

Brooklyn Law Notes

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*The Passion of PipS
Fellows at Work*

*Race, Technology, and
the Future of Policing*

*New Faculty Build
on Excellence*

Brooklyn Law Notes

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Brooklyn Law Notes is published semiannually by Brooklyn Law School for alumni, students, faculty, and friends.

Dean's Message

We the People



On a beautiful sun-splashed September day in Washington, D.C., it was an exquisitely memorable experience to be part of the large crowd celebrating the opening of the new Smithsonian National Museum of African American History and Culture. Words alone cannot capture the museum's full impact, from the metal lattice exterior walls that recall iconic figures once serving as symbolic guardians protecting African villages, to the large welcoming front porch and the exhibition halls filled with artifacts, art, and displays that are vibrant, moving, and often painful and horrifying reminders of the struggles, as well as contributions and triumphs, of African Americans. The exhibits include the gown worn by the incomparable Marian Anderson when she sang to a vast crowd from the steps of the Lincoln Memorial. The overwhelming experience is even more poignant because this new citadel of humanity and enduring courage is built near the very place within the shadow of the U.S. Capitol where people were once sold into slavery. This is an extraordinary national museum that all Americans should visit if they have the opportunity.

This was a day to reflect on the distance the United States has traveled toward racial justice and the difficult journey that still remains if we are to truly become a nation where equality, justice, and freedom are the blessings of all. As President

Obama explained at the opening ceremony, it is a time for people to “step back, understand, sympathize, empathize, and be part of the solution.” President George W. Bush, who signed legislation authorizing the new museum 15 years ago, said that “a great nation does not hide its history. A great nation faces its flaws and corrects them.”

I am very proud to be a member of a law school community where so many of our graduates, students, and faculty work toward a better future. After all, being unsatisfied with the status quo and hungering for positive change is what academic institutions, and even more so law schools, should be all about.

“Every day I speak with students who are performing valuable service work, providing much-needed legal assistance to less-advantaged individuals, and contributing to the flourishing small business and startup community in Brooklyn.”

Throughout last year, for example, our community admirably rose up to address intelligently and vigorously a tsunami of disturbing events in communities and on campuses across the country and abroad. Once again, this year our news is filled daily with alarming stories of discord, violence, and bigotry. As I write, we are in the closing days of a contentious and unprecedented presidential election that has brought into sharp relief deep divisions in our nation as well as beliefs and ideas that are inimical to our democratic republic and the principles that make our nation a beacon of hope in the world.

While it may be easy to be discouraged by the many challenges we face, we need only look at the depth and breadth of the activity in the global Brooklyn Law School community to find reason for optimism for our nation and for our world. Every day I speak with students who are performing valuable service work, providing much-needed legal assistance to less-advantaged individuals, and contributing to the flourishing small business and startup community in Brooklyn. Their spark of energy and idealism is a tonic to any kind of pessimistic outlook on the future. The work of students in the BLS/EXI Innocence Clinic to help free a wrongly convicted man from prison is but one example of this tremendous impact.

In this issue of *Brooklyn Law Notes*, you will read more about the impact of our students and faculty on society on multiple fronts. Bennett Capers, the Stanley A. August Professor of Law, writes about the current state of policing in minority communities, the consequences of which we see in the news all too frequently, and proposes a more innovative use of technology that has the potential to make policing more effective and egalitarian. In this issue’s Closing Arguments, Professor Jocelyn Simonson examines the power of “community bail,” an emerging reform effort aimed at ultimately ending money bail, a practice that has the effect of punishing criminal defendants for being poor. Our newest faculty members, Professors Susan Hazeldean, Christina P. Skinner, and Alex Stein, are already eminent in their fields and bring to the Law School a wealth of scholarship and expertise that builds on our faculty’s national reputation for excellence in scholarship and teaching.

In these pages, you will meet current students and recent graduates who are making a difference through our groundbreaking Public Interest/Public Service (PipS) program, the two-year fellowship program directed by Professor Stacy Caplow that provides valuable practical legal training and experience working with nonprofit organizations and government agencies. We were one of the first law schools on the East Coast to have a program like PipS, which now serves as a model for other law schools. PipS builds on our legacy of public service, which we celebrated at the annual Public Service Awards ceremony and the 30th anniversary of the Edward V. Sparer Public Interest Fellowship Program, led by Professor Liz Schneider, who has taught, mentored, and inspired generations of students.

When Supreme Court Justice Sonia Sotomayor visited us in April, she praised the students, faculty, and graduates who continue to honor and renew our distinctive legacy and place in history. One cannot read the stories in this issue—or spend a day at the Law School—without seeing that legacy in action and coming away with a strong sense of optimism about the power of law to make a positive difference. The people of Brooklyn Law School are a testament to our capacity to meet our current national and global challenges in thoughtful and meaningful ways, find solutions to pressing problems, and show us the way forward. Each of us can take pride in our part in this magnificent story. ■



Nick Allard
Joseph Crea Dean and President

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“Cameras and terahertz scanners do not have implicit biases. Nor do they suffer from unconscious racism. Rather, technology can move us closer to real reasonable suspicion.”

— Prof. Bennett Capers

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A Brooklyn Welcome for a Supreme Court Justice

A Memorable Evening with Trailblazing Justice Sonia Sotomayor



IN APRIL, Brooklyn Law School students, faculty, alumni, and leaders in the legal community crowded into Plymouth Church in Brooklyn Heights to hear from Supreme Court Justice Sonia Sotomayor.

“We gather in this historic place of worship,” **Dean Nick Allard** said in his introduction, “not for prayer, but to engage in the kind of public discourse that should not be as scarce as it is today. Tonight we look forward to a civil, intelligent, and lively conversation with one of the most respected and remarkable people ever to serve on the Supreme Court of the United States.”

A former commencement speaker and honorary degree recipient who addressed the graduating class of the Law School 15 years ago, Justice Sotomayor began her remarks this spring by praising the Law School community for its quality and diversity among students, alumni, and faculty, “whose depth rivals any in the nation.”

“Brooklyn Law School treats you like family,” said Sotomayor, who knows this well, having worked closely with Sparkle Sooknanan ’10, who clerked for her in 2013. “People here care about you. They do everything in their power to make sure that you’re following your passions in life.”

After her remarks, a question-and-answer session with the audience was moderated by **Judge Andrew P. Napolitano**, a distinguished visiting professor of law and the senior judicial analyst for Fox News, and Dean Allard. In her engaging style, the Justice walked up and down the aisles while answering questions, and warmly greeted students, faculty, and friends.

Topics ranged from the early days of her career as an Assistant District Attorney in Manhattan, which she said taught her to think on her feet, to her experiences on the highest court in the United States. She also drew laughs from the crowd when she related the



Supreme Court Justice Sonia Sotomayor with members of the Latin American Law Society, other students, and faculty (*opposite page*); responding to questions from the audience as Professor Andrew Napolitano and Dean Allard moderate (*left*); up close with a rapt audience (*bottom right*); sharing a moment with students at the reception (*bottom left*).



story of her stepfather's reluctance to take time off from work to be with her and her mother in the Rose Garden when the president announced her nomination.

Her most heartfelt and powerful statement came during her response to a student's question about diversity on the Court. It was also a statement widely recounted and circulated by the media.

"There is a disadvantage from having five Catholics, three Jews, and everyone from an Ivy League school," she said. "A different perspective can permit you to more fully understand the arguments that are before you and help you articulate your position in a way that everyone will understand."

She illustrated her point about perspective by referencing a 2009 oral argument in which fellow Justice Ruth Bader Ginsburg proposed to her male colleagues that they had wrongly equated a strip search of a middle-school girl with changing for gym class in a locker room

because they had "never been a 13-year-old girl." Ultimately, the Court ruled, 8–1, that the search was unconstitutional.

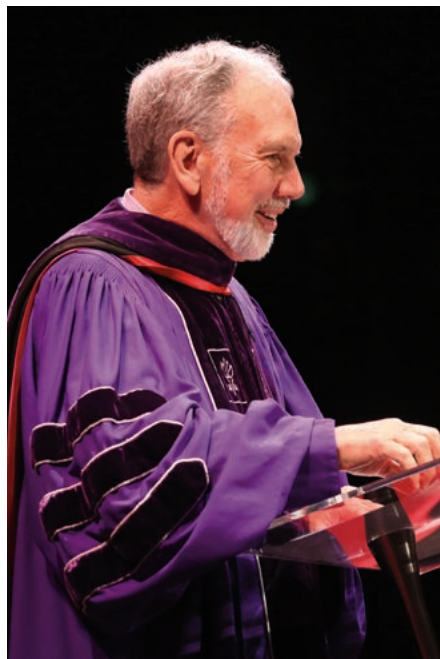
Justice Sotomayor went on to say that she believes the Supreme Court needs to be diverse on different fronts, including ethnicity, gender, and professional background.

Dean Allard concluded the evening with Justice Sotomayor by thanking her for her insights and inspiring words. "What a remarkable woman," he said. "Her presence with us underscores that our great law school is in the forefront of legal education, and that Brooklyn Law School is becoming increasingly known for what it always has been: a center for learning how to use law in the service of people and society, at home and abroad."

At a reception following the event, Justice Sotomayor graciously posed for many photographs and chatted casually with students, faculty, and alumni, making the evening unforgettable for all in attendance. ■

COMMENCEMENT 2016

NYU President Emeritus John Sexton Addresses Graduates at 115th Commencement



BROOKLYN LAW SCHOOL conferred degrees to 373 J.D. and 18 LL.M. graduates at the 115th commencement ceremony held at the Brooklyn Academy of Music on May 16. **Stuart Subotnick '68**, chairman of the Board of Trustees, presided over the ceremony and led the conferring of degrees. **John Sexton**, president emeritus of New York University, addressed the graduates and received an honorary degree.

"This law school," Sexton said, "your law school—and, I should add, your dean—have been and are among the leaders in defending the role of the law in our society and in shaping a legal education that will produce lawyers who are worthy of that role."

Sexton, who was born and raised in Brooklyn, was the 15th president of New York University from 2002 through 2015. During that period, he oversaw significant increases in the number of faculty, applications for undergraduate admissions, and the university's world rankings. During his service, NYU became recognized as a global network university, with a network of 11 international academic centers on six continents.

Today, Sexton serves as the Benjamin Butler Professor of Law and dean emeritus at NYU School of Law. He also is the Kluge Chair in American Law and Governance at the Library of Congress and a Fellow of the American Academy of Arts and Sciences. He serves on the board of the Institute of International Education and was formerly chair of the American Council on Education. In 2015, he received the TIAA-CREF Hesburgh Award for Leadership Excellence.

Sexton ended his remarks by reminding graduates of their hallowed role in American society and democracy. "You are armed with a great education and the greatest instrument humans have created for good. Use it well. We are counting on you."

The valedictorian, **Zachary A. Kaufman '16**, and the student-elected speaker, **Anthony M. Beneduce '16**, also addressed the graduates.

"I am in awe of the truly diverse and incredibly bright, accomplished, and driven students that comprise the class of 2016," Kaufman said. "It has been a privilege to have shared in this journey with you and I feel lucky to be able to call you my classmates, and my friends."

Beneduce, who worked in construction before attending the Law School, stressed the new role graduates have to embrace. "Just as we depended on this institution to lift us up, this institution will now depend on us to amplify and honor Brooklyn Law School's legacy," he said.

After discussing the important position the Law School's graduates will have in the future of American democracy, **Dean Nick Allard** recognized **Professor Michael Cahill**, who left the Law School on July 1 to become the first permanent co-dean of the Rutgers School of Law at Camden (see page 8) and **Professor Bailey Kuklin**, who retired after 40 years of teaching at the Law School (see page 31).

Returning to the importance of the graduates' future responsibility, Dean Allard closed out his remarks with some inspirational and sage advice.

"How we elect, how we govern, how we talk to each other, how we decide what we mean by 'we, the people,' all of this is at stake, and more," he said. "Be the teacher. Make us as proud of you tomorrow as we are today." ■

WATCH THE VIDEO

brooklaw.edu/commencement



CONVOCATION 2016

Convocation Ceremony Welcomes New Students

BROOKLYN LAW SCHOOL WELCOMED a new entering class of 348 students at the annual Convocation Ceremony on August 22, held in the Ceremonial Courtroom at the United States District Court for the Eastern District of New York. The event kicked off in the Law School plaza, where new students, faculty, and administrators gathered for the procession to the courthouse.

Vice Dean and Professor William Araiza served as master of ceremonies for the program, which featured remarks from **Hon. Robert A. Katzmman**, chief judge for the U.S. Court of Appeals for the Second Circuit; **Matthew Swaya '81**, chief ethics and compliance officer, Starbucks Coffee Company; **Susan Herman**, Centennial Professor of Law and president of the ACLU; **Karla Cabral '17**, Edward V. Sparer Fellow; and Dean Nick Allard.

"It is now your time to invest in the hard, fascinating, worthy work of earning your law degree," Dean Allard told the new students. "It will be your time after graduation to spend wisely and to give incalculable value to your life through service to the profession, to society, and to people."

Judge Katzmman praised the legacy of the Law School, noting the distinguished jurists and lawyers among the school's graduates. "You are joining a law school community that is renowned and consequential—your futures will be bright because you are part of that Brooklyn Law School community," he said. "I can speak directly to the excellence of Brooklyn Law School, of its contributions to the administration of justice, of the extraordinary faculty, and the quality of students."

Judge Katzmman's book, *Judging Statutes*, was given to every member of the incoming class, and he signed books at the reception in the Courthouse Rotunda following the ceremony. The cost was covered through a gift by Swaya, who hopes the book "will become a common frame of reference that the entering students can all share." (See page 47.)

In his remarks, Swaya encouraged students to take advantage of the many



opportunities offered by the Law School and to uphold the values of civility, integrity, and professionalism. "At a time when our society lacks good behavior, when confidence in our institutions and our political system is lacking, and with a critical national election coming up, please ground yourselves in these values," he said.

Herman recognized new and veteran faculty members in the audience, praising the depth and breadth of the faculty's teaching and scholarly expertise. "You are going to discover how lucky you are that the chosen job of these people is to teach you," she said. She encouraged the new students to talk with the faculty, deans, and administrators; use law school as an opportunity to grow; and "find yourself a bridge to build."

Cabral involved students and faculty in an icebreaking audience participation exercise to emphasize the importance of being keenly observant and taking risks. "For some, teaching and learning the law is about being risk averse. However, I find there is a sort of entrepreneurial spirit to law school, and it starts on the very first day," she said. ■

WATCH THE VIDEO

▶ brooklaw.edu/convocation-video

New Students by the Numbers

Selected from nearly 3,700 applicants, the incoming students are enrolled across the Law School's flexible 2-3-4 program options. In addition, 31 new LL.M. students joined the Law School from 20 countries including China, Brazil, the Dominican Republic, France, Nigeria, India, Pakistan, and Russia.

The new students represent a wide range of backgrounds:

- They hail from **25** U.S. states, the District of Columbia, Puerto Rico, and five foreign countries.
- They are fluent in **35** languages and dialects other than English, from Azeri to German to Urdu.
- Their birthplaces span five continents and **25** countries.
- They range in age from **18** to **52**, with an average age of **25**.
- They studied at **163** colleges and universities, pursuing **59** different academic majors, with nearly two dozen having completed an M.A., MBA, CPA, LL.M., or MSW.



Law School Ranked 26th in the Nation for Most-Cited Faculty Scholarship

THE BROOKLYN LAW SCHOOL faculty has been ranked 26th in the nation in terms of most-cited tenured law school faculty, according to Brian Leiter's Law School Reports, which issued the list in August. The other New York law schools in the top rankings are Cornell, Columbia, and NYU.

"This ranking is further recognition of the tremendous influence of our faculty scholars," said **Dean Nick Allard**. "They are engaged in important research and law reform that shapes and advances critical legal and policy issues. We take immense pride in the enduring impact of their scholarship on the law and society."

Last year, the faculty placed 33rd on another Leiter list that ranked law schools based on their "scholarly impact ratings," referring to citations from 2010 to 2014.

Leiter's Law School Reports also recently recognized three faculty members among the most highly cited in the nation in their areas of expertise: **Professor Anita Bernstein** in Torts and Products Liability; **Professor Elizabeth Schneider** in Feminist Legal Theory, and **Professor Alex Stein** in Evidence (see page 36). ■

Professor Michael Cahill Named Co-Dean of Rutgers Law School

MICHAEL CAHILL, professor of law and former vice dean, was appointed the first permanent co-dean of Rutgers Law School, which recently merged its Camden and Newark schools. His appointment was effective July 1. Cahill will serve as co-dean with Ronald Chen and oversee the academic and administrative operations of Rutgers, which has approximately 1,100 students, 120 faculty members, and 20,000 alumni.

"Professor Cahill is an exceptional administrator and scholar, and an energetic visionary regarding the future of legal education in America," said Phoebe A. Haddon, chancellor of Rutgers University-Camden.

Cahill joined the Brooklyn Law School faculty in 2003. He served as associate dean for academic affairs from 2010 to 2013 and as vice dean from 2013 to 2015. As an administrator, he helped formulate and implement nationally recognized initiatives designed to make legal education more affordable, including increased need-based and diversity-oriented scholarships and a 15 percent across-the-board tuition reduction.

Cahill is a noted criminal law scholar whose work seeks to translate moral theory and principles into workable real-world legal systems, institutions, and rules. He is the coauthor of three books: *Criminal Law: Case Studies and Controversies* (Wolters Kluwer, 4th ed., 2016); *Criminal Law* (Aspen Treatise Series, 2nd ed., 2012); and *Law Without Justice: Why Criminal Law Doesn't Give People What They Deserve* (Oxford University Press, 2006).

Before teaching, Cahill was engaged in legal reform efforts, working on projects to rewrite the Illinois and Kentucky criminal codes in his roles as staff director of the Illinois Criminal Code Rewrite and Reform Commission and as a consultant for the Penal Code Reform Project for the Kentucky Criminal Justice Council. He served as a clerk for the Honorable James B. Loken on the U.S. Court of Appeals for the Eighth Circuit. Cahill earned his J.D. from the University of Michigan Law School, and his master's degree from the University of Michigan School of Public Policy. ■



Professor Cahill spearheaded key initiatives at the Law School.

New Chief Advancement Officer Joins the Law School



“I am excited and honored to join Brooklyn Law School. This is an institution that is important to Brooklyn, to New York, and beyond.”

— Sean Moriarty

BROOKLYN LAW SCHOOL has named **Sean P. Moriarty**, who has a long-standing record of success in fundraising and alumni operations for higher education institutions, as chief advancement officer leading the Office of Development and Alumni Relations.

Moriarty will oversee all development and alumni relations efforts and create a top-level operation that will advance the Law School mission by raising money to support students, faculty, and programs; engage alumni; and build relationships with friends and prospective supporters.

Moriarty joins the Law School from CUNY’s Macaulay Honors College, where he served as vice president for institutional advancement. Before that, he spent nearly seven years as assistant vice president for development and alumni relations at the New School, where he raised

more than \$20 million annually and led a team of 43 people. His background also includes work at the London School of Economics and Political Science, where he served as deputy director of development, and at St. Francis College in Brooklyn, where he served as vice president for development. At St. Francis College, he led a \$25 million capital campaign. Early in his career he was a grants writer, and he worked as a journalist for Boston-area publications.

“We are very pleased to welcome Sean to the Law School,” said **Stuart Subotnick ’68**, chairman of the Board of Trustees. “With his impressive accomplishments in fundraising and development leadership, I am confident that he will place us in an excellent position to generate the resources and build the relationships necessary to support world-class scholarship, attract talented and promising students, and offer one of the finest legal educations and law school experiences in the nation.”

“I am excited and honored to join Brooklyn Law School,” Moriarty said. “This is an institution that is important to Brooklyn, to New York, and beyond. I look forward to collaborating with Dean Allard, the Board of Trustees, and the academic leadership of the Law School as we work to increase broad-based philanthropic support to advance our mission and to support the education of our students.” ■

Leader of Fight for Same-Sex Marriage Addresses Public Service Honorees

EACH YEAR, the Public Service Office honors the graduating class for its dedication to pro bono work at the Public Service Awards. This year, the event in March featured **Evan Wolfson**, the founder of the same-sex marriage organization Freedom to Marry and a major figure in making same-sex marriage legal across the country. He addressed students, faculty, and alumni and then took part in a Q&A with **Professor Cynthia Godsoe**.

“We are lucky to live in a society where, despite its many imperfections, its many failures to live up to its promise, we have a Constitution,” Wolfson said. “We have a set of national ideals, we have a system of rules of law, however imperfect, and ‘we the people’ can engage and make that promise of the Constitution real.”

During the awards program, **Professor Stacy Caplow** recognized members of the class of 2016, who over the course of their law school careers collectively devoted nearly 70,000 hours to individuals charged with crimes, immigrants, survivors of domestic violence, people seeking healthcare benefits, low-income taxpayers, children, veterans, and others.

Susan Jacobs ’82 and **Russell Neufeld ’82** received the Alumni Award for Excellence for their work with the Center for Family Representation (CFR), a nonprofit that provides free legal and social work services to 2,000 low-income parents each year, and the Legal Aid Society, respectively. **Professor Susan Herman** presented the award.

“These students and graduates are a testament to the long and proud tradition Brooklyn Law School has in supporting pro bono work and students seeking public service careers,” said **Danielle Sorken**, director of the Public Service Office.

Professor Liz Schneider, director of the Edward V. Sparer Public Interest Law Fellowship Program, was presented with the Award for Excellence in Public Service (see page 12). She was introduced by **Claudia Connor ’88**, who was a student of Schneider’s in 1985. ■



Evan Wolfson and Professor Cynthia Godsoe discuss the fight to legalize same-sex marriage.

Kelsey Russo '17 Authors Award-Winning Article for the *National Law Review*



"Media Technology: The Evolution of Journalism and the Constitutional Complications of Drone Reporting," by **Kelsey Russo '17**, was chosen by the *National Law Review* as winner of the publication's Law Student Writing Competition.

The article examines the legality of using drones in news reporting and whether this falls within the scope of ethical journalism.

"Drones and other modern technologies are an invaluable asset to the quickly evolving broadcast industry, but are increasingly challenging the historical relationship between journalists and the law," Russo wrote. "Legal culture must recalibrate so that it may justly balance the concerns and interests deriving from technological innovation."

Russo is focusing on intellectual property and technology in her studies, and she will earn a certification in intellectual property, media, and information law. She participated this past spring in the Center for Urban Business Entrepreneurship (CUBE) Urban Economic Development Clinic, where she assisted local residents with starting and growing their businesses, and this fall she is part of the Brooklyn Law Incubator & Policy (BLIP) Clinic. Over the summer she interned at Nielsen, a global information and measurement company, where she worked in-house on legal issues related to data privacy.

Russo serves as an articles editor for the *Brooklyn Law Review*. ■

Law School Launches Alternative Dispute Resolution Honor Society

THIS FALL, Brooklyn Law School launched the Alternative Dispute Resolution Honor Society (ADRHS), an accredited honor organization that grew out of the national student organization of the same name. The new honor society will help prepare students to advocate for clients and settle disputes through mediation, negotiations, and arbitration, as well as other alternative methods.

"The ADRHS recognizes the increasing prevalence of this kind of practice in today's legal environment and the enormous student interest," said Faculty Advisor **Stacy Caplow**, associate dean of professional legal education and professor of law. "In light of the growing number of ADR competitions, it was time to create a third advocacy co-curricular option to complement the Appellate and Trial Divisions of the Moot Court Honor Society."

When ADRHS held tryouts for first- and second-year students last spring, the student response was overwhelming—200 students applied and 40 were accepted. After an intramural competition to assess skills, students were divided into three

areas of alternative dispute resolution: negotiation, mediation, and arbitration. The teams now are gearing up for competitions throughout the nation in areas of the law such as intellectual property negotiation, international mediation, baseball arbitration, and the securities law triathlon sponsored by the Financial Industry Regulatory Authority (FINRA).

Students prepare for competitions through coursework (they must take at least two negotiation, mediation, or arbitration seminars), working on written briefs and contracts, and extensive mock practices and simulations aimed at improving creative problem-solving, advocacy, and negotiating skills.

ADRHS President **Josephine Dongbang '17** said students have to not only present arguments, but also appropriately react to the myriad of unexpected reactions and demands made by the other side. "In an ADR setting, it is hard to plan for what you will get from the other side, or what they will withhold," she said. "We are constantly going up against mock

“If you are a strong advocate and a strong compromiser you can still win.”

— **Josephine Dongbang '17**

teams with a variety of personalities and obstacles to improve our skill set."

Unlike moot court competitions where the winner is the student who obtains a favorable judgment, in ADRHS "you are graded on the presentation that you make as a team," Dongbang said. "The settlement amount doesn't constitute the 'winner' necessarily. If you are a strong advocate and a strong compromiser you can still win."

Dongbang said alternative dispute resolution skills are critical to budding lawyers. "Most lawsuits get settled out of court, so these are really practical and important skills to master, not only for the negotiating table but in life." ■

IN THE COMMUNITY

Annual Race Judicata 5K in Prospect Park Raises Funds for Brooklyn High School

BROOKLYN LAW SCHOOL'S annual 5K Race Judicata, held in Prospect Park in April, raised \$12,000 for the Urban Assembly School for Law and Justice (SLJ) for enrichment programming and college and career services.

"We raced—and raised funds—in the memory of Professor Barry Zaretsky," said **Professor Maryellen Fullerton**, a dear friend of his. "Students often saw Professor Zaretsky head out from his office in his jogging clothes for a run."

Zaretsky was a treasured member of the Brooklyn Law School community who taught courses in bankruptcy and commercial law to generations of law students and was an avid runner.

"Professor Zaretsky's wife, Joan Glatman, and oldest daughter, Ariel, participated in the race, as did many of our students and students from the Urban Assembly School for Law and Justice," Fullerton said. "Barry loved Brooklyn. He would be so pleased that our students were out jogging in Prospect Park and were doing it to raise money for Brooklyn teenagers interested in the law."

Fullerton was the top faculty runner in the race. Top finishing students from the Law School included **Victoria Pontecorvo '17**, **Matthew Mummert '18**, **Mike Piacentini '16**, **Alessandra DeCarlo '17**, and **Thomas McCartin '17**.

SLJ is a public high school located in Downtown Brooklyn for low-income students that focuses on teaching about legal studies and debate. The Law School has partnered with SLJ since its inception, with the Student Bar Association taking the lead to help raise funds for programming at the school. ■



Father Patrick J. Keating '17 Named Deputy CEO of Catholic Charities Brooklyn and Queens

Catholic Charities Brooklyn and Queens has named Very Reverend Patrick J. Keating '17 as its new deputy chief executive officer. For the past two years, he has served as the agency's chief of staff. He is also associate vicar for human services of the Diocese of Brooklyn and chief executive officer of Catholic Migration Services. Keating is currently enrolled in the Law School's part-time program.

Brooklyn Book Festival

The Law School hosted a full day of programs at the annual Brooklyn Book Festival, the largest free literary event in New York City which brings thousands of book lovers to Downtown Brooklyn. Dean Nick Allard moderated a panel with consumer rights champion and former presidential candidate Ralph Nader, author and political commentator Thomas Frank, and Gloria J. Browne-Marshall, associate professor of constitutional law at John Jay College. The program was aired live on CSPAN2 BookTV. ■



The Edward V. Sparer Fellowship Program Turns 30



THIS YEAR MARKED the 30th anniversary of the Edward V. Sparer Public Interest Law Fellowship Program, founded in 1986. Edward Sparer '59 was a prominent lawyer and teacher whose focus on the rights of those in poverty changed social welfare policy during the 1960s. The Sparer program was developed to help students at the Law School carry on his legacy.

In April, students, faculty, and alumni joined together to commemorate the anniversary with an alumni panel that included 16 Sparer Fellows who graduated from the Law School between 1992 and 2015. In a message to the panelists and audience, Dean Nick Allard paid tribute to **Professor Liz Schneider**, the program's director and founder.

"This anniversary would not be possible without the leadership, the wisdom, and the vision of Professor Liz Schneider," he said. "When she joined the Law School faculty in 1983, there was no public interest law program. Because of the generosity of alumni donors, such as **Bertram Bronzaf**'61, and Professor Schneider's tireless dedication, Sparer today is a nationally recognized program in public interest law."

