

ALBANYLAW

MAGAZINE

Citigroup Chair,
Obama Advisor:
Parsons in
the Spotlight

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Professor Moore: Why I Teach

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Searching for Understanding, Respect
When it's not for money or power, it's probably for passion. Alumni over the decades have devoted their careers to defending those less fortunate.
- 26 **PARSONS IN THE SPOTLIGHT**
Catapulted into one of the most powerful and visible executive jobs in the world, Richard Parsons, chair of Citigroup, spoke to a group of alumni this winter about his thoughts on President Obama and the troubled economy.

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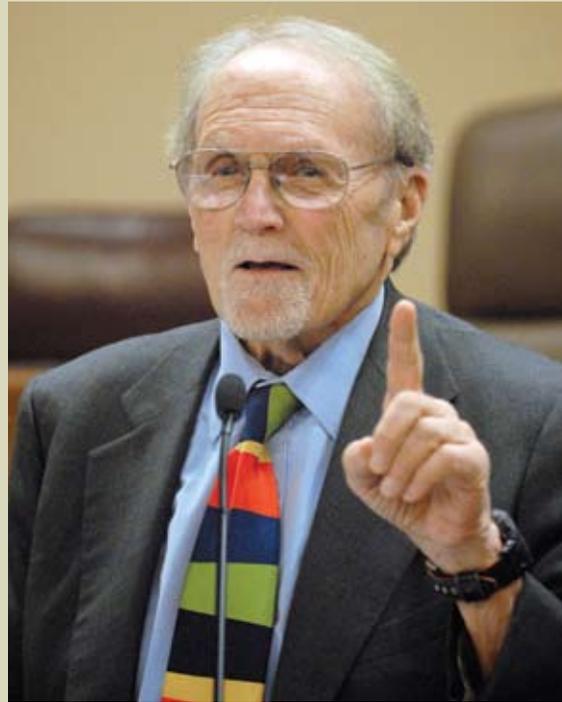
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Above: His daughters Rachel (left) and Sheila described some of their father's favorite things, like cold apple pie, the British comedy show Benny Hill, Peter Seller's Inspector Clouseau character, and all things Brooklyn.



Despite the high honors and weight of the event, Professor Siegel remained his colorful, poignant self.



Professor Connors noted that Professor Siegel is cited in 238 Court of Appeals decisions.



All the members of the Court of Appeals attended. Pictured from left are: Hon. Victoria A. Graffeo, Hon. Robert S. Smith, Professor Siegel, Former Chief Judge Judith S. Kaye, Hon. Theodore J. Jones, Hon. Carmen B. Ciparick and Hon. Eugene F. Pigott Jr. The Hon. Susan P. Read attended but missed the photo.



E. Stewart Jones praised Professor Siegel for a number of traits, including integrity.

Siegel Tribute Draws 200-plus to Honor Career of Renowned Professor

More than 200 people gathered at Albany Law School to celebrate the career of Distinguished Professor of Law Emeritus David D. Siegel in November 2008.

A series of notable figures, including former Chief Judge Judith S. Kaye, Hon. Albert M. Rosenblatt, retired from the N.Y. Court of Appeals, and Michael Garcia '89, former U.S. Attorney now at Kirkland & Ellis, delivered humorous, sometimes emotional and mostly personal remarks.

Midway through the event Judge Kaye and Judge Rosenblatt led the audience in a Gilbert & Sullivan song with new lyrics written by Judge Rosenblatt.

Overwhelmed by the event, Professor Siegel put aside his notes to express his appreciation directly to a packed Dean Alexander Moot Courtroom filled mostly with his students from the past three decades.

After listening to people praise, tease and applaud him for nearly an hour, he declared in signature-Siegel fashion, "Can I talk now?" He quickly assured the group, "I am not retiring. I just stopped commuting."

