

Brooklyn Law Notes

THE MAGAZINE OF BROOKLYN LAW SCHOOL | FALL 2022



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Dean's Message



“By various measures, we have increased both the size and the quality of our incoming classes.”

AS MANY READERS likely know already, I announced over the summer that I will step down as dean at the end of this academic year. I have served during an especially challenging (albeit rewarding) time, and having held various administrative posts, here and elsewhere, for over a decade, it seems like a good moment to return to the faculty.

Looking back, I am very proud of all the progress the Law School has made on numerous fronts during my tenure as dean:

FACULTY. Certainly the most important and impactful legacy of my time as dean, in the short and long term, will be the outstanding additions to our faculty. The 18 full-time appointments, including 11 tenure-stream professors, have brought meaningful diversity to the faculty's ranks and ensured the school's ongoing vitality in the classroom, the scholarly community, and our wider society—building on historical areas of strength, such as evidence and securities, while adding expertise in areas of contemporary relevance, such as law and technology and election law.

ENROLLMENT. By various measures, we have increased both the size and the quality of our incoming classes. Key numerical credentials such as LSAT scores and undergraduate GPA have shown meaningful gains across the board each of the last three years. I am especially proud that our commitment to student diversity, and the philanthropic support of multiple donors who have made gifts creating diversity-oriented scholarships, are paying off, as 37% of this incoming class are students of color. This is believed to be an all-time record for Brooklyn Law School.

DIVERSITY AND INCLUSION. As we have increased the diversity of both our faculty and our student body, the Law School has also made strong commitments to promoting diversity, equity, and inclusion in our curriculum. Karen Porter, the school's first Associate Dean for Inclusion and Diversity, has worked tirelessly to promote a welcoming and inclusive environment, aided by the resources provided by a generous gift from Arthur Pinto and Stephen Bohlen in my first year as dean.

STUDENT SUPPORT. Even before the pandemic, students were struggling with the stresses and challenges of studying law. To address these issues and promote student well-being, the Law School invested in a relationship with TimelyMD to make online health services, including mental-health counseling, available to students around the clock and free of charge. I was inspired by, and happy to support, the student-led initiative to create our new Student Advisor and Mentorship Program (SAMP), which offers academic, professional, and personal guidance, support, and mentoring to our student body.

I am sure the positive trends will continue and that the school's best days are ahead. I look forward to having a ringside seat as we continue to rise!

A handwritten signature in black ink, appearing to read "Michael T. Cahill". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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

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Sustainable building is a buzzy topic now, but it is not new to Brooklyn Law School, which has offered relevant course material for 14 years. Alumni in the field explain its growing potential.



Terreform ONE designed this seven-story-tall habitat for monarch butterflies as part of the doubleskin, climate-controlled façade, solar-paneled green roof, and atrium of a commercial building in New York City (building model shown here). Mitchell Joachim is the project's principal investigator. Courtesy of Terreform ONE.



It All Added Up

Sonya Smith-Valentine '97, who started out as a CPA, used her financial expertise to specialize in corporate finance law. Her third (and favorite) act is Financially Fierce. *p. 10*



Summer of Service

Immigrant detainees, wilderness-area clients, and juvenile criminal cases were on the docket for these five public service interns. *p. 22*

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DISCOVERY

Incoming Law School Class Receives Warm Welcome at Campus Convocation

THE BROOKLYN LAW SCHOOL campus brimmed with new faces Aug. 22, 2022, as a class of 411 students celebrated the start of their first year at the annual convocation.

The incoming class includes a mix of recent college graduates and those who migrated to law from a wide range of professions, including media, accounting, entrepreneurship, investment banking, not-for-profit organizations, and the military. Convocation speakers welcomed students to a thriving, tight-knit community.

“I hope you realize the students sitting next to you and whom you have met today are quickly becoming your friends, and they will become your colleagues, your support group, and eventually your

legal network,” Vice Dean and Centennial Professor of Law Miriam Baer said. “We professors and administrators also like to think we are part of that network, because we are your mentors and often will be your

strongest cheerleaders. But without question, your classmates are your greatest assets here at Brooklyn Law School.”

Brooklyn Law School Alumni Association President Deborah Riegel '93 urged students to take advantage of a local community that is the most diverse in the world—in culture, in religion, in food—and to know that they have joined a Law School community where generosity is abundant. She recalled when, as a second-year real estate law associate, she desperately needed guidance on a tort case for her firm's largest client.

“It was crisis mode, and it was like a law school exam,” Riegel said. She phoned Jerome Leitner, her former Brooklyn Law School tort Professor, who summoned a colleague, Professor Richard Farrell. Before Riegel knew it, she had Leitner and Farrell on the line, brainstorming on research methodology and plotting out her next steps. Although both these professors from nearly 30 years ago have passed away, the community spirit remains, says Riegel, an attorney in Rosenberg & Estis' litigation department.

“That's what Brooklyn Law is about,” Riegel said. “And then you get to the larger community of alumni... we take care of our own, we've been there, we've all benefited from this incredible community here, and it's all about giving back.”

Professor of Law Steven Dean urged students to consider public service, telling the story of a Liberian asylum seeker who taught him unexpected lessons about courage and the role of racism in tax law.

President and Joseph Crea Dean Michael T. Cahill wrapped the evening, telling students that the law is a “profession of hope,” with serving others, especially those who are marginalized, and conveying a sense of respect, civility, and inclusiveness in communications among its key tenets.

Joining the incoming class were Jacob and Joshua Dana, two brothers in a set of triplets, from Hewlett, N.Y. Living in New York City and family tradition (their dad is a lawyer) prompted their entry to Brooklyn Law.

While they anticipate some friendly brotherly competition during Law School, “We're rooting for each other to succeed,” Jacob Dana said.



The incoming class enjoyed refreshments and light bites in the dining hall before the convocation program got underway.

CLASS STATISTICS

- 370 students in the 3-year and 25 in the 4-year J.D. program
- Hail from 5 continents and 30 countries
- Speak 40 non-English languages and dialects
- 79 students are first-generation Americans
- 16 students are LL.M.s

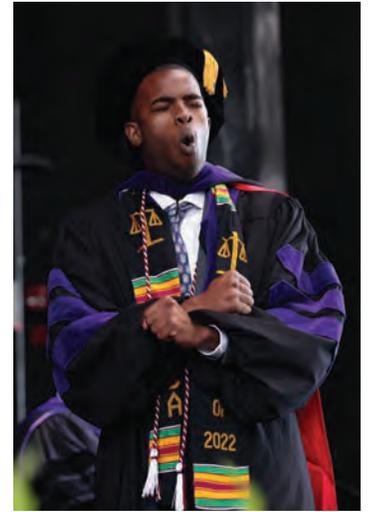
Commencement Day 2022 Celebrated With Family and Friends

SAGE ADVICE, words of encouragement and hope, and more than a few laughs and whoops of congratulations from the audience made commencement day 2022 memorable for the nearly 450 members of Brooklyn Law School's classes of 2020, 2021, and 2022 who gathered with families and friends at the Coney Island Amphitheater. It was a particularly joyous day, as this was the first in-person commencement since 2019.

The program featured remarks by Chairman of the Board of Trustees **Frank Aquila '83**, and a speech by valedictorian **Brian J. Fischer '22**, who was joined at the event by his grandfather **Louis J. Castellano, Jr. '49**. The keynote speaker was Preet Bharara, former U.S. Attorney for the Southern District of New York, who was conferred the honorary degree of Juris Doctor Honoris Causa.

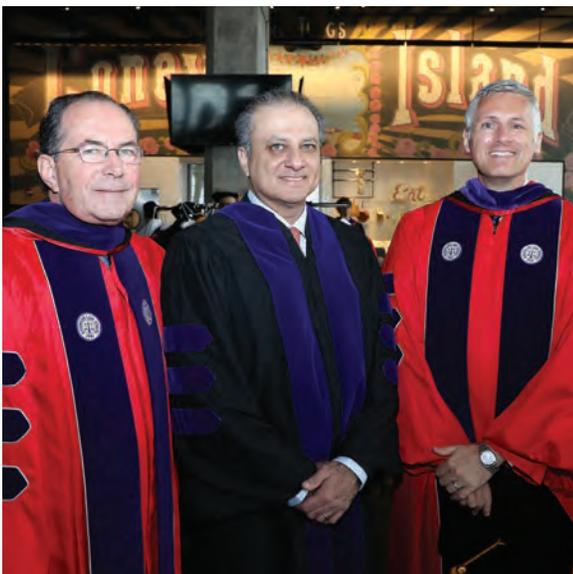
“Take pride. You have gained degrees in the most challenging times imaginable. When you live in times like this, you have to bathe in every joy, revel in every good day.”

— PREET BHARARA,
COMMENCEMENT SPEAKER
(PICTURED IN PHOTO BOTTOM LEFT, MIDDLE)



“My grandpa is here, a 1949 alumnus, now 96: He was a civil litigator and did pro bono work. It took him 3 tries to pass the bar...but he went on to help change people's lives. So even if you just scraped by, if you don't get a perfect start, if you stick with this lawyer thing, you can change the world.”

— BRIAN J. FISCHER '22
(PICTURED IN PHOTO ABOVE, LEFT)



Vice Dean Miriam Baer Keeps the Communication Lines Open



Vice Dean
Miriam Baer

VICE DEAN AND CENTENNIAL PROFESSOR OF LAW MIRIAM BAER returned from sabbatical, and her September calendar was already packed—as in eating a 3:30 p.m. “lunchtime” salad at her desk kind of packed—reminiscent of her days practicing criminal and corporate law.

Yet the brimming schedule signifies that Brooklyn Law School is transitioning

back toward a pre-pandemic era, in which Baer sees her mission as twofold: keeping the lines of communication open among students, faculty, and administrators, and being cognizant that although the pandemic is not over, the Law School needs an in-person experience that works for all.

“The most important mission now is to comfortably and safely bring us back into the building and back to in-person teaching, meetings, and events,” said Baer. “We all seem to learn more through our in-person interactions, and we enjoy our jobs more when we see and talk to each other.”

Baer has been gathering student feedback, positive and negative, to share with faculty. Likewise, she ensures students are aware of the latest

wonderful faculty happenings. This year, she also hopes to see alumni and students take advantage of the rich programming at the Law School’s centers.

During her sabbatical, Baer was a visiting fellow at Harvard University’s Edmond J. Safra Center for Ethics, where she worked on her book, *Myths and Misunderstandings of White-Collar Crime* (Cambridge University Press), forthcoming in early 2023. She connected with scholars from different fields whose work touches on ethics, using their expertise to inform her scholarship on white-collar crime and its inherent ethical failures.

“What my book ultimately says is that we need to change our federal criminal statutes, which actually hide more than they convey,” Baer said. “They’re so broad in their creation—it’s not just that they cover a lot of conduct, but that they fail to distinguish variations of the same type of conduct, so we end up learning less about our enforcement and about the laws that are actually being violated than we could if we had clearer statutes and subdivided statutes.”

Some of the most blatant examples include fraud and obstruction of justice, Baer said. Changing the federal criminal code requires Congressional action, but, Baer said, criminal law reform is that rare agenda item with aisle-crossing appeal. “The only way to make reform possible in this area is to imagine it, discuss it, and promote it.”

Baer inherited the Centennial Professor of Law title and advice from her mentor and friend, 1901 Distinguished Research Professor of Law Roberta Karmel, now retired. “How do I make my students better off; how do I make the institution better off? When we tackle those questions as a group, recognizing the importance of collegiality and camaraderie, it all comes together,” she said.

Associate Dean Jocelyn Simonson to Promote Research and Scholarship



Associate Dean
Jocelyn Simonson

PROFESSOR JOCELYN SIMONSON, who writes and teaches about criminal law, criminal procedure, evidence, and social change, has been named Associate Dean for Research and Scholarship.

In her new role, Simonson is charged with developing and promoting the Law School’s scholarly community, including the work of its outstanding faculty, which was ranked 33rd nationwide in a recent study of scholarly impact. She will help develop student scholarship, including work on Brooklyn Law School’s four law journals, and will coordinate with the Law School’s nationally known centers and institutes.

Simonson’s own scholarship, which has been cited twice by the U.S. Supreme Court, explores ways in which the public participates in the criminal process and in the institutions of local governance that control policing and punishment. She is currently working on a book, *Radical Acts of Justice: Shifting Power to the People, from Community Bail Funds to Courtwatching* (The New Press), forthcoming in 2023.

Shining a Spotlight on Prosecutorial Misconduct

WHEN INDIVIDUALS ARE WRONGLY CONVICTED of a crime and subsequently found innocent and released from prison—sometimes decades later—their are heartbreaking tales of irretrievable years.

But when prosecutorial misconduct is behind the convictions, these cases are also disturbing from a professional ethics perspective. Bringing such misconduct to light is the mission of Accountability NY, a project led by a group of six law professors, including Brooklyn Law School Professor Cynthia Godsoe.

The group has filed ethics complaints concerning almost 40 prosecutors whom appellate courts had found committed misconduct. Although the first complaints were filed with the bar's Grievance Committee in charge of attorney discipline 18 months ago, no action against the prosecutors has been publicly acknowledged. The cases include a Brooklyn prosecutor who withheld key evidence at trial that could have exonerated the accused, a man who spent 24 years in prison, and a Queens case in which three men spent over two decades in prison after what a judge called false statements to the court at trial and withholding evidence.

Prosecutorial misconduct should be investigated and addressed by each judicial district's Grievance Committee, and could result in public admonition, suspension, or disbarment for the prosecutors. Yet the

fate of the complaints filed with those committees is unclear, Godsoe said. The city's lawyers fought against Accountability NY's efforts to publish the complaints, but in July, the U.S. District Court of the Southern District of New York ruled in favor of Accountability NY, based on First Amendment rights.

"Our project illustrates how reluctant the bar seems to police its own," Godsoe said.

The issue is widespread. A recent National Registry of Exonerations study found that prosecutorial misconduct was at play in one-third of 2,400 exonerations. The Death Penalty Information Center found more than 550 U.S. cases that led to capital convictions being overturned.

"Prosecutors don't have clients, and they're supposed to act in the interest of justice," Godsoe said. Instead, "the primary way [District Attorneys' offices] measure success is conviction rates, so the incentive is there to win at any cost. But you're cheating people out of their lives."

She sees signs of hope, including progressive prosecutors willing to address misconduct, such as Eric Gonzalez in Brooklyn and Alvin Bragg in Manhattan, not to mention her students.

"They have no patience for this," Godsoe said. "They only want to work at the [D.A.] offices where this doesn't go on."



Professor
Cynthia Godsoe

No Sleep for Clinic Aiding Domestic Violence Survivors

PROFESSOR KATE MOGULESCU, who founded the Law School's Criminal Defense and Advocacy Clinic in 2017 and has energetically expanded its influence in the years since, did not take the summer off.

