Environmental Justice is the topic of the annual symposium of the Albany Law Environmental Outlook Journal. Co-hosted by the Government Law Center, the program will be held on February 25, 2004 from 9 a.m. to 4 p.m. at Albany Law School. The symposium will look at the grassroots movement, created during the 1960’s civil rights movement, which evolved into a powerful engine of change recognized in courtrooms and throughout state and federal governments.

The issue of environmental justice has been attracting widespread attention because of growing public concerns about health dangers posed by hazardous waste landfills and other pollution sources that are disproportionately located in poorer communities. In response, the EPA created the Office of Environmental Justice in 1992 to access evidence of inequity of environmental protection services in disadvantaged communities and to consider how to address identified disparities. In 1994, Executive Order 12898 was signed by then-President Clinton to further focus federal attention on achieving environmental protection for all communities.

In addition to hazardous waste sites, other examples of environmental justice issues are inner-city lead paint problems, low-income communities with inferior air quality, direct exposure to pesticides by farm workers, and agricultural run-off from fertilizers and animal waste in rural communities.

The first panel will focus on the “History, Facts, and Consequences of Environmental Injustice.” Nicholas Targ, from the U.S. Environmental Protection Agency, will provide a broad overview of the issues on the federal government level. Professor Michael Ash, from the University of Massachusetts, will review the demographics of populations affected by environmental inequities. Mr. Cecil Corbin-Mark, from West Harlem Environmental Action, will provide a grassroots perspective of the ongoing fight for environmental justice.

A second panel on “Trends in Case Law, Who Has Standing to Sue and Who is Being Sued” includes: Olga Pomar, from Camden Legal Services, Inc., Brian Montag, from Kirkpatrick and Lockhart LLP, and Leslie Lowe, Program Director for Interfaith Center on Corporate Responsibility. “Coast to Coast; New York and California. How These Two States Hope to Create Environmental Justice For All” will feature Monica Abreu, the Environmental Justice Coordinator for the New York State Department of Environmental Conservation, and Dr. Shankar Prasad of the California Air Resources Board.

The Government Law Center is involved in several additional initiatives regarding environmental justice at the local, state and national levels. GLC

Continued on page 11
Winter 2004

FEB. 24  
Anderson Seminar  
Topic: Current Issues in NYS Racing  
Assembly Parlor; The Capitol  

FEB. 25  
ALS Environmental Outlook Symposium on Environmental Justice  

MARCH 4  
Alumni in Government Reception  
Guest: Hon. Randolph Treece  
The Executive Mansion  

MARCH 10-11  
Environmental Justice Training  

MARCH 15  
Lecture on International Human Rights Law  

MARCH 16  
Anderson Seminar  
Topic: Higher Education in NYS  
Assembly Parlor; The Capitol  

MARCH 18  
ALS Public Forum on Judicial Selection  

APRIL 20  
Anderson Seminar  
Topic: Financing of Public Education in NYS  
Assembly Parlor; The Capitol  

APRIL 29  
Government Law Networking Breakfast  
Featuring: William Flynn, Esq., Chairman, NYS PSC (for members only)  

MAY 4  
Anderson Seminar  
Topic: Energy—What Have We Learned from the Blackout?  
Assembly Parlor; The Capitol  

MAY 20-21  
Land Use Conference  

MAY 25  
Procurement Law Conference  

AUGUST 3  
Saratoga Racing & Wagering Institute  
The Gideon Putnam  

Note: All programs will take place at ALS unless otherwise noted.

From the Director

The year-long 25th anniversary celebration could not have ended any better than with the wonderful gala on December 1, 2003 at the Desmond Hotel. Approximately 300 friends of the Government Law Center packed the ballroom to hear from Governor George Pataki, Lt. Governor Mary Donohue and other distinguished leaders in the public, private and non-profit sectors. Friends of Clarence “Rapp” Rappleyea announced the establishment of a new endowed fund at the GLC to honor Rapp. Stephen Kiernan, Esq., Chairman of the Albany Law School Board of Trustees, joined Dean Thomas Guersey in delivering special tributes to and remarks about the Government Law Center; and GLC Advisory Board Chairman William Redmond, Esq., announced plans for a quarter century campaign. All in attendance know that this was a night to remember. Through this column, I offer my personal thank you to each person who attended and to the more than one dozen law firms and corporations who sponsored tables.

Now that the Silver Anniversary is behind us, we have actively begun planning for the next twenty-five years. Many new initiatives are in store as the GLC continues in its mission to assist governments in meeting the complex challenges facing lawmakers and decision makers. We welcomed Renee Hebert in the fall, a 2003 graduate of Albany Law School who is providing assistance with the Albany Citizens’ Police Review Board. We also welcomed back to campus our colleagues from the Science and Technology Law Center (STLC). The GLC staff has been working with the STLC staff to strengthen both Centers’ interest and offerings in high technology programs. Both Robert Batson, Esq. and the Honorable James King have agreed to spend another academic year with the GLC as our distinguished government lawyers in residence. We have been fortunate to have them in the classroom, working with our students on research projects, assisting career planning and actively involving themselves with the alumni in government group.