Other speakers included E. Stewart Jones Jr. '66, Albany Law's Board of Trustees chairman, Connie Mayer, Acting President and Dean at the time, Professor Patricia Salkin, Professor Patrick Connors, Michael E. Getnick, President-elect, N.Y. State Bar Association, and Professor Siegel's daughters Sheela Clary and Rachel Siegel.

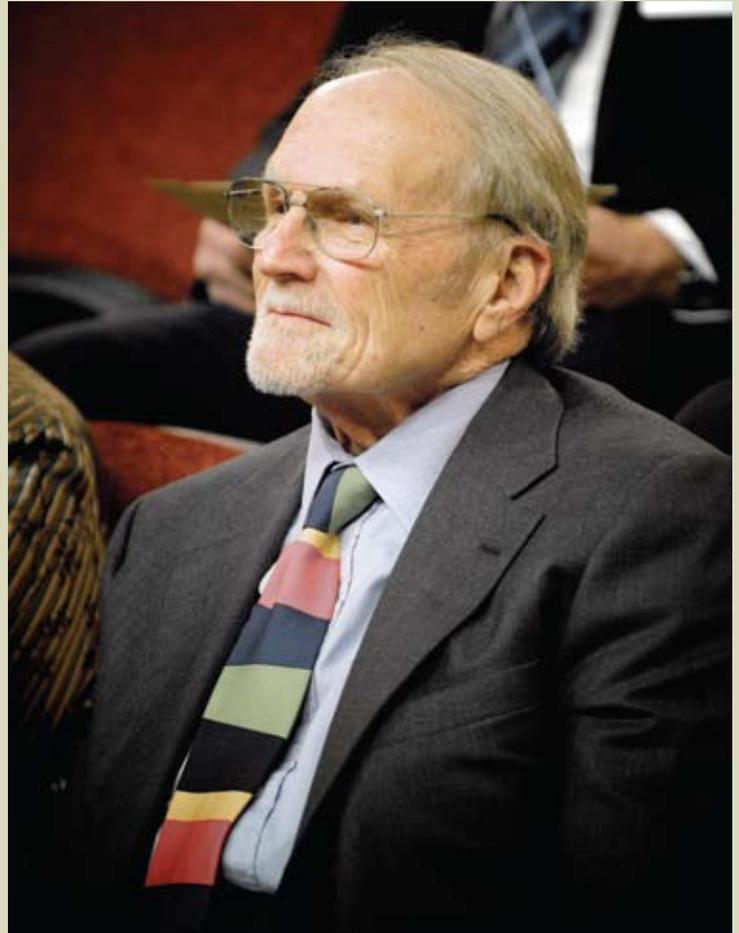
All members of the N.Y. State Court of Appeals attended, along with numerous other dignitaries.

Judge Kaye presented a proclamation by the Court—"totally and completely unofficial"—that resolved, among other items, "to honor our great teacher and friend we will seek the permission of Those In Authority, to rename, retitle, redesignate and recaption the relevant New York statute, from the Civil Practice Law and Rules to the Siegel Practice Law and Rules (to be known henceforth not as the "CPLR" but as the "SPLR")...."

"New York practice is a scene in motion," said Professor Connors in an attempt to paraphrase Professor Siegel's philosophy. "Follow it. Or ignore it at your peril." He's been on a 45-year whistle-stop campaign tour, said Connors, stopping in every county to bring this message to the bar.

Dean Mayer described the low temperatures of Professor Siegel's classrooms, which he maintained to keep his students uncomfortable and alert.

Professor Siegel, who joined the Albany Law School faculty in 1972, has taught and still writes extensively on civil procedure, federal jurisdiction and practice, conflict of laws, and New York practice. He is the author of *New York Practice*, the leading treatise on New York practice, and one of the few commentators appearing in the *United States Code Annotated*.



After listening to people praise, tease and applaud him for nearly an hour, he declared in signature-Siegel fashion, "Can I talk now?"