Schneider is an expert in federal civil litigation, procedure, gender law, and domestic violence. She is the author of the prizewinning book *Battered Women and Feminist Lawmaking* (Yale University Press, 2000) and has coauthored numerous other books and written many articles.

"I want to emphasize how happy and honored Ed would be to know that there is such an extraordinary public interest law program in his name here at Brooklyn Law School."

—Michael Sparer



CLOCKWISE FROM TOP LEFT: Professor Liz Schneider leads panel discussion; Sparer Fellow Julie Kay '95 asks a question during the Q&A; Professors Natalie Chin; Ted De Barbieri '08, Sparer Fellow; Debra Bechtel; and Linda Feldman '83

At the reception that followed the panel, Edward Sparer's son, **Michael Sparer**, who is professor and chair of health policy and management at Columbia University's Mailman School of Public Health, gave a toast to the guests.

"I want to emphasize how happy and honored Ed would be to know that there is such an extraordinary public interest law program in his name here at Brooklyn Law School," he said.

Nearly 600 Sparer Public Interest Law Fellows have graduated from the Law School. Schneider welcomed many of them back for the celebration with tremendous pride. She emphasized that many of the alumni fellows hold leadership positions in public interest organizations and government agencies around the country, and others have gone on to become law school professors or work in private practice where they devote time to pro bono service. Alumni fellows continue to mentor current fellows and to speak at Sparer luncheons, forums, and symposia. They are also links to the public interest community beyond the Law School.

"It was wonderful to have our current fellows meet the alumni fellows, and very exciting for the alums as well," Schneider said. ■

Susan Hazeldean Founds New LGBT Advocacy Clinic

PROFESSOR SUSAN HAZELDEAN, who joined the Law School this summer, has launched the new **LGBT Clinic**, which offers students the opportunity to work on family law and civil rights matters to assist members of the LGBT community with the continued struggle for equality. Hazeldean established a similar clinic at Cornell Law School, where she taught for five years before coming to Brooklyn (see page 20).

"The mission is to educate students about litigation and how to present their claims in a compelling way, and also to advance equality and dignity for LGBT people in the New York City area," Hazeldean said. "We're at a really terrific moment where the LGBT community has made some huge gains, but this is not the end of the struggle for equality—it's really the beginning."

This semester, students in the LGBT Clinic are working on a civil rights action for a transgender woman who was sexually assaulted in a maximum security men's prison after prison officials allegedly failed to protect her from that known risk, and another transgender woman who was assaulted by a corrections officer while imprisoned. The clinic is also assisting a family with a second-parent adoption case, so that both mothers will have a legal relationship with their child, and conducting an asylum case for a young man who faced persecution in Africa because of his sexual orientation.

"Working in the LGBT Clinic has provided a great opportunity to advocate on behalf of an underrepresented minority group," said **Michael Lupton '18**. "In addition to the 'feel good' aspect of the clinic work, it has also provided a great learning opportunity. As an aspiring litigator, I find the opportunity to work directly with the client to gather the facts and draft a complaint on her behalf is invaluable." ■

Students Help Exonerate Wrongly Convicted

With legal assistance and persistence, a man is freed from prison.

IN MARCH, a wrongly convicted man was released from a New York prison—thanks in large part to the tireless work of Brooklyn Law School students and faculty members. Under the leadership of **Glenn Garber**, adjunct professor and director of the **BLS/EXI Innocence Clinic**, students helped prove that Richard Rosario had been denied his right to effective counsel when he was originally convicted of a 1996 murder. They worked with other attorneys to gather evidence proving that his first lawyer had failed to interview the 13 potential alibi witnesses who could have testified that he was in Florida at the time of the shooting of Jorge Collazo. As a result, a judge vacated Rosario's wrongful conviction and released him after 20 years in jail.

Garber, who was one of Rosario's attorneys, told the *New York Daily News* that the case was "an example of how the system can fail somebody."

"This case boiled down to, essentially, eyewitness testimony, which we know is weak and fallible," he said. "And once a jury renders a conviction it is virtually impossible to get that conviction undone."

The BLS/EXI Innocence Clinic provides legal assistance to wrongfully convicted persons in New York, with a focus on challenging, forgotten, and underrepresented cases—those that lack DNA evidence. Garber and his students began their involvement with Rosario's case in 2010 and, six years later, they finally saw their hard work pay off when he was granted his freedom this spring. ■

Professor Amy Mulzer Brings Experience to Disability and Civil Rights Clinic



AFTER SEVERAL YEARS of seeing adults with intellectual and developmental disabilities fall through the cracks and face discrimination in family court, Professor Amy Mulzer is seeking to improve outcomes and fight stereotypes through the **Disability and Civil Rights Clinic** at Brooklyn Law School.

Mulzer, a Columbia Law School graduate, joined the Law School as a staff attorney and instructor of clinical law in June. Previously, she was an acting assistant professor of lawyering at NYU School of Law. She has worked as a family defense attorney, first as a staff attorney at the Brooklyn Family Defense Project and then as an appellate

attorney on the assigned counsel panel for the Appellate Division, Second Department.

This summer, she worked with **Professor Natalie Chin**, who founded the Disabilities and Civil Rights Clinic three years ago, to file a claim in the Southern District of New York on behalf of a city employee who alleges that her health insurance provider is discriminating against her adult daughter, who has severe developmental and physical disabilities.

Students in the clinic took the case through internal insurance appeals, and this fall the case is making its way through the courts. At issue is the Affordable Care Act's non-discrimination clause, which requires that insurers receiving federal funds provide services in the most integrated setting possible. This case is one of the first to allege a violation of this clause.

"Clinical legal education is the best way to learn to be a lawyer," said Mulzer. "Working with a population like this, with so many stereotypes and so much misinformation, helps students develop the ability to work with clients as individuals." ■

Law School Launches Center for Criminal Justice

The **Brooklyn Law School Center for Criminal Justice** was launched this year to serve as a dynamic center for critical conversations, education, and sharing of expertise on the most vital issues and topics in criminal justice law and policy today.

The center builds on the existing strengths of the Law School's nationally recognized criminal law faculty and the thousands of graduates practicing in the field in New York City and around the country.

Under the direction of **Professors Stacy Caplow and Jocelyn Simonson**, the center sponsors speakers and events, awards student fellowships, and provides CLE opportunities for attorneys practicing in the area of criminal justice.

"The center allows us to build on the incredible strengths of our faculty in this field, and our history of producing lawyers—both prosecution and defense—as well as judges who devote their careers to criminal justice," Caplow said. "We hope to build more bridges to both the community of

scholars and practitioners who think about, and those who work on, the never-ending complex issues related to criminal justice."

This fall, the center is hosting several important programs, including a full-day CLE program on criminal law, procedure, evidence, and ethics that honors the legacy of the beloved late Professor Robert M. Pitler. Other programs include an event with Professor Heather Ann Thompson of the University of Michigan, author of *Blood in the Water: The Attica Prison Uprising of 1971 and Its Legacy*, which has been nominated for the 2016 National Book Award; and a conversation with Hon. John M. Leventhal '79 and Professor Liz Schneider on the domestic violence crisis. Leventhal is author of *My Partner, My Enemy: An Unflinching View of Domestic Violence and New Ways to Protect Victims*.

The center also has awarded the Robert M. Pitler Post-Graduate Fellowship for 2016 to 10 graduates who have worked at public criminal justice organizations for at least

five years and are committed to remaining in this field for at least two more years.

The recipients are: Lindsay B. Ashwal '06, Keith Baumann '07, Vincent Louis Bocchetti '10, Nora Christenson '07, Leila Hull '09, Victoria A. Levin '08, Brooke K. Schiferle '09, Brendan P. Tracy '10, Jason Trager '10, and Katie Dee Wasserman '08.

Under the direction of Simonson, four students have been awarded fellowships to work with the Brooklyn Bail Fund, where they will commit to working in a structured setting for at least one year as Pretrial Justice Fellows: Valerie Casali '17, Christine Einerson '18, Edward Ray '17, and Robert Zitt '17. These students will also work to support the activities of the center, including assisting the Criminal Law, Procedure, Evidence and Ethics program.

In addition to Caplow and Simonson, faculty affiliated with the new center include Professors Miriam Baer, Bennett Capers, Cynthia Godsoe, Susan Herman, and Adam Kolber. ■

Scholars Consider the Post-Carbon Future



In February, renowned legal scholars and social theorists gathered at the Law School to discuss the urgent issue of climate change and the specter of a post-carbon world as part of the **David G. Trager Public Policy Symposium** "The Post-Carbon World: Advances in Legal and Social Theory" sponsored by the *Brooklyn Law Review*.

Vice Dean William Araiza (pictured above) welcomed participants and audience members, emphasizing that the annual Trager Symposium is a special event at the Law School that "furthers our core mission, which has guided our law school in its first hundred years: legal work and scholarship in the public interest."

Professor Gregg Macey (see page 41), who organized the full-day symposium, framed the issues that would be considered by the distinguished panelists.

"As much as the green energy transition promises at least a partial answer to the climate crisis, we should be wary of such claims," he said. "There is no simple transition, there is no easy fix." That fact became clear as panelists presented their ideas and research throughout the day.

The panels covered how "decarbonizing," or transitioning away from fossil fuels and toward zero-carbon sources of energy, can cause its own unique political, environmental, and economic problems that decision makers should not ignore; systemic approaches to the durability and susceptibility to change of the energy system; how energy law can act as a disruptive force in the industry; how the use of so-called smart grids and smart meters might impact future energy systems; and the barriers to mobilizing grassroots support for a post-carbon world.

The day concluded with a roundtable discussion that involved all panel participants, who outlined a cross-disciplinary research agenda.

The symposium honors the late Honorable David G. Trager, who was a U.S. District Court judge for the Eastern District of New York for more than 10 years and served as dean of Brooklyn Law School from 1983 to 1993. ■ **ONLINE:** brooklaw.edu/trager

The Future of the First Amendment

In February, Brooklyn Law School welcomed distinguished scholars and commentators to campus for a full-day symposium, “Free Speech Under Fire: The Future of the First Amendment.” Sponsored by the *Journal of Law and Policy* and organized by **Professors Joel Gora** and **Andrew P. Napolitano**, the event included panels on hate speech, money and speech, corporate and commercial speech, surveillance and speech, and the future of free speech at large.

“For free speech, it is the best of times and it is the worst of times,” said Gora, a nationally recognized expert on the First Amendment and campaign finance law. “It is imperative that the Supreme Court continues to make it quite clear that free speech must be the rule and government censorship the rare exception.”

Occurring less than two weeks after Justice Antonin Scalia’s sudden death, keynote speakers drew attention to the U.S. Supreme Court. While extending free speech protection on a number of fronts, the Roberts Court has also drawn fire from critics who contend that the decisions are inconsistent with the democratic and egalitarian purposes of the First Amendment.

“For free speech to thrive, there must be, at some level, restraint and tolerance,” said Dean Nick Allard in his introductory remarks. “Where that line should be, and how it is judged and enforced, is what we will be considering at this promising symposium.”

“There is nothing new about freedom trumping safety,” said Napolitano, a distinguished visiting professor at the Law School and a senior judicial analyst for Fox News, who spoke on the fundamental importance of freedom of speech in all arenas of American life. “It is indeed a value enshrined in the First Amendment and without it there would be a welcome mat for tyranny.”

During a discussion on hate speech, Greg Lukianoff, president and CEO of the Foundation for Individual Rights in Education (FIRE), argued that hate speech occasionally has worth. “I think it is hopelessly naive to think you’re safer not knowing what people actually believe,” he said.

Professor Susan Herman, president of the American Civil Liberties Union (ACLU), led a discussion on surveillance and asked participants to consider where the First and Fourth Amendments meet in our technologically advanced society. “I think the framers saw privacy as essential to our freedom of speech and to our relationship to the government in a democracy,” she said.

Heading up the last panel, Stephen R. Shapiro, national legal director of the ACLU, raised challenges such as the labeling of something as government speech, which immediately means the First Amendment no longer applies. “I think we are in a moment of history where there is a lot of doctrinal instability in the First Amendment in ways that we have not seen,” he said.

Professor Nelson Tebbe said he has hope for the future of free speech. “I have tremendous optimism in the ability of the people to influence the Court,” he said, “and make sure the government is doing what it should to make sense of these ideas.” ■

Examining *Buckley v. Valeo* 40 Years Later

Earlier this year, the **Brooklyn Law School Federalist Society** and the **Brooklyn Law School ACLU** co-sponsored an event that drew legal scholars from around the country to mark the 40th anniversary of *Buckley v. Valeo*, a landmark U.S. Supreme Court case on campaign finance.

“*Buckley v. Valeo* remains a landmark of political freedom,” said Professor Joel Gora, who helped litigate the case before the Court in 1976. “The core principle—that the people, not the government, should decide how much free speech they want and need in order to challenge the government—remains an essential foundation of democracy.”

Gora and other major figures in the case, including the Hon. James L. Buckley, a former U.S. senator from New York and U.S. Circuit Court judge, who served as lead plaintiff, and Ira Glasser, former executive director at the American Civil Liberties Union, came together at the Law School to discuss the decision’s impact on both campaign finance and First Amendment law.

“A healthy democracy should encourage competition in the political marketplace,” said Buckley, “rather than increasing the difficulties.”

Glasser discussed the ACLU’s role in *Buckley*, in which it filed an amicus brief, noting that “the original sin of campaign finance advocacy is the notion that any speech in an election year on an issue that was critical of, or [praising] of, a candidate for federal election might affect how people vote... and therefore it was construed as a campaign act instead of free speech.” ■



Hon. James L. Buckley discusses the impact of the decision on both campaign finance and the First Amendment.

CUBE Innovators Competition Awards Prize Money to Students with Innovative Ideas

Nine Brooklyn Law School students won seed money to launch new startups at the third annual **Center for Urban Business Entrepreneurship** (CUBE) Innovators Competition. The competition awards funds to winning proposals for entrepreneurial ventures and legal services for entrepreneurs.

Elise Balaban '16 and **Luke Pontier '16** won the \$2,000 grand prize for their proposal, Futurus Trademark Search, an easy-to-use trademark search engine that would simplify the procedure of filing a trademark.

"Using machine learning and natural language processing, alongside the algorithms that power Google Images, Futurus Trademark Search allows startups to determine the probability of receiving a trademark registration expediently and at low cost," Pontier said.

The second-place prize of \$1,500 went to the team of **Jeremiah Ledwidge '18**, **Robert Engelke '17**, **Mike Myones '17**, and **Andrew Zeyer '18** for The Bench, which would be a new source of information on legal issues targeted to a general audience and delivered via email.

"Reading The Bench is like having an interesting conversation over a beer with a friend at the local pub," Ledwidge said.

Christopher Whelan '18, **Brandon Perlman '18**, and **Amel Spahija '18** took third-place for DripSnip, a nonprofit organization with the mission of monitoring and reducing water usage and bills for low-income families.

The prize money was made possible through the Nancy and **Stanley M. Grossman '67** CUBE Fellowship Fund.

After the competition, CUBE hosted a reception and panel discussion, "Brooklyn: The Sky's the Limit," that examined how the borough is one of the most innovative and entrepreneurial urban areas in the world. The keynote was delivered by **Kathleen D. Warner '92**, executive vice president and managing director of the NYC Economic Development Corporation's Center for Economic Transformation.



Judges for the CUBE Innovators Competition (left to right) Basha Rubin, CEO and Founder, Priori Legal; Marshall Silverman '74, President and CEO, Silverman Studio Group; Mary Juetten, CEO and Founder, Traklight; Eduard Korsinsky '95, Founding Partner, Levi & Korsinsky, LLP; Tom Chernaik, CEO, Command Post; and Charlie O'Donnell, Partner and Founder, Brooklyn Bridge Ventures

Panelists included David Ehrenberg, president and CEO, the Brooklyn Navy Yard; Jonathan Marvel, principal, Marvel Architects; Ron Shiffman, cofounder, Pratt Center for Community Development; Todd Sigaty, director of legal affairs, SHoP Architects; Brian Stroom, cofounder and CEO, Aerobo drone developers; and Lee Wellington '13, executive director, Urban Manufacturing Alliance. ■ **ONLINE: brooklaw.edu/cube**



An Evening with Paul J. Fishman U.S. Attorney for the District of New Jersey

Paul J. Fishman, United States attorney for the District of New Jersey, spoke at the Law School in March about his office's work, focusing in particular on the prosecution of corporate crime. After his remarks, Fishman was joined by **Professor Miriam Baer** for a discussion that delved deeper into the intricacies and controversies of corporate crime law. The event was co-sponsored by the **Center for the Study of Business Law and Regulation** and the **Center for Criminal Justice**.

Technology and Compliance in the Financial World

In March, the **Center for the Study of Business Law and Regulation**, in partnership with the *Brooklyn Journal of Corporate, Financial and Commercial Law*, held its annual symposium. This year's symposium, "The Role of Technology in Compliance in Financial Services: An Indispensable Tool as Well as a Threat?" explored the inseparable function of technology and compliance in financial services.

"Technology facilitates certain compliance tasks, particularly for surveillance purposes," **James Fanto**, Gerald Baylin Professor of Law and codirector of the Center for the Study of Business Law and Regulation, said in his opening remarks. "It helps very much with what I'd call legal compliance, but it may adversely affect values, strategic, and advisory compliance."

"Technology facilitates certain compliance tasks, particularly for surveillance purposes."

— Prof. James Fanto

The first panel on the question of whether technology is a benefit or a threat to compliance was moderated by Centennial Professor of Law **Roberta Karmel**, who is codirector of the Dennis J. Block Center for the Study of International Business Law at Brooklyn Law School. The panel included Fanto; Sean J. Griffith, T.J. Maloney Chair and Professor of Law, Fordham Law School; Jane A. Kanter '73, chief operating officer, general counsel, and partner, ARK Investment Management LLC; David Lui, principal, Galliard Capital Management; and John Walsh, partner, Sutherland Asbill & Brennan LLP.

"Firms have gotten so huge, the business is so complex, and there is so much regulation, but the basic problems of running a firm are very much the same," Karmel said.

The second panel, moderated by Block Center associate director Professor **Miriam Baer**, focused on the role of whistleblowers in cybersecurity compliance and how to preserve human agency as surveillance becomes increasingly automated. Participants included Jennifer Pacella, assistant professor of law, Baruch College Zicklin School of Business, City University of New York; Onnig Dombalagian, George Denègre Professor of Law, Tulane University Law School; Christina P. Skinner, assistant professor of law, Brooklyn Law School; and Rebecca Sheinberg '03, principal, the Carlyle Group.

The final panel, moderated by Professor **Arthur Pinto**, focused on branding compliance, and how compliance and technology have helped create the modern world of finance. Participants included Mercer Bullard, professor of law, University of Mississippi School of Law; Tom C.W. Lin, associate professor of law, Temple University Beasley School of Law; Jonathan A. Gottlieb '92, managing director, senior counsel, RBS Securities Inc.; H.J. Willcox '95, managing director and chief compliance officer, AQR Capital Management; and Robert G. Leonard '85, partner, Proskauer.

The symposium concluded with a roundtable discussion during which participants shared their experiences with the impact of technology on compliance and offered insights about the future of the industry. ■

ONLINE: brooklaw.edu/csblr

The Future of Careers in Health Law

The **Center for Health, Science and Public Policy** hosted a panel discussion, "Brave New World: Exploring Today's Health Law Career Paths," in March. The discussion addressed legal issues surrounding digital medicine, cybersecurity, and changes in compliance and state regulations, among other topics. Speakers included Ingrid Green Jones, assistant general counsel for compliance of the College Board; Adjunct Professor Salvatore Russo, senior vice president and general counsel of the Health & Hospital Corporation of New York City; Danette Slevinski '05, senior vice president and chief of corporate compliance & HIPAA privacy officer at the NYU Lutheran Medical Center; and Robert Swidler, vice president of legal services at St. Peter's Health Partners.

"Sweeping changes are underway that will transform the health care industry and, consequently, the role of lawyers both in terms of skill set and knowledge base," said **Karen Porter**, associate professor of clinical law and executive director of the Center for Health, Science and Public Policy.

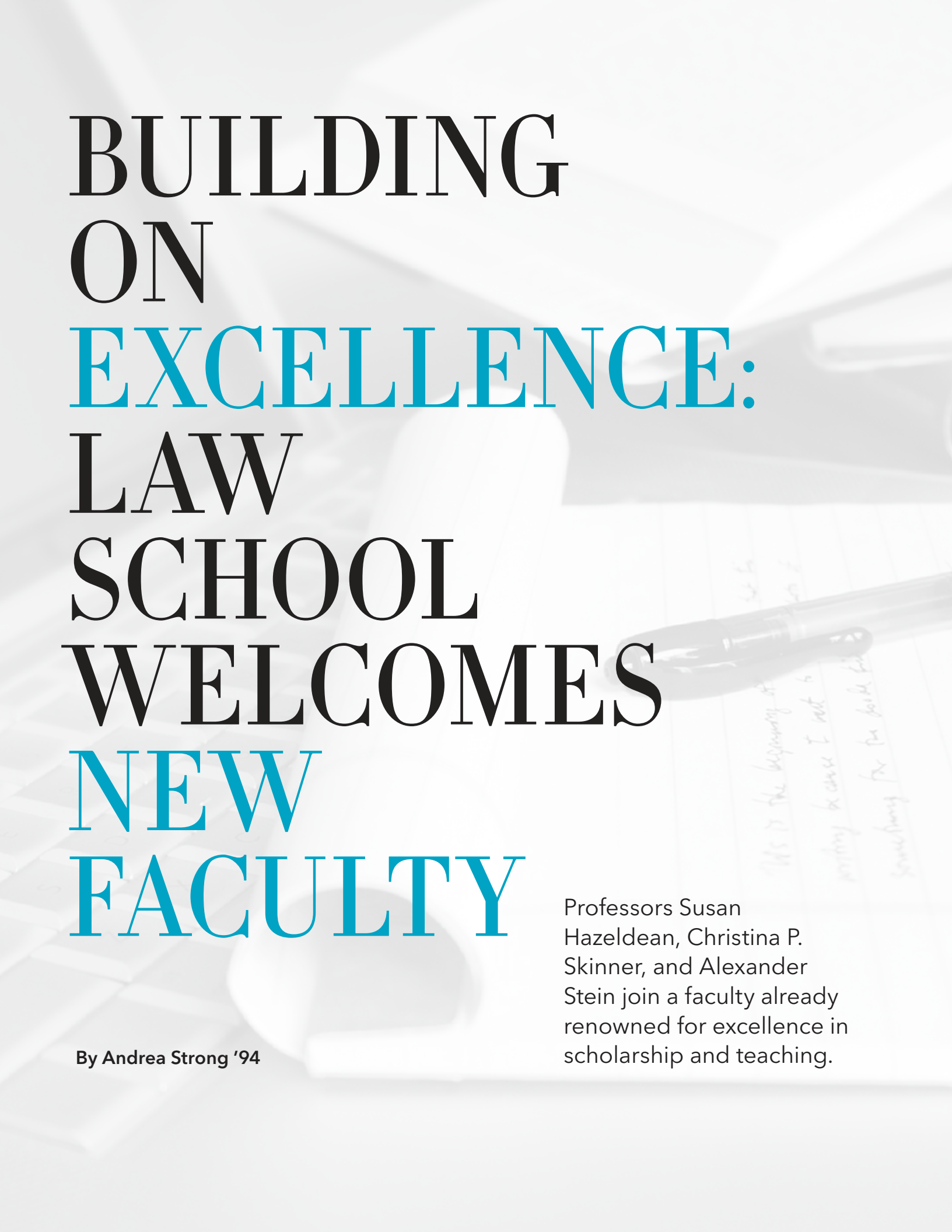
The event was cosponsored by the New York State Bar Association's Health Law Section Health Law Diversity Committee.

The Center for Health, Science and Public Policy serves as a resource to members of the Law School community, health service providers, and policymakers by providing programs in three core areas: scholarship and faculty development, legal education and student services, and public education and community service. ■

ONLINE: brooklaw.edu/health



Professor Karen Porter and Danette Slevinski '05

The background of the page is a grayscale photograph of a desk. On the desk, there is a pen and an open notebook. The notebook has some handwritten text on it, which is partially visible and reads: "This is the beginning of... something because I want to... something for the people here". The main title is written in a large, serif font. The words "BUILDING ON" and "LAW SCHOOL WELCOMES" are in black, while "EXCELLENCE:", "NEW", and "FACULTY" are in a bright blue color.

BUILDING ON EXCELLENCE: LAW SCHOOL WELCOMES NEW FACULTY

By Andrea Strong '94

Professors Susan Hazeldean, Christina P. Skinner, and Alexander Stein join a faculty already renowned for excellence in scholarship and teaching.

FOR MORE THAN 115 YEARS, Brooklyn Law School has been acclaimed as a center for advancing the power of law to make a positive difference. This legacy has continued to thrive in large part because of the Law School's extraordinary faculty, which is currently ranked 26th in the nation in terms of most-cited tenured law school faculty (see page 8). They are engaged in important research and law reform that shapes and advances critical legal and policy issues in an impressive number of fields. Brooklyn Law School faculty also are nationally recognized for their teaching, practical training, leadership, and service.

This fall the Law School welcomed three new distinguished faculty members: Alexander Stein, professor of law and a nationally recognized scholar in the area of torts, evidence, and medical malpractice; Susan Hazeldean, assistant professor of law and the founder of the Law School's new clinic for LGBT Advocacy; and Christina P. Skinner, assistant professor of law and an expert in financial regulation and international business transactions.

"We are excited to welcome Professors Stein, Hazeldean, and Skinner to Brooklyn Law School," said Dean Nick Allard. "They are widely respected in their fields as scholars, teachers, and clinicians, and their exceptional experience and expertise will further enrich our nationally recognized faculty and contribute to our vibrant intellectual community. I look forward to their contributions to the Brooklyn Law School legacy of advancing scholarship, teaching, and practice that has an enduring impact on the law and society."



Alexander Stein

BY THE TIME Professor Alexander Stein was three years old, he was playing chess. He played throughout his formative years in Russia, where he competed professionally. When he moved to Israel with his family, he continued to compete in international tournaments. His decision to attend law school was due in part to his agility at chess.

"From what I knew about the law, it seemed that success in the profession was dependent on creativity, and logic, both of which are essential to the game of chess," he said. Although chess led him to the law, he did give it up professionally when he realized that if he were to make the Dean's List, he would have to make law his priority.

After graduating from the Hebrew University of Jerusalem with his law degree (LL.B.), Stein developed an interest in criminal law while clerking for two judges—Hon. Rachel Sukar, head of the Criminal Litigation Department in the Office of the Attorney General in Israel; and Justice Menachem Elon of the Israel Supreme Court. He later practiced commercial litigation at Raveh, Abramson & Co. in Jerusalem, and then became a partner at Wiskind & Stein. He also maintained an active pro bono criminal caseload.

"I wanted to litigate, and I was most interested in criminal litigation, which the firm allowed me to do on a pro bono basis," Stein said. His work was critical in filling the gap in Israel's criminal justice system—the country lacked a public defender system. Stein set out to remedy this problem, and with funding from Hebrew University and the Tel Aviv School of Law, he co-created the Israeli public defense system together with Kenneth Mann, who became Israel's first public defender.

In 1987, Stein left Israel to study for his Ph.D. at University College London, where he wrote his dissertation on the law of evidence and the problem of risk distribution. He became a professor at Brunel University, London, teaching evidence and criminal law, and then in 1991 he joined the faculty of Hebrew University teaching similar courses as well as civil procedure. During his 12 years at the university, he became vice dean and the Sylvan M. Cohen Professor of Law. He also spent time as a visiting professor at Benjamin N. Cardozo School of Law, Columbia Law School, Yale Law School, and Harvard Law School. He became a full-time faculty member at Cardozo in 2004, where he taught torts, medical malpractice, evidence, and constitutional criminal evidence before joining the Brooklyn Law School faculty in July.

Over his decades-long career, Stein has become a preeminent authority in the areas of torts, medical malpractice, evidence, criminal law, and general legal theory. He was recently recognized as one of the most highly-cited scholars in the field of evidence, according to Brian Leiter's

"I especially like teaching 1Ls because you have the opportunity to build their whole conceptual understanding of the law. I love helping them to grasp the basics of the legal system."