In the spring, the GLC’s Advisory Board will assist the staff in developing a new strategic plan to guide the Center through the next five years. As a small preview of some of the great things to come, we are working with a wonderful group of former government lawyers to expand the successful “Counsel to the Governor” program we hosted in December. In addition, plans are underway for a new student-centered research and e-publication series to further enhance the resources available to government and to provide an opportunity for law students to hone their scholarship. Our successful Government Law Network will also be expanded to provide additional benefits for network members. Please share your thoughts and ideas with me, the GLC staff and/or members of the Advisory Board. Together we can continue to accomplish great things.

Students Gain “Real Life” Experience Through Summer in Government Program

Following last year’s successful Summer School Program, which for the first time included a full slate of “Summer in Government” offerings, Albany Law School will once again provide this unique opportunity for students at ALS and at other law schools to receive academic credit for taking courses on current government issues and for participating in a variety of internships in government law offices.

Guest appearances by many distinguished lawyers and elected officials will be one of the highlights of the 2004 Summer in Government program offerings. Courses for 2004 will include GLC Director Patricia Salkin teaching Current Issues in Government; Hon. James King, Government Lawyer in Residence, teaching Government Ethics; NYS Budget: Law and Process taught by David Liebschutz; Rose Mary Bailly of the Law Revision Commission teaching New York Administrative Law and Policy; and ALS Professor Vincent Bonventre teaching State Constitutional Adjudication. The Government Field Placement component will be taught by GLC staff attorney Justina Cintrón Perino.

Contact the ALS Registrar (518/445-2330) for more information on the ALS Summer School’s “Summer in Government” program.
Honorable Randolph Treece, U.S. Magistrate Judge of the Northern District of New York, will receive the Distinguished Alumni in Government Award presented at ALS’s Spring 2004 Alumni in Government Reception taking place from 5:30-7:30 p.m. on March 4, 2004 at the NYS Executive Mansion.

Randolph Treece was appointed on April 26, 2001 Magistrate Judge to the U.S. District Court for the Northern District of New York. He previously served as Counsel to the Office of the State Comptroller in H. Carl McCall’s administration. Prior to this appointment, Mr. Treece served as First Deputy Capital Defender of the New York State Capital Defender Office.

Mr. Treece graduated from Siena College in 1970 with a B.B.A. in Accounting. After graduation, he worked with the Big eight accounting firm of Peat, Marwick and Mitchell until he entered Albany Law School in 1973. He earned a Juris Doctorate from Albany Law School in 1976 and promptly commenced a private practice, specializing in criminal law and litigation. While in private practice, he also served as an Assistant Public Defender for Rensselaer County and taught at two area junior colleges. In 1987 Mr. Treece joined the New York State Department of Law as an Assistant Attorney General, practicing civil litigation until September 1995.

Mr. Treece has been an adjunct professor at Albany Law School since 1989. He is a member of the Board of Trustees of Albany Law School and former Board Trustee at Hudson Valley Community College and Siena College. He serves on three committees of the New York State Bar Association and as a delegate to the House of Delegates; on the Board of Directors of the New York Bar Foundation as Treasurer and chair of one of the foundation’s committees; on the Board of Directors of the Albany County Bar Association and is currently the secretary of this association; and is a member of the Advisory Board of the Government Law Center. Mr. Treece is one of the founders, former President and now Vice-President of the Capital District Black Bar Association, as well as the former President of the National Bar Association Region II Bar Foundation.

Hon. Judith Kaye, Chief Judge of the New York Court System, appointed Mr. Treece to serve on the Jury Project that recommended many significant improvements to New York State’s jury system. This appointment came after the Capital District Black Bar Association report on minorities and juries, principally written by Mr. Treece, received the Root/Stimson Award, and is cited as an authority on the subject matter by other jurisdictions.

Mr. Treece has been the recipient of an array of honors and awards, among which are: the Thurgood Marshall Justice Award from the Albany Chapter of the NAACP; New York Chapter of American Civil Liberties Union’s Roland J. Smith Award for exemplary legal service; The Urban League of Northeastern New York’s McNamee Award for outstanding services as a board member; The Distinguished Service Award from Albany Law School; Albany County Bar Association’s 1999 President’s Award; The Center for Law and Justice’s Frederick Douglas Award; and the Millennium Award from the New York State Franklin H. Williams Judicial Commission On Minorities.

For more information, contact the Office of Alumni Affairs (518/462-5517).

Chairman of Public Service Commission to be Featured Guest at Membership Event

William M. Flynn, Esq., Chairman of the NYS Public Service Commission, will be the special guest at the GLC’s Government Law Networking Breakfast on April 29, 2004. Held at the Governor Nelson A. Rockefeller Empire State Plaza, the program is open only to members of the GLC’s exclusive membership initiative, the Government Law Network.

