Public Authority Reform Research Results in On-Line Clearinghouse and Publication

The Government Law Center recently launched the nationwide Public Authorities Information Clearinghouse (PAIC) (www.publicauthority.org), designed to help government officials, public interest groups, and others navigate through the thousands of pages of documents that pertain to the operation and governance of public authorities.

“Public authorities are the fastest growing form of government in the United States,” said Scott Fein, the Project’s director and partner at Whiteman Osterman and Hanna. “Existing side by side with traditional government agencies, these authorities raise funds using tax exempt bonds to provide mass transportation and roadways, government buildings, power, water, and sewage treatment, and to act as engines of economic development. Their proponents believe that they play an important role in ensuring that key government functions operate outside of the political cycle. Most would agree that public authorities are here to stay, and the question is how best to enhance their transparency and governance. The PAIC is, we are hopeful, a step in that direction.”

Public authorities exist at local, state and federal levels of government; examples in New York state include the Empire State Development Corporation, the Metropolitan Transportation Authority and the New York State Thruway Authority. These entities provide a corporate organizational structure, legally separate from government, for the provision of public services financed by user fees and whose capital investments are self-financed through tax exempt bonds. They also manage capital assets and make long-term capital investment decisions with some isolation from political influence and the electoral cycle.

“In New York state alone, more than 600 public authorities hold 95 percent of the state’s debt, to the tune of $140 billion,” said Professor Patricia Salkin, the director of the GLC. “As public authorities continue to become more prevalent in our daily lives, we need the tools to help understand them, including their power to incur debt, the transparency of their operations and their political autonomy.”

Currently, the Public Authorities Information Clearinghouse indexes hundreds of books, academic publications, pieces of legislation, court cases, reports, videos and news articles. The Web site, which includes a state-by-state index of content, will continue to expand with additional content related to public authorities across the country. The site also contains information on accessing the programs of the Government Law Center’s Public Authorities Project, including training and research conducted by the Center. Current short research papers address the following topics: Ethics and the Workforce, Financial Disclosure and Screening Potential Public Authorities Conflicts, Diversity on the Boards of State Public Authorities, Selection of Public Authority Board Members, Public Authority Audit Committee Little Pocket Handbook.

Continued on page 4
From the Director

This past calendar year has been a busy one at the Government Law Center. The economic realities that have challenged governments at all levels have created a number of opportunities for the Government Law Center to engage in new research areas and broaden our reach. For example, the appointment of Paul Moore as our inaugural Rapp Government Scholar in Residence allowed GLC staff and students to invest energy in a nationwide study of the legal and policy issues in mandate relief. A final report will be issued by the Government Law Center this spring.

Other items on the agenda of both governments and the Center this past year included climate change and energy efficiency. Under the supervision of attorneys at the Government Law Center, a team of law students focused on various aspects of state and local climate change mitigation issues, such as cooperative federalism, the siting of wind turbines, climate change as a land use issue, state and local government roles in slowing global warming, and a survey of municipal activity in New York with respect to green development initiatives. The Center contributed a chapter for a forthcoming book on green development, and will be submitting a chapter for another publication on clean energy. In the fall, the GLC co-sponsored a conference in Westchester, NY on climate change for municipal officials with the State Bar and with Pace Law School. The program will be offered again at Albany Law School in May. In March, the GLC will participate in a presentation on climate change at the Shanghai Institute of Foreign Trade in China.

Ethics reform issues once again surfaced, and students assisted with several articles on ethics at the local level, focusing mainly on conflicts and other issues that arise in the land use context for both lawyers and for other participants in the land use game. The information from a couple of these articles was then organized into our version of an “Ethics Jeopardy” game, and offered as a CLE at various programs across the country. At the request of State Bar President Michael Getnick, the GLC has been working with a special committee on government ethics to explore, among other things, the intersection of the Rules of Professional Conduct for Lawyers in New York and provisions in current and proposed state ethics laws. Almost two dozen Albany Law School students are taking a newly designed course in government ethics this semester on-line. The course incorporates technology to engage the students in what is proving to be spirited and lively virtual discussions. Closely related to ethics reform has been the issue of public authority reform in New York. The GLC produced a fall issue of the Government, Law and Policy Journal on public authority reform, and has launched a national web-based clearinghouse on public authorities. These efforts are discussed later in the newsletter. Calls continue to come in with requests for training, and with the passage of the Public Authority Reform Act in 2009, the GLC looks forward to continuing to work in this area.

The Center focused attention once again on eminent domain reform following two controversial court decisions involving Atlantic Yards and Columbia University. GLC staff has authored several forthcoming law review articles on various aspects of eminent domain, including the impact of these two decisions, and staff has participated in a national CLE teleconference sponsored by ALI-ABA. At the request of the legislature, GLC staff and students have been engaged in fifty-state surveys of various aspects of eminent domain reform.

Training the public sector workforce continues to be a focus of our outreach efforts. In collaboration with the Public Service Workshop Program, CUNY, and at the request of individual state agencies and local governments, the GLC helps to match appropriate Albany Law School faculty with the identified educational needs of government entities to deliver quality programs on the law for lawyers and non-lawyers. This column just begins to scratch the surface on our dynamic research and training agenda. We look forward to seeing you at our popular Anderson Breakfast Programs, the Crawford Lecture on Municipal Law, or one of our upcoming conferences and special programs detailed in this newsletter. To help you keep up with us more often, we publish a bi-monthly E-News with quick links to upcoming events, and links just published studies, reports and articles. If you are not receiving our e-news and wish to, email Trish Blanco at tblan@albanylaw.edu. Just note in the subject line “Please Sign Me Up for E-News.” You can also keep up with the GLC by becoming a “fan” on Facebook. Patricia E. Salkin

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**MARCH 23**
Warren Anderson Legislative Breakfast Program. Topic – “Same Sex Marriage” 8-9 a.m.
Assembly Parlor, NYS Capitol, Albany

**APRIL 1**
Community Forum: Climate Crisis, Government Policy and Green Jobs Co-sponsored with the NYS Apollo Alliance 6:30 p.m.-9:00 p.m.
Albany Law School

**APRIL 15**
Albany Law School

**APRIL 20**
Warren Anderson Legislative Breakfast Program. Topic – “Health Care Reform and the States” 8-9 a.m.
Assembly Parlor, NYS Capitol, Albany

**MAY 13**
Conference: Climate Change for Municipal Officials 9am- 4pm
Albany Law School

**MAY 18**
Warren Anderson Legislative Breakfast Program. Topic – “Ethics Reform: Getting it Right” 8-9 a.m.
Assembly Parlor, NYS Capitol, Albany

**MAY 20-21**
Conference: Executive Records Co-sponsored with the NYS Archives Partnership Trust and NYS Archives Albany Law School

**JUNE 22**
Presentation: Ethical Considerations in Nonprofit Governance 8:30-11:30 a.m.
NYSUT Headquarters, Latham

**AUGUST 2**
10th Anniversary Program: Saratoga Institute on Racing and Gaming Law Saratoga Springs, NY

**OCTOBER 14-15**
Conference: Baseball and the Law Cooperstown, N.Y.
2010 Anderson Legislative Seminar Topics – Coping with Recession, Same Sex Marriage, Health Care Reform & Ethics

This year’s Warren M. Anderson Legislative Seminar Series opened on February 23 with a presentation on “Coping with Recession: What Have the Other States Done?” The discussion featured Donald J. Boyd, Senior Fellow at the Rockefeller Institute of Government, and David S. Liebschutz, Director of Strategic Planning and Analysis at the Center for Governmental Research.

On March 23, Shannon Minter, Esq., Legal Director, National Center for Lesbian Rights, and Bruce N. Gyory, Esq., Hinman Straub Advisors, will speak on “Same Sex Marriage” in a presentation moderated by Professor J. Stephen Clark of Albany Law School. An examination of “Health Care Reform and the States” will follow on April 20, featuring Albany Law School professors Beverly Cohen, Dale Moore, Alicia Ouellette, David Pratt, and Evelyn Tenenbaum. A program on May 18 exploring “Ethics Reform: Getting it Right” will conclude the season.