Instead, she and her colleagues and students worked to expand the clinic's Survivors Justice Project (SJP), an interdisciplinary collective launched in 2020 with a mission to help incarcerated people seek reduced sentences under the state's 2019 Domestic Violence Survivors Justice Act (DVSJA), which allows courts to consider whether sexual, psychological, or physical abuse contributed to convictions. SJP is led by a team of formerly incarcerated women, all survivors of long-term incarceration and most domestic violence survivors. The clinic has worked with eight survivors released from prison, including three who received indeterminate sentences as teenagers. The goal is to have New York serve as a model for other jurisdictions.

"We're trying to build best practices in the implementation of DVSJA, and the clinic is at the center of that," said Mogulescu. To help corral statewide data that looks at the role of geography, race, and other factors, she has secured a generous \$200,000 commitment over two years from four law firms: Cravath, Swaine & Moore; Davis Polk; Weil, Gotshal & Manges; and Paul, Weiss, Rifkind, Wharton & Garrison. Those funds allowed SJP to bring aboard new legal fellow Clarissa Gonzalez, who will lead SJP efforts to be a DVSJA clearinghouse for data collection and fielding inquiries from survivors in jail and prison.

Intellectual Life

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

What's Next After *Dobbs*?



FOR SOCIAL JUSTICE ADVOCATES, there is no single answer to what may follow the U.S. Supreme Court decision in *Dobbs v. Jackson Women's Health*, which upended *Roe v. Wade* and sent decisions on

women's abortion rights back to the states.

But, at a Brooklyn Law School virtual event on Sept. 19, professors and thought-leader guests discussed potential legal paths to address a decision that all agreed was devastating to women's rights. **Associate Dean Karen Porter** moderated the event, which was co-sponsored by the Center for Health, Science, and Public Policy and the Women's Leadership Network.

Professor Susan Herman, president emeritus of the American Civil Liberties Union, said post-*Dobbs* battles will be fought on various fronts across a nation now divided into states where abortion remains legal and those where abortion restrictions snapped into place.

"We are outnumbered, state by state, in terms of the state legislatures that we can hope to win over," Herman, Ruth Bader Ginsburg Professor of Law, said. "Our advantage is that we still have a majority of the American people who are pro-choice, who are with us."

She pointed to promising efforts by the Indiana ACLU, including two lawsuits against the state's new restrictive abortion laws—one asserting a state constitutional right to abortion, and the other arguing the law violates individuals' rights under the state's Religious Freedom Restoration Act—and the group's "Share Your Story," a public education campaign, which taps into real-life narratives.

Michelle Bratcher Goodwin, a professor of law at

the University of California Irvine and director of the Center for Biotechnology and Global Health Policy, pointed to *Dobbs*'s health implications: The United States has the 55th highest maternal mortality rate worldwide, and Black women are 3.5 times as likely as whites to die from maternal mortality, Goodwin said.

"So, when we talk about a post-*Dobbs* reality, we also must remember what exactly the state is imposing," Goodwin said.

Professor Anita Bernstein discussed the role that common law played in Justice Samuel Alito's majority decision. Although common law was "animated by misogyny and patriarchal views" that cast pregnant women in the role of "a container or incubator," it can also be wielded to defend human rights, she said.

"The common law is very pro-choice in the sense of allowing the individual to make a decision about what is inside her body," Bernstein said. "It's very clear that a person has a right to self-defense, to repel invasions that threaten her life or bodily health."

Nan Hunter, the Scott K. Ginsburg Professor of Law at Georgetown University, said progressives and Democrats need to produce a "clear, coherent, and bold vision of what the Constitution means and should mean going forward," adding that the Federalist Society's conservative interpretation is easily summarized, and "we should have that same kind of vision."

Lourdes Rivera, senior vice president of U.S. Programs at the Center for Reproductive Rights, agreed with Herman's assertion that there may be room to argue for women's Constitutional right to a "non-vague and adequate health exception," given the lack of clarity on health exceptions within state laws banning abortion. Our founding documents refer to "the right to life, but what does that mean? There's an opportunity to fill that with meaning because internationally, the right to life is not just the right to not die," Rivera said.



Professor Susan Herman

"We are outnumbered, state by state, in terms of the state legislatures that we can hope to win over. But I think our advantage is that we still have a majority of the American people who are pro-choice, who are with us."

— SUSAN HERMAN, RUTH BADER GINSBURG PROFESSOR OF LAW

Hugh Ryan Book Explores Intersection of NYC's Queer and Carceral Histories

AUTHOR HUGH RYAN shared insights from his latest book, *The Women's House of Detention: A Queer History of a Forgotten Prison*, which delves into LGBTQ history and the dramatic story of a now-shuttered women's prison in New York City, as part of Brooklyn Law School's Book Talk series.

"When I started researching queer history, the trail led me back to prisons, as places of confinement, community, and as vast unexplored archives of LGBTQ history," said historian and curator Ryan, during a Sept. 19 book talk at the Subotnick Center. It was moderated by Professor **Kate Mogulescu**, with participation by Professors **Alexis Hoag-Fordjour** and **Jocelyn Simonson**, the three co-directors of the **Center for Criminal Justice**, which sponsored the event.

Following that trail, in the wake of his award-winning first book *When Brooklyn Was Queer*, led Ryan to one infamous prison in New York's Greenwich Village. From 1929 to 1974, the so-called "House of D" was filled with stories of the thousands of incarcerated women and gender-nonconforming people subjected to neglect and brutal treatment.

In his talk, Ryan shared many of its stories, bringing to life not only how the law served to warehouse women and trans men who didn't conform to society's repressive norms but how the House of D played a role in the Village neighborhood that witnessed and became a rallying point for the city's queer community. In the early days, said Ryan, women were arrested and given indeterminate sentences simply for wearing pants, for appearing "too masculine," or for the crime of "common lewdness." Some prisoners were made to wear the letter "D" for "degenerate" on their uniforms. They were overcrowded, subjected to invasive procedures, and received little medical care, yet these mostly impoverished inmates supported one another.

In the 1950s, political prisoners such as Ethel Rosenberg and Communist Party leader Betty Gannett served time in the House of D. And in the 1960s and early '70s, imprisoned activists like Black Panthers Afeni Shakur and Joan Bird helped forge mutual support with the Gay Liberation Front. From cells that were near the Stonewall Inn, during the 1969 uprising, prisoners launched their own riot, setting fires and chanting "Gay rights!"

Shuttered in 1974, following investigations of cruelty, the prison has a history that's been all but erased, yet has much relevance today. "At least one-third of incarcerated women today are queer," Ryan said. "Yet there's almost no conversation about this crisis of incarceration today and about this part of the queer community."



Professor Kate Mogulescu, right, interviews author Hugh Ryan about his latest book as part of our Book Talk series.

Brooklyn Law School's centers offer students and alumni deep dives into various legal disciplines, including health policy, entrepreneurship, international business law, criminal justice, business law, language and cognitive sciences, public service, and trade secrets. Learn more at www.brooklaw.edu/centers

Faculty Notes

PROFESSOR STEVEN DEAN joined a panel of tax experts for a "Strengthening the IRS to Create a More Equitable Tax Code" webinar hosted by Prosperity Now on June 15. Experts at the webinar outlined how proper funding and a better-funded tax code can benefit the lowest-income families, especially families of color.

PROFESSOR HEIDI K. BROWN, author of the new book *The Flourishing Lawyer*, moderated a panel titled "Coaching Law Students for Healthy Performance" on July 5 at the Congress for the International Academy for Law and Mental Health in Lyon, France.

PROFESSOR FRANK PASQUALE discussed the challenges and advantages of artificial intelligence and

how it is changing medical practice during a virtual Sydney Ideas, held July 25 by the University of Sydney.

New York Bar Associations—with pro bono support from **PROFESSOR CYNTHIA GODSOE**—counted a victory July 25 when a New York state judge ordered the state and New York City to pay assigned counsel for children and indigent adults at the same pay rate received by assigned counsel in federal court. It marks the first rate increase in 20 years.

ADJUNCT PROFESSOR CYRUS D. MEHTA, a renowned immigration law scholar, was named the new editor-in-chief for the *American Immigration Lawyers Association Law Journal* in July.



“Part of the success I’ve had with Financially Fierce is that I was able to layer on skills from my previous two careers, including what I learned from being an accountant and what I learned from practicing law.”

It All Added Up

Sonya Smith-Valentine '97

While serving large corporate clients as a financial attorney, Sonya Smith-Valentine '97 had a lightbulb moment. She realized that her legal services would be utterly unnecessary if midlevel managers possessed a higher degree of business acumen.

“Especially in litigation work, I would ask myself, ‘How did we get here?’” Smith-Valentine said. “There was a failure in decision somewhere, because this should never have happened; the client should not be in court. And then after you conduct the discovery and dig in, you realize this was a leadership failure.”

Such behind-the-scenes dysfunction inspired Smith-Valentine to start Financially Fierce, a training and consulting business that she runs from her home just outside Washington, D.C. With the direct style of a native New Yorker—and decades of financial and legal experience behind her—Smith-Valentine helps corporations improve their bottom line by training managers to make financially astute decisions, and she helps set things straight when they do not.

She launched the company as a side business in 2012 while operating her own law firm, Valentine Legal Group. In 2017, she closed her firm and funneled the profits into her new enterprise.

“Part of the success I’ve had with Financially Fierce is that I was able to layer on skills from my previous two careers, including what I learned from being an accountant and what I learned from practicing law,” Smith-Valentine said. Other elements of her success: developing a sharp eye for opportunities, networking, and constantly learning from teachers and mentors.

As a first-generation college graduate, Smith-Valentine headed straight to corporate America, spending eight years as an accountant, including for what was then Price Waterhouse, one of the era’s prestigious “Big Six.” After graduating from Brooklyn Law School, she was a tax attorney for another—Deloitte & Touche—again learning the intricacies and weaknesses of Fortune 1000 financial operations. Later, she started her own law firm and handled lawsuits involving Bank of America, Equifax, and Capital One.

“As companies get bigger, there is more disconnect between those at the top and those at the [middle] levels who are actually doing the work, and so the top leadership doesn’t know that it has to address the disconnect,” Smith-Valentine said.

Throughout her professional life, Smith-Valentine has boldly sought out mentors and knowledge. After she saw a lawyer with expertise in her field speak at a conference, she introduced herself to him, sent a thank-you note, and ultimately flew to Minnesota to shadow him for a week.

To find corporate clients, she took a course from a business coach who instructed her to treat networking like a muscle strengthened by exercise and to not have an “emotional tie to the outcome.” She learned to attend smaller events (30 people or fewer) to find the executives who would hire her firm and used her 20 years of experience as a litigator to break the ice.

“With litigation, you have to go in and tell a story to a jury to get them to like you and get them on your side,” Smith-Valentine said. “So when I walk into a room filled with strangers, I have that ability to disarm people.”

As a solo entrepreneur, Smith-Valentine uses subcontractors and a virtual assistant to keep expenses flexible, and as her revenue grows each year, she treasures the freedom of being her own boss.

“My brain doesn’t work as a 9 to 5 person. I can wake up at 6 a.m. and work for three hours, and then go play with the dog in the yard at 9 a.m.,” she said. “Or I can take some time off during the day and go back to work from 7 to 9 at night.”

Consulting also allows her to be direct with clients and avoid the linguistic gymnastics of lawyer-client discussions.

“I have more of an ability to push back,” Smith-Valentine said. “When you’re practicing law, you have to be more delicate about what you say, and how you go about saying it.”

Her no-nonsense style evolved from facing challenges head-on. Smith-Valentine attended Brooklyn Law School full time while still working part time as an accountant to earn her CPA. At the time, very few of her classmates were people of color, but an unofficial alliance formed among those who were. When juggling work and class nearly prompted her to quit the Law School, her friends would not hear of it.

“Two of them came to my house and said, ‘We will drag you out of the house in your pajamas if you don’t come with us to class,’” Smith-Valentine recalled, laughing at the memory. “We all stuck together through the three years.”

That sense of community prompted her to mentor others through the Law School’s Women’s Leadership Network.

“Brooklyn Law School is one of the big reasons I am where I am,” Smith-Valentine said. “The knowledge that I gained and the relationships that I formed have made a difference in my career, and I wanted to try to make sure that those who were behind me could get that same feeling, and experience, and career.” ■

— Teresa Novellino



“I’m very, very proud: I’m the first lawyer that’s ever been inducted into the Rock & Roll Hall of Fame and it’s really very important to me.”

Legend Maker

Allen Grubman '67

The Rock & Roll Hall of Fame’s list of 2022 inductees features iconic performers, including Dolly Parton and Eminem, as well as someone known instead for his work behind the scenes of the entertainment industry: Allen J. Grubman '67.

For decades, Grubman has been one of the most revered names in entertainment law, with a blue-chip client list that includes Lady Gaga, Madonna, Bruce Springsteen, Martha Stewart, Robert DeNiro, and LeBron James.

But the story of how Grubman co-founded the Hall of Fame, where he remains the secretary and treasurer, is less well known. It all started in 1983, when Atlantic Records co-founder Ahmet Ertegun invited him to lunch at Pearls Chinese Restaurant, revealing only that “it’s important for you

to be there because of the fact that you’re a lawyer,” recalled Grubman, senior partner at Grubman Shire Meiselas & Sacks.

Also on the guest list: Seymour Stein, co-founder of Sire Records, the first label to sign Madonna; *Rolling Stone* co-founder Jann Wenner; and a young woman who was not in the entertainment business but who would run the Hall of Fame, Suzan Evans. Back then, Pearls served the best Chinese food in Manhattan, and Grubman—who relishes a good restaurant meal and has had dishes named after him—arrived with an appetite.

“I proceeded to order a double order of spare ribs, and I’m sitting there eating these spare ribs and loving it and loving it, and sort of listening to what Ahmet was saying but not really focusing, and then all of a sudden, I heard him say, ‘You know



there's a Baseball Hall of Fame, there's a Football Hall of Fame, there is a Basketball Hall of Fame, but you know what? There has never been a Rock & Roll Hall of Fame.' And that is the precise moment when the Hall of Fame was created," Grubman said. "Never could we have imagined at that luncheon how this institution would have grown and become as important and as historic as it would become."

Looking back, Grubman is proud that Ertegun saw his potential. "Ahmet always believed that I was going to do well, and I did, and he wanted a young lawyer rather than one of the old pros at that time, and it turned out to be a very important piece of my life," he said.

When Grubman opened his own law firm in 1975, it was

with a "bridge table, a bridge chair, and a telephone," and he started out representing initially obscure disco acts that hit it big, including the Village People. By 1983, he was representing Madonna, Elton John, and Bruce Springsteen. Today, his firm, with 50 attorneys—all with proper desks, he jokes—is the largest U.S. media law firm, encompassing sports, entertainment, movies, TV, and Broadway, with clients including actors, athletes, and media personalities.

"The entertainment industry is a very small community," Grubman said. "It isn't like real estate law or corporate law; it's a small community with a small group of people, and if you do well, you can do very well, but you can't fake it. If you're really good, people know you're good, and they come to you. And if you're not, the opposite happens."

