

Winter 2008

New York Law School Magazine, Vol. 28, No. 1

New York Law School

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New York Law School, "New York Law School Magazine, Vol. 28, No. 1" (2008). *New York Law School Alumni Magazine*. Book 11.
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NEW YORK LAW SCHOOL

Magazine | Fall/Winter 2008

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Professor David Schoenbrod
Breaks Through the Environmental Logjam

8

Graduate Programs Thrive and
Multiply at New York Law School

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New York Law School Magazine (ISSN 0747-3141)
is published twice a year by New York Law School. Editorial contributions as well as submissions of copy and photos to Class Notes are welcome. This publication accepts no responsibility for unsolicited manuscripts or photographs. All submissions are subject to editing and are used at the editor's discretion. Opinions expressed in this publication do not necessarily reflect official positions of the Law School.

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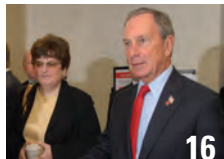
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New York Law School Magazine Wins Again!

New York Law School Magazine continues to gain recognition for excellence. The Spring/Summer 2007 issue recently won the following awards for design and editorial:

- The 2008 Communicator Awards: Award of Excellence for Design. *Presented by the International Academy of the Visual Arts*
- The 2008 Magnum Opus Awards: Bronze Award for Most Improved Editorial. *Presented by McMurry, Inc. and the Missouri School of Journalism*

As always, we welcome your feedback at magazine@nyls.edu.

Sean's message



Rational Exuberance, Self-Reliance, and Coming Home

By Richard A. Matasar

Today's headlines bombard us with buzz words describing the dramatic events of recent months: subprime lending crisis, stock market volatility, global economic downturn, frozen credit markets, soaring unemployment rates, and eroding confidence in our leaders. In this climate, it is no surprise that one of the top questions I have been asked over the last several months is: "What does all of this mean for New York Law School?"

The answer is simple: The world of legal education certainly remains strong, and our students are more prepared than ever to go out and make a difference. We are forging ahead, full-bore; constantly evolving and improving; dedicated to our students' success; committed to establishing programs that matter; and adding extraordinary value to the legal community. As always, we are independent, self-reliant, and tough. That has been, and always will be, the New York Law School way!

This issue of *New York Law School Magazine* tells a story of progress. We highlight the important work of Professor David Schoenbrod and the Breaking the Logjam project. David and his colleagues are unwilling to let political inaction, bureaucratic confusion, and interest group politics stand in the way of much-needed improvements in our environment. Their path-breaking, nonpartisan efforts suggest ways to move forward in the face of inertia and create an environmental policy for the future of our country. The project brings optimism to a field long buried in self-doubt and pessimism.

We also highlight the evolution of graduate studies at New York Law School. Members of our profession have always understood that a legal career is a lifelong pursuit of knowledge. For most of the last 50 years, this has meant learning from colleagues at work, through self-study, and in continuing legal education programs. But as the law becomes increasingly complex, there is an emerging need for systematic study in new legal fields. New York Law School has taken the lead in developing courses of study that help professionals advance in their careers. By establishing graduate programs in tax, mental disability law, and real estate studies, we have already begun to offer specialized training to help lawyers and clients solve important and vexing problems. Soon, we also plan to offer an advanced degree in financial services law. Together, these initiatives loudly proclaim our confidence that the study of law can make a difference in serving our economy and citizens.

Finally, we preview the grand opening of our new building in the winter of 2009. Save the date now—April 18 is homecoming at New York Law School and a chance to celebrate the wonderful new facility we have created. Nothing could demonstrate more clearly our passion for the future than the new state-of-the-art building that will be a beacon in downtown New York and a legal institution for the ages.

Tough economic times bring out the best and worst in people and institutions. For us they are a reminder that New York Law School was born independent and now uses that independence to be nimble, self-reliant, and successful in the legal community. We don't need bailouts to lead us out of the wilderness. We look to each other, build on our strengths, and energize those around us.

Professor David Schoenbrod
Breaks Through the
Environmental Logjam

Graduate Programs Thrive
and Multiply at
New York Law School



Professor David Schoenbrod Breaks Through the Environmental Logjam

By Mona Houck '04

While others continue to complain about gridlock in Washington, a team of environmental experts led by professors at New York Law School and New York University School of Law is on a mission to overcome it.

"When it comes to making environmental policy, our government is stuck in polarized politics," says Professor David Schoenbrod of New York Law School, who is leading the Breaking the Logjam project, along with Professors Richard B. Stewart and Katrina M. Wyman of NYU. "Congress has been unable to pass major environmental legislation since 1990, although we know that existing statutes have been unable to solve many old problems and are not at all attuned to many new ones, such as climate change and deterioration of the oceans."

The team of more than 40 experts from academia, government, nonprofits, and business hopes to provide blueprints to Congress and the next presidential administration for new approaches on a range of environmental issues. The project differs from others in size and scope, but also—and perhaps most significantly—in its commitment to finding practical solutions.

"One thing that is distinctive is that we're very much focused on generating specific proposals that policy makers can use," Professor Wyman says. That user-friendly approach, combined with growing public demand for action, could make a real difference, project leaders say.

"The principles on which our project rests have been advanced by academics from the right and the left," says Professor Schoenbrod. "But by and large they have not been enacted into law because of the logjam, and because they've remained abstract principles rather than concrete proposals for how to reform particular environmental statutes."

The project came about as a result of collaboration between Professors Schoenbrod and Stewart. "We started thinking, Congress hasn't done anything; maybe we should organize a project to bring together the best academic thinking on these issues," Professor Stewart says.

The idea started percolating about four years ago, then began taking form in 2006. Professors Schoenbrod and Stewart, who have extensive experience with pollution issues, soon found a complement in Professor Wyman, whose primary interests lie in natural resources. The project included an environmental governance seminar at NYU last year, followed by a symposium there in spring 2008 where participants presented initial proposals. Many of the proposals will be published in the fall 2008 issue of the *NYU Environmental Law Journal*, and the project leaders will present a report of the recommendations to Congress. The leaders are also working on a book. A class taught by Professors Schoenbrod and Wyman at New York Law School in spring 2009 will get students involved in evaluating bills introduced in Congress and drafting testimony for participants appearing before committees.

Professors Schoenbrod, Stewart, and Wyman recruited participants with a broad range of backgrounds to tackle the full spectrum of environmental issues. Among the many issues to be addressed are climate change, depletion of wild fisheries, agricultural pollution, and overgrazing of land in the West.

Turning academic proposals into actual policies is a central challenge that will require getting the attention of policymakers. To that end, the leaders are working with Washington think tanks as well as politicians and

Professor David Schoenbrod



their advisors. “We’re trying to reach out to people involved in the policy process to disseminate the ideas,” Professor Wyman says.

Part of breaking the logjam is understanding the forces that created it. That is one area where Professors Schoenbrod and Stewart contribute especially valuable expertise. Professor Schoenbrod, who has been at the Law School since 1984, was a staff attorney for the Natural Resources Defense Council in the 1970s, where he spearheaded efforts to get lead out of gasoline and to reduce air pollution. Professor Stewart, Director of the Center for Environmental and Land Use Law at NYU, was an assistant attorney general for environment and natural resources under President George H.W. Bush, a job in which he led the prosecution in the Exxon Valdez oil spill and helped develop the 1992 Rio Climate Change Convention.

This experience on the front lines of environmental efforts, both inside and outside the government, gives both professors a unique perspective on environmental policy. It also gives them insight into what has worked well and what changes are necessary for new legislation to be effective.

One major obstacle is partisanship. “When the great wave of environmental statutes was passed in the 1970s, the statutes were adopted almost unanimously by Republicans and Democrats alike,” Professor Schoenbrod explains. “But then things got partisan, and that helped produce the logjam.”

Both sides have contributed to the problem, he says, with Republicans adopting a revisionist view on environmental policy and Democrats using the environment as a wedge issue rather than trying to seek common ground. “Both parties have played to their base,” he adds, “and the results have been bad for the environment and bad for the economy.”

Recognizing the political challenges, the organizers knew it was important for the project to be nonpartisan. “The leadership of the project has roots all over the political spectrum,” Professor Schoenbrod says. “And the participants that we’ve brought in are similarly diverse.”

In this vein, the project is focused on producing effective solutions that will find support on both sides of the aisle. Professors Schoenbrod and Stewart have met with environmental advisors to Senators John McCain and Barack Obama and have found them receptive.

“Fortunately, both presidential candidates recognize that we need new tools to deal with environmental problems,” Professor Schoenbrod says. “The election does make a big difference, because we’re going to have a new president and a new Congress and with them, a cleaner slate.”

Ending the political standoff is the key to clearing another major obstacle: statutes that have outlived their effectiveness. “The legislation introduced in the ’70s did achieve significant reductions in air and water pollution,” Professor Wyman says. “But it sort of went after the lowest-hanging fruit. Some of the remaining pollution problems we have are harder problems to deal with.”

And the old approaches are not equipped to deal with these new problems, Professor Stewart says. “The United States has used regulatory techniques that were pretty sensible in the 1970s, but are not sensible 30 years later.”

One reason for this is that environmentalists simply know more today. In the 1970s, Professor Schoenbrod says, “we thought the problem was simple: stop the pollution.” By targeting industries that made the biggest messes, environmental regulations of that era made real progress. Now, however, there is a growing understanding that pollution doesn’t have to be huge to be harmful.

“Environmental protection is more complicated and involves more trade-offs than we ever thought,” Professor Schoenbrod says. “We’ve discovered more pollutants and found there are risks at very low levels. Once we thought we could stop pollution; now we understand we have to make choices.”

This new awareness informs the project’s four guiding principles. First, the participants are looking for crosscutting approaches that move away from treating

“Environmental protection is more complicated and involves more trade-offs than we ever thought,” Professor Schoenbrod says. “We’ve discovered more pollutants and found there are risks at very low levels. Once we thought we could stop pollution; now we understand we have to make choices.”

each environmental problem as if it existed in a vacuum. Statutes have traditionally organized the government’s efforts problem by problem, with each issue assigned to a particular agency or division. As a result, Professor Schoenbrod says, “they often get in each other’s way.” For example, he says, to reduce air pollution, the government required additives to gasoline that ended up polluting water. And while industry followed requirements to cut water pollution by limiting effluent concentrations, it often did so by using more water, at cross-purposes with conservation efforts.

The project leaders hope to improve on these approaches by proposing measures that recognize how environmental problems are connected. “One proposal is for how the Clean Air Act should be reformed to deal with climate change,” Professor Wyman says. “If you act to deal with climate change, you’ll also have to reform the framework for dealing with other kinds of air pollution. You can’t just look at climate change in isolation.”

A second principle requires openness about the trade-offs necessary for environmental progress. “The old statutes often pretend that choices don’t have to be made,” Professor Schoenbrod says. The reality is that perfect solutions are unattainable and trade-offs are inevitable.

Third, the project aims to scale regulatory authority to fit specific problems. That means giving states freer rein on some issues, limiting the federal government’s


reach to what it can effectively accomplish, and encouraging cooperation with other countries on international problems.

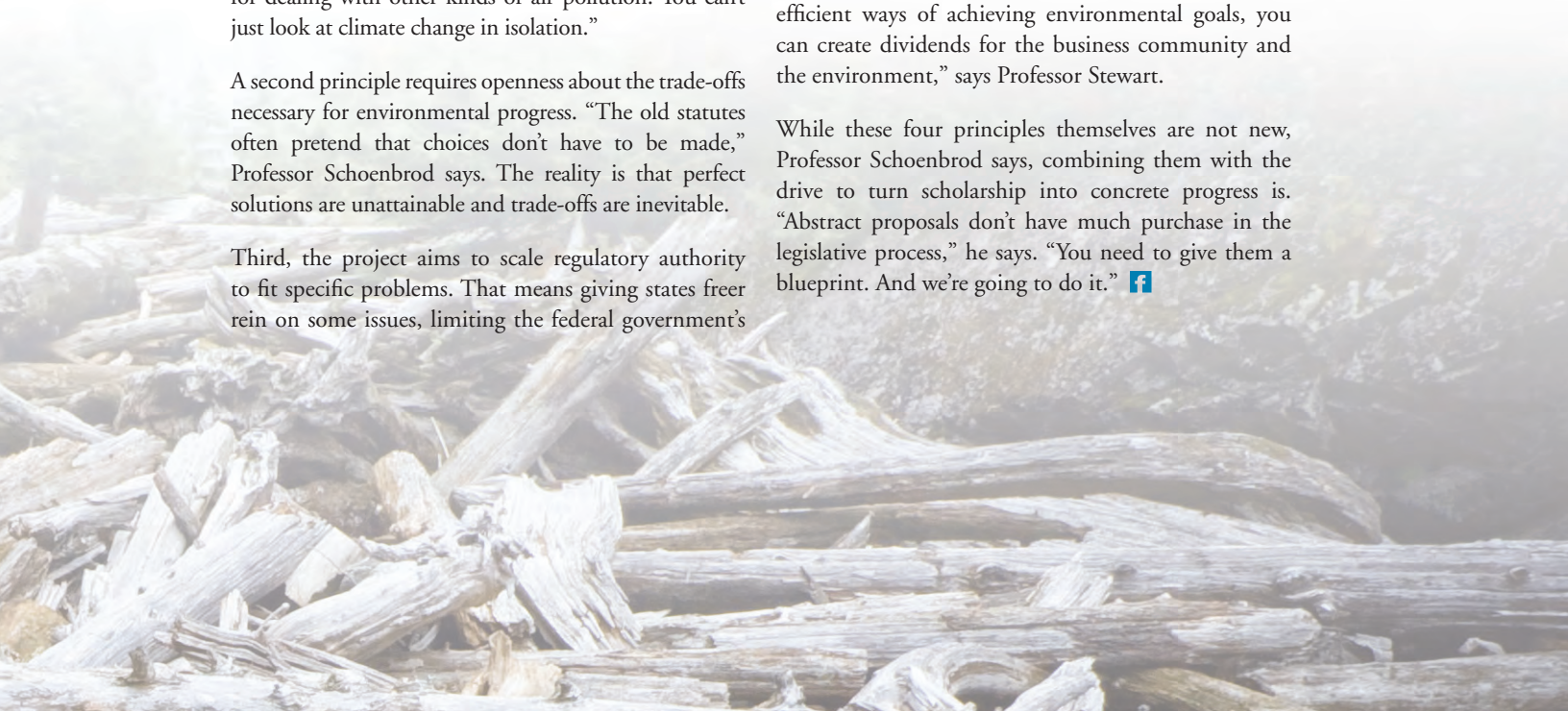
In the ’70s, Professor Stewart says, the prevailing view was that Washington had to be in control. Now, most states have strong programs, and environmentalists recognize that a single approach across a diverse country is ineffective. “It’s like Soviet-style central planning,” he says. Using one model doesn’t even work to produce shoes; “it also doesn’t work for producing clean air or clean water.”

Finally, the project hopes to use more market incentives to make environmental protection more efficient as well as more effective. “We know there are more cost-effective ways of protecting the environment, but because of the logjam, we’ve been unable to adopt them,” says Professor Schoenbrod.

A shift in perception may help change that. “In the ’70s, there was a sense that the market was the cause of many of our environmental problems,” Professor Wyman explains. “Now there is a sense that the market is a very good tool, and we should think about enlisting it to address problems.”

A traditional approach to pollution has been to order specific cuts and actions from each contributing company. Under a market-based approach, the agency would set a limit on pollution across a broad area, assigning allowances to companies and leaving them to find the most cost-effective ways of achieving the goal. This way, a company can profit from finding a better solution because it can sell its allowances to others that have not been as successful. “If you can define more efficient ways of achieving environmental goals, you can create dividends for the business community and the environment,” says Professor Stewart.

While these four principles themselves are not new, Professor Schoenbrod says, combining them with the drive to turn scholarship into concrete progress is. “Abstract proposals don’t have much purchase in the legislative process,” he says. “You need to give them a blueprint. And we’re going to do it.” 



Graduate Programs Thrive and Multiply at New York Law School Fifth Anniversary of the Graduate Tax Program and a New LL.M. in Real Estate

By Christine Pakkala

Not every great transformation at New York Law School involves bricks and mortar. While the School's outward appearance changes dramatically, three new master's degree programs herald significant changes taking place inside. Just five years ago, the Law School launched the Graduate Tax Program, becoming one of only two such programs in the tristate area. In 2009, the School will add two new graduate programs, offering a Master of Arts in Mental Disability Law Studies and an LL.M. in Real Estate, becoming the only law school in New York City to offer these advanced degrees. And in 2010, the Law School's new Center on Financial Services Law hopes to add an LL.M. in Financial Services Law.

"Faculty imagination and initiative have helped New York Law School's horizons expand beyond what we dreamed was possible in such a short time," says Dean and President Richard A. Matasar. "With the phenomenally successful Graduate Tax Program, and the new master's degrees in real estate, mental disability, and financial services law, New York Law School is taking a place at the forefront of legal education."

The Graduate Tax Program offers an excellent model for the master's programs that will follow it. Since its founding, enrollment has nearly tripled, from 24 students in 2003 to 70 in 2008, and some 140 students have taken courses in the program. A third of the entering class for summer and fall 2008 is composed of alumni from New York Law School's J.D. program, and the remaining students represent 21 other law schools in the United States and abroad.

"We knew there was a need for more graduate tax education in the New York area, but we didn't know what to expect in the early years," says Professor Ann F. Thomas, Managing Director of the Graduate Tax Program. "It's been a great success."

The growth of the Graduate Tax Program is fueled not only by a top-notch core faculty, but also by the many New York Law School graduates who come back to teach every year as adjuncts.

"We attract star practitioners who are up-to-the-minute in their areas of expertise," says Professor Richard C.E. Beck, the program's founder and Co-director. "They are the type of people who publish often, participate in in-house training at their law firms, and like to teach."

George Pompetzki LL.M. '06, Vice President of Tax at Sanofi-Aventis, a French pharmaceutical company, is one such practitioner. Pompetzki has returned to teach Advanced Corporate Reorganizations this fall. "Being a teacher is a good way to learn," Pompetzki says. "It enhances skills you picked up in your career." He also feels an obligation to the tax community to develop new professionals and to "keep the community vibrant."

Hon. Robert Firestone '90, a graduate of the School's J.D. program, has returned to teach an elective, State and Local Taxation. Firestone is the Commissioner of New York City's Tax Appeals Tribunal, where he serves as an appellate tax judge. "My classes are more fun, and convey more practical knowledge, when I use real-world examples and explain how they were approached by each side," Firestone says.

ALUMNI RETURNING TO TEACH

"Practitioners bring something different to class discussions than academics. I can inject true day-to-day experiences that I have in the law. I believe it's important for students to see and feel the passion we practitioners feel. My students say they do!"

Jacob Friedman '75
Adjunct Professor, Graduate Tax Program
Partner, Proskauer Rose LLP

"The fact is that our professional careers may be challenging and satisfying in many different ways, but teaching gives us a unique opportunity to contribute and to share our knowledge and experience. Also, there is so much energy in the class. Once you have experienced it, it inspires you to come back."

Anna Kozoulina '00
Adjunct Professor, Graduate Tax Program
Office of Chief Counsel, IRS Manhattan

Other LL.M. alumni use their degrees to fast-forward their careers. Michael Friedman '03, LL.M. '05 founded his own organic food company, Fresh Harvest Products, Inc., using both his J.D. and LL.M. degrees. Friedman's LL.M. in Taxation has helped him structure acquisition deals, which are "based on the interaction of tax consequences and accounting practices." Acquisitions are complicated, he says, and the knowledge he gained in the Graduate Tax Program has been instrumental in helping him navigate them. "Many deals do not get completed because the tax consequences are not considered during the early stage of negotiation."

Friedman's knowledge has helped him handle the tax implications of raising new capital and forming partnerships with other companies. He can also answer shareholder questions about the tax consequences of selling stocks. "Last but certainly not least," he says, "standard corporate federal and state taxes must be paid. I can review these returns and prepare them if necessary."

Earning double degrees at New York Law School has given Friedman the advantage of being involved in every aspect of his business. "Law school itself didn't prepare me to start an organic food company, but it helped me to negotiate and draft the required legal documents from inception through today."

Geraldine Ortiz '99, LL.M. '05 found that her LL.M. in Taxation opened doors to new opportunities in her career at TIAA-CREF. Before earning the LL.M., Ortiz focused on retirement-related tax areas, such as annuities. Armed with an LL.M. that broadened her tax knowledge considerably, Ortiz was invited to become the CFO's special assistant. "How many tax lawyers get to be special assistant to the CFO?" she asks.

Now a financial compliance officer at TIAA-CREF, Ortiz says the LL.M. was "instrumental in advancing in my career." In her current position, she deals with corporate tax, payroll tax, and estate planning issues.

Of her LL.M. experience, Ortiz recalls a warm, supportive environment in which Evening Division students worked closely together. "We built so much together," she says. "We really became a team."

The work was interesting, as well, with plenty of opportunities for hands-on experience. In Estate Planning, for example, she developed a client interview questionnaire to use when meeting with a family in need of estate planning.

"That's what I loved about New York Law School," she says. "We could have used just a textbook, but instead, we drafted our own questionnaire and tested it on the professor in preparation for our future clients. The professor brought the subject to the real world."

Tax Law Built Around Concentrations

For Ortiz and other alumni, the ability to gain both a tax overview and a flexible, customized degree was a big draw of the Graduate Tax Program. In fact, increased demand for tax studies that offer targeted, specific programs tailored to students' needs has fueled the program's success, says Professor Thomas. Eight core classes emphasize the fundamentals of tax law, but more than 30 electives enable students to focus their LL.M. degrees. Students choose from seven areas of concentration and build courses around an individualized plan, with an advanced tax planning seminar as one component. Areas of concentration include Corporate Taxation, Estate Planning, General Taxation, International Taxation, Planning for Entrepreneurs and Closely Held Businesses, State and Local Tax and Finance, and Tax Litigation—"a rapidly growing area of practice," says Professor Thomas.

Program courses are divided into three types: core, seminar, and elective. Every student is required to take the core curriculum to gain a solid foundation in tax law and to "learn in an organized and sequential way,"

www.nyls.edu/TaxLLM



says Professor Thomas. From there, students can choose seminars and electives to customize their degrees.

While rigorous in its requirements, the Graduate Tax Program is designed to be flexible. Some students come to the LL.M. straight from the J.D. program; many others have already practiced law. And the program, in the tradition of New York Law School's motto, "Learn law. Take action," recognizes that many students continue to work full or part time and want to take their careers to another level with the LL.M. degree. That's why a third of the students enroll full time and finish the degree in three semesters, while two-thirds take three or four years to complete their coursework, says Professor Thomas.

An important concentration of study in the program is Estate Planning, directed by Professor William P. LaPiana. "Estate planning techniques change surprisingly quickly, so even the experienced lawyer benefits from systematic instruction in the classroom setting," says Professor LaPiana.

The biggest challenge in the coming years will be coping with whatever changes the incoming federal administration and Congress make in the transfer tax system, he says. The "unstable compromise" of the 2001 Tax Act—which gradually increased the amount exempt from estate and transfer taxes but called for the temporary repeal of both taxes in 2010—must be remedied soon, Professor LaPiana says.

He believes that once a new system is in place, there will be even more interest in the program's Estate Planning component, "as lawyers both new and experienced work to acquire the skills they will need to provide their clients with the highest level of professional estate planning."

Practical Skills and Experience

In addition to keeping students current with changing tax laws, the Graduate Tax Program provides them with practical skills and real-world experience. For example, since research and writing skills are very important in tax law, they receive a great deal of emphasis in the program, explains Professor Thomas. Students are required as part of their core training to take a research and writing seminar co-taught by Professor Thomas and Professor Rosalie Sanderson, who also serves as the library liaison for the students. Students can focus on tax policy writing or independent study writing.

Students also gain practical skills through courses in planning and drafting. "Tax lawyers of all kinds are planners and drafters, and we have a wide array of courses in the estate planning and business tax areas that provide this kind of training," Professor Thomas says. "We think it's essential that students get the practical skills they will need. It is important to be useful right away when you start even an entry level tax or estate planning job."

Students in the program also benefit from externships, worth two graduate credits, and paid internships. Both experiences give them exposure to a range of highly competitive and desirable firms and government agencies. For example, the program places its students in international accounting firms, including Ernst & Young and Deloitte, and those summer positions often result in permanent employment.