Albany Law School Will Not Raise Tuition Next Year

Recognizing the significant financial stress that students and prospective students are under, the Board of Trustees accepted the Administration's recommendation that tuition not be increased for the 2009-2010 school year.

"We are pleased that our current and incoming students will not face any tuition increases next year," said President and Dean Thomas F. Guernsey. "Costs, however, continue to rise due to inflationary pressures—from library acquisitions to health care to routine building maintenance—so we need to be diligent in our cost savings moving forward." Guernsey continued: "Staff members of the law school are working to identify areas where we can reduce spending to offset these inflationary pressures without undercutting academic programming."

A survey of other law schools shows sharp tuition increases, from three percent to as much as 15 percent, as well as double-digit budget cuts and the possibility of faculty salary cuts at some law schools.

"We think this is the time, more than ever, to support students," said Guernsey. To that end, he plans to increase the scholarship money awarded next year, up from \$4.3 million this year.

"The affordable cost of living in the Capital Region, coupled with the education and job opportunities that Albany Law School offers, makes our school a great value," said Lauren L. Hunt, president of the Student Bar Association.

Albany Law School's tuition is currently \$38,900, the third-to-lowest tuition rate of the 13 private law schools in New York state.

Albany Law Named Among Top 20 Schools for Public Interest Law

International and employment law also recognized

Albany Law School was named 18th nationally in a list of the top 75 schools for public interest law, as well as among the top schools for international and labor and employment law, in the fall 2008 issue of *preLaw* magazine.

The public interest law ranking was based on three equally-weighted categories: student involvement, including how many recent graduates entered the public interest field; curriculum, including the strength of clinical programs; and financial factors.

A key component of Albany Law School's success here is its Clinic & Justice Center, where more than 250 students during any given semester can represent some 600 clients, helping more

than 1,500 individuals and organizations. The Clinic also offers more than 40 community education programs a year.

Clinics programs offered include: Civil Rights & Disabilities Law Clinic, Domestic Violence Prosecution Hybrid Clinic, Family Violence Litigation, Health Law, Introduction to Litigation, Low Income Taxpayer Clinic, and Securities Arbitration.

preLaw magazine also included Albany Law School among the nation's top 14 institutions for labor and employment law and the top 47 for international law. The publication is distributed to 60,000 students, professors and administrators at more than 300 colleges and universities.

To The Editor:

Seeds of mortgage crisis extends back decades

In your Fall '08 issue (pages 36–37), Assistant Professor Raymond Brescia's scholarly "Perspective" on the sub prime mortgage crisis should not be permitted to stand without a different perspective. He exclusively blames predatory lenders who took advantage of the poor and minorities by encouraging them to buy homes with sub prime mortgages for which they had too low an income and

insufficient or no assets.

The simple truth is that, using skewed studies of bank loans to minorities, well-intentioned social reformers such as ACORN brought pressure on the Carter and Clinton administrations to have Federal laws changed to pressure lenders to give mortgage loans to the poor and minorities. Had Prof. Brescia examined changes in the Home Mortgage Disclosure Act, the Community

Re-investment Act, as well as Fannie Mae and Freddie Mac Regulations, he would have found the keys which opened the doors to his vile predators. More importantly, traditional banks were forced to succumb to irresistible government pressure to make those loans. This is the kind of misdirected socially-motivated government interference in sound economic and financial principles which

inevitably leads to the kind of economic calamity now facing our nation and for which the taxpayers ultimately will pay. Truly, "No good deed goes unpunished."

Prof. Brescia should learn that lesson before he attempts future analyses of government-created economic debacles.