William M. Flynn was nominated to be Chairman of the New York State Public Service Commission by Governor George E. Pataki on January 24, 2003 and confirmed by the Senate on February 4, 2003. Prior to his appointment, Mr. Flynn served as President of the New York State Energy Research and Development Authority (NYSERDA). Prior to becoming President, Mr. Flynn served as Vice President, Treasurer, and Secretary to the Board of NYSERDA since January 1999. Mr. Flynn also serves as a member of the State Environmental Board, the New York State Energy Research and Development Authority Board, and the Disaster Preparedness Commission. He also serves on the State Board on Electric Generation Siting and the Environment. Mr. Flynn previously served as First Deputy Attorney General, Chief of Staff, and Special Counsel to State Attorney General Dennis C. Vacco. In the early 1990’s, Mr. Flynn was an Assistant United States Attorney and Executive Assistant in the Western District of New York. Prior to law school, Mr. Flynn worked as an executive assistant to two successive New York State Assembly Minority Leaders Clarence D. Rappleyea, Jr. and James L. Emery. Mr. Flynn holds a B.A. in political science from LeMoyne College in Syracuse, N.Y., and a J.D. from the University of Dayton Law School.

The event provides members with the opportunity to speak one-on-one with prominent State officials in an informal setting. Past participants have included NYS Assemblyman Kevin A. Cahill ‘80; former NYS Public Service Commission Chairman Maureen Helmer; NYS Racing and Wagering Commissioner Michael Hoblock; former NYS Comptroller H. Carl McCall; Director of State Operations James Natoli; former director of the NYS Office for the Aging Patricia Pine; Superintendent of the NYS Insurance Department Gregory Serio ’86; and NYS Office of Temporary and Disability Assistance Commissioner Brian Wing.

Please contact the GLC (518/445-2329) to register for this program if you are currently a Network member, or to request an application if you like to become a member.
Financial Exploitation of the Elderly Is Discussed at Fall Roundtable: Full Report to be Published in 2004

On November 14, 2003, Crystal Doolity, '04 and Melina Greenberg, '03, the 2003 Edgar & Margaret Sandman Fellows, hosted their Roundtable Discussion on Adult Protective Services: A Response to Financial Exploitation of Vulnerable Adults. The Roundtable Discussion was attended by a variety of experts on the subject of financial exploitation from around New York State. Included among the attendees were representatives from Bureau of Adult Services of New York State Office of Children and Family Services, New York State Office for the Aging, Albany County Department of Social Services, LIFESPAN, New York City Adult Protective Services, M&T Bank, New York Bankers Association, New York State Law Revision Commission, and Senior Crime Victim Program. Also in attendance were Honorable James King, Professor Ira Bloom and Professor David Pratt.

The Roundtable Discussion was the culmination of the Fellows' year-long study of financial exploitation of vulnerable adults in the community, the barriers to reducing or eliminating its occurrence, and options for change. The Fellows shared the results of their research into the different types of financial exploitation and the organizations around the state that respond to financial exploitation.

Adult Protective Services (APS) is one agency on the forefront of this battle. With offices in each county of New York State outside of New York City, and the office of the Human Resources Administration in New York City which handles the Bronx, Kings, Richmond, Queens, and New York counties, APS provides services to any adult age 18 and over, with physical or mental impairments, who cannot protect or provide for him or herself, and who has no other help available to him or her. Approximately two-thirds of the individuals that APS assists are over the age of 60.

The Fellows described the difficulties APS has faced in providing services to elderly and vulnerable adults and shared the results of their survey that was completed by 49 of New York's county Adult Protective Services offices. The Roundtable Discussion focused on various programs and coalitions that work in conjunction with APS for the benefit of victims, and the barriers that need to be overcome to effectively handle financial exploitation cases. The Fellows' Final Report will be published in early 2004 and will be circulated to members of the New York State Legislature, state and local agencies that handle problems of financial exploitation, and similar agencies in other states.

While improvements in combating elder abuse and financial exploitation have occurred since the problem has been identified, more remains to be done. As the aging population in New York is expected to increase at a significant rate each year until 2025, the concern about financial exploitation will also continue to grow unless changes are made. The Fellows' Report will provide guidance in leading the way to reform.

Michael Clarke Receives Sandman Fellowship for 2004: Future of Long Term Care Is Topic of Study

Michael Clarke, Albany Law School class of 2005, has been selected as the recipient of the Government Law Center's Margaret and Edgar Sandman Fellowship for 2004. Established in 1993, the program gives ALS students the opportunity to explore an area of elder law in depth for a year, present initial findings at a roundtable discussion, and publish a report to educate law and policy makers and advocates across the country on the issue.

This year's study focuses on issues relating to the future of long term care. It is common knowledge that the graying of the baby boomers is swelling the ranks of older adults in ever increasing numbers. This aging of the population is accompanied by the statistical inevitability that the need for long term care will increase. Although the options with respect to receiving long term care services are increasing, at present a large number of people receive long term care in nursing homes. Much has been written about the fact that it is unlikely that the baby boomers will accept the current way long term care is delivered, preferring to tailor the care to their individual preferences.

The baby boomers' alleged impatience with the current system may have less to do with its change than the cost of long term care. Although the expense of long term care is related to the various types of care, it remains overall an expensive proposition fueled by various factors. Long term care is currently financed through the use of private funds, long term care insurance, or Medicaid. Each of these methods has advantages and disadvantages and none are entirely successful for the population as a whole. Many people lack the resources to pay privately and those who do often find that their funds may buy a limited amount of care. Long term care insurance can be a costly option if the insured delays until the need to have the insurance becomes apparent, and even purchased early on may be regarded as a somewhat overly prudent. Medicaid requires that a person impoverish himself or herself and places the burden of financing care on government. Current news headlines reflect the major concerns of state and local government officials about the extent of this burden and the future of Medicaid as the payor of long term care.

