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# NEW YORK LAW SCHOOL

Magazine | Spring/Summer 2009

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The Racial Justice Project Defends the Right to Education

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## Staying Afloat in a Downward Economy:

Lessons from Sonnenschein Nath & Rosenthal LLP

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## New York Law School Achieves Record Bar Pass Rate

Third Year Surpassing the State Average

# NEW YORK LAW SCHOOL

Magazine | Spring/Summer 2009

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Law Schools in New York State	July 2008
Cornell	99%
Columbia	97%
New York University	97%
Fordham	95%
New York Law School	94%
Cardozo	93%
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### Check Out Our New Web Site!

New York Law School's Web site has a brand-new look. The site has been relaunched with a classy new design, a more user-friendly navigation system, and Web 2.0 tools and features that allow for more interaction and collaboration. If you haven't already, check it out at [www.nyls.edu](http://www.nyls.edu).

# Sean's message



## Now What?!

By Richard A. Matasar

The Lehman Brothers collapse. Frozen credit markets. Law firm closings. Layoffs. No new jobs. Reduced salaries. Budget cuts. TARP funds. Zombie banks. Bankruptcy. Increased subway fares. Tax increases. The Mets collapse, and the Yankees miss the playoffs.

Now what?!

Most of us crave stability in our lives. We become creatures of routine. There is great comfort in knowing what the day will bring, what issues we will face, and the range of solutions we can offer. For those of us craving a comfort zone, the last 18 months have been extraordinarily challenging. Each day presents a new disaster. Hundred-year flood risks occur every week. Old solutions do not work. In short, we are in a new place where old rules no longer apply and change is the rule, not the exception.

Now what?!

I think of us—lawyers and students of the law—as the lucky few. Unlike many of our peers, we have been trained to think the unthinkable and imagine the unimaginable. Every litigator recalls the day the witness went south, the smoking gun was revealed, and the evidence disappeared. Acts of God do happen, and transactional lawyers are prepared. The question we face, however, is whether we can effectively take our professional training and apply it to our lives. Can we be as analytical in dealing with the crises around us as we are in dealing with those our clients face?

Now what?!

The countless conversations I have had with New York Law School students and graduates inspire me every day to know that they (and I) are well-equipped to take what the world throws at us, catch it, throw it back, and get ready for the next pitch. This issue of *New York Law School Magazine* hammers that point home. We look to our phenomenal Justice Action Center faculty and students and see how they are training to deal with major societal issues, thoughtfully, creatively, and expeditiously. Questing for justice has the collateral benefit of training every student to be a creative problem solver. It underscores the flexible, real-world training going on at our school. And, it previews the long-term benefit of the education we provide, as demonstrated by our story on the lawyers at Sonnenschein Nath & Rosenthal LLP. Economic downturns are apparently opportunities for those who think creatively about their skill sets and then adjust them to new circumstances. I have no doubt that New York Law School graduates will always be able to turn in a new direction, take advantage of their flexibility, and move forward at great speed.

Now what?!

Confidence going forward. Comfort that our students are gaining the skill to be comfortable with change. Enthusiasm for training the next generation of problem solvers. Now, let's hope the Mets and Yankees show the same fortitude.



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**NEW YORK LAW SCHOOL ACHIEVES RECORD BAR PASS RATE**  
Third Year Surpassing the State Average

## From Courtroom to Classroom: The Racial Justice Project Defends the Right to Education

By Mona Houck '04

New York Law School urges its students to put what they have learned into action, and those involved in the Racial Justice Project are wasting no time. The project joined with the American Civil Liberties Union last spring in filing a groundbreaking lawsuit charging that the low graduation rates in Palm Beach County, Florida, violate students' right to a quality education. The outcome could have life-changing effects for generations of Floridians.

"It's very important litigation, and the students have really helped shape it in a significant way," says Professor Deborah N. Archer, Director of the Racial Justice Project at the School's Justice Action Center. And, she says, the case gives students "an opportunity to work with some of the smartest and most innovative lawyers working on social justice issues."

Students have helped interview potential plaintiffs, draft the complaint, develop strategy, and assess claims. The team is now working on an appeal after a dismissal on technical grounds, Professor Archer says, adding that she is confident the case will move forward.

"The work is very interesting, so that's rewarding," says Christopher O'Donnell '3L, whose work on the case is part of his capstone project for the Justice Action Center. "On top of that, it's in a real-world context, so you see the fruits of what you're doing."

The case, *Schroeder v. Palm Beach County School Board*, is a natural fit with the Racial Justice Project's efforts to protect civil rights and increase awareness of racial injustice in education, employment, political participation, and criminal justice. It's also a natural fit for Professor Archer, who has worked at the ACLU and the NAACP Legal Defense and Educational Fund in a career that has focused on educational equity, voting rights, and employment discrimination.

The lawsuit is part of a challenge to a problem called the school-to-prison pipeline, which Professor Archer

defines as "a series of policies that lead or push children out of the classroom and into the criminal justice system." These include inadequate schools that don't engage students, high-stakes testing, zero-tolerance policies, and policing in the schools. Any of these factors can push students to drop out, she says, and that is only the beginning of the trouble.

"There is a real strong connection between dropping out of high school and involvement in the criminal justice system," Professor Archer explains. "People who drop out of high school are severely limited in their ability to find jobs, support themselves and their families, and fully engage as members of society." This issue is of particular interest to racial justice lawyers because in the Palm Beach County school district, and in districts across the country, minority students graduate at significantly lower rates than their white classmates.

About a third of Palm Beach County's public school students do not make it to graduation day, Professor Archer says, raising serious questions about the quality of education. And that's where the lawsuit comes in, because the Florida Constitution guarantees that public education be "uniform, efficient, safe, secure, and high quality."

It's great that the state sets such a high standard, O'Donnell says, but enforcing it is another issue—one the lawsuit seeks to resolve. "The constitutions of the states and the federal Constitution are in many ways just words without other ways to back them up," he says.

This is the first litigation to seek to improve education by explicitly focusing on high school graduation rates, Professor Archer says. Other efforts have focused on educational inputs—for example, seeking to increase funding, training, or other resources—rather than outputs like graduation rates. "This lawsuit is not asking for an increase in funds to Palm Beach County from the state, and it's not trying to mandate specific educational policy within Palm Beach County," she explains. "What





it is asking is that the county take the appropriate steps to improve its graduation rate, to make sure that more children have a meaningful opportunity to graduate from high school.” Deciding exactly what steps are necessary to reach that goal should be up to the school system, she adds, not the legal team.

Traditional approaches to education-equity cases are expensive and time-consuming, sometimes spanning decades, Professor Archer says. “Hopefully, by this litigation focusing on graduation rates, we will see substantive improvements in the quality of education more quickly.”



Professor Deborah N. Archer (center) with New York Law School students.

New York Law School students are already benefiting from their involvement in the case. O’Donnell, who has an interest in appellate practice, hopes the judicial and academic calendars align so he can help prepare the attorneys for their oral argument. He will get another taste of appellate work this spring as he joins Charlene Barker 2L, Peter Beauchamp 2L, Tanya Facey 2L, and Jessica Fisher 3L in drafting an amicus brief with Professor Archer and Professor Elise C. Boddie. The Racial Justice Project will file the brief in a racial discrimination case involving Connecticut firefighters that will be argued before the Supreme Court this spring.

In any event, the Florida case has fueled the passion that drew O’Donnell to the Justice Action Center and its mix of coursework and projects. “The classes are

incredibly rewarding and they teach you everything you need to know about public interest law,” he says, “but the capstone gives you real-life experience.”

**That is exactly what Professor Archer intends. “One of my goals,” she says, “is to give them real-world, substantive experiences that will help them begin to develop advocacy, litigation, and community-organizing skills that most law students don’t have.”**

Recent alum Johanna E. Miller ’08 says her work with Professor Archer helped her land a job she loves, as Public Policy Counsel at the New York Civil Liberties Union (NYCLU).

Miller had a personal interest in the Palm Beach County lawsuit. She attended Florida public schools, and her mother and grandmother taught in them. “I knew that the state of public schools in Florida was really pathetic,” she says, “so I was really interested in working on the project.”

What she didn’t know was how the project would shape her career. She worked on Freedom of Information Act requests, interviewed potential plaintiffs, and crunched graduation data. “I ended up being the statistics girl, which is something I would never have imagined,” she says. “Now I work on the school-to-prison pipeline. Graduation numbers and statistics are a huge part of what I do.”

When she interviewed for her job, both she and the NYCLU saw a perfect fit. “And that’s 90 percent because of my work on that litigation,” she notes.

Now, Miller couldn’t be happier. “The work that I’m doing has a really important spiritual component for me,” she says. “I feel good about what I’m doing, and without that I don’t think I would be able to give as much as I do.”

Seeing a student make that kind of connection is exactly what led Professor Archer to teaching. “I’m hoping to inspire more students to use their law degrees to challenge



injustice—racial injustice and social injustice—and I hope that by involving them in these cases, it sparks not only an interest, but a passion,” she says.

If Miller and O’Donnell are any indication, Professor Archer is succeeding.

“If you understand this kind of law and you’re good at it, I think it’s important to do it,” O’Donnell says. “It’s life-changing not just for you, but for everyone involved.”



## JAC Students Help New Orleans Residents Get Out the Vote

Many of the problems were simple, but the solutions were significant. One woman was turned away from the polls in New Orleans because she went to the wrong side of the room in the right voting place. Disabled voters found accessible entrances locked. Another voter was at the wrong precinct just minutes before the polls closed.

In all of these cases, a New York Law School student stepped in and a vote was cast. The students, working with the NAACP Legal Defense and Educational Fund as part of the Louisiana Voting Rights Project, traveled to New Orleans twice last fall to help ensure that all eligible voters—especially those still displaced by Hurricanes Katrina and Rita—were able to mark their ballots.

Zachary Kerner 3L, one of the students, says the team had one primary focus: “We didn’t want people just to walk away not having voted.”

Professor Deborah N. Archer, Director of the Law School’s Racial Justice Project, accompanied Kerner, Charlene Barker 2L, and Jessica Fisher 3L to New Orleans for the primary election in October and the general election in November. Professor Archer declared the trips a great success. “At the end of the day, the students really felt like they were able to help people who would not have been able to vote otherwise.”

And their contributions will reach beyond Election Day, says Fisher. “It made a difference in the number of people that voted in these specific elections,” she says, “and I think it will have a lasting impact on the New Orleans community.”

The experience also seems likely to have lingering effects on the students, who expressed a continued interest in voting rights work and other grassroots efforts.

For Kerner, interacting with voters and explaining the law combined for a fulfilling experience. “Something you don’t

get to do very often in law school is meet the people that the law really affects,” he says.

In October 2008, the students addressed problems at the polls while distributing information about voting rights and helping people register to vote in the presidential election. In November, they took more of a leadership role in coordinating the efforts of other volunteers, fielding calls from confused voters, and visiting polling sites, including some in precincts hit hard by the hurricanes.

“New Orleans is definitely not the place it was prior to the storm,” Barker says, adding that many people had been inadvertently purged from voter rolls because they were displaced and had not received verification of their registration in the mail, or because they sought driver’s licenses in new precincts, causing dual registrations that triggered a purge.

Other problems centered on misinformation, Kerner says. For example, many people thought a driver’s license was necessary to vote, or that felons could never vote. Neither is true, he says.

Generally, the students were excited to put their knowledge of the law to use. “I feel like the work we did impacted the citizens’ lives by helping them vote that day and by arming them with information so they can vote in the future,” Fisher says.

That Louisiana was not an election battleground did not diminish the students’ enthusiasm. “Just because people live in a ‘red state’ doesn’t mean their votes aren’t as important as anyone else’s,” Kerner says. “That’s not what the right to vote is about. It’s not about outcomes; it’s about the right to choose.”

Plus, Barker adds, “if you can get them this excited this time, it makes it that much easier to get them out in the next four years.” **f**



## Staying Afloat in a Downward Economy: Lessons from Sonnenschein Nath & Rosenthal LLP

By Christine Pakkala

A breadth of knowledge, a range of skills, and the ability to be flexible are three keys to making yourself as “recession-proof” as possible, according to Dean Richard A. Matasar. At Sonnenschein Nath & Rosenthal LLP, a group of New York Law School alumni is demonstrating just how valuable these attributes can be in turbulent times.

These seven alums, highlighted on the following pages, have ridden out the stormy economy and now find themselves doing very different things than they were just a year ago. But their adaptability—as well as the firm’s—has paid off. In the face of industrywide layoffs and even the demise of other firms, Sonnenschein has stayed robust. Its gross revenue for 2008 was \$492 million, up nearly 3 percent from \$478 million in 2007. Revenue per lawyer also increased almost 3 percent last year, from \$786,000 in 2007 to \$809,000 in 2008.

For the New York Law School alums at Sonnenschein, the flexible skill set can be attributed in part to the double-pronged legal training they received at the Law School, now supported by the work of its academic centers, says Dean Matasar. The centers give graduates broad knowledge of a specific field, as well as niche training.

“Affiliation with a center may at first glance seem limiting by giving students a focus in one particular area, but these students are also acquiring the full range of skills of lawyers working in that area,” Dean Matasar explains.

The Center for Real Estate Studies is a great example, he adds, because “at the same time that professors are teaching students about development, they’re teaching them about restructurings and workouts.”

One of those professors is Marshall Tracht, who runs the Law School’s new LL.M. in Real Estate program. He says that real estate law is a traditional area in which lawyers have to be broadly skilled and versatile.

“Real estate is highly cyclical. To be a really good real estate lawyer, you have to understand the ups and the downs,” he notes. “In an up market, you’re drafting deals. The focus is on what the parties’ rights are going to be if the market goes south.”

You can’t effectively negotiate a deal if you don’t understand what might happen in a down market, Professor Tracht says. In fact, he believes a down market is a “wonderful learning opportunity for a real estate lawyer” because it tests the strength of the deal structures made in a strong economy. The Center for Real Estate Studies teaches New York Law School students these deal structuring skills, as well as the skills necessary to finesse loan restructurings and other down economy real estate transactions.

The School’s alums at Sonnenschein demonstrate the kind of flexibility Professor Tracht describes. For example, Stephen J. Cerniglia ’96 worked on real estate and structured finance deals when the economy was stronger. Now he’s concentrating on loan restructurings, loan workouts, and foreclosures of mezzanine and mortgage loans. To Dean Matasar, Cerniglia is the perfect example of how to survive in a dire economy.

Other lawyers at Sonnenschein have also had to adapt to leaner times. In 2008, the firm laid off at least 50 lawyers to sustain its profit margins. At the same time, it also hired 65 lateral partners and counsel.

Sonnenschein’s strategy has proved successful. On January 1, 2009, it added 100 lawyers, mostly in New York, from Thacher Proffitt & Wood LLP, a firm hit hard by the mortgage crisis. With that move, Sonnenschein beefed up its capital markets practice, as well as its corporate and financial institutions practice and its real estate practice.

Five of the former Thacher Proffitt lawyers are New York Law School graduates. Four—Stephen J. Cerniglia ’96, Salvatore O. Franco ’96, Hugh M. McDonald ’90, and Mitchell G. Williams ’84—were hired as lateral partners. One, John D. Vavas ’03, was hired as an associate. They joined fellow New York Law School alumni Justine M. Clark ’81 and Roy G. Locke Jr. ’06, who already worked at Sonnenschein.

“The lesson from Sonnenschein is that a broad-based set of skills is critical to every lawyer,” says Dean Matasar. “A transactional lawyer in boom times needs to develop a secondary set of skills as a hedge when boom times turn into bust times.”



**STEPHEN  
J. CERNIGLIA '96**

A fishing pole, a Saturday afternoon with his son, and fish biting on the North Shore of Long Island are three ingredients that spell relaxation for Stephen J. Cerniglia. But these days Cerniglia isn't getting much down time as he makes the transition from Thacher Proffitt & Wood LLP to Sonnenschein Nath & Rosenthal LLP. At his new firm, Cerniglia has joined the real estate practice, concentrating on real estate finance.

"I'm excited about the larger real estate platform available to me at Sonnenschein," he says.

Cerniglia has represented a wide variety of clients, including investment banks, insurance companies, commercial banks, and mortgage companies. He helps these clients with the legal aspects of financing office buildings, shopping malls, apartment buildings, hotels, casinos, and mobile home parks.

Cerniglia ventured into the law after spending five years as a certified public accountant, conducting audits of various companies. But law school had always been his plan, so when he decided to begin his legal education, he quit his job—a move he says was "a little scary"—and went to New York Law School full time. He and his wife had their first child while he was in law school, and because his wife worked while he was in class, he was the designated parent for late-night rocking. "I studied and rocked [my daughter] at the same time," he recalls with a laugh.

Burning the midnight oil paid off. Not only did Cerniglia serve as Articles Editor of the *Law Review*, but he also graduated *magna cum laude*.

Of today's dire economy, Cerniglia says that there were downturns in the past, such as in 1998 and in 2001, but the current environment is "unprecedented." He and others in the industry expect to see a continuation of the slowdown in transactions, but he does hope to see increased activity once real estate values stabilize.

Still, Cerniglia sounds a little wistful when he recounts the excitement of the period from 2002 to 2007. "Our firm

was heavily into real estate and structured finance," he says. "We were financing all types of projects, everything from regional and national malls to shopping centers, casinos in Puerto Rico—all types of commercial properties."

Now, Cerniglia is focusing on loan restructurings, workouts, and foreclosures of mortgage and mezzanine loans. He's also enjoying interactions with clients. "Being able to work with clients and help them achieve their goals has always been the most rewarding and satisfying part of the job rather than the one big deal."



**JUSTINE  
M. CLARK '81**

As a girl growing up in New York, Justine M. Clark learned some valuable lessons at the dinner table. Her mother, a language teacher, taught her French and Spanish. Her father, a lawyer, taught her about real estate.

Speaking eloquently and knowledgeably about the law from a young age has stood Clark in good stead as she has pursued a career as a corporate lawyer. Her practice focuses on banking and structured finance. It also encompasses mergers and acquisitions, securities, financial institutions and lending transactions, public finance and government law, and analysis and counsel regarding financial crises.

In February of 2008, Clark came to Sonnenschein from Kelley Drye & Warren LLP, where she was a partner, because she was attracted to the firm's national presence and strong public finance practice. Throughout her career, Clark has represented a number of banks and not-for-profit entities, and she liked the fact that Sonnenschein had a "huge footprint" in the municipal bond sector. Last year, for example, she worked on tax-exempt financings for the benefit of several hospitals and universities in the Northeast, including various

restructurings that arose as a result of the problems in the auction rate bond market in the fall of 2008.

Clark has also focused on aircraft finance for most of her career. In the 1990s she worked on the lease financing of a number of jumbo jets, as well as the restructuring of those deals when they matured in the early 2000s. Since the United States' adoption of the Cape Town Treaty, which established international standards for aircraft transactions, she has worked with individuals and corporations on the acquisition and financing of aircraft, helping them comply with new requirements such as the Treaty's implementation of a global registry for aircraft.

In the Law School's Evening Division, Clark met "some very interesting people that I do business with to this day," and her professors were not only great teachers but "the best in their field," she says. "New York Law School taught me in a way that allowed me to practice immediately."



**SALVATORE  
O. FRANCO '96**

"The goal was to begin work on day one as if nothing happened. It was a very lofty goal, but we've been very successful because Sonnenschein has committed a lot of resources to achieving that goal," says partner Salvatore O. Franco, just three weeks into his new position at Sonnenschein.

At his new firm, Franco is pursuing work that is similar to what he did at Thacher Proffitt & Wood. He represents issuers, sellers, and servicers in public and private offerings of mortgage and asset-backed pass-through securities. But, he says, "the difference is: not only can I do the job that I did previously, but I have the opportunity to offer more than I had previously."

Franco notes that Thacher Proffitt had "a terrific platform for what we did, but we were not a firm that did everything." Because Sonnenschein is larger and has more practice offerings, Franco can refer his clients to other lawyers at the firm.

Franco's focus has shifted since the slowdown in the economy. Previously, he spent about half of his time in the traditional securitization markets and the other half assisting clients in maintenance of assets. Now, he is working full time with hedge fund, investment bank, and private equity clients who "decided to jump back in" to a capital market rife with distressed assets and turned to Franco for his expertise.

It's an expertise Franco developed over the course of his career. In August 2008, he published a paper titled "What to Consider in Buying Home Mortgage Loans,"<sup>1</sup> discussing an area he has been working in since he began his career, and one that is particularly germane in today's real estate market. His paper describes how the environment for the purchase and sale of mortgage-related assets has changed significantly since these sales have become distressed.