Harry J. Love '52

New Professors Join Faculty at Albany Law School



**Raymond
Brescia**
*Assistant
Professor
of Law*

*B.A., Fordham University
J.D., Yale Law School*

Professor Raymond Brescia, currently a Visiting Assistant Professor of Law at Albany Law School, will join the faculty in July. His recent publications address the sub-prime mortgage crises and legal housing issues. He was the Associate Director of the Urban Justice Center in New York, N.Y. He also served as an adjunct professor at New York Law School from 1997 through 2006. He was a staff attorney at New Haven Legal Assistance and the Legal Aid Society of New York, where he was a recipient of a Skadden Fellowship after law school. He also served as law clerk to the Honorable Constance Baker Motley, Senior U.S. District Court Judge for the Southern District of New York. While a student at Yale Law School, Professor Brescia was a student director of several clinics, and was Visiting Lecturer in Yale College.



**Keith
Hirokawa**
*Assistant
Professor
of Law*

*L.L.M., Lewis and Clark Law School
J.D., University of Connecticut
M.A., University of Connecticut
B.A., Ursinus College*

Professor Keith Hirokawa, who will join the Albany Law faculty in July, is currently an Associate Professor at Texas Wesleyan University School of Law, bringing his interests in environmental and natural resources law, land use, property law, and jurisprudence to the faculty. In Oregon and Washington, Professor Hirokawa was involved with community groups and nonprofit organizations. He continues his involvement with the ABA's State and Local Government Law Section as editor of the *Government Law News*. Prior to joining the faculty at Texas Wesleyan, Professor Hirokawa taught land use law as an Adjunct Professor at the University of Oregon School of Law.



**Elizabeth
Renuart**
*Assistant
Professor
of Law*

*J.D., Columbus School of Law
B.A., LeMoyne College*

Professor Elizabeth Renuart, who will join the Albany Law faculty in July, is currently an attorney with the National Consumer Law Center (NCLC) in its Boston office, focusing on predatory lending, Truth in Lending, consumer credit issues, and sustainable homeownership issues. She co-authored two of NCLC's treatises, *Truth in Lending* and *The Cost of Credit: Regulation and Legal Challenges* and one of NCLC Reports, *Credit & Usury*. She is also the principal author of the recently published *Stop Predatory Lending: A Guide for Legal Advocates*. She was the managing attorney of a legal services program in Baltimore, Md., that provided representation to homeowners in danger of losing their homes.



**Gerald
Rock**
*Assistant
Professor
of Law*

*J.D., Albany Law School
B.A., Manhattan College*

Professor Gerald Rock is currently an assistant attorney general in the Litigation Bureau of the N.Y. State Department of Law. He represents the state in civil actions and proceedings in state and federal court. In federal court he has extensive jury trial experience, handling all types of litigation including civil rights and employment discrimination. Before that he was a litigation assistant at the law firm DeGraff, Foy, Kunz & Devine, with an emphasis in employment discrimination. He was a law clerk for the U.S. Magistrate Judge David R. Homer from 1997 to 1999.

Too Many Lawsuits? Try Too Few: Scholars Gather to Debate the Topic



Professor Lytton



University of Michigan Law Professor Steven Croley

Leading scholars from top law schools—including Harvard, Yale, NYU, Michigan, Vanderbilt, Texas, and Berkeley—gathered at Albany Law School to discuss University of Michigan Law Professor Steven Croley’s book manuscript on reforming the civil justice system.

Croley contends that fears of frivolous litigation are exaggerated, and that the real problem with the civil justice system is that many individuals with legitimate claims do not have access to the courts. In many cases, their valid claims are just too small to pay the significant costs of suing.

“Croley’s controversial thesis,” explained Albany Law Professor Timothy Lytton, “is that the litigation crisis is not a problem of too many lawsuits—but of too few lawsuits.”

Under the auspices of Albany Law’s Government Law Center, Professor Lytton organizes day-long discussions each semester to help scholars develop their theories through an exchange of ideas and support among peers.

“These Government Law Center book manuscript conferences gather experts from around the country to test new ideas aimed at addressing some of the nation’s most persistent policy problems,” said Professor Lytton, the Albert and Angela Farone Distinguished Professor of Law. In addition to civil justice reform, conferences have dealt with gun control, civil rights, and the manipulation of science in regulatory agencies.



