What’s Next?
Albany Law Moves into a New Era

ALSO:
Civil Rights and Disabilities Law Clinic Celebrates 30 Years
Teaching and Learning Beyond Classroom Walls
CHAIR
Mary Ann Cody '83
Albany, N.Y.

VICE CHAIR
Daniel P. Nolan ’78
Albany, N.Y.

SECRETARY
Johnna G. Torsone ’75
Stamford, Conn.

TREASURER
Robert C. Miller ’68
Clifton Park, N.Y.

MEMBERS
James N. Benedict ’74
New York, N.Y.
Constance M. Boland ’86
New York, N.Y.
William A. Brewer III ’77
Dallas, Texas
Gregory B. Butler ’88
Berlin, Conn.
Andrew L. Colby ’80
New Brunswick, N.J.
William J. Curry ’87
Boston, Mass.
Frank L. Fernandez ’80
Atlanta, Ga.
Dan S. Grossman ’78
New York, N.Y.
James E. Hacker ’84
Latham, N.Y.
J.K. Hage III ’78
Utica, N.Y.
John J. Halloran Jr. ’84
New York City and White Plains, N.Y.
Hon. Erik E. Joh, ’70
Boynton Beach, Fla.
E. Stewart Jones Jr. ’66
Troy, N.Y.
James E. Kelly ’83
Germantown, N.Y.
Peter C. Kopff ’75
Garden City, N.Y.
Thomas J. Mullin ’76
Victor, N.Y.
Timothy O’Hara ’96
Saratoga Springs, N.Y.
Rory J. Radding ’75
New York, N.Y.
Robert A. Rausch ’94
Albany, N.Y.
Christina L. Ryba ’01
Albany, N.Y.
Harry L. Robinson ’65
Cohoes, N.Y.
Katherine M. Sheehan ’94
Albany, N.Y.

EUGENE M. SNEERINGER JR. ’79
Albany, N.Y.
ROBERT B. STILES ’76
Rochester, N.Y.
Hon. Leslie E. Stein ’81
Albany, N.Y.
Christine G. Stone ’81
Hobe Sound, Fla.
Dale M. Thuillez ’72
Albany, N.Y.
Hon. Randolph E. Treece ’76
Albany, N.Y.

EX OFFICIO
Stephen C. Ainlay, Ph.D.
Schenectady, N.Y.
Penelope (Penny) Andrews
Albany, N.Y.
Elie Salamon ’13
Albany, N.Y.

EMERITI
Hon. Richard J. Bartlett
Glens Falls, N.Y.
Charlotte S. Buchanan ’80
Glenmont, N.Y.
Barbara D. Cottrell ’84
Hudson, N.Y.
Donald D. DeAngelis ’60
Albany, N.Y.
Robert V. Gianniny ’53
Rochester, N.Y.
Jonathan P. Harvey ’66
Albany, N.Y.
Stephen M. Kiernan ’62
Voorheesville, N.Y.
Albany, N.Y.
Matthew H. Mataraso ’58
Albany, N.Y.
Hon. Thomas J. McAvooy ’64
Binghamton, N.Y.
William E. Pendergast ’72
Flats Park, N.C.
Frank H. Penski ’74
New York, N.Y.
Peter M. Pryor ’54
Albany, N.Y.
William E. Redmond ’55
Albany, N.Y.
Edgar A. Sandman ’46
Needham, Mass.
Thomas M. Santoro ’72
Miami, Fla.
Donna E. Wardlaw ’77
Saratoga Springs, N.Y.
Hon. John J. Yanas ’53
Albany, N.Y.
Stephen P. Younger ’82
New York, N.Y.

EMERITI
Hon. Richard J. Bartlett
Glens Falls, N.Y.
Charlotte S. Buchanan ’80
Glenmont, N.Y.
Barbara D. Cottrell ’84
Hudson, N.Y.
Donald D. DeAngelis ’60
Albany, N.Y.
Robert V. Gianniny ’53
Rochester, N.Y.
Jonathan P. Harvey ’66
Albany, N.Y.
Stephen M. Kiernan ’62
Voorheesville, N.Y.
Albany, N.Y.
Matthew H. Mataraso ’58
Albany, N.Y.
Hon. Thomas J. McAvooy ’64
Binghamton, N.Y.
William E. Pendergast ’72
Flats Park, N.C.
Frank H. Penski ’74
New York, N.Y.
Peter M. Pryor ’54
Albany, N.Y.
William E. Redmond ’55
Albany, N.Y.
Edgar A. Sandman ’46
Needham, Mass.
Thomas M. Santoro ’72
Miami, Fla.
Donna E. Wardlaw ’77
Saratoga Springs, N.Y.
Hon. John J. Yanas ’53
Albany, N.Y.
Stephen P. Younger ’82
New York, N.Y.

PRESIDENT AND DEAN
Penelope (Penny) Andrews
jkel@albanylaw.edu

ASSISTANT DEAN FOR INSTITUTIONAL ADVANCEMENT
James Kellerhouse
jkell@albanylaw.edu

DIRECTOR OF ALUMNI AFFAIRS
Kristin Sheehan
ksheec@albanylaw.edu

EDITOR
David Singer
dsing@albanylaw.edu

MAGAZINE LAYOUT
Melissa Batalin

WRITERS
Nick Crounse
Paul Grondahl

CONTRIBUTORS
Lynn Holland

PHOTOGRAPHERS
Linda Conley
Denis Nally
Kris Qua

AlbanyLaw Magazine is published once annually. An electronic newsletter is sent monthly to alumni and friends. If you are interested in receiving this newsletter please send an email to alumni@albanylaw.edu
FEATURES
20 Civil Rights and Disabilities Law Clinic Turns 30
24 What Now? A Stalwart of Resilience, Albany Law Leans into its Newest Era
28 Teaching and Learning Beyond the Classroom Walls

DEPARTMENTS
2 In Brief
6 Campus Events
15 Students
32 Faculty Notes
42 Advancement Matters
43 Alumni Events
50 Class Notes
64 In Memoriam
66 Commencement
68 History
Hutter as County Bar President Looks to Align Goals with Law School

Calling mentoring one of his key initiatives as the 2013 Albany County Bar Association president, Professor Michael Hutter has been working to connect experienced attorneys with Albany Law School’s practice-ready students and young attorneys, particularly those looking to start a solo practice.

“Mentoring is more than another task,” said Hutter. “It is a rewarding experience and forces the mentors to examine their own approach to practicing.”

Hutter was sworn in by Justice John T. Casey ’49 (see more on Justice Casey on page 52) in January. Other Albany Law alumni also sworn in as officers that day included: Hon. Peter Crumme’y ’81, President-elect; Janet Silver ’03, Vice President; and James Hacker ’84, secretary. Board members are:

Christina Ryba ’01, Michael McDermott ’89, Mathew Barry ’03, Daniel Hurteau ’88, and Hon. Ryan Donovan ’01, Chair of the Committee on Admissions.


Family Violence Project Expands Services to Immigrant Victims

Albany Law School, with the New York Office for the Prevention of Domestic Violence, recently launched the Immigration Project, which offers legal services to domestic violence victims with unclear or undocumented immigration status.

Under the Immigration Project, law students of Albany Law’s existing Family Violence Litigation Clinic can now address immigration issues for victims of domestic violence, in addition to the victim’s safety, custody and support matters in family court.

“The victims our students represent are often women and children who face immigration issues, issues our students have not been able to address,” said Penelope (Penny) Andrews, President and Dean of Albany Law School. “Students will now gain the unique skills immigration issues require. Many of these students stay in the Capital Region to become family law attorneys, prosecutors and public defenders; they will better serve the region with the help of this program.”

The Clinic will work with several community partners, identified in the photo caption.

From left: David Iverson, Clinic Intern ’14; Sarah Rogerson, Director, Family Violence Litigation Clinic & Immigration Project; Lisa Frisch, Executive Director, The Legal Project; Barbara Weiner, Senior Attorney, Empire Justice Center; Penny Andrews, President & Dean, Albany Law School; Brian Wang, Staff Attorney, Legal Aid Society of Northeastern New York.
Siegel Hands New York Practice to Connors

Professor Patrick Connors has taken over the authorship of New York Practice, the renowned treatise David Siegel has been publishing since 1978. Now in its Fifth Edition, Prof. Connors authored the most recent Pocket Part published in January 2013 and has submitted the manuscript for the July 2013 Pocket Part.

“My thanks go to Patrick Connors for taking over this central work of my professional life, and with it, of course, go my good wishes,” wrote Professor Siegel, Distinguished Professor Emeritus of Law, in the preface of the Pocket Part.

Connors said Pocket Parts are issued every six months and a sixth edition of the book can be expected by 2017. “The book and Pocket Parts are available in hard copy and on Westlaw. I look forward to continuing the work of Professor Siegel, and hope to increase the book’s prominence in New York State and the Federal Courts,” Connors said.

Published in 2011, the Fifth Edition was issued in hard cover for practitioners, with a pocket in the back for the updated supplements, and an abridged soft cover for the Student Edition.

Professor Siegel will continue to write “Siegel’s Practice Review,” available online by Westlaw, and the New York State Law Digest, which report monthly on general developments in civil practice. Professor Connors continues to cite these publications in the Pocket Part to New York Practice.

Professor Connors, who teaches New York Practice and Professional Responsibility (Legal Profession), is also the author of the McKinney’s Practice Commentaries for CPLR Article 22, Stay, Motions, Orders and Mandates, Article 23, Subpoenas, Oaths and Affirmations, Article 30, Remedies and Pleading, and Article 31, Disclosure. He also authors the Practice Commentaries for the New York Rules of Professional Conduct (available on Westlaw; in progress) and several articles in the Surrogate’s Court Procedure Act.

He is also the author of the New York Practice column and the annual Court of Appeals Roundup on New York Civil Practice, which are published in the New York Law Journal. His publications have been cited in more than 100 reported cases. The preface to the recent Pocket Part by Professor Connors credits Class of 2013 members Elie Salamon, Kanika Johar and Steven DeBraccio for their role as research assistants.

Professor Ray Brescia to Lead Government Law Center

Assistant Professor Ray Brescia has been named the new Director of the Government Law Center. Professor Brescia specializes in housing policy, the legal ramifications of financial crises, community economic development and access to justice issues. He is an active, engaged scholar who often serves as a resource to the media.

Professor Brescia spent the 2011-2012 academic year as a visiting professor at Yale Law School, his alma mater, where he coordinated legal representation for community-based institutions in areas such as housing, economic justice, workers’ rights and civil rights. He was a law clerk to the late Constance Baker Motley, Senior U.S. District Court Judge for the Southern District of New York.

“The Government Law Center is a critical component of Albany Law School in its legal and policy work on behalf of all levels of government and in the opportunities it gives our students for experiential learning,” said Penelope (Penny) Andrews, Albany Law School’s president and dean. “Professor Brescia has the vision, energy, experience and intellect to lead the Government Law Center into its next phase.”

Patricia Salkin ’88, who led the GLC for 20 years, is now the dean of the Touro College Jacob D. Fuchsberg Law Center in Central Islip, N.Y. Assistant Professor Robert Heverly ’92 served as interim director.
Harding ’89, O’Hara ’96, Ryba ’01, Treyz ’77 and Withiam ’74
Join Albany Law School’s Board of Trustees

Paul Harding ’89 is the managing partner of Martin, Harding & Mazzotti, LLP, a Capital Region personal injury firm with 21 attorneys. In 2006, he was appointed to serve on New York State’s Commission on Judicial Conduct, where he is one of 11 who review written complaints of misconduct against judges. He is also on the Board of Directors of the New York State Trial Lawyers Association.

Timothy O’Hara ’96 is President and Chief Executive Officer of The Ayco Company, L.P., a Goldman Sachs Company, headquartered in Saratoga Springs, N.Y. He joined Ayco in 1996 as a staff attorney, was named executive vice president in 2008, chief operating officer in 2011, president in 2012 and president & CEO in 2013. He is also a CPA. Ayco is the largest private sector employee of Albany Law School alumni.

Christina Ryba ’01 is Special Projects Counsel for Presiding Justice Karen K. Peters of the Third Department. Previously she was an associate with Nixon Peabody, Albany, in the Labor & Employment practice group. Before that she served as an assistant attorney general in the Litigation Bureau of the N.Y. State Office of the Attorney General where she represented New York, its agencies and officers in state and federal courts.

Debra Treyz ’77, Managing Director of Wealth Advisory for J.P. Morgan, has served as CEO of the firm’s Wealth Advisory and Trusts & Estates businesses globally and as CEO of J.P. Morgan Private Bank for Europe, Middle East and Africa. She has opened new markets in Germany, Turkey, Russia and South Africa. Currently she helps the world’s wealthiest individuals and their families to grow, manage and sustain their wealth.

Jack Withiam Jr. ’74 is retired from George Little Management LLC, headquartered in White Plains, N.Y., where he had general responsibility for GLM’s Legal, Finance, MIS and Human Resources departments. The company, founded in 1924, produces 22 tradeshows for a variety of industries showcasing some 11,000 exhibitors. A separate division organizes private sales for luxury-goods manufacturers and retailers.

Reference Section Named for Emery

The Schaffer Law Library’s reference section has been newly named the “Robert A. Emery Reference Area” for retired head reference librarian Robert Emery. Emery helped hundreds of students, faculty and alumni since he started working at Albany Law in 1983. The veteran researcher was a graduate of George Washington University Law School and previously worked as a researcher for the Interstate Commerce Commission and as an editor for Lawyers Co-Operative Publishing Company.

Silvian Foundation’s Gift Increases

Albany Law School recently received $23,000 in funding from the Slomo and Cindy Silvian Foundation, bringing the total amount contributed by the foundation to its scholarship fund to $100,000 since 2008. The Fund provides an annual scholarship to an Albany Law student interested in studying health law while gaining hands-on experience in the school’s Health Law Clinic. To date, four students have received scholarships from the fund.

“The scholarship fund helps make sure that the foundation’s money is put to use in a meaningful way, advancing both the field of health law and the future of young law students,” said Daniel Komansky ’82, president of the Foundation.

The foundation, based in Melville, N.Y., focuses on education, services for children, Jewish philanthropic endeavors, and health care and research.
Recounting the WikiLeaks Experience, New York Times Lawyer McCraw ’92 Says: It’s in our DNA to Publish

As vice president and assistant counsel for the New York Times Company, David McCraw ’92 said his first instinct as a First Amendment lawyer, buttressed by his bosses at one of the world’s most acclaimed newspapers, is to publish hard-hitting articles despite the threat of litigation. At the Times, “All the News That’s Fit to Print” is more than a catchy motto.

“At the end of the day, it’s in our DNA to publish,” McCraw said in response to a question posed by a student at the end of a provocative hour-long talk, “Law and Disorder: WikiLeaks and the Future of Information Freedom.”

“One of the things we pride ourselves on at the New York Times is assisting reporters in getting stories in the paper,” he said. “We want to be using the law, pushing the law and making sure journalists can do as much as possible with their information.”

McCraw has been a dogged defender of the Freedom of Information Law (FOIL) and represented the Times in more than a dozen FOIL lawsuits, including litigation challenging litigation in the Middle East, Hungary, China and Cameroon in West Africa. “These countries understand what it is like to be controlled by a government in secrecy,” he said. “The response in Cameroon was amazing. It was the first time I’ve been asked for my autograph. They certainly felt we’d done something to make the world better.”

The focus of McCraw’s talk was his work in the saga of WikiLeaks, the controversial not-for-profit publishing organization that used the Internet to strike fear into the hearts of the most powerful and secretive government agencies by broadcasting their secrets. WikiLeaks approached the Times in June 2010 and offered to leak a range of secret documents to the newspaper. A cult of personality surrounded WikiLeaks’ shadowy and eccentric founder, Julian Assange, whom McCraw described as “this strange, Aspergerish guy.” There was further intrigue about the motivation of Pfc. Bradley Manning, the Army intelligence analyst who now faces trial for the release of confidential military and diplomatic documents. Several books and a documentary film, “We Steal Secrets,” are already out and a feature film on WikiLeaks is in the works.

“We want to be using the law, pushing the law and making sure journalists can do as much as possible with their information.”

The Times published only about 25. The internal State Department cables, which pulled back the curtain on U.S. foreign policy in often unflattering terms, caused the most consternation and received the most heated response. The newspaper did not get sued. “In the end, nothing happened as a result of publishing,” McCraw quipped: “I knew I had trained him well to be a lawyer.”

McCraw visited Albany Law School on Jan. 17 as the Spring 2013 Alumnus in Residence. He spoke to students and faculty about his work handling Freedom of Information Law litigation and providing legal counsel to the newsrooms at the Times, The Boston Globe, The International Tribune and its other publications and websites. Now in its 20th year, the Alumnus in Residence program brings distinguished graduates back to campus to share their expertise and experiences as a way of showing the wide range and value of an Albany Law School degree.
Third Dept. Holds Court on Campus, Dedicates Plaque to Justice Cardona

Before the Third Department of the Supreme Court of New York began their oral arguments on March 19 during their annual campus event, they dedicated a plaque for the Dean Alexander Moot Court Room to honor the late Presiding Justice Anthony Cardona ’70. The plaque recognizes the new naming of the school’s moot court program: Anthony V. Cardona ’70 Moot Court Program.

The justices present that day were, pictured from left, Hon. John Egan Jr. ’80, Hon. Robert Rose ’68, Presiding Justice Karen Peters and Hon. Leslie Stein ’81. Professor Michael Hutter argued his case that day before the court. Alumna Karla Williams Buettner ’02, who argued a separate case, told the court she remembered being in that same spot “11 years ago for a Gabrielli Moot Court Competition.” Other alumni who argued before the court that day included Jeffery D. Honeywell ’83, Kevin A. Luibrand ’87, Michael Pascazi ’05 and Pangioti K. Hyde ’08.

Women Judges Discuss Path to—and Life on—the Bench

A panel of women judges from different levels of the judiciary led a roundtable discussion on gender and the bench after exploring the findings from the Center for Women and Government’s 2012 report on the status of women in state and federal courts in New York State. Participating judges included: Presiding Justice Karen Peters and Justice Leslie Stein ’81, both from the Appellate Division, Third Department; Justice Ann Crowell ’92, Supreme Court, Fourth Judicial District; Judge Christine Clark ’96, Schenectady County Family Court Judge; Judge Helena Heath-Roland, Albany City Court Judge; Dina Refki, Executive Director, Center for Women in Government and Civil Society, moderated.
Hon. Judith S. Kaye Delivers Hugh Jones Memorial Lecture


Pictured, from left: Milton L. Williams Jr., Chair of the Fund for Modern Courts; Judge Jonathan Lippman, Chief Judge of the State of New York; Penelope (Penny) Andrews, President & Dean of Albany Law School; and Judge Kaye.

Inaugural Matthews Lecture Recognizes 1870 African-American Graduate

Only two years after graduating Albany Law School, James Campbell Matthews argued successfully against the city of Albany’s School Board, forcing the city to desegregate its public schools.

Later in his career, as the state’s most prominent African-American, he led the effort to pass a bill to protect the rights of black teachers, which the N.Y. Governor, Grover Cleveland, signed into law.

Two years later, Cleveland, who rose from governor to U.S. president, nominated Matthews to succeed Frederick Douglass as Recorder of Deeds in Washington, D.C. The nomination was blocked by the Senate.

New York State’s first black judge, Judge Matthews is the first alumnus identified with certainty as African-American, and this year the school introduced the Inaugural James Campbell Matthews Lecture. Larry Gibson, University of Maryland School of Law, spoke this spring about his recent book, Young Thurgood: The Making of a Supreme Court Justice.

Matthews graduated in 1870 at the age of 24, before the first Asian, American Indian, and European immigrants who soon populated the school.

Judge Randolph Treece ’76, U.S. Magistrate Judge for the Northern District of New York, spoke about both Matthews and Thurgood Marshall before introducing the speaker.

Gibson, author of Young Thurgood: the Making of a Supreme Court Justice, speaking to students and faculty.
Law Review's First Amendment Event Draws Free Speech Stars

*The New York Times* Supreme Court correspondent Adam Liptak, former University of Virginia president Robert O'Neil, American Civil Liberties Union president Susan Herman, First Amendment champion Floyd Abrams, and co-founder of the Public Citizen Litigation Group with Ralph Nader from the George Washington School of Law Dean Alan Morrison were among those who spoke at Albany Law Review’s symposium “What Are We Saying? Violence, Vulgarity, Lies ... And the Importance of 21st Century Free Speech.”

Court of Appeals Judges Joke About Secret Handshake During Evening of Storytelling

A packed room of students were treated to an entertaining evening of stories, tips for success, and humor from New York’s Court of Appeals judges. The March event began with Chief Judge Lippman promising to reveal all the “secrets of Eagle Street,” except for the “secret handshake.”

The event was this year’s Chief Judge Lawrence H. Cooke ’38 State Constitutional Commentary Symposium, presented by the Albany Law Review.
Reproductive Rights Forum Sparks Healthy Debate

Sandra Fluke (inset) kicked off a reproductive rights symposium that prompted feisty legal and ethical debates between panelists. In the months before the event, Fluke inadvertently gained “15 minutes of fame” when Rush Limbaugh verbally attacked her for promoting health coverage of birth control.

Pictured above from left: Anna Franzonello, Staff Counsel, Americans United for Life, speaking at the podium; Albany Law Professor Evelyn Tenenbaum (right); and Tracey Brooks ’00, CEO, Family Planning Advocates for New York State. The Albany Law Journal of Science & Technology presented the event.

Annual Justice Jackson Lecture Looked at International Business Practices

This year’s Justice Jackson Lecture, presented by the Student Bar Association, looked at domestic and international business practices with a focus on outsourcing legal and non-legal work, and corrupt practices across borders.

Named for Supreme Court Justice Robert H. Jackson, a 1912 graduate of Albany Law School, the lecture series honors the life and legacy of a man who was vital to the fight for civil rights in the United States and throughout the world.

Pictured right, Trustee Emeritus Stephen Younger ’82, partner at Patterson Belknap Webb & Tyler, spoke at the event as part of a larger panel.
Sobota Lecture, Symposium Examine Human Trafficking

Human trafficking experts from China, Ireland, South Africa and the U.S. Department of Homeland Security spoke on panels for the Government Law Review event “Voiceless Cargo: Human Trafficking and Sex Slavery in the Modern Era.” Rashida Manjoo, the Special Rapporteur on Violence against Women for the United Nations, delivered the Edward C. Sobota ’79 Memorial Lecture, and also received the inaugural President William McKinley Award for Good Governance.

From left: Jean Allain, Queen’s University, Belfast; Albany Law professor Alexandra Harrington ’05, ’08, and Sun Pinghua, China University of Political Science and Law

Governors’ Counsel Gather to Compare Roles, Experience

Seven former counsel to N.Y. State governors—and the current counsel—discussed the evolving role of the Office, addressing the relationship between law, policy and politics.

