Record Attendance at Fourth Annual Saratoga Racing and Wagering Institute

The importance of New York State's gambling industry was underscored at the Government Law Center's Fourth Annual Saratoga Institute on Racing and Wagering Law held on August 3, 2004, at the Gideon Putnam Hotel in Saratoga Springs, New York. Gambling is currently a $4.1 billion dollar industry in New York State, and it has been projected to grow to $6.8 billion by 2008. Given the importance of the topic, a record number of participants—from nine states and Canada—attended the program which took place as the thoroughbred season at Saratoga got underway. While the topics largely focused on the state of horse racing in New York State and the nation, they also dealt with topics such as the legality of expanded gambling in New York and the issues of bias and fairness in administrative hearings.

One of the controversial topics examined at the program was the use of rebates in racing, an issue that is currently generating heated debate in the industry. Bets are placed at existing rebate shops—which are pari-mutuel locations located off-shore, on Indian reservations or in states with few regulations. These rebate shops operate much like a credit card rebate, offering from 4 percent to more than 10 percent back on every dollar wagered, win or lose. The practice is not illegal, and the savings can add up quickly for serious bettors. According to a recent New York Times article, figures show that in 1997, before rebate shops became prevalent, $12.5 billion was bet on horse racing held in the U.S. In 2003, more than $15 billion was wagered, a 20 percent increase. Controversial aspects explored include whether rebate shops siphon revenue from the racetracks and purses for horsemen, whether rebate shops are attracting new fans and business for racing, whether they present an unfair advantage for the "well financed" gamblers, and whether the practice changes racetrack betting from being a game of art and skill into a type of financial market for arbitrageurs.

The Saratoga program opened with a Special Pre-Institute Panel, "The Role of the Veterinarian at the Track," followed by morning discussions on "The State of Racing," "Rebates and Racing" and "Fighting Authority: Does Authority Always Win?" Concurrent afternoon breakout sessions examined "Torts on the Turf," "Legal and Policy Perspectives on New York Gaming," "Public Policy Perspectives on Achieving Greatness for Racing" and "Current Developments in New York Legislation and Regulation." Legendary NYRA commentator Harvey Pack delivered the luncheon address. Other participants included Dr. Jerry Bilinski, Former Chairman, New York State Racing and Wagering Board; Steve Bochnak, New York State Assembly; Cheryl Buley, Commissioner of the New York State Racing and Wagering Board; Raymond Casey, Esq., President, New York City OTB; J. Stephen Casscles, Esq., New York State Senate; Prof. Patrick Connors, Albany Law School; Steven Crist, Chairman and Publisher, Daily Racing Form; Paul Estok, Esq., Counsel, Harness Tracks of America; Joseph Faraldo, Esq., Chairman, United States Trotting Association; Alan Foreman, Esq., Chairman, Thoroughbred Horsemen's Association; Neil Getnick, Esq., Getnick and Getnick; Michael Hoblock, Esq., Chairman, New York State Racing and Wagering Board; Jeff Hooke, Executive Director, Maryland Tax Education Foundation; Mitchell Karlan, Esq., Gibson, Dunn and Crutcher; Bennett Liebman, Esq., Coordinator, Racing & Wagering Law Program, Albany Law School; Joe Lynch, New York State Racing and Wagering Board; Randy Mastro, Esq., Gibson, Dunn and Crutcher; Jim McAlpine, President and CEO, Magna Entertainment; Jon McCloskey, New York State Senate; Karen Murphy, Esq., Bonstrom & Murphy; Cornelius Murray, Esq., O'Connell and Aronowitz; William Nader, Senior Vice President, New York Racing Association; Dick Powell, Racing Consultant; Chris Scherf, Executive Vice-President, Thoroughbred Racing Associations; Joel Turner, Esq., Frost Brown Todd; and Maury Wolff, Racing Economist.

For information about the Annual Saratoga Institute on Racing and Wagering Law or the Racing and Wagering Law Program, contact Bennett Liebman (518/445-3263).
GLC Calendar of Events

Fall 2004

October 5
Careers in State Government
co-sponsored with Career Planning and Office of Alumni Affairs
4 p.m.

October 12
Careers in the State Legislature
co-sponsored with Career Planning and Office of Alumni Affairs
4 p.m.

October 23
Continuing Legal Education Program:
Belmont, Breakfast and CLE: What Every Race Horse Owner Needs to Know About the Law
8:30-11:00 a.m.
Belmont Park Race Track
Elmont, New York

November 5
Sandman Fellowship Invitational Roundtable:
The Future of Long-Term Care
9 a.m.-2 p.m.

November 6
Senior Citizens Law Day
and Nancy MSills ’76 Memorial Lecture
9 a.m.-4 p.m.

November 18
Edwin L. Crawford Memorial Lecture
featuring A. Kevin Crawford, Counsel, Association of Towns of the State of New York
4 p.m.

December 3
Invitational Roundtable: The State of Regionalism in New York; Lessons Learned and Opportunities for the Future
10:30 a.m.-3:30 p.m.

Coming in Spring 2005—
• Public Authority Reform
• Procurement Law
• Stem Cell Research Legislation

All events will take place at ALS unless otherwise noted.

