A groundbreaking approach to providing real time assistance to local governments seeking to provide services jointly, through intermunicipal agreements, or by merging together functionally or organizationally, is being developed as part of the GLC’s work under New York’s Shared Municipal Services Incentive (SMSI) grant program. For the first time in recent memory, academics, governmental agencies, and practitioner groups are meeting regularly and have started to compile and share existing technical assistance materials and related databases.

Authorized as part of the 2006-07 SMSI grant program, the GLC’s Technical Assistance Project is providing various deliverables that can be of help to local officials in exploring cooperative approaches to providing services. This is the second year of the grant program’s existence, and the first year that the GLC has been involved in helping to build an improved technical assistance capacity.

The SMSI program’s 2006-07 appropriation level of $25 million represents a ten-fold increase over the first year. The intense level of interest in local governments working together to provide services is reflected by the more than 500 applications for grant assistance received in the first two years.

“Our most immediate tasks,” said Project Director Paul D. Moore, “are to establish an open process for developing technical assistance products that are user friendly, and working with academic institutions in all regions of the state to develop case studies of previous and current examples of municipal cooperation.”

The open process to help guide the GLC’s work has been established with the creation of two advisory groups. The first is a Technical Advisory Group (TAG), composed of local government associations, the Legislature, involved State agencies (e.g., Department of State, Office of the State Comptroller, Department of Civil Service, Department of Transportation, and Division of the Budget), and academic institutions across the state that have strong local government assistance programs. The group had their first meeting on October 26, 2006 followed by a meeting on December 20, 2006. A third meeting is scheduled for February 28, 2007.

A second “Focus Group”, comprised of people who wrote successful SMSI applications in 2005-06, has also been formed to review and comment on specific written and web-based documents. Their input will help ensure that written materials are clear and useful. The first document reviewed by the Focus Group was a template that will be used by academic institutions to produce written case studies of examples of shared services. An initial set of 17 case studies are now underway using that common template, with nine academic institutions involved in the work.

The second document reviewed was a GLC proposal for the establishment of a new information network linking together for the first time regional academic institutions, planning organizations, government agencies and local government associations to provide a dynamic, web-based technical assistance capacity well beyond what is currently available. This proposal was endorsed earlier by the TAG at its December 20, 2006 meeting.

“While a full build-out of this information network will take some time,” said Patricia Salkin, Associate Dean and Director of the GLC, “the importance of starting now to couple the extensive library of existing technical assistance materials, as well as the newer materials being developed, with the advances in web-based technologies, can not be emphasized enough.”

The Shared Municipal Services Information Network will initially consist of the institutional members of the TAG, and are expected to include:

• State executive branch agencies with local government responsibilities or interests (Department of State, Division of the Budget, and the Office of the State Comptroller) or responsibilities specific to the SMSI program (Department of Civil Service and Department of Transportation), and interested legislative branch agencies;

• Associations representing all of the types of municipalities eligible for funding under the SMSI grant program, including: the Association of Counties, the Conference of Mayors and other Municipal Officials, the Association of Towns, and others; and

• Eleven of the State’s four year academic institutions that are active in local government issues; including eight SUNY institutions (Buffalo, Fredonia, Potsdam, Plattsburgh, Binghamton, New Paltz, Albany, and the Rockefeller Institute of Government), and Syracuse and Pace Universities.

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From the Director

The “Day One” agenda for reform in New York’s State Capital mirrors many of the initiatives the Government Law Center has invested in and committed to for more than twenty years. Starting with ethics reform, the Center has long been involved in the research, scholarship and education relating to this critically important public integrity issue. Albany Law School students continue to be exposed to the myriad complexities of government ethics through a spring semester class that focuses on ethics in all three branches of government and the federal, state and local levels. Students have also contributed to and learned from internships at the State Ethics Commission, and have benefited from class time at the U.S. Office of Government Ethics. Albany Law School remains one of the small handful of law schools across the country offering a credit-bearing course in government ethics. Through the Government Law Center, our students, faculty and staff have produced law review and journal articles on government ethics, and have contributed chapters in books and manuals on ethics for government officials, government lawyers, legislators, administrative law judges, judges and local government officials. This spring the Government Law Center marks the 20th Anniversary of the New York Ethics in Government Act with a special conference designed to: revisit the original purposes and intent of the Act; examine the implementation of the law and its practical effects, including amendments over the Act’s history; and explore further opportunities for reform. The Center is honored to have contributed to the transition teams of Attorney General Andrew Cuomo and Governor Andrew Cuomo, and to the area of public integrity and procurement reform.

The proliferation and cost of local government has been on the Government Law Center’s agenda since the 1980s. In the mid-1980s the Government Law Center produced a landmark report for the Legislative Commission on State-Local Relations on intergovernmental cooperation. In 1990 the Center produced a widely disseminated report on the structure of local governments across the country and options for reform in New York. The Center has published numerous other studies and reports for the National League of Cities and others, as well as participated in dozens of conferences, legislative hearings and workshops on options for enhancing local government efficiency and producing cost savings. When called upon to assist the Department of State in 2006 with the provision of technical assistance in the implementation of the Shared Municipal Services Initiative, the Government Law Center not only answered the call, but, as you will read in this newsletter, under the leadership of Paul Moore has facilitated the establishment of a statewide network of technical assistance and information sharing to support the creative and innovative efforts of local government officials throughout New York State. The Center’s agenda in the area of municipal law is consistent with Governor Spitzer’s call in his inaugural State of the State address for further study on local government structure.

Judicial reform continues to be an area of study and scholarly interest to the Center and a number of faculty members at Albany Law School. The Center was honored to be asked by Chief Judge Judith Kaye to play a leadership role in the Commission on Restoring Public Confidence in the Elected Judiciary. Nationally recognized judicial scholar Luke Bierman, Esq. joined the Center staff in August, bringing a wealth of expertise that has already been put to work with his appointment to the Association of the Bar of New York City’s Task Force on Town and Village Courts and invited testimony before the Assembly Judiciary Committee on judicial selection reform. The Center welcomes the challenges offered by both Chief Judge Kaye and Governor Spitzer’s calls for reform of the court structure in New York.

