’ access to courts depends on it in the civil system, and our governments depend on it in crafting laws and policies.

The U.S. Supreme Court’s 1993 decision in *Daubert v. Dow Merrill Pharmaceuticals Corp.* raised more complex questions than it answered concerning the law’s treatment of scientific evidence. In *Daubert*, the Court

“A Cross-Disciplinary Look at Scientific Truth: What’s the Law to Do?,” on March 2, 2007, which was co-sponsored by the Center for the Study of Law, Language and Cognition; the Center for Health, Science and Public Policy; and the *Brooklyn Law Review*. Brooklyn Law School’s Suzanne J. & Norman Miles Professor of Law Margaret Berger and Don Forchelli Professor of Law and Associate Dean for Academic Affairs Lawrence Solan organized the symposium.

Three panels addressed whether and how *Daubert’s* inquiries relate to “truth,” and whose view of the truth should prevail. The participants, who came from a host of fields including philosophy, sociology, history, epidemiology, psychology, and law,

professor at the University of Miami, presented a paper addressing philosophical concepts of truth. Dr. Douglas Weed, an official with the National Cancer Institute

“By looking at the history of experts,” we can examine “the history of who in society represents truth.”

— Professor Tal Golan

at the NIH, discussed examples of the search for scientific truth and causation in his field of epidemiology. And Dennis Patterson, a professor at Rutgers School of Law – Camden, addressed the difference between conceptual and empirical truth, focusing on the mind/body dualism of Descartes. A spirited Q&A session focusing on the nature of cognition, the concept of coherence, and the relevance of science to law followed. Professor D. Michael Risinger of Seton Hall Law School concluded the discussion with further observations about issues covered by the three speakers.

Tal Golan, an associate professor of history at the University of California, San Diego, spoke during lunch. Golan discussed the development of the use of expert witnesses through the last three centuries. “By looking at the history of experts,” he asserted, we can examine “the history of who in society represents truth.”

The second panel was moderated by Professor Berger. Dr. Steven Goodman of the Johns Hopkins Bloomberg School of Public Health addressed the issue of whether and to what extent randomized controlled trials effectively discover the truth. Richard Scheines, who heads the Department of Philosophy at Carnegie Mellon University, discussed his work on a National Academy of Sciences panel that addressed the framework for judging presumptive disability connections for



Professor Dennis Patterson spoke at the symposium about the distinction between conceptual and empirical truth.

held that experts could not testify unless they relied on reliable and relevant data, and it instructed judges to look at factors including whether an expert’s theory can be tested, and whether the methods used are generally accepted in the field.

To address some of the thorny questions of policy raised by *Daubert*, Brooklyn Law School held a day-long symposium,

explored how different disciplines conceptualize truth, and to what extent their conceptualizations incorporate goals such as justice or better public health.

The first panel, moderated by Professor Bailey Kuklin of Brooklyn Law School, tackled “first principles” of truth in science that might apply in the courtroom. Susan Haack, a law and philosophy

veterans when they make individual claims about causation. And Jennifer Mnookin, a professor and vice dean at UCLA School of Law with a background in history and the social study of science and technology, discussed an important underlying question in *Daubert* — whether judges ought to assess evidence on validity or reliability in a piece-by-piece, “atomistic” fashion, or in a holistic, more integrated approach. “A brick is not a wall,” said Mnookin of the situation in which judges must allow in bits of evidence at a time, while juries generally aggregate evidence when they reach conclusions. If low-grade evidence can sneak in as bricks, how sturdy is the wall?

At the end of the second panel, Joshua Knobe, who teaches philosophy at the University of North Carolina, highlighted some of the philosophical issues that grow from our thinking of evidence in two ways — the rigorous, systematic method of science that an expert witness would



Dr. Douglas Weed brought an epidemiologist's perspective to the discussion during the first panel.



Prof. Margaret Berger (L) and Assoc. Dean Lawrence Solan (R) organized the symposium.

use versus the common sense method of a jury. With examples, he showed how the distinction is a moral issue that requires us to “invent something new” when we address questions about causation.

The third panel was moderated by Dean Solan. David Faigman, who teaches law at the University of California, Hastings and specializes in constitutional law and science and the law, addressed the area of fact-finding in constitutional decision-making. Richard Katskee, an assistant legal director for Americans United for Separation of Church and State who has litigated numerous establishment clause claims dealing with “intelligent design” and creationism, warned that while both science and religion have “truth claims” that deserve deference, science presents a better system for society to agree on truth. He said the point is not for courts “to get things right all the time. They just have to do a decent job of screening out pseudo-science and things like that for which they don’t provide a confident basis for shared understanding.” Frank Keil, a professor of psychology at Yale University, presented studies that he said reveal both bad and good news about “what we do when knowledge runs out.” Dr. Sam Glucksberg, a professor of

psychology at Princeton University, summarized and commented on the third panel’s presentations, noting that the discovery and construction of truth is contextual and always evolving.

A final roundtable discussion, moderated by BLS Professor Edward Cheng, involved a lively exchange among all the participants, who raised issues including the percentage of errors in convictions;

“The scientists have spoken to us about uncertainty. We keep making decisions despite all of this.”

— Professor Margaret Berger

the need for public dialogues about the Supreme Court’s decisions; concerns about the place of religion and cultural conventions in the search for the truth; the risks of a holistic approach to evidence; and the power a judge holds in the narrowing of a case down to “an issue,” which structures the way lawyers argue about the case.

“The scientists have spoken to us about uncertainty,” concluded Berger. “We keep making decisions despite all of this.” □

Legal Lights

Continuing the tradition of going beyond the classroom

to explore issues in a deeper way, Brooklyn Law School students and recent graduates regularly publish articles that propose original solutions to vexing legal problems. Jean Wen '08 explores possible outcomes of the political standoff between Taiwan and the People's Republic of China. Zona Sharfman '08 proposes a solution to discrimination against female refugees from Sudan. And Jarred Pinkston '06 argues that seamen should be exempted from a requirement that employment claims involving international law must be arbitrated.



Zona Sharfman '08



Jarred Pinkston '06



Jean Wen '08

Zona Sharfman '08 Spotlights Sudan's "Lost Girls"

In "The Lost Girls of Sudan: Forced Marriage as a Vehicle for Asylum," which will be published this spring in the *Women's Rights Law Reporter*, Zona Sharfman '08 addresses the treatment of women as refugees from the Sudanese civil war in the 1980s.

Sharfman learned about the "Lost Boys of Sudan," who have been the subjects of many recent films and books, through reading a memoir by three of the Lost Boys, which told the harrowing story of their flight from war-torn villages in Sudan and their trek through Ethiopia to a refugee camp in Kenya. Only about half of the 27,000 boys, many no older than five, who made the journey survived. Over two million Sudanese died in the war, and in 2001, with no peace in sight, the United States granted asylum to 3,800 children, mostly boys.

Sharfman was interested in finding out why so few of the female refugees were relocated. When she took Professor Elizabeth Schneider's course "Women and the Law," Sharfman explored the issue in depth and uncovered *de facto* gender discrimination by refugee agencies. Professor Schneider provided encouragement and supervision as she dug deeper into the history and culture behind the issue and explored possible legal remedies.

In her paper, Sharfman writes that one criterion used by refugee agencies in the selection of children for relocation is that the child be an "unaccompanied minor," which may work to the disadvantage of girls. In Sudanese culture and tradition, and especially during the upheavals of civil war, orphaned girls as young as 10 may be sold by their relatives into marriage. Then, because they have a spouse, they are counted as "accompanied minors" and excluded from relocation programs.

A recent holding in *Gao v. Gonzales* in the U.S. Court of Appeals for the Second Circuit might help pave the way for some of the "Lost Girls" to make a claim for asylum, according to Sharfman's paper. Asylum may be granted if a person can show a well-founded fear of persecution (or past persecution) based on one of five grounds, including membership in a particular social group. The *Gao* court held that certain Chinese women who were sold into marriage could satisfy the membership in a particular social group requirement — a limited holding that Sharfman says could help the Sudanese girls.

Long interested in international policy and culture, Sharfman was raised in Beverly, Massachusetts and is fluent in Spanish. Since high school, she has spent time during her studies in Mexico, Chile, Buenos Aires and Madrid. She holds an M.A. in Hispanic literature from New York University and has interned during law school at Eiges & Eiges, a firm that focuses on immigration law.

Jarred Pinkston '06 Explores Arbitration Requirement for Seamen

Capping years of research that began while he was a student at BLS, Jarred Pinkston '06, an associate in commercial litigation at Jaffe & Asher, LLP, recently published an article in the *Brigham Young University International Law and Management Review* that addresses international arbitration of claims arising from seamen's employment.

In law school, Pinkston read a group of court decisions holding that the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards compelled the arbitration of all claims arising from seamen's employment, including personal injury claims. He found, however, that the original Federal Arbitration Act contained an explicit exemption from arbitration for such claims, which provided a unique protection to seamen.

Pinkston read hundreds of court decisions on seamen's employment arbitration while interning with Judge Delissa Ridgway of the U.S. Court of International Trade in the summer of 2005. "Many decisions didn't sit right with me," he says, which led him to conduct further research and discuss his ideas with Judge Ridgway. He also consulted with Professor Claire Kelly, who encouraged him to write a proposal for a paper. As part of the BLS Fall Exchange Program in 2005, he studied at Bucerius Law School in Hamburg, Germany, where he further refined his ideas. The result, "New York's Unwelcoming Harbor: The New York Convention's Inapplicability to Claims Arising from Seamen's Employment," was published in the Spring 2007 issue of the BYU journal.

In his article, Pinkston takes issue with the reasoning in cases such as *Bautista v. Star Cruises*, in which the U.S. Court of Appeals for the Eleventh Circuit compelled arbitration in the Philippines of injury claims by seamen who survived a boiler explosion on a cruise ship docked at the Port of Miami-Dade. The case "leads courts to compel the arbitration of all claims arising from seamen's employment whenever a foreign

element exists to the employee-employer relationship," writes Pinkston, who argues that Congress did not intend to withdraw the greater judicial protection that has historically been afforded to seamen.

Growing up in the small, rural town of Farmington, Missouri, Pinkston became intrigued with international affairs at an early age, in part because his family hosted several foreign exchange students. He

studied in Germany and Austria, and earned a B.S. and two B.A. degrees, one in international studies and one in German, from the University of Missouri. At Brooklyn Law School, he interned with several judges, the Austrian Mission to the United Nations, and the Kings County District Attorney's Office. "Brooklyn Law School offers so many great opportunities for someone with a strong interest in international law," he says.

Jean Wen '08 Addresses Standoff Between China and Taiwan

Almost 60 years of tensions between Taiwan and the People's Republic of China (PRC) can be resolved peacefully with a new legal and political solution, according to Jean Wen '08 in an article, "One China, Freely and Fairly Elected: A New Solution to the Issue of Taiwan," forthcoming in the *Columbia Journal of Asian Law*.

"While most of the international community officially 'recognizes' the PRC's 'one-China' policy, Taiwan is often treated as an independent state," explains Wen. How should the rest of the world deal with the PRC's aggression toward Taiwan, a democratic nation that has asserted independence yet is still treated as part of the PRC?

In her paper, Wen argues that if Taiwan were to concede to the PRC's "one-China" policy, it should do so under one condition — that the PRC agree to free and fair elections with the participation of all of the Chinese people, including those in Taiwan, Hong Kong and the mainland. She asserts that Taiwan's current status must be either that of an independent state or a de facto entity/de facto state, entitling it to full international legal status. She discusses the PRC's current violations of international law against Taiwan and concludes that international armed conflict between the PRC and Taiwan can be

avoided through the use of internationally monitored elections.

Wen wrote the article for the "Law of War" course taught at Brooklyn Law School by Judge Evan J. Wallach of the U.S. Court of International Trade. She credits him with providing the tools and encouragement to help her "think outside of the box" in analyzing current international legal issues. Philip Sutter '07, a fellow classmate in Judge Wallach's course, and Volker Schieck, an econometrician, were also helpful in her research and in the editing process, she says.

Raised in Seattle by parents who came from Taiwan, Wen has visited the island many times. She is fluent in Mandarin Chinese and conversational in German. After earning a B.A. at New York University, she became a freelance columnist for bilingual magazines in Beijing. She lived and studied in Beijing between her junior and senior years of college, and also worked as a paralegal at Miller & Wrubel, P.C. in New York.

At Brooklyn Law School, Wen has received a CALI Excellence for the Future Award and a Carswell Scholarship. She interned at the Federal Trade Commission and at Viacom Inc., and is currently a judicial intern for U.S. Magistrate Judge Ronald L. Ellis of the Southern District of New York.

Clinic Roundup

Brooklyn Law School's highly regarded clinical program

continues to generate exciting opportunities for students to put into practice the legal principles they learn in the classroom. "Our students' accomplishments in these clinics continue to be a great source of pride at the Law School," says Stacy Caplow, the director of the Law School's Clinical Education Program. The following is a just a sample of some of the important work performed by clinic students during the spring and fall of 2007. For a more complete listing of the latest clinic activity, please go to

www.brooklaw.edu/academic/clinics.



Elise Catera '08, Jeanne Kwak '08 and M. Masaya Seltzer '08 assisted a client in the Safe Harbor Clinic (second from L) who was granted asylum.

Community Development Clinic

Under the supervision of Professor David Reiss, the Community Development Clinic is representing the national advisory board of the Student Hurricane Network in its incorporation and application for a determination of tax-exempt status. SHN organizes law students to assist residents of areas affected by Hurricanes Katrina and Rita. Josie Beets '08, the founder of Brooklyn Law School's chapter of SHN and a board member, is working closely with clinic students. They are reviewing the relative benefits and disadvantages of incorporating in Louisiana, Mississippi, New York, and Washington, D.C., and are researching the legal implications of raising funds throughout the country.

Securities Arbitration Clinic

An elderly woman with limited English language ability sought help last spring from the Securities Arbitration Clinic, which is taught by Professor Karen van Ingen. The client claimed that her broker bought and sold securities in her account without her permission while she was out of the country. Nabeel Haque '08 and Mary Beth Yanulis '08 interviewed and counseled her, then drafted and filed a statement of claim on her behalf against both the broker and the broker-dealer. Over the

summer, Haque negotiated with counsel for the broker-dealer and reached a settlement for close to 80 percent of the damages claimed. Because the individual broker was not part of the settlement, the students began preparing for trial while still pursuing negotiations. On the day of arbitration, with their thorough preparation and well-honed negotiating skills, they were able to conclude the matter successfully. The client was not only pleased with the outcome, but also "very proud," she said, of "her" student team.

Safe Harbor Project

Students in the Safe Harbor Project recently secured asylum for a gay Sri Lankan client. Sri Lankans often seek asylum because of persecution due to their political activities, but this client was one of the first in the country to obtain asylum because of discrimination based on his sexual orientation. In Sri Lanka, homosexuality is taboo, and anyone suspected of same-sex activity may be subjected to arrest, beatings, extortion, loss of employment, and damage to reputation. Elise Catera '08, Jeanne Kwak '08 and M. Masaya Seltzer '08 worked on the case under the supervision of Professor Stacy Caplow, who co-teaches the clinic with Professor Dan Smulian.

Prosecutors Clinic- U.S. Attorney/E.D.N.Y.

Supervised by Professor Carolyn Pokorny '94, an Assistant U.S. Attorney for the Eastern District of New York, students in the Prosecutors Clinic notched several important victories. For example, in a compelling brief and oral argument, Carla Cheung '07 and Jessica Kastner '07 persuaded U.S. Magistrate Judge Roanne L. Mann to reject a defendant's petition for a writ of habeas corpus and to uphold his conviction for assaulting officers who worked for the Brooklyn VA Medical Center.

Benjamin Moore '07 and Kate Brooker '07 successfully prosecuted a defendant who punched an airline attendant after she announced to the passengers of a transatlantic flight that she had run out of chicken dinners. Moore conducted an effective cross examination of the defendant, who testified in his own defense that there was no such punch. Following Brooker's summation, U.S. Magistrate Judge Joan M. Azrack returned a guilty verdict in under an hour.

Corporate and Real Estate Clinic

Corporate and Real Estate Clinic students, under the supervision of Professor Debra Bechtel, closed two rehabilitation loans in June 2007 on behalf of Bronx low-income cooperatives. Allison McKenzie '08 and Scott Chait '07 began work for a building on 173rd Street in the Spring 2007 semester and obtained partial forgiveness of real estate tax arrears. In June, McKenzie continued conducting the closing of a loan from the city for over \$1.2 million. These funds were used to pay the taxes that could not be forgiven and to complete extensive work on the building.

Criminal Appeals Clinic- Manhattan District Attorney

Under the supervision of Assistant District Attorney Deborah Morse '80, students argued three cases before a five-judge panel of the Appellate Division, First Department during the January 2007 term. All three convictions were affirmed. Christopher Prior '07 rebutted an ineffective assistance of counsel claim in a case that involved a defendant who had been convicted of bail

jumping and sentenced to the maximum permissible term. Sabrina Thanse '07 won an appeal by a defendant who was convicted of criminal sexual act in the first degree. And Jennifer Kim '07 argued a case in which the defendant, who was convicted of criminal possession of a weapon in the third degree and petit larceny, had argued that he lacked intent to use the knife he was carrying when he shoplifted merchandise.

EXTERNSHIPS IN THE LEGAL COMMUNITY

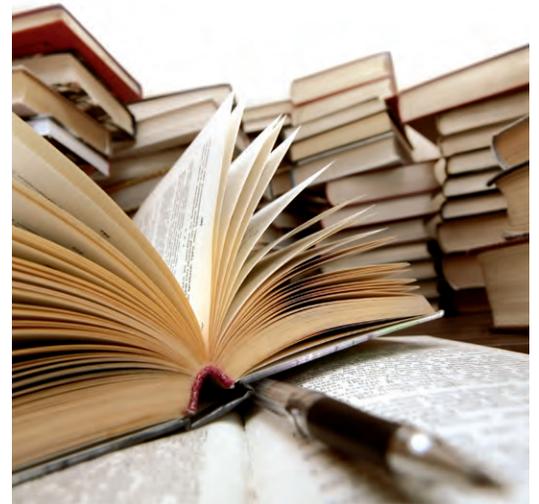
Brooklyn Law School offers one of the largest externship programs in the country. In 2007, a significant number of students enrolled in externships — 120 in the summer and 224 in the fall. This partial list of placements reveals the enormous range of opportunities BLS students have to work in public agencies, nonprofit organizations, offices of corporate counsel, prosecutors' offices and judicial chambers.

- > National Labor Relations Board
- > Environmental Protection Agency
- > Federal Trade Commission
- > Internal Revenue Service
- > Civil and Criminal Divisions of the Legal Aid Society
- > Brennan Center for Justice
- > Lawyers for Children
- > Fair Housing Justice Center
- > UN High Commission for Human Rights
- > Dramatists Guild
- > Nickelodeon
- > Sony BMG
- > VH-1
- > National Football League
- > Colgate-Palmolive
- > Merrill Lynch
- > New York Stock and Commodities Exchanges
- > New York State Attorney General's Office
- > New York City Law Department
- > District Attorneys of Manhattan, Brooklyn and the Bronx
- > U.S. Attorneys for the Southern and Eastern Districts of New York
- > Office of the Federal Defender
- > U.S. District Court Judges, Bankruptcy Judges and Magistrate Judges in the Eastern and Southern Districts of New York
- > Judges in the Supreme, Family and Civil Courts of New York

Staking Out New Ground

Junior Professors Contribute Innovative Scholarship

THE SEVEN OUTSTANDING Brooklyn Law School professors profiled here are coming into their own as legal scholars. Their scholarship—in criminal law, scientific evidence, tax havens, international law, constitutional history, the secondary mortgage market, and the taking of private property—is staking out new ground. Influenced by a range of disciplines, these scholars are publishing innovative law review articles and books brimming with ideas that are vigorously debated by their colleagues and increasingly cited by judges.



Michael Cahill

While most of Professor Michael Cahill's teaching and scholarship is dedicated to criminal law, his work also encompasses health law. As he was earning a dual degree in law and public policy at the University of Michigan, he collaborated with professors in both these areas on research and writing projects that turned into career pursuits. Cahill explores the two areas with a similar approach. "Rather than claiming some special ability on my part to make the 'right' decisions about complicated issues, much of my work tries to provide a structure

SCHOLARSHIP FOCUS

Criminal Law, Financial Aspects of Managed Care

COURSES

Criminal Law, Health Law, Property

MOST RECENT PUBLICATIONS

- > *Real Retribution*, 85 WASH. U. L. REV. __ (forthcoming 2008)
- > *Attempt, Reckless Homicide, and the Design of Criminal Law*, 78 COLO. L. REV. 879 (2007)
- > *LAW WITHOUT JUSTICE: WHY CRIMINAL LAW DOESN'T GIVE PEOPLE WHAT THEY DESERVE* (Oxford 2006) (with Paul H. Robinson)

or perspective to both guide and monitor the people in the field who must make decisions that can be unavoidably difficult, often because of limited resources,” he says.