The program could grow exponentially, says Professor Thomas, but the key to its quality is being a "hands-on, small-scale program that is flexible and student-oriented." Even in the largest classes, the head count is only 20 to 25. In some of the smaller classes, there can be as few as five students. It's a deliberate effort on the part of the directors to deliver a customized education to graduate students. Each student is paired with a faculty advisor who helps plan his or her coursework and provides career coaching during LL.M. studies and afterward.

"We are very much focused on the individual student," Professor Thomas says. "It's an incredible environment as a small program in the tax capital of the world. In this age of distance learning, this is hands-on, close-up learning which very much replicates the kind of practice experience tax lawyers have. Our students graduate with an understanding of issues gained by talking them through with colleagues. There's a huge amount of give and take."

The program's Associate Director, Professor Marc S. Bekerman, believes that the ultimate success of the Graduate Tax Program is best measured by the success of its graduates. "We've seen positive results," he says. "We've seen our graduates get jobs that they might not have if they hadn't taken this course of study."

And even after graduation, students can benefit from the program. LL.M. graduates can audit courses, and the first one is free. "There are many more courses than students can possibly take during the LL.M. year, so coming back to audit is a nice option," Professor Thomas says.

Introducing the New LL.M. in Real Estate

Like the Graduate Tax Program, the Law School's new Graduate Real Estate Program, opening in January 2009, provides students with additional opportunities beyond the standard law degree. According to the program's Director, Professor Marshall Tracht, new lawyers need a greater breadth and depth of knowledge than in years past to be ready to practice in today's world. Yet firms don't offer the same mentoring and training for young associates they once did.

"Associates learn the art of lawyering in a piecemeal manner and are often left with large holes in their training," says Professor Tracht. "By offering a year of intense preparation under the close guidance of faculty and experienced practitioners, the LL.M. in Real Estate offers professional development that most associates would be lucky to match in many years at a firm."

The LL.M. in Real Estate teaches many things that just can't be covered effectively during the J.D. program, Professor Tracht says, from an understanding of the financial and business aspects of real estate to how to structure deals and negotiate and draft real estate documents.

The courses include specialized offerings like Construction Law, International Real Estate, and Advanced Real Estate Financing. The LL.M. program holds students to a much higher standard than is typical in J.D. courses, says Professor Tracht. "The question is: Would this work be acceptable from an associate, acceptable to a client? You can't ask that of a second-year J.D. student, or even most third-years."

Students in the program may choose between two concentrations: Transactional Practice or Public Policy and Regulation. These offerings reflect the Law School's location, which is "not only in the center of New York City's dynamic real estate and financial markets, but also near the buildings that house many city, state, and federal agencies involved in land use and other real estate issues," Professor Tracht says.

The program draws on the expertise and course offerings in New York City law developed by Professor Ross Sandler and the Center for New York City Law, which he directs. However, while this allows students to learn some aspects of specialized New York City practice, the LL.M. is designed to teach the skills and knowledge needed to practice effectively in any state.

The Graduate Real Estate Program aims to raise the level of practice in the real estate bar by offering advanced training to attorneys looking to specialize, and giving students an edge over lawyers who have not had the advantage of focused, in-depth training in this field. The program can be completed on a full- or part-time basis and requires 27 credits. Eight or more credits can be satisfied by advanced real estate classes taken at New York Law School as part of the J.D. program.

Professor Tracht collaborates a great deal with Professor Andrew R. Berman, founder and Director of the School's Center for Real Estate Studies and a key planner of the new LL.M. program. "We coordinate closely on a number of programs," says Professor Berman, who oversees J.D. students. "There's a lot of crossover. Many J.D. students will go on to get LL.M.s, and our collaboration on this transition and other issues will continue."

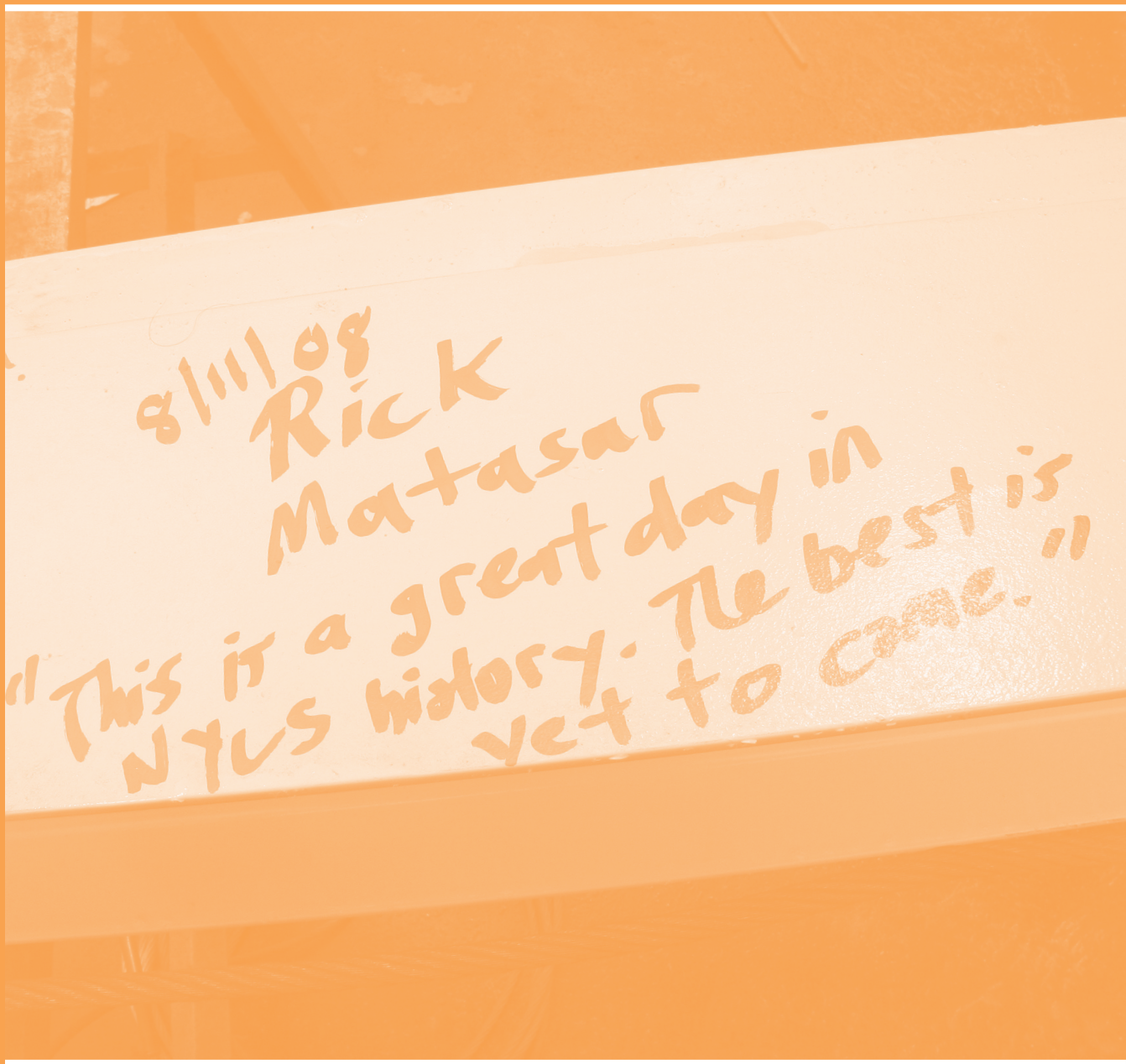
Like students in the Graduate Tax Program, some LL.M. in Real Estate candidates will be recent law school graduates, but most will be practicing lawyers interested in enhancing their knowledge and skills by completing the LL.M. part time, mostly in the evenings. Both LL.M. programs, as well as the additional graduate programs on the horizon, demonstrate New York Law School's continued commitment to preparing students to excel at every stage in their careers.

The Graduate Real Estate Program is currently reviewing applications and will enroll its first cohort of students in January 2009. For more information, visit www.nyls.edu/RealEstateLLM. **f**

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BREAKING NEW GROUND.
AGAIN. CAPITAL CAMPAIGN



Building Buzz

In August 2008, faculty and staff gathered in the Shepard and Ruth K. Broad Student Center for two events celebrating milestones in the construction of the Law School's new state-of-the-art academic building, set to open in 2009.

On August 4, a "bottoming-out" party marked the completion of the second major phase of the building's construction—laying the foundation for the four underground levels. At that time, the construction crew finished its top-down process by pouring the final concrete for the lowest level.

Partygoers had the opportunity to don hard hats and venture down to the underground levels on tours led by members of the construction crew. Seeing the concrete floors that stretched before them, participants were impressed by the structure's size and were able to envision what would appear in the coming months.


"The members of the construction crew gave a great tour," said Professor Camille Broussard, Director of the Law Library. "It was good for all of us to go down there. You can already tell that the building will transform our institution."

Professor David Schoenbrod echoed, "What we saw looked magnificent. It's going to be a splendid building." Professor Lung-chu Chen added, "Every inch of the space was very well utilized. This project will be a great contribution to the School. We are ushering in a new era."

Seth Rosen '99, Director of Major and Planned Gifts in the Office of Development and Alumni Relations, remarked, "It's incredible. The building is so much bigger and more impressive than you can tell from the drawings. I wish I could be a student here again!"

The festivities continued a week later with a "topping-off" party on August 11, celebrating the placement of the last steel beam on top of the structure's fifth floor. Members of the Law School's faculty, staff, and Board of Trustees were invited to leave their marks on the new building by signing their names on the final beam—painted white for the occasion—before it was hoisted to the top of the steel framework and welded into place.

Arthur Abbey '59, Chair of the School's Board of Trustees, visited the campus to say a few words: "It started with an idea. Then it became a hole in the ground and a project that seemed like it would never end. Then the steel started to go up. Now, this is a terrific moment because things have never looked brighter."

Throughout the fall semester, the crew has been pouring concrete decks and closing up the structure brick by brick, bringing the new building closer to completion. 



Make New York Law School Part of Your Legacy: Support the *Breaking New Ground. Again.* Capital Campaign

New York Law School began life in a groundbreaking show of rebellion. Now, nearly 120 years later, the Law School is transforming itself with the *Breaking New Ground. Again.* Capital Campaign to nourish the great place, program, and people that comprise this pioneering institution.


Recently, all New York Law School alumni received the Campaign Case Statement and the list of Donor Recognition and Naming Opportunities. These materials outline the purpose and plan of the *Breaking New Ground. Again.* Capital Campaign and include more than 150 naming opportunities to support the Law School. A planned gift is one way to underwrite these opportunities while creating a legacy for yourself and ensuring the future of the Law School. Additionally, a planned gift is a perfect way to support the Capital Campaign, as donors can often make a planned gift in a far larger amount than they can with an immediate gift.

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 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 a life insurance policy 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 School as the 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 planned giving, the Capital Campaign, or how you can make a contribution, please contact Seth Rosen '99, Director of Major and Planned Gifts, at 212.431.2169 or seth.rosen@nyls.edu. 





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and

Friday, April 17–Saturday, April 18

for

REUNION WEEKEND 2009

For classes ending
in “4” and “9”

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The Program in Law & Journalism
Explores the Legal Side of Reality Programming


New York Law School Announces New Academic Center on Financial Services Law

In May 2008, the Law School announced the creation of its eighth specialized academic center, the Center on Financial Services Law, which began offering courses and programs in the fall semester.

The Center is led by an expert in the field: Professor Ronald H. Filler, former Managing Director in the Capital Markets Prime Services Division at Lehman Brothers. He joined the Law School in fall 2008 as Professor of Law and Director of the Center.

"I am pleased to have someone with Ron's knowledge and expertise in this important and complex legal field join the Law School," Dean Richard A. Matasar says. "The new Center on Financial Services Law will offer innovative educational programs involving the global financial services industry, where the need to examine, analyze, and debate regulatory reforms and policies is now greater than ever."

The Center will expand the number of specialized financial services law courses currently available to J.D. students. Some of the classes offered by the Center during the fall semester were Derivatives Market Regulation, Special Topics in Corporate Law: Financial Services Seminar and Workshop, and Special Topics in Corporate Law: Regulation of Brokers/Dealers and Futures Commissions Merchants. The Center will also develop hiring and recruiting opportunities for students and alumni who are interested in financial services law and provide a forum to discuss regulatory reforms and current issues facing the industry. In addition, it will create new educational programs for industry legal and business professionals, including an LL.M. in Financial Services Law, planned for 2010.

Professor Filler founded the Commodities Law Institute at Chicago-Kent College of Law in 1978 and served as its director until 1997. He has spoken at hundreds of industry conferences and seminars during his more than 30 years in the futures and derivatives legal fields and has taught various courses at four U.S. law schools as an adjunct professor of law. He has also served on numerous industry boards and advisory committees during his career and, most recently, as a member of the Commodity Futures Trading Commission (CFTC) Global Markets Advisory Committee, the Chicago Mercantile Exchange (CME) Clearing House Risk Operating Committee, The Clearing Corporation Board of Directors, and the Futures Industry Association (FIA) Law and Compliance Division Executive Committee. 



Center on
FINANCIAL SERVICES LAW
at New York Law School



"I am very excited about being part of the New York Law School family and helping to make the Law School the premier U.S. legal institution specializing in the financial services law field."

Professor Ronald H. Filler
Director, Center on Financial Services Law

Center on Business Law & Policy

During the spring 2008 semester, the Center on Business Law & Policy presented “Corporate Social Responsibility, Accountability, Ethics, and Human Rights,” a four-part seminar series held on January 28, February 11, February 25, and March 10. Led by Visiting Professor Sheldon Leader, the series focused on the human rights responsibilities of private companies and public and private institutions that are financing projects in development in various parts of the world. It examined how the core objectives of these institutions both clash with and complement the priorities of human rights protection and environmental sustainability. Among the many topics discussed was an examination of investment treaties and contracts and their impact on the ability of host governments to manage domestic social policies.

On February 21, 2008, the Center hosted the second lecture of its Lawrence Lederman Lecture Series. Philip K. Howard, a partner at Covington & Burling LLP and the founder of the organization Common Good, spoke about “Lawsuits and Liberty.” Howard is the author of *The Death of Common Sense: How Law Is Suffocating America* (Random House, 1995) and *The Collapse of the Common Good: How America’s Lawsuit Culture Undermines Our Freedom* (Ballantine, 2002). A leading proponent of legal reform, Howard has worked closely with public officials, corporate executives, academics, and judges across the country on reform initiatives.

At Faculty Presentation Day on April 2, 2008, Professor Faith Stevelman, Center Director, discussed the topic “Fifteen Years of (Not) Teaching about Corporate Social Responsibility” as part of the morning’s Legal Education session. Professor Howard Meyers, the Center’s Associate Director, discussed “The Inherent Unfairness of the Securities Arbitration Process,” during the Corporate Law session. Three Center students from the Class of 2008, Erin Efland, George Esposito, and Erin Martin, also presented their scholarly work during the lunchtime session.

The Center hosted a number of other events for students, including a luncheon for the Center’s Harlan Scholars on January 23, 2008; a cocktail networking mixer held on March 6, 2008 at City Hall Restaurant; and the “Year-End Fete” held on April 10, 2008, also at City Hall Restaurant. This last event honored the Center’s graduating 3Ls, Center 2Ls, new pre-affiliates, hardworking faculty and staff, and other distinguished guests.

W W W . N Y L S . E D U / C B L P



Left to right: Visiting Professor Sheldon Leader with Professor Faith Stevelman, Center Director, and Professor Howard Meyers, Associate Director, before the first of a four-part seminar series concerning corporate social responsibility.



Professor Stevelman stresses to students and guests the importance of corporate social responsibility in practicing business and corporate law at the February 25, 2008 seminar.



Left to right: Philip Howard, pictured with Professors Lawrence Lederman and Howard Meyers before his February 21, 2008 lecture on “Lawsuits and Liberty” as part of the Lawrence Lederman Lecture Series.

Center for International Law

Suzanne Nossel, Chief of Operations at Human Rights Watch, delivered a C.V. Starr Lecture on February 20, 2008, where she discussed how the United States can use human rights as part of a broad strategy to protect its security interests. Nossel also made recommendations for how the United States can improve its human rights standing in the international community.

On February 29, 2008, the Center for International Law and the *New York Law School Law Review* hosted the annual Junior International Law Scholars Conference, where pre-tenure professors from more than 20 law and professional schools presented papers on leading issues in international law and foreign affairs.

Amos Guiora, a professor of law at the University of Utah who previously served in the Israel Defense Forces JAG Corps, delivered the annual Otto L. Walter Lecture on April 9, 2008. He examined the development of a new self-defense standard that would allow states to take preemptive action against non-state actors such as terrorist groups.

The C.V. Starr Lecture on April 14, 2008, featured George Bustin, Senior Counsel at Cleary Gottlieb Steen & Hamilton LLP and lecturer at the Woodrow Wilson School of Public and International Affairs at Princeton University. Bustin spoke about the evolving legal relationship between Russia and the European Union, which has been described as both collaborative and adversarial in nature.

The *Northwestern Journal of International Law & Business* published an article written by Professor Sydney M. Cone III, Center Director, examining the implications of the adoption of the United Kingdom's Legal Services Act 2007 on legal practice in New York and England. Among many reforms, the act allows lawyers to partner with nonlawyers in professional, management, or ownership roles.

Associate Director Professor Tai-Heng Cheng's book, *State Succession and Commercial Obligations* (Transnational Publishers, 2006), was cited by the U.S. District Court of the Southern District of New York as the sole authority for a holding in its decision in the case of *Mortimer Off Shore Services, Ltd. v. Federal Republic of Germany*.

The Center inaugurated its International Associates Program to attract more students to the study of international law. Participating students will receive guidance in structuring an appropriate curriculum and will also conduct in-depth research for a written capstone project.

W W W . N Y L S . E D U / C I L



Left to right: Professor Sydney M. Cone III, Center Director, with Suzanne Nossel, who spoke about "Smart Power and Human Rights: Reestablishing U.S. Human Rights Leadership" in her C.V. Starr Lecture.



Left to right: Professor Cone with George Bustin, who delivered a C.V. Starr Lecture titled "The European Union and Russia: Strategic Partners or Vexing Neighbors?"



Left to right: Professor Cone with Professor Amos Guiora, presenter of the 2008 Otto L. Walter Lecture, "Self-Defense from the Wild West to 9/11: Who, What, When."

Center for New York City Law

On February 6, 2008, the Center for New York City Law partnered with the New York City Law Department to host “A History of the New York City Law Department.” The symposium presented a history of the Law Department through the commentary and reflection of a notable panel that included former Mayor Edward I. Koch, author William E. Nelson, and current and former Law Department Corporation Counsels.

As part of the Center’s monthly City Law Breakfast series, Robert B. Tierney, Chairman of the Landmarks Preservation Commission, gave a presentation on “Perspectives on Preservation” on February 15, 2008. Tierney is an expert in state and local governance who previously served as Counsel to former Mayor Koch and, later, as Chairman of the New York City Water Board.

On March 28, 2008, the Center hosted the final event in its 2007–08 City Law Breakfast series. Martin F. Horn, Commissioner of the New York City Department of Correction, discussed “Incarceration in a Democracy.” Horn was appointed Commissioner of the Department of Correction, the nation’s largest prison system, by Mayor Michael R. Bloomberg in 2003. He also serves as the Commissioner of the New York City Department of Probation.

The Center partnered with the New York City Law Department and the School’s Center for Real Estate Studies to host the “Second Annual Conference on Trends in New York City Land Use and Real Estate Development” on April 16, 2008. Among the topics discussed were community benefit agreements, the High Line Corridor project and the rezoning and development of the West Chelsea Historic District, and current issues being considered by major land use agencies.

On May 21, 2008, the Center collaborated with the New York City Conflicts of Interest Board to host the “Fourteenth Annual Citywide Seminar on Ethics in New York City Government.” Mayor Bloomberg delivered the keynote address, after which participating attorneys attended a series of workshops and lectures.

W W W . C I T Y L A W . O R G



Martin F. Horn (right), Commissioner for the New York City Department of Correction, shares a moment with Judge Harold Baer Jr. (left), United States District Court, after presenting “Incarceration in a Democracy” at the City Law Breakfast on March 28, 2008.



Melanie Cash '02 (far left), the Center’s Associate Director and Managing Editor of *CityLaw*, speaks with Mayor Michael R. Bloomberg before his remarks at the “Fourteenth Annual Citywide Seminar on Ethics in New York City Government” on May 21, 2008.



Left to right: Professor Ross Sandler, Center Director, and former Mayor Edward I. Koch prepare their opening remarks for the symposium on “A History of the New York City Law Department,” held February 6, 2008.

Center for Professional Values and Practice

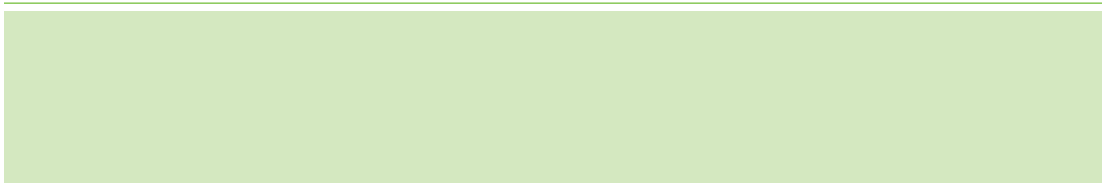
The Center for Professional Values and Practice supports research and teaching on the legal profession, focusing on the dynamics of professional regulation, the market for lawyers, and lawyers' careers. Spring 2008 was a dynamic time for the Center and its faculty.

Large Law Firms Project—Professor Elizabeth Chambliss, Center Co-director, presented her research on the evolving role of law firm general counsel at the following academic conferences: Georgetown University Law Center's symposium on "The Future of the Global Law Firm" (April 2008); the Law and Society Association Annual Meeting in Montreal (May 2008); and the Legal Ethics Schmooze at Fordham Law School (June 2008). She was also invited to speak about her research at the Seventh Annual Legal Malpractice and Risk Management Conference in Chicago (February 2008). Several student affiliates are currently writing papers on ethical and regulatory issues in large firms.

New Project on the Role of the Prosecutor—Under the guidance of Professor Rebecca Roiphe, the Center also launched a new project to explore the role of the prosecutor. In theory, prosecutors are supposed to pursue justice rather than win cases. Much of the ethical, procedural, and constitutional rules that govern our criminal justice system are based on that assumption. But certain recent high-profile cases belie this reality. The recent scandal regarding the politicization of the appointments in the United States Attorney's Offices similarly gives reason to question the accuracy of this theory. This project examines the extent to which prosecutors see their role as different from civil attorneys, and whether that self-perception affects what prosecutors do.

Ethics Fellowship for Professor Tanina Rostain—Finally, the spring semester also brought exciting professional developments for Professor Tanina Rostain, Center Co-director, who was accepted as a Faculty Fellow in Ethics at Harvard Law School's Edmond J. Safra Foundation Center for Ethics. Professor Rostain will spend a year with the Safra program, conducting research about ethical issues in the public and professional spheres.

W W W . N Y L S . E D U / C P V P



Center for Real Estate Studies

During the spring 2008 semester, the Center for Real Estate Studies (CRES) presented the following events:

- A CLE symposium on “Redeveloping Brownfields in New York: Where Do We Go from Here?” held January 11, 2008. Experts on brownfields discussed a range of difficult issues frequently encountered in the process of remediating and redeveloping contaminated sites in the New York metropolitan area.
- A breakfast forum on “The Subprime Mortgage Crisis: Implications for the Real Estate Market,” held February 27, 2008. Tom Arnold, Managing Director at Cerberus Real Estate Capital Management, LLC; John Silvia, Chief Economist at Wachovia Corporation; and Joshua Stein, Partner in the Real Estate Practice Group at Latham & Watkins LLP addressed more than 200 people at the event.
- A lecture by James H. Schnare II, General Counsel for Nicklaus Companies, LLC, on the relevance of intellectual property to the golf industry. The lecture, held March 10, 2008, was co-sponsored with the Institute for Information Law & Policy as part of its 2008 “IP Surprise!” lecture series.
- A breakfast forum on “Building the Future of Lower Manhattan,” held on March 13, 2008; World Trade Center developer Larry A. Silverstein, President and CEO of Silverstein Properties, addressed more than 200 people.
- A master class on “Nontraditional Careers in Real Estate Law” with Ronald Lo Russo '04, Vice President of Leasing, Vornado Realty Trust; Jennifer McCool '97, Vice President of Development, Moynihan Station Venture, RELATED; and Justin Xenitelis '06, Attorney, Thor Equities, LLC. The event was held April 9, 2008.
- The “Second Annual Conference on Trends in New York City Land Use and Real Estate Development,” co-sponsored with the Center for New York City Law and the New York City Law Department. More than 250 people attended the half-day conference, held April 16, 2008.