Back row from left: Thomas F. Burke, Wellesley College; Wendy E. Wagner, Case Western Reserve University School of Law; Kyle D. Logue, University of Michigan Law School; Stephen D. Sugarman, University of California at Berkeley School of Law; Raymond Brescia, Albany Law School; Catherine M. Sharkey, New York University School of Law; Michael I. Krauss, George Mason University School of Law; Michael W. McCann, University of Washington; Anthony Sebok, Benjamin N. Cardozo School of Law; Peter H. Schuck, New York University Law School. Front row from left: Professor Lytton; Martin Bienstock, Esq., N.Y. State Dept. of Health; Professor Elizabeth Chamblee Burch, Florida State University College of Law; Steven P. Croley, University of Michigan Law School; David E. Bernstein, George Mason University School of Law; Richard A. Nagareda, Vanderbilt University Law School; Jed Shugerman, Harvard Law School.

Children's Rights Forum Seeks to Fill Gap for N.Y. where U.S. Fails



Professor Grahn-Farley organized and led the event.

Every United Nations member nation—with the exception of Somalia and the United States—has agreed to be bound by the 1990 U.N. Convention on the Rights of Children.

This semester Albany Law hosted a forum to compare N.Y. state law with the values articulated in the U.N. resolution. Students led the morning discussion dissecting several of the 54 Articles, ranging from issues of abuse, adoption, healthcare, juvenile justice and education. Discussion moved outside typical boundaries, even questioning whether the age of 18 was the best time to end a person's minority status.

Led by Albany Law Professor Maria Grahn-Farley and co-sponsored by the N.Y. State Division of Criminal Justice Services, notable guests included Gladys Carrion, commissioner of the N.Y. State Office of



Professor Kathe Klare, an expert and book author on special education laws, detailed education system problems that need to be addressed in New York and the country.



Marwa Elbially '10 presented the U.N. resolution's approach to the involvement of children in armed conflict and specifically effects on children in N.Y. state.

Children and Family Services, Albany County Family Court Judge Margaret T. Walsh, and Kathryn Grant Madigan '78, former president of the N.Y. State Bar Association.

GLC Partners with Law Schools to Educate on Land Use Issues

Albany Law School's Government Law Center, the Cornell University Community and Rural Development Institute and the Land Use Law Center of Pace University will work together to educate local governments and citizens on issues around land use, climate change, economic development and other issues concerning municipalities.

Specifically, the parties have agreed to work together to broaden the reach of the Land Use Leadership Alliance Training Program (LULA), developed by the Land Use Law Center. LULA is a four-day course that teaches participants how to use land use law, conflict resolution, and community decision-making techniques to accomplish sustainable community development. It was designed to put needed technical and process tools in the hands of local leaders whose decisions create the land use patterns that will determine, in large measure, the quality of life, the economy, and the environment of their communities.

"This program has significant potential to reduce municipal exposure to the high costs of unnecessary litigation resulting from an often contentious land development process," said Patricia Salkin, Director of the Government Law Center of Albany Law School. "We are pleased to be working in

partnership with both Pace and Cornell Universities to customize leadership training for community stakeholders that promotes sound community development practices."

The training introduces participants to more than 50 land use techniques available to local governments in New York to shape and control land use patterns and create sustainable communities. The training program also introduces collaborative decision-making negotiation and alternative dispute resolution. Extensive breakout sessions explore the many opportunities that exist in the local land use process to prevent and resolve the types of land use controversies that typically occur as development and conservation projects are proposed and debated. Also covered in the training program are comprehensive planning and citizen participation and how they can be employed to create a positive framework for all land use decision-making at the local level.

Pace Law School Professor John Nolon, founding director of the Land Use Law Center stated, "The signing of the MOU between programs at Pace, Cornell and Albany Law School could not come at a better time as communities across the State struggle with complex and challenging sustainability issues."