Pictured above at the September event are, from left: Richard Brown, Gov. Carey; Mylan Denerstein, currently counsel to Gov. Cuomo ’82; Judah Gribbitz, Gov. Carey; Peter Kiernan, Gov. Paterson. Participants not pictured are Terryl Brown, Gov. Spitzer; Gerald Crotty, Gov. Mario Cuomo; Michael Finnegan, Gov. Pataki; Michael Whiteman, governors Rockefeller and Wilson; and moderator Susan Arbetter. Scott Fein, a partner at Whiteman, Osterman & Hanna, Albany, N.Y., helped coordinate the event.

Looking at Willowbrook 40 Years Later

Clarence Sundram, a nationally-recognized expert on conditions in institutions and community programs for persons with mental disabilities, spoke about the era of institutions. Next to him is Henry Wesley, former resident of Willowbrook Developmental Center in Staten Island, who addressed the issue of “Life After Willowbrook.” They were part of a day-long event that examined the litigation around Willowbrook and its impact on the regulations and environment of today’s state and federal laws for similar facilities.
Anderson Breakfa...t Standing-Only Crowds after 21 Years

The Government Law Center’s Warren M. Anderson Legislative Breakfast Seminar Series this year again filled The Assembly Parlor at the Capitol for each of its four events. Now in its 21st year, the four events tackled the following issues: Gun Control in New York; Regulating Not-for-Profits in New York; The State Energy Highway: What’s Ahead for the State, Consumers and Industry; and Home Rule: The 50th Anniversary of Article IX of the State Constitution.

The morning seminar series is named in honor of former Senate Majority Leader Warren M. Anderson ’40, an alumnus of Albany Law School and an active member of the GLC Advisory Board who served in the New York State Senate for 35 years.

Above, panelists discuss the state’s energy highway in April. From left, Charles Gottlieb ’11, staff attorney for the GLC; Gerard Vincitore, director of resource planning & project analysis at the New York Power Authority; Uzoma Enyinna, lead analyst for strategic planning at the New York Power Authority; Christopher LaRoe, managing director, Market Policy & Regulatory Affairs of the Independent Power Producers of New York, Inc. (IPPNY); and Valerie Strauss, interim executive director, Alliance for Clean Energy New York, Inc. (ACE NY).

Sandman Fellow Focuses on America’s Aging Prison Population

With nearly one-third of the American prison population to be classified as “elderly” by 2030, the challenges by the aging incarcerated population are receiving attention.

Benjamin Pomerance ’13, the 2012 Edgar ’46 & Margaret Sandman Fellow in Aging Law & Policy for Albany Law School’s Government Law Center, led a conversation among expert panelists, including, pictured left to right: Karen L. Murtagh ’85, Executive Director, Prisoners’ Legal Services of New York; Hon. Robert J. Muller, New York State Supreme Court Judge, Essex & Warren Counties, and longtime member of the Medical Review Board of the New York State Commission of Corrections; and Andy Pallito, Commissioner, State of Vermont Department of Corrections.

NYSERDA-Sponsored Renewable Energy Entrepreneurial Speaker Series

Professor Robert Heverly ’92, the Government Law Center’s interim director, spoke at the College of Nanoscale Science and Engineering before the beginning of “Legal Considerations for the Startup Entrepreneur,” one of three events as part of the Spring 2013 Renewable Energy Entrepreneurial Seminar Series, sponsored by the New York State Energy Research and Development Authority.
MacArthur Fellow Williams, the Stoneman Keynote, Tracks Women’s Ascent—and Descent—through Fashion

Power suits, big hair, shoulder pads, industrial tones, flats, heels. What would a female solicitor general wear 50 years ago? What is a female attorney general today supposed to look like? What fashion choices did Kate Stoneman have to make when she appeared before the legislature?

Patricia Williams, the James L. Dohr Professor of Law at Columbia Law School and a MacArthur Fellow from 2001 to 2005, asked us to consider the equality—or inequality—of genders through the clothes men (and women) expect working women to wear.

Williams noted that a stiletto high-heel exerts more than 15-times the pressure of an elephant’s foot. She lamented that this female symbol of power did not find its expression in, say, “an iron fisted velvet glove. How much more comfortable we would all be.”

“There is no such thing as a woman’s professional shoe that conveys comfort and signals power simultaneously,” Williams said. She lifted her left foot from behind the podium to show the filled hall her “comfy grey sneakers with straps ... with these shoes I am finally ready to dance.”

Professor Mary Lynch, who co-chaired this year’s event with Tammy Weinman, Director of Special Events, noted that “Kate Stoneman would be very proud to know that Albany Law has its first female dean” in its 162-year history. Dean Andrews, the Kate Stoneman Visiting Professor in 2002, awarded Professor Williams with the 2013 Miriam Netter ’72 Kate Stoneman Award.

Lisa Frisch, executive director of The Legal Project, Capital District Women’s Bar Association, received the Stoneman Special Recognition; and Stoneman Honorees were Theresa Higgins Snyder ’64, managing partner of Consentino Snyder & Quinn, West Winfield, N.Y.; and E. Elizabeth Loewy ’84, Chief of the Elder Abuse Unit, Manhattan District Attorney’s Office.

Loewy described her struggling days in the classroom at Albany Law School, when a career in law did not “feel right” to her, until she discovered

Australian Professor Illustrates U.N. Structure for Grading Nations on Human Rights

Noting that Syria is a party to most of the U.N. human rights treaties, yet the atrocities continue, and Shiite women in Afghanistan need permission from a male relative to leave their house, the “grand promise of human rights treaties’ fail due to weak implementation, said Professor Hilary Charlesworth in her 2013 Kate Stoneman Visiting Professor Lecture in April. Professor Charlesworth is the Director of the Centre for International Governance and Justice in the Regulatory Institutions Network at the Australian National University.

International Business Women Look Back on their Professional Journeys, Cite Critical Decisions

A panel of international businesswomen spoke candidly to students about their experiences to date in their careers. From left: Penelope (Penny) Andrews, President & Dean, Albany Law School; Tracy L. Austin, General Manager of Corporate Communications, Mitsubishi International Corporation, and Executive Director of the Foundation; Heather Briccetti ’89, President and CEO, Business Council of N.Y. State; Debra Treyz ’77, Vice Chairman and Global Head of the Philanthropy Centre for J.P. Morgan Private Bank; Professor Christine Chung, Albany Law School, moderated.

View Kate Stoneman Day and Prof. Charlesworth’s lecture at albanylaw.edu/webstream
moot court. “I loved arguing in the Gabrielli competition,” she said, connecting this to her affinity for theater. From there she interned at the Manhattan D.A.’s office and never looked back. “It’s a happy ending,” she said smiling, adding that her mother, father and husband were in the audience.

Judge Beverly Tobin ’62 accepted the award on Snyder’s behalf, who was unable to attend the event. Citing their 50 year-old friendship, Judge Tobin recalled meeting Snyder in the “Ladies Lounge, which was the ladies room with three lockers, one for each of us in each of the classes.”

Tobin read from a letter that Snyder wrote: “Having attended a girl’s secondary school and a women’s college, I received my liberal education here as the only female in my graduating class.”

Tobin noted that Snyder, with husband Donald ’63, has three daughters and a son who all practice law, as do each of their spouses.

Each daughter praised their mother through notes read by Judge Tobin, calling her a pioneer as a woman in rural New York practicing law and serving on town boards, a rare role for women then. “A small wonder we followed her into the law,” wrote her daughter Mary.

Frisch, who runs the Legal Project, which provides legal services to victims of domestic violence, among other services to the underserved, has been a critical force for supporting victims of domestic violence for more than a decade.

The week of Kate Stoneman events began with the lecture from Professor Hilary Charlesworth, followed by Kate Stoneman Day, and ended with a two-day symposium on gender and the law (see the next page).

The Kate Stoneman program honors the significant contributions of women in the law and is named for the first woman to graduate from Albany Law School, Katherine Stoneman, class of 1898. She challenged the discriminatory law of her day and became the first woman admitted to practice law in the state of New York.

Considered an important part of the Albany Law School experience, the four women honored this year join 68 award recipients who have been honored since the program’s inception in 1994.

Find out more about Kate Stoneman Day:
Visit www.katestoneman.org
Become a fan of Katherine Stoneman on Facebook
Follow @KateStonemanESQ on Twitter

This 1966 news article shows Snyder with husband Donald Snyder ’64.
Dean Andrews Hosts Two Day Conference on Human Rights, Gender and the Law
Conference Ends Weeklong Stoneman Series

A two day conference, hosted by Dean Andrews, looked at domestic and international laws and culture, and the impact these forces have on women's lives. Academic and community leaders from around the globe—including Australia, Ireland, and South Africa—tackled areas like women's health, governance, international law, violence against women, leadership, and U.S. law. The conference was dedicated to the memory of Katheryn Katz ’70 (see page 64), one of the earliest female faculty members of Albany Law School, and the first permanent Kate Stoneman Chair in Law and Democracy. She passed away last year.

Left: The group celebrated Kathryn Grant Madigan ’78, of Levene, Gouldin and Thompson, Binghamton, who received the 2012 Ruth G. Schapiro Memorial Award from the N.Y. State Bar Association. Right: Students attended many of the conference sessions.

Above: Dean Penelope (Penny) Andrews introduces panelists (from left) Professor Patricia Williams of Columbia University Law School, Professor Cyra Akila Choudhury of Florida International University, Professor Melissa Breger of Albany Law School and Susan Bazilli of the International Women's Rights Project. Inset: Professor Breger discussing how the issue of "culture" enhances and inhibits women's options in all areas of life.
Anjalee Daryani ’13 spent several hours a week this year at the Empire State Concourse helping people with their federal taxes, alongside the state’s tax assistance program which helps people with New York’s taxes.

Professor David Pratt worked with several students, in conjunction with a New Orleans organization to help low income families distribute the estate of their deceased family members by drafting the requisite legal documents and forms.

Benjamin Pomerance ’13, with some 20 other students, organized volunteer lawyers to advise veterans in need of legal help as part of the Veterans’ Rights Pro Bono Project.

Steven Sacco ’13 organized students and attorneys to provide legal representation for Iraqi refugees to navigate the process for settling in the United States. Each student worked under the supervision of an area attorney.

Pro Bono projects range widely for students, and will continue to widen, says Nic Rangel ’12, the Pro Bono Fellow who has spent the year developing new programs to meet the interests of students, as well as developing a system for students to log and track pro bono hours.

New York State now requires law students to complete 50 hours of pro bono work. With the School’s vibrant Clinical program—including field placement internships—students have ample ways to meet the requirement. The Animal Law Project, the Elder Law Project, the Prisoner’s Rights Project, and the Child Advocate Project are a few of dozens available.

“We need more law firms to partner with us,” Rangel said. “When Hiscock and Barclay recently called asking for two students to help them with a pro bono project, we were able to provide that for them quickly. I want to encourage more firms to do that.”

While 50 hours of service are required, many students cleared 100 hours easily, often by creating and developing projects of their own.

Three recipients recognized at the 4th Annual Pro Bono Society Recognition Ceremony. From left, Dan Koskinen ’14 for creating the LGBT Rights Project, Kristin Rogers ’14 for creating the Immigration Project, and Andrea Long ’13 for completing 148 hours of pro bono service.


Nic Rangel ’12 directs the program.
The law school’s Moot Court Program has been renamed in honor of Justice Anthony V. Cardona ’70, former presiding justice of the Third Department and an esteemed alumnus who passed away in 2011.

A plaque dedicated to The Anthony V. Cardona ’70 Moot Court Program was unveiled at a small gathering on March 2, 2013, during the 25th Annual Domenick L. Gabrielli National Family Law Moot Court Competition. Two weeks later, before the Third Department of the Supreme Court of New York began their oral arguments in the Dean Alexander Moot Court Room, where they hold court annually, they paused to recognize the new plaque on the wall behind the bench.

Justice Cardona was a Trustee of Albany Law School and a tireless supporter of the school and its graduates. He was the 2002 Commencement Speaker, where he also received an honorary degree; he presided over numerous induction ceremonies for the Clinic & Justice Center; and he was awarded the Distinguished Alumni in Government Award in 2001.

During the 2012-2013 academic year, Albany Law traveled to competitions around the country:
- The William B. Spong Moot Court Tournament
- John J. Gibbons National Criminal Procedure Moot Court Competition
- Philip C. Jessup International Law Moot Court Competition
- American Association for Justice Student Trial Advocacy Competition
- ABA Client Counseling Competition
- ABA Negotiations Competition

Gabrielli Competition Celebrates its 25th Year, Moot Court Program Renamed for Justice Cardona ’70

Justin Rutherford ’13 (left) and Yaasha Sabbaghian ’13 scored high for Albany Law at the ABA’s national negotiation competition in Dallas.

ZACHARY POWERS
Knoxville, Tennessee

“I chose Albany Law because I thought it presented a wonderful opportunity to learn and work in the capital of New York. The possibilities and career paths are numerous. Opportunity to network nationally with alumni, fellow students, and those working in the state political system present an advantage that many law schools cannot offer.”

CARA A. JANES
Rockville, Maryland

“I came to Albany Law School because I wanted to branch off on my own and start my legal career in a new place. The clinic program and other practical experience available to students sealed the deal.”

RUCHIRA PODALI
Houston, Texas

“I chose Albany Law School for its generous scholarship support, and the exceptional assistance that I received from the Admissions Office and the Registrar’s Office. As an international student, I had to undergo the difficult and tedious process of obtaining a student visa, but their tremendous support made it very easy for me. I knew then that this caring and friendly environment is where I wanted to be.”

MICHAEL R. LIEBERMAN
Princeton, New Jersey

“When I came to visit I was struck by how kind and helpful the faculty are, you are more than just a number here. The professors are readily accessible and willing to sit down and talk with you, the class sizes are reasonable and not overwhelming, and it is easy to get involved with various clubs and organizations on campus.”

Why I Came to Albany Law

Knoxville, Tennessee

Caro Janes
Rockville, Maryland

Houston, Texas

Princeton, New Jersey

ZACHARY POWERS

CARA A. JANES

RUCHIRA PODALI

MICHAEL R. LIEBERMAN

Knoxville, Tennessee

Rockville, Maryland

Houston, Texas

Princeton, New Jersey

Gabrielli Competition Celebrates its 25th Year, Moot Court Program Renamed for Justice Cardona ’70

Why I Came to Albany Law

ZACHARY POWERS

Gabrielli Competition Celebrates its 25th Year, Moot Court Program Renamed for Justice Cardona ’70

Justin Rutherford ’13 (left) and Yaasha Sabbaghian ’13 scored high for Albany Law at the ABA’s national negotiation competition in Dallas.

ZACHARY POWERS

Knoxville, Tennessee

“I chose Albany Law because I thought it presented a wonderful opportunity to learn and work in the capital of New York. The possibilities and career paths are numerous. Opportunity to network nationally with alumni, fellow students, and those working in the state political system present an advantage that many law schools cannot offer.”

CARA A. JANES

Rockville, Maryland

“I came to Albany Law School because I wanted to branch off on my own and start my legal career in a new place. The clinic program and other practical experience available to students sealed the deal.”

RUCHIRA PODALI

Houston, Texas

“I chose Albany Law School for its generous scholarship support, and the exceptional assistance that I received from the Admissions Office and the Registrar’s Office. As an international student, I had to undergo the difficult and tedious process of obtaining a student visa, but their tremendous support made it very easy for me. I knew then that this caring and friendly environment is where I wanted to be.”

MICHAEL R. LIEBERMAN

Princeton, New Jersey

“When I came to visit I was struck by how kind and helpful the faculty are, you are more than just a number here. The professors are readily accessible and willing to sit down and talk with you, the class sizes are reasonable and not overwhelming, and it is easy to get involved with various clubs and organizations on campus.”

16

ALBANY LAW MAGAZINE Spring 2013
Bug Catching for the State: Determining the Legality of Non-Experts

State regulators lack water-quality information for hundreds of thousands of miles of water resources. A state pilot program is relying on volunteer citizens to collect data around indicator species—bugs—to determine whether streams are impaired and require protections.

Trained by the state to collect and analyze water quality, Professor Keith Hirokawa, with Charlie Gottlieb ’11, staff attorney in the Government Law Center, took students from the State and Local Environmental Law class to collect their own data and discuss the legal questions faced by regulators around the WAVE pilot program.

Both Professor Hirokawa and Gottlieb were asked to present their findings at a joint conference with N.Y. State’s Department of Environmental Conservation and the New England Association of Environmental Biologists. The work also resulted in a paper they co-wrote with student Kristen Keehan ’14: “Bug Catching for the State: Gathering Baseline Ecological Information Under WAVE.”

800 Area Children Spend Halloween at Albany Law

Students, staff and faculty organized an on-campus “Trick-or-Treat” large enough to accommodate 800 people—children and families—from the community, where the visitors were treated to activities and barrels of candy, led by Sara Mendicino ’13, Vice Justice of the Rockefeller Chapter of Phi Alpha Delta.

800 Area Children Spend Halloween at Albany Law

Students, staff and faculty organized an on-campus “Trick-or-Treat” large enough to accommodate 800 people—children and families—from the community, where the visitors were treated to activities and barrels of candy, led by Sara Mendicino ’13, Vice Justice of the Rockefeller Chapter of Phi Alpha Delta.

Where ’13 Graduates Will Work Next Year

KANIKI JOHAR
hometown: Altamont, N.Y.
undergrad: The Pennsylvania State University
employer: New York State Court of Appeals
Prior to law school, worked for Pfizer Inc., selling pharmaceuticals to urologists, cardiologists and orthopedic surgeons.

ERIKA HAUSER
hometown: Coxsackie, N.Y.
undergrad: Fordham University
employer: Milbank, Tweed, Hadley & McCloy, New York, N.Y.
Elected to spend her first three months working for an organization focused on preventing the trafficking of women and children. She will start at Milbank in January 2014.

MICHELLE MALLETT-PIASECKI
hometown: Elmira Heights, N.Y.
undergrad: United States Military Academy, West Point, N.Y.
employer: Couch White, LLP, Albany
As captain, led the Women’s Basketball Team to the NCAA tournament. As regimental commander, was in charge of 1,000 West Point cadets.

BRENDAN VENTER
hometown: Delmar, N.Y.
undergrad: Notre Dame University
employer: The Honorable Gary L. Sharpe, U.S. District Court, Northern District of New York
Worked for a law firm for two years before choosing law school.

BRIANNA RINKEWICH
hometown: Cohoes, N.Y.
undergrad: Rensselaer Polytechnic Institute

BRIANA FUNDALINSKI
hometown: Syracuse, N.Y.
undergrad: University of Buffalo
employer: Hancock & Estabrook, Syracuse, N.Y.
Ran 10 miles a day, seven days a week through her three years at law school.

MICHAEL LOPES
hometown: Avon, Conn.
undergrad: University of Connecticut
employer: Martin, Clearwater and Bell, New York, N.Y.
Still maintains skills from his years playing on UConn Ultimate Frisbee.

Mary Anne Dutcher ’13 collecting “indicator species.”
Pat Muir considers herself a capable advocate for her 33-year-old son Nathan, who has autism. But her efforts to improve Nathan’s situation at O.D. Heck, a state-run facility in Schenectady, N.Y., had repeatedly failed.

“It was like fighting shadows,” she said. “There was no one to hold accountable. When I mentioned things they were not doing that they were expected to do, they changed the documentation to make things harder to prove. I was told that my complaints would provoke the staff to be less cooperative.”

After years of struggling, a letter came from Albany Law’s Civil Rights & Disabilities Law Clinic offering legal representation. “I opened the letter, and I stood in my driveway and cried. Somebody else saw what I saw.”

Robin Hickey had a similar experience with her adult son Michael, also autistic. “For more than a year I would ask to see some evidence of progress based on the plan we put in place. They [O.D. Heck staff] always complained about being short-staffed, they never did what they said they would do.”

Today, with the help of the School’s Clinic—four students and a professor—both families are optimistic about their sons’ future, but acknowledge that every forward step requires the Clinic’s legal skills and dogged persistence.

“The Clinic comes at it objectively, with a broad vision to influence the entire system,” said Robin Hickey.

“The Clinic knows how to hold them accountable,” said Pat Muir. “They know the law, they know the pressure points.”

“I love this work, I love representing people who need our help,” said Shari Rolnick ’15, from Forest Hills, Queens, who has been working on the case with the Clinic’s director Professor Bridgit Burke ’89. Rolnick and Burke attend quarterly meetings with the family and the facility’s administrators. Rolnick will also visit the facility with or without Professor Burke, observe the patients, and examine records and logs, noting that she isn’t always welcome but feels protected by the law for specific activities. “I’ve learned a lot just by observing Professor Burke handle the situation,” Rolnick said.

Rollnick often brainstorms with Clinic colleague Jamie VanDenchurgh ’14, who represents a different family at O.D. Heck. “There’s always another thing that can be done, a new angle, a letter to write, a new point to make,” she said. “Some students’ clients do not have involved parents. That’s a very different experience. My case is a collaborative effort with the family.”

“The students, through their research, their incessant presence as advocates—through letters and visits—keep the issues out in front for the administration to deal with,” said Robin Hickey. “In theory, I should be able to do this work, but all of Michael’s progress could never have happened without the Clinic’s help.”

“Jamie VanDenchurgh has been great,” said Pat Muir. “They’re always having meetings and conversations with the administration, Jamie is always keeping the issue in front of them, and then informing me of progress.”
AFTER COURT BATTLE, THE STRUGGLE CONTINUES

The state-run institution serves as a crisis center, a temporary stay to stabilize the patient, with the goal of moving the patient into a setting more integrated with the community, the goal for both Michael and Nathan. In reality, patients can flounder there year after year. In 2007, 13-year-old Michael Carey died from asphyxiation, when, as reported numerous times, a staff member sat on him while another staff member watched. Under that cloud, the Clinic students, who are not always made to feel welcome, assert their right to examine records and look after their clients’ well-being.

“You can see they often violate their own plan,” said Professor Burke. “Michael has a communication device, but O.D. Heck staff never use it. This year the Muir’s, from Rochester some 200 miles away, have asked to Skype with their son.”

“Nathan responds best to questions when he can see us, and of course we would like to see him, so we have asked the facility to help us Skype with him,” explained Nathan’s mother Pat, noting that she received a fairly typical response. “They tell us it’s not required by the rules and regulations. But they have computers, they have Internet access, it’s a very simple accommodation that we should be able to work out.”

“The agencies rules require the agency to make it possible for Nathan and the other residents to talk to their family regularly by phone,” said Professor Burke. “The visual communication by Skype is the type of reasonable accommodation that is required by the Americans with Disabilities Act.”