"Anything that is distressed has a different flavor," he says. "My paper points out that a distressed sale involves reduced pricing and reduced obligation on the part of the seller to disclose problems. Buyers will take more risk when they're paying less money."

As for the future of his business, Franco says, "There's a degree of uncertainty in the markets, but I still think there is a tremendous opportunity. In the short run or the long run, there will always be real estate and mortgages."



**ROY  
G. LOCKE JR. '06**

<sup>1</sup> Franco, Salvatore. "What to Consider in Buying Home Mortgage Loans." August 13, 2008, *Law360*.

For law school superstar Roy G. Locke Jr., there were several job choices after graduation. But Locke, who was a John Marshall Harlan Scholar, Shepard Broad Scholar, and Associate Editor of the *Law Review*, says the choice to join Sonnenschein was a no-brainer. The firm offered exposure to a variety of high-level transactions that appealed to him immediately. In fact, the firm wasted no time in putting its new associate to work.

“The day that I started, March 1, 2006, I walked through the door and met Ira Roxland, a securities partner. He looked at me and said, ‘I have an IPO for you,’” Locke recalls. “It was quite a welcome! I proceeded to work on that entire transaction.”

That first transaction involved a \$58 million public offering for a special purpose acquisition company (SPAC) that sought to acquire an operating company in India. Locke explains that SPACs are formed solely for the purpose of raising capital for subsequent investment. Since SPACs lack an operating history, Locke worked with a senior associate to ensure that this SPAC made sufficient disclosure in its registration statement filed with the U.S. Securities and Exchange Commission (SEC).

Another favorite transaction involved a private equity client’s investment in Professional Bull Riders, Inc. (PBR), in which Locke was responsible for the initial legal due diligence and drafting of some of the transaction documents for the deal. Although the process was lengthy, Locke’s hard work paid off. The deal successfully closed, with Locke and other Sonnenschein attorneys obtaining the necessary financing for their client to purchase PBR as one of its portfolio companies. “I attended the closing [PBR] dinner, and that was quite an experience,” he says with a laugh, noting that there were bulls and bull riders present.

In addition to his corporate practice, Locke works in Sonnenschein’s financial crisis special situations group, formed last September to address client concerns about the economy. He is also a part of the firm’s New York Diversity Committee.

**“I am very proud of being an African American male and an attorney. It’s important that law firms follow through on their professed commitment to diversity. That’s definitely true here at Sonnenschein.”**

Locke serves on the board of directors for Practicing Attorneys for Law Students Program, Inc. (PALS), a nonprofit organization dedicated to developing the legal skills and career growth of minorities in the legal profession. “I had a number of good mentors through the PALS program, and serving on its board is my way of paying that forward.”



**HUGH  
M. MCDONALD '90**

Hugh M. McDonald gives New York Law School a lot of credit. Not only is it where he got a great legal education, participated on the National Moot Court Team, and served as Note & Comment Editor of the *Law Review*—it’s also where he met and fell in love with the Executive Editor, Deirdre Dillon ’89, now his wife. Three children later, the two alums are riding out the economic plunge, she as Chief Compliance Officer and Counsel for Seix Investment Advisors LLC, and he as a partner in Sonnenschein’s corporate reorganization and bankruptcy practice.

McDonald says he has been “living out of boxes” after moving first from Thacher Proffitt to Sonnenschein, then from Sonnenschein’s downtown office to its midtown location. In today’s economy, and considering his practice area, it’s not surprising that he is too busy to unpack.

McDonald was drawn to bankruptcy law after law school because he saw it as the “last bastion of the general practitioner in the big firm world.” Initially a litigator, he enjoyed the speed of bankruptcy litigation and the fact that it cut across all practice areas, from real estate to litigation to lending and banking.

“One time I joked that I had hit every area except trusts, and wouldn’t you know, a week later someone was at my doorstep with a trust question,” he recalls with a chuckle.

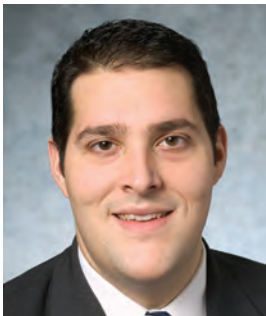
Right now, much of McDonald’s business is being generated from the distressed capital markets, and

covers structured finance, loan servicing, derivatives, and restructuring loans. Some companies are struggling to finance a bankruptcy while others, like Interstate Bakery, which makes Twinkies and other baked products, have been struggling for months to get out of bankruptcy. Interstate, he says, is fortunate to have financed a bankruptcy when money was available.

**“You’re going to see a lot more bankruptcy filings in 2009,” McDonald predicts. “And you’ll start to see a recovery in the financial sector, and you’ll scratch your head and wonder why.” He says financial markets must recover before restructuring can occur, and explains that most bankruptcies featured in the papers are actually liquidations.**

“Weakness is going straight across all the sectors,” McDonald says. “Manufacturing has been hit hard. The retail sector has been hit hard. Banking, financial services, and commercial real estate have all been hit hard. There’s a lot to be restructured, and a lot of bankruptcies that should happen, but there’s no money to finance them.”

In the days ahead, McDonald will rely on his expertise and 18 years of experience to help lead his clients out of the choppy waters.



**JOHN**  
D. VAVAS '03

Fourteen days behind his new desk at Sonnenschein Nath & Rosenthal LLP, John D. Vavas says he is very happy with his new home.

“We’re still working through the transition, but the people here have been fantastic.”

Vavas says he feels fortunate to be part of the group of 100 lawyers acquired from Thacher Proffitt &

Wood. At Thacher Proffitt, Vavas’s practice focused on commercial mortgage-backed securities (CMBS) origination, and his clients were large investment banks that lent money secured by a mortgage on commercial real estate. But the “fluidity of doing those deals has stopped,” Vavas says, since the collapse of Bear Stearns and other investment banks.

“Balance sheet lenders—people who are making loans to hold them, not making loans to move them off their books—are still making loans. The secondary market of lenders who want to move [loans] off their books has dried up.”

Vavas has continued to represent investment banks and other lending institutions. But the nature of the work has changed and now involves loan workouts and loan restructuring.

In a more dramatic example of the economy affecting the nature of his transactions, Vavas recently represented the United States in the real estate component of the bailout loan made to Chrysler. “It was a secured loan made by the Treasury. Because of the time frame, it was obviously a very complex deal. There were a lot of moving pieces that really required going down the checklist.”

Although lending by investment banks has slowed, foreign banks and life insurance companies are making loans, he notes. “Some clients are surprised that loans are being made. The criteria are going to be a little tougher, but by all means there are lenders out there and deals are still getting done.”

**Vavas says the economic crisis has taught him a valuable lesson. “Diversifying your client base is important,” he says. “It’s important to have a mix of balance sheet lenders or secured type lenders, because one niche may slow down. I plan to constantly build my practice and get out there and network.”**

Sonnenschein’s broad range of practice areas, from insurance regulation to bankruptcy, allows Vavas to tap the firm’s internal network in referring clients to lawyers with other areas of expertise. “I send one e-mail around to the firm and within an hour I have a dozen responses. It’s great.”



**MITCHELL  
G. WILLIAMS '84**

Earlier in his career, real estate partner Mitchell G. Williams looked at real estate in a very different way. He was a land surveyor, and law school wasn't even a twinkle in his eye.

All of that changed when he went to a conference of land surveyors. There, Williams attended a panel discussion between a group of lawyers and a group of land surveyors.

"I suspected that the land surveyors were right," Williams says of a debate between the two groups. "But the lawyers were much more articulate. And the surveyors in the audience were saying, 'Well, they're lawyers, they must know.'"

Williams knew then it was time to go to law school. If a *summa cum laude* degree and a successful career are any measures, he clearly made a good choice. Formerly with Thacher Proffitt & Wood, Williams became a partner at Sonnenschein and a member of its real estate practice in January 2009. His practice focuses on financial institutions and lenders in construction and real estate projects.

When Williams started out as an associate, his surveying experience was useful, he says, because issues of title are dealt with "first blush" by junior associates. And Williams still draws on that foundation today.

**"If someone comes into my office with a problem with a survey, it's easier for me to understand because I understand what the surveyor meant and how he or she got to that solution."**

As a real estate partner, however, Williams's focus goes well beyond issues of title. At Thacher Proffitt he worked on two very large financings of commercial properties in more than 30 states. He was also involved in the financing of loans to Fannie Mae and Freddie Mac. He served as counsel to the Mortgage Bankers Association of New York when it adopted the New York creditor's rights endorsement by the American Land Title Association, securing important rights for lenders.

Today, Williams is continuing the work he did at Thacher Proffitt, although he acknowledges that the economy has caused the volume of work to slow down, especially with commercial mortgage-backed securities. "Put simply, a lot of lenders are not lending," he says. "The challenge is to get in with existing clients and try to expand what you can do for them."

Williams is now working on restructuring loans, amending the terms of existing loans and doing loan workouts. He's also getting to know his way around Sonnenschein, where the law firm culture is very similar to Thacher Proffitt's—"professional, but very friendly, very open, which is one of the reasons I came."

Williams says his law school experience was "terrific," and Professors Joseph Koffler and Robert Blecker were particularly influential. He had Professor Koffler for Torts and Professor Blecker for Constitutional History.

"Koffler used the traditional Socratic method," Williams recalls. "His style could be overbearing, and he was tough in class, but I learned a lot from him." He describes Professor Blecker's style as more collegial, "without any loss of rigor."

Williams has remained very active as a graduate of the Law School, even chairing the School's Law Firm Challenge for Thacher Proffitt last year. When asked what advice he would give current law students, he laughs and says without a pause, "Besides not going into real estate?" Kidding aside, he adds, "Any kind of practical experience helps. The more exposure you have, the better you are able to practice upon graduation."

In addition to managing his real estate practice, Williams is the Editor of *Land Surveys: A Guide for Lawyers and Other Professionals* and speaks often to groups on survey and environmental issues. **f**



## New York Law School Achieves Record Bar Pass Rate Third Year Surpassing the State Average

By LaToya D. Nelson

New York Law School scored its highest bar pass rate ever last summer, with 94.1 percent of the Class of 2008 passing the New York state bar exam, exceeding the state average of 91 percent. This score placed the Law School among the top five of all law schools in New York state for the second year in a row.

“I congratulate our students; they worked hard, studied hard, and followed through on all the things they needed to do to be successful,” said Dean and President Richard A. Matasar. “This is a point of pride for the entire New York Law School community.”

July 2008 Bar Pass Rates for First-Time Takers

Law Schools in New York State	July 2008
Cornell	99%
Columbia	97%
New York University	97%
Fordham	95%
New York Law School	94%
Cardozo	93%
St. John's	92%
Brooklyn	91%
<b>State Average</b>	<b>91%</b>
Hofstra	88%
Pace	85%
Buffalo	83%
CUNY	83%
Syracuse	82%
Albany	82%
Touro	81%

Source: *New York Law Journal*

According to an article in the *New York Law Journal*,<sup>1</sup> there were two records set by law students who attended schools in New York state, which New York Law School students helped contribute to: first-time takers of the July 2008 exam outscored last year's group by 2.8 percentage points and scored one point higher than all graduates from law schools outside the state; and the number of candidates taking the exam reached an all-time high of 11,176. From New York Law School, 359 first-time test takers sat for the exam, with 336 passing.

In the article, Dean Matasar is quoted as saying, “If a school is attentive, it can help its students with the skills they need to pass the bar. I think all schools are serious about this. It's the name of the game.”


New York Law School's attention to boosting bar exam numbers has taken the form of several targeted efforts—most notably, the Comprehensive Curriculum Program (CCP), instituted in 2003. CCP targets students who perform in the bottom quarter of their class after their first year, and requires them to take intensive courses that help them turn a weak start into a powerful finish. Some students in the program take an additional semester of concentrated study, tuition-free.

Almost 10 years ago, the Law School's pass rate was only 58 percent until it rose to 72 percent and held steady at that rate from 2000 to 2005. In 2006—when the first cohort of CCP graduates took the bar—the pass rate took a major jump, with 84 percent of first-time test takers passing the exam, superseding the state's pass rate of 79 percent. In 2007, the bar pass rate reached 90 percent, placing the Law School in the top five of all law schools in the state and again exceeding the state average of 88 percent.

### More Good News

New York Law School has been enjoying life in the spotlight lately, with its outstanding academic programs getting recognized in the media.

In the fall 2008 edition of *The National Jurist*, the Law School ranked 15th in a list of the 75 “Best Law Schools for Public Interest.” The schools were chosen based on a scoring system in which points were assigned in three categories: student involvement, curriculum, and financial factors.

More recently, the Law School was featured in the winter 2009 issue of *preLaw* magazine as one of the 10 “Most Innovative Law Schools” in the country, chiefly for the project-based learning opportunities provided for students at its eight academic centers. Selected schools were nominated by law school deans from across the country. 

<sup>1</sup> *New York Law Journal*, “Cornell Tops in N.Y. Bar Exam Pass Rate, State Average Hits High,” December 5, 2008.

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DRUMROLL PLEASE: THE LAW SCHOOL PREPARES TO UNVEIL ITS BRAND-NEW BUILDING

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SUPPORT THE *BREAKING NEW GROUND. AGAIN.* CAPITAL CAMPAIGN



## Drumroll Please: The Law School Prepares to Unveil Its Brand-New Building

Since *New York Law School Magazine* last reported on the status of the School's new building, the facility has begun its final transformation from a construction site to a sophisticated and permanent new home. We recently sat down with Irwin Schneider, Managing Director of VVA LLC, the project management firm, to find out more about the building's progress and what alumni can expect to see when they come to visit.

Since the fall semester, Schneider says, the construction team has finished framing the floors and piecing together the building's glass exterior—which he refers to as the “skin” of the building—and moved onto finalizing what he calls the “guts”—the infrastructure and high-end finishing work inside. “The character of the building is being born,” he says, with the completion of everything from the classrooms, auditorium, and dining facility, to the monumental stairway and glass canopy on the building's north side. “It is an awesome feeling to walk down the staircase, feeling like you're freestanding, looking out over Leonard Street,” he says.

Other details taking shape include the terrazzo floors in the building's main corridor and the intricate woodwork along its walls, which will feature names of donors and exhibits illustrating the School's history, scheduled for completion this fall.

In addition to these finishing touches, says Schneider, the team is also setting up all of the building's systems. “The body parts that make the building live and breathe are now coming to fruition: the air conditioning, electric power, fire protection system, plumbing, A/V

and communication systems. In essence, the building is now its own entity, running on its own.”

A project of this size and complexity certainly isn't without obstacles. For Schneider, who has been working on the job for nearly five years, the biggest challenge has been dealing with the many agencies and stakeholders connected to the site's unique location and construction process—including the Metropolitan Transportation Authority, Con Edison, the NYC Department of Transportation, the developers who purchased the property next to the site, and even local neighbors. “Aligning everyone else's objectives with those of the Law School is what we do, and that's the tough part,” he says.

He credits Dean Richard A. Matasar and Vice President of Finance and Administration Fred DeJohn for their outstanding leadership and for putting together an exceptional team that gets things done. “They have made decisions as a team according to the timeline we gave them, and they've been very good at sticking to them.”

Schneider predicts that alumni returning to visit the Law School will be impressed that the building project is complete—making a decades-long dream a reality—and that it was finished within budget. But the real “wow” factor, he believes, will be seeing the building itself. “The Law School now has a brand-new state-of-the-art teaching facility that serves as an anchor and a focal point for the entire campus,” he says. “Everyone is going to be proud to be associated with New York Law School and the monumental facility that's been built.”



## Support the *Breaking New Ground. Again.* Capital Campaign

Make the most of this once-in-a-lifetime opportunity to be part of the transformation of our great law school. A gift at any level that works for you will help support New York Law School's academic and scholarship programs, and together we can build the future. Your gift can be made monthly, quarterly, or yearly on your credit card and spread over five years. This is a chance to turn that once-a-week latte expense into long-term support for your alma mater. For example, for just \$17 a month, you can make a gift of \$1,000 over five years, and inscribe your name on the new building.

Making a gift to the Law School to support the Capital Campaign is as easy as visiting [www.nyls.edu/breakingnewgroundagain](http://www.nyls.edu/breakingnewgroundagain) and clicking your mouse. On this special section of the School's Web site, not only can you make a gift to support the Capital Campaign, but you can also download Campaign materials, see pictures and floor plans of the new building, and review the more than 150 available naming opportunities.


Additionally, it is easy to support the Law School as part of your estate plans. All alumni who make a planned gift to the Capital Campaign will become charter members of the Law School's *1891 Heritage Society* and will receive recognition in the new building. A planned gift can be made in many ways, including:

**Bequests:** Your bequest to New York Law School through your will or living trust can take any of a number of forms. You can give a specific dollar amount,

or a portion of what remains after your obligations to others are fulfilled.

**Life Insurance:** If you have life insurance policies that you no longer need to protect family members or a business, you can name the Law School as the beneficiary of the policy. Alternatively, you can transfer the policy to New York Law School, and name the Law School as the owner and beneficiary.

**Retirement Assets:** You can ensure the future of New York Law School by naming the Law School as a beneficiary or contingent beneficiary of an IRA, 401(k), 403(b), Keogh account, or other retirement plan.

The Law School welcomes the opportunity to work with you and your advisors in planning your gift. If you have any questions regarding the Capital Campaign and how you can make a contribution, please contact Suzanne Davidson, Associate Dean and Vice President for Development and Alumni Relations, at [suzanne.davidson@nyls.edu](mailto:suzanne.davidson@nyls.edu); Seth Rosen '99, Assistant Vice President of Development, at [seth.rosen@nyls.edu](mailto:seth.rosen@nyls.edu); or Lauren Peddicord, Campaign Manager, at [lauren.peddlicord@nyls.edu](mailto:lauren.peddlicord@nyls.edu); or call 212.431.2800. For questions regarding planned gifts, please contact Seth Rosen. 

**"We have a chance to make an impact now, such as we may never have again."**

Arthur N. Abbey '59, Chair, New York Law School Board of Trustees



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## Center on Business Law & Policy

The Center on Business Law & Policy began the fall 2008 semester with a Master Class presented by Richard Nohe '96, Chief Counsel, USA & Canada for BT Global Services. Nohe discussed "Managing Change in a Global Legal Department," providing an insider's look at the changing dynamic of working in the legal department of a large global corporation.

In October, the Center presented its second Master Class with Professor Ronald Filler, Director of the Law School's Center on Financial Services Law. Professor Filler, a former managing director at Lehman Brothers, spoke about "Lehman Brothers—How Its Bankruptcy Impacted the International Future Derivatives Market." He gave a firsthand account of the events that caused the fall of one of the world's most prestigious investment banks and what it meant for the future of the financial markets.

November was a busy month, beginning with Robert Slee, Managing Director of Robertson & Foley, returning to the Law School to discuss "Building Your Future in the Private Capital Markets." Slee gave sensible advice to Center students about starting a successful legal career.

Later that month, the Center hosted the next lecture in its Lawrence Lederman Lecture Series. Robert Finkel, a partner at Milbank, Tweed, Hadley & McCloy LLP, spoke about "Business and Technology: A Reflection on 20 Years at a Big Firm." He shared his experiences in the compelling practice of business technology and his predictions for where this practice area is headed.

The semester concluded with a Master Class with Kevin Logue, a partner at Paul, Hastings, Janofsky & Walker LLP, who spoke on "Corporate Governance in a Troubled Economy: Duties of Directors and In-House Counsel." His timely lecture presented practical advice to new and practicing attorneys on navigating these turbulent economic times.

The exploration of the new financial realities will continue in the spring semester, when the highlight will be the Center's symposium titled "Fear, Fraud, and the Future of Financial Regulations: Beyond the Market Meltdown of '08."



Professor Faith Stelman (left), Center Director, presenting before the Center's first Master Class of the semester with speaker Richard Nohe '96 (right) and Professor Nadine Strossen (center).



Professor Howard S. Meyers (right), Center Associate Director, with Master Class speaker Kevin Logue (left) before his speech about corporate governance in today's economic climate.



Left to right: Distinguished Adjunct Professor of Law Lawrence Lederman, speaker Robert Finkel, and Professor Meyers after Finkel's Lawrence Lederman lecture reflecting on his 20 years in practice.



Professor Ronald Filler speaking to students at the Master Class in October 2008 about the fall of Lehman Brothers and its impact on the future derivatives market.

## Center for International Law

Mark Drumbl, a law professor and Director of the Transnational Law Institute at Washington and Lee University, delivered a C.V. Starr Lecture presented by the Center for International Law on October 15, 2008. He argued that the growing use of existing international criminal law to prosecute mass atrocities will neither deter such crimes nor apportion proper punishment to those individuals who ordered or carried them out.