One of the first tasks for the Hall of Fame founders was to choose the inductees from among the "greatest artists of the '50s and '60s," Grubman said. Names like Buddy Holly, Chuck Berry, Elvis Presley, Fats Domino, and James Brown were on the list. The first dinner, held in 1986 at the Waldorf Astoria, had musicians, including Billy Joel, introducing the inductees, and at the end, the musicians would go on stage and all play together. Unlike today, when the event is televised on HBO, the media were not in attendance.

Before the Hall of Fame opened as a museum in 1995, Grubman was involved with the search committee to find a location. Ultimately, the museum, designed by famed architect I.M. Pei, went up in Cleveland.

"New York, L.A., Atlanta, Nashville, all the cities in America that you would think would be music cities, they were not interested," Grubman said, adding that at the time, city governments feared a museum devoted to rock and roll would attract an unsavory crowd.

"Cleveland, for some reason, was dying to have it. They really reached out, and thought they were in competition with other cities, which was not the case," Grubman said. "They put together a substantial amount of money [\$65 million], and the city was totally behind it. That's how Cleveland got it."

Now, nearly four decades after that luncheon, Grubman was set to go to the Nov. 5 induction ceremony to receive the Ahmet Ertegun Award, dedicated to non-performers, in honor of his decades of negotiating successful deals on behalf of his music clients.

"It started with one little meeting and grew into something very special," Grubman said. "I'm very, very proud: I'm the first lawyer that's ever been inducted into the Rock & Roll Hall of Fame, and it's really very important to me. It's an important milestone in my life." ■

— Teresa Novellino

The Rise of Green Cities

From the \$370 billion U.S. climate spending deal to cities that have crafted sustainability goals, fighting climate change is a top national priority.

For legal professionals in finance, land use, and real estate, the move toward a greener future brings endless opportunities.

BY NANETTE MAXIM
ILLUSTRATION BY CELYN BRAZIER



Imagine a high-rise building that is reinforced with rebar made of hemp that won't rust, unlike steel and concrete, and in which artificial intelligence systems flick lights on and off for optimum performance. Envision a public sculpture that does double duty as a home for mealworms that eat foam packaging e-waste and turn it into compost. Picture a cold-climate home that requires heat just a few days a year thanks to passive home systems that—as if by magic—marshal energy from the sun, internal heat sources, and heat recovery.

These scenarios have progressed from the realm of the imagination to reality, especially as cities worldwide race to prioritize sustainable structures that mitigate the impacts of global warming and create healthier work and home environments. Meanwhile, myriad players, including attorneys, are finding solutions that put a sustainable and healthier future increasingly within reach.

Brooklyn Law School has been prescient about sustainability; classes on the topic are now in their 14th year. Over the summer, the Introduction to Sustainability & Future Cities Boot Camp united professionals, alumni, and students to share ideas, knowledge, and experiences. Discussions at the event, as well as interviews with faculty and alumni afterward, revealed that the rise of green cities—and towns—is happening now.

THE CHALLENGES AND OPPORTUNITIES IN SUSTAINABILITY

One of the sustainability hurdles for cities is that it requires not only rethinking new buildings, but retrofitting existing structures, a particular conundrum for cities like New York that have older building stock.

“The built environment is responsible today for about 50 percent of all greenhouse gas emissions,” said Maria Aiolo, global principal of the AECOM Innovation Laboratory. “That [includes] the energy and materials we use.”

That is why entrepreneurial research groups and educational institutions are researching technological innovations in building materials and smart systems to bolster energy efficiency and reduce carbon emissions. Architects, designers, builders, and owners are collaborating on sustainable outcomes. Public and private efforts to expedite economic and community development through sustainable infrastructure are on the rise. Another expediting factor is the pandemic, which has changed the way people think about indoor airflow and work-friendly space.

“The new generation is demanding a healthier environment in which to work and live,” said Calvin Lee '10, director and senior counsel at WeWork.

“There's also a push from landlords for people-centric amenities that attract tenants to their buildings,” said Laurie Rothenberg, an attorney at Pfizer.

For professionals in finance, land use, and the built environment, staying abreast of the sustainability-related legal issues is vital. For attorneys focused on real estate, expertise in this burgeoning field is invaluable and might include construction contracts and applying for LEED (Leadership in Energy and Environmental Design) certification, negotiating green leases and vendor agreements, and addressing compliance issues for companies with SEC-directed Environmental, Social, and Governance (ESG) standards.

“As an attorney, you can take a leadership role, especially in project finance and in the world of public-private partnerships, whether you're representing the designer, the design-builder, or the special-purpose entity that is formed

Passive House design entails creating ultra-low-energy buildings that require little heating and cooling. This Carroll Gardens, Brooklyn townhouse designed by Baxt Ingui Architects, is the first Certified Passive House Plus in North America and targeting net zero.

Credit: John Muggenborg Photography, Courtesy of Baxt Ingui Architects



for purposes of developing a project,” said Nicole DeNamur, Seattle attorney and owner of consultancy Sustainable Strategies. “There is an opportunity for legal to be at the nexus of that network of contracts, to really have an outsized impact on developing these projects.”

Through its clinical work, expanding programs, and new partnerships, Brooklyn Law School is building on its history in the field—with law professors leading the way, such as Professor of Practice and Adjunct Professor Richard J. Sobelsohn '98, among the first New York City attorneys to gain LEED AP (accredited professional) status and the first to attain Green Globes



For Camden, N.J., Terreform ONE developed the Bio-Informatic Digester, a public architectural instrument that utilizes living mealworms to decompose foam packaging into safe compostable mulch. Principal Investigators: Mitchell Joachim, Oliver Medvedik, and Melanie Fessel.

Courtesy of Terreform ONE

Professional (GPP) certification, and Director of Graduate Programs and Adjunct Professor John Rudikoff '06.

Back in 2009, Sobelsohn joined the Law School to teach Legal Issues Affecting Sustainable Buildings, the first law school class among its New York City peers to explore sustainable real estate. The initial dearth of related case law and legislation on green buildings is no longer an issue for Sobelsohn, who now updates his curriculum to keep pace, as growing concerns over climate change and its effects have dramatically increased sustainability regulations and legislation.

“There are 33 states that either have or are looking at climate legislation and establishing goals that are then filtered down to U.S. cities,” said E. Gail Suchman, an ESG attorney and partner at Sheppard Mullin. She pointed to Washington, D.C.’s 2018 Clean Energy Omnibus Amendment Act; Denver, whose energy and building performance standards are part of its 80 x 50 Climate Action Plan; and New York City’s Climate Mobilization Act of 2019, whose goal is to reduce emissions from the

city’s largest buildings by 40 percent by 2030 and 80 percent by 2050.

Frank V. Carone '94, chief of staff to New York Mayor Eric Adams, said the city has invested in resources and guidance to help building owners and industry professionals comply with the new rules. “We have created the New York City Accelerator, the city’s flagship program to catalyze carbon reduction, and PACE (Property Assessed Clean Energy) financing to provide access to low-cost, long-term capital for energy efficiency and renewable energy retrofits,” Carone said.

There are also sustainability-related funds in the 2021 federal Infrastructure Investment and Jobs Act and the Inflation Reduction Act of 2022, which includes approximately \$370 billion in clean energy and climate investments over the next 10 years. Yet, says Stephen Del Percio, vice president and assistant general counsel at AECOM, “there is still a huge funding gap in terms of how we maintain existing infrastructure assets, let alone build the new ones to face the challenges of the 21st century.

Public-private partnerships can help bridge that gap.”

ALUMNI CHANGING THE LANDSCAPE

The Law School is seizing the momentum with another Sustainability & Future Cities Boot Camp planned for April 2023, and new programs in development.

“Fighting the impact of climate change is not just about ideas,” said Carone. “It’s about action, and it’s happening right now.”

Many Brooklyn alumni have successfully created careers in the sustainable building space, including Silverstein Properties chair Larry A. Silverstein '55. In 1980, his real estate development firm installed the first cogeneration system in a New York City office building, at its 11 West 42nd St. property. It achieved Energy Star certification for all its office buildings and rebuilt the World Trade Center (WTC) site after 9/11. Three of Silverstein’s WTC buildings are LEED Gold certified, and in 2021, New York State selected his firm as a partner in the “Empire Building Challenge,”

A man with short brown hair, wearing a light blue button-down shirt and grey trousers, stands with his arms crossed in a courtyard. He is looking slightly to the right of the camera. The courtyard is lined with young green trees and is flanked by modern, multi-story buildings with large windows and balconies. The sky is clear and blue.

**“Environmentally conscious
lease provisions are in many cases
agreements between landlords and
tenants to collaborate to reduce the
carbon footprint of the building.”**

— MARK JACKSON '11, GENERAL COUNSEL
AND VICE PRESIDENT, INDUSTRY CITY

JACKSON HAS BUILT HIS PRACTICE “ON THE WATERFRONT,”
HELPING REVITALIZE FORMER INDUSTRIAL SPACES
AND NEIGHBORHOODS.



The future of furniture may be in building materials made from biological matter. Mycoform, a product combining a type of fungus with precise compacted forms of inert waste (such as discarded wood chips, oat bran, and gypsum), is the basis for these prototypes from Terreform ONE and Genspace.

Courtesy of Terreform ONE.

an initiative to establish public-private partnerships with leading developers to usher in the next generation of high-rise, low-carbon buildings to combat climate change. “Larry has always been paying attention to sustainability,” Sobelsohn said. “The foresight he had and has makes a lot of sense.”

TRANSFORMING THE WORKPLACE WITH GREEN LEASES

When it comes to negotiating green-minded leases, examples abound at Industry City, the 6-million-square-foot, mixed-use creative campus along Brooklyn’s waterfront in Sunset Park. It was originally built in the 1890s as a manufacturing and distribution hub, and its revitalized spaces are now home to media, production, food and beverage, manufacturing, retail, and design businesses.

Mark Jackson ’11, general counsel and vice president of Industry City, says collaboration is key for green clauses in commercial leases. “Environmentally conscious lease provisions are in many cases agreements between landlords and tenants to collaborate to reduce the carbon footprint of the building,” Jackson said. “That may include assurances that the landlord is taking smart steps like buying renewable energy or allowing tenants to do the same on their end.”

Green lease provisions may also ensure the tenants’ safety, health, and well-being through considerations such as improved ventilation and heat pump systems, or even visual access to landscaped outdoor space. Furthermore, the requirements

of the city’s Climate Mobilization Act, Jackson adds, will make such landlord-tenant partnerships even more crucial.

Cutting-edge research organizations are also Industry City residents, including Rensselaer Polytechnic Institute’s Center for Architecture, Science, and Ecology (CASE) and its Institute for Energy, the Built Environment, and Smart Systems, a partner with Brooklyn Law School in the sustainable real estate sector (*see p. 21*).

Jackson, who studied architecture and worked in construction management before law, has long had a keen interest in green building practices.

While assistant general counsel for the Brooklyn Navy Yard Development Corp. in its transformation of 1.4 million square feet of former military space into new manufacturing and emerging business spaces, Jackson worked alongside alumni Richard Drucker ’67, senior vice president, and Martin Banker ’72, vice president and deputy general counsel. Jackson is especially proud of his work with one tenant, the Brooklyn Grange, which built a community-supported working farm on top of one building at the Navy Yard, thanks in part to a grant from the NYC Department of Environmental Protection.

“It was an amenity, an efficiency measure, a marketing story for the Navy Yard, a convener [for other tenants], and had financial benefit,” he said.

Later, as in-house counsel and commercial leasing director for real estate developer Two Trees Management Co., Jackson negotiated a ground lease for energy network developer Brooklyn Microgrid, which is using its two-acre site in Gowanus, Brooklyn, to develop a battery storage facility with solar panels. The battery storage system will be charged during off-peak hours and sell back to the grid during peak hours, thus reducing strain on the electrical grid. “The benefit for us was access to the battery storage as a resiliency measure, and they partnered with us in a battery charging station for vehicles in the parking lot—a great example of hybrid use,” Jackson said.

The key for attorneys in negotiating green leases? “You can’t draft a common-sense document for all parties until you understand how it’s going to be

used—the logistics involved, the spatial requirements, how the critical path of construction works, and how it works in real life,” Jackson said. “When you’re presented with a big scope of work, the attorney is the last line of defense in getting it accomplished.”

BUILDING FOR RESILIENCY

Over the past decade, the built environment has moved toward a team approach, says Rachel John ’11, a senior associate at construction law firm Zetlin & De Chiara. She is professionally certified by the Design-Build Institute of America. “In design-build, that approach is by necessity, as our building structures become more complex,” John said. “The desire for owners and designers to innovate with better, newer materials presents contractual and technical complexities with all the moving parts of buildings. There’s benefit to getting the key voices at the table from the beginning of the design process and thinking about what the operation and maintenance will look like in the future.”

As former in-house counsel to the New York City Department of Design and Construction, John has been a key industry voice, drafting license and utility agreements and solicitation documents, and handling general compliance and procurement for some of the agency’s trickiest projects, including the 2015 Build It Back program, which coordinated repairs, rebuilding, and home improvements after Superstorm Sandy. She also worked on the newly under construction Coastal Resiliency Program, a green infrastructure project designed to protect Lower Manhattan from rising sea levels and coastal storms.

Working on complex transactions and commercial litigation with Zetlin & De Chiara clients has given John another deep dive into sustainable construction issues. “It’s great to see the city’s progressive push toward green building and the regulations to push private industry, and to be working with owners and vendors, designers and contractors on how they address them and best manage the risks and distribute those among the parties,” John said.

“For me, contracts are like a craft,” added John, a painting and jewelry design

“The desire for owners and designers to innovate with better, newer materials presents contractual and technical complexities with all the moving parts of buildings.”

— RACHEL JOHN '11, SENIOR ASSOCIATE,
ZETLIN & DE CHIARA

JOHN HAS MADE COASTAL RESILIENCY
AND DESIGN-BUILD PROJECTS
HER LEGAL FORTÉ.



student before switching to liberal arts and law. “It’s a functional document that has to work like a clock or computer program.” She discovered the art and precision of contracts in Professor of Law Emeritus Arthur Pinto’s contracts class and the allure of construction from Professor Debra Bechtel, who teaches community development and real estate law, and influenced her career choice. “Real estate and construction in general, and property development of communities that add to the landscape of the city, wherever you’re living, create a special connection with your work,” she said.

DEVELOPING THE ECONOMY, ENGAGING THE COMMUNITY

Jeff Lee Romero '05, principal at urban strategy consultancy Karp Strategies, says robust community engagement is critical to building greener cities.

“We have an important role in keeping the community’s trust, to analyze the impact on neighborhoods and the opportunities for local businesses and jobs,” Lee Romero said.

In coastal Maine, the Karp Strategies team worked on offshore wind development with the Governor’s Energy Office, performing workforce and supply-chain analysis and research, and developing recommendations to create jobs for existing businesses, coax in wind-related businesses from out of state, and encourage equity and support for small, minority-owned, and disadvantaged business enterprises. In Red Hook, Brooklyn, where Karp Strategies is working with the New York City Department of Design and Construction and global engineering consulting firm NV5 on coastal resiliency measures, the team does outreach with local schoolchildren, “getting them excited about ways infrastructure can impact their community, protecting it against floods resulting from climate change. That also gets their families involved,” Lee Romero said.