Over the last few years, the Center and Albany Law School’s Environmental Outlook Journal have committed resources to explore legal aspects to green energy. Research, scholarship and technical assistance have focused on green development and land use, environmental and land use aspects of siting wind farms in New York, legal aspects of climate change and global warming, and legal and policy issues in the development and use of other renewable energy sources. For a second year, the Government Law Center is partnering with the American Bar Association and the American Council on Renewable Energy to host monthly teleconferences for law students, faculty and interested community members on cutting edge and developing legal issues and renewable energy.

The popular Warren Anderson Legislative Breakfast program continues this spring with programs on criminal justice reform issues, racing and gaming, judicial reform, and the Internet and child safety. A conference in March 2007 will touch on the many controversial issues regarding Indiana Gaming in New York State.

The Government Law Center welcomes the new administrations to Albany and invites all in the public sector workforce and those who assist new administrations to Albany and invites all in the public sector workforce and those who assist
Ethics Reform Conference Scheduled for March 2007

On March 23, 2007, the Government Law Center will convene a Symposium on the New York State Ethics in Government Act at Albany Law School, co-sponsored by the Municipal Law Section of the NYS Bar Association. This symposium, “20th Anniversary of the Ethics in Government Act: Revisiting Sweeping Reforms & Redefining Public Integrity,” will bring together many of the principals responsible for the development, negotiation, passage and implementation of this landmark legislation. Offering a substantial retrospective of the factors contributing to the passage of this important law and some perspective on the opportunity for additional ethics legislation during a new reform-minded Administration, the symposium will be informative and provocative.

The Ethics in Government Act resulted from a time of scandal in New York State. Officials at all levels of government were implicated in corruption of all kinds, resulting in a persistent cynicism and skepticism about government and public officials. The breadth of the scandals included: the Federal Housing Authority, the public housing crisis, the state legislative scandal, and state and local officials, as well as judges and others. Reform legislation was appropriate to this era but was not easy in coming. Initial legislation was vetoed as too weak. The convening of the Commission on Government Integrity, chaired by Fordham Law School Dean John Feerick and armed with subpoena power to root out and identify individual cases of misconduct as well as comprehensive reforms, made clear that business as usual was passé. Disputes about the Commission’s budget and membership heightened tensions and expectations regarding the scope of ethics reform.

The Ethics in Government Act, finally enacted in 1987, shifted the paradigm. A State Ethics Commission was established to interpret and enforce the ethics laws applicable to executive branch employees as well as those in public authorities and public universities. Disclosure provisions, revolving door restrictions, limits on gifts and outside activities, and other requirements were all part of the sweeping changes. The way in which public officials did their work was changed dramatically.

Additional areas of ethics concern, however, were not addressed. For example, the Feerick Commission issued several reports about campaign financing, judicial selection, operations of state and local government and integrity in government with recommendations to enhance the ethical conduct of New York’s public officials. Some of these recommendations were adopted while many remain unrealized.

This symposium will offer an opportunity to understand the parameters that led to cleaner government in New York and to explore the opportunities to make New York’s ethics laws stronger still. Current initiatives will also be discussed. The program will open with a keynote address on Earning the Public Trust: The Road to Meaningful Ethics Reform—Getting to the 1987 Ethics in Government Act and two sessions on The Ethics in Government Act: An Examination of the Negotiations, Expectations and Reflection on Success and Twenty Years of Experience with the Ethics in Government Act; Assessing the Accomplishments, Disappointments and Opportunities for Reform. The afternoon keynote speech will address Restoring Public Trust in Government: A National Perspective on Government Ethics Reform, followed by a presentation on Government Ethics and the Private Sector; Who is Responsible for What Actions? The program will conclude with a Roundtable Discussion on Government Reform and Ethics: Appropriate Next Steps for New York.

John D. Feerick, Norris Professor of Law, and former Dean, Fordham Law School and former Chair, New York State Commission on Government Integrity, will provide keynote remarks. Other speakers confirmed to date include: Lise Bang-Jensen, former co-host, “Inside Albany”; Patrick E. Brown, Esq., Brown McMahon & Weinraub LLC; Barbara Bartoletti, Legislative Director, League of Women Voters of New York State; Mark Davies, Executive Director, New York City Conflicts of Interest Bureau; Evan Davis, Esq., CLEary Gotlieb and former Counsel to Hon. Mario M. Cuomo; Mark Glaser, Esq., Greenberg & Traurig and former Counsel to the Assembly Majority; Thomas F. Guernsey, President and Dean, Albany Law School; Jim Henretty, CSEA Deputy Director for Contract Administration; Blair Horner, Legislative Director, New York Public Interest Research Group; Eric Lane, Eric J. Schmertz Distinguished Professor of Public Law & Public Service, Hofstra University School of Law; Elizabeth Moore, Nixon Peabody, former Counsel to Hon. Mario Cuomo, and former Chair of the NYS Ethics Commission; Richard Rifkin, Esq., Special Counsel to Governor Eliot Spitzer and former Executive Director of the NYS Ethics Commission; Patricia E. Salkin, Associate Dean and Director, Government Law Center of Albany Law School; and Karl Sleight, Executive Director, New York State Ethics Commission.

The Symposium has been certified as a source of Continuing Legal Education credit, fulfilling the requirements for 2 professional practice credits and 4 ethics credits. For CLE inquiries, contact Lisa Rivage at (518) 472-5888, and for program questions contact Luke Bierman at (518) 472-5849. For registration information, visit www.albanylaw.edu/glc or contact Jennifer Schermerhorn at (518) 445-3287.