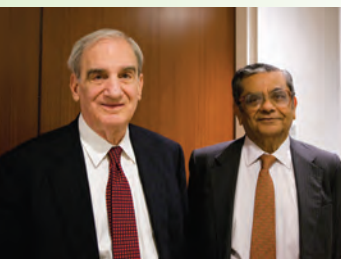
On October 29, 2008, the Center and think tank Network 20/20 presented “A Paradigm for Democracy and Counterterrorism in Pakistan.” A panel of specialists, including Professor Tai-Heng Cheng, Center Associate Director, presented the findings of a series of in-depth interviews they had conducted in Pakistan with senior government officials and representatives from a cross section of Pakistani civil society.

During his C.V. Starr Lecture on November 5, 2008, Jeremiah Pam, a former Treasury Department official who led the financial diplomacy efforts at the U.S. embassy in Iraq, argued that an underappreciated element limiting the effectiveness of U.S. state-building efforts in that country has been the institutional dynamic between U.S. agencies and Iraq’s own civilian agencies.

Jagdish Bhagwati, one of the world’s leading international trade economists, delivered a C.V. Starr Lecture on November 10, 2008, discussing the legal implications of the proliferation of free trade agreements (FTAs) separate from the WTO system. Describing FTAs as “termites in the trading system,” Bhagwati explained how these agreements undermine the free trade system.

*The American Lawyer*, a leading media source for legal news, featured Professor Sydney M. Cone III, Center Director, in its Law Firm Leaders Forum on October 22, 2008. He discussed the passage of the United Kingdom’s Legal Services Act, which allows lawyers and nonlawyers to work together directly, and its implications on legal practice in the United States.

Professor Cheng traveled to Kosovo in October 2008 to advise its Office of the President and Ministry of Foreign Affairs. Among other issues, he provided counsel on the pending advisory opinion of the International Court of Justice on the legality of Kosovo’s recent declaration of independence from Serbia. Six Center students provided research support.



Left to right: Professor Sydney M. Cone III, Center Director, with Jagdish Bhagwati, who spoke about “Free Trade Agreements: Which Way Now?” in his C.V. Starr Lecture.



Left to right: Professor Tai-Heng Cheng, Center Associate Director, with Patricia Huntington (Network 20/20), Andy McCord (Pakistan specialist), Madiha Tahir (Columbia University), George Billard (Miracle Media), and Glenn Johnston (Kroll), who discussed “A Paradigm for Democracy and Counterterrorism in Pakistan.”



Left to right: Professor Cone with Jeremiah Pam, who delivered a C.V. Starr Lecture titled “State-Building and the Interplay Between U.S. and Local Institutions: Lessons from Iraq.”



Left to right: Professor Cheng with Professor Mark Drumbl, presenter of the C.V. Starr Lecture “Atrocity, Punishment, and International Law.”

## Center for **New York City Law**

Christopher O. Ward, Executive Director of the Port Authority for New York and New Jersey, presented the first lecture in the Center for New York City Law's 2008–09 City Law Breakfast series on September 12, 2008. His talk focused on "Challenges at the Port Authority."

On October 17, 2008, the Center hosted Eric Lane, Eric J. Schmertz Distinguished Professor of Public Law and Public Service at Hofstra University School of Law, and Senior Fellow at the Brennan Center for Justice at New York University School of Law. Professor Lane presented a talk titled "Exorcize the Term Limit Demon" concurrent with the New York City Council debates about extending term limits.

On November 6, 2008, the Center presented the first class of its new evening CLE series. Howard Goldman, Founder and Principal of the Law Offices of Howard Goldman, LLC, delivered a lecture on "Land Use Due Diligence: Zoning and Development Analysis of a New York City Property."

The City Law Breakfast series closed the fall semester on November 7, 2008 with a lecture on "Campaign Finance in New York City: Looking Ahead to November 2009," presented by Chairman Joseph P. Parkes, S.J. and Executive Director Amy M. Loprest of the New York City Campaign Finance Board.

The Center resumed its evening CLE series on December 2, 2008 with "The New NYC Construction Codes," presented by Phyllis Arnold, Deputy Commissioner for Legal Affairs and Chief Code Counsel, New York City Department of Buildings; and Olivia Treglio Goodman, Senior Counsel, Division of Legal Counsel, New York City Law Department.



Eric Lane, Professor at Hofstra Law School and Senior Fellow at the Brennan Center for Justice, presents "Exorcize the Term Limit Demon" at the October 17, 2008 City Law Breakfast.



Left to right: Professor Ross Sandler, Center Director, shares a moment with Professor Lane following his presentation at the October 17, 2008 City Law Breakfast.



Congressman Jerrold Nadler of New York's Eighth Congressional District poses a question to Christopher O. Ward, Executive Director of the Port Authority of New York and New Jersey, during Ward's September 12, 2008 presentation "Challenges at the Port Authority."



Christopher O. Ward discusses the challenges that the Port Authority faces in the coming years at the September 12, 2008 City Law Breakfast.



## Center for Professional Values and Practice

In the fall 2008 semester, the Center for Professional Values and Practice launched three new research initiatives for its faculty and students.

### Lawyering on the Edge

Recent cases involving those accused of terrorism raise interesting questions about what role lawyers ought to play when representing clients who advocate the overthrow of the American government. How should a lawyer approach the case when the client's expressed goal is to destroy all the laws and institutions to which the lawyer has pledged his or her loyalty? Is a client-centered approach possible under such circumstances, and if not, how should the lawyer define the objectives of the case? This project approaches these questions from a historical perspective. It consists of a series of historical essays that portray different cases in which the lawyer has attempted to provide meaningful representation to those who wish to destroy the political and legal system within which the lawyer must function.

### The Rise of the Tax Shelter Industry

This project examines the role of tax professionals in the rise of the abusive tax shelter industry between 1994 and 2004. During this 10-year span, KPMG, Ernst & Young, and other well-respected accounting firms, assisted by tax lawyers at prestigious corporate law firms, developed a huge market for tax shelters, costing the U.S. Treasury hundreds of billions of dollars in lost tax revenue. This led to the prosecution—and attempted prosecution—of many tax professionals. How did these professionals become the principal agents in the creation of abusive tax shelters? What does their role suggest for the integrity of the tax system? The project is based on interviews with the principal participants in the tax shelter industry.

### Cause Lawyering in Thailand

This project examines “cause lawyering”—described as “law practice furthering a vision of the good society”—in Thailand. Constitutional reform in Thailand has expanded the reach of law by defining rights and creating institutions of legal accountability. While the “right to have rights” may have broad popular support, the importance of rights and the viability of careers for lawyers who invest in promoting rights for particular causes remain in doubt. The study focuses on the role and careers of activist lawyers and the continuing influence of traditional Thai culture. It is one of the only studies to consider cause lawyering in a developing Asian society, and one of the very first to focus on Thailand.

Center for  
**PROFESSIONAL VALUES  
AND PRACTICE**

at New York Law School

[www.nyls.edu/cpvpr](http://www.nyls.edu/cpvpr)

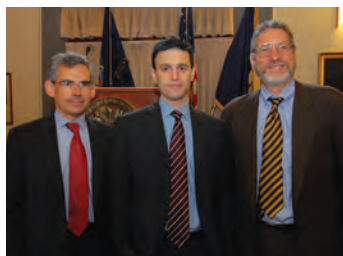
## Center for Real Estate Studies

During the fall 2008 semester, the Center for Real Estate Studies presented the following events:

- The Second Annual “Breakfast Forum on Sustainable Real Estate Development in NYC,” held on September 18, 2008. Keynote speaker Jonathan F.P. Rose, President, Jonathan Rose Companies LLC, spoke to more than 200 attendees about “Green Urban Solutions.” Professor Michael B. Gerrard, Director, Center for Climate Change Law at Columbia Law School and Senior Counsel, Arnold & Porter LLP, was the commentator.
- A walking tour and lecture of northwestern TriBeCa on October 6, 2008, given by Richard Landman ’88, Certified Urban Planner and former Executive Director of Real Estate Development for the City of New York.
- A Master Class on “Public-Private Partnerships,” held on November 13, 2008, with Kate Kerrigan ’07, Executive Director, DUMBO Improvement District.
- A breakfast forum on “The Real Estate Credit Markets: A Year-End Review and Outlook for 2009,” held on November 20, 2008. Joseph Philip Forte, Partner, Alston & Bird LLP, and Daniel B. Rubock, Senior Vice President, Moody’s Investors Service, Inc., addressed an audience of 200.

The Center is excited to announce the launch of the Law School’s new LL.M. in Real Estate, a new master’s program offering two concentrations: Transactional Practice, and Public Policy and Regulation.

The Center welcomed four new affiliated faculty members. **Professor Elise C. Boddie** is an expert on land use planning and state and local government law. She previously served as Associate Director of Litigation at the NAACP Legal Defense & Educational Fund. **Professor Richard Chused** is a prolific scholar and expert on property law, law and gender, copyright law, and cyberlaw. He previously taught at the Georgetown University Law Center for 35 years. **Professor Gerald Korngold** is the former Dean of Case Western Reserve University School of Law. He taught at New York Law School from 1979 to 1987 and was Associate Dean for Academic Affairs from 1984 to 1986. **Professor Marshall Tracht** directs the School’s new LL.M. in Real Estate program. He co-authored a leading textbook on real estate law and has written extensively in the areas of real estate development, construction financing, workouts, and bankruptcy.



Left to right: Professor Michael B. Gerrard, Director, Center for Climate Change Law at Columbia Law School and Senior Counsel, Arnold & Porter LLP; Professor Andrew R. Berman, Center Director; and Jonathan F.P. Rose, President, Jonathan Rose Companies LLC, at the Second Annual “Breakfast Forum on Sustainable Real Estate Development in NYC.”



Left to right: Daniel B. Rubock, Senior Vice President, Moody’s Investors Service, Inc.; Joseph Philip Forte, Partner, Alston & Bird LLP; and Professor Berman at the breakfast forum on “The Real Estate Credit Markets: A Year-End Review and Outlook for 2009.”



Kate Kerrigan ’07, Executive Director, DUMBO Improvement District, at the Master Class on “Public-Private Partnerships.”



Left to right: Jonathan F.P. Rose, Professor Berman, and Professor Gerrard at the Second Annual “Breakfast Forum on Sustainable Real Estate Development in NYC.”

## Institute for Information Law & Policy

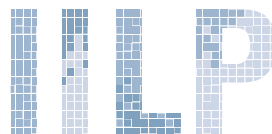
The Institute for Information Law & Policy began the fall 2008 semester with Professor Dan Hunter joining the faculty, and its Director, Professor Beth Simone Noveck, being tapped by the Obama campaign to work on open government policies. Institute professors led capstone and Tech Law Lab projects exposing students to legal issues that were as varied as they were cutting-edge. Professor Molly K. Beutz Land led a project on human rights and access to health-related information; Professor Hunter helped teams of students explore attitudes towards intellectual property in the worlds of *haute cuisine* and *haute couture*; and Professors Beth Noveck and David Johnson coordinated projects on bringing the wisdom of citizen networks into governance.

The Certificate of Mastery in Law Practice Technology presented two lectures on e-discovery and career paths in legal technology. One, in September, featured David Boyhan, Director of Electronic Discovery and Case Logistics at Merrill Lynch; the second, in November, featured Michael Dalewitz '04, Senior Managing Partner at Peak Discovery, Inc. The Institute also hosted "Considering Alternative Career Paths: Combining Legal Training and Experience with Technology Skills," with Alan J. Rothman, Project Manager of Cleary Gottlieb Steen & Hamilton LLP's knowledge management department.

In October, the Institute continued its IP Surprise! lecture series on the importance of intellectual property in unlikely industries. Lisa Cantos, Vice President and Associate General Counsel of Starwood Hotels & Resorts Worldwide, Inc., spoke about the role of brand management, information technology, and a broad intellectual property perspective in the hotel industry.

In November, the Patent Law Program presented "Business Method Patents: The Effects of *In Re Bilski*." Students discussed the potential ramifications of *In Re Bilski* on business method patents with speaker Jeffrey S. Dickey '90, a member of the Institute's Alumni Advisory Board. The Program also worked closely with the Center for Patent Innovations on its Peer-to-Patent system, introducing students to a range of opportunities for improving the U.S. patent system.

Professor James Grimmelmann was interviewed by Professor Brandt Goldstein in November for a discussion on the privacy issues raised by social networking sites such as Facebook and MySpace. The conversation, which began with a discussion of Professor Grimmelmann's forthcoming article on the subject, featured a lively back-and-forth as students shared privacy horror stories and probed the changing nature of privacy online.



Institute for  
**INFORMATION  
LAW & POLICY**  
at New York Law School

## Justice Action Center

### Student Publications

Throughout the fall 2008 semester, the Justice Action Center provided various forums to showcase student writing.

- The Center published Volume III of its *Capstone Journal*, a compilation of students' final projects for the Center. This volume included a paper examining the intentional use of humiliation and degradation as penalties for criminal conduct; a state-by-state analysis of the right to appointed counsel in civil cases; and a survey of numerous countries' laws and practices for involuntary civil commitment. Projects are available for download at [www.nyls.edu/capstones](http://www.nyls.edu/capstones).
- Students involved with the Center's Economic Justice Project produced a series of reports exploring the rise and fall of the subprime mortgage market, available at [www.nyls.edu/ejp](http://www.nyls.edu/ejp).
- The Center's Racial Justice Project published its student-written Supreme Court preview, focusing on cases involving racial justice issues, and launched *Diverse Opinions*, a forum for students to write on issues of race, justice, and the law. Both are available at [www.nyls.edu/rjp](http://www.nyls.edu/rjp).


### Student Involvement

To satisfy an increased interest in public service, the Center expanded the number of volunteer opportunities for students.

- The Center's Safe Passage Project trained students on naturalization and special immigrant juvenile status. Students then volunteered for the Center, as well as other programs in the city, to provide pro bono legal services to immigrant children.
- In an effort to teach high school students about the law, the Center's Street Law program began recruiting and training New York Law School volunteers to visit high school students last spring. In the program's second year, student coordinators have significantly increased the number of volunteers and tripled the number of visits with high school students.
- The Center began a partnership with LIFT, an organization that promotes access to justice for vulnerable families. Participating students volunteered at family court information sites, where they put their legal skills to work by helping families struggling to navigate the family court system.

### Events

The student-organized Justice Speaks Lunch Series continued to thrive this semester.

- The fall semester's three lunches examined the status of same-sex marriage recognition in New York state, discussed alternatives to incarceration programs, and suggested policies our government can adopt to put the nation on a path to energy independence. 




## Center for Patent Innovations

In August 2008, New York Law School was awarded a National Science Foundation grant for Open Patent, a research project of the Center for Patent Innovations that explores the value of adding “tagging” and visualization technologies to patent databases.

Center Executive Director Mark Webbink participated in the Omidyar Network Online Marketing Forum in October 2008. The event was for leaders of Omidyar Network-funded projects, such as the Center’s Peer-to-Patent project, to help them improve their Web presence.

Manny Schecter, Associate General Counsel of Intellectual Property Law at IBM; Professor Webbink; and Christopher Wong 3L, Peer-to-Patent Project Manager, conducted a CLE program on Peer-to-Patent at Albany Law School in November 2008.

The Center launched Post-Issue Peer-to-Patent ([www.post-issue.org](http://www.post-issue.org)) in December 2008, in conjunction with Open Invention Network and its Linux Defender Web site. Similar to the concept of the original Peer-to-Patent project, Post-Issue focuses on identifying previously unacknowledged prior art relevant to issued patents.


The Center began recruiting student volunteers from other law schools to help staff the Peer-to-Patent project. To date, the Center has students from Albany Law School; Duke University School of Law; North Carolina Central University School of Law; and University of California, Berkeley School of Law. 

## Media Center

In summer 2008, Professor Michael Botein, Director of the Media Center, visited the University of Haifa, Faculty of Law, in Israel, where he taught a class on comparative U.S. and foreign (including Israeli) media and telecommunications law. The course included discussions with Israeli communications law teachers and officials.

Professor Botein returned to the United States in July to check in with a group of Center students interning at the Federal Communications Commission (FCC) in Washington, D.C., as well as the agency’s supervising lawyers. The students worked on a variety of projects—involving cable television, mobile radio, telecommunications, and the Internet—and drafted documents on substantive issues related to both policy and transactional work. For the twelfth year in a row, the FCC staff was impressed with the students and their contributions.

Two visiting foreign scholars joined the Media Center in fall 2008 for the year. Marie McGonagle is a leading media scholar in Ireland, and she is in the process of writing the next edition of her treatise on European communications law. Leon Perlman is a young scholar from South Africa who is writing a book on the use of mobile telephony in funds transfer.

On December 8, 2008, the Media Center co-sponsored a seminar on “white spaces” and the digital television transition with the Federal Communications Bar Association’s New York Chapter, the New York State Bar Association, and the Association of the Bar of the City of New York. Speakers discussed the pros, cons, and public perspectives in connection with an FCC proposal to allow unlicensed wireless devices to use the so-called “white space” TV spectrum for broadband Internet access and related services. 

## The First Law Journal Alumni Symposium

For more than 50 years, the *New York Law School Law Review* has served as an invaluable resource on legal scholarship, providing students and outside authors with opportunities to publish articles on timely issues related to the law.


On October 24, 2008, the *Law Review* brought these issues to life in a series of engaging panel discussions at its first “Law Journal Alumni Symposium.” The daylong event featured distinguished alumni from a range of practice areas who presented articles on different topics pertaining to corporate, international, and constitutional law. Presenters shared their work with a packed audience of students, faculty, and alumni in the Wellington Conference Center.

The articles discussed were grouped into three panel sessions: “Constitutional Law,” moderated by Associate Dean Stephen J. Ellmann; “Comparative and International Law,” moderated by Visiting Associate Professor Brandt Goldstein; and “The Boardroom and the Courtroom,” moderated by Associate Dean Carol A. Buckler.

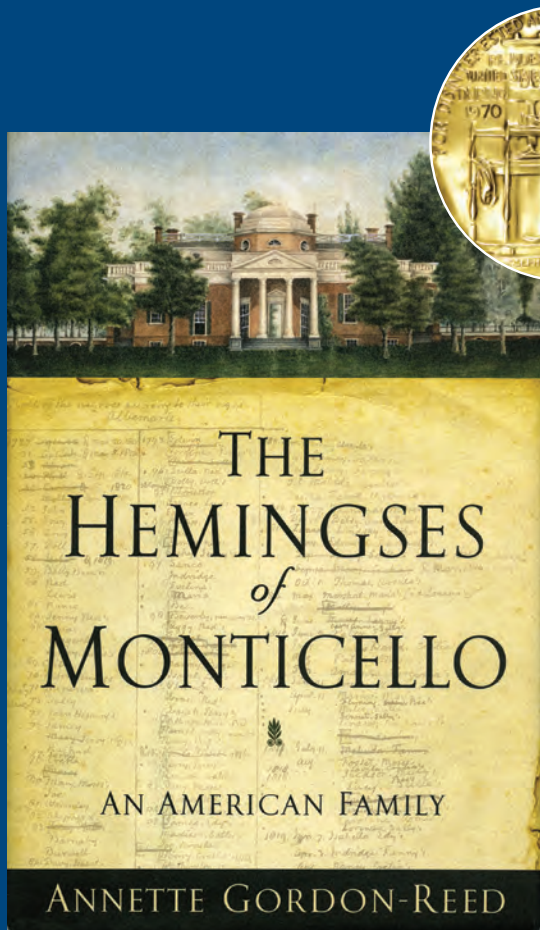
Each of the panels explored a variety of issues related to its main topic. For example, during the “Boardroom and the Courtroom” panel, Paul Bennett Marrow ’69 discussed his article “Determining if Arbitration Is ‘Fair’: Asymmetric Information and the Role of Arbitration in Modulating Uninsurable Contract Risks,” in which he argues for keeping arbitration in credit card disputes against opponents who say that arbitration is unfair. His fellow panelist, Daniel Gershburg ’06, discussed the case of *Wall Street Parking Corp. v. New York Stock Exchange, Inc.*, in which a parking garage sued the Stock Exchange, alleging that the organization’s security measures after 9/11 caused the garage to lose money.

The Honorable Roger J. Miner ’56, one of the founding members and former Managing Editor of the *Law Review*, delivered the keynote address during lunch. He reminisced about the early days of the journal, which was originally called the *New York Law Forum*. Judge Miner directed his speech primarily to students in the audience, telling them that being on law review is so significant that he has never hired a clerk in his office who didn’t have this vital editorial experience.