Law School Reports. He serves on the editorial board of the *International Journal of Evidence & Proof* and was one of the founding editors of *Theoretical Inquiries in Law*. He runs an e-journal, *STEIN on Medical Malpractice*, which covers significant developments in medical malpractice laws across the United States, and he is a permanent contributor to *Bill of Health*, a blog run by the Petrie-Flom Center for Health Law and Policy, Biotechnology, and Bioethics at Harvard Law School.

“I strive to help improve legal mechanisms though meticulous analysis and vibrant interdisciplinary conversations about the law among scholars, students, policymakers, and judges,” Stein said. “My goal is to develop insights that will help courts make better decisions and enhance my students’ grasp of the law.”

Stein’s prolific writings combine law with economic theories and moral philosophy. He has written three books, including *Foundations of Evidence Law* (Oxford University Press, 2005); *Tort Liability Under Uncertainty* (Oxford University Press, 2001) coauthored with Ariel Porat; and he coauthors a leading evidence casebook: *An Analytical Approach to Evidence: Text, Problems and Cases* (6th ed., 2016) with Ronald J. Allen, et al. He has written more than 60 articles, including “The Domain of Torts,” which sheds new light on the foundations of our entire torts system, to be published next year in the *Columbia Law Review*, and the forthcoming “Empowering Individual Plaintiffs,” with coauthor Gideon Parchamovsky, to be published in the *Cornell Law Review*. In that article, Stein and his coauthor identify the structures of discrimination against plaintiffs and demonstrate that “our system is structurally unfair to individual plaintiffs.” He also recently published “Abortion, Informed Consent and Regulatory Spillover,” for the *Indiana Law Journal* (coauthored with Katherine Shaw), and he is currently working on a treatise on medical malpractice that expands on his extensive work in this emerging field of legal scholarship.

While Stein loves to write, his true passion is teaching. “If I were told, ‘you only need to write three articles a year and do no teaching,’ I would politely decline the

offer,” he said. “I especially like teaching 1Ls because you have the opportunity to build their whole conceptual understanding of the law. I love helping them to grasp the basics of the legal system.”



Susan Hazeldean

A TRANSGENDER WOMAN assaulted by a corrections officer at Rikers Island; a young gay man in fear for his life in his home country seeking asylum in the United States; a young lesbian woman seeking a divorce from her abusive spouse; a transgender woman put into general population and raped by an inmate in a maximum security men’s prison. These are some of the cases being handled by students enrolled in the Law School’s new LGBT Advocacy Clinic, directed by Professor Susan Hazeldean (see page 13).

Hazeldean is excited about launching the clinic at Brooklyn Law School, where “so many of our students are inspired to make a contribution and increase access to justice,” she said. “Our clinical students are working to assist LGBT clients who have been marginalized on the basis of sexual orientation or gender identity and help them achieve justice and assert their civil rights.”

Hazeldean joined the Law School this summer from Cornell University, where she founded and directed a similar LGBT advocacy clinic. She grew up in Scotland

and came to the United States to attend college at the University of North Carolina at Chapel Hill, where she received a B.A. in political science. With a passion for social justice, she went straight to Yale Law School, where she was an Arthur Liman Public Interest Law Fellow.

“I had always been interested in the law and wanted to contribute to positive social change,” she said. While at Yale, Hazeldean was involved in two clinics—

“I use my scholarship to propose legal solutions to protect the rights of vulnerable individuals, children, and families.”

the Advocacy for Parents and Children Clinic, where, as student director, she represented low-income parents and children, and the Immigration Clinic, working with asylum seekers. Hazeldean went on to become a staff attorney then project director at the Urban Justice Center’s Peter Cicchino Youth Project in New York City, which provides free legal representation to homeless and at-risk LGBT youth in matters related to immigration, foster care, public benefits, and family law. But a seed had been planted: she hoped to someday return to clinical teaching.

In 2009, she returned to Yale to become a Robert M. Cover Clinical Teaching Fellow in the Worker and Immigrant Rights Advocacy Clinic and a clinical lecturer and associate research scholar in law. Two years later, she fulfilled her dream of returning to clinical work when she founded the Cornell LGBT Clinic.

Today at Brooklyn Law School, she is once again working with law students to improve access to legal representation for a community on the margins.

In addition to her influential clinical work, Hazeldean’s scholarship has helped to advance the rights of low-income, immigrant, and LGBT families. “LGBT people, youth, undocumented immigrants, and people of color continue to be denied basic rights to family integrity, educational opportunities, fair employment, and

protection from violence,” she said. “I use my scholarship to propose legal solutions to protect the rights of vulnerable individuals, children, and families.”

Her recent article, “Anchoring More than Babies: Children’s Rights After *Obergefell v. Hodges*,” to be published in the *Cardozo Law Review*, examines the implications of the Supreme Court’s marriage equality decision for children’s rights. Another article, “Confounding Identities: The Paradox of LGBT Youth Under Asylum Law,” published in the *University of California at Davis Law Review* (2011), analyzes the adjudication of political asylum claims by LGBT youth.

Hazeldean already sees the new clinic at Brooklyn Law clinical having an impact on her students. “It’s exciting as a teacher to witness the level of energy and enthusiasm that the students have, and to see someone who is just beginning their legal career realize what amazing good that they can do in the world with the skills they have learned so far,” she said. “I feel so lucky to be a part of the BLS community.”



Christina P. Skinner

CHRISTINA P. SKINNER, who teaches and writes about financial regulation, financial institutions, securities regulation, international business transactions, corporations, and business and legal ethics, has joined the Brooklyn Law School faculty after

teaching at Columbia Law School, where she was an associate in law.

“There are so many reasons I was drawn to teaching,” she said, “but overall it was the opportunity to interact with intellectually curious and driven students, and to help them find their place in the legal profession. I am also excited to engage with a dynamic and interactive faculty at Brooklyn.”

Skinner, who grew up in Delaware, said she decided to attend law school because “I felt that legal training, given its versatility, would be the best way for me to pursue the range of interests I had in economics, international policy and relations, and government administration.”

With a strong interest in public policy and international affairs, Skinner attended Princeton University where she majored in the Woodrow Wilson School of Public and International Affairs, concentrating on international economics. She also studied for certificates of proficiency (similar to “minors”) in European politics and society and Spanish language and culture. Skinner spent a semester abroad at the University of Oxford, studying European Union institutions and international relations, which

“Teaching allows me to put my research into action by translating it into the nuts and bolts skills that can serve as the students’ foundation for practice.”

gave her another opportunity to deepen her understanding of international affairs and public policy.

Following college, Skinner joined the U.S. Institute of Peace as a program assistant at the Center for Post-Conflict Peace and Stability Operations in Washington, D.C. She then attended Yale Law School, where she was executive editor of the *Yale Law Journal* and senior editor of the *Yale Journal of International Law*.

Skinner called her clerkships for Justice Thomas L. Ambro of the Third Circuit

Court of Appeals and Judge Barbara S. Jones of the Southern District of New York, “transformative experiences.”

They continue to be amazing mentors,” she said. “Both taught me strong writing and research skills, and also helped me in my practice of law, as both judges had strong backgrounds as practicing lawyers before they went on the bench.”

Later, as an associate at Zuckerman Spaeder LLP, she represented corporations and financial institutions, and served as counsel to the New York State White Collar Crime Task Force.

“I was lucky enough to join a law firm with partners who felt strongly about nurturing the careers of the firm’s associates,” she said. Skinner hopes to “pay it forward” at the Law School by becoming a strong mentor to her students. She will teach securities regulation and international business transactions, and hopes to teach a course on financial institutions or international financial regulation, which are the focus of her research and writing.

“I hope that my work will help scholars, regulators, and those in the financial services industry grapple with three questions,” Skinner said. “What risks do global financial institutions pose to the safety and soundness of the worldwide economy? What types of external risks do these institutions face? And how can international financial regulation, as implemented by domestic authorities, best manage these various risks?”

Her scholarship has been published in top law reviews: “Ethical Dilemmas in Inter-State Disputes,” in the *Alabama Law Review* (2016); “Misconduct Risk,” in the *Fordham Law Review* (2016); and “Whistleblowers and Financial Innovation,” in the *North Carolina Law Review* (2016). A forthcoming article, “Regulating Nonbanks,” will be published in the *Georgetown Law Journal*.

Skinner is looking forward to teaching; she said: “Teaching allows me to put my research into action by translating it into the nuts and bolts skills that can serve as the students’ foundation for practice. I hope that my courses will teach the students confidence in their craft, and the importance of creative problem-solving—this is what their clients will need.” ■

The Passion of PipS Fellows at Work

Meet Brooklyn Law School graduates and students who are gaining valuable practical legal skills while helping nonprofit organizations and government agencies provide needed legal services through an innovative fellowship program.

**By Andrea Strong '94
& Jen Swetzoff**

In 2014, Brooklyn Law School launched the Public Interest/Public Service (PipS) Fellowship, a pioneering program with the goal of improving the practical skills of new lawyers, while expanding the ability of nonprofit organizations and government agencies to provide legal services. Brooklyn Law School is the first law school on the East Coast to offer this unique fellowship.

Professor Stacy Caplow, associate dean of professional legal education, developed the two-year fellowship program in cooperation with government agencies and nonprofit organizations throughout New York City. During their third year of law school, PipS Fellows work full time in entry-level positions receiving appropriate training and supervision at

one of the partner legal offices, as well as attending a classroom component taught by Adjunct Professor Glenn Magpantay, who is a staff attorney at the Asian American Legal Defense & Education Fund. After nine months of work, fellows graduate and take a hiatus to study for the bar exam before returning to their placement for a full year of paid work. Upon completing their fellowships a year later, the fellows have almost two full years of experience, which makes them highly valuable on the job market.

The first group of nine PipS Fellows graduated in 2015 and are now working in public- and private-sector legal jobs in the New York City area (see sidebar on page 25).

“Most of the students who apply for the PipS Fellowship see themselves as people who want to do public interest work for the long haul,” said Caplow. They know what they want. They’re very committed. This is their path.”

The Law School’s newest group of PipS Fellows includes Rachel Russell ’17, who is working this fall at the Legal Aid Society’s Harlem Community Law Offices in its HIV/AIDS Representation Project. She



Professor Glenn Magpantay with the newest PipS Fellows in the Class of 2017: (standing, from left) Taylor Poe, Kyla Burke-Lazarus, Toni Lambert, Alexandra Ferlise; (seated, from left) Tashmin Rahman, Rachel Brent, Rachel Russell



MEET THREE PIPS FELLOWS from the inaugural class who are working on behalf of immigrants, victims of domestic violence, and youthful offenders in New York City, and who were hired to stay on with their employers after their two-year fellowship ended.



Alexander Hu '15

Staff Attorney at New York Legal Assistance Group

“My parents are immigrants, so that makes my area of work especially personal for me,” said Alexander Hu '15, a staff attorney in the Immigrant Protection Unit at the New York Legal Assistance Group (NYLAG). “They moved first from China to Taiwan, where they met and married, and then finally to the United States, where my older sister and I were born and raised. Against the backdrop of my own immigrant history, my advocacy work for immigrants’ rights is particularly meaningful and something I know I want to continue doing for the duration of my career—and it all came together because I decided to apply for the PipS Fellowship.”

Hu grew up in Long Island and received his bachelor’s degree in finance and social entrepreneurship from New York University. Before enrolling in law school, he founded and directed an anti-racism social venture called The Human Color, worked with the nonprofit ERASE Racism as a volunteer and research fellow, and interned at Baron & Goodsell, a local legal office.

“I chose Brooklyn Law School because of its strong public interest programs,” Hu said. “When Professor Caplow told me about the opportunity to apply for a PipS Fellowship, I jumped at

handles a wide variety of cases including Social Security appeals, housing, and employment matters.

“All the cases come in under the umbrella of clients who are HIV positive, which means there is a lot of interesting work in many different fields,” she said. “It’s a great experience.”

Russell came to the Law School to become an advocate for the LGBT community. She has already interned at the nonprofit civil rights organization Lambda Legal and with the Civil Rights Bureau of the New York State Attorney General’s Office.

“I wanted to get as much experience as possible while still in law school and thought PipS would be an invaluable opportunity,” she said.

Shalisa J. Cumberbatch '16, a member of the second group of PipS Fellows, came to law school with one goal—to work in the public interest. “I was a paralegal at Bronx Aid Services, and I was so excited by that work that I gave my notice and applied to law school,” she said. She also was a Brooklyn Law Students for the Public Interest (BLSPI) Fellow and an Edward V. Sparer Public Interest Fellow. As a PipS Fellow she worked at Brooklyn Defender Services—Family Defense during her third year. This fall, she began her first year as a staff attorney for the organization, which provides legal representation to those who cannot afford a lawyer.

“Working during my third year of law school gave me the skills and depth of experience necessary to be fully prepared to start as a staff attorney,” she said. “I loved my PipS Fellowship. The best part was doing the work of an entry-level lawyer as a third-year student.”

“PipS is a cutting-edge program in today’s legal community,” says Magpantay. “Students learn the theories underlying public interest practice and they put those theories into practice. It’s an innovative kick start to a career in providing legal services and a lawyer’s help for those who cannot afford counsel.”

“Against the backdrop of my own immigrant history, my advocacy work for immigrants’ rights is particularly meaningful.”

the chance. I liked the emphasis on joining an ever-growing community of fellows who are involved with public interest and social justice work. I also was drawn to the idea of working closely with faculty in a space beyond the classroom, so they could mentor and guide students and invest in their trajectory through law school and after law school. We came together regularly for discussions and Professor Caplow encouraged us to reflect on the experiences at our placement. We wrote journals about what we were learning in terms of substance, but also how to navigate the organization. That kept us connected to the Law School and ensured that we were growing in a direction we wanted to. I always felt that there was a strong safety net.”

At NYLAG, Hu was placed in the Immigrant Protection Unit and he was hired as a full-time staff attorney after completing his two-year fellowship. Today, his fluency in Mandarin, which his

parents taught him at home and at a local Chinese school they cofounded, has proven particularly helpful with the large number of Chinese clients that he serves from communities including Brooklyn's Sunset Park and Manhattan's Chinatown.

"From the start, I had my own caseload, which really showed me what it's like to work as an attorney," he said.

Before joining NYLAG, Hu had served as a legal intern at the Asian American Legal Defense and Education Fund, the MinKwon Center for Community Action, and New York Lawyers for the Public Interest, and he participated in the Safe Harbor Clinic at Brooklyn Law School. An ambitious student, he also took a number of immigration courses and served as the vice president and treasurer of the Brooklyn Law Immigration Society.

"Immigration law is such a challenging yet compelling area to me," Hu said, "and I am grateful that I will have the opportunity to continue to hone my skills and knowledge over time at NYLAG."

Sara Friedman '15

Staff Attorney at New York Legal Assistance Group

In addition to employing Hu, NYLAG hired another PipS Fellow following the post-graduate year: Sara Friedman '15. Friedman, who speaks Hebrew, helps victims of domestic violence escape their abusers as a staff attorney in the matrimonial and family law unit. She focuses on working with women in the Orthodox Jewish community through Project Eden, which goes beyond criminal justice interventions and includes a wide range of culturally sen-



sitive and appropriate services offered through partner agencies. Since 2002, more than 550 women have benefited from Project Eden's network of services, and more than 1,000 individuals have attended educational programming.

"It's an incredible feeling when you can help a woman feel empowered to leave her abuser and feel a sense of safety that maybe she hasn't felt since the day she got married," Friedman said. "There was never a question in my mind about what I wanted to do with my law degree. I knew I wanted to litigate and advocate directly for clients. NYLAG has been the perfect fit for me because it feels like a cross between a nonprofit and a firm. I see

the importance of my work—the ability of the law to bring security to a woman and her children."

A native of Philadelphia, Friedman received her bachelor's degree in political science and Middle Eastern and Islamic studies from New York University. During college, she interned at NYLAG for three years and then worked as a paralegal there for two years.

"My favorite parts of school were always my internships and being in court," said Friedman, who held internships at the Waterfront Commission of New York Harbor, the Children's Law Center, Brooklyn Defender Services, and the Legal Aid Society before joining NYLAG. Danielle Sorken, director of the Public Service Office, guided Friedman in her career and suggested the PipS Fellowship. She explained to Friedman that the fellowship would allow her to do more public interest work and have a job lined up when she graduated. "We literally started filling out my application in her office that same day. It was really nice to know, after finals in my second year of law school, that I already had a job after graduation. And that I'd have my own caseload," said Friedman.

Friedman admits that the fellowship was not easy, but said that the experience was tremendously rewarding. In addition to working at NYLAG and participating in Moot Court, where she served on the executive committee, coached a team, and ran the first-year competition, she also enrolled in a criminal procedure class with Professor Bennett Capers during her third year to gain more knowledge in this area.

"The PipS program is a huge time commitment, but it's one of the best experiences you can hope to get in your career. It helped me determine what I wanted to do, and I would encourage any other student interested in public service to apply for the fellowship."

"There was never a question in my mind about what I wanted to do with my law degree. I knew I wanted to litigate and advocate directly for clients."

Friedman is clearly proud of her work at NYLAG, preparing petitions and motions to get a client the safety she and her children need, and the stability she deserves. "Going through family court can be a very long process," she said, "and it takes three to five years for a woman to leave her abusive partner, and seven to 13 years for Orthodox women to leave their abuser, often because familial and spiritual alienation contributes to the abuse. But already in my first year out of law school, I've conducted a full custody trial. And I currently represent a number of clients in both family court and state Supreme Court," Friedman said. "I sincerely love what I do and I look forward to continuing my work at NYLAG. It's an opportunity for which I will always be grateful."

Eric Eingold '15

Legal Fellow, Youth Represent

"There's growing awareness that legal education is changing," said Eric Eingold '15. "The material you learn in school is really important to get the substance of the law. But the course work doesn't prepare you to jump into a career as an attorney. The training and the mentorship in a legal services office is really what helped me learn the ins and outs of practice."

Eingold grew up in South Florida and attended college at the University of Central Florida, where he became involved with antiwar activism. After he graduated in 2008, he moved to New York to get his master's degree at the New School for Social Research. He then worked on social justice issues for several



years—at Democracy Now, the New York Public Interest Research Group, and Ma'ase Olam, an Israeli-based nonprofit that promotes volunteering—before enrolling at the Law School. After his first year, the Center for Constitutional Rights awarded him the Ella Baker Fellowship, and he spent his summer working as a legal intern for the Community Justice Project in Miami. The experience convinced him that he wanted to pursue a legal career in social justice.

When Eingold returned to the Law School, he heard about the PipS Fellowship and decided to apply for a placement at Youth Represent, a youth defense and advocacy nonprofit organization that provides holistic legal services to people under 24 years of age who have criminal records. Youth Represent was started by an alumna, Laurie Parise '15. Several other graduates also work there, including Michael Pope '10 and Maire O'Malley '13. After working as a PipS Fellow there for two years, Eingold was hired as a full-time staff attorney.

"It's an incredible privilege to provide legal services and counsel to young people, particularly those who are coming from communities that are overly and unfairly policed," Eingold said. "Despite traumatic experiences with the justice system, I see so many resilient individuals overcome the challenges they've faced to find work and build a good life for themselves."

He recalls the story of a client who had two misdemeanor convictions for crimes when he was young—one for possession of stolen property and another for an infraction at Rikers Island

when he was briefly imprisoned there. He went through a reentry program, "Getting Out and Staying Out," and quickly got hired to work at a local restaurant. Soon after, he applied for a security guard position that would double his hourly pay. The employer offered him the job, but then did a background check that came back with errors. It said that the young man had been incarcerated for five years instead of five months, and the company withdrew his offer based on the misinformation. At Youth Represent, Eingold worked to prove that the background check was incorrect and resulted in a loss of work for the young man, ultimately winning him a settlement of \$10,000.

Eingold's diverse responsibilities include rap sheet review, representation in criminal and summons courts, and employment-related litigation. He also represents clients in housing court, family court, and even school suspension hearings.

"I'm so grateful for this opportunity that PipS gave me," Eingold said. "The fellowship was a great way for me to break into the public interest arena. It's exciting and varied work and you are a year ahead of your classmates in building your skill set, while beginning the process of having your loans forgiven. It's been an invaluable experience for me." ■

Class of 2015 PipS Fellows: Where are they now?

Eric Eingold

Legal Fellow, Youth Represent

Sarah Friedman

Staff Attorney, New York Legal Assistance Group

Alexander Hu

Staff Attorney, New York Legal Assistance Group

Janeen Hall

Associate, Phillips Nizer, Litigation Department

Diana Manakhimova

Assistant Corporation Counsel, New York City
Law Department, Torts Division

Ryan Murphy

Assistant Corporation Counsel, New York City
Law Department, Torts Division

Lauren Price

Poverty Justice Fellow, Brooklyn Defender Services

Elana Rodman

Catholic Charities New York



Race, Technology, and the Future of Policing

By Professor Bennett Capers

How harnessing technologies—
and redistributing privacy—
can help make policing more
effective and egalitarian

I am a black man. I say this up front because, to borrow from Patricia Williams, “the subject position is everything in my analysis of the law.” I say this up front, too, because when it comes to policing, my blackness means that I am also a disturbing statistic. After all, according to the Bureau of Justice Statistics, one in three black men can now expect to go to prison during his lifetime. A prosecutor is more likely to seek higher charges against me, and a jury is more likely to convict me than a white defendant based on similar evidence. And according to the United States Sentencing Commission, if I am sent to prison, I will likely receive a sentence 20 percent longer than a white offender for the same crime. In a world in which, as Elizabeth Gaynes, an advocate for those affected by incarceration, writes, “young plus black plus male” too often equals “probable cause,” and in which there is a “racial tax,” I carry myself knowing that, because I am a black man, I will be watched by the police, scrutinized by the police, and at any point I can be stopped by the police.

As much as I might hope that my status as an academic might insulate me from racialized policing, my own experience and the experiences of numerous other black professors suggest otherwise. The police do not see an academic. They see only what they want to see; as in Ralph Ellison’s *Invisible Man*, they see “only my surroundings, themselves, or figments of their imagination—indeed, everything and anything except me.” I am reducible to this: a black man.

So I am a black male. But not tragically so. After all, in a sense I am a black male because this is how I have been socially constructed. Change the construction, and liberation should be possible. There is a final reason to foreground my blackness: I want to make an argument that may seem counterintuitive, that may rile libertarians and progressives, and may even give pause to a few black folk. What I want to argue is that if we truly care about making policing egalitarian and fair to everyone, then that may mean more policing, not less. More to the point, it will mean redistributing privacy.

The policing problems that minority communities frequently face—police violence, under-enforcement, and racial profiling—are not unsolvable. However, the solution I am proposing has little to do with seeking recourse to courts. Instead, it has everything to do with technology, specifically with harnessing technology in ways that can de-racialize policing. I begin below with technology that can combat racial profiling. To be sure, such technology means that there will be more policing, not less. The cost, too, is that many Americans will have to surrender some of the privacy they now enjoy. But in the end, a utilitarian argument can be made that the benefits outweigh the disadvantages.

Consider that the police in New York City recorded 4.4 million forcible stops between 2004 and 2012, and that more than 83 percent of those stopped were either black or brown, a number far greater than their representation in the population. In fact, these numbers tell only part of the story. As statistician and criminologist Jeffrey Fagan has noted, the percentage of black and brown people stopped is disproportionately high even after adjusting for higher crime rates in some minority communities. Other numbers speak to what I have termed “*Terry* innocence.” For every 20 individuals stopped, a full 19 were found not to be engaged in activity warranting an arrest. In other words, the error rate was around 95 percent. Even this high percentage understates the true error rate, since studies have shown that nearly half of all arrests resulting from these stop-and-frisk encounters are eventually dismissed. The error rate rises even

more when one considers the oft-stated objective of aggressive stop-and-frisk practices: to get illegal firearms out of the hands of criminals. According to the NYPD’s own data, between 2004 and 2012 they found approximately 1 firearm for every 1,000 stops, which translates into an error rate of over 99.9 percent. To put this in perspective, this is on par with the success rate when officers engage in purely random searches. Moreover, evidence suggests that racialized policing, rather than contributing to accuracy, adds to error. In New York, for example, stopped blacks were actually less likely to have a weapon than stopped whites. The same is true in other jurisdictions. For example, in New Jersey, troopers found evidence of criminal activity in 13 percent of their searches of black motorists, compared with 25 percent of their searches of white motorists.

The foregoing suggests more than merely a racialized policing problem in which “[s]kin color becomes evidence,” as David A. Harris writes in his research on racial profiling. The statistics point to more than what social scientists have long confirmed: that we all suffer from biases, and many of those biases are about race and criminality. It suggests more than simply the fact that stop-and-frisk practices have a breadth that disproportionately affects those who are *Terry* innocent. It suggests a fundamental flaw with the way we police, a flaw that undermines, with every racially inflected look, encounter, stop, or frisk, our protestations that we are all equal before the law. Instead of a color-blind government, it suggests a color-dependent government. It is certainly at odds with Chief Justice John Roberts’s insistence that “[t]he way to stop discrimination on the basis of race is to stop discriminating on the basis of race.”

Now consider the role a combination of existing and burgeoning technologies can play in de-racializing and de-biasing policing. The anchor of these combined technologies will be public surveillance cameras. Public surveillance cameras are already integral to law enforcement. For example, New York City currently aggregates and analyzes data from approximately 3,000 surveillance cameras around the city, and allows the police to scan license plates, cross-check criminal databases, measure radiation levels, and more. Washington, D.C., is in the process of consolidating more than 5,000 cameras into one network called the Video Interoperability for Public Safety Program. Chicago, with at least 2,250 surveillance cameras, has Operation Virtual Shield, which includes biometric technology. Baltimore has CitiWatch, which includes more than 400 cameras equipped with low light, pan, tilt, and zoom capabilities. Even small towns have turned to surveillance cameras. A survey from almost a decade ago listed more than 200 towns in 37 states that were either using or planning to use public surveillance cameras. But for the most part, these cameras tend to be clustered in communities that are poor, black, and brown, or areas deemed potential terrorist targets such as the New York Stock Exchange, the Chicago Board of Trade, Times Square, and the Washington Mall. A strong equalizing argument can be made that cameras should be extended to virtually all public spaces.

The second part to this cluster of technologies would be facial recognition technology, already in use by more than 50 police departments. The technology should not be limited to comparing faces with available arrest photos, but also to driver's license photos and photos on social media sites like Facebook and Instagram. The third part would be access to Big Data. Already, the breadth and depth of information available (from credit card transactions to credit history, from Facebook likes to Twitter feeds, from favorite bands to favored political candidates) is vast. Consider this finding from the report "Big Data: A Revolution That Will Transform How We Live, Work, and Think":

[I]n 2013 the amount of stored information in the world is estimated to be about 1,200 exabytes, of which less than 2 percent is non-digital. There is no way to think about what this size of data means. If it were all printed in books they would cover the entire surface of the United States some 52 layers thick. If it were played on CD-ROMS, and stacked up, they would stretch to the moon in five separate piles.

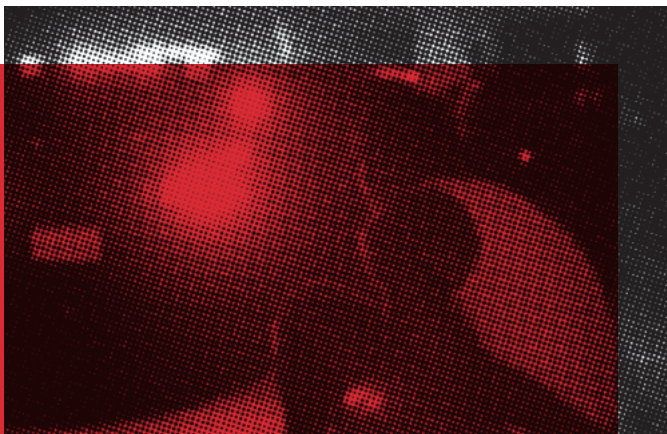
Quite simply, whether it involves tracking location history by remotely accessing and analyzing metadata on our phones, or accessing surveillance camera data (both public and private), or turning to commercial data aggregators, we should give the police technological tools so that, with a click of a button, "unknown suspects can be known."