Judicial Reform, Racing and Gaming, and Criminal Justice Among Topics to Be Addressed at 2007 Anderson Series

Judicial reform will be the opening topic of this year’s Warren M. Anderson Legislative Breakfast Seminar Series. On February 27th, Luke Bierman, Esq., Government Law & Policy Fellow at the Government Law Center, will deliver a presentation, “Rethinking Judicial Reform: Judges are Different.” Mr. Bierman has spent the last decade working on judicial selection reform around the country at the American Bar Association, where he was the architect of the Bar’s revitalized effort to improve state judicial selection. He was responsible for the seminal report on public financing of judicial campaigns, which has been essentially adopted in North Carolina, and the seminal report recommending Judicial Qualifying Commissions, which the Feerick Commission adopted. The 2007 Series will continue on March 20th, with an update on “The State of New York Racing” by Bennett Liebman, Esq., head of the Government Law Center’s Program on Racing and Gaming, “The Internet and Child Safety” will be discussed on April 24, and “Issues in Criminal Justice” will be examined on May 15.

Held monthly during the legislative session, each program features an expert or a panel of experts who provide legislators, legislative and agency staff, and other key policy makers with educational information on the legal aspects of policy issues pending before the New York State Legislature. The series is named after Warren M. Anderson, a distinguished alumnus of Albany Law School and an active member of the Government Law Center Advisory Board. Having served in the New York State Senate for thirty-five years, he is known for his leadership during his tenure as President Pro Tem and Majority Leader from 1973 to 1988.

This year’s program sponsors to date are: New York State Association of Counties; CSEA; Featherstonhaugh Wiley Clyne & Cordio LLP; Hinman Straub; Hinman, Howard & Kattell, LLP; Hiscock & Barclay; State Academy for Public Administration; and Wilson, Elser, Moskowitz, Edelman & Dicker LLP.

Attorneys may obtain Continuing Legal Education credit for attending the programs. The seminars are free of charge, but space is limited. To register, or to be put on the mailing list to receive information about each program, please contact Jennifer Schermerhorn at (518) 445-3287 or jsche@albanylaw.edu.
Government Law Center Conference Explores Broadband Issues Confronting Municipalities

The information highway may be more important to the 21st century than the interstate highway was to the 20th century. Yet there remain many uncertainties about whether and how a municipality should provide broadband systems. Questions include: should municipalities settle on wifi or fiber; is it better to proceed through shared services agreements or by single municipalities; should it be viewed as an economic development initiative or as an emergency services initiative, and can it be both; should ownership be public, private or mixed; should it be regulated through zoning or market competition; should municipalities enter into contracts with existing utilities or private suppliers for the service; where should funding come from—the State or private sources; and what checklist should the municipal attorney keep in mind? To address these questions and learn more about the deployment of municipal broadband in New York, almost 100 lawyers, public officials, policymakers and telecommunications experts gathered on December 1, 2006 in the Dean Alexander Moot Courtroom. The conference, entitled “Examining the Potential of Municipal Broadband in New York: Law and Policy Implications,” was planned by Marc Hiller of the NYS Office for Technology, Dennis Graham of the NYS Department of State, Michael Corso of the NYS Public Service Commission, and Luke Bierman, Fellow in Government Law and Policy at the Government Law Center. In addition to the organizations that the planners represent, other cosponsors of the program included the Association of Towns of the State of New York, NY Conference of Mayors, NYS Association of Counties, NYS Bar Association Municipal Law Section, NYS Department of State, NYS Legislative Commission on Rural Resources, NYS Office for Technology, and the NYS Public Service Commission.

Albany Law School President and Dean Thomas F. Guernsey welcomed the attendees and NYS Secretary of State Christopher L. Jacobs offered remarks on the importance of broadband to New York. GLC Advisory Committee member and NYSPSC Commissioner Maureen Harris also welcomed the crowd. Keynoter Jim Baller of the Baller Herbst Law Firm of Washington, DC, a foremost legal expert on broadband deployment, provided an overview of the legal and policy environment in which broadband currently is deployed. Nick Vantselfde of the Boston consulting firm Altman Vilandre and the principal advisor to the commission that developed the policy and strategy for deploying municipal sponsored wifi services in Boston explained the comprehensive approach he championed as the luncheon speaker.

Other presentations covered local NY efforts to provide municipal broadband by Wendy Lader, Vice President, Telecommunications Policy, NYC Economic Development Corporation; Sharon Cates-Williams, Chief Information Officer, Suffolk County; Tom Sauter, Deputy Executive Director, Development Authority of the North Country; Jim Zeman and Kyle Kelliher, Glens Falls Broadband Initiative; and Edward E. Hemminger, Chief Information Officer, Ontario County. The federal, state and local legal environments were described by Andrew F. Neuman, Esq., Senior Assistant to the Westchester County Executive, who explained the Westchester County Public Internet Protection Act; Marc Hiller, Associate Attorney, NYS Office for Technology, who described state legislative possibilities; and John Graham, Staff Counsel, NYS Public Service Commission, who described the federal legislative environment.

A presentation about resources available to assist municipalities as they deploy broadband services was also very well received. Dennis Graham, Director of Telecommunications for Empire State Development, explained the parameters of a number of grant programs available to municipalities to fund broadband projects. Barbara “Charlie” Murphy, Director, Division of Local Government, NYS Department of State, and Harry Willis of the NYS Department of State Counsel Office explained several grant programs and other resources available to support municipal broadband through their offices. The program concluded with Megan Levine, the Director of Technology, encouraging thorough and creative attention to the essential nature of broadband services to ensure that New York remains competitive and influential for generations to come.

The need for information about deploying broadband is extremely high as municipalities recognize the competitive advantage provided by high speed internet access and other technological services offered with broadband capability. A report to the Legislature regarding opportunities for broadband in the state was due January 1, 2007 and should offer some direction as the Government Law Center continues its interest in helping public law and policy makers address the continuing developments in broadband services.
GLC Initiative Aims to Improve Performance, Enhance Accountability of Public Authorities

Following the very successful program on public authority reform at the Law School in March 2005 and the passage of the Public Authority Accountability Act, the Government Law Center has undertaken the public authority project intended to promote the objectives of the Act by improving performance and enhancing accountability of public authorities. Toward this end the Government Law Center has been approved by the Authority Budget Office as a trainer of public authority officials. This recognition will allow the Government Law Center to organize and offer professional training and ethics programs for public authority officials consistent with the requirements of the Act. These programs will be in the nature of current programming sponsored by the Government Law Center in collaboration and cooperation with the Professional Services Program of CUNY, which have been offered several times this fall at the Law School and elsewhere. Among the faculty for these programs are Scott Fein, a partner at Whiteman, Osterman and Hanna, who has extensive experience working with and representing public authorities across the state, and Janis Fallon of Whiteman, Osterman and Hanna.