“Besides the honing of research, analytical, and writing skills, law review membership brings with it the experiences of polite collegiality and the opportunity to work with others towards common goals,” Judge Miner said. “This is an important experience valuable to those who would work in a judge’s chambers, at a law firm, or in any other legal environment where teamwork is essential.”

All of the articles showcased at the symposium will be published in the *New York Law School Law Review* later this year. 

# CONGRATULATIONS!



## PROFESSOR ANNETTE GORDON-REED WINS PULITZER PRIZE

NEW YORK LAW SCHOOL PROFESSOR ANNETTE GORDON-REED won the 2009 Pulitzer Prize in history for her book *The Hemingses of Monticello: An American Family* (W.W. Norton & Company, 2008), which chronicles the multigenerational history of a slave family owned by Thomas Jefferson. She became the first African American person ever to win the prize in the history category.

The prize is the latest of several awards Professor Gordon-Reed has recently received, including the 2008 National Book Award in nonfiction and a 2009 Guggenheim Fellowship for continued study in U.S. history.

# Meet the authors



Professor Jeffrey J. Haas  
Provides a Timely Resource for Investment Advisers



Joan Sutton Dollarhite '93  
Explores Life from the Right Lane



Alyssa Feinsmith Grodin '03 and Jaimee Nardiello '03  
Teach How to Survive the Bar Exam



## Professor Jeffrey J. Haas Provides a Timely Resource for Investment Advisers

By LaToya D. Nelson

In the face of recent scandals and a downward-spiraling economy, one thing is certain: the need for people to be much more careful about where and how they invest their money, and whom they rely on to do that investing.

This is why Professor Jeffrey J. Haas's most recent book, *Investment Adviser Regulation in a Nutshell* (Thomson West, 2008), co-authored with Adjunct Professor Steven R. Howard, is a timely and invaluable resource for investment advisers, law students, and anyone else associated with or interested in the industry. The book explains the basics of investment adviser regulation as established by the most important law for practitioners: the Investment Advisers Act of 1940, and the rules and regulations enforced by the U.S. Securities and Exchange Commission (SEC).

The professors approached the publishers hoping to convince them of the necessity for the book, because "there are a lot of smaller investment advisers who don't have access to sophisticated legal counsel to guide them through the regulatory maze," says Professor Haas. Thomson West agreed, and the resulting publication became part of its popular Nutshell series. The book provides investment

advisers and their chief compliance officers with a user-friendly, plain-English discussion about the rules and regulations impacting their business.

Professor Haas began the research process for the book with his notes from one of the courses he teaches, Federal Regulation of Mutual Funds, which has a section devoted to investment adviser regulation. From there, he and Professor Howard met to fill in the holes, outline the content, and organize

the sections in the most logical order. Professor Howard, a practitioner in the industry, contributed valuable expertise to the research process, says Professor Haas. "I'd say, 'Steve, vet this from a real-world perspective,'" he adds. "Obviously I knew the law and what is expected, but I'd ask him, 'What actually happens?'" Professor Howard is a partner at Bingham McCutchen LLP in Manhattan, where he heads the firm's New York Investment Company Act practice.

Another big help in the development of the book was a dedicated group of summer research assistants: Matthew Baum 3L, Sara Lustig 3L, Joseph Masi '08, and Borislava "Bobbie" Semkova '07, who worked with Professor Haas on sections of the manuscript. "I'm a big believer that when it comes to research assistants, it's not just about going and pulling cases and digging around in the library," he says. "For them, the best part of assisting is if they get a chance to write, and the professor reviews it, edits it, and tells them what they need to work on."

Professor Haas, who has been teaching at the Law School since 1996, is the author of two other books: *Corporate Finance and Governance: Cases, Materials, and Problems for an Advanced Course in Corporations* 3rd ed. (Carolina Academic Press, 2006) (with L.E. Mitchell & L.A. Cunningham), and *Corporate Finance in a Nutshell* (Thomson West, 2004). He is currently at work on a few new writing projects, including another collaboration with Professor Howard on the companion book to *Investment Adviser Regulation*, titled *Mutual Fund Regulation*, which he hopes to complete by the summer of 2010.

Another project merges two of his loves, law and music. Anyone who visits Professor Haas at the Law School knows about the drum set in his office. He is also an avid collector of music memorabilia and is writing an article about the law dealing with lost or stolen collectibles and ownership rights. And just as *Investment Adviser Regulation in a Nutshell* is a helpful resource for investment advisers, his upcoming article is sure to be an extremely useful aid to fellow music collectors. ■



## Joan Sutton Dollarhite '93 Explores Life from the Right Lane

By Andrea Juncos

Have you ever been tempted to quit your job, sell your house, and hit the open road? In 2007, Joan Sutton Dollarhite '93 and her family did just that, embarking on an eight-month cross-country journey that led them across 15,000 miles and 46 states. Their adventure is documented in Dollarhite's new book, *Life from the Right Lane* (PublishAmerica, 2008).

Dollarhite worked for nine years in a job she loved at the National Association of Broadcasters in Washington, D.C., where she was Director of Legal Operations. But her intense hours meant she rarely saw her 2-year-old son, Tommy, who, she says, spent "nearly every waking hour in day care."

In order to shift the focus of their lives from making money to spending time with family, Dollarhite and her husband Gary decided to fulfill a lifelong dream of traveling across the country. They put their house on the market, and when it sold, she says, "we were just kind of let free." With this newfound freedom, she and Gary left their jobs, bought an RV, and took off.

They zigzagged across the nation, visiting small towns, big cities, national parks, museums, monuments, and other iconic spots. One of the highlights for Dollarhite was Arches National Park near Moab, Utah, which she describes as "absolutely breathtaking." Other memorable stops included Devils Tower in Wyoming, Mount Rushmore, and the Badlands—all areas that Dollarhite never imagined she would see in her lifetime. "I remember turning to Gary and saying, 'We have done things and seen things that most people in America will never ever see.' It made me feel so good for taking the time to do it."


Dollarhite especially enjoyed seeing the landscapes and ways of life in places that were drastically different from the East Coast cities she was used to. "It didn't really feel like the trip had started until we got into Texas, where things look really different," she recalls.

But she was also struck by the commonalities she saw. "We never went someplace that didn't have a Wal-Mart," she laughs. And her family always found a place to stay at campgrounds and state parks. "It's comforting to know that you can go across this enormous country and still find things that are like home."

Their voyage certainly wasn't without obstacles, which included an electrical short in the RV only three days into the trip. And traveling in 200 square feet of space presented its own challenges, especially with a toddler on board. But overall, says Dollarhite, it was "fun, easy, and relaxing."

Tommy woke up every morning ready for whatever adventure was planned. And it's clear that those adventures have stuck with him. When he sees a picture of Mount Rushmore today, Dollarhite says, Tommy cheers, "Hey, it's the faces! We were there!" She's amazed at how much he remembers, but adds, "Even if he doesn't remember any of it, it helped develop him as the person he is, and I see value in that."

Dollarhite documented her own memories of the trip in an online journal that she kept along the way. When she returned, she published the journal as a book, which she hopes will inspire other families thinking about taking the leap. "It was the most awesome thing to date that I've done in my life, so I would recommend it to anybody," she says.

Today, Dollarhite and family are temporarily living in Maine, trying to figure out a way to re-enter the rat race. This time around, she says, family time will stay at the forefront. And someday, she predicts, they'll be on the road again looking for more adventures. 



## Alyssa Feinsmith Grodin '03 and Jaimee Nardiello '03 Teach How to Survive the Bar Exam

By LaToya D. Nelson

Anyone who has ever taken the bar exam remembers that dreadful period leading up to the test—the long grueling hours of memorization and studying, the anxiety about the future of your legal career, and the loss of any semblance of a social life. But Alyssa Feinsmith Grodin '03 and Jaimee Nardiello '03 look back on that stressful time in their lives fondly because it was the inspiration for their new book, *The Bar Exam Survival Guide: The Insider's Handbook for Passing the Bar Exam* (Professional Publishing Group, 2008).

“As every lawyer knows, until one actually begins preparing for the bar exam, one has little idea of what to expect from the experience,” Grodin says. “And let’s face it, the entire process, from start to finish, is pretty terrible.”

*The Bar Exam Survival Guide* is a no-nonsense yet lighthearted book that aims to educate the reader on the ins and outs of studying for and taking the bar exam, with the ultimate goal of making the entire process less intimidating. The book provides detailed study schedules and charts used to teach readers the foundations of studying for the bar exam while also managing personal time. Chapters cover various stages in the preparation process and include “Strategies for Success,” “Organization,” and “The Day Before the Exam.”


One feature that sets this book apart from other bar exam study guides is the personal anecdotes the authors include from their own test-taking experiences. For instance, when Grodin and Nardiello were taking their exam, they heard loud noises through their earplugs that sounded, they say, like a “horse trotting through the testing center.” Looking up, they noticed a fellow test taker who was walking to the bathroom in five-inch, wooden platform heels, unaware that she had disrupted the 500 other students in the room. Based on this experience, the authors have this advice for the day of the test: “Try not to be the center of attention in your testing situation.”

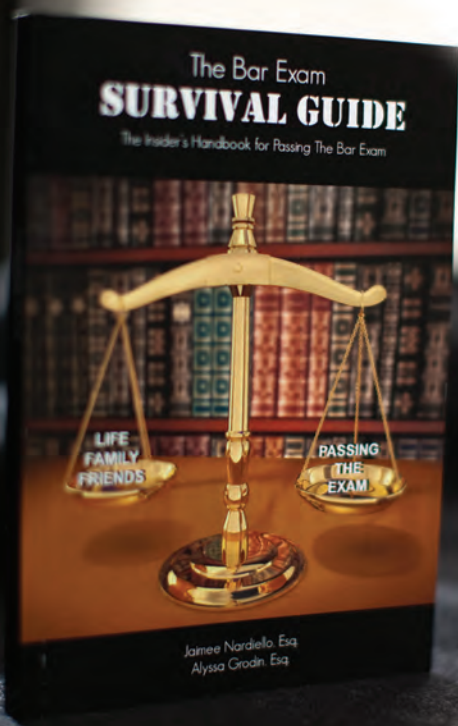
As they prepared to take the July 2003 bar exam, both Grodin and Nardiello came up with countless questions and discovered that the answers were not easily found in one source. And so, several years later, they set out to write the book they thought was missing from the shelves. “*The Bar Exam Survival Guide* is the only book available that explains the bar exam experience from the perspective of recent test takers who are in tune with the readers’ personal and study needs,” Nardiello says.

Writing about studying came easily to the two friends; it’s what originally brought them together. During their first semester at New York Law School, both were in the library preparing for Associate Dean Lenni B. Benson’s Civil Procedure midterm. Nardiello was with a study group, and Grodin was by herself. Grodin approached Nardiello’s group with a question, and from there, the two planned similar class schedules and studied for all their law school exams together.

Their study method is obviously one that worked. Both Grodin and Nardiello passed the July 2003 New York and New Jersey bar exams after graduation. Currently, Grodin is a solo practitioner in general litigation, with a focus on insurance defense, and Nardiello is a senior associate with Zetlin & De Chiara LLP specializing in construction law.

In the process of writing this book, while maintaining successful legal careers, the authors followed their own advice from a feature in *The Bar Exam Survival Guide* called “Life Lessons.” Here, they state that preparing for the bar exam offers lessons for everyday life, such as “a little planning goes a long way,” and “if you can pass the bar exam, you can do anything you set your mind to.”

On April 2, 2009, New York Law School hosted a release party at the bookstore, where Grodin and Nardiello shared tips and signed copies of *The Bar Exam Survival Guide*. 



# faculty highlights

**34** Full-Time Faculty Activities

**40** Adjunct Faculty Activities

**42** Not Business as Usual: Professor Faith Stevelman



[ Deborah N. Archer ]



[ Richard C.E. Beck ]



[ Andrew R. Berman ]



[ Robert Blecker ]



[ Lloyd Bonfield ]



[ Michael Botein ]



[ James Brook ]



[ Tai-Heng Cheng ]

## Full-Time Faculty Activities

Compiled by Denise Tong

The following items represent a sampling of the activities of our full-time faculty from the fall 2008 semester.

### Deborah N. Archer

#### Publications

Failing Students or Failing Schools?: Holding States Accountable for the High School Dropout Crisis, 12 LEWIS & CLARK LAW REVIEW 1253 (2008).

### Richard C.E. Beck

#### Publications

Payne and the Tax Treatment of Defaulted Credit Card Debt, 121 TAX NOTES 1315–1320 (2008).

### Andrew R. Berman

#### Appointments

Urban Land Institute, Council on Responsible Property Investing (2008).

Real Property Law Committee of the Association of the Bar of the City of New York (2008).

#### Scholarly Presentations

Moderator and organizer, “The Real Estate Credit Markets: A Year-End Review and Outlook for 2009,” breakfast forum sponsored by the Center for Real Estate Studies, New York Law School (November 2008).

Moderator and organizer, “Public-Private Partnerships,” Master Class with Kate Kerrigan ’07, Executive Director of the DUMBO Improvement District, sponsored by the Center for Real Estate Studies, New York Law School (November 2008).

Moderator and organizer, “Land Use and Zoning Issues in TriBeCa,” Master Class with Richard Landman ’88, Certified Urban Planner and former Executive Director of Real Estate Development for the City of New York, sponsored by the Center for Real Estate Studies, New York Law School (October 2008).

Moderator and organizer, Second Annual “Breakfast Forum on Sustainable Real Estate Development in NYC,” sponsored by the Center for Real Estate Studies, New York Law School (September 2008).

### Robert Blecker

#### Publications

The Road Not Considered: Revising New Jersey’s Death Penalty Statute, 32 SETON HALL LEGISLATIVE JOURNAL 241 (2008).

Killing Them Softly: Meditations on a Painful Punishment of Death, 35 FORDHAM URBAN LAW JOURNAL 969–988 (2008).

#### Media References and Appearances

“Supreme Court Rejects Death Row Inmate’s Appeal” on National Public Radio’s *Talk of the Nation* (October 2008).

New England premiere of *Robert Blecker Wants Me Dead*, a film that examines Professor Blecker’s relationship with death row inmate Daryl Holton, as an official selection of the Rhode Island International Film Festival (August 2008).

### Lloyd Bonfield

#### Projects

Organized inaugural New York Law School student team for the Foreign Direct Investment International Moot Competition at Suffolk University Law School (with Professor Tai-Heng Cheng) (Summer/Fall 2008).

### Michael Botein

#### Publications

Federal Regulation of FIOS and Lightspeed, NEW YORK LAW JOURNAL (November 18, 2008).

Compulsory Licensing v. Private Negotiations in Peer-to-Peer File Sharing, *chapter in* PEER-TO-PEER VIDEO: THE ECONOMICS, POLICY, AND CULTURE OF TODAY’S NEW MASS MEDIUM (E. Noam & L. Pupillo, eds., Springer, 2008) (with E. Samuels).

### James Brook

#### Publications

PROBLEMS AND CASES ON SECURED TRANSACTIONS. (Aspen Publishers, 2008).

### Tai-Heng Cheng

#### Appointments

Visiting Associate Professor, City University of Hong Kong (Summer 2008).

#### Scholarly Presentations

“The Law and Practice of Secession: Kosovo and the International Court of



[ Sydney M. Cone III ]



[ Ronald Filler ]



[ Kris Franklin ]



[ Brandt Goldstein ]



[ Annette Gordon-Reed ]

Justice” at the November 2008 meeting of the American Foreign Law Association at Dechert LLP, New York (November 2008).

“The Reasons Requirement: What’s Reasonable Depends on Who’s Asking” at Investor-State Arbitration: Perspectives on Legitimacy and Practice, an international symposium marking the inaugural Foreign Direct Investment International Moot Competition, Suffolk University Law School, Boston (October 2008).

“State Succession and Kosovo’s Independence,” a lecture to students and Kosovo Ministry of Justice legal officers at the University of Prishtina Faculty of Law, Kosovo (October 2008).

Panelist, “Comparative Business Regulation,” at the annual meeting of the Southeastern Association of Law Schools (SEALS), Palm Beach, Florida (July 2008).

**Publications**

The Universal Declaration of Human Rights at Sixty: Is It Still Right for the United States? 41 CORNELL INTERNATIONAL LAW JOURNAL 251 (2008).

**Projects**

Advised the Kosovo Office of the President and the Ministry of Foreign Affairs regarding the pending advisory opinion of the International Court of Justice on the legality of Kosovo’s declaration of independence (October 2008).

Advised Kosovo’s International Civilian Office on a number of legal issues including border demarcation talks with Macedonia and recognition of Kosovo’s statehood by other states (October 2008).

Persuaded the Institute of International Education to grant New York Law School Fulbright Institution status, which will allow foreigners to enroll in the School’s LL.M. programs or attend as visiting scholars on Fulbright scholarships (2008).

Organized inaugural New York Law School student team for the Foreign Direct Investment International Moot Competition at Suffolk University Law School (with Professor Lloyd Bonfield) (Summer/Fall 2008).

**Sydney M. Cone III**

**Scholarly Presentations**

Panelist, “Facing a Transformed Global Legal Landscape,” at the Law Firm Leaders Forum, presented by THE AMERICAN LAWYER, New York (October 2008).

**Ronald Filler**

**Scholarly Presentations**

Spoke before more than 100 global regulators at the Commodity Futures Trading Commission’s (CFTC) Program for International Regulators (October 2008).

Presented “Lehman Brothers’ Bankruptcy and Its Impact on the Global Futures Markets” at several venues including Chicago-Kent College of Law, the University of Illinois, and various industry conferences and bar association programs (2008).

**Publications**

Monthly columnist, “Ask the Professor,” FUTURES AND DERIVATIVES LAW REPORT (December 2008).

Are Segregated/Secured Funds Properly Protected after Lehman? 28 FUTURES AND DERIVATIVES LAW REPORT 1 (November 2008).

**Projects**

Establishing an LL.M. in Financial Services Law at New York Law School (2008).

**Kris Franklin**

**Appointments**

Served as statewide training coordinator, Obama election protection efforts, North Carolina (2008).

**Brandt Goldstein**

**Scholarly Presentations**

Spoke about closing Guantanamo Bay at the annual meeting of the Board of Directors of the Florida Bar Foundation (December 2008).

**Annette Gordon-Reed**

**Awards and Recognition**

Received the 2008 National Book Award in the nonfiction category for her latest book, THE HEMINGSSES OF MONTICELLO: AN AMERICAN FAMILY (W.W. Norton, 2008), making her the first African American woman to win the prize for nonfiction in the award’s 59-year history (November 2008).

*Editor’s Note: In April 2009, Professor Gordon-Reed won the Pulitzer Prize in history for The Hemingses of Monticello: An American Family, becoming the first African American person ever to win the prize in the history category.*

**Publications**

Commentary: Yes, We Can Overcome Racial Barriers, CNN.com (December 29, 2008).

**Media References and Appearances**

History Lesson: Questions for Annette Gordon-Reed, THE NEW YORK TIMES (December 2008).



[ James Grimmelmann ]



[ Lawrence M. Grosberg ]



[ Seth D. Harris ]



[ David Johnson ]



[ Gerald Korngold ]

“The Hemings of Monticello”: Jefferson’s Other Family, *THE SEATTLE TIMES* (November 2008).

Book Prizes Awarded with Nod to History, *THE NEW YORK TIMES* (November 2008).

Jefferson, His Slave Mistress and the Antebellum South (book review, *THE HEMINGS OF MONTICELLO*), *LOS ANGELES TIMES* (November 2008).

Thomas Jefferson, Sally Hemings and an Elusive Union (book review, *THE HEMINGS OF MONTICELLO*), *CHICAGO TRIBUNE* (November 2008).

The Master and the Mistress, *THE NEW YORK TIMES* (October 2008).

Seeing Past the Slave to Study the Person, *THE NEW YORK TIMES* (September 2008).

President Tom’s Cabin: Jefferson, Hemings, and a Disclaimed Lineage, *THE NEW YORKER* (September 2008).

### James Grimmelmann

#### Scholarly Presentations

Panelist, “Game Theory, Play Money,” an event sponsored by the Digital Games Research Association’s New York chapter, Columbia Business School, New York (November 2008).

Moderator, “Cablevision: Buffered from Infringement?” a program sponsored by the Copyright Society of the U.S.A., The Princeton Club, New York (October 2008).

“The Ethical Vision(s) of Copyright Law” at “When Worlds Collide: Intellectual Property Law at the Interface Between Systems of Knowledge Creation,” a conference at Fordham Law School (October 2008).

“Copyright, Technology, and Access to the Law,” a lecture presented by the Center for Information Technology Policy, Princeton University (October 2008).

Panelist, “Googleopoly,” at the Search Marketing Expo-SMX East Conference, New York (October 2008).