While it took over six months, the agency now allows families to Skype to communicate, eventually conceding that it is a reasonable accommodation.

“Often we think they are violating the Americans with Disabilities Act, and they don’t agree, so we have to take the next step,” said Rolnick.

The Clinic’s advocacy has already helped 12 patients move into community settings. “Once they move, they really come alive,” Professor Burke said. “They go to events, they do simple jobs, they build relationships, they feel good. Here the institution monitors every moment, everything they eat, where they go, there is no freedom, no choices to make and they are completely segregated. That’s why families want to see progress and ask for our help to advance their child to the next level.”

“When I look at Nathan today,” said Pat Muir, “I know it’s in large part because of the Clinic’s involvement. I remember the helpless feeling I had just a year ago. I was concerned that he would regress. Today I feel very hopeful.”
Albany Law School’s Civil Rights and Disabilities Law Clinic: Thirty Years of Education and Experience

BY NANCY MAURER, Co-Director, Albany Law Clinic & Justice Center; Clinical Professor of Law; Director, Field Placement Clinic and BRIDGIT M. BURKE ’89, Co-Director, Albany Law Clinic & Justice Center; Clinical Professor; Director, Civil Rights & Disabilities Law Clinic

CREATION OF THE CIVIL RIGHTS AND DISABILITIES LAW CLINIC

Established in 1983, Albany Law School’s Civil Rights and Disabilities Law Clinic (Clinic) was one of the first law school clinics to teach law students through the representation of individuals with disabilities, and it is the third longest continuously running clinical program of its kind in the nation.

As part of a federally mandated system for providing protection and advocacy for people with developmental disabilities, students and faculty in the Clinic are charged with monitoring, investigating and remedying adverse conditions in institutional settings with the goal to move the client toward a life integrated with the community in areas that include housing, education and employment.

The newly formed clinic would address these issues by fulfilling two interrelated missions: first, it would enhance the student’s legal education by integrating the learning of substantive law with the development of legal and professional skills and exploration of the values associated with the practice of law; and second, it would provide legal representation to individuals with developmental disabilities. Since the fall of 1983, Albany Law School has continuously served both its educational and client service missions.

In 1984, the Clinic moved from the small study room where the inaugural semester was prepared, to the basement of a state office building across the street from the law school. There, despite limited budgets, makeshift office space, and hand-me-down furniture, the Clinic flourished. By 1990, the school began to invest more fully in clinical legal education. The office space was given a makeover, and clinical “instructors” were recognized as clinical “professors.” In 2001, the Clinic moved to the current location—a state of the art law office shared with the five other in-house clinics: Health Law, Family Violence Litigation, Introduction to Litigation, Low-Income Taxpayer, and Domestic Violence Prosecution Hybrid.
LAW CLINIC AND JUSTICE CENTER

Collectively, these clinics and an extensive field placement program became the law school’s Law Clinic and Justice Center. As proposed 30 years ago, the Clinic was designed to assist students in developing competencies in 1) substantive knowledge of law and procedure, 2) practical legal skills including interviewing, counseling, negotiating, writing, and trial advocacy, and 3) professional ethics and values. This would be accomplished through student participation in classes, simulations, and supervised client representation including individual and small group conferences with the instructor. Students were expected to work approximately 10 hours per week on cases and attend a two hour weekly class. They earned 2 pass/fail credits.

We continue to use the same basic educational format of supervised client representation, along with classes and case reviews combining substantive law, skills and professionalism. Today we also focus intentionally on diversity, cultural competence, judgment, and professional identity. Students now participate in the Clinic for up to 6 graded credits/per semester.

In the nearly 30 years since the Clinic first opened its doors, approximately 400 students have participated in and contributed to the representation of over 1600 clients on matters ranging from special education rights to claims of discrimination in housing, employment or access to services, and protection of family rights.

The Field Placement Clinic offers more than 150 externships in various areas of law practice including criminal defense or prosecution, public interest advocacy, government law, science & technology or judicial chambers. Law students work directly with supervising attorneys in the field, and receive classroom instruction from adjunct faculty and indirect supervision from full-time faculty in the clinic.

In the course of representing clients, Clinic law students have appeared in a variety of administrative forums and in just about every level of state and federal courts including U.S. District Court, U.S. Second Circuit Court of Appeals, N.Y. Supreme Court, Appellate Division, and the N.Y. Court of Appeals, as well as various lower courts. In one long-standing clinic case, students assisted in the preparation of briefs before the United States Supreme Court.

Issues addressed in the Civil Rights and Disability Law Clinic include the right to special education programs and services, entitlement to supplemental security income, social security disability benefits, Medicaid or other benefits, and the right to be free from discrimination based on disability in housing, employment, and access to public accommodations or services under state and federal law.

INTEGRATION OF EDUCATION WITH CLIENT REPRESENTATION AND DEVELOPMENT OF THE LAW

The Clinic united Albany Law School’s interest in enhancing its clinical legal education options for law students with its goal of serving the community and assisting individuals who might otherwise not have access to the justice system. At the same time, the Clinic would leave its mark on disability law and train a cadre of future lawyers capable of representing clients with disabilities into the future. As originally conceived, the Clinic captured much of what we still try to do 30 years later—prepare our students “for intelligent, creative and ethical participation in the legal profession by offering opportunities to develop habits of critical analysis, understanding of theory, acquisition of professional skills, a deep commitment to justice and service, and an appreciation of the dignity and responsibility that accompany membership in the profession.”

Students who have participated in the Clinic have had a significant role in the development of disability rights law. Many of them have gone on to practice in the field and many have contributed to the law in other ways. While Clinic graduates go on to varied careers, they all enter practice with a greater awareness of disability law, the biases and discrimination that impacts individuals with disabilities, and the contributions that individuals with disabilities make.

THE IMPACT OF THE CLINIC EXPERIENCE ON LAW STUDENTS

In its first few years, the majority of the Clinic’s clients were children with disabilities and their families seeking to enforce a child’s rights to free and appropriate public education. The Individual Disability Education Act (“IDEA” then known as the Education for All Handicapped Children Act) was still fairly new. The U.S. Supreme Court had just decided Rowley v. Board of Education interpreting the IDEA mandate to furnish all children with disabilities with a free and appropriate public education.

In 1984, the Clinic was asked to assist A.T., a medically fragile five year old boy with multiple severe disabilities, in a hearing to challenge his school district’s proposed change in his educational program and placement. A.T.’s family care provider, parents, teachers, physicians and others who educated and cared for him, believed that he would be irreparably harmed if he were removed from the unique specialized school setting that offered the interrelated services he required. For two years, law students participated in fact investigation, negotiation, case planning, client and witness interviewing, two lengthy special education impartial hearings (lasting seven and five days respectively) and administrative appeals, and finally an action in U.S. District Court.

The case was ultimately resolved in A.T.’s favor when the Court decided that the school district had “failed to offer [A.T.] an

Remembering Day One, When It Stood as The New Frontier

By Nancy Maurer

Thirty years ago I sat behind a partition in a study room on the third floor of Albany Law School preparing for the inaugural semester of the Civil Rights and Disabilities Law Clinic. I became interested in the field in the late ’70s, in part because this was the new frontier in civil rights. The Rehabilitation Act of 1973 prohibited discrimination against people with disabilities by recipients of federal financial assistance. The Education for All Handicapped Children Act of 1975 guaranteed to all children—regardless of severity of disability—the right to a free and appropriate public education.

Regulations implementing these statutes were being adopted just as I graduated from law school. The Developmental Disability Assistance and Bill of Rights Act established a national system of Protection and Advocacy for people with disabilities. There was much to be done. As I got down to work in my makeshift office, developing my first syllabus for the classroom component of the course, gathering materials, and drafting petitions for student practice, I could not have imagined that 30 years later, the Clinic would still be here serving both law students and clients. The Clinic, in fact, has thrived as an experiential course in which law students learn law, skills, and values of the legal profession while representing real clients under attorney/faculty supervision. At the same time, despite progress, the field of disability law continues to be both cutting edge and vital to protecting and advocating for the rights of people with disabilities.

Prof. Maurer

Spring 2013 ALBANYLAW MAGAZINE 21
The Clinic gave me a vision of what I could do with a law degree," she said. "It was like a light came on. I was able to put both of these important influences together at the clinic. I found a way to be a lawyer and have a profession that benefits people with disabilities. The traditional law school curriculum didn't lend itself to that understanding. I didn't know what could be possible until I had the clinic experience."

After graduation, Sheila worked in private practice briefly. When an opening came up at Mental Hygiene Legal Services she jumped at the chance to practice disability law. She has been with Mental Hygiene Legal Services for 25 years and for the last five years has been the Director of the Mental Hygiene Legal Services in the Third Department.

Joe Connors '88 signed on to the Clinic in the fall of 1986, and, except for four years at Monroe County Legal Services, he never left. Today he is the director of the Health Law Clinic. He, too, attributes his development and identity as a lawyer to his experience in the Clinic.

Students in the Clinic learn more than law and skills. They also develop important life lessons about what it means for a person to have a disability. The answers are variable and depend on context and perception. As Clinic alumnus Edward Wilcenski '95 recalls: "During my tenure at the Clinic I represented a young girl with Aspergers Syndrome. This was over 15 years ago. At that time Aspergers was an unfamiliar term, and autism had not yet become as widely recognized a disability as it is today. I remember struggling to understand the nature and scope of this particular disability, as it can manifest itself in such subtle ways. It was the perfect introduction to the idea that the term 'disability' belies simple definition and can mean different things in different contexts."

Edward Wilcenski's firm specializes in estate planning and special needs trusts for people with disabilities. Developing an understanding of disabilities and how they impact clients is an important competency for lawyers given the huge numbers of people who are impacted by them. In 2010 nearly 12 percent of the population in the United States was identified as having a disability. Bridget Burke '89, like Sheila Shea '86 and many other law students over the years, was drawn to the Clinic because of her family's experiences.

"My brother was diagnosed with schizophrenia as a young adult and my mother spent a fair amount of her time, when I was growing up, as a parent advocate—for her son and other individuals with disabilities. While I came to law school thinking that I wanted to practice family law, my experience in the Clinic showed me that there are many ways that lawyers can serve their communities."

After graduation Professor Burke did practice family law for a brief time, however, she quickly was drawn back into public interest work, working for four years in legal services.

Regardless of the career path Clinic graduates take, they are able to apply lessons learned from their disability rights clinic experiences: tenacity in advocating for a client or cause, self-reflection to enhance continued learning, collaboration and the importance of drawing on the experiences of others. Michael O'Leary '07 reports, for example, that he relies on the lesson in "tenacity" learned in the Clinic for his job as Assistant Comptroller at the Office of New York State Comptroller: "At one point, Professor Burke called me into her office and asked me about one of my cases. I had been turned away by a couple of agencies [when seeking information for a client], and I was getting frustrated. She told me that I was too easily taking 'no' for an answer, and that I needed to keep pushing. It was a very critical meeting, but it motivated me to stop accepting what [the agencies] were telling me so quickly, and continue to push. That lesson in tenacity has served me well in my career."

In 1975, Congress passed the Developmental Disability Assistance and Rights Act (DD Act) in response to atrocities that had come to light in state run institutions for people with disabilities. Willowbrook in Staten Island was perhaps the most notorious of these facilities and was the subject of news exposes and on-going litigation (a symposium held this semester on campus explored the Willowbrook case 30 years later).

Also in 1975, New York, in response to the atrocities, established the Commission on Quality of Care for the Mentally Disabled (now the Commission on Quality of Care and Advocacy for Persons with Disabilities). In 1985, the Commission contracted with several legal services offices and public interest law organizations to monitor and investigate, when appropriate, these facilities, as well as advocate for the patients.

It is in this context that as a young staff attorney at the Commission, Nancy Maurer, proposed developing a clinic at Albany Law School. A law school clinic would involve law students in representing clients under experienced attorney/ faculty supervision as part of the legal educational program. It would train a new generation of lawyers knowledgeable about disability rights, at a time when few knew much about disabilities and the law.
Justin Myers ’07, now in private practice, continues to benefit from the skill of reflection as a means of improving his practice and judgment: “The Civil Rights and Disabilities Law Clinic taught me that the most successful advocates not only achieve the client’s goal, but do so in a way that ensures the client’s dignity throughout the representation. Just as important as giving thought to the client’s experience, the Clinic instilled the importance of routine self-reflection. Honest self-reflection is a humbling process that reminds me that the ‘practice’ of law always contains short-comings, and always leaves room for improvement.”

In 1989 Clinical Professor Connie Mayer (now Associate Dean for Academic Affairs) and her Clinic students represented an employee “ombudsman” of the New York State Office of Mental Retardation and Developmental Disabilities in New York State Supreme Court and were successful in establishing the independence of the office of the Ombudsman in an institutional setting.

Over 20 years later, in 2011, two of the clinical students were able to rely on that case to support their efforts on behalf of institutionalized clients.

As a Clinic student, Michael Mule ’05 was able to arrange for his client’s mother to have Spanish interpretation when communicating with the staff of her son’s institutional home on critical issues related to her son’s care. He recalls the experience of working with the families and the clients:

“My most memorable experience was talking to the Spanish-speaking mother of my client and realizing that she did not understand the treatments, medications and services that were being provided to her son who had been placed at a youth psychiatric facility. In the Clinic I learned how to deal with these difficult moments and work together with my clients to come up with solutions to the issues they were confronting.”

Mike is now with the U.S. Justice Department investigating discrimination complaints in the Civil Rights division. Upon graduation he received the 2005-2007 Hanna S. Cohn Equal Justice Fellowship during which he developed a project at the Empire Justice Center in Rochester, N.Y., devoted to the rights of non-English speaking individuals to translation.

IMPACT ON DISABILITY LAW

The work that the law students have done in the Clinic has not just shaped the professional lives of the students but has also shaped disability law. The law students have raised awareness of the rights of individuals with disabilities, allowed courts to clarify those rights and improved the systems that serve their clients through policy and regulatory reform.

The case that drew the most attention from the public and media was Neale v. Community Hospital of Schodarite. Dianne Neale sought assistance from the Clinic after being terminated from her hospital job due to epilepsy. She received quite a bit of attention with an article in the New England Journal of Medicine, and a parody used in an episode of the television show Seinfeld, brought attention to her seizure disorder. As director of the Clinic, Professor Mary Lynch and her students filed an employment discrimination case in 1989 on behalf of Ms. Neale before the enactment of the American’s with Disabilities Act.

In addition to the impact that this work has had on the individuals represented by the Clinic, the work has resulted in important systemic reform. The law students, and their partners, have successfully advocated for the development of statewide discharge planning procedures, clarification of P&A investigation authority in New York and reforms to the systems designed to protect the most vulnerable populations from abuse and neglect. In 2011 the Clinical Legal Education Association recognized this work of the clinic with the Excellence in a Public Interest Case or Project Award. Clinic alumnus Jennifer Monthie ’05 is now a staff attorney with Disability Advocates, Inc., and a Clinic partner who advocates on behalf of clients in institutions.

CONCLUSION

Whether or not the Clinic graduates pursue the practice of disability law, their experiences in the Clinic will have shaped their professional identity and ultimately be relevant to any legal practice. Alumni looking back on their clinical experience may feel that they changed the world for one individual, or they may feel that they learned lessons about how to reform the legal system.

Thirty years later, the work is far from finished for the Clinic. Given that individuals with disabilities still have lower employment rates, higher incidents of poverty, and are more likely to be victims of a crime, it would be a mistake not to recognize that lawyers are still needed to focus on changes in society and the enforcement of law.

What Now?
A Stalwart of Resilience, Albany Law Leans into its Newest Era

After one year as President and Dean, Penelope (Penny) Andrews reflects on the state of the school in a conversation with the magazine’s editor.

This has been a difficult year for legal education, particularly for a law school dean. While this was my first year as president, I have to assume every year is both tough and rewarding. Some veterans in legal education call these times unprecedented while others see this as routinely cyclical. Regardless of one’s historical context or viewpoint, whether optimistic or cynical, I am very focused on our mission: educating and training students to be outstanding legal professionals and future leaders.

With all the challenges, can you point to one priority, a central theme, or are there too many moving targets still?

Students. Absolutely students at the very top of the list. All decisions are guided by their impact on students. Students first. They invest a lot in time and resources to attend law school. We owe it to them to direct all our energies at their professional development and success. Our emphasis is on teaching, on mentoring students and supporting them in their chosen paths in law, business, government or public interest work.

What is your message to students about the job market? Are you doing things differently?

We have an impressive Career Center to serve the students. It behooves every student to take advantage of the services and support provided by the Career Center. Some students visit the Center literally every week, starting in their first year. These students—the self-starters—are often the ones who have a lead in obtaining summer placements. They also tend to lead in obtaining summer paid placements. Similarly, students who have at least one clinical experience, and/or a second experience at a structured field placement seem to thrive in significant ways. Most importantly, they stay connected to those who mentor them during these clinical experiences or externships. In addition, students who attend alumni events, network with
alumni and trustees, visit with faculty in their offices—they tend to have a leg-up. They tend to enter their final semester of law school with five or six employers on their resumes and with multiple connections that comprise a professional network. Ideally, this is where most of our students should be before graduating. This is the power of our legacy, the alumni network, and the power of our location in the capital of New York State.

Students who learn how to create relationships on their own not only feel and act like professionals in training, they are full professionals when they walk across the Commencement stage. This comes across during job interviews and when they commence their first jobs.

I want to be clear about something. While I believe that students come first, I also believe that law school is not an extension of college, but rather the beginning of their professional careers. The professional development and career success of students is a shared venture between the administration, faculty and students. Students therefore need to take responsibility for their learning and professional development. Just as the professors have expectations of students, students should also have expectations of the administration and faculty. We will support them. We are all in this together. We are here for them, and I let students know that as often as I can.

With a shrinking class and less revenue, what happens to the faculty and staff?

All law schools are facing the conundrum of shrinking classes and the need to shrink faculty. This year our faculty will decrease in size due to the relocation and retirement of a few. With another shrinking pool of applicants in the next few years, we will continue to have smaller classes. We are fortunate that currently our student-faculty ratio—at 13 to 1—is well below the national average. While we are proud of this, it is an expensive student-faculty ratio to maintain. Our adjunct faculty are practitioners who bring practical lessons to the classroom and are very valuable members of the Albany Law School community—but we have had to shrink the number of adjunct faculty as well. Our full-time faculty have increasingly been integrating their lessons in the same way that adjunct faculty traditionally do—simulating real cases and real models—and they will begin to teach many of the courses adjunct faculty have taught.

Working with the staff has been one of the pleasures of my first year here. Albany Law is fortunate to have staff with an admirable level of skills and commitment to the school, many with years of experience in higher education. Most of our staff are in contact with numerous students in some way every day. Positive staff-student relationships are an important part of the student experience here. We currently operate with a very lean staff for the size of our school, and we are operating with very lean budgets. The staff understands the value of customer service.

New leadership often brings change to a campus culture. Can you point to a significant change you have brought to the campus?

One significant cultural change is that all faculty have to be engaged with the entire enterprise of the law school. Law schools, like the legal profession as a whole, are facing unprecedented challenges, providing all kinds of opportunities for innovation in teaching, research and scholarship, engagement with those who employ our graduates and other constituents who are connected to Albany Law School. The days of the disengaged Ivory Tower law professor are over. These changing times demand new approaches and require new responsibilities. The job market is changing in frightening and exciting ways, providing greater opportunities for us to think about what we teach, why we teach what we do, how we teach, and more. Today, our faculty are supporting their students way beyond the classroom. They are playing a more active role in guiding students through their chosen career paths, helping students select classes, identifying the internships relevant to students’ interests, and generally becoming more involved in the evolution of students to professionals. This year many faculty supported the Admissions Office to recruit prospective students by attending Open House events, and making phone calls to some of the applicants who indicated an interest in talking to faculty. In addition, some of our faculty continue to assist students in locating jobs and internships through their network of professional contacts.

Will their scholarship work remain important?

Reflecting on law and producing research and scholarship is part of the duties of a law professor. Law schools play a critical role in enriching the body of legal scholarship; indeed it is the legal academy’s responsibility to contribute to the continued development of law through scholarship. The research of our faculty have and continue to advance legal ideas in real ways, often shaping law around new issues. From an evaluation of the appointment of judges, to the examination of the regulation of food and banks, to health and reproductive choices,
to tax and consumer policy, and New York practice, to the law of slavery and issues facing the environment, the work of Albany Law professors have been thoughtful and compelling. Courts at both the state and federal level regularly cite the work of Albany Law professors, and they are regularly called upon to participate in conferences and workshops, provide continuing legal education to lawyers and other legal professionals.

Many of our faculty have built national and international reputations in specific areas of the law. This results in visible speaking opportunities, often expanding Albany Law’s reputation. This is crucial work—a vital part of the school’s mission. I recently appointed Professor Alicia Ouellette as the new Associate Dean for Faculty Research and Professional Development to provide support for faculty to continue their research and scholarship, and to enhance their teaching and service responsibilities.

But we need to keep our mission in mind when considering the universe of our activities. The reputation of Albany Law has been historically centered on great teaching and great connection to the legal profession, including the judiciary. As a small, independent school in the state capital, we have and continue to do certain things great. Teaching is one of those things. We know how to teach students to be superb lawyers, legal professionals, and leaders. We have been doing that for 162 years, and that must continue.

Characterize the type of leadership you bring to the campus.

Diligence, candor, resilience, and transparency are important values to me. I want the staff, faculty and students to understand the importance of these values, and why we make certain choices that may affect any or all of us. I meet with and communicate frequently with faculty and students. I try to meet with the entire staff in groups and I regularly meet staff individually.

I particularly enjoy my interaction with the students. For example, I invited the first-year students to my apartment for wine and cheese, and then we took a guided tour of the city.

A culture of candor and transparency means accessibility and engagement. This also means honest conversations, which are not always comfortable. Diligence and resilience means having an enthusiastic and rigorous approach to your work, of having high expectations and a sense of accountability to all the constituents of Albany Law.

How does Albany Law’s student body compare to your previous law school at CUNY (City University of New York), one of the most diverse law schools in the country?

I think it is important that the student population at Albany Law reflect the diversity of New York State and indeed the United States. This is a challenging endeavor, especially in the face of a shrinking pool of minority applicants. But it is important and it makes us stronger and keeps us relevant and significant in legal education. As courts across the state and country increase efforts to diversify their clerks, and as law firms and other employers look for ways to continue to diversify their pool of associates and employees, Albany Law needs to be in a strong position to provide the candidates. In order to compete in this more diverse world, our students have to be equipped with an appreciation and understanding of the skills needed to operate within a range of divergent and conflicting viewpoints and cultural attitudes. Flexibility of thought, a willingness to expand one’s intellectual horizons, a fundamental understanding and tolerance of differences—these attributes will stand our students in good stead. I will continue to strive hard to make Albany Law a strong and diverse community of students. That is our contribution to the education of the next generation of legal professionals.