Early in his career, training local entrepreneurs and small businesses in underserved neighborhoods through nonprofits like IMPACCT Brooklyn, which provides workshops and coaching in financing, inspired Lee Romero to pursue



Jeff Lee Romero '05, principal at urban strategy consultancy Karp Strategies, says robust community engagement is critical to building greener cities.

Courtesy of Karp Strategies

a path of economic development and the law. Through the special Brooklyn Law School/Hunter College double-degree program, he received a J.D. and a master's in urban planning. That led to working on affordable housing as assistant counsel for the New York State Housing Finance Agency/State of New York Mortgage Agency; dealing with new markets tax credit programs as senior vice president of the New York City Economic Development Corporation (NYCEDC); and strategizing on public-private partnerships at Capalino.

The advice of his Brooklyn Law School mentor Adjunct Professor of Law Leonard Wasserman '72, who was also special real estate counsel for NYCEDC, has resonated with Lee Romero throughout his career: "He inculcated the idea that our work was about, as he said, 'shaping the urban environment' and how to do it right through best practices," he said.

Real estate law can't be viewed through the "old-school lens of buying and selling of property and of conducting transactions," Lee Romero added.

"That's all part of our work, but increasingly, regulations are pushing the private sector to innovate, for development managers to think of sustainable, cost-effective solutions, like converting to clean energy," he said. "We can't think of it as yesterday's practice; it's evolving."

Innovating With RPI

When cutting-edge, energy-saving lighting, ventilation, and sensor systems are developed, and innovative building construction materials are engineered, the inevitable next step is determining the legal implications of bringing new technologies to market and negotiating their use.

Brooklyn Law School is untangling those very issues as an academic and legal partner of Rensselaer Polytechnic Institute in its Institute for Energy, the Built Environment, and Smart Systems (EBESS), which also includes engineering, architecture, and electronics partners. EBESS fuses architectural design and engineering to create sustainable infrastructure that is both climate-resilient and a net-zero producer of greenhouse gases, using renewable energy systems, sentient building platforms, and new materials.

Brooklyn Law School President and Dean Michael T. Cahill described the partnership's potential in sweeping terms. "We can address the major 21st-century challenge of climate change by trying to reimagine both large-scale urban environments and small-scale architectural design and development for human well-being and sustainability," he said.

The seed to unite the two schools on the project was planted in 2018 by **Wanda Denson-Low '81**, the forward-thinking vice chair of the board at RPI and a retired senior vice president at Boeing. RPI's then-president Dr. Shirley Ann Jackson, a renowned physicist, shared her enthusiasm.

"Both schools specialize in different segments, and both are smaller institutions of renown within their market space—the impact they can make together is far greater than anything they can do separately," said Denson-Low. Former Brooklyn Law Dean Nicholas Allard was also at the forefront of the collaboration, which Cahill has helped bring to fruition. Denson-Low generously provided \$100,000 in seed money for RPI and Brooklyn Law School to begin the collaboration, and Dr. Jackson created the idea of EBESS as an umbrella institute that brought together RPI's innovative Center for Architecture, Science, and Ecology (CASE); the Lighting Enabled Systems and Applications Center; the Center for Materials, Devices, and Integrated Systems; and the Institute for Data Exploration and Applications. Dr. Jackson announced EBESS's formation at the 2021 White House-hosted Leaders Summit on Climate.

"CASE and EBESS are standouts in the field of sustainability," says Director of Graduate Programs and Adjunct Professor of Law John Rudikoff '06, who, with Professor of Practice and Adjunct Professor of Law Richard J. Sobelsohn '98, is leading the Law School in the EBESS partnership. "They're developing and incubating high-tech sensors to create energy efficiency and newer systems of engineered living material, to fabricate green roofs and green walls, or building materials that can reduce carbon impact."

The legal implications of the technology are myriad, says Rudikoff. "They involve navigating building codes, which specify which materials can and cannot be used. Or understanding the privacy and security implications of smart systems that track movement, ventilation, and lighting," he added. "What are the liability issues?"

The Law School's ability to address regulatory issues while keeping pace with RPI's technology benefits all. "That creates a dynamic between the two communities that can foster better inventions and enable a regulatory environment from inception," said Denson-Low. "It has the potential to make revolutionary progress."

She encourages both law students and attorneys with a commitment to sustainability to further explore the field.

"Where you're going to find innovation is when you color outside the traditional lines. As lawyers, we all have belief systems, and you can always use law to promote the things you believe in," Denson-Low said. "And Brooklyn Law School has always been a place where a lot of innovation happens."

SUMMER OF SERVICE

BY TERESA NOVELLINO | ILLUSTRATIONS BY JOHN JAY CABUAY

Internships, along with clinics and externships, form the real-world experience triumvirate for Brooklyn Law School students, a chance to exit the classroom and stride directly into the field of actual clients, casework, and courtrooms. The transition is especially dramatic for the 150 students who worked over the summer of 2022 through Brooklyn Law School's public service grants or fellowships.

These five third-year law students were drawn to public service work for different reasons, but they are part of the same compassionate guild. They want to help empower and alter the fates of people in need through a deeper understanding of their stories, focusing on immigrants, juveniles, and low-income detainees.

They share an affinity for helping those who are disenfranchised, a knack for storytelling, and an awareness that with every court filing, brief, or appearance, they are getting closer to becoming the kind of attorneys and—perhaps more importantly—the kind of people they want to be.

Within Brooklyn Law School's past three graduating classes (2019-2021), between 10 and 12 percent went into public service law.



“**Just because they’re kids doesn’t mean they’re not able to express their wishes, so I want to give them that full direct representation, the chance to be heard and let the court know what they want.**”

THE EDUCATOR

WILSON BAER '23 | HOMETOWN: **LENOX, MASS.** | INTERNSHIP: **LAWYERS FOR CHILDREN** | FELLOWSHIP: **EDWARD SPARER FELLOW** | CLINICS: **MEDIATION CLINIC, CRIMINAL DEFENSE AND ADVOCACY CLINIC**

During the pandemic, Wilson Baer '23 felt so sequestered in his apartment that he decided to immerse himself in the lives of the children he advocates for, and in New York City at the same time. This involved a bicycle.

Zippering along on green bike lanes and potholed streets, he would follow subway line routes from Harlem to Brooklyn neighborhoods such as East New York and Brownsville, often home to the juvenile clients he worked with as a summer intern at Lawyers for Children.

“This is all one city,” Baer said. “And everyone in it deserves advocacy and support.”

Baer has much experience supporting teens. After college, he taught Latin, English, and history in middle and high school, but felt his ability to impact children’s lives was inadequate.

“I saw the barriers they had in their lives and saw that it prevented education from being this great equalizer that it could be,” Baer said. “Working with kids remains my passion, but the more I thought about teaching them how to read and write, I knew this work didn’t need to be in the classroom.”

This summer, he handled juvenile delinquency cases, such as larceny or possession of drugs, alcohol, or air guns. Drawing on his teaching, he explains the law to clients, solicits their input on ideal outcomes, and helps them with jobs, school, and life’s problems.

“Just because they’re kids doesn’t mean they’re not able to express their wishes, so I want to give them that full direct representation, the chance to be heard and let the court know what they want,” Baer said.

Often, adults speak for kids and think they know what they want, but the adults are often wrong, he says.

“I don’t pretend that public interest work is going to be easy. I recognize that it is going to be draining and challenging,” he said. But part of what helps him is New York City’s progressive spirit and passion for public interest.

“There’s a benefit to being in the city that I know, the city that I want to serve, and with the people that I want to serve,” Baer said. “Feeling this deeper connection with the city has allowed me to find the passion in the work.”



“Both of my parents are Cuban immigrants who came here in the '90s. Seeing how they were able to establish themselves and build a strong family in this country has definitely grounded me in the work I do.”

THE ADVOCATE

JULIANA LOPEZ '23 | HOMETOWN: MIAMI, FLA. | INTERNSHIP: BROOKLYN DEFENDER SERVICES | CLINICS: SAFE HARBOR CLINIC, BLS/EXI INNOCENCE CLINIC

Ask Juliana Lopez '23 about immigration, and her thoughts move past immigration policy abstractions to the faces of her parents, whom she considers living proof that being American isn't a matter of birthplace.

Lopez spent the summer interning at Brooklyn Defender Services (BDS), helping people facing deportation from the country they consider home. As part of the BDS immigration practice's New York Family Immigrant Unity Project, she helped detainees fighting removal apply for asylum, special immigrant juvenile status, U-visas, and other forms of immigration relief.

“It's pretty personal to me,” Lopez said. “Both of my parents are Cuban immigrants who came here in the '90s. Seeing how they were able to establish themselves and build a strong family in this country has definitely grounded me in the work I do.”

New York City is a designated sanctuary city for immigrants, but being arrested and fingerprinted in the city sets off an alert for U.S. Immigration and Customs Enforcement (ICE). Since

ICE lacks private contracts with city jails, noncitizens arrested by ICE are often sent to Orange County Jail in Goshen, N.Y. This summer, however, ICE transferred many detainees to other upstate facilities and to other states, including Mississippi—even after repeated reassurances that no transfers were in the works. Neither the attorneys nor the families of the detainees were given notice, Lopez said. Welcome to the unpredictability of immigration enforcement.

Lopez, who worked mostly remotely, including at virtual hearings, said she supported the closure of existing ICE detention facilities, but “noncitizens need to be released to their communities, not shipped off to faraway facilities where they have no meaningful access to attorneys or contact with their families,” she added.

Besides the curveballs, immigration cases with underlying criminal arrests or convictions are sluggish and complicated.

“Unfortunately, it's kind of minor wins since these cases tend to last a long time, but the highlights are interacting with clients and with their family

members,” Lopez said. One victory: getting a client out on bond so he could fight his immigration case while at home with family. “Cases are easier to win once they're out,” said Lopez, a native Spanish speaker, who says breaking through the language barrier helped her gain trust. “Attorneys can meet with their clients more often and spend more time building and preparing their cases.”

Lopez came to law from a position of advocacy. After getting her undergraduate degree, she helped noncitizens seeking postconviction relief in New York City with the Center for Appellate Litigation's Immigrant Justice Project, piquing her interest in immigration law. The “severe and arbitrary nature” of the consequences noncitizens faced in relation to the offenses was “devastating,” Lopez said, and inspired her to seek a public service law career to keep protecting immigrant rights.

“Just because they weren't born here does not mean they are less deserving of basic human rights. Immigrants deserve respect, safety, and dignity,” she said.



THE HOLISTIC PRACTITIONER

PAIGE MASSAKER '23 | HOMETOWN: **VERONA, N.J.** | INTERNSHIP:
THE LEGAL AID SOCIETY | FELLOWSHIP: **EDWARD SPARER
FELLOW** | CLINIC: **CRIMINAL DEFENSE AND ADVOCACY CLINIC**

Paige Massaker '23, still a year from graduation, has amassed a litany of uncommon experiences, from working at a New Jersey psychiatric hospital to evaluating the mental states of death row prisoners in Texas and Louisiana.

As an undergraduate psychology major, she intended to become a doctor, but veered unexpectedly toward law.

"I worked in a psychiatric hospital for a summer internship, and I brought my patients to court," Massaker said. "I used to watch while their attorneys basically dismissed them, and the more I saw, the more I wanted to do something about it."

While interning at the Legal Aid Society in New York this past summer, she took on the typical duties of a public defender, in court for everything from "small misdemeanors up to attempted manslaughter," but also often used her psychology experience to take a holistic approach to clients.

"I've been preparing briefs, cross-examining people on the record, asking that judges release people on their own recognizance versus setting bail, and brainstorming to explore creative ways to find relief for the client," she said. That relief could include locating mental health services, a shelter, or multiple "things that we take for granted," said Massaker.

Massaker offers a nonjudgmental ear to clients. "A lot of people tell me about themselves. Having a criminal case open is a very vulnerable time for someone. I don't assume anything and let them tell me who they are and what they need."

The capital offense clients she worked with, before entering Brooklyn Law, underwent mandatory neuropsychological evaluations, which Massaker's background allowed her to interpret. Issues such as having a childhood brain injury or coming from a family with a generations-long history of physical abuse are key parts of mitigation during a legal case. That experience helped her represent clients on death row during an internship in Louisiana.

"Being antisocial, as many capital clients get labeled, is more likely to be a trauma response, and explains the way people cope with stressful situations," she said. "There needs to be an acknowledgment for how people of different races and experiences think about the police, the legal system, and other systems deemed to 'help' people. Childhood abuse, interpersonal abuse, and traumatic experiences all factor into how a person handles decision making."

Massaker, who wants to be a public defender after graduation, says the Black Lives Matter movement and social media have fueled others' interests in social justice for the better.

"When the system was created, it was not in a just way, so we must rethink how we treat those in our community," she said.

“
I used to watch
while [the
psychiatric
patients']
attorneys
basically
dismissed
them, and the
more I saw,
the more I
wanted to do
something
about it.”



“ [When a mom of three I worked with was granted asylum], I remember going to court and when we heard the ruling, she was sobbing, and we were all sobbing. ”

THE STORYTELLER

ANJANI SHAH '23 | HOMETOWN: **FRANKLIN LAKES, N.J.** | INTERNSHIP: **BRONX DEFENDERS** | FELLOWSHIP: **EQUAL JUSTICE AMERICA FELLOW** | CLINIC: **SAFE HARBOR CLINIC**

Anjani Shah '23 is inspired by immigrant stories—and those unique narratives allow her to summon the right words in court proceedings and research, not unlike the way a screenwriter or novelist might.

“No one story looks the same as another,” Shah said. “Different characters, different variations, different plotlines.”

The plotlines do not lack drama. As a Sanctuary for Families intern last summer, Shah helped represent a pregnant mother of three from Guatemala who faced deportation after being apprehended at the southern U.S. border. She sought asylum as a victim of gender-based violence.

“We showed that she couldn’t go back to her country, and everything had come to a head for the family,” Shah said. The court, the prosecutor, and the Immigration and Customs Enforcement agency attorney were persuaded.

“They said, ‘We agree based on what you put forward. You really made the narrative come through,’” recalled

Shah, who was with the legal team, at the mother’s side, when she got the news.

“I remember going to court and when we heard the ruling, she was sobbing and we were all sobbing,” Shah said. “That was really an exciting success.”

This past summer, she interned at Bronx Defenders in the immigration practice working across criminal and family cases. Shah again focused on telling client stories, a skill honed at the Law School’s Moot Court Honor Society, where she helped move the team to the top four in a national competition. She is the society’s president this year.

In criminal cases, clients might get arrested for shoplifting groceries or selling pirated movies or DVDs.

“Some of it is not knowing that it’s illegal, not knowing that there will be such serious consequences,” said Shah, who is interning this fall at the American Civil Liberties Union, working on immigrants’ rights projects.