From the Director

With the start of the new academic year, many new and exciting opportunities at Albany Law School involve the Government Law Center. This fall we are welcoming our first LL.M. student in government administration and regulation. Dean Thomas Guernsey has announced a search to fill two endowed faculty positions, including the President McKinley Chair in Public Interest Law. The faculty member recruited for this chair will also receive an appointment at the Government Law Center. We are pleased to welcome William Synder, Esq. who joins us as the first post-graduate Fellow in Law and Public Policy. As you will read in this newsletter, Bill has extensive government experience including fifteen years with the Department of Justice, most recently as an Assistant U.S. Attorney in Pittsburgh, PA. Over the summer we also welcomed Saul Seinberg, Esq., as the coordinator of Albany Law School’s Science and Technology Law Center. He has relocated to the Capital Region from Colorado and brings a wealth of experience from the private sector as well as a reservoir of ideas and energy.

Our Racing and Wagering Law and Policy Program literally took-off this summer with two major successful events including a benefit reception for the Program. The details are provided within the newsletter, as well as information about an October program at Belmont. Special thanks to the members of the Racing and Wagering Advisory Committee who continue to provide outstanding leadership and assistance. With the support of Frank Schnidman ’73, the Government Law Center was a cooperating sponsor of the popular annual ALI-ABA Land Use Institute in August, and at the end of August the Center presented a multi-day training for administrative law judges from all regional offices of the Department of Motor Vehicles.

This summer we benefited from an outstanding team of law students and pre-law students who conducted research on a wide range of topics setting the stage for a full year of programming from the Government Law Center. In the fall, A. Kevin Crawford, Esq. will present the annual Edwin L. Crawford Lecture on Municipal Law, this year focusing on the theme of home rule. Neal Lane, Acting Director of the NYS Office for the Aging, will deliver the Nancy M. Sills ’76 Memorial Lecture at Senior Citizens Law Day; we are facilitating a statewide roundtable on regionalism; and numerous alumni in government will participate in providing career planning advice to students interested in government law during programs this fall co-sponsored with Career Planning and the Alumni in Government Group.

As we begin planning for the spring 2005 semester, we welcome your thoughts on topics for the 2005 Warren Anderson Legislative Breakfast Seminar Series. As mentioned in the newsletter, we are working on a number of initiatives including stem cell research, procurement law and public authorities. Students have also been examining a variety of land use and environmental law topics including the use of the official map, vesting of property interests in land use decision-making, green development, environmental justice, ethics in land use, smart growth, geographic information systems, and encroachment and military bases. We look forward to sharing our findings in various forums over the next nine months.

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Home Rule to be Examined at Crawford Lecture

A. Kevin Crawford, Counsel to the Association of Towns of the State of New York and Executive Director of the New York Municipal Insurance Reciprocal, will present the 2004 Edwin L. Crawford Memorial Lecture on Municipal Law at 4 p.m. on November 18 in Room 200 at Albany Law School. The topic will be “Giving Life to Home Rule: The Case for the Local Law Powers of New York Local Governments.”

A. Kevin Crawford has been General Counsel to the Association of Towns of the State of New York since 1986. Prior to that, he served in the Counsel’s Office at the NYS Department of State and as an Attorney with the New York State Attorney General’s Office. Mr. Crawford received his B.S in Civil Engineering from Union College and his Juris Doctor from the New England School of Law in Boston, MA. He is a member of the American Bar Association and its Section of State and Local Government Law and the New York State Bar Association and its Municipal and Environmental Law Sections where he lectures extensively. Currently, Mr. Crawford serves on the New York Bar’s Committee on Attorneys in Public Service and as Vice Chair of the International Municipal Lawyers Association’s Litigation and Risk Management Section. In addition to his position as General Counsel at the Association of Towns, he was recently appointed as the first Executive Director of the New York Municipal Insurance Reciprocal (NYMIR), the State’s municipally owned (and largest) writer of property and casualty coverage.

The Crawford Lecture was established in 1996 to honor the memory of Edwin L. Crawford, former executive director of the New York State Association of Counties. The program promotes dialogue on important and timely issues affecting local governments. Previous lecturers were: former NYS Comptroller H. Carl McCall; former Budget Director Patricia Woodworth; Mayor William A. Johnson, Jr. of the City of Rochester; Dwight H. Merriam, Esq. of Robinson & Cole, LLP; Dan R. Bucks, Director of the Multistate Tax Commission; Professor Jerold S. Kayden of the Harvard University Graduate School of Design; Professor Robert H. Freilich, Professor Emeritus of the UMKC School of Law in Kansas City, MO; and Professor David L. Callies, University of Hawaii’s Richardson School of Law.

The Edwin L. Crawford Lecture on Municipal Law is made possible in part by a generous gift from Saratoga Associates and from donations from friends of Ed Crawford. It is free of charge and open to the public. For more information, contact the Government Law Center (518/445-2329).

Regional Planning Representatives to Convene at Invitational Roundtable

On December 3, representatives of regional planning organizations throughout New York, academics and state officials will sit down together to discuss regional planning in New York State. “The State of Regionalism in New York: Lessons Learned and Opportunities for the Future” will take place from 10:00 a.m. to 3:30 p.m. at Albany Law School. This session is hosted by the Government Law Center in cooperation with the Center for Policy Research of Rockefeller College.

The purpose of this program is to bring together for the first time the people who are making regionalism happen in New York, to explore and share lessons learned and best practices, and to identify areas that may be appropriate for further state government action. A professional facilitator will help to manage the process of information exchange at the meeting.

The invitational roundtable on regional planning will result in a working paper documenting the legislative reforms that need to be undertaken. For more information, contact the GLC (518/445-2329).