In the field of health law, for instance, he focuses on the financial aspects of the managed care business, which often struggles to reconcile the needs of current patients with the needs of others who may need access to health resources in the future. He serves as a faculty member of the Center for Health, Science and Public Policy at Brooklyn Law School. Through the Center’s relationship with Mount Sinai School of Medicine, Cahill often gives presentations to medical students on issues that involve law and medicine. “Given that we only have a certain amount of money, the question is how do we satisfy the many needs of the patient population?” he asks. “I want to offer a framework that creates a transparent process to enable the right decision-makers to make unbiased judgments.”

His work in the field of criminal law focuses on a similar issue: providing guidance to prosecutors, police, and policy-makers who make decisions every day about how to deal with crime. “Because of practical constraints — jail space, personnel, resources, incomplete

information, unavailable evidence — we can’t identify and punish everyone who deserves to be punished,” he explains. “Unfortunately, the existing theoretical literature on criminal law provides very little guidance about what to do if we can’t do it all.”

Criminal justice theorists, says Cahill, have a blind spot when it comes to resource problems. His scholarship, which seeks to fill that void, includes the recent publication of a book, *Law Without Justice*, which explores unquestioned features of the U.S. criminal justice system that prevent full implementation of the theory of “just deserts.” He co-authored the book with preeminent criminal law scholar Paul Robinson, who recruited him in law school to help revamp the state of Illinois’ criminal code. One of the main goals of criminal law is retribution — punishing past wrongs and giving criminals what society has decided they deserve for breaking the law, explains Cahill. But when only some crimes are punished fully, and similar ones lead to reduced punishment via plea bargains or dismissal, society is failing to live up to that goal. The system can also exact punishment unfairly in the opposite direction, imposing punishment that clearly exceeds the moral gravity of a person’s offense.

Cahill’s most recent article (see abstract) argues that the only way to make retribution effective is to adopt an approach that views it as a goal to maximize, rather than an all-or-nothing moral obligation. “Only if we think of retribution as a goal, rather than a duty — which is the prevailing philosophical view — can we examine how to make decisions that are constrained by very real resource limitations,” he says. “It can be good for criminal law scholars to work with philosophical theories, but philosophy is not the same as law: I want to figure out how to develop a theory we can actually turn into legal rules.”

In the future, Cahill hopes to address the issue of imposing liability for multiple crimes based on a single act or course of conduct. For example, when one burns down a house, injuring or killing someone, the criminal code might authorize punishment for arson, property damage, reckless endangerment, battery, and/or murder, among other things. “I want to work out a satisfactory explanation for when and how it’s acceptable to punish for more than one offense in these cases,” he says. “It may not be fair to prosecute all available offenses and add all the punishments together, but then, how do we decide to ignore one crime and prosecute another?”

MICHAEL CAHILL | ABSTRACT

Real Retribution

There are two commonly recognized “theories” of criminal law: Utilitarianism (“deterrence theory”) sees criminal law’s purpose as preventing future harms, while retributivism (“desert theory”) sees its purpose as punishing past wrongs. These two theories are fundamentally different in scope, however: utilitarianism provides a complete theory of criminal law, while retributivism does not.

The deterrence view offers a comprehensive vision that can determine both the proper content of criminal law and the best means for enforcing it. It seeks in all cases, and at all stages of the process, to minimize or prevent social harms (in the most

cost-effective way). The desert view, on the other hand, apparently speaks only to the criminal law’s design, not its implementation. Retributive theory specifies what moral wrongs to punish, and how much to punish them, in the abstract. Yet it says nothing about how the law’s enforcers (police and prosecutors) should make the tradeoffs necessary to “do” criminal justice in the real world, where various constraints prevent imposition of the full, deserved punishment on every offender.

This article explores and evaluates the options for a real-world legal theory of retributive justice. It concludes that perhaps the only way to make retribution real would be to adopt the approach of “consequentialist retributivism,” which sees desert-based punishment as a goal to maximize, rather than (as other approaches demand) a categorically binding moral duty or commitment.



Edward Cheng

“My work attempts to combine science and law, the two things I love,” says Professor Edward Cheng. In bringing a scientist’s mind to the study of law, Cheng is developing an expertise in a new area where evidence, torts and criminal law intersect. With a background that includes degrees in electrical engineering and information systems as well as a J.D. from Harvard Law School, he is bridging the often troubling gap between law and science that judges, juries, experts and lawyers increasingly face.

After shying away from the lab work aspect of his science studies, Cheng found himself attracted to the broader applications of the law. “Law allows you to constantly look for links,” he relates. “Going to law school made me see scientific concepts differently.” His scholarship focuses on how scientific evidence is used in the courtroom. As a scientist, he is comfortable

“I try to target my empirical work toward issues that judges care about.”

with the trend in legal scholarship toward empirical studies, but he always makes the numbers relevant. “I try to target my empirical work toward issues that judges care about,” he explains. “A number of my pieces address how judges think and behave.”

SCHOLARSHIP FOCUS

Science and Law

COURSES

Criminal Law, Evidence, Torts, Seminars: Scientific Evidence, Statistical Inference and the Law

MOST RECENT PUBLICATIONS

> *MODERN SCIENTIFIC EVIDENCE: THE LAW AND SCIENCE OF EXPERT TESTIMONY* (Thomson West 2007-08 ed.) (with David Faigman et al.)

> *Independent Judicial Research in the Daubert Age*, 56 *DUKE L.J.* 1263 (2007)

> *The Perils of Evidentiary Manipulation*, 93 *VA. L. REV. IN BRIEF* 191 (2007) (response)

His most recent work (see abstract) challenges the myth that federal judges are, and should be, generalists who can adeptly deal with a variety of matters. “Conventional thinking is opposed to specialized courts. The argument is that they will result in disjunctions among areas of the law, or that specialized judges will develop the law in arcane, esoteric ways that attorneys, not to mention their clients, won’t be able to understand,” he says. Cheng challenges that notion by showing that first, federal judges are specializing; it happens when the appellate courts decide which judge will write an opinion, for instance. He then argues that this type of specialization is actually a desirable outcome.

In another work in progress, Cheng is addressing a controversy that the legal profession is just now beginning to acknowledge — the tension between clinical and statistical decision-making. “We generally don’t like statistical decisions in law,” he says. “We don’t want to put people in jail

based on probabilities.” However, the clinical-based approach, in which people make judgments using their experience and intuition, can result in higher error rates because of bias, inconsistency, and the way people imperfectly process information. “Whether we like it or not, the field of law is being dragged into this debate because of the increasing prevalence of statistical evidence,” Cheng says. “Judges deal with this all the time. We can’t ignore it.”

In his draft article, he identifies different areas of the law where the tension between clinical and statistical approaches arises. For example, can a plaintiff allegedly harmed by a chemical rely solely on his doctors’ clinical judgments, or must he provide epidemiological studies? In a discrimination case, should a claimant be allowed to rest her claim purely on statistical evidence, or should the law require evidence that discrimination tainted her particular case? “Rarely if ever,” writes Cheng, “has the legal community recognized that all

of these seemingly disparate issues fundamentally raise the same question.” He hopes this new article will help judges and practitioners to recognize the problem and encourage the development of greater coherency between the approaches.

Cheng regularly brings these issues into his seminars, where students learn to think critically about statistics and other forms of evidence. An evidence colloquium he taught last year featured a variety of outside speakers whose ideas and working

papers were challenged by students in bi-weekly colloquia. “Our students are not easily cowed,” reports Cheng. “They really seemed to relish the opportunity to engage the speakers.”

EDWARD CHENG | ABSTRACT

The Myth of the Generalist Judge: An Empirical Study of Opinion Specialization in the Federal Courts of Appeals

Despite the frequent rhetoric celebrating the generalist judge, do judges really believe in the generalist ideal? This article empirically tests this question by examining opinion assignments in the federal courts of appeals from 1995–2005. It reveals that

opinion specialization is a regular part of circuit court practice, and that a significant number of judges indeed specialize in specific subject areas. The article then assesses the desirability of opinion specialization. Far from being a mere loophole, opinion specialization turns out to be an important development in judicial practice that promises to increase judicial expertise without incurring many of the costs commonly associated with specialized courts.



Steven Dean

To Professor Steven Dean, tax law, with its infamous intricacies and seeming impenetrability, is personal. Dividing his scholarly attentions between the two related areas of federal income tax issues for business entities and policy issues surrounding tax havens, he believes that tax law policy should matter as much to individual citizens as it does to the governments that create it.

“I grew up in a tax haven, the Bahamas, and I became interested in the problems that such countries — and their citizens — face,” explains Dean. His most recent publication, in the *Hastings Law Journal*

SCHOLARSHIP FOCUS

Tax Havens, Tax Policy, and International Tax Cooperation

COURSES

Tax: Corporations and Shareholders/International Transactions, Federal Income Taxation

MOST RECENT PUBLICATIONS

- > *The Incomplete Global Market for Tax Information*, 49 B.C. L. REV. __ (forthcoming)
- > *Tax Shelters and the Code: Navigating Between Text and Intent*, 26 VA. TAX REV. 879 (2007) (with Lawrence Solan)
- > *Philosopher Kings and International Tax: A New Approach to Tax Havens, Tax Flight, and International Tax Cooperation*, 58 HASTINGS L.J. 911 (2007)

STAKING OUT NEW GROUND

(see abstract), challenges the “philosopher king” model of international tax law, which assumes that the net welfare of a country is the main motivator for its government’s development of tax laws. Borrowing from the fields of tort law and international law, Dean argues that a better answer to the problem of tax flight is for countries to agree to treaties that address the complex reasons that tax havens allow the problem to continue.

Dean takes a realist’s view of creating and enforcing such treaties: “The question,” he says, “is what is causing governments to act in the ways they do? An integrated theory reveals that there are other incentives, aside from increasing gross domestic product, for a country to abide by a treaty.” Call it the psychology of tax policy. This scholar is exploring scholarship from other disciplines in order to remedy the problems he has uncovered.

While the “Philosopher Kings” article focuses on tax havens specifically, his next area of research envisions havens as a niche problem in the larger issue of

“Tax law is about the real world. It’s about people. The system in the United States works pretty well, but we can’t just assume that what worked 80 years ago works as well today.”

how to gather and disseminate tax information globally. Taking a wider, historical approach, Dean argues that the “barter system” currently in use is outdated. That method, adopted by the League of Nations 80 years ago, requires nations to agree on the identical information they will provide

each other regarding the activities of taxpayers. “There are ways to improve access to extraterritorial tax information,” he maintains, “which will allow countries to better adapt as the financial world continues to globalize.”

Dean, who graduated from Yale Law School and came to academia from private practice at Debevoise & Plimpton and Cravath, Swaine & Moore, found that the deals he worked on as a tax lawyer gave him a realistic perspective on how to analyze tax systems. “Tax law is about the real world. It’s about people,” he says. “I think the system in the United States works pretty well, but we can’t just assume that what worked 80 years ago works as well today.”

“I am doing what I can to help resolve those problems, advance debates, and reformulate questions,” concludes Dean. “I have an obligation to speak up, because it’s really about individuals. All this policy comes down to how people are affected, the same way other more obvious areas of the law — constitutional and criminal law, for instance — influence our lives.”

STEVEN DEAN | ABSTRACT

Philosopher Kings and International Tax: A New Approach to Tax Havens, Tax Flight, and International Tax Cooperation

Tax flight treaties could help to solve the \$50 billion-a-year problem that tax flight (the evasion of income taxes through the use of offshore tax havens) poses for the United States. Tax flight treaties would offer tax havens a substantial portion of the increased tax revenues that they could generate by providing the United States with the enforcement assistance it needs. Those payments, potentially representing as much as half of the added tax revenue produced by tax flight treaties (and in all probability an amount that is greater than any GDP gains attributable to eliminating waste and other economic distortions

related to tax flight), would give tax havens both the resources and the incentive they need to develop the administrative capacity necessary to supply the United States with income tax information. It is likely that those treaties would reduce the United States’ collective well-being (particularly if measured in simple GDP terms) by transferring wealth from U.S. tax cheats to the governments of tax havens.

A simplistic philosopher king model of international tax law, the strong form of which assumes that governments engage in cross-border tax cooperation to boost their respective GDPs, would suggest that tax flight treaties could never be effective. However, the more sophisticated model developed by the international law scholar Oona Hathaway, her integrated theory, supports a more optimistic conclusion regarding the potential of tax flight treaties.



Claire Kelly

Professor Claire Kelly's scholarship has deep roots in her experience confronting complex issues as a lawyer. Following her graduation from Brooklyn Law School, she went to work for Coudert Brothers, the first U.S. firm to open international offices. "I trace my interest in international law to my time at Coudert," she explains. There, she worked with the customs practice group in New York. Her first scholarly article grew from the need she saw for an academic analysis of the international trade issues she was researching and advising clients about.

Kelly's current scholarship focuses on international organizations and reform and harmonization of international legal rules. In 2006, she published an article on the World Trade Organization's influence as an international rule-making body. In "Power, Linkage and Accommodation," she addresses two different aspects of the WTO's interaction with other international organizations: pressure on the WTO to account for, or "link" the values of other organizations; and other organizations' accommodation of the WTO's continued primacy and power. "While initially such linkage and accommodation has some appeal, it may also mask important normative differences among regimes," she writes. "Modeling linkage and accommodation mechanisms can shed light on the structural and normative influences of powerful regimes."

Kelly has written an article more recently that explores the concept of "derivative legitimacy" of international law-making alliances (see abstract). The article addresses the process of how

international norms are created: "First there is the issue of how international rules emerge," she says. "Then it's important to look at how those rules and laws are harmonized among nations. Equally important is to ask what can lead to more legitimate rules and, consequently, more compliance with them."

Grounded in the application of theory to life, her next project will look empirically at how general counsels conduct international transactions. "We need to know what the people on the ground are doing, what they think they're doing, and what they want out of commercial law," she says. Her research will specifically focus on the choices practitioners make with regard to governing law, which she hopes will lead to a better understanding of how harmonization should operate.

Kelly has also taught legal writing at the Law School and remains committed

to helping her international law students publish their work. "Scholarly writing gives students an experience that will be valuable to them once they are practitioners," explains Kelly, who recently published an article about an innovative scholarly writing course she designed and taught at Brooklyn Law School.

Kelly is faculty advisor for the *Brooklyn Journal of International Law*, and she is an associate director of the Dennis J. Block Center for the Study of International Business Law. In November, she helped organize a symposium, "Corporate Liability for Grave Breaches of International Law," which was co-sponsored by the *Journal* and the Center. "I'm very fortunate that I like all the different parts of my job," she says. "I love being in the classroom and working with students and colleagues, but I also love spending the whole day writing."

SCHOLARSHIP FOCUS

International Business Law, International Organizations

COURSES

International Business Transactions, International Trade Law, Administrative Law/ Writing Practicum, New York Civil Practice

MOST RECENT PUBLICATIONS

> *An Evolutionary Endeavor: Teaching Scholarly Writing to Law Students*, 12 LEGAL WRITING INSTITUTE __ (forthcoming 2007)

> *The Dangers of Daubert Creep in the Regulatory Realm*, 14 J.L. & POL'Y 165 (2006), reprinted in 26 J. NAT'L ASS'N ADMIN. L. JUDGES 469 (2007)

> *Power, Linkage and Accommodation: The WTO as an International Actor and Its Influence on Other Actors and Regimes*, 24 BERKELEY J. INT'L L. 79 (2006)

STAKING OUT NEW GROUND

CLAIRE KELLY | ABSTRACT

Legitimacy and Law-Making Alliances

Law-making institutions seek legitimacy to secure compliance with the norms that they generate. In the international setting this quest is made more difficult by the lack of both an identifiable public that international organizations represent and competing normative prescriptions for international law-making. In light of these obstacles, various legitimacy theories attempt to evaluate the law-generating efforts of international organizations. These theories consider whether the organizations are representative, inclusive, or effective. Law-making organizations that satisfy the legitimacy criteria articulated in these theories can claim legitimacy and expect greater compliance as a result.

Although these theories are helpful, a powerful new phenomenon forces us to reassess international law-making legitimacy and how we evaluate it. International organizations now form law-making alliances with each other in order to tackle

complex problems. These alliances claim and sometimes are credited with legitimacy derived from the very relationship between the organizations. Any framework that assesses the legitimacy of these alliances needs to approach “derivative legitimacy” by examining that relationship. A framework must also address the particular concerns raised by these alliances, including marginalization, entrenchment, false legitimacy claims, and abuse.

This article suggests that derivative legitimacy should be evaluated by examining whether the international law-making alliances employ good procedures. Although process is not a perfect assessment tool, it is best suited to ensure that the relationship between law-making alliances fosters inclusion and effectiveness. Good procedures also ward against the negative consequences these alliances generate. Although the necessary procedures will depend upon the particular organizations involved and their goals, the available procedures include: participatory mechanisms (such as notice and comment procedures), transparency procedures, rules against corruption, and rules requiring explanation.



Jason Mazzone

Professor Jason Mazzone is navigating uncharted territory in constitutional scholarship, and his efforts are making waves that are lapping at the shores of the U.S. Supreme Court itself. With a focus on the history of the early American republic, his extensive publications address a range of constitutional issues that resonate today. “I look at how the provisions of the Constitution were put in place and how they played out in the first decades of our history as a nation in order to generate lessons about how to implement them today,” he says. He views the

SCHOLARSHIP FOCUS

Constitutional Law and History

COURSES

Constitutional Law, American Legal History, Criminal Procedure

MOST RECENT PUBLICATIONS

- > *COPYFRAUD AND OTHER ABUSES OF INTELLECTUAL PROPERTY* (Stanford University Press) (forthcoming 2009)
- > *The Commandeerer in Chief*, 83 NOTRE DAME L. REV. __ (2007)
- > *The Bill of Rights in the Early State Courts*, 92 MINN. L. REV. 1 (2007)
- > *Copyfraud*, 81 N.Y.U. L. REV. 1026 (2006)

early republic as “a foreign nation” worthy of study in what could be called a comparative historical approach.

Mazzone’s attraction to history is evidenced by a string of advanced degrees, several of which he earned in the pursuit of historical scholarship — a doctorate and an LL.M. from Yale Law School, a J.D. from Harvard Law School, and a master’s in sociology from Stanford University. His dissertation examined how, in the years following ratification of the U.S. Constitution, ordinary Americans came to understand themselves as governed by and as participants in a system of national constitutional government. He is currently expanding his dissertation into a book by comparatively examining how other countries create the cultural conditions for constitutional rule.

Mazzone also has a longstanding interest in intellectual property and in the law’s response to technological changes that increase public access to but also private control over cultural resources. His book on this topic, *Copyfraud and Other Abuses of Intellectual Property*, will be published by Stanford University Press in 2009.

In his published writings, Mazzone has addressed constitutional topics ranging from federalism to free speech. His latest article, published in the *Minnesota Law Review* (see abstract), shows that state courts were actually applying the Bill of Rights’ protections against state government long before passage of the 14th

Amendment and its eventual “incorporation” of the Bill of Rights as applicable to the states. In resurrecting the important role state courts played in enforcing federal constitutional rights against the states prior to the Civil War, his article challenges conventional accounts of constitutional

“Long before the celebrated rulings of the federal courts, the state courts developed a sophisticated body of law based on the federal Constitution.”

history. “Long before the celebrated rulings of the federal courts, the state courts developed a sophisticated body of law based on the federal Constitution,” he says. “Taking a cue from the statutory limits in the 1789 Judiciary Act, the state courts understood that the U.S. Supreme Court only had the power to review constitutional claims that were denied by a state court. Federal review formed the floor that states were free to raise their protections above.”

In a new article, Mazzone uses historical evidence to consider some modern reforms. “Would there be benefits to restoring the old practice of the Supreme Court reviewing only cases in which the states have failed to protect a constitutional right?” he asks. “There are good arguments on either side. But as the Court emphasizes the values of federalism in other areas, it would do well to consider the advantages of the earlier tradition in which only some kinds of state court rulings on federal constitutional issues were subject to correction.” At least one Justice is interested. In his dissent in *Kansas v. Marsh*, a 2006 case dealing with capital sentencing, Justice John Paul Stevens urged the Court to return to its “older and better practice of restraint,” and criticized the majority for stepping in where a state supreme court had merely imposed more generous constitutional protections.

The full Court has an opportunity to consider Mazzone’s argument this term, with two cases, *Danforth v. Minnesota* and *Virginia v. Moore*, presenting issues of whether state courts can apply constitutional protections more vigorously than the Supreme Court. Mazzone’s particular blend of historical and constitutional scholarship could very likely find its way into the next generation of Supreme Court jurisprudence concerning federalism.

JASON MAZZONE | ABSTRACT

The Bill of Rights in the Early State Courts

The Bill of Rights originated as a constraint only on the federal government. As every law student learns, therefore, in the 1833 case of *Barron v. Baltimore*, the Supreme Court dismissed a Fifth Amendment takings claim against a state. This article shows, however, that early state courts regularly invoked and applied the provisions of the Bill of Rights in reviewing state law and state executive action. *Barron* meant only that the federal courts would not apply the provisions of the Bill of Rights to the states. State courts could decide independently to apply those provisions

against their own state governments. The jurisdictional limits of the 1789 Judiciary Act shielded those state court decisions from Supreme Court review. Largely forgotten today, state court applications of the federal Bill of Rights against state government represented a vibrant body of constitutional law in the early Republic. Restoring this history challenges the conventional account that states were mostly unconstrained until ratification of the Reconstruction-era amendments, and that only in the mid-20th century did courts begin to protect adequately the rights of individuals. Instead, early constitutional law was multifaceted, sophisticated, and innovative, with a diverse set of jurists invoking and applying an array of constitutional rules to keep government at all levels in check.