Finally, this cluster of technologies would include terahertz scanners. Recall that one goal of stop-and-frisk practices is to get firearms out of the hands of criminals, which, because of implicit biases about race and criminality, contributes to the targeting of racial minorities. In fact, terahertz scanners, which measure terahertz radiation, can scan for concealed weapons without the need for a stop or frisk. The device is small enough to be placed in a police vehicle, or even mounted as a surveillance camera. As Police Commissioner Ray Kelly put it during his State of the NYPD address in 2013:

The device reads a specific form of natural energy emitted by people and objects known as terahertz. If something is obstructing the flow of that radiation, for example a weapon, the device will highlight that object. Over the past 12 months, we've been working with the vendor and the London Metropolitan Police to develop a tool that meets our requirements. We took delivery of it last week. One of our requirements was that the technology must be portable... we're able to mount it in a truck.

To be clear, all of this may sound precariously close to George Orwell's "Big Brother." But such technology can also de-racialize policing. Cameras and terahertz scanners do not have implicit biases. Nor do they suffer from unconscious racism. Rather, technology can move us closer to real reasonable suspicion. Technology can improve policing so that looks, encounters, stops, and frisks turn on actual criminality, rather than the proxy of race. Put differently, having access to at-a-distance weapons scanners, facial recognition software, and Big Data can mean the difference between race-blind policing and "young plus black

"The solution I am proposing has little to do with seeking recourse in court. Instead it has everything to do with technology, specifically with harnessing technology in ways that can de-racialize policing."





equals probable cause.” It would certainly mean a drastic reduction in the number of stopped minorities, indeed a reduction in the number of all stops.

Terahertz scanners would tell the police that the bulge in a black teenager’s jacket is nothing more than a bulky cellphone, but that white tourist who looks like he’s from Texas really does have a gun. Facial recognition technology combined with Big Data would tell the police that the Hispanic driver repeatedly circling the block in fact works in the neighborhood and is probably looking for a parking space; that the clean-cut white male reading a paper on a park bench is in fact a sex offender who, just by being near a playground, is violating his sex offender registration.

This technology would tell the police that the black youth running down the street is simply that—a youth running down the street. It would tell them, in a way that is not intrusive or embarrassing, whether someone is a troublemaker casing a neighborhood, or a student returning home with a bag of Skittles and a Snapple iced tea; a loiterer up to no good, or a father waiting to pick up his children from school; a burglar about to commit a home invasion, or a Harvard professor entering his own home; a mugger looking for his next victim, or the future U.S. Attorney General. And that the white kid from New Jersey driving into Harlem isn’t there to score drugs, but to see his black girlfriend.

Deploying technology to aid in policing—alarming as it may seem at first—can also play a role in tackling some of the other problems we associate with racialized policing. Consider police violence. Scanners, for example, would immediately tell officers that a suspect is unarmed, often enough to obviate the need for deadly force. Big Data could also tell officers whether a suspect has a history of violence or resisting arrest. Beyond this, public surveillance cameras can capture and make visible police use of excessive force. Indeed, they may even have advantages over recordings from body-worn cameras or police vehicle dashboard cameras. Body-worn cameras and dashboard cameras show police-citizen interactions from the police officer’s perspective. While this perspective is important, especially in cases where officers claim they acted with honest and reasonable belief, it is not

the only perspective, let alone the most objective one. In addition, there is legitimate concern that the police, *ex post*, have the ability to control and edit the resulting film. Indeed, there is evidence that the officer who fatally shot Laquan McDonald in Chicago in 2014 tampered with his dashboard camera. More recently, one of the officers involved in the death of Keith Scott in Charlotte, apparently failed to activate his body-worn camera until after the shooting, a violation of department policy, thus contributing to

“To the extent that technology can increase accuracy and efficiency in policing, it can free officers to actually engage in the work that those of us who are black and brown and white want them to do: actual policing.”

the inadequate footage of that shooting. All of this may undermine the goal of objectivity or capturing the full picture. Public surveillance cameras, if used properly with public input and control, bypass these problems.

The role technology can play in addressing under-enforcement—the fact that police are less likely to vigorously investigate crimes committed against minority victims—is less direct, but important too. To the extent technology can increase accuracy and efficiency in policing, it can free officers to actually engage in the work that those of us who are black and brown and white want them to do: actual policing. Consider one statistic: police fail to make an arrest in about a third of all murders in the U.S. That means a full third of all murders go unsolved. Now imagine if officers, instead of focusing their resources on black and brown people who are *Terry* innocent, redirected their resources to solve real crimes.

There is much more to be explored about using technology to rethink policing. For one, technology, in the form of public surveillance cameras, may very well deter officers from committing Fourth Amendment violations, much in the way they deter other law-breaking. Equally important, because public surveillance cameras are specular, they have the potential to educate judges about how the Fourth Amendment is really being applied, and thus counter myopic perspectives that already tip the scales in favor of the police. This last point cannot be overstated, since

such an education has the potential to “help change constitutional meaning,” as my Brooklyn Law School colleague Professor Jocelyn Simonson argues. Technology, as Harvard law professors Lani Guinier and Gerald Torres point out, can serve “demosprudence”—that is, action, instigated by ordinary people, to change the people who make the law and the landscape in which that law is made.

With this use of technology, none of us would need to be singled out because of race. Or more accurately, everyone would be subjected to the same soft surveillance. The Asian woman with the briefcase. The white businessman trying to hail a cab. The messenger on his bike. The elderly woman walking her poodle. Everyone. Certainly, this gets us closer to equality before the law.

Again, what I am proposing is more policing, not less. In exchange for de-racialized policing, there will have to be more policing of everyone, albeit in the form of soft surveillance. I am essentially proposing that some people cede some of the privacy that they currently enjoy for the greater good of everyone. While this may rankle some—especially civil libertarians—the simple

“If we care about equalizing policing, then one trade-off is the redistribution of privacy in a way that is more egalitarian and consistent with our democratic ideals.”

truth is that privacy always has been unequal, with those who are privileged by race and class enjoying a surfeit. If we care about equalizing policing, then one trade-off is the redistribution of privacy in a way that is more egalitarian and consistent with our democratic ideals.

The techno-policing I am advocating may not be a complete cure-all in terms of leveling privacy imbalances and making policing more fair, especially given how interconnected, how networked, every aspect of our criminal justice system is. But it is a significant step in the right direction.

I am a black man. For me, the personal is the political. It is inseparable from how I think about the Fourth Amendment, how I think about policing, and how I think about the way we live now. That is why I argue for more technology in policing, even if it means, or perhaps I should say especially if it means, the redistribution of privacy. The costs, especially to those who already enjoy an abundance of privacy, may seem great. But even greater should be the possibility of what we can become: A fairer society. A more just society. A society where, just possibly, all



PROFESSOR BENNETT CAPERS is the Stanley A. August Professor of Law at Brooklyn Law School, where he teaches evidence, criminal procedure, and criminal law. His academic interests include the relationship between race, gender, and criminal justice, and he is a prolific writer on these topics. His articles and essays have been published or are forthcoming in many of the top law reviews. He is co-editing the forthcoming book *Critical Race Judgments: Rewritten U.S. Court Opinions on Race and Law* (Cambridge University Press) (with Devon Carbado, Robin Lenhardt, and Angela Onwuachi-Willig). His commentary and op-eds have appeared in the *New York Times* and other publications. This fall he is a visiting professor at University of Texas Law School.

Before entering academia, Capers spent nearly 10 years as an Assistant U.S. Attorney in the Southern District of New York. His work trying several federal racketeering cases earned him a nomination for the Department of Justice's Director's Award in 2004. He also practiced with the firms of Cleary, Gottlieb, Steen & Hamilton and Willkie Farr & Gallagher. He received his undergraduate degree from Princeton University and his J.D. from Columbia Law School.

In 2013, Judge Shira Scheindlin appointed him to chair the Academic Advisory Council to assist in implementing the remedial order in the stop-and-frisk class action *Floyd v. City of New York*. He has also served as a mayoral appointee to the NYC Civilian Complaint Review Board.

This article was adapted from “Race, Policing, and Technology,” forthcoming in the North Carolina Law Review.

of us—including those of us who are black and brown—can be equal before the law. In short, a society that gets us closer to the dream the founders could not have imagined, but was there all along, in the text, waiting to be born. Or to be truly read.

But already, I am getting ahead of myself. So for now, in this liminal moment, allow me to return to policing. Quite simply, if the goal is equality in policing, if the goal is efficiency and transparency and crime reduction, this essay maps a route there. ■

Bailey Kuklin, Professor of Philosophy and the Common Law, Retires

Professor Bailey Kuklin, who began teaching at the Law School in 1976, retired this past spring. Over his 40-year career, Kuklin taught common law courses such as property, trusts, torts, contracts, and legal process. At a retirement reception in May held in honor of Kuklin (and other retirees), Dean Nick Allard shared a remarkable statistic with guests.

“During Bailey’s four decades of teaching, he has taught more than 10,000 students,” he said. “And while his colleagues will readily attest to what a wonderful friend, deep thinker, decent human being, and colleague he has been, I want to share with you just a small sampling of the thousands of rave reviews of his classes, which were taken from actual student evaluations:

“Professor Kuklin is just amazing. Please clone him.”

“Professor Kuklin is the ideal professor. Responsive and thorough. I wish I could have taken more classes with him.”

“The man is hilarious, unbelievably smart, and passionate about the subject. My favorite class.”

“Definitely one of those unusual people who is both staggeringly brilliant and a potentially fun guest at a dinner party.”

Originally from Nebraska, Kuklin, the son of a high school principal and a junior high school teacher, never planned on being a lawyer; he set out to become an engineer. But during his fourth year at the University of Nebraska, he changed his mind.

“At that point it was the early ’60s and I decided I would rather get involved in something that had more of a social impact,” he said. So instead he went to law school. “Within one day I knew I had made the right choice. I was very interested in the kinds of questions that were being addressed and the application of the law



to day-to-day concerns. Given the timing, where political consciousness had gone from its dormancy in the ’50s to its awakening, it felt like I was in the right place.”

From the University of Michigan, where Kuklin got his law degree in 1966, he went to Stanford Law School to become a teaching fellow for one year.

“The Bay Area in 1966–67 had a lot going on,” he recalled. “It was an amazing scene, and my roommate and I decided that we would join the Peace Corps.” In an interview with the *Lincoln (Nebraska) Evening Journal* at the time, Kuklin said he had a burning desire to both see another part of the world and gain a new perspective on the United States. “You can’t do that as a tourist,” he told the *Journal*. “You have to immerse yourself in another society.”

Kuklin spent the next two years living in a remote village in Nepal helping to construct roads, minor buildings, drinking wells, irrigation canals, and small bridges. “They were not interested in my legal education, but in my engineering degree, so I was assigned to construction projects. The thing was, I had no engineering experience that trained me how to build without metal, but instead with wood, mud, and cow dung,” he said. With his trademark

humor, he added: “I can’t say that engineering helped me very much, but I will say that you should not underestimate the usefulness of cow dung.”

After his time in Nepal, Kuklin moved to New York, where he became a Reginald Heber Smith Community Lawyer Fellow with the Legal Aid Society of Westchester County. There he represented community groups in their organizational and legal efforts, and thought he would continue in this area for some time, but an offer from the University of Michigan to become its dean of students was an opportunity he could not turn down.

“I love being in a classroom, because you have these eager, smart students asking and raising important questions.”

—Prof. Bailey Kuklin

“There was a great deal of student unrest on campus in the early ’70s and I was 29 years old, I had longish hair, and I had sympathetic political leanings,” Kuklin said. “They apparently wanted to make a statement that they were not against the rising up.” After four years at Michigan, he taught at the University of Tennessee College of Law for two years before joining the Law School faculty.

“I find it fascinating,” he said of teaching first-year common law courses. “It introduces students to the big picture. It was that experience that turned me on to the law.”

Kuklin said his teaching style has evolved over the years from an aggressive “*Paper Chase* Socratic method” to a more moderate, friendly approach. “I was caught up in that Socratic spirit but as time went on, I moderated,” he said. “We all moderated. It no longer became the thought that you had to be tough on students to get them to come to class prepared.”

Leaving the Law School is bittersweet for Kuklin, who says he will not miss the blue books or the many meetings, but will desperately miss the classroom and his first-year students.

“I love being in a classroom, because you have these eager, smart students asking and

raising important questions,” he said. “And these are the cosmic questions: How do you organize society? When someone says ‘I promise,’ when do they have to deliver? When you accidentally hurt somebody, when should you have to pay, and when should you be excused? These are among the deepest questions a society has.”

Kuklin plans to travel with his wife Susan, a well-known photojournalist and author of many children’s and young adult books. He will also continue his writing, focusing, as he has over the years, on the philosophy of the common law.

“I need to keep the juices flowing,” he said. ■

Faculty Notes

Nick Allard

PUBLICATIONS

- *A Tribute to Judge Kaye*, 81 BROOK. L. REV. 1349 (2016)
- *More Than Memories*, FIGHTING THE WORLD’S FIGHTS: RHODES SCHOLARS IN OXFORD AND BEYOND, at 161 (R. Anketell, ed., Third Millennium Publishing, 2016)

PROGRAMS & PRESENTATIONS

- Featured speaker, multiple panels at St. Petersburg International Legal Forum, St. Petersburg, Russia: “Law Schools: Best International Practices,” “The Legitimate and Necessary Role of Attorneys in the Public Policy Arena,” and “Legal Education: Traditional or Technology?”
- Opening and closing remarks, “An Evening with Justice Sonia Sotomayor,” Brooklyn, NY
- Speaker, “Money and Speech—Practical Perspectives,” Free Speech Under Fire: The Future of the First Amendment Symposium, Brooklyn Law School
- Speaker, “Roundtable Discussion: Dean’s Responses to Town Hall (Reacting, Reflecting, and Reforming),” American Bar Association Deans Workshop, San Francisco, CA
- Opening remarks, Panel Discussion: A Landmark Decision Turns 40: A Conversation on *Buckley v. Valeo*, Brooklyn Law School

SELECT MEDIA

- Quoted in *Brooklyn Law Students Weigh in on “Horrible” Apple/FBI case*, WNYC, (Feb. 23, 2016)

William Araiza

PUBLICATIONS

- CONSTITUTIONAL LAW: CASES, APPROACHES, AND APPLICATIONS (Carolina Academic Press, 2017)
- *Was Cleburne An Accident?*, 19 U. PA. J. CONST. L. __ (forthcoming 2016)

PROGRAMS & PRESENTATIONS

- Presenter, “Was Cleburne an Accident?,” Barry University College of Law Constitutional Law Colloquium
- Presenter, “Author Meets Reader, Law and Society Association Annual Meeting,” New Orleans, LA
- Presenter, “Justice Thomas at 25,” Southeastern Association of Law Schools Conference, Amelia Island, FL

Jonathan Askin

PROGRAMS & PRESENTATIONS

- Panelist, “Law and Entrepreneurship,” Southeastern Association of Law Schools Conference, Amelia Island, FL
- Speaker, Legal Hackers International Summit, IFP Made in NY Media Center, Brooklyn, NY
- Keynote, Legal Hackers Amsterdam launch event, Greenberg Traurig Office, Amsterdam
- Keynote, BLIC Legal Tech Competition, De Brauw, Amsterdam
- Panelist, “Using Technology in the Delivery of Transactional Legal Services,” Transactional Clinic Conference, Baltimore, MD

- Panelist, “Civic Innovation: Opportunities for a Better Brooklyn,” Long Island University
- Facilitator and Speaker, IEEE Smart Cities Initiative, Kansas City, MO
- Moderator, “Streaming Content: The Competition Catalyst,” INCOMPAS Policy Summit Newseum, Washington D.C.

HONORS/AWARDS/APPOINTMENTS

- Fulbright Specialist, University of Amsterdam, Institute for Information Law

Miriam Baer

PUBLICATIONS

- *Reconceptualizing the Whistleblower’s Dilemma*, 50 U.C. DAVIS L. REV. __ (forthcoming 2017)
- *Pricing the Fourth Amendment*, 58 WM. & MARY L. REV. __ (forthcoming 2017)
- *Some Skepticism About Criminal Discovery Empiricism*, 73 WASH. & LEE L. REV. ONLINE 347 (2016)

PROGRAMS & PRESENTATIONS

- Presenter, “Reconceptualizing the Whistleblower’s Dilemma,” CrimFest Conference, Cardozo Law School; University of Chicago; and Eugene and Delia Murphy Corporate Colloquium, Fordham Law School
- Presenter (Competitively Selected), “Pricing the Fourth Amendment,” American Law and Economics Association, Harvard Law School
- Panelist, Corporate Crime and Enforcement, Rebellious Lawyering Conference, Yale Law School

Jodi Balsam

PROGRAMS & PRESENTATIONS

- Moderator, “Right of Publicity of Athletes and Entertainers,” New York City Bar Association
- Presenter, “Assessment of Reflective Papers,” Third National Symposium on Experiential Learning in Law, New York Law School
- Co-facilitator, “Externships Working Group Sessions,” Association of American Law Schools Clinical Conference, Baltimore, MD
- Panelist, “Medical Ethics Roundtable: Overuse Injuries in Young Athletes,” Langone Medical Center, New York University
- Moderator, “The Confines of the Commissioner’s Disciplinary Power: Tom Brady and Deflategate,” Annual Sports Law Colloquium, New York University School of Law
- Presenter, “Regulation of Sports Gambling,” 7th Annual Sports Law Symposium, New York Law School
- Presenter, “Giving Credit Where It’s Due: Challenges and Opportunities of the One-Credit Externship Seminar and New Clinicians Session: The Academic Component,” Externships 8 Conference, Cleveland-Marshall College of Law
- Presenter, “Free My Agent: Legal Implications of Professional Athletes’ Self-Representation,” Wake Forest Journal of Business

and Intellectual Property Annual Symposium, Wake Forest University School of Law

- Guest Lecturer, “Commissioner Best Interests Authority and Sports Gambling,” Syracuse University, Falk College of Sports Management

SELECT MEDIA

- Quoted in USA TODAY articles about Deflategate scandal: *What must Tom Brady do for Supreme Court to hear another Deflategate appeal?* (July 13, 2016); *Deflategate returns to court—2nd Circuit U.S. Court of Appeals hearing arguments* (March 2, 2016)
- Quoted in *Why archrivals DraftKings and FanDuel want to merge*, and *The Odds Against a Draft Kings–FanDuel Merger*, CBS MONEYWATCH (June 14-15, 2016)
- Quoted in *Does Football Have a Future*, U.S. NEWS & WORLD REPORT (March 18, 2016)
- Quoted in *Out of Rare Super Bowl I Recording, Clash with the NFL Unspools*, THE NEW YORK TIMES (Feb. 2, 2016)

OTHER PROFESSIONAL ACCOMPLISHMENTS

- Created and taught Sports Events Contracts: The Olympics, for inaugural Summer Sports Law Program at Bucerius Law School, Hamburg, Germany

Christopher Beauchamp

PROGRAMS & PRESENTATIONS

- Presenter, “The First Patent Litigation Explosion,” Center for the Protection of IP Summer Institute, Seattle, WA
- Presenter, “Peddlers, Czars, and Patent Smashers: Scenes from an Era of Patent Backlash,” Federal Circuit Bar Association Bench and Bar Conference, Nashville, TN
- Commentator on plenary paper, PatCon 6, Boston College Law School

Debra Bechtel

PROGRAMS & PRESENTATIONS

- Presenter, “Demystifying Housing,” P.A.’L.A.N.T.E (People Against Landlord Abuse & Tenant Exploitation) Conference, New York, NY

Anita Bernstein

PUBLICATIONS

- *The Reciprocal of MacPherson v. Buick Motor Company*, 9 J. TORT L. (2016) (online law review symposium)

PROGRAMS & PRESENTATIONS

- Presenter, “Regulation of Prostitution” and “Abuse and Harassment Diminish Free Speech,” Women & Gender Studies Program, University of Montana
- Presenter, “Good Enough for a Brandeis Brief,” at Louis D. Brandeis: An Interdisciplinary Retrospective, Touro Law Center
- Lecturer, “Legal Malpractice in New York,” Grotius/Law Faculty Association of Leiden University

Paper By Professor Miriam Baer Chosen for the American Law and Economics Association's Annual Meeting



PROFESSOR MIRIAM BAER'S forthcoming article, "Pricing the Fourth Amendment," to be published in the *William and Mary Law Review* (2017), was chosen for presentation at the American Law and Economics Association (ALEA) annual meeting at Harvard Law School held in May. The paper was accepted for presentation at the conference from more than 400 submissions.

"Pricing the Fourth Amendment" seeks to address the lack of an adequate remedy for Fourth Amendment violations by police. Existing penalties fail to inspire sufficient compliance within police departments and overlook the problem of detection. Baer addresses this problem by drawing upon the Pigouvian tax concepts, which are intended to correct expected harm outcomes by setting penalties equal to

the social cost of the negative outcomes. She examines how these concepts might curtail intentional Fourth Amendment violations by police officers and how this might benefit society.

It is the second paper by Baer that has been selected for presentation at an ALEA annual meeting. Her first article, "Cooperation's Cost" (88 Wash. U.L. Rev. 903 (2011)), was presented at the association's 2010 meeting at Princeton University. The ALEA focuses on the advancement of economic understanding of law and related areas of public policy and regulation, and promotes research in law and economics.

Professor Baer teaches in the areas of corporate law, white-collar crime, criminal law, and criminal procedure. Her scholarship, which focuses on organizational wrongdoing in public and private settings, has twice been selected for the prestigious Stanford-Yale-Harvard Junior Faculty Forum. Professor Baer's work has appeared in many top journals, including most recently the *Columbia Law Review*, *Michigan Law Review*, and *Yale Law Journal Online*. ■

- Presenter, "Women Too May Say No to What They Don't Want," NYC Area Family Law Scholars, Cardozo Law School
- Panelist, "Changing Jobs and Changing Roles: Perspectives on the Arc of a Legal Academic Career," Southeastern Association of Law Schools Conference, Amelia Island, FL
- *Damages of Legal Malpractice That Go Unrecovered*, NEW YORK LAW JOURNAL, Mar. 4, 2016, p.4

Bradley Borden

PUBLICATIONS

- *Expected-Cost Analysis as a Tool for Optimizing Tax-Planning and Reporting*, 44 REAL EST. TAX'N __ (forthcoming 2016) (with K. H. Maeng)
- *Equity Structure of Noncorporate Entities*, 31 REAL EST. FIN. J. 35 (2016)
- *Code Sec. 1031 Drop-Swap Cash-Outs and Unrecaptured Section 1250 Gain*, 19 J. PASSTHROUGH ENT. 27 (Sep.-Oct. 2016)
- *Navigating the Confluence of Code Secs. 1031 and 1250*, 19 J. PASSTHROUGH ENT. 25 (May-June 2016)
- *Proposed Anti-Fee-Waiver Regulations: A Blueprint for Waiving Fees?*, 57 TAX MGT. MEMO 87 (Mar 7, 2016) (with D.L. Longhofer and L.E. Smith)
- *Maximizing Capital Gains in Real Estate Transactions* 74 NEW YORK UNIVERSITY ANNUAL INSTITUTE ON FEDERAL TAXATION 8-1 (2016) (with James M. Lowy)

PROGRAMS & PRESENTATIONS

- "Are Sale-Leasebacks on the Menu?," American Bar Association, Section of Taxation and Section of Real Property, Trust & Estate Law, Trust & Estate Division, Boston, MA
- "Ensuring an Internal Rate of Return (IRR) Distribution Waterfall Flows Correctly," University of Texas School of Law 25th Annual LLCs, LPs and Partnerships Conference
- "Developments in Income Taxation of Real Estate, Capital Gains Taxation and Section 1031 Exchanges," Hofstra University Maurice A. Dean School of Law and Meltzer, Lippe, Goldstein & Breistone, LLP, Private Wealth and Taxation Institute, Hempstead, NY
- "Dealing with Unrecaptured Section 1250 Gain in Drop-Swap Cash-Outs," American Bar Association, Section of Taxation, Sales, Exchanges & Basis Committee Meeting, Washington, D.C.

HONORS/AWARDS/APPOINTMENTS

- Member, Florida Tax Review Board of Advisors

Dana Brakman Reiser

PUBLICATIONS

- Introduction (Symposium, *Oversight Under Siege: An International Comparison of Regulatory Models*), 91 CHI.-KENT L. REV. 843 (2016)

PROGRAMS & PRESENTATIONS

- Participant, 8th Annual Berle Symposium, Seattle University School of Law

- Presenter, “The Retail Investment Market and Social Enterprise,” Nonprofit Forum, New York, NY
- Keynote, “Social Enterprise and the Law,” 4th Annual Midwest Symposium on Social Entrepreneurship, Kansas City, MO
- Panelist, “Public Benefit Reporting Standards and Compliance,” Impact Investment Legal Working Group Conference, New York, NY

HONORS/AWARDS/APPOINTMENTS

- Appointed by U.S. Department of Commerce to prepare report on corporate governance proposal for self-regulation of the Internet Corporation for Assigned Names and Numbers (ICANN)

Heidi Brown

PUBLICATIONS

- THE MINDFUL LEGAL WRITER: MASTERING PREDICTIVE AND PERSUASIVE WRITING (Aspen Publishers, 2016)
- *Harnessing the Skills of the Introverted Lawyer*, NEW YORK LAW JOURNAL (Aug. 15, 2016)

PROGRAMS & PRESENTATIONS

- Moderator/Presenter, “From Angst to Action: Transforming Anxious Law Students into Powerful Advocates,” 2016 Global Legal Skills Conference, Verona, Italy
- Presenter, “Amplifying Your Lawyer Voice: Communicating with Clarity and Confidence,” Women’s Leadership Initiative Law Firm Workshop, Pryor Cashman, New York NY
- Presenter, “Artificial Intelligence and Its Impact in Legal Education,” Computer Assisted Legal Instruction (CALI) conference, Georgia State University College of Law

HONORS/AWARDS/APPOINTMENTS

- Appointed to the Board of the Association of American Law Schools’ Section on Balance in Legal Education; appointed Secretary of the Section’s Board

Bennett Capers

PUBLICATIONS

- *The Prosecutor’s Turn*, 57 WM. & MARY L. REV 1277 (2016)
- *On “Violence Against Women,”* 13 OHIO ST. J. CRIM. L. 347 (2016)

PROGRAMS & PRESENTATIONS

- Presenter, “Criminal Procedure and the Good Citizen,” Yale University Institution of Social and Policy Studies Working Group “Deconstructing Ferguson,” Rutgers University
- Presenter, “The Under-Policed,” Symposium on Mass Incarceration: Implementing De-Incarceration Strategies, Wake Forest Law School

SELECT MEDIA

- Quoted in numerous articles about policing and race and the law, *New Bronx District Attorney Begins to Deliver on Promise*, NEW YORK LAW JOURNAL (Aug. 24, 2016); *After NYPD Opened Fire on Unarmed, Mentally Ill Man*, VILLAGE VOICE (Aug. 10, 2016); and “*Ban the Box*” to Help Former Prisoners Stay on the Straight and Narrow, NEWSDAY (May 5, 2016)

Stacy Caplow

PROGRAMS & PRESENTATIONS

- Presenter, “Clinical Legal Education in the Year 2026: Looking back at the Last Decade,” Conference on Teaching and Learning in Law “Directions in Legal Education,” The Chinese University of Hong Kong
- Presenter, “Immigration and Crime,” New York State Courts, Appellate Division, Brooklyn, NY
- Panelist, “Upper Class Immigration Course Options,” Immigration Law Scholars Conference, Michigan State University

Natalie Chin

PROGRAMS & PRESENTATIONS

- Presenter, “Working with Clients with Intellectual Disabilities and Utilizing the Americans with Disabilities Act as an Advocacy Tool,” Family Law Update 2016, Rochester, NY
- Presenter, “Using the Americans with Disabilities Act as an Advocacy Tool,” Representing Clients with Intellectual Disabilities in Article 10 and Termination of Parental Rights CLE, Legal Services NYC, New York, NY
- Featured speaker, S.C.P.A 17-A guardianship as a deprivation of the civil rights of persons with intellectual disabilities discussion, statewide bi-annual meeting of New York State Surrogates, New York, NY

HONORS/AWARDS/APPOINTMENTS

- Appointed to the Association of American Law Schools Clinical Section, Clinicians of Color Committee and the Nominating Committee

Neil B. Cohen

PUBLICATIONS

- SELECTIONS FOR CONTRACTS (Foundation Press, 2016 ed.) (with E. A. Farnsworth, C. Sanger, R.R.W. Brooks, & L.T. Garvin)

PROGRAMS & PRESENTATIONS

- Presenter, “Long-Term Contracts and the Latest Revision of the UNIDROIT Principles,” International Academy of Commercial and Consumer Law, Fukuoka, Japan
- Presenter, “Sureties and Guarantors,” American Law Institute Continuing Legal Education Commercial Lending Today Conference, Chicago, IL
- Draft Secured Transactions Law for St. Lucia, World Bank Consultation Mission, St. Lucia
- Presenter, “Termination of Long-Term Contracts for Good Cause,” UNIDROIT Principles of International Commercial Contracts consultation meeting, Oslo, Norway

OTHER PROFESSIONAL ACCOMPLISHMENTS

- World Bank Consultant, reviewing Jamaica’s Security Interests in Personal Property Act
- Joint U.S.–Canada consultation group for UNCITRAL Model Law on Secured Transactions
- Advisor to Drafting Committee for the Model Tribal Secured Transactions Act

Professors Bernstein, Schneider, and Stein Recognized as Top-Cited Scholars



Prof. Anita Bernstein



Prof. Liz Schneider



Prof. Alexander Stein

Professors Anita Bernstein, Elizabeth Schneider, and Alexander Stein have been recognized among the most often-cited scholars in their fields, according to Brian Leiter's Law School Reports, an influential legal blog.