CLE Program at Belmont Park to Explore Legalities of Race Horse Ownership

The historic Belmont Park Race Track—third leg of the racing world’s famed Triple Crown—will be the site of a Government Law Center Continuing Legal Education (CLE) program this fall. “Belmont, Breakfast and CLE: What Every Race Horse Owner Needs to Know About the Law” will take place from 8:30-11 a.m. on Saturday, October 23 in the Jockeys’ Film Room at the Race Track which is located in Elmont, New York.

Program sessions will include discussions on “The Law of Syndication of Race Horses” taught by James Towne, Esq. of The Towne Law Offices; “Taxation of Race Horses” presented by Chris Wittstruck, Esq., Coordinator of the Racehorse Ownership Institute at Hofstra University, and Jay Lieberman; and “Jockey and Participant Advertising on the Track,” a panel discussion featuring Dan Metzger, President of the Thoroughbred Owners and Breeders Association, and representatives of race tracks and jockeys.

October 23 is “New York Showcase Day” at Belmont Park, featuring seven stakes races for New Yorkbred horses including the $250,000 Empire Classic.

“Belmont, Breakfast and CLE” is being presented by the Government Law Center Program on Racing and Wagering Law. Participants can receive 2-1/2 hours of CLE credit. To receive a brochure or to register for the course, call 518/445-3263.
Research Underway to Culminate in Three Significant Programs in Spring 2005

This past summer, the Government Law Center began conducting research on three topics of critical importance which will result in major conferences/seminars to take place in the spring of 2005. Reform of New York’s public authorities, the state’s procurement law, and stem cell research legislation will each be the topic of a full day forum. Background information gathered by several students working at the GLC will be instrumental in developing the programs. A brief overview of each of the conference topics is listed below. To place your name on a mailing list for additional program information, contact the GLC (518/445-2329).

Reform of New York’s Public Authorities

A conference on reform of New York’s public authorities will examine the functions of public authorities and ways to ensure that authorities are efficient, ethical and accountable in their performance. The more than 640 public authorities in New York today play a fundamental role in the economic development, infrastructure improvement, transportation operation, and other areas of importance throughout the State. Building and expanding our transportation systems and public universities, among many other projects, depend upon these entities for their completion.

Though created by the State, public authorities are subject to neither the State Constitutional limits on the incurring of debt nor the legislative budget approval process. They vary in their degree of fiscal autonomy from the State. Some public authorities are completely self-supporting while others rely on State grants to fund their operations.

Currently, public authorities account for approximately 90% of the debt burden in New York State. The lack of sufficient oversight has led to other problems at several authorities, including allegations of waste, fraud and mismanagement. For example, the New York Racing Association is under federal indictment for fraud, and the Metropolitan Transportation Authority came under fire for allegedly keeping two sets of financial records to hide a budget surplus.

The offices of the Governor, Comptroller, and Attorney General have all contributed to the recent bipartisan efforts to improve the governance of the State’s public authorities. Governor George E. Pataki’s Millstein Commission has developed recommendations that will improve accountability and public oversight. State Comptroller Alan G. Hevesi and Attorney General Eliot Spitzer have put forth legislation calling for various reforms. In addition, a 40-member coalition of government, advocacy groups, business, and labor has been formed to work toward this shared interest.

State Procurement Law

A conference facilitating a review of New York State’s procurement law will examine the current procurement procedure and discuss options for reform of the statute which is scheduled to sunset in 2005.

The Procurement Stewardship Act (SFL Article 11) was enacted in 1995 to consolidate, codify and update the procurement laws of New York State. The statute seeks to safeguard against favoritism and fraud while encouraging fair competition in the procurement process.

The procurement of goods and services is a critical function that all state agencies and local governments utilize in order to meet their programmatic responsibilities. The Procurement Stewardship Act dramatically changed the overall framework for purchasing in the state. For example, since 1995, technology has significantly changed the methods by which agencies can procure goods and services.

The conference will bring together representatives from each of the various government entities involved in the procurement process as well as representatives from the private sector to examine how procurement procedures might be made more efficient in light of new state administrative, operational and technological considerations.

Stem Cell Research Legislation

A national conference will provide an analysis of the scientific background, ethical concerns, and current and proposed state and federal legislation introduced on stem cell research across the country.

The death of former President Ronald Reagan earlier this year from Alzheimer’s, and Nancy Reagan’s ardent support of expanded stem cell research, has focused the national spotlight on stem cell legislation. Medical discoveries from stem cell research might lead to treatments and cures for diabetes, Parkinson’s, cancer and a host of other diseases that currently affect more than 100 million Americans.

In 2001, President Bush signed an executive order limiting federal research funding for stem cell research to 78 embryonic stem cell lines that exist. Many of those stem cell lines have since become unusable to researchers, and an increasing number of states are introducing legislation to authorize additional stem cell research. California and New Jersey have passed laws authorizing stem cell research, and New Jersey passed legislation in May to create the country’s first state-supported stem cell research facility. In November, Californians will vote on whether or not to provide scientists in their state with $3 billion for stem cell research.

GLC NEWSLETTER

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The Government Law Center, in partnership with public television station WMHT, produced a historic roundtable discussion on the process of state policymaking on June 21. Hosted by attorney and moderator Lawrence Malone ’73, “Inside the Inner Circle” featured former advisors to New York State’s last five Governors, utilizing hypothetical situations to shed light on how the Executive Chamber develops and implements policy initiatives. The production was underwritten in part by the Verizon Foundation.