Shah’s father immigrated from Kenya and her mother from India. Both are doctors, but her father initially worked at Sears until, she said, someone “gave him a chance,” with a fellowship at New York University.

“I see a lot of my parents reflected in the clients that I have served,” Shah said. “I’ve met some people who have had extraordinary circumstances happen to them but are the kindest people.”

One of the difficulties of the work is being at “the whim” of changing laws and administrative decisions. There is also the challenge of burnout, which has prompted her to focus on self-care, breaking the habit of checking her phone at night or replying to emails upon receipt.

“I’ve met so many amazing clients who have made it so worthwhile,” Shah said. “I’m very much set on continuing to do this, and we’ll see what avenues open up.”



THE PIONEER

BENJI SMITH '23 | HOMETOWN: **LUFKIN, TEXAS** | INTERNSHIP: **ALASKA LEGAL SERVICES** | CLINIC: **SAFE HARBOR CLINIC**

Before Benji Smith '23 entered Brooklyn Law, he arranged to work in a touristy Alaska gold-mining town, anticipating a freewheeling summer of running Jeep tours out in the wild.

The pandemic quashed those plans, but an internship landed him at Alaska Legal Services (ALS) this past summer, albeit virtually. Smith plans to pursue immigration law but wanted broader experience. ALS delivered, with casework spanning family, native Alaskan, and elder law, plus public benefits, housing, healthcare, child welfare, and veterans.

“Now I’m fascinated by the idea of practicing law there,” Smith said. “It’s the second-youngest state, it has a lot less legal precedent than New York does, and as a pro bono lawyer, you genuinely have a chance to shape the law.”

Alaskan culture, glimpsed through the watercooler lens, intrigues Smith. Outside Anchorage, Fourth of July involves the spectacle of 13 wrecked vehicles representing the original states sent over a cliff (they are later recycled) as a celebration of freedom. Motorists worry about moose collisions. Clients can go dark because they are growing food or hunting over the year’s six warm months for winter “subsistence” or because mail is hard to access in super-remote fishing villages.

Smith has found a surprising level of immigration law opportunities in a state that ranks No. 3 in pro bono lawyers per capita. He helped draft notices and motions and ancillary material for an appellate brief for a case involving a public benefit recipient with language access issues that may go to the state Supreme Court as a case of first impression.

He also helped provide legal services to homeless people, many impacted by an escalation of post-pandemic evictions. Anchorage’s mayor shuttered the largest city-operated shelter, leaving homeless individuals and families in makeshift camps plagued by harsh weather and free-roaming bears.

“It was really disheartening, and even though it was a horrible problem, the highlight was how attorneys can see a problem coming and try to get ahead of it,” he said, adding that ALS works with agencies to help people without homes understand their rights.

Helping others know their legal rights resonates with Smith, who learned to stand up for his own beliefs while working in user experience for Big Tech. The field felt at odds with his own values, and it was emotionally taxing.

“I didn’t feel like I was connected in any way to the people I was told I was helping,” Smith said.

After leaving his tech job, Smith finished his undergraduate degree and taught English as a second language at a legal aid organization for immigrants studying for their naturalization exams.

“The experience that I had there was pretty profound. I worked with one woman who passed on her first try and it was great to be part of that,” he said. “It’s been public interest for me ever since.”

“**[While working in Big Tech], I didn’t feel like I was connected in any way to the people I was told I was helping.**”

Faculty

New Professors to Challenge Students With Intriguing Legal Issues, New Ideas

Brooklyn Law School extended a warm welcome to a slate of new professors whose scholarship and legal experience promise to bring fresh ideas and viewpoints on such varied topics as the language used in criminal cases, critical race theory, and the gig economy. In addition to their scholarship and experience, they shared their favorite Brooklyn experiences (so far).



Professor Anna Roberts joined Brooklyn Law School this year after serving as a visiting professor during the last academic year.

Anna Roberts, formerly a visiting professor at Brooklyn Law School, has joined the tenured faculty as Professor of Law, and is teaching Evidence, Criminal Law and Procedure (including contemporary issues), and Torts.

“Among the many reasons why I was thrilled to accept the offer were the students and the faculty,” Roberts said. “Visiting allowed me to meet a large group of students in my Evidence class, and the discussions that we had in that course were among the best that I have had in my teaching career. The faculty is mighty across the board and, in the areas on which I focus, includes scholars that have influenced me as much as anyone in the field.”

Roberts previously taught at St. John’s University School of Law and Seattle University School of Law. Her scholarship focuses on aspects of trial procedure, including peremptory challenges, prior conviction impeachment, jury disqualification, and jury decision making, often focusing on assumptions and stereotypes surrounding the criminal system. She also worked as a public defender with the Neighborhood Defender Service of Harlem and as a law clerk for Hon. Constance Baker Motley in the U.S. District Court for the Southern District of New York.

“I have had the chance to study convictions in two settings: I have seen them being imposed in court as a public defender and I have seen them being described in legal documents, whether judicial decisions, legislative discussions, or legal scholarship,” Roberts said. “It is the gap between those two vantage points that inspires much of my scholarship: I question the use of convictions to exclude, punish, stigmatize, stereotype, and label through my highlighting of aspects of the process used to produce them. I also write about ways in which our legal language attempts to bridge that gap by implicitly portraying convictions as necessary and reliable. I have started focusing on the use of language in my Criminal Law class, asking students to look closely for legal terms that do that sort of work.”

Brooklyn favorites: “There are two favorite days in my Brooklyn calendar. One is the Brooklyn Pride Parade, which goes right past our home. The other is Atlantic Antic (every October), in which one can revel in the diversity of businesses, performers, and residents of Atlantic Avenue and this borough.”



Alissa Bauer officially joins the Law School as Assistant Professor of Legal Writing after serving as visiting assistant professor at Brooklyn Law School during the 2021–22 academic year. Previously, she spent 10 years at the Elisabeth Haub School of Law at Pace University, where

she taught the first-year legal writing course, an LL.M. legal writing course, an appellate advocacy course, and a contract drafting course. Bauer was also a litigation associate at Paul, Weiss, Rifkind, Wharton & Garrison.

Brooklyn favorites: “I love just walking around the different streets and neighborhoods in Brooklyn. Before I moved out to the suburbs, I clerked in the Eastern District of New York—you can see the courthouse from the windows in one of my classrooms—and lived in Cobble Hill.”



Louis Jim joins the Brooklyn Law School faculty as Assistant Professor of Legal Writing after four years at Albany Law School, where he taught legal communication and research as well as criminal justice courses. His interests focus on whether traditional methods of

teaching legal communication concepts still apply and the use of technology in teaching law. Jim has also practiced law in the public and private sectors. He served as an assistant attorney general in the New York State Office of the Attorney General and as an associate attorney at Bond, Schoeneck & King, where he practiced commercial, tort, and estate litigation.

Brooklyn favorites: “I enjoy taking a Citi Bike through Prospect Park. Living in Brooklyn also provides access to a wide variety of cuisines. Finally, I enjoy being closer to my parents: My dad lives in Queens and my mom lives on Long Island.”



Shirley Lin joins Brooklyn Law School as Assistant Professor of Law after teaching at the Elisabeth Haub School of Law at Pace University and at New York University School of Law. She researches and teaches critical race theory, employment law, and contracts. Her scholarship explores

constructions of race, disability, and gender, and their legal regulation within the political economy. Lin was previously a senior associate at Outten & Golden LLP, a national labor and employment law firm, where she advised and litigated on behalf of plaintiffs in civil rights and commercial matters.

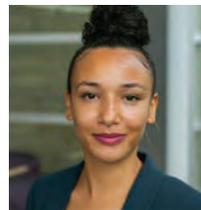
Brooklyn favorites: “I love that Brooklyn brims with creativity, possibility, and courage, even during the toughest of times. Because we love beaches, my family is looking forward to taking the Brooklyn ferry to the Rockaways on the weekends. We’ve already begun to find Brooklyn analogues to our favorites, such as enjoying arepas in Bar Caracas’ outdoor patio, and the Thai curries at Lemongrass.”



Alberto Rodriguez joins the Law School as Assistant Professor of Legal Writing after teaching legal writing as a lecturer-in-law at Columbia Law School since 2011. His classes have included brief-writing, oral advocacy, and fundamental lawyering skills. Rodriguez served as a litigation

associate in the New York office of Skadden, Arps, Slate, Meagher & Flom, as an assistant corporation counsel representing the City of New York and its agencies, and as counsel in the labor and employment group of Seyfarth Shaw. Most recently, he was a supervising attorney prosecuting employment discrimination cases at the New York City Commission on Human Rights.

Brooklyn favorites: “I love how Brooklyn is so diverse and filled with interesting people from all walks of life.”



Lisa Washington joins Brooklyn Law School as Assistant Professor of Law, after serving as the William H. Hastie Research and Teaching Fellow at the University of Wisconsin Law School. She is particularly interested in overlapping issues of poverty, race, and gender in the carceral state. Her

research focuses on the intersections of family regulation law and the criminal legal system. Washington has also worked at the Bronx Defenders in New York City, where she was a fellow in the criminal defense practice and later a staff attorney in the family defense practice. She co-directed the Gertrude Mainzer Family Defense Clinic at Cardozo School of Law. Washington has a background in comparative legal studies and is completing a comparative legal thesis as part of her Ph.D. studies at the Freie Universität in Berlin.

Brooklyn favorites: “I’m very excited about going to Barclays Center this upcoming basketball season. The Lakers will be here in January—can’t wait.”

Sarah Winsberg joins Brooklyn Law School as Assistant Professor of Law after serving as Climenko Fellow and lecturer



in law at Harvard Law School. Currently an advanced Ph.D. candidate in history at the University of Pennsylvania, Winsberg studies the way that sorting and organizing legal knowledge has produced profound changes in the common law of contracts, work, and business. Her

research reveals these lost transformations, using history to offer insight into the theory of private law. It also explores the roots of modern economic conundrums, from the gig economy to the rise of subcontracting as corporate structure, and beyond. Winsberg’s article *Attorney ‘Mal-Practices’: An Invisible Ethical Problem in the Early American Republic*, 19 *LEGAL ETHICS* 187 (2016), received the Deborah Rhode Early Career Scholar Paper Prize.

Brooklyn favorites: “This is my first time living in Brooklyn, so I’m still discovering new places. My favorite spot, so far, is Prospect Park on a sunny day.”

Students Are All Ears in Professor Alexis Hoag-Fordjour's Classes



WALK PAST PROFESSOR ALEXIS HOAG-FORDJOUR'S classroom and the sounds of Jay-Z's "Dope Man," Billie Holiday's "Strange Fruit," or Taylor Swift and The Chicks singing "Goodbye Earl" might drift out—as may the crackle of gunfire from Lil Baby's "Pure Cocaine" music video. Class is in session.

Hoag-Fordjour uses contemporary music as a learning tool. On the first day of Evidence, she assigned students to either the defense or the prosecution to argue whether a judge should admit rap lyrics as evidence in a criminal trial. In practice, prosecutors have used such evidence against defendants facing criminal charges, especially young Black men. "The exercise allows for a fruitful discussion about prejudice versus probative value, and about how race can factor into evidentiary determinations," Hoag-Fordjour explained.

When courses went temporarily remote in January 2022, Hoag-Fordjour continued the tradition as a pre-class icebreaker for her Criminal Procedure students logging onto Zoom. Once in-person classes resumed, students began submitting recommendations of songs with lyrics referencing the criminal adjudication system. She happily obliged. "I'm responding to the students," said Hoag-Fordjour, also a co-director of the Center for Criminal Justice. "They're dialed in; they're committed to learning good practice skills and I want to be responsive to that. My teaching style is also informed by what I would have wanted as a student."

Engaging students creatively and including critical race concepts have made Hoag-Fordjour a hit with students. In hypotheticals, she uses such names as Kwame, Anh, and Udyogi, so that all students feel represented in the course materials. The Brooklyn Law School Student Bar Association named Hoag-Fordjour Faculty Member of the Year for 2021-22—her first as a professor, and her first year at the Law School.

Students rave about her classes in evaluations. "Professor Hoag[-Fordjour] is a fearless and passionate thought leader, and every day shows a strong dedication to her students," one student commented. Incorporating real-life scenarios into classroom exercises and discussions "makes me feel I know how to apply the material in actual practice," wrote another.

Cognizant that Brooklyn Law students mainly pursue legal practice, Hoag-Fordjour draws on her experiences as a lawyer at the NAACP Legal Defense and Educational Fund and at the Office of the Federal Public Defender. For balance, she invites special guests, including federal prosecutors and judges. Hoag-Fordjour also stays plugged into cases through her regular appearances on CNN, MSNBC, and NPR. Initially, producers tapped her to discuss ongoing criminal trials, but on CNN that has evolved to providing commentary on other legal matters, including the Jan. 6 hearings and the investigation into former President Trump's retention of classified documents.

Next semester, she'll teach a two-credit seminar, Abolition: Imagining a Decarcerated Future, exploring abolition theory and the practical application of abolition. Hoag-Fordjour explained that "abolition calls for a different social and economic order in which police and prisons do not exist." She acknowledges that today's carceral punishment system "is rooted in slavery and racial capitalism." Hoag-Fordjour will encourage students to draw links between prior Black liberation movements and today's decarceral efforts. "Abolition encourages us to think critically about the conditions that cause harm and about

life-affirming alternatives to prevent harm."

In addition to traditional course materials, Hoag-Fordjour plans to take students to Governors Island to visit Charles Gaines' sculpture, The American Manifest, Moving Chains, built as a meditation on imprisonment and freedom. Why art? "Filing a lawsuit is not going to solve all of the issues that we see in the criminal adjudication system," she said. "To address racial and economic inequity, I want to inspire students to consider other creative mechanisms, interventions, and solutions."

Carceral abolition is a progressive concept, and Hoag-Fordjour concedes it's unlikely we'll see the end of prisons and police in our lifetime. However, it is a goal that we can organize toward. She points to the mass demonstrations against police violence following George Floyd's 2020 murder as a catalyst that increased the public's awareness of racial and economic injustice.

"These were not conversations happening when I was in law school 15 years ago. I'm inspired by our students," Hoag-Fordjour said. Brooklyn Law students, she believes, are more than ready.