Panelist, “Copysquare: Rethinking Sharing Licenses for the Entertainment Media,” Benjamin N. Cardozo School of Law (September 2008).

“Peer-Produced Privacy Violations” at “DIMACS/DyDAn Workshop on Internet Privacy: Facilitating Seamless Data Movement with Appropriate Controls” at Rutgers University, Piscataway, New Jersey (September 2008).

#### Publications

Total Information Awareness, *THE NEW REPUBLIC* (online ed.) (December 10, 2008).

#### Media References and Appearances

“Click to Agree,” on National Public Radio’s *On the Media* (December 2008).

Lofgren Seeks Further Regulation of Tech Sector, *INFOTECH & TELECOM NEWS* (November 2008).

### Lawrence M. Grosberg

#### Scholarly Presentations

Led two workshops on using clinical education methods in traditional law school classes at the University of Jordan in Amman, Jordan (December 2008).

Invited by the American Bar Association’s Rule of Law Initiative (ROLI) to teach a property law class at the law school at the University of Jordan in Amman, Jordan (December 2008).

### Seth D. Harris

#### Appointments

Member of the Obama-Biden Transition Team’s Agency Review Working Group, responsible for the labor, education, and transportation agencies in the federal government (2008).

*Editor’s Note: Professor Harris has since been appointed Deputy Secretary of the Department of Labor by President Obama.*

### David Johnson

#### Scholarly Presentations

Panelist, “Attorney Social Networking—The Next ‘Next’ in Online Business Development and Client Service,” sponsored by the Metropolitan New York Chapter of the Legal Marketing Association, New York (September 2008).

### Gerald Korngold

#### Scholarly Presentations

“Legal and Policy Choices in the Aftermath of the Subprime and Mortgage Financing Crisis,” presented at “1.9 Kids and a Foreclosure: Subprime Mortgages, the Credit Crisis, and Restoring the American Dream,” the *SOUTH CAROLINA LAW REVIEW* 2008–09 Symposium at the University of South Carolina School of Law, Columbia, South Carolina (October 2008).

#### Publications

Legal and Policy Choices in the Aftermath of the Subprime and Mortgage Financing Crisis, *60 SOUTH CAROLINA LAW REVIEW* (forthcoming 2009).



[ William P. LaPiana ]



[ Arthur S. Leonard ]



[ Lawrence Levine ]



[ Richard A. Matasar ]



[ Howard S. Meyers ]

**William P. LaPiana**

**Scholarly Presentations**

Panelist, “Beyond Ozzie and Harriet: Representing Nontraditional Couples in the Paterson Era,” a CLE event hosted by New York Law School’s Tax and Estate Planning Society and sponsored by Signature Bank and New York Law School’s Stonewall Law Students Association, New York Law School (November 2008).

**Arthur S. Leonard**

**Scholarly Presentations**

Panelist, “Beyond Ozzie and Harriet: Representing Nontraditional Couples in the Paterson Era,” a CLE event hosted by New York Law School’s Tax and Estate Planning Society and sponsored by Signature Bank and New York Law School’s Stonewall Law Students Association, New York Law School (November 2008).

“The LGBT Community in Iraq: Between a War and a Hostile Place” at the “Where Do We Go from Here?” conference presented by the LGBT Law Association of Greater New York, the Columbia Outlaws, and the Program in Gender and Sexuality Law at Columbia Law School, Columbia University (November 2008).

Chair and panelist, “Marriage Equality and Recognition: Adam and Steve or Anne and Eve,” a CLE event presented by the LGBT Law Association of Greater New York at the LGBT Community Center, New York (November 2008).

**Publications**

Letter to the editor about *Hernandez v. Robles*, *NEW YORK LAW JOURNAL* (October 15, 2008).

**Media References and Appearances**

Golf Tour’s Rule: Speak English to Stay in Play, *THE NEW YORK TIMES* (August 2008).

Transgender Bias Suit Against Library of Congress Could Change Federal Policy, *THE NATIONAL LAW JOURNAL* (August 2008).

Democratic Advance to Spur Sea Change: Lawyers, *Law360.com* (August 2008).

Background Checks Are Racially Discriminatory: Claim, *Law360.com* (August 2008).

As Latin Nations Treat Gays Better, Asylum Is Elusive, *THE WASHINGTON POST* (August 2008).

**Lawrence Levine**

**Publications**

An Assessment of the Law School Climate for GLBT Students, 58 *JOURNAL OF LEGAL EDUCATION* 214 (2008) (with B. Clark, R. Ingle, E. Kransberger, K. Strader & W. Perez).

**Richard A. Matasar**

**Scholarly Presentations**

Keynote speaker, “Outcomes: Beginning the Dialogue”; moderator, “Outcome Measurements/Metrics” and “Curriculum Innovation”; and speaker, “What Do We Take Away?” at the American Bar Association Bar Exam Passage Conference, Chicago (October 2008).

“Meditation on Sustaining the Current Model of Legal Education: Jobs, Income, Debt, and the Availability of Credit,” presented to the American Bar Association Council after the ABA Annual Meeting, New York (August 2008).

Speaker, “Say Something New!': New Insights Into and Scholarship About the Goals and Responsibilities of Legal Education,” 2008 meeting of the Southeastern Association of Law Schools, Palm Beach, Florida (July 2008).

**Publications**

Teaching Federal Courts Where Outcomes Matter: A Curricular Conjecture, 53 *SAINT LOUIS UNIVERSITY LAW JOURNAL* (2008–2009).

**Media References and Appearances**

Most Innovative Law Schools, *PRELAW* (Winter 2009).

Cornell Tops in NY Bar Exam Pass Rate; State Average Hits High, *NEW YORK LAW JOURNAL* (December 2008).

Seven Deans Say Law School Innovation Stifled by American Bar Association, *Faxts.com* (December 2008).

Law School Deans, Profs Ponder Reasons for Decline in Minority Enrollment, *THE NATIONAL LAW JOURNAL* (November 2008).

**Howard S. Meyers**

**Scholarly Presentations**

Panelist, “Securities Enforcement: The Filip Memorandum and Beyond,” a Webinar sponsored by *Law.com* (December 2008).

**Media References and Appearances**

Feds: More Market Fraud Yet to Surface after Madoff Scam, *NEW YORK DAILY NEWS* (December 2008).

Free Advice for Those Who Lost Money, *WABC-TV Eyewitness News* (December 2008).





[ Beth Simone Noveck ]



[ Michael L. Perlin ]



[ Tanina Rostain ]



[ Ross Sandler ]



[ David Schoenbrod ]

**Beth Simone Noveck**  
**Appointments**

Served on the Obama-Biden Transition Team in the Technology Innovation and Reform Group (2008).

*Editor's Note: Professor Noveck has since been appointed Deputy Chief Technology Officer for Open Government in the White House's Office of Science and Technology Policy.*

**Publications**

WIKI GOVERNMENT: HOW TECHNOLOGY CAN MAKE GOVERNMENT BETTER, DEMOCRACY STRONGER, AND CITIZENS MORE POWERFUL (Brookings Institution Press, 2009).

**Michael L. Perlin**  
**Appointments**

Named as a Fulbright Senior Specialist to teach International Human Rights and Mental Disability Law at the University of Haifa Faculty of Law in Israel in January 2009 (2008).

**Scholarly Presentations**

“Training of Trainers: Curriculum Design and Online Moderation,” part of the American Bar Association’s Rule of Law Initiative (Asia) in Xi’an, China (November 2008).

Chair, “Online, Distance Education in Correctional Law as a Tool of International Social Change” at the American Society of Criminology’s Annual Meeting, St. Louis (November 2008).

Delivered keynote address, “International Issues and Rights,” and presented a workshop, “There Are No Trials Inside the Gates of Eden,” at the National Association for Rights Protection and Advocacy’s 26th Annual Rights

Conference “Seizing Opportunities for Change,” Austin, Texas (October 2008).

“His Brain Has Been Mismanaged with Great Skill: How Will Jurors Respond to Neuroimaging Testimony in Insanity Defense Cases?” at the Neuroscience, Law and Government Symposium, University of Akron School of Law, Akron, Ohio (September 2008).

**Publications**

“Through the Wild Cathedral Evening”: Barriers, Attitudes, Participatory Democracy, Professor TenBroek, and the Rights of Persons with Mental Disabilities, 13 TEXAS JOURNAL ON CIVIL LIBERTIES & CIVIL RIGHTS 413 (2008).

“I Might Need a Good Lawyer, Could Be Your Funeral, My Trial”: Global Clinical Legal Education and the Right to Counsel in Civil Commitment Cases, 28 WASHINGTON UNIVERSITY JOURNAL OF LAW & POLICY 241 (2008).

“Everybody Else Is Making Love/Or Else Expecting Rain”: Considering the Sexual Autonomy Rights of Persons Institutionalized Because of Mental Disability in Forensic Hospitals and in Asia, 83 WASHINGTON LAW REVIEW 481 (2008).

“Tolling for the Luckless, the Abandoned, and Forsaken”: Therapeutic Jurisprudence and International Human Rights Law as Applied to Prisoners and Detainees by Forensic Psychologists, 13 LEGAL AND CRIMINOLOGICAL PSYCHOLOGY 231 (2008) (with A. Birgden).

Competency to Stand Trial, *chapter 3 in CRIME & MENTAL ILLNESS: A GUIDE TO COURTROOM PRACTICE* at 23–50 (R. Sadoff and F. Dattilio, eds., PBI Press, 2008).

**Tanina Rostain**

**Media References and Appearances**

How to Know When a Tax Deal Isn’t a Good Deal, THE NEW YORK TIMES (September 2008).

**Ross Sandler**

**Media References and Appearances**

Many Hurdles, Legal and Political, to Bridge Tolls, THE NEW YORK TIMES (December 2008).

**Testimonies and Legal Consultation**

Successfully acted as co-counsel on an amicus brief in support of petition for certiorari in *Horne v. Flores*, filed in the United States Supreme Court (2008).

**David Schoenbrod**

**Projects**

Helmed “Breaking the Logjam: Environmental Reform for the New Congress and Administration,” a joint project of New York Law School and New York University School of Law; and participated in vetting sessions for the project report with several environmental and business groups, including Resources for the Future and American Enterprise Institute (2008).

**Media References and Appearances**

Supreme Court Stays Above Economic Fray—for Now, LEGAL TIMES (October 2008).

**Testimonies and Legal Consultation**

Successfully acted as co-counsel on an amicus brief in support of petition for certiorari in *Horne v. Flores*, filed in the United States Supreme Court (2008).



[ Richard K. Sherwin ]

[ Peter J. Strauss ]

[ Nadine Strossen ]

[ Ruti G. Teitel ]

**Richard K. Sherwin**

**Scholarly Presentations**

“Heidegger 2.0: Onto-cybernetics,” presented at the “Technovisuality and Cultural Reenchantment” conference, sponsored by The Chinese University of Hong Kong and Hong Kong Shue Yan University, Hong Kong (November 2008).

Moderator, “Appellate Decision Making and the Impact of Technology (*Scott v. Harris*),” a panel at the Appellate Judges Education Institute 2008 Summit for Appellate Judges, Lawyers, and Staff Attorneys, Phoenix, Arizona (November 2008).

Led a session on law and visual culture at the Northeast Regional Law and Society meeting, Amherst College (October 2008).

**Peter J. Strauss**

**Scholarly Presentations**

Panelist, “Beyond Ozzie and Harriet: Representing Nontraditional Couples in the Paterson Era,” a CLE event hosted by New York Law School’s Tax and Estate Planning Society and sponsored by Signature Bank and New York Law School’s Stonewall Law Students Association, New York Law School (November 2008).

**Nadine Strossen**

**Awards and Recognition**

Honored by NEW YORK MOVES magazine’s fall “Power” issue as a “2008 Power Woman,” and spoke at celebratory event at the Carlton Hotel, New York (Fall 2008).

**Scholarly Presentations**

Delivered keynote address and presented “Freedom and Security” at “A New Era of Transatlantic Relations? The Values We Share,” a conference at the German-American Institute Heidelberg in Heidelberg, Germany (December 2008).

“A Conversation with Nadine Strossen about Civil Liberties Issues in the Post-Bush Era,” Hartman Hotz Lecture in Law and Liberal Arts, University of Arkansas School of Law, Fayetteville, Arkansas (November 2008).

Panelist, “Post-Election Assessment,” National Defense University, Industrial College of the Armed Forces, Washington, D.C. (November 2008).

“Civil Liberties in Light of the Election,” presented by the American Constitution Society, University of Florida Levin College of Law (November 2008).

Judge and presenter, 2008 Hugh M. Hefner First Amendment Awards ceremony, the Newseum, Washington, D.C. (October 2008).

Speaker commenting on the 1974 Bob Fosse film *Lenny*, Third Annual Fordham Law Film Festival, New York (October 2008).

Speaker, Distinguished Speakers Series, “Civil Liberties and the 2008 Elections,” at Whitman College, Walla Walla, Washington (October 2008).

“Terrorism, the Constitution and Individual Liberties,” for the Canisius College Frank G. Raichle Lecture Series on Law in American Society, Canisius College, Buffalo, New York (September 2008).

**Media References and Appearances**

Interviewed on “Night Talk” for Bloomberg TV and Bloomberg Radio, which is also broadcast on XM, Sirius, and WorldSpace satellite radio, New York (July 2008).

**Ruti G. Teitel**

**Scholarly Presentations**

“Humanity Law and Mideast Politics” and “The Future of Human Rights in Israel” at “Global, Regional and Local: Law, Politics, and Society in Comparative Perspectives,” the Israeli Law and Society Association International Conference, The Hebrew University of Jerusalem (December 2008).

Panelist, “Human Rights and the War on Terror,” a roundtable discussion presented by the Oxford Institute for Ethics, Law and Armed Conflict, Oxford University (November 2008).

Panelist, “International Adjudication and Global Policymaking: Crafting Roles and Limits of the WTO and International

Criminal Tribunals,” at “The Normalizing of Adjudication in Complex International Governance Regimes: Patterns, Possibilities, and Problems,” a symposium at New York University School of Law (October 2008).

Gave comments on SYMBOLIC CONSTITUTIONALISM: ON SACRED COWS AND ABOMINABLE PIGS, a paper presented by Professor Daphne Barak-Erez, Faculty of Law, Tel-Aviv University, at a lunch co-sponsored by New York Law School’s Tuesday Scholarship Lunch series and Comparative Law and Politics Discussion Group series, New York Law School (October 2008).

Panelist, “Human Rights and War,” a roundtable discussion presented by the Oxford Institute for Ethics, Law and Armed Conflict and the Carnegie Council for Ethics and International Affairs at the Carnegie Council, New York (September 2008).

“U.S. Constitutional Jurisprudence,” presented at a meeting on global constitutionalism convened by the Rockefeller Foundation at the Rockefeller Foundation Bellagio Center, Bellagio, Italy (September 2008).

Keynote address, “From Nuremberg to The Hague: The Record of Transitional Justice,” at “Roads to Reconciliation: Transitional Justice in Norway and Beyond,” a symposium at the Chr. Michelsen Institute (CMI), Bergen, Norway (September 2008).

**Publications**

Bringing Transitional Justice Home: President Obama’s Dilemma about the Past Administration’s Human Rights Abuses—What Is to Be Done, and Who’ll Be the Judge? FindLaw.com (December 16, 2008).

Humanity-Law: A New Interpretive Lens on the International Sphere, 77 FORDHAM LAW REVIEW 667 (November 2008).

Militating Democracy: Comparative Constitutional Perspectives, 29 MICHIGAN JOURNAL OF INTERNATIONAL LAW 49 (2008).

## Adjunct Faculty Activities

Compiled by Denise Tong

The following items represent a sampling of the activities of our adjunct faculty from the fall 2008 semester.

### Marc S. Bekerman

#### Scholarly Presentations

Lecturer, “Probate and the Administration of Estates,” a program presented by the New York State Bar Association, Mt. Kisco, New York (October 2008).

“Effect of Separate Share Rule on Charitable Bequests: A Case Study,” The Bureau of National Affairs (BNA) Tax Management Advisory Board Meeting, New York (September 2008).

#### Publications

Was the Supreme Court Really Wearing Shining Armor? A Hard Day’s *Knight* for Trusts and Estates, 22 PROBATE & PROPERTY 41–44 (September/October 2008).

### Richard B. Bernstein

#### Publications

THE FOUNDING FATHERS RECONSIDERED. (Oxford University Press, forthcoming 2009).

### Judith Bresler ’74

#### Scholarly Presentations

Panelist at a discussion of the film *The Rape of Europa* as part of a New York University class at Helen Mills Theater, New York (November 2008).

#### Publications

Conceptual Art: Where Does the Artwork Lie? 19 ENTERTAINMENT, ARTS AND SPORTS LAW JOURNAL 29 (Fall/Winter 2008).

#### Media References and Appearances

Interviewed by WHITEWALL magazine on the topic of what collectors should know when acquiring art (Winter 2009).

### Paul G. Gardephe

#### Appointments

Sworn in as a United States District Judge in the Southern District of New York (August 2008).

### Thomas D. Hughes ’85

#### Appointments

Appointed to the Advisory Board for the College of Professional Studies at St. John’s University, New York (2008).

#### Publications

Viewing the Role of General Counsel for a Property-Casualty Insurance Company in a Non-Mechanistic Universe, *Chapter 2 in UNDERSTANDING THE LEGAL NEEDS OF INSURANCE COMPANIES: LEADING GENERAL COUNSEL ON MEETING COMPLIANCE AND REGULATORY STANDARDS, ADVISING ON CORPORATE DECISIONS, AND DEVELOPING LITIGATION DEFENSE STRATEGIES* (Aspatore Books, 2008).

### William Jannace ’92

#### Scholarly Presentations

Panelist, “Trading Regulations,” at the Securities Operations Forum’s Global Market Structure Conference in New York (December 2008).

Panelist, “Practical Considerations—Supervising Electronic Communications,” at “FINRA/SEC Compliance and Enforcement: The Changing Broker-Dealer and Adviser Regulatory Landscape—Staying Ahead of the Curve,” a conference presented by American Law Institute-American Bar Association (ALI-ABA) at Fordham Law School, New York (September 2008).

Instructor, “Introduction to U.S. Regulation,” an executive education course offered by FINRA and the International Capital Market Association (ICMA) Centre at the Henley Business School, University of Reading (United Kingdom), London (September 2008).

Presenter, “Self-Regulatory Organizations,” “Anatomy of a Broker-Dealer Examination,” and “Regulation of Exchanges”; and participant, “Broker-Dealer Compliance and Supervision,” “Regulatory Scheme Regarding Investment Advisors and Collective Investment Schemes,” and “Inspection of Investment Advisors and Investment Companies,” SEC/USAID Capital Market Development Training Program, Kiev, Ukraine (July 2008).

#### Media References and Appearances

FINRA: Thou Shalt Not Rumor-Monger, TRADERSmagazine.com (December 2008).

### Lawrence Lederman

#### Projects

Provided text and photographs for the 2009 New York Botanical Garden calendar (2008).

Provided text and photographs for the 2009 Olana Partnership calendar titled “Frederic Edwin Church, Photographs in His Footsteps” (2008).

Stayed at the American Academy in Rome as a visiting artist (2008).

Showed six of his photographs in “Surprisingly Natural: The Nature of the Bronx,” an exhibition at Lehman College Art Gallery, Bronx, New York (September–December 2008).

### Bran C. Noonan '05

#### Scholarly Presentations

“The Niesig and NLRA Union,” at the Law Journal Alumni Symposium, New York Law School (October 2008).

### Mitchell H. Rubinstein

#### Scholarly Presentations

Debated University of Chicago Law School Professor Richard Epstein at “Labor and the Economy: The Employee Free Choice Act,” a lunch debate at Columbia Law School, New York (October 2008).

Presenter, “The Importance of an Apology in Labor Arbitration and Employee Discipline; Empirical and Theoretical Support for Arbitral Attention to Apologies,” Third Annual Colloquium on Current Scholarship in Labor and Employment Law, California Western School of Law, San Diego (October 2008).

Moderated a “Brown Bag” panel on career opportunities in education law, presented by the Education Law Society at St. John’s University School of Law, New York (October 2008).

#### Publications

A Lawyer’s Worst Nightmare: The Story of a Lawyer and His Nurse Clients Who Were Both Criminally Charged Because the Nurses Resigned En Masse, 103 NORTHWESTERN UNIVERSITY LAW REVIEW COLLOQUY 317 (forthcoming 2009).

Editor, Adjunct Law Prof Blog, which is a member of the Law School Professor Blog Network (2008).