A large part of a Dean’s job is raising funds through alumni giving. How is that going?

First, I have a dedicated and wonderful Board of Trustees, all alumni who are utterly dedicated to the mission of Albany Law. Second, I have met alumni all over the state and all over the country. From Rochester, to Utica, to Binghamton and to New York City; from Boston to Washington, D.C., I so enjoy meeting our large group of supportive and wonderful alumni. Most recently I spent a week in Florida meeting our graduates down there. I love that part of the job. I’ll ask anyone for money because that money is for the benefit of students. Law school is expensive and it is our responsibility to ensure that those who want to attend law school and who will be successful have the opportunity to do so. I will do whatever I can to create such possibilities and I will shamelessly ask alumni of Albany Law and others to help me in this endeavor. As I said, I have met countless alumni, excited about what is happening here, eager to help in a variety of ways. The connection of the alumni to the law school is a very attractive feature of this job—and I hope that it continues and grows.
For the first time, all second-year students will take diagnostic exams to measure their knowledge retained from core courses and gauge essay writing in preparation for the bar exam.

The exam will produce individual reports for each student, and also report on groups that will show student performance by subject matter and skills.

While students will learn of their own strengths and weaknesses for the test, the data will also help the school track individual progress, assist the students in course selection, develop courses and direct academic support resources.

“These are not graded tests,” emphasized Dean Andrews. “The student will receive an objective evaluation from a bar-exam specialist more than a year before taking the exam. This is a new approach and we think it will benefit all students, alleviate a good portion of the stress associated with the exam. as well as benefit the school’s cumulative performance.”

The exam is administered jointly by Kaplan/PMBR Bar Review and Albany Law School under the supervision of Professor Jill Dunn ’93. Professor Dunn is a former Assistant Examiner for the New York State Board of Law Examiners, where she wrote New York multiple choice questions, graded New York and MPT essays and reviewed draft questions for comment to the Board to the National Conference of Bar Examiners.

The exam will be two two-hour long sections with a 45-minute break between components. It will measure each student’s substantive knowledge across criminal, constitutional law, contracts and property, while assessing both essay writing and multiple choice testing skills. The analysis will offer students a deeper understanding of the reasons behind their score and how to improve performance in future exam opportunities, and specifically the bar exam.

The cumulative diagnostic report will provide valuable data to the faculty, the curricular committee and the administration in assessing subject matter coverage in core and upper level courses, prerequisite and graduation requirements and academic support resources.

The analysis highlights specific tendencies, traps, errors, and omissions that may have caused an incorrect answer, which the student can then address with faculty members.
A lawyer, a doctor, a pharmacist, and a nurse walk into a classroom. The lawyer discusses a potential case in which a patient is denied a respirator during a flu epidemic; the doctor outlines how the hospital would mobilize if there were limited resources; the pharmacist lays out the difficulties in creating sufficient vaccines during a pandemic; and the nurse explains the dilemmas faced by medical staff concerned about transmitting influenza from the hospital to family at home. The students in each respective field gather around a prepared meal to debate the ethical, practical, and professional problems in dealing with the issues. Perhaps the lawyer can try on the proverbial stethoscope and the doctor can pick up a briefcase, and both can come away with new perspectives and strategies for dealing with problems faced in their own field. Food, laughter, and heated discussion ensue.

Nested together along picturesque New Scotland Avenue are Albany Law School, Albany Medical School, Albany College of Pharmacy and Health Sciences, and Sage Graduate School of Nursing: almost an embarrassment of riches for a health law professor. The obvious question was how to take advantage of the educational opportunities this close proximity offered. This problem was answered with the introduction of an inter-professional seminar. The seminar gathers students and professors from each of these schools into a boardroom at the pharmacy school during the fall semester to discuss materials that the students are assigned to read over the summer. If the idea of a summer reading list makes you groan, don’t worry: the books that the students are asked to read are typically non-fiction, prize-winning best sellers. The assigned reading is used to focus discussion on a particular topic, give the students background on the topic being discussed, and help provide issues and concerns for each professional group to share with the others.

Last year, the topic was flu pandemics. This year, the group discussed cancer research. The nurses described various methods for helping patients cope with cancer treatment; the pharmacists presented some of the reasons for current cancer drug shortages and brainstormed solutions with the rest of the group; the lawyers explained the legal quandaries related to the financial aspects of human cancer experimentation; and the doctors answered questions related to the medical information contained in the reading.

The pharmacists, nurses, and doctors frequently collaborate on medical issues, but they rarely hear the lawyers’ point of view. There has historically been a distrust of lawyers by the medical profession. One of the goals of the seminar was to give the medical professionals a better idea of the many roles lawyers play in health care. Through their discussions, the law students also demonstrated their training in logically approaching multi-faceted issues and in seeing more than one side of a problem. Several students commented that they gained a new and favorable appreciation of lawyers through this seminar.

As a professor at Albany Law School and Albany Medical College, I have also been able to help law students gain an inter-professional perspective by recommending them for part-time jobs at the medical school. Two law students collected data for a research study at the medical school involving the interactions of family members and medical personnel when loved ones are in intensive care. Another student worked with a physician on a pharmacy textbook, a fourth helped with research on organ transplantation, and a fifth student helped create a course for disciplined doctors. The law school has a joint program with Albany Medical College that allows students to earn a Masters in Bioethics and a law degree in three years. That program will ensure that interested law students continue to have opportunities at the medical school.

We hope to find ways to expand the course and the inter-professional experience so that we can give every student at Albany Law School who is interested an opportunity to participate.
Teaching Legal Skills through Creative Problem Solving

BY PROFESSOR RAYMOND BRESCIA

As the legal profession and law schools face a changing and challenging environment, one critical skill that lawyers continue to require, and which may come in even higher demand in this environment, is creative problem solving: the ability to assist a client to chart lawful, efficient, effective and prudent courses of action through complex situations. In a new course at Albany Law School, “Law and Social Innovation: Creative Problem Solving,” students explore and hone this critical skill, through a mix of case studies, practical role play assignments, and real-life experiential projects.

The course offers students the opportunity to assess the strategies and tools lawyers use to promote social, technical and financial innovation and solve some of the world’s most pressing problems. Students use the legal skills they have developed throughout law school in contexts where those skills are most desperately needed. In addition, they are learning to hone additional skills that every lawyer needs: e.g., the ability to work effectively in groups, run a productive meeting, collaborate on document drafting and production, think creatively to construct elegant solutions to complex problems, “pitch” ideas, and conduct group presentations.

This semester we looked at problems facing municipalities in the wake of population changes, the present economic situation and climate change. Students explored the best practices cities are deploying across the United States and internationally. This work culminated in oral presentations/webinars and written documents.

Students field tested their ideas and strengthened their problem solving skills by tapping into experts in the field. One of the most effective skills lawyers must possess is the ability to present their ideas and advice clearly—and quickly. As part of this course, students presented their policy ideas to U.S. Senator Christopher A. Coons (Del.) on urban community development as if he was their client. The students also discussed, more extensively, some of the fiscal challenges facing the city with City of Albany Treasurer and member of its Board of Trustees Kathy Sheehan ’94.

Author Daniel Pink, in his work A Whole New Mind: Why Right-Brainers Will Rule the Future, stresses the important role that creative problem solving will play in the economy of the future. One of the key “senses” Pink identifies is “seeing the big picture, crossing boundaries, and being able to combine disparate pieces into an arresting new whole.” In this course, students learn to harness their legal knowledge to address the most pressing problems of the day.

Applicant Numbers Are Down, But Our Goals Remain: Build a Unique, Diverse, Promising Class

BY PROFESSOR DONNA YOUNG

The admissions process for law schools across the country has shifted dramatically during the past three years. What was once a sellers’ market—where law schools sought to assemble a specific quality of class, and generally succeeded—today the applicant has a greater ability to attend their school of choice, within reason, after applying to an average of seven schools. The shift is due to a significant decrease in applications for the second consecutive year.

I have been Chair of the Faculty Admissions Committee since 2005 and for almost a decade before that, I was a member of the Admissions Committee. Being close to the process of admissions has given me a special appreciation for our students since my connection with them often begins before they enter the class. As a professor of two first year courses and two upper year courses, this connection carries over into the first year of law school and then through to graduation giving me a special sense of responsibility for our students’ satisfaction and success. Critically important is that we welcome into the law school community students who have demonstrated the capacity to thrive in law school and in the practice of law.

When participating in the admissions process, you are aware of shaping the character and qualities of each class. The Faculty Admissions Committee works closely with the law school’s admissions office to construct a diverse and promising class. We are keenly aware that the decisions we make will affect the life paths of our applicants.

The challenge for the Admissions Office is to accept an accurate number of applicants that will yield the desired class size and diversity. Once the applicants are accepted, we turn to faculty, alumni, and current students to reach out to these applicants. We invite them to the campus, to attend a class, meet alumni, visit the Clinic. The Admissions Office staff follows an aggressive recruitment schedule that takes them to numerous states, an effort which is aligned with an innovative marketing and social media strategy.

Although the courses I teach don’t change every year, my students do. Each class is unique and so my job is always changing. I would like to see students admitted with whom I (and my colleagues) would like to spend time engaging in the critical examination of the law and who I think would contribute positively to the law school.
Redemption Will Be Found in the Roots of Our Profession

BY PROFESSOR MARY A. LYNCH

Legal education, like most of America and like the legal profession itself, “lost its way” during the economic boom. And legal education did so, in my opinion, because it lost sight of its most treasured asset—the responsibility to guide the formation of people who serve as civic professionals and leaders. Long before the filing of lawsuits over student consumer issues and fraud, and before the media’s heightened if not hysterical scrutiny of law schools, many thoughtful voices warned that law schools had lost their way. Those of us in the legal reform movement argued that legal education needed to become more innovative, responsive to the profession, collaborative in its teaching approach and intentional in its articulation of goals and outcomes. Although one could view the continued litany of voices and reports as proof that no one paid attention, that is not the case. Legal education and Albany Law School has changed in many, many ways since I came here in 1989. It just hasn’t changed enough for the demands of the new economy… yet! But we are determined to innovate and better prepare students for the digitalized and globalized profession of today and tomorrow. And that work for and with students and graduates brings me great joy.

Being part of the movement to reform and improve legal education has been both thrilling and daunting. It is thrilling because I have seen real progress made in improved student-centered teaching and in expanding the privilege of being a member of the profession to more women, immigrants, students of color, students with hard-knock life stories and students with disabilities not relevant to their ability to practice exceptionally. I have seen our graduates expand into areas of practice and into far-flung states where previously few Albany Law graduates dared to tread. I have witnessed our alums improve the life of a particular client, the course of legislation, or the practice in a particular legal or geographical area. And it makes me proud to have associated the last nearly 25 years of my professional life with Albany Law School.

Being part of this movement has also been daunting given the costs to our students of a legal education and the dreams they have for their legal careers. For example, in New York, lawyers have this slavish and uninformed sense that the Bar Exam actually tests what law students need to know in their first years of practice or that it is a good gatekeeping device for entrance into the profession despite a plethora of studies which undermine all those assumptions. The bar examination today is harder than it was just a few years ago and a passing score is now a higher score than it was several years ago.

Although our current students are facing extremely difficult economic times—that are not of their making—they are better prepared to emerge as professionals over students of yesteryear. Frankly, when I first arrived on campus in 1989, many practicing attorneys would call me up and say “what are you teaching them over there!” Today, our students leave their inhouse clinical experience having represented a real client or having prosecuted an abuser and having engaged with the lawyer’s obligation to avoid conflicts, preserve confidentiality and achieve competence. They have learned how to “learn from experience,” find and work with a mentor and seek out and accept helpful feedback on their work. They leave as problem solvers: inspired, proud to be lawyers, capable of networking, and ready to start working.

I feel very fortunate that what I love most to do—teach, advise and professionally form emerging lawyers—is the key to redeeming legal education. I remain passionate about improving legal education because of the amazing development I have witnessed as hard working law students turn into exceptional alumni. It is those very human stories and rewarding encounters which keep me burning the midnight oil in the 1928 Building.

Working to Improve New York Law: Chairing the Committee to Modernize N.Y.’s Trust Code

BY PROFESSOR IRA MARK BLOOM

Last spring, the EPTL-SCPA (Surrogate Court’s Procedure Act) Advisory Committee sent its Sixth and final Report to the legislature. The Sixth Report recommends that New York enact a modified version of the Uniform Trust Code (UTC) as new Article 7-A of the Estates, Powers and Trusts Law (EPTL).

In anticipation of the final Sixth Report, the Executive Committee of the Trusts and Estates Law Section of the New York State Bar Association (NYSBA) earlier approved the creation of the New York Uniform Trust Code (NYUTC) Committee to study and evaluate the Sixth Report. I was appointed Chair of the NYUTC Committee.

Because other organizations would also be reviewing and commenting to the legislature on the Sixth Report, the decision was made to form a NYUTC-Legislative Advisory Group (NYUTC-LAG) which would include members of the Trusts and Estates Law Section of NYSBA, the Estate and Gift Tax and Trusts, Estates & Surrogate’s Court Committees of the City Bar and the Surrogate’s Court Advisory Committee to the Office of Court Administration (OCA). To that end, a steering committee for the NYUTC-LAG was created. The first task of the Steering Committee was to divide up the Sixth Report, which essentially includes the UTC with modifications, into functional areas. Such division was necessary because the UTC is an enormous product. Approved by the National Conference of Commissioners on Uniform State Laws in 2000, with several later amendments, the UTC, which has been enacted in about half of the states, is an attempt to codify virtually all of the laws that pertain to trusts. It consists of 11 articles, including articles on trust creation, creditors’ rights, revocable trusts, general trustee matters, trustee duties and powers and trustee liability issues.

The Steering Committee created five functional subcommittees:
The desire to become a tax lawyer is rarely a contributing factor to a student’s decision to attend law school. It is also rare, in my experience, that the altruistic aspirations of a law student relate to a career in tax law. In many cases, an interest in tax law takes students by surprise as it did for me in the early days of my legal education. Now I watch fondly as students begin to develop a passion for the topic and start to understand that a career in tax law can not only be intellectually challenging and sophisticated, but that tax lawyers have the potential to make a real difference in the lives of everyday people.

Before joining the faculty at Albany Law School, I worked in New York City and locally representing high net worth and middle income taxpayers. The issues ranged from complex estate, gift and income tax planning, business formation, not-for-profit incorporation and tax exemption, fiduciary income tax planning, and a range of issues in between. The real passion for the work lied in the human interaction and the legal, ethical and policy considerations that directed the scope of the representation.

At Albany Law School, I direct the Tax Clinic, which is one of several clinics in Albany Law School’s Law Clinic & Justice Center, and have taught various related courses including Trusts and Estates, Introduction to Taxation, and Financial Planning for the Elderly. In all of these classes, students quickly learn that tax law not only affects the high income population, but rather it transcends economic status, nationality, race, gender, and age. This reality is especially palpable in the Tax Clinic where the students represent low income individuals, under my supervision, that are in controversy with the Internal Revenue Service. It is there that the students become acutely aware of how critical their services are to the individuals and families that they represent.

Students understand that tax law touches everyone and is deeply reflective of our values as a society.

There has been a dramatic increase in the amount of working poor individuals who desperately need representation. For example, the earned income tax credit, which has become essential to the financial health of thousands of low-income families, has a high audit factor which results in low-income taxpayers entering the tax controversy system. Many clients in the tax clinic have lost their jobs due to the extended downturn in the economy, have fallen out of the tax system due to illness, loss of a loved one, drug addiction, domestic violence and a host of other non-tax factors. Often, taxpayers are the victims of identity theft, incorrect assessments by the IRS and fraudulent practices of employers. The Tax Clinic students have been instrumental in getting taxpayers back in the system in a dignified and professional manner.

As with all of the clinics at Albany Law School, the Tax Clinic’s curriculum provides students the opportunity to develop and refine their problem-solving expertise. Students gain experience with the application of substantive tax law and tax practice and procedure. Once students are assigned to a client, they quickly learn that every case is unique, that tax problems are attached to real-life stories.

It is common that students leave my courses either excited about the subject of tax, or at least appreciating its richness. They understand that tax law touches everyone, all individuals and all organizations, which is rare for a particular area of law. Students learn that tax law is deeply reflective of our values as a society and that it constantly and swiftly evolves. Some students immediately take to helping those in need who would otherwise have no access to help. Some students become intrigued by a career in tax law. A few do both. Regardless, students all leave with more legal skills, more legal knowledge, and a better understanding of the type of lawyer they would like to be.
Faculty Publications

Dean Penelope (Penny) Andrews published her book From Cape Town to Kabul: Rethinking Strategies for Pursuing Women’s Human Rights (Ashgate Publishing 2012).


Professor Bridgit Burke ’89 contributed to the NYSBA Government Law and Policy Journal. Professor Burke was the guest editor, wrote the foreword, and co-authored with Professor Nancy Maurer an article about the history of the Civil Rights and Disabilities Clinic.

Professor Christine Sgarlata Chung’s paper “Municipal Securities: The Crisis of State and Local Government Indebtedness, Systemic Costs of Low Default Rates, and Opportunities for Reform” has been published by the Cardozo Law Review.


Professor Danshera Cords will publish her article “Let’s Get Together: What Tax Should Learn about Collaborative Regulation Development” in the Pittsburgh Tax Review.


Professor Danshera Cords will publish her article “Let’s Get Together: What Tax Should Learn about Collaborative Regulation Development” in the Pittsburgh Tax Review.


Professor Sheldon Halpern

The Honorable Harold R. Tyler Jr. Chair in Law and Technology, authored the chapter “Trademark Rights, Publicity Rights and Property Rights” for Overlapping Intellectual Property Rights (eds. Wilkof and Basheer) (Oxford University Press 2012). As leader of the working group on intellectual property issues as part of a project supported by a two year (2010-2012) federal grant to explore the impact of digital technology on the collection, preservation, and dissemination of oral history (the “Oral History in the Digital Age” project), based at Michigan State University in conjunction with the American Folklore Society at the Library of Congress, Professor Halpern wrote an essay on the subject that was published as part of the final project documents.

Professor Lenese C. Herbert


Professor Keith Hirokawa


Professor Michael J. Hutter


Professor Benjie Louis


Professor Timothy D. Lytton,


Dean Andrews Announces New Associate Deans

Professor Alicia Ouellette ’94 is the new associate dean for faculty scholarship and professional development. She was previously Associate Dean for Student Affairs. Professor Rosemary Queenan is the new Associate Dean for Student Affairs.

Associate Dean Ouellette will work with the faculty to support scholarly production, teaching and meaningful service. A leading scholar in the field of bioethics, Associate Dean Ouellette recently published the book Bioethics and Disability: Toward a Disability-Conscious Bioethics. She teaches Constitutional Law, Bioethics Seminar, and Human Reproduction: Legal and Moral Issues at the law school. She is also a professor of bioethics at the Union Graduate College/ Mt. Sinai School of Medicine Program in Bioethics.

Professor Rosemary Queenan, who joined the Albany Law School faculty in 2007, teaches Introduction to Lawyering, as well as Drafting and New York Practice II. She presents frequently at academic workshops and conferences on legal education and writing, among other topics. She began teaching in 1999 as an adjunct faculty member at New York Law School, where she taught Legal Reasoning, Writing & Research, Written and Oral Advocacy and Drafting Contracts.

Mayer Named Raymond and Ella Smith Distinguished Professor of Law

Connie Mayer was named the Raymond and Ella Smith Distinguished Professor of Law. She is also the law school’s Associate Dean for Academic Affairs and a Clinical Professor of Law.

Along with overseeing the school’s curriculum, Dean Mayer has been instrumental in aligning the school’s teaching toward graduating practice-ready students. She teaches Legal Ethics and New York Practice, and has also taught Federal Civil Procedure, Disabilities Law Seminar, the AIDS/HIV Law Seminar, Negotiating for Lawyers, and Trial Practice I and Trial Practice II. She served as interim president and dean during the 2011-2012 academic year while the school searched for a new president and dean.

Nominated for Raymond Smith, a respected Albany attorney, and Ella Smith, a community advocate, the Raymond and Ella Smith Distinguished Professorship was funded through bequests from Mr. and Mrs. Smith that named Albany Law School as beneficiary.
Faculty Books

From Cape Town to Kabul: Rethinking Strategies for Pursuing Women’s Human Rights
(Ashgate Publishing, 2012)
President & Dean Penelope (Penny) Andrews

Practice and Procedure in the U.S. Tax Court
(Civic Research Institute, 2012)
Professor Danshera Cords

Congress and the Crisis of the 1850s
(Ohio University Press, 2012)
Professor Paul Finkelman, President William McKinley Distinguished Professor of Law and Public Policy (co-editor Donald R. Kennon)

Justice and Legal Change on the Shores of Lake Erie
(Ohio University Press, 2012)
Professor Paul Finkelman, President William McKinley Distinguished Professor of Law and Public Policy (co-editor Roberta Sue Alexander)

Greening Local Government: Legal Strategies for Promoting Sustainability, Efficiency and Fiscal Savings
(American Bar Association, 2012)
Professor Keith H. Hirokawa (co-editor Patricia E. Salkin ’88)

Kosher: Private Regulation in the Age of Industrial Food
(Harvard University Press, 2013)
Professor Timothy D. Lytton, Albert and Angela Farone Distinguished Professor of Law

Love Beneath the Napalm
(University of Notre Dame Press, 2013)
Professor James D. Redwood

Keep up with faculty scholarship, speaking engagements, awards, legislative activity, court citations, appointments and more by visiting www.albanylaw.edu/faculty
Associate Dean Alicia Ouellette ’94 will publish the article “Patients to Peers: Barriers and Opportunities for Doctors with Disabilities in the Nevada Law Review, as well as “Context Matters: Disability and the End of Life, Why the Conversation is Still So Difficult” in the New York Law School Law Review. She also published her article “Health Reform and the Supreme Court: The ACA Survives the Battle of the Broccoli and Fortifies Itself against Future Fatal Attack” in the Albany Law Review.