David Reiss

Reiss

A lifelong New Yorker and graduate of NYU School of Law, Professor David Reiss' scholarly interests grew out of two areas of law — community development and real estate finance — that impact daily life for millions of people. As the director of the Community Development Clinic at Brooklyn Law School, he helps students take an active role in the local issues that are defining the New York City landscape. And in the debates over what went wrong in the secondary mortgage market in the summer of 2007, he is emerging as a powerful new voice that is critical of ratings agencies and major government-backed lending institutions.

In private practice as a transactional real estate attorney, and as a public interest litigator of predatory lending cases, Reiss noticed the inordinate amount of power that ratings agencies such as Standard & Poor's and Moody's hold over real estate mortgage markets. In addition, he had a personal interest in the issue. "When I applied for a mortgage, I couldn't get terms that weren't standard," he says. "I was told that was impossible since my mortgage would be securitized." Referring to that incident as his wake-up call, he started researching the issues from a consumer law standpoint.

In 2006, Reiss published an article about predatory lending that raised a red flag that many regulators would have been smart to heed. In it, he argues that the ratings agencies that are supposed to be neutral observers of the market are actually beset by major conflicts of interest. Named the best article of the year by the American College of Consumer Financial Services

Lawyers, the piece attracted attention, and Reiss is now called on regularly by the media to comment on the latest developments in the subprime market.

His next article, which will be published in the *Georgia Law Review*, (see abstract) takes a critical look at the companies that helped to create the infrastructure of the secondary mortgage market — Fannie Mae and Freddie Mac. Reiss argues that these two companies benefit from an implied guarantee of their obligations, which has allowed them to grow into two of the largest financial services companies in the country. A future project has already developed from that piece: "This first article assesses the risk to taxpayers that these entities pose," he says. "The sequel will set up a theoretical framework that will allow us to evaluate the costs and benefits of the implied guarantee under which Fannie and Freddie operate." That will require taking a cross-disciplinary approach by drawing on policy, finance and business scholarship, particularly empirical scholarship about the mortgage market.

As for his interest in local community planning, Reiss focuses on rapidly changing communities. From development of the Red Hook waterfront to the Atlantic Yards project in downtown Brooklyn, he and his students in the Community Development Clinic represent clients who are small voices in big projects in the city. "It's useful for students to see lawyers work in community situations," he says.

At first glance, his interest in community development and his study of the secondary mortgage market seem somewhat unrelated. Community development focuses on how people interact with the land, whereas the workings of the secondary mortgage market are rooted in global financial trends. But, says Reiss, he sees his interests as connected. "I'm keen on both because of their relation to real estate," he explains, "I like to have my experience range from the intensely local to the intensely global. I would feel cheated without one or the other."

SCHOLARSHIP FOCUS

Secondary Mortgage Market

COURSES

Property, Property Law Colloquium, Real Estate Practice, Community Development Clinic

MOST RECENT PUBLICATIONS

> *The Federal Government's Implied Guarantee of Fannie Mae and Freddie Mac's Obligations: Uncle Sam Will Pick Up the Tab*, __ GA. L. REV. __ (forthcoming 2008)

> *Subprime Standardization: How Rating Agencies Allow Predatory Lending to Flourish in the Secondary Mortgage Market*, 33 FLA. ST. U. L. REV. __ (2006)

DAVID REISS | ABSTRACT

The Federal Government's Implied Guarantee of Fannie Mae and Freddie Mac's Obligations: Uncle Sam Will Pick Up the Tab

This article provides the most comprehensive statutory analysis to date of the federal government's implied guarantee of Fannie Mae and Freddie Mac's financial obligations. Fannie and Freddie together have \$4.45 trillion in mortgage-related obligations. The magnitude of their obligations can only be understood in comparison to the amount of outstanding U.S. government debt — \$5.04 trillion. Given the ongoing meltdown of the residential mortgage market, it is important that the implied guarantee be understood for what it is, a contingent liability of the federal government. After explaining the nature of the implied guarantee

and the risks that it poses, the article argues that Fannie and Freddie should be privatized and that the implied guarantee be terminated.

This article is timely both because of the spreading crisis in the mortgage markets and because Congress is currently considering legislation to increase regulation of Fannie and Freddie. Even if enacted, this legislation does not go nearly far enough to protect the American taxpayer from the consequences of having to bail out these two companies. And if the federal government were to fail to bail them out, the world's financial markets will face a financial crisis that could easily dwarf the 1994 Mexican peso collapse, the 1997 East Asian "flu" and the 1998 Russian bond default, the last of which triggered the collapse of Long-Term Capital Management.



Christopher Serkin

While most scholars are out to develop a "grand theory" for the Fifth Amendment's Takings Clause, Professor Christopher Serkin wants to apply a more fine-toothed comb and untangle the jurisprudence thickening around it. A simple proscription that comes at the end of the Fifth Amendment's list of "thou shalt not's" directed at the government, the Takings Clause provides, "nor shall private property be taken for public use, without just compensation." Serkin claims it should operate differently in different contexts. "For one, it should depend on the nature of the government doing the regulating," he says.

Serkin's interest in property law grew from his own roots in a state known for its

progressive politics — Vermont, where an exception in the form of a strong libertarian bent emerges when it comes to private property. "Plus, I loved my property class in law school," he adds. Serkin earned his J.D.

from the University of Michigan Law School and knew early on that he wanted to write. After clerking for a federal district judge in Vermont and a Second Circuit judge and practicing at Davis Polk for several

SCHOLARSHIP FOCUS

Private Property and the Takings Clause

COURSES

Property, Trusts and Estates, Land Use Controls, Property Law Colloquium

MOST RECENT PUBLICATIONS

> *Local Property Law: Adjusting the Scale of Property Protection*,
107 COLUM. L. REV. 883 (2007)

> *Big Differences for Small Governments: Local Governments and the Takings Clause*,
82 N.Y.U. L. REV. 1642 (2006)

STAKING OUT NEW GROUND

years, he began teaching in the Lawyering Program at New York University School of Law, which led to a full-time position at Brooklyn Law School two years later.

Serkin's article in the *New York University Law Review*, in which he argues that the Takings Clause should apply differently to local governments than it does to state and federal governments, is drawing the attention of other scholars. "The party line is that the government must be forced to pay for takings. Many people argue that uncompensated harms are a negative externality, and can lead to over-regulation," he explains. "But my claim is that for small local governments, the opposite is true: Because they are risk-averse, the threat of takings liability is likely to cause under-regulation." As a result, he argues, local governments' actions should be judged differently.

As a follow-up to that argument, Serkin published an article in the *Columbia Law Review* (see abstract) that addresses the problem of how to apply that principle. "Courts shouldn't be doing this," he says. "Local governments themselves should be the ones deciding what sorts of penalties they will provide if zoning ordinances are changed to the detriment of property owners." He wrote this article in response to states' reactions to *Kelo v. City of New London*, a controversial 2005 U.S.

Supreme Court case that allowed a municipality to condemn formally unblighted property and transfer it to a private entity for the purpose of economic redevelopment. "*Kelo* spawned a raft of state legislation that prohibits condemnations for economic redevelopment," Serkin points out. "My argument is that the state is the wrong scale of government to be making

"We should aim for a level of protection that will maximize investment while minimizing the cost of the regulatory action."

these decisions. States' response will have significant redistributive consequences, impacting a city like New York much more than a suburb where land assembly is easier."

His theories are based on a philosophical inquiry about the nature of the Takings Clause. "The purpose of offering property protection is to induce investment,"

Serkin says. "We should aim for a level of protection that will maximize investment while minimizing the cost of the regulatory action." That means the Takings Clause's property protections can be used as a tool to attract investment if they are used properly. It's the same motivation built into many bilateral investment treaties that are designed to induce foreign investment. "Small countries promise powerful ones that they will not nationalize the resources that companies want to invest in," he says. "I think we should do the same with local governments and the owners of real estate."

Serkin's next article will address the nature of the property being regulated. Courts typically do not distinguish — on the surface, anyway — between regulations that affect existing uses of property and those that affect future use. But they seem to want to, he says. "There's something special about existing uses." His goal: dig further into the assumptions that he says result in stronger protections for existing uses, so that courts can be clearer about what they are protecting and why. This could change the way courts apply the test for unconstitutional takings. At present, they do not expressly say that current uses are more valuable. "I'm working on exactly what is different about them," Serkin says. □

CHRISTOPHER SERKIN | ABSTRACT

Local Property Law: Adjusting the Scale of Property Protection

This article proposes that issues surrounding the protection of private property should be resolved at the local level, and that local governments should be allowed to select the property protection that they want to offer. Specifically, this article proposes state legislation to create a mechanism for local precommitments around the most contested takings and land

use issues. The resulting local variation in property regimes would allow consumers — homeowners, developers, and any other property owners — to select the property protection they want by choosing where to live and invest. Implicit in this proposal is the idea that property protection can be viewed as a tool for attracting investment. Given the opportunity, local governments should offer property protection when the costs of that protection — in the form of increased compensation and decreased flexibility — are less than the benefits from increased investment.

ENGAGING WITH EXCELLENCE

New Faculty Members Bring Range of Expertise to BLS

At the heart of any great law school are stellar teachers and scholars who readily share their ideas and experiences with students. In the fall, Brooklyn Law School welcomed eight new additions to its extraordinarily talented faculty. Ranging from established authorities to promising young scholars, they bring to the classroom a depth of experience in the areas of torts, family law, securities law, constitutional law, legal writing, and professional development.

Senior Faculty Members Focus on Torts

Aron Twerski, the Irwin and Jill Cohen Professor of Law, is a preeminent authority in the areas of products liability and tort law, with many awards, honors and casebooks to his name, but he is “first and foremost a teacher,” he says. “Almost all of my scholarship has come out of my teaching. I can’t teach it if I don’t understand it.” He delights in hosting brown-bag lunches in his office for his students, who he says make up “the strongest class I’ve ever taught here.” Twerski, who began teaching at Brooklyn Law School in 1986, returned to the School in the fall semester after serving as dean of Hofstra University School of Law.

A staunch advocate of the idea that academics should learn to produce scholarship that helps lawyers and judges better understand the law, Twerski welcomes new trends in the law such as interdisciplinary scholarship and empirical research. But he warned in a recent editorial in *The National Law Journal* that “the idea that the legal academy is a closed club that speaks only to each other and not to the bench and bar is decidedly not healthy.” He says his goal is to improve the law, make it clearer and more predictable, adding, “The abandonment of doctrinal scholarship is a mistake, because courts need the guidance of academia.”

Twerski has produced an impressive array of scholarship read widely by judges and practitioners alike. He is the author of leading textbooks and numerous law review articles, two of which were cited recently by the U.S. Court of Appeals for the Third Circuit and a federal judge in the Eastern District of New York. Twerski was the eighth most cited law professor in the area of torts and products liability in scholarly articles published from 2000 to 2007, according to the influential Leiter Report. Along with co-author Cornell University Law School Professor James Henderson, Jr., he recently submitted manuscripts for new editions of two widely used casebooks: *Cases and Materials on the Law of Torts* (Aspen 2nd ed.), forthcoming in February 2008; and *Products Liability: Problems and Process* (Aspen 6th ed.), forthcoming in March 2008.

Twerski was named the R. Ammi Cutter Reporter for his outstanding work as co-reporter for the American Law Institute’s 1998 *Restatement of the Law (Third) Torts: Products Liability*, which widely influenced the development of the law in this area. He is currently planning a symposium in honor of the 10th anniversary of the *Restatement*, to be held at Brooklyn Law School in November 2008. Looking forward to a lively debate among academics, judges and the trial bar, who often have very different opinions on the *Restatement*, Twerski’s eyes sparkle: “At the symposium, we’ll go at it,” he predicts.

ENGAGING WITH EXCELLENCE



Aaron Twerski

Twerski's preeminence in the field was tapped again last year, when he was appointed, along with Henderson, as special master of a major 9/11 case against New York City known as *In re World Trade Center Disaster Litigation*. They will oversee an extensive discovery process and the appointment of expert panels to review the medical aspects of this mass tort case, which will be heard in federal court in the Eastern District of New York.

The American Bar Association's Tort Trial & Insurance Practice Section in August 2007 honored Twerski with the prestigious Robert B. McKay Law Professor Award, in recognition of his commitment to the advancement of justice, scholarship and the legal profession in the fields of tort and insurance law. In his address to the ABA (see page 46) at the award presentation, Twerski said he felt "a sense of awe" because, as he explained, "The scholars who preceded me in this award shaped the discourse in tort law for the last half-century."

"Aaron Twerski was one reason I wanted to come here," says Anita Bernstein, the Anita and Stuart Subotnick Professor of Law. Like Twerski, she is a nationally recognized expert in tort law. Bernstein held tenure simultaneously on two law faculties — an endowed chair at Emory University School of Law in Atlanta and a named professorship at New York Law School — prior to joining Brooklyn Law School. With a focus on feminist jurisprudence, pro-

"I'm interested in private lives as the law changes and shapes them, and also in the converse — how private lives change the law." —Anita Bernstein

fessional responsibility, and products liability, she is a prolific author whose works include books such as *Marriage Proposals: Questioning a Legal Status* (ed., New York University Press 2006), and *Torts: Questions & Answers* (Lexis Publishing 2004) (with D. Leonard).

"Almost all of my scholarship has come out of my teaching. I can't teach it if I don't understand it."

—Aaron Twerski

Bernstein is a member of the American Law Institute, where she serves on the members consultative group for the *Restatement of Torts*. She is also a past chair of the Association of American Law Schools' Executive Committee on Torts and Compensation Systems. She was awarded the first Fulbright research award in European Union affairs given to a law professor to study the effects of products liability reform in the EU. A graduate of Yale Law School, she clerked for U.S. District Judge Jack Weinstein of the Eastern District of New York and practiced at Debevoise & Plimpton before entering academia.

Bernstein says her early interest in literature — specifically 19th century novels — likely gave rise to her attraction to studying "conflicts between people at the private level" rather than between people and governments. "I'm interested in private lives as the law changes and shapes them, and also in the converse — how private lives change the law," Bernstein explains. She also focuses on plaintiffs' claims against other private actors for physical and dignitary injuries, the agreements that come along with marriage, and ordinary citizens' complaints in general. Her recent publications and presentations cover topics such as how personal injury suits can increase the efficacy of pharmaceuticals, and the intersection of law-



Anita Bernstein

yers' professional responsibility with other fields, including torts and disability law. An article in the works will present a feminist analysis of asbestos litigation. "Men have been favored as plaintiffs in the asbestos cases in ways that plaintiffs in other tort cases have not," she says. "Courts seem more inclined to grant relief to these men for things like fear of cancer and medical monitoring. And asbestos plaintiffs do extra well on questions of procedure."

Bernstein plans to spend more time in the future focused on researching and writing about professional responsibility, taking particular interest in the overlap between legal ethics and tort litigation. She hopes to use her own materials for her professional responsibility course in the spring. “We’ll see if there’s a casebook growing in there,” she says.

Junior Faculty Members Work on the Cutting Edge

Brooklyn Law School also welcomed two new junior faculty members to its community in the fall — one who joined the Law School’s well-known group of securities regulation experts; and another whose cutting-edge work focuses on the field of law and religion.

Professor **James Park**, who teaches civil procedure and corporations, built a successful career in both private practice and public service, but he fulfilled a longtime dream when he came to academia. “Teaching was always in the back of my mind,” says Park, who earned his J.D. from Yale Law School and studied economics and philosophy as an undergraduate. “When you practice, you are focusing on one or two things right in front of you. But academic writing allows you to look more systematically at issues, which is a very valuable service.”

Park most recently served as an assistant attorney general in the Investment Protection Bureau of the New York State Attorney General’s Office under now Governor Eliot Spitzer, where he worked on important securities enforcement cases. His work there, along with his previous positions as a litigation associate at Wachtell, Lipton, Rosen & Katz and a law clerk for a federal district judge in the Southern District of New York and a Second Circuit judge, exposed him to “a variety of perspectives,” he says.

Park’s scholarship focuses on the issue of how to best communicate and enforce regulatory standards in the securities industry.



Nelson Tebbe

“I wanted to make an immediate contribution by exploring how corporate resources are governed and how the markets work,” he says. “In particular, I was interested in exploring how the law allows businesses to operate and prevents abuses at the same time.” In his latest article, “The Competing Paradigms of Securities Regulation,” forthcoming in the *Duke Law Journal*, Park tackles a difficult and timely issue that has not yet been squarely addressed: How should regulators handle questionable conduct that does not clearly violate specific rules of the securities industry but does tread on some



James Park

“I wanted to make an immediate contribution by exploring how corporate resources are governed and how the markets work.” —James Park

of its general principles? In response to criticism of recent high-profile enforcement actions, Park’s article argues that regulators should resolve the tension between two possible approaches — rulemaking after the fact or principles-based enforcement actions — by looking at a wide variety of factors and paying close attention to whether there is “compelling evidence of specific misconduct.” In response to yet another hot topic in the securities industry, Park’s next project will provide an innovative answer to the perennial problem of whether and how to classify a company’s financial misstatements as “material,” the standard by which misstatements are punishable.

In the classroom, Park is enjoying the challenge of teaching students how to think like lawyers. “Legal reasoning is very difficult to learn at first,” he says. “But once you know it, it’s like riding a bike.”

Professor **Nelson Tebbe**, who taught constitutional law and a seminar on religion and the law in the fall, says he loves teaching

ENGAGING WITH EXCELLENCE

here. “Both students and colleagues have been wonderful,” he says of his first semester at Brooklyn Law School.

With a special interest in the relationship between religious traditions and democratic forms of government, Tebbe, who also teaches professional responsibility, is carving out a fascinating niche in First Amendment scholarship. Focusing on the often dueling Establishment and Free Exercise Clauses, he has, for instance, identified a new issue courts are facing under the current U.S. Supreme Court’s reading of the clauses: whether the government may target religious entities for exclusion from federal and state support programs. In an article that will be published in 2008 in the *University of Pennsylvania Law Review*, he argues that lawmakers ought to have greater leeway to exclude religious entities from such programs than some other scholarship might suggest, though he would place certain constitutional limits on the practice.

Tebbe has also written extensively on South Africa’s young democracy and its struggle to respect indigenous African rules and religious traditions while protecting individual rights. A recent article in the *Georgetown Law Journal* addresses South Africa’s attempt to regulate witchcraft-related activity, and his next project focuses on how the courts there are challenging African customary rules of inheritance.

“I became interested in South Africa before the transition from apartheid,” Tebbe says. “And that interest has only grown more intense since. Because the idea of constitutional democracy has little in common with some traditions in the country, the clashes among principles can be stark.” Long interested in religious freedom, he earned a Ph.D. from the University of Chicago’s Divinity School after receiving his J.D. from Yale Law School. His dissertation addressed the regulation of African religion and culture by the new democracy.

Before joining the Brooklyn Law School faculty, Tebbe taught at St. John’s University School of Law and in the Lawyering Program at New York University School of Law. He is the recipient of many awards in recognition of his scholarship and teaching, including a Dean’s Teaching Award from St. John’s and a Fulbright Scholarship

to study in South Africa. He previously worked as a litigation associate at Davis Polk & Wardwell and as an attorney for the American Civil Liberties Union’s National Drug Policy Project. “I found my dream job teaching here,” he says.



Ines McGillion

New Instructors Teach Legal Writing and Professional Development

Brooklyn Law School’s highly-acclaimed Legal Writing Program celebrated its 25th anniversary last spring. The program continues to attract extremely talented instructors, three of whom joined the Law School in the Fall 2007 semester.

Professor **Cynthia Godsoe** brings prior teaching experience from Fordham University School of Law, where she taught legal writing as an adjunct. In addition to the individual graded assignments in her courses, she asks students to collaborate on numerous ungraded exercises in class, which she says provide the necessary practice it takes to improve. An online class discussion board also spurs class participation. “I want them to realize they can help each other, while also developing strong individual research and writing skills,” she notes. Prior to coming to Brooklyn Law School, Godsoe worked with several nonprofit legal organizations dedicated to children’s rights: She was an appellate attorney at the Children’s Law Center, Advocates for Children of New York, the Legal Aid Society’s Juvenile Rights Division in New York, and the Child Care Law Center in San Francisco. After graduating from Harvard Law School, she was a Skadden Public Interest Fellow, and she clerked for Judge Edward R. Korman in the Eastern District of New York, who is vice chair of Brooklyn Law School’s Board of Trustees and a member of the Class of 1966.

Godsoe has published several articles that focus on children’s advocacy issues, juvenile justice and education law. She also currently serves as secretary of the Juvenile Justice Committee of the



Cynthia Godsoe

New York City Bar, and she serves on the board of a local school for children with autism. With her experience in the public interest sector, she joined the faculty committee for the Edward V. Sparer Public Interest Law Fellowship Program at the Law School.

Professor **Ines McGillion** joined the faculty full-time after teaching legal writing at the Law School as an adjunct while working as a litigation associate at Fried, Frank, Harris, Shriver & Jacobson in New York. A graduate of Georgetown University Law

“An attorney can be a very powerful voice for her clients. Developing that voice through writing is an important responsibility.” —Ines McGillion

Center, McGillion relishes the close interaction that writing instructors have with their students. “That’s what this job is all about,” she says.