### David G. Samuels

#### Scholarly Presentations

“Compliance Issues for Not-for-Profits,” at “ABCs of Creating a Not-for-Profit Organization,” a CLE program sponsored by and held at the Association of the Bar of the City of New York (September 2008).

### K.A. Taipale

#### Scholarly Presentations

Discussed “Ambiguity vs. Explicit Declaration” at Cyber Deterrence, a workshop at the National Defense University, Washington, D.C. (October 2008).

Discussed “The Impact of Globalization on Cybersecurity and Human Security,” Third Annual Global Creative Leadership Summit, organized by the Louise Blouin Foundation, New York (September 2008).

Participant, Identity in the Age of Cloud Computing: Implications for Social Interaction, Governance and Money (the 17th Annual Aspen Institute Roundtable on Information Technology), Aspen, Colorado (July–August 2008).

#### Media References and Appearances

“The Rise of Black Market Data,” NEWSWEEK (December 2008).


Profiled in “Cyber Insecurity,” AVENUE (November 2008).

“Did Putin’s Cyberattacks Paralyze Georgia?” on WNYE-TV’s *Digital Age with James Goodale* (September 2008).

### Barry Temkin

#### Publications

Deception in Undercover Investigations: Conduct-Based vs. Status-Based Ethical Analysis, 32 SEATTLE UNIVERSITY LAW REVIEW 123–175 (Fall 2008).

Arbitration Before the New Financial Industry Regulatory Authority, NEW YORK LAW JOURNAL (June 16, 2008) (with J. Yellen). 

## Not Business as Usual: **Professor Faith Stevelman**

By Edith Sachs



With billions of people feeling the impact of a global economic downturn, Professor Faith Stevelman's scholarship and activism in the area of corporate social responsibility could not be more timely.

Professor Stevelman is the Director of the Law School's Center on Business Law & Policy and an expert on corporate governance and securities law. She has been studying and writing on corporate social responsibility since she began teaching at the Law School in 1993. Most recently, she has been looking to expand her work in this area by collaborating with the Aspen Institute, an international organization that promotes values-based leadership through policy programs, academic and industry symposia, and educational reform.

"Aspen has a successful history of initiatives highlighting business's broader social role," says Professor Stevelman. The Institute's Business and Society Program has invited her to help organize and participate in a conference on "Progressive Theories of the Firm." She is also brainstorming with the Institute about ways to adapt some of Aspen's innovations for business education to legal education.

Professor Stevelman explains that Aspen's Center for Business Education, a division of the Business and Society Program, is working to retool the M.B.A. degree so that future corporate leaders will have a deeper appreciation for the links among profitability, social accountability, and sustainability. Because business executives rely on their legal counsel to help them evaluate the impact of their decisions, Professor Stevelman believes there ought to be training for future corporate lawyers that parallels the training Aspen advocates for M.B.A. programs. The hoped-for result: ethically empowered executives, aided and advised by ethically empowered attorneys, running companies that strive to integrate profitability and positive social effects.

The implications of this educational initiative for international business and global society could be profound, Professor Stevelman believes, and certainly are urgent. "Multinational corporations have become more powerful on the world stage than nation-states," she says.

Professor Stevelman would also like to see law schools make more use of case studies—a teaching tool endorsed by Aspen's Center for Business Education—as a way of highlighting corporate social responsibility issues in the curriculum. She has already taught a case study-based course at New York Law School that focused on shortfalls in disclosure and compliance by W. R. Grace & Co., the specialty chemicals and materials company.


“Case studies give students an opportunity for 360-degree analysis,” says Professor Stevelman. “Legal education has often been too microscopic, excessively atomized by subject matter. I’m confident that our graduates will be better prepared to provide more creative and reflective counsel to their corporate clients.”

The W. R. Grace course helped Professor Stevelman win a slot as a presenter and moderator at the Association of American Law Schools’ Midyear Conference on Business Associations, which will be held in Long Beach, California, in June 2009. Her sessions will focus on the use of case studies in business law pedagogy.

Professor Stevelman says she has been inspired by Professor Nadine Strossen’s accomplishments to do more activist-oriented work in the area of corporate social responsibility. Last June, Professor Stevelman testified before the House Financial Services Committee in favor of the Extractive Industries Transparency and Disclosure Act, a bill that would require multinational extractive companies to report payments made to foreign governments for natural resource rights. She is also a member of a legislative drafting group working on updates to the 1970s-era Foreign Corrupt Practices Act. And last November, she was invited by Harvard’s Kennedy School and Oxfam to be part of a roundtable consultation with John Ruggie, the UN Secretary-General’s Special Representative on Business and Human Rights. Ruggie’s mandate is to promote international mechanisms for hearing grievances stemming from corporate human rights offenses.

“All of my work fuels my excitement about teaching and my work in the Center,” says Professor Stevelman. She is deeply proud of the *Law Review’s* recent issue *Corporate Governance Five Years After Sarbanes-Oxley: Is There Real Change?* featuring scholarship from the Center on Business Law & Policy’s first symposium. And she and the Center’s staff are gearing up for a second symposium, “Fear, Fraud, and the Future of Financial Regulation after the Market Meltdown of 2008,” to take place at the Law School on April 24, 2009.

Despite the economic downturn, Professor Stevelman is confident about the professional prospects for students affiliated with her Center. Two recent graduates—Erin Martin ’08, a *Law Review* member who coordinated the symposium issue, and Gary Rubin ’08, a Harlan Scholar—were hired by the U.S. Securities and Exchange Commission’s main office in Washington, D.C. Professor Stevelman notes that she and the Center’s Associate Director, Professor Howard S. Meyers, make a point of closely mentoring students through the recruiting process. The Center’s periodic Master Classes, which recently included one by Richard Nohe ’96, Chief Counsel, USA & Canada for BT Global Services, also introduce Harlan students to lawyers who may support them in their career development.

“Our students are becoming more comfortable and confident in the area of business law, and corporate law firms and securities agencies have definitely taken notice,” she says. “I’m immensely proud of what these students are accomplishing, and it’s a great thing for the School.” 

# alumni events

We are pleased to present a snapshot of some of the many alumni events that took place throughout the fall 2008 semester.

For more information about these and other alumni events, visit [www.nyls.edu/alumni](http://www.nyls.edu/alumni).

**September 2008: Regional Receptions for Alumni and Friends**

In September 2008, New York Law School hosted three successful regional alumni events. On September 9, William F. Mueller '80 hosted a reception for graduates living or working in northern New Jersey at Clemente Mueller, PA, where 40 guests attended. On September 10, Michael F. Schaff '82 hosted a cocktail reception for 30 alumni and friends from central New Jersey at the office of Wilentz, Goldman & Spitzer, PA. And on September 16, Anthony F. Bisignano '82 hosted a reception at The Lake Club in Staten Island for about 60 guests. If you are interested in hosting a regional event, please contact Tara Regist-Tomlinson, Assistant Vice President of Alumni Relations, at 212.431.2808 or tara.regist-tomlinson@nyls.edu.



**September 18, 2008: Spotlight Tea on Litigation and Speed Networking**

Five successful alumni returned to New York Law School on September 18, 2008 to share insights about their careers in litigation with students and alumni. Featured speakers included Matthew M. Adams '94, Assistant General Counsel for State, Local, and Federal Sales Organizations and Senior Counsel for the Northeast Commercial Market Area at Sun Microsystems, Inc.; Anthony A. Capetola '70, Senior Partner of the Law Offices of Anthony A. Capetola; Joseph H. Farrell '59, Chairman of Conway, Farrell, Curtin & Kelly, PC; David N. Kelley '86, Partner, Cahill Gordon & Reindel LLP; and Amy L. Tenney '00, Partner, Jenner & Block LLP. Immediately following the Spotlight Tea, the Offices of Development and Alumni Relations and Career Services hosted a Speed Networking event, where current students practiced their networking skills with about 30 successful alumni specializing in litigation.





**September 24, 2008: Dean's Council Dinner**

Dean's Council members and their guests met at the Law School on September 24, 2008 for an exclusive hard hat tour of the new building led by members of the architectural and construction management teams, SmithGroup and Studley, respectively. After the tour, guests enjoyed cocktails and dinner in the Law School's Wellington Conference Center, where they had the opportunity to engage in a Q & A session with the architects.

The Dean's Council recognizes generous alumni and friends who contribute \$5,000 or more to the Annual Fund. To learn more about becoming a member, please contact Seth Rosen '99, Assistant Vice President of Development, at 212.431.2169 or [seth.rosen@nyls.edu](mailto:seth.rosen@nyls.edu).



**October 21, 2008: John Marshall Harlan Fellowship Reception**

Alvin Dworman '51 graciously hosted the John Marshall Harlan Fellowship Reception for 45 alumni and friends at his Upper East Side home on October 21, 2008. Donors who contribute \$1,000 (\$250 for recent graduates) or more to the Law School's Annual Fund are invited to attend this private Harlan Fellows cocktail reception. To find out more about becoming a Harlan Fellow, please contact Seth Rosen '99, Assistant Vice President of Development, at 212.431.2169 or [seth.rosen@nyls.edu](mailto:seth.rosen@nyls.edu).




**November 19, 2008: Annual Scholars/Donors Luncheon**

More than 120 student scholars, donors, trustees, faculty, and other members of the Law School community gathered in the Wellington Conference Center for the annual Scholars/Donors Luncheon on November 19, 2008. Guest speakers at this year’s luncheon were student Johnny “Tommy” Vasser 1L, recipient of the William Randolph Hearst Scholarship, and donor representative Robert M. Frehse Jr., former Executive Director of the Hearst Foundations. This annual luncheon provides an opportunity to celebrate the generosity of donors and the potential of students, and enables donors to personally connect with their scholarship recipients.

To learn more about establishing a scholarship at New York Law School, please contact Suzanne Davidson, Associate Dean and Vice President for Development and Alumni Relations, at 212.431.2818 or [suzanne.davidson@nyls.edu](mailto:suzanne.davidson@nyls.edu).



**December 4, 2008: The 2008 Holiday Party**

The New York Law School Alumni Association and the Student Bar Association hosted their first-ever alumni-student holiday party at the Law School on December 4, 2008. More than 110 alumni, students, and friends attended this festive holiday celebration. The event enabled students and alumni to reconnect with classmates, make new friends, and network. 



## Alumni from Classes Spanning 55 Years Enjoy Reunion Weekend 2008

Class of 1953, 1958, 1963, 1968, 1973, 1978, 1983, 1988, 1993, 1998, 2003, 2008

By Tara Regist-Tomlinson

Last November, more than 150 alumni returned to the Law School for Reunion Weekend 2008. The Class of 1958 kicked off the festivities with a special Golden Reunion Celebration Luncheon on Friday, November 14, celebrating 50 years of friendship. Dean Richard A. Matasar gave congratulatory remarks at the event, which was also open to alumni who had already celebrated their 50th reunion. Each returning graduate received a pin commemorating the occasion from the New York Law School Alumni Association.

Later that day, Reunion attendees who pledged a Class Gift of at least \$1,000 per year for five years were invited to an exclusive tour of the new building, led by Dean Matasar, followed by a champagne toast to the School's new home.

The Dean's Cocktail Party on Friday evening marked the official launch of Reunion Weekend 2008 for all guests. Decorated with banners and balloons, the Law School welcomed graduates from all class years ending in "3" and "8"—from the Class of 1953 to the recently graduated Class of 2008. Guests were greeted at the entrance of the Stiefel Reading Room with a specialty drink, "The Blueberry Mojito," and proceeded to mingle with other alumni, faculty, staff, and members of the current student body leadership.

On Saturday morning, November 15, attendees returned to the Law School for a hard hat tour of the Law School's new glass-enclosed, 235,000-square-foot academic building. Many alumni and guests commented that the building took their breath away and inspired excitement and enthusiasm for the project's

completion and the open house celebration scheduled for Saturday, April 18, 2009.

Attendees had opportunities to tour the Law School's neighborhood as well. Richard Landman '88, urban planner and renowned urban tour guide, led walking tours of TriBeCa, providing a glimpse into how the TriBeCa of yesterday has become the new heart of a revitalized downtown. Despite the light rain, Landman aptly guided groups of brave alumni and guests on an exhilarating one-hour exploration of the surrounding area.



Saturday's program also featured three CLE sessions, including a morning panel titled "Equifax, Experian, Transunion: You Might Not Know Them Well but They Know You Very Well." Karen

Gross, President of Southern Vermont College and Distinguished Visiting Professor at New York Law School, and Barbara Kent '74, Director of Consumer Services and Financial Products for the New York State Banking Department and President of the Coalition for Debtor Education, discussed the importance of credit scoring. They addressed the growing number of credit scoring models, the expanding use of credit scoring in the workplace, and the implications of scoring on personal financial well-being, with particular emphasis on strategies for improving one's own credit score.

In another session, William P. LaPiana, Rita and Joseph Solomon Professor of Wills, Trusts, and Estates, discussed estate planning and techniques for maximizing wealth transfer to the next generation in his seminar, "Dollars and Sense: Smart Financial and Estate Planning."




Professors Seth D. Harris and Beth Simone Noveck concluded the academic programming for the day with a lively discussion titled “Hail to the Chief: Post-Presidential Election Wrap-Up.” The professors—both of whom worked with the Obama campaign during the 2008 presidential election—addressed the election process and shared their thoughts on the future of the United States presidency.\*

Attendees enjoyed a buffet lunch in the Stiefel Reading Room, where they listened to the Dean’s State of the Law School address. Dean Matasar highlighted key events that took place during the 2007–08 academic year and unveiled his plans for the *Breaking New Ground. Again.* Capital Campaign. He inspired all in attendance with his outline of where the Law School has been, where it is now, and what the future holds.

His presentation, along with the rest of the day’s events, provided much to talk about at the final event of the weekend—the elegant gala dinner dance at the Broad Street Ballroom, also known as the former Lee-Higginson Bank, located near Wall Street. Guests enjoyed a fabulous dinner and danced the night away in the company of longtime friends.

In all, Reunion Weekend 2008 was an elegant affair. It was a time of stock-taking and reflection. Old acquaintances were renewed, and new friendships were cultivated. Classmates exchanged business cards, as well as pictures of children and grandchildren. Stories were told and retold throughout the course of the weekend. The events were continually highlighted by tales of New York Law School’s past, present, and future.

Guests spent most of their time talking and reconnecting, often taking note of how classmates had changed, or how they had remained the same. But the overriding theme for most was the growth of the Law School—and the energy of its dean and faculty. And the message was clear: “Be proud of what New York Law School has become.”

\* *Since this article was written, Professors Harris and Noveck have both joined President Obama’s team—Professor Harris as Deputy Secretary of the Department of Labor, and Professor Noveck as Deputy Chief Technology Officer for Open Government in the Office of Science and Technology Policy.* 

**REUNION WEEKEND 2008 CLASS COMMITTEES**

- Class of 1953**  
*Committee*  
Johnna Levine  
Eli Robins
- Class of 1958**  
*Chair*  
Thorpe A. Nickerson  
*Committee*  
Willard R. Carter  
Parker K. Murray  
Hon. Ernst H. Rosenberger
- Class of 1963**  
John H. Cook Jr.
- Class of 1968**  
*Committee*  
William J. Beinin  
John J. Ferrara Jr.  
Lewis H. Fishlin  
James V. McGovern  
Louis A. Rosen  
Richard S. Scanlan
- Class of 1973**  
*Committee*  
Ronald M. Arrick  
David S. Cook  
Gregory D. Frost  
Lloyd A. Levi  
Mark A. O’Connell
- Class of 1978**  
*Committee*  
Stephen F. Beiner  
Andrew M. Bernstein  
Harry P. Brett  
Alan S. Cohen  
Marcy S. Cohen  
John D. Delmar  
Saul Feiger  
Mark Levinson  
Carl B. Maltzman  
Peter A. Mertz  
George J. Moeschlin III  
Arthur M. Rhine  
Meryl Shapiro  
Michael J. Soltis  
Marcy Sonneborn  
Anne P. Lyons Waldron  
Martin Wendel  
Helena A. Yuhas  
Michael B. Zapantis
- Class of 1983**  
*Chair*  
Michael A. O’Connor  
*Committee*  
Brad L. Berman  
Roy W. Deitchman  
Miguel Fitripaldi  
Neil J. Kaplan  
Sabrina A. Kogel
- Roberta L. Korus  
Lisa A. Krouse  
Anna R. Lewis  
David S. Neufeld  
Suzanne N. Patnaude  
Lee J. Plave  
Michael H. Roffer  
John F. Ryan  
Lawton W. Squires  
Adrian Zuckerman
- Class of 1988**  
*Committee*  
Christopher H. Benbow  
Kathleen A. Burke  
Carmine J. Carolei  
Edward S. Feig  
Ellen B. Feig  
Brian D. Graifman  
Sylvia G. Kinard-Thompson  
Richard M. Landman  
Guy R. Vitacco Jr.
- Class of 1993**  
*Co-chairs*  
Christopher P. Giordano  
Charles E. Phillips Jr.  
*Committee*  
Peachetta S. deFreitas  
Patrick J. Hayes  
Evelyn C. Neves
- Class of 1998**  
*Committee*  
Susan M. Hinkson  
Charles Hymowitz  
Patrick W. Leary  
Stefanie L. Marvin  
Robert D. Paschall  
Robert W. Romano  
Ronald T. Sarubbi  
Owen G. Wallace
- Class of 2003**  
*Co-chairs*  
Amy E. Fallon  
Maya M. Grant  
Cynara Hermes  
Tracy M. Joerss  
*Committee*  
Joshua Beardsley  
Justin M. Blitz  
Katie M. Cassidy  
Thomas W. Donovan  
Jisha V. Dymond
- Class of 2008**  
*Chair*  
Michael J. Harkey  
*Committee*  
Ralph A. Cosentino  
Meghan E. Dwyer  
Christopher “Chance” Miller

# REUNION 2008 DEAN'S COCKTAIL PARTY

Stiefel Reading Room | November 14, 2008





# REUNION 2008 ALL-CLASS REUNION GALA DINNER DANCE

Broad Street Ballroom | November 15, 2008







# REUNION 2008 HARD HAT TOURS

The Law School's New Academic Building | November 14–15, 2008





# REUNION 2008 CLE COURSES AND LUNCHEONS

New York Law School | November 14–15, 2008





# CONGRATULATIONS! *CityLand* Wins Journalism Award

The American Planning Association's New York Metro Chapter has selected *CityLand*, the Center for New York City Law's monthly land use newsletter, for its 2009 Journalism Award. *CityLand* reports the key decisions, new applications, and actions by New York City's primary land use agencies, including the City Planning Commission, Board of Standards and Appeals, Landmarks Preservation Committee, and City Council.

This is the third award *CityLand* has won over the past five years. In 2004, *The Newsletter on Newsletters* presented *CityLand* with its Gold Award, and in 2006, the Historic Districts Council recognized *CityLand* with its "Friend in the Media" award for *CityLand*'s reporting on the New York City Landmarks Preservation Commission.

The Center for New York City Law also publishes *CityLaw*, a bimonthly journal that provides an overview of New York City's regulatory developments by reporting on administrative, legislative, and judicial decisions. To subscribe to either publication, please visit [www.citylaw.org](http://www.citylaw.org).



1891	1921	1951	1981
1892	1922	1952	1982
1893	1923	1953	1983
1894	1924	1954	1984
1895	1925	1955	1985
1896	1926	1956	1986
1897	1927	1957	1987
1898	1928	1958	1988
1899	1929	1959	1989
1900	1930	1960	1990
1901	1931	1961	1991
1902	1932	1962	1992
1903	1933	1963	1993
1904	1934	1964	1994
1905	1935	1965	1995
1906	1936	1966	1996
1907	1937	1967	1997
1908	1938	1968	1998
1909	1939	1969	1999
1910	1940	1970	2000

## Send us your news!

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1915	1945	1975	2005
1916	1946	1976	2006
1917	1947	1977	2007
1918	1948	1978	2008
1919	1949	1979	2009
1920	1950	1980	

## Class Notes

Compiled by Denise Tong

### 1967

**Beverly C. Chell** was appointed to the board of directors of BizBash Media, a media company focused on the meeting and event industry, in December 2008. (BizBash Media)

### 1970

**Hon. Joel H. Slomsky** was appointed a judge for the United States District Court for the Eastern District of Pennsylvania in September 2008. (Joint press release from Pennsylvania Senators Bob Casey and Arlen Specter)

### 1971

**Alan Schnurman** received a Lifetime Achievement Award from the New York City Trial Lawyers Association in fall 2008. A trustee of New York Law School and a partner with Zalman & Schnurman in Manhattan, Schnurman is the founder and host of *Lawline*, a cable television show, and the co-founder of Lawline.com, an online provider of CLE programming. (*The Legal Beat*)

### 1972

**Charles Lavine** was re-elected to the New York State Assembly, 13th District, in November 2008. He is a sole practitioner in New York specializing in criminal defense. (*Newsday*)

### 1979

**James B. Fishman** was awarded the Wasserstein Public Interest Fellowship in fall 2008 from Harvard Law School, where he speaks and advises students. He is a partner at Fishman & Neil, LLP in

Manhattan, where he is a consumer rights and privacy advocate and a New York City tenant lawyer.