PROFESSOR ALEXIS HOAG-FORDJOUR'S CRIMINAL PROCEDURE PLAYLIST

- Fiona Apple, "Criminal"
- Beyoncé, "Freedom"
- Johnny Cash, "Cocaine Blues"
- Common, "Testify"
- Sam Cooke, "Chain Gang"
- Bob Dylan, "Hurricane"
- Gucci Mane, "1st Day Out tha Feds"
- Merle Haggard, "Life in Prison"
- Billie Holiday, "Strange Fruit"
- Michael Jackson, "Smooth Criminal"
- Jay-Z, "Dope Man"
- Shorty Long, "Here Comes the Judge"
- Bob Marley & the Wailers, "I Shot the Sheriff"
- Curtis Mayfield, "(Don't Worry) If There's a Hell Below, We're All Gonna Go"
- Reba McEntire, "The Night the Lights Went Out in Georgia"
- Taylor Swift and The Chicks, "Goodbye Earl"
- Elvis Presley, "Jailhouse Rock"
- Thin Lizzy, "Jailbreak"

Faculty Scholarship: Brooklyn Law School's faculty continue to excel, with books and articles placed in top law reviews around the country. To learn more, visit www.brooklaw.edu/facultyscholarship

Recent and forthcoming highlights include:

NEW IN FACULTY BOOKS

William Araiza

Rebuilding Expertise: Creating Effective and Trustworthy Regulation in an Age of Doubt (NYU Press, 2022)

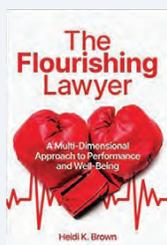
AMERICANS' TRUST in public institutions is at near historic lows and "bureaucracy" and "big government" are pejorative terms. Araiza investigates the sources of this phenomenon and explains how we might rebuild trust in our public institutions. Using an interdisciplinary approach, with insights from history, political science, law, and public administration, Araiza explores our current bureaucratic malaise and presents a road map to finding our way out of it, toward a regime marked by effective, expert regulation that remains democratically accountable and politically legitimate.



Heidi K. Brown

The Flourishing Lawyer (ABA Book Publishing, 2022)

THE FLOURISHING LAWYER offers an empathetic guide for members of the legal profession to cultivate their personal and professional well-being, identify and develop their individual strengths, and define success on their own terms. Drawing from lessons and research from the fields of psychology, health care, sports, and medicine, this book is an affirming guide to becoming a better contributor to the profession while living a flourishing life (*see Q & A on p. 44*).



Steven Dean

Filing While Black: The Casual Racism of the Tax Law, **Utah Law Review** 801 (2022)

THE TAX LAW'S race-blind approach produces bad tax policy. The racial bias long tolerated—and sometimes exploited—by tax scholars and policymakers affects all aspects of the tax law. In 1986, Sam Gilliam was denied tax deductions that others in similar situations enjoyed. In 2000, Liberia was threatened with sanctions for being a tax haven, but Switzerland was not. In 2014, Eric Garner died in police custody after being suspected of evading a tax. In each instance, anti-Blackness played a role in ways the tax law either ignores or actively leverages.

Cynthia Godsoe

The Place of the Prosecutor in Abolitionist Praxis, **69 UCLA Law Review** 164 (2022)

PROGRESSIVE PROSECUTORS have been widely hailed as the solution to mass incarceration, but Godsoe argues they are not the magic bullet. Prosecutors' institutional power and ethical mandate to "do justice" can be repurposed to start reversing decades of building the carceral state, but transforming the system entails ceding power to communities, divesting criminal system resources, and investing in societal supports that keep people safe.

Catherine Y. Kim

Rights Retrenchment in Immigration Law, **55 UC Davis Law Review** 1283 (2022)

THE MODERN COURT'S stance toward immigrants tells a story of rights retrenchment, a scaling back from even the modest gains of the 20th century. In areas including the right to habeas corpus, procedural due process, discrimination, free speech, and detention, noncitizens today enjoy even fewer constitutional protections than they did at the end of the last century.

Sarah Lorr

Unaccommodated: How the ADA Fails Parents, **110 California Law Review** 1315 (2022)

THIRTY YEARS after Congress passed the Americans with Disabilities Act (ADA), discrimination and ingrained prejudices against individuals with intellectual disabilities, especially poor Black and brown parents, continues. Despite federal intervention with the promulgation of the new technical assistance in 2015, both family and federal courts fail to vindicate the rights of parents with disabilities, by sidestepping responsibility for their ADA claims. For the ADA to fulfill its promise, parents must have viable legal avenues to enforce it.

Vijay Raghavan

Shifting Burdens at the Fringe, **102 Boston University Law Review** 1301 (2022)

RAGHAVAN OFFERS a new descriptive account of consumer financial regulation. Leveraging insights from the recent literature on the legal design of money, he suggests that consumer financial regulation is best understood as a way to shift the incidence of financing the creation of new money and not as an intervention in private exchange. He considers how this framing can change the way we justify consumer law and regulate consumer credit markets.

Irene Ten Cate

Splitting the Baby, **61 Columbia Journal of Transnational Law** (forthcoming 2022)

COMPROMISE AWARDS in international commercial arbitration are widely condemned, but it is hard to articulate what is wrong with such awards if tribunal members genuinely disagree about the law or the facts. This article argues that the primary harm of compromise lies in its effects on the quality of individual and collective deliberation. These flaws, in turn, taint the award by turning reason-giving into an exercise in justification rather than an opportunity for continued assessment.

Alumni Events

Alumni Toast Award Winners and Mingle at Alumni Luncheon

AFTER TWO YEARS of gathering virtually for the Brooklyn Law School Alumni Association's annual Alumni Luncheon, on May 6 more than 300 alumni, faculty, students, and friends left their screens behind to reunite and celebrate in person at a luncheon held at the beautiful Cipriani 25 Broadway.

Attendees saluted the great accomplishments of Alumni Rising Stars **Dong Joo Lee '13**, **Mary Willis White '13**, and Alumni of the Year **Frank V. Carone '94** and **Wanda K. Denson-Low '81**.

The mood was buoyant, as **Valerie Fitch '88**, who ended her latest term as Alumni Association president, remarked on how everyone looked better in person than on a Zoom screen. "These events show what an amazing place Brooklyn Law School is and how incredible our graduates and faculty are. I've been proud to be president and enjoyed every minute," said Fitch.

She also introduced incoming president **Deborah Riegel '93**. "I want to thank Valerie," said Riegel, "for stewarding the Alumni Association with grace, with an iron fist when necessary, with compassion, and a welcoming and collaborative nature. I have extraordinarily big shoes to fill!"

The event took place thanks to 33 generous sponsors who made the 2022 Alumni Luncheon possible. All proceeds from the event support the Annual Fund for students at Brooklyn Law School.



"Brooklyn Law School gave me a sense of community and taught me how to be an advocate. As lawyers upholding equity and the rule of law, you can always do something from whatever place you're in to make the world better."

—Wanda K. Denson-Low '81, Alumna of the Year, Retired Senior Vice President of the Office of Internal Governance at the Boeing Co. and Vice Chair of the Board of Trustees for Rensselaer Polytechnic Institute



"If I were asked at my K&F interview a decade ago where I would see myself today I hope I would have been bold enough to imagine the things I could do in real estate in the greatest city in the world. That I would be hiring fellow alumni."

—Mary Willis White '13, Rising Star, Partner, Kriss & Feuerstein



"[When I was just 4, my parents] left South Korea and everything they had known to give us a better life and become people who care about the world."

—Dong Joo Lee '13, Rising Star, Assistant U.S. Attorney, Criminal Division, U.S. Attorney's Office for the District of New Jersey



"I entered Brooklyn Law School with insecurities and fixed opinions, but my Law School education transformed the way I thought."

—Frank V. Carone '94, Alumnus of the Year, Chief of Staff, New York City Mayor Eric Adams

Reunions 2023 Will Be Held on Campus in the Spring

MARK YOUR CALENDAR today for Thursday, May 18, 2023—the next Reunions will be here sooner than you expect. We are excited to welcome alumni whose class years end in 3 or 8 back to campus and are currently planning the details of your celebration. Please check back periodically for updates and see the tips box at right for things you can do now to best prepare.

To get everyone in the spirit, we are sharing some throwback photos (below) from the 2018 reunion at New York City landmark Cipriani 25 Broadway, which was the last time these same groups reconnected with friends, classmates, and faculty. We look forward to celebrating with you.

Update your contact information so you don't miss any updates. To make updates or for more information on Reunions 2023, email Director of Alumni Engagement Sarah Gowrie, sarah.gowrie@brooklaw.edu



Hon. Emily Goodman '68, who retired from the New York State Supreme Court, marks her 50th Reunions with classmate Robert Markfield '68.



Ronald Pohl '83, front and center, joins classmates posing for a group shot. This year will mark their 40th Reunions.



Martin Siegel '68, center, celebrates his 50-year Reunions with Alan Stopek '68, right, and Robert Zuckerman '68.



This year will mark the 10th Reunions for this group, then celebrating five years. The group includes (starting second from left) Trisha Singh '13, Jane Ordower '13, Daniel Ordower '13 and Bilal Haider '13.



This year will mark the 40th Reunions for these alumni, including, from left, Linda Wroblewski '83, Gail Williams '83, Ann Hsiung '83, Hon. Jean Bell '83, and Judy Zuhusky '83.

Alumni Impact

Taft Foundation Elevates Grant to \$1.7M as Disability and Civil Rights Clinic Expands Reach



Professor Sarah Lorr

THE TAFT FOUNDATION, whose mission is to improve the lives of those with intellectual and developmental disabilities (I/DD), renewed its grant for Brooklyn Law School's Disability and Civil Rights Clinic, increasing it to \$1.7 million, as the clinic expands beyond New York State.

Led by co-directors Professors of Clinical Law Sarah Lorr and Prianka Nair, the clinic focuses its advocacy on clients who are placed under or are at risk of being placed under guardianship, parents who are enmeshed in the child welfare system, and incarcerated people.

The clinic's efforts came to fruition over the summer. Lorr, along with Jane Dowling '22 and Lydia Saltzbar '22, helped research and draft the New York City Bar Association Mental Health Law Committee's brief supporting a New York State bill to give adults with I/DD the right to legally enforceable "supported decision making" with the assistance of a chosen circle of support. Introduced by the Office of People with Developmental Disabilities, the bill passed the state Senate in April, and Gov. Kathy Hochul signed it into law July 26.

"The new law is significant because it requires that every adult is presumed 'to



Professor Prianka Nair

have the capacity to enter into a supported decision-making agreement,' unless they already have a legal guardian," Lorr said. "This gives individuals with I/DD and their families a strong, legally sound alternative to guardianship."

Launched in 2014, the clinic functions as a pro bono law firm, and is the brainchild of Brooklyn Law School and The Taft Foundation's president and chair Howard Rothman '71. Clinic students undertake legal representation of clients, learning about disability rights and related issues, while also using lawyering skills to promote clients' civil rights.

Nina Bershadker, executive director of the Taft Foundation, appreciates the clinic's two-pronged approach. "Many of the students have gone on to pursue public interest careers, and some have

even committed themselves to advancing disability rights beyond their student experience," Bershadker said.

Over the grant period, the clinic has served more than 73 people and taught more than 129 students.

Commending Associate Dean of Experiential Education and Professor of Law Stacy Caplow's "extraordinary leadership," Bershadker lent enthusiastic support to Nair and Lorr's plans for the clinic. In addition to the annual roundtable, they plan to organize a symposium on disability rights, as they expand the clinic's reach beyond New York. The pandemic helped accomplish the latter by giving the clinic virtual access to hearings in other states.

This semester, the clinic is appearing in two cases in Tennessee. In one case, the state removed the client's wife from her home against her will, placed her in a group home, and sought to annul their marriage, based on claims of incapacity due to her intellectual disability. Lorr is working with co-counsel Martie Lafferty of Lafferty Law Firm, Inc. and students Nicole Pagan '23 and Kathryn Hennessey '24 on the case.

The clinic filed a successful motion to dismiss the annulment claims on behalf of the husband, who is also intellectually disabled.

"The need for this kind of representation goes far beyond the states of New York and Tennessee, and we are excited to be able to provide this kind of strong representation to our clients wherever they may be," Lorr said.

"The need for this kind of representation goes far beyond the states of New York and Tennessee, and we are excited to be able to provide this kind of strong representation to our clients wherever they may be."

— PROFESSOR OF CLINICAL LAW SARAH LORR



New Scholarship Established in Honor of Becky McBride '13

THE FAMILY OF REBECCA “BECKY” MCBRIDE '13, who is fondly remembered for her adventurous spirit, love of laughter, and tireless commitment to advocating for immigrants in New York City, founded a Brooklyn Law School scholarship in her honor.

Becky passed away April 9, 2020, after a two-year battle with breast cancer, surrounded by her family and grieved by friends. She was 35.

Her parents, Robert and Randye McBride; her brother, Ben, and his wife, Glenny; and numerous friends and colleagues still marvel at her legacy. Born on New Year's Day 1985 in New York City, Becky grew up in East Windsor, N.J., and attended American University, majoring in philosophy, and minoring in

Spanish. After graduating in 2007, she moved to Argentina, where she volunteered at a nonprofit organization, became fluent in Spanish, and decided to focus on practicing law in defense of the underserved, which prompted her entering Brooklyn Law School.

As director of legal services at Atlas:DIY and as a staff attorney at Central American Legal Assistance (CALA), both in New York, native Spanish speakers knew her as Abogada (lawyer) Becky, and staff recall her as often clad in a favorite leather jacket. Her work reunited families, stopped deportations, and was directly responsible for hundreds of newly recognized and soon-to-be citizens in the U.S. That included undocumented minors, who she always referred to by name and treated as unique individuals, not cases.

Her colleagues remember Becky warmly. “She was an example of how to care, how to be responsible, how to laugh,” recalled CALA Director Ann Pilsbury.

The scholarship will be open to second- or third-year students and is based on financial need. Primary consideration will be given to students with a demonstrated interest in not-for-profit immigration law, with particular preference given to those wishing to serve marginalized communities, including refugees.

Brooklyn Law's Associate Dean of Experiential Education Stacy Caplow stayed in touch and worked with Becky after she graduated. “I take pride in being one of her mentors who supported her dedication to immigration law,” Caplow said. “We who admired and cared about her will miss her tremendously.”

Give to the **Becky McBride Scholarship** by making a gift at www.brooklaw.edu/give, or reach out to Chief Advancement Officer **Annie Nienaber**, annie.nienaber@brooklaw.edu

Alphonzo Grant, Jr. '98 and Isis Sapp-Grant Establish Diversity Recruitment Fund



BOARD OF TRUSTEES MEMBER ALPHONZO GRANT, JR. '98, and his wife, Isis Sapp-Grant, have established the Sapp-Grant

Diversity Recruitment Fund to expand diversity and inclusion at Brooklyn Law School and help students succeed. “We hope the Fund will enable Brooklyn Law School to better compete for these talented diverse individuals with law schools that have a university behind them,” Grant said.

The gift includes a total of \$30,000 over

three years, offering financial support for students facing not only tuition, but also housing, books, and other living expenses.

Grant, a managing director at Morgan Stanley, is a longtime supporter of the Law School and advocate for civil rights, diversity, and inclusion. Sapp-Grant, a social justice advocate and consultant, is the founder and former executive director of the Youth Empowerment Mission and its award-winning Blossom Program for Girls.

Grant's own supportive experiences at the Law School inspired his gift.

“I had the ability to attend law school in the evening during my first semester, when I was working full time,” he said.