Her belief in the importance of writing grew from her experience as a practicing lawyer and as a law clerk for both a federal judge in the Southern District of New York and a court of appeals judge on the Second Circuit. “An attorney can be a very powerful voice for her clients,” she observes. “Developing that voice through writing is an important responsibility.” McGillion says her approach to teaching legal writing is “gentle” but also stresses the need for precision and accuracy. Her class is a place where students get to know each other. “I try to foster a collegial atmosphere in which students can help each other learn rather than compete,” she says.

Professor **Estella Schoen**, like her fellow new writing instructors, came to the Law School after private practice and a clerkship with a federal judge, both of which she says created a dedication to helping others with writing. Schoen, who graduated from the University of Minnesota Law School, clerked for a judge in the Southern District



of New York, then joined Patterson, Belknap, Webb & Tyler, where she practiced in the litigation department. She also worked at the Children’s Law Center in Brooklyn, where she honed her writing skills doing appellate work. But she harbored another professional plan: “Teaching was always in the back of my mind,” she says.

Schoen emphasizes practicality and the importance of feedback in her legal writing courses. “I try to convey that my assignments, which come from experience, ground my students in what they will be doing as lawyers,” she relates. “As early as this summer, when they work for firms, they will be asked to write legal memos.” Because busy partners will be their audience, she teaches the importance of clarity and logical organization, which make skimming and getting to the heart of the matter easier for the reader. Schoen plans to keep her own writing skills sharp by doing pro bono work. “Ultimately, successful legal writing is what prevails in court,” she says. “I like to keep myself in the game.”



Professor **Denise Riebe**, who teaches Advanced Professional Development, joined the Law School faculty after teaching at Duke University School of Law and the University of North Carolina School of Law. With a background in teaching legal analysis and writing, appellate practice, advanced legal analysis, and mediation courses, Riebe’s scholarship focuses on law school pedagogy, bar success, and professional development. “It is a pleasure working with our bright and talented students to help them grow into legal professionals,” she says of her first semester at BLS. “Educating law students is a high calling.”

Her previous experience includes clerking with U.S. District Court Judge Robert H. Hall of the Northern District of Georgia and practicing law in Virginia and North Carolina, where she represented clients in federal court, state court, arbitration, and mediation. She also served as the director of a national bar review company and is the founder and owner of Pass the Bar!, a bar exam coaching and consulting company. In those capacities, Riebe has spent 16 years teaching students the skills they need to succeed on bar exams and well into their careers. □



BLS Places Record Number of Clerks in Federal Circuit Courts

BROOKLYN LAW SCHOOL IS EXPERIENCING ITS MOST SUCCESSFUL CLERKSHIP SEASON YET.

Next fall, six future graduates and current alumni will be clerking with federal circuit judges, which places BLS 19th in the country, according to the latest Leiter Report ranking. Three will be working for judges on the U.S. Court of Appeals for the Second Circuit, two for the Eleventh Circuit, and one for the Third Circuit. While BLS has a strong history of placing students with federal judges, this is the largest number yet who will be working in the circuit courts of appeals.

To date, 13 other students have also received offers to clerk with federal district courts, bankruptcy courts, courts of international trade and magistrate judges. “Many judges outside of the New York area are now looking to hire BLS alumni, which reflects well on our students and on the school,” says Professor David Reiss, a member of the Judicial Clerkship Committee at the Law School.

Above, L to R: Blake Denton '08, Alida Lasker '07, Anna Burns '08, Erez Davy '05, and Shannon Haley '08 (not pictured: Timothy Sini '05)

Seeking the Prestigious Positions

Federal clerkships — especially with judges who sit on the 13 federal appeals courts — are highly prized by students. Clerks are exposed to the inner workings of the judicial process, as well as strategies and procedures that they will use throughout the rest of their careers as lawyers. As a result, top law firms and corporations, hungry for new lawyers who have experience in judges' chambers, eagerly recruit them. The skills they develop can also help to prepare them for a range of public service work such as positions at prestigious public defenders' and prosecutors' offices, as well as teaching law.

Brooklyn Law School's Judicial Clerkship Committee plays a very active role in assisting students and recent graduates who decide to seek a clerkship. Comprised of junior and senior faculty members as well as the director of the Career Center, the committee helps with the seemingly daunting process of gathering information about potential clerkships and submitting applications to judges throughout the country. More than a year before the clerkships even start, faculty committee members, all of whom are former clerks for federal judges, work one-on-one with students and alumni to help them present the strongest possible applications. In addition, the Committee links current students with Brooklyn Law School's strong and growing network of alumni who clerked with federal judges and are eager to offer mentoring advice during the application process. Career Center staff members work with faculty members to generate letters of recommendation and packages and deliver applications to the judges' chambers.

"I'm grateful beyond measure to the members of the faculty and administration who encouraged me to apply and supported my applications. Without them, this opportunity would not have been possible," says **Shannon Haley '08**, a third-year BLS student who will be clerking for a judge on the U.S. Court of Appeals for the Second Circuit.

More BLS Students Applying

Increasing numbers of Brooklyn Law School students are applying for the coveted circuit clerkships. "The buzz has increased over the years," says Judicial Clerkship Committee Chair Professor Jason Mazzone. "We've educated the students about the tremendous benefits of clerking, and they are realizing — in record numbers — that it really is the best way to get trained when you are coming out of law school." Mazzone, who clerked for both a Second Circuit judge and a district judge in the Southern District of New York, joined the Clerkship Committee when he came to BLS in 2003, and he has chaired the committee for the past two years.

"Through my work on the committee with students, I've been able to see the strengths they bring from earlier jobs," adds Reiss. "Our student body is so interesting, and that really comes through when you work closely with them." The other members of the Clerkship Committee include Associate Dean for Student Affairs Beryl R. Jones-Woodin, Career Center Director Joan King, and Professors Maryellen Fullerton, Nelson Tebbe, and Cynthia Godsoe.

Standouts in Class and Career

The newest group of federal circuit court clerks from Brooklyn Law School are stand-outs in their class and in their careers. They were all active participants in the community at the Law School, and each one is looking forward to the unique opportunities his or her clerkship will create.

Shannon Haley says she is anticipating "an unparalleled learning experience" with Judge Ralph K. Winter in the Second Circuit. "Clerking is something akin to an advanced degree in law that will build on the exceptional education I have received at Brooklyn Law School," she observes. "It is where the rubber hits the road as far as the law is concerned, providing direct exposure to contemporary legal problems and first-rate legal analysis."

As editor-in-chief of the *Brooklyn Journal of International Law*, Haley published a note in the journal in 2007. At the top of her class, she is a Carswell Scholar who has held a wide variety of jobs while at Brooklyn Law School, including a summer associate position at Allen & Overy in New York; a research assistant job with Professor Joel Gora; and internships for both the Center for Appellate Litigation and the New York City Administration for Children's Services.

Blake Denton '08 will clerk for Judge Phyllis A. Kravitch of the Eleventh Circuit before joining Latham & Watkins, where he has already accepted a position as an associate. "Starting my career with a clerkship will better prepare me for the work of a young associate," he says. "It will also give me a chance to observe the law in action."

Denton, who was a summer associate in Latham & Watkins' New York office, currently serves as an articles editor for the *Brooklyn Law Review*. He published an article in the *UCLA Journal of Environmental Law and Policy* in 2007. Blake has made the Dean's List each year and is a member of the Moot Court Honor Society. He has interned for the U.S. Attorney's Office and for U.S. Magistrate Judge Cheryl L. Pollak in the Eastern District of New York.

Echoing the hopes of her classmates, **Anna Burns '08** says she is looking forward to participating in the judicial process, reviewing cases and making recommendations to Judge Stanley Marcus of the Eleventh Circuit. "In a way, I will be continuing my academic experience," she says. "While the challenges will be great, I am confident that the skills I've developed during my time at BLS will serve me well."

RECORD NUMBER OF CIRCUIT CLERKSHIPS

Burns is executive notes and comments editor for the Law School's *Journal of Law and Policy*, where she published a note in 2007. She took first place in the national moot court competition in bankruptcy last spring and is a Dean's Recognition Merit Scholar as well. She has worked as a summer associate at Willkie Farr & Gallagher and interned for U.S. District Court Judge David Trager in the Eastern District of New York and for the U.S. Attorney's Office in the Southern District of New York.

Timothy Sini '05, who will clerk for Judge Chester J. Straub on the Second Circuit, recently concluded a clerkship with Judge William Conner of the Southern District of New York. At Brooklyn

"This year an exceptional group of students and alumni have secured clerkships. They have become much more competitive for these positions."

—Professor Jason Mazzone

Law School, Sini graduated *magna cum laude*, won the William Payson Richardson Memorial Prize, which the faculty gives each year to one outstanding student, and was an executive articles editor on the *Brooklyn Law Review*.

"Clerking is the ideal job for a new attorney," says Sini. "It allows you to study litigation and its process from a judicial vantage point — a perspective that is invaluable in improving your practice for years to come." Prior to his first clerkship, Sini was a litigation associate with Weil, Gotshal & Manges LLP for a year after graduation. He is now with the firm of Orans, Elsen & Lupert LLP, where he practices commercial, surrogate and securities litigation, in addition to white-collar criminal defense. "I've been in private practice for only a very short period of time," he says, "and I see already that the choices that I make in litigation are considerably shaped by my experiences as a law clerk."

Alida Lasker '07 has secured a clerkship with Judge Dolores Sloviter of the Third Circuit. Winner of a Cornelius T. Wickersham, Jr. Prize for the highest grade in constitutional law and a *magna cum laude* graduate, Lasker served as an executive notes & comments editor on the *Brooklyn Journal of International Law*. In law

school, she also conducted research and drafted text for Professor Maryellen Fullerton's 2007 casebook on forced migration, and interned with Judge Alvin K. Hellerstein of the Southern District of New York. She currently is an associate at Cleary Gottlieb Steen & Hamilton in New York and plans to return to the firm after her clerkship.

Lasker is especially excited about her position with a judge on the Third Circuit because the court's docket is filled with asylum cases. "I developed a real passion for immigration law at Brooklyn Law School, and I hope to focus on asylum and refugee law in my practice in the future," she explains.

Erez Davy '05 will be clerking for Judge Reena Raggi of the Second Circuit. He graduated *summa cum laude* and joined Sullivan & Cromwell LLP's New York office, where he also worked as an intern during law school and as a summer associate. While at BLS, he also interned for Judge Chester J. Straub of the Second Circuit, worked as a research assistant for Professor Aaron Twerski, served



as an executive articles editor for the *Brooklyn Law Review*, and won numerous CALI awards, which are given to the students with the highest marks in each course. Davy was also a member of the Moot Court Honor Society and a finalist in the Irving R. Kaufman Memorial Securities Law competition.

"This year an exceptional group of students and alumni have secured clerkships," says Mazzone. "They have become much more competitive for these positions." A typical federal circuit court receives more than 1,000 applications each year. Judges often form close bonds with their clerks as their mentors, forging relationships that remain important for the rest of the clerks' careers. Denton says he looks forward to forging that bond with Judge Kravitch: "She has a very close relationship with all of her clerks and I hope that she can help train and guide me, not only through the clerkship itself, but beyond that, into my career." □

Federal Clerkship Recipients 2007

NAME	GRAD. YEAR	JUDGE & COURT	CLERKSHIP YEARS
Swati Bose	2007	Judge Kathryn Ferguson UNITED STATES BANKRUPTCY COURT, DNJ	2007 – 2009
Anna Burns	2008	Judge Stanley Marcus UNITED STATES COURT OF APPEALS, ELEVENTH CIRCUIT	2008 – 2009
Erez Davy	2005	Judge Reena Raggi UNITED STATES COURT OF APPEALS, SECOND CIRCUIT	2008 – 2009
Blake Denton	2008	Judge Phyllis A. Kravitch UNITED STATES COURT OF APPEALS, ELEVENTH CIRCUIT	2008 – 2009
Jennifer Fisher	2008	Judge Petrese B. Tucker UNITED STATES DISTRICT COURT, EDPA	2008 – 2010
Krista Friedrich	2007	Judge Jack B. Weinstein UNITED STATES DISTRICT COURT, EDNY	2008 – 2009
Adam Glanzman	2007	Judge Rosemary Gambardella UNITED STATES BANKRUPTCY COURT, DNJ	2007 – 2008
Joshua Gold	2008	Judge Robert Drain UNITED STATES BANKRUPTCY COURT, SDNY	2008 – 2009
Susan Greene	2008	Judge William Conner UNITED STATES DISTRICT COURT, SDNY	2008 – 2009
Shannon Haley	2008	Judge Ralph K. Winter UNITED STATES COURT OF APPEALS, SECOND CIRCUIT	2008 – 2009
Anna Hershenberg	2005	Magistrate Judge Kiyo Matsumoto UNITED STATES DISTRICT COURT, EDNY	2009 – 2010
Elizabeth Johnson	2008	Judge William Conner UNITED STATES DISTRICT COURT, SDNY	2008 – 2009
Leo Kittay	2008	Judge Alvin K. Hellerstein UNITED STATES DISTRICT COURT, SDNY	2008 – 2009
Alida Lasker	2007	Judge Dolores Sloviter UNITED STATES COURT OF APPEALS, THIRD CIRCUIT	2008 – 2009
Nicholas Minella	2003	Judge Gregory W. Carman UNITED STATES COURT OF INTERNATIONAL TRADE	2007 – 2009
Justin Ormand	2008	Magistrate Judge Roanne Mann UNITED STATES DISTRICT COURT, EDNY	2008 – 2009
Nicholas Reiter	2008	Judge David N. Hurd UNITED STATES DISTRICT COURT, NDNY	2008 – 2010
Jeb Singer	2008	Chief Judge Stuart M. Bernstein UNITED STATES BANKRUPTCY COURT, SDNY	2008 – 2009
Timothy Sini	2005	Judge Chester J. Straub UNITED STATES COURT OF APPEALS, SECOND CIRCUIT	2008 – 2009

Law School Honors Professors on Their Retirement

BLS Was Home to Professors Poser and Comerford for Decades

Two longtime and revered professors — Norman S. Poser and Brian E. Comerford — retired from teaching at the end of the 2006–07 academic year. A reception was held in their honor in May at Feil Hall, where their colleagues, families, and friends celebrated the two scholars' years of service to Brooklyn Law School.



At the reception, Professor Poser is joined by his wife, Judy Cohn (far L), and Professor Emeritus Nancy Fink and Professor Richard Allan toast Professor Comerford (C).

Preeminent Securities Scholar, Well-Loved Teacher

When Professor Poser arrived at BLS in 1980, he had already built a strong reputation in the field of international and domestic securities regulation. As executive vice president of the American Stock Exchange and as an assistant director of the Securities and Exchange Commission's Division of Trading and Markets (now the Division of Market Regulation), he helped shape some of the policies he would continue to write and teach about for the next 20 years. He had also served as a consultant to and an expert witness for a number of international financial organizations, including the World Bank.

Poser, who received undergraduate and law degrees from Harvard University, helped build Brooklyn Law School's reputation as one of the best for the study of securities regulation. He joined academia because he relished teaching and writing.

His dedication to those two aspects of his career were richly rewarded at BLS, where he taught corporations, contracts, and securities regulation courses and seminars that were very popular with students. The *Brooklyn Journal of Corporate, Financial & Commercial Law* dedicated its Spring 2007 symposium issue to him. The journal's managing editor, Poser's former student Aleah Borghard '07, wrote in the introduction to the issue: "We may be only beginning our journey in the law, but to have Professor Poser as a teacher and role model provides a foundation for the aspiration that we, too, may one day be a part of the industry that he has helped build."

One of the foremost U.S. experts on the law of broker-dealers, he has published numerous scholarly articles on the securities industry and the agencies that regulate it. He authored the definitive guide to broker-dealer regulation and the litigation and arbitration of disputes involving them, *Broker-Dealer Law and Regulation* (Aspen

Publishers 2007). He co-authored the recent 4th edition of the book with Professor James Fanto.

At the retirement reception, his colleagues, including Fanto, noted his eminence in the field. "When Norman told me that he was retiring, a chill ran down my spine," said Fanto. "I hope that this means that you are not giving up the book," he said to his esteemed colleague. "I am happy to report that Norman agreed to stay on as a co-author, for that gives me the 20 or 30 years that I need to try to approximate his knowledge."

"Norman Poser exhibits a remarkable combination of deep thinking, curiosity, wit, good taste and warmth," adds Professor Bailey Kuklin, who also spoke at the reception.

Professor Poser deeply appreciates all the good words. "I was thrilled by the turnout of my colleagues and others at the reception and dinner," he says.

Throughout his teaching career, Poser made sure his students understood the practical consequences of theory. In 1996, he appeared as co-counsel with a Delaware law firm before the U.S. Court of Appeals for the Third Circuit to argue *Newton v. Merrill Lynch*, an important case concerning a securities class action that challenged the way brokerage firms trade securities in the over-the-counter market.

Poser took his students on field trips to the U.S. Supreme Court to hear cases on securities regulation issues. In January 2006, they took one such trip to witness oral arguments in *Merrill Lynch v. Dabit*, a statutory interpretation case on appeal from the Second Circuit that addressed the viability of shareholder class action lawsuits brought in state courts. When he was interviewed on the train ride home by the *Wall Street Journal's* Law Blog about the arguments, Poser explained that the case had inspired a lively debate among himself and his students. "We caucused after the argument and my students were unanimous

in believing that the Second Circuit will be reversed,” he told the Law Blog. “I’m not quite as sure as they are.” It turns out his students were right — the Supreme Court reversed the appellate court. He had taught them well.

Generosity Combined with Tax Expertise

Professor Comerford joined the Brooklyn Law School faculty in 1971 and over three decades taught courses in tax and estate planning, as well as tax seminars that focused on business organizations, and on corporations and shareholders. Always generous with his time, he was known at the Law School for his eager willingness to attend to the questions of his students and the concerns of his colleagues.

Professor Marilyn Walter, who directs the Law School’s Legal Writing Program, thanked Comerford at the reception for his willingness to lend a hand to the program. When the Law School decided to use full-time writing instructors in its program, there were not initially enough instructors, and faculty members were asked to help out. “It is typical of Brian that he said he would be glad to help,” Walter said. “Over the past 27 years, I have seen that Brian is someone who thinks of how he can help his students, his colleagues on the faculty, and his law school.”

Comerford says he too was thrilled with the turnout at the reception, which included his peers and students alike. “Teaching at Brooklyn Law School was immensely



Professor Bailey Kuklin (L) presents Professor Comerford (R) with a framed replica of the first tax return.

satisfying for me,” he says. “It was by far the best job I ever had.” Dedicated to mentoring students, he adds that he came to understand, over his time here, how gratifying that aspect of his job was. “It was more than a job, to mentor my students and to see them grow over the period they were in school,” he says.

Colleagues speak eagerly of Comerford’s generous spirit. “For 30 years I have seen Brian at work as a calming, level-headed influence on faculty deliberations during periods of animated debate. He brought reason and warm collegiality to our community,” says Professor Kuklin. Professor Claire Kelly remembers hearing Comerford once ask, “Why not be generous?” in response to a proposal before the faculty. “When thinking about Brian, I always remember that, because it was his default

rule,” says Kelly. “Every time I ran into him, he was running to go do something for someone. He is generous with everybody.”

Comerford, who earned a B.A. and a J.D. from Fordham University and an LL.M. from New York University School of Law, has authored and co-authored many widely used books on taxation. His scholarly works include *The Procedure and Law of Surrogates’ Courts of the State of New York, Volume 6: Federal and New York Estate Taxes* (1994 Revision), *Federal Tax Deductions* (Warren, Gorham & Lamont 2nd ed. 1992), *Federal Estate and Gift Taxation* (6th ed. Supp. 1991-1996), and chapters on gift tax and real estate transactions in *Taxation for the General Practitioner* (New York State Bar Association 1999). He is a former editor of the *Journal of Taxation Digest* as well as an advisory board member of the *Journal of Valuation*, and he served as co-counsel to the New York Estates, Powers and Trust Law Advisory Committee.

Both professors have continued to work on projects since retiring from teaching. Poser regularly lectures on broker-dealer issues at the University of Pennsylvania Wharton School’s executive education program in San Francisco and Philadelphia, and he is currently writing a book. Comerford, working from a new office on Long Island, is dividing his time between consulting with tax and with trusts and estates practices and doing pro bono work in those same areas. □



Professor Poser (L) thanks Professor James Fanto (R), who spoke at the reception.

Professor Dana Brakman Reiser Receives Tenure

Named 2007 Outstanding Young Lawyer by ABA

Dana Brakman Reiser's ascent to her professorship at Brooklyn Law School was swift and surefooted. She was awarded tenure this fall, just six years after joining BLS as a junior faculty member. Her stellar credentials, love of the classroom and dedication to opening up a new field of study were recognized in March by the American Bar Association's Nonprofit Corporations Committee, which gave her the prestigious 2007 Outstanding Young Lawyer Award.

"Even before I started law school, I knew I wanted to teach," says Brakman Reiser, who attended Harvard Law School. "I was lucky to find a mentor in a professor who helped me make a checklist of things I needed to achieve to make that happen." On her checklist: work on a law review, secure a clerkship, develop an area of expertise early, and find time to write and publish.