Mr. Clarke will study the various options for receiving care and methods of paying for it, examine the factors that contribute to its costliness, analyze what changes are being suggested to address concerns about the future of long term care, and offer options for policy makers in New York to consider.

Mr. Clarke has worked as a Legal Intern for the Office of Special Counsel to the NYS Department of Motor Vehicles. He is currently engaged in an internship with Senator Kemp Hannan's office as part of his fellowship. This past summer, he provided research assistance to ALS Professor Alicia Ouelette for her law review article on the legal issues surrounding palliative care and a person's right to die. Prior to attending Law School, Mr. Clarke worked in several capacities for Pepsi Bottling Group in Latham, including overseeing the company's business with several Wal-Mart stores in New York and Massachusetts. He received a B.A. in History with a minor in English from the University at Albany and attended Columbia University where he served as president of Beta Theta Pi Fraternity.

For more information about the Sandman Fellowship Program, please contact Rose Mary Bailly, Esq. (518/445-2329).
Racing and Wagering Law Program Update

The Advisory Committee for the GLC’s Racing and Wagering Law Program, co-chaired by Dr. Jerry Bilinski and Mary Ann McGinn, Esq. ‘83, is currently helping to plan the agenda for the Fourth Annual Saratoga Institute on Racing and Wagering Law as well as other programs and research topics for the coming year. This year’s Institute will take place on August 3 at the Gideon Putnam in Saratoga Springs.

This past fall, Hon. Michael J. Hoblock Jr., ’67, Chairman of the NYS Racing and Wagering Board, was the featured guest at the GLC’s Fall 2003 Networking Breakfast. The program, jointly sponsored by the GLC’s Government Law Network and Racing and Wagering Law Network, provided members with an exclusive opportunity to speak one-on-one with the former NYS Senator and Assemblyman.

The Racing and Wagering Law Program’s website, New York Wagering Today, http://www.als.edu/centers/editor.cfm?ID=585, is increasing in popularity based on the number of visits. It is updated on a daily basis and provides the most comprehensive review of articles in the nation on pari-mutuel wagering and other gambling issues. On a given day you will find commentary on the latest news, links to legislation and other useful information. The website also provides the newest student and guest papers and hosts a reports page, currently with publications on the curse of Equipoise, the law and Seabiscuit raw data on NYRA publications on the curse of Equipoise, the hosts a reports page, currently with the newest student and guest papers and useful information. The website also provides the latest news, links to legislation and other useful information.

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Applying International Human Rights Law To Protect People with Disabilities Is Topic of GLC Lecture

The Government Law Center will host a lecture, International Human Rights Law—Protecting the Rights of People with Disabilities, from 5:30-8:00 p.m. on March 15 at Albany Law School, presented as part of the new Law and Psychiatry course being taught for the first time at ALS. The lecture will feature Clarence J. Sundram, Esq., Special Master in class action lawsuits in Maine and Washington, D.C., involving the rights of persons with mental disabilities, and President of the Board of Directors of Mental Disability Rights International, a non-governmental agency which advocates on behalf of persons with mental disabilities worldwide.

The lecture will trace the development of international human rights law and its application to people with mental disabilities. Among the documents discussed will be the Universal Declaration of Human Rights, the Nuremberg Code of 1947, the UN Declaration of the Rights of Mentally Retarded Persons, the UN Declaration of the Rights of Disabled Persons, the UN Principles for the Protection of Persons with Mental Illness & the Improvement of Mental Health Care, and the International Covenant on Civil and Political Rights.

Mr. Sundram is a nationally recognized expert on conditions in institutions and community programs for persons with mental disabilities. For 20 years, he served under three governors as the founding Chairman of the New York State Commission on Quality of Care for the Mentally Disabled, an independent state oversight agency. Mr. Sundram has also served as Vice-Chairman of the New York State Developmental Disabilities Planning Council, and as a member of the Board of Directors of the National Association of Protection & Advocacy Agencies. Mr. Sundram was Assistant Counsel to the Governor where his responsibilities included corrections, criminal justice, juvenile justice and mental health. He has also served by appointment as a member of court monitoring bodies in several landmark class action cases involving institutional reforms, including the Willowbrook case in New York and the Wyatt litigation in Alabama. Mr. Sundram has participated in international efforts to reform mental health services in Uruguay, Paraguay, Peru, Mexico, Armenia, Bulgaria, Hungary, Kosovo and the Russian Federation as a member of the Board of Mental Disability Rights International and as a consultant to UNICEF and the World Health Organization. He has appeared on such programs as Nightline, 48 Hours and The CBS Evening News, and has received several awards in recognition of his public service, including legislative resolutions by the New York State Senate and Assembly; Distinguished Public Service Awards from the Nelson A. Rockefeller College of the University of Albany; and the Humanitarian Award from the New York City Chapter of the Association for Retarded Children.