“I was then awarded a scholarship.” A summer Legal Process class with Associate Professor of Legal Writing Emeritus Linda Feldman and then-Associate Dean for Student Affairs Carol Ziegler set him on the path to success, as did a “life-changing mentorship” with then-Adjunct Professor William Kuntz, now a U.S. District Court Judge for the Eastern District of New York. Grant pays it forward by mentoring members of the Black Law Students Association and Latin American Law Students Association.

“I am simply passing on the wisdom and guidance I received during my career journey,” he said.

How Five Alumni Landed at One Boutique Entertainment Law Firm

Call the offices of boutique entertainment and media law firm Ritholz Levy Fields (RLF), ask for a Brooklyn Law School alumnus and you're likely to hear, "Which one?" Five alumni are among its 23 attorneys, including founding partner **Peter Fields '90**, who embraces the unintended contingent.

"Generally, there's no litmus test that if you're from Brooklyn Law you have better odds of working here," said Fields, whose two founding partners must also agree on new hires. "But personally, when someone from Brooklyn Law ends up working with us, I like it because I love the Law School; I had a great experience there."

Other alumni are new partners **Cody Brown '13** and **Dan Zupnick '12**; a 2019 Brooklyn Law Entertainment and Sports Law Society alumni honoree, **Jason Barth '13**, who went from of counsel to full time; and **William H. Williams '20**.

CONTENT DEMAND FUELS ENTERTAINMENT LAW BUSINESS

RLF is a full-service entertainment and media firm that provides corporate, intellectual property, and litigation services. The firm, with offices in New York, Nashville, and Los Angeles, has a client portfolio that spans music, television, film, digital media, and fashion, with prominent names such as Rockstar Games, 2K Games, Freakonomics Radio, Robert Plant, Chris Stapleton, Billy Strings, and Nicole Miller among them.

The pandemic saw entertainment production slow initially, but then demand for content and RLF's services rose briskly, and in sync. "Any show, movie, podcast, or song you enjoy, many legal transactions took place behind the scenes to get the final product to the consumer," Fields said.

One recent growth area is music catalog acquisitions. As streaming alone may not be lucrative for most musicians and songwriters, these artists can seek revenue from music publishers and labels acquiring their music publishing and master recording catalogs. Institutional investors have gotten involved, placing bets on the next big music sensations.

"A big pop song could make a few million dollars a year in streams and public performances, so our clients, sometimes backed by private equity, will pay a multiple based on the annual income of a song, among other factors. It's a really nice payday for the artists," Brown said.

Music is not the only industry benefiting from new paradigms. Technology has allowed video and audio content produced by small teams or soloists to thrive, with the podcast industry as the breakout performer of the past several years.

RLF works with several chart-topping podcasts, and advises traditional media companies behind the scenes.

"The successful shows can become their own businesses, which may require engaging hosts, writers, producers, and guests, as well as securing a distribution deal," Brown said, adding that podcasts of any size still need the "same legal protections in place, getting clearance for participants, music, and distribution deals. That's where we come in."

NETWORKING, PROXIMITY, AND PERSONALITY

Getting into entertainment law remains tough. Most RLF hires are tristate-area law school graduates, whose proximity makes them available for the firm's summer associate program. Having had entertainment law internships elsewhere helps too, as does more general practical experience in business transactional matters.

"That makes a difference when we decide who we're going to interview," said Fields. His own first internship was at Columbia Pictures, where in-house lawyers advised him to learn entertainment law at a big law firm. He did so, and ultimately joined what is now RLF.

Networking is also key, and Fields always talks to students referred by Professor of Law **Michael Gerber**, a favorite professor and super-connector. Zupnick earned a meeting with Fields after mentioning Brooklyn Law in an email and has been at the firm 10 years. The latest addition, Williams, first met partners Brown and Zupnick at a Law School lunch-and-learn event, and periodically reintroduced himself at alumni dinners or intellectual property events.

Brown said he's always happy to give students five minutes on the phone, with some guardrails. "Check in every six months with just a friendly hello," Brown said. Williams, who sought a transition from civil litigation to entertainment law, happened to reach out just as an RLF associate was leaving. "He met with the rest of the team, and everyone loved him," Brown said.

Skilled conversationalists who can hold their own with "creative economy" clients, be they producers, creators, distributors, or financiers, fare well at RLF, Fields said.

"You can have the best grades and have gone to Harvard, but if you interview here and you're not lively and don't have a personality, it won't work," Fields said.



L to R: The entertainment law firm Ritholz Levy Fields has a proud cohort of Brooklyn Law School alumni, including partner **Dan Zupnick '12**, founding partner **Peter Fields '90**, **Cody Brown '13**, and the latest addition, **William H. Williams '20**; a fifth alumnus, **Jason Barth '13**, right, was of counsel but has joined the firm full time, working remotely.



Students, alumni, and recent graduates at a recent Brooklyn Law School Mentor Program gathering.

Mentor Program Lets Alumni Share Career Wisdom

Brooklyn Law School alumni well into their careers undoubtedly remember the bar exam jitters, the early career job interviews, and the challenges of being a new attorney.

The Brooklyn Law School Mentor Program, which returned this fall with 144 mentor-mentee matches, gives alumni a chance to answer that clichéd—but ever-interesting—interview question: What advice would you give to your younger self?

Alex Lesman '05, a Legal Aid Society of New York City staff attorney and a Mentor Program veteran, provides supportive advice to Law School students and recent graduates, but is honest about challenges and disappointments as well.

“I feel strongly that mentoring benefits everyone: the individuals just starting out in a legal career, those doing the mentoring, and everyone in the field,” Lesman said. “Because mentoring helps prepare people to do better work sooner.”

Lesman also sees mentoring as another type of networking. “You never know who you’ll cross paths with in the future and who might be in a position to help you,” he said.

His mentee, **Abby Fink '23**, plans to work in public defense in Brooklyn, so Lesman is the ideal mentor, she said.

“He was able to recommend classes to take, different avenues for getting into public defense, and how to approach my job search,” Fink said. “I think students underestimate the value of a mentor who is invested in your success. I plan to continue our relationship even post-law school.”

David Bayer '13, a National Football League associate labor

“I feel strongly that mentoring benefits everyone: the individuals just starting out in a legal career, those doing the mentoring, and everyone in the field.”

—ALEX LESMAN '05, LEGAL AID SOCIETY OF NEW YORK CITY

relations counsel, is another repeat participant in the Mentor Program. He recently mentored **Lanie Halpern '22**, now a first-year associate at Fried Frank in the executive compensation/ERISA department.

“As a student and in my own career, I have gotten incredible value from mentors,” Bayer said. “There is no substitute for experience, and even though everyone’s path is different, speaking to somebody who has been in your shoes can be beneficial. I hope to be able to give my mentees a helpful perspective.”

Students typically use Bayer as a source of suggestions about law school, including recommended classes and the bar exam, as well as career advice, such as ideas on finding an internship, a full-time job, networking, or résumé review.

Halpern affirms that Bayer has helped her navigate the job search, helped her prepare for interviews (tailoring answers and questions for each one), and supported her during a “very intense interview process during bar prep.” Halpern encourages students seeking mentors to be thorough on their applications to find the right match in their desired field, as she did with Bayer.

“David gave me effective tips on how I should go about applying for internships/jobs that would make me stand out from the applicant pool,” Halpern said. “He was also always thinking of who he could connect me with, and I have had numerous conversations with people in his network.” Bayer even set Halpern up on a practice interview with one of his friends who had given her a referral.

The relationship is ongoing, although the formal part ended. “I still ask him for advice even though I have graduated and started a job,” Halpern said.

Pryor Cashman is sponsoring the Mentor Program kickoff event this year, an arrangement facilitated by partner **Colleen Caden '99**, also an Alumni Association Board and Women’s Leadership Circle member.

Email **Director of Alumni Engagement Sarah Gowrie**, sarah.gowrie@brooklaw.edu for information on mentoring.

ClassNotes

1959

Carl Steinhouse has authored his 14th book, *The War Under the Waves*, about the World War II battle against German U-boats fought initially by Britain and then the United States, to ultimately defeat Hitler.

1966

Gene Laks, who specializes in health care law for Barclay Damon, will be listed in the 2023 edition of *The Best Lawyers in America*.

1968

Joseph C. Wasch, of counsel at Greenspoon Marder in Boca Raton, Fla., was recognized as a 2022 Legal Eagle by the publication *Franchise Times*.

1979

Richard Stern, previously with Luskin, Stern & Eisler, is now a partner at Stroock as part of an expansion of the latter's restructuring and bankruptcy practice. Stern is also co-chair of Stroock's restructuring and bankruptcy group.

1983

David H. Cohen, who specializes in real estate law for Moritt Hock & Hamroff, will be listed in the 2023 edition of *The Best Lawyers in America*.

1985

John D. D'Ercole was named a partner in a newly formed law firm, Leech Tishman

Robinson Brog. The new entity came about after Leech Tishman Fuscaldo & Lampl expanded its New York City presence by adding 24 attorneys from the prominent business law firm Robinson Brog Leinwand Greene Genovese & Gluck. D'Ercole is part of the litigation and alternative dispute resolution practice group, and is based in the firm's New York office, where he focuses his practice on complex federal and state commercial litigation matters.

1987

Gregg S. Peterman was named first assistant U.S. Attorney at the U.S. Attorney's Office for the District of South Dakota. He joined the office in 1995 as assistant U.S. Attorney and has been the supervisory assistant U.S. Attorney



Brooklyn Law School's Chairman Emeritus of the Board of Trustees and Metromedia President and CEO **Stuart Subotnick '68** was selected as a 2022 inductee to the Wireless Hall of Fame. The induction ceremony was scheduled for Oct. 20, in Washington, D.C.

The Wireless History Foundation honored Subotnick as "a pioneer and a visionary in establishing the methods by which the still-evolving and scrappy paging industry could participate in the development of the new cellular licenses, in competition with the dominant wireline Bell System."

That was in 1982, and for independent broadcasting company Metromedia it was a huge leap of faith. But for Subotnick, whose keen understanding of finance and law had precipitated a rise at Metromedia from federal tax manager to chief financial officer, it was also well worth the challenge. He believed companies such as AT&T, which gave up the rights to cellular licenses, were drastically underestimating how big the new technology could become.

"I went around the country to see what was going on," Subotnick said. "All these mom-and-pop paging companies were in on it; doing applications for licenses, putting together books on engineering and customer service. So I went back to New York and said to [Metromedia's then chair] John Kluge, 'We have to get into this.'"

Setting Metromedia's sights on the top U.S. markets, Subotnick orchestrated

financing to acquire seven of the largest U.S. paging companies and their cellular applications in New York, Philadelphia, Washington, D.C./Baltimore, Chicago, Dallas, and Boston. "In 1983, when the awards came in, we had the largest non-phone cellular company in the U.S.," Subotnick said.

Deals to expand cellular technology in China, Cuba, Russia, and Eastern Europe followed, and Subotnick later brought Metromedia into the fiber-optics and Wi-Fi businesses. Subotnick, who has taken other bold leaps—including being in on the creation of Major League Soccer and breeding and racing thoroughbred horses—attributes his confidence to a "belief in opportunities."

"All people get them, along with a lot of luck," he said. "If you don't react and take a risk, you can miss the opportunity of a lifetime."

in Rapid City, S.D., since January 2012. Peterman's work included prosecuting violent crimes in Indian country, including murder, sexual abuse, aggravated assault, child abuse, and robbery.

1988

James Diamond has been appointed the interim director of the Indigenous Peoples Law and Policy Program at the University of Arizona College of Law.

1989

Patricia (Cohen) Putney, a shareholder at Bell, Moore & Richter, in Madison, Wis., was recently appointed chair of the State Bar of Wisconsin's committee on anti-sexual harassment in the legal profession. She practices as a defense attorney in civil litigation, including medical malpractice, and just completed her second term as a governor on the Board of Governors for the State Bar of Wisconsin. She also sits on the Wisconsin Defense Counsel's diversity and inclusion committee. She has been voted by her peers as a Super Lawyer every year since 2012.

1990

Peter Antonucci, a former commercial litigator who retired from the practice of law in 2013 to sail around the globe on a megayacht, has come out with a new book, *Scandal at Sea: Billionaires in the Deep*. His previous book, released in 2019, was titled *Billionaire's Paradise*.

1992

Jaime Siegel, CEO and co-founder of FlipTix, was named one of California's Top 101 CEOs in the events space by Boardroom Media's CEO.

1996

Peter C. Godfrey, partner at Hodgson Russ, has been named to the 2023 edition of *The Best Lawyers in America* and will also be honored as a "Lawyer of the Year," a designation based upon his extremely high overall feedback within specific



Jeffrey D. Forchelli '69, managing partner at Forchelli Deegan Terrana and a member of the Brooklyn Law School Board of Trustees, was selected by his peers for inclusion in the 2023 edition of *The Best Lawyers in America* for Land Use & Zoning Law. He has been recognized annually since 2018.

practice areas and metropolitan regions. Godfrey was recognized for his work in employment law and labor law, both with a specialty in management.

Randy Klein started his career at the Brooklyn District Attorney's office and spent many years in the asset management space. He is now a partner in Paul Evans Catering, a full-service catering business that has been operating in New York City for over 30 years. The catering company works with corporate and not-for-profit clients, including the City University of New York and Memorial Sloan Kettering Cancer Center, and caters a wide variety of parties and receptions within the city.

1998

Rio Guerrero, the founding principal attorney of Guerrero Law Firm, will be listed in *The Best Lawyers in America* for the fourth consecutive year.

Gabe Nugent, who specializes in commercial litigation for Barclay Damon, will be listed in the 2023 edition of *The Best Lawyers in America*.

2000

Debbie Barbara Dudis, an assistant district attorney (ADA) at the Brooklyn District Attorney's Office, has transitioned from Frank Dudis, becoming the first openly trans ADA in that position.

2003

Richard W. Donner, who specializes in real estate law for Reinhart Boerner Van Deuren, will be listed in the 2023 edition of *The Best Lawyers in America*.

2006

Brian Hsu of Goldstein Hall was named to *Crain's New York's* 2022 list "Diverse Leaders in Law." The list recognizes individuals who have demonstrated commitment to community service, philanthropy, professional mentorship, and diversity, equity, and inclusion initiatives.

2007

Gregory Zamfotis was featured in a *Crain's New York* article about the success of his growing retail coffee chain, Gregory's Coffee, which now has 36 locations across New York City, New Jersey, Connecticut and the District of Columbia. He announced plans to launch a new menu with more plant-based options and to add drive-throughs at some of its locations.

2008

Michael Calcagni, counsel to Moritt Hock & Hamroff, was recently appointed to serve as co-chair of the Nassau County Bar Association's Surrogate's Court Estates & Trusts Committee. He focuses his practice on complex trust and estate litigation in both state and federal court. Additionally, Calcagni will be listed in the 2023 edition of *The Best Lawyers in America*.

Lauren A. Jones was named associate general counsel for Con Edison. In this role, she is the lead attorney responsible for more than 2,300 general litigation/liability lawsuits brought against Con Ed. Using in-house and outside counsel, Jones focuses on the defense and resolution of property damage and personal injury matters.