Following her service as notes editor on the *Harvard Law Review* and as law clerk to Judge Bruce M. Selya of the U.S. Court of Appeals for the First Circuit, she could check off the first two items. As for an area of expertise, she had always been drawn to the world of nonprofits. "My parents got me involved in community service and political advocacy," she explains. "In college I added an academic interest in charitable institutions." Her additional interests in political theory and economics combined to lead her to a little-researched field in the law: governance of nonprofit organizations. "A small corner of tax law was devoted to tax-exempt organizations," Brakman Reiser explains. "But there is so much more. Nonprofit governance has become an important area of study in the last 10 years or so."

Time to write came with a two-year legal fellowship at Partners HealthCare System, Inc., a nonprofit health care conglomerate in Boston. Brakman Reiser was exposed to the many facets of a large

nonprofit's operations. "A residency was perfect, because I could learn so much in a limited time," she says. In her spare time, with the help of her alma mater, which donated office space and research services, she was able to write and publish a law review article, "Decision-Makers Without Duties." It focused on the problem of de-

focus on issues of mission, which she says lie at the heart of how nonprofits operate. Her latest article, "Director Independence in the Independent Sector," which appeared in *Fordham Law Review* in 2007, addresses the timely problem of whether and how to apply independent director requirements to nonprofits. "There's been a lot of talk," she



fining the duties of corporate parents as members in a nonprofit health care system and was published in summer 2001 in *Rutgers Law Review*.

Brakman Reiser joined Brooklyn Law School that fall with a mandate to create a new course. Her "Law of Non-Profit Organizations" course has grown each year and is attracting more and more students. She has become the go-to person for questions about how concepts of governance and accountability work in the nonprofit sector. "Brooklyn Law School is becoming the place where students come to study nonprofit law," she says.

Brakman Reiser's legal scholarship, which addresses governance of nonprofits, generally falls along two lines — accountability and membership — and tends to

says of the likelihood that this idea will be expanded to apply to the nonprofit sector, "but little legislation yet."

News of her tenure followed the ABA award, making 2007 an important year for Brakman Reiser, who also teaches courses in property, corporations, and trusts and estates. She consistently receives outstanding evaluations as a teacher, and she is the faculty advisor to the *Brooklyn Law Review*.

Her next projects include writing a chapter in a book about nonprofits' self-regulation, and publishing an article about nonprofit/for-profit hybrids. "I'm very excited to have reached this new stage in my career," she says. "I want to continue to grow as an authority in an emerging field that plays such a key role in our society." □



Richard Allan



Margaret Berger



Nathaniel Berman



Anita Bernstein



Dana Brakman Reiser



Michael Cahill

Richard Allan

PUBLICATIONS

- *Terrorism: The Failure of Governance*, CRIME & JUST. INT'L (forthcoming 2008)
- *Observation: London*, CRIME & JUST. INT'L, vol. 33, no. 96 (2007)

Margaret Berger

PRESENTATIONS

- Brookings Institution's Second Annual Symposium on Civil Justice Issues, Northwestern University
- "Daubert's Impact on Civil Procedure," Law & Society Conference, Berlin
- "Current Issues with Regard to Daubert," American Association for Justice, Chicago
- Commentator and participant, Scientific Knowledge and Public Policy (SKAPP) Conference, Mt. Washington, N.H.
- "Identifying the Needs of the Forensic Science Community Committee of the National Academy of Science," Innocence Network Project, Cambridge, Mass.
- "Judicial Update on Daubert," ALI-ABA Program on Expert Testimony

MEDIA

- Quoted in *Exoneration Using DNA Brings Change in Legal System*, THE NEW YORK TIMES (Oct. 1, 2007) (regarding her service on the Forensic Science Committee)

Nathaniel Berman

PRESENTATIONS

- Panelist, "Has International Law Civilized Conflicts since 1907?," A Wiser Century? – Judicial Dispute Settlement, Disarmament and the Laws of War 100 Years after the Second Hague Peace Conference, Walther Schücking Institute of International Law, University of Kiel, Germany
- "Legitimacy through Defiance: From Goa to Iraq," Faculty Workshop, Buffett Center for International and Comparative Studies, Northwestern University
- "Primitivism and Power: A Genealogy of Internationalism," Watson Institute, Brown University
- Panelist, "Ambivalence as Power," The Sacred Trust: Legacies of the League of Nations Mandates System, American Section of the International Law Association Conference, New York

- "The Sacred Conspiracy: Nationalism, Religion, and the Internationalist Imagination," International Law and Wars of Religion Conference, University of Lund, Sweden
- "Imperial Ambivalences: Scenes from a Critical History of Internationalism," Human Rights Workshop, Yale Law School

Anita Bernstein

PUBLICATIONS

- *Enhancing Drug Effectiveness and Efficacy Through Personal Injury Litigation*, 15 J.L. & POL'Y 1051 (2007)
- Introduction to Symposium on the Plaintiffs' Bar, 51 N.Y.L. SCH. L. REV. 209 (2006–2007) (with M. Galanter and T. Rostain)
- *An Information Prescription for Drug Regulation* (In the Spotlight, with J. Bernstein), 4 MEDICAL PROGRESS TODAY, no. 27 (Aug. 31, 2007)

PRESENTATIONS

- "Tort Theory, Microfinance, and Gender Equity Convergent in Pecuniary Reparations," New York Tort Theory Reading Group
- "Enhancing Drug Effectiveness and Efficacy Through Personal Injury Litigation," Public Law Theory Seminar, Washington University School of Law
- Panelist, "The Future of Marriage and Family Life," Center for the Study of Law and Religion, Emory University

Dana Brakman Reiser

PUBLICATIONS

- *Director Independence in the Independent Sector*, 76 FORDHAM L. REV. 795 (2007)

PRESENTATIONS

- "Director Independence in the Independent Sector," Conference of the Association for Research on Nonprofit and Voluntary Action, Atlanta

Michael Cahill

PUBLICATIONS

- *Real Retribution*, 85 WASH. U. L. REV. ___ (forthcoming 2008)
- *Attempt, Reckless Homicide, and the Design of Criminal Law*, 78 U. COLO. L. REV. 879 (2007)

FACULTY Notes



Stacy Caplow



Eve Cary



Edward Cheng



Neil Cohen



Steven Dean

Stacy Caplow

PUBLICATIONS

- *Putting the "I" in Wr*t*ng: Drafting an A/Effective Personal Statement to Tell a Winning Refugee Story*, 12 J. LEGAL WRITING INST. __ (forthcoming 2008)
- *Clinical Legal Education at UCC: A View From Across the Pond*, IN BRIEF, newsletter of the Faculty of Law at University College, Cork, Ireland (September 2007)

PRESENTATIONS

- Featured speaker, "Getting as Good as You Give: Benefits, Rewards and Ethics of Supervision," Temple Law School
- "The Believable Refugee: Convincing the Non-Believer That the Truth is True," Applied Legal Storytelling Conference, The City University, London
- Organized and led panel, "'Movin' On': Clinic Directors Figuring Out Exit Strategies and Creating 'New Lives,'" 2007 AALS Clinical Teachers Conference, New Orleans
- Participant, Promoting Sustainable Reform of Higher Legal Education, a project of the Public Interest Law Institute, Budapest (including six law schools from Georgia, Armenia, Ukraine, Kyrgyzstan and Moldova)

MEDIA

- Op-ed article, *Immigration Court – Bullies on the Bench*, NATIONAL LAW JOURNAL (Mar. 5, 2007)

Eve Cary

PUBLICATIONS

- Chapters on defenses, kidnapping, offenses against public order, the family, and hate crimes, among others, in *NEW YORK CRIMINAL LAW* (R. Greenberg ed., West 3rd ed. 2007) (2007) (with Hon. M. Marcus and L. Fahey)

Edward Cheng

PUBLICATIONS

- *Independent Judicial Research in the Daubert Age*, 56 DUKE L.J. 1263 (2007)
- *The Perils of Evidentiary Manipulation*, 93 VA. L. REV. IN BRIEF 191 (2007) (response)

PRESENTATIONS

- "The Myth of the Generalist Judge," New York Junior Faculty Colloquium, Fordham Law School; Faculty Workshop, Cardozo Law School; and New York City Bar Committee on Science and the Law

- "Wrongful Convictions: Causing Pain and Allowing Gain" and "Rethinking Forensics," Arlin M. Adams Center for Law and Society Discussion, Susquehanna University

Neil Cohen

PUBLICATIONS

- *SELECTIONS FOR CONTRACTS* (Foundation Press 2007) (with E.A. Farnsworth et al.)
- *The Calamitous Law of Notes*, 68 OHIO ST. L.J. 161 (2007)

PRESENTATIONS

- International Secured Transactions presentation, Association of Commercial Finance Attorneys meeting
- Advisory Committee of the American Law Institute's Principles of Software Contracting
- Presented drafts of articles (in capacity as Director of Research) to be published by Permanent Editorial Board, Uniform Commercial Code Annual Meeting
- "Setting the Stage: Economic Background and Intellectual Property Financing Needs and Practices," International Colloquium on Security Interests in Intellectual Property
- "Practical Problems of Integrating Various International Standards of Secured Transactions," UNCITRAL Congress – Modern Law for Global Commerce, Vienna
- Co-chair, "The New UCC" (advanced ALI-ABA course on domestic and international commercial law)
- Lecturer, New York State Judicial Institute and Uniform Commercial Code Institute

APPOINTMENTS

- Retained by UNCITRAL, UNIDROIT and Hague Conference on Private International Law Joint Project Concerning Rationalizing the Multiple International Instruments Concerning Secured Transactions
- Designated as expert in international secured transactions by UNCITRAL; participated in two Expert Group meetings advising UNCITRAL with respect to its upcoming Legislative Guide on Secured Transactions
- Member, Committee to Harmonize North American Law with Regard to the Assignment of Receivables in International Trade Convention, National Conference of Commissioners on Uniform State Laws



Mary Jo Eyster



Linda Feldman



Maryellen Fullerton



Marsha Garrison



Michael Gerber

Steven Dean

PUBLICATIONS

- *The Incomplete Global Market for Tax Information*, 49 B.C. L. REV. __ (forthcoming 2008)
- *Tax Shelters and The Code: Navigating Between Text and Intent*, 26 VA. TAX REV. 879 (2007) (with L. Solan)

PRESENTATIONS

- "Tax Deharmonization: Radical Asymmetry in International Taxation," International Law Weekend, New York City Bar
- "The Incomplete Global Market for Tax Information," Junior Tax Scholar's Workshop, Boston University

Mary Jo Eyster

PRESENTATIONS

- Panel moderator, Mediation Settlement Day, Brooklyn Civil Court
- "Time Management: Beyond Tips and Tricks," Clinical Legal Education Association New Teachers Workshop

Elizabeth Fajans

PUBLICATIONS

- WRITING AND ANALYSIS IN THE LAW (Foundation Press 5th ed.) (forthcoming 2008) (with M. Walter)

Linda Feldman

PRESENTATIONS

- Speaker, Practicing Attorneys for Law Students (PALS) mentoring workshop, New York
- "Theory into Practice: Teaching the Skills Necessary to Write an 'A' Exam Answer," LSAC Academic Support Workshop Conference, Miami; also participated on planning committee for conference

Maryellen Fullerton

PUBLICATIONS

- IMMIGRATION AND CITIZENSHIP: PROCESS AND POLICY (West 2007) (with A. Aleinikoff et al.)
- FORCED MIGRATION: LAW AND POLICY (West 2007) (with A. Aleinikoff et al.)

PRESENTATIONS

- "The Convention Against Torture: A New Framework of Protection for Asylum Seekers," Institute for International Integration Studies, Trinity College, Dublin
- "The Impact and Legacy of the Holocaust on the Law," Silberman Seminar, the Center for Advanced Holocaust Studies, U.S. Holocaust Memorial Museum

Marsha Garrison

PUBLICATIONS

- *The Decline of Formal Marriage: Inevitable or Reversible?*, __ FAM. L.Q. __ (forthcoming 2008), and guest editor, "The Future of Marriage" issue
- *The Empire of Illness: Competence and Coercion in Health-Care Decision Making*, __ WM. & MARY L. REV. __ (forthcoming 2008)
- *Marriage: Essential or Expendable?*, __ J.L. & FAM. STUD. __ (forthcoming 2008)
- FAMILY LAW: CASES, COMMENTS AND QUESTIONS (6th ed. 2007) (with H. Krause et al.)
- *Cooperative Parenting: Programs and Prospects*, __ J.L. & FAM. STUD. __ (2007) (symposium issue)

PRESENTATIONS

- Panelist, "Conflicting Interests in Reproductive Autonomy and Their Impact on New Technologies" Symposium, George Washington University Law School
- "The Emerging Law of Cohabitant Obligations," Colloquium on New Developments in Family Law, University of Girona, Spain
- "The Decline of Formal Marriage," North American Regional Conference, International Society of Family Law

APPOINTMENTS

- International Advisory Board, CHILD & FAMILY LAW QUARTERLY

Michael Gerber

PRESENTATIONS

- "New Frontiers in Cross-Border Bankruptcy Cases," China University of Political Science and Law, Beijing
- "China's New Enterprise Bankruptcy Law," American Bar Association Section of International Law Meeting, Washington, D.C.

FACULTY Notes



Susan Herman



Nan Hunter



Edward Janger



Roberta Karmel



Claire Kelly



Minna Kotkin

Joel Gora

PRESENTATIONS

- “The ACLU Yesterday and Today,” Brown Bag History Lunch series, American Civil Liberties Union

Susan Herman

PUBLICATIONS

- Editor, *TERRORISM, GOVERNMENT, AND LAW* (forthcoming 2008) (with P. Finkelman)
- Dreiser’s *AN AMERICAN TRAGEDY: The Law and the Arts Lecture*, New York Court of Appeals Inaugural Lecture Series

PRESENTATIONS

- Speaker on the U.S. Supreme Court before a variety of groups: Appellate Judges Education Institute; Federal Judicial Center workshop for judges of the U.S. Court of Appeals for the Fifth Circuit; U.S. Court of Appeals for the Second Circuit pro se clerks and staff attorneys
- Panelist, Annual PLI Supreme Court Review
- Panelist, Street Law program on the Supreme Court for high school teachers
- Panelist, Supreme Court update, New York State Bar Association
- Panelist, Dreiser’s *An American Tragedy* and *The Trial of Chester Gillette*, New York City Bar
- Panelist, “Medical Marijuana in New York,” New York City Bar
- Panelist, Roundtable with Baroness Patricia Scotland (UK Minister) on national security issues, British Consulate
- Panelist, “Constitutional Ambiguity,” Model Congress for 500 high school students, Rutgers University
- Panelist, Supreme Court for Federal Defenders, Federal Judicial Center

Nan Hunter

PUBLICATIONS

- *Public-Private Health Law: Multiple Directions in Public Health*, 10 J. HEALTH CARE L. & POL’Y 89 (2007)

Edward Janger

PUBLICATIONS

- UNDERSTANDING BANKRUPTCY (2nd ed. 2007) (with J. Ferriell)
- *Universal Proceduralism*, 32 BROOK. J. INT’L L. 819 (2007)

PRESENTATIONS

- “Teaching International Bankruptcy,” American Association of Law School’s National Conference of Bankruptcy Judges, Orlando
- “Virtual Territoriality,” Faculty Workshop, Rutgers School of Law–Camden; and INSOL Academics Meeting, Capetown, South Africa
- “Behavioral Economics and Bankruptcy: A Found Experiment,” Law and Society Conference, Berlin

Roberta Karmel

PRESENTATIONS

- Participant, two roundtables at U.S. Securities and Exchange Commission: “Mutual Recognition” and “The IFRS Roadmap”

APPOINTMENTS

- Chair, Securities Regulation Committee, American Association of Law Schools
- Co-chair, International Coordinating Committee, Business Law Section of the American Bar Association
- Administrative Law Section liaison to the Business Law Section of the ABA

Claire Kelly

PUBLICATIONS

- *Power, Linkage and Accommodation: The WTO as an International Actor and Its Influence on Other Actors and Regimes*, 24 BERKELEY J. INT’L L. 79 (2006), *reprinted in* 6 ICFAI J. ENVTL. L. 26 (2007)
- *The Dangers of Daubert Creep in the Regulatory Realm*, 14 J.L. & POL’Y 165 (2006), *reprinted in* 26 J. NAT’L ASS’N ADMIN. L. JUDGES 469 (2007)

APPOINTMENTS

- Vice chair, International Economic Law Interest Group, American Society of International Law

Minna Kotkin

PRESENTATIONS

- “Diversity and Discrimination,” Labor and Employment Scholars Colloquium, University of Colorado
- “Invisible Settlement, Invisible Discrimination,” National Association of Women Judges Annual Conference, Philadelphia
- “Outing Outcomes: An Empirical Study of Confidential Employment Discrimination Settlements,” Law and Society Conference, Berlin



Bailey Kuklin



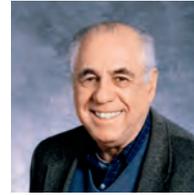
Jason Mazzone



Gary Minda



James Park



Robert Pitler

Bailey Kuklin

PUBLICATIONS

- *The Morality of Evolutionary Self-Interested Rescues*, 40 ARIZ. ST. U. L. REV. __ (forthcoming 2008)

Joseph Leahy

PRESENTATIONS

- “Innovation Spillovers & the Case for Federalism,” Canadian Law & Economics Association Conference, Toronto

Michael Madow

PUBLICATIONS

- *Personality as Property: The Uneasy Case for Publicity Rights*, in INTELLECTUAL PROPERTY AND INFORMATION WEALTH (P.K. Yu ed., 2007)

Jason Mazzone

PUBLICATIONS

- *The Security Constitution*, in TERRORISM, GOVERNMENT, AND LAW (S. Herman & P. Finkelman eds.) (forthcoming 2008)

PRESENTATIONS

- Federal Judicial Center workshop for judges of the U.S. Court of Appeals for the Fifth Circuit
- Panelist, Supreme Court Update, New York State Bar Association

Gary Minda

PUBLICATIONS

- Editor, WORK LAW IN AMERICAN LAW (2nd ed.) (forthcoming) (with K. Casebeer)
- *Remembering the Eighties*, 75 UMKC L. REV. 1161 (2007)
- *War Authorization and De-Authorization: Why Congress Must Act*, 53 WAYNE L. REV. __ (2007) (War on Terror Symposium)

PRESENTATIONS

- “War, Globalization and the New World Order,” Philosophy and the Social Science Conference (Habermas conference), Prague, Czech Republic
- “The Possibility of Union Democracy in Late Capitalism,” Law and Humanities Conference, Georgetown Law Center

James Park

PUBLICATIONS

- *The Competing Paradigms of Securities Regulation*, 57 DUKE L. J. 625 (2007)

Arthur Pinto

APPOINTMENTS

- Selected to serve additional term on Law School Admission Council’s Investment Policy Group

Robert Pitler

PUBLICATIONS

- *It’s déjà vu all over again with Davis twists*, introduction to “Crawford and Beyond: Revisited in Dialogue,” 15 J. L. & POL’Y 333 (2007) (symposium issue)
- TEXTUAL OUTLINE: DEVELOPMENTS IN CRIMINAL LAW, CRIMINAL PROCEDURE AND EVIDENCE (1986–2007) (5th ed.)