Chief Justice Randall T. Shepard of the Indiana Supreme Court delivered the opening remarks.



God and the Land: Land Use and Religion Experts Examine Zones of Intersection

The definition of religion in our society, the political and constitutional implications arising from the intersection of religion and land use, and a multidimensional legal perspective in the wake of a fury of litigation concerning RLUIPA were topics addressed at “God and the Land: Conflicts Over Land Use and Religious Freedom.” The three-day symposium in October, presented by the *Albany Government Law Review*, featured more than a dozen experts in the field of land use law and religion, including the Hon. Randall T. Shepard, Chief Justice, Indiana Supreme Court, who gave the opening remarks titled “Defining Community in a Society Focused on Rights.”

The event also included the Edwin L. Crawford Memorial

Lecture on Municipal Law, given by Marci Hamilton, Cardozo School of Law. She spoke about why RLUIPA is an unconstitutional establishment of religion.

Along with several panels of experts, the third highlighted speaker was the Hon. Michael McConnell, S.J. Quinney School of Law and the 10th U.S. Circuit Court of Appeals. McConnell was the Edward C. Sobota '79 Memorial Lecture. He gave an overview of the judicial interpretation of the constitutional religion clauses. The *Albany Government Law Review's* spring 2009 issue features the scholarship presented at the event. To listen online or to download the lectures, visit: <http://podcasts.classcaster.org/blog/archives/2008/10/>.



Professor Patricia Salkin, a land use expert, and Professor Paul Finkelman, a constitutional law expert, helped coordinate the three-day event sponsored by the Albany Government Law Review and the Government Law Center.



Marci Hamilton, Cardozo School of Law, gave the annual Crawford Lecture at the conference.



The Hon. Michael W. McConnell presented the Sobota Memorial Lecture.

Media Turn to Professor Bonventre on Judge Kaye Replacement



Journalists from across New York state turned to Professor Vincent Bonventre to provide clarity and context around the process to replace New York State Chief Judge Judith S. Kaye. Professor Bonventre kept careful tabs on each development in the search, frequently updating his blog and attracting the attention of a number of reporters and editors.

Professor Bonventre was quoted at length in dozens of articles, including the *New York Times*, *Daily News*, *Associated Press*, *Gannett News Service*, *Buffalo News*, *Albany Times Union*, *Binghamton Press & Sun Bulletin*, *Westchester Journal News*, *Schenectady Daily Gazette*, *Ithaca Journal*, *Cortland Standard*, *Utica Observer-Dispatch*, *Adirondack Daily Enterprise*, *Oneida Daily Dispatch*, *Kingston Daily Freeman*, *Troy Record*, *Elmira Star-Gazette*, *Poughkeepsie Journal* and *Watertown Daily Times*. He was also interviewed on National Public Radio and wrote a related opinion piece for *Newsday*.

Among his quotes:

“The Court of Appeals is in the business of settling the law and making the law when it isn’t there,” said Vincent M. Bonventre, a professor at Albany Law School who studies the Court of Appeals. “It’s very, very different than being on a lower court.” *New York Times*, “Chief judge nominee is long on efficiency, short on cases,” 2/10/2009.

“It’s certainly an unusual pick even if it’s not a surprising one,” said Vincent Bonventre, an Albany Law School professor and Court of Appeals expert. *New York Daily News*, “Sheldon Silver pal gets court nod from Gov. Paterson,” 1/13/2009.

“There’s been criticism of the commission, including by myself, that the lists produced are pretty weak, especially for New York, which has more legal talent than anywhere on the planet,” Bonventre said. “I think it’s the strongest list in the three decade history of the commission.” *Associated Press*, “Data show increase in minority judges,” 12/2/2008.