2009

Kiran Nasir Gore, who focuses her legal practice on international dispute resolution and public international law, has co-edited and co-authored a new book, *The Vienna Convention on the Law of Treaties in Investor-State Disputes: History, Evolution, and Future* (published by Wolters Kluwer). The book is the first consolidated analysis of how the “treaty on treaties” has informed the interpretation, application, and development of international investment law and the resolution of investor-state disputes.

2010

Alexander Kerzhner, a partner at Forchelli Deegan Terrana specializing in corporate law, was named to the 2023 edition of *The Best Lawyers in America* under the category “Ones to Watch.” He is a member of the corporate and mergers and acquisitions practice group and is also a certified public accountant. He serves as outside general counsel to numerous emerging growth companies and focuses his practice on complex transactions across a wide range of industries.

Nicholas Richard joined Cozen O’Connor’s real estate practice, where he will be handling complex commercial real estate transactions with a focus on joint venture acquisitions, dispositions, and ownership restructurings. He was previously special counsel in the real estate practice group of Stroock & Stroock & Lavan, and an associate counsel of Silverstein Properties.

2011

Sarah A. Westby, co-chair of Shipman & Goodwin’s cannabis team and a member of the firm’s employment and labor practice group, was one of three attorneys at the firm who was recognized for her outstanding pro bono contributions with the inaugural Shipman Pro Bono Award, which was presented to her at the firm’s Lawyers’ Retreat on Sept. 14. The award includes a \$500 donation by the firm to a legal organization of each recipient’s choice.

2012

Jonathan Lax was appointed deputy chief of the U.S. Attorney’s Office for the Eastern District of New York’s business and securities fraud section. Lax previously served as an assistant U.S. attorney in the general crimes, international narcotics, money laundering, and BSF sections.

Daniel M. Zupnick was promoted to partner at Ritholz Levy Fields. He focuses his practice on commercial, corporate, and intellectual property transactional matters for clients in the apparel, action sports, entertainment, film and television, consumer goods, and hospitality industries (see article on p. 36).

2013

Cody Brown was promoted to partner at Ritholz Levy Fields. He focuses his practice on the entertainment industry, including television, film, music, and digital media (see article on p. 36).

2015

Ricky Liang, CEO of the Sun Sun Group and principal attorney at Ricky Liang, P.C., has opened a new restaurant, the Congee Dim Sum House, located at 207 Bowery in Manhattan, where 37 types of dim sum will be served. It is a sibling to what *Time Out New York* described as the “beloved Congee Village” on the Lower East Side in Manhattan and represents the third spot opened by Ricky and his father, Peter, who also own Congee Village Restaurant & Bar in Flushing.

2018

Ryan J. Foley has joined Skadden, Arps, Slate, Meagher & Flom as an associate in the mass torts, insurance, and consumer litigation group.

Jamie Robinson has joined K&L Gates as a senior associate in its asset management and investment funds practice.



Ryan Malkin '06, principal attorney of Malkin Law, is the only lawyer included in the 2022 *Wine Enthusiast* “Future 40,” a national feature highlighting alcohol beverage professionals who are innovating in the drinks business. Before opening Malkin Law in 2013, Malkin was an assistant district attorney in the New York County District Attorney’s Office, a nightlife and spirits journalist, and an attorney for Pernod Ricard USA.

Photo credit: Matt Sayles

2019

Alex Pia has joined Morrison Cohen as a litigation associate.

2020

Henry Jones has joined Wrobel Markham as an associate.

Submit your
Class Notes here:

www.brooklaw.edu/classnotes

In Memoriam



Gerald Shargel '69

Gerald “Jerry” Shargel, a renowned criminal defense attorney and graduate of Brooklyn Law School who took on some of New York’s most high-profile cases, died on July 16, 2022. He was 77.

From 2000-04, Shargel was Practitioner-in-Residence at the Law School, teaching Evidence, Criminal Procedure, and Trial Advocacy; mentoring many students; and establishing the Gerald R. Shargel '69 Scholarship for criminal law students.

During his 40-plus years leading his own firm, and as a partner at Winston & Strawn from 2013 until his retirement in 2018, Shargel distinguished himself as an exceptionally skilled, rigorous, and charismatic attorney who deftly handled

a raft of high-profile criminal cases.

“I’m involved in the defense of collars of every color: white-collar, gray-collar, blue-collar,” Shargel once told a reporter. “I represent doctors, lawyers, politicians, state senators, congressmen.”

A notable contributor to numerous books and law journals, Shargel provided legal commentary for media outlets including CNN. His law school peers recall his knack for working with clients.

“Jerry has an instinctive grasp of the law,” friend and fellow alumnus Geraldo Rivera '69 once said. “He has an ability to relate to the client and make a legal rather than moral judgment about it.”

Recognized for his intense preparation, studied tactics, and dramatic courtroom

presence, Shargel received the Thurgood Marshall Award for Outstanding Criminal Law Practitioner from the New York State Association of Criminal Defense Lawyers in 2006, among other awards. A *New Yorker* profile called Shargel “one of the most brilliant criminal defense attorneys in America.”

“Jerry Shargel is one of the finest trial lawyers of our time,” said Michael Elkin '84, managing partner of Winston & Strawn’s New York office, when Shargel joined the firm. “He is an iconic figure, revered by clients and admired equally by judges and federal prosecutors.”

Born on October 5, 1944, in New Brunswick, N.J., Shargel earned his bachelor’s degree from Rutgers University in 1966, before entering Brooklyn Law School. During an internship at the U.S. Attorney’s Office in the Eastern District of New York, Shargel met legendary criminal defense attorney James LaRossa, who became first his boss and then his law partner.

Shargel is survived by his wife, Terry; his two children, who followed in his footsteps to become attorneys themselves—David Shargel '05, a partner at Bracewell, and Johanna Shargel, a public interest law group attorney in California; and many grandchildren.

In an interview, Shargel told the Chambers Associate that teaching at Brooklyn Law School was his proudest achievement. “I love reading about and hearing about former students and my pride is palpable when a former student comes up to me and tells me how much she or he enjoyed my classes,” he said. “I write, I teach, and I litigate. What could be better than that?”

Gerald R. Shargel '69 Scholarship Fund

Shargel’s family has directed memorial contributions to the **Gerald Shargel '69 Scholarship** at Brooklyn Law School. To make your gift online, go to: www.brooklaw.edu/give. Email **Patty Allen**, patty.allen@brooklaw.edu with additional inquiries.

In Memoriam

1950

Hon. Gloria Cohen Aronin

June 25, 2022

Hon. William L. Underwood, Jr.

May 3, 2022

1954

Mitchell Aigen

Sept. 11, 2022

Stuart Eisler

Aug. 4, 2022

1961

Marvin S. Brown

July 15, 2022

1962

Lawrence Epstein

Hon. Dorothy Eisenberg '50

Hon. **Dorothy Eisenberg '50**, who served for 25 years as a U.S. Bankruptcy Court Judge in the Eastern District of New York, died on February 28, 2022, at age 92.

Among her many associations and honors, Eisenberg was a member of the Committee on Character & Fitness, Appellate Division, Second Judicial Department, and a panel trustee for the U.S. Bankruptcy Courts for the Eastern and Southern Districts of New York; a former president of the Nassau Suffolk Women's Bar Association; and founder/president of the Theodore Roosevelt American Inn of Court.

Born in Brooklyn, N.Y., on Oct. 7, 1929, Eisenberg received her bachelor's degree from Brooklyn College and, in 1950, her J.D. from Brooklyn Law School, when she was just 20 years old. She began her career with Otterbourg, Steindler, Houston & Rosen.

After taking a leave of absence to raise her four children (among them **Leslie A. Eisenberg '92**), she returned to practicing law in 1970 with the Mineola, N.Y.-based

Goldman Horowitz & Chernow, focusing on the then-fledgling field of bankruptcy law. She became an active and highly respected member of the bankruptcy bar and the first woman partner at Shaw, Licitra, Eisenberg, Esernio & Schwartz, of Garden City, N.Y., where she practiced from 1981 to 1989, when she was appointed to the federal bench. She retired from the bench in 2014.

Professor Michael Gerber described Eisenberg as a wonderful friend to Brooklyn Law School and its Barry L. Zaretsky Roundtable, which furthers the scholarship and legacy of Zaretsky, a faculty member for nearly two decades and a luminary in bankruptcy and commercial law.

"Dorothy was a devoted and beloved mentor to our students, many of whom clerked and interned in her chambers," Gerber said. "She was a founding member of our Zaretsky Roundtable Steering Committee and she drove into Brooklyn every year—no matter how bad the traffic or the weather—to participate. She was one-of-a-kind, a great friend, and she will be dearly missed."



Warren Estis '73

Warren A. Estis '73, an esteemed member of the New York legal community, a spirited litigator, and a giant in the field of commercial real estate law as founding partner of the firm Rosenberg & Estis, died on April 13, 2022, at age 73.

Estis founded Rosenberg & Estis in 1975 with fellow alumnus **Gary Rosenberg '74**. From their beginnings as a boutique firm representing owners of rent-regulated residential units, they built one of the city's most prominent and respected commercial real estate law practices. Estis was recognized as a skilled and tenacious litigator and negotiator whose practice covered a wide scope of commercial litigation, landlord-tenant disputes, and land assemblages. The firm has been instrumental in the construction of major projects along the city's skyline, including: One World Trade Center, with the Durst Organization and the Port Authority of New York and New Jersey; and the Bank of America Tower, also called One Bryant Park, in a joint venture with Durst.

"Management was never one of my skills, and it never grew on me.

I just love doing the litigation and going to court," said Estis, in a 2017 conversation with Professor David Reiss that included Rosenberg and **Deborah Riegel '93**. "To me, every case is a challenge or a game of chess or Monopoly, and I enjoy the challenge. Gary and I started out with humble beginnings, and to be able to achieve the recognition and the reputation the firm has in the field of real estate litigation is something you could never dream of."

Born Nov. 2, 1948, in Queens, N.Y., Estis received a bachelor's degree from Long Island University/C.W. Post College, before entering Brooklyn Law School. A kind and generous friend to the Law School for many years, Estis continued the tradition of his father, **Nathan Estis '34**, which now continues with his son, **Alexander Estis '17**. "There have been three generations in my family going to Brooklyn Law School, so it's important to us to give back," Estis said. Siblings Alexander Estis and Dani Estis carry on their father's legacy at Rosenberg & Estis as firm associates. He will be greatly missed by all in our community.

1964

Burt J. Blustein

March 13, 2022

1965

Paul H. Tocker

June 17, 2022

1977

Alan Chevat

1984

D. Eric Remensperger

Oct. 13, 2019

2002

Lorena Alvarado

June 20, 2022

Due to a database error, the names of two alumni, James A. Dollin '77 and Hon. Fred J. Hirsh '77, mistakenly appeared in the In Memoriam section. The staff of Brooklyn Law Notes regrets the error.

A Conversation With Director of Legal Writing
and Professor of Law Heidi K. Brown

“Flourishing” in the Field of Law

Whether it is by way of tense negotiations, difficult client conversations, or complex legal dilemmas, stress can sneak both quietly and loudly into the lives of legal professionals. To address it, Director of Legal Writing and Professor of Law Heidi K. Brown has written The Flourishing Lawyer, her third attorney well-being book, incorporating what she's learned through scientific research, a master's degree in applied positive psychology, writing, and boxing lessons. She also has created a companion website—theflourishinglawyer.org—as a place for legal professionals to access well-being and performance resources.

What does it mean to be a “flourishing lawyer”?

In studying applied positive psychology with the field's founder, Martin E.P. Seligman, I read his book, titled *Flourish*. In my studies, I dove more deeply into the concept of flourishing, aspiring to apply it to the legal profession. Flourishing is not just feeling good, which psychologists call “hedonic well-being,” but includes “eudaimonia,” a Greek term that means “functioning well.” Flourishing isn't just smiling all the time and having a good day. We all know that's unrealistic. To function well, we set up cognitive, emotional, and physical systems to remind us that, when we do encounter stress or anxiety or fear, we remember that we've been through situations like that before and we are equipped with resources to tackle each problem. We learn to trust our systems and ride out the rise and fall of stress symptoms to get through inevitable rough times. Just as athletes and performers train in multiple dimensions before they step into the performance arena, we can do the same.

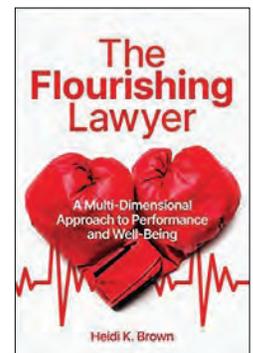
Of the six dimensions of lawyer well-being advanced by the National Task Force on Lawyer Well-Being (occupational, intellectual, emotional, spiritual, social, and physical), which do most lawyers need help with?

The physical dimension seems to be one of the most ignored by lawyers, so my book starts with it. Throughout two decades of practicing law, my anxiety and fear manifested physically, and not just in feeling stressed. I have a robust blushing response and my body reacts to stress by trying to get small: I instinctively hunch my shoulders and cross my arms, I lose my breath, my heart races, and I get hot and sweaty. We all experience one component of the fight, flight, or freeze response. If we become more “somatically intelligent” as lawyers and learn more about our bodies, and how to make subtle changes in posture and stance, we can learn, like athletes or performers, to control some of our individual physical reactions. In doing so, we learn to modulate our emotions and enhance our cognitive performance. Dr. John Ratey wrote an amazing book called *Spark* about how moving our bodies fires up

our brains. Getting to know my physical self (including through boxing lessons) taught me how to make adjustments in how my body responds to stress, rein in unhelpful emotions, and cultivate helpful ones. As lawyers, we use our brains to solve problems, but if we're not moving our bodies, we're missing out on a key technique that could help us think better.

What are some other ways lawyers can use self-awareness to enhance performance?

Lawyers must demonstrate “character and fitness” to practice law, but often it seems we view those terms as mere boxes we check on a form. In the book, I explore character as something we can and should cultivate over the life of our careers rather than verify at one specific point in time. The Values and Action Institute on Character offers a scientifically validated assessment (viacharacter.org) that identifies and ranks our character strengths from 1 to 24, offering us a vocabulary around our strengths. The rankings identify our “signature strengths” based on three Es: our top strengths energize, excite, and come easily for us. Our lower strengths aren't necessarily weaknesses; we might use them just fine, but doing so might sap our energy. Knowing our strengths helps us become more effective performers, to identify *Hey, I am really excited to do this type of work, but another type of work really drains me*. For example, during the pandemic, I realized Zoom meetings really deplete me, so I started scheduling all my Zoom meetings on the same day so I could gear up for that type of arduous day, be mentally prepared, and know how to wind down from it. I kept my other days freer so I could maximize use of my higher strengths. I suggest junior attorneys and supervising attorneys cultivate a shared vocabulary around strengths, to enhance the productivity and enjoyment of their work. ■



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“Seeing how [my parents] were able to establish themselves and build a strong family in this country has definitely grounded me in the work I do.”

— JULIANA LOPEZ '23

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