The 90-minute production used a hypothetical proposal that would discourage purchases of SUVs to illustrate the legal, policy and political nuances that are instrumental to most policy initiatives. The discussion centered on an administration’s deliberative process, the dynamic between a Governor and his inner circle and how that inner circle recommends action to the Governor. It also explored the interplay between the inner circle and interested parties during the rule-making process as well as interactions between a Governor’s advisors and agency heads. Additionally, the program looked at the considerations that go into how a policy initiative is presented to the public.

The Roundtable participants, all of whom were former members of the Executive Branch “inner circle”, included: Michael Whiteman, former Counsel to Governors Nelson Rockefeller and Malcolm Wilson; Howard Shapiro, former First Assistant Counsel to Governor Nelson Rockefeller; Paul Gioia, former assistant Counsel to Governor Nelson Rockefeller; first assistant Counsel to Governor Hugh Carey and head of the Public Service Commission under Governor Mario Cuomo; Judah Gribetz, former Counsel to Governor Hugh Carey; Gerald Crotty, former Secretary and Counsel to Governor Mario Cuomo; Mary Ann Crotty, former Director of State Operations for Governor Mario Cuomo; Ethan Riegelhaupt, former policy and speech advisor for Governor Mario Cuomo; James McGuire, former Counsel to Governor George Pataki; Robert Bellafiore, former Press Secretary to Governor George Pataki; Kathy Bennett, former Counsel to the New York State Department of Motor Vehicles; and Stephen Morgan, former Executive Director of the New York State Thruway Authority.

For more information about the program or to purchase a DVD, contact the Government Law Center (518/445-2329).

William C. Snyder, former Assistant U.S. Attorney for the Western District of Pennsylvania and for the District of Columbia, has been selected to participate in the new Post-Graduate Fellowship in Government Law and Policy established at ALS this fall. The program, offered by the Government Law Center, provides an opportunity for an experienced government attorney to perform research on public policy reform issues, oversee the production of substantive studies and reports, mentor law students, and provide general legal assistance for Center related programs and initiatives.

Mr. Snyder has fifteen years of experience as an attorney for the United States government. As Assistant United States Attorney for the Western District of Pennsylvania, he prosecuted the largest criminal case in the history of the district while assigned as legal counsel to the Greater Pittsburgh Violent Crimes/Gang Task Force. He conducted intelligence investigations and emergency planning while assigned to the Anti-Terrorism Task Force, and served as the district’s Crisis Response Manager. Mr. Snyder previously served as an Assistant United States Attorney for the District of Columbia and as Assistant to the Attorney General of the United States. Prior to becoming an attorney, he served in the administration of Pennsylvania Governor Dick Thornburgh.

Mr. Snyder is a magna cum laude graduate of Cornell Law School, a cum laude graduate of Yale University, and a graduate of The Hill School in Pennsylvania where he received awards in English, History, Theology and Philosophy.

The Fellowship has been awarded for a ten-month period beginning in September 2004.
Program Teaches Businesses How to Sell Technology Services to the State

More than a hundred business representatives attended a full-day seminar on procurement law for businesses selling information technology (IT) to New York State at Albany Law School on May 25. “Selling IT to New York State,” was presented by the Government Law Center in conjunction with The NYS Forum of the Rockefeller Institute of Government, Business Council of New York State, Inc., and NYS Office of General Services Procurement Services Group.

The program was targeted to businesses offering IT-related products and services in New York State and provided in-depth information on contracting to perform information technology-related business, particularly for those corporations that do not currently hold State contracts.

Welcoming remarks were provided by GLC Director Patricia Salkin and Gregory Benson, Executive Director of The NYS Forum of the Rockefeller Institute of Government. Paula Moskowitz, Former Director of the Procurement Services Group for the NYS OGS, provided an overview on contracting basics. This was followed by an overview of Executive Order 127, which provides for additional state procurement disclosure, presented by Lisa Fox ‘84, Senior Attorney at the NYS OGS. The oversight and procurement role of OFT and the NYS CIO was examined by Susan Zeronda, Deputy Director of the NYS Office of Technology. Walt Bikowitz, Director of the Procurement Services Group for the NYS OGS, discussed the agency’s contracting program. Sylvia Casper, Barbara Henderson, and Karen Fowler, Team Leaders for OGS’s Procurement Services Group, taught concurrent sessions in the afternoon on providing vendors with an understanding of the qualifying steps for backdrop contracts, the continuous recruitment process for negotiating contracts directly, and how New York contracts for networking and telecommunication products.

An encore presentation of the program is being planned for downstate New York in January 2005. For more information, including date and location, contact the Government Law Center (518/445-2329).

Majority Leader Bruno Honored at Inaugural Racing Law and Policy Reception

Albany Law School honored Joseph L. Bruno, Majority Leader of the New York State Senate, on July 29 at a reception at the Reading Room in Saratoga Springs, New York. Senator Bruno was recognized for his outstanding contributions to racing law and policy in the State, including his significant efforts toward economic development of the racing industry.

Harry L. Robinson ’65, Chairman of the Albany Law School Board of Trustees, chaired the event. Entertainer David Cassidy was a special guest at the reception. A racing enthusiast, Mr. Cassidy owns several thoroughbred horses that race at tracks around the country, and he emphasized in his remarks how important the New York racing industry is to him and to the sport. GLC Advisory Board Chairman and ALS Trustee William E. Redmond delivered remarks as did Dr. Jerry Bilinski and Mary Ann McGinn, Esq., who co-chair the GLC’s Racing and Wagering Law Program Committee.