For more information about the lecture, contact the GLC (518/445-2329).

ALS Student Works to End Lead Poisoning Through GLC Initiative

First-year Albany Law School student Nina Harrison will spend a portion of the spring 2004 semester working with local attorney Peter Danziger, Esq. and the Coalition to End Lead Poisoning in New York State (CELP-NYS), thanks to the Lawrence F. Klepper Legal Assistance Program for Non-Profit Organizations.

Named after the former executive director of the Legal Aid Society of Northeastern New York, the Klepper Program was established in 1994 by the Government Law Center to provide opportunities to ALS students who are placed as interns with lawyers in the community to provide research and other law related work on a pro bono basis for non-profit organizations. The program is funded through the Larry Klepper Social Action Fund at Congregation Beth Emeth.

CELP is a non-profit group of individuals and organizations working toward eliminating lead poisoning in New York State. Lead poisoning has been linked to brain damage, reduced IQ, behavior problems, and permanent disability. Every year, nationwide, nearly one million children are poisoned by ingesting lead dust or lead paint chips. Children living in low-income housing are the group most often affected. CELP believes that childhood lead poisoning is completely preventable and seeks to implement state policy to reach the goal set by the United States Surgeon General and the Center for Disease Control to end childhood and adult lead poisoning by the year 2010. Ms. Harrison’s work with CELP will include researching relevant state legislation and regulations and drafting position statements on behalf of the coalition.

For more information on the Klepper Program, contact the GLC (518/445-2329).
Former Legal Advisors to Four NYS Governors Convene at GLC Event

The Government Law Center together with the law firm of Whiteman Osterman & Hanna LLP presented a program on “The Office of the Counsel to the Governor: Its Operation and Impact” on the afternoon of December 1, 2003 at the Desmond Hotel in Albany.

This program brought together individuals who served in the Governor’s Counsel’s office in four administrations. It was moderated by Gerald Crotty, who served as Counsel to Governor Cuomo and First Assistant Counsel to both Governors Cuomo and Carey. Participants included Howard Shapiro, First Assistant Counsel to Governor Rockefeller; Paul Gioia, Assistant Counsel to both Governors Rockefeller and Wilson, and First Assistant Counsel to Governor Carey; Scott Fein, Assistant Counsel to both Governors Carey and Cuomo; and Patricia Bucklin, First Assistant Counsel to Governor Cuomo.

Patricia Salkin read a letter from Judge Lawrence Walsh, former Counsel to Governor Dewey, expressing his regret at being unable to attend the conference. Judge Walsh sent along his autobiography, and excerpts from his time in Albany—most of which remain pertinent today—were read aloud. A lively, free-wheeling three hour discussion followed on the role of the Counsel’s office in reviewing how bills were processed and evaluated, utilizing resources in the development of program bills, formulating overall agency policy, dealing with lobbyists, and working with the legislature in the passage of bills.

The event was extremely well received by the audience and the participants, and the Government Law Center hopes to build on the success of this program. A transcript was taken of the session, and there is the expectation that the transcript plus individual recollections of the various assistant counsels could serve as the basis of a book and/or law review articles. The GLC is currently working with Larry Malone, Esq. of Couch, White LLP and WMHT to develop a related program for broadcast on public television.
Governor Pataki and Lieutenant Governor Donohue Attend GLC’s 25th Gala Dinner

The Government Law Center threw a gala dinner on December 1, 2003 to celebrate its 25th anniversary and to kick off its Quarter Century Campaign. New York State Governor George E. Pataki, New York State Lieutenant Governor Mary O. Donohue and approximately 300 guests gathered at the Desmond Hotel that evening to pay tribute to the GLC. Stephen Kiernan, Esq., Chairman of the ALS Board of Trustees; ALS Dean Thomas Guernsey; William Redmond, Esq., Chair of the GLC Advisory Board; and GLC Director Patricia E. Salkin also addressed the audience at this festive event.

The Clarence D. Rappleyea Government Lawyer in Residence Endowed Fund was formally announced at the program. Mr. Rappleyea, most recently the Chairman and CEO of the New York Power Authority and former Minority Leader of the New York State Assembly, was on hand to receive accolades from Governor Pataki, Lieutenant Governor Donohue and many others throughout the evening for his long and distinguished career in public service and for his role as mentor to numerous attorneys entering the governmental arena. The endowed fund will allow government lawyers who are in transition from public service to be “in residence” at Albany Law School where they can share their expertise with students and alumni.

Fifteen law firms, businesses, and organizations sponsored the event: Time Warner Cable; The Cable Telecommunications Association of New York, Inc.; Association of Towns of the State of New York; New York State Association of Counties; Boies, Schiller & Flexner LLP; Bond, Schoeneck & King, PLLC; Cohen, Dax & Koenig, PC; Girvin & Ferlazzo, PC; Hinman Straub P.C.; Hodgson Russ LLP; New York State Administrative Law Judge Association; Nixon Peabody LLP; O’Connell and Aronowitz, PC; Plug Power; and Whiteman, Osterman & Hanna LLP.
Civilian Oversight of Law Enforcement Is Focus of Journal

The Fall 2003 edition of the Government Law & Policy Journal, a publication of the NYSBA Committee on Attorneys in Public Service produced by the GLC, examines a growing trend in municipal law—citizen oversight of law enforcement. These working relationships between the police and community have become widespread in large and medium-sized U.S. cities in the past decade. This publication provides an overview of civilian review models and explores many of the issues that have arisen during this new era in American law enforcement.