Bernstein, who holds the Anita and Stuart Subotnick '69 chair, was recognized for her work in the area of torts and products liability. Her writings have appeared in dozens of law reviews, including *Harvard*, *Yale*, *Columbia*, *California*, *Michigan*, *Cornell*, *Duke*, *Texas*, and *Vanderbilt*. Her books address torts, products liability, and the law of marriage. Professor Bernstein's wide-ranging interests extend to microfinance, diversity as a rationale for affirmative action, and comparative and international law. Her scholarship has been cited by federal courts (both trial and appellate) and the Supreme Courts of Pennsylvania and Texas. Most recently, she authored a series on legal malpractice for the *New York Law Journal*.

Bernstein is a member of the American Law Institute and a past chair of the Association of American Law Schools Executive Committee on Torts and Compensation Systems. Among her many distinctions, she was awarded the first Fulbright scholarship in European Union affairs given to a law professor.

Schneider, the Rose L. Hoffer Professor of Law, was recognized in the field of feminist legal theory. She is the Director of the Edward V. Sparer Public Interest Law Fellowship Program, which she founded and has led for more than 30 years (see page 12). Schneider is a nationally recognized expert in the fields of civil procedure, gender law, and domestic violence, and is a frequent commentator for print and broadcast media. She is the author of the prizewinning book *Battered Women and Feminist Lawmaking* (Yale University Press, 2000) and coauthor of several other books in this area. She has also written numerous articles and book chapters on civil rights, civil procedure, women's rights, and domestic violence.

She is a member of the American Law Institute and chair of the Judicial-Academic Network of the National Association for Women Judges. She has been honored by numerous organizations such as the National Organization of Women-NYC and the New York State Coalition Against Domestic Violence. She has been active in legal education, serving as a member

of the AALS Executive Committee and on the Board of Governors of the Society of American Law Teachers. She has also been a visiting professor at Harvard and Columbia Law Schools.

Stein, who joined the faculty in July, was recognized as one of the most highly cited scholars in the field of evidence. He is a widely published expert on torts, medical malpractice, evidence, and general legal theory. His writings combine law with economic theories and moral philosophy. In addition to the three books he has authored—*Foundations of Evidence Law*, *Tort Liability Under Uncertainty*, and *An Analytical Approach to Evidence: Text, Problems and Cases*—he has published more than 60 articles that have appeared in scholarly journals. (Read more about Professor Stein on page 19.)

The list of legal scholars—"Most-Cited Critical Theory Law Faculty, 2010-2014 (inclusive)"—draws upon data from a 2015 study examining the top law faculties in scholarly impact. In that study, Brooklyn Law School placed 33rd in the nation. ■

Edward De Barbieri

PUBLICATIONS

- *Do Community Benefits Agreements Benefit Communities?* 37 CARDOZO L. REV. 1773 (2016)

PROGRAMS & PRESENTATIONS

- Presenter, “Hyperloop Development,” New England Regional Junior Faculty Scholarship Workshop, New England School of Law and American Association of Law Schools Clinical Conference, Baltimore, MD
-

Steven Dean

PROGRAMS & PRESENTATIONS

- Presenter, “Demolition Blues: Text, Intent and Taxation in the United States, the United Kingdom and France,” Annual Law and Society Conference, New Orleans, LA
-

Robin Effron

PROGRAMS & PRESENTATIONS

- Presenter, “Co-Management and Co-Interpretation in the Rules of Civil Procedure,” 2nd Annual Civil Procedure Workshop, University of Washington
-

James Fanto

PROGRAMS & PRESENTATIONS

- Commentator, “Challenging Boardroom Homogeneity” session, Law and Society Association Annual Meeting, New Orleans, LA
- Speaker, “Compliance Governance,” Rutgers Law School/Camden
- Symposium Organizer/Speaker, “The Role of Technology in Compliance in Financial Services: An Indispensable Tool as Well as a Threat?,” Center for the Study of Business Law and Regulation, Brooklyn Law School

OTHER PROFESSIONAL ACCOMPLISHMENTS

- Participant, Public Policy Council of the Certified Financial Planner Board of Standards
 - Prepared and taught compliance officers, FINRA staff members and others in the Certified Regulatory and Compliance Professional Program, FINRA Institute at Wharton School, University of Pennsylvania
-

Nina Farber

PUBLICATIONS

- *Expanding Comparative Fault to Apparent and Implied Consent Cases*, 82 BROOK. L. REV. __ (forthcoming 2016) (with A. Twerski)

PROGRAMS & PRESENTATIONS

- Presenter, “Breathing New Life into the Analysis Section of a Memorandum: CPR + Compare,” Sixth Western Legal Writing Conference, McGeorge School of Law, University of the Pacific

- Panelist, “New Scholars, New Insights; The Road to Scholarship as Seen by Newer Professors,” Southeastern Association of Law Schools Conference, Boca Raton, FL
-

Maryellen Fullerton

PUBLICATIONS

- *Asylum Crisis Italian Style: The Dublin Regulation Collides with European Human Rights Law*, 29 HARV. HUM. RTS. J. 57 (2016)
- IMMIGRATION AND CITIZENSHIP LAW: PROCESS AND POLICY (West Publishing, 8th ed. 2016) (with A. Aleinikoff, D. Martin, H. Motomura & J. Stumpf)
- IMMIGRATION AND NATIONALITY LAWS OF THE UNITED STATES: SELECTED STATUTES, REGULATIONS & FORMS (West Publishing, 2016) (with D. Martin & H. Motomura)
- FORCED MIGRATION: LAW AND POLICY (West Publishing, 2016 update) (with D. A. Martin, T. A. Aleinikoff, and H. Motomura)

PROGRAMS & PRESENTATIONS

- Presenter, “Worlds Colliding: Refugees, Europe & Law,” UCLA Law School
 - Presenter, “Dysfunctional Dublin: Collapse of the Common European Asylum System,” University of Connecticut Law School
 - Presenter, “The Intersection of Immigration Law and State Law,” New York State Courts, Appellate Division, Brooklyn, NY
 - Presenter, “Diffusion of Legal Norms: European Case Study” and “International Institutions,” Immigration Law Scholars Conference, Michigan State University
-

Marsha Garrison

PUBLICATIONS

- *Let’s Get Married? American Perspectives on Matrimony in the 21st Century*, in FAMILY LAW IN BRITAIN AND AMERICA IN THE NEW CENTURY (John Eekelaar ed., Brill, 2016)

PROGRAMS & PRESENTATIONS

- Presenter, “Promoting the Rule of Law in Myanmar through Legal Education,” Fulbright-ASEAN Midyear Conference, Jakarta, Indonesia
- Presenter, “Building Public Support for Nondiscrimination in Family Law: the Case of Myanmar,” International Society of Family Law North American Regional Conference, Jackson, WY

HONORS/AWARDS/APPOINTMENTS

- Senior Fulbright Scholar, Yangon University Law Department, Yangon, Myanmar, Jan–April 2016
-

Heidi Gilchrist

PROGRAMS & PRESENTATIONS

- Presenter, “Professionalism in the Social Media Age,” Global Legal Skills Conference, University of Verona Department of Law

Professor Karmel Featured in *Business Law Today*

THE AMERICAN BAR ASSOCIATION'S *Business Law Today* interviewed Professor Roberta Karmel for its June 2016 issue about her remarkable career highlighted by important “firsts,” including being named the first female commissioner of the Securities and Exchange Commission (in 1977), and being the first woman to be named a partner at her law firm, Rogers & Wells, among other trailblazing distinctions. In a wide-ranging Q&A, Karmel spoke with the publication about her extraordinary career path, the barriers to being a woman in the law during the early days

of her career, and her appreciation for her students at Brooklyn Law School.

A member of the faculty since 1985, Karmel is codirector of the Dennis J. Block Center for the Study of International Business Law, which she helped found 30 years ago, and she is affiliated with the Center for the Study of Business Law & Regulation.

In 2009, she was

the Harry Cross Visiting Professor at the University of Washington School of Law. Other recent honors include Phi Beta Kappa Alpha Iota of Massachusetts at Harvard College (Hon.) and the American Bar Association Women Lawyers of Achievement Award. She was recognized as an “Icon of Brooklyn Law School” at a gala on Ellis Island last year.

Karmel’s area of expertise is in international and domestic securities regulation, for which she is widely called upon to teach and lecture all over the world. In addition to her work as a former SEC commissioner, she was a public director of the New York Stock Exchange, and was in private practice for 30 years. She is the author of a two-volume work, *Life at the Center: Reflections on Fifty Years of Securities Regulation*, published last year by the Practising Law Institute, and *Regulation by Prosecution: The Securities and Exchange Commission Versus Corporate America*. She is also the author of dozens of articles on securities regulation and international securities law published in law reviews and journals. Her column, “Securities Regulation,” appears in the *New York Law Journal* every other month. ■



Cynthia Godsoe

PUBLICATIONS

- *Recasting Vagueness: The Case of Teen Sex Statutes*, 73 WASH. & LEE L. REV. __ (forthcoming 2016)
- *Rewrite of the U.S. Supreme Court's Opinion on Statutory Rape in Michael M. v. Sonoma Cty.*, 450 U.S. 464 (1981), in *FEMINIST JUDGEMENTS: REWRITTEN OPINIONS OF THE UNITED STATES SUPREME COURT*, p. 257 (K.M. Stanchi, L.L. Berger & B.J. Crawford eds., Cambridge University Press, 2016)

PROGRAMS & PRESENTATIONS

- Moderator, Panel on Ethics, Children's Law Institute 2016, Practising Law Institute, New York, NY
- Presenter, “Relational Crime,” Crimfest Conference, Cardozo School of Law; Law and Society Annual Meeting, New Orleans, LA; and Family Law Scholars and Teachers Annual Meeting, Loyola University New Orleans College of Law
- Presenter, “Balancing Client Dignity and Mitigation in Juvenile Defense,” Criminal Justice Ethics Schmooze, Cardozo School of Law
- Presenter, Harry Krause Emerging Family Law Scholars Workshop, University of Illinois Law School

Joel Gora

PUBLICATIONS

- *In the Business of Free Speech: The Roberts Court and Citizens United*, in *BUSINESS AND THE ROBERTS COURT*, p. 257 (Jonathan Adler ed., Oxford University Press, 2016)

PROGRAMS & PRESENTATIONS

- Panelist, Constitutional Law Workshop, Campaign Finance Regulation, Southeastern Association of Law Schools Conference, Amelia Island, FL
- Panelist, Plenary Session, “Political Speech or Dirty Money? The 40th Anniversary of *Buckley v. Valeo*,” Annual Conference, ABA Forum on Communications Law, Naples, FL
- Moderator/Panelist, “Free Speech Under Fire: The Future of the First Amendment” Symposium, Brooklyn Law School

Susan Herman

PUBLICATIONS

- *People v. Gillette and Theodore Dreiser's An American Tragedy: Law v. Literature*, JUDICIAL NOTICE, Issue 11, 2016
- *For Judge S. Kaye*, 81 BROOK. L. REV. 1361 (2016)

PROGRAMS & PRESENTATIONS

- Keynote Speaker, “On Balancing Liberty and National Security,” Annual Meeting of German Association for American Studies, Osnabruck, Germany
- Keynote Speaker, “Is Freedom of Speech Dying?,” Cato University
- Panelist, “Civil Rights and Civil Liberties in a Climate of Suspicion,” Arab American Institute Foundation Democratic Convention Panel, Philadelphia, PA

- Panelist, “Supreme Court and Other Significant Cases Update,” National Seminar for Federal Defenders, Pittsburgh, PA
- Panelist, “Where Should Schools Draw the Line? Where Bullying and the First Amendment Collide,” ABA Civil Rights and Social Justice Section Teleconference
- Speaker, “The Conversation: Something Has to Give,” Caribbean Attorneys Network, New York, NY
- Presenter, Legal Outreach 2016 Law & Justice Institute, New York, NY
- Moderator, “Trapped” (documentary) post-screening discussion on anti-abortion laws, Family Law Organization, New York, NY
- Speaker, “Constitutional Utopianism,” Utopia500 Symposium, McGeorge School of Law, University of the Pacific
- Keynote Speaker, “Ab(ju)dication: The War on Terror, Civil Liberties, and the Courts,” Suffolk University Law Review Donahue Lecture Series
- Panelist, “Free Speech Under Fire: The Future of the First Amendment” Symposium, Brooklyn Law School
- Keynote Speaker, “The Impact of National Security and Civil Liberties on the Upcoming Presidential Election,” International Students for Liberty Conference, Washington, D.C.
- Senate Democratic Caucus Roundtable Discussion on Voting Rights, Panel on Voting Rights for Congressional Staff

SELECT MEDIA

- *Breaking Through Partisan Gridlock*, STAND (Summer 2016); *Members Bridge the Gap*, STAND, (Winter 2016); and *Love Triangles, Death, and Doubt: People v. Gillette and An American Tragedy*, HISTORICAL SOCIETY OF THE NY COURTS, Jul. 2016

Edward Janger

PUBLICATIONS

- *Bankruptcy Sales*, in HANDBOOK ON CORPORATE BANKRUPTCY, B. Adler Ed. (Elgar, forthcoming 2017) (with M. Jacoby)

PROGRAMS & PRESENTATIONS

- Commentator, “The Emerging Architecture for Restructuring International Corporate Groups,” International Insolvency Institute Annual Meeting, Tokyo, Japan
- Commentator/Moderator, Panel on International Perspectives on Overindebtedness, Law and Society Association Annual Meeting, New Orleans, LA
- Panel Organizer and Presenter, The Emerging Architecture for the Restructuring of International Corporate Groups, American College of Bankruptcy Annual Meeting, Washington, D.C.

HONORS/AWARDS/APPOINTMENTS

- American Bar Association Delegation to UNCITRAL Working Group V

Roberta Karmel

PUBLICATIONS

- *The Challenge of Fiduciary Regulation: The Investment Advisers Act After Seventy-Five Years*, 10 BROOKLYN J. CORP., FIN. & COM. L. 407 (2016)
- *Disclosure Reform—The SEC Is Riding Off in Two Directions at Once*, 71 BUS. LAWYER 781 (2016)

PROGRAMS & PRESENTATIONS

- Panel Moderator, “Symposium: The Role of Technology in Compliance in Financial Services: An Indispensable Tool as Well as Threat?,” Center for the Study of Business Law and Regulation, Brooklyn Law School

SELECT MEDIA

- An Interview with Roberta S. Karmel, BUSINESS LAW TODAY (June 16, 2016)
- NEW YORK LAW JOURNAL columns: *Lindeen Decision: Attack on Blue Sky Preemption Fails* (Aug. 18, 2016); *Business and Financial Disclosure—The Concept Release on S-K* (June 16, 2016); *Proposals for Intrastate and Regional Offerings* (Apr. 21, 2016); *Crowdfunding: Rules for Funding Portals* (Feb. 18, 2016)

Adam Kolber

PUBLICATIONS

- *The Bumpiness of Criminal Law*, 67 ALA. L. REV. 855 (2016)
- *Free Will as a Matter of Law*, in PHILOSOPHICAL FOUNDATIONS OF LAW AND NEUROSCIENCE (Dennis Patterson & Michael Pardo eds., Oxford University Press, 2016)

PROGRAMS & PRESENTATIONS

- Presenter, “Ten Commandments for Criminal Law Scholars,” Crimfest Conference, Cardozo Law School
- Presenter, “Free Will as a Matter of Law,” Divisional Seminar on Law and Psychiatry, Columbia University

SELECT MEDIA

- Quoted in *Teaching Prison Inmates About Their Own Brain Trauma Could Help Them Rehabilitate*, NEWSWEEK (June 29, 2016); and in *Personal Injury Lawyers Turn to Neuroscience to Back Claims of Chronic Pain*, ABA JOURNAL (Mar. 1, 2016)

Rebecca Kysar

PUBLICATIONS

- *Interpreting Tax Treaties*, 101 IOWA L. REV. 1387 (2016)

Brian Lee

PROGRAMS & PRESENTATIONS

- Commenter, CPIP Research Symposium on Philosophical Approaches to Intellectual Property, George Mason University Law School
- Presenter, “Privatizing Public Compensation for Takings?” University of Pennsylvania Wharton School

Gregg Macey**PUBLICATIONS**

- Introduction (Symposium, *The Post-Carbon World: Advances in Legal and Social Theory*), 82 BROOK. L. REV. __ (forthcoming 2016)
- *Energy Transitions in the Industrial Sector*, in LEGAL PATHWAYS TO DEEP DECARBONIZATION (Michael Gerrard & John Dernbach eds. 2016)

PROGRAMS & PRESENTATIONS

- Presenter, “Green-Energy Transitions in the Industrial Sector,” Columbia Law School
- Organizer and Presenter, “The Post-Carbon World,” David G. Trager Public Policy Symposium, Brooklyn Law School

Christina Mulligan**PUBLICATIONS**

- *A Story of Land*, 95 TEX. L. REV. SEE ALSO (forthcoming 2016)
- *Founding-Era Translations of the Constitution*, 31 CONST. COMM. 1 (2016) (with M. Douma, H. Lind & B. Quinn)

PROGRAMS & PRESENTATIONS

- Presenter, Founding-Era Translations of the Constitution, New York University School of Law
- Presenter, Killing Copyright, Intellectual Property Colloquium, University of Illinois-Champaign and University of Michigan Law School
- Commentator, Private Law & Intellectual Property Conference, Harvard Law School

OTHER PROFESSIONAL ACCOMPLISHMENTS

- Florence Rogatz Visiting Associate Professor of Law, Yale Law School, Spring 2016

Minor Myers**PUBLICATIONS**

- *Aggregation by Acquisition: Replacing the Class Action with a Market for Legal Claims*, 101 IOWA L. REV. 1323 (2016) (with C. Korsmo)

PROGRAMS & PRESENTATIONS

- Co-Presenter, “Interest in Appraisal” and “Who Cares about Agency Costs in Executive Compensation?,” National Business Law Scholars’ Conference, University of Chicago
- Presenter, “The Secret of Delaware’s Success: The Essential Role of the Bar in the Market for Corporate Law,” Society for Institutional and Organizational Economics, Paris, France; National Business Law Scholars’ Conference, University of Chicago
- Moderator, Roundtable on Delaware Appraisal Actions, Institutional Investor Educational Foundation, New York City

SELECT MEDIA

- Quoted in REUTERS and FORTUNE multiple times on board-related matters, shareholder issues, executive pay, and the Delaware Court: *Tesla Quietly Changed Its Bylaws to Ward Off*

SolarCity Shareholder Fight (June 23, 2016); *Unusual Media Blitz Rips Top Judge of Delaware’s Corporate Court* (June 6, 2016); *How Michael Dell Shortchanged Shareholders While Doing Nothing Wrong* (June 2, 2016); *Viacom CEO, Board Face Tough Fight Against Redstone: Experts* (May 31, 2016); *U.S. Court Rules \$24.9 Billion Dell Buyout Underpriced by 22 Percent* (May 31, 2016); *Ruling Withdrawn in Closely Watched Tribune Co. Clawback Case* (Mar. 28, 2016); and *Berkshire’s Abel Sees 2015 Pay Surge 48 Percent to \$40.77 Million* (Feb. 29, 2016).

K. Sabeel Rahman**PUBLICATIONS**

- *From Economic Inequality to Economic Freedom: Constitutional Political Economy in the New Gilded Age*, _YALE L. & POL’Y REV._ (forthcoming 2017)
- *Canary in the Coal Mine: The On-Demand Economy and the Regulatory Challenges of 21st Century Capitalism*, _EUR. J. RISK REG._ (forthcoming 2017)
- *Producing Democratic Vibrancy*, _J. L. & POL’Y_ (forthcoming 2017)
- *Domination, Democracy, and Constitutional Political Economy in the New Gilded Age: Towards a Fourth Wave of Legal Realism?*, 94 TEX. L. REV. 1329 (2016)
- *Restoring Competition in the U.S. Economy* (with L. Khan); and *Fixing the Regulatory State* (with D. Duffy, K. Milani & L. Palladino), in UNTAMED: HOW TO CHECK CORPORATE, FINANCIAL, AND MONOPOLY POWER 18, 68 (Roosevelt Inst., May 2016)
- *Democracy Against Domination: Progressivism, Republicanism, and Economic Freedom Today*, CONTEMP. POL. THEORY, Apr. 2016

PROGRAMS & PRESENTATIONS

- Presenter, “Reinventing Social Policy,” New America, Family Centered Social Policy Workshop, Washington, D.C.
- Panelist, “Policymaking as Power-building,” Purchasing Power: Next Generation of Research on Money-in-politics conference, The Graduate Center, City University of New York
- Panelist, “Chevron under Fire,” American Constitution Society annual convention, Washington, D.C.
- Panelist, “Labor, Citizenship, and the Gig Economy” roundtable, Law and Society Association annual meeting, New Orleans, LA
- Presenter, “Popular Administration,” Administrative Law roundtable, Michigan State University
- Panelist, “Free Speech Under Fire: The Future of the First Amendment” Symposium, Brooklyn Law School
- “Private Power, Public Values,” Public Law Workshop, Harvard Law School
- Presenter, “Constitutional Political Economy and Fourth Wave Legal Realism,” Public Law Workshop, Columbia Law School

HONORS/AWARDS/APPOINTMENTS

- Appointed to The New Press Board of Directors

SELECT MEDIA

- *Rethinking Regulation*, ROOSEVELT INSTITUTE, Apr. 2016
- *The New Curse of Bigness*, THE AMERICAN PROSPECT (forthcoming, Fall 2016)

Professor Gregg Macey Receives Tenure



PROFESSOR GREGG MACEY, who focuses on environmental law, climate change, natural and human-made disasters, and organization theory, was recently granted tenure. Macey has an extensive background in these areas. He holds a J.D. from the University of Virginia Law School and a Ph.D. in urban planning from MIT and has taught environmental planning at the graduate level.

Macey is currently writing a book on the science of energy production and infrastructure risks. His recent work includes “Boundary Work in

Environmental Law” in the *Houston Law Review* (2015), and chapters on natural hazards that trigger technological disasters (in *Risk Analysis of Natural Hazards*, 2016) and green energy transitions in the industrial sector (in *Legal Pathways to Deep Decarbonization*, forthcoming). His work has appeared in a number of journals, including the *Journal of Policy Analysis and Management*, *Georgetown Law Journal*, *Environmental Management*, *Cornell Law Review*, *Brigham Young University Law Review*, *Utah Law Review*, *Virginia Environmental Law Journal*, *Environmental Law*, and *MIT Journal of Planning*.

In 2016, Macey organized the David G. Trager Public Policy Symposium, “The Post-Carbon World: Advances in Legal and Social Theory,” which drew a dozen legal scholars and social theorists from around the country (see page 14). His work has garnered significant media attention. He was first author of a two-year study, “Air Concentrations of Volatile Compounds Near Oil and Gas Production,” which was published in *Environmental Health* in 2014. The study examined air pollution near unconventional oil and natural gas production sites in five states. It was covered in *National Geographic*, *Inside Climate*

News, *U.S. News*, *Scientific American*, and other media outlets.

Macey praised the Brooklyn Law School faculty for the impact of their scholarship and teaching. “I marvel at the depth of my colleagues’ expertise and concern for matters of importance, which they show in the classroom and in their writing,” Macey said. “Brooklyn Law School has, for many years, succeeded in fostering an engaged community of scholars.”

Macey joined the faculty in 2010 from Fordham Law School, where he was a visiting assistant professor. His background includes work as an associate with Kirkland & Ellis, a senior associate with E2 Inc., an environmental consulting firm, and a senior associate with the Consensus Building Institute, which specializes in public dispute resolution. He was editor-in-chief of the *MIT Journal of Planning* and the *Virginia Environmental Law Journal* and taught courses in environmental economics, land use policy, and environmental justice at the University of Virginia School of Architecture. He also was a Dillard Fellow at the University of Virginia School of Law, a Voorhees Instructor at MIT, and a Research Fellow at Harvard Law School. ■

- *The Key to Making Economic Development More Equitable Is Making It More Democratic*, THE NATION (Apr. 26, 2016)
- *The Economics of Power*, NEW AMERICA WEEKLY (Apr. 22, 2016)
- *What Clinton and Sanders Are Really Fighting About*, THE ATLANTIC (Feb. 16, 2016)

David Reiss

PUBLICATIONS

- *Sloppy, Sloppy, Sloppy: The State of the Mortgage Market*, 39 CAL. REAL PROP. L. REP. 60 (2016)
- *Ensuring That Homeownership Is Sustainable*, 22 WESTLAW J. BANK & LENDER LIABILITY, no. 1, 2016, at 6

PROGRAMS & PRESENTATIONS

- Participant, “Weil, Gotshal & Manges Roundtable,” Center for the Study of Corporate Law, Yale Law School
- Moderator, “Bottom-Up Governance: Micro-Level Analysis, Expertise Barriers, and the Distribution of Transition Costs and Benefits,” David G. Trager Public Policy Symposium, Brooklyn Law School

HONORS/AWARDS/APPOINTMENTS

- Appointed Research Affiliate, NYU Furman Center

SELECT MEDIA

- *Update on Implementation of the Single Security and the Common Securitization Platform Comment Letter*, Aug. 2016
- *Comment Letter on Uniform Interagency Consumer Compliance Rating System*, FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL, July 2016 (Docket # FFIEC-2016-0001)

- *Collection Activities Comment Letter*, CONSUMER FINANCIAL PROTECTION BUREAU, Apr. 2016 (Docket Number CFPB-2016-0011)
- *Duty to Serve Comment Letter*, FEDERAL HOUSING FINANCE AGENCY (March 17, 2016) (Comments/RIN 2590-AA27)
- Interviewed on *Millennials Coming Home*, VOICE OF AMERICA'S AMERICAN CAFÉ (May 31, 2016)
- Interviewed on *Nightly Business Report*, CNBC/PBS (Feb. 22, 2016)
- Quoted in *Attention, Jumbo-Mortgage Shoppers: Deals Ahead*, THE WALL STREET JOURNAL (Aug. 23, 2016); *BofA Must Face RICO Claims on Loan Modifications*, BLOOMBERG BANKING (Aug. 15, 2016); *Why Investors Own Private Mortgage-Backed Securities*, U.S. NEWS & WORLD REPORT (July 18, 2016); *Are You Really Just Throwing Your Money Away When You Rent?*, FORBES (July 12, 2016); *Kansas City Presses To Sell Eyesore, Vacant Homes for A Buck*, ASSOCIATED PRESS (Mar. 27, 2016); *Tax Breaks You May Have Overlooked: Airbnb, Dental Bills*, NEWSDAY (Feb. 27, 2016); and numerous other outlets.