Faculty Achievements

Dean Penelope (Penny) Andrews traveled to Oneida, Saratoga and Warren counties over three days to address each region’s bar association in a series of Law Day celebrations in early May 2013. Dean Andrews was the guest speaker at the annual meeting of the Upper Hudson Planned Parenthood on May 22, 2013, and the Early Care & Learning Council on June 4, 2013. She also delivered a talk at the conference “Lawrence and Goodridge at 10” at Suffolk University School of Law on April 5, 2013. Dean Andrews delivered a presentation for the Zonta Club of Albany at its annual Status of Women dinner on March 13, 2013; gave a talk to The Women’s Club of Albany to celebrate International Women’s Day on March 10, 2013; and delivered the talk “From Cape Town to Kabul: Rethinking Strategies for Pursuing Women’s Human Rights” at Siena College on March 8, 2013. She delivered the 2013 Paul Robeson Annual Lecture entitled, “A Champion for African Freedom: Paul Robeson and the Struggle against Apartheid,” at Columbia Law School on Feb. 28, 2013. She hosted an Access to Justice Conference in Durban, South Africa, in December 2012. Dean Andrews was named to the list of the top 100 most influential black attorneys working in government, academics, and the public and private sectors; this is the second consecutive year that she has been named as a Power 100 honoree by the organization On Being a Black Lawyer. In early October 2012 she was appointed to the Board of the Fund for Modern Courts in New York. She was also elected to the board of directors for the Center for Economic Growth at the organization’s annual member meeting in Schenectady, N.Y., on Oct. 24, 2012. In April 2013, she was elected to the Board of The Historical Society of the New York Courts. She is one of three co-editors of the International Journal of Law in Context (Cambridge University Press).

Professor Ira Mark Bloom received the Chair’s Award from the Trusts and Estates Section of the New York State Bar Association for his service and leadership to the section and state bar. He also participated in the panel “The Butcher, The Baker, The Candlestick Maker” at the Sophisticated Trusts and Estates Law Institute in New York City on Nov. 9, 2012.

Professor Melissa Breger was appointed by Presiding Justice Karen Peters to the Advisory Committee, Appellate Division, Third Judicial Department, Office of Attorneys for Children. She also participated in a panel on “Re-conceptualising Motherhood” as part of a series of panels on “Care and Autonomy in the Age of Austerity” at the 2012 International Conference on Law & Society, held in Hawaii June 3 through 8, 2012.

Professor Christine Sgarlata Chung worked with the Institute for Financial Market Regulation (IMFR) at the University of Albany, of which she is co-director, to co-sponsor a panel discussion on the future of financial market regulation with speakers from the Federal Reserve Bank of New York, the Securities Exchange Commission and FINRA, at the World Financial Center in New York City on March 11, 2012. Professor Chung also worked with IMFR, The Center for Technology in Government, and the Office of Science and Technology Policy, to organize a February 5 conference, “Information Sharing and Coordination Challenges in Financial Market Regulations: A Research Agenda setting Workshop,” in Washington, D.C.

Professor John J. Chung was appointed to the New York City Bar Association’s Committee on Law Practice Management. He was also a speaker at the conference “The Third Age: Challenges and Opportunities in Real Estate” and also delivered the annual status of women dinner on Oct. 24, 2012. In early October 2012, she delivered a talk to the Trusts and Estates Section of the New York State Bar Association for his service and leadership to the section and state bar. He also participated in the panel “The Butcher, The Baker, The Candlestick Maker” at the Sophisticated Trusts and Estates Law Institute in New York City on Nov. 9, 2012.
Bloom Receives Chair's Award from NYSBA's Trusts and Estates Section

Professor Bloom receiving the award from immediate past section chair Ilene Cooper.

Professor Ira Mark Bloom recently received the Chair’s Award from the Trusts and Estates Law Section of the New York State Bar Association for his exceptional contributions to the Section and the Bar. He is the sixth recipient of the award since 1995.

A veteran member of the Trusts and Estates Law Section, Professor Bloom chaired the Section from 2009-2010. He is currently the Chair of the New York Uniform Trust Code Committee. He previously served as Chair of the Multi-State Practice and Tax Committees. He is also a member of the Elder Law and Senior Lawyers Sections.

Previously, he was a trial and appellate attorney in the Tax Division of the U.S. Department of Justice. He has also served on the law faculty of the Loyola University College of Law, New Orleans, and as a visiting professor at McGeorge School of Law, Sacramento, Calif.; Tulane University School of Law, New Orleans; and The Ohio State University College of Law, Columbus, Ohio.

Professor Bloom is co-author of nine law school casebooks on tax and trusts and estates, as well as the co-author of the two-volume treatise Drafting New York Wills and Related Documents.

Contemplating Transnational Private Regulation

Scholars from Yale, Stanford, Berkeley, Duke, the University of Texas and other leading law schools gathered at Albany Law School to discuss transnational private regulation. The conference was co-sponsored by the Government Law Center and the European University Institute in Florence, Italy, and was organized by Timothy Lytton, Albert and Angela Farone Distinguished Professor of Law. Professor Lytton recently published a book on kosher certification as a model of private regulation in the food industry.

Chung participated in a panel at a symposium on “Financial Transparency and the Role of Government” at the University at Albany on Oct. 23, 2012.

Professor Danshera Cords was appointed to a two-year term as chair of the Teaching Taxation Committee for the ABA Tax Section. Professor Cords presented “Let’s Get Together: What Tax Should Learn about Collaborative Regulation Development” at The University of Pittsburgh School of Law Tax Workshop on March 20, 2013. She delivered a presentation on “Collaborative Spaces: What Tax Can Learn About Developing Regulations” at the Central States Law Schools Association 2012 Annual Conference in Cleveland on Oct. 20, 2012. Professor Cords also chaired the panel “Administrative Responses to Tax Avoidance” and presented a paper at the panel “Challenges of Tax Enforcement” at the 2012 International Conference on Law & Society, held in Hawaii June 3-8, 2012.

Professor Patrick Connors committee, the New York State Racing Fan Advisory Council, submitted its 2012 Report and Recommendations to help ensure the state’s ongoing prominence in the racing industry. He presented a program on recent developments in New York ethics to the Chaminade High School Alumni Lawyers Association in Mineola, N.Y., on Dec. 13, 2012, and he presented a New York Civil Practice Update to the Judges and Law Clerks of the Bronx County Supreme Court at the courthouse on Dec. 6, 2012. Professor Connors presented a New York Civil Practice Update to the New York City Managing Attorneys and Clerks at the law offices of Sidley Austin LLP in New York City on Oct. 19, 2012. He presented a New York Civil Practice Update to the Judges of Sullivan County Supreme Court at the courthouse on Dec. 6, 2012. Professor Connors presented a New York Civil Practice Update to the Judges of the New York Court of Claims at the Annual Court of Claims Judges’ Association Meeting in Cooperstown, N.Y., and on Oct. 3, Professor Connors presented a New York Civil Practice Update to the Suffolk Academy of Law in Hauppauge, N.Y. He also presented a New York Civil Practice Update at Albany Law School’s CLE in its Saratoga Springs, N.Y., on Aug. 10, 2012, as well as a New York Civil Practice Update and an Ethics Update to the New York State Bar Association’s Trial Lawyers Section at its Annual Summer Meeting in Woodstock, Vt., on July 30, 2012. On June 15, 2012, he presented a New York Civil Practice Update to the Onondaga County Bar Association.


Professor Paul Finkelman, President William McKinley Distinguished Professor of Law and Public Policy, gave the keynote address at the 2013 Iowa State Underground Railroad Conference, “Why the Freedom Train Had to Be Underground: The Legal and Constitutional Issues Surrounding the Underground Railroad.” Professor Finkelman also delivered a talk at the Stanford Constitutional Law Center titled “Serving Up Food

Professor Stephen Gottlieb, Jay and Ruth Caplan Distinguished Professor of Law, gave a talk at “The 2012 Elections, What’s at Stake?” for the Union of University Professors Capital District Region Committee On Active Retired Membership at the University at Albany on Oct. 2, 2012. He also participated in a panel on “Is all Politics Religious? Let’s Discuss it,” for the Sid Albert Interfaith Panel Discussion at the Hubbard Interfaith Sanctuary at The College of St. Rose on Oct. 22, 2012, moderated by Dr. Alan Chartock and recorded for airing on WAMC/Northeast Public Radio. He also delivers weekly commentary on WAMC/ Northeast Public Radio.

Professor Sheldon Halpern, The Honorable Harold R. Tyler Jr. Chair in Law and Technology, gave a lecture on “Fair Use in Copyright Law and its Role in Harmonization” at Queen Mary University of London Law School on March 15, 2013. He also gave a talk on copyright harmonization at Drexel Law School on Feb. 25, 2013. Professor Halpern delivered the 2012 Stephen Stewart Lecture “It’s Hard to Play Well with Others: U.S. Constitutional Constraints on Harmonization of Copyright

Bonventre’s Blog a Leading Resource for State, Federal Courts

During the height of the media’s coverage of the Court of Appeals nomination process for Judge Jenny Rivera, Professor Vincent Bonventre’s “New York Court Watcher” blog attracted more than 600 page views each day and 9,000 page views for the month.

Professor Bonventre, along with an editorial board composed of Albany Law students, also re-launched the online Center for Judicial Process in 2011 to study courts, judges, judicial decision-making and judicial politics and selection at the state, federal and international levels. The Center is publishing its research papers and projects online and attracts more than 1,000 readers each month.

In addition to the New York State Court of Appeals, Professor Bonventre covers the U.S. Supreme Court and other state and federal appeals courts on his blog. He is also a frequent lecturer to academic and bar groups, as well as a widely quoted media resource on courts, judges and various areas of public law.


www.newyorkcourtwatcher.com
www.judicialprocessblog.com

Faculty Share Research and Teaching Strategies at Weekly Workshops

Some two-dozen weekly workshops brought the faculty together to present scholarship work and discuss effective teaching and learning methods. Both faculty and guests from other law schools led workshops in a wide range of topics including: law school teaching in the new economy; curriculum mapping, outcomes and unlearning; creating courses that integrate theory, skills and value; the Supreme Court’s health care reform decision; the Supreme Courts of France; and behavioral legal ethics, to name a few.
Professor Moriarty Retires after 41 Years and 2,500 Students

After 41 years at Albany Law School, Professor Daniel Moriarty taught his last class as a full-time professor this spring. Joining the faculty for the 1971-72 year, he taught for more than a quarter of the law school’s 162-year history, giving him the longest length of service of any current faculty or staff member.

Appreciated by students and colleagues for his keen understanding of the law and good humor, he educated thousands of lawyers, teaching the basic course Criminal Law, required of all first-year students, as well as more advanced courses including White Collar Crime, Federal Criminal Law, Criminal Law and the Regulation of Vice, Juvenile Justice, Post-Conviction Remedies, Sentencing & Corrections, and Comparative Criminal Law. He also taught Administrative Law, Remedies and Business Organizations.

“Professor Moriarty was a truly terrific teacher,” said Timothy MacPherson ‘13, who took his corporate and criminal law classes. “He had a profound and lasting impact on my legal education, and I’m sure that generations of Albany Law graduates hold him in the same high regard. His daily presence on campus will be greatly missed.”

“Dan Moriarty has long been the ‘Dean of the Criminal Law Department’ at the school, and all of us who teach criminal law courses have been the beneficiaries of his abundance of wisdom, encouragement and good humor,” said Professor Vincent Bonventre.

Professor Bonventre continued, “One of my earliest recollections at the school is Dan explaining the delights of teaching *R v. Dudley and Stephens*, the old English case about cannibalism on the high seas—that devilish grin and hearty laugh of his. I saw them often over the years and will sorely miss them and him.”

Beyond the classroom, he has taken on a number of criminal appeals cases as assigned counsel, as well as served as faculty director of a legal services project for New York prisoners. Prior to coming to Albany Law, Professor Moriarty served as a law clerk to the New York State Supreme Court, Appellate Division, Third Department, and an assistant district attorney with the Albany County District Attorney’s office.

He graduated from the Georgetown University School of Foreign Service in 1964 with a B.S./E.S. degree and in 1967 from the Georgetown University Law Center with a J.D. degree.

Professor Moriarty looks forward to time off for relaxing, reading, some traveling and spending time with his family.
Supreme Court of the State of New York on Oct. 10, 2012. He also delivered his annual updates on Evidence and No Fault/Serious Injury for the New York Academy of Trial Lawyers on Oct. 5, 2012, as well as two sessions on Evidence, Torts and Negligence at Albany Law School’s CLE program in Saratoga Springs, N.Y., on Aug. 10, 2012. He also delivered an update on New York Tort Law Developments before a joint meeting of the Albany, Oneida and Onondaga Bar Associations; an update on No Fault Developments before the New York Appellate Term Law Assistants; an update on serious injury before the Nassau and Suffolk Academies of Law; and a presentation on the admissibility of electronic evidence before the New York Judicial Institute of Administrative Judges.

Professor Deborah Kearns ’00 was named program chair of the American Bar Association’s Section of Taxation’s Pro Bono and Tax Clinics Committee. Professor Kearns also delivered a presentation titled, “For Treasury Charity Starts at Home: Treasury’s New Interpretation of the Fiduciary Income Tax Charitable Deductions” at the Central States Law Schools Association 2012 Annual Conference in Cleveland on Oct. 20, 2012.

Professor Mary A. Lynch presented her paper “Theories about Gender Differences Regarding Institutional & Communal ‘Housework’ in American Law Schools in a time of Economic Distress” at the 15th Annual Conference on Women and Education at Harris Manchester College in Oxford, England, held from March 17 to 21, 2013. Professor Lynch also delivered the presentation “Redeeming Law Schools: How Do ‘Outcomes’ Fit In?” for the Touro College Jacob D. Fuchsberg Law Center faculty. She presented, with Associate Dean Alicia Ouellette ’94, on the legal obligations of medical professionals when confronted with interpersonal violence at Albany Medical College on Jan. 10, 2013.

Professor Timothy D. Lytton, Albert and Angela Farone Distinguished Professor of Law, delivered the talk “Kosher: Private Regulation in the Age of Industrial Food” for the Penn Program on Regulation at the University of Pennsylvania Law School on Feb. 19, 2013. He is also part of a team of researchers studying the efficacy of New York state laws and regulations aimed at promoting breastfeeding; the team received a $436,000 grant from the Robert Wood Johnson Foundation’s Public Health Law Research Program to fund their research for three years. Professor Lytton made a presentation on kosher certification and private regulation in the food industry to faculty at The Ohio State University Moritz College of Law on Oct. 22, 2012.

Professor Nancy Maurer spoke to the clinical faculty at the Indiana University Maurer School of Law about expanding field externship opportunities for students on April 2, 2013.

Associate Dean Alicia Ouellette ’94 participated in the first of a three part invitation-only workshop series called “Making Sense of Abortion and Assisted Reproduction” which took place at Rutgers School of Law, Camden, on April 5, 2013. Dean Ouellette, with Professor Mary A. Lynch, presented on the legal obligations of medical professionals when confronted with interpersonal violence at Albany Medical College on Jan. 10, 2013. Dean Ouellette also delivered a presentation at the symposium “Freedom of Choice at the End of Life: Patients’ Rights in a Shifting Legal and Political Landscape” at New York Law School on October 20, 2012.


Thomas Guernsey served as the 16th president and dean of Albany Law from 2002 to 2011, guiding the institution during his tenure to improved financial footing and a balanced budget, as well as a smaller, more selective class. He also taught Evidence and published on topics such as evidence, negotiation, mental health and special education law. Professor Guernsey will become dean and president of Thomas Jefferson School of Law in San Diego, effective July 1, 2013.

Sheldon Halpern, The Honorable Harold R. Tyler Jr. Chair in Law and Technology, joined Albany Law in 2005, teaching Copyright Law, Defamation and Privacy Law, and Trademark Law. A frequent lecturer, especially on copyright and trademark, Professor Halpern gave annual talks in the United Kingdom and was appointed a visiting fellow at the Department of Law of the European University Institute in Florence, Italy, in 2007. He has published numerous books and journal articles in his areas of research and scholarship.

Lenese Herbert joined the faculty in fall 2003. She spent several years as a visiting professor at Washington and Lee University School of Law, and Howard University School of Law, her undergraduate alma mater, where she will now join the faculty. She taught administrative law, criminal law, criminal procedure and evidence. A graduate of UCLA School of Law, she served as Assistant U.S. Attorney, criminal and civil divisions; and trial attorney, Division of Enforcement, Commodity Futures Training Commission.

Kathe Klare joined the law school in 2003, serving as professor of academic success and teaching Applied Legal Reasoning, Client Interviewing and Counseling, and Introduction to U.S. Law. Professor Klare has co-authored a book on special education along with numerous articles on disability, mental health, and health care law.

Professor Rosemary Queenan participated in the panel “Replicating the Practice Environment in Law School” as part of a legal writing conference at New York Law School on Dec. 7, 2012.

Professor James D. Redwood’s short story collection, Love Beneath the Napalm, received the Notre Dame Review Short Fiction Prize.

Professor Elizabeth Renuart presented a new paper-in-progress, titled “Uneasy Intersections: UCC Articles 3, 9, and the Right to Foreclose,” to the faculty of Suffolk U. School of Law on March 28, 2013, as part of a Faculty Scholarship Exchange. Professor Renuart was invited to serve as an adviser for the American Law Institute’s project on “Restatement of the Third Law, Consumer Contracts.” She also gave a talk at Harvard Law School on Nov. 9, 2012, at the conference titled “Community Responses to the Foreclosure Crisis: Strategies Beyond the Settlement.” Professor Renuart delivered a presentation in July 2012 on “Who Can Enforce the Loan Note” sponsored by the Empire Justice Center for non-profit and private lawyers who represent homeowners in foreclosure cases.

Professor Gerald Rock ’97 participated on the panel “Going Pro: Transitioning Students from Social to Professional Correspondence” for the Legal Writing Institute conference at the University of North Carolina’s Chapel Hill campus.


Professor Laurie Shanks participated in the event “Teaching ‘Real’ Family Law: A Celebration of the Scholarship and Service of Professor Margo Melli” the 6th Annual Midwest Family Law Consortium Workshop, held at the University of Wisconsin from April 5 to 7, 2013. She also delivered a talk on engaging law students for a faculty luncheon at the University of Arkansas Bowen School of Law.

Professor Christian Sundquist was recently included among the law professors who will comprise the Society of American Law Teachers’ Fisher v. Texas response team. On Feb. 14, 2013, he delivered the talk “The Future of Affirmative Action after Fisher v. Texas” at an event presented by the New York State Department of Health Affirmative Action Advisory Committee. He also participated in the Facing Race national conference in Baltimore, Md., on Nov. 17, 2012, where he shared his views on racial justice in the 21st Century.

Professor Evelyn Tenenbaum presented “Revitalizing Informed Consent to Protect Patient Autonomy” at Albany Medical College on Jan. 17, 2013, and she was invited to join Aging, Law and Society, a newly launched collaborative research network. She presented “Four Professional Schools and an Interprofessional Course” at the Health Law Professors Conference in Tempe, Ariz., on June 8, 2012.

Professor Donna Young moderated the panel “Further Along the Jericho Road; The Elusive Struggle for Economic Justice” at an event presented by the Labor and Employment Law Section of The New York State Bar Association, Albany Law School and The Sage Colleges on Feb. 21, 2013.

Lark Street Plaque and New York Event End Jackson’s Centennial Celebration

An historic plaque was hung on Lark Street in downtown Albany to commemorate U.S. Supreme Court Justice Robert H. Jackson’s home while attending Albany Law in 1912. This September event, along with a November presentation for alumni in New York City by St. John’s University School of Law professor and noted Jackson scholar John Q. Barrett, were the culminating events for celebrating Jackson’s 100 year anniversary since attending Albany Law School.

Jackson’s granddaughter, the Hon. Melissa C. Jackson, New York City Criminal Court, and Jackson’s great-grandson, Quentin Morgan, attended the New York City event.

Pictured right, St. John’s Law Professor John Q. Barrett speaks to students from several high schools at the plaque unveiling on Albany’s Lark Street.
A Sample of Career Center Programs this Year

The Career Center conducted dozens of career workshops to help students learn about the employment landscape, understand organizations and the path toward employment, and network with professionals formally and informally.

Some sample workshops led by alumni representatives of various agencies and organizations included:

▪ N.Y. State Attorney General’s Office
▪ Family Law Careers Information Session
▪ New York State Senate
▪ N.Y. State Department of Taxation & Finance
▪ Judicial Clerkships
▪ U.S. Attorney’s Office
▪ Life Insurance companies
▪ U.S. Marines
▪ International internships

To see employment statistics for the past three years of classes, go to: www.albanylaw.edu/stats

At a speed mentoring event, students sat down for one-on-one meetings with alumni in a range of fields.

More than 50 organizations and agencies attended the public sector forum.

Law firms and businesses participated in the private sector career fair.

Craig Wittlin ’92, partner at Harter Secrest & Emery LLP in Rochester, N.Y., addressed a group of students in the Career Center.

Christopher Simmons, vice president of Corporate Taxes at Bausch & Lomb, spoke to students about his field of work.

Captain Rebecca Oney spoke to the students about summer work and post-graduation employment with the U.S. Air Force JAG.

David Miranda ’88, partner at Heslin Rothenberg and secretary to the New York State Bar Association, spoke at a career networking event.
This is Advancement 2.0. On any given day in the office you find staff reaching out to the Albany Law School Community—arranging alumni campus visits and career panels, soliciting gifts to support students and clinics, planning Reunion and regional events, administering the thirty or so gifts received daily.

Spending time on the road engaging alumni in the life of the institution is critical to the new reality of legal education. Constant interaction with alumni helps us address the challenges facing students today—debt, professional development and career placement. Our ability to flourish as an institution depends on the strength of your relationship with us—graduates give back to support student financial aid to drive down the cost of education; graduates open doors at firms and corporations for internships and job opportunities; graduates mentor current students and recent graduates to develop their professional brand.

A great example of this is the GOLD (Graduates of the Last Decade) program recently launched by an enthusiastic group of alumni who are developing a formal network of programs and mentoring for our most recent graduates. It has energy, commitment and institutional support. This is one example of the alumni programming becoming more focused on lifelong learning and professional development. Our GOLD students know that graduation is not the end of their time at Albany Law, but the beginning of the next chapter.

We have a vested interest in the success of our graduates and take that responsibility seriously. Our job is to support you with a robust network of professional and career opportunities, and provide meaningful events that are regional, on-campus, and online.

This is the new reality of advancement, which includes alumni engagement and stewardship. For those familiar with the Advancement Office, you will notice new faces on the staff, new outreach and new reasons to join your alumni social networks Facebook, LinkedIn and Twitter. It is an exciting time to be part of Albany Law School. We are redefining our mission, putting our students first above all else, and working to see and engage more alumni than ever before.

So when we call, email, write, share a post, invite you to connect, ask you to attend an event, participate on a career panel, and/or meet Dean Andrews, say "yes." You will find it worthwhile.

Join the Albany Law online community:

- www.albanylaw.edu/alumni
- AlbanyLaw
- Albany Law School Alumni
- @AlbanyLaw
Albany Law School has produced a long line of outstanding legal practitioners, scholars and jurists, as well as distinguished leaders in business and government. Numbering more than 10,000 worldwide, Albany Law alumni maintain connections through many resources and events. The powerful network of alumni compromise the backbone of the law school.