The Government Law Center is working on the development of a comprehensive program of research, education and technical assistance for public authority boards and staff. It will conduct training for public authorities on March 30, April 13 and May 11 at Albany Law School, to examine the Public Authority Accountability Act, governance, finance, and many other topics. For more information or to inquire about upcoming educational programs and research initiatives, please contact Luke Bierman, Esq. at lbier@albanylaw.edu or (518) 472-5849.

Visit the Newly Enhanced “Government Law Online”

Government Law Online (www.governmentlaw.org), the GLC’s electronic clearinghouse, has expanded its subject matter to include articles, studies, and proceedings on:
- Administrative Law • Aging Law • Alternative Dispute Resolution • Citizen Oversight of Law Enforcement
- Constitutional Law • Disability Law • Eminent Domain Law • Energy Law • Environmental Law • Government Ethics
- Land Use Ethics • Public Finance • Health Law • Labor & Employment Law • Land Use, Planning & Zoning Law
- Municipal Law • Non-Profit Law • Procurement Law • Property Law • Racing & Gaming Law.

Visit our growing publication collection on the web!

GLC Convenes March 2007 Symposium to Explore Current Issues in Indian Gaming

The Government Law Center is hosting a symposium on “Current Issues in Indian Gaming” on March 16 at Albany Law School. The all day program was organized by Bennett Liebman, Esq., Coordinator of Albany Law School’s Program on Racing and Gaming Law, and Robert C. Batson, Esq., Government Lawyer in Residence at Albany Law School and New York State’s lead attorney on Indian Law from 1977 to 1994.

New York State finds itself at a crossroads in 2007 over the numerous uncertainties affecting Indian gaming policy. With new statewide leadership in place, Indian gaming issues are rising into the forefront. Will there be new casinos in the Catskills? What will happen to the Turning Stone casino and a potential Seneca Nation casino in Buffalo? How have the State and local governments negotiated with the Indian tribes in the past, and what can we expect in the future? What are the prospects for a change in federal law on off-reservation casinos, and what will be the effect of Supreme court and federal court decisions on Indian land claims and casinos in New York?

Confirmed speakers and topics to date are: Virginia W. Boylan, Esq. of Drinker Biddle & Reath LLP; George Skibine, Director, Office of Indian Gaming, and Acting Deputy Secretary for Policy and Economic Development, U.S. Department of the Interior; Keller George, Special Assistant to the Nation Representative, Oneida Indian Nation of New York; and S. John Campanie, Madison County Attorney, speaking on Land in Trust; Richard Rifkin, Esq., Deputy Secretary to Governor Spitzer; Patrick E. Brown, Esq., Brown, McMahon & Weinraub, and Ira J. Cohen, Sullivan County Treasurer, speaking on Negotiating Intergovernmental Agreements; V. Heather Sibbison, Esq., Patton Boggs LLP; and Michael Gross, Esq., National Indian Gaming Commission, speaking on Class II vs. Class III Gaming; and Joseph Health, Esq., Attorney for the Onondaga Nation, and David M. Schraver, Esq., Nixon Peabody, LLP, speaking on Land Claims After Cayuga.

Continuing Legal Education credits will be available for the program. For CLE questions, contact Lisa Rivage at (518) 472-5888 or lriva@albanylaw.edu. For registration information, contact Jennifer Schermerhorn at (518) 445-3287 or jsche@albanylaw.edu.
GLC Establishes Program to Assist and Educate Area Nonprofit Organizations

This fall, with the assistance of Congressman Michael R. McNulty, the Government Law Center received a federal grant to provide four Albany Law School Fellows with the opportunity to work with nonprofit organizations in developing a series of training modules on board governance and other legal issues. The program is designed to fill the gap for nonprofit leaders and board members who often are unaware of how legal issues affect them and who cannot always afford to hire a lawyer. The information developed will be published in user-friendly guides and made available to all nonprofits in the Capital Region and across the State. The project will culminate in a nonprofit law conference to be held at Albany Law School in June 2007.

The nonprofit organizations that are working directly with the program are: Alternative Living Group, Inc., Schenectady; Caring Together, Inc., Delmar; Community Caregivers, Inc., Guilderland; and Watervliet Senior Citizens Center, Inc. The students who have been paired with the nonprofits are: Ginnesa Gailliard ’07, Deanna Scensy ’08, Christine Halverson ’07, and Bryon Fogan ’08. Attorney John Santacrose ’88 is serving as Program Director.

Last fall, each Fellow began directly observing and interacting with a nonprofit board to become familiar with how the organization conducts business. In December, they presented a research and educational questionnaire to the board members to develop an understanding of the depth of knowledge the members have regarding their organization’s purpose, by-laws, and the role of the director, members, and other volunteers. At the start of 2007, the Fellows’ efforts have focused on developing six educational modules on: Directors and Officers, Members and Volunteers, The Governing Documents of an Organization, The Audit Committee and Committees in General, Lobbying versus Advocacy, and Conflict of Interest.

An Advisory Group has been appointed to assist the Government Law Center in implementing the program. The members are: E. Kristen Frederick, Executive Director of The Community Foundation; Thea Hoeth, Esq., Executive Director of To Life; Paul Kietzman, General Counsel, New York State Office of Mental Retardation and Developmental Disabilities; Ann Wendth, Senior Vice President, Non-profit Business Council of the Albany-Colonie Regional Chamber of Commerce; Nan Miller, founder of the Klepper Non-Profit Legal Assistance Program; William Redmond, Esq., Chairman of the Government Law Center Advisory Board; Professor Judith Saidal, Director, Center for Women and Government, University at Albany; Dave Watson, Esq., Senior Vice President, Council of Community Services of New York State; and Timothy Lennon, Assistant State Attorney General, Charities Bureau.