APPOINTMENTS

- Undertaking a study of the New York Alcohol and Beverage Law at the direction of the State Legislature and Governor, in capacity as Chair, New York State Law Revision Commission

Anthony Polito

PUBLICATIONS

- *Trade or Business within the United States as an Interpretive Problem under the Internal Revenue Code: Five Propositions*, 4 HASTINGS BUS. L.J. __ (forthcoming 2008)
- *Trade or Business in the United States: What Domestic Activity Suffices to Conduct a Foreign Trade or Business “in” the United States?*, 36 TAX MGMT. INT’L J. 496 (2007)

Norman Poser

PRESENTATIONS

- “Suitability Issues,” Executive Education Program, Wharton School, University of Pennsylvania; San Francisco and Philadelphia

FACULTY Notes



David Reiss



Elizabeth Schneider



Christopher Serkin



Lisa Smith

David Reiss

PUBLICATIONS

- *How the Residential Mortgage-Backed Securities Market Impacts Dirt Lawyers and Their Clients*, 35 N.Y. REAL PROP. L. J. 35 (2007)

MEDIA

- Quoted on eminent domain, subprime lending, and the Public Authorities Law in a variety of papers including THE NEW YORK SUN, BROOKLYN DAILY EAGLE, and THE BROOKLYN PAPER

Denise Riebe

PRESENTATIONS

- “Using Positive Psychology to Promote Personal and Professional Well-Being,” Humanizing Legal Education Symposium, Washburn University School of Law

Elizabeth Schneider

PUBLICATIONS

- DOMESTIC VIOLENCE AND THE LAW: THEORY AND PRACTICE (Foundation Press 2nd ed.) (forthcoming 2008) (with C. Hanna et al.)
- BATTERED WOMEN AND THE LAW (Foundation Press 2nd ed. 2008) (with C. Dalton)
- *Revisiting Judith Herman’s Trauma and Recovery*, 36 WOMEN’S STUDIES Q. __ (forthcoming 2008)
- *The Dangers of Summary Judgment: Gender and Federal Civil Litigation*, 59 RUTGERS L. REV. 705 (2007)

PRESENTATIONS

- Invited participant, mini-conference convened by the Advisory Committee on the Civil Rules Subcommittee on Rule 56, Washington, D.C.
- “New Perspectives on Domestic Violence,” National Association of Women Judges Annual Conference plenary session, Philadelphia
- “The Dangers of Summary Judgment: Gender and Federal Civil Litigation,” Gender and Public Policy Colloquium, Hofstra Law School; and faculty workshop, William Mitchell Law School
- Participated on several panels, Law and Society Conference, Berlin: “The Decline of Public Adjudication,” Featured Session Roundtable on Gender, Violence and Human Rights; Roundtable

on Gender, Culture and Legal Education; “Does Law Really Help Against So-Called Domestic Violence? A Comparative Perspective”; and Author Meets Readers: *Human Rights and Gender Violence* by Sally Merry

Christopher Serkin

PUBLICATIONS

- *Local Property Law: Adjusting the Scale of Property Protection*, 107 COLUM. L. REV. 883 (2007)

PRESENTATIONS

- Commentator, Property Works in Progress Conference, University of Colorado Law School
- “Local Property Law,” Vermont Law School Speaker Series: “Hot Topics in Environmental Law”

Gerald Shargel

PUBLICATIONS

- *Federal Evidence Rule 608(b): Gateway to the Minefield of Witness Preparation*, 76 FORDHAM L. REV. 1263 (2007)

Lisa Smith

PRESENTATIONS

- Panelist, Brooklyn Prisoner Reentry Conference
- “Re-Entry Courts and Initiatives,” Criminal Justice Section, American Bar Association Conference, Michigan
- “Child Abuse Homicides, What Can a Community Do?” University of Pennsylvania Law School and the Field Center at the University of Pennsylvania

APPOINTMENTS

- Reappointed to the New York State Domestic Violence Advisory Council

MEDIA

- Court TV: commented on cases and trials including *California v. Spector*, O.J. Simpson, and *Georgia v. Mack*



Lawrence Solan



Nelson Tebbe



Aaron Twerski



Marilyn Walter

Lawrence Solan

PUBLICATIONS

- *False Consensus Bias in Contract Interpretation*, __ COLUM. L. REV. __ (forthcoming 2008) (with T. Rosenblatt and D. Osherson)
- *Contract as Agreement*, 83 NOTRE DAME L. REV. 353 (2007)

PRESENTATIONS

- “Compensation for Risk: Citizens’ Perspective on Liability for Creation of Risk and Loss of Chance,” Conference on Empirical Legal Studies, New York University (with J. Darley et al.)
- “Why It Is Easier to Blame Than to Praise,” International Association of Forensic Linguistics, Seattle; and International Academy of Law and Mental Health, Padua, Italy

MEDIA

- Quoted in *The Benefit of Doubt*, TIME (April 2, 2007) (discussing reasonable doubt) and *Playing with the Power of Words*, NATIONAL LAW JOURNAL (July 23, 2007) (discussing the language used in rape trials)

Nelson Tebbe

PUBLICATIONS

- *Excluding Religion*, 156 U. PA. L. REV. __ (forthcoming 2008)
- *Witchcraft and Statecraft: Liberal Democracy in Africa*, 96 GEO. L. J. 190 (2007)
- *Understanding Laïcité*, 23 J. LAW & RELIGION __ (2007) (reviewing John R. Bowen, *Why the French Don’t Like Headscarves: Islam, the State, and Public Space* (2007))

PRESENTATIONS

- “Witchcraft and Statecraft,” South African Reading Group, New York Law School
- Panelist, advising students interested in teaching law, Yale Law School

APPOINTMENTS

- Co-chair, Nominating Committee, Law & Religion Section, American Association of Law Schools

Carrie Teitcher

PUBLICATIONS

- *Rebooting the Approach to Teaching Research: Embracing the Computer Age*, 99 LAW LIB. J. 555 (Summer 2007)

Aaron Twerski

PUBLICATIONS

- *CASES AND MATERIALS ON THE LAW OF TORTS* (Aspen 2nd ed.) (forthcoming 2008) (with J. Henderson Jr.)
- *PRODUCTS LIABILITY: PROBLEMS AND PROCESS* (Aspen 6th ed.) (forthcoming 2008) (with J. Henderson Jr.)

AWARDS

- Robert B. McKay Law Professor Award, Tort Trial and Insurance Practice Section of the American Bar Association (see page 46 for remarks)

Marilyn Walter

PUBLICATIONS

- *WRITING AND ANALYSIS IN THE LAW* (Foundation Press 5th ed.) (forthcoming 2008) (with E. Fajans)

PRESENTATIONS

- Panelist, “Goals and Content of a First Year Legal Writing Course” and “Teaching Legal Writing in Another Country,” Conference of the Association of Legal Writing Directors

Deborah Widiss

PUBLICATIONS

- *Domestic Violence and the Workplace: An Analysis of Emerging State Legislation*, 35 FLA. ST. U. L. REV. __ (forthcoming 2008)
- *Exposing Sex Stereotypes in Recent Same-Sex Marriage Jurisprudence*, 30 HARVARD J. L. & GENDER 461 (2007) (with E. Rosenblatt and D. NeJaime)

Twerski Addresses ABA at McKay Award Ceremony

Award Recognizes His Contributions to Tort and Insurance Law

On August 12, the American Bar Association’s Tort Trial & Insurance Practice Section presented the 2007 Robert B. McKay Law Professor Award to Professor Aaron D. Twerski. In accepting the award, he made the following remarks.

I am deeply touched by this honor. To receive an award named for Robert McKay is cause enough to be humble. And when I look at the names of previous honorees, I feel nothing less than a sense of awe. The scholars who preceded me in this award shaped the discourse in tort law for the last half-century.

But there is a more significant reason that this is an occasion of great pride for me. The criteria for the award is “commitment to the advancement of justice, scholarship and the legal profession in the field of tort and insurance law.” For reasons that escape me, that goal is not shared by many in the legal academy. I need not repeat here tonight the controversy that has swirled around the content of law reviews. Judges and lawyers have been telling us for over a decade that they no longer read the law reviews because they lack relevance to the work that they do, that they are too theoretical and too esoteric. In short, we are being told that scholars are out of touch.

Let me be clear. The infusion into the legal academy of professors with doctorates in economics, philosophy, psychology, and sociology has brought perspectives into the law school curriculum that have enriched the academy and have brought new insights into the law. But the idea that the legal academy is a closed club that speaks only to itself and not to the bench and bar is decidedly not healthy. If interdisciplinary work is to have an impact on the changing face of the law, it must be made accessible to lawyers and judges who are not schooled in other disciplines. And the scholars must demonstrate that the theories they set forth have real-world relevance — that they make a difference.

Yet one additional point. Courts are faced daily with issues of incredible complexity and sophistication, and they need the thinking of the best and the brightest to help organize and wade their way through these problems. But young scholars today shy away from doing traditional doctrinal scholarship. The prestigious law reviews appear less interested in publishing such works, and scholars are justifiably afraid that when tenure time comes around, their articles will be viewed as pedestrian. I often wonder whether William Prosser — esteemed dean of the College of Law

at UC Berkeley and author of *Prosser on Torts* — would be tenured today at a great law school. And I am almost certain that his article, “The Assault on the Citadel,” published in the *Yale Law Journal* in 1960, would not grace its pages today. It would be viewed as “too much case crunching.” Never mind that it accelerated the demise of privity and the adoption of strict tort liability in less than a decade.

We are told that lawyers and judges have no time to read because of their heavy workload. But they have time to read and digest the Restatements of the Law and the lengthy comments that are appended to them as well as the voluminous Reporters’ Notes. Whereas citations to law reviews have plummeted, this last year alone there were over 3,000 court citations to Restatements. “Ah!” but you may say. “The Restatements are anti-intellectual, black letter law — not the product of sophisticated analysis of law and policy.” I invite you to read the controversial sections of the Products Liability Restatement dealing with defective product design, liability

for drug design and used products. They are the result of bitter hard work that took years to fashion. It is not necessary that all agree with them, but we framed the discourse for lawyers and judges for years to come. And when I read a majority and dissent of the highest court in a state that cites the Products Liability Restatement over 30 times, my heart swells with pride. Jim Henderson and I struggled with difficult issues of public policy. We did not slavishly follow authority when the authority made no sense. We heard many criticisms of our work. We received hundreds, if not thousands of letters and comments from the bench, bar, and legal academy. But the one criticism we never heard was that our work was irrelevant.

In our travels while doing the Restatement, we were engaged by lawyers and judges who had read our writings and debated us about our views. Our appearances then and now before the ABA seminars have made us better teachers and scholars. If that is what the Robert McKay award stands for, and I believe it is, I can only say that I hope to be worthy of it. If I haven’t fully earned it, I hope to do so in the future.

One final word. The second recipient of this award in 1989 was Professor James Ghiardi, who recently celebrated 60 years of teaching at the Marquette University Law School. Jim was my torts professor more than a few years ago, and I had the privilege of being his research assistant for a full year. For six decades he taught law students that they had an obligation to master the law and to be advocates for its betterment. This award belongs as much to him as to me.



Group of BLS Alumni Sworn In Before Supreme Court

Unforgettable Experience Humbles and Inspires 16 Lawyers

Sixteen Brooklyn Law School alumni were at the United States Supreme Court in April when the Court handed down *Massachusetts v. Environmental Protection Agency*, a major environmental law decision concerning the EPA's refusal to regulate heat-trapping gases via automobile emissions standards. They were able to witness this historic moment as part of a trip sponsored by the Law School for select alumni who were sworn in on April 2 to practice before the Supreme Court. Dean Joan G. Wexler, Associate Dean Michael Gerber, External Affairs Director Linda Harvey, and Alumni Relations Director Caitlin Monck-Marcellino '02 joined the group on the trip.

After the ceremony, in a private conference room at the Court, Justices Ruth Bader Ginsburg and Clarence Thomas visited with the attendees, answering questions and discussing opinions, including

the Massachusetts case, that were handed down that day by the Court. It was a special thrill to the alumni to meet and talk with the Justices. Maxine Blake '80 said having a one-on-one conversation with Justice Ginsburg, her heroine, was particularly memorable. "Admission to the Supreme Court was an experience that I will not forget," said Jeffrey Forchelli '69, a member of the Law School's Board of Trustees. Others say they found the experience humbling. "Who would have imagined that a kid growing up in Brooklyn would be admitted to practice before the highest court in this great country?" said Steven Taplits '80. "It was truly a marvel and a blessing for me." Richard Milazzo '80 called the experience a highlight of his legal career. "My admission to the U.S. Supreme Court was a very proud and humbling experience," he said. "I was also lucky enough to be joined by my daughter, which made the event even more special for me."

"The dinner on the night before the admissions ceremony gave me the opportunity to meet and reminisce with previous graduates," said Leonard Taubenblatt '50. The dinner was held at the Willard Inter-Continental Hotel, where guests and other alumni from the Washington, D.C. area joined the group to celebrate. One group featured a family legacy connection: Lewis Lehrman '67 was admitted alongside his son, Seth Lehrman '95, and daughter-in-law, Kimberly Lehrman '95, who met at Brooklyn Law School and now practice together in Florida.

"From the elegant and collegial dinner, through the inspiring admission ceremony and the personal meeting with the Justices, it was a memorable event," said William G. Kelly '77. "Being a part of this ceremony was one of those events that redefines who you are," added Rebecca Schenker '75. □



Brooklyn Law School alumni and their families gather with Dean Joan G. Wexler on the steps of the U.S. Supreme Court, where they were sworn in on April 2, 2007.

First Golden Circle Celebration Held

Alumni from Classes of 1929 to 1957 Gather

On June 15, 2007, the Law School hosted its first Golden Circle Celebration for alumni from the classes of 1929 to 1957. The Golden Circle includes alumni who graduated 50 or more years ago. The Law School plans to hold a Golden Circle Celebration yearly.

The luncheon, held at the Subotnick Center, gave alumni a chance to catch up with each other and view the exciting changes at the school. The Golden Circle

time, the School's prominence in the legal community has grown steadily and its reputation for academic excellence has flourished."

Most of the members of the Golden Circle attended when there was only one building, no student housing, a prescribed curriculum, and only one law journal. The Dean thanked the members of the Golden Circle for their continued support, which has made many changes possible at the

welcoming diversity in a time of deep racism in the United States. One after another stood to offer a personal contribution to this impromptu and touching tribute to Brooklyn Law School.

More recent graduates joined their parents at the celebration. Randi Burger '86 accompanied his father Charles Burger '57; and Seth Denenberg '84 and Deborah Denenberg '91 accompanied their father Julian Denenberg '57. "I was delighted to see so many of the old guard at the event," says Loren Chodosh '82, who came with her father Bernard Chodosh '57. "I greatly appreciated the input of those who graduated 50+ years ago and spoke about BLS and its early days, the inclusiveness and diversity that BLS represented then and still did in my time."



"You are the pioneers of our great institution who have helped to open the doors for subsequent graduates to excel and thrive in the legal community."

—Dean Joan G. Wexler

also welcomed its newest members from the Class of 1957, which celebrated its 50th reunion in 2007. More than 50 attendees were thrilled to reconnect and to hear the latest news about the Law School from Dean Joan G. Wexler, who reported that "it is aging well."

"Over the years, as our alumni have distinguished themselves, the aspirations of the Law School and its students have risen," said Dean Wexler. "At the same

time, the School's prominence in the legal community has grown steadily and its reputation for academic excellence has flourished," she told the audience.

An engaging Q&A session followed the Dean's remarks, in which alumni not only inquired about issues and developments at the Law School but also reminisced about the times they spent here. They spoke of World War II, the cost of law school (\$300), and the Law School's

A handful of current Brooklyn Law School students also attended the celebration, serving as tour guides and mingling with the alumni. "Listening to the history of BLS, which was discussed during the lunch, made me proud to be a part of the school and its continuing legacy for producing greatness," says Patricia Birch '08, one of the students who attended. "This fulfilling experience was a great opportunity to interact with the older and wiser generation, which becomes a rarer opportunity as times goes on," adds Mark Nussbaum '09, who, with Susannah Ashton '08, gave tours of the campus and new residence hall. □

Student Associations Host Awards Dinners

Organizations Celebrate Achievements

Brooklyn Law School's student organizations celebrated the achievements of their alumni and others with dinners and awards ceremonies at the Law School in the spring.

The **Latin American Law Students Association** seeks to increase the recruitment, admission, and retention of Latin American students at Brooklyn Law School. LALSA held its Alumni Dinner and Awards Ceremony on April 12. Carlos G. Ortiz '85, general counsel of Goya Foods, Inc., was presented with the Hon. John Carrol Alumni Achievement Award; and Jose Perez, Deputy Bureau Chief of Consumer Frauds and Protection with the New York State Attorney General's Office, was presented with the Cesar Perales Community Advocate Recognition Award. LALSA also presented Sullivan & Cromwell LLP with the 2007 Diversity Leadership Award, and graduating student Karina Garden '07 with the Student Achievement Award.

At the **Asian Pacific American Law Students Association** Alumni Dinner on April 11, speakers included U.S. District Judge Marilyn Go of the Eastern District of New York; Cathy Chin, a partner at Cadwalader, Wickersham & Taft; and Judge Karen Lin



Students in APALSA (above) gather to honor Judge Karen Lin (R).

of the New York City Civil Court. Judge Lin received the APALSA alumni achievement award. APALSA aims to foster a consciousness of the legal system's impact on Asian Pacific Americans and to promote education on legal and political issues that concern Asians and Asian Pacific Americans.

The **Black Law Students Association**, which promotes the professional needs of minority students, lawyers and communities, held its Annual Alumni Graduate Dinner on April 21. Professor Linda Feldman, the Law School's Director of Educational Services and Director of the Academic Success Program; and Camille Chin-Kee-Fatt, Director of Student Affairs, were honored at the dinner. State Supreme Court Justice Debra Jones gave the keynote speech. □



LALSA honored Carlos Ortiz '85 (L) and Karina Garden '07 (far R), pictured with her mother.

Camille Chin-Kee-Fatt (above) and Professor Linda Feldman (below) were honored by BLSA.

Attendance at Class Reunions Reaches Record High

New Venue at Chelsea Piers Draws Alumni

Brooklyn Law School hosted a class reunion on May 16, 2007 at the Lighthouse at Chelsea Piers in New York. Alumni from the Classes of 1962, 1967, 1972, 1977, 1982, 1987, 1992, 1997, and 2002 gathered to reconnect with classmates and professors, relive old memories and create new ones with some of the newest members of the Law School community. Despite the May showers, alumni attendance reached record numbers.

With its sweeping waterfront views, Chelsea Piers, a new venue for the Law School reunions, proved to be the perfect space for the School's ever-growing alumni family.



Recent Graduates Network in Manhattan

Classes of 1998 to 2006

Enjoy Lively Evening



Brooklyn Law School hosted a reception in Manhattan on June 20, 2007 for its recent graduates. About 80 alumni from the Classes of 1998 to 2006 spent the evening catching up with their former classmates over cocktails and hors d'oeuvres. The well-attended gathering, held at the venue PS 450, was one of the Law School's most successful young alumni gatherings. A subsequent graduate event took place in November 2007 in Manhattan.



ALUMNI ClassNotes

1957

Joshua S. Sparrow is living in Pensacola, Fla., where he is a certified ombudsman for the Florida Department of Elder Affairs. He is also a national officer of the U.S. Coast Guard, Auxiliary and was appointed the liaison officer among the U.S. Coast Guard, Auxiliary; the Coast Guard Veteran's Association; and the Pterodactyls, the aviation wing of the Coast Guard.

1961

Allan M. Palmer recently retired from the practice of law and is now working as president of Allan Palmer Laboratories, Inc., a company that manufactures cosmetic products, some of which he has invented. He formerly ran his own practice in Washington, D.C. that focused on criminal cases. During his career, he tried over 300 cases in federal district court, and briefed and argued over 40 appellate cases in federal circuit courts and three cases before the U.S. Supreme Court. He also taught legal writing and research at Georgetown University Law Center.

1963

Leonard Olarsch has been a U.S. Administrative Law Judge since 2004. He heard cases in San Juan, Puerto Rico for two years and is now assigned in the Bronx. He previously served as chief of the Condemnation and Certiorari Division and as a division chief in the Tort Division at the New York City Law Department.

1968

Arthur L. Alexander joined the New York office of Rick Steiner Fell & Benowitz LLP as a partner. He focuses his practice on real estate transactions and mortgage matters.

Maury D. Locke, retired senior counsel-international with United States Steel Corporation, recently established Lex Facultas LLC. The company represents a law group in India that outsources legal services from U.S. law firms and law departments to India.

Alan E. Weiner, a senior tax partner at the Long Island firm of Holtz Rubenstein Reminick LLP, was honored with the Kenneth McQuillan Award for lifetime achievement and service to DFK International, a worldwide association of independent accounting firms.

Robert S. Zeif, along with **Eric I. Wrubel '95**, formed the New York firm of Dobrish Zeif Gross & Wrubel, LLP. The firm concentrates exclusively on the practice of matrimonial and family law. Zeif has been included several times in the family law category for the New York area in *The Best Lawyers in America* as well as in *Super Lawyers*.

1969



Vincent J. Syracuse, a senior partner with the New York firm of Tannenbaum Helpert Syracuse & Hirschtritt LLP and chair of its litigation and alternative dispute

resolution department, recently completed three terms as the treasurer of the Commercial and Federal Litigation Section of the New York State Bar Association. He will continue as the Section's vice-chair. A frequent chair or participant in NYSBA CLE programs, he was nominated by the Section for its 2007 Attorney Professionalism Award as a "tireless advocate for ethics and civility in New York." He is also a member of the Advisory Committee for the Commercial Division of the Supreme Court of the State of New York and chair of the Section's Commercial Division Committee.

1971

Kenneth M. Block, formerly with Thelen Reid Brown Raysman & Steiner LLP, joined the New York office of Tannenbaum Helpert Syracuse & Hirschtritt LLP as a partner. He practices in the areas of real estate, construction, and environmental law. The founder of the Real Estate Technology forum, an industry organization designed to promote the use of technology in real estate, he also co-authors a monthly column for the *New York Law Journal* on real estate finance.

Mark I. Zientz, principal in the Miami-based Law Offices of Mark L. Zientz, was elected chair of the Worker's Compensation Section of the Florida Bar.

1972

Stuart A. Hoberman, shareholder of the firm of Wilentz, Goldman & Spitzer, P.A. and chair of its financial services team, was designated as a 2007 Super Lawyer by *Law & Politics Magazine*. He practices in all areas of banking and finance. Hoberman is on the board of directors of the New Jersey State Chamber of Commerce and is past president of the New Jersey State Bar Association.

1973

Robert E. Grossman, a partner in the New York office of Duane Morris LLP, was named vice chair of the International Secured Transactions & Insolvency Committee of the American Bar Association's Section of International Law. With a focus on corporate law, business reorganization and litigation, he has extensive experience in complex bankruptcy and creditor rights litigation, and in counseling troubled and newly restructured companies and investors. Grossman is also the current president of the Brooklyn Law School Alumni Association.

Lawrence A. Sucharow '75 Elected Chair of Labaton Sucharow



In July, **Lawrence A. Sucharow**, Class of 1975, was elected chairman of Labaton Sucharow LLP, one of the country's top plaintiffs' firms in the field of securities, fraud, derivative and antitrust class actions.