Elizabeth M. Schneider

PROGRAMS & PRESENTATIONS

- Presenter, "Domestic Violence and Equality," Conference on Culture, Dispute Resolution and the Modernised Family, International Center on Family Law, Policy and Practice, Kings College, London, England
- Panelist, "Developments in Civil Procedure, Civil Rights Plaintiffs and Access to Court," Equal Before the Law? Symposium, Civil Rights and Access to Justice, New York Law School

Jocelyn Simonson

PUBLICATIONS

- *Bail Nullification*, 115 MICH. L. REV. __ (forthcoming 2017)
- *Beyond Body Cameras: Defending a Robust Right to Record the Police*, 104 GEO. L. J. 1559 (2016)

PROGRAMS & PRESENTATIONS

- Presenter, "When the City Posts Bail," CrimFest Conference, Cardozo School of Law
- Presenter, "Bail Nullification," Junior Criminal Law Scholars Roundtable, Harvard Law School
- Panelist, "Cops, Prosecutors, and Community," Reckoning With Force Conference, New York University School of Law
- Presenter, "Filming the Police as an Act of Resistance," Journal of Law and Public Policy Symposium, Smartphoned: Legality of Filming the Police, University of St. Thomas School of Law, Minneapolis, MN

SELECT MEDIA

- Interview on *Bloomberg Law: Rise in Police Violence* (Audio), BLOOMBERG RADIO (July 8, 2016)
- Interviewed on *Legal experts predict little hope for retrial in Peter Liang public hearing*, SINOVISION (April 12, 2016)

- Quoted in *We Protect Our Communities: Cop Watchers Speak out*, NBC NEWS (May 12, 2016) and *For Victims, an Overloaded Court System Brings Pain and Delays*, THE NEW YORK TIMES (Feb. 1, 2016)

Janet Sinder

PUBLICATIONS

- *The Effects of Demand-Driven Acquisitions on Law Library Collection Development*, 108 LAW LIBR. J. 155 (2016)

Lawrence Solan

PUBLICATIONS

- *Can Corpus Linguistics Help Make Originalism Scientific?*, 126 YALE L.J. F. 57 (2016)
- *Die Auslegung mehrsprachigen Rechts: Einige Vor- und Nachteile [The Interpretation of Multilingual Laws—Some Costs and Benefits]*, 21 GREIFRECHT 38 (2016)
- *Precedent in Statutory Interpretation*, 94 N.C. L. REV. 1165 (2016)
- *Statutes and Case Law*, in AMERICAN GOVERNANCE (Stephen Schechter ed., Macmillan Reference USA, 2016)

PROGRAMS & PRESENTATIONS

- Presenter, "Finding Ordinary Meaning: The Judge, The Dictionary or the Corpus?" Sixth International Conference on Law, Language and Discourse, Haifa University
- Presenter, "Linguistic Issues in Legal Interpretation," Faculty of Law, Adama Mickiewicz University, Poznan, Poland; Yale Law School; Käte Hamburger Kollegs "Recht als Kultur" Center for Advanced Study in the Humanities, University of Bonn
- Plenary address, "We Are All Translators Now: Constitutional Analysis as Translation," 11th Conference on Legal Translation, Court Interpreting and Comparative Legalinguistics, Adama Mickiewicz University, Poznan, Poland
- Keynote, "Patterns in the Fabric of Law and Language," Conference on The Fabric of Law and Language: Discovering Patterns through Legal Corpus Linguistics, University of Heidelberg
- "Remarks on Legislative Intent," Legislative Intent: Can We, Do We, Should We Seek It? Symposium, CUNY Graduate Center Department of Philosophy and University of London Institute of Advanced Legal Studies and Institute of Philosophy
- Presenter, "The Dictionary, the Corpus, and the Judge," Dictionary Society of North America, New York, NY
- Co-Presenter, "Legal Indeterminacy in the Spoken Word," Department of Linguistics, Yale University
- Presenter, "Precedent in Statutory Interpretation," Roundtable on Statutory Interpretation, Cardozo Law School
- Presenter, "Lies, Deceit and BS in Court: What are the Differences and Why Do They Matter?" Center for the Study of Law, Language and Cognition, Brooklyn Law School

HONORS/AWARDS/APPOINTMENTS

- Member of Subcommittee on Speaker Recognition, National Institute of Standards and Technology (NIST), OSAC (Organization of Scientific Area Committees)

OTHER PROFESSIONAL ACCOMPLISHMENTS

- Sidley Austin–Robert D. McLean Visiting Professor of Law, Yale Law School, Spring 2016

Alexander Stein**PUBLICATIONS**

- *Empowering Individual Plaintiffs*, 102 CORNELL L. REV. __ (forthcoming 2017) (with G. Parchomovsky)
- *Abortion, Informed Consent, and Regulatory Spillover*, 92 IND. L.J. __ (forthcoming 2016) (with K. Shaw)
- *Constitutional Retroactivity in Criminal Procedure*, 91 WASH. L. REV. 463 (2016) (with D. Fox)
- *Understanding Legal Redundancies*, 94 TEX. L. REV. SEE ALSO 121 (2016)
- AN ANALYTICAL APPROACH TO EVIDENCE: TEXT, PROBLEMS, AND CASES (6th ed., Wolters Kluwer, 2016) (with R. J. Allen et al.)

PROGRAMS & PRESENTATIONS

- Presenter, “Constitutional Retroactivity in Criminal Procedure,” Workshop on Law and Economics, Stony Brook University Economics Department, Center for Game Theory
- Speaker, “Torts and Innovation,” Does Liability Stifle Innovation? Symposium, Keele University School of Law, United Kingdom
- “Constitutional Retroactivity in Criminal Procedure,” Faculty Seminar, Keele University School of Law, United Kingdom
- Presenter, “The Domain of Torts,” Faculty Workshop, University of Alabama School of Law; University of Pennsylvania School of Law

SELECT MEDIA

- Monthly reports on new developments in medical malpractice law, STEIN ON MEDICAL MALPRACTICE
- Interview, *Malpractice Can Begin at the Front Desk with Simple Errors by Admissions Staff*, 38(3) HEALTHCARE RISK MANAGEMENT 29 (2016)

Nelson Tebbe**PUBLICATIONS**

- *Is the Constitution Special?*, 101 CORNELL L. REV. 701 (2016) (with C. Serkin)
- *How to Think About Religious Freedom in an Egalitarian Age*, 93 U. DET. MERCY L. REV. 353 (2016) (McElroy Lecture)

PROGRAMS & PRESENTATIONS

- Presenter, “Free Speech After Justice Scalia” and “Is Religion Special?,” Southeastern Association of Law Schools Conference, Amelia Island, FL
- Presenter, “Religion, Liberalism, and Law: A Symposium on Cecile Laborde’s *Liberalism’s Religion* and Nelson Tebbe’s *Religious Freedom in an Egalitarian Age*,” University of Virginia Law School
- Presenter, “Religious Freedom in an Egalitarian Age,” Faculty Workshop, St. John’s University School of Law
- Discussant, “The Unacknowledged Constitution,” Faculty Workshop, University of Texas Law School

HONORS/AWARDS/APPOINTMENTS

- Appointed to the editorial board of a book series, *Law, Politics, and the Humanities*, Cornell University Press

SELECT MEDIA

- Coauthor, *Zubik and the Demands of Justice*, SCOTUSBLOG (May 16, 2016) (with M. Schwartzman and R. Schragger)
- Coauthor, *The Contraception Compromise*, SLATE (April 14, 2016) (with R. Schragger and M. Schwartzman)
- Quoted in *Left, right: Thirty Years Ago, Progressives Embraced Religious Exemptions. No longer*, THE ECONOMIST (July 9, 2016); *Top court judge one of “Most influential” and McGovern: Top Court Tie Likely a Defeat for Obama*, BOSTON HERALD (Apr. 19, 2016, Feb. 14, 2016) and *The Two Separate Worlds of Gay Rights*, CHRISTIAN SCIENCE MONITOR (April 7, 2016)

Aaron Twerski**PUBLICATIONS**

- PRODUCTS LIABILITY, PROBLEMS AND PROCESS (Aspen Pub. 8th ed., 2016) (with J. A. Henderson, Jr. & D. S. Kysar)
- TORTS, CASES AND MATERIALS (Aspen Pub. 4th ed., forthcoming 2016) (with J. A. Henderson, Jr. & W. B. Wendel)
- *Extending Comparative Fault to Apparent and Implied Consent Cases*, 82 BROOK. L. REV. __ (forthcoming 2016) (with N. Farber)

To learn more about recent scholarship from Brooklyn Law School faculty, please visit brooklaw.edu/faculty-scholarship

Alumni Events

ON THE ROAD Graduates Reconnect in Long Island, Florida, Washington, D.C., Boston, and California

▼ Forchelli Firm Sponsors Long Island Alumni Event

In February, Dean Allard and Professor Aaron Twerski joined graduates at a reception hosted by Board Trustee Member Jeffrey Forchelli '69 at his firm, Forchelli, Curto, Deegan, Schwartz, Mineo & Terrana, in Uniondale, New York. ■



AT THE RECEPTION, TOP: Michael Faltischek '73 and Jeffrey Forchelli '79; ABOVE: Allison Rosenzweig, Daniel Moskowitz '75, Dean Nick Allard, and Karen Tenenbaum '83



TOP: Kevin Hellmann '95, Rebecca Leon '95, and Matthew Dietz '96 with a prospective student at the Miami alumni reception; ABOVE: Sol Kamen '53 and Harold Berzow '71 at the alumni brunch in Boca Raton.

▲ Florida Alumni Gather over Valentine's Day Weekend

Over the Valentine's Day Weekend, Dean Nick Allard met with Florida graduates. On Friday evening he played host with his wife Marla to graduates in the Miami area for a lively reception at the Conrad Hotel. Then on Valentine's Day, Board Trustees Florence Subin '75 and Susan and Martin Fischer '64 generously hosted a brunch for over 60 people at the Bocaire Country Club in Boca Raton. ■



◀ **Boston Alumni Meet Career Center Dean and Staff** Karen Eisen, assistant dean of career and professional development, and Danielle Sorken, director of the public service office, along with members of their staff, greeted graduates in April at a reception in Boston during the National Association for Law Placement conference. ■



Newly sworn-in graduates gather outside the Supreme Court following the ceremony.

“I felt an overwhelming sense of gratitude... for the monumental contribution that the justices, past and present, have made to our democracy as a whole.” —Jennifer Kasman ’05

◀ U.S. Supreme Court Swearing-In Ceremony and *Othello* in Washington, D.C.

In March, Professor Michael Gerber stood before the U.S. Supreme Court Justices and presented a motion for 18 Brooklyn Law School graduates to be admitted to the U.S. Supreme Court bar. Chief Justice John Roberts administered the oath for the group admission, granting each new member the right to argue cases before the highest court in the nation.

“During the ceremony, I felt an overwhelming sense of gratitude and appreciation for the monumental contribution that the justices, past and present, have made to our democracy as a whole,” said Jennifer Kasman ’05. “It was an honor to spend that morning taking in both the history and atmosphere of the Supreme Court with such an accomplished group of Brooklyn Law School alumni.”

During the same trip to Washington, D.C., Dean Nick Allard arranged for the Law School alumni and friends in the Washington area to see a memorable performance of *Othello* at the Shakespeare Theatre Company. After the show, members of the cast joined graduates and newly admitted Supreme Court bar members for cocktails and conversation. Several current students also made the trip from Brooklyn to take part in the event and network with local alumni. ■

▼ ABA Conference in San Francisco

In conjunction with the annual American Bar Association Conference held in San Francisco, graduates who either were attending the conference or lived in the area gathered at the St. Regis for a reception hosted by the Law School. The group heard the latest news about the Law School from Dean Allard as well as from new Legal Writing Director Heidi Brown and John Rudikoff, CEO of CUBE (the Center for Urban Business Entrepreneurship). ■



▲ Emerging Issues in IP Law: Trademarking Hashtags and Emojis

In April, the Law School hosted a panel discussion for students and alumni on how hashtags and emojis are currently being used by companies and how they can function as trademarks. Joel Schmidt (*pictured, above left*), partner at Cowan, Liebowitz & Latman, which co-sponsored the event, served as a panelist, along with David Mitnick ’00, founder and president of DomainSkate LLC, and Craig Abruzzo ’97, general counsel of Birchbox. Professor Christopher Beauchamp moderated the discussion. ■



If you are interested in hosting an event for graduates, please contact Andrea Polci, associate director of Alumni Relations, at andrea.polci@brooklaw.edu or 718-780-0319.

ALUMNI REUNIONS



IN JUNE, Brooklyn Law School celebrated its Classes of 1951, 1956, 1961, 1966, 1971, 1976, 1981, 1986, 1991, 1996, 2001, 2006, and 2011. Nearly 300 alumni, friends, and faculty gathered at Cipriani 25 Broadway in lower Manhattan. The magnificent venue was the perfect location to reconnect with classmates, spend time with faculty, and share their law school memories. Graduates of the Classes of 1971 and earlier, including the Law School's Golden Circle Alumni, who graduated 50 years ago or more, enjoyed an exclusive reception prior to the main event.

Save the date for Reunions 2017, on May 11, 2017, when we celebrate the Classes ending in a 2 or a 7. If you are interested in serving as a Reunion Class Agent, please contact alumni@brooklaw.edu. ■



FROM TOP: Graduates from the Classes of 1951–1976 enjoyed an exclusive pre-reception; Robyn Radulescu, Robert Segall, Lisa Daniels, Natasha Rampy-Martorelli, Ann Zaslow, and Justin Lowenberger from the Class of 1991 reminisce while looking through their yearbook; the Class of 2006 gathers for a group photo with Dean Nick Allard.



TOP: Dr. Manuel Acevedo and Dr. Maria DeJesus Galvan '89 with their scholarship recipient, Juan Moreno '17 (center); **ABOVE:** Scholarship recipients during the program



Endowed Scholars Celebration

IN MARCH, the 35th Annual Endowed Scholars Reception brought together scholarship recipients with the generous donors whose gifts support their education.

"Because of your commitment to our students, they have unparalleled opportunities to make a positive difference in this city, the nation, and the world," Dean Nick Allard said. "By establishing a scholarship, you pass on the value of lifelong philanthropy and inspire our students to give back to the Law School when they are in a position to do so."

Speaking on behalf of the scholarship recipients, Lillian Smith '16 said: "The scholarships you provide open doors to a changing legal profession where people from all backgrounds are able to participate and to flourish. I think about the brilliant and inspired students in this room who will graduate and go on to effect meaningful change for the public interest, who will innovate and forge new paths in their fields, who will become judges, and professors, and politicians, and it strikes me that the catalyst for the incredible things we will do is the generosity of the donors in this room."

Dr. Arline Bronzaft, wife of the late Bertram Bronzaft '61, spoke on behalf of the Bronzaft family, who are loyal supporters of the Law School. The Bronzaft family and friends established the Bertram Bronzaft '61 Scholarship, which is awarded each year to a deserving student who has demonstrated excellence as an Edward V. Sparer Public Interest Law Fellow, a program Bronzaft helped to create with Professor Liz Schneider. ■

For more information about creating a scholarship, please contact Caitlin Monck, Director of Alumni Engagement and Special Programs, at caitlin.monck@brooklaw.edu or 718-780-0322.

Matthew E. Swaya '81 Makes Gift to Inspire New Students

MATTHEW E. SWAYA '81 recently made a generous donation to the Law School with a unique provision. He requested that a portion of his gift be used to cover the expense of giving every entering student a copy of the book *Judging Statutes*, by the Hon. Robert Katzmann, chief judge of the U.S. Court of Appeals for the Second Circuit. Swaya, chief ethics and compliance officer for Starbucks, shared the stage with Judge Katzmann as featured speakers at the 2016 Brooklyn Law School Convocation on August 22. (See page 7.)

"Dean Allard sent me the book and I was inspired by it," said Swaya of Judge Katzmann's book, which makes a compelling case for why judges must look at the legislative record behind a law—and not merely the statute itself.

Swaya's own global view informs his work at Starbucks, the Seattle-based



international coffee powerhouse. In addition to overseeing the company's ethical business practices worldwide, he serves as the principal attorney for the Americas business unit and has served as the primary attorney for the company's

global labor and employment matters and the Starbucks partner resources leadership team.

Swaya credits his Brooklyn Law School internship with Judge Alvin Schlesinger in the Bronx Supreme Court as a pivotal experience in defining his core values. "Judge Schlesinger taught me to treat everyone with respect, regardless of their demeanor and the strengths and weaknesses of their positions or testimony," he said. "This resonated then, and it still does today."

Today, Swaya gives back to the Law School to imbue current students with those same values. "What I've learned through 38 years of practice is that civility, integrity, and professionalism are what differentiates the highest level of lawyers, and I aspire to be that kind of lawyer," he said. "And if I can help others aspire to that as well, it matters to me." ■

Q&A **A Conversation with Hon. Arthur “Jerry” Kremer ’58**

*After a long and distinguished career in politics and public service,
Jerry Kremer is just getting started*

Arthur Kremer '58, known to all as Jerry, is not ready to retire. At age 81 he is still busy adding to his long list of accomplishments. As a New York State assemblyman for 23 years representing a Long Island district that included the Five Towns, Long Beach, and other South Shore communities, he helped draft New York's Shield Law, which protects journalists from revealing confidential sources, and sponsored the groundbreaking Lemon Law to protect automobile buyers from the sale of faulty used cars. He also was chairman of the powerful Ways and Means Committee for 12 years.

The Bronx-born attorney and politician serves today as a partner at Ruskin Moscou Faltischek PC, where he chairs the Municipal and Regulatory Affairs Department, and he is president of Empire Government Strategies, a successful lobbying group. He sits on the State Commission on Professionalism in the Law, is a trustee of Hofstra University, and most recently was named chairman of the Council of Independent Colleges and Universities Governing Board, which represents 8,100 trustees who serve on 131 college boards in New York state.

In addition, Kremer has recently authored two books, adding to his distinguished resume. He just completed a short book, *Waste, Fraud and Abuse: A Dark History of Constitutional Conventions*, about the history of constitutional conventions in New York. In 2013, he published his first book, *Winning Albany: Untold Stories About the Famous and Not So Famous*, which details his experience while serving as an Assembly member. He writes regular columns for several Long Island newspapers and appears on Fox News and ABC News as a commentator.

Kremer discussed his long career in law and politics in a conversation with *Brooklyn Law Notes*.



What impact did Brooklyn Law School have on your career?

Coming from a family of modest means, my acceptance to Brooklyn Law School was exciting. Without my law degree I could not have achieved anywhere near the success I have had professionally. I went from law school into private practice, then I became an assistant corporation counsel in Long Beach, N.Y. I became the corporation counsel, then I was acting city manager for a year. And I thought: "It's time to move on, move from local to state government," and I was elected to the State Assembly. But without the law degree, I never would have had the focus on all of these challenges. Being in the Legislature, you have 14,000 bills introduced each year. Brooklyn

Law School taught me the kind of analytic thinking that I needed to understand how to approach problems and the ability to see issues quicker than other people sitting around the table. So, it has left a very indelible mark on my life.

How did you become interested in politics?

It started at an early age. When I was 12 years old I developed this very intense interest in politics. I followed politics mostly locally, and I started writing for a local newspaper. When I was around 17 or 18 I focused on learning the mechanics of politics. I learned everything from the menial details, to writing speeches for members of the city council, to working on campaigns. By the time an Assembly seat opened up in 1965, not only was I ready, but I was lucky enough to get the party's nomination. From that point on I came to understand the limits of power and what you can accomplish.

“Remember that everyone has their own agenda. What you really need to do is talk out the issues, listen carefully, and then don't be the first one to try to impress people with how much you know.”

What are the legislative accomplishments of which you are most proud?

I chaired Ways and Means for 12 years, spending New Yorkers' money throughout my tenure wisely; ensuring that it made it to places where it was needed most: putting libraries into colleges that didn't have decent libraries, finding recreational facilities for campuses where kids needed an outlet, recognizing community programs for children with cancer and adults with learning issues, and creating the first of the pre-Kindergarten programs in the state.

I also helped New York become the first state with a Shield Law. A reporter, Marie Torre, was being held in contempt of court for failure to reveal her sources. It was a big issue at the time. I followed it closely and pushed hard to enact a Shield Law of some kind in New York which would protect journalists from having to reveal their sources.

On the Lemon Law, there was a member who retired who had sponsored the bill for two years, and once he left I looked at it and I thought it really had the potential to become a national law. So I took his bill, made changes, and battled with the auto industry. They sent every living lobbyist to Albany to try to stop the bill. We

not only got the bill passed and signed into law, but after New York passed it, 29 states followed. Now it's pretty much the law in most states around the nation.

What is the secret to persuasion and consensus in terms of passing bills?

Number one: Listening to the people around the table, understanding where they come from. Remember that everyone has their own agenda. What you really need to do is talk out the issues, listen carefully, and then don't be the first one to try to impress people with how much you know. Good laws are made that way.

How did you develop your lobbying group, Empire Government Strategies?

When I left Albany, I took a breather for quite a while, but then decided it was the right time to get back in. I wanted to create an entity within a law firm that would focus on government affairs and public policy. Half my day is devoted to economic development, pending legislation, giving clients advice on what laws mean and how to interpret them. The rest of the time I am focused on writing, going to events, and just staying visible.

How would the people closest to you describe you?

My daughters call me intense. I swear I'm not Type A. I'm probably B+; I don't explode, and I listen. My wife calls me distracted because I'm usually doing my own thing. “Haven't you read enough of that stuff tonight? Can't you hold off?” But I don't think I'm distracted. When I am able to tell her exactly what she said 10 minutes earlier, she's impressed.

What lessons do you think we should take from the 2016 presidential election?

We have become accustomed to traditional candidates from both parties. This year may be a new trend, or the end of one-time outsiders. Either way, the public is hungry for something different, and that is the lesson for the next election for both parties. Whatever the outcome on Election Day, things will never be the same.

What advice would you give to young people who want or are considering a career in politics and the law?

First of all, don't be reluctant to run for something. Eventually pick out the area where you want to be part of the dialogue, and then jump in. But the idea that you can master everything based on your legal skills is self-defeating. Be prepared to be challenged when you seek public office.

The foundation of everything you do and become is really where you start. Brooklyn Law School students have an opportunity that is much more unique than mine because the skills I developed were very broad skills. Today's curriculum allows them to really start to become experts early on. They can make informed choices earlier because they are in such a good environment. ■

Class Notes

1952

Daniel Kaplan was recently featured in an article in *The American Lawyer* in recognition of his long career. Having formerly practiced at four different Am Law 100 firms, he currently maintains a transactional practice as senior counsel at Dorf & Nelson in Rye, N.Y.

1965

Paul Tocker was the recipient of the Schenectady County Bar Association's 50-year attorney award, presented at a luncheon in April 2016. Tocker, currently a resident of Delray Beach, Fla., practiced law in Schenectady for 45 years, and previously served as deputy corporation counsel for the city of Schenectady and as assistant county attorney.

1971

Stephen Siller, former head of LeClair Ryan's transactions group, opened Shipman & Goodwin's first New York City office as senior counsel. His practice focuses on corporate law, mergers, and acquisitions.

P. Bruce Wright, a partner at Sutherland Asbill & Brennan, was honored by the Captive Insurance Companies Association (CICA) with the 2016 CICA Distinguished Service Award. The award recognizes individuals or organizations that have made significant contributions to advancing the captive insurance industry.

Mark L. Zientz, an emeritus member of the Executive Council of the Workers' Compensation Section of the Florida Bar, recently challenged the constitutionality of the Florida Workers' Compensation law as a violation of substantive due process (14th Amendment) in *Stahl v. Hialeah Hospital*, case number 16-98. Based in Miami, he is a former vice-chair of the Worker's Compensation Rules Committee of the Florida Bar, an arbitrator for the National Football League Players Association/Management Council, and a member of the faculty of the Workers' Compensation Trial Advocacy Seminar.

1973

Michael L. Faltischek is senior partner at Ruskin Moscou Faltischek P.C. The firm represented Patrick Dolan, president of News 12 Networks, in his purchase of a 75 percent ownership stake in Newsday Media Group. Newsday Media Group includes *Newsday*, its website *newsday.com*, *amNewYork*, the most widely circulated free daily service in New York City, and *Newsday Hometown Shopper*.

1977

Avery Neumark joined Marks Paneth LLP as a partner in the firm's tax group. He specializes in employee benefits and executive compensation, as well as ERISA, retirement planning, and compensation consulting. He is a former commissioner of the New York State Insurance Fund and a member of the American Bar Association's Employee Benefits Committee. He is also an adjunct professor at the Law School.

1978

Colin A. Moore was honored by the nonprofit 21st Century Leadership Now as part of Guyana's Golden Jubilee of Independence celebrations. Moore, a public speaker and political analyst, was recognized for his contributions to uplift his country and fellow citizens. He is the author of several academic papers, including "The Berbice Insurgency of 1763" and "The Venezuela/Guyana Border Controversy."

Vincent F. Pitta and **Vito R. Pitta '11**, partners of Pitta & Giblin, LLP, recently founded two additional affiliate law firms. Pitta Giblin & Baione LLP and Pitta Giblin Zaremba & Brown PLLC will focus on the representation of individuals seeking 9/11-related illness compensation and individuals injured in construction site accidents, respectively. Pitta & Giblin LLP continues to focus its practice on traditional union-side labor law, employee benefits law, and campaign finance law.

1979

John M. Leventhal, associate justice, Appellate Division Second Department, recently published *My Partner, My Enemy* (Rowman & Littlefield, 2016). The book details Judge Leventhal's experiences and cases as the presiding judge of the nation's first felony Domestic Violence Court. He will take part in a Q&A program with Professor Elizabeth Schneider at the Law School in November.

Rosalyn Richter, an associate justice with the Appellate Division, First Judicial Department, received the Capozzoli Gavel Award from New York County Lawyers' Association. She also received a Diversity Champion award from the NYC Bar Association in June 2016.

1980

Jerry M. Judin retired as chief court attorney of the Richmond County Surrogate's Court in May. He began working for the New York State Unified Court System upon graduation from law school, and after two years in the Family Court, he transferred to the Surrogate's Court, where he worked for more than 34 years.

Traci Medford-Rosow received the Beverly Hills Book Award for New Non-Fiction for *Inflection Point: War and Sacrifice in Corporate America*, a memoir of her experience as part of the legal team at Pfizer during the decade-long legal battle over Lipitor, the world's most-prescribed pharmaceutical product. The book is a number one best seller on Amazon. Medford-Rosow is currently a partner at Richardson & Rosow LLC in New York City, specializing in biopharmaceutical intellectual property issues.

Jeffrey S. Sherman, executive vice president and general counsel of Becton, Dickinson and Company (BD), a global medical technology company, has been elected chair of the Board of Trustees of the HealthCare Institute of New Jersey. Sherman is also co-chair of the Inside the Boardroom subcommittee of the American Bar Association Business Law Section's Committee on Corporate Governance.

Daniel Ratner '82 *Labor of Love*



IN APRIL, Brooklyn Law School's Labor & Employment Law Association honored Daniel J. Ratner '82, a partner at the firm of Levy Ratner and general counsel to 1199SEIU, the largest healthcare union in the country, with its 2016 Distinguished Alumni Award. The award was presented by Laureve Blackstone '06 and Susan Cameron '06, both members of Levy Ratner.

"Dan is extremely knowledgeable and confident, but never stops asking questions, even of those with far less experience," Blackstone said at the award presentation attended by students and graduates. "He thinks big and strives for the best outcome, but is ever pragmatic in achieving success for his clients."

Ratner is a labor law powerhouse. The College of Labor and Employment Lawyers, which honors leading labor and employment lawyers nationwide, inducted Ratner as a fellow in 2014, an honor reserved for those, in the words of former National Labor Relations Board Chairman John Truesdale, "whose professional achievements symbolize the highest level of expertise, integrity, and leadership." Throughout his long career, Ratner has been instrumental in achieving significant legal victories for workers. Ratner was a member of the AFL-CIO national litigation team that established the healthcare bargaining unit rules through NLRB rule making and subsequent cases that went to the United States

Supreme Court. He also was responsible for the legal victory that initially established the right of graduate teaching assistants to organize at New York University under the National Labor Relations Act.

As general counsel to 1199SEIU United Healthcare Workers East, which has more than 400,000 members, he oversees the union's bargaining, legal strategy, litigation, and internal governance. Among the agreements he has bargained is the master contract between 1199SEIU and the League of Voluntary Hospitals, a multibillion-dollar agreement covering approximately 150,000 workers in more than 100 hospitals and nursing homes.