The Center also created the CRES Associates Program for students who would like to focus their studies in real estate law and become affiliated with the Center. CRES Associates will write articles for, and be involved in all aspects of, the Center's new academic publication, which will focus on both the private practice and public regulation of real estate in New York.

W W W . N Y L S . E D U / R E A L E S T A T E



Left to right: Ross Moskowitz '84, Partner, Stroock & Stroock & Lavan LLP; Professor Andrew R. Berman, Center Director; Larry A. Silverstein, President and CEO, Silverstein Properties; and Dean Richard A. Matasar at the March 13, 2008 breakfast forum on “Building the Future of Lower Manhattan.”



Left to right: John Silvia, Chief Economist, Wachovia; Joshua Stein, Partner, Latham & Watkins LLP; Professor Berman; and Tom Arnold, Managing Director, Cerberus Real Estate Capital Management, LLC, at the February 27, 2008 breakfast forum on “The Subprime Mortgage Crisis: Implications for the Real Estate Market.”



Left to right: Ronald Lo Russo '04, Vice President of Leasing, Vornado Realty Trust; Jennifer McCool '97, Vice President of Development, Moynihan Station Venture, RELATED; Justin Xenitelis '06, Attorney at Thor Equities, LLC; Professor Berman; Melissa S. Rumbold '05, Center Associate Director; and Professor Marshall Tracht, Director, Graduate Real Estate Program, at the April 9, 2008 master class on “Nontraditional Careers in Real Estate Law.”

Institute for Information Law & Policy

In spring 2008, the Institute for Information Law & Policy presented a lecture series called "IP Surprise! Intellectual Property in Unconventional Industries." Lectures included: "Video Games" with Adjunct Professor S. Gregory Boyd; "Golf" with James H. Schnare II, Senior Vice President and General Counsel of Nicklaus Companies, LLC; "Fashion" with Susan Scafidi, Visiting Professor, Fordham Law School; "Comics" with Jay Kogan, Deputy General Counsel, DC Comics and *MAD* Magazine; and "Magic" with Jacob Loshin, Law Clerk, Court of Appeals for the Fifth Circuit.

In February 2008, the Institute sponsored a contest to identify the best idea for how technology can improve teaching and learning inside and outside the classroom. Amanda Sweet 3L won for her idea for an electronic newsletter designed to share information among the iSection community. Also that month, Arnold Blair '02 of WilmerHale and Christopher Koa of Kroll Ontrack delivered a lecture on the "The Practical Application of eDiscovery."

The Institute convened a Symposium on Intellectual Property Licensing on March 14, 2008. Speakers discussed licensing literary works for motion pictures, character licensing, and open source licenses, among other topics. Also in March, Manny W. Schecter, Associate General Counsel, Intellectual Property Law, IBM, presented a lecture to the Patent Law Program on "The State of the U.S. Patent System: The Need for Balance."

The Information Law Lecture Series convened twice in April: Adjunct Professor Marc Edelman presented "Is There a Property Right in Sports Statistics?" and Seth Krauss, Executive Vice President and General Counsel of Take-Two Interactive Software, discussed video game law.

At Commencement 2008, eight students received the Certificate of Mastery in Law Practice Technology, and 11 students received the Patent Law Certificate.

In June 2008, Vermont's Governor Jim Douglas signed into law legislation that Professor David Johnson and students participating in his Virtual Company Project helped to draft. The bill enables the online formation and operation of "Vermont virtual companies."

In July 2008, the United States Patent and Trademark Office extended the Peer-to-Patent pilot, the student-run project that opens the patent examination process for public participation, for another year. The Institute also launched the Center for Patent Innovations and hired Mark Webbink, former Senior Vice President and General Counsel at Red Hat, Inc., as its Executive Director.

W W W . N Y L S . E D U / I I L P



Institute faculty, staff, and students gather for a pool party in June 2008. Left to right - Front row: Student Research Fellow (SRF) Brian Pyne 3L, Institute Director Professor Beth Simone Noveck, Professor James Grimmelman, SRF Joseph Merante 2L, Research Assistant Yeen Tham 4L, Institute employee Bridgette Johnson; Second row: SRF Christopher Wong 3L, Professor Molly K. Beutz, Institute Manager Naomi Allen, SRF Elizabeth Reilly '08, SRF Stephanie Figueroa 2L; Back row: William Stock '08, SRF Marc Miller 2L.



Left to right: Professor David Johnson and Research Assistant Mohammed Kashef '08 at an Institute social gathering in April, 2008.




Left to right: Professor Grimmelman and Steven Chiu '08 at the Institute's gathering in April, 2008.

Justice Action Center

The Justice Action Center enjoyed another busy semester in spring 2008, with events and projects dealing with a range of social justice issues. First and foremost was the Center's student-run Justice Speaks lunch series. The three spring meetings addressed the intersection of local policy and national immigration concerns, the regulation of free speech in the media, and new approaches to criminal defense in the Bronx. The lunch series has become a focal point of dialogue in the New York Law School community, bringing together students, practitioners, and members of the public.

The Fourth Annual Tony Coelho Lecture in Disability Employment Law & Policy, held on April 14, 2008, was another highlight of the spring semester. Organized by Professor Seth D. Harris and Center students, the annual event welcomed United States Senator Richard J. Durbin (D-IL) as guest lecturer. Speaking to a packed room of students, attorneys, and concerned citizens, Senator Durbin discussed the legislative challenges facing Congress in the field of disabilities law, including providing equal opportunities for veterans with disabilities from the wars in Afghanistan and Iraq, ensuring the appointment of judges who will understand and support the spirit of the Americans with Disabilities Act (ADA), and securing passage of the ADA Restoration Act.

On April 25, 2008, the Center held its fifth annual spring conference focusing on adoption law and policy, co-sponsored with the Center for Adoption Policy, an independent, New York-based think tank. The first annual conference, held in the spring of 2004, focused on intercountry adoption. This year's conference brought the discussion full circle, focusing on new restrictions to intercountry adoption under the recently ratified Hague Convention. The conference also examined a domestic alternative: adoption of children in foster care.

The theme of children and the law continued under the auspices of two other Center projects. Students working with the Center's Racial Justice Project launched a Street Law program that took them into the community to teach New York City high school students about their rights. And on May 21, the Center's Safe Passage Project received the New York State Bar Association's 2008 President's Pro Bono Service Award, in recognition of its work with immigrant children. 

W W W . N Y L S . E D U / J A C



Dean Richard A. Matasar and JAC students Bethany Ow '08 and Arika Sánchez '08 (fourth and fifth from left, respectively) receive the New York State Bar Association's 2008 President's Pro Bono Service Award for the Safe Passage Project.



The Center's Justice Speaks lunches have become a popular venue for students.



Left to right: Professor Seth D. Harris, Director, Labor & Employment Law Program; U.S. Senator Richard J. Durbin (D-IL); Former U.S. Congressman Tony Coelho; and Professor Richard D. Marsico, Center Director, at the 2008 Tony Coelho Lecture in Disability Employment Law & Policy.

The Program in Law & Journalism Explores the Legal Side of Reality Programming


New York Law School's Program in Law & Journalism presented "Lawyers, Guns, and Money: The Legal and Practical Risks of Reality Programming" on June 13, 2008 in the Wellington Conference Center. Designed for practicing attorneys who specialize in defending claims brought against producers of reality programming (both television and film), the first-of-its-kind conference focused on the practical side of the legal risks producers face and presented best practices for clients. The event was organized by the Program's Co-director, Professor Cameron Stracher.

The day's first workshop, "Invasion of Privacy/Hidden Cameras/Eavesdropping," examined the increase in claims of invasion of privacy from the use of hidden cameras and microphones, and from filming subjects in places that are otherwise open to the public. The workshop was led by media lawyers Lee Levine and Laura R. Handman.

In the second workshop, "Releases/Background Screenings," David Sternbach and Andy Wong, both in-house counsel to major television networks, asked lawyers to discuss "How good is your release?" and "What if it's been signed by a dope dealer on meth?"

In the third workshop, "Outtakes/Subpoenas/Document Production," participants explored ways to protect outtakes from compelled production while preserving them for defensive needs in subsequent litigation. This workshop was led by Professor Stracher and Stephanie Abrutyn, Vice President and Senior Counsel, Litigation at HBO.

A lunch panel brought together four producers with extensive experience in the reality genre: David Houts of Hybrid Films, Co-director of A&E's *Dog the Bounty Hunter*; John X. Kim, an executive producer at Granada America of several top-rated reality TV shows, including A&E's *The First 48*; Russell Muth of Size 12 Productions; and Sonia Slutsky of Morningstar Entertainment. The four discussed how lawyers have helped them avoid problems in their productions, but also acknowledged that sometimes even a good lawyer couldn't help them in certain legal entanglements.

According to Professor Stracher, the exponential growth in reality programming has led to new legal risks—including invasion of privacy, fraud, and misrepresentation claims—that are not seen in other media cases. "Invasion of privacy laws are changing in reaction to claims brought against reality producers," Professor Stracher says. "As lawyers, we have to face these risks creatively and not just fall back on our standard First Amendment arguments." 



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Meet the authors

JAMES BROOK 28



Professor James Brook Untangles the World of Secured Transactions

Professor Annette Gordon-Reed Brings a Slave Family into the Spotlight

ANNETTE GORDON-REED 29



Professor James Brook Untangles the World of Secured Transactions

By LaToya D. Nelson

As a student at Harvard Law School, James Brook—like the many law students before and after him—spent hours poring over required reading in red, blue, and brown casebooks. He never imagined that, more than 30 years later, there would be a red casebook on bookshelves with his name on it.

In July 2008, Aspen Publishers released Professor Brook's first casebook, *Problems and Cases on Secured Transactions*. The book introduces students to secured financing and Article 9 of the Uniform Commercial Code—the law that governs secured transactions, in which debtors provide personal property as collateral to lenders.

Professor Brook's casebook uses a problem-based approach with real and imaginary characters in various scenarios to illustrate aspects of individual and consumer borrowing, as well as small and large business transactions. Throughout the text, he provides hypothetical but realistic situations to help students understand each party's perspective and the opportunities and risks involved in secured transactions. He also uses humor to bring the cases to life.

"Most students find this a very daunting area; they think it's going to be dry, technical, boring. So in my preface I say, 'Welcome to the study of Secured Transactions. If you come to the subject with an open mind—and I have no reason to think that you do not—I believe you will find it a particularly interesting and engaging field of study.'"

While working on the casebook, Professor Brook selected cases he thought would be most valuable to students' understanding of this fundamental area of business and commercial law. He bounced ideas and

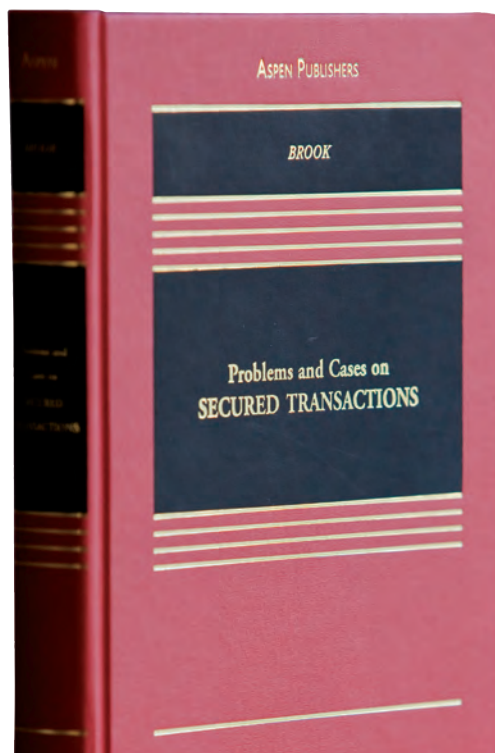
examples from the manuscript off the students in his Secured Transactions classes. "The whole class was like a group of student assistants in helping me work through the book and see what ideas worked, what didn't, what needed more fleshing out, and what I could cut," Professor Brook says. "They really helped me in giving me a reality check on a lot of ideas that went into the book."

The casebook has already had some early success; during the fall 2008 semester it is being used to teach Secured Transactions at the Universities of Nevada and Georgia and, of course, at New York Law School. And Professor Brook hopes that this is just the beginning.

"This is not the first casebook in this area, but it is the newest," he says. "I'm hoping that, over time, this book will become one of the standard casebooks for the course at law schools around the country."

Professor Brook is an expert in commercial transactions, contracts, and credit, and has been teaching at New York Law School since 1976. Though this is his first casebook, he has worked with Aspen Publishers for the past 15 years on his very popular series of study guides, *Examples and Explanations*, which cover the three major areas of commercial law: secured transactions, payment systems, and sales and leases of goods. He updates one of the books every three years and is currently working on the fifth edition of *Sales and Leases*.

For the next few semesters, Professor Brook will devote his time to his main love, teaching. He is, however, thinking about writing a book on sales and adding a second red casebook that bears his name to bookshelves in the future. ■



Professor Annette Gordon-Reed Brings a Slave Family into the Spotlight

By Andrea Juncos

Professor Annette Gordon-Reed has been uncovering facts about Thomas Jefferson for most of her life. In her latest book, *The Heminges of Monticello: An American Family* (W. W. Norton, 2008), she focuses her detective work on the Hemings family, who was enslaved at Jefferson's Virginia estate. She provides an in-depth look at the many members of this family—including Sally Hemings, with whom Jefferson is believed to have fathered several children—and their influence on one of the most prominent figures in American history.

"Many books about slavery show slaves as a group, with only a group identity," Professor Gordon-Reed says. "I wanted to show the Hemings family as individuals living in slavery . . . and demonstrate that within the confines of this evil institution, there were variations in the experiences people had."

In her comprehensive, 662-page account, Professor Gordon-Reed chronicles the family's history over the course of a century—beginning with the birth of Sally's mother, Elizabeth Hemings, in 1735, and concluding with Jefferson's death in 1826. The middle section of the book covers Jefferson's time in Paris, where his relationship with Sally Hemings allegedly unfolded.

Professor Gordon-Reed brings the Heminges to life as well-rounded individuals with depth and complexity, rather than as objects that were simply acted upon, as many other history books portray. "They were actors in their own lives," she asserts. "They did what they could to try to shape their existences and carve out the best lives they could under really terrible circumstances. I think that makes a real statement about human beings and our capacity and will to try to do better for ourselves and control as much as we can."

The Hemings story also challenges readers to think about how race is defined. "We have very fixed categories about race today," says Professor Gordon-Reed. "But the Heminges, who were mixed race,

seemed to go back and forth between categories." She describes how most of the Heminges married other mixed-race people in an effort to preserve their identity in this "middle category,"—a practice she says was common at the time.

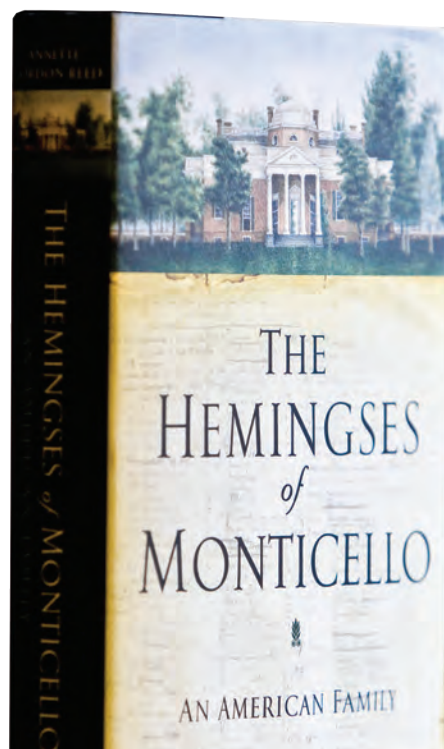
Professor Gordon-Reed brought the skills of a sleuth and a lawyer to her research. For seven years, she examined historical documents in Virginia, New York, and even Lancaster, England, where she unearthed never-before-seen information about John Wayles—the father of Jefferson's wife, Martha, and Sally Hemings. "He was very important to Jefferson's life, but nobody knew much about him," Professor Gordon-Reed says. She found out that Wayles actually came to America as a servant, not as a lawyer, as previous accounts had stated.

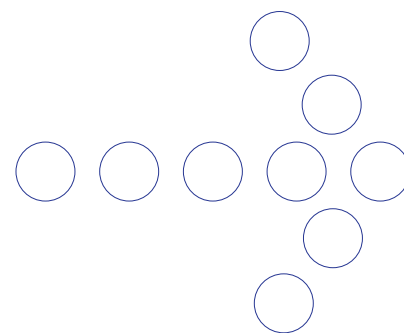
She used a similarly meticulous approach with her first book, *Thomas Jefferson and Sally Hemings: An American Controversy* (University Press of Virginia, 1997), which was widely acclaimed for revealing holes in arguments discounting the Jefferson-Hemings relationship. Her new book has also earned praise, with rave reviews appearing in *Publisher's Weekly*, *The New York Times*, *The New Yorker*, *Booklist*, and other publications.

Professor Gordon-Reed's interest in Thomas Jefferson began in elementary school, when she discovered the Founding Father was a bookworm just like her. She

was intrigued by the contradictions in his character—being both a slave owner and the author of the Declaration of Independence—and saw him as a true Renaissance man. "His curiosity about the world appealed to me," she says. "I was impressed by the breadth of his interests and his accomplishments. . . . I don't think anyone else compares." ■

*Editor's note: In November 2008, Professor Gordon-Reed won the National Book Award for nonfiction for *The Heminges of Monticello: An American Family*.*





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New York Law School Salutes Lifelong Libertarian Professor Nadine Strossen

By Andrea Juncos

Professor Nadine Strossen's calling has always been clear: to protect and defend constitutional freedoms—and to educate and empower others to do the same. In October 2008, she stepped down after nearly 18 years of service as the first female president of the American Civil Liberties Union, an organization to which she has dedicated her life.

"I've always been a civil libertarian," says Professor Strossen, "and the minute I heard about the ACLU, I became a member." After graduating from Harvard Law School in 1975, she started taking cases for the ACLU in her hometown of Minneapolis, Minnesota. In 1978, she moved to New York to work at the national level—"for a couple of years, was the idea," she laughs.

Three decades later, Professor Strossen is one of the most important civil liberties leaders of our time. Since she took the helm in 1991, the ACLU has grown significantly—membership has risen from 275,000 to more than 500,000, national staff has nearly tripled, and affiliate offices have been established in all 50 states. And through its litigation, activism, and lobbying, the organization has fought to preserve civil liberties amidst relentless opposition.

Looking back on a presidency marked with many victories, Professor Strossen is proudest of the ACLU's work in response to two major developments in recent history. When the Internet took off in the early 1990s, the organization created a "Cyber Liberties Task Force" long before most people knew what the word "cyber" meant. Because it was ahead of the curve, says Professor Strossen, the group predicted that the public's reaction to the Internet would be the same as it had been to every other new communications medium throughout history: "Human rights advocates get very excited, but public officials get very scared and want to clamp down on it and censor it."

They were right. In 1996, Congress passed and President Bill Clinton signed the Communications Decency Act, censoring "indecent" speech on the Internet. So the ACLU immediately went to court. It argued that the Internet is more like print media,

which receives the highest degree of constitutional protection, while the government maintained that it is more like television, which is subject to considerable regulation. In a landmark 9–0 ruling, the Supreme Court sided with the ACLU and struck down the Act.

"It was a huge victory," says Professor Strossen. "I'm very proud that this pathbreaking case upholding the First Amendment in cyberspace has gone down in history as *Janet Reno v. ACLU*." Since then, the ACLU has won many other pioneering cases protecting free speech and privacy on the Internet.

Professor Strossen's tenure was also shaped by the tragic events of 9/11 and their enormous impact on the civil liberties landscape. She takes great pride in the role the ACLU has played in speaking out against resulting threats to civil liberties, especially early on, when doing so was deemed "unpatriotic." Very quickly, she explains, the ACLU developed a "Safe and Free" campaign, asserting that "you don't have to sacrifice human rights and civil liberties in order to successfully fight the war on terrorism." Since then, the organization has filed many lawsuits, testified in Congress, and mounted grassroots campaigns to battle government secrecy, abuses of power, and human rights violations.

And like all civil liberties struggles, Professor Strossen says, this battle is ongoing. She cites a recent example from July 2008, when President George W. Bush signed the Foreign Intelligence Surveillance Act (FISA) Amendments Act of 2008. The legislation expanded the government's surveillance powers and provided legal immunity to phone companies that participated in the National Security Agency's illegal domestic spying program, instituted shortly after 9/11 and revealed by *The New York Times* in 2005. "The ACLU lobbied down to the wire, trying to prevent the law from passing," she says. "But as soon as the ink was dry on President Bush's signature, we immediately went to court to block the law from going into effect."

Beyond these historic cases with national and international consequences, the ACLU has made progress at the local level as well. In May 2008, for



On June 10, 2008, Professor Strossen was honored at the closing lunch of the 2008 ACLU Membership Conference in Washington, D.C. Here, she is pictured with ACLU Executive Director Anthony D. Romero, who presented her with a Tiffany glass torch of liberty (modeled after the Statue of Liberty).



At the luncheon, Professor Strossen was seated onstage between Supreme Court Justices David Hackett Souter (second from left) and Antonin Scalia (far right). Also seated onstage was Justice Ruth Bader Ginsburg, who was delivering remarks honoring Professor Strossen, on behalf of all three justices, when this photograph was taken.

example, the organization won a case on behalf of a high school student in Panama City, Florida, whose principal forbade her to wear any clothing or symbols showing support for the LGBT community. In a school where students are allowed to wear KKK T-shirts—"and believe me, we would defend that too," says Professor Strossen—the principal prohibited any shirt with a rainbow on it because he said it would distract other students and make them think of sex. "The judge was incredulous," she recalls. "Here was a case where the First Amendment was so squarely on our side. But if no one is there to uphold the Constitution, people get away with violating it."

As for the student involved in the case, says Professor Strossen, "it transformed her life." She attended the ACLU's national membership conference in Washington, D.C., connected with other student activists, and is now a spokesperson for civil liberties in her community. "So you're not only winning a case, you're planting a seed."

Professor Strossen has made planting seeds in the minds of America's youth one of her primary goals as ACLU President. Under her leadership, the organization has dedicated more resources to getting young people involved, resulting in a stronger presence in high schools and colleges. She also travels to campuses across the country and abroad for speaking engagements and debates, averaging more than 200 presentations per year.

In many of these appearances, Professor Strossen purposely goes head-to-head with opponents who don't share her views. "Preaching only to the converted is a waste of time," she says. "As an advocate and an educator, I want to reach new audiences, including those who are

not inclined to be sympathetic." Among her favorite sparring partners are conservative Supreme Court Justice Antonin Scalia and former Attorney General Edwin Meese III. Especially given the "shouting match" tactics in today's political arena, she says, "it's important to model dialogue, debate, and discussion so students can see role models who very strongly disagree on some issues yet can still agree on other issues and have mutual respect for each other."

Students at New York Law School are lucky to have Professor Strossen as a role model all the time. In her constitutional law and human rights courses, she teaches students that no matter what their views are, they can and should try to implement them. "As lawyers, we have the opportunity and perhaps even the responsibility not just to know what the law is now, but also to be aware that it is dynamic and evolving," she says. "And for better or worse, we have an impact on it no matter what we do." That is one of the many reasons she is happy to be at New York Law School, where the motto is: "Learn law. Take action." She says, "That's exactly what I live every day."

In addition to teaching, Professor Strossen continues her involvement with the ACLU as Co-chair of its \$335 million fund-raising campaign, "Leading Freedom Forward: The ACLU Campaign for the Future," aimed at building infrastructure in key state affiliates. And she's excited to lead this effort. When the campaign was launched in June 2008, one of her favorite reactions was from Mike Johnson of the Alliance Defense Fund, a conservative legal group opposed to the ACLU. He told the media: "The most dangerous organization in America is trying to become more dangerous." To which she replies: "That's a great compliment." **f**

Professor Sadiq Reza Named 2008 Carnegie Scholar

By LaToya D. Nelson

Professor Sadiq Reza, who has taught at New York Law School since 1999, was named a Carnegie Scholar in April 2008 by the Carnegie Corporation of New York. The highly competitive and selective Carnegie Scholars program names 20 scholars each year, of whom Professor Reza was the only American law school professor chosen this year.