Special thanks to the following event contributors: Jerry Bilinski, DVM; Blue Chip Farm; Citigroup Global Market; Crane & Vaccio, LLC; First Albany Capital; Jeffrey Gural; James T. Towne Jr., Esq.; TrackPower Inc.; Bert Trombly; New York Thoroughbred Horsemen Association; Jerry A. Weiss, Esq.; and Wilson Elser Moskowitz Edelman & Dicker LLP. Sponsors were Michael A. Avella, Esq.; Patricia Brown, Gary Contessa; Raymond J. Kinley Jr.; Patricia Lynch Associates; Mary Ann McGinn, Esq.; William C. MacMillen Jr., Esq.; John R. Mineaux, Esq.; E. Guy Roefer, Esq.; and Bruce Tanski. Friends included Hon. Neil D. Breslin, NYS Senate; Hon. Michael J. Hoblock ’67, Chairman of the NYS Racing and Wagering Commission; Hon. Gerald D. Jennings, Mayor of Albany; and Hon. Brian U. Stratton, Mayor of Schenectady.

Proceeds of the Inaugural Reception benefitted the Racing and Wagering Law Program at the Government Law Center, which increases public awareness and serves as an educational resource about significant public policy issues affecting racing and wagering in New York State.
2004 Senior Law Day Focuses on Caring for Aging Parents

Workshops scheduled, and Head of State's Aging Department to Deliver Annual Nancy M. Sills ’76 Memorial Lecture

A series of new workshops aimed at the variety of difficult issues children may face as their parents age will be included in this year’s Senior Citizens’ Law Day program. Seminars will provide adult children with strategies on how to handle issues, such as driving and continuing to live at home, as well as how to cope with the stresses of being a care giver. The eleventh annual event will take place from 9 a.m. to 4 p.m. on November 6 at Albany Law School.

Neal E. Lane, Acting Director of the New York State Office for the Aging, will deliver the second annual Nancy M. Sills ’76 Memorial Lecture, established at the 2003 event in memory of Nancy M. Sills, a Law Day speaker and prominent and respected member of the local legal community.

The event will include a town hall-style meeting focusing on caring for aging parents. During this hour-long segment, attorneys and other experts will address questions on care giving issues posed by members of the audience.

The program will provide workshops on topics of concern to older adults and their families such as Medicare, Medicaid, health care proxies, wills, retirement planning, trusts, prepaying for funerals, and choosing a nursing home.

Senior Citizens’ Law Day is free and open to the public through the generous sponsorship of many businesses and organizations including Blue Shield of Northeastern New York, CSEA, Inc., Child’s Nursing Home, KeyBank, and NY SBA Elder Law Section. Albany County, the City of Albany, and the Office of NYS Senator Neil Breslin also provide support for the program. A complimentary handbook prepared by the Government Law Center containing answers to the most frequently asked questions will be given to attendees, with printing courtesy of Senior Services of Albany. vans provided courtesy of Senior Services of Albany will shuttle attendees from the parking lot to the building entrance. EMTs from the City of Albany Department of Fire and Emergency Services will provide free blood pressure screenings. Students from the Albany College of Pharmacy will offer information and show a video on cardiovascular health and fitness.

Contact the GLC (518/445-2329) for a free brochure and schedule for Senior Citizens’ Law Day.

Alumni to Participate in Career Programs Providing Law Students with Information on Government Jobs

This fall, alumni working in government will participate in an ALS initiative to provide students with practical information on public sector careers. The 2004 Government Careers Program Series will feature separate panels of alumni talking about “Careers in State Government” at 4 p.m. on October 5th and “Careers in the Legislature” at 4 p.m. on October 12th at Albany Law School. Co-hosted by the Government Law Center, Career Planning and the Office of Alumni Affairs, participants will provide an insider’s view on government service, explaining how they obtained their positions and the pros and cons of their careers. The frank and informal discussions are an excellent opportunity for students to network with alumni and to make well-informed choices about working in the public sector.

For more information about the Government Career Program Series, contact Career Planning (518/445-2332).

GLC-Coordinates Statewide Focus Groups Recommend How to Increase Voter Confidence in Judicial Election Process

This past spring, the Government Law Center arranged meetings in nine counties throughout the state to gather ideas from citizens on how to achieve a better informed electorate in judicial races and how to increase voter participation in judicial elections in New York. The project was undertaken at the request of the New York State Commission to Promote Public Confidence in Judicial Elections, empaneled by Chief Judge Judith S. Kaye to analyze the reasons for declining public confidence in New York’s judicial election process indicated by recent polls of voters and judges. GLC Director Patricia Salkin serves as Vice-Chair of the Commission.

Host organizations provided meeting sites and identified participants for the statewide focus groups. Participants had to be active in the community, reflect the diversity of the community, and not be party officials or active in the judicial selection process. The organizations hosting the meetings were the Nassau County Bar Association (Mineola), Fordham Law School at the Manhattan Center, Syracuse University Continuing Education (Syracuse), Oneida County Bar Association/SUNY IT (Utica), Monroe County Bar Association (Rochester), Rural Law Center (Plattsburgh), Albany Law School (Albany), SUNY Purchase (Purchase), and SUNY Downstate Medical Center (Brooklyn).

A report issued by the Commission in June 2004, including the results and recommendations of the focus groups, proposed a package of major reforms to reaffirm public trust and promote ethical and dignified judicial campaigns. The series of sweeping measures includes judicial retention elections, state-sponsored independent screening panels for judicial candidates, public financing of judges’ election campaigns and public access to candidates’ campaign finance information via the Internet. The reforms address challenges to public confidence in judicial elections occurring not just in certain regions of the state, but throughout New York.