After decades sitting across the bargaining table from management, Ratner says the art of the labor bargain has nothing to do with how experienced or articulate the lawyers are. "It's the strength of the workers," he said. "They will determine the nature of the agreement. An experienced bargainer can help fashion the terms so that a strike is not necessary, but in the end it's about the workers—how important they are, how active they are, how connected they are to the community and their religious leaders, and how prepared they are to strike. That is really the key."

The son of a salesman and a nurse, Ratner says the seeds of advocacy were planted early on. "I was in college during the height of the anti-war era and activism

was rampant," he said. "I was studying both economics and the times."

After graduating from George Washington University in 1969, he became a field organizer for 1199SEIU. There, he organized thousands of workers and negotiated and enforced collective bargaining agreements, while pursuing a master's degree in economics from the New School in the evening.

But the life of a labor organizer was stressful and Ratner and his wife were starting their family. Ratner decided law school would lead to a "saner lifestyle."

"The hours as an organizer are just nuts," he said. "You could go out in the morning when you were on strike and not know if you were going to come back or if you were going to get arrested. I was running picket lines from midnight to 8 a.m. when I took my LSATs."

In law school he continued to work as a union organizer during the day (District 65 UAW), and spent his evenings in class, excelling and joining the staff of the *Brooklyn Law Review*.

Ratner started his legal career at Murray Gordon, a firm that represented public sector labor unions. In 1986, he joined the Writers Guild, representing writers and producers in the television and motion picture industries. He played a critical role in organizing the writers for Major League Baseball Productions and bringing them into the Writers Guild. There he met labor attorney Richard Levy and joined him at his firm, Eisner and Levy. In 1993, the two formed their own firm, Levy Ratner, which now has 23 lawyers in Manhattan and represents labor unions and workers in employment discrimination and civil rights cases.

Ratner maintains strong ties to the Law School, hiring graduates, including Blackstone and Cameron, and Jessica Apter '15. Levy Ratner also regularly hires Law School students as law clerks and summer associates.

"I got a great legal education at Brooklyn, and I am so grateful to the school for allowing me to obtain a terrific education at night," he said. "Had they not had that program I could never have become a lawyer." —Andrea Strong '94 ■

He also serves on several other nonprofit boards in the arts, conflict resolution, and education.

Shelley R. Spivack authored an article, “Art Works for Flint’s Detained Youth,” for the summer 2016 issue of the *American Bar Association Children’s Rights Litigation Journal*. The article focuses on the Arts in Detention program at Genesee Valley Regional Center, a short-term detention center housing young adult males and females. Spivack is an attorney/referee for Genesee County Family Court in Flint, Mich.

1982

Mark A. Canizio, a partner at Duane Morris LLP, was named head of the firm’s construction practice group, where he will oversee a team of 95 lawyers. Canizio practices in the areas of construction and commercial litigation, including numerous complex construction cases involving multi-million-dollar disputes.

Robert Leo is a partner in the New York office of Meeks, Sheppard, Leo & Pillsbury. He was recently approved by the U.S. Department of Commerce as a member of the New York District Export Council, which helps promote U.S. exports from the eastern part of New York State, including New York City and Long Island. His practice focuses on U.S. and international law and regulations affecting imports and exports.

1983

Michael D. Grohman, managing partner of Duane Morris’s New York office, was appointed to the board of directors of the Macaulay Honors College Foundation, which seeks to attract private philanthropic support for academic programs and students at Macaulay Honors College at The City University of New York. Grubman is also chair of Duane Morris’s wealth planning practice group. He practices in the areas of tax and estate planning and administration.

Ann MacDougall was appointed to the board of directors of Opiant Pharmaceuticals, Inc., a specialty pharmaceutical company developing pharmacological treatments for substance abuse, addictions, and eating disorders. She is president of Encore.org, a national organization building a movement for

individuals developing second careers in public or nonprofit service.

Joseph G. Milizio delivered an address on “Legal Key Issues in the LGBT Community” for the Sunday Forum Series of the Garden City Community Church, based on Long Island. Milizio is managing partner in the business and transactional law and real estate practice groups at Vishnick McGovern Milizio LLP and heads the firm’s LGBT practice group.

Karen Tenenbaum is an attorney with Tenenbaum Law, P.C. in Melville, N.Y. Her firm is celebrating its 20th anniversary this year. Tenenbaum was recently presented with the Judge Gail Prudenti Top Women in Law Award by Hofstra University School of Law, Center for Children, Families, and the Law and the Future 50 Award by SmartCEO. She also was selected as a New York Metro Super Lawyer for the third consecutive year, and the *New York Law Journal* recently listed Tenenbaum Law as one of the top 100 women-owned law firms in New York.

1984

Linda Alpert joined Barclays as a compliance investigator in the financial crimes unit. Her placement was facilitated by the OnRamp Fellowship, a re-entry platform that matches experienced women returning to the workforce after a career break with law firms, legal departments, and financial services firms.

1985

Michael Feigin is executive vice president and chief construction officer of AvalonBay Communities, the second largest residential REIT in the United States, with a market capitalization of more than \$25 billion. He is responsible for running all aspects of the construction business nationally. Feigin was ranked 35th by *Engineering News Record* in its list of top 100 construction managers in the United States.

Wendy S. Weingart was appointed vice president and general counsel of CORE Services Group, Inc., a New York nonprofit agency. CORE’s programs and services include emergency and transitional housing for adults, families, and runaway youth. CORE also operates an alternative to incarceration program in Brooklyn. She was

previously vice president, assistant general counsel with JPMorgan Chase Bank, NA.

1986

Lee Sporn received the Lifetime Achievement in Luxury Law Award at the Luxury Law Summit in London, hosted by *The Global Legal Post*. Sporn is senior vice president–business affairs, general counsel and secretary of Michael Kors (USA), Inc.

1987

Jeffrey H. Konis recently published a book of historical fiction, *The Conversations We Never Had* (Outskirts Press, Inc.), about a family chronicle and the importance of sharing the history of our ancestors. Konis embarked on a career as a high school social studies teacher after practicing law for many years. His first book *From Courtroom to Classroom: Making a Case for Good Teaching* was published in 2008.

1988

Stan Wilcox was promoted to vice president and director of intercollegiate athletics at Florida State University in Tallahassee. He joined FSU as athletics director in 2013, and previously served as deputy director of athletics at Duke University.

1990

Linda Mercurio is the founder of Transformative Impact, an executive coaching and consulting practice that supports women attorneys and the firms and organizations that hire them. Its Relaunching Attorney Platform is an online course designed to support attorneys looking to re-enter the professional world after a career break. Mercurio is an adjunct professor at William Paterson University of New Jersey, where she teaches Women and the Law and Women and Political Leadership.

1991

Lisa M. Campisi joined Blank Rome’s New York office as a partner in the firm’s insurance coverage group. She focuses her practice on insurance coverage litigation, transactions, and counseling. She was previously of counsel at Morgan Lewis.

Tracy Ferdinand, court attorney for the Kings County Housing Court, was honored for her leadership by the Kings County

Liz Holland '93 *Growing a Family Legacy*

WHEN LIZ HOLLAND '93, CEO of the Chicago-based Abbell Credit Corporation and Abbell Associates, and the chairman of the International Council of Shopping Centers (ICSC), was a student at Brooklyn Law School, she never expected to lead her grandfather's company one day.

"I think it's important to recognize an opportunity when it arises," Holland said. "Even if it's unexpected."

It's a lesson she took from her time at the Law School. "What you learn as you go through school is that you don't take the class, you take the professor," she said. "What really matters is *who* teaches it to you and how fascinating they can make it. For me, Professor Michael Gerber, who taught my contracts class, inspired me so much that I ended up taking all of his bankruptcy classes and focusing on that area of the law."

Holland grew up in Chicago and came to New York to attend Hamilton College, where she received her bachelor's degree in comparative literature (Latin and Homeric Greek). After graduating in the late 1980s, she worked in the bond department at Brown Brothers Harriman & Co. on Wall Street for three years before enrolling at the Law School. Her first post-law school job was in the bankruptcy department at Skadden, Arps, Slade, Meagher & Flom, where she spent three years before becoming a senior staff attorney at the National Bankruptcy Review Commission, a congressional commission created to recommend changes to the U.S. Bankruptcy Code. After the commission submitted its 1,800-page report, she was ready to move back to New York and continue working as an attorney.

But careers don't always go according to plan.

In 1997, when her then 87-year-old grandfather asked her to step into his shoes at Abbell Associates—a 75-year-old private real estate acquisition, development, and management company with more than 3.5 million square feet of shopping center and office space in its portfolio—she agreed hesitantly to return to Chicago, but soon grew to love the work. She had the opportunity to learn the business from her grandfather for two years before he passed away, and then she took over.

"My grandfather was an attorney and a CPA, and he was a pioneer in the shopping center industry," Holland said. "His first shopping center was built in 1952, so it was incredible to learn the business from him. He had seen it all."

Today, in addition to actively managing, leasing, and redeveloping the projects in its portfolio, Abbell Associates pursues real estate assets with financial partners—largely buying shopping centers, and then redeveloping and selling them. "Brick and mortar stores account for over 90 percent of all retail sales," Holland said. "Our strategy is to acquire assets where we add value by repositioning the asset; that means we lease, densify, and reconstruct. Real estate is still all about location, location, location."

In addition to running Abbell, Holland now serves as the chair of ICSC, the global retail real estate industry trade association. She was a trustee between 2004 and 2010, the first person to serve as vice chair, and now the fourth woman to lead the 60-year-old



“I have gone toe-to-toe with the best attorneys and my law school experience has always served me wonderfully well in every way, shape, and form.”

association. She also sits on the boards of several organizations, including 1,000 Friends of Iowa, a farmland preservation and sensible growth organization, and Lighthouse Academies, the largest nonprofit charter school operator in the country.

"I only move in one direction," she said, laughing. "I have one forward gear and no reverse."

Holland lives in her native Chicago with her three daughters—a 9-year-old and 7-year-old twins. "They are my greatest joy, every day," she said. And while she sometimes finds it challenging to balance career, public service, and family life, she ultimately attributes her success to hard work, humor, and her law degree from Brooklyn Law School.

"I'm so grateful for the education I received at Brooklyn. I have gone toe-to-toe with the best attorneys," she said, "and my law school experience has always served me wonderfully well in every way, shape, and form." —*Jen Swetzo* ■

Blair Todt '94 *Inside Man*



WHEN HEALTHCARE insurance giants need a strong leader in compliance, they call on Blair Todt '94.

This summer, Todt was appointed senior vice president and chief legal officer of Health Care Service Corporation (HCSC), the nation's largest customer-owned health insurer and the fourth-largest health insurer in the country. At HCSC, Todt oversees management of the Chicago-based company's legal division, supervising litigation functions, acting as liaison to regulatory agencies, and providing consultation on legal matters affecting the company.

Todt said he is thrilled to join HCSC and is ready to take on the myriad challenges facing large healthcare insurers today. He previously was senior vice president, chief legal and administrative officer and secretary of WellCare Health Plans.

Todt joined HCSC after a career in compliance work, primarily in the healthcare industry, where he has earned a sterling reputation for his expertise and leadership. Before WellCare, Todt was senior vice president, general counsel, and corporate secretary for MedCath, Inc., a healthcare provider that focused on cardiac care; deputy general counsel for BearingPoint, a management and technology consulting firm; and a partner in the Albany, N.Y.-based law firm Carter Conboy Case Blackmore Maloney and Laird.

But healthcare wasn't always Todt's career focus. He started out in the communications field after earning his B.A. in political communication from The George Washington University. He then spent two years at a Washington, D.C.-based media consulting group before coming to Brooklyn Law School.

"It was always the plan to get my law degree," he said. "I was interested in litigation—the pure application of facts to a set of rules and the intellectual stimulus of thinking through problems was the attraction to me. It's hard to shake that."

At the Law School, Todt developed an interest in litigation—he was a member of the Moot Court Honor Society, participated in the Judicial Clinic and spent a summer working in the Brooklyn District Attorney's Office.

"My professors—particularly Arthur Pinto, Gary Schultze, and Richard Allen—prepared me to be a professional and a lawyer, not just someone who knew the law," said Todt. "I have a pragmatic view of how to solve problems, and that is from my professors. The Law School brought to bear more than just academic experience; it gave me real-world experience."

Following graduation, Todt clerked for the Hon. Constantine G. Cholakos in the Northern District of Albany, and then joined the Albany-based law firm of Carter, Conboy, Case, Blackmore, Maloney & Laird. There, he became a strong litigator, trying a variety of cases—employment, products liability, medical malpractice, civil rights, and false arrest. He made partner in 2001, and began representing one particular healthcare client so regularly that when non-litigation matters came up, he was the go-to person.

"At the time we didn't know what compliance was, but I started doing what we would now call investigations," said Todt. "Looking into the company's exposure, helping them mediate and mitigate risk, thinking about long-term planning relative to challenges, and setting up best practices. What I realized on a personal level was that I liked working with clients on matters beyond just getting sued."

Todt left Carter Conboy in 2005 to become deputy general counsel, litigation and compliance at the consulting company BearingPoint LLC (formerly KPMG). One of his first assignments was to respond to a grand jury subpoena.

"I met with the U.S. Attorney and I was looking to show them how we train, to show them our hotline, and I realized we didn't have any of that," he said. "We didn't have a compliance program." Todt set out to create one. He sent a list of two dozen questions to the company's attorneys around the globe and then began building a comprehensive, integrated compliance program. "I never even knew that this area of governance existed and it was just fantastic," he said.

In 2007, he was recruited to build the legal and compliance departments at MedCath. Three years later, he joined WellCare, a Tampa, Fla.-based company that focuses exclusively on providing government-sponsored managed care services. By 2014 he was leading the entire legal department. That is when HCSC came calling.

"HCSC is an opportunity to bring all my experience with audit, compliance, and business development together," Todt said. "I am working at the intersection of the regulatory framework and business, where I can drive healthy outcomes for our members."

—Andrea Strong '94 ■

Housing Court Bar Association at its 15th annual awards luncheon in downtown Brooklyn in May. Ferdinand first worked at the Housing Court as a student in the clinical program, and returned as a court attorney in 2012.

Annette Hasapidis joined Bleakley Platt & Schmidt, LLP as of counsel and co-chair of the appellate practice group. She focuses her practice in the area of civil appellate litigation and strategic trial consultation in complex civil litigation. She continues to maintain a solo practice serving clients in New York and Connecticut.

Juliet “JP” Howard received the 2016 Judith A. Markowitz Emerging Writer Award from Lambda Literary, the nation’s leading national nonprofit organization promoting LGBTQ literature. She is the author of *Say/Mirror*, a debut poetry collection published in 2015. Howard is a graduate fellow of Cave Canem, a Brooklyn-based organization that nurtures and champions African-American poets.

Thomas Juneau joined Montgomery McCracken’s New York City office as an associate in the firm’s real estate practice group. He focuses his practice on commercial and real estate litigation and cooperative and condominium law.

1992

Teresa Matushaj was promoted to counsel at Kasowitz, Benson, Torres & Friedman LLP. She is based in the firm’s New York office, where her practice focuses on the fields of legal ethics, professional responsibility, and e-discovery.

Steve Miller joined CBRE as director of marketing in the greater Washington, D.C., region, where he oversees the day-to-day operations of strategic marketing initiatives. He was previously director of brand marketing and partnerships for Rediscovered Limited, a luxury hospitality firm based in Hong Kong.

Lance Olitt joined the firm of Kluger Healey, LLC as a partner. His areas of expertise include employment and commercial litigation, appearing before state and federal courts in New York and New Jersey, as well as in alternative dispute resolution forums, such as arbitration and mediation.

Judy Selby was appointed managing director of BDO Consulting’s technology advisory services practice, where she provides guidance to organizations and their counsel on cyber insurance, cybersecurity, information governance, data privacy, and complex insurance issues. She was previously a partner at Baker Hostetler, where she was co-chair of the information governance team and founder of the e-discovery and technology team.

1993

David Frey, previously investigations deputy bureau chief, was promoted to investigations bureau chief for the Richmond County District Attorney’s Office. In April 2016, Frey, together with two members of the NYPD, completed an 18-month investigation that resulted in the arrest, prosecution and plea of Robert Costanzo, the infamous “Ninja Burglar,” who was responsible for at least 200 residential burglaries in the tri-state area over 10 years.

Fred Garsson, partner in Saul Ewing’s New York and Newark offices, was appointed vice chair of the firm’s insurance practice. He specializes in insurance regulatory and transactional law.

Pasqualino “Pat” Russo was promoted to partner at Windels Marx LLP, based in the firm’s New York office, representing transportation clients and specializing in the areas of due diligence, compliance, and corporate investigations. Russo joined the firm in 2012 after 15 years devoted to public service in New York.

1994

Jennifer Assa-Kass was a speaker at the Claims and Litigation Management Alliance 2016 Claims College School of Professional Lines in September. She is a senior claims specialist with Nationwide’s management liability and specialty claims where she handles employment practices and liability claims for for-profit and nonprofit insureds.

Frank V. Carone was honored by the Brooklyn Bar Association Volunteer Lawyers Project (VLP) at their annual fundraising gala in May. The VLP provides free civil legal services to low-income Brooklyn residents. Carone is an executive partner at Abrams Fensterman, where he focuses

his practice on complex civil and criminal matters for individuals, corporations, government agencies, not-for-profits, professional practices, and family offices.

Shehzad Hasan was promoted to partner in the New York office of Steptoe & Johnson, where he focuses his practice on products liability and insurance litigation.

Andrea Strong, who returned to the Law School part-time this fall as its development communications manager, continues to work as a freelance food writer. Her article, “Why Serious Bakers Have Mother Issues,” published on the website *Serious Eats*, was chosen to be included in the *Best Food Writing of 2016*.

Nat Wasserstein was appointed to the board of advisors of Mango Capital, a real estate holding company specializing in acquiring undervalued American land and complementary operating businesses in promising markets. He is managing director of Lindenwood Associates, a strategic development firm in White Plains, N.Y.

1995

Anthony J. Adiutori joined Harris Beach PLLC as a partner in the firm’s commercial real estate practice group and real estate developers industry team. He handles complex real estate transactions and represents lenders in loans involving industrial development agencies, the Small Business Administration and the New York Business Development Corporation. He is based in the firm’s Rochester office.

Richard Greenberg coauthored an article for the *National Law Review* (Feb. 29, 2016) on amendments to Philadelphia’s “Ban the Box” legislation. Greenberg is a shareholder in the New York City office of Jackson Lewis, advising both unionized and union-free clients on a full range of labor and employee relations matters.

Steven G. Sanders joined Gibbons P.C. as a director in the criminal defense department. He is based in the firm’s Newark office, where he concentrates his practice on white-collar, appellate, and complex commercial litigation. Sanders was formerly the deputy chief of the appeals division in the U.S. Attorney’s Office for the District of New Jersey, where he served as an Assistant U.S. Attorney for nearly 10 years.

1996

Heath Kudler was appointed executive vice president, global repertoire acquisition, for Warner Music Group. In this role, Kudler will expand the company's musical portfolio by bringing new artists, labels, and master catalogs into the WMG fold. He previously held senior business and legal affairs positions at Epic Records and Island Def Jam.

Michael Semack joined BPV Capital Management in Knoxville, Tenn., as general counsel and chief compliance officer. He previously practiced in the area of corporate and securities law at Solomon Blum Heymann LLP in New York City.

1997

Michael Mandelbaum has become a partner at Prosek Partners, a leading independent public relations and financial communications firm, following Prosek's acquisition of Muirfield Partners. Mandelbaum was founder and president of Muirfield, a Los Angeles-based strategic corporate and financial communications agency.

Susan Peters launched Greybridge PR, a strategic communications firm providing public relations and marketing services to law firms, corporations, and nonprofit organizations. She was previously the senior manager of media relations for David Polk & Wardwell LLP, where she oversaw media strategy.

1998

Justine J. Block has joined Hahn & Hessen LLP as special counsel in the firm's bankruptcy and restructuring group. Block focuses her practice on the representation of commercial banks, investment banks, and hedge funds in connection with the purchase and sale of domestic and international bank loans, securities, and claims against companies in bankruptcy or undergoing financial restructuring. She was previously an attorney with Kramer Levin Naftalis & Frankel LLP.

Matt Funk, partner at Pasternack Tilker Ziegler Walsh Stanton & Romano, LLP, was elected president of the New York State Trial Lawyers Association for the term beginning July 1, 2017. He will be the first attorney who practices in the area of workers' compensation to hold the position.

Brett Lewis, owner of Brooklyn-based law firm Lewis & Lin, LLC, is also a film writer and producer. His latest film, *C STREET*, a comedy about a Washington, D.C., sex scandal, was recently released on iTunes, and he is currently working on a television series. His practice focuses on Internet and intellectual property law.

Gabriel Nugent, partner at Barclay Damon, was recognized by *Chambers USA* as a notable practitioner. He focuses his practice on commercial litigation and white-collar criminal defense. He is the managing director of the firm's Syracuse office and co-chair of the firm's white-collar practice area.

Thomas D. Shpetner joined ITG, a leading independent broker and financial technology provider, as global chief compliance officer. He previously oversaw compliance for RBC Capital Markets' commercial banking business.

Richard J. Sobelsohn was elected as a fellow of the American College of Real Estate Lawyers, an appointment based upon outstanding legal ability, experience, and high standards of professional and ethical conduct. Sobelsohn serves as chair of the Economics, Technology & Practice Methods Committee of the ABA's Real Property, Trust and Real Estate Law Section and is also a member of the adjunct faculty at Brooklyn Law School.

1999

Marc Block joined Littleton Joyce Ughetta Park & Kelly as a partner in the firm's New York City office, specializing in commercial, securities, intellectual property, and real estate litigation. He also serves as a designated neutral with the United Nations' World Intellectual Property Organization, Arbitration and Mediation Center. His article, "The Benefits of Alternate Dispute Resolution for International Commercial and Intellectual Property Matters," was recently published in *Rutgers Law Review*.

Margaret G. Foley, formerly of Lewis Brisbois Bisgaard & Smith, joined Snell & Wilmer as an attorney in the firm's Las Vegas office. Her practice focuses on commercial litigation. Foley serves as chair of the Ninth Circuit Court of Appeals Lawyer Representative Coordinating Committee.

Melissa S. Norden was named executive director of Bottomless Closet, a nonprofit that prepares disadvantaged New York City women to enter the workforce and achieve success. She previously served as senior vice president, chief of staff, and general counsel at the ASPCA.

Jose Saladin joined Montgomery McCracken as an associate in the firm's New York City office. He concentrates his practice on commercial and real estate litigation, with an emphasis on cooperative, condominium, and landlord-tenant litigation.

2000

Meredith R. Miller, founder of legal advisory and consultancy firm Miller Law, PLLC, was promoted to professor of law at Touro Law Center, where she will continue to serve as director of solo and small practice initiatives while teaching classes. She joined the faculty in 2006 after serving for two years as an Honorable Abraham L. Freedman Fellow and lecturer at Temple University School of Law.

Jeffrey Schulman, partner in Liner's insurance recovery group, recently opened the firm's New York City office. He represents commercial and individual policyholders in complex insurance coverage matters including broker liability, construction defect, product liability, director and officer, multimedia, asbestos, and first-party claims.

2001

Evan F. Barnes joined Schulte Roth & Zabel as special counsel in the firm's broker-dealer regulatory and enforcement group, where he advises broker-dealers, traders, and investment advisors in connection with regulatory, securities enforcement, litigation, risk management, and transactional matters. He previously served as counsel at Bracewell & Giuliani LLP.

Raj Barot was appointed co-chair of the Asia Pacific Committee of the ABA Section of International Law. He is the founder, managing director, and general counsel of Agile Counsel, a cross-border consulting practice that provides business advisory, market expansion, and outside general counsel services to early-stage tech companies and venture capital firms in the United States, Southeast Asia, and India.

Hannah Cao '03 *Leading On the Silk Road*

HANNAH CAO '03 HAS QUICKLY RISEN to become one of China's most respected legal counsels. She was recognized this year on the list of China's Top 15 General Counsels by *Asian Legal Business Magazine*, which applauded her work with the country's Silk Road Fund, a state-owned fund that was created in December 2014 to invest under China's new strategic initiative—the Silk Road Economic Belt and 21st-Century Maritime Silk Road Initiative (often referred as the Belt and Road Initiative).

Cao joined Silk Road in May 2015 to serve as deputy general counsel of the fund, bringing with her 12 years of private practice experience in New York and Beijing at international law firms including Coudert Brothers LLP, Schulte Roth & Zabel LLP, and the Beijing offices of O'Melveny & Meyers, LLP and Steptoe & Johnson. Cao explained that her current role combines compliance, strategy, and transactional work for the fund, which is implementing the Belt and Road Initiative, aimed at promoting economic collaboration with parts of Europe, Asia, and Africa.

"The overall objective of my position is to ensure that the firm's investment activities and daily operation receive solid legal support," she said. "Many countries on the Belt and Road are emerging markets and have very diverse cultures and religions. Good business opportunities and heightened risks, including legal ones, coexist in the region. As in-house counsel, I need to be sensitive to the legal risks and also have good business sense."

Cao grew up in Chongqing, a city by the Yangtze River in the southwestern part of China. When she was 18, she moved to Beijing to attend Peking University, where she developed an interest in the field that would become her life's work—international business.

"At the time, the nation was continuing to open up and integrate its economy with the global economy," said Cao. "Studying Western economic theories and practices was fascinating to me and many of my peers."

After college, she joined the International Department of the Industrial and Commercial Bank of China (ICBC). It was at the time the largest domestic bank in China with little international presence, but it has since greatly

expanded its global network, with more than 400 offices or subsidiaries all over the world. Over her four years at ICBC, she focused on planning and management of the bank's overseas expansion, drafting strategic plans and preparing for the establishment of offices in New York, Hong Kong, Tokyo, Seoul, and London.

In 1998, Cao moved to the United States to pursue her master's degree in international relations at Yale University. An interest in



Cao in Beijing with her sons

the law was sparked, leading her to Brooklyn Law School, where she was executive articles editor of the *Brooklyn Journal of International Law* and an International Business Law Fellow. She was also a research assistant to Professor Roberta Karmel for two semesters and she was a member of the Safe Harbor Project, which she credits with helping to hone her legal skills.

Cao, who graduated *magna cum laude*, recalls her time at the Law School with a deep sense of gratitude. "I am in great indebtedness to so many professors—Professors Joel Gora, Arthur Pinto, Stacy Caplow, and Claire Kelly '93 (now a U.S. Court of International Trade judge)—who provided me with personal attention and guidance." She also praised Professor Michael Gerber's efforts in recent years to promote exchanges between Brooklyn Law School and law schools in China.

While Cao misses New York, she is happy to be back in China. "During the years I was away from China, the country emerged as the second-largest economy in the world. Along with the rapid economic growth, there were increasing needs for legal professionals with solid training, international experience, and local knowledge. It just feels good to be part of the historical changes that are unfolding now in China." —Andrea Strong '94 ■

“It just feels good to be part of the historical changes that are unfolding now in China.”

Frederick Curry '03 *Following the Money*



SINCE THE TERRORIST ATTACKS of September 11, 2001, financial regulators have dramatically stepped up enforcement of anti-money laundering laws and regulations. Today, it is not uncommon to see the Justice Department and regulators assess multimillion-dollar criminal or civil fines against banks and other financial institutions that bring large amounts of foreign money into the U.S. and violate anti-money laundering and economic sanctions rules. This high-stakes world of regulatory risk and financial compliance keeps Frederick Curry '03, a leading expert in financial crimes, very busy.

"I love my work because it is so diverse—it's global and it's domestic," said Curry, who was recently named practice leader of anti-money laundering and economic sanctions at Deloitte & Touche LLP. "It covers multiple types of businesses with banks, broker-dealers, insurance companies, casinos, money transmitters, precious metal dealers, and large retailers. Because my responsibilities include assessing financial crimes, my work also involves many business aspects, such as operations, accounting, technology, risk management, and compliance."

Curry's early interest in business came from his parents, who were both in banking: his mother was a head teller at Irving Trust Company, now the Bank of New York, and his father was a branch manager at Bankers Trust Company and Carver Federal Savings Bank. He followed in his parents' footsteps and began work at Chase Manhattan Bank as a proof clerk in the check processing department on the graveyard shift. While working full-time at Chase, he completed his B.S. at Adelphi University and his MBA at Fordham University.