**Dana Harrell** works in Boston for the Commonwealth of Massachusetts in its Division of Capital Asset Management, where she is Director of the Office of Real Estate Management. (*Boston Herald*)

**Theodore Heyck** is a trial lawyer with the Office of the City Attorney in Los Angeles. He defends the city in civil liability cases. (*The New York Times*)

**Samuel J. Himmelstein** is a partner at Himmelstein, McConnell, Gribben, Donoghue & Joseph in Manhattan, which concentrates on real estate transactions and the representation of residential and commercial tenants, cooperative and condominium boards, and tenant associations. In January 2009, he was appointed to the New York City Civil Court Housing Part's Advisory Council, which screens and approves applicants and re-appointments of Housing Court judges and makes recommendations to judicial, legislative, and executive officials regarding the functioning of the Housing Court. In summer 2008, he served on the faculty at the New York State Judicial Seminar, teaching two classes to judges of the Housing Court. In his spare time, he is the keyboard player and back-up vocalist in The Love Handles, a cover band that plays in clubs and bars in Manhattan and Brooklyn.



**Michael J. Stanton** was selected for inclusion in the Family Law section of the 2009 edition of *The Best Lawyers in America*. In January 2009, he presented "The COLA Adjustment and the Three Year Review: Everything You Need to Know" at the New Jersey Institute for Continuing Legal Education's 2009 Family Law Symposium

in New Brunswick, New Jersey. Stanton also spoke at the "Mock Trial: E-Privacy, E-Discovery, & E-Evidence" Meadowlands Seminar presented by the Association of Trial Lawyers of America-New Jersey in October 2008 in East Rutherford. In September 2008, he presented "Custody Expert—Individual Expert or Joint Expert? Which to Use? Why?" at "Hot Tips in Family Law 2008: Back to Basics," a seminar sponsored by the New Jersey State Bar Association's Family Law Section and the New Jersey Institute for Continuing Legal Education at the New Jersey Law Center in New Brunswick. Stanton is a member of Norris McLaughlin & Marcus, PA in Somerville, New Jersey, where he practices matrimonial law. (Norris McLaughlin & Marcus)

### 1980

**Paul A. Capofari** received the Thomas E. Dewey Medal in December 2008 from the Association of the Bar of the City of New York. The medal is awarded annually to a prosecutor in each New York City county for outstanding public service. Capofari is an assistant district attorney in the Office of the District Attorney in Richmond County, New York, where he serves as Chief of the Supreme Court Bureau. (*Staten Island Advance*)

### 1981

**Meryl R. Lieberman** is a founding partner of Traub Lieberman Straus & Shrewsbury LLP in Hawthorne, New York. The firm specializes in insurance litigation, professional liability, products liability, general liability, directors and officers liability, municipal liability, construction defect, and reinsurance. In July 2008, Traub Lieberman opened an office in Chicago, joining its existing offices in New York, New Jersey, and Florida.

**1982**

**John G. O’Leary** has been certified as a life member of both the Million Dollar Advocates Forum and the Multi-Million Dollar Advocates Forum, which recognize trial lawyers who have won million- and multimillion-dollar verdicts, settlements, and awards. He is a senior partner at The Law Firm of O’Leary & Spero in Staten Island, New York, where he specializes in serious personal injury litigation. (*Staten Island Advance*)

**Francine L. Semaya** chaired and moderated the Roundtable of Insurance Commissioners at the American Bar Association’s 35th Annual Tort Trial and Insurance Practice Section Midwinter Symposium on Issues and Litigation Relating to Life, Health and Disability Insurance, Insurance Regulation, Employee Benefits, and Reinsurance. The event took place in January 2009 in Bonita Springs, Florida. She also co-chaired the Practising Law Institute’s (PLI) Reinsurance Law 2008 conference, held at the PLI New York Center in September 2008. She delivered opening remarks, moderated several panel discussions, and was a panelist for a presentation titled “The Board Room—Emergency Meeting: Interactive Crisis Management Hypothetical.” (Cozen O’Connor)

*Editor’s Note: Semaya has since moved from Cozen O’Connor to Nelson Levine de Luca & Horst in Manhattan, where she is a partner and chairs the New York insurance transactional and regulatory practice group.*

**Harry Wallace** was profiled in the December 14, 2008 edition of *The New York Times*. He is the Chief of the Unkechaug Nation and a smoke shop owner on the Poospatuck Reservation in Long Island. He has led the defense of his tribe’s sales of tax-free cigarettes in a lawsuit brought by the City of New York. Previously, he had a private practice focused on landlord-tenant disputes, real estate, personal injury, and Native

American discrimination issues. (*The New York Times*)

**1983**

**Thomas M. Smith** is an attorney at Kardaras & Kelleher LLP in Manhattan and is Co-chair of the Supreme Court Committee for the New York County Lawyers’ Association. (*New York County Lawyer*)

**1985**

**Michael McMahon** was elected to Congress in November 2008 as a Representative of the 13th District of New York. Previously, he represented Staten Island as a New York City Council Member. (Roll Call)



**Nicholas F. Pelliccia** discussed trial advocacy as a faculty member of the Fundamental Investigative Techniques for Assistant Prosecutors course, part of the Criminal Trial Advocacy Skills Program offered by the New Jersey Attorney General’s Advocacy Institute. The event took place in December 2008 at the Monmouth County Police Academy in Freehold, New Jersey. Pelliccia is a member of Norris McLaughlin & Marcus, PA in Bridgewater, New Jersey, where he specializes in litigation. (Norris McLaughlin & Marcus)

**Hon. Bernice D. Siegal** was elected a New York State Supreme Court Justice for the 11th Judicial District in November 2008.

**1986**

**Hon. Carol Ann Dalton** was sworn in as an associate judge of the Superior Court

of the District of Columbia in August 2008. She has previously served in the D.C. Superior Court as a magistrate judge in the Family Court and as the Director of the Counsel for Child Abuse and Neglect Office.

**Charles Guria** received the Thomas E. Dewey Medal in December 2008 from the Association of the Bar of the City of New York. The medal is awarded annually to a prosecutor in each New York City county for outstanding public service. He is an assistant district attorney in the Office of the District Attorney in Kings County (Brooklyn), New York, where he heads the Civil Rights and Police Integrity Bureau. (*Brooklyn Daily Eagle*)

**Stephen C. Jackson**, a civil litigator in Manhattan, is representing Michael Mineo of Brooklyn, who claims he was assaulted by police officers in a Brooklyn subway station in October 2008. (*The New York Times*)

In fall 2008, **Jody Zucker** was promoted to head the legal affairs department at Warner Bros. Television as Senior Vice President and General Counsel. (BroadcastingCable.com)

**1988**

**Allen P. Cappelli** was appointed to the board of New York’s Metropolitan Transportation Authority (MTA) by Governor David A. Paterson in August 2008. (Metropolitan Transportation Authority)

**1989**

**Eric J. Dale** was elected Treasurer of the Fairfield County Bar Association in fall 2008, and has served on its board of directors for several years. He has also served as Co-chair of its Business Law



committee. He is a partner at Robinson & Cole LLP in Stamford, Connecticut, where he chairs the firm's emerging companies, private equity, and venture capital practice group. He is also a member of the firm's business section. (*The Stamford Advocate*)

**Robert Hoffman** was appointed to serve as a Title IV Child Support Hearing Officer in the 12th Judicial Circuit Court in Bradenton, Florida, on June 30, 2008.

**Frank S. Levin** is Senior Director of BNY Mellon Wealth Management, part of The Bank of New York Mellon Corporation.

**Andrew G. Lipkin** is Senior Counsel in the Tax and Bankruptcy Litigation Division of the New York City Law Department. On August 26, 2008, Lipkin was mentioned in the *New York Law Journal* for representing the city in a case before the U.S. Court of Appeals for the Second Circuit that addressed time limits on *qui tam* actions under the False Claims Act. The circuit ruled that where the United States is not a party to the action, a notice of appeal must be filed within 30 days after the entry of judgment or it is untimely. On December 15, 2008, Lipkin was again mentioned in the *Law Journal* for his role in representing the city's Tax Appeals Tribunal in a dispute with Proskauer Rose LLP, in which the Appellate Division, First Department determined that payments to retired partners are subject to the unincorporated business tax.

**1990**

**Jenifer Joyce** is currently posted to Taipei, Taiwan, as a member of the Foreign Service. She is spending her first year studying Mandarin and will then continue working there for three years.

**Lt. Col. Daren Margolin** is the Commanding Officer of the Marine Corps' Second Recruit Training Battalion at Parris Island, South Carolina, where he has about 2,000 marines under his command.

He has been on active duty in the Marine Corps since graduating from the Law School and has previously served as a judge, prosecutor, defense attorney, and staff judge advocate.

**John C. Ramsey** is the founder of Ramsey Partners LLC, a specialty bank consulting firm that moved its affiliation to John Hancock Financial Network (JHFN) in December 2008. Through Empire Financial Partners, an independent office of JHFN in Buffalo, New York, Ramsey Partners now offers bank-owned life insurance resources to the entire network across the United States. (John Hancock Financial Network)

**Peter Ventrice** is a partner at Brause, Brause & Ventrice, LLC in Metuchen, New Jersey, where he practices family law and civil litigation. He and his wife Mary Beth were married in September 2008 and spent their honeymoon on a cruise through Spain, France, and Italy.

**1991**

**Angelo Aponte** is Secretary of the New York State Senate and top aide to Democratic Majority Leader Malcolm A. Smith. Previously, Aponte served as Vice President for Finance and Administration at the College of Staten Island and was also a commissioner for the state Division of Housing and the city Department of Consumer Affairs. (*Staten Island Advance* and *The New York Times*)

**Janet Sommer** and her husband Jerry received the 2007 Robert J. Uplinger Award from the Warwick (New York) Lions Club in November 2008, in recognition of their dedication to community activities. She has been a volunteer with the Winslow Therapeutic Riding Center for 16 years and a member of its board of directors for more than 10 years. She is also a member of the Warwick Democratic Committee and the Orange County (New York) Democratic Committee. (*The Warwick Advertiser*)

**1994**



Left to right: Leo Callaghan '94 (LEAN Pres; NYPD Sergeant-ret'd), Daniel Parente '95 (3rd VP; NYPD Lieutenant-ret'd), Edward Laskin (Sec'y; NYPD Sergeant-ret'd), Marc E. Henig '98 (Treas; NYPD Captain-ret'd), Andrew Doktofsky (2nd VP; NYPD Captain-ret'd), Charles von Schmidt (1st VP; Suffolk ADA-ret'd). Missing from photo is Michael F. McCann '81 (Sgt-at-Arms; NYPD Deputy Inspector-ret'd).

**Leo Callaghan, Marc E. Henig '98, Michael F. McCann '81, and Daniel Parente '95**, former members of the New York City Police Department, are among the founding board members of a new organization formed to serve the needs of attorneys and law students with current or prior employment in law enforcement. (Callaghan and Parente founded the Law Enforcement Law Students Association at the Law School.) The Law Enforcement Attorneys Network, Inc. (LEAN) is a New York-based social and professional networking organization created by and for law enforcement attorneys to assist its members in developing and maintaining professional relationships and transitioning from careers in law enforcement to new careers in the legal profession. LEAN provides professional support and development services including mentoring, continuing education programs, business referrals, and networking opportunities. Members include police officers; court officers; probation and parole officers; local, state, and federal prosecutors; judges; other law enforcement attorneys; and law students. To join or request more information about LEAN, e-mail [lawenforcementattorneysnetwork@gmail.com](mailto:lawenforcementattorneysnetwork@gmail.com) or call 516.522.2695.

**1995**

**Samantha Biletsky** is the Ethics Officer in the New York City Department of Education's Office of Ethics and Conflicts of Interest, where she provides advice and training on conflicts of interest and financial disclosure to department employees. (*New York Post*)



**Jeremy Stephens** is President of Meridian Investigations & Security, a private investigation firm specializing in litigation and trial preparation. The firm has offices in Manhattan and Port Washington, New York.

**1996**

**Lisa Chin** was offered a three-year postdoctoral research scientist fellowship to study ethics and policy issues concerning HIV/AIDS at the New York State Psychiatric Institute—Columbia University HIV Center for Clinical and Behavioral Studies. She is the Center's first postdoctoral fellow to specialize in ethics and policy research.

**Sheryl (Hecht) Seiden** is a partner at Ceconi & Cheifetz, LLC in Summit, New Jersey, where she practices family law with a focus on divorce, child custody issues, prenuptial agreements, and post-divorce litigation. She practices law throughout the state of New Jersey. When she is not practicing law, she enjoys time with her children, Rachel and Seth, and her husband David. She resides in Westfield, New Jersey.

**Jason Weisser** is a partner and shareholder at Schuler, Halvorson & Weisser, PA, located in West Palm Beach and Port St. Lucie, Florida. Weisser litigates cases of medical malpractice, nursing home abuse, products liability, and motor vehicle accidents. (*Sun-Sentinel*)

**1997**

**Jennifer A. Ecker** is a partner at Borah, Goldstein, Altschuler, Nahins & Goidel, PC in Manhattan, where she practices real estate law.

**Daniel L. Junk** is Vice President of Sales for ONSITE<sup>3</sup>, a global provider of litigation support and electronic evidence solutions for law firms and corporations. The company is headquartered in Arlington, Virginia. (ONSITE<sup>3</sup>)

**David Tlusty** is Counsel to the real estate group at Lowenstein Sandler PC in Roseland, New Jersey. (Lowenstein Sandler)

**1999**

**Kimberly Osorio** was a panelist at a discussion titled "Does Race Matter?" hosted by Grand Valley State University in Allendale, Michigan, in October 2008. She also spoke at the Sonia Sanchez Lecture Series, a program of the University of Kentucky's Women Writers Conference, in September 2008. Also in September 2008, Osorio published a memoir describing her experience as Editor in Chief of *The Source* magazine titled *Straight from the Source: An Expose from the Former Editor in Chief of the Hip-Hop Bible* (Simon & Schuster). Osorio is Vice President of Content at Global Grind, a social networking Web site based in Manhattan that engages the hip-hop community. (*GVNow* and *University of Kentucky News*)

**Seth Rosen** ran the New York City Marathon in November 2008. He is the Assistant Vice President for Development at New York Law School.

**2000**

**Marc Bender** is the Chief Operating Officer of Lucidity Capital Management LLC in Manhattan, an asset allocation/

management venture founded by the Millennium Group. His son, Adam Joshua, was born in August 2008.

**Martin Bowe** was honored by Mayor Michael R. Bloomberg at the 27th annual awards ceremony for New York City Law Department staff at City Hall in December 2008. He received the Edith Spivack Special Recognition Award, given to non-managerial attorneys with more than five years of service for outstanding achievement. Bowe handles general litigation. (New York City Law Department)

**Giovanni Caruso** is a partner at Loeb & Loeb LLP in Manhattan. He represents public and private companies in various corporate and securities matters such as general corporate governance, private placements, mergers and acquisitions, and federal law compliance. (Loeb & Loeb)

**Ryan M. Donihue** became a partner in the Manhattan office of Martin Clearwater & Bell LLP, in January 2009, having joined the firm in 2003. He focuses his practice on the defense of physicians, dentists, hospitals, and laboratories in medical malpractice and other health care matters. He also represents health care professionals in professional disciplinary proceedings.

**Amie E. Needham** is a partner at Thompson Coburn LLP in St. Louis, Missouri. She practices in the firm's labor and employment group with a focus on the representation of employers in employment and labor issues. (Thompson Coburn)

**2001**

**Jason Nardiello** is an associate in the IP litigation department at Locke Lord Bissell & Liddell LLP in Manhattan, where he litigates trademark, copyright, and trade secret matters for international clients. He also practices entertainment law and recently represented a writer associated with an upcoming Spike Lee production.

**2002**

**David Arrick** holds an in-house position at Tatweer, a real estate and luxury property development company in Dubai, United Arab Emirates. He is working on projects such as Dubailand and Universal Studios Dubai.

**Brenda E. Cooke** co-authored “Should a Prosecutor’s Deception Ever Be Permissible?” for the July 21, 2008 issue of the *New York Law Journal* (with Carmen Lawrence and Teresa Venezia). She is a litigation associate at Fried, Frank, Harris, Shriver & Jacobson LLP in Manhattan. (Fried, Frank, Harris, Shriver & Jacobson)

**Susan L. Harper** is an associate at Baritz & Colman LLP in Manhattan and serves as Co-chair of the Women’s Rights Committee for the New York County Lawyers’ Association. (*New York County Lawyer*)

**Cathy Melitski** is a deputy attorney general with the New Jersey Office of the Attorney General in Newark. (MyCentralJersey.com)

**2004**

**Jeffrey Alfano** is an associate law clerk to New York State Supreme Court Justice Joseph J. Maltese in Richmond County, New York. (*Staten Island Advance*)

**Jennaydra D. Clunis** co-wrote an article, “*Holcomb v. Iona College* Ruling Changes the Civil Rights Claim Game” (with Joseph M. Hanna), which was published in the fall 2008 issue of the American Bar Association’s *Minority Trial Lawyer* newsletter. She is an associate at Goldberg Segalla LLP in White Plains, New York, where her practice focuses on labor and employment law, debtor/creditor rights, commercial litigation, employment discrimination, and general litigation.

**Michael Dalewitz** is Senior Managing Director of Peak Discovery, an affiliate of The Peak Organization. He specializes in document review projects, e-discovery, legal expense control models, and the placement of temporary attorneys and paralegals in law firms and corporate legal departments. (Peak Discovery)

**Soo-Hyung Lee** is General Counsel and Director of the Legal Department at ZARA Retail Korea in Seoul, South Korea.

**2005**



**Stephen A. Cohen** joined Hodgson Russ LLP in Manhattan as an associate in the corporate and securities practice group in summer 2008. (Hodgson Russ)

**Mollie O’Rourke** is an associate at Cadwalader, Wickersham & Taft LLP in Manhattan and serves as Co-chair of the Women’s Rights Committee for the New York County Lawyers’ Association. (*New York County Lawyer*)

**Roberto Trujillo** is the Senior Global Benefits Compliance Manager for Kraft Foods Global, Inc. in Northfield, Illinois, and was appointed to serve as Secretary to the Administrative Committee overseeing all Kraft Foods-sponsored Employee Retirement Income Security Act (ERISA) benefit plans. He previously served as an investigator for the U.S. Department of Labor’s Employee Benefits Security Administration in the New York and Chicago regional offices, and he received the Labor Secretary’s Exceptional Achievement Award for his efforts as a member of the Enron Document Production and Redaction Group.

**2007**

**Ian O. Malin** is Vice President of Seabury Aviation & Aerospace Asia, a subsidiary of Seabury Group LLC. Based in Hong Kong, he is responsible for the group’s day-to-day operations and for business development across Asia. (Seabury Group)

**Asha S. Smith** is a staff attorney for the Legal Aid Society in Manhattan and serves as Co-chair of the Minorities and the Law Committee for the New York County Lawyers’ Association. (*New York County Lawyer*)

**2008**

**Joshua T. Block** was a guest speaker at Columbia Business School’s “Economics of the Digital TV Transition” conference in December 2008. He spoke about an article he published in the spring 2008 issue of New York Law School’s *Media Law & Policy* journal, “Regulating the Transition from Analog to Digital Television Broadcasting in North America: A Comparison of the Canadian, U.S., and Mexican Experiences.”

**Michael Jurista** is an associate at Genova, Burns & Vernoia in the firm’s Newark, New Jersey office, where he is a member of the complex commercial litigation practice group. (Genova, Burns & Vernoia)

**Aysha Schomburg** is Counsel to the New York City Council’s Committee on Education. She works closely with council members, particularly the Committee Chair, Council Member Robert Jackson.

**Michelle W. Witten** was sworn in as an assistant district attorney in the Queens District Attorney’s Office in October 2008. (*New York Law Journal*)

# The Story Behind the Skyline: Jeremiah Candreva '96 and the Art of New York City Zoning

By Christine Pakkala



When Jeremiah “Jed” Candreva ’96 was just a little boy, his father, an electrician, would drive the family into New York City for some unusual sightseeing.