ALS students Lavonda Collins ’04 and Kyle McCauley ’05, and Siena College Fellow Ryann Callahan and Shontell Smith assisted with the GLC’s research for the Commission.

The report of the Commission to Promote Public Confidence in Judicial Elections is available online at www.nycourts.gov/press. For more information, contact the GLC (518/445-2329).
GLC Cooperates with American Law Institute—American Bar Association to Present Twentieth Annual Land Use Conference in Boston, MA

The American Law Institute—American Bar Association (ALI-ABA) held its twentieth annual Land Use Institute on August 26-28 in Boston, Massachusetts. The program was sponsored by the Center for Urban and Environmental Solutions of Florida Atlantic University, with the cooperation of the Government Law Center. More than 125 people attended the program which was designed to provide an effective and efficient review of current issues in land use for attorneys, planners, public officials, developers, and academics.

Professor Daniel Mandelker, Washington University School of Law, delivered the faculty keynote address on “Planning and Zoning: Do They Have a Future?” This year the second annual “Women in Land Use Law Networking Lunch” took place hosted by Virginia Albrecht, Hunton & Williams LLP; Wendie Kellington, Lake Oswego, Oregon; and GLC Director Patricia Salkin. Approximately 30 women attorneys who practice land use law from across the country attended the luncheon.

Conference topics included an update on planning, land use, and eminent domain decisions; using federal laws and regulations to control local land use; update on homeland security; ethical considerations for the land use practitioner and governmental lawyer; organizing support for a project; and discretionary review. Concurrent sessions were held on workforce housing, mixed-use districts, storm water and water supply, the APA Growing Smart Legislative Guidebook, First Amendment issues, “Green Development” issues, the U.S. Supreme Court and the “Taking Issue,” redevelopment, unified development codes, and vested rights.

Frank Schnidman ’73, Senior Fellow at the Center for Urban and Environmental Solutions of Florida Atlantic University (Fort Lauderdale, Florida) served as the Planning Chair and Gideon Kanner, Professor Emeritus of Loyola Law School, served as Co-chair.

Faculty included: Virginia S. Albrecht, Hunton & Williams LLP, Washington, D.C.; Gus Bauman, Beveridge & Diamond, P.C., Washington, D.C.; Michael M. Berger, Berger & Norton, A Law Corporation, Los Angeles; John J. Delaney, Linowes and Blocher LLP, Bethesda, Maryland; Robert H. Freilich, Freilich, Leitner & Carlisle, Kansas City, Missouri; Wendie L. Kellington, Lake Oswego, Oregon; Daniel R. Mandelker, Howard A. Stamper Professor of Law, Washington University School of Law, St. Louis; Robert I. McMurry, Paul, Hastings, Janofsky & Walker LLP, Los Angeles; Dwight H. Merriam, Robinson & Cole LLP, Hartford, Connecticut; Patricia E. Salkin, Associate Dean, Professor, and Director, Government Law Center, Albany Law School, Union University, Albany, New York; Theodore C. Taub, Shumaker, Loop, & Kendrick LLP, Tampa; and Rufus C. Young, Jr., Burke, Williams & Sorensen, LLP, San Diego.

The 2005 Land Use Institute will be held on August 25-27 at the Hotel Del Coronado in San Diego, California.

Public Policy Challenges Addressed at Anderson Legislative Seminars

The Warren M. Anderson Legislative Breakfast Seminar Series is named in honor of former Senate majority leader Warren Anderson who is a graduate of Albany Law School and a member of the GLC Advisory Board. The 2004 program was made possible by AIA New York State, Inc.; The Civil Service Employees Association, Inc.; The Energy Association of New York State, Inc.; Hinman, Howard & Kattell; Hinman, Straub, Pigors & Manning, P.C.; New York Life Insurance Company; New York State United Teachers; and Wilson, Elser, Moskowitz, Edelman & Dicker.

Bennett Liebman, Esq., Coordinator of the GLC’s Racing and Wagering Law Program, spoke on the current state of racing at the opening program on February 24. Higher education was addressed by Barbara Bowen, President of the Professional Staff Congress; SUNY Chancellor Robert L. King; and Abraham M. Lackman, President of the Commission on Independent Colleges and Universities, in the March 16 discussion moderated by GLC Advisory Board member B. J. Costello III, Esq.; 72 of Hinman, Straub, Pigors & Manning. Daniel Kinley, Executive Director of the New York State Commission on Education Reform, examined the financing of public education on April 20. Barbara S. Brenner, Esq.; 78 of Couch White, LLP moderated the May 4 panel on energy issues in the wake of the August 2004 blackout which featured William J. Museler, President & CEO of the New York Independent System Operator; Howard Shapiro, Esq., President & CEO of the Energy Association of New York State; Peter R. Smith, President of NYSERDA; Mark S. Sperry, Chief Marketing Officer for Plug Power Inc.; NYS Assemblyman Paul D. Tonko; and NYS Senator James W. Wright.

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The Warren M. Anderson Legislative Breakfast Seminar Series drew sizable crowds, including many state lawmakers, to the NYS Capitol during the first half of the year. Presented by the GLC and co-hosted by the legislative leadership, the programs examined four priority issues on state government’s 2004 agenda.