With an MBA in hand, Curry joined the Federal Reserve Bank of New York as a bank examiner. "I saw the strong intersection of law and business and decided to pursue a law degree," he said. "It was one of the best decisions I have ever made. It has given me stellar credentials for business, career mobility, higher income, and a powerful legal network."

Following graduation from Brooklyn Law School as a part-time night student, Curry joined the law firm Katten Muchin Zavis Rosenman in Washington, D.C., where he advised large financial institutions on anti-money laundering and economic sanctions compliance. In 2005, he joined Deloitte. Since then, Curry has become a kind of anti-money laundering James Bond—being retained as a consultant and expert witness by major banks in cases involving allegations related to aiding and abetting multimillion-dollar Ponzi schemes; a money laundering scheme orchestrated by a bank employee and a Colombian drug cartel; and a case involving embezzlement of funds by a company's accounting firm.

Curry's work earned him an appointment in 2011 to the board of directors of Transparency International–USA, the American chapter of a network of nonprofit organizations that combat corruption worldwide. Curry is also the founder of The Sirius Foundation Inc., a nonprofit organization that has awarded annual scholarships to high-achieving African-American women who aspire to careers in business.

Curry is grateful to Brooklyn Law School for preparing him to lead in this complex and global arena. "The Law School helped me gain a better understanding of our legal order, and how it operates and intersects with our daily lives and major sectors of our society such as business, religion, education, and government," he said.

Curry is a longtime supporter of the Law School. He is a leadership donor and member of the 1901 Society who provided a

“I saw the strong intersection of law and business and decided to pursue a law degree. It was one of the best decisions I have ever made.”

major boost to the Law School's first Giving Day last year when he established an immediate impact scholarship to attract African-American students to the school. In addition to his financial generosity, Curry has given freely of his time. He returns to the Law School frequently to speak to students as a mentor and to participate in events. Working with Professor Michael Gerber, he helped found Brooklyn Law School's pioneering and popular Business Boot Camp, a three-day intensive teaching students to "think like a businessperson" as well as a lawyer. —Andrea Strong '94 ■

Dmitriy A. Tartakovskiy, formerly counsel at Debevoise & Plimpton, joined Greenberg Traurig as a shareholder in its global corporate M&A practice. He focuses his practice on corporate and securities law with an emphasis on mergers and acquisitions, representing public and private corporate clients, private equity firms, and investment banks in complex domestic and cross-border transactions.

2002

Lauren Hersh, director of anti-trafficking policy and advocacy at Sanctuary for Families, a New York City nonprofit dedicated to aiding victims of domestic violence and their children, was recognized as one of *New York Law Journal's* Rising Stars of 2016.

Candace Sady was promoted at Colgate-Palmolive Company to chief marketing counsel, Hill's Pet Nutrition, where she provides legal counsel on a global basis and directly in support of the North America region in relation to advertising claims, sales and advertising strategies, contracts, and product launches. She also defends and supports legal and regulatory challenges to advertising claims worldwide.

Andrew Schouder joined the New York office of Bryan Cave as partner in the bankruptcy, restructuring, and creditors' rights group. He advises private investment firms, corporations, and financial institutions on corporate matters, acquisitions, joint ventures, restructuring, and complex commercial transactions. He was previously chair of the aerospace and defense group at Bracewell & Giuliani LLP.

Matthew Tully was recognized as one of 2015's most influential and impactful veterans by HillVets, a nonprofit group of bipartisan veterans and supporters empowering veterans to advance in their careers following military service. Tully is founding partner of Tully Rinckey PLLC, where he focuses his practice on employment law, military law, and family and matrimonial law. He was deployed to Iraq in 2005 with the New York Army National Guard, and in 2012 received the Purple Heart for injuries sustained during a suicide bombing while serving in Afghanistan.

Brad Wolk was promoted to executive managing director in Savills Studley's New York headquarters. He handles strategic planning, financial analysis, and lease negotiation for many of the firm's largest clients, which include law firms, financial services companies, fashion/apparel concerns, and foreign governments.

Joseph Yi was named chief investment officer of Real Hospitality Group, a hotel management firm with more than 70 properties across the United States. He was previously a managing director of SHVO, a luxury New York City real estate developer in New York City.

2003

Anta Cisse-Green joined New York University Langone Medical Center as associate general counsel—development. She is responsible for all trust- and estate-related matters as well as all tax-exempt matters related to the Medical Center and the School of Medicine. She was previously of counsel at Akin Gump Strauss Hauer & Feld LLP.

John P. “Jack” Flanagan joined the New York office of Andrews Kurth as a partner in the business transactions/real estate practice. His practice focuses on representing lenders, borrowers, private equity funds, developers, and operators in all aspects of commercial real estate.

Brian J. Gershengorn is co-managing partner of Fisher Phillips' recently opened New York City office. It is the firm's 33rd office location. Gershengorn represents clients nationally in labor and employment matters in the healthcare, entertainment, sports, hospitality, financial services, retail, technology, and education industries. His practice includes a special concentration in wage and hour litigation.

Ronald Goldstein was a speaker at the Claims and Litigation Management Alliance 2016 Claims College School of Professional Lines, held in September. As managing director with the legal claims and practice group of Aon Financial Services, he works closely with brokers and clients on issues involving corporate directors and officers liability, employment practices, fiduciary, errors and omissions, cyber, fidelity, and other executive and professional liability insurance products.

Joshua Kopelowitz, a member of Rosenberg & Estis, P.C., was selected as a 2017 AV-rated attorney by Martindale Hubbell. In addition, his article, “Common Law Right to Use Self-Help to Evict a Commercial Licensee,” was published by the *New York Law Journal* (Sept. 1, 2016).

Jeremy Schiowitz, partner at Isaacson, Schiowitz & Korson, LLP, joined the Expert Network, an invitation-only service for distinguished professionals. He was chosen as a distinguished lawyer based on peer reviews and ratings and professional accomplishments and recognitions. He specializes in personal injury law.

Jason Stanevich, a shareholder in Littler's New Haven, Conn., office, was honored as a recommended lawyer by “The Legal 500 United States 2016” in the labor management relations category.

2004

Ilya Nuzov joined the International Centre on Transitional Justice (ICTJ), an international nonprofit organization, as legal advisor to the president's office. ICTJ, headquartered in New York City, works to help societies in transition address legacies of massive human rights violations and build civic trust in state institutions as protectors of human rights.

2005

Garrett T. Charon joined Ropes & Gray's private equity practice as a partner in the firm's New York office. He was previously a partner at Weil, Gotshal & Manges.

Katharine Bieber Ogg joined the board of directors of Sanctuary for Families, a New York City nonprofit dedicated to aiding victims of domestic violence and their children.

Dan Slater is the author of *Wolf Boys: Two American Teenagers and Mexico's Most Dangerous Drug Cartel* (Simon & Schuster, 2016). Slater is a former legal affairs reporter for *The Wall Street Journal* and has written for *The New York Times*, *The New Yorker*, *The Washington Post*, *The Boston Globe*, *New York magazine*, and *The Atlantic*. His previous book, *Love in the Time of Algorithms*, was published in 2013.

2006

Isha Atassi was promoted to partner at Fragomen Worldwide. She began working at the firm in 2001 while in law school and joined as an associate in 2006. She represents multinational corporate clients in a variety of industries including financial services, legal, and consulting, and provides guidance on all aspects of corporate immigration.

Vamshi Reddy joined Lane Powell as an attorney in the litigation practice group, where she focuses her practice on securities and complex commercial litigation, data privacy, and white-collar criminal and civil defense. She is based in the firm's Portland, Ore., office. She previously worked for the Division of Financial Regulation of the Oregon Department of Consumer and Business Services.

Matthew Roose was promoted to partner in Fried Frank's bankruptcy and restructuring department, where he represents debtors and creditors and equity committees in Chapter 11 cases and out-of-court restructurings.

2007

Matthew Haicken established his own firm in December 2015. He focuses his practice on personal injury, employment, and the representation of business owners in the liquor license process.

Lee Jacobs and **Robert Ontell** joined Helbraun & Levey, LLP, a boutique New York City law firm specializing in serving the hospitality and service industry. As senior associate attorneys, they will focus on a wide variety of individual and corporate clients in complex matters in both state and federal court.

Gregory Zamfotis, owner of the Gregory's Coffee chain of coffee shops, recently opened the store's 17th location at Montague and Court Streets in Downtown Brooklyn. His first store was established in Manhattan in 2006.

2008

Arielle Frost became of counsel at Rosenberg & Estis, P.C. She joined the firm in 2011 as an associate in its transactional real estate department. She represents clients in an array of real estate matters, including retail and office leasing, mortgage

financings, joint ventures, and purchase and sale transactions.

2009

Richard Akulich joined Preston Hollow Capital, an independent specialty finance company, as director in its capital markets group. He is based in the company's San Francisco office, where he is responsible for credit research support. He was previously a managing director at Mesirow Financial.

Julie F. Schechter, previously an associate at Schechter & Brucker, P.C., joined Montgomery McCracken's New York City office as an associate in the cooperative and condominium law practice.

Hope Yates and **Manu Nathan '08** were married in April in New York City. Yates is the director of external affairs for the department of obstetrics and gynecology at New York-Presbyterian/Columbia Hospital and a founding member of Maven, an online service that helps women connect with healthcare and wellness practitioners. Nathan is associate counsel at WME IMG, an entertainment and sports management company.

2010

Michael Kwiatkowski joined Meyer, Suozzi, English & Klein as an associate with the bankruptcy and business reorganization department in the firm's Garden City office. He was previously an associate at Hogan Lovells.

Shai M. Mehani joined the legal department of Hudson's Bay Company as corporate counsel. Hudson's Bay Company is the parent company of Saks Fifth Avenue, Lord & Taylor, and Gilt.

2011

Paul Cossu was promoted to partner at Cahill Partners LLP. He concentrates his practice on general commercial matters with a particular focus on art law.

Daryl Leon joined Proskauer Rose as an associate in the firm's labor and employment department. He was previously an assistant corporation counsel in the New York City Law Department.

Kelly D. Schneid, previously an associate at Windels Marx Lane & Mittendorf, joined Morritt Hock & Hamroff LLP as an

associate in the firm's Garden City office. She focuses her practice on appellate, commercial, and real estate litigation.

Erica S. Youngerman joined Robinson & Cole LLP as an associate. She focuses her practice in the areas of health law and healthcare business transactions.

2012

Andrew D. Bochner joined Wiggin and Dana as an associate in the firm's litigation and corporate departments. His practice focuses on patent litigation and patent prosecution. Bochner was previously an associate at Cowan Liebowitz & Latman, P.C.

Jacqueline K. Holmes, an associate with Norris McLaughlin & Marcus, has been elected to the board of It's My Life, a nonprofit charitable organization that supports people with the label of intellectual disability and enables them to be involved within the community. Based in the firm's Allentown, Penn., office, Holmes focuses her practice on complex commercial litigation.

Jonathan P. Lax was appointed an Assistant U.S. Attorney to the criminal division of the U.S. Attorney's Office for the Eastern District of New York. He previously served for more than two years as a special assistant U.S. Attorney in the office's business and securities fraud unit.

Stuart Linder joined the Right to Protection (R2P) as a development officer in Kiev, Ukraine. R2P works in partnership with the global refugee aid organization HIAS, aiding the internally displaced, refugees, migrants, the stateless, and those at risk of statelessness in Ukraine. It provides direct legal aid to individuals, creating durable communities and building the capacity of the government and civil society.

Jared Newman joined the general counsel team of the commercial real estate services and investment firm CBRE, based in the firm's midtown Manhattan office. He was previously an associate at Chaves & Perlowitz, LLP.

Miles D. Schreiner's article, "The Delaware Courts' Increasingly Laissez Faire Approach to Directorial Oversight," was published on the *Harvard Law School Forum on Corporate Governance and Financial Regulation*. He is an attorney with Monteverde & Associates in New York,

where his practice area focuses on securities and consumer class action litigation.

Katherine M. Sullivan joined Schulte Roth & Zabel as an associate in the firm's New York office, where she represents large and small financial institutions, advising them on regulatory compliance matters.

2013

Cara A. Bilotta joined Robinson & Cole LLP as an associate. Her practice involves all aspects of corporate and transactional law, including mergers and acquisitions, private equity and venture capital transactions, securities law and compliance, and general corporate matters.

Corey Briskin and **Nicholas Maggipinto '15** were married in March in New York City. Briskin is an Assistant District Attorney for the Nassau County District Attorney's office. Maggipinto is a freelance regulatory and litigation strategy consultant.

David Gerard runs a virtual solo practice in New York City, focusing primarily on real estate, trademark/copyright, and business start-up guidance. He also operates a real estate brokerage, Brickwall Realty.

Michael J. Locke joined the Bridgewater, N.J., office of Norris McLaughlin & Marcus as an associate in the firm's litigation and criminal law groups. He was previously a deputy attorney general with the New Jersey Office of the Attorney General.

Andrew Rausa joined Facebook as advertising and privacy counsel, working out of the company's Menlo Park, Calif., campus. He previously served as corporate counsel at Undertone, facilitating the company's sale to Perion in 2015.

Catherine M. Taylor has been elevated to principal at Citrin Cooperman, where she focuses her practice in the area of trusts and estates.

Dwayne Allen Thomas graduated from the Master of Applied Positive Psychology program at the University of Pennsylvania. His thesis, "Channeling the River: Using Positive Psychology to Prevent Cultural Helplessness, as Applied to African-American Law Students," is based on research he began as a student at Brooklyn Law School.

Alumni Association Now Free to All Graduates

The Brooklyn Law School Alumni Association Board of Directors recently voted to eliminate all membership dues. Membership in the Alumni Association—a global network of nearly 23,000 proud alumni—is now free for all graduates.

Membership entitles you to a number of benefits, including library access and exclusive discounts. New benefits are continually being added, so please consult the Alumni Association's webpage, brooklaw.edu/alumni-association, for current information.

To request a personalized membership card for access to Law School buildings, please contact the Alumni Office at 718-780-7505, or alumni@brooklaw.edu.



2014

Elizabeth David-Dembrowsky launched her social venture Good Counsel to provide legal services and resources to social entrepreneurs and small and emerging nonprofits. Housed at the Centre for Social Innovation in Manhattan, Good Counsel is part of the Agents of Change program and invites students and alumni to contact the organization about opportunities to work together.

Asher G. Grossman is a law clerk to the **Honorable Lawrence H. Ecker '72**, New York State Supreme Court, Westchester County. He was previously a clerk at Queens Family Court.

2015

Lois Bladykas joined the Uniondale, N.Y., firm of Ruskin Moscou Faltischek as an associate in the trust and estates department and estate litigation practice group.

Brian DeShannon, previously an attorney at Proskauer Rose, established the Law Office of Brian DeShannon. He focuses his practice on labor and employment law.

Kara Matejov joined the Albany, N.Y., office of Iseman, Cunningham, Riester & Hyde LLP as an associate attorney, focusing her practice on litigation, compliance, and healthcare matters. ■

Leon Charney '64



Leon Charney '64, television host, prominent Manhattan real estate investor, and strong supporter of Israel, died March 21 at age 77.

Charney was born in Bayonne, N.J., in 1938. He graduated from Yeshiva University in 1960 and Brooklyn Law School in 1964, helping to finance his education by singing in synagogues. He started his own law firm representing sports and show-business personalities, among them Jackie Mason and Sammy Davis Jr.

During six years as a special counsel to Sen. Vance Hartke of Indiana, Charney established ties with international leaders including Prime Minister Golda Meir, with whom he worked to free Jewish dissidents from the Soviet Union and help them relocate to Israel. He was an adviser to President Jimmy Carter during negotiations of the Camp David Accords between Israel and Egypt in the late 1970s. He later won an Emmy Award for his involvement in the 2014 documentary about the historic agreement: "Back Door Channels: The Price of Peace."

In 1988, he began hosting the television program "The Leon Charney Report" on WNYC, which ran until his death. The interview-style show focused heavily on Middle East and Jewish affairs, and featured

guests including former Israeli Prime Ministers Shimon Peres, Yitzhak Rabin, and Ehud Barak, and former New York City Mayors Ed Koch, David Dinkins, and Rudolph Giuliani.

Charney's success as a real estate investor landed him on the *Forbes* list of richest Americans on several occasions. His "stable tenant base and aversion to debt" shielded him from the worst of the collapse in the commercial real estate market, *Forbes* reported in 2010.

He is the author of four books: *Special Council* (1984), *Spy for Peace* (1993), *The Charney Report: Confronting the Arab-Israeli Conflict* (2001), and *The Mystery of the Kaddish* (2001), and *Jewish Guilt: Was Its Origin the Babylonian Talmud?* (2009).

Charney was honored by the Law School with the Alumni of the Year award in 2009, and he participated in the Dean's Roundtable Luncheon series for students. ■

Irving Pollack '42



Irving Pollack, a 1942 graduate of Brooklyn Law School who established the U.S. Securities and Exchange Commission's enforcement division in 1972, died on July 1.

During the course of Pollack's 34-year career with the SEC, beginning in 1946, he worked in the general counsel's office, as a commissioner starting in 1963, and, in 1972, as the first chairman of enforcement. Prior to Pollack's leadership of the enforcement division, the agency's regional field offices had dealt with those who violated SEC policies.

In 1980, Pollack left the SEC to form a law firm with Laurence Storch, another veteran of the SEC enforcement division. They joined the Washington office of Fulbright & Jaworski in 2005, and in recent years practiced law as Pollack & Storch.

In Pollack's honor, the SEC established the annual Irving M. Pollack award, given to an enforcement staff member "who demonstrates fairness and compassion as well as a dedication to public service and the SEC."

Roberta Karmel, Centennial Professor of Law, who served as a commissioner during Pollack's career with the SEC, said of him: "I respected his judgment and integrity. He cared deeply about the SEC and its mission." ■

EDITOR'S NOTE: Please send information for Class Notes and In Memoriam to communications@brooklaw.edu, or visit brooklaw.edu/classnotes to submit a class note online.

Frank Barbaro '66

Frank Barbaro '66, who became known as a champion of labor rights and a progressive New York State assemblyman, died on September 4 at the age of 88.

Born Francesco Joseph Barbaro to parents who were Italian immigrants, he went to work at a young age and became acquainted with labor issues as his family's chief wage-earner. He served in the Navy and graduated from New York University in 1952 with a degree in psychology, working as a longshoreman in Brooklyn to pay for school. Barbaro remained on the docks for 15 years, learning to organize workers, and attended the Law School at night.

His political life began shortly thereafter, with an unsuccessful campaign for the New York State Assembly in 1968, running on an anti-war platform. Barbaro won his 1972 race and represented Bensonhurst, Brooklyn, in the Assembly for 24 years, serving many years as chairman of the Labor Committee. In 1997, he was elected to the New York State Supreme Court where he served for six years, retiring in 2003. He ran unsuccessfully against Ed Koch in the 1981 Democratic mayoral primary.

Recently, Barbaro supported many tenants' and workers' rights movements, including Occupy Albany, and he was a Sen. Bernie Sanders delegate to the Democratic National Convention last summer. ■

Mark Lane '51

Defense lawyer, activist, and prolific writer Mark Lane '51, who was famous for his role in popularizing the theory that President John F. Kennedy's death was part of a broader conspiracy, died on May 10.

Lane was involved in several of the most dramatic events in the U.S. in the 1960s and 1970s, representing James Earl Ray, who assassinated Martin Luther King Jr., as well as Jim Jones, the leader of the People's Temple cult whose members committed mass suicide in Guyana in 1978. Lane became best known for his steadfast belief that Lee Harvey Oswald could not have killed Kennedy alone.

After Brooklyn Law School, Lane was a civil rights attorney and activist in New York City, organizing rent strikes and traveling with the Freedom Riders. He also served one term as a New York State assemblyman in the early 1960s. However, after the Kennedy assassination his focus shifted to this historic event. Lane established the Citizens' Committee of Inquiry and wrote four books on the subject of the assassination over the next several decades, the first of which—*Rush to Judgment*—became a best-seller and helped fuel the theory that Oswald had not acted alone. His last book about Kennedy—*Last Word: My Indictment of the CIA in the Murder of JFK*—was published in 2011.

Lane had several other notable achievements, including his place on the Freedom and Peace Party ticket as comedian Dick Gregory's running mate in the 1968 presidential election; a role in investigating Vietnam War crimes; and a 1970 book, *Arcadia*, that helped lead to the exoneration of James Richardson, a man who had spent 21 years in jail for allegedly murdering his seven children. ■

1949

Landon R. Zuckerman
April 13, 2015

Arthur K. Fuhrer
August 16, 2016

Jack Taube
January 1, 2016

1951

Robert E. Dillon
May 8, 2015

1952

Otto Bonaparte
August 23, 2016

Daniel Z. Nelson
August 30, 2016

1953

Cyril E. Rooks, Jr.
September 24, 2015

Bernard Fried
April 3, 2016

1954

Hyman L. Rutman
September 15, 2016

Arnold S. Skopp
June 27, 2016

Paul H. Rivet
April 22, 2016

1957

Robert J. Giuffra
April 30, 2016

1958

Robert Thaler
September 21, 2016

1959

Frank J. Santo
September 11, 2013

Eugene Schaffer
April 18, 2016

Robert J. Frank
March 25, 2016

1961

Richard G. Gugliotta
August 20, 2016

1967

Michael A. Dolan
July 19, 2013

1968

Philip Sherwood Greenhaus
December 15, 2012

1969

Mary Jo Hoover
September 11, 2016

Geoffrey E. Serwer
June 18, 2016

1971

Norman P. Weiss
February 12, 2010

1973

Kenneth Scott
September 4, 2016

Jeffrey R. Feller
March 29, 2016

Hon. Frank A. Doddato
August 24, 2016

1976

Connie A. Raffa
July 7, 2016

James J. Rizzo
August 25, 2012

1982

John M. Powers
September 27, 2016

Maria R. Holmes-Simms
July 5, 2016

1991

Jean F. Cinelli
January 15, 2014

1999

Nachman Y. Ziskind
August 1, 2016



Closing Arguments

By Professor Jocelyn Simonson

The Power of Community Bail Funds

The increasingly popular reform effort has the potential to transform the criminal justice system

» Every day, more than 450,000 defendants across the United States sit in local jails because they cannot afford the bail that a judge has set in their criminal case. Multiple studies over the last several years have shown that pretrial detention increases the chances of a conviction, extends the probable length of a sentence, and decreases the chance that the charges will be dismissed altogether. Moreover, as the public learned in the summer of 2015 with the deaths of Kalief Browder in New York City and Sandra Bland in Texas—both of whom had been in jail because they could not pay bail—jail is often a violent and damaging place. The result of the money bail system is that criminal defendants are punished for their poverty as much as for anything illegal they might have done.

Amid a new wave of reform efforts aimed at reducing the criminal justice system's reliance on money bail, a new form of bottom-up community resistance to the practice has emerged as a powerful force. Community groups in jurisdictions across the United States have increasingly begun to post bail on behalf of strangers, using a revolving pool of money known as a bail fund. These funds include new charities set up in partnership with public defender offices in Massachusetts, the Bronx, and Brooklyn; identity-based bail funds including a bail fund for transgender sex workers of color in Queens, N.Y., and a bail fund supporting communities of color targeted by policing in Chicago; and bail funds formed by activists within the Black Lives Matter movement, who have used crowdsourced funding to post bail for hundreds of protesters and allies in Ferguson, Baltimore, Cleveland, Oakland, and Baton Rouge.

The goal of most bail funds is not just to secure the freedom of their community members, but also to work toward the elimination of money bail entirely. These bail funds inject community input into a critical moment in the public adjudication of a criminal case. Each time a community bail fund pays bail for a stranger, the people in control of the fund reject a judge's determination that a certain amount of the defendant's personal money was necessary for the defendant's release. Over time, as community bail funds post bail for multiple defendants, these individual acts can add up to a larger statement about the fairness of money bail and become a form of on-the-ground resistance to the workings of everyday criminal justice. The result is more popular input into criminal justice from outsiders who rarely have a say in how their local justice systems are administered.

The importance of community bail funds is tightly linked to their participatory nature. They allow individuals to take part with even small monetary contributions and thereby join with other community members to express frustration with legal and constitutional

standards. Community bail funds thus shine a light on efforts by traditionally disempowered populations to resist and, ultimately, change the contours of local criminal justice practices. In the world of plea bargaining, injecting moments of popular input into criminal procedure is one of the only ways such input can occur at all in today's criminal justice system. The bail-posting decision is not the only such moment, however. For example, I have argued that observing courtroom proceedings and organizing cop-watching groups are powerful forms of participation through observation

“Community bail funds shine a light on efforts by traditionally disempowered populations to resist and, ultimately, change the contours of local criminal justice practices.”

(see *Copwatching*, 104 Calif. L. Rev. 391 (2016) and *The Criminal Court Audience in a Post-Trial World*, 127 Harv. L. Rev. 2174 (2014)). But community bail funds do something especially powerful because they facilitate actual intervention into one of the most crucial moments of all: when a judge decides the fate of a case by determining whether or not money bail will be set out of the financial reach of a defendant. When community bail funds intervene at this moment, they can shift the meaning of bail—and, ultimately, justice—back into the hands of the people most affected by the practice. When they are at their most powerful, community bail funds help us imagine a system of criminal adjudication that is truly responsive to popular demands for justice. ■

Jocelyn Simonson is assistant professor of law at Brooklyn Law School. She teaches courses in criminal law and evidence. Her scholarship explores ways in which the public participates in criminal justice processes and how that participation, in turn, has the potential to lead to broader changes in the justice system. Her background includes work as a public defender with the Bronx Defenders.

This essay is adapted from Simonson's article "Bail Nullification," forthcoming in the March 2017 issue of Michigan Law Review.



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Upcoming Events

brooklaw.edu/newsandevents

Nov. 2 Philadelphia Alumni Reception

Nov. 10 Book Discussion

Blood in the Water: The Attica Prison Uprising of 1971 and Its Legacy by Heather Ann Thompson
SPONSORED BY the Center for Criminal Justice

Nov. 14 Domestic Violence Crisis Discussion

A Conversation with Hon. John M. Leventhal '79
and Prof. Elizabeth Schneider
SPONSORED BY the Center for Criminal Justice

Nov. 16 Reception in Honor of Prof. Roberta S. Karmel
Allen & Overy, New York City

Nov. 18 Disability & Civil Rights Clinic Breakfast Roundtable
Living at the Intersections: Disability Rights and the
Fight for Equality & Self-Determination
CO-SPONSORED by the Disability and Civil Rights Clinic
and the Center for Health, Science and Public Policy

Nov. 30 British Civil Litigation Roundtable
SPEAKER: Right Hon. Lord John Anthony Dyson
SPONSORED BY the Dennis J. Block Center for
the Study of International Business Law

Jan. 2 Winter Session Begins

Jan. 9-12 Business Boot Camp
SPONSORED BY the Center for the Study of Business Law
and Regulation

Jan. 17 Spring Semester Begins

Feb. 3 Alumni Association Annual Luncheon
The Plaza Hotel, New York City

Feb. 3 Health Law Roundtable
Measured Experience: Neuroimaging, Consciousness
and the Law
SPONSORED BY the Center for Health, Science and
Public Policy

Feb. 7 Law, Language and Cognition Ethics CLE Program

Feb. 15 Symposium
Working Knowledge: Managing Employee Trade Secrets
SPONSORED BY the Trade Secrets Institute

Mar. 3 Symposium on Public Bankruptcies
SPONSORED BY the Center for Business Law and Regulation
and the *Brooklyn Journal of Corporate, Financial &
Commercial Law*

Mar. 21 Endowed Scholars Celebration

Mar. 28 Public Service Awards Ceremony & Program
SPEAKERS: Dean Strang and Jerry Buting, defense
attorneys for Steven Avery in the Netflix documentary
series *Making A Murderer*
SPONSORED BY the Public Service Law Center

**Mar. 30–Apr. 1 32nd Annual Jerome Prince Memorial
Evidence Competition**

Apr. 4 Giving Day

May 11 Alumni Reunions
Classes of 1947, 1952, 1957, 1962, 1967, 1972, 1977, 1982, 1987,
1992, 1997, 2002, 2007, and 2012 at Cipriani 25 Broadway

May 18 Commencement
Brooklyn Academy of Music