Professor Vincent M. Bonventre of Albany Law School is the Editor-in-Chief of the Government Law & Policy Journal.

Rose Mary K. Bailly of the Government Law Center serves as Associate Editor. Albany Law School student Ilana A. Eck serves as Executive Editor with ALS students Cynthia H. Beaudoin, Jill K. Van Bortel, Kerry A. Delaney, Sarah K. Delaney, Melina S. Greenberg, and Jennifer E. Moffett comprising the student editorial board.

Dovetailing nicely with the GLC’s work in support of the City of Albany’s Citizens’ Police Review Board, GLC’s Director Patricia Salkin and Justina Cintrón Perino assisted with identifying topics and contributors and soliciting manuscripts for this edition. Ms. Cintrón Perino also contributed an article. Kyle McCauley ’05 conducted an interview with Michael Whiteman, Esq., a member of the Albany Citizens’ Police Review Board. She was assisted by Paul Dontenville ’04.

The Government Law & Policy Journal 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).

GLC Announces 2004 Anderson Seminar Topics

This year’s Warren M. Anderson Legislative Breakfast Series will examine four topics currently before the NYS Legislature. The Series will open on February 24 with a discussion of current issues in racing. Higher education will be discussed on March 16 and financing of public education on April 21. The program will conclude on May 4 with a panel on energy and the lessons learned from last summer’s blackout. The seminars will take place from 8:00 a.m. to 9:30 a.m. in the Assembly Parlor of the NYS Capitol.

The Legislative leadership will once again serve as honorary co-hosts of the popular forum which was established in 1992 in honor of the former NYS Senate majority leader. This year’s programs will be sponsored by ALA New York State, Inc.; The Civil Service Employees Association, Inc.; The Energy Association of NYS, 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.

Continuing Legal Education credits will be offered to attorneys. For more information about the program, contact the GLC (518/445-2329).

Judicial Selection to Be Examined at ALS Public Forum

Judicial Selection: The Federal Appointments Process and New York State Judicial Elections is the title of the Albany Law School Public Forum taking place on March 18 from 7:00-9:00 p.m. in Room 200. The panel discussion will feature Professor Sarah Binder of George Washington University and the Brookings Institute and Deborah Goldberg, Esq., Director of the Democracy Program of the Brennan Center for Justice at New York University.

Established in 2001, The Public Forum Series encourages the exchange of ideas between the Law School and the greater community with its frank and inclusive discussions of current legal and political issues. A moderated town-hall style discussion follows brief remarks from panelists. Past topics have included “Searching for Justice on Death Row” and “Religion and Public Schools: What Does the Separation of Church and State Require?”

For more information, contact Professor Timothy Lytton (518/445-2397).
Government Career Programs Continue to Benefit Students

Albany Law School’s annual Government Career Program Series continued this fall with alumni guest appearances and panel discussions. Paul Kietzman ’72, General Counsel to the NYS Office of Mental Retardation and Developmental Disabilities, and Mary A. Berry, Esq. ’94, Assistant Attorney General for the New York Department of Law discussed their experiences working as government lawyers and gave “an insider’s view” on employment. Students also had the opportunity to listen to the following alumni who served on one of two panels to discuss careers in NYS government and in the NYS legislature: William Collins ’78, Majority Counsel to the NYS Assembly; Jason Cooper ’99, NYS Legislative Bill Drafting Commission; Jill Dunn ’93, Deputy Commissioner & Counsel, NYS Department of Motor Vehicle; Kristen Epifanio ’97, NYS Senate, Office of Majority Counsel; Mark Furnish ’97, Office of NYS Senator Tom Duane; Elisha Peterson ’01, NYS Department of State; and Richard Reed ’81, Deputy Counsel to the NYS Office of General Services.

The popular careers forums—co-hosted by the Government Law Center, Career Planning and Office of Alumni Affairs—give students a chance to ask practical questions about government employment.

GLC to Host National Land Use Forum

For the second year, the GLC will host the Center for American and International Law’s national conference on land use law on May 21-22, 2004, at Albany Law School. This event brings together the leading names in the field to discuss the current status of the law and any developments that have evolved since the last gathering.

The presenters will include: Dwight H. Merriam, Esq., of Robinson & Cole, LLP; Professor Patricia Salkin of the GLC; John Armentano, Farrell Fritz PC; Professor Bruce M. Kramer of Texas Tech University; and Robert J. Alessi, LeBoeuf, Lamb, Greene & MacRae. Topics will include an overview and update on regulatory takings; land use ethics and special considerations for land use practitioners and government lawyers; adult use regulation; wireless communications and community planning; religious land use; signs; environmental justice; and mock proceedings from a planning board/zoning board hearing.

For more information about the conference, visit http://cailaw.org/brochures/2004LandUseLaw.pdf or contact the GLC (518/445-2329).