NYS Assemblyman Paul D. Tonko, and NYS Senator James W. Wright address energy issues at May 2004 Anderson Seminar
Gaming Issues and Corporate Responsibility Examined in Latest Editions of Journal

The Fall 2004 edition of the Government, Law and Policy Journal explores a number of legal and policy issues about gaming currently facing New York State. At a time when the State is undergoing an unprecedented expansion of legalized gambling, the articles provide insight on a number of topics of interest including: the constitutionality of gambling legislation, the outlook for Indian casinos, and funding treatment programs for problem gamblers. Bennett Liebman, Esq., Coordinator of the GLC’s Racing and Wagering Law Program, co-authored an article with ALS student Abigail Nitka ’05 entitled “Legislative Intent and the NYRA Racing Properties.” Sara LeCain, Class of ’04, contributed an article on an overview of trainer responsibility rules.

Corporate accountability in the wake of the Enron, Arthur Anderson and other “big business” scandals was the theme of the Spring 2004 issue of the Journal. The contributors include New York State’s Attorney General; Consumer Program Director for the U.S. Public Interest Research Group; former Principal Deputy Assistant Attorney General in the U.S. Department of Justice, Antitrust Division, and many other prominent writers.

Professor Vincent Bonventre of Albany Law School is the Journal’s Editor-in-Chief. Rose Mary K. Bailly of the Government Law Center serves as Associate Editor. Ilana A. Eck ’04 is Executive Editor. ALS students Cynthia H. Beaudoin ’04, Kerry A. Delaney ’04, Sarah K. Delaney ’04, Jennifer E. Moffett ’04, and Jill K. Van Borstel ’04 are Senior Editors. ALS students Jessica Blain-Lewis ’05, Kimberly C. Petillo ’05 and Dana L. Salazar ’05 comprise the rest of the student editorial board.

The Government Law and Policy Journal is a publication of the NYSBA Committee on Attorneys in Public Service and is produced by the Government Law Center. It is available free of charge to NYSBA members. To get on the mailing list, call the membership office (518/487-5577) or email (membership@nysba.org).

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Articles and Authors

Attention Enablers: Racing Drug Intervention Imminent
by Cheryl Buley

The Battle Over Indian Casino Gambling in New York: A War Opponents Cannot Win
by Randy M. Mastro and Anthony J. Mahajan

Legislative Intent and the NYRA Racing Properties
by Bennett Liebman and Abigail Nitka ’05

Advising the Charitable Client: Bingo and Games of Chance
by Heather Bennett

What’s Good for the Goose, is Good for the Trotter?
by Chris E. Wittstruck, Esq.

Case Challenges Constitutionality of Gambling in New York
by Cornelius D. Murray, Esq.

The Relationship Between the State of New York and the Issue of Problem Gambling: The Need to Fully Fund and Expand Existing Compulsive Gambling Programs
by James Maney and Mariangela Milea

A Review of Trainer Responsibility Rules
by Sara LeCain ’04

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Spring 2004 Government Law and Policy Journal—Corporate Accountability

Articles and Authors

Preemption of State Consumer Laws: Federal Interference Is a Market Failure
by Edmund Mierzwinski

Federal Efforts to Curtail State Protection of Consumer Interests
by Eliot Spitzer

Antitrust Compliance in a Federal/State Environment
by Deborah Platt Majoras

Corporate Standards and Financial Regulations: State or Federal Function?
by J. Stephen Casscles

Adelphia Communications: Were It a New York Company, Might It Still Be in Business?
by Mark L. Gardner

Sentencing Guidelines: An Incentive for Organizational Ethics
by Stuart C. Gilman

Individual Responsibility and the Sarbanes-Oxley Act
by John R. Boatright

Don’t Tell Anyone (Our Confidentiality Rules Are Changing)
by Steven C. Krane
Long Island Officials Address Rift in State-Local Relationship and Consequences of Unfunded Mandates

Nassau County Executive Thomas R. Suozzi and Kevin S. Law, Chief Deputy County Executive and General Counsel for Suffolk County, were the featured speakers at the Government Law Center’s William B. Sanders Law and Public Policy Luncheon Forum on May 7 at the Union League Club in New York City. They spoke on the current relationship between state government and local government, particularly the fiscal consequences faced by municipalities which must pay for the required, but unfunded, services passed by the state.

Mr. Suozzi, former Mayor of the City of Glen Cove, has been an outspoken critic of the current situation in New York where the cost for popular programs such as Medicaid is shifted to local governments resulting in property tax increases to pay the bill.

In his current position, Mr. Law has direct oversight of more than 12,000 Suffolk County employees and a $2 billion budget. He previously was the managing partner of the Long Island office of Nixon Peabody LLP and the Director of Real Estate for the Suffolk County Department of Law where he administered several programs including the Long Island Pine Barrens.

The William B. Sanders Law and Public Policy Luncheon Forum is named for Judge William Brownell Sanders, who attended Albany Law School in the 1870s. The program brings together ALS alumni and friends in the New York metropolitan area to interact with prominent government leaders. Past speakers were New York State Comptroller Alan G. Hevesi and New York State Attorney General Eliot Spitzer. The series is underwritten by the Cleveland-based law firm of Squire Sanders & Dempsey L.L.P. in honor of Judge Sanders, who was a founding partner at the firm.

Emerging U.S.-Japan Business Collaborations Outlined at Lecture

The Government Law Center hosted a special lecture on the growing collaborative opportunities between corporations in Japan and the United States on May 4 at Albany Law School. Frank Schnidman, Esq., a member of the class of ‘73 and Professor of Community and Economic Development in the Department of Urban and Regional Planning at Florida Atlantic University, delivered the remarks.