The Carnegie Scholars program provides two-year grants of up to \$100,000 each to assist scholars in pursuing original projects. Since 2005, it has supported scholars whose work promotes American understanding of the Islamic religion and characteristics of Muslim communities.

Professor Reza's current research and writing focus on criminal law and procedure in Islamic law and in countries of the contemporary Muslim world. As a Carnegie Scholar, he will continue his research by identifying the essentials of criminal due process in classical Islamic legal theory and modern-day Islamic criminal jurisprudence.

"Criminal procedure has always been a less developed area of Islamic law, and procedures for investigating and prosecuting criminal suspects have not received much attention over the 1,400 years of Islam," Professor Reza says. "My goal in identifying these essentials is to see what I can contribute to the dialogue of scholars and practitioners of Islamic law."

Professor Reza's research will also have policy implications. By identifying a set of Islamic rules of criminal due process, he hopes to provide guidelines for modern-day Islamic criminal practice.

For the next year and a half, Professor Reza will continue to conduct research that includes a close study of the Quran and the Sunnah, the primary sources of Islamic law. He will also study modern rulings and jurisprudence of countries currently practicing Islamic criminal law, and possibly travel to some of those countries to watch the criminal process in action.




Beginning in the fall 2009 semester, and perhaps extending to spring 2010, Professor Reza will take a sabbatical from the Law School to continue his research full time, publish scholarly articles and op-ed pieces, and conduct talks and presentations, with the ultimate goal of publishing a book on his findings. While

away, he will surely be missed by New York Law School students, who named him Teacher of the Year in 2007. But the additional knowledge and expertise he gains in the process will enrich his courses, which include Criminal Procedure (Investigation and Adjudication) and Islamic Law.

One thing Professor Reza says he has already discovered in his research is that even in radically different legal systems and cultures, similar problems arise, such as coercive interrogations. "Every legal system struggles with whether or not to permit statements that

are a product of coercive interrogations to be used as evidence," says Professor Reza. "Across different legal systems, cultures, and times, humankind seems to wrestle with similar problems."

Scholars in the Carnegie program must be proposed by a nominating organization, and there are more than 500 nominators representing academia, research institutes, nonprofit organizations, the media, and foundations. Each year the Carnegie Scholars program receives between 100 and 150 nominations and narrows that down to 60 to 70 finalists, with only 20 ultimately being selected as scholars. New York Law School recently became a nominating organization, thanks to Associate Dean for Faculty Development and Collaborative Learning Stephen J. Ellmann, who also wrote a recommendation letter for Professor Reza. In the letter he wrote: "Sadiq . . . is a particularly good teacher, an insightful and independent-minded scholar, and someone I've always enjoyed exploring ideas with . . . I personally am eager to see the insights, articles, and books that Sadiq will produce in this crucial field." 

Library Director Professor Joyce D. Saltalamachia Turns a New Page

By Edith Sachs

When she arrived at New York Law School 26 years ago, Professor Joyce Saltalamachia found its law library in a state that would be unrecognizable to most students today.

“The facilities were very strange and disjointed, divided among separate floors in separate buildings,” she says. Professor Saltalamachia, who had been a law librarian at Golden Gate University School of Law before coming to New York, also perceived that the collection had been neglected and needed substantial upgrading.

Over the next quarter century, Professor Saltalamachia, as Director of New York Law School’s law library, worked on multiple fronts to transform it into one of the finest academic law libraries in any metropolitan area. With the library now poised to move into state-of-the-art facilities in the new academic building, Professor Saltalamachia sensed that the time was right for a transition. At the end of June 2008, she stepped down as Library Director in order to have more time for teaching, writing projects, and volunteer activities in the legal academic community.

Professor Saltalamachia came to New York Law School in 1982 as part of a team brought in by then-Dean E. Donald Shapiro. His mandate was to make fast changes in a library that, according to Professor Saltalamachia, had never really recovered from the upheavals of World War II.

“The School was closed during the war, and no one actually expected it to reopen, and the library collection was sold,” she says. “So when the School did reopen, it had to start rebuilding the library from scratch.”

The hastily acquired collection was “not well thought out,” she says, and was not meeting the standards of an increasingly scholarly and sophisticated faculty. When the previous library director’s temporary assignment ended, Professor Saltalamachia succeeded him and continued to work on the priorities of upgrading the collection and staff. Even with the full support of the administration for

hiring and purchasing initiatives, it took many years to regain all the ground that had been lost.

Among her many accomplishments as Library Director, Professor Saltalamachia is perhaps proudest of the emphasis on service that is a hallmark of the library staff

today. “We have more law-trained staff than any other law school of comparable size in the country,” she says. “They are experts in their field and are extremely well integrated as a team.”

She is also justly proud of her role in securing a separate building in which to consolidate the library facilities. The Law School acquired 240 Church Street—the Mendik Law Library, named for benefactor Bernard H. Mendik ’58—in 1991. The sale of this building for \$136 million in 2006 quadrupled the School’s endowment and galvanized the

construction of the new academic building.

Professor Saltalamachia has high praise for Professor Camille Broussard, the library’s former Deputy Director, who has succeeded her as Director. “Camille played a vital role in planning the new library facility in the new building,” she says. “She’ll do a fantastic job overseeing the library in its new home.”

Professor Broussard was Acting Director of the library from 2003 to 2005, while Professor Saltalamachia was serving as Deputy Director of the Association of American Law Schools (AALS). Professor Saltalamachia will continue working with the AALS on various projects, including a new International Association of Law Schools. She also expects to continue making law school site visits for the American Bar Association; to date, she has completed over 30 site visits for both the ABA and AALS.

Professor Saltalamachia is especially looking forward, however, to teaching the Torts class she has taught since 1991. “I want to stay connected to both current and former students and be available to them for professional advice.” **f**






New York Law School Welcomes New Faculty Members, Announces Promotions

By LaToya D. Nelson

New York Law School's Associate Dean for Faculty Development and Collaborative Learning, Stephen J. Ellmann, has announced the appointment of new faculty, including five full-time and three visiting professors, and the promotion of an existing faculty member.

"We're very pleased to welcome this talented and diverse group of faculty to New York Law School," Dean Ellmann says. "Our new colleagues are leading experts in a wide range of fields, including real estate, civil rights, intellectual property, financial services, family and adoption law, criminal law, and legal writing. They will be able to help our students learn both legal theory and legal practice, and their addition to an already dynamic faculty will help further the growth and reputation of the Law School."

	PROMOTIONS
	<p>Marshall Tracht, Professor of Law and Director, Graduate Real Estate Program</p> <p>Marshall Tracht joined the Law School as a visiting professor of law during the 2007–08 academic year and has recently been appointed full Professor of Law. He will continue his work with the Center for Real Estate Studies and direct the Law School's new Graduate Real Estate Program, which will begin offering courses in the spring 2009 semester. He teaches Bankruptcy, Real Estate Transactions and Finance, and Advanced Real Estate Financing. Previously, Professor Tracht was a member of the Hofstra University School of Law faculty for 14 years, serving as Vice Dean from 2001 to 2006. He is the co-author of a leading textbook on real estate law, a member of the editorial board of <i>The Banking Law Journal</i>, and a contributing editor to the <i>Real Estate Law Report</i>. He has written extensively in the areas of real estate development and construction financing, workouts, and bankruptcy. His articles have appeared in the <i>Cornell Law Review</i> and <i>Vanderbilt Law Review</i>, among others, and he was a winner of the 1997–98 Grant Gilmore Award for excellence in legal scholarship. Before going into academia, Professor Tracht practiced in the real estate and bankruptcy groups at Arnold & Porter LLP in Washington, D.C.</p>
	NEW FACULTY
	<p>Elise C. Boddie, Associate Professor of Law</p> <p>Elise C. Boddie will teach Constitutional Law, Land Use Regulation, and Special Topics in State and Local Government. Previously, she was a visiting assistant professor at Fordham Law School. Professor Boddie entered academia after practicing civil rights litigation at the NAACP Legal Defense & Educational Fund (LDF), where she was an associate director of litigation and directed LDF's Education Program. She has litigated at the trial and appellate levels in the areas of affirmative action, employment, school desegregation, and economic justice, and has argued in both the Eighth and Eleventh Circuit Courts of Appeals. Before working at LDF, Professor Boddie practiced corporate litigation in the New York office of Fried, Frank, Harris, Shriver & Jacobson LLP and was the first recipient of the Fried Frank/NAACP-LDF Fellowship. She has appeared on CNBC Live, the <i>Tavis Smiley</i> show, and Court TV and has made guest appearances on several radio programs. She has served on the Association of the Bar of the City of New York's Labor & Employment Committee.</p>

	<p>Richard H. Chused, Professor of Law</p> <p>Richard H. Chused is a prolific scholar and an expert on property law, law and gender, copyright law, and cyberlaw. He will teach Civil Procedure and Gender in U.S. Legal History during the 2008–09 academic year. He was formerly Professor of Law at the Georgetown University Law Center, where he taught for 35 years. During 2004–05 he received a Senior Scholar Fulbright Grant to teach on the law faculty of Hebrew University in Jerusalem. Before joining Georgetown’s faculty in 1973, he taught for five years at Rutgers School of Law in Newark. Professor Chused is a member of various history associations and the Society of American Law Teachers, where he was the Webmaster and a Board of Governors member for many years. He has published numerous books and articles on the legal history of gender and property law, as well as teaching texts in copyright and property. His recently published work includes a book chapter on the treatment of the poor in American landlord-tenant law, an article on copyright law in the digital age, a lengthy history of the famous landlord-tenant case <i>Javins v. First National Realty Corporation</i>, a historical essay on Myra Bradwell’s <i>Chicago Legal News</i>, and a history of landlord-tenant court in New York City at the turn of the 20th century.</p>
	<p>Ronald H. Filler, Professor of Law and Director, Center on Financial Services Law</p> <p>Ronald H. Filler is an expert in financial services law. He joins the Law School as Professor of Law and Director of the School’s newest academic center, the Center on Financial Services Law. He will teach Derivatives Market Regulation, Special Topics in Corporate Law: Financial Services Seminar and Workshop, and Special Topics in Corporate Law: Regulation of Brokers/Dealers and Futures Commissions Merchants. Professor Filler was previously the Managing Director in the Capital Markets Prime Services Division at Lehman Brothers. He has spoken at hundreds of industry conferences and seminars during his more than 30 years in the futures and derivatives legal fields and has taught several courses as an adjunct professor of law at four U.S. law schools, including New York Law School, the University of Illinois, Chicago-Kent College of Law, and Brooklyn Law School. He was the founder and director of the Commodities Law Institute at Chicago-Kent College of Law (1978–97). Professor Filler has served on numerous industry boards and advisory committees during his career and, most recently, as a member of the Commodity Futures Trading Commission (CFTC) Global Markets Advisory Committee, the Chicago Mercantile Exchange (CME) Clearing House Risk Operating Committee, The Clearing Corporation Board of Directors, the Futures Industry Association (FIA) Board of Directors, and the FIA Law and Compliance Division Executive Committee.</p>
	<p>Anne Goldstein, Professor of Law and Director, First-Year Legal Skills Program</p> <p>Anne Goldstein comes to the Law School from the University of Connecticut School of Law, where she taught in both the clinical and first-year Lawyering Process programs and was Director of Lawyering Process for two years. As Director of New York Law School’s new First-Year Legal Skills Program, slated to begin in fall 2010, Professor Goldstein will design curriculum and hire faculty to teach a new skills course aimed at deepening students’ mastery of legal analysis and introducing them to the application of analytical and communication skills in legal writing, oral advocacy, interviewing, and counseling. She will also teach Lawyering. Professor Goldstein’s teaching emphasizes pro bono legal service;</p>

(continued on next page)

	<p>she received the Connecticut Bar Association's 2007 Pro Bono Award and the University of Connecticut Public Interest Law Group's first annual Cornelius J. Scanlon Award for her work "encouraging the practice of public interest law." Prior to academia, Professor Goldstein was a member of Livingston, Adler, Pulda, Meiklejohn & Kelly PC in Hartford, Connecticut, where she represented individual employees and unions in employment and labor matters. She is a founding member of the board of directors for the nonprofit literary publisher Paris Press, was a member of the Connecticut Bar Association's Pro Bono Committee, and was President of the Board of the West Hartford Public Library Foundation.</p>
	<p>Gerald Korngold, Professor of Law</p> <p>Gerald Korngold rejoined the New York Law School faculty in the fall 2008 semester. He was previously a faculty member from 1979 to 1987 and Associate Dean for Academic Affairs from 1984 to 1986. He comes back to the Law School from Case Western Reserve University School of Law, where he was the McCurdy Professor of Law and also served as Dean from 1997 to 2006. Professor Korngold will teach the Center for Real Estate Studies Harlan Capstone, Real Estate Transactions, and Property. He has lectured nationally and internationally on land and property law issues and writes and teaches in the fields of property and real estate law. He is the author of <i>Private Land Use Arrangements: Easements, Real Covenants, and Equitable Servitudes</i> (Juris Publishing, 2004); co-author of two casebooks, <i>Real Estate Transactions: Cases and Materials on Land Transfer, Development, and Finance</i> (Foundation Press, 2002) and <i>Cases and Text on Property</i> (Aspen Publishers, 2004); and co-editor of <i>Property Stories</i> (Foundation Press, 2004). Professor Korngold has also published numerous articles in law reviews and journals. His current research focuses on privatization of public land use regulation, real estate transactions, comparative global property rights, and other issues. He is an elected member of the American Law Institute and the American College of Real Estate Lawyers.</p>
VISITING FACULTY	
	<p>Dan Hunter, Visiting Professor of Law</p> <p>Dan Hunter is a visiting professor at New York Law School. For the 2008–09 academic year, he will teach Information Law, Introduction to Intellectual Property, Trademarks and Unfair Competition, and Property. He will also continue his involvement as organizer of the Law School's State of Play and Amateur Hour conferences. He is an expert on cyberspace and Internet law, artificial intelligence and cognitive science models of law, and electronic commerce regulation. Professor Hunter has been a faculty member at the University of Melbourne Law School and at the Wharton School, University of Pennsylvania. He also taught at Cambridge University, England, where he held the Herchel Smith Research Fellowship in Intellectual Property Law</p>

	<p>at Emmanuel College. Professor Hunter regularly publishes on the intersection of computers and law, including the regulation of virtual worlds, the use of artificial intelligence in law, and high-technology aspects of intellectual property. He was one of the first scholars to examine the social significance of virtual worlds. He co-founded the blog <i>Terra Nova</i>, and his research has appeared in journals such as the <i>California Law Review</i>, <i>Texas Law Review</i>, and the <i>Journal of Legal Education</i>.</p>
	<p>Kevin Noble Maillard, Visiting Professor of Law</p> <p>Kevin Noble Maillard is Assistant Professor of Law at Syracuse University College of Law, where he also coordinates the Angela S. Cooney Colloquium on Law and Humanities. He will join New York Law School in spring 2009 to teach Wills, Trusts, and Future Interests and Special Topics in Family Law: Adoption. Professor Maillard regularly writes and presents on topics such as family law and adoption law, trusts and estates, mixed-race law, and legal history. His work has appeared in <i>Law & Inequality</i>, the <i>Michigan Journal of Race and Law</i>, the <i>American Indian Law Review</i>, and the <i>Fordham Law Review</i>. His current book project studies the impact of <i>Loving v. Virginia</i> on contemporary legal and social culture. Prior to entering academia, Professor Maillard was an associate at Hughes Hubbard & Reed LLP in New York, where he worked with the Native American practice group. He is a member of the Mekusukey Band of the Seminole Nation of Oklahoma.</p>
	<p>Frank M. Tuerkheimer, Visiting Professor of Law</p> <p>Frank M. Tuerkheimer is Professor of Law at the University of Wisconsin, where he has taught since 1970. He will join the Law School in spring 2009 to teach Evidence. He has written numerous articles on evidence and criminal law issues and is the author of <i>Evidence: Theory and Practice</i>, an electronic book that explains the rules of evidence and provides electronic links to sections of a complete trial transcript to illustrate application of the rules. Previously, Professor Tuerkheimer was an assistant U.S. attorney for the Southern District of New York where, among other prosecutions, he charged process servers with violations of the Civil Rights Act, the first instance in which deprivations of property were alleged under the 100-year-old law. He was also an associate special Watergate prosecutor, and headed the prosecution of former Secretary of the Treasury John Connally. As United States Attorney for the Western District of Wisconsin, he instituted a model Clean Water Act program, which was then implemented in other jurisdictions. Since 1985, Professor Tuerkheimer has been Of Counsel with the Madison, Wisconsin, law firm of Godfrey & Kahn SC. He has represented Wisconsin regulatory agencies in disciplinary cases against judges and attorneys and was a Senate appointee to the National Commission on Judicial Discipline and Removal. He is also a consultant to <i>USA Today</i> on legal questions.</p>



[Deborah N. Archer]



[Lenni B. Benson]



[Andrew R. Berman]



[Molly K. Beutz]



[Robert Blecker]



[Michael Botein]



[James Brook]

Full-Time Faculty Activities

Compiled by Denise Tong

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

Deborah N. Archer

Appointments

Elected to the board of the New York Civil Liberties Union (2008).

Testimonies and Legal Consultation

Acted as one of the attorneys in a class action lawsuit filed by the American Civil Liberties Union and the ACLU of Florida against the Palm Beach County School District, charging that low high school graduation rates demonstrate a violation of students' constitutional right to high-quality education (March 2008).

Lenni B. Benson

Scholarly Presentations

As an officer of the Association of American Law Schools (AALS) section on Immigration Law, presented an all-day panel on state and local enforcement of immigration laws (January 2008).

Andrew R. Berman

Scholarly Presentations

Moderator and organizer, "Second Annual Conference on Trends in New York City Land Use and Real Estate Development," co-sponsored by the New York City Law Department and the Law School's Center for Real Estate Studies and Center for New York City Law, New York Law School (April 2008).

Moderator and panelist, "The State of Real Estate in 2008," Dean's Council Round

Table Discussion, Cipriani's Rainbow Room, New York (April 2008).

Moderator and organizer, "Nontraditional Careers in Real Estate Law" Master Class, Center for Real Estate Studies, New York Law School (April 2008).

Co-organizer, "Intellectual Property from Tee to Green—Applying the Art of Law to the Business of Golf," co-sponsored by the Center for Real Estate Studies and the Institute for Information Law & Policy, New York Law School (March 2008).

Moderator and organizer, "Building the Future of Lower Manhattan," Center for Real Estate Studies, New York Law School (March 2008).

Moderator and organizer, "The Subprime Mortgage Crisis: Implications for the Real Estate Market," Center for Real Estate Studies, New York Law School (February 2008).

Moderator and organizer, "Redeveloping Brownfields in New York: Where Do We Go from Here?" CLE Conference, Center for Real Estate Studies, New York Law School (January 2008).

Molly K. Beutz

Scholarly Presentations

Panelist, "The Internet in China: Digital Barriers or Digital Gateways?" at "Justice and Legal Reform in China," a conference at the University of Virginia School of Law, Charlottesville, Virginia (March 2008).

"Protecting Rights Online: Access to Knowledge, Human Rights, and the International Regulation of the Internet," Junior International Law Scholars Association Annual Meeting, New York Law School (February 2008).

Robert Blecker

Media References and Appearances

Was the subject of a documentary, *Robert Blecker Wants Me Dead* (Atlas Media Corp.), which examines Professor Blecker's relationship with death row inmate Daryl Holton; the film premiered at the 2008 USA Film Festival, Dallas (April 2008).

"New Lethal Injection Protocol Is Possible," OMAHA WORLD-TRIBUNE (February 2008).

Michael Botein

Scholarly Presentations

Gave a series of six lectures at the Faculty of Law, University of Haifa, Israel, partially supported by a Senior Specialist Grant from the Fulbright Commission (June 2008).

Publications

Published an article on compulsory licensing for peer-to-peer file sharing, JOURNAL OF INTERNET LAW (2008) (with E. Samuels).

James Brook

Publications

SECURED TRANSACTIONS: EXAMPLES AND EXPLANATIONS. 4th ed. (Aspen Publishers, 2008).



[Elizabeth Chambliss]



[Tai-Heng Cheng]

Elizabeth Chambliss

Appointments

Secretary, Law and Society Association (January 2008).

Member, Association of American Law Schools (AALS) Research Committee, three-year term (January 2008).

Scholarly Presentations

Presented research on the evolving role of law firm general counsel at three academic conferences: the Legal Ethics Schmooze, Fordham University School of Law, New York (June 2008); the Law and Society Association Annual Meeting, Montreal (May 2008); and the Future of the Global Law Firm Conference, Georgetown University Law Center, Washington, D.C. (April 2008).

Presented research on law firm general counsel as part of the legal profession speaker series, Indiana University School of Law-Bloomington (April 2008).

"When Do Facts Persuade? Some Thoughts on the Market for 'Empirical Legal Studies,'" University of California, Berkeley School of Law's Center for the Study of Law and Society (March 2008).

Discussed three recent cases affecting the scope of in-firm privilege and other issues of interest to law firm general counsel at the Legal Malpractice and Risk Management Conference, Chicago (February 2008); and at Hinshaw & Culbertson's Law Firm Management Roundtable (January 2008).

Publications

When Do Facts Persuade? Some Thoughts on the Market for "Empirical Legal

Studies," 71 LAW & CONTEMPORARY PROBLEMS 17 (2008).

Some Realism About Bar Associations, 57 DEPAUL LAW REVIEW 425 (2008) (with B. Green).

Media References and Appearances

Shearman Eliminates General Counsel Post, THE AM LAW DAILY blog (May 2008).

Tai-Heng Cheng

Appointments

Member, Academic Council of the Institute of Transnational Arbitration (2008).

Scholarly Presentations

"The Reasons Requirement in Investor State Arbitration," to the ADR Committee, Association of the Bar of the City of New York (April 2008).

Panelist, "The Use of Force by the United States (A Policy and Empirical Appraisal)," at the American Society of International Law 2008 Annual Meeting, Washington, D.C. (April 2008).

Panelist, "Should We Revisit and Revise the Prevalent U.S. View of Med-Arb (and Arb-Med) as ADR Stepchildren in Light of Their Extensive Use in China, Italy, and European Countries?" at the Tenth Annual ABA Section of Dispute Resolution Spring Conference, Seattle (April 2008).

"Might a Wider Right to Use Force Overseas Make the United States Safer?" Junior International Law Scholars Annual Meeting, New York Law School (February 2008).

"Emerging Trends in Investment Treaty Arbitration: Will the United States Become a Victim of Its Own Success?" University of Michigan Law School, Ann Arbor, Michigan (February 2008).

"Soft Law Sources and Impacts in International Arbitration," experts' discussion with the Institute of Transnational Arbitration, University of California, Berkeley (2008).

Publications

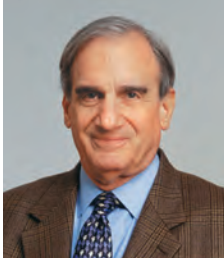
The Universal Declaration at Sixty: Is It Still Right for the United States, 41 CORNELL JOURNAL OF INTERNATIONAL LAW (forthcoming 2008).

What's Reasonable Depends on Who's Asking (A review of Michael Reisman and Guillermo Aguilar Alvarez's "The Reasons Requirement in International Investment Treaty Arbitration"), 8 BALTIC YEARBOOK OF INTERNATIONAL LAW (forthcoming 2008).

Citations

STATE SUCCESSION AND COMMERCIAL OBLIGATIONS (Transnational Publishers, 2006) was cited by the U.S. District Court of the Southern District of New York as the sole authority for a holding in its decision in *Mortimer Off Shore Services, Ltd. v. Federal Republic of Germany*, denying Mortimer leave to amend its dismissed complaint (June 2008).

STATE SUCCESSION AND COMMERCIAL OBLIGATIONS (Transnational Publishers, 2006) has been reviewed in the 2008 SINGAPORE YEAR BOOK OF INTERNATIONAL LAW and the AMERICAN JOURNAL OF INTERNATIONAL LAW (forthcoming).