The new project is an outgrowth of the Government Law Center’s Lawrence Klepper Non-Profit Legal Assistance Program, initiated 10 years ago to focus on providing legal information to grassroots nonprofits in the Capital Region. The initiative has been funded by donations to the Social Action Committee at Congregation Beth Emeth. Through the Klepper Program, the Government Law Center has paired law students with attorneys who agreed to provide pro bono or low-cost legal services to nonprofits so that students would gain a better understanding of nonprofit law, and a sense of social justice and community service.

A conference discussing the legal issues surrounding nonprofits, brought to the forefront through this initiative, will be held in June. For more information, contact program director John Santacrose at (518) 425-3266 or jsant@albanylaw.edu.

GLC Hosts National Teleconference Series on Renewable Energy

The Government Law Center at Albany Law School is one of 27 site hosts for a series of national teleconferences focusing on renewable energy. These teleconferences are sponsored by the American Council On Renewable Energy (ACORE) in collaboration with the Renewable Energy Resources Committee of the American Bar Association SEER Section & Renewable Energy Committee of the Energy Bar Association. The monthly seminars provide an opportunity to network and discuss topical issues with renewable energy lawyers, policymakers, and business experts. The teleconferences are open to all those involved and interested in aspects of law, policy, business, or financing in the renewable energy or distributed generation fields. For more information, including how to register, check out http://www.acore.org/renewableenergyinfo/.

A teleconference was held on January 17, 2007, on the topic of “Is Distributed Generation the Future of the Grid?” The speakers discussed reliability and transmission issues related to connecting large amounts of distributed energy generating sources (particularly renewable sources) to the local distribution networks and the regional grids. Issues related to grid reliability and operation, including interconnection, and the positions of federal and state regulators towards accessibility were presented. Other members of the panel addressed grid reliability, including reliability software, and the effect on overall grid operation of various distributed renewable generation sources such as the solar, wind, biomass, and small hydro. The speakers appearing live were Greg Cook, Manager, Tariff & Regulatory Policy Development, California ISO; David Cohen, CEO, Infotility, Inc.; and Thomas Dorr. The teleconferences are held monthly with additional programs to be held on February 14, covering wind power projects, on March 21, titled Converging New Finance Techniques: Renewables, Efficiency, and Demand Reduction, on April 18, examining International Policy and Finance, and in May, with a topic to be announced.

GLC Adds New Program on Understanding the Civil Service Exam to Student Career Offerings this Spring

The GLC, in conjunction with Career Planning and the Office of Alumni Affairs, will offer three panel presentations this spring to provide Albany Law School students with practical information on public sector careers. Each program will feature government attorneys knowledgeable on state and local government jobs.

“Careers in the Legislature” will take place on February 21, and will feature Bill Collins, Esq., Counsel to the NYS Assembly Majority, and Yiselle Ruoso of the New York State Legislative Bill Drafting Commission. “Understanding the Civil Service Exam,” scheduled for February 28, will be led by Mark Volk, Deputy Counsel, Litigation Section, New York State Department of Taxation & Finance; Colleen Rumsey, Esq., Senior Attorney, of the New York State Insurance Department; and Dan Dudden, Staffing Services for the New York State Department of Civil Service, with Robert C. Batson, Esq., Government Lawyer in Residence, serving as Moderator. A panel on “Careers in Local Government” will take place on March 7, 2007.

All programs will take place at 12 noon in Career Planning. For more information, contact Joanne Casey at (518) 472-5875.
February 16: Symposium on State Constitutional Law and the High Courts

On February 16, 2007, Albany Law Review and the Government Law Center will co-host a spring symposium entitled “The Reemergence of State Constitutional Law and the State High Courts in the 21st Century.” This event will be dedicated to reexamining the reemergence of state constitutional law in American jurisprudence and the growing role that state high courts will play in the 21st century.

The panel of speakers and moderators for the symposium features chief justices and judges from state high courts all around the country, including Chief Justice Judith S. Kaye of the New York Court of Appeals, Chief Justice Shirley S. Abrahamson of the Wisconsin Supreme Court, and other experts in state constitutional law. To celebrate New York’s first female Court of Appeals judge and Chief Judge, the symposium will also feature a tribute to Chief Judge Kaye.

This year’s State Constitutional Commentary issue of Albany Law Review will include transcripts and articles from symposium speakers and other experts on state constitutional law. The issue is scheduled for publication early in 2007 as Issue 3 of Volume 70. The event is free and open to the public. CLE credit will also be available.

To sign up for the event, please visit Albany Law Review’s website at http://www.albanylawreview.org. For more information, please contact Paul Trumble at pTRumble@albanylaw.edu.

March 1: Symposium on Legal Implications of the Emerging Nanotechnology Field

On March 1, 2007 the Albany Law Journal of Science and Technology, the Government Law Center, and the Science & Technology Law Center will be co-hosting a nanotechnology symposium. The symposium will consist of a keynote speech and three panels addressing what is on the horizon in nanotechnology, patent difficulties, and regulatory affairs.

Several nationally recognized speakers are scheduled to participate, including a director from Dupont, a partner at Foley & Lardner, LLP, and a supervisor from the US Patent and Trademark Office, as well as nanotechnology professors from SUNY Albany and Rensselaer Polytechnic Institute (RPI).

The symposium is a free event and CLE credits will be available to participants. For more information regarding the symposium please contact Sarah Elghannani of the Albany Law Journal of Science and Technology at selghannani@albanylaw.edu.

April 18: Symposium on Legal Aspects of Using Alternative Energy to Tackle Global Warming

On April 18, 2007, the Albany Law School Environmental Outlook Journal will be holding its annual symposium entitled “Combating Climate Change: The Legal Issues of Alternative Energies.” The Government Law Center will be a co-sponsor of the event.

Among the many issues addressed will be the cutting-edge technology of kinetic instream hydropower, an alternative energy option that involves harvesting the power of fresh and salt water currents without the need for man-made dams or channels. Speakers include Ruth Horton, a program manager from The New York State Energy Research and Development Authority (NYSERDA) speaking about alternative fuels, and a representative from Verdant Power discussing the scientific and legal issues.