In his new role, Sucharow plays a major role in developing the litigation and settlement strategies for almost all of the class actions the firm prosecutes. He has successfully recovered more than \$1 billion on behalf of institutional investors such as state, city, county and union pension funds, shareholders of public companies, and purchasers of other securities.

The National Law Journal recently listed Labaton Sucharow on its "Plaintiffs' Hot List," for the second consecutive year, as one of 13 firms profiled nationwide. Several of Labaton's major cases have made the record books — including a \$117.5 million settlement in *In re Mercury Interactive Securities Litigation* that marked the largest settlement agreement to date in an options-backdating case; and *In re Natural Gas Commodity Litigation*, a \$101 million recovery and the second-largest to date under the Commodity Exchange Act. There have only been six or seven class action securities cases to go to verdict since 1995, when Congress passed major securities litigation reform legislation, and Labaton Sucharow has handled three of these.

Sucharow, who frequently travels to countries in the European Union, says he plans to continue educating European institutions about the U.S. legal system and their right to file claims in securities actions. "It's been very rewarding to speak to people from different cultures about access to

courts, which they are often denied in their own countries," he says.

Sucharow began his career with a small shareholder class action firm while he was still in law school, which he attended in the evening. "I took a job as a law clerk for \$125 a week," he says. "It was a cut in pay from my job managing a menswear store on Wall Street." A government hiring freeze in 1975 scuttled his dream of working for the Securities and Exchange Commission, so he stayed on with the firm after he graduated. A year later, he answered an ad for a securities class action litigator with the firm that now bears his name.

A devoted and longtime supporter of the Law School, Sucharow, who graduated *cum laude*, says he is proud to have built such a successful practice. "I worked my way up with my colleagues to chair this firm, and I am very pleased to be doing some very good work," he says. "I am extraordinarily grateful that Brooklyn Law School had an evening program, without which I could not have gone to law school."

He practices with two other distinguished Brooklyn Law School alumni — Jonathan Plasse '76 and Joel Bernstein '75 — who are now senior partners at Labaton. The firm sponsors the Labaton Sucharow LLP Scholarship, which annually funds a scholarship and internship for a first-year minority student who demonstrates academic excellence in his or her first semester. Sucharow has visited the Law School to speak to students about his successful career and says he hopes to continue educating students about the variety of plaintiffs' work that is available to lawyers. "There are more areas of contingent fee law that could enable an entrepreneurial graduate to make a very decent living," he says, naming areas such as shareholder derivative suits, products liability, mass torts, and actions where legislation has been enacted to shift fees from the loser to the winner, such as civil rights cases. "Everything is not billable clients," Sucharow notes.

Martin R. Press, shareholder and member of the Florida firm of Gunster, Yoakley & Stewart, P.A., was named a 2007 Florida Super Lawyer in taxation. He was also selected for inclusion in *Chambers USA 2007*, the UK-based directory of America's leading business lawyers. His practice focuses on taxation, international taxation, estate planning, and federal and state tax controversies.

1974

Joseph S. Karp, founding partner of The Karp Law Firm, P.A. in Florida, was elected to the Council of Advanced Practitioners. An arm of the National Academy of Elder Law Attorneys, the Council is an invitation-only group representing the most experienced and credentialed attorneys in the field of elder law.

1976

John R. Chaney Jr. was recently appointed by the Kings County District Attorney's Office as Deputy Executive Director of Community and Law Enforcement Resources Together. ComALERT is a law enforcement program designed to reduce recidivism among parolees who return to

Brooklyn by providing them with essential transitional resources. Prior to joining the DA's office, Chaney worked as a program development and fundraising consultant for nonprofit organizations offering resources to urban populations at high risk for involvement in the criminal justice system.

1977

Sean F.X. Dugan, a senior partner at Martin Clearwater & Bell, LLP, was elected to the board of directors of Phelps Memorial Hospital Center in Westchester, N.Y. He focuses on the defense of all aspects of professional liability claims on behalf of physicians and other health care professionals, medical groups, and health care institutions.

Avery E. Neumark, a frequent contributor to magazines and newspapers, published an article in the March 2007 issue of *Tax Hotline*, "Health Savings Accounts: Now Better for Companies...for Employees, too." He is a partner in the New York accounting firm of Rosen Seymour Shapss Martin & Company LLP.

1978



William H. Schrag, formerly with Morgan, Lewis & Bockius LLP, joined the New York office of Dewey & LeBoeuf LLP as a partner in its corporate reorganization and bankruptcy group. He focuses his practice in the areas of bankruptcy, creditors' rights and commercial litigation.

Linda S. Rein '77 Oversees Legal Affairs at Lifetime



In March 2007, **Linda S. Rein '77** became senior vice president and general counsel of Lifetime Entertainment Services in New York. Lifetime is a diverse, multi-media company that offers entertainment and information programming and advocates a wide range of issues affecting women and their families. In her new role, she oversees all legal matters for Lifetime.

Rein's 30-year career in entertainment law has encompassed the television, movie, music and theater industries. Before joining the company in 2001 as a vice president of business and legal affairs, she held positions at Columbia House as associate general counsel and at BMG as vice president of business and legal affairs for the classical division. She was also a senior associate at Grubman Indursky & Shire, P.C., a high-profile entertainment law firm headed by Brooklyn Law School alumni Allen Grubman '67 and Arthur Indursky '67. Over her career, she has represented the interests of some of the biggest stars in the pop music business, including Bruce Springsteen, and had the opportunity to work with classical music legends James Galway, Evgeny Kissin, and Leontyne Price.

Before she attended Brooklyn Law School, Rein worked in theatrical production at a time when there were few women in positions of power in the field. "To raise money, producers would go to their wealthy friends," she says, noting the absence of corporate investors that are so prevalent today. She saw a law degree as a way to advance in the entertainment field. In law school, she participated in the Moot Court Honor Society and was a finalist in the northeast competition in her third year, arguing a trademark case.

Following law school, Rein worked in the music industry in the 1980s, a time of major growth for the record business. She worked for Silverman & Shulman, a small firm whose clients included theater producers, noted jazz artists, and other music industry professionals. In both her positions at Columbia House and BMG, her duties included negotiating and drafting talent, production, licensing and marketing agreements; supervising litigation and contract administration; and handling trademark and copyright matters.

"Throughout my professional career, I've been fortunate to be able to combine my lifelong interest in the arts with the practice of law," Rein says. She credits her mentors and contacts who she says were eager to help her launch a career in the entertainment business. "Now, I'm in the same position to help others," she says.

1981

Lawrence N. Rogak, managing partner of the Long Island insurance defense firm Lawrence N. Rogak LLC, published *Rogak's New York No-Fault Law & Practice*. He also writes a daily newsletter, *The Rogak Report*, which examines and explains the latest liability case law.

Thomas J. Vetter, previously with the New York office of Ropes & Gray LLP, joined Gibbons P.C. as a director. In his practice he works closely with leading Fortune 100 companies in all aspects of complex patent litigation and prosecution.

1982

Barry J. Fisher opened the Law Offices of Barry J. Fisher, P.C. in Garden City, N.Y. He concentrates on all phases of matrimonial and family law, including appellate practice. He is a past chair of the Nassau County Bar Association Matrimonial Law Committee and a former member of its board of directors. He is also a fellow of the American Academy of Matrimonial Lawyers and a vice president for the New York Chapter, and a member of the Executive Committee of the NYSBA's Family Law Section.

1983

Michael D. Grohman, a partner in the New York office of Duane Morris LLP, was named vice chair of the firm's estates and asset planning practice group. He practices tax, estate planning and estate and trust administrative law, with a particular emphasis on estate planning for professional athletes and owners of closely-held businesses.



Patricia L. Kantor was named co-partner in charge of the New York office of Edwards Angell Palmer & Dodge LLP. Her practice addresses residential and commercial real estate transactions, including acquisitions and sales, leasing, financing, restructuring, workouts, and development.

Ann L. MacDougall joined Acumen Fund, a nonprofit venture capital fund headquartered in New York, as chief administrative officer and general counsel. She previously held various senior positions at PricewaterhouseCoopers, including global deputy general counsel in the Paris office, and U.S. general counsel. She was also a member of the firm's management committee.

Karen J. Tenenbaum was awarded the 2007 Samuel B. Traum Achievement Award from the Nassau Chapter of the New York State Society of CPAs, in recognition of her dedication, leadership, and mentoring within the accounting profession. She is a partner in the Long Island firm Karen J. Tanenbaum, P.C., which specializes in resolving tax controversies. She is also the current chair of the Nassau Bar Association's Tax Law Committee.

1984

Jane E. Hoffman was presented with the Excellence in the Advancement of Animal Law Award by the American Bar Association Tort Trial & Insurance Practice Section at the 2007 ABA Annual Meeting. She is president and chairman of the board for the Mayor's Alliance for NYC's Animals, a coalition of more than 90 New York City animal rescue groups and shelters. Previously, she maintained a private practice in executive compensation and estate planning.

John J. Palmeri, who maintains a private practice in Cheshire, Conn. and is also special tax counsel to Secor, Cassidy & McPartland, P.C., was installed as the 2007-2008 president of the Connecticut Society of Certified Public Accountants. He previously served as the secretary, treasurer, and president-elect of the organization, and he chaired several of the Society's committees.



Ann T. Pfau was appointed Chief Administrative Judge of the State of New York. In this position, she oversees the administration and operation of the New York State court system, which has an annual budget of approximately \$2.4 billion and employs 3,600 judges and 15,000 non-judicial staff members. Judge Pfau served as First Deputy Chief Administrative Judge of New York from 2004 to 2007. Prior to that, she was the Administrative Judge of the Supreme Court, Second Judicial District.

Paul D. Williams, a partner in the Connecticut office of Day Pitney LLP, was inducted into the American College of Trial Lawyers. Fellows in the College of include the best lawyers in the trial bar from the United States and Canada. Williams focuses his practice on complex torts and commercial litigation matters.

1985

James I. Glasser and **Joseph W. Martini**, both former federal prosecutors, joined the New Haven, Conn. office of Wiggin and Dana LLP as partners in the firm's white-collar practice group. Glasser joined the firm from the U.S. Attorney's Office for the District of Connecticut, where he most recently served as counsel to the U.S. Attorney and chief of the Criminal Division, and was responsible for all Criminal Division activities in Connecticut. Martini

ALUMNI ClassNotes

joined Wiggin and Dana from the firm of Pepe & Hazard LLP, where he chaired its litigation group and was a member of its executive committee. He served as a federal prosecutor for nine years. They practice in the areas of white-collar criminal defense, fraud, investigations, and regulatory and corporate compliance matters.

1986

Susan I. Merrill, previously chief of enforcement at the New York Stock Exchange, was named executive vice president and chief of enforcement at the Financial Industry Regulatory Authority. Created in July 2007 through the consolidation of the National Association of Securities Dealers and the member regulation, enforcement and arbitration functions of the NYSE, FINRA is the largest non-governmental regulator for all securities firms doing business in the United States. Merrill manages the Enforcement Department and directs investigations and litigation involving violations of federal securities laws and FINRA rules.

David N. Wechsler, formerly with Kurzman Eisenberg Corbin & Lever, LLP, joined the Long Island office of Moritt Hock Hamroff & Horowitz LLP as a partner in its tax, trusts and estates practice group. His practice includes all phases of estates and trusts law, and he also represents individuals and families who own an array of asset valuations and classes.

1987



Geraldine D. Zidow, formerly with McKissock & Hoffman, joined the Philadelphia office of Marshall, Dennehey, Warner Coleman & Goggin as an associate.

She concentrates on complex commercial matters, products liability defense, and aviation industry-related matters.

1988

James D. Diamond, who maintains a criminal defense practice in Danbury, Conn., was voted a 2007 Connecticut Super Lawyer by *Connecticut Magazine*. He is also a member of the City of Stamford Board of Representatives.

1989

Robert S. Thaler, visiting assistant clinical professor and attorney-in-charge for Hofstra University School of Law's Mediation Clinic, was married to Traci King, a clinical study trial manager for Pfizer. Prior to joining Hofstra's faculty, Thaler was the director of mediation services for Community Mediation Services, Inc.

1990

Peter A. Antonucci, formerly with Sills Cummis Epstein & Gross PC, joined the New York office of Greenberg Traurig, LLP as a shareholder in its litigation practice. His practice focuses on products liability, pharmaceutical litigation and medical devices. He is a member of the ABA's Section of Tort Trial and Insurance Practice's Task Force on Revenue Enhancement as well as its Long Range Planning Special Standing Committee.

Michael S. Markhoff, a partner in the White Plains, N.Y. firm of Danziger & Markhoff LLP, was selected by his peers for inclusion in the *Best Lawyers in America 2008* in the field of trusts and estates. He concentrates on estate planning and administration, representing professionals, executives and small business owners.

Andrea M. Sharrin was appointed as an assistant U.S. attorney in the Felony Trial Section of the U.S. Attorney's Office for the District of Columbia. She previously served as special assistant U.S. attorney in the Trial Section, and served as director of civil litigation for the Recording Industry Association of America.

1991

James F. Castro-Blanco joined the White Plains, N.Y. office of Wilson Elser Moskowitz Edelman & Dicker LLP as of counsel. He focuses on a variety of corporate affairs and financing projects in his practice. He is a member of New York City Mayor Michael Bloomberg's Advisory Committee on the Judiciary and a past president of the Puerto Rican Bar Association and of the Association's Annual Scholarship Fund. Castro-Blanco previously served as an assistant dean at St. John's University School of Law, where he remains an adjunct professor of law.

1992

Mark H. Gaw is a director in the structured finance division of Standard & Poor's, concentrating on structured finance transactions. Prior to joining S&P, he was a tax attorney for the New York City Department of Finance in the Tax Policy Division.

Amy Hertzberg Keane is serving as a law clerk to Judge Seamus McCaffery of the Pennsylvania Superior Court.

Jordy Rabinowitz, previously with North Shore-LIJ Health System, joined the Westchester Medical Center in Valhalla, N.Y. as senior associate general counsel.

1993

Jewell I. Esposito, formerly with Bingham McCutchen LLP, joined the Philadelphia office of Chamberlain Hrdlicka as a shareholder in its employee benefits/ERISA practice group. She assists clients with tax controversy and planning matters, as well as employment law and employee benefits.

Jeanette Rodriguez-Morick joined the New York office of Thompson Hine LLP, where she will focus on antitrust, white-collar crime and business litigation. Most recently, she was a law clerk to Judge Dora L. Irizarry of the U.S. District Court for the Eastern District of New York.

Jonathan R. Sennett, is a sole practitioner and part-time assistant public defender in New Paltz, N.Y. He was formerly an associate at Levy Phillips & Konigsberg, where he worked on personal injury matters.

1994

Jennifer A. Covell, formerly a partner at Gulielmetti Levinson, P.C., was named assistant general counsel at Legacy Benefits Corporation. Based in New York, the company handles life insurance settlements.

Leonard Oppenheimer was appointed the spiritual leader of Young Israel of Forest Hills. He was previously a rabbi for a congregation in Portland, Ore., where he served for the past 13 years.

Marc J. Pensabene, a partner in the New York office of Fitzpatrick, Cella, Harper & Scinto, was awarded a 2007 Burton Award for Legal Achievement for an article he co-authored, "How to Assess Trade Secret Damages," which was originally published in the June 2006 issue of *Managing Intellectual Property*. He focuses his practice on patent and trade secret litigation in the electrical and mechanical arts.

1995

Jonathan S. Chernow became a partner of the New York-based firm of White, Fleischer & Fino, LLP. As a member of the firm's insurance coverage and commercial litigation practice group, he works on first-party claims and fraud, and commercial and securities claims.

Rebecca Brazzano '95 Spearheads Thelen Reid's Diversity Efforts in New York



Rebecca Brazzano (Tapie), Class of 1995, is putting her persuasive skills to good use in the promotion of diversity and community service at her law firm, Thelen Reid Brown Raysman & Steiner LLP. She currently serves as special counsel and participates in a variety of practice areas, including intellectual property, securities, bankruptcy and complex commercial litigation.

As the newly appointed point person in the New York office for the firm's Diversity Committee, Brazzano has been instrumental in initiating several projects including networking and career training specifically for attorneys of color. She also assists with the firm's participation in the New York City Bar Minority Fellowship program. And this year Brazzano helped launch "1L Diversity Fellowship + In-House Experience," a new joint summer fellowship program that offers first-year students law firm and in-house experience with corporate clients, ongoing mentorship, and a scholarship towards their second year of study.

"We want to continue to create opportunities and build a culture where diversity has a real impact on recruiting and retention," says Brazzano, who is part Cherokee. She also spearheads the firm's community service initiatives, such as its recent program that provided public school children in Harlem with back-to-school supplies. The New York office donated and distributed backpacks filled with school supplies and books to 175 children in pre-K through second grades at PS 133 in September, and the children competed later in the fall to design holiday cards for the firm.

Brazzano was recently chosen to be in a select group of partners and senior lawyers who facilitate in-house professional development training at Thelen. She recently ran clinics on the attorney-client privilege in four of the firm's offices. "Thelen is a dynamic place to practice law, and I have had the opportunity to blend the growth of my career with a personal commitment to community outreach," Brazzano says. "I've been here 10 years, and I've found there is no glass ceiling. They make it work for you."

Julie F. Kay was promoted to senior staff attorney at Legal Momentum, the nation's oldest legal advocacy organization dedicated to advancing the rights of women and girls. Kay leads the organization's Sexuality and Family Rights Program. Before joining Legal Momentum, she was a legal consultant to the Irish Family Planning Association.

Nathaniel P. Kiernan and his wife, Nadja, welcomed the birth of Zachary, their first child, in August 2007. Kiernan is a vice president and assistant general counsel at JPMorgan Asset Management, where he focuses on securities laws related to compliance and regulatory issues.

Geoffrey A. Richards '95 Joins Chicago Investment Banking Firm



Geoffrey A. Richards '95 joined the investment banking firm William Blair & Company in Chicago as co-head of Special Situations & Restructuring in June 2007. In his new position, he draws on his 12 years of sophisticated transaction experience as a restructuring lawyer and investment banker to help companies solve their financial challenges. William Blair, a leading independent, employee-owned investment firm founded in 1935, offers investment banking, asset management, equity research,

institutional and private brokerage, and private capital services to individual, institutional, and issuing clients.

A native of Scarsdale, New York, Richards grew up in Chicago after his family moved there when he was in grade school. He completed two years at Brooklyn Law School before returning to the Windy City to finish his law degree at Northwestern University School of Law, where he has taught corporate restructuring as an adjunct professor since 2001. "I wanted to start my career in Chicago," he explains, "and going to law school there helped me gain exposure to Chicago law firms."

After law school, he joined the Finance and Reorganization Group at what is now Katten Muchin Rosenman, a 500-lawyer firm at the time. Three years later, he was recruited to join the Restructuring Group at Kirkland & Ellis in the firm's main office in Chicago. He worked with billion-dollar corporations and helped grow the firm's restructuring practice from 10 attorneys to 88. He became a partner there in 2002. "Participating in the growth of K&E's Restructuring Group was great training for developing and strengthening the group I joined at William Blair," says Richards.

Richards also brings experience in the financial world to his new position. He served as a managing director at New York-based investment banking firm Giuliani Capital Advisors, where he worked with former New York City Mayor Rudy Giuliani before Giuliani announced his presidential candidacy. "I migrated from practicing law in order to delve deeper into the financial side of bankruptcy and restructuring," Richards explains.

Richards is happy to be back in Chicago building on his transaction experience as a lawyer and banker. With both his legal and financial backgrounds, he offers his clients a wider range of solutions than the traditional investment banker. "Representing hedge funds, private equity funds and companies in a variety of industries and working with some of the best and brightest of the bankruptcy bar has helped me to understand how the pieces on the negotiation chess board are likely to move," he says.

Steven Nudelman, a partner in the Woodbridge, N.J. office of Greenbaum, Rowe, Smith & Davis LLP, served as a panelist at the New Jersey State Bar Association's Young Lawyers Forum in May 2007. He concentrates in complex construction litigation, title insurance defense litigation, and general commercial litigation.

Steven G. Sanders, an assistant U.S. attorney in New Jersey, and his wife, Jane, adopted a second child, a boy from South Korea whom they have named Trevor Minsoo.

1996

Stephanie F. Lehman joined the New York office of WolfBlock as a partner in its private client services group. She focuses on matrimonial law and related tax matters.

Andrew J. Smiley, a partner in the New York law firm Smiley & Smiley, LLP, and his wife, Paula, welcomed the birth of their daughter, Elle Jade Smiley.

1997

Steven M. Ebner and his wife, Emily, welcomed the birth of their daughter, Elizabeth Hope. She joins big sister, Samantha, and big brother, Owen. Ebner is a partner of the Florida firm Shutts & Bowen LLP.

Jennifer Geismar, a vice president in the legal department of Lehman Brothers, was married to Peter Hyman, a freelance journalist and a contributing writer for *Radars*, a lifestyle and popular culture magazine in Manhattan.

Sun Min, chief marketing officer for Southern Illinois University College of Business and Administration, wed Edan Jon Schultz. Her husband is the main anchor and executive producer at the ABC affiliate station WSIL-TV in Crainville, Ill.