Professor Schnidman spoke about the current status of the Japanese and American economies and highlighted the many corporate opportunities available through the combined efforts of companies in both countries. The lecture was provided to commemorate the 150th anniversary of the beginning of the relationship between Japan and the United States, recognized in part by the signing of the Treaty of Peace and Amity in 1854.

Professor Schnidman is Senior Fellow for International Programs at the Center for Urban and Environmental Solutions, and a Visiting Professor in the Department of Urban and Regional Planning at Florida Atlantic University in Fort Lauderdale. He has spent more than 25 years dealing with sophisticated land policy and land use regulatory issues, and has been involved in numerous redevelopment projects in both the United States and overseas. Mr. Schnidman was a Visiting Scholar at Harvard Law School, and has practiced law with the international law firm of Greenberg Traurig.

ALEXANDER “TOM” GALLOWAY II In Memoriam

It is with deep regret that we announce the death of Alexander “Tom” Galloway II ‘67 on March 26, 2004. Tom served on our Advisory Board for a number of years, and was an active supporter of both the Law School and the Government Law Center. We are grateful for his many insights and good counsel. We share in the sorrow of his family, friends and the professional community.
News in Brief

Prof. Patricia Salkin was appointed to the New York State Bar Association’s Special Committee on Court Structure and Judicial Selection. Chaired by former New York Court of Appeals Judge Richard D. Simons, the committee will review current and proposed methods of selecting New York judges and efforts to restructure the state’s court system. She was also appointed vice-chair of the Bar Association’s Committee on Attorneys in Public Service. In addition she became a member of the board of Senior Services of Albany and was named to the advisory board of the State Court Watch Program, housed at the Council for Citizenship Education at Russell Sage College and co-sponsored by the Law, Youth & Citizenship Program of the NYS Bar Association and the NYS Department of Education.

An article entitled “Developments in Citizen Oversight of Law Enforcement” by Staff Attorney Justina Cintrón Perino was published in The Urban Lawyer, Spring 2004 edition, Vol.36, No.2. She was elected Treasurer of the NYSSBA Young Lawyers’ Section at their Annual Meeting in January 2004 and was appointed as a Delegate to the NYSSBA House of Delegates. The term for both positions began June 1, 2004.

Patricia Salkin presented an ethics training for members of the Saratoga Springs planning and zoning boards, design review board and other municipal officials and interested citizens in March. She gave two presentations at Temple University School of Law in the spring for their Environmental Law Journal Symposium on sprawl. Salkin delivered an update of smart growth activities across the country and spoke on ethics considerations and land use.


Justina Cintron Perino was elected as an officer of the ABA State and Local Government Law Section in August where she now serves as Newsletter Editor.

Patricia Salkin spoke at the Bettman Symposium at the spring 2004 annual meeting of the American Planning Association in Washington, D.C. on the subject of integrating environmental justice considerations with local land use decisionmaking. She presented a two-hour course on government ethics for the NYS Department of Health’s spring CLE program.

Bennett Liebman was quoted in the Philadelphia Inquirer (June 3), Daily Racing Form (March 10 and June 2), The Saratogian (“Expert: gaming panel shouldn’t hurt racing,” June 10 and “Court: VLT funds only for schools,” July 8) Buffalo News (“Track looking like a bad bet,” July 1), Daily News (“VLT Battle to Continue,” July 9), Rochester Democrat and Chronicle (“Downtown casino is a gamble,” July 12 and “Poll finds casino support,” July 24), Harness Tracks of America’s Executive Newsletter (July 27), Thoroughbred Times (“New York attorney general frowns on big bucks for NYRA CEO,” July 29). He also was on the OTB Network show “Down the Stretch” on July 12.

Patricia Salkin was quoted in the Daily Gazette (April 25) on technology, Times Union “Reform of court races urged” (June 30) and “Boundary conflict holds up housing,” (July 4), and Charlotte (NC) Observer “Council to developers: Got a gift for county?” (July 16).

The July 29 Times Union article, “Law school’s horse-betting event hits full stride in its fourth year,” contained quotes by Patricia Salkin and Bennett Liebman.

Bethlehem Town Supervisor Teresa Egan ’86 has appointed Patricia Salkin to the Bethlehem Planning Advisory Committee.

The Government Law Center Prize was awarded to Jennifer Besig ’04, Sara L. LeCain ’04, and Karin A. McArthur ’04 at Albany Law School’s commencement ceremonies on May 29, 2004.

Albany Law students assisting the GLC this summer were: Furine Blaise ’05, Elizabeth Buckley ’05, Ryan Callahan ’07, Brian DeCarolis ’05, Michael Donohue ’05, Aaron Edwards ’06, Michael Livolsi ’06, Kelly Marks ’06, Stacey Stump ’06, and Kenneth C. Weaver ’06.

The following students from the Siena College Fellowship Program provided research assistance to the GLC this summer: April Vega Diffut, Megan Kral, Meghan Marinello, and Teresa Rowan.

Doreen Matthews, a student at Albany Senior High School, provided office assistance at the GLC in July and August through the City of Albany’s 2004 Summer Youth Employment Program. Diona Howard, a student entering Temple University, interned at the GLC this summer, and worked on environmental justice research.

The GLC and the Science and Technology Law Center hosted a Welcoming Luncheon for Albany Law School’s Class of 2007 on August 17. Support was provided by the New York State Bar Association and the Albany County Bar Association.

This summer, the GLC published the Annual Report for 2003, chronicling the activities of its 25th Anniversary year. For a copy, contact Michele Ann Monforte at mmonf@mail.als.edu.
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