For more information about the symposium, email the Albany Law Environmental Outlook Journal at outlook@albanylaw.edu.

Kincare Support Project to Prepare Legal Fact Sheets, Legislative Intent Explanation, and Resource Guide for Service Providers

Starting last June, the Kincare Support Project began steps to achieve its core purpose, the education of both professionals and caregivers on the legal issues surrounding kinship care. Aided by the NYS Kincare Coalition, the project established a statewide network of professionals and service providers, and soon began offering seminars and workshops. Trainings and workshops focused on a general review of rights and resources, a more specific examination of non-parental rights to custody and control, grandparents’ rights, and an overview of family interventions in court procedures, especially neglect proceedings.

The project’s first professional trainings targeted attorneys. In New York City, a June 22 training at Greenberg Traurig, sponsored by MFY Legal Services, counted over eighty attendees. At that training, Gerry Wallace, Esq., Project Coordinator, co-presented with Judge Joseph Lauria, chief administrator for New York City’s family courts. On November 13th, a training at the Orange County Supreme Court chambers mustered another twenty-five attorneys, and a November 28th session at the GLC was attended by sixteen NYS Office of Children and Family Services attorneys. In addition, Gerry Wallace presented to over seventy attendees at a statewide Correctional Officers and Youth Services Association conference in Lake Placid on October 12th and to the regional directors of the New York State Office of Children and Family Services Youth Bureaus on December 7th. He also presented a program for service providers and social service professionals at the June 7th and October 31st regional summits in Buffalo, and led seminars in Geneva, Canandaigua, Rochester, Albany, Middletown, Newburgh, Hempstead, and Stony Brook.

On December 12th, Mr. Wallace attended a Casey Foundation symposium on subsidized guardianship in Boston as one of only two speakers from New York State. Since June, over four hundred caregivers have been educated.

Ten legal fact sheets, covering public assistance, legal custody, guardianship, and various court proceedings, were distributed at these programs, and they will soon be posted on the upcoming NYS Kinship Navigator website. The kinship caregiver resource guide has been revised and will soon be available in county-specific versions, and a “how-to” guide will offer advice on applying for public assistance.

The program is helping to draft the Child Welfare League’s standards of excellence for both public and private kinship care services, and Wallace has been invited to speak at the League’s conference, “Children 2007: Raising Our Voices for Children,” taking place on February 26-28 in Washington, D.C.
Several hundred senior citizens braved stormy skies on October 28 to take advantage of nearly 30 classes on aging issues offered at Albany Law School’s thirteenth annual Senior Citizens’ Law Day.

The program opened with the Nancy M. Sills Memorial Lecture delivered by Ann DiSarro, who had until recently served for many years as the Executive Director of Senior Services of Albany, Inc. She and her organization have worked closely with the Government Law Center on many issues relating to aging law and policy and her organization has been and continues to be a supporter of Senior Citizens Law Day. We were pleased to have the opportunity to honor her for her services and support.

The morning program also featured two prominent elder law practitioners, Amy O’Connor, Esq. and Timothy Casserly, Esq., who shared their insights on Medicaid reform issues. New York State Senator Neil Breslin and Albany County Executive Michael Breslin also were on hand to greet the crowd.

Service providers, members of the faculty-including Ira Bloom and Beverly Cohen-and attorneys recommended by the Capital Region bar associations, volunteered their time to talk about significant legal issues related to aging, including Aging in Place; Choosing Long Term Care Facilities, Do Not Resuscitate Orders, Estate Planning, Grandparents as Caregivers, Health Care Proxies and Living Wills, Identity Theft, Long Term Care Insurance, Medicare and Medicaid, Powers of Attorney; Proactive Planning for Adult Disabled Children; Probate in Surrogate’s Court; Small Estates, and Wills.

New this year was a Pro Bono Senior Clinic offered by the Elder Law Section of the New York State Bar Association to offer the second Pro Bono Senior Clinic at Albany Law School on Tuesday, March 13, 2007. Attorneys who practice Elder Law in the Capital Region were available from noon to 3 p.m. for individual appointments free of charge. Appointments lasted approximately 15 minutes each, and a list of referral attorneys for follow-up information was made available to each registrant. The appointment slots were all filled and a waiting list for the next clinic, scheduled for March 13, 2007 (see below), was two pages long, demonstrating the clinic’s unqualified success.

Each participant received a free guidebook, printed courtesy of the New York Unified Court System, Office of Court Administration. The booklet, containing more than 260 pages of up to date information about issues of concern to older adults, was also offered to all NYS Legislators as a constituent resource.

Other sponsors were: New York State Senator Neil D. Breslin; Albany County Department for Aging, Michael G. Breslin, Albany County Executive; Times Union; CSEA; Clear Channel; New York Long-Term Care Brokers, LTD; Printing Services of New York Inc.; Retired Public Employees Association; Albany College of Pharmacy; New York State Office for the Aging; City of Albany Mayor Gerald D. Jennings; Bountiful Bread; Capital District Transportation Authority; City of Albany Department of Fire & Emergency Services; Community Caregivers; Crestwood Pharmacy; Dunkin’ Donuts; Hannaford; NYSBA, Elder Law Section; Panera Bread; Price Chopper; Senior Services of Albany, Inc.; State Academy for Public Administration; Starbucks Coffee Co.; and Stewart’s Shops.

A small supply of handbooks from Senior Citizen’s Law Day is available. Please contact Michele Monforte at (518) 445-2383 or mmomf@albanylaw.edu for more information.