The programs will be held from 8-9 a.m. in the Assembly Parlor on the 3rd Floor of the New York State Capitol.

The GLC thanks the following sponsors of the 2010 Series: Brown, McMahon & Weinraub, LLC; The Business Council of New York State, Inc.; CSEA Local 1000 AFSCME, AFL-CIO; Greenberg Traurig LLP; Hinman, Howard & Kattell, LLP; Hinman Straub P.C.; New York State Association of Counties; Patricia Lynch Associates; and Wilson, Elser, Moskowitz, Edelman & Dicker LLP.

Complimentary CLE credit is available. The Anderson Series is free of charge, but space is limited. Please contact Trish Blanco at (518) 445-3287 or tblan@albanylaw.edu to register. Be sure to leave your name, company, phone number, email, and number of attendees.

Videotapes of all four 2009 Anderson Program presentations are currently available at http://www.albanylaw.edu/sub.php?navigation_id=691. The videotapes include panels of financial experts convened to debate three key aspects of the State’s fiscal problem, plus a panel presentation on investigatory commissions. Links to materials related to the topics also can be found at the site. The recordings were made possible with the assistance of New York State Assemblyman Kevin A. Cahill ’80.

GLC Helps Design Albany Law School’s New Summer in Government Program

The GLC has been instrumental in designing Albany Law School’s new Summer in Government Program. Designed to benefit not just Albany Law School students, but law students across the country, individuals enrolled in the Program have the opportunity to earn credit toward their law degree while practicing and studying government law in New York’s Capital. They will profit from a combination of hands-on field placements and classroom learning specific to government law. Available field placements include practical training in the legislative, executive and judicial branches of government, as well as relevant nonprofit agencies. Classes will begin on May 24, 2010, and end on July 13, 2010, with exams given from July 15 to 19.

Courses available for the Summer in Government 2010 session include: Summer in Government Field Placements, Public Access to Government Information, New York State Administrative Law, State and Local Government Finance Law, Government Ethics, and Current Legal Issues in Government. Many of these courses are not taught at other law schools, making Albany’s offerings a unique opportunity.

Summer in Government faculty include Rose Mary Bailly, Executive Director of the New York State Law Revision Commission and Special Counsel to the Aging Law & Policy Program of the Government Law Center of Albany Law School; Robert Batson, Government Lawyer in Residence, Government Law Center of Albany Law School; Luke Bierman, General Counsel, New York State Comptroller; Kenneth W. Bond, Squire, Sanders & Dempsey L.L.P.; Suzanne Dugan, Special Counsel for Ethics, Office of the New York State Comptroller; and Robert Freeman, Executive Director, New York State Committee on Open Government.

For more information on the applications process and credits, contact the Albany Law School Registrar at (518) 445-2330 or registrar@albanylaw.edu. For more information on course content, contact the GLC at (518) 445-2329 or psalk@albanylaw.edu.

For additional information about the Albany Law School Summer in Government Program, including faculty bios and an online application, see http://www.albanylaw.edu/sub.php?navigation_id=1785.
Public Authority Reform (Continued from page 1)

Journal Examines the Role of Public Authorities

The latest issue of the Government, Law & Policy Journal, produced by the GLC for the NYS Bar Association’s Committee on Attorneys in Public Service focuses on public authority reform. Scott Fein served as the guest editor and assembled a “who’s who” of authors from the public, private and non-profit sectors to examine the history, current status and future of public authorities and their relationship to the state and to the public. Jonathan Rosenbloom, a Visiting Assistant Professor at Stetson College of Law, opens the Journal with his piece, “Is the Private Sector Really a Model of Efficiency and Independence: Re-evaluating the Use of Public Authorities During Recessionary Times.” This is followed by an article co-authored by Lynn Wilson, a senior municipal financial analyst and Director of State Public Authority Reporting for Comptroller Thomas DiNapoli and law student Clayton Eichelberger, entitled “New York State Public Authority Reform: Where We Have Come and Where we need to Go.” Assemblyman Richard Brodsky, the author of the 2009 Public Authority Reform Act, contributed, “The Public Authorities Reform Act of 2009: Bringing Transparency, Accountability, and a System of Checks and Balances to New York’s Shadow Government.” Charles Brecher, Executive Vice President and Director of Research for the Citizens Budget Commission, asks in his piece, “What Happened to Authority Reform?* Guest editor Scott Fein, a partner in Whiteman Osterman and Hanna, offers “Public Authority Controversies: Root Causes and Lessons Learned.” This is followed by an article from Judson Vickers. Senior Counsel in the Legal Counsel Division in the New York City Law Department, entitled “Interpreting the Public Authorities Accountability Act of 2005.” George A. Weissman, Managing General Counsel at the Dormitory Authority authored, “The Reality v. Legality of Conduit Financing by the State – Public Authorities, the Chosen Financiers.” Dennis C. Smith contributed an article asking, “Are New York State’s Public Authorities Performing Well? Who Knows?” This is followed by a piece from Kim Fine, former Deputy Comptroller for Budget and Policy Analysis, who explains, “Oversight of Public Authority Contracts by the State Comptroller.” GLC Advisory Board Member and adjunct faculty member Kenneth W. Bond of Squire Sanders & Dempsey contributed an article on “Conduit Financing: A Primer and Look Around the Corner.” GLC Staff Attorney Amy Lavine authored, “Getting Past the Prisoner’s Dilemma: Transparency and Accountability Reforms to Improve New York’s Industrial Development Agencies.” Janis Fallon, of counsel at Whiteman Osterman & Hanna, contributed an article entitled, “How Public Authorities Have Complied with the Public Authorities Accountability Act of 2005 (PAAA).” This is followed by a piece co-authored by GLC Advisory Board Member Karl J. Sleight and Joan P. Sullivan, both of Harris Beach, PLLC on “Ethics Laws and the Public Authorities of New York State.” The issue concludes with a series of topic papers from the GLC’s Public Authority Project.

Albany Law School student Ali Chaudhry ’10 served at the student executive editor for this issue. The student senior editors were Robert Axisa ’10, Anass Chakir ’10, Jeremy Cooney ’10, Stephen Dushko ’10, Marwa Elbially ’10, Lynn Evans ’10, Jillian Kasow ’10, Joi Kush, Daniel Schlesinger ’10, Robin Wheeler ’10, and Andrew Wilson ’10.

All of the articles for this special issue are available on the GLC’s Public Authority Clearinghouse at www.publicauthority.org.

Public Authorities Law: Maintaining the Balance

The Government Law Center hosted a program on public authorities law on October 2, 2009. The event covered “The Proposed Legislation to Amend the Public Authorities Law: Maintaining the Balance Between Authority Autonomy and Accountability.”

Participants included the Hon. Richard L. Brodsky, New York State Assembly; Luke Bierman, General Counsel, Office of the State Comptroller; and Elizabeth Lynam, Deputy Research Director, Citizens Budget Commission. Scott Fein, the director of the GLC’s Public Authorities Project, moderated the panel.

Public authorities are currently responsible for more than 95 percent of New York state’s indebtedness, as well as management of more than 85 percent of its infrastructure. A healthy tension exists between allowing public authorities to operate outside of political influence while ensuring that they are remain accountable for their performance to the public and elected officials. It is a delicate balance.

The panel discussed proposed legislation, including means and measures available for the evaluation of authority performance; resources that will potentially be made available and the availability of administrative sanction; nature of the fiscal reforms; potential scope of the State Comptroller’s contract review; and implications of board member certification of independence.
The Integrity of Public Service: The Impact of Recent Public Corruption Cases

Ross H. Garber, a Partner in the firm of Shipman & Goodwin, will present the Government Law Center’s Edwin L. Crawford Lecture on Municipal Law on April 15, 2009 at Albany Law School. Mr. Garber’s presentation, entitled “Municipal Corruption Investigations,” will include a discussion of several high profile public corruption cases and the lessons they provide to municipal officials and lawyers.

Municipal officials are increasingly targets of public corruption investigations. In fact, fighting corruption in government is a top priority of federal and state prosecutors. Law enforcement officials often use a daunting array of forensic techniques and tools to investigate suspected corruption. Prosecutors who want to bring public corruption cases increasingly rely on a broad and, some would say, unduly ambiguous law — the “honest services” provision of the federal mail and wire fraud statutes. There are currently three “honest services” cases before the United States Supreme Court, and the Court’s decisions could have a dramatic impact on the investigation and prosecution of public corruption cases.

Ross Garber represents corporations and individuals in all phases of government investigations. A substantial portion of Mr. Garber’s practice has been devoted to representing public officials and legislative bodies. He recently represented the Office of the Governor of South Carolina and Governor Mark Sanford in his official capacity in impeachment proceedings. Mr. Garber also represented the Office of the Governor and Governor John Rowland in his official capacity during impeachment proceedings before a select committee of the Connecticut House of Representatives. He regularly represents clients in investigations by the Department of Justice, SEC, state attorneys general and other federal and state regulators. Mr. Garber co-chairs the Public Corruption Subcommittee of the American Bar Association and is a contributing author of the book “Ethical Standards in the Public Sector” (ABA Press 2008). He previously served as chief counsel to two governors of Connecticut, and currently serves, by appointment of the Governor, as chair of the Connecticut Judicial Review Council, which is responsible for the investigation and discipline of state judges. Mr. Garber has done crisis management training for the National Governors’ Association and regularly speaks and writes on subjects related to the representation of public officials in criminal and legislative investigations.

The Edwin L. Crawford Memorial Lecture on Municipal Law was established in 1996 to honor the memory of Edwin L. Crawford, former executive director of the New York State Association of Counties. The program strives to educate and promote dialog on important and timely issues affecting local governments. Presentations by several former Crawford speakers can be accessed at http://www.governmentlaw.org/crawford.php.

The Lecture is free of charge and open to the public. For more information, please call the Government Law Center at (518) 445-3287.

GLC to Co-host Conference on Executive Records with New York State Archives

The Government Law Center, in conjunction with the New York State Archives Partnership Trust and the New York State Archives, is planning a major conference on Executive Records. The program will be held at Albany Law School on Thursday, May 20 and Friday, May 21. The program will bring together historians, political figures, elected officials, academics, and government leaders, in an effort to make sense of and plan for future governmental policy on preservation and access to executive records.

The program will focus on the issues such as Developing Public Policy and Executive Records, Transparency, Executive Records and the Media, Executive Records as a Legacy, Access to Executive Records in the Digital Age, Disclosure of Executive Records, and the Implementation of Executive Records Legislation.

Historian Richard Norton Smith, the Scholar-in-Residence of History and Public Policy Expertise at George Mason University, will deliver one of the keynote addresses on the topic of the Legacy of an Executive. Mr. Smith is the author of numerous books including Thomas E. Dewey and His Times, which was a finalist for the 1983 Pulitzer Prize.

Confirmed speakers and participants for the conference include Rex Smith, Editor Albany Times Union, Robert Ward, Deputy Director, Rockefeller Institute of Government, Larry Hackman, former New York State Archivist, Paul Finkelman, President William McKinley Distinguished Professor of Law and Public Policy at Albany Law School and Senior Fellow at the Government Law Center, Elizabeth Benjamin, New York Daily News, Gerald Benjamin, Distinguished Teaching Professor, SUNY New Paltz, Melodie Mayberry Stewart, Ph.D., New York State Chief Information Officer and Director of the Office For Technology, Peter Quinn, author and former speechwriter for Governors Carey and Cuomo, Michael Whiteman, former counsel to Governors Rockefeller and Wilson, Robert Freeman, Executive Director, New York State Committee on Open Government, Melanie Leslie, Professor of Law, Cardozo Law School, Gary Stern, General Counsel at the National Archives, and Lise Bang-Jensen, senior policy analyst at the Manhattan Institute’s Empire Center for New York State Policy.
Elizabeth Loewy ’84, Co-counsel on Brooke Aster Case, Speaks at Albany Law School

As the Spring 2009 newsletter reported, on January 27, 2009 Governor David Paterson signed Chapter 644 of the laws of 2008 which provided major reforms in the use of powers of attorney. The Government Law Center’s early work on powers of attorney – beginning with our landmark first Sandman Fellowship report “Abuse and the Durable Power of Attorney: Options for Reform” – paved the way for this new legislation. (Read the report at http://www.governmentlaw.org/files/1993_Sandman.pdf.) Written by Margaret Z. (Meg) Reed ’94 and Jonathan Federman ’94, the 1993 Edgar and Margaret Sandman Fellows, that report offered several options for reform aimed at educating the Principal and establishing the accountability of the Agent. The options aimed at the Principal’s education made their way into legislation in 1994 and further amendments were adopted in 1996; the recommendations regarding the accountability of the Agent, however, were not adopted. The Center has sustained its focus on this issue through its many conferences and other forums designed to help policymakers and lawmakers plan for the shift to an older American population.

Because powers of attorney are easy to use and simple to create, they are often tools for exploiting vulnerable adults. The headlines in New York City papers recently focused on the indictment of Anthony Marshall, the son of Brooke Astor, one the City’s most famous philanthropists and socialites, on several criminal charges, including using a power of attorney to transfer millions of dollars of his mother’s money to himself. In December 2009, Mr. Marshall was convicted on several counts, including first degree larceny. Elizabeth (Liz) Loewy, Albany Law School ’84, head of the Elder Abuse Unit for the Manhattan District Attorney’s Office, and co-counsel on the State v Anthony Marshall, was at Albany Law School on February 23 to speak about her experience prosecuting the Marshall case, as well as elder abuse law.

GLC Participates in Senior Fraud Workshop Convened by U.S. Senator Gillibrand

On January 5, Rose Mary Bailly, Esq., GLC Special Consultant, participated in a question and answer session of a workshop convened by U.S. Senator Kirsten Gillibrand on senior fraud issues. Held at Schenectady Community College, the program also included U.S. Congressman Paul Tonko, City of Schenectady Mayor Brian Stratton, and Schenectady County Community College President Quintin Bullock. The workshop aimed to help seniors gain a basic understanding of financial literacy, recognize risk factors for financial exploitation and learn about who can help them if they are exploited.

Find out more about the GLC’s Aging Law & Policy Program at http://www.albanylaw.edu/sub.php?navigation_id=678.

GLC Staff Attorney Provides Information on Eminent Domain Reform

Amy Lavine ’07, Staff Attorney at the Government Law Center, assisted New York State Senator Bill Perkins with his work on eminent domain reform as part of her work with the GLC. Working with a team of Albany Law School students, Lavine conducted an analysis of key statutory provisions in other states dealing with a number of issues including the definition of blight, transparency, accountability and public participation in economic development projects that involve eminent domain. Forty-three other states have reformed their eminent domain laws in the past five years. Albany Law students Clotelle Drakeford ’11, Sita Legac ’12, and Javid Afzali ’12 are working to develop fact sheets and background materials to inform legislators, the media and the public.

Lavine also joined Senator Perkins on a panel to discuss eminent domain and community benefits agreements on February 13, as part of the 2010 Black and Puerto Rican Legislative Conference, at the Empire State Plaza.
New Sandman Report Examines Legislation Aimed at Older Adults

The Government Law Center is pleased to announce the publication of “The New Wave of Legislation and the Older American Population” by Danielle Holley, the 2009 Edgar & Margaret Sandman Fellow. The paper examines the 2009 legislative season across the country and concludes that the importance of senior citizens and their needs are beginning to be acknowledged. The project began with an analysis of the individual state legislatures. It was determined whether the state legislature had a specific committee directed to aging or senior citizens. If not, the committee primarily responsible for analyzing and reporting bills related to senior citizens out to the floor was determined. Individual committees were analyzed in regard to membership, party affiliation, and age of members. A report of each state’s majority and minority party affiliations was also correlated to the results. Finally, bills were identified in each state that related to senior citizens. These bills were grouped into categories and also followed throughout the legislative session. The influence of groups like AARP, the Alliance for Retired Americans, and various state and local departments of aging were also considered.

Overall, important strides were made in many of the state legislatures in the 2009 season. In fact, the paper identifies several areas where legislation that passed could serve as models for all states. These include expanding the definition of elder abuse to include financial exploitation, creating a silver alert system for missing persons, expanding the rights of grandparents to be involved in their grandchildren’s lives and be included in custody hearings, protecting family members’ care givers, increasing incentives to enroll in driver safety programs, and educating medical personnel in geriatric medicine and, particularly, in pain management care.

Most importantly, the paper concludes that legislation should be aimed at encouraging the continued involvement of senior citizens in the community.

For more information, contact Rose Mary Bailly, Esq. at (518) 472-5858 or rbail@albanylaww.edu.

DEC Commissioner, Advocates to Discuss Climate Strategy, Government Policy and Green Jobs for New York at Community Forum

The Government Law Center and the New York State Apollo Alliance will co-sponsor a Community Forum from 6:30-9:00 p.m. on Thursday, April 1, 2010, at Albany Law School. The Community Forum will discuss the next steps on the road to a meaningful response to the climate crisis – in the wake of the Copenhagen Climate Conference – including what can be done in New York to impact the next global gathering, scheduled for December 2010 in Mexico City.

Pete Grannis, Commissioner of the New York State Department of Environmental Conservation; Sean Sweeney, Global Labor Institute; and Cecil Corbin-Mark, WeAct for Environmental Justice will participate in the event.

More than 45,000 people, including the heads of over 100 countries, gathered in Copenhagen in December 2009 to help plan the next steps in the global response to the climate crisis. No binding agreement came out of the meeting, although progress was made toward the creation of a global climate strategy. Was the meeting a success? A failure? What was the impact of the US Senate’s inability or unwillingness to address carbon reduction legislation? What happened to preliminary agreements to address deforestation, just transition for impacted workers, and the historic north/south divide?

The New York State Apollo Alliance is a coalition of business, labor, environment, environmental justice and community leaders working to advance New York State’s clean energy future through the use of efficiency and renewable sources. The Alliance promotes energy independence, environmental protection and opportunities for New York State’s businesses and workers through the creation of well-paying new and transitional jobs.

For more event information, contact Adam Hilliard, Workforce Development Institute, NYS Apollo Alliance, at (518) 272-3500 or Dean Patricia Salkin, Government Law Center, Albany Law School, at (518) 445-2329.
Experts from New York and Washington, D.C. gathered on December 4, 2009 for a day-long symposium called “EFOIL: The Freedom of Information Law Meets the Digital Age.” The speakers, all specialists in public access to records and information technology, looked at the current situation in New York, experiences in other states, and a look to the future, including potential reforms to the state public access law.

Miriam Nisbet, Director of the Office of Government Information Services (OGIS), U.S. National Archives and Records Administration, delivered the keynote address. OGIS, an organization newly established under the Open Government Act of 2007, provides policy guidance and mediation services for FOIA activities government-wide. Ms. Nisbet formerly served as Director of the Information Society Division of the United Nations Education Scientific and Cultural Organization (UNESCO), located in Paris.

Other speakers included: Steven Blow, Records Access Officer, Assistant Counsel, Department of Public Service; Ruth Earl, Records Access Officer, Department of Environmental Conservation; Michael Fallon, Legislative Counsel, New York State Senate Majority; Robert Freeman, Executive Director, NYS Committee on Open Government and GLC Advisory Board member; Tim Hoefer, Communications Manager, Empire Center; Geoff Huth, Director, Government Records Services, New York State Archives; Prof. Michael Hutter, Albany Law School; Camille Jobin-Davis, Assistant Director, NYS Committee on Open Government; Prof. Annette Kahler, Director, Center for Law & Innovation, Albany Law School; Bennett Liebman, Executive Director, Government Law Center, Albany Law School; David McCraw, Vice President and Assistant General Counsel, New York Times; Colleen Murphy, Executive Director and General Counsel, Connecticut Freedom of Information Commission; Theresa Pardo, Director, Center for Technology in Government, University at Albany; Jeffrey Pearlman, Assistant Counsel to the Governor; Bob Port, Investigative Editor, Times Union; Michelle Rea, Chair, Committee on Open Government and President, New York Press Association; Patricia E. Salkin, Raymond & Ella Smith Distinguished Professor of Law and Director of the Government Law Center, Albany Law School; and David Schultz, Esq., Partner, Levine Sullivan Koch & Schultz, L.L.P., Member of Committee on Open Government.

The event was sponsored by the Government Law Center of Albany Law School, Center for Law & Innovation of Albany Law School, New York State Committee on Open Government, Municipal Law Section of the New York State Bar Association and the Committee on Attorneys in Public Service of the New York State Bar Association.

The Freedom of Information Law (FOIL) and the challenges of ensuring open government are highlighted in the Spring 2009 issue of the Government Law & Policy Journal produced by the Government Law Center twice yearly for the NYSBA Committee on Attorneys in Public Service. Guest editor Robert Freeman, the Executive Director of the Committee on Open Government, and Camille Jobin-Davis ’95, the Committee’s Assistant Director, assembled an outstanding and comprehensive set of articles, listed in the sidebar. Rose Mary Bailly, Esq. serves as Editor-in-Chief of the Government, Law and Policy Journal. Lauren DiPace served as Executive Editor for the Spring 2009 issue, with Christopher Clark ’09, Samantha David ’09, Cecilia Faleski ’09, Ruth Green ’09, Kevin Hines ’09, Daniel Karz ’09, and Jessica Vaugh ’09 serving as Student Editors.

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Report on the Potential Use of Electronic Notarization in New York to Facilitate Electronic Procurement - New York State Department of State

Electronic Notarization

When notarizing a document, and the authority and ability to affix an electronic signature and/or electronic seal, could play an important role in the future of notarization in New York, particularly in light of pending legislation to amend current notary public law in New York.

The report also evaluates – from a technology-neutral standpoint – the various technologies available to create and/or attach the electronic signature and electronic seal necessary for eNotarization.

The report can be accessed at www.albanylaw.edu/innovation/iig.

Ethical Considerations in Nonprofit Governance Subject of June Program

Together with the Estate Planning Council of Eastern New York and The Community Foundation for the Greater Capital Region, the Government Law Center will host “Ethical Considerations in Nonprofit Governance” on Tuesday, June 22, 2010 from 8:30-11:30 a.m. at NYSUT Headquarters in Latham, N.Y. This program is designed to explore the role of practitioners in nonprofit governance and the ethical issues confronted when working in this capacity. Michael Cooney, Esq., Nixon Peabody, and Ron Guzior, CPA, BST Financial and Management Consultants, are scheduled to lead this program. 2.5 CLE credits and credits for certified public accountants and certified financial planners are available. This is part of the Center's Klepper Non-Profit initiative. For registration and location information please contact eguglin@cfgcr.org, or call CFGCR at (518) 446-9638.
Spotlight on GLC Student Research

The GLC was fortunate to have the research assistance of close to three dozen law students and college students over the last year. Continuing the spotlight feature from our last newsletter, here are the highlights of the work of some of these outstanding students.

Research on Regulating Junk and Junkyards

As a Professional Land Surveyor and former Cobleskill Town Board member, Albany Law School student Joanne Crum ’10 brought a unique perspective to her work at the GLC. She helped prepare an article on municipal control of junkyards, a current topic of interest in the field of planning and municipal enforcement of unlicensed junkyards. She did extensive research compiling various New York State statutes and regulations as they apply to junk and junkyards and reviewed many local statutes for stand alone junkyard laws as part of a zoning component.

Columbia University Expansion

Columbia University recently proposed a major expansion project into the West Harlem neighborhood of Manhattanville. This presented many legal issues from the use of eminent domain for a private university to land use, environmental and other community development concerns. In preparation for an article evaluating the project from a sustainability perspective, Matthew Waite ’10 focused on community benefits agreement (CBA) associated with this project. He examined Columbia’s negotiation of a $150 million community benefits agreement and the role that the CBA is playing in harmonizing urban university expansion with sustainable development. Community engagement and public participation were of particular interest. The article, authored by Professors Salkin and Hirokawa, is forthcoming in the Fordham Journal of Law & Policy.

Climate Change and Federalism

As mentioned in the Director’s column, the Center invested quite a bit of research effort over the last year on the subject of climate change, with about ten law students looking at various aspects of the topic. In the spring, students Jennifer Clark ’11 and Kyle Christiansen ’11 provided research assistance for a presentation and article on federalism and climate change, focusing on the critical role that local governments play in the ability of the federal and state governments to meet greenhouse gas reduction goals.

How Technology has Impacted Land Use Law and Urban Development

Technology continues to impact the law in innumerable ways. Students Zoran Kujlis ’10 and Robin Wheeler ’10 have been assisting with research on an article documenting ways in which technological advances have shaped the practice of urban development and land use law today. From the computer that, among other things, allows for telecommuting, to GIS and satellite technologies that allow for multi-dimensional mapping and the overlay of critical environmental data, and social networking sites that may facilitate greater public participation, this article will explore the positive and negative aspects of technology on urban development.

Lawrence F. Klepper Non-Profit Research Assistant

Since 1994, The Lawrence F. Klepper Legal Assistance Program for Non-Profit Organizations, established by friends of Larry Klepper, has received funding through donations by the Social Action Committee at Congregation Beth Emeth. A project of Albany Law School’s Government Law Center, The Klepper Program places student interns with lawyer/mentors in the community to acquire skills and an appreciation for the rewards of non-profit law. Attorneys serving as mentors use law student research assistants to provide research and other law related work on a pro bono basis for non-profit organizations.

Klepper Program intern Kyle Christiansen ’11 worked at Family Planning Advocates of New York State (FPA), a non-profit statewide membership organization dedicated to protecting and expanding access to a full range of reproductive health services. Kyle worked under the guidance of Tracey Brooks, President of FPA, and an alumnus of Albany Law School. Kyle especially worked with Ronnie Pawelko, FPAs General Counsel, in interpreting existing law, working on a lobbying policy, and writing legislative memos. According to Kyle, “Participating in The Klepper Program has given me a greater understanding of reproductive rights issues and the issues surrounding non-profit law. I feel that I’ve also gained an increased sense of responsibility for the well-being of others in our society.”

Executive Records Retention

Emily Durki ’11 researched federal and state law and briefed cases on diverse issues including horse racing law and land use issues. She spent considerable time researching and drafting a 50 state survey of legislation on the retention of state executive records. The purpose of this research was to determine how the requirements and processes of executive records retention differ from New York and propose language and requirements for the improvement of the processes in
New York. Analyzing how other states handle its records of former governors will provide New York with a framework to follow in future legislation concerning Governor and executive chamber records.

**CBAs and Public Authorities**

The GLC is grateful to Aaron DePaolo and Caitlin Romanowski for their contributions as Siena College Pre-Law Fellows this summer. Aaron, who is a business major, and Caitlin, who is majoring in philosophy, will be graduating in 2010 from the pre-law program at Siena. During their time at the GLC, they focused their research on Community Benefits Agreements (CBAs) and public authorities.

**Relationship Between NIMBY and Urban Sustainability**

Albany Law School students Kyle Christiansen ’11 and Michael Derise ’11 worked with Professor Keith Hirokawa and GLC Director Professor Patricia Salkin on a forthcoming article for the Fordham Urban Law Journal on the potential impact of NIMBY (Not in My Back Yard) on urban sustainability. The students conducted an exhaustive literature search and compiled a comprehensive bibliography on various historical, legal and policy aspects of NIMBY, before refining the thesis and drafting the article.

**Senate Coup Provides Opportunity to Learn Government Lawyering Firsthand**

When news of the Senate coup broke last summer, the GLC staff quickly realized that constitutional and statutory law would be implicated as well as rules of procedure and custom. A group of summer research assistants – Robert Axisa ’11, Peter Doro ’11, David Gottlieb ’10, Kelcey Kratzer ’11, and Nancy Steuhl ’11 – were quickly organized into a triage team to assist the Government Law Center in responding to the real time issues and challenges facing the State as a result of the coup. Students assisted on maintaining daily timelines of events as they unfolded, researched issues including: gubernatorial succession; separation of powers; recall; rules of procedure; powers of the statewide elected officials vis-a-vis the Legislature (Governor, the Comptroller and the Attorney General); powers of the various legislative leaders; and conducted an analysis of the eight lawsuits initiated. The students looked at current laws and regulations in New York and other states, reviewed transcripts of constitutional conventions in New York, and researched other historic moments in New York to help shed some light on the current events. Their work assisted GLC Director and Associate Dean Patricia Salkin and GLC Executive Director Bennett Liebman as they served as statewide media resources throughout the month to help the public better understand what was happening in the State Capitol. Adriana S. de Armas ’11 continued this project in the fall semester.
Senior Law Day Guidebooks Available

Copies of the new guidebook from Senior Citizens’ Law Day can be obtained, while they last, from the Government Law Center. The publication provides more than 200 pages of the latest information for seniors and their caregivers on consumer issues, durable powers of attorney, estate planning, funeral arrangements, guardianship, Medicaid, Medicare, paying for long term care, trusts, wills, and several more topics. The guidebooks were generously donated by the State of New York Unified Court System, Office of Court Administration.

The 16th Annual Senior Citizens’ Law Day was held Saturday, October 3, 2009, on the Albany Law School campus. Presented by the Government Law Center, the popular event provides access to reliable information about the many legal, financial and healthcare issues confronting older adults and their families.

Sponsors of the event were the Times Union; CSEA; Velocity Print Solutions; New York State Senator Neil D. Breslin; Albany County Department for Aging, Michael D. Breslin, County Executive; New York State Office for the Aging; City of Albany, Office of Mayor Gerald D. Jennings; New York State Consumer Protection Board; Office of New York State Attorney General, Andrew M. Cuomo; State of New York Unified Court System, Office of Court Administration; Albany County Bar Association; Albany Law School Health Law Clinic; Albany Law School Low Income Taxpayer Clinic; Albany Law School Securities Arbitration Clinic; Bella Napoli Bakery; CDTA; Fidelis Care New York; Hannaford; Legal Aid Society of Northeastern New York, Inc.; Senior Services of Albany, Inc.; Starbucks Coffee; and Stewarts.

To receive a copy of the Senior Citizens’ Law Day guidebook, contact Trish Blanco at (518) 445-3287 or tblan@albanylaw.edu. The book is free, but there is a $5 shipping & handling fee.

Lieutenant Governor Ravitch Delivers Building Conference Keynote Address

New York State Lieutenant Governor Richard Ravitch delivered the keynote address at the 2nd Annual Building in the 21st Century conference at Albany Law School on November 20, 2009.

Professor Patricia Salkin, the director of Albany Law School’s Government Law Center, discussed state issues in land use planning as part of a panel of experts from both academia and the private sector, including: Kenneth Bond, Esq., Squire, Sanders & Dempsey LLP; Mark Ginsberg, Curtis + Ginsberg Architects; Jonathan Martin, Ph.D., Columbia Graduate School of Architecture, Planning and Preservation and Pratt Institute; and Diana Saltel, Chief Planner and Land use Planning Department Manager, Holzmacher, McLendon & Murrell, P.C.

Additional topics covered during the conference included the economics of construction and the built environment, opportunities in modernizing public construction procurement, and opportunities in modernizing public finance. Other speakers were: Joseph Branca, Managing Director, Bank of America–Merrill Lynch; Mary Ann Crotty, President, Macro Associates; Russell Davidson, AOA, KG&D Architects, Past President, AIANYS; Robert Flieger, Senior Manager, Capital Projects Consulting, Deloitte Financial Advisory Services, LLP; Joseph Hogan, Vice President, Association of General Contractors; Jeffrey Hyman, Managing Director, Stone & Youngberg LLC; Kenneth Lind, Esq., Nixon Peabody, LLP; Howard Rosen, Esq., Pecker & Abramson; Michael J. Squarzini, P.E., LEED AP, Senior Principal, Thorton Tomasetti; and Brig. Gen. Norman Thorpe (USAF, Retired), Editor, ABA Model Code for Public Infrastructure Procurement.

The program was co-moderated by Edward C. Farrell, Executive Director, AIA New York State, and Burt L. Roslyn, AIA, President, Roslyn, LLC. Georges Krosun, Ph.D., Deloitte Financial Advisory Services, LLP provided an overview on “Economics of Construction and the Built Environment.”

The conference was co-sponsored by Albany Law School, AIA New York State and the New York City Bar.
Paul D. Moore Named Clarence D. Rappleyea Government Scholar in Residence

In June 2009, Paul D. Moore was appointed the inaugural Clarence D. Rappleyea Government Scholar in Residence at the Government Law Center of Albany Law School. Prior to his appointment, Mr. Moore served as the Director of the Shared Municipal Services Incentive grant program’s technical assistance project at the GLC. He is retired from New York State government service, having previously held various senior level staff positions in both the Executive and Legislative branches, including positions in the State Comptroller’s Office, Division of the Budget, Higher Education Services Corporation, and the Office of Mental Health. Mr. Moore served as an advisor and consultant to various state and federal government agencies, and is the author of dozens of publications on issues in public finance and intergovernmental relations.

Mr. Moore is a past president of the Capital District Chapter of the American Society for Public Administration (ASPA) and was a recipient of the Chapter’s Governor Alfred E. Smith award. He is a Fellow of the State Academy for Public Administration and served as vice chairman of their Board. He also served on the boards of numerous other non-profit corporations, and currently is a director on the Board of the Retired Public Employees Association and a member of the GLC Advisory Board.

The Clarence D Rappleyea Government Scholar in Residence is made possible by private donations to an endowment initially set up six years ago to provide funding for a retired or transitioning government official who was interested in spending time at the Government Law Center conducting research, working with law students, and serving as a general resource for the Center faculty and staff.

Salkin Contributes Chapter in New Book on International Affordable Housing

Professor Patricia Salkin’s chapter, “Affordable Housing, Distribution of Powers and Economic Crisis in the United States,” was just published in “Dret a l’habitatge i servei públic d’allotjament català?,” a book on international affordable housing issues. Based on a paper she presented at the University of Barcelona, Spain in 2009, it features four chapters edited by Professor Juli Ponce Solé, a professor of administrative law at the University of Barcelona. It was published by the Government of Catalonia’s Interior Department, Institutional Relations and Participation, Autonomic Research Institute.

The publication can be viewed at http://www.gencat.cat/drep/iea/pdfs/IEA_67.pdf.

Baseball and the Law Conference Set for October in Cooperstown

The Government Law Center is planning a conference on Baseball and the Law in Cooperstown, New York for the fall of 2010. The program, which will offer continuing legal education credits, is planned for Thursday, October 14 and Friday, October 15, 2010. The actual program will be held at the Otesaga Hotel with side excursions to the nearby Hall of Fame. Albany Law School is the closest law school to the Hall of Fame, and the Government Law Center will be working with the Hall of Fame on the contents and speakers for the program.

Tentative topic include: Baseball and the Antitrust Laws, Franchise Relocation in the 21st Century, Drugs and Baseball, the Internationalization of Baseball, Future Labor Relations in Baseball, and The Powers of the Baseball Commissioner. Anticipated expert speakers will include among many: Gary Roberts, Dean and Gerald L. Bepko Professor of Law at the Indiana University School of Law – Indianapolis and Paul Finkleman, the President William McKinley Distinguished Professor of Law and Public Policy and Senior Fellow at the Government Law Center. The GLC has also consulted with Bill Neukom, the managing partner of the San Francisco Giants and former president of the American Bar Association, on the planning of the conference, and we anticipate his participation in the conference.

Please follow developments in our E-news and much more information on the Baseball and the Law conference.
GLC Co-Sponsors Workshop Series on Municipal Climate Change


John R. Nolon, James A. Hopkins Professor of Law and Counsel to the Land Use Law Center, gave the keynote address, “Why Take Action? Because Local Communities are Essential to Reducing Greenhouse Gas Emissions and Implementing Adaptation Strategies.” Lois A. New, Acting Deputy Director, Office of Climate Change, NYS Department of Environmental Conservation, spoke on “New York State’s Climate Smart Communities Pledge and Program.”

Virginia C. Robbins, Esq., Bond, Schoeneck & King, PLLC, and Co-Chair, Global Climate Change Committee, Environmental Law Section, NYS Bar Association, moderated the session, “Local Successes in Action Planning – Three Case Studies,” spotlighting the Town of New Castle, City of New Rochelle -- ICLEI-Local Government for Sustainability Pilot Project Community, and Westchester County’s Action Plan and Global Warming Task Force. It featured Mayor Noam Bramson, City of New Rochelle; Robert Funicello, Environmental Project Director, Westchester County Department of Transportation; Barbara Gerard, Supervisor, Town of New Castle; and Robin Schlaff, Esq., Special Counsel for Regional Affairs, New York State Department of Environmental Conservation.

J. Kevin Healy, Esq., Bryan Cave, LLP, and Co-Chair, Global Climate Change Committee, Environmental Law Section, NYS Bar Association, moderated a panel comprised of Daniel Hernandez, Director of Planning, Jonathan Rose Companies, and Commissioner Thomas Madden, Department of Community Development and Conservation, Town of Greenburgh, on “Transit Oriented Development and Transportation Efficient Development.”

Jessica A. Bacher, Esq., Adjunct Professor and Senior Managing Attorney, Land Use Law Center, Pace Law School; Cosimina Panetti, Senior Outreach Manager, Building Codes Assistance Project, Alliance to Save New York; and Lester D. Steinman, Esq., Director, Pace University’s Edwin G. Michaelian Municipal Law Resource Center, discussed “Green Building Requirements,” including an overview of the State Energy Code and lessons learned from the approach of Greenburgh, New Rochelle and Babylon, as well as how to avoid pitfalls such as the potential legal liability in adopting and enforcing green building laws, in a panel moderated by Professor Julie E. Steiner, St. John’s University School of Law.

The program was geared toward the interests of municipal officials, covering the complex topic of climate change from a practical perspective that offered information directly applicable to their professional roles and responsibilities.

This program will be offered on May 13th at Albany Law School. For an updated agenda and list of speakers, please contact Trish Blanco at the Government Law Center at tblan@albanylaw.edu or 518-445-2329.

Professor Salkin Addresses ABA Delegates on Federal Distributive Funding

Professor Patricia Salkin told the American Bar Association (ABA) House of Delegates on August 3, 2009 of the dire need for federal distributive funding. Salkin’s work over the last three years with local governments on shared services, cooperative efforts, consolidations and dissolutions helped her make a strong case for the federal distributive funding, a resolution developed and sponsored by the State and Local Government Law Section of the ABA.

Salkin, the Raymond & Ella Smith Distinguished Professor of Law and Director of Albany Law School’s Government Law Center, addressed the ABA with Albany Law School adjunct professor Kenneth Bond, who is also a member of the GLC Advisory Board.

Salkin noted the unfunded federal mandates as one contributing factor to the dire economic condition of local governments across the country, another area in which she had worked through the Center. A past chair of the Section, and a current Delegate to the ABA House of Delegates, Salkin said that municipal bonds, typically considered secure by the financial community, are now considered a risky investment, due to high foreclosure rates, defaults on municipal tax payments and rising costs contributing to significant budget imbalances. This is leading to the failure of local governments to fund the Rule of Law.

Salkin said that last week, the New York Times reported that Jefferson County in Alabama no longer had funds to bury the indigent deceased and to staff the kitchen to feed 28 juveniles in a detention facility, and the family court administrators to their professional roles and responsibilities. The drafting of the Resolution and accompanying report was led by Kenneth Bond, who teaches State and Local Finance at Albany Law School.

For a live video recording of the address on the first day of the two-day event, visit http://www.totalwebcasting.com/view/?id=aba#. Select Report 105. [Prof. Salkin appears at 2:42:25.]
Continuing Legal Education in Saratoga

Many of our alumni joined Albany Law School’s Institute of Legal Studies in August for breakfast and a selection of Continuing Legal Education courses held at the Gideon Putnam in Saratoga. “A View from the Bench” featured Hon. Christine M. Clark, Schenectady City Court; Hon. Cathryn M. Doyle, Albany County Surrogates Court; Hon. Gerard Maney, Albany County Family Court; Hon. Joseph M. Sise, Supreme Court, Montgomery County; and Hon. Richard E. Sise, Presiding Judge, New York State Court of Claims; in a panel discussion moderated by Hon. Leslie E. Stein, Appellate Division, Third Department. Mark J. Solomon, Esq., Law Office of Mark J. Solomon, and Professor Steven Wechsler, Syracuse University School of Law, taught the course, “Introducing the New Rules of Professional Conduct.” “A Systematic Approach to Legal Negotiation” was presented by Dean Thomas F. Guernsey of Albany Law School. Paul DerOhannesian II, Esq., DerOhannesian & DerOhannesian, offered a “Criminal Law Seminar.”

To view upcoming CLE programs, visit http://www.albanylaw.edu/sub.php?navigation_id=1287.

GLC Participates in Senate Select Committee on Budget and Tax Reform Invitational Roundtable

At the invitation of NYS Senator Liz Kruger, GLC Director Patricia Salkin participated in an invitational roundtable on October 13, 2009 for the Senate Select Committee on Budget and Tax Reform. The focus of the roundtable was on evaluating the needs for, and costs of, New York State property tax exemptions. About two dozen people participated in this session including representatives from statewide municipal associations, the non-profit community, faith-based organizations, a property rights group and think tanks, as well as the NYS Office of Real Property Services.

SAVE THE DATE

2010 Saratoga Institute – 10th Anniversary Program

Save the Date for the 10th Anniversary Program of the Saratoga Institute on Racing and Gaming Law

Tuesday August 2, 2010.

9th Annual Saratoga Racing and Gaming Law Institute

The Racing and Gaming Law Program of the Government Law Center of Albany Law School presented its ninth annual Saratoga Institute on August 4, 2009 at the Gideon Putnam Hotel in Saratoga Springs. The Institute program is dedicated to exploring the legal and public policy implications of racing and gaming in New York state and across the country.

Topics included equine slaughter, the overall state of racing in America, the future of OTB and harness racing in New York State, and the state of NYRA. Speakers included leading figures in racing and gaming from across the country. Speakers from Albany Law School included Professor Patrick Connors who moderated a panel on the New York Racing Association, Amy Lavine, staff attorney at the Government Law Center who spoke on the issue of eminent domain and the issues raised by the State of Maryland’s efforts to take over the Preakness Stakes, and Bennett Liebman, Executive Director of the Government Law Center, who spoke on the topic of the Professional and Amateur Sports Protection Act. Also moderating two programs was Dr. Jerry Bilinski, a member of the advisory board of the Government Law Center.

Other participants included: Dino Amoroso, Esq., President, Nassau County Off-Track Betting Corporation; Stephen Bochnak, New York State Assembly; Steven Crist, Chairman and Publisher, Daily Racing Form; Jeffrey Gural, Chairman, Newmark & Co.; Charles Hayward, President and CEO, New York Racing Association, Inc.; Peggy Hendershot, Senior Vice President of Legislative Affairs, National Thoroughbred Racing Association; Hon. Daniel Hogan, Commissioner, New York State Racing and Wagering Board; Mike Kane, Communications Officer, National Museum of Racing and Hall of Fame; Patrick L. Kehoe, Esq., Senior Vice President and General Counsel, New York Racing Association; Hon. Gordon Medenica, Director, New York State Division of Lottery; Scott Palmer, DVM, Chairman American Association of Equine Practitioners Racing Task Force; Robert Penchina, Esq., Levine Sullivan Koch & Schulz L.L.P.; Ron Perez, President, Columbia-Greene Humane Society/SPCA; Diana Pikulski, Executive Director, Thoroughbred Retirement Foundation; Dick Powell, Racing Consultant; Hon. John D. Sabini, Chairman, New York State Racing and Wagering Board; and Alex Waldrop, Esq., President and Chief Executive Officer, National Thoroughbred Racing Association.

Podcasts of this year’s program are available at http://podcasts.classcaster.org/blog/event_podcasts/2009/08/06/saratoga_institute_on_racing_and_gaming.
International Outreach – Seeds Planted for Future Collaborations

FINLAND
Finnish Delegation Focuses on U.S. Climate and Energy

The GLC continues its efforts to collaborate with researchers across the globe. Recent exchanges include a meeting in November 2009 between Professor Patricia Salkin and Amy Lavine, Esq., with members of a delegation from Finland visiting New York to learn more about climate change in New York and the U.S. The Finnish delegation included Maija Antronen, Clean Development Mechanism Policy Officer, Ministry for Foreign Affairs; Jan-Magnus Cederlof, Senior Technical Advisor, Ministry of Environment; Harri Laurikka, Ministerial Advisor, Ministry of Environment; Nils Tomas Otterstrom, Deputy CEO, Head of Green Investment, GreenStream Network; and Karl Upston-Hooper, Legal Advisor, Greenstream Network, Ltd. The visit was hosted by The International Center of the Capital Region, Inc. (http://www.iccralbany.org/).

KENYA
Albany Law School Hosts Dean of New Kenyan Law School

Albany Law School Associate Dean James Gathii hosted Patricia Kameri-Mbote, a Kenyan Professor who has recently been appointed to be the Dean of a new Law School in Nairobi, the Strathmore University Law School. Dean Kameri-Mbote visited with Patricia Salkin and Bennett Liebman at the Government Law Center to learn more about our operation and to use it as a possible model for a center that could be developed in the new law school.

AUSTRALIA
Professor from Australia Meets with GLC Staff

In December 2009, Patricia Salkin hosted Professor Stephen Jones from the University of Queensland in Brisbane, Australia who came to Albany to research state and local collaboration and climate change.

TRINIDAD
GLC Welcomes Visitor from Trinidad

On August 4, 2009, Citizens’ Police Review Board (CPRB) member Ronald Flagg and GLC Coordinator of the Board Sharmaine Moseley met with Margaret Gwyneth Sampson-Browne, Acting Senior Superintendent in the Trinidad and Tobago Police Force, to discuss the Albany CPRB process and police community relations. As Acting Senior Superintendent, Ms. Sampson-Browne is responsible for the recruitment and training of new police officers; development and implementation of all programs for female law enforcement officers serving in the police force and other agencies; and for all developmental programs for the ranks in the police force. Ms. Sampson-Browne was invited to the United States under the auspices of the Department of State’s International Visitor Leadership Program.

JAPAN
Visitors from Japan Attend GLC’s FOIL Workshop

The GLC hosted four visitors from Japan on June 29 for a workshop on the Freedom of Information Law. The visitors – Susumu Akedo, Ministry of Internal Affairs and Communications; Hiroshi Inoue, Esq., Kansai Law and Patent Office; Shinichio Okamoto, MPA, Document Management and National Archives Policy Reform Unit; and Masahide Tanaka, PhD, Kanazawa Seiryo University –
watched a videotape of an oral argument heard before the New York Court of Appeals on the Freedom of Information Law and 911 requests. They also participated in a discussion on FOIL policies and procedures, led by Robert Freeman, Esq., Executive Director of the NYS Committee on Open Government and a member of the GLC Advisory Board.

The visitors were participating in a project organized by the International Center of the Capital Region (ICCR) and the International Visitors Leadership Program (IVLP): Disclosure through FOIA, National Archives and Record Management, and Government Transparency; a project for Japan. The program was arranged by Bonnie Beard of the ICCR.

CHINA

Visits by Shanghai Institute Faculty Initiates Joint Project in China

In December, Professor Huiping Zhu from the Shanghai Institute of Foreign Trade (SIFT) visited with the GLC. Professor Salkin in getting ready to visit SIFT in March 2010 as part of Albany Law School’s commitment to develop a long-term, mutually beneficial relationship with the SIFT law school. During the visit, Professor Salkin will deliver a presentation on climate change in the U.S.

Earlier this year, the Government Law Center hosted two professors from the SIFT law school. Qiao Boa Jie, Deputy Dean and Associate Professor, and Jianmin Cai, Professor of Law and Director of the Public Affairs Office, visited Albany Law School as part of an ongoing relationship between the two institutions. Discussions centered around SIFT’s World Trade Organization (WTO) Research Center, faculty and student exchanges, summer programs, and collaborative research opportunities between the two schools.

GLC Staff Attorney Honored by ABA

GLC Staff Attorney Amy Lavine ’07 received the American Bar Association, State and Local Government Law Section’s 2009 Jefferson B. Fordham Award for “Up and Comers” at the ABA Annual Meeting held in Chicago this summer. The award recognizes young lawyers who, based on early accomplishments in their careers, show greatest promise for leadership in the field of state and local government law. Ms. Lavine is the author or co-author of more than a dozen law review, journal and other legal periodical publications. In addition, she is a nationally recognized resource on community benefits agreements, and writes a blog on the topic (http://communitybenefits.blogspot.com/).
The GLC recently entered into a Memorandum of Agreement, along with the Land Use Law Center of Pace University and the Cornell University Community and Rural Development Institute, pledging cooperation to increase the capacity of local governments and citizens to address critical land use, environmental, economic development, and other issues of concern to municipalities.

The Land Use Leadership Alliance (LULA) training program was founded in 1995 at the Land Use Law Center at Pace Law School to address general land use matters in the suburban and rural communities of New York State. Since then, it has expanded to train leaders in New Jersey, Connecticut, Pennsylvania, and Utah, and its curriculum has grown to include issues faced in urban communities. Each four-day program is designed to meet the needs of its participants and their communities by focusing on both foundational and cutting-edge information related to their priority land use issues. Participants are given a range of tools and techniques to utilize in both the land use and decision-making contexts.

Candidates for this program are respected and objective local leaders who are nominated by the program’s steering committee, sponsors, and trainers. Nominees are often chairs and members of the legislative body; planning and zoning board members; administrative board members; members of other local bodies involved in the land use process; local landowners, developers, business leaders, community activists, and representatives of civic and environmental groups.

When accepting nominations, program organizers look for candidates who use law and consensus building theory to help their communities understand that solutions to complex, persistent problems are more likely to be reached through authentic collaborative initiatives than adversarial processes. Each day, participants in the program engage in lecture-based learning, experiential learning, and unstructured, social interaction with other leaders. Through unstructured components and breakout sessions, participants develop relationships, build trust, and learn from the experiences of other leaders.

The teaching of the LULA program is based on a “train the trainer” model, through which participants are empowered to share their program experience with others. This model encourages the creation of leadership networks, initiates and supports grassroots regionalism, creates opportunities for civic engagement, and fosters sustainable communities. For more information, email Patricia Salkin at psalk@albanylaw.edu or Tiffany Zezula at tzezla@law.pace.edu

The Government Law Center, together with Harris Beach PLLC, presented a webinar on “Wind Industry Ethics Code Training” on September 17, 2009. Professor Patricia E. Salkin of the Government Law Center; Karl M. Sleight, Esq., Harris Beach, PLLC, and former Executive Director, New York State Ethics Commission; Robert J. Ryan, Esq., Harris Beach PLLC; and Joan P. Sullivan, Harris Beach PLLC, served as the program instructors.

The webinar examined Attorney General Andrew M. Cuomo’s Wind Industry Ethics Code (the Code), signed by all 17 of the major wind companies operating in New York state. The Code incorporates best industry practices and guidelines for a new standard of transparency and public integrity in the wind industry. It dictates that within sixty days of its signing, companies must conduct a seminar for their officers and employees on identifying and preventing conflicts of interest when working with municipal employees. The New York State Office of the Attorney General (OAG) has called for the creation of an ongoing Advisory Task Force to monitor and return any complaints related to violations of the Code to the OAG for investigation. The Task Force will include representatives from the District Attorney’s Offices of Franklin, Monroe, and Wyoming Counties; the New York State Association of Counties; the New York State Association of Counties; a not-for-profit association representing the Wind Industry; the Association of Towns of the State of New York; a representative of the OAG; and another designee of the OAG who is not a member of that office.

The highly-interactive webinar allowed registrants to view the PowerPoint training program, hear the instructors through a phone line, and ask questions via computer.
Appointments

Associate Dean Patricia Salkin has been elected chair of the State and Local Government Law Section of the Association of American Law Schools (AALS), a non-profit association of 171 law schools. In June she was elected Chair of the Municipal Law Section of the New York State Bar Association, and in January 2010 she was appointed by State Bar President Mike Gertnick to Chair a special committee on Government Ethics. Salkin was also elected in March as a Fellow of the American College of Real Estate Lawyers.

GLC Staff Attorney Amy Lavine was recently appointed by the ABA Section of State and Local Government Law as Co-Editor of the Section’s monthly e-News. This popular publication provides quick and timely information on new cases, statutes and regulations of interest to attorneys who represent or practice before governments.

Presentations

On November 17, 2009, Associate Dean Patricia Salkin spoke on ethics in land use and nonconforming uses at The Institute for Local Government Legal Studies’ Center for American and International Law in Plano, Texas. In May 2009 she participated in a land use teleconference for the International Municipal Lawyers Association. She spoke on the subject of ethics in land use planning and decision making. She also spoke for an American Bar Association teleconference on the Religious Land Use and Institutionalized Persons Act (RLUIPA), providing a summary of recent case law and current developments.

Salkin participated in a panel on “Innovative Teaching and Research Strategies for Land Use and Development Law” at the Southeastern Association of Law Schools Annual Meeting in Palm Beach, Florida, on August 5.

Executive Director Bennett Liebman moderated and helped facilitate a program for the United States Trotting Association in June 2009 on how to encourage greater fan interest in harness racing. He gave a presentation on “Charles Evans Hughes: The Accidental Governor as Reformer” to the New York State Bar Association’s Committee on Attorneys in Public Service on June 10, in the Great Hall at the New York State Bar Center.

Amy Lavine spoke at the 2009 Pennsylvania Bar Institute on “Community Benefits Agreements” on December 4.

Patricia Salkin and Amy Lavine participated in a live teleconference examining Community Benefits Agreements on May 12, 2009 (http://www.lorman.com).

Publications


Salkin’s article “Intersection Between Environmental Justice and Land Use Planning” (58 Planning and Environmental Law 3, May 2006) was selected for republication in: Sustaining A Journal of Environmental and Sustainability Issues, published by the University of Louisville’s Institute for the Environment and Sustainable Development (forthcoming Spring/Summer 2010).


Rose Mary Bailly. Special Consultant to the GLC and Executive Director of the New York State Law Revision Commission, and Barbara S. Hancock, Esq. ‘00, Counsel to the Commission, co-authored the article, “Changes for Powers of Attorney in New York,” outlining the significant reforms to the use of powers of attorney in New York, published in NYSBA Journal, March/April 2009. Bailly and Hancock co-authored “West’s Practice Commentaries to Article 5 of New York’s General Obligations Law” which will be published shortly.


The GLC is pleased to announce the latest members of the Advisory Board. They are Marcia Alazraki, Manatt, Phelps & Phillips, LLP; Leslie Anderson, New York State Grievance Committee, 10th Judicial District; Margot Bean, Deloitte Consulting; Margot Bester, Transportation Security Administration; Patrick Brown, Brown, McMahon & Weinraub; Paul Giola, Dewey & LeBoeuf, LLP; Bruce Gyory, Hinman Straub PC; Abe Lackman, Praxis Insights; John Poketumba, Poketumba & Hobbs, LLC; and Dr. James Stine, State University of New York at Albany.

The GLC wishes to acknowledge the Albany Law School students who are working on a variety of projects through the Center this semester: Robert Axisa ‘11, Javid Afzali ‘12, Kyle Christiansen ‘11, Jennifer Clark ‘11, Michael DeRise ‘11, Cottelle Drakeford ‘11, Jillian Gordon ‘10, Ken Jello ‘10, Zack Kratzer ‘11, Patricia Malley ‘11, Rachel Mantis ’10, Betsy Schulman ’11, Michael Teller ’11, Kristin Wernig ’10, and Robin Wheeler ’10.
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