“You see that one,’ my dad would say, ‘I electrified it,’” Candreva recalls. “Now I do the same thing with my two children, only I say, ‘Do you see that building? I got the zoning for that one. I worked on the land use for that one.’”

Candreva, who recently became a partner at Troutman Sanders LLP in Manhattan, advises clients on the hyperkinetic world of New York City zoning and land use.

His interest in zoning issues has been a lifelong pursuit. Although Candreva grew up on Long Island in the affluent town of Lawrence, his immediate neighborhood was a hodgepodge of residential, industrial, and commercial buildings. “I thought there was something wrong with having factories and bars located in proximity to residential homes.”

Candreva says practicing land use and zoning law in New York, where land is at a premium, requires both conservative and creative solutions.

“There’s a story behind the skyline,” he says. “Look up as you walk down the street and you will notice subtle, and sometimes not so subtle, differences in the built form. Buildings vary widely in their floor plates, envelopes, and heights due to zoning controls. Variations in the built form can usually be attributed to a zoning solution or variance from the applicable controls.”

Candreva himself is the author of many New York zoning stories. Some of the more creative tales unfolded in the theater district of Broadway, where landmark structures are permitted to sell their “air rights” to receiving sites located throughout New York City’s Special Midtown District.

“The vast majority of New York City landmarks are underutilized from a zoning perspective,” he says. “But for the landmark designation, these sites would be ideal candidates for new development. Suffice it to say, it is extraordinarily difficult to utilize all of the zoning floor area appurtenant to such landmark buildings. So how do you utilize the development rights appurtenant to them?”


Creativity comes into play by forming combined zoning lots (through the merger of development sites with adjacent lots) and/or transferring “air rights” to parcels of property located within the same block, across the street, or even blocks away.

Before his law career, Candreva was the Director of the Environmental Assessment and Review Division for the New York City Department of City Planning. He oversaw public- and private-sector compliance with federal, state, and city environmental laws.

At Troutman Sanders, Candreva and his team recently worked on a rezoning of industrial land along Brooklyn’s Gowanus Canal, one of New York’s most polluted waterways. Their proposal, adopted by the City Council in March, will transform the site into a residential zoning district and permit 474 units of housing, 20 percent of which will be affordable to low- and moderate-income households. “Here’s a project that gives back to the community,” he notes.

Giving back is something Candreva has always prioritized. He donated hundreds of hours to representing New York’s Intrepid Sea, Air & Space Museum pro bono, and in 2004 he was profiled in the *New York Law Journal*<sup>1</sup> for his work.

Of New York Law School, Candreva says he has only the fondest memories. “It was a great environment. I learned so much from my professors, especially Professors [William P.] LaPiana, [Robert] Blecker, and [David] Chang. I’m so grateful to them.”

For New York Law School students considering a similar career path, he says, “You will have a home at Troutman Sanders if you decide to pursue land use and zoning. The New York City zoning bar is extraordinarily small and aging rapidly. There will be a need for more zoning lawyers in the near future.” 

<sup>1</sup> *New York Law Journal*, “Honoring Heroes Is Attorney’s First Duty at Intrepid,” July 2, 2004.

## Tara Goff Kamradt '92: Helping Women Lawyers Become Leaders

By Edith Sachs



At Penn State University in the late 1980s, Tara Goff Kamradt '92 was a big fish in a very big pond. She chaired the sorority rush program at a school which, at that time, boasted the largest number of fraternity and sorority chapters in the United States.

Today, as a partner in the Chicago headquarters office of Katten Muchin Rosenman LLP, Kamradt is still preoccupied with helping women achieve leadership positions in

competitive organizations. She is a founder and co-chair of her firm's Women's Leadership Forum, a group that works to find solutions to the "leaking pipeline" problem of women dropping out of the talent pool as they move up the ranks toward partnership.

Kamradt's commitment to the success of women lawyers doesn't stop there; she and a colleague co-founded a not-for-profit organization called the Chicago Coalition for Women's Initiatives in Law Firms. With membership drawn from 36 Chicago-area law firms, the Coalition takes the focus of the Women's Leadership Forum to the next level.

"The goal is to maximize the potential for women lawyers to succeed professionally," Kamradt says. As Chair of the Coalition's Program Committee, she is planning an upcoming event on establishing business development programs in law firms. She is also working on coordinating her group's efforts with that of another Chicago group called The Senior Businesswomen's Forum, whose members include successful women from across the business and corporate spectrum.

At Katten, Kamradt represents public and private companies in a variety of industries in structuring and negotiating mergers, acquisitions, dispositions, and general corporate and transactional matters. She has also represented

companies in the health care industry, advising them on joint venture relationships, structuring transactions, and commercial arrangements with third parties.

Kamradt describes Katten—a firm with approximately 700 attorneys spread among eight offices in the United States and London—as a place with "New York energy" despite its Midwest roots. In fact, Kamradt, who worked at another Chicago firm before starting at Katten in 1995, would have moved back to New York had she not landed where she is.


"It's a unique place with an entrepreneurial spirit," she says of Katten. "It's a young and growing firm with an innovative and strategic outlook. Its culture rewards self-starters and those who come up with new ideas on how to add value."

Kamradt speaks enthusiastically of the "powerful" education she received at New York Law School. She had a stellar legal academic career: she became Editor of the *New York Law School Law Review*, landed a summer job with Kaye Scholer LLP that turned into a first-year associate position, and studied with prominent faculty.

"My instructors were definitely 'in the space,'" she says. "I had Professor Nadine Strossen for constitutional law, right around the time she published *Defending Pornography* and became President of the ACLU. Having a professor at that level made the whole classroom experience so much more meaningful."

Professor Karen Gross was her bankruptcy instructor. "She was just unbelievable, so passionate about the work she was doing in her field," says Kamradt. "When a teacher inspires you to such a degree, it influences the way you study the material and gives you a different perspective on it."

Kamradt, a native of Pittsburgh, gives a lot of credit for her success to her parents, who always told her that she could be anything she wanted to be. But if they had their way, she wouldn't have gone to New York for law school.

"My father lobbied hard for me to go to the University of Pittsburgh's law school," Kamradt recalls. "It was local, and it was a good school. But I was adamant. I was going to New York Law School and that was that." 

# IN MEMORIAM

# In memoriam

## FACULTY

**Pamela R. Champine** • March 8, 2009

## ALUMNI

Class of 1949

**Erasmus L. Carfora** • November 30, 2008

Class of 1950

**David Miller Kahn** • September 23, 2008

**James Woods** • December 3, 2008

Class of 1951

**Irving Stein** • September 22, 2008

Class of 1953

**William Albert Metz** • May 20, 2008

**Theodore Ranzenhofer** • December 3, 2008

Class of 1955

**Patricia C. McFarland** • January 12, 2009

Class of 1958

**William G. Sanko** • November 30, 2008

Class of 1962

**Harold K. Grune** • November 7, 2007

Class of 1965

**Frank L. Patti** • October 13, 2008

Class of 1973

**John R. Bashaar Sr.** • October 5, 2008

Class of 1979

**Judith Ann Waldman** • November 16, 2008

Class of 1984

**Mark J. Jaufmann** • March 21, 2008

Class of 1997

**Anthony Ottaviano** • December 1, 2008

## Pamela R. Champine

### Distinguished Scholar and Revered Professor



It is with great sadness that the dean and faculty of New York Law School announce the death of their beloved colleague, Professor Pamela R. Champine. Professor Champine died on March 8, 2009 at her home in Manhattan's Greenwich Village. She was 44 years old.

A member of the New York Law School faculty since 2000, Professor Champine was an expert in the law of trusts and estates and related aspects of taxation, and she wrote and practiced extensively in these areas. She taught Property; Wills, Trusts, & Future Interests; Federal Income Taxation of Trusts and Estates; and Problems of Timing, and was Director of the Core Curriculum in the Law School's Graduate Tax Program. Before joining New York Law School, Professor Champine was an associate in the trusts and estates department of Hughes Hubbard & Reed LLP. She had also served as the law secretary to New York County Surrogate Eve Preminger and as Principal Court Attorney in the New York County Surrogate's Court. Active in both the New York City Bar and the New York State Bar Association, Professor Champine was elected an Academic Fellow of the American College of Trust and Estate Counsel in 2007.

Although Professor Champine's first scholarly contributions dealt with taxation and trusts and estates, her focus soon shifted to the highly important and surprisingly understudied questions surrounding capacity and donative transfers. Her final publication, *Competence in the Law: From Legal Theory to Clinical Application* (Wiley, 2008), co-authored with Professor Michael L. Perlin, Adjunct Professor Henry A. Dlugacz '91, and Mary Connell, is an outstanding summary of the state of the law and a sad reminder of how much has been lost through her death.

In a moving tribute announcing the news of Professor Champine's death to the faculty, Professor William P. LaPiana, her close friend and colleague, talked about the great joy she found in teaching. "Pam saw every day of her life as a law professor as a gift," he said. "She counted it a privilege to teach, read, think, and write, and next to her family, it was what gave her life meaning." Professor LaPiana added that Professor Champine was "as inspiring as she was effective as she led her students to a thorough understanding of the subjects to which she devoted her efforts. She brought innovative techniques to the classroom and showed her students that what they might have once thought was dry and uninteresting was full of life."

"I know the entire New York Law School community joins me in our shared grief over Pam's passing," said Dean and President Richard A. Matasar. "She was one of the most courageous people I have ever known. Through her illness, she showed a continuous love for her profession, her students, and the law. We all miss her, and the void she leaves will never be filled."

Professor Champine is survived by her husband David Simonetti and their daughter Isabella. In loving memory of his wife, David has established the Pamela R. Champine Scholarship, which will award a scholarship to a New York Law School student based on financial need. Contributions may be sent to the Office of Development and Alumni Relations, 185 West Broadway, New York, NY 10013-2921. Please make checks payable to New York Law School and include "Pamela Champine Scholarship Fund" in the memo field.

**New York Law School Magazine welcomes your thoughts and memories of Professor Champine, which may be sent via e-mail to [magazine@nyls.edu](mailto:magazine@nyls.edu). We will print a selection of comments in an upcoming issue of the magazine.**

## David Miller Kahn '50

David Miller Kahn '50, a former trustee of New York Law School, died on September 23, 2008 at the age of 85.

Kahn was born in Port Chester, New York. Before World War II, he enrolled at Kentucky University, where he played basketball as a freshman. When the war started, he enlisted in the U.S. Army as an aviation cadet. He trained as a pilot for one year and then transferred to the Army's Counter Intelligence Corps, serving as a special agent for four years before leaving with an honorable discharge in 1946.

Kahn returned to Kentucky University on the GI Bill and earned his bachelor's degree. After graduating from New York Law School in 1950, he began his legal career as an associate in the law firm of Filardi & Caruso in White Plains, New York. In 1954, he started his own firm, Kahn Riley & Bogeman, which later became Kahn, Rosen & Goldman. In 1988, he and his son James started the firm Kahn & Kahn, with offices in White Plains, Manhattan, and Palm Beach Gardens, Florida. Kahn was admitted to practice in the New York State Supreme Courts and District Courts, as well as the U.S. Supreme Court.

After retiring in Palm Beach Gardens, Kahn continued to play an active role in the legal community doing pro bono work. He also served as a trustee of New York Law School and endowed the School's David Miller Kahn Scholarship for needy students. He was honored by the Westchester County Bar Association for 50 years of outstanding service to the legal profession.

Kahn is survived by his wife of 56 years, Barbara Heller Kahn, their three children, and five grandchildren. **F**

## Judith Ann Waldman '79

Judith Ann Waldman '79, dedicated teacher, attorney, and mother, died in Manhattan on November 16, 2008. She was 65.

Waldman grew up in Brooklyn, the daughter of a New York City police officer and a seamstress. She went to Thomas Jefferson High School and then studied medieval history—first at Brooklyn College, where she earned her bachelor's degree, and then at Richmond College in St. George, Staten Island, where she earned her master's degree. She met her husband Robert at Brooklyn College, and the two settled in Willowbrook, Staten Island, after they were married.

Waldman began her career as an educator, teaching history at Abraham Lincoln High School in Brooklyn and Susan Wagner High School in Staten Island. Later, while raising three teenagers, she attended New York Law School, where she was a member of the *Human Rights Law Review* and editor of the journal *Aequitas*. She graduated early and with honors in February 1979 and joined the Richmond County District Attorney's Office, serving as an assistant district attorney until she retired in 2002.

During her 23 years as an assistant district attorney, Waldman came to be recognized for her leadership and dedication in protecting women and children. She created the Sensitive Abuse and Assault Family Unit (SAAF), which prosecuted cases involving sex crimes and child abuse, as well as the unit in charge of prosecuting official corruption and misconduct. She also ran a program called Project Reality, which brought members of the district attorney's office to schools and hospitals to educate young people about the dangers of drug abuse.

Waldman is survived by her husband, three children, and ten grandchildren. **F**





## Help New York Law School Students and Alumni Get Ahead

In today's economy, law students and graduates need all the help they can get to distinguish themselves from the competition. The Office of Career Services provides many opportunities for alumni to share their knowledge and expertise with students and other graduates. Below are some ways you can help students reap the benefits of being part of the New York Law School community.

- **Become a mentor.**  
Offer valuable guidance to students interested in learning about your field.
- **Post a job or internship.**  
Recruit current students or graduates to join your team.
- **Have lunch with a group of students.**  
Return to the Law School to host students through the Lunch with a Lawyer program.
- **Participate in a career panel.**  
Share your experiences and career insights with students and other members of your field.
- **Join our speed networking receptions.**  
Meet students and other graduates at one of these fun and fast-paced events.

Alumni currently seeking a job have free access to our online job database. If you need log-in and password information for the job database, please contact us and we will be happy to assist you.

**To find out more about these and other opportunities, please contact the Office of Career Services at [career@nyls.edu](mailto:career@nyls.edu) or 212.431.2345.**

MORRIS L. ERNST '12  
ACTIVIST ATTORNEY WON CASE EXONERATING  
JOYCE'S *ULYSSES* FROM OBSCENITY CHARGES

## Morris L. Ernst '12: Activist Attorney Won Case Exonerating Joyce's *Ulysses* from Obscenity Charges

By Edith Sachs

Law school graduates who fail the bar exam and need reassurance regarding their future prospects should look to the example of Morris L. Ernst '12. This brilliant and celebrated attorney, best remembered for his successful challenge to the censorship of the classic novel *Ulysses*, failed the bar exam on his first try. But soon after entering practice in 1915, he became a partner in a firm and embarked on a long career as a trial attorney, author, and activist. He is generally acknowledged as the nation's most prominent civil liberties lawyer of the late 1920s and '30s.


Ernst had attended New York Law School at night while holding various day jobs, including shirt manufacturer and furniture salesman. He became renowned for his expertise in labor, tax, libel, and censorship legislation. A pioneer in the American Civil Liberties Union and a member of its board, Ernst served as its General Counsel from 1929 to 1955 and argued many cases that led to landmark decisions. And as Special Counsel for the American Newspaper Guild, he won a key ruling from the U.S. Supreme Court in 1937 that established the right of newspaper workers to organize—a right that eventually encompassed workers across the spectrum of the news media.

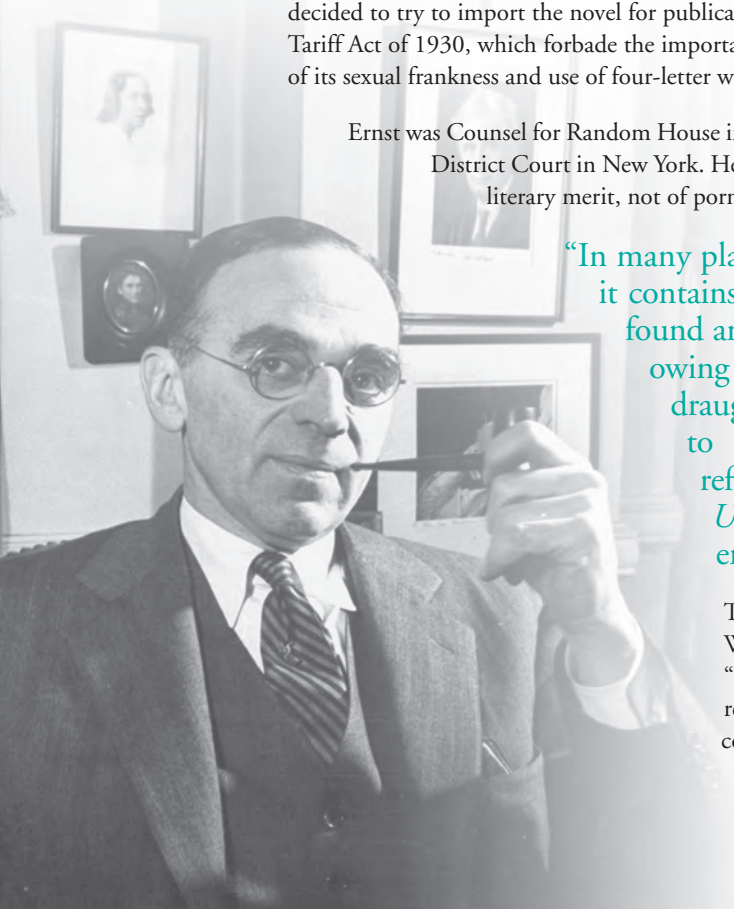
A determined critic of U.S. obscenity laws, Ernst compiled a series of legal victories in local, state, and federal courts during the 1930s over a variety of obscenity censorship practices. As part of his strategic assault on obscenity laws, Ernst orchestrated important test cases to advance knowledge of human sexuality and give women greater control over their reproductive lives. Between 1929 and 1937, he and his associates at Greenbaum, Wolff & Ernst won five federal court cases challenging Customs Bureau and Post Office censorship practices over sex education materials and birth control information barred under the 1873 Comstock laws. He maintained a long relationship with birth control advocate Margaret Sanger, serving as her counsel and as General Counsel to the Birth Control Federation of America (later renamed Planned Parenthood), which she founded.

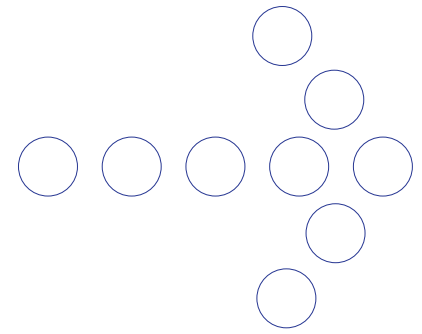
His most famous victory came with the reversal of the ban on bringing James Joyce's *Ulysses* into this country. Published in Paris in 1922, copies had been smuggled into the United States for 10 years before Random House decided to try to import the novel for publication here. The United States acted to confiscate the book under the Tariff Act of 1930, which forbade the importation of "obscene" works. *Ulysses* was categorized as obscene because of its sexual frankness and use of four-letter words.

Ernst was Counsel for Random House in the December 1933 trial before Judge John M. Woolsey of Federal District Court in New York. He argued that *Ulysses* should be considered in its entirety as a work of literary merit, not of pornography. Judge Woolsey agreed, writing in his opinion:

"In many places [*Ulysses*] seems to me disgusting, but although it contains many words usually considered dirty, I have not found anything that I consider to be dirt for dirt's sake . . . owing to some of its scenes, *Ulysses* is a rather strong draught to ask some sensitive, though normal, persons to take. But my considered opinion, after long reflection, is that whilst in many places the effect of *Ulysses* on the reader undoubtedly is somewhat emetic, nowhere does it tend to be an aphrodisiac."

To this day, each Random House copy of *Ulysses* contains Judge Woolsey's historic opinion—as well as a foreword written by Ernst. "The first week of December 1933 will go down in history for two repeals," Ernst declared, "that of Prohibition and that of the legal compulsion for squeamishness in literature." 





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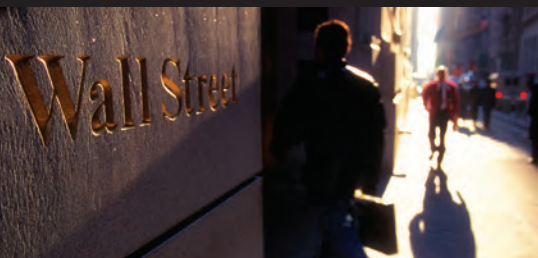
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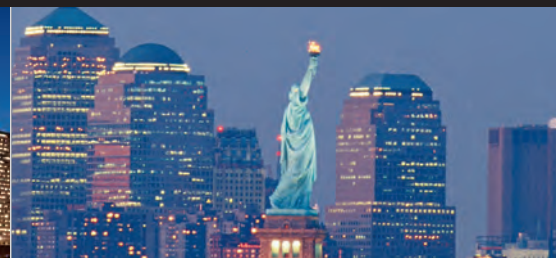


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