Lieutenant Governor Donohue Speaks at Tenth Annual Senior Citizens’ Law Day

The Tenth Annual Senior Citizens’ Law Day, sponsored by the Government Law Center of Albany Law School, was held at Albany Law School on November 1, 2003. Once again, the hugely successful community event offered over 350 older adults and their families and caregivers access to reliable and objective information about legal issues. The Government Law Center celebrated the Tenth Anniversary of Senior Citizens’ Law Day in several special ways. First and foremost, the event provided the opportunity to inaugurate the Nancy Sills Memorial Lecture. Nancy Sills was an alumna of Albany Law School, class of 1976 and a presenter at Senior Citizens’ Law Day for many years. She gave her time and expertise each year to help advise seniors of their rights. Through the vision and generosity of her husband, Dr. Sills, the GLC commenced a lecture series in Ms. Sills’s memory that will focus on policies and laws that affect older adults. The Lieutenant Governor of the State of New York, the Honorable Mary O. Donohue, was the Lecture’s inaugural speaker.

The Government Law Center recognized the contributions of two other alumni to the creation and continuation of Senior Citizens’ Law Day: Louis Pierro, Class of 1983, and Margaret (Meg) Z. Reed, Class of ‘94 and 1993 Sandman Fellow. Their vision of an educational program for older adults that would provide legal information free of charge and without sales pressure was the inspiration for Senior Citizens’ Law Day. Since the program first began, Meg Reed and Lou Pierro have continued to be actively involved in its development, offering suggestions and advice that have given the program continued vitality.

Finally, the GLC introduced an innovation in the seminar programing. For the first hour of the day, Jim Kambrich of News Channel 13 hosted a “town meeting” where attendees could ask questions of a general nature on any topic. The new format was enthusiastically embraced by the audience. Most of the time was spent discussing the issues presented by a family in conflict over ending life-sustaining treatment.

The remainder of the regular program contained substantially diverse topics. Forty sessions were offered on 33 topics. Among the sessions offered were programs on Charitable Giving; Funerals; Grandparents as Caregivers; Health Care Proxies and Living Wills; How to Choose an Elder Law Attorney; Identity Theft; Putting Your Affairs in Order; and Problem Gambling.

Generous support of the program’s 30 sponsors, the institutional support of Albany Law School, and the tremendous efforts of the volunteers also contributed to make the Tenth Annual Senior Citizens’ Law Day an unqualified success.
GLC Event Draws Largest Gathering of Government Attorneys in the Northeast

In October 2003, the unprecedented joint Fall Meeting of the American Bar Association’s Section on State and Local Government Law and the New York State Bar Association’s Municipal Law Section attracted the largest gathering of state and local government attorneys in the Northeast.

“Albany Law School and the Government Law Center were especially pleased to work together with both the national and state bar associations to bring such a distinguished group of speakers to Albany to discuss the most pressing issues facing our state and municipalities today,” said Patricia Salkin, GLC Director and President of the ABA Section on State and Local Government Law.

The three-day meeting began with a day-long program on municipal liability marking the 25th Anniversary of the landmark case of Monell v. New York City Dep’t of Social Services. Among the group of distinguished speakers for the program was the attorney who argued on behalf of the plaintiff in the case, Professor Oscar G. Chase of New York University School of Law, and the Superintendent of the NYS Insurance Department, Gregory Serio. The day program concluded with remarks given by Lieutenant Governor Mary O. Donohue during a reception at the Governor’s Mansion.

The focus of the second day of meeting was “State and Local Government Leadership: Effective Lawyering in the Public Sector,” and included several concurrent sessions regarding First Amendment issues, as well as sessions on environmental justice, public finance, and Native American sovereignty and local government. Irene Chang, Vice President for Legal Affairs and Counsel to the Lower Manhattan Development Corporation, delivered the luncheon address where she discussed the creation of the LMDC post 9/11 and its plans for rebuilding and revitalizing lower Manhattan.

The final day of the meeting was devoted to “Public Trust and Integrity in Government.” The day’s plenary address was given by the Mayor of the City of Albany, Gerald Jennings, and the program included a presentation on the current issues in procurement law as well as an interactive role-play presentation on the current issues in public sector ethics. The three-day meeting concluded with a presentation delivered by Henry Underhill, President of the International Municipal Lawyers Association, at the NYS Museum.

The Environmental Outlook Journal’s Call for Articles

The Albany Law Environmental Outlook Journal is accepting article submissions for upcoming publications. The Outlook Journal focuses on regional, national, and international issues concerning environmental and natural resources law and policy. Featured articles have been written by prominent environmental policy makers, practitioners, and members of leading environmental groups. Authors interested in possible publication should send their articles to Larisa Wick at lwick@mail.als.edu or Albany Law Environmental Outlook Journal, 80 New Scotland Avenue, Albany, NY 12208, or call (518) 472-5863.
**News in Brief**

Patricia Salkin has accepted an appointment by the National Governor’s Association to serve on a military encroachment editorial board team to review a report from the Pentagon and the U.S. Office of Economic Adjustment dealing with planning and zoning issues around military bases. The editorial board includes representatives of the American Planning Association, the National Governor’s Association, the International Municipal Lawyers Association and the National Association of Attorneys General. ALS hosted a reception during the ABA/NYSBA Fall Meeting on October 24, 2003 with guests Patricia Salkin and NYSBA Municipal Law Section Chair Hon. Renee Forgensi Minarik of the NYS Court of Claims.