“Ultimately, Paterson is going to pick someone from the list,” said Vincent Bonventre, an Albany Law School professor and longtime court watcher. He said no governor has ever refused to select from the commission’s list. *Buffalo News*, “Paterson critical of judicial finalists,” 12/2/2008.

Professor Bonventre’s blog, www.newyorkcourtwatcher.com/, provides ongoing commentary on, and analysis of, the U.S. Supreme Court, the N.Y. Court of Appeals, and other courts.

Find us online at:

Blogs

Law of the Land

<http://lawoftheland.albanylaw.edu>

Best Practices for Legal Education

<http://bestpracticeslegaled.albanylawblogs.org>

New York Court Watcher

<http://newyorkcourtwatcher.com>

Community Benefits Awards

<http://communitybenefits.blogspot.com>

Technology at Albany Law School

<http://albanylawtech.wordpress.com>

Schaffer Law Library Blog

<http://albanylawlibrary.wordpress.com>

Diversity at Albany Law School

<http://albanylawdiversity.wordpress.com>

The Albany Government Law Review Fireplace

<http://glrfireplace.albanygovernmentlawreview.org>

Same-Sex Union in the Conflict of Laws

www.samesexconflicts.com

Sites

Law School Web site

www.albanylaw.edu

Kate Stoneman

www.katestoneman.org

GLC’s Government Law Online Clearinghouse

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Professor Bloom Named Chair of NYSBA Trusts & Estates Law Section



Professor Ira Mark Bloom, the Justice David Josiah Brewer Distinguished Professor of Law at Albany Law School, has begun serving as Chair of the Trusts and Estates Law Section of the New York State Bar Association for a one-year term during 2009-2010. As the first academic to serve as chair of the almost 5,000-member section, Professor Bloom will preside over a 16-committee Section pursuing a wide-range of issues.

“The Section is involved in all aspects of trusts and estates practice,” said Professor Bloom. “We analyze topical issues, draft legislation and provide relevant continuing legal education to practitioners.” He pointed to notable achievements of the Section, such as enactment of new power of attorney legislation that will be effective in 2009, and the creation of unified forms throughout the Surrogate’s Court system referred to as “HOT DOCS.”

Professor Bloom has taught at Albany Law School for 30 years, and before that for five years at Loyola University College of Law in New Orleans. He began his legal career as a trial and appellate attorney with the U. S. Department of Justice, Tax Division, Honor’s Program after graduating from Syracuse University College of Law.

Professor Bloom is a nationally-recognized expert in the estate planning field. His writings include numerous law review articles, eight co-authored national casebooks and *Klipstein & Bloom, DRAFTING NEW YORK WILLS*, a two-volume, 20-chapter work published by LexisNexis.

Seniors Get Free Legal Advice

Hundreds of senior citizens and their family members received free legal advice this past fall from attorneys, Albany Law School professors, and other area experts. Presented by the Government Law Center, The Capital Region’s Fifteenth Annual Senior Citizens’ Law Day took place on Oct. 25, 2008, at Albany Law School.

Richard Iannello, Executive Director of the Albany Guardian Society, delivered the Nancy M. Sills ’76 Memorial Lecture on “Ten Things I Wish I Knew Before I Got Old,” available on line at podcasts.classcaster.org/index.php.

Volunteers from the New York State Bar Association’s Elder Law Section sat with individuals for 30 minutes sessions.

The free event featured seminars on legal, health and financial topics of current importance to seniors and their families, including connecting caregivers to community resources, surviving a money crunch, and navigating the estate planning world.

Albany Law School faculty participating in the program were: Professor Beverly Cohen; Professor Christine Sgarlata Chung, Director of the Securities Law Clinic; and Professor Deborah S. Kearns, Director of the Taxpayer Clinic. In addition, the following students from the Securities Arbitration Clinic made presentations at the program: Megan Burke, Lynn Evans, Yumi Frost, David Leimgruber, Peter McCormack, Kristofer Ostrom, and Jonathan