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November 2008 Alumni Newsletter

New York Law School

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Building Buzz

There is major progress in the Worth Street section of the new building. The facade is in place for the second through fifth floors, and classroom spaces are being built out, according to Associate Dean Harry Althaus. The eastern wall is in place, and that side of the building is now enclosed. Drywall framing and sheetrock installation are in progress. Duct work and plumbing rough outs are being installed throughout. Last, but not least, four eagerly awaited passenger elevators have been installed.

Did you know?

Professor Annette Gordon-Reed's new book, *The Hemingses of Monticello* (W.W. Norton & Co., 2008), has received positive reviews in several publications, including *Newsweek*, *Publisher's Weekly*, *The New York Times*, *The New York Review*, *The New Yorker*, *Booklist*, *Essence*, and *Library Journal*. The book, which *Newsweek* described as "compulsively readable," has also been nominated for a National Book Award.

Meet the Network

Robert Freeman '55 and the Business of Green

"Going green" is a buzz phrase nowadays, but when Robert Freeman '55 and a business partner launched an energy conservation company in California 27 years ago, the concept was revolutionary.

Freeman began his career as a New York corporate tax attorney and later served as a real estate financier. In 1981, however, Freeman and a new business partner conceived a simple but brilliant plan: to save their clients—businesses, government agencies, and military bases—a percentage of their energy bills by changing and maintaining the equipment in a particular building and splitting the savings. The client, says Freeman, put no money into the "shared savings contract" but had an infinite rate of return.

Freeman's timing couldn't have been better—nor could his location. With the nation recovering from the shock of the first oil shortage ever, California's then-Governor Edmund "Jerry" Brown Jr. led the country in creating a state energy conservation policy. Freeman's California-based Co-Energy Group joined that movement as a developer and provider of third-party financing to demand-side management and energy conservation projects. Co-Energy's projects include replacing an army base's incandescent light bulbs with low wattage/high lumens bulbs, and at another base, replacing HVAC with more efficient ground service heat pumps. Freeman sold the company in 2000 but continues to manage two large projects.

Freeman says his success was due in part to his ability to connect to people of different backgrounds and ages, an ability honed in law school evening classes. "Policemen, accountants, captains—it was a varied mix. But we all worked together. Law school was the great equalizer."

New York Law School Heritage

Chester F. Carlson '39 and Patent Number 2, 297, 691

The next time you're at the Xerox machine running off 100 copies of a document in a matter of minutes, you might give thanks to a New York Law School graduate. Xeroxing is something we take for granted, but before Chester F. Carlson '39 came along, the technology didn't exist. Carlson was an American physicist, inventor, and patent attorney. The instant copying process he developed, which he called electrophotography and later became known as xerography, became the greatest print communication invention since Gutenberg's printing press.

Born in 1906 in Seattle, Washington, Carlson overcame tremendous odds. Both his parents were ill with tuberculosis when he was a teenager, and he was forced to support the family.

"Work outside of school hours was a necessity at an early age," Carlson once said, "and with such time as I had I turned toward interests of my own devising, making things, experimenting, and planning for the future."

Perhaps it was that curiosity that propelled Carlson to attend college at the California Institute of Technology, but it was determination that got him a job after 82 applications garnered only two replies. One of them was from Bell Telephone Laboratories in New York, where Carlson worked as a research engineer for \$35 a week.

But the work was dull, and he asked to be transferred to the patent department. Carlson was laid off in 1933 during the Great Depression. After a brief stint as a clerk at a patent lawyer's office, Carlson found work at P.R. Mallory Company, an electronics firm, where he was eventually promoted to head the patent department. It was at this juncture that Carlson decided to study law at night.

He was also thinking about how a copying process could ease the burden of his work; his job required that he prepare multiple copies for submission to the U.S. Patent Office, which demanded hours of drawing and retyping.

Carlson's breakthrough experiment, conducted in a laboratory in Astoria, Queens, involved writing the words "10-22-38 ASTORIA" in India ink on a glass microscope slide. Carlson's assistant prepared a zinc plate with a sulfur coating, rubbed the surface with a handkerchief to apply an electrostatic charge, put the slide on the zinc plate, and exposed it to light. They sprinkled lycopodium powder on the sulfur surface and transferred the image to a sheet of wax paper. After heating the paper and melting the wax, they achieved a near-perfect duplicate.

Carlson spent the next 15 years establishing the basic principles of electrophotography and filed his first preliminary patent application in 1937. Carlson patented every stage of his

discoveries, a process surely made easier by his knowledge of patent law.

On October 6, 1944, after years of fruitless efforts to interest companies like General Electric and IBM, an agreement was signed between Carlson and Battelle Development Corporation, a subsidiary formed by the Battelle Memorial Institute to sponsor new inventions. At this stage, organized research into developing the technology began.

In 1959, 21 years after Carlson invented xerography, the first office copier using xerography was produced. Carlson, who had lived most of his life in near poverty, became a wealthy man. He gave two-thirds of his \$150 million fortune away to charitable organizations before his death in 1968.

Alumni Corner

New York Law School professors are often quoted in major news stories. Below, match the quotes that appeared in stories from July through October 2008 with the professors who said them.

1. UBS AG bankers helped Eli Lilly & Co. strike a \$6.5 billion deal to buy IMClone Systems Inc. while their own research assistant said Lilly was paying too much. . . . **"That's a very odd occurrence," said _____, a securities law professor at New York Law School. "What would be troubling to me is if I was on the board at Lilly. I've got investment bankers telling me \$70 a share makes sense, whereas a research analyst at the same company is saying otherwise."** Bloomberg News, October 6, 2008
2. With both the I.R.S. and the Justice Department's tax division widening their crackdowns on questionable tax shelters to include scrutiny of offshore banking services and trusts, the issue of safe tax planning for the affluent has become more urgent than ever. . . . **"Here are three warning signs that a tax deal should be avoided," said _____, a legal ethics scholar at New York Law School: "When the tax savings promised are many times the amount of the initial investment, when you are told that there is no financial risk involved, and when you are urged not to show it to anyone."** *The New York Times*, September 10, 2008
3. New York is the only U.S. state where parties in a contested divorce have to show fault in order to split. And battling spouses' efforts to prove cruel or inhumane treatment, abandonment, or infidelity have provided valuable fodder for tabloids, Web sites, and television shows. **"It's the ultimate evisceration of the public/private distinction," said New York Law School professor _____, who writes about law and pop culture. "Everything that is private is now public."** Reuters, July 9, 2008

To take this quiz and see the answers, please visit the Alumni & Friends page on the New York Law School Web site, www.nyls.edu.

Alumni in Brief

Bruce Czachor '87 Builds a Career Out of Building Practices



Bruce Czachor '87 graduated from law school prepared for a career in bankruptcy law. Professor Karen Gross had inspired the young lawyer with the intricacies of the bankruptcy code and the UCC, and he took every class she taught.

"Karen Gross had me hook, line, and sinker," he recalls. "I absolutely loved bankruptcy law and the way she challenged us."

Now a partner at Shearman & Sterling LLP, Czachor started out practicing bankruptcy law and developed expertise in capital markets and mergers and acquisitions—the focus areas of his practice today. As Czachor sees it, Shearman & Sterling inspired in him a homesteading spirit. Like those hardy nineteenth-century Americans who proved up claims in new territory, Czachor has done much the same in his legal career by building law practices and helping them thrive. Both are part and parcel of the firm's culture, Czachor says.

"Shearman & Sterling has a history of sending partners to new places to build a new practice and expand our global footprint. We were the pioneers in creating a leading global law firm."

Czachor was instrumental in building practices for the firm, first in Toronto in 1994 and later in Silicon Valley in 2000. While Czachor demurs that he was chosen because he was "young, successful, and foolish," his efforts in Toronto expanded the office from four associates to 16 lawyers, including two partners, with revenue increasing almost ten-fold during his six-year tenure there.

In Toronto, Czachor met one of the most challenging deals of his career. The deal, for GT Telecom, involved coordinating an IPO, bank and vendor financing, junk bond financing, and a major acquisition simultaneously in the United States and Canada. When naysayers claimed the deal was impossible to do on the schedule he

proposed, Czachor recalled the words of Professor Gross who "told me never to give up, but to just break down the problem."

In 2000 Czachor was asked to go California to practice the same magic again, this time building "from the bricks and mortar up." While Shearman & Sterling had had an office in San Francisco since 1979, the firm hadn't yet established one in Silicon Valley. Czachor helped build practices in capital markets, mergers and acquisitions (M&A), tax, executive compensation, and intellectual property at the Silicon Valley office.

Since the end of 2005, Czachor has been busy rebuilding practices in New York and is now helping clients during the steep economic downturn. The level of involvement varies depending on clients' needs, he says, noting that frozen credit markets make it difficult to get things done.

On the other hand, says Czachor, financial institutions are rapidly making deals in the M&A markets that are "held together with bubble gum and spit." He notes that the Bank of America and Merrill Lynch transaction was negotiated over a weekend between the two CEOs of the company. "Where would you hear of a \$50 billion merger being done that way, with most of the details being worked out after the fact? It's basically unheard of."

Czachor says the current economic situation is "uncharted territory" that "calls for new tactics." But for Czachor, venturing into new territory without a map might just feel familiar. In fact, it might be the kind of challenge on which he thrives.

IT ONLY HAPPENS EVERY FIVE YEARS . . .

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For Alumni

SAVE THESE DATES

- **Friday and Saturday, November 14–15, 2008**
Reunion Weekend 2008
- **Tuesday, November 18, 2008**
Connecticut Reception for Alumni and Friends
- **April 18, 2009**
Opening Celebration of the New Building

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Capital Campaign Committee Steers
New York Law School to a Bright Future

Edward V. Filardi '68



Giving back is beginning to be something of a habit for Edward V. Filardi '68. Last year he agreed to captain the Law Firm Challenge for Skadden, Arps, Slate, Meagher & Flom LLP and Affiliates, finding a way to say thank you to the Law School that he graduated from 40

years ago. Now a member of the Campaign's Steering Committee, Filardi's reasons are much the same.

"It's a matter—pure and simple—of giving back to the Law School that gave me so much," he said. "An opportunity presented itself, and I took it."

As New York Law School is poised to expand its facilities dramatically, Filardi says there could be no better time to give back. Part of his role on the Steering Committee will be to find ways to reach out to his fellow alumni and encourage them to get involved.

"The School is on the verge of a great expansion, and now is the time for everyone who believes in the Law School to step up and show their support," he said. "My job will be to invite others to join me."

Filardi joins the Steering Committee with much leadership experience as a co-head of Skadden's intellectual property and technology group. He has enjoyed a wide-ranging career in patent, trade secrets, unfair competition, and antitrust-related matters, specifically regarding litigation and dispute resolution.

Only six years away from his retirement as a partner at Skadden, Filardi leads a busy professional life. At the end of one trial and before the beginning of another, Filardi says, "My career has been a rewarding and exciting ride that I would not have experienced except for the legal training and foundation I obtained at New York Law School."

Filardi is grateful to the Law School for the "high caliber legal education" he received. Yet he's also excited about the legal education the School will be able to provide for future generations with the completion of the new building.

"There's a need in New York for New York Law School," Filardi says. "It fulfills a niche, which is affording a legal education to a wider diversity of students who have the potential to strengthen the overall legal system."

The Law School, Filardi says, will build on a foundation of excellence created by dedicated professors and hard-working students. Filardi was certainly one of those driven students. As a chauffeur to lawyers at night, he attended law school during the day.

Although law school was rigorous, Filardi says it was a good experience and that he "made friends I still see to this very day."



SAVE THE DATE!

PLEASE JOIN US

on

April 18, 2009

for the

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OPEN HOUSE

TO CELEBRATE AND
SHOW OFF OUR NEW
ACADEMIC BUILDING.