Racing and Wagering Law Program Coordinator Bennett Liebman’s article, “Repairing the Problems of Racing in New York,” ran as an op-ed article in the *Sunday New York Times* sport section on October 5, 2003. His article, “The Law and Silent Tom Smith: Seabiscuit’s Trainer Fought the Law, But the Law Won,” was published in the Fall/Winter 2003 issue of the *Entertainment, Arts and Sports Law Journal*. His article, “Judge Smith, Legal History and Saratoga Chamber v. Patakai,” has been accepted for publication in an upcoming issue of the *Gaming Law Review*. He was quoted in a January article in *The New York Sun* entitled “Albany’s One-Armed Bandits.” Additionally, Liebman delivered presentations at the Economic Development Conference of the New York State Association of Counties, the Racing and Gaming Summit in Tucson, Arizona, and the University of Arizona’s Race Track Industry Symposium.

At American Bar Association’s Annual Meeting in August 2003, Staff Attorney Justina R. Cintrón Perino was appointed to serve on the Council of the ABA’s Section on State and Local Government Law, and oversee the Section’s committee activities. Ms. Cintrón Perino’s article, “The New York Experience: Existing Models of Citizen Oversight,” was published in the Fall 2003 issue of the New York State Bar Association’s Government Law and Policy Journal. Ms. Cintrón Perino also served as a moderator for a presentation given at the day-long program on municipal liability during the ABA/NYSBA Joint Fall Meeting in October 2003.

In November 2003, Renee Hebert, ALS Class of 2003, joined the Center as its newest Staff Attorney. Ms. Hebert has been hired to assume the day-to-day administration of the Albany Citizens’ Police Review Board when Staff Attorney Justina R. Cintrón Perino takes maternity leave.

GLC Advisory Board Member Jill Dunn will be teaching Albany Law School’s Government Field Placement class for Spring ’04.

Dr. Jerry Bilinski, advisor for the NYS Senate Majority on racing and gambling, and Mary Ann McGinn, Esq. ’83, senior vice president of legal affairs at Integrated Alarm Services Group, were elected as new members of the Government Law Center’s Advisory Board this past fall.

Patricia Salkin has joined the ranks of columnists writing for the *Empire Page*, a news website that offers links to news stories, columns and editorials on New York and national political issues. Her monthly column began in January with a piece on the erosion of municipal home rule. GLC Advisory Board member Paul Bray is also a regular Empire Page columnist.

Justina Cintrón Perino and two members of the Albany Citizen’s Police Review attended the Annual Conference of the National Association of Civilian Oversight of Law Enforcement (NACOLE) in Los Angeles, California, in Fall 2003.

M. Diane Bodman ’72, adjunct professor of law at South Texas College of Law and member of the ALS board of trustees, shared her expertise with current students on October 29, 2003 as part of the Alumni in Residence Program. Her husband, Samuel W. Bodman, deputy secretary of the U.S. Department of Commerce, spoke to the law school community that same day. Established in 1992, the Alumni in Residence Program brings distinguished graduates back to the law school.

The GLC is updating the County *Legislative Guide*, a resource for municipal officials in New York State, in conjunction with the Local Government Program at Cornell University.

Kyle McCauley ’05 and Lavonda Collins ’04 provided research assistance for the GLC’s study of the current landscape of judicial elections in New York and recommendations for improvement undertaken at the request of the NYS Judicial Commission.

Thanks to the following students for their research and administrative assistance at the GLC during the fall 2003 semester: Jennifer Besig ’04, Lavonda Collins ’04, Sara LeCain ’04, Karin McArthur ’04, Brian Pilatzke ’05, Alicia Tisdell ’04, and Stephanie Valentin ’04. Additional thanks to Kyle McCauley ’05 for assisting the Government Law Center in the day-to-day operations of the Albany Citizens’ Police Review Board.

**GLC Co-Sponsors Symposium**

Continued from page 1

Director Patricia Salkin co-authored a chapter for the National Academy of Public Administration’s July 2003 report, “Addressing Community Concerns: How Environmental Justice Relates to Land Use Planning and Zoning,” published for government officials to help improve their understanding of how they can use land use planning and zoning laws for addressing current environmental justice challenges and preventing them in the future. On March 10-11, 2004, the GLC will host an environment justice training program at the Law School presented by the NYS Department of Environmental Conservation and the U.S. Environmental Protection Agency.

Continuing Legal Education credit is available through the Symposium. (For CLE information, contact the ALS Institute of Legal Studies at 518/445-2310.) Additional information on the Symposium can be obtained from the websites of the Environmental Outlook Journal and the Government Law Center at www.als.edu, or from Michele Handzel of the Environmental Outlook Journal (MHhandzel@mail.als.edu or 518/472-5865). (Please see “The Environmental Outlook Journal’s Call for Articles” on page 10 if you are interested in submitting an article on an environmental or natural resource law and policy issue for subsequent editions of the Journal.)
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