To find out more or to get involved with alumni activities in your area, contact Kristin Sheehan, Director of Alumni Affairs, at 518-445-3361 or kshee@albanylaw.edu or visit www.albanylaw.edu/alumni to view upcoming events.

**June 13, 2012**
Alumni in Government Awards – The State Room, Albany, N.Y.

**June 18, 2012**
17th Annual Albany Law Alumni Golf Outing
Schuyler Meadows Club, Loudonville, N.Y.

**August 12, 2012**
16th Annual Day at the Races
Saratoga Race Course, Saratoga Springs, N.Y.
**August 29, 2012**
Capital Region Alumni Reception
Taste, Albany, N.Y.

**Dean Andrews and Winifred Widmer '54**

**November 15, 2012**
J.P. Morgan Alumna Luncheon
J.P. Morgan, New York, N.Y.

**Trustee Constance Boland ’86, Debra Trez ‘77, Lisa Whitney ‘71, Dean Andrews, Lori VanAuken ‘86, Nancy Wann ‘06, Elizabeth Loewy ‘84, Maria Meléndez Hinkley ’92**

**January 24, 2013**
2013 NYC Alumni Reception
The London, New York, N.Y.

**Lisa Alexander ’11, Professor Mary Lynch, Dean Andrews, A. Marina Pohrib ’12**

**Maureen Henegan ’81, Trustee Constance Boland ’86**

**John Johnson ’93, Susan Miller ’90, Todd Friedman ’98**
February 6, 2013
National Alumni Association Panel:
Getting a Job in a Tough Legal Market, Albany Law School
Marc Pallozzi ’12, Kelly Munkwitz ’98, Arthur Siegel ’84, Christopher Buckey ’98, Robert Rausch ’94, David Fernandez ’92

April 4, 2013
Capital Region Law Review Reception
74 State, Albany, N.Y.
Aubrey Roman ’14, Javid Afzali ’12, Edward Ohanian ’14

March 5, 2013
NYC Law Review Reception – Milbank, Tweed, Hadley & McCloy LLP, New York, N.Y.
Elizabeth Virga ’06, Kathleen Rivers ’14, Christopher Hahm ’14, Robert McIver ’14, Michael Yetter ’14
Dean Andrews, David Glassberg ’75, Frank Penski ’74, Phyllis Erikson ’80

Nicole Nielson ’12, Michael Parsa ’12, Peter Mancuso ’10, James Maswick ’09
Brian Zucco ’14, Bryan Gottlieb ’14, Di Smith ’14, David Iversen ’14
The Albany Law alumni rugby squad beat the school’s men’s student team in the playoffs before losing to eventual champions RPI at the 28th Annual William M. Watkins Memorial Tournament on April 27, 2013.

The Watkins tournament attracted a large crowd of alumni and student spectators, as well as competitors from across New York and New England. The alumni team finished second, the men’s student team finished third, and the women’s student team played well but did not reach the playoffs.

In addition to the matches, which were played on campus and also at the Christian Brothers Academy, rugby alumni and current students gathered for opening and closing ceremonies, as well as a reception with Dean Andrews in the law school’s courtyard.
Led by John Halloran ’84, 24 Alumni Admitted to the U.S. Supreme Court; U.S. Agriculture Secretary Vilsack ’75 Surprises Group with Visit

Twenty-four alumni from across the country—including California, Texas, Florida and Massachusetts—were admitted to the Supreme Court in April, under the sponsorship of John Halloran Jr. ’84, a trustee of the Law School.

U.S. Secretary of Agriculture Tom Vilsack ’75 surprised the group with an appearance during lunch, where he talked to the group—which included other alumni from the Washington, D.C., area—about the U.S.D.A., the future issues for food in the United States and worldwide, humorous tales as a U.S. president cabinet member and his biggest wins as a law school rugby player.

Dean Andrews and James Kellerhouse, assistant dean for Institutional Advancement, spent time with Secretary Vilsack later in the day at his office, where they discussed ways to capitalize on opportunities between Secretary Vilsack and law school students.
ALUMNI WEEKEND 2012

Trustee Emeritus Stephen Younger ’82, Dean Andrews, Prudence Madden Younger ’82, James Potter ’80

Timothy Fennell ’83, Michael Murphy ’82, Thomas Smith ’82, Trustee James Hacker ’84

Amy (Berke) Brady ’92, Katherine Gaffney ’92

Adrienne Bonilla ’03, Ann McBride ’03
Dave Fernandez ’92, Mark Zaid ’92, Linda Redlisky ’92

Margaret Comard Lynch ’82, Hon. Michael Lynch

Samuel Kaufman ’02, Jordana Kaufman ’02, and daughter

Margaret Picciotti, Erin Macari, Paul Macari ’87, Joe Picciotti ’87

Jennifer Richardson ’04 approaching the finish line of the Fun Run/Walk

Amy Kellogg ’02, Mary Frances Carr ’02, Tara Pleat ’02, Tricy Swanson ’02
1948
Honorable Leonard A. Weiss was recognized at McNamee, Lochner, Titus & Williams as he prepared to celebrate his 90th birthday. He practiced law in the Albany area his entire career.

1955
Richard C. Cummings has joined Menter, Rudin and Trivelpiece in Syracuse, N.Y., as of counsel.

1958
William R. Holzapfel has been sworn in for the sixth four-year term as City Attorney and Director of the Law Department for the City of Elizabeth, N.J.

1963
Donald Snyder, Herkimer County (N.Y.) Community College board chair, has been awarded the Anne M. Bushnell Memorial Award for Special Achievement given by the New York Community College Trustees, Inc.

1964
Thersa Higgins Snyder received a Kate Stoneman Award on April 10, 2013.

1971
Joel M. Howard III was listed in the 2012 New York Super Lawyers – Upstate Edition.

Richard D. Parsons was named by N. Y. Governor Andrew Cuomo ‘82 to lead his Education Reform Commission.

James T. Townsend has joined the Adirondack Park Agency in Ray Brook, N.Y., as chief counsel.

1972
Diane Bodman received the 2012 Mount St. Mary Academy Sophia Award for her excellent work in her chosen profession. Mount St. Mary is located in Kenmore, N.Y.

1973
Rod P. Futerfas has been appointed to the SUNY Ulster’s Board of Trustees. He is a partner in the Kingston law firm of Wapner, Koplovitz & Futerfas.

Jeremiah M. Hayes has joined Fischer, Bessette, Muldowney & Hunter LLP in Malone, N.Y., as of counsel.

1974
John Ciulla Jr. has retired from the Saratoga County Public Defender’s Office.

Hon. Patricia D. Marks was honored as the 2012 “Woman of Distinction” by the N.Y. State Senate. She is a retired Monroe County (N.Y.) Court Judge.

Lucien A. Morin, an attorney with McConville, Considine, Cooman & Morin PC in Rochester, N.Y., has received the N. Y. State Bar Association’s 2012 President’s Pro Bono Service Award at its annual luncheon.

1975
Steven X. Kouray has retired as head of the Schenectady (N.Y.) County Conflict Defender’s office to focus on his family law practice.

Sharon Stiller was named a member of the inaugural class of the “Top Women in Law” in the Rochester, N.Y., area.

Johnna G. Torsone was profiled in the Financial Mail Women’s Forum in the article “Interview: Pitney Bowes’ Johnna G. Torsone.” She also has been named to the Governor of Connecticut’s Judicial Commission on judicial compensation.

1976
Edward P. Finnerty has been promoted to bank counsel at Champlain National Bank in Plattsburgh, N.Y.

1977
Michael D. Katzer has been appointed town justice for the Town of Bethlehem, N.Y.

William Glaberson has left The New York Times and will pursue a writing career.

1978
Cristine Cioffi has been elected president of The New York Bar Foundation. Cioffi is president and partner at Cioffi, Clezak & Wilgrube in Schenectady, N.Y.

Kathryn Grant Madigan has been named chair of the N.Y. State Bar Association’s Committee on Leadership Development. She has also been awarded the Ruth G. Schapiro Memorial Award from the NYSBA. Madigan is a partner at Levene Gouldin & Thompson in Binghamton, N.Y.

1979
Thomas D. Keleher has been appointed chair of the American College of Trial Lawyers’ New York-Upstate State Committee. He is a partner at Bond, Schoeneck & King PLLC in Syracuse, N.Y.

Robert G. Wakeman has joined Cullen and Dykman LLP in Albany as partner.

1980
Charlotte S. Buchanan received the “Citizen of the University Excellence” award from the University at Albany for her outstanding achievements and service to the University and the community.

Mark S. Gorgos has been named chair of the N.Y. State Bar Association’s Electronic Communications Committee. He is managing partner at Coughlin & Gerhart in Binghamton, N.Y.

Robert S. Hite was appointed to the board of the Albany County Airport Authority, which runs Albany International Airport.
Hughes '96 Juggles CNN Demands with Private Practice

Holly Hughes '96 will be preparing a case at her law office in Atlanta, Hughes & Manning LLP, when an email will arrive mid-morning from a producer with CNN anchor Don Lemon. Can Hughes come to the CNN studio that afternoon to speak with Lemon as a legal analyst about the Casey Anthony murder trial? If she doesn’t have appointments and her law partner, S. Alexandra “Alex” Manning, is in the office, Hughes usually says yes. She doesn’t get paid for her appearances, but with CNN’s millions of viewers, the exposure for an attorney in private practice is invaluable.

The producer will send Hughes links to articles about the Anthony trial for her to review before she makes the 10-minute drive from her office to the CNN studios. “I get there and they do my hair and makeup, which for a girl is great,” she said with a laugh. “I’ll go on the set and answer Don’s questions about the case for three or four minutes, and I’ll be back in my office in about 90 minutes. The best part is that when I walk off the set, I’m done. I joke that I don’t want to be a lawyer anymore, I just want to play one on TV.”

Hughes has been playing a lawyer on TV since 2003, when, at the urging of lawyer friends, she agreed to a guest appearance on Court TV. “Minus the accent, you remind us of Nancy Grace,” her colleagues in the Fulton County District Attorney’s Office in Atlanta told her. Grace, host of a popular cable show examining legal cases on HLN, had worked in the same DA’s office before Hughes arrived in 1999. Hughes spent nine years as a triple-threat Senior Assistant District Attorney prosecuting homicides, high-profile felony cases and directing the Hate Crimes Unit. Grace invited Hughes to come on her show “Closing Arguments” and afterward told Hughes that she should do more TV.

Although Hughes had performed in musical theater productions while an undergraduate at John Jay College of Criminal Justice in Manhattan, she did not like how she came off in her debut appearance on Court TV. She was self-conscious about her weight, which had risen to 300 pounds. “I was working 16-hour days, seven days a week in the DA’s office,” she said. “My homicide pager would go off at 3 a.m. and I’d have to go out to a murder scene. It just wasn’t a healthy lifestyle.” Hughes elected to undergo gastric bypass surgery. She dropped 160 pounds. “And I’ve kept it off,” she said.

After losing the weight, she felt better about her TV appearances, and so did producers and anchors. She was asked to be guest host for the Nancy Grace show and has appeared as a legal analyst on Erin Burnett, Brooke Baldwin and John King’s CNN programs. “At one point during the Anthony trial, they had me on for 28 straight days and I would run from the CNN studio on one side to the HLN studio on the other side. Just like no judge likes to hear a rambling statement, there’s no time to wander through your argument on TV.”

Hughes is hiring an agent to take her TV work to the next level. She is angling for a part in new legal shows being developed. She is also working on two crime novels. “It can get hectic because I have a law practice at the same time, which means I end up working on cases at 2 a.m.,” she said. “Doing TV shows is a lot of fun because I love the law and I get to educate viewers about the legal process.”
“invisible people,” people whom most international governments refuse to acknowledge. Such people go to extremes to blend into society because they fear the consequences of appearing different. They struggle every day to access basic human rights such as food, shelter, education and employment. They are urban refugees and asylum seekers in their first country of refuge. I help this growing population reclaim their lives while also assisting them to redefine their new existence in a new home.

During my practice as an immigration attorney in New York, I developed a strong interest in the refugee and asylum process since many of my clients and my acquaintances were people who had sought refuge in the United States. I was able to bear witness and play a role in the “post” refugee and asylum process experience, but I wanted to explore the beginning. What catalyst set this process into motion? Why did these people seek refugee or asylum status? What had they left behind? In August 2012, I welcomed the opportunity to work as a Legal Advocate with Asylum Access in Dar es Salaam, Tanzania, Africa. I work with “invisible people,” people whom most international governments refuse to acknowledge. Such people go to extremes to blend into society because they fear the consequences of appearing different. They struggle every day to access basic human rights such as food, shelter, education and employment. They are urban refugees and asylum seekers in their first country of refuge. I help this growing population reclaim their lives while also assisting them to redefine their new existence in a new home.

During my practice as an immigration attorney in New York, I developed a strong interest in the refugee and asylum process since many of my clients and my acquaintances were people who had sought refuge in the United States. I was able to bear witness and play a role in the “post” refugee and asylum process experience, but I wanted to explore the beginning. What catalyst set this process into motion? Why did these people seek refugee or asylum status? What had they left behind? In August 2012, I welcomed the opportunity to work as a Legal Advocate with Asylum Access in Dar es Salaam, Tanzania, and to find answers to my questions.

As a law student at Albany Law School, my interest in international law was sparked in Professor Halewood’s International Law class. His class was a primer on international policy, practice and accountability. My experience in Tanzania has reaffirmed my initial assumptions: policy and practice are two very different beasts. Theoretically, the laws that govern refugees and asylum seekers offer broad protections, rights and assistance to refugees and asylum seekers in a country of refuge. There are numerous internationally recognized and adopted conventions and local laws that guarantee at least basic human rights to refugees. In practice, I have found that in Tanzania and other countries of refuge, the reality of the refugee process can be disheartening. Instead of the aforementioned broad protections, rights or assistance, new refugees are funneled into overcrowded, underfunded and low resourced refugee camps. They wait for an indefinite period of time to safely return home, to integrate, or to be resettled in another country.

I work with urban refugees, those who choose not to reside in the refugee camps for various reasons, including safety concerns. They hide in the cities and large towns, attempting to integrate and to evade the stigma attached to their refugee status. Hosting governments burdened with accommodating refugees and protecting their citizens establish policies that, essentially, strip the refugees of basic human dignities. Refugees and asylum seekers are generally not allowed to live outside of the camps, work or attend school. As a result, most urban refugees remain hidden and choose not to assert their rights. To combat this fear, I conduct legal empowerment community trainings to empower and educate refugees about their legal rights.

The majority of my clients are from the Democratic Republic of Congo (DRC); they fled from a civil war that has claimed the lives of over five million people since 1996. They fled to Tanzania to escape the violence and chaos in the DRC. I work with a gentleman, a former teacher in the DRC, who fled his country after a rebel attack on his town. In the chaos of the attack he ran and left everything he had in the DRC. For weeks he hid in the forest while trying to make his way safely out of the DRC. Prior to the rebel attack, he and his family lived in separate parts of their province. To date, he has not been able to find any of his family members, including his wife and children. Upon arriving in Tanzania, this gentleman contacted Asylum Access, where I helped to register him as an asylum seeker. Currently, we are preparing for his interview with the Tanzanian government committee that determines refugee status. If he is accepted as a refugee, he will be allowed to stay in Tanzania on a long-term basis. While his status is pending, he is attempting to rebuild his new life in Tanzania. I am helping him to obtain the proper work permits since refugees are not allowed to work, attend school, open bank accounts and participate in society. We are also searching for his family with the assistance of other organizations that specialize in family tracing. We have not had a breakthrough in six months.

Additionally, I helped clients with the most serious refugee claims apply for direct resettlement to the United States. I have a client who was beaten, threatened and arrested in his home country because of his sexual orientation. His issues are twofold because he is a refugee and because it is illegal in most countries, including Tanzania, to be homosexual. Despite this entire ordeal, he is still one of the funniest and positive people I know. I helped him apply for direct resettlement to the United States; I am encouraged that such status will be granted.

I intend to continue working in the refugee and asylum field when I return to the United States. I want to be a part of a solution that grants refugees an opportunity to live full lives, free from fear and persecution.
Deborah Liebman has received the prestigious N.Y. State Bar Association award for Excellence in Public Service. She is the deputy counsel at NYSBA.

Jill Martin has joined the board of directors of Keuka College, Keuka Park, N.Y. She is a professor and chair of the legal studies department at Quinnipiac University in Hamden, Conn.

Lorraine Mertell has joined Mackenzie Hughes LLP in Syracuse, N.Y., as partner in the Litigation Department.

1981

Anne Reynolds Copps has joined the Board of Directors of The Legal Project in Albany.

Hon. Peter G. Crummey has received the 2012 Distinguished Service Award given by the Law, Youth and Citizenship Committee of the N. Y. State Bar Association. Judge Crummey has been a Colonie, N.Y., town justice since 1999.

Stuart F. Gruskin has joined The Nature Conservancy New York as their Chief Conservation and External Affairs Officer. He will be based in Albany.

Robert J. Rock has joined Tully Rinckey as Senior Counsel of the firm’s bankruptcy practice in Albany.

1982

Michael J. Murphy was honored by Trinity’s Alliances “Heritage Celebration: 100 Years of Community Building” as one of the 100 Most Important People in the History of Trinity. He is a director with Carter Conboy in Albany.

Anne Troutman has been named general counsel of the U.S. Department of Energy’s Brookhaven National Laboratory in Upton, N.Y.

1983

Brig. Gen. Verle L. Johnston Jr. has moved to a command position at the New York Air National Guard headquarters in Latham, N.Y. He previously served as wing commander of the 105th Airlift Wing, Stewart Air National Guard Base, Newburgh, N.Y., since March 2007.

Gail M. Norris has been named vice president and general counsel for the University of Rochester, N.Y. She has been with the university since 2005.

Thomas A. Reynolds has been appointed the assistant city attorney for the city of Oswego, N.Y.

1984

Lee H. Wasserman has been inducted into the Schenectady (N.Y.) City School’s Hall of Fame for his notable career.

Elizabeth Loewy received a Kate Stoneman Award on April 10, 2013.

1985

Robert J. Alessi has joined DLA Piper, New York, as a partner.

Jean F. Gerbini, of counsel at Whiteman Osterman & Hanna LLP, Albany, has been elected a Fellow of The New York Bar Foundation.

Robert J. Weinberg has been named the 2012 Distinguished Estate Planner by the Philadelphia Estate Planning Council. He is an attorney at Pepper Hamilton LLP in Philadelphia, Pa.

Howard J. Atlas has been re-certified as an Elder Law Attorney by the National Elder Law Foundation and has been selected as a New York Super Lawyer for the second year. He practices in Melville, N.Y.

Richard Roxin has joined the law firm of Anelli Xavier in Albany.

1986

Gregory V. Serio, Partner and Managing Director of Park Strategies LLC, New York, has been elected to the Radian Group Inc. Board of Directors.

Geoff Stein had 45 paintings displayed in The Billboard Art Show in the Capital District, N.Y.

1987

Hon. Philip M. Boyle has been elected N.Y. State Senator for the 4th Senate District (Long Island, N.Y.).

Ellen C. Brotman has been named to the board of directors of the National Criminal Defense Bar Association in Washington D.C. She is a Partner in the Philadelphia, Pa., office of Montgomery McCracken.

1988

Karen R. Arndt joined Martin, Harding & Mazzotti in Latham, N.Y.

Maureen Fatcheric has been appointed chair of the litigation department at Costello Cooney and Fearon, PLLC in Syracuse, N.Y.

Susan Fortin Lesser has joined Bousquet Holstein PLLC in Syracuse, N.Y., as of counsel.

Clemente J. Parente has joined the Jackson Lewis LLP office in Albany.

1989

Bruce E. Newman joined Brown, Paindiris & Scott LLP’s Bristol, Conn., office as a partner.

Diana K. Powell has joined Westminster Consulting in Spencerport, N.Y., as its senior legal advisor.

Theodore M. Baum has joined the firm Goldberg Segalla LLP as partner in its Rochester, N.Y., office.

Glenn G. Fox has joined Baker & McKenzie in New York as a partner.

Richard Mereu has been hired as Chief Government Relations Officer at Emergency Nurses Association in Washington, D.C.

Stephen Signore was appointed Schenectady (N.Y.) County’s conflict defender in June 2012.

Scott Terrillion has been named to the Board of Trustees for the Albany College of Pharmacy and Health Sciences. He is the Vice President and Associate General Counsel at Boehringer Ingelheim Pharmaceuticals in Ridgefield, Conn.
Justice Casey, 92, Still Thinking Often and Fondly about the Law

Law professor, District attorney, Family court judge. Appellate court judge.

Of all his professional roles, Judge John T. Casey, now 92 and retired from the Third Department of the Appellate Division since 1997, said his crowning achievement was teaching students at Albany Law School.

“I was most proud of the success I had in the classroom as a teacher,” he said during a conversation at a Capital Region nursing home where he resides. “I enjoyed working with the students, posing legal problems and resolving them together.”

He started teaching at the law school in 1955, only six years after he graduated, and continued for the next 22 years as an adjunct professor, teaching criminal practice and procedure.

Asked to compare his jobs as prosecutor versus judge, he responded without hesitation: “Being a judge was much easier. You delved deeper into the law as a judge, but you could focus on one case at a time,” he said. “And, there were less people to accommodate.”

He rattled off the names of side streets as he traced his student days traveling from Troy to Albany Law’s campus, “The highway wasn’t there yet.”

While he called school tuition inexpensive at the time, he made the point to say, with emphasis, “Still nobody had money. None of us.”

What did a young Judge Casey do with his free time outside of law school? “I was into my studies. That’s what I did.” He did not recall having a mentor for guidance, instead, he moved through his career “step by step.”

Justice Casey graduated La Salle Institute in 1939 as Colonel, and Valedictorian of his class, and again as Valedictorian when he graduated from St. Joseph’s College, University of Toronto, in 1943. He entered the navy as an ensign and served in the North Atlantic and South Pacific. After the war, he attended Albany Law School on the G.I. Bill. Six years after graduating, he taught as an adjunct professor for the next 22 years. During that time he served as District Attorney for Rensselaer County from 1956 to 1963, and as County Judge from 1964 to 1968. In 1968 he was elected to the Supreme Court. In 1979 Governor Carey appointed him to the Appellate Division, Third Department. He retired from the court in 1987 at age 76.

“He tore me apart in an oral argument once, when I was in front of the Court in the early ’80s,” Albany Law Professor Michael Hutter recalled. “That summer, I presented to the court on developments in evidence law, and he told me he liked my presentation, but that my argument was wrong when I appeared before them a few months before. We became friends and I became part of his breakfast group every Saturday in Troy.”