GLC Continues its Role in Educating the Public Sector Workforce

The Government Law Center has enjoyed an active year in the area of training public sector workforce employees. Through contracts with the New York State Office of Children & Family Services, the Public Development Program of Rockefeller College, the New York State Retirement System and the New York State Department of Motor Vehicles, the GLC presented more than 25 diverse courses, conferences and teleconferences in the following areas: Investigative Interviewing, How to Testify in Court, Evidence Refresher for Administrative Law Judges, Administrative Law Update for Lawyers, Current Topics in Government Law, Drafting and Interpreting Statutes and Regulations for Non-Lawyers, Ethics for Government Attorneys, State and Federal Legislative Update, Trial Skills, Kinship Care, and How to Deal with Difficult People. Many of these courses carry Continuing Legal Education credit, and instructors include Albany Law School faculty, area practitioners and Albany Law School alumni. For information on the Government Law Center’s education and training programs, please contact Barbara Mabel at bmabel@albanylaw.edu or (518) 445-2327.

The Fall 2007 Issue of the Government Law & Policy Journal examines several of the recent developments in procurement law in New York. Our guest editors for this issue are Teneka Frost, Esq. ’05, and Michael Cassidy, Esq. ’02. Teneka and Michael are Post-Graduate Fellows at the Government Law Center studying the impact of the changes in New York’s procurement law. Many noted scholars on procurement law contributed to the publication. The topics addressed include the state and local procurement process (including New York City’s), this year’s legislative changes to the Procurement Stewardship Act and possible future reforms, ethics in procurement, preferred sources, debriefing, vendor responsibility, preferences for small businesses, public authority procurement practices and the procurement lobbying law.

The Government Law Center together with the Editorial Board of the Journal has also been hard at work developing plans for the 2007 issues. Our spring 2007 issue will focus on current and future issues in eminent domain. Our guest editors are Jon N. Santemma, Esq., of counsel to the Tax Certiorari and Condemnation Law Practice Group at Jaspan Schlesinger Hoffman LLP, and David Wilkes, Esq., an expert on valuation-related real estate disputes and advisory services at Huff Wilkes, LLP. The Fall 2007 issue will examine the state of education. Our guest editors are Douglas Gerhard, Esq. ’92, Legislative Counsel, The Council of School Superintendents, Pauline Kinsella, Esq., Executive Director, New York State United Teachers, and Jay Worona, Esq. ’82, General Counsel & Director of Legal & Policy Services Counsel, New York State School Boards Association.

Sandman Fellowship Examines Feasibility of Using Trained Volunteers as Guardians

Adrienne Foederer, ’07, the 2006 Sandman Fellow, has been studying the potential use of volunteer panels to act as guardians for individuals who have been determined by a court to be incapacitated when the incapacitated person does not have a family member or friend who can assume the responsibilities of guardianship. Commissioned by the Albany Guardian Society of Albany, New York, the study will examine as yet untapped sources of guardians, including retired persons or other individuals willing to volunteer. Grouping volunteers into panels would lessen the burden on a single individual and foster carefully considered decisions.

Several models for this approach exist both here in New York and elsewhere. In New York, panels of professionals acting pursuant to Article 80 of the Mental Hygiene law make health care decisions for incapacitated persons living in mental health facilities. In other states, not-for-profit organizations often staff their guardianship programs with trained volunteers.

The Government Law Center and the Albany Guardian Society have hosted a series of Roundtable Discussions on the potential use of volunteer panels. The first meeting, held on April 21, 2006, brought together professionals from the Capital Region and around the state to examine this need. The second meeting was held on July 27, 2006 at the Desmond Hotel. Erica Wood, Esq., of the American Bar Association of the Legal Problems of the Elderly, and Sally Hurme, Esq., of the American Association of Retired Persons, two nationally known experts on guardianship, addressed the group. The final Roundtable Discussion was held on November 3, 2006. Ms. Foederer led the day-long discussion. She reported on current guardianship programs in New York and updated the attendees on the status of programs in other states. The final part of her presentation focused on the challenges to using volunteers as part of a guardianship program; she offered model forms and training programs from other states’ programs and identified various issues with which that programs across the county have grappled.

The Final Report on the Use of Volunteers in Guardianship Programs will be released in early 2007. For more information, contact Rose Mary Bailly at (518) 472-5858 or rbail@albanylaw.edu.
GLC Remains Active in Judicial Selection Issues

Challenges to the continued impartiality and independence of the judiciary are prominent around the country. From escalating campaign costs in judicial elections to ballot proposals to limit judicial immunity to litigation over the constitutionality of judicial ethics restrictions on campaign conduct, almost every state in the country is facing some controversy about how to keep judges fair and impartial. In New York, the controversies over judges have not escaped the attention of the Government Law Center.

Government Law Center Director Patricia Salkin served as vice-chair of the Feerick Commission, appointed by Chief Judge Kaye to examine ways to promote confidence in judicial elections. The reports recommended a variety of improvements, such as judicial retention elections (where a judge faces only a yes/no vote, not an opponent), state-sponsored independent screening panels to vet judicial candidates, public financing of judicial election campaigns, voter guides containing information on candidates and the justice system and public access to candidates’ campaign finance information via the Internet, as well as a web-based judicial directory.

During this time, litigation making its way through the federal courts successfully challenged as unconstitutional the convention system for nominating Justices of Supreme Court. The Second Circuit, in Lopez-Torres v. New York State Board of Elections, 463 F.3d 161 (2d Cir. 2006), has ordered open primaries for nominations of Justices of the Supreme Court unless the Legislature amends the process in a way that comports with the constitutional dictates of democratic participation for judicial aspirants and voters. To consider how it might fix the defects, a series of hearings were held by the Assembly and Senate Judiciary Committees, with an eye toward legislative changes. Luke Bierman, Fellow in Government Law and Policy at the Government Law Center, testified before the Assembly Judiciary Committee, pointing out that the challenges faced in judicial elections are part of a national trend affecting state judiciaries that is having the effect of limiting the unique character of the judiciary and making it more like legislatures and executives, to the detriment of the role and responsibility of the judiciary as an impartial arbiter. From this perspective, Bierman urged that the convention system for Supreme Court Justice nominations, a unique process, be altered to enhance democratic participation so as to meet the constitutional objections of the Second Circuit.

While recognizing that open primaries with a public financing component would be acceptable to maintain the uniqueness of judicial selection, Bierman urged the Committee to focus on a constitutional amendment to eliminate judicial elections in the state, or New York will inevitably suffer the consequences being experienced in other states with judicial elections.