[Sydney M. Cone III]



[Stephen J. Ellmann]



[Kris Franklin]



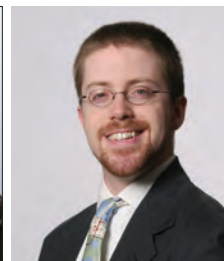
[Anne Goldstein]



[Brandt Goldstein]



[Annette Gordon-Reed]



[James Grimmelmman]

Sydney M. Cone III

Publications

International Legal Practice Involving England and New York Following Adoption of the United Kingdom Legal Services Act 2007, 28 NORTHWESTERN JOURNAL OF INTERNATIONAL LAW & BUSINESS 415 (2008).

Stephen J. Ellmann

Appointments

Title changed from Associate Dean for Faculty Development to Associate Dean for Faculty Development and Collaborative Learning (July 2008).

Member, Executive Committee of the AALS Section on National Security (January 2008).

Projects

Facilitated a planning meeting of the clinical faculty at Fordham University School of Law, New York (May 2008).

Kris Franklin

Appointments

Chair of the AALS Section on Academic Support (January 2008).

Member of several committees of the Section on Teaching Methods of the AALS (February 2008).

Scholarly Presentations

Event co-chair and presenter, "Questions Only," New York Academic Support Workshop, New York Law School (February 2008).

Publications

"See *Erie*": Critical Study of Legal Authority, UNIVERSITY OF ARKANSAS LAW REVIEW (forthcoming).

Anne Goldstein

Awards and Recognition

Recipient of one of the LWI (Legal Writing Institute) 2008 Summer Research Grants for proposed article "Lawyering in the Community: Service Learning for First-Year Law Students" (2008).

Scholarly Presentations

Panelist, "Experiential Learning as the Gateway to Pro Bono," at the ABA/NLADA (National Legal Aid & Defender Association) 2008 Equal Justice Conference, Minneapolis (May 2008).

Brandt Goldstein

Scholarly Presentations

Keynote address, Human Rights Week, University of Dayton, Dayton, Ohio (February 2008).

Projects

Was sent to China by the Ford Foundation for a lecture tour of several universities in connection with the publication of the Chinese edition of his book, STORMING THE COURT (Spring 2008).

Annette Gordon-Reed

Scholarly Presentations

Panelist, "Retrospective on Winthrop D. Jordan's WHITE OVER BLACK: AMERICAN ATTITUDES TOWARD THE NEGRO 1550-1812," Organization of American Historians annual meeting, New York (March 2008).

Spoke about James and Sally Hemings and the difference between French and American laws of slavery, Monticello, Charlottesville, Virginia (March 2008).

Projects

Interviewed Christopher Hitchens at the New-York Historical Society about his book THOMAS PAINE'S RIGHTS OF MAN (March 2008).

James Grimmelmman

Scholarly Presentations

"Copyright, Technology, and Access to the Law," Berkman Center for Internet & Society, Harvard University (May 2008).

Keynote address, "Metaphysical Jurisdiction," at the annual Technology and Intellectual Property (TIP) Group conference, University of Toronto Law School (March 2008).

Panelist, "Get a Second Life—Copyright in Virtual Worlds," at a meeting of the New York chapter of the Copyright Society of the USA (February 2008).

"The Google Dilemma," Horace Mann School, Riverdale, New York (January 2008).

Publications

Accidental Privacy Spills, JOURNAL OF INTERNET LAW 3 (July 2008).

Information Policy for the Library of Babel, 3 JOURNAL OF BUSINESS AND TECHNOLOGY LAW 29 (2008).

Media References and Appearances

Discussed search engine law on "Charlotte Talks," WFAE-FM (NPR affiliate) (June 2008).



[Jeffrey J. Haas]



[Seth D. Harris]



[Kenneth Kettering]



[Gerald Korngold]



[Arthur S. Leonard]



[Jethro K. Lieberman]



[Richard D. Marsico]

Law Prof: ISP-Based Targeting Could Violate Site Trademarks, *THE DAILY ONLINE EXAMINER* blog (June 2008).

Jeffrey J. Haas

Media References and Appearances

Tracking Stocks Are Now a Relic, *THE WALL STREET JOURNAL* (January 2008).

Seth D. Harris

Appointments

Member, National Advisory Committee on Workplace Flexibility (2008).

Publications

Disabilities Accommodations, Transaction Costs, and Mediation: Evidence from the EEOC's Mediation Program, 12 *HARVARD NEGOTIATION LAW REVIEW* 1 (Winter 2008).

LABOR AND EMPLOYMENT LAW AND ECONOMICS. (Edward Elgar Publishing, forthcoming) (Co-editor) (with K.G. Dau-Schmidt and O. Lobel).

The Mis-Directed Debate Over the Economics of Disabilities Accommodations, *chapter in* HUMAN RESOURCES ECONOMICS AND PUBLIC POLICY: ESSAYS IN HONOR OF VERNON M. BRIGGS JR. (C.J. Whalen, ed.) (W.E. Upjohn Institute, forthcoming).

MODERN LABOR RELATIONS IN THE PRIVATE SECTOR AND PUBLIC SECTOR: CASES AND MATERIALS (LexisNexis, forthcoming) (with J.E. Slater).

Workplace Disability, *chapter in* LABOR AND EMPLOYMENT LAW AND ECONOMICS (Edward Elgar Publishing, forthcoming) (with M.A. Stein).

Kenneth Kettering

Awards and Recognition

Awarded the Grant Gilmore Award by the American College of Commercial Finance Lawyers for his paper, "Securitization and Its Discontents: The Dynamics of Financial Product Development" (2008).

Gerald Korngold

Scholarly Presentations

"Private Conservation Easements: Balancing Private Initiative and the Public Interest," Lincoln Institute of Land Policy's International Conference on Land Policies and Property Rights, Cambridge, Massachusetts (June 2008).

Publications

PRIVATE LAND USE ARRANGEMENTS: EASEMENTS, REAL COVENANTS, AND EQUITABLE SERVITUDES. (Supplement.) (Juris Publishing, 2008).

Projects

Signed contract with Yale University Press to write a book tentatively titled PRIVATIZATION OF PUBLIC LAND USE REGULATION (2008).

Arthur S. Leonard

Scholarly Presentations

Speaker at "*Lawrence v. Texas* Five Years Later: Civil Rights Milestone or Promise Unfulfilled?" a symposium at the Association of the Bar of the City of New York (June 2008).

Participant on panel on intersexuality and the law, Cardozo Law School, New York (April 2008).

Publications

Ford Faces Liability in HIV Breach, *GAY CITY NEWS* (January 2008), one of numerous articles written between January 1, 2008 and June 30, 2008 as a contributor to *GAY CITY NEWS*.

Media References and Appearances

Interviewed on *The Michelangelo Signorile Show*, Sirius Satellite Radio (February 2008).

We Do, Says NY Appellate Court: Upstate Court Recognizes Validity of Gay Marriage, *BROOKLYN EAGLE* (February 2008).

Jethro K. Lieberman

Publications

The Madwag: Graduating from 202 York Street, *YALE DAILY NEWS* (January 28, 2008).

Richard D. Marsico

Appointments

Elected to a second three-year term on the board of the Mamaroneck (New York) Union Free School District; also elected as Board Vice President (2008).

Scholarly Presentations

Panelist, "Powerful HMDA Data Analysis," annual conference of the National Community Reinvestment Coalition, Washington, D.C. (March 2008).

"The Subprime Meltdown—How It Affects Communities and Lenders," sponsored by the Business Law Section of the New York State Bar Association and the Metropolitan Black Bar Association,



[Richard A. Matasar]



[Carlin Meyer]



[Howard S. Meyers]



[Beth Simone Noveck]



[Rudolph J.R. Peritz]



[Michael L. Perlin]

NYSBA Annual Meeting, New York (January 2008).

Participant in a roundtable on solutions to the mortgage and foreclosure crisis, Saint Francis College, Brooklyn, New York (January 2008).

Richard A. Matasar

Scholarly Presentations

Panelist, "The Future Law Firm: Trends, Predictions, and Imperatives," National Association for Law Placement (NALP) Annual Conference, Toronto (April 2008).

"Law Faculty as Fiduciaries," Northern Kentucky University Salmon P. Chase College of Law, Highland Heights, Kentucky (January 2008).

Carlin Meyer

Media References and Appearances

Legal Experts, Labor Leaders Decry E-mail Ruling, NATIONAL JOURNAL'S TECHNOLOGY DAILY (January 2008).

Howard S. Meyers

Scholarly Presentations

Participant, "Securities Arbitration Clinic Roundtable," Fordham Law School, New York (March 2008).

Publications

Recovering Unpaid Bonus Payments in Turbulent Times, NEW YORK LAW JOURNAL (June 2008).

Media References and Appearances

Ruling Raises Expungement Questions, COMPLIANCE REPORTER (July 2008).

Law Students Help Small Investors, NEW YORK DAILY NEWS (February 2008).

Beth Simone Noveck

Scholarly Presentations

Speaker, IUP Network's 11th Annual Electronic Gaming Summit, Napa, California (May 2008).

Media References and Appearances

"Should Yale Lose and the Net Win?" *Digital Age with James Goodale*, PBS's WNYE-TV (January 2008).

Rudolph J.R. Peritz

Scholarly Presentations

"Inventor Welfare: Re-Thinking Patents and Progress," 2008 Conference of the Association of Teaching and Research in Intellectual Property (ATRIP), Munich, Germany (July 2008).

"The Microsoft Chronicles: Neelie Crows, Barnett Bellows While Information Flows, or Not," LUISS Guido Carli University, Rome (March 2008).

Publications

Freedom to Experiment: Toward a Concept of Inventor Welfare, 90 JOURNAL OF THE PATENT AND TRADEMARK OFFICE SOCIETY 245 (2008).

The Roberts Court After Two Years: Antitrust, Intellectual Property Rights, and Competition Policy, 53 ANTITRUST BULLETIN 153 (2008).

Chinese-language translation of COMPETITION POLICY IN AMERICA: HISTORY, RHETORIC, LAW will be published (forthcoming).

Michael L. Perlin

Awards and Recognition

Received a grant from the U.S.-China Legal Cooperation Fund to support his and New York Law School's partnership with Shanghai Jiao Tong University KoGuan Law School's center on human rights law (2008).

Appointments

Faculty member of the Section on Medicine, Ethics, and the Law at the College of Physicians of Philadelphia (2008).

Scholarly Presentations

"The Defendant: Impact of Mental Disability in the Criminal Law Process," for "Contemporary Issues in Forensic Psychology," the American Academy of Forensic Psychology's workshop series, Jacksonville, Florida (March 2008).

"The Role of Distance Learning in Nations with Developing Economies" and "International Human Rights Law and Mental Disability Law: The Universal Factors," Nkumba University School of Law, Entebbe, Uganda (January 2008).

Publications

PSYCHIATRIC ETHICS AND THE RIGHTS OF PERSONS WITH MENTAL DISABILITIES IN INSTITUTIONS AND THE COMMUNITY. (UNESCO, 2008) (with E. Szeli, K. Gledhill, & H. Bursztajn).

SEX OFFENDERS: CASES AND MATERIALS. (Carolina Academic Press, forthcoming) (with E. Janus, W. Mitchell, H.E. Cucolo, R. Friedman, & P. Reilly).



[Sadiq Reza]



[Michael Roffer '83]



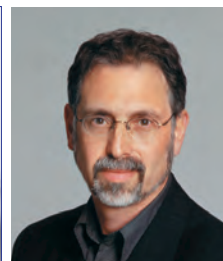
[Tanina Rostain]



[Ross Sandler]



[David Schoenbrod]



[Richard K. Sherwin]

Mental Health Law and Human Rights: Evolution and Contemporary Challenges, *chapter in* MENTAL HEALTH AND HUMAN RIGHTS (M. Dudley, ed., Oxford University Press, 2008) (with E. Szeli).

"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 AND CIVIL RIGHTS (2008).

COMPETENCE IN THE LAW: FROM LEGAL THEORY TO CLINICAL APPLICATION. (John Wiley & Sons, Inc., 2008) (with P. Champine, H. Dlugacz, and M. Connell).

MENTAL HEALTH ISSUES IN JAILS AND PRISONS: CASES AND MATERIALS. (Carolina Academic Press, 2008) (with H. Dlugacz).

Sadiq Reza

Appointments

Named 2008 Carnegie Scholar by the Carnegie Corporation (April 2008).

Michael Roffer '83

Appointments

Member, Legal Research and Sourcebook Committee, Academic Law Libraries Special Interest Section, American Association of Law Libraries (June 2008).

Member, Class of 1983 Reunion Committee, New York Law School (June 2008).

Member, Student Services Committee, Academic Law Libraries Special Interest Section, American Association of Law Libraries (Winter/Spring 2008).

Co-chair, Outreach Program Committee, Law Library Association of Greater New York (2008).

Scholarly Presentations

Co-chair and presenter, Law Library Association of Greater New York's "Bridge the Gap" legal research program for law students; presented two sessions, "Overview of the Legal Research Process" and "Commercial Litigation Research" (March 2008).

Tanina Rostain

Appointments

Faculty fellowship at Harvard's Edmond J. Safra Foundation Center for Ethics for 2008–09 (2008).

Accepted a visit at Georgetown University Law Center for fall 2009 (2008).

Ross Sandler

Scholarly Presentations

Chair of the Urban Issues panel at "Breaking the Logjam: An Environmental Law for the 21st Century" symposium, New York University School of Law (March 2008).

David Schoenbrod

Scholarly Presentations

Organizer, "Breaking the Logjam: An Environmental Law for the 21st Century" symposium, New York University School of Law (March 2008).

Richard K. Sherwin

Scholarly Presentations

"Law, Metaphysics and the New Iconoclasm," at the workshop "Re-Describing the Sacred/Secular Divide: The Legal Story," University at Buffalo Law School (March 2008).

"Law in the Digital Age," at "Visual Persuasion in the Law," a Civil Justice Workshop, University of California, Berkeley School of Law (February 2008).

"Visual Persuasion at Trial," Office of the Special Narcotics Prosecutor for the City of New York (January 2008).

Publications

Sublime Jurisprudence: On the Ethical Education of the Legal Imagination in Our Time, 83 CHICAGO-KENT LAW REVIEW 1157 (2008).

What Screen Do You Have in Mind? Contesting the Visual Context of Law and Film Studies, *chapter in* STUDIES IN LAW, POLITICS, AND SOCIETY (A. Sarat, ed., Emerald Group Publishing, forthcoming 2008).

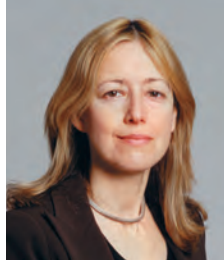
Imagining Law as Film: Representation without Reference? *chapter in* INTRODUCTION TO LAW AND THE HUMANITIES (A. Sarat, M. Anderson, C. Frank, eds., Cambridge University Press, forthcoming 2008).



[Faith Stevelman]



[Nadine Strossen]



[Ruti G. Teitel]

Faith Stevelman

Scholarly Presentations

Presented “Concepts of Value and Valuation Affecting the Negotiation and Adjudication of Freezeouts,” moderated one panel, and organized six panels of corporate legal scholars at the annual Law and Society meeting, Montreal (May–June 2008).

Panelist, “Stockholder Litigation under the DGCL,” at a symposium on the Delaware General Corporation Law, Widener University Law School, Wilmington, Delaware (May 2008).

“Delaware Corporate Law and Venue: What Delaware Has to Lose,” Tulane Corporate Law Institute, New Orleans (April 2008).

Presented paper, “Deal Crazy After All These Years? Comparing Controllers’ and Private Equity Funds’ Going Private Deals,” at “The Going Private of the U.S. Capital Markets,” a conference at Brooklyn Law School (February 2008).

Media References and Appearances

U.S. Oil Revenue Oversight Bill May Restrict Resource Access, CNNMoney.com (June 2008).

Testimonies and Legal Consultation

Testified on the Extractive Industries Transparency and Disclosure Act before the House Financial Services Committee (June 2008).

Nadine Strossen

Scholarly Presentations

Debate on abortion, California Polytechnic State University, San Luis Obispo, California (May 2008).

Speaker and panelist, “The Regulation of Extremist Speech in the Terrorist Era,” PEPPERDINE LAW REVIEW’s Flagship 2008 Symposium, “Free Speech and Press in the Modern Age: Can the 20th Century Theory Bear the Weight of 21st Century Demands?” Malibu, California (April 2008).

Keynote speaker, Graduate and Professional Schools Luncheon at “Developing Visionary Leaders for a Changing World,” 94th annual meeting of the American Association of Collegiate Registrars and Admissions Officers (AACRAO), Orlando, Florida (March 2008).

Honorary co-chair and speaker, “A Celebration of Public Interest at Harvard Law School,” the first law school reunion of lawyers working in the public interest (March 2008).

Lecturer, “Maintaining Personal and National Security Post-9/11,” as part of the spring 2008 Saul O. Sidore Lecture Series on “Human Security at Home and Abroad,” Plymouth State University, Plymouth, New Hampshire (February 2008).

“Abortion: Legal Right or Moral Wrong?” at the Worldview Forum Series, Malone College, Canton, Ohio (January 2008).

Distinguished Visiting Lecturer, Valparaiso Law School, Valparaiso, Indiana (January 2008).

Media References and Appearances

Interviewed for ABC’s *20/20* report “Sex in America” (July 2008).

“The Serene Life of a Fighter for Civil Liberties,” THE NEW YORK TIMES (May 2008).

Interviewed by *60 Minutes* about Supreme Court Justice Antonin Scalia (March 2008).

Ruti G. Teitel

Scholarly Presentations

Delivered paper, “Militating Democracy: The Struggle over Constitutional Guardianship,” as part of a panel on “Freedom of Speech: Theoretical and Institutional Perspectives,” at the “From Ivy to Olives Academic Symposium,” Tel Aviv, Israel (May 2008).

“Militating Constitutional Democracy,” Brown Bag Series, Fordham University, New York (March 2008).

“Humanity’s Law: Conflict and Legality in Global Politics,” International Law and International Relations Theory Colloquium, Fordham University, New York (March 2008).

Publications

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

Editorial Note—Transitional Justice Globalized, 2 INTERNATIONAL JOURNAL OF TRANSITIONAL JUSTICE 1 (2008).

Book Review of Mark Freeman’s “Truth Commissions and Procedural Fairness,” 2 INTERNATIONAL JOURNAL OF TRANSITIONAL JUSTICE 244–245 (2008).

HUMANITY’S LAW: CONFLICT AND LEGALITY IN GLOBAL POLITICS. (forthcoming).

Projects

Panel chair, inaugural meeting of the Transitional Justice and Rule of Law Interest Group of the American Society of International Law, Washington, D.C. (April 2008). **f**

Adjunct Faculty Activities

Compiled by Denise Tong

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

Marc S. Bekerman

Awards and Recognition

Awarded Best Practical Use Article of 2007 from the editors of PROBATE & PROPERTY for his article, Essential Steps to Take After “Finishing” the Estate Plan (2008).

Scholarly Presentations

“The Uncertainties of Death and Taxes: Preparing and Defending Estate Tax Returns,” unit of a teleconference series for the American Bar Association’s Section of Real Property, Trust, and Estate Law (May 2008).

“Ethical Issues in Trusts and Estates,” unit of a teleconference series for the American Bar Association’s Section of Real Property, Trust, and Estate Law (April 2008).

“The Six Greatest Estate Planning Techniques,” Lorman Education Services (February 2008).

Publications

Obtaining a Full Step Up in Basis for Jointly Held Property Between Spouses, PROBATE & PROPERTY (January/February 2008) (with W. LaPiana).

Richard B. Bernstein

Scholarly Presentations

Panelist, “The Founders and the Judiciary,” 2008 Second Circuit Judicial Conference, Mohonk Mountain House, New Paltz, New York (June 2008).

Program Faculty, “Thomas Jefferson: Friends and Foes,” 2008 Jefferson Symposium, University of Virginia School of Continuing and Professional Education, Charlottesville, Virginia (June 2008).

Delivered the 2008 Milton M. Klein Lecture, “How John Adams Became a Founding Father: An Exploration of History and Memory,” University of Tennessee-Knoxville (March 2008).

Media References and Appearances

Interviewed on *CBS News Sunday Morning* about original intent jurisprudence with regard to the *D.C. v. Heller* decision on the right to bear arms (June 2008).

Judith Bresler '74

Scholarly Presentations

Guest speaker, “Are You a Collector: Do You Want to Own the Next Basquiat?” at the Women and Money lecture series, UJA Federation of New York, New York (April 2008).

“Expert Opinions and Liabilities: The Treacherous Power of Words,” annual conference of the International Society of Appraisers, Baltimore (April 2008).

“Negotiating and Understanding the Auction Consignment Agreement,” 42nd annual Heckerling Institute on Estate Planning, Orlando, Florida (January 2008).

Anthony DiSarro '86

Publications

“Boyle’s” Law and “Agent Orange” Litigation, 238 NEW YORK LAW JOURNAL (June 10, 2008).

Marc Edelman

Publications

Analyzing the WNBA’s Mandatory Age/Education Policy from a Legal, Cultural, and Ethical Perspective: Women, Men, and the Professional Sports Landscape, 3 NORTHWESTERN JOURNAL OF LAW AND SOCIAL POLICY 1–28 (Winter 2008) (with K. Harrison).

Weekly columnist, “Sports and the Law,” ABOVE THE LAW < www.abovethelaw.com > (2008).

Media References and Appearances

“Approval Unlikely for Google-Yahoo Pact: Experts,” COMPETITION LAW 360 (February 2008).

David Epstein

Scholarly Presentations

“How to Critique and Grade a Contract Drafting Assignment” at “Teaching Drafting and Transactional Skills: The Basics and Beyond,” Emory University School of Law, Atlanta, Georgia (May 2008).

Publications

ECKSTROM’S LICENSING IN FOREIGN AND DOMESTIC OPERATIONS. Volume 5. (Thomson West, 2008).

Lucas A. Ferrara

Media References and Appearances

Responses to landlord-tenant law questions, Real Estate section, THE NEW YORK TIMES (January–June 2008).

Hon. Robert J. Firestone '90

Publications

Commuter Taxes: Refocusing the Constitutional Issues, 47 STATE TAX NOTES 435 (February 2008).

Richard I. Friedman

Scholarly Presentations

“Legal Aspects of Psychiatry and Patients’ Rights,” Essex County Hospital Center, Cedar Grove, New Jersey (June 2008).

Continuing Medical Education (CME) lecture, Hoboken University Medical Center, Hoboken, New Jersey (May 2008).

Projects

Taught two classes for the Psychiatric Internship Program at Bergen Regional Medical Center, Paramus, New Jersey (Spring 2008).

Lawrence Lederman

Awards and Recognition

Awarded a patent for Vulture Vaccine, a financial device that limits unwanted accumulations of debt (June 2008).

Appointments

Visiting Artist in photography, American Academy in Rome (June 2008).

Publications

Disney Examined: A Case Study in Corporate Governance and CEO Succession, 52 NEW YORK LAW SCHOOL LAW REVIEW 557 (2008).

Oscar Michelen '85

Testimonies and Legal Consultation

Represented a lawyer indicted for conspiracy in a case that involves 10 nurses who were indicted for allegedly endangering patients at a nursing home by resigning together (2007–08).

Steven E. Pegalis '65

Media References and Appearances

Strong Must Pay \$17.5M to Patient, ROCHESTER DEMOCRAT AND CHRONICLE (May 2008).

Testimonies and Legal Consultation

Successfully brought a malpractice suit against Strong Memorial Hospital, which has been directed to pay a jury award of \$17.5 million to the plaintiff for injuries suffered during a Caesarean delivery (May 2008).

Judith B. Prowda

Scholarly Presentations

Co-moderator, “Is Intellectual Property Dead? The Revolt of Students for New Directions,” Association of the Bar of the City of New York (February 2008).

Lawrence P. Schnapf '84

Awards and Recognition

Named in the 2008 edition of WHO’S WHO LEGAL: THE INTERNATIONAL WHO’S WHO OF BUSINESS LAWYERS (2008).

Appointments

Appointed as the incoming Chair of the Committee on Environmental, Energy and Natural Resources Law of the ABA Section of Business Law (2008).

Scholarly Presentations

“Managing Environmental Issues in a Down-turned Market: Deal Flow to Foreclosure, Wall Street to Main Street,” at the Environmental Bankers Association 2008 Meeting, Snowbird, Utah (June 2008).

Participant, panel on vapor intrusion, American Industrial Hygiene Conference and Expo, Minneapolis (June 2008).

Publications


Environmental Due Diligence in the Era of Climate Change, 24 PRACTICAL REAL ESTATE LAWYER 49 (May 2008).