Sander N. Rothchild and his wife, Samara, welcomed their first child, Kaylah Eden, in April 2007. Rothchild is a partner with the New York-based firm Fabiani Cohen & Hall, LLP, where he practices insurance defense litigation.

1998



Michael A. Asaro joined the New York office of Akin Gump Strauss Hauer & Feld LLP as a litigation partner. He focuses on SEC investigations, white-collar criminal defense, corporate and internal investigations, and commercial litigation. He previously served as the deputy chief of the white-collar fraud section at the U.S. Attorney's Office for the Eastern District New York, and as a branch chief at the New York office of the SEC.

Amie G. Colwell, a certified public accountant, joined the Washington, D.C. office of Sutherland Asbill & Brennan LLP in its tax practice group. She was formerly international tax planning counsel at PepsiCo Inc.

1999

Alexandra Bourne (Derian) formed the Law Office of Alexandra Bourne. Previously she practiced in Manhattan and in Orange County, N.Y. and served as a law clerk with the State Superior Court of Maine.

Christian M. Capece, an assistant federal public defender in Charleston, W.Va., was promoted to the rank of major in the U.S. Marine Corps Reserves. In February 2007, he was mobilized to defend a Marine facing murder charges in connection with the killing and kidnapping of an Iraqi civilian in Hamdania, Iraq.

Gil Goldschein was promoted to chief operating officer of Bunim-Murray Productions, where he will oversee the management and growth of the company, and lead and strategize its new media ventures. He most recently served as the company's general counsel and led its business and legal affairs group.

2000



Eugene P. Caiola joined the New York City office of Phillips Lytle LLP as an associate. His practice focuses on the field of commercial real estate law, including development sales, acquisitions and leasing.

Jessica I. Karyo, an associate in the New York firm Agins, Siegel & Reiner, LLP, and her husband, Michael, welcomed the birth of their first child, Benjamin Aaron.

Richard Kipperman was promoted to vice president of tax at Dresdner Kleinwort Investment Bank in New York. Prior to joining Dresdner, he was a tax manager in the financial services group at Deloitte Tax LLP.

Hozefa S. Lokhandwala and his wife, Perryne, welcomed the birth of their daughter, Maya Yasmeeen Lokhandwala, in May 2007. He is currently an associate in the New York office of Bear Stearns & Co., Inc. in its telecom, media and technology group.

Robert J. Paliseno became a member of the firm of Smith Mazure Director Wilkins Young & Yagerman, P.C. He focuses on construction, insurance, transportation, and municipal government law.

S. Jonathan Vine relocated in 2005 with his wife and two children to South Florida, where he joined the firm of Cole, Scott & Kissane, P.A. in its West Palm Beach office. He focuses his practice on legal malpractice, labor and employment law, and commercial litigation.

2001



Debbie Chun, formerly with Wilson Elser Moskowitz Edelman & Dicker LLP, joined the Long Island, N.Y. firm of Farrell Fritz, P.C. as an associate in its commercial litigation department.

Elchonon D. Golob relocated to Arizona and joined the Law Offices of Donald W. Hudspeth P.C. as an associate. He practices in the areas of commercial litigation, real estate and construction law.

Maria Corvaia O'Donnell started her own firm in 2005, the Law Offices of Maria Corvaia O'Donnell, P.A. Located in Florida, the firm specializes in insurance defense matters. O'Donnell also welcomed her first child, Annabelle Jane, in May 2005.

Laurie A. Poulos, an associate in the New Jersey office of Greenberg Traurig, LLP, was named one of New Jersey's *Rising Stars Super Lawyers* for 2007. Her practice is in complex commercial litigation.

Dona J. Fraser '01 Appointed Director at Entertainment Software Rating Board



In September 2007, **Dona J. Fraser '01** joined the Entertainment Software Rating Board in New York as the director of its Privacy Online Program. The ESRB is the non-profit, self-regulatory body that independently assigns ratings to video games. In her position, she assists video game companies in developing the privacy policies that their collection of data from online users requires.

Always a lover of live music and other visual art forms such as TV and film, Fraser knew even before she came to law school that she wanted to be an entertainment lawyer. She secured an internship at RCA Records in her third year at Brooklyn Law. Then, through a little luck and a lot of hard work, she used her connections there to secure a consultant's spot that turned permanent. From RCA, she went to Arista, then BMG, Zomba, and Wind-Up Records.

In 2005, she made a career shift when she decided to go out on her own as a legal consultant. "I became increasingly intrigued by independent artists, and the changes in the industry that have provided them with avenues to make music available without signing to a major label," she says. "Moving to the artist side reinvigorated me — I had so much more passion for my work." Working with start-up companies and independent musicians, she helped them draft contracts, negotiate recording deals and generally survive the changing music business. She was also involved in conceptualizing and pitching TV programs; a major cable station is currently considering one of the shows.

After several years building her company Mind Your Light, she happily received a tip about the ESRB position from a former colleague in the video game business, where she worked before coming to law school. "I've always been intrigued by the Internet," Fraser says. "Entertainment law was my passion, and there's always been a connection to me: I knew the entertainment industry would go online."

The BLS community has remained an important part of Fraser's life. She recruited many interns from the Law School during her days at RCA, and she still takes part in the Law School's annual Career Conversations Fair.

2002

Mathew B. Tully, a founding partner of the Albany, N.Y. firm Tully, Rinckey & Associates PLLC and a major in the New York Army National Guard, was selected to be a nationally syndicated columnist

by the Army Times Publishing Company. The company is responsible for publishing numerous magazines and newspapers including the *Army Times*, *Navy Times*, *Air Force Times*, and *Marine Corp Times*. His columns will appear in both printed and online formats.

2003



Eric A. Pinero joined the New York office of Hodgson Russ LLP as an associate in its corporate and securities practice group. He focuses on corporate and securities matters, including private equity and debt security financings, and corporate governance.

Camille Joseph Varlack, formerly an assistant district attorney at the Kings County District Attorney's Office, joined AXA Financial, Inc. as in-house counsel and assistant corporate secretary. Headquartered in New York, AXA is a financial protection and wealth management company.

2004

Erik J. Blum joined the staff of New York City Council Member Helen Sears as legislative counsel. He previously worked as an attorney and forensic analyst, assisting on corporate fraud investigations.

Zara F. Fernandes, previously an associate at Sheldon Lobel, P.C., joined Carter Ledyard & Milburn, LLP as an associate in the firm's real estate department.

Justin A. Greenblum joined the New Jersey office of Robertson, Freilich, Bruno & Cohen, LLP, where he practices complex commercial litigation related to antitrust, trademarks, white-collar criminal and construction law.



James Tsempelis was married to Maria Tzortzatos in June 2007. They maintain a private practice in Astoria, N.Y. that concentrates on real estate transactional work. He also runs a mortgage brokerage and title abstract company.

David M. Barron '03 Takes Lethal Injection Case to U.S. Supreme Court



David M. Barron '03 appeared before the U.S. Supreme Court in January when the Court took up the issue of how Kentucky carries out executions by lethal injection. Barron is an assistant public advocate in the Kentucky Department of Public Advocacy's Capital Post Conviction Unit. Donald B.

Verrilli Jr., a partner at Jenner & Block in Washington, D.C. and an experienced Supreme Court litigator, argued the case.

Of the many prisoners on death row Barron represents, two are arguing in this case that the drug cocktail and the procedures that Kentucky uses to execute death row inmates violate the Eighth Amendment's ban on cruel and unusual punishment by creating an unnecessary risk of pain and suffering. The case, *Baze v. Rees*, marks the first time in over 100 years that the Supreme Court has agreed to consider the standard by which courts measure such claims.

Kentucky is one of many states that use the same combination of three drugs in their application of lethal injection. Barron's argument is that the cocktail is often applied incorrectly, causing inadequate anesthesia and resulting in excruciating and unnecessary pain, and that less painful chemicals could be used to carry out lethal injections. The Court's willingness to hear this case could result in a change to the way the death penalty is carried out across the country. The Court has blocked other executions that have been challenged in the time since it granted certiorari in Barron's case and is handling stays of executions on a case by case basis until it rules next summer.

"I went to law school with the intent to do death penalty work," says Barron, who became interested in activism against capital punishment while still in high school.

At Brooklyn Law School, he interned with attorneys who represented individuals sentenced to death and started and oversaw a work-study program called Brooklyn Law Students Against the Death Penalty. A Sparer Public Interest Law Fellow, Barron graduated *magna cum laude* and was recognized with a Pro Bono Award and an award as a Student Providing Outstanding Leadership in Public Interest Student Organizations. He also worked closely with Professor Ursula Bentele in her Capital Defender Clinic. After law school, he went to practice in South Carolina, representing inmates on death row. "It is draining but extremely worthwhile," he says of his work. "When you save a client's life, the reward is about as good as it can get."

Barron, who won CALI awards for both semesters of legal writing, says the key to convincing the Supreme Court to grant certiorari was to not write the petition like a typical legal brief. "They have to take cases that have a broad impact across the country," he says. In filing such petitions, he researches what will work best to get the Justices' attention. In the *Baze* case, he used a baseball analogy: "The various legal standards for determining when a method of execution is cruel and unusual punishment is the legal version of the broken down pitcher with a 95 mile per hour fastball," according to his petition. That pitcher may look great to teams at first blush, he explains, but on closer examination, flaws in his mechanics make it likely his pitching will break down.

As one of the youngest lawyers who work on death penalty cases at this level, Barron is an anomaly at 29. A lawyer must have been practicing for three years before he or she can appear before the Supreme Court. "Having certiorari granted by the U.S. Supreme Court is a lifelong goal for many attorneys. And having it happen only four years after graduation is something I couldn't have imagined in my wildest dreams," he says. "I hope it can serve as an inspiration to other young attorneys."

Kristina M. Wertz became the first legal director of the Transgender Law Center, a civil rights organization that advocates for transgender communities. She is responsible for overseeing TLC's legal staff, legal programs and publications that deal with issues and laws that affect transgender individuals in the community.

2005

Stephanie L. Bond and Clifford R. Cone were married in September 2007. Stephanie most recently worked as an associate in real estate finance at

Centerline Capital Group in New York City. Clifford is an associate in the New York corporate finance group of Clifford Chance USA LLP.

Nicole E. Dryden spoke at Brooklyn Law School in March 2007 about issues concerning sexual orientation and asylum law. She is a staff attorney at Immigration Equality, a New York-based organization that works nationally on LGBT issues and immigration laws. She previously worked on refugee issues at the Australian High Commission in Colombo, Sri Lanka.



Samantha V. Ettari, who is serving as a law clerk to U.S. District Court Judge Edward R. Korman of the Eastern District of New York, wed David L. Contreras. She was

previously a litigation associate in the New York office of White & Case LLP. Her husband is the owner of DLC Legal Management Consulting Group, Inc. and Heights Cleaning Service, Inc.

Debra J. Farber joined the Fairfax, Va. office of IBM as a managing consultant in its security, privacy, wireless, and IT governance practice group. She focuses on information privacy and data protection. Farber was previously a senior manager in the privacy and policy group at Revolution Health, a health company for consumers.

Courtney Ilarraza (Geller), an assistant district attorney in the Kings County District Attorney's Office, gave birth in December 2006 to a baby boy, Benjamin Aaron.

Desiree A. Johnson opened her own practice in Burlington, Vt. She focuses on the areas of elder law and estate planning, small business and employment law, and family law.

Timothy D. Oberweger, who works at First American Title Insurance, and his wife, Willow, welcomed the birth of their second daughter, Charlotte.

2006

Andrew H. Messinger, an associate in the New York office of Fried, Frank, Harris, Shriver & Jacobson LLP, wed Rachel Zitsman, a mathematics teacher at Ramaz Middle School in Manhattan.

2007

Jasmina H. Ahmetovic, an assistant district attorney with the Manhattan District Attorney's office, wed Morgan Andrew Lombard Goulet, an assistant district attorney with the Queens County District Attorney's office.

Editor's Note:

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

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Professor John A. Ronayne

Proponent of Diversity Taught for 40 Years



John A. Ronayne, a professor emeritus at Brooklyn Law School, passed away July 20, 2007. Professor Ronayne joined the faculty in 1966 and taught a range of courses including contracts, criminal law, and agency and business organizations during his four decades on the faculty. He retired from teaching in 2006.

Ronayne worked well into his 80s. He published an article about the New York Revised Limited Partnership Act in the Winter 1994 issue of the *Pace Law Review*. Known for keeping his door open to students and giving his time and support to the Law School freely, Ronayne took the students in all his classes to lunch in his early days at the Law School. In a big class like contracts, he would divide up the class and accompany groups of students to lunch, so that everyone had a chance to go. At these informal gatherings, according to Professor Joe Crea, they would discuss and debate issues. Ronayne readily volunteered his time when the BLS moot court teams and legal research program needed judges.

A great proponent of education and fairness, he served on the Admissions Committee and tirelessly pursued diversity of the Law School's student body. He influenced three women in his family who decided to become lawyers, according to his

granddaughter, Meredith Baker (Ronayne) '06 (pictured), who received her Brooklyn Law School diploma from him at graduation in 2006, right before he retired. "He never pressured any of us to follow in his footsteps," she explains. "We were simply inspired by his example." He "had a lot of integrity," she says of her grandfather as a teacher. "He respected everybody and was very fair."

Born in 1916 in the Bronx, John A. Ronayne graduated from Fordham University and Fordham Law School. He also held an M.P.A. and an LL.M. from New York University. He served in the U.S. Army during World War II and retired from the Army Reserves in 1976 as a lieutenant colonel. He also had a distinguished career in law enforcement, serving as an inspector with the New York City Police Department for many years. He was responsible, according to Crea, for setting up the legal department within the police department that prosecuted cases. Ronayne retired from the force in 1961. In the mid-1960s, he served as a consultant for the Moreland Commission on New York Liquor Laws and for the U.S. Civil Rights Commission. Prior to joining Brooklyn Law School's faculty, he worked at Fordham Law School in its placement office and as an assistant dean.

Ronayne is survived by Alice, his wife of 59 years; his children Nancy, Peter, Donna, Jay and Mavis; five grandchildren; and one great-grandchild.

In memory of Professor Ronayne's service and dedication to the Brooklyn Law School community, the Law School has created a new graduation prize in his name.

Evelyn Greene

Evelyn Greene, a member of the Brooklyn Law School Library staff for 27 years, passed away Oct. 4, 2007 after a sudden and serious illness. Greene worked in the Cataloging Department, where she assisted with bibliographical information and use of SARA, the Law School's online library catalog.

Greene always listened carefully to her co-workers' concerns, and she was known for her encouraging, warm demeanor. "Working with Evelyn was a pleasure," says Maria Okonska, her supervisor. Victoria Szymczak, Acting Director of the Law School library, remembers Greene's last day at work. "She reminded me of how important it is to be kind to others and always take time to laugh," Szymczak says. "'If you do this,' Evelyn said, 'everything else falls into place.'"

Greene is survived by her husband of 45 years, Harry Greene; two children, Barry and Sheaketha Greene; and four grandchildren.

Thaddeus E. Owens '48

Thaddeus E. Owens, a former justice on the New York State Supreme Court, died July 21, 2007. Justice Owens, who graduated from Brooklyn Law School in 1948, presided over the high-profile racially-charged trials of white men accused of the 1989 murder of Yusuf Hawkins, a black teenager, on the streets of the mainly white community of Bensonhurst in Brooklyn.

Justice Owens served on the State Supreme Court from 1983 until he retired in 1995; he also served as a judge for the New York City Civil Court. Born in 1919 in Pine Bluff, Ark., he graduated in 1939 from Morehouse College and then moved to New York. He spent time in the Army during World War II and saw action in Japan. During law school, he worked as a postal clerk and a waiter; he later worked for the N.A.A.C.P. in Brooklyn and in local politics for the Democratic Party, which led to his election as a civil court judge.

(continued next page)

In Memoriam

In the Hawkins case, Justice Owens, who was black, presided over a set of complicated and controversial murder trials that stemmed from an incident in which a gang of white men, some of whom carried baseball bats, confronted a small group of black teenagers who were visiting Bensonhurst. The trials lasted two years and resulted in the convictions of five defendants and the acquittal of three. Other defendants were convicted of lesser charges including riot and weapons possession.

Justice Owens is survived by his wife Emma, two daughters, two sons, and a grandson.

Robert Rosenthal '41

Robert Rosenthal, a Brooklyn Law School alumnus and a World War II hero, died April 20, 2007.

Born in Brooklyn in 1917, Rosenthal attended Brooklyn College and graduated from Brooklyn Law School *summa cum laude* in 1941. He enlisted in the U.S. Air Force after the attack on Pearl Harbor and insisted on being put into action. He was assigned as a bomber pilot for the remainder of World War II. The recipient of 16 decorations, including the Distinguished Service Cross and the Purple Heart, Rosenthal flew many missions over Nazi Germany in a style of warfare that put bombers in great danger.

On one mission in 1943 over Münster, he maneuvered his badly damaged B-17 bomber, known as "Rosie's Riveter" in a play on both his nickname and the well-known reference to the women who manufactured munitions in factories during the war, safely back to England, the only one of 13 to return after a deadly air battle with 200 German fighters. Another time, his plane was damaged by flak over France in 1944 and went down; he suffered injuries including a broken arm and was rescued by the French resistance. A few months later, he was shot down during a raid over Berlin and was helped by Russian troops to return to England after an odyssey through the Eastern and Mediterranean Fronts.

After the war, Rosenthal returned to practice but was offered the opportunity to help prosecute the Nazis in Nuremberg. He assisted in the interrogation of Hermann Goering, the commander of the German air force; and Wilhelm Keitel, a top Nazi general.

Rosenthal is survived by his wife Phillis Heller, an attorney; his sons Steven and Daniel; his daughter Peggy; four grandchildren; and two great-grandchildren.

1930

Sigmund Moses
July 21, 2007

1935

Jeanette Brody Rattiner
August 15, 2007

1939

Abraham Hoffman
September 9, 2007

Nathaniel Kalotkin
July 21, 2007

1941

Hon. Louis I. Kaplan
September 6, 2007

Henry Scheier
September 20, 2007

Anthony Sugameli
July 9, 2007

1948

George J. Bolton
May 15, 2007

Hon. Jack Turret
June 16, 2007

1949

Herbert A. Sulsky
September 7, 2007

1950

Shepperd Daniels
January 1, 2007

Seymour Rabinowitz
July 11, 2007

1951

Jack Ferentz
July 26, 2007

Arnold J. Kaplan
August 22, 2006

Samuel Ungar
March 30, 2007

1952

Edward Karlewicz
July 9, 2007

Hon. Gerald H. Kolinsky
September 14, 2007

1954

Dr. Roy Udolf
March 29, 2007

1955

Lester Dembitzer
April 6, 2007

Matthew F. Magidson
May 17, 2007

1957

Jerome Bricker
April 23, 2007

1961

Louis C. Amadio
August 6, 2007

1966

Howard W. Kushner
January 26, 2007

1968

Ira M. Lewis
March 1, 2007

1973

Andrew H. Ferber
March 30, 2007

1974

Stuart E. Goldberg
August 5, 2007

1987

Maria E. Lanza
September 5, 2007

1992

Philip A. Presby
June 7, 2007

1993

Edwards Kobacker
September 27, 2007

CALENDAR OF EVENTS | SPRING 2008

JANUARY 11–13	BRIDGE THE GAP (CLE Credit Offered)	MARCH 25	NAMED SCHOLARS RECEPTION
JANUARY 17	MENTOR RECEPTION	MARCH 28	EDWARD V. SPARER PUBLIC INTEREST LAW SYMPOSIUM “Decentralizing Rights” (CLE Credit Offered)
JANUARY 31	BREAKFAST ROUNDTABLE “The Emerging Law of International Commerce” SPEAKER: JERNEJ SEKOLEC Secretary, UNCITRAL; and Director, International Trade Law Division, United Nations Office of Legal Affairs Harvard Club	APRIL 3–5	23RD ANNUAL JEROME PRINCE MEMORIAL EVIDENCE MOOT COURT COMPETITION
FEBRUARY 25	NEW YORK STOCK EXCHANGE BREAKFAST ROUNDTABLE “Recent Moves in EU Securities Regulation and Their Implications for the United States” SPEAKER: CRISPIN WAYMOUTH First Secretary, Delegation of the European Commission to the United States	APRIL 8	IBL 20TH ANNIVERSARY CELEBRATION In Honor of the Naming of the Dennis J. Block Center for the Study of International Business Law
FEBRUARY 29	SYMPOSIUM “The ‘Going Private’ of U.S. Capital Markets” (CLE Credit Offered)	APRIL 13	WESTCHESTER ALUMNI REUNION Location TBD
MARCH 6	BLSPI AUCTION	MAY 15	CLASS REUNIONS 1963, 1968, 1973, 1978, 1983, 1988, 1993, 1998, 2003 Chelsea Piers, Manhattan
MARCH 7	SYMPOSIUM “The ‘Partial-Birth Abortion’ Ban: Health Care in the Shadow of Criminal Liability” (CLE Credit Offered)	JUNE 4	COMMENCEMENT SPEAKER: HON. GEORGE BUNDY SMITH Associate Judge (Ret.) New York State Court of Appeals Avery Fisher Hall
		JUNE 13	GOLDEN CIRCLE CELEBRATION Classes of 1958 and Earlier



250 Joralemon Street, Brooklyn, New York 11201

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