In addition, Bierman was appointed to serve on the New York City Task Force on Town and Village Courts convened by the New York City Bar Association. Continuing attention to the state’s Justice Courts, which are not funded by the state but by municipalities, are not part of the unified court system, have judges who need not be lawyers and generate over $200M a year, has resulted in an action plan by the Chief Judge to improve the way these courts function. A report by the State Comptroller finding deficiencies in some of the management practices of Justice Courts, followed by a critical series about how some Town and Village Justices preside over court and dispense justice, led to an Assembly Judiciary Committee hearing on the status of local justice in the state. The Task Force on which Bierman sits, chaired by former Supreme Court Justice Phyllis Bamberger, will make recommendations about how to improve the way the courts operate. Of course, these concerns about these courts are not new, as efforts to change the local court system have been unsuccessful for almost 100 years, since at least the 1915 state constitutional convention.

As these issues focusing on judicial reform remain prominent, the Government Law Center will remain focused on how to improve the administration of justice in New York.

GLC Local Government Technical Assistance Continued from page 1

Over time it is expected that membership would expand to include, among others, New York’s regional planning agencies, metropolitan planning organizations, other state agencies with local government interactions, and not-for-profit governmental research agencies.

Each member of the network would agree to provide a portal to the network on their web site and to share relevant research and technical assistance products they produce (or have produced) with other members of the network. Content that is being developed as part of the SMSI Technical Assistance Project will also be made available to members of the network, and will include, among others:

An extensive and updatable set of web links to national, state and local sites that provide useful information;
An annotated bibliography of useful resources that can also be easily updated and shared; and

The case study write-ups being prepared by the GLC, as well as the framework for adding additional case studies prepared by other network members utilizing the SMSI template.

“The ultimate goal is to replace the traditional notion of a static, user-friendly technical assistance manual with a dynamic, web-based information network that is far more robust in content, accessible 24/7/365, and always up-to-date,” GLC Project Director Paul Moore said.

Other GLC staff that are working on the project include senior advisors Luke Bierman, a Post-Graduate Fellow at the GLC, and Robert Batson, a Government Lawyer in Residence at the GLC. Several third-year law students will also assist in legal and program research. They are Stephanie Baker, Deborah Buchanan, Emily Cartwright, and Tyler Feane.

“It is very appropriate for the GLC to play a central role in providing this type of technical assistance,” said Dean Salkin. “We have a long history of doing legal research specific to the topic, and of building a long-term technical assistance infrastructure that takes advantage of the full range of information assets available in New York State.”

Other deliverables include “how-to” manuals, training modules and new web-based help.

For additional information please contact Paul Moore, the SMSI Project Director, at (518) 445-3256.
**N E W S  I N  B R I E F**

**Associate Dean Patricia Salkin** was appointed to the U.S. Environmental Protection Agency’s National Environmental Justice Advisory Council in January. In January, she was elected First Vice Chair of the New York State Bar Association’s Municipal Law Section during the Annual Meeting of the State Bar Association. She also was elected Treasurer of the State and Local Government Law Section of the American Association of Law Schools. Last fall, she was appointed to the transition teams for both New York Attorney General Andrew Cuomo ‘82 and New York Governor Eliot Spitzer, and to the NYS Comptroller’s Local Government Research Advisory Group.


**Associate Dean Salkin** delivered a presentation on December 3 on eminent domain and religious land uses to the Montabello Jewish Center in the Town of Ramapo, N.Y. On October 3, she presented a course for the Union College Academy for Lifelong Learning as part of the College’s Law and Society Program. Salkin addressed the topic of eminent domain. GLC Advisory Board member Robert J. Coan, Esq. coordinated the UCALL series. Salkin spoke at the Annual Meeting of the Young Lawyers of the New York State Bar Association on October 21 on the Nuts and Bolts of Land Use Law. She delivered two presentations on October 10 at the annual meeting of the New York Planning Federation. The topics covered ethics in land use planning and intermunicipal cooperation in land use planning and zoning. On October 5, Salkin delivered a presentation at the annual meeting of the New York Conference of Mayors on the government attorney-client privilege of confidentiality. She spoke on “Intergovernmental Cooperative Shared Municipal Services” at the Quality Communities Teleconference held on September 27. Salkin also spoke at the September 16 meeting of the Municipal Law Section of the New York State Bar Association on the subject of eminent domain. She was a speaker in an audio seminar presented by the ALI-ABA called “Homeland Security, Disaster Preparedness, and Response Issues in Land Use Planning and Real Estate Development” on Sept. 8. Frank Schmidman ‘73 also served as a panelist and as program planning chair.


On November 16 and 17, Rose Mary Bailly of the Aging Law and Policy Program participated in the New Worker Institute, annual training programs sponsored by the Office of Children and Family Services for Adult Protective Services. Her sessions were Investigating Abuse and Financial Exploitation. On November 20th, Ms. Bailly participated in the New York State Bar Association’s CLE program on “The New Medicaid Law.” Her topic was “Life (Elsewhere in The Elder Law Practice) Goes On - Durable Powers of Attorney After Ferrara.”

Luke Bierman’s article, “Justice System Needs Shakeup,” was published in the *Omaha World-Herald* on August 31. On September 25, he moderated a panel discussion on judicial independence in the 21st century at the Justice at State Awards Luncheon at Harvard Law School. On November 9, Mr. Bierman presented a paper on the future of justice system reform at the South Texas College of Law. In December, he presented testimony on judicial selection reform in New York to the Assembly Judiciary Committee. He was appointed to and serves on the New York City Bar Association Task Force on Town and Village Courts.

Robert Batson ’75 completed work for the Albany City Charter Commission this past fall. He and Luke Bierman were appointed senior advisors to the Shared Municipal Services Incentive grant program.


The **Government Law Center** was a co-sponsor, with the Mohawk Hudson Land Conservancy and other groups, of a presentation “SEQRA—How to Use it in Your Community” on November 14.
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