Professor Hutter described an evidence case that Justice Casey, as an ADA, took all the way to the Court of Appeals. Once there, he conceded that he made a mistake on a piece of the case, a rare concession for a district attorney. “But by doing so,” Professor Hutter said, “the court conceded a different point to him.”

“He helped shape major laws in New York in his variety of roles,” Professor Hutter said.

Justice Casey also made an effort to help the law school in his various roles beyond teaching, such as hiring students and graduates at the district attorney’s office, and then as clerks at the Third Department. His son, John T. Casey Jr. ’87, attended Albany Law, as did his granddaughter Molly Casey ’12, both who live and work in the Capital Region. I.D.S.

1991

Kristen E. Wright was appointed as an assistant county attorney for the Chautauqua County Department of Law in Jamestown, N.Y.

1992

James J. Barriere was listed as a 2012 New York Super Lawyer – Upstate Edition.

Maria Meléndez Hinkley has received the 2013 Civic Spirit Award from the Women’s City Club of New York. This organization fosters informed citizen participation in shaping public policy decisions affecting New York.

Daniel King has been elected Lewis County (N.Y.) judge.

1994

Steven E. Gurdin has been named a Massachusetts Super Lawyer for 2012.

William (Bill) J. Renahan was presented with the 2012 Chairman’s Award by his previous firm Legg Mason in New York, and is now Senior Legal Counsel at Virtus Investment Partners, Inc.’s New York office.

Deborah J. Scinta has been named a Fellow of the American Academy of Matrimonial Lawyers.
Albany Law Magazine Connects Alumni Author with Alumni Publisher, Leads to Movie Deal

Richard Burton ‘89 spent two years writing his book, another year finding a publisher, and one more preparing the book for market. That publisher went bankrupt before the book reached the printing press. Stuck with typeset galleys, Burton was back to square one, until he read about the New York-based publishing company owned by Tony Lyons ’93, featured in this magazine two years ago.

In rapid-fire succession, Burton and Lyons worked out a book deal and then signed a movie deal with Imprint Entertainment, the production company behind the Twilight saga.


So can Burton now retire from his position as General Counsel for AutoAssure, LLC in Dallas, Texas? “Not yet,” he said. “It’s all about what happens with the movie. The hope is the book continues to sell well and gives us leverage for launching the next one.”

The book, titled Godsent, centers on 17-year-old Kate Skylar, chosen by God to “immaculately conceive” a son. Ethan, the second son of God, is targeted for death by a secret society within the Catholic Church that believes he is the anti-christ in hiding. The Church, having secretly recorded decades worth of its parishioners’ confessions, pinpoints the location of the birth of Kate’s son.

Burton, who grew up Catholic in Oneida, N.Y.—“I attended church every week as a kid”—was surprised to find no one had written a story like this before. “I did a lot of research and couldn’t believe this type of story—a modern Second Coming—had not been told before.”

After graduating law school, Burton clerked at the Appellate Division of New York for a year, then moved to Dallas to work for Bickel & Brewer for six years. He then took a job as general counsel for a holding company that included a catalog house—direct mail and print catalogs—as well as real estate. After 11 years, he moved to his current company that extends automobile warranties for car owners nationwide.

In law school, Burton recalls winning the Irving Kaufman Memorial Moot Court Competition at Fordham University. “I was very involved with the Gabrielli and other moot court competitions. That experience helped me a lot with my litigation work at Bickel & Brewer. Albany Law definitely has a top-notch moot court program.” Burton appreciates the fact that his good fortune with the book stems back to his Albany Law School ties, though his slow, adopted Texas drawl understates his excitement. “It’s amazing that I got to Skyhorse without an agent all because of the magazine article,” Burton said. “The movie deal has been the icing on the cake; I’m pretty happy with how it’s been working out.”

While this is Burton’s first published book, he was smart enough to leave open the plot at the end, making room for a sequel, or, more specifically, a trilogy. Godsent is available in hardcover, as an ebook and in audio book form.

www.godsentbook.com | DS

Stephen Kirkwood has been promoted to General Counsel and Executive Vice President by JGWPT Holdings, LLC. JGWPT is comprised of the J.G. Wentworth companies, based in Radnor, Pa., and the Peachtree Financial Solutions family of companies, based in Boynton Beach, Fla.

Linda J. Passaretti joined the Saratoga Performing Arts Center as director of development.

Kenneth Rosenberg is the president-elect of the Essex County Bar Association (New Jersey).

1996

Amber L. Barber has been installed as president of the Vermont Bar Association.

Jennifer Corona has been named first vice president for The Legal Project’s board of directors in Albany.

Stephanie Ferradino has joined Couch White LLP in Albany as a partner.

Todd M. Sardella joined Martin, Harding & Mazzotti in Latham, N.Y.

Kenneth D. Suzan has joined Barnes & Thornburg LLP in Minneapolis, Minn., as of counsel in the Intellectual Property Department.
1997

Dianne M. Cavaliere published an adult paranormal romance novel called *Wynter's Horizon*, published by Evernight Publishing. She writes under the pen name Dee C. May from her home in Davidson, N.C.

Larry P. Cote has joined the firm Quarles & Brady LLP in their Washington, D.C., office as a partner in the Health Law Group.

Monique Honaman appeared on “The Today Show” to discuss her 2010 book: *The High Road Has Less Traffic: Honest Advice on the Path Through Love and Divorce*.

Arthur C. Mueller has been named executive director and head of investigations for UBS Financial Services, Inc., in New York.

Hon. Llinet Beltre Rosado has been elected Civil Court Judge of Bronx County, N.Y.

John Vagianelis has been named principal of Mazzota, Siegel & John Vagianelis, P.C., in Albany.

Kristen Mollnow Walsh has been promoted to partner at Nixon Peabody LLP in Rochester, N.Y.

1998

Stephen J. Acquario has received the Advocacy Award for the ABA’s Section of State and Local Government Law. He is the executive director of the N.Y. State Association of Counties.

Scott Susko has joined McDermott Will & Emery in Boston, Mass., as a partner.

1999

John P. Gaughan has been named partner at Hiscock & Barclay, LLP, in Buffalo, N.Y.

Brian Henzel has joined Morgenstern DeVoessick PLLC in Pittsford, N.Y., as counsel to the firm.

Katrine A. Beck has been selected as a Rising Star – Westchester’s 40 Under 40 by the Business Council of Westchester, N.Y.

Tanheva Pacheco Dunn has been appointed as the first executive director for compliance and campus climate by The State University of N.Y. at New Paltz.

Richard Fuerst was elected president of the Living Resources Foundation in Albany, N.Y.

David Levy has been named to the board of directors of The Legal Project in Albany.

Amy B. Royal has been named to the Massachusetts Lawyers Weekly’s Top Women of Law.

Hon. Michael A. Sciortino was recognized by Rochester, N.Y.’s *Daily Record* in an article titled “Sciortino: Attorney, judge, local rock star.”

Hon. Lillian Wan has been appointed a Bronx (N.Y.) Family Court Judge by N.Y. Mayor Michael Bloomberg.

2000

Jennifer Chung has joined the N.Y. State Department of Economic Development in New York City as an assistant counsel.

Amanda K. Hiller has been appointed Deputy Commissioner and Counsel of the N.Y. State Department of Tax and Finance.

Maureen E. Maney was installed as the president of the Women’s Bar Association of the State of New York (WBASNY). Maureen is the first President of WBASNY to come from the Central New York Chapter. She has also been elected to the Board of Directors for the Ronald McDonald House Charities of Central N.Y. and has been named a Rising Star by the *New York Law Journal*.

Justin Teff has been promoted to partner at Kirk & Teff LLP in Schenectady, N.Y.

2001

Syreeta Carrington has been named 2012 Glenfield, N.J. Middle School Teacher of the Year.

Andrea F. Composto of the Law Offices of Composto & Composto in Brooklyn, N.Y., was elected Vice President to the Women’s Bar Association of the State of New York (WBASNY) at its Annual Convention in Verona, N.Y.

Heidi W. Feinberg has been named a 2013 Up & Coming Attorney by Rochester, N.Y.’s *Daily Record*.

2002

2003

Laura M. Jordan has been named a “Best Lawyer in America” for medical malpractice and personal injury litigation. She is an attorney with Powers and Santola, LLP, in Albany.

Janet Kealy is now Senior Attorney with the N. Y. State Workers’ Compensation Board in Schenectady, N.Y.

Patrick McDonnell has received dual licenses to practice in the United States and Canada. He resides in Buffalo, N.Y.

Merideth Moriarty has joined Smith Hoke PLLC in Albany.

Gregory R. Nearpass has been named a 2013 Up & Coming Attorney by Rochester, N.Y.’s *Daily Record*.

Alexander Stabinski has been named partner at Maynard, O’Connor, Smith & Catalinotto, LLP in Saugerties, N.Y.

2004

Joseph T. Burns has been selected for an American Council of Young Political Leaders delegation to the People’s Republic of China.
Federal Compliance, Protecting Intellectual Property, and 22,000 Employees: Norris ’83 Stays Busy as University General Counsel

Gail Norris ’83, Vice President and General Counsel at the University at Rochester, oversees an office with 15 lawyers and seven professional staff members. Their work spans a vast array of legal matters, ranging from litigation to risk management to the complex legal issues surrounding research, technology transfer and licensing at the university. With an annual operating budget of more than $1 billion and 22,000 employees, in addition to 4,000 undergraduate and 4,000 graduate students, as well as a medical school and large regional hospital, the legal issues she oversees challenge Norris to an extent she could not have anticipated. “I’m working harder than ever before,” she said. “It’s also a lot of fun because my days are so different and the issues that come across this desk are astounding. There is no such thing as a typical day.”

“It is also the most highly regulated organization of all the industries I’ve seen,” she said. Her office handles legal issues ranging from federal regulations on student loans and compliance issues involving federal funding of research projects. Norris and her staff must also deal with legal issues involving byzantine hospital regulations, Medicaid reimbursement and the federal HIPAA law. “I can’t possibly be an expert in all those areas,” Norris conceded. “But I have a staff of attorneys who are truly experts in a particular area. It’s my job to ensure they have the right resources, to offer a second set of eyes when needed and to keep our team of specialty lawyers working efficiently.”

Another major focus of her work involves protecting the university’s intellectual property rights. She developed expertise in that area during the five years she worked as vice president, general counsel and secretary of the biopharmaceutical firm Celltech Americas in Rochester, prior to joining the university. She also directed project leadership for a team of scientists and managers who focused on growth strategy and expansion for the U.K.-based company’s U.S. operations. “It was rewarding work applying all my skills to one company instead of the transactional work I did for a law firm,” she said. Celltech was acquired by a Belgian company, and she did not want to relocate to Georgia since her two daughters were in high school at the time and her husband had his own Rochester law practice.

She and her husband, Mike Norris ’83, met while students at Albany Law. He is now in-house counsel for Sentry Safe in Rochester. Their older daughter, Meg, works in Washington, D.C., and younger daughter Abby is a second-year student at William & Mary Law School.

Norris, the first lawyer in her family, did not set out to become one. She planned to major in journalism at Syracuse University. “But journalism wasn’t what I thought it was, so I added a business major and took introduction courses to anti-trust and labor law which got me interested in the legal field,” she said.

At Albany Law, she was on the Law Review and clerked for three years at the former Albany law firm Roemer & Featherstonhaugh. “It was a very helpful way to bring together what I was learning in the classroom and see how it applied to the actual practice of law,” Norris said. “The breadth and depth of the education at Albany Law School was invaluable. I had a great experience, remember my professors fondly and made lifelong friends.”

Norris spent 18 years in the corporate law practice of Nixon Peabody in Rochester, becoming partner in 1990. She represented private and public companies worldwide on a range of transactions, including mergers, acquisitions and divestitures. “It exposed me to a lot of businesses and I saw what made them effective or not,” she said. “After hopping from company to company for so many years, I was ready to become an in-house counsel.”

Now, Norris is a blogger for the Rochester Democrat and Chronicle’s website. She explains complex legal issues for a general audience. “I was good at keeping the blog posts going until I got the general counsel position,” she reported, although she hopes to get back to blogging on a regular basis soon.

“The breadth and depth of the education at Albany Law School was invaluable. I had a great experience, remember my professors fondly and made lifelong friends.”
Lt. Col. Commands Air National Guard Covering North-South Poles

When Lt. Col. Christine Lennard ’92 took command of the 109th Airlift Wing Force Support Squadron at Stratton Air National Guard Base in Scotia, N.Y., last fall, she began a mission unlike any other in the world. She handles human resources and personnel issues for the 1,200 members of the guard who fly ski-equipped C-130 cargo planes to the most remote and inhospitable places on earth. The 109th is the only unit anywhere with the training and skills to shuttle researchers and their equipment to the polar ice caps in the Arctic and Antarctica. They use skis to land and take off from groomed snow runways in temperatures that can plunge to 50 degrees below zero and where squalls can create brutal whiteout conditions.

Lennard’s job does not require her to test her survival skills at the North and South poles, but each day at work she wears an Air Force uniform and calls upon her legal training, organizational abilities and people skills. “We’re always recruiting new members and sometimes they work out and sometimes they don’t,” she said. “As the Staff Judge Advocate I led full legal reviews to make sure the correct procedures were followed before we discharged any member. In my new position, I’m responsible for overseeing programs ranging from recruiting, staffing and career development to retirements.”

Lennard credits the late Dan Dwyer, a longtime prosecutor and career development to the 109th. “I support the 109th. “I found a way to balance career and family. She realized it would be difficult to work full-time while caring for a newborn, particularly when her husband was deployed. She chose to leave active duty in 1997 when her second child was born and spent the next 15 years raising her kids as a stay-at-home mom. She remained in the Air Force Reserves and served as a judge advocate at the 374th Airlift Wing and Headquarters, Fifth Air Force in Japan for three years, followed by a transfer to the Air Force Legal Services Agency in Arlington, Va., where she handled major tort litigation.

In 2002, she switched to the Air National Guard. “The Reserves and the Guard gave me a lot of opportunities to progress in my legal career while raising four children,” she said. “That allowed me to have a successful career that transitioned with me through motherhood and then allowed me to rejoin the full-time workforce practically without missing a beat. It was the best of both worlds.”

Lennard does not foresee relocating as often as she and her husband did early on in their military careers, roughly a new move after each child was born. “I loved moving that often,” she said. “We’ve been here 10 years now, the longest we’ve lived in one place. Our kids enjoy their one place. Our kids enjoy their schools, they’ve made a lot of friends and we’re settled. My husband and I joke that we can’t move again because I’m too old to have a fifth baby.”

Lennard handles human resources and personnel issues for the 1,200 members of the guard who fly ski-equipped C-130 cargo planes to the most remote and inhospitable places on earth.

She looked back with fondness on her years at Albany Law. Professor Michael Hutter’s Evidence class and Professor Daniel Moriarty’s Criminal Law course were particularly helpful in her future career. She also praised faculty member Serena Stier for encouraging her to join the Client Counseling Team and to read Getting to Yes, a book on the art of negotiation. “That training and experience on the Client Counseling Team has been extremely useful throughout my entire career and even in my personal life,” Lennard said.

Lennard has been preparing for possible furloughs as a result of budget cuts with the federal government’s sequestration. She hopes to fly more with her unit in the future so that she can learn about the polar research National Science Foundation scientists are conducting, with the support of the 109th. “I majored in environmental chemistry as an undergraduate and I still love science, so I’d like to get to Greenland and Antarctica,” she said.

Lennard has been preparing for possible furloughs as a result of budget cuts with the federal government’s sequestration. She hopes to fly more with her unit in the future so that she can learn about the polar research National Science Foundation scientists are conducting, with the support of the 109th. “I majored in environmental chemistry as an undergraduate and I still love science, so I’d like to get to Greenland and Antarctica,” she said.

Lennard does not foresee relocating as often as she and her husband did early on in their military careers, roughly a new move after each child was born. “I loved moving that often,” she said. “We’ve been here 10 years now, the longest we’ve lived in one place. Our kids enjoy their schools, they’ve made a lot of friends and we’re settled. My husband and I joke that we can’t move again because I’m too old to have a fifth baby.”
Billable Hour Gives Way to High Peak Views as General Counsel of Adirondack Park Agency

After more than 30 years of working at the Rochester, N.Y., firm Remington, Gifford & Williams, with every intention of staying, Jim Townsend '71 accepted an offer he could not refuse: general counsel of the Adirondack Park Agency.

With his home and family still in Rochester, Townsend now rents an 1850’s farm house high in the mountains north of Lake Placid and Saranac Lake, 20 minutes from his new employer’s headquarters in Ray Brook, N.Y.

Revamping the Agency’s three-decade old logging rules ... guarantees a long and highly-visible process.

"I have a gorgeous front porch view of Whiteface and Mount Esther," Townsend said, still getting used to his new life. "The work is very demanding and time-consuming but I have been spared the distractions of timesheets and other administrative issues."

But Townsend is no stranger to the largest state park in the country—6.1 million acres, about the size of Vermont—having served 11 years on the Park Agency’s Board of Commissioners as an appointee of Governor Pataki.

Overseeing a staff of seven lawyers, and several other non-lawyers, Townsend names the four most visible issues he currently faces:

- a lawsuit brought by environmental groups and land owners over the proposal for a large development called the Adirondack Club & Resort—a 6,200 acre resort that calls for 700 new homes, 29 camps, and an inn near Tupper Lake, together amounting to the park’s largest development project;
- a lawsuit from environmental groups opposing the Agency’s approval to enhance the snowmobile trail system in the Park;
- classification of the lands recently acquired by the State from The Nature Conservancy which had been acquired from a logging company in the largest addition to the Forest Preserve in decades;
- and revamping the Agency’s three-decade old logging rules, which, given its controversial nature as a lightning-rod, guarantees a long and highly-visible process.

“The nature of this work involves a lot of meetings with all of the stakeholders,” Townsend said. The Agency oversees regulations for public and private land inside the six million acre Adirondack Park. This includes subdivisions, forestry and agricultural uses, campground and recreational planning, water quality protection, local land use planning and unit management planning on State lands.

As a member of the Board, Townsend led the effort to bring the use of float-planes on Lows Lake into conformance with the State Land Master Plan. While the Board later reversed the decision, environmental groups sued and the courts reinstated Townsend’s position to treat Lows Lake as protected wilderness. He also headed the State Lands Committee and the Legal Affairs Committee.

A range of experiences qualified Townsend for the job, but perhaps his "46ers" membership—noted in the Agency’s press release—was the unspoken clincher: Townsend has climbed all 46 peaks above 4,000 feet in the High Peaks region of the Adirondacks.

Townsend started his position in January 2013. He spends most weekends at his Rochester home with his wife, though often he stays in the mountains to spend time skiing or hiking with his grown sons—ages 30 and 31.

“Suddenly they like to visit Dad a lot, particularly on the weekends,” Townsend remarked.

Eric R. Gee has joined Towne, Ryan & Partners, P.C., in Albany, as a partner.

Ian C. Lindars has joined the White Plains, N.Y. office of Goldberg Segalla LLP, as an associate.

Courtney I. McCoy is now an attorney at Curtright C. Truitt P.A. in Fort Myers, Fla.

Adam C. Richardson was featured in Albany, New York’s ‘Rising Stars 40 Under 40’ by City & State. He is Senior Counsel for the N.Y. State Senate Majority.

Jennifer Allinson has been promoted to principal attorney at Lavelle & Finn LLP in Saratoga, N.Y.

Michael R. Hinkley has been named partner in the firm of Donovan & O’Connor in North Adams, Mass.

Stuart Reff has joined Northwestern Mutual Financial Network: The Tronco Financial Group as a financial representative.
Rachel Ryan is an associate at the Albany firm of Drinker Biddle in their Health Care Practice Group and has been elected the first female president of the board at Shaker Ridge Country Club in Loudonville, N.Y.

Cheryl Sarjeant has joined Cannon Heyman & Weiss, LLP in Albany.

Anthony P. Carona has been named Director of Executive Services at the Business Council of New York State, Inc. in Albany.

Brian D. Carr has been elected director at Carter Conboy in Albany.

Aaron Connor has joined the Pierro Law Group LLC in Albany.

Giovanna A. D’Orazio has joined D’Orazio Peterson LLP in Saratoga, N.Y.

Nicole M. Hinman has been appointed to the SUNYIT College Council in Utica/Rome, N.Y.

Joshua Oppenheimer was featured in Albany, New York’s ‘Rising Stars 40 Under 40’ by City & State. He is an attorney at Greenberg Traurig LLP in Albany.

Amanda L. Ordyk is now Vice President of Finance and Development at Junior League of Rochester, N.Y.

Matthew M. Piston has joined the law firm of Evans & Fox LLP in Rochester, N.Y., as an associate.

Matthew Wagener is working for The West Firm in Albany as an associate.

Erin N. Walsh has been named partner at Sheehan, Greene, Golderman and Jacques, LLP in Albany.

Luke C. Davignon, joined the Oneida County (N.Y.) District Attorney’s Office as an assistant district attorney.

Amy L. Earing has been promoted to senior attorney at Lavelle & Finn LLP, in Saratoga, N.Y.

Stuart Kossar has received a Rising Star award from the Junior League of Orange County. He is an attorney at Drake, Loeb, Heller, Kennedy, Gogerty, Gaba & Rodd PLLC in Poughkeepsie, N.Y.

Larry Martinez joined Melzer, Lippe, Goldstein & Breitstone, LLP, in New York City as of counsel.

Carmina Tessitore has joined Renee C. Bauer, LLC, as associate attorney/mediator. The firm is located in Connecticut.

Christopher B. Clark is working as a PMD financial advisor trainee at Merrill Lynch. Casey Dipaola joined her mother’s law practice, the Law Office of Anne Reynolds Copp.

Rebecca L. Kannan has joined the board of directors of The Legal Project in Albany.

Michael W. Macomber was highlighted in the Times Union about his work providing foster care for dogs and puppies. He is an associate at Tully Rinckey PLLC in Albany.

Leah E. Tarantino has joined Underberg and Kessler LLP in Rochester, N.Y., as an associate in the firm’s Litigation Practice Group.

Joshua Boone is working at StateScape, a legislation and regulation analysis company based out of Alexandria, Va.

Stephen T. Buckley has joined The Herzog Law Firm PC in Albany as an associate attorney.

Jeremy Cooney, in addition to his position with the Rochester YMCA, also has an event planning company called Fete Acompli also in Rochester, N.Y.

Sanjeev Devabhakthuni has joined Hiscock & Barclay, LLP, as an associate in Syracuse, N.Y.

Brian M. Dunn has joined Hilton Estate & Elder Law, LLC, in Utica, N.Y.

Peter J. Gregory has been named a 2013 Up & Coming Attorney by Rochester, N.Y.’s Daily Record.