K.A. Taipale

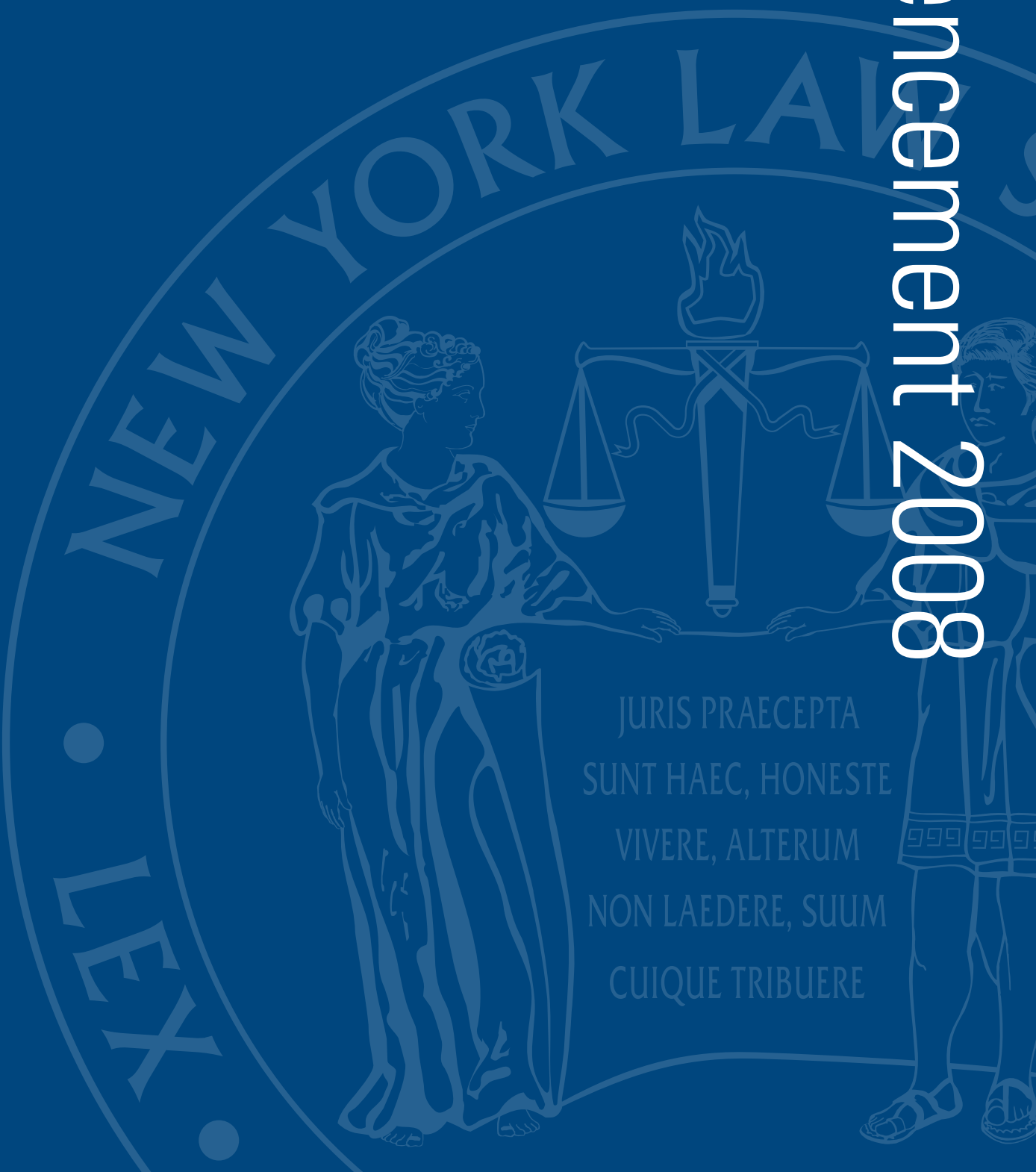
Media References and Appearances

“Employees’ Privacy at Work,” *On Point with Tom Ashbrook*, National Public Radio (NPR) (July 2008).

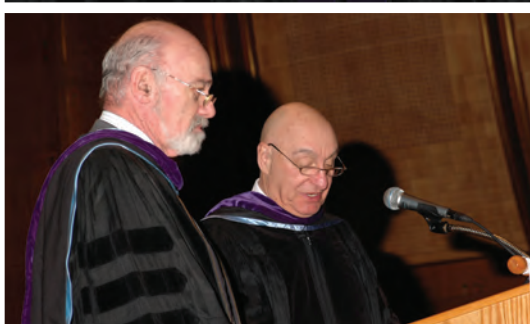
“The Tension Between Security and Liberty in the War on Terror,” *Justice Talking*, National Public Radio (NPR) (March 2008).

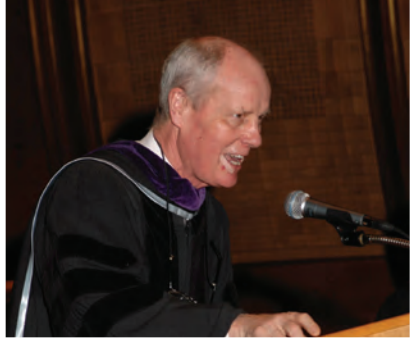
“Why Didn’t the Iranians Use Encryption?” *Digital Age with James Goodale*, PBS’s WNYE-TV (January 2008). 

Commencement 2008



JURIS PRAECEPTA
SUNT HAEC, HONESTE
VIVERE, ALTERUM
NON LAEDERE, SUUM
CUIQUE TRIBUERE





New York Law School Recognizes **Dennis W. Archer, Hon. Ernst H. Rosenberger '58, and Students and Faculty at 116th Commencement**

By LaToya D. Nelson

Commencement marked the culmination of many great journeys for the Class of 2008. Students traveled from 26 different states and 18 countries to attend New York Law School, where they spent their years deeply entrenched in the study of law. On May 18, 2008, those 403 students graduated, surrounded by friends, family, alumni, faculty, and guests, during the Law School's 116th commencement exercises at Lincoln Center's Avery Fisher Hall.

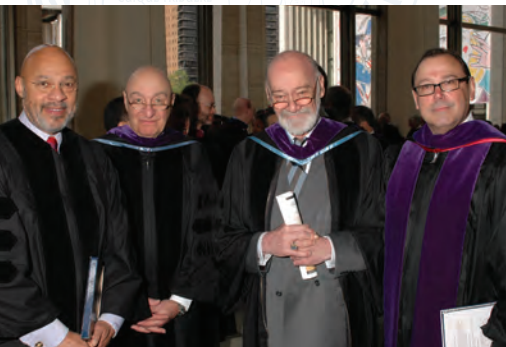
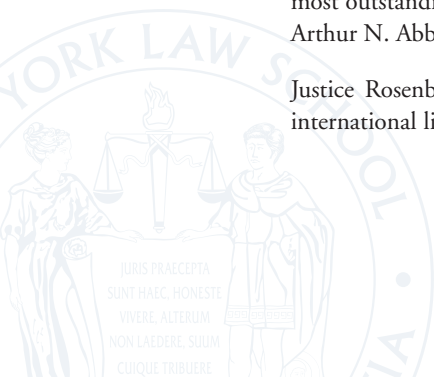
Dennis W. Archer, a prominent attorney, former mayor of the city of Detroit, and former president of the American Bar Association, addressed the graduates and received the honorary degree Doctor of Laws.

"You have chosen a challenging but a highly rewarding career," Archer told the graduating class. "You will be faced with many responsibilities and obligations, but don't let them weigh you down." Archer also gave the graduates practical career advice, encouraging them to return phone calls the same day they are received—reminding them that "a nagging client could refer you to the biggest client"—and to "provide pro bono work, but also charge a reasonable fee," so that all people have access to legal representation.

Archer is the Chairman of Dickinson Wright PLLC, a Detroit-based firm with more than 200 attorneys and offices in Michigan and Washington, D.C. He served two four-year terms as mayor of Detroit from 1994 to 2001 and earned national and international respect for his success in changing the city's image and direction. In 2000, Archer was named Public Official of the Year by *Governing* magazine. He sits on the corporate boards of Johnson Controls, Inc., Compuware Corporation, and Masco Corporation.

The President's Medal of Honor was awarded to the Honorable Ernst H. Rosenberger '58, who was celebrating the 50th anniversary of his graduation from the Law School. The award, which acknowledges the Law School's most outstanding and accomplished alumni and its most generous benefactors, was presented by fellow alumnus Arthur N. Abbey '59, Chairman of the New York Law School Board of Trustees.

Justice Rosenberger is Of Counsel to Stroock & Stroock & Lavan LLP, where he focuses on domestic and international litigation as well as arbitration, alternative and international dispute resolution, and mediation. He



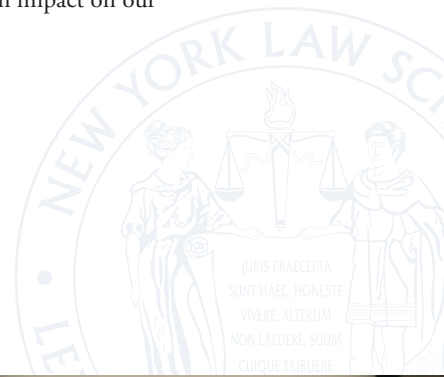
is Vice Chair of the Board of Trustees of New York Law School, where he has taught part time since 1976. He was appointed to the Supreme Court of the State of New York in 1977, and served as Presiding Justice of the Court's Extraordinary Special and Trial Term for investigation of corruption in the criminal justice system. He became an Associate Justice of the Appellate Division, First Department, in 1985, and sat on more than 15,000 criminal and civil appeals from the highest trial courts of New York before his retirement from the bench in 2004.

Justice Rosenberger spoke to the graduating class about the influence of the legal profession. "You look around and you can find an awful lot of things wrong with the society in which we live. And for the most part, the way to fix those things and improve those things lies in the hands of lawyers," he said. "There's been more positive social change brought about by lawyers than any other group. . . . I'm very proud and happy that in a few months, most of you will be joining me as colleagues."

The commencement ceremony also featured awards given to faculty and students, as well as remarks delivered by student representatives of both the Day and Evening Divisions. (For a full list of award recipients, see pages 55–57.) Student remarks were delivered by Ericka Fowler of the Day Division and Michael Francis O'Connell of the Evening Division.

Fowler said, "Graduation is a symbol of that transition from a role as a student to a role as an advocate. Whatever path we choose to follow, it's our shared experience as students at New York Law School that's given us the tools to tackle this reality."

O'Connell told his fellow graduates, "We, who as lawyers are about to enter into a new era in our careers, can take comfort in the fact that in the law, we are always on the brink of a new day, as the law itself constantly evolves. . . . We'll take our New York Law School education and the values it instilled and make an impact on our chosen profession."





COMMENCEMENT AWARDS



Left to right:
Winston Richmond Brownlow
Andrew Almonte
Michael J. Harkey
Sharon Anne Sorkin
Kinanda Williams-Murray

Left to right:
Andrew John DeByl Finn
Stephanie D. Sado
Manoj Nair
Professor Donald H. Zeigler
Professor Edward A. Purcell Jr.

Left to right:
Professor K.A. Taipale
Professor Faith Stevelman
Professor David Chang
Erin E. Martin
Martin Simon Krezalek

TRUSTEES' PRIZE FOR THE HIGHEST AVERAGE

The Trustees' Prize for the Highest Average was awarded to Winston Richmond Brownlow (Day Division) and Andrew Almonte (Evening Division).

DEAN'S AWARD FOR STUDENT LEADERSHIP

The Dean's Award for Student Leadership was awarded to Michael J. Harkey (Day Division), Sharon Anne Sorkin (Day Division), and Kinanda Williams-Murray (Day Division).

ALFRED L. ROSE AWARD FOR EXCELLENCE

The Alfred L. Rose Award for Excellence was awarded to Andrew John DeByl Finn and Stephanie D. Sado (Day Division) and Manoj Nair (Evening Division).

CLASS OF 2008 TEACHING AWARD

The Class of 2008 Teaching Award was given to Professor Donald H. Zeigler.

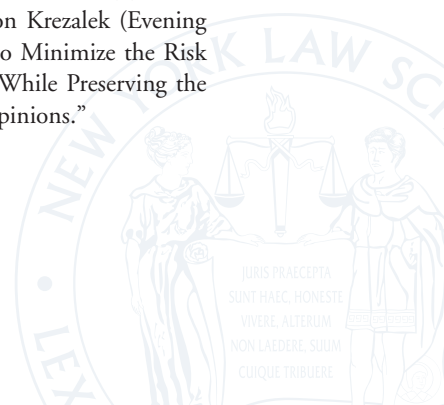
OTTO L. WALTER DISTINGUISHED WRITING AWARD

FACULTY AWARDS

Professor Edward A. Purcell Jr., for the book, *Originalism, Federalism, and the American Constitutional Enterprise: A Historical Inquiry*, published by Yale University Press; Adjunct Professor K.A. Taipale, for the article, "The Ear of Dionysus: Rethinking Foreign Intelligence Surveillance," published by the *Yale Journal of Law & Technology*; Professor Faith Stevelman, for the article "Going Private at the Intersection of the Market and the Law," published by *The Business Lawyer*; and Professor David Chang, for the article "Structuring Constitutional Doctrine: Principles, Proof, and the Functions of Judicial Review," published by the *Rutgers Law Review*.

STUDENT AWARDS

Erin E. Martin (Day Division), for the article, "The Intersection Between Finance and Intellectual Property: Trade Secrets, Hedge Funds, and Section 13(F) of the Exchange Act"; and Martin Simon Krezalek (Evening Division), for the article, "How to Minimize the Risk of Violating Due Process Rights While Preserving the BIA's Ability to Affirm without Opinions."



ADDITIONAL COMMENCEMENT AWARDS

PROFESSOR JOSEPH T. ARENSON AWARD FOR EXCELLENCE IN WILLS AND DECEDENTS' ESTATES

Cara A. O'Brien (Day Division)
Aliaksandra Greco (Evening Division)

CHIEF JUSTICE ROSE E. BIRD AWARD FOR MOTIVATION IN PURSUING PUBLIC INTEREST LAW

Kiera Flad
Rebecca J. Mayberg
Aysha Edythe Schomburg

CENTER FOR NEW YORK CITY LAW FELLOWSHIP

Natalie Amar
Peter Aaron Schikler

PROFESSOR LUNG-CHU CHEN AWARD FOR EXCELLENCE IN THE FIELD OF HUMAN RIGHTS

Michael Nathan Giacomelli
Erika Fowler
Chloe M. McRae

HELEN AND ANDREW DOKAS MEMORIAL AWARD FOR EXCELLENT ACHIEVEMENT

Sharon Anne Sorkin

PROFESSOR STEPHEN J. ELLMANN CLINICAL LEGAL EDUCATION PRIZE

Diep Nguyen

ELSBURG PRIZE FOR PROFICIENCY IN THE LAW OF CONTRACTS—EVENING DIVISION

Andrew T. Almonte
Stuart E. Leyton

FACULTY AWARD FOR OUTSTANDING SERVICE TO THE *NEW YORK LAW SCHOOL LAW REVIEW*

Andrew John DeByl Finn
Stephanie D. Sado

RUBEN S. FOGEL COMMENCEMENT AWARD FOR EXCELLENCE IN CONSTITUTIONAL HISTORY AND DEATH PENALTY

Andrew Almonte

ALEXANDER D. FORGER AWARD FOR DISTINGUISHED SERVICE TO THE PROFESSION

Rebecca Ann Horwitz
Johanna E. Miller
Desiree C. Hernandez Sanchez

SYLVIA D. GARLAND AWARD FOR EXCELLENCE IN SUBJECTS RELATING TO CIVIL LITIGATION

Adam J. Fleishchner

HARRY A. GOTIMER ADMIRALTY AWARD FOR OUTSTANDING WORK IN THE FIELD OF ADMIRALTY LAW

Robin S. Rae

MILTON S. GOULD AWARD FOR PROFICIENCY IN THE LAW OF CONTRACTS—DAY DIVISION

Arielle Lenza

ANTHONY E. JANNACE AWARD FOR OUTSTANDING ACHIEVEMENT

Katherine Ann Mikk

PROFESSOR ALBERT KALTER AWARD FOR EXCELLENCE IN TAX LAW

Cara A. O'Brien

PROFESSOR JAMES P. KIBBEY MEMORIAL AWARD FOR EXCELLENCE IN COMMERCIAL LAW

Adam S. Furmansky

D. GEORGE LEVINE MEMORIAL AWARD FOR THE HIGHEST GRADE IN THE LAW OF REAL PROPERTY

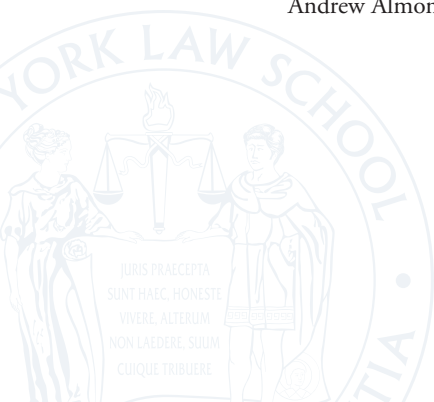
Anitra N. Bogart (Day Division)
Manny J. Alvelo (Evening Division)

MEDIA CENTER AWARD FOR OUTSTANDING PERFORMANCE

Mark Lesniak

ABRAHAM "AVI" MUND PRIZE FOR EXCELLENCE IN INFORMATION TECHNOLOGY AND THE LAW

Alicia L. Glaser



NATIONAL ASSOCIATION OF WOMEN LAWYERS AWARD
Trisha Olson

**NEW YORK LAW SCHOOL LAW REVIEW AWARD
FOR BEST NOTE**
Ruth S. Uselton

**NEW YORK LAW SCHOOL LAW REVIEW AWARD
FOR OUTSTANDING EDITORIAL CONTRIBUTION**
Lindsay K. Flora

**NEW YORK LAW SCHOOL MOOT COURT ASSOCIATION
BEST ADVOCATE AWARD**
Stephanie Irene Kudrle

**NEW YORK LAW SCHOOL NATIONAL
MOOT COURT TEAM**
Lauren Angelo
Stephanie Irene Kudrle
Devra Michelle Nemrow
Sharon Anne Sorkin

**NEW YORK LAW SCHOOL MOOT COURT AWARD
FOR SERVING WITH DISTINCTION**
Michelle Marie Benedetto
Allyson Anne Cannistra
Anna Mikhaleva
Joseph Anthony Niemczyk

ORDER OF BARRISTERS
Natalie Amar
Lauren Angelo
Vicki S. Becker
Alyssa Lauren Gunther
Stephanie Irene Kudrle
Christopher Chance Miller
Devra Michelle Nemrow
Joseph Anthony Niemczyk
Sharon Anne Sorkin
Lindsay A. Zuflacht

**PROFESSOR ROBERT R. ROSENTHAL AWARD
FOR EXCELLENCE IN NEW YORK PRACTICE**
Anthony J. Randazzo

**JOSEPH SOLOMON AWARD
FOR EXCELLENT CHARACTER AND FITNESS**
Jennifer Virginia Rogers

**ERNST C. STIEFEL WRITING AWARD FOR
EXCELLENCE IN COMPARATIVE, COMMON,
AND CIVIL LAW**
Jason Summerfield

**MURRAY STOCKMAN MEMORIAL AWARD
FOR THE HIGHEST AVERAGE IN THE
LAW OF EVIDENCE—DAY DIVISION**
Christy Monier

**LOUIS SUSMAN MEMORIAL AWARD FOR
EXCELLENCE IN THE STUDY OF THE
LAW OF EVIDENCE—EVENING DIVISION**
Shawn Anthony Turck

**WOODROW WILSON AWARD FOR PROFICIENCY
IN CONSTITUTIONAL LAW**
Sharon A. Sorkin (Day Division)
Victoria L. Loughery (Evening Division)

**NEW YORK LAW SCHOOL
ALUMNI ASSOCIATION AWARDS**

**DR. MAX REICH AWARD FOR EXCELLENCE
IN CIVIL TRIAL ADVOCACY**
Jenny Acasio
Alyssa L. Gunther
Hillary F. Korman

**PROFESSOR IVAN SOUBBOTITCH AWARD FOR
EXCELLENCE IN POVERTY LAW AND CIVIL RIGHTS**
Reyna P. Hernandez



HONORARY DEGREE, DOCTOR OF LAWS COMMENCEMENT SPEAKER

Dennis W. Archer

Chairman
Dickinson Wright PLLC



New York Law School is proud to honor Dennis W. Archer, prominent attorney and public servant, for the courage, intellect, passion, and commitment he brings to the pursuit of justice.

Dennis W. Archer is Chairman of Dickinson Wright PLLC, a Detroit-based law firm with more than 200 attorneys, with offices in Michigan and Washington, D.C. He sits on the corporate boards of Johnson Controls Inc., Compuware Corporation, and Masco Corporation. He also is on the nonprofit boards of the CATCH Foundation and the Community Foundation of Southeast Michigan.

Archer served two four-year terms as mayor of the city of Detroit (1994–2001) and earned national and international respect for his success in changing Detroit's image and direction. In 2000, he was named Public Official of the Year by *Governing* magazine. Archer served on the Board

of Trustees of the U.S. Conference of Mayors and was President of the National League of Cities from 2000 to 2001. He received an Award of Excellence and was named 1998 Newsmaker of the Year by *Engineering News-Record* magazine, a sister publication of *BusinessWeek*. He has been named one of the 100 Most Influential Black Americans by *Ebony* magazine, and one of the 100 Most Powerful Attorneys in the United States by *The National Law Journal*. Archer was named one of the 25 Most Dynamic Mayors in America by *Newsweek* magazine.

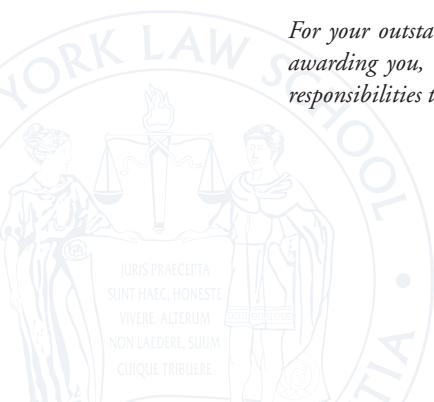
He received a Bachelor of Science degree in education from Western Michigan University and taught learning-disabled students in the Detroit public schools. Archer earned his Juris Doctor from Detroit College of Law in 1970. He began practicing law thereafter, working as a trial lawyer and a partner in several Detroit firms, and serving as Associate Professor of the Detroit College of Law and Adjunct Professor at Wayne State University Law School.

In 1985, Governor James Blanchard appointed Archer an associate justice of the Michigan Supreme Court. He was elected to an eight-year term the following year. In his final year on the bench in 1990, Archer was named the most respected judge in Michigan by *Michigan Lawyers Weekly*.

Archer has long been active in the organized bar. He was the first person of color elected president of the American Bar Association (2003–2004) as well as the State Bar of Michigan. He has also served as president of the Wolverine Bar Association and the National Bar Association. Archer is a life member of the Fellows of the American Bar Foundation and the National Bar Association, a fellow of the International Society of Barristers, a fellow of the College of Law Office Management, and a life member of the Sixth Circuit Judicial Conference.

Archer is married to Trudy DunCombe Archer, retired Judge of Michigan's 36th District Court. They have two sons, Dennis W. Archer Jr. and Vincent DunCombe Archer, and a grandson, Dennis Wayne Archer III.

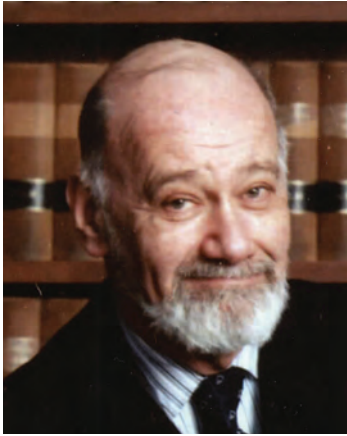
For your outstanding accomplishments and influence in the field of law, New York Law School takes great pride in awarding you, Dennis W. Archer, the degree of Doctor of Laws, honoris causa, with all the rights, privileges, and responsibilities thereunto appertaining.



PRESIDENT'S MEDAL OF HONOR RECIPIENT

The Honorable Ernst H. Rosenberger '58

Member of the Board of Trustees, New York Law School
Adjunct Professor of Law, New York Law School
Of Counsel, Stroock & Stroock & Lavan LLP



Born in Hamburg, Germany, in 1931, Ernst H. Rosenberger emigrated to New York City with his parents and sister in order to escape Nazi persecution. He began working to support his family at age 12, after suffering the loss of his father two years earlier. He attended Stuyvesant High School, and enlisted in the U.S. Army at 18—less than one year before the start of the Korean War. He was later discharged, having attained the rank of Corporal in the 101st Airborne Division. Rosenberger then began his studies at City College of New York, graduating in 1955, and subsequently enrolling at New York Law School.


During law school, Rosenberger lived and worked at the St. Barnabas House, an emergency shelter for children in Manhattan. He excelled in law school, serving as Associate Editor and Editor in Chief of the *Law Review*, and as a member of the National Moot Court team. After graduation, Rosenberger worked at a small firm for a year before starting his own practice.

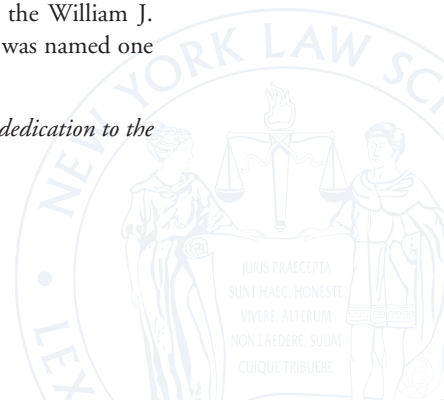
Justice Rosenberger has made a lifelong commitment to defending the rights of the disenfranchised. He acted as pro bono defense attorney on several Freedom Ride cases in Jackson, Mississippi, in 1961, and voluntarily served on many similar cases throughout the South in the years that followed—never accepting fees or compensation.

Justice Rosenberger became a New York City Criminal Court judge in 1972, and was named Acting Justice of the Supreme Court of the State of New York beginning in 1973. In 1975, he was one of two U.S. judges invited by the West German government to observe and study youth laws and the courts. Justice Rosenberger was appointed to the Supreme Court of the State of New York in 1977, and served as Presiding Justice of the Court's Extraordinary Special and Trial Term for investigation of corruption in the criminal justice system. He became an associate justice of the New York Supreme Court Appellate Division, First Department, in 1985, and sat on more than 15,000 criminal and civil appeals from the highest trial courts of New York before his retirement from the bench in 2004.

Currently, Justice Rosenberger is Of Counsel to Stroock & Stroock & Lavan LLP, where he focuses on domestic and international litigation, as well as arbitration, alternative and international dispute resolution, and mediation. He is Vice Chair of the Board of Trustees for New York Law School, where he has taught part time continuously since 1976.

Justice Rosenberger has received many honors and awards for his service in the legal profession, including the New York State Bar Association Award for Outstanding Work in the Field of Criminal Justice Education in 1980, awarded for the Criminal Justice Seminar he teaches at New York Law School. He has received the New York Law School Faculty Distinguished Service Certificate five times, and was the New York County Lawyers' Association's inaugural recipient of the Jack Newton Lerner Distinguished CLE Lecturer Award in 1998. Justice Rosenberger received the Benjamin Nathan Cardozo Award from the Jewish Lawyers' Guild in 2000, and the William J. Brennan Award from the New York State Association of Criminal Defense Lawyers in 2001. He was named one of New York's best judges by both *New York* magazine and the *Village Voice*.

New York Law School honors Justice Ernst H. Rosenberger for his inspiring leadership, his unswerving dedication to the rule of law and the rights of all people, and his devotion to teaching and to the legal profession. 



alumni events

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

For more information about these and other alumni events, visit www.nyls.edu/alumni.

January 31, 2008: Spotlight Luncheon on Real Estate II

On January 31, four successful alumni specializing in real estate returned to New York Law School to share insights about their careers with students and alumni. Featured speakers included Fredric H. Gould '60, Founder, Chairman of the Board, and General Partner, Gould Investors LP; Neil H. Kessner '82, Executive Vice President, General Counsel - Real Property, SL Green Realty Corp.; Ross F. Moskowitz '84, Administrative Partner, Stroock & Stroock & Lavan LLP; and Henry D. Ostberg '50, President and Principal Owner, Admar Group Inc.



January 31, 2008: New York State Bar Reception

Also on January 31, Dean Richard A. Matasar and the New York Law School Alumni Association hosted a reception for alumni and friends at the Marriott Marquis during the 2008 New York State Bar Association Annual Meeting. Special congratulations were extended to the Class of 2007 for its outstanding performance on the July 2007 New York bar exam. First-time takers achieved a record pass rate for New York Law School of 90.2 percent. More than 100 alumni and friends were in attendance.



February 7, 2008: Los Angeles Cocktail Reception

On February 7, the Office of Development and Alumni Relations hosted a reception for Los Angeles alumni and friends at Enoteca Drago restaurant in Beverly Hills. Guests had an opportunity to meet and reconnect with other alumni from the area and hear the latest news on the construction of the Law School's new state-of-the-art building from Dean Matasar.



February 14, 2008: Annual Scholars/Donors Luncheon

On February 14, approximately 125 student scholars, donors, trustees, and other members of the Law School community gathered in the Wellington Conference Center for the annual Scholars/Donors Luncheon. Every year, the luncheon provides an ideal venue for celebrating the generosity of donors and the potential of students, and enables donors to personally connect with the recipients of their scholarships. 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.



February 21, 2008: Harlan Fellows Reception

Bernard Goldberg '56 graciously hosted the John Marshall Harlan Fellowship Reception for approximately 70 alumni and friends at his gallery, Bernard Goldberg Fine Arts, LLC, on February 21. Donors who contribute \$1,000 (\$250 for recent graduates) or more to the Law School's Annual Fund are invited to attend a private Harlan Fellows cocktail reception. To find out more about becoming a Harlan Fellow, please contact Seth Rosen '99, Director of Major Gifts and Planned Giving, at 212.431.2169 or seth.rosen@nyls.edu.



March 3, 2008: U.S. Supreme Court Induction

Thirty-three New York Law School alumni were admitted to practice before the U.S. Supreme Court in an induction ceremony held on March 3 in Washington, D.C. The induction was held at the Supreme Court building, followed by a luncheon for D.C.-area alumni at Zola restaurant in the International Spy Museum. If you are interested in being placed on New York Law School's waiting list for the next group induction in May 2009, please contact Jimena Buitrago, Associate Director of Alumni Relations, at 212.431.2189 or jimena.buitrago@nyls.edu.




April 9, 2008: Dean's Council Dinner

On April 9, approximately 50 Dean's Council members and their guests had the opportunity to hear a roundtable of experts discuss "The State of Real Estate" during dinner at Cipriani's Rainbow Room in Rockefeller Center. Panelists included Professor Andrew R. Berman (moderator); Alvin Dworman '51, The Adco Group; Andrew S. Penson '84, Argent Ventures LLC; Norman J. Radow '81, The Radco Companies; Alan Schnurman '71, Zalman & Schnurman; and Professor Marshall Tracht.

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, Director of Major Gifts and Planned Giving, at 212.431.2169 or seth.rosen@nyls.edu.



May 1, 2008: Recent Graduates Event

The Recent Graduates Committee, representing members of the Classes of 2003 through 2007, convened at Mocca Lounge in TriBeCa on May 1 for a happy hour event. Approximately 45 recent graduates attended; some were even accompanied to the event by not-so-recently-graduated colleagues. The Recent Graduates Program sponsors seminars, social events, and other activities created especially for recent graduates. If you would like to join the Recent Graduates Committee, or have ideas for possible future activities, please write to alumni@nyls.edu. 



Careers in **Intellectual Property, Environmental Science, and Energy Conservation**

By Christine Pakkala

With law schools becoming increasingly competitive and the marketplace increasingly global, lawyers in the 21st century must find ways to distinguish themselves from the rest. To do that, many lawyers develop specialties by acquiring specific kinds of knowledge tailored to their clients' needs and professions. For example, practitioners of intellectual property law—the catch-all phrase that covers everything from patent to antitrust to copyright law—have to become experts in advertising, music, art, literature, pharmaceuticals, or medicine, to name just a sampling.

New York Law School graduates are doing just that: mastering other disciplines in combination with their rigorous legal education in order to best serve their clients. And many are immersing themselves in the dynamic disciplines of intellectual property, environmental science, and energy conservation. Some pick up their niche training on the job, while others get additional degrees to complement their legal training. Environmental lawyers, for example, must have training in environmental science in order to practice effectively. They must be able to collect and interpret data to advocate for clients or the public.

The alumni highlighted in the following pages are enjoying busy careers anchored by law but enriched by their knowledge of some of today's most innovative industries.

BRUCE A. COLBATH '85



It's a balmy August day in East Hampton, but don't look for Bruce A. Colbath '85 on the beach. Even at his summer destination, his phone has been ringing off the hook, and Colbath, a partner at Weil, Gotshal & Manges LLP in Manhattan, wouldn't have it any other way. Colbath, who has been with the firm since he graduated from law school, manages an enjoyably busy practice primarily devoted to litigation, focusing on antitrust, advertising, and related consumer class-action defense work.

A partner since 1997, Colbath has handled several actions before the Judicial Panel on Multidistrict Litigation, a body of the federal court system that allows multiple cases filed in federal courts to be coordinated or consolidated in one district court for pretrial purposes. These actions have addressed matters from a range of industries, including pharmaceuticals, apparel, consumer financial services, and cosmetics.

Colbath and his associates recently represented a pharmaceutical wholesaler that was charged, along with other wholesalers and pharmaceutical companies, with various alleged violations of federal antitrust laws. The case was brought as a class action by retail pharmacies that claimed certain practices of the defendant constituted price fixing or unlawful price discrimination. It was eventually tried with the defendants obtaining a directed verdict.

One case of Colbath's that has garnered recent media attention involves Airborne Health, a manufacturer of dietary supplements. A report on *Good Morning America* questioned the accuracy of Airborne's advertisements, which claimed that its vitamin and herb supplement could prevent colds and boost

the immune system. The unsubstantiated claims resulted in a class action lawsuit filed by consumers that was ultimately brought into federal court and settled for \$23.3 million. The court, says Colbath, just recently approved the settlement. In addition, the Federal Trade Commission launched its own investigation, which was recently resolved.

"There were a lot of moving pieces that needed to be settled," he notes. "I worked with people in our California office on coordinating the class action litigation with the regulatory matters. We also needed to coordinate with counsel for the other defendants. It was, and is, a very complicated process."

Antitrust litigation provides Colbath with an intensive immersion in each client's business operations. This experience is essential to effective defense and counseling, he says. Although quite content with his role as a lawyer, he's fascinated with the complexities of his clients' business operations.

"In every case, you find something interesting because you learn new business strategies and distribution strategies, and find new problems to solve. It's quite challenging, but really enjoyable."

Despite the intrigue of business, law is the perfect match for Colbath. "It's a difficult profession," he says, "but law school prepares you for it. For example, if you're in litigation, what you learn in Civil Procedure is used every day, just as what you learn in Evidence is essential to a legal practice."

At New York Law School, Colbath served as editor of the *Human Rights Law Journal*. It was an extracurricular experience he found vital to the practice of law.

"Writing is a key tool for lawyers," he notes. "Whether it is litigation or transactional work, whatever the legal discipline, excellent writing skills are essential. That's why our firm has placed so much emphasis on journal experience."

Despite his stellar career as a partner in one of New York's most prestigious firms, Colbath is disarmingly frank and refreshingly modest. When asked why he chose to work on the *Human Rights Law Journal*, he replies, "To be honest, I missed *Law Review* by one spot!"

ROBERT FREEMAN '55



The year was 1981, and Robert “Bob” Freeman ’55 was a world away from the revolutionary new business of energy conservation. At that point, Freeman had enjoyed a successful career as a corporate tax attorney and later as a real estate financier.

For Freeman, who lived happily with his wife and six children in Rye, New York, life could not have seemed more settled. But then he met someone at a business meeting who would change all that. David Dworsky asked Freeman to join him in a new venture—the relatively unexplored area of energy conservation.

“We instantly hit it off,” Freeman says. “We knew right away we would work well together.”

The idea behind the business they founded was to offer companies, government agencies, and military bases a “shared savings contract.”

“Our plan was to say we will save you a percentage of your energy bill by changing and maintaining the equipment in a particular building and split the savings. The client put in no money, but had an infinite rate of return.”

It was a great idea, and one developed five years before the government enacted the Shared Savings Act based on the same plan. But there was one problem: Dworsky lived in California and Freeman in New York. So the two struck a deal—whoever made the first sale would get to stay put, and the other person would have to relocate.

“He was first, so we packed up the six kids and moved out to California,” recalls Freeman from his office on Wilshire Boulevard in Santa Monica.

California proved to be the ideal location for the burgeoning business of energy conservation. With

the nation recovering from the shock of the first-ever oil shortage, California’s then-Governor Edmund “Jerry” Brown Jr. led the country in creating a state energy conservation policy. Freeman’s company, Co-Energy Group, joined the energy conservation movement as a developer and provider of third-party financing to demand-side management and energy conservation projects. Demand-side management of energy consumption requires a two-pronged approach: reducing the overall amount of energy used as well as the highest demand put on the utility.

“Energy use spikes at 9 a.m. and 5 p.m.,” explains Freeman. “But if you can reduce the spike, you reduce the need to invest in the infrastructure.”

Co-Energy Group’s projects include several on army bases. At Fort Polk in Louisiana, the company installed ground service heat pumps, replacing the more expensive and less efficient HVAC system previously in use. “The pumps use the ground as a sink. You pump 90-degree water into the ground, and it cools and comes out as 70-degree water.”

Co-Energy Group reduced energy consumption for another army base, Aliamanu Military Reservation in Oahu, Hawaii, by doing something familiar to Americans today: replacing 50,000 incandescent bulbs with low wattage/high lumens bulbs.

In addition to managing his company, Freeman was instrumental in the adoption of industry standards. He also promoted state laws allowing public sector performance contracting and shared savings agreements in California, Nevada, and Hawaii by testifying before state legislatures about his own experiences.

Freeman sold the company in 2000, but continues to manage two large projects, including the one at Fort Polk, where 36 employees maintain the original ground service pumps as well as the HVAC system at the fort.

Freeman attributes his success in part to his ability to connect to people from different backgrounds and ages. That ability was honed in the evening classes at New York Law School. “I was just married and had my first job,” he recalls. “I met people in the classroom from all walks of life. But no one treated me like a kid. Policemen, accountants, captains—it was a varied mix. But we all worked together. Law school was the great equalizer.”

MARK E. GARSCIA '84



Why did Mark E. Garscia '84, a civil engineer in Minnesota with a comfortable job, decide to start a new career as a patent lawyer? The answer lies in a serendipitous encounter on an airplane. Garscia [pronounced GAR-sha] was traveling from a visit home to Minnesota back to Flint, Michigan, where he was working as the project engineer on a Hyatt Regency Hotel under construction. Next to him sat a woman who started a conversation. When she learned that he was an engineer, she had some sage advice.

"She told me her son was an engineer and had become a patent lawyer, and 'was he ever doing great,'" Garscia recalls. "I will never forget that."

He also didn't overlook the fact that his girlfriend, now wife, had gone to New York to pursue a career in acting.

Another, more pragmatic reason that led Garscia to switch to law was a prior job he had at a company in charge of a waste water treatment plant in St. Paul. A dispute on change orders and cost overruns resulted in litigation.

"Somewhere along the line I got involved with reviewing the documentation," he says. "It involved business law and contract law." But it wasn't until years later, after Garscia learned about patent law, that he made the move from the Midwest to the Big Apple to pursue his law degree.

The career change paid off. Garscia is now a partner at Christie, Parker & Hale, LLP, a law firm in Pasadena, California, that specializes in intellectual property

law. His practice areas include patents, trademarks, copyright law, and unfair competition. Patent law is his primary focus. He currently chairs the Patent Office Affairs Committee for the ABA's Intellectual Property Law Section and is a board member of the Los Angeles County Bar Foundation.

Garscia may have left engineering behind as a career, but it is still at the heart of what he does as a patent lawyer. "Everyone needs to have an engineering or science background to practice before the Patent Office," he says. "Ninety-five percent of all patents involve some kind of engineering, whether it's mechanical, electrical, or otherwise." Each patent examiner, he explains, is also an engineer who has become an expert in a narrow field. (Garscia notes that Professor Beth Simone Noveck's Peer-to-Patent: Community Patent Review project is a great idea that helps expedite the patent review process by providing expert and cutting-edge information to the patent reviewer.)

During the first 12 years of his career as a patent lawyer, Garscia practiced both transactional patent work and litigation. After starting a family, he focused his practice entirely on the less travel-intensive transactional work. Garscia now writes patent applications and handles opinion work and other patentability issues, among other matters. His patent work focuses primarily on medical devices. One client seeks patents for implantable heart valves, while another is applying for spinal implant patents.

"A career in patent law is tough to beat. By definition, everything I see needs to be new. Working with inventors and research departments is exciting and rewarding, and clients are truly appreciative when a patent is issued protecting their inventions," he says.

Of his time at New York Law School, Garscia says, "There were two major times in my life when I developed a close group of friends. One was in high school, and the other was in law school. As a matter of fact, my daughter is currently visiting in France with the family of one of my New York Law School classmates."

DONNA BIRCH GERSTLE '04



Growing up on Staten Island, Donna Birch Gerstle '04 had a passion for science. While the other girls asked for Barbies for their birthdays, all Gerstle wanted was a chemistry set. Later, inspired by a college course called Man and the Environment, Gerstle focused her love of science on the environment. Now she is the Director of the Center for Environmental Science and the Environmental Science Masters Program at The College of Staten Island, a branch of the City University of New York. She's also a commissioner of the Interstate Environmental Commission.

As important as science has been to her life, Gerstle came to New York Law School because she realized that to do what she really wanted, a science-focused education just wasn't enough.

"Being in research, what I realized was that you can have the scientific results, but without the law behind you, you can't effect change. You have Factory A, B, C, and D, and they're all polluting. You have the evidence, but you don't know the law."

For Gerstle, a lifelong resident of Staten Island, that was simply unacceptable. Staten Island is "downwind from the largest petrochemical plant in the country" and home to the Fresh Kills landfill. The island has a "potpourri of environmental problems," she says, and even during Gerstle's childhood in the 1960s, the island's north shore was known to its residents as "Cancer Alley."

Gerstle has focused her research on environmental epidemiology. She investigates the link between pollution from industrial complexes on Staten Island and the Fresh Kills landfill and various cancers that proliferate in the borough, including lung and breast cancer.

"[Cancer research] has become my life's work. And the research shows that the longer you live on Staten Island, the greater chance you have of getting some kind of cancer."

Gerstle's research uncovered cancer death rates on Staten Island significantly higher than those in the rest of the city, state, and nation. As Gerstle investigated, she found many misdiagnosed cases of lung cancer that were actually breast cancer.

"When we were initially funded, we were only looking at men because lung cancer wasn't thought to be as prevalent in women," she says. But uncovering the misdiagnosed cases of breast cancer shifted Gerstle's research to the high breast cancer and subsequent mortality rates among Staten Island women. Professor Carlin Meyer, who teaches Family Law at New York Law School, also encouraged Gerstle to focus her research on women.

"In her course, I realized how underrepresented women and children are in court," Gerstle says. "I realized the same thing was true in research. Carlin was a wonderful teacher and remains a friend."

Recently Gerstle received a quarter of a million dollars in funding from various sources, including New York City Council Speaker Christine Quinn, City Councilman James S. Oddo '91, and New York State Senator Andrew Lanza.

With the research dollars, Gerstle will examine the chemical composition of the Fresh Kills landfill and the air on Staten Island that may lead to the development of breast cancer. She will also study the epidemiology of breast cancer and its distribution on Staten Island. Gerstle will launch an outreach and education program, modeled on the New York City Department of Health's outreach programs, to teach women about breast cancer and mammography, the routine screening for breast cancer. Although Staten Island women are educated, mammography and breast self-examination may not be part of the cultural norms, says Gerstle.

In addition to her research and outreach program, Gerstle will teach two graduate classes at the College of Staten Island—one on environmental law and another titled Environmental Science for Elementary School Teachers.

CLIFFORD A. ULRICH '96

Patent prosecution is the process of obtaining patent protection. For Clifford A. Ulrich '96, a patent lawyer in the New York office of Kenyon & Kenyon LLP, an intellectual property firm, the most significant challenge is to find an appropriate balance between an adequate scope of protection and the legal costs of obtaining protection. The evaluation of granted patents poses its own challenges, such as determining the scope or breadth of a patent; possible weaknesses—for example, in terms of validity; and compliance with procedural requirements for obtaining a patent.

"Patent attorneys tend to wear two hats concurrently," Ulrich says. "On the one hand, we are, of course, first and foremost, lawyers; on the other hand, we need to be able to communicate with clients, particularly technical personnel, on technical questions." A solid attorney-client relationship is fostered especially when it is clear to the client that Ulrich, as the patent attorney, fully understands the client's products or systems.

Among the devices that Ulrich has evaluated for patentability include surgical and other medical devices, automotive devices, industrial drive motors and gearing systems, pharmaceutical packaging, encoder and measurement systems, and X-ray diffraction devices.

Ease or difficulty in determining patentability are "always in flux," Ulrich says, especially following significant court decisions. For example, the Supreme Court's ruling in *KSR International v. Teleflex* found that the U.S. Court of Appeals for the Federal Circuit, which handles patent cases, had not applied a stringent enough standard in determining patentability. After court decisions are analyzed and interpreted, patentability determinations tend to become less difficult, he notes.

Ulrich had his first exposure to the patent system during his undergraduate studies at Case Western Reserve University. Among his favorite courses was one titled Creativity and Innovation in Engineering, which was taught by a prolific inventor. The course

covered the basics of patent and other intellectual property protection, among other topics, and local patent attorneys gave several lectures on patent protection. Although this sparked his interest in pursuing a career as a patent attorney, his main interests at the time were focused on the technical and engineering side.

Later, as a practicing design and manufacturing engineer, Ulrich again found himself dealing with patents and intellectual property, this time on behalf of his employer. It was this reintroduction to patents that prompted him to pursue a legal career as a patent attorney.

During law school, Ulrich distinguished himself by serving on the editorial board of the *Journal of International and Comparative Law*. "We, of course, live in a global economy, and it was the territorial nature and national and international aspects of patents and patent laws that drew me to the *Journal*," Ulrich says.

He also published a note related to the movement to harmonize the U.S. first-to-invent system with the first-to-file system. "The Patent Systems Harmonization Act of 1992: Conformity at What Price?" appeared in the *Journal* in 1997.

Although Ulrich—like a true patent attorney—says the impact of serving on the *Journal* and having his note published is "hard to quantify," he believes the experience "did have a positive aspect on my career." His involvement with the *Journal* helped to hone his writing skills, on which he has relied throughout his career at Kenyon & Kenyon.

Founded in 1879, Kenyon & Kenyon has offices in New York, Washington, D.C., and Silicon Valley. While Ulrich's practice focuses on medical and automotive devices, the firm also employs patent attorneys who specialize in technologies emerging from the fields of computer science, chemistry, chemical engineering, biology, and aerospace engineering, among others. [a](#)

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
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1908	1938	1968	1998
1909	1939	1969	1999
1910	1940	1970	2000

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

Class Notes

Compiled by Denise Tong

1966

Milton Pachter (J.S.D. '66) is an attorney for the Port Authority of New York and New Jersey. The American Bar Association's Section of State and Local Government Law and the Jefferson Fordham Society presented him with the Eleventh Annual Jefferson Fordham Lifetime Achievement Award in August 2008.

1979

Cary Cheifetz received the Saul Tischler Award from the New Jersey State Bar Association in May 2008. The award is the Association's highest recognition for a matrimonial attorney. Cheifetz is a principal at Ceconi & Cheifetz LLC in Summit, New Jersey.



Michael J. Stanton was listed in the Family Law section of New Jersey Super Lawyers 2008. He is certified as a matrimonial law attorney by the Supreme Court of New Jersey and practices at Norris McLaughlin & Marcus, PA in Somerville, New Jersey. (Norris McLaughlin & Marcus)

1981

Lainie R. Fastman was one of several female attorneys profiled in "Raising the Bar," an article in the March 23, 2008 edition of the *Staten Island Advance*. She is a partner at Hall & Hall, LLP in Staten Island, New York. (*Staten Island Advance*)

1982

David Cohen is Counsel to the Columbia County, New York Democratic Committee,

where he served as Election Commissioner from February through September 2008. He is a member of the Election Law Committee at the Association of the Bar of the City of New York.



Michael F. Schaff is a shareholder of Wilentz, Goldman & Spitzer, PA in Woodbridge, New Jersey. He is chair of the corporate and health care departments. Schaff has received the Middlesex County (New Jersey) Bar Association's Transactional Attorney of the Year Award, which is presented to a New Jersey Bar member who is a model of professional behavior in his or her respective area of practice. Schaff was also selected by *Chambers USA* to appear in its 2008 register of America's Leading Lawyers for Business. (Wilentz, Goldman & Spitzer)

1984

Eric Gurgold earned board certification in Wills, Trusts, and Estates from the Florida Bar. He is an associate at Henderson Franklin in Fort Myers, Florida. (Henderson Franklin)

1985



Nicholas F. Pellitta was honored in 2008 by the Rutgers University Department of Public Safety for 30 years of service to the Rutgers Police Department as the Assistant Prosecutor in the Middlesex County Prosecutor's Office. He also received the Golden Rule Award in May 2008 from the Character Education Committee of Hunterdon Central Regional High School in recognition

of his community service and his work on several community boards. He is a member of Norris McLaughlin & Marcus PA in Somerville, New Jersey, where he specializes in numerous litigation matters. (Norris McLaughlin & Marcus)

1987

Steven Klosk has been named President and Chief Executive Officer of Cambrex Corporation, a global life services company headquartered in East Rutherford, New Jersey. He is also a member of the Cambrex Corporation Board of Directors.

Matthew D. Semel is a professor of criminal justice at Sacred Heart University in Fairfield, Connecticut. Semel was accepted to the Foundation for the Defense of Democracies' Academic Fellows Program, which will allow him to tour Israel and confer with its top terrorism experts. He is working on a research project on military intelligence techniques. (*The Spectrum*)

1989



Neil A. Capobianco is a partner in the labor and employment department in the Manhattan office of Seyfarth Shaw LLP. (Seyfarth Shaw)

1990

James R. Hays is a member of the employment, labor, and benefits department in the Manhattan office of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, PC. (Mintz, Levin, Cohn, Ferris, Glovsky and Popeo)

Hugh McDonald is a partner in the bankruptcy and creditors' rights practice group at Thacher Proffitt & Wood LLP in Manhattan. (Thacher Proffitt & Wood)

1991

Christopher Kammerer is a shareholder and member of the litigation department in the West Palm Beach, Florida, office of Gunster, Yoakley & Stewart, PA. Kammerer practices complex commercial and securities litigation. (*The Palm Beach Post*)

Mary Ellen Tully has been re-elected President of the New Jersey State Bar Foundation for the second year. She is currently a partner at Rabinowitz, Lubetkin & Tully, LLC in Livingston, New Jersey. (www.MyCentralJersey.com)

1992

James Blank is a partner in the intellectual property practice group at Kaye Scholer LLP in Manhattan, where he focuses on patent litigation. He was previously a partner at Latham & Watkins LLP in its intellectual property and technology practice group. (*Intellectual Property Today*)

Darren M. Gelber is a shareholder with Wilentz, Goldman & Spitzer, PA and serves as co-chair of the criminal law/civil rights team in the firm's Woodbridge, New Jersey, office. Gelber was included on the 2008 Super Lawyers list in *Law & Politics* magazine. (Wilentz, Goldman & Spitzer)

Patricia Fuller McCandless is Of Counsel in the Austin, Texas, office of Greenberg Traurig, LLP. She practices insurance and regulatory law. (Greenberg Traurig)

1993

Adam Bergonzi is Chief Credit Officer at Syncora Guarantee Inc. (formerly XL Capital Assurance Inc.), a wholly-owned financial guarantee insurance subsidiary of Syncora Holdings Ltd. (formerly Security Capital Assurance Ltd.). He joined XL Capital Assurance in 2006 as a managing director. (Syncora Guarantee Inc.)

1996

Alaina Walls is Vice President and Account Executive at the Chicago office of Lockton Companies, LLC, the world's largest privately held insurance broker. (*The Earth Times*)

1997



Ann Schofield Baker is a principal at McKool Smith in Manhattan, where she heads the firm's national trademark litigation practice.

She has been featured in *The Washington Post* and on *60 Minutes* and CBS News for her pro bono representation of a victimized Somali woman who sought asylum in the United States. She was named a leading intellectual property litigator by *New York* magazine in its May 2008 "New York's Women Leaders in the Law" series. (McKool Smith)

1998

Scott Jalowayski is a partner in the private equity group at Ropes & Gray LLP in the firm's new Hong Kong office, which he helped launch. (Ropes & Gray)

Marion T.D. Lewis wrote *A Summer in Brooklyn, a Summer in Paris*, a humorous travel book comparing the two locales. Published by The Waterfall Press in 2008, the book is available for sale on www.lulu.com.

1999

Suzanne Ascher was one of several female attorneys profiled in "Raising the Bar," an article in the March 23, 2008 edition of the *Staten Island Advance*. She owns her own firm in Staten Island, specializing in tax law. (*Staten Island Advance*)

Michael Combs is a prosecutor in the McHenry County State's Attorney's Office in Illinois. He handles narcotics and special prosecution cases. (McHenry County State's Attorney's Office)

Kimberly Osorio was named Vice President of Content of the community-based Web site Global Grind in June 2008. The company is headquartered in Manhattan. (Global Grind)

Sam S. Rosen co-founded Rosen Law Group PLLC with his wife, Melissa Werger Rosen. He handles corporate, commercial, and IP law with an expertise in Internet companies. His wife's expertise is in immigration law. The firm has offices in Manhattan and Pleasantville, New York.

2000

Arthur A. Ayo-Aghimien II is the Senior Rule of Law Advisor for the United States Embassy's Office of Provincial Affairs in Iraq. As part of the Mosul Provincial Reconstruction Team in Nineveh Province, he is working to help restructure and build the capacity of the Iraqi judicial system.



Danielle J. Butler is a shareholder of Fowler White Burnett, PA and is an attorney in the admiralty and maritime practice

group in the firm's Fort Lauderdale, Florida, office. (Fowler White Burnett)

2001

Theodore F. Dimig was interviewed by *The Wall Street Transcript* in the article "Applying Behavior Finance to Investing" on April 21, 2008. He spoke about behavioral finance from the perspective of his position as Vice President of J.P. Morgan Investment Management Inc., and as a client portfolio manager in the company's U.S. Equity Group. (*The Wall Street Transcript*)

Songeeta Guha is a law analyst for the Office of the Citizenship and Immigration Services Ombudsman at the Department of Homeland Security in Washington, D.C. On March 6, 2008, Guha was on stage as a representative of her office for the Department of Homeland Security's fifth anniversary ceremony with keynote speaker President George W. Bush.

2002

Michael Gervasi is an associate with Russo, Scamardella & D'Amato, PC in Staten Island, New York. (Russo, Scamardella & D'Amato)

Richard Nedlin was profiled in "There's a New Prosecutor in Town," an article published in the April 20, 2008 edition of *The Aspen Times*. He discussed his post as Deputy District Attorney of Pitkin County, Colorado, which he was planning to assume in May 2008. (*The Aspen Times*)

David Williams is Vice President of Professional Lines Product Development in the Chicago office of Colony Insurance. (Colony Insurance)

2003

Karen Fleshman is Director of Policy and Grants Management at Year Up in Manhattan, an intensive training program that connects urban young adults to corporate careers in IT and finance.

Doug Henderson's article, "A Steadfast Friend Whose Manner Spoke of Royalty," originally published in *The New York Times* on February 6, 1994, has been reprinted in an undergraduate study guide at CUNY's Hostos Community College. The article, which pays tribute to tennis player Arthur Ashe, is included as part of a lesson on writing a letter to the editor.

Scott Shapiro is an associate at Cozen O'Connor in Manhattan, where he practices in the general litigation department. (dBusinessNews)

John Vavas is an associate in the real estate practice group of Thacher Proffitt & Wood LLP in Manhattan. (*The New York Times*)

Supna Zaidi is Assistant Director of Islamist Watch, a project of the Middle East Forum. She is Editor in Chief of *Muslim World Today* and Director of the Council for Democracy and Tolerance, a progressive Muslim think tank. She specializes in immigration and nationality law at Fahy Choi LLC, which has offices in New York and New Jersey. (www.MEForum.org)

2005

Katherine Dmochowski is an assistant district attorney at the Queens District Attorney's Office. She was sworn in on April 7, 2008, along with **Timothy Regan '06** and **Arthur Louissaint '08**. (*New York Daily News*)

Stephen Ginsberg is an associate in the litigation practice group of Moritt Hock Hamroff & Horowitz LLP in Manhattan.

2006

Timothy Regan is an assistant district attorney at the Queens District Attorney's Office. He was sworn in on April 7, 2008, along with **Katherine Dmochowski '05** and **Arthur Louissaint '08**. (*New York Daily News*)

2007


Kathryn Kerrigan is Executive Director of the Dumbo Improvement District in Brooklyn, New York. She previously served as Vice President of the Alliance for Downtown New York. (*Brooklyn Daily Eagle*)



Amanda Schmitt is an associate in the economic and project development practice area of Hiscock & Barclay, LLP in Syracuse, New York. (Hiscock & Barclay)

National Guard Captain Shawn Tabankin served as the Grand Marshal for the 2008 Memorial Day parade in White Plains, New York, hosted by the White Plains Jewish War Veterans. (www.LoHud.com)

2008

Arthur Louissaint is an assistant district attorney at the Queens District Attorney's Office. He was sworn in on April 7, 2008, along with **Katherine Dmochowski '05** and **Timothy Regan '06**. (*New York Daily News*) 

Jo Ann J. Brighton '89: A Model of Personal and Professional Strength

By Christine Pakkala



Looking at a photograph of the six beaming Brightons, it's impossible to guess that only three Junes ago, Jo Ann J. Brighton '89 almost lost three of them—her husband Joel and two eldest children—to a head-on car accident. A mother of four, a *magna cum laude* New York Law School graduate, and a bankruptcy lawyer at K&L Gates LLP in Charlotte, North Carolina, Brighton remembers that day as a pivotal one in her life. If she ever once doubted her decision to go part time to balance work and family, the car accident cemented her feeling that she had made the right choice.

On June 20, 2005, Brighton's husband Joel drove Casey, 11, and C.J., 9, to a summer camp up in the mountains. Jo Ann had no reason to believe anything had gone wrong until she got a phone call later that day.

"A woman called me and said she was C.J.'s nurse and that his helicopter had just arrived," Brighton recalls. "I had no idea what she was talking about." The nurse mistakenly believed that Jo Ann had already been told the news: A car had crossed the center line and hit her husband's car head-on just a few miles from the camp.

Many surgeries later, with some issues still ongoing, all members of the family are now in good health. In fact, they have recently returned from a family trip to Micronesia, where they helped missionaries run camps for teens and children for two weeks.

"We want to make the most of every day serving God," Brighton says. "Joel and I want to teach our children to understand that life is about serving others and not about what you can get."


Besides enabling Brighton to better balance work and family, part-time status brought her a unique accomplishment. In March 2008, Brighton became the first part-time bankruptcy lawyer to be inducted as a Fellow of the American College of Bankruptcy.

"It was an incredibly humbling experience. It was the first time a person who works part time was ever inducted into the College. I pride myself on that accomplishment because it shows me and other professionals that you can have a life and a career."

Brighton, who was named one of Charlotte's Top 25 Women in Business by the *Charlotte Business Journal* in July 2008, has published more than 65 articles in professional publications. She attributes much of her success to "very significant mentors in my career." These mentors include Karen Gross, her Contracts and Bankruptcy professor at New York Law School (now President of Southern Vermont College); Judge Judith Fitzgerald, U.S. Bankruptcy Court for the Western District of Pennsylvania; and David Sykes, former head of the bankruptcy department at Duane Morris LLP.

"I take the mentoring model very seriously. In this community, we need to help each other. Not just women helping other women, but older teaching younger, opening doors, sharing experiences, and imparting wisdom," Brighton says.

Brighton's practice focuses on financial restructuring, and her firm generally represents large lending institutions. While not directly involved in the subprime mortgage crisis, Brighton has been involved with "the fallout of the crisis," representing a number of banks that have loaned money to large construction projects now bankrupt. The ultimate goal, she says, is to either restructure debt out of court, or to come up with a plan that maximizes the return to creditors while allowing the debtor to restructure and emerge from bankruptcy with a plan that the bankruptcy court will bless.

"Essentially, we try to help our clients make the best of a bad situation," she says. Professionally and personally, that is something Brighton knows more than a little about. 

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IN MEMORIAM ALUMNI

Class of 1950 • **George Chiores** • March 29, 2008

Class of 1950 • **John E. Joyce Jr.** • July 19, 2008

Class of 1951 • **Hilda Susanna Dengler McGlew** • September 23, 2007

Class of 1953 • **LeRoy A. Kramer** • February 12, 2008

Class of 1980 • **Victor Hassine** • April 27, 2008

Class of 1990 • **Norman Robert Ferren** • March 25, 2008

Class of 2005 • **Maxmillian Finley** • April 30, 2008



Norman Robert Ferren '90

Norman Robert Ferren '90 died on March 25, 2008 in Calvary Hospital Hospice in the Bronx. He was 44 years old.

Ferren, who had lived in Manhattan since the early 1990s, worked for several years as an attorney for Lester Schwab Katz and Dwyer, LLP. Born and raised in Staten Island, he graduated from New Dorp High School and Wagner College before attending New York Law School. In college, he studied for a semester in Austria and was a member of the Theta Chi fraternity.

Ferren enjoyed skiing in the United States and abroad, as well as walking with his wife and dog in Central Park and around the Upper Delaware Valley in Pennsylvania. He is survived by his wife, Dawn; his son, William Louis; a brother, John; and three sisters, Madeleine Ferren, Carol Tunney, and Penny Degnon.



John E. Joyce Jr. '50

John E. Joyce Jr. '50 died on July 19, 2008 at his home in Stratford, Connecticut, at age 86. A Bronx native, he graduated from Fordham Preparatory School and Fordham University before attending New York Law School.

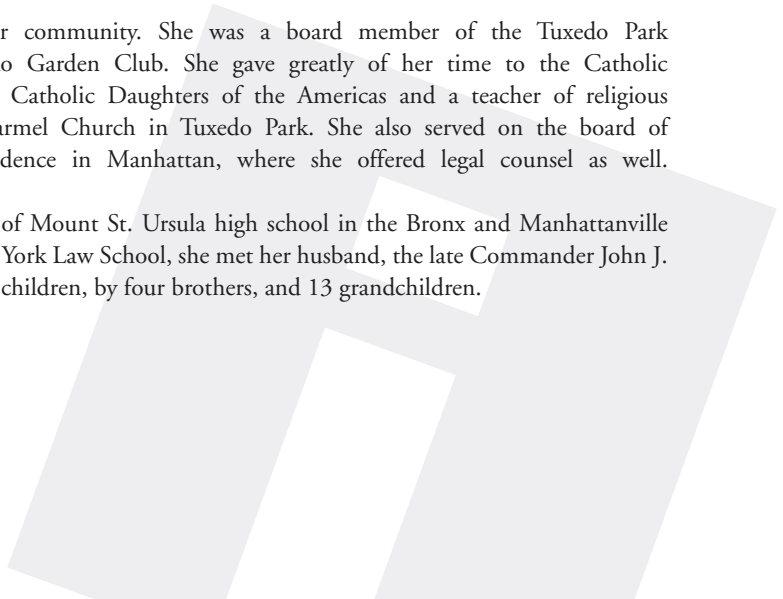
Joyce served in the U.S. Army in Russia and North Africa during World War II. Before his retirement, he was an attorney for the New York State Department of Insurance Liquidation. He is survived by his wife of 56 years, Marjorie McAuliffe Joyce; his three daughters, Marjorie, Jane, and Laura; and five grandchildren.

Hilda Susanna Dengler McGlew '51

Hilda Susanna Dengler McGlew '51 died on September 23, 2007 at her home in Tuxedo Park, New York, at the age of 80. She served as legal counsel for many years to the National Catholic Women's Union, which remembers her as "Mother of the Year."

McGlew was extremely active in her community. She was a board member of the Tuxedo Park Library and a member of the Tuxedo Garden Club. She gave greatly of her time to the Catholic Church as a longtime volunteer with Catholic Daughters of the Americas and a teacher of religious education at Our Lady of Mount Carmel Church in Tuxedo Park. She also served on the board of the Isabella House, an eldercare residence in Manhattan, where she offered legal counsel as well.

McGlew graduated from the Academy of Mount St. Ursula high school in the Bronx and Manhattanville College in Purchase, New York. At New York Law School, she met her husband, the late Commander John J. McGlew '51. She is survived by her five children, by four brothers, and 13 grandchildren.



ALBERT G. MILBANK, CLASS OF 1898

Accomplished Attorney and Philanthropist; Leader of Public Health Fund

Mr. Milbank is known as one of Princeton's most popular students. His college career has been one of continued successes. . . . At the end of his junior year he became manager of the [University Football Association]. He entered upon his office with the association in debt and a most disastrous season behind him. Under his judicious management the debt has been wiped out, and the most successful season ever experienced, from the financial point of view, has just closed. The old breach with Harvard has been healed during his administration, a thing which is a source of great gratification to Princeton students.

Albert G. Milbank, Class of 1898

Accomplished Attorney and Philanthropist; Leader of Public Health Fund

Albert Goodsell Milbank, who graduated from New York Law School in 1898, was a founder and name partner of the firm known today as Milbank, Tweed, Hadley & McCloy LLP. A high-achieving individual on multiple fronts—professional, philanthropic, and political—he first began to attract attention at Princeton University. In his senior year, he was elected President of the Class of 1896, an event which received coverage in *The New York Times*:

Mr. Milbank is known as one of Princeton's most popular students. His college career has been one of continued successes. . . . At the end of his junior year he became manager of the [University Football Association]. He entered upon his office with the association in debt and a most disastrous season behind it. Under his judicious management the debt has been wiped out, and the most successful season ever experienced, from the financial point of view, has just closed. The old breach with Harvard has been healed during his administration, a thing which is a source of great gratification to Princeton students.¹

Milbank started his law career in the offices of Masten & Nichols in New York City. The firm represented the Borden Company, which introduced condensed milk and was financed by Milbank's great-uncle, Jeremiah Milbank. Albert Milbank became the Borden Company's first Chairman of the Board in 1917 and would remain affiliated with the company for the rest of his life. His firm, Masten & Nichols, later merged with a firm named Murray, Aldrich & Webb to form Milbank, Tweed, Hope & Webb, of which he became Senior Partner.

The young attorney quickly attained a leadership position in nongovernment social welfare work in New York. In 1904, he joined the Board of the New York Association for Improving the Condition of the Poor. That year, the association undertook construction of the Milbank Public Baths on East 38th Street, named for Albert's older cousin, Elizabeth Milbank Anderson, the project's benefactor.

The following year, at Albert Milbank's suggestion, Anderson established a foundation to organize her philanthropy. The Memorial Fund Association—later renamed the Milbank Memorial Fund—was created in memory of Anderson's parents and was one of the earliest endowed foundations in the United States. Albert Milbank became an officer of the fund, which focused on public health, and served as its president for many years; he remained involved with the fund until his death. The fund still exists today, pursuing its declared mission to “broker practical knowledge to decision makers in health so that they can make more effective policy, especially for those people at the greatest risk of disease and death.”

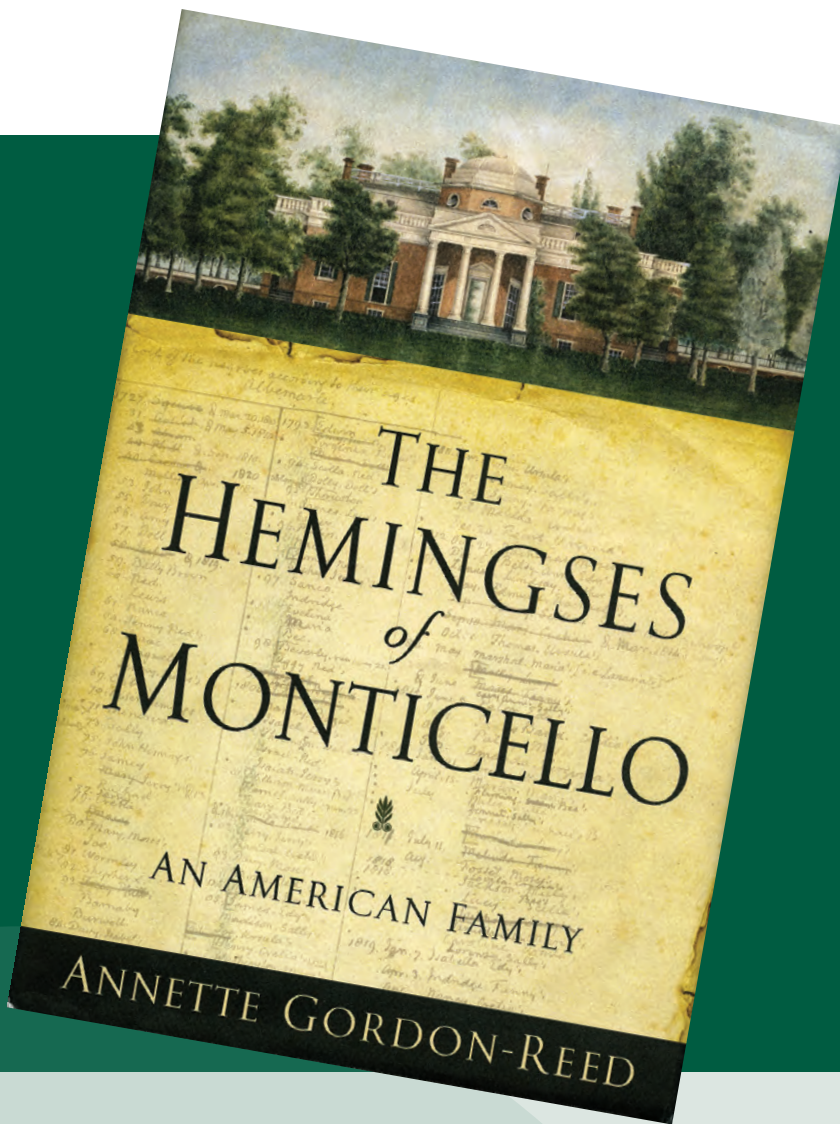
Politically a Republican, Milbank nevertheless supported some of the social reforms of the early New Deal. In 1933, at the annual dinner of the Milbank Memorial Fund, he declared his support for “compulsory, comprehensive, social insurance against illness, accident, unemployment, old age, and death.”

Milbank was a member of the Board of Directors of the Welfare Board of New York City and Greater New York, as well as of the New York War Fund and the National Institute of Social Science. He was also a trustee of Princeton University and of the Pierpont Morgan Library. In 1946, he received the first annual Award Medal of the Welfare Council for Distinguished Service to the Community.

Milbank owned an estate on Long Island Sound. In 1927, he joined with neighboring estate owners to incorporate the Village of Lloyd Harbor. Milbank was elected mayor of the community and reelected continuously until 1947, two years before his death. He died at his home in Lloyd Harbor in 1949 at age 76.

¹ *The New York Times*, “Popular at Princeton,” December 9, 1895.

PROFESSOR
ANNETTE
GORDON-REED
WINS
2008
NATIONAL
BOOK
AWARD
FOR
NONFICTION



On November 19, 2008, Professor Annette Gordon-Reed won the National Book Award for nonfiction for her latest book, *The Hemingses of Monticello: An American Family*, becoming the first African American woman to win the prize for nonfiction. The book chronicles the multigenerational history of a slave family owned by Thomas Jefferson. To learn more about the book, see the article on p. 29.

"In her new book Gordon-Reed has not abandoned her incisive legal approach to evidence, but here she has essentially become a historian, and a superb one."

—Gordon S. Wood, *The New Republic*

"*The Hemingses of Monticello* is a brilliant book. It marks the author as one of the most astute, insightful, and forthright historians of this generation."

—Edmund S. Morgan and Marie Morgan,
The New York Review of Books

"A riveting and compassionate family portrait that deserves to endure as a model of historical inquiry. In a field overcrowded with hagiographies of the Founding Fathers . . . this book stands dramatically apart for its searching intelligence and breadth of humane vision."

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