Guinevere Seaward is SALT manager at Cherry Bekarta LLP in Washington, D.C.

Scott R. Swayne has been appointed to the rank of Inspector with New York State University Police. Swayne joins the department’s command staff and continues to serve as a professor of criminal justice and part-time attorney at Vindigni & Betro, PLLC.

Kenneth H. Tyler has joined Mackenzie Hughes LLP in Syracuse as an associate.

Rebecca Wood was featured in Albany New York’s ‘Rising Stars 40 Under 40’. She is the assistant floor counsel for the N.Y. State Senate Majority.

Michael J. Carroll will be working as an associate in Trusts and Estates at the law firm of McCabe and Mack in Poughkeepsie, N.Y.

Julio A. DeArmas is an attorney at Navarro Hernandez P.L. in Miami.

Michael R. Frascarelli has joined Blustein, Shapiro, Rich & Barone in Goshen, N.Y., as an associate attorney.

Ian Group has been hired as an attorney by Goldfarb & Fleece LLP in New York.

Ashley M. Hart is now a technology transfer associate at Research Foundation for Mental Hygiene in Menands, N.Y.

Eric M. Leander joined Couch White LLP in Albany as a member of the Firm’s Banking, Commercial, Corporate and Real Estate practice groups.

Bridget O’Toole has joined Bansbach Zoghlin PC in Rochester, N.Y., as an associate.
“I had one of the best jobs in Washington,” declared Fred Emery ’57. To someone outside the Beltway, it seemed like a bold claim by the man who served as director of the Federal Register, a mind-boggling 90,000 pages of federal statutes, presidential orders, official pronouncements, regulations and federal agency rulemaking in a publication that bills itself as “the daily journal of the United States government.”

It was Emery’s job to ride herd over the staggering minutiae of the federal bureaucracy, to root out jargon and to encourage bureaucrats to write regulations in plain English, while keeping abreast of, well, the U.S. government. In a 1976 profile in the Chicago Tribune, a headline called Emery’s position “bureaucracy’s most perplexing job.”

Emery began his Washington career in 1963 with the Federal Aviation Administration, where he helped to re-codify the aviation safety regulations into the uniform Federal Aviation Regulations. He later was named deputy assistant general counsel for regulation at the Department of Transportation, where he oversaw transportation safety regulations. He served as director of the Office of the Federal Register from 1970 to 1979, where he was responsible for publications such as the Federal Register, the Code of Federal Regulations, the U.S. Statutes at Large and several Presidential publications. He served as a member of President Carter’s task force that drafted an executive order requiring all federal agencies to improve existing and future regulations. As Carter’s point man, Emery began a tireless campaign to replace bloated, jargon-filled and vague language that was difficult to understand with simple, straightforward prose that an average person could understand.

“I had one of the best jobs in Washington,” declared Fred Emery ’57. To someone outside the Beltway, it seemed like a bold claim by the man who served as director of the Federal Register, a mind-boggling 90,000 pages of federal statutes, presidential orders, official pronouncements, regulations and federal agency rulemaking in a publication that bills itself as “the daily journal of the United States government.”

It was Emery’s job to ride herd over the staggering minutiae of the federal bureaucracy, to root out jargon and to encourage bureaucrats to write regulations in plain English, while keeping abreast of, well, the U.S. government. In a 1976 profile in the Chicago Tribune, a headline called Emery’s position “bureaucracy’s most perplexing job.”

Emery began his Washington career in 1963 with the Federal Aviation Administration, where he helped to re-codify the

“Much legalese is both absolutely accurate and totally useless,” he often said. He found time to teach Administrative Law at Antioch Law School in Washington and to chair the ABA’s Standing Committee on Legal Drafting for three years, beginning in 1977. In 1980, he left government service to start his own consulting firm, the Regulatory Group, in Washington, D.C. It continues to provide guidance and training on federal agency rulemaking to federal agencies and other clients with an emphasis on clarity, accuracy and process.

After growing up in Albany and graduating from Union College in Schenectady, where he was in the ROTC program, Emery spent 13 years with the New York Air National Guard based in Scotia while he earned his law degree. He clerked for the Guard’s legal office and landed at the FAA in Washington, D.C. “I started as a low-level federal staff attorney as the head of a small, obscure office that was responsible for publishing all federal regulations,” he recalled. “Albany Law School deserves much of the credit for my being prepared for that assignment and whatever success I had in it.”

Emery soon gained a reputation as an expert in federal regulations and he credited some professors at Albany Law with challenging his assumptions, developing critical thinking skills and an ability to write clearly.

“Ralph Semerad in Con Law was one of the best teachers I ever had,” recalled Emery, who won the Con Law prize and was a member of the Law Review. “He could describe a situation and then explain one side of a potential court outcome that had you completely convinced. Then he would explain the exact opposite result and again have you in total agreement.”

Emery also remembered Professor Samuel Hesson with fondness. “He would ask you a series of questions that led you to a conclusion,” he said. “Then he would ask you questions that led you to the opposite conclusion. After awhile you knew what he was doing so you would try to not let him succeed.”

Emery conceded he initially felt some apprehension in Washington working alongside high-flying law school graduates from Harvard, Yale or Columbia. “I soon found out that passing the New York state bar on my first try was all the credibility I needed and you know who can take credit for that,” he said.

As he became a fixture in the federal government, Emery took pride serving in the role of “Albany Law placement officer.” In the nation’s capital he served as de facto adviser, helped Albany Law students with their resumes and assisted them in setting up interviews for internships or permanent employment in various state agencies.

Emery never allowed himself to become overwhelmed with the bottomless well that is the federal government’s exhaustive rules and statutes. No matter what, work paused for a hallowed family tradition of a long and leisurely Sunday brunch.

Fred Emery ’57

Much legalese is both absolutely accurate and totally useless.
Federal Judge Turns Frequently to Albany Law for Clerks

When Judge Richard K. Eaton ’74 of the United States Court of International Trade in New York City posts an opening for a law clerk position, he is likely to get hundreds of applicants.

“The number is staggering,” Eaton said. He has two law clerks and they are two-year positions that “barely pay a living wage” by Manhattan standards. So far, Eaton has hired six Albany Law graduates as law clerks and a seventh will start this October. “I look for somebody who has done well and who is smart and ambitious. Over the years I have had 16 law clerks from a variety of schools. Albany's graduates rank among the very best,” he said.

“Since the downturn in legal hiring, I’ve turned more steadily to Albany Law School graduates not only because they make very good clerks, but because that extra credential of a Federal Clerkship can be useful when they are looking for a place in a firm.”

“Some of them don’t involve a lot of money and they start as test cases,” he explained. “A Chinese exporter sends a small volume of hammers, for instance, trying to find out how big the tariff is going to be, and a U.S. manufacturer challenges the sale and it ends up in our Court.”

Also, Eaton has increasingly sat by designation on the U.S. Court of Appeals for the Second Circuit and the U.S. District Court, Southern District of New York. “I do this so my law clerks will have experience in all areas of federal jurisprudence,” he said.

When he takes on those additional cases, Eaton walks across Foley Square from his Court of International Trade office to the Daniel Patrick Moynihan United States Courthouse, an apropos setting for Eaton, who served as chief of staff for the late U.S. senator from New York. Eaton was two years out of law school and working with his father in Walton, N.Y., when he volunteered for Moynihan’s 1976 Senate campaign. Moynihan won and hired Eaton to run his Oneonta district office. In quick succession he ran Moynihan’s New York City office, and then to Washington, D.C., to serve as chief of staff. He recalled his years working for Moynihan as the most satisfying of a long and varied career.

After leaving Moynihan’s staff and public service, Eaton was a partner at both Mudge Rose Guthrie Alexander & Ferdon, and Stroock & Stroock & Lavan in New York. He was appointed to the federal judgeship in 2000 by President Bill Clinton.

Eaton’s connection to his alma mater runs deep. His father, Paul Eaton Sr., his uncle, William Eaton, and his older brother, Paul Eaton Jr., all graduated from Albany Law School. “If I was going to law school, I really didn’t have another choice,” he said, adding that he has always “been grateful” for the quality of his legal education.

Eaton and his wife, Susan Henshaw Jones, live on the Upper East Side of Manhattan and their two grown daughters also live in New York City. “We love the city,” said Eaton, whose wife is President and Director of the Museum of the City of New York. It’s a long way from the rural town of Walton in the western Catskills where he grew up. His father ran a one-man law practice and Eaton and his brother worked there during summers while at Albany Law.

Eaton is grateful that his friendship with classmate James N. Benedict ’74, now a partner at Milbank, Tweed, Hadley & McCloy in New York City, survived their years as housemates. They rented a house in Niskayuna with three other law students. | PG
**WHO ARE THEY?**

The first five alumni to correctly name any four people, including graduation year, in either photo win an Albany Law School gift basket. The first five alumni to correctly name any one person, including graduation year, win an Albany Law School shirt.

Submit your answers to Kristin Sheehan, Director of Alumni Affairs, at 518-445-3361 or kshee@albanylaw.edu.

---

**BIRTHS**

Timothy Shevy ’08 and his wife announced the birth of their son, Joseph, on July 23, 2012.

**MARRIAGES**


Ian S. MacDonald ’99 married Renee Giordano on October 7, 2012. The ceremony was officiated by his father, Ian G. MacDonald ’58.

Andrew Barna ’01 and Danielle LaRaia were married on September 22, 2012.

Laura Silverstein ’05 married Joshua S. Reef on September 8, 2012.

Otis E. Simon ’12 and Monica Aldrich were married on August 18, 2012.

---

**JOIN THE CAREER MENTORING Professional Network**

The Career Center has a new initiative to connect you as a career mentor to students, and help provide targeted career advice and insight.

By registering for the online Professional Network, you can identify the organizations that you were a part of as a law student, your undergraduate institution and your practice area. Current students can then search for and contact you based on their own career interests. You can work with as many, or as few, mentees as you wish to provide student support as they navigate through their summer and post-graduation job search.

Go to: www.albanylaw.edu/network. Log in, select the “Profile” tab and then click on “Professional Network” to register. Contact the Career Center with any questions (careers@albanylaw.edu).

---

**Betsy Schulman** is now a Law Clerk at The Law Offices of Ira L. Slade, P.C., in New York.

**Andrea A. Tarshus** was appointed to human resource generalist by Exigence of TeamHealth in Amherst, N.Y.

**Matthew Taylor** has started his own practice, Taylor Law Office, P.A., in Twin Falls, Idaho.

**2012**

Laura L. Mona has joined Hiscock & Barclay in Albany as an associate.

Michael Parsa has joined Barry, McTiernan & Moore in New York as an associate.

Michelle Storm-Butts has joined LaFave, Wein & Frament, PLLC, in Guilderland, N.Y., as a law clerk.

---

**Spring 2013 ALBANYLAW MAGAZINE**
Professor Katheryn D. Katz ’70 passed away on May 30, 2012. She was the first permanent Kate Stoneman Chair in Law and Democracy, from 2007 until her retirement in 2009. When she joined Albany Law School in 1975, she was one of only two women on the faculty.

An award-winning professor at the law school, Professor Katz taught one of the first domestic violence law courses in the nation, as well as other courses in the areas of constitutional law, family law, children in the law and women in the law. A role model to her peers, she inspired and mentored countless students and alumni.

Her first position after law school was as a Reginald Heber Smith Community Law Fellow, which reflected her lifelong concern with justice for the less powerful members of society. She then entered private practice and was the founding partner of Powers & Katz, one of the first female law firms in New York. She also served as an assistant professor at Rensselaer Polytechnic Institute. She received a Kate Stoneman Award in 1995. She published more than 30 articles and book chapters on family law and constitutional law. She served on numerous committees and commissions, including the New York State Governor’s Commission on Domestic Violence, the Civil Rights Committee of the New York State Bar, the New York State Bar’s Special Committee on Biotechnology and the Law, the board of directors of the Legal Aid Society of Northeastern New York, and the Committee on Research on Human Subjects at the Albany Medical Center. Professor Katz loved reading, the performing and visual arts, traveling, and—most of all—time spent with family and friends.

A service for family and friends to celebrate her life was held at Albany Law School on Saturday, June 16, 2012.
Francis X. Wallace Jr. ’49

Francis "Frank" Wallace Jr. died Sept. 21, 2012, in Schenectady, N.Y. A valedictorian of the Class of 1949, he joined the law school faculty in 1970, after 21 years of private practice and some 200 tried cases. Even after his retirement from the faculty in 1987, he soon returned to teach several classes each fall semester as an emeritus. His students remember him fondly from such classes as Property, Civil Procedure, Trial Tactics, Negotiation and Conflict of Laws.

A celebration of Professor Wallace’s life and enduring legacy took place at Albany Law School in the Dean Alexander Moot Courtroom on Saturday, Oct. 6. The memorial was open to the entire Albany Law community.

After serving in the U.S. Army during World War II, Professor Wallace worked at GE’s Turbine Electric Division in Schenectady, N.Y., while attending Albany Law on the G.I. Bill. After practicing with a firm in Schenectady for two years, he went to work at Spencer & Iserman in New York City, where he served as counsel to Webb & Knapp, a litigation and real estate firm. He led a team of attorneys in the largest real estate transaction of its time, involving the purchase of the Chrysler Building and Graybar Building.

Professor Wallace moved to Denver, Colo., to open a Webb & Knapp office in that city, then held senior litigation partner positions at several law firms before returning to New York and Albany Law School. While teaching, he served as the first general counsel for the newly formed New York State Department of Environmental Conservation, then as consultant and outside trial counsel for the New York State Power Authority.

Most recently, Professor Wallace and his wife Joyce Wallace ’73 divided their time between Mission, Texas, and a summer home in Altamont, N.Y. He maintained frequent contact with colleagues and former students at the law school, travelled extensively with his wife in their RV, played drums in a jazz band, and talked to people around the world with his ham radio.
Albany Law Celebrates Class of 2013 at 162nd Commencement

Approximately 200 students walked across the stage at Albany Law School’s 162nd Commencement, held at Saratoga Performing Arts Center in Saratoga Springs, N.Y.

“We are a family, and we have been a family for 160 years,” said Dean Penelope (Penny) Andrews, asking the graduating students to turn around to applaud their families and friends for their support.

Nina Totenberg, legal affairs correspondent for NPR programs such as All Things Considered, Morning Edition and Weekend Edition, delivered the keynote address to the Class of 2013, and Albany Law faculty, staff, family and friends.

“Think about the long haul: what you can do, what you can be, and what matters most,” advised Totenberg, who went on to cite examples from the history of law, as well as more contemporary political events.

Totenberg and Justice Karen Peters of the Supreme Court, Appellate Division, Third Judicial Department, received honorary doctorates at the ceremony, and New York State Bar Association President Seymour James, Jr., received the Dean’s Medal.

Thomas Lamb ’13, president of the class, also addressed attendees, noting that his grandfather, a ’57 Albany Law grad, was still practicing law.

“It feels pretty good to be here today,” said Lamb, drawing applause from his fellow graduates.
Board Chair Mary Ann Cody ’83 conferred degrees.

Professor Beverly Cohen ’87 was given two of three annual faculty awards this year at Commencement—Excellence in Scholarship and Excellence in Teaching—capping off her final year before retiring. Excellence in Service went to Professor Deborah Kearns ’00, Director of the Low Income Tax Payer Clinic.

During this academic year, Prof. Kearns oversaw the representation of more than 90 cases, where she either supervised students who worked on the cases, or handled them directly. Her nominators, from all areas of the law school and community, said: “Professor Kearns is the kind of teacher, lifelong learner, and team member that everyone wants to have. She is energetic and cheerful. She is eager and genuine. She is a participator and a leader, just for the sake of helping others.”

Along with directing the Tax Clinic, Professor Kearns is the immediate past Chair of the Taxation Committee of the Trusts and Estates Section of the New York State Bar Association. She started her legal career as an associate in the Private Clients department of White & Case, New York, N.Y. She has worked as a tax lawyer in private practice as well as for The Ayco Company, L.P., a Goldman Sachs Company.

Chosen from more than a dozen other nominated candidates, Professor Beverly Cohen ’87 was recognized for her teaching, with support from the greatest number of students who called her “outstanding,” “talented” and “dedicated.”

Some student comments included: “She holds herself and her students to high but not insurmountable standards.”

“We understand what she expects;” “She makes herself available to answer questions or problems we have with the course material or our writing.” They praised her assignments returned with “individual feedback” and “model answers.”

Professor Cohen also received the Excellence in Scholarship award, for her contributions to the legal community with her articles on the law of torts, insurance, and health law. Her recent article on the intersection of privacy and the right to interview physicians had been cited by New York State’s Court of Appeals, courts in Indiana and Missouri, and countless briefs, law review articles and treatises.

Professor Cohen, who was a partner at Hinman Straub, Albany, until she joined the faculty in 2002, will retire this year.
The Alternate Constitution of Alton Parker, Democratic Candidate for U.S. President

BY ROBERT EMERY, REFERENCE LIBRARIAN, SCHAFFER LAW LIBRARY

Alton B. Parker, class of 1873, Democratic candidate for president in 1904, president of the American Bar Association in 1907, chief judge of New York’s Court of Appeals 1897-1904, was one of the most eminent graduates of Albany Law School. He was also the exponent of views of the U.S. Constitution and of the common law, now archaic, certainly in eclipse, and very different from those which generally obtain today. They were views typical of nineteenth-century liberalism, sanctified by Jefferson, Jackson and Cleveland, views most prominently espoused by what we would call the conservative “Bourbon” Democrats that largely dominated the Democratic Party in the later 1800s.

(Just to get our terminology straight, remember that in the 1800s a “liberal”—as personified by Grover Cleveland in the United States or by W. E. Gladstone in England—stood for a strictly limited national government with carefully circumscribed powers of taxation, maximum local autonomy and free trade unfettered by government regulation. In other words, a nineteenth-century “liberal” was very similar to what we now call a “libertarian.”)

**Strict Construction**

Judge Parker believed that “the theory of the constitutional form of government which the fathers created was that the National Constitution was created by the people and can be changed only by the people; that within that instrument must be found all the power that may be exercised by it, until and unless the people shall grant to that Government additional powers.” The people created the constitution, and they alone could change it by amendment; both executive and legislature were bound strictly by its terms; the judiciary had the duty to declare statutes invalid when “the legislative body has attempted to exercise a power denied to it by the people through their constitution” (ACG 10, 11). The federal constitution was both a declaration of the people’s rights against federal invasion, and a reservation of powers to the states (19 Yale 402). Strict constitutional construction to protect the rights of the states and the people was the hallmark of Parker’s constitutionalism.

Parker’s views partook of an “originalism” (to use the academic cant phrase) similar to that held by certain members of the Supreme Court today. “When we take up for construction the Constitutions of the time, whether Federal or State, we must have in mind that, then as now, there was a canon of construction requiring that written documents must be construed in the light of the facts and circumstances surrounding their making” (17 Yale 3-4). Constitutional provisions had to be construed not only strictly, but also strictly in terms of their historical meaning when adopted. These views led to interpretations of constitutional provisions that few lawyers would accept today. One example will suffice. Constrained strictly, in Parker’s view, the purpose of the Fourteenth Amendment was specifically to protect African-American citizens against discriminatory state action. It was not intended “to deprive the States of any more power than was actually required by the amendment” (11 Am. Law. 389). The amendment had a narrow, focused intent; any attempt to broaden its application beyond that intent should be subject to judicial invalidation.

**Responsibility of the Judiciary**

Strict construction placed a heavy burden on the judiciary. The courts had to be vigilant in “declaring that certain statutes offend against the people’s Constitution,” despite demagogic charges that they were grasping for power. Similarly, they had to be ready to combat executive overreaching in times of ostensible emergency (Parker was thinking of President Teddy Roosevelt’s threat to militarize the coal industry during widespread labor unrest in 1902) (ACG 11, 23 Yale 632). The object of constitutional government was not efficiency in itself; rather, it was “the greatest good to the greatest number,” and inefficiency on the state and local level was a small price to pay for the preservation of the people’s fundamental rights (19 Yale 404-5).

**Parker’s Common Law**

Nowadays lawyers are universally “analytical jurists”: following such luminaries as Austin, Holmes and Cardozo, they believe that judges make the common law by deciding new cases, reasoning from preexisting precedent to reach new principles in an evolutionary fashion. This view was not generally held in the nineteenth century, and even in the early twentieth conservative jurists like Parker rejected it. For lawyers like Parker, the common law was the legal embodiment of social custom, drawn upon by judges to decide cases: judges did not make the law; their decisions “illustrated” and declared the law; they did not create it.

In the constitutional context, Parker noted that “while the Constitution contains no general grant of legislative power, but instead the grant of enumerated powers, it does grant to the Supreme Court [and the lower federal courts] . . . the entire judicial power of the Federal Government.” Drawing upon the common law, which can “justly solve every problem in civil life,” the federal courts could have checked abuses in interstate commerce, without the necessity for federal statutes of questionable constitutionality and arbitrary executive action at the expense of the reserved powers of the states (17 Yale 5-6, 18). This was *Swift v. Tyson* writ large: an activist federal judiciary applying a national common law to exercise a jurisdiction that a strictly construed constitution denied the president and congress.

Visit albanylaw.edu/alonpark for the full version of this article.
Scholarships allow deserving students to pursue their dreams and make their mark in the legal profession.

WE PUT STUDENTS FIRST IN ALL WE DO. THAT INCLUDES A DEDICATION TO MAKING ALBANY LAW SCHOOL ACCESSIBLE TO ALL OUTSTANDING APPLICANTS, REGARDLESS OF THEIR FINANCIAL MEANS. WE INVITE YOU TO JOIN US IN THAT ENDEAVOR.

---

**Jared DuJack '14**
E. Stewart Jones Sr. ’35 Memorial Scholarship

"Now entering my third year at Albany Law School, I am very grateful to be able to continue to live and learn here. I look forward to using the opportunities I have been given to begin my legal career."

**Keri Vanderwarker '14**
Hon. Thomas W. Whalen III ’58 Memorial Scholarship

"Without this scholarship, I would not have been able to attend Albany Law. I am incredibly indebted to those who have made this fund possible."

**Michelle Mallette ’13**
Hon. John M. Finnerty ’65 Memorial Scholarship

"I always knew that I wanted to one day become a lawyer. However, without financial support that dream would not have been realized."

---

www.albanylaw.edu/makeagift  |  518-445-3218  |  Use the enclosed envelope by June 30
SAVE THESE DATES

AUGUST 11  17th Annual Day At The Races, At the Rail Pavilion, Saratoga Race Course, Saratoga Springs, N.Y.

AUGUST 23  Barrister Soirée & Alumni Awards Presentation Wolferts Roost Country Club, Albany, N.Y.

OCTOBER 4-6  Reunion Weekend 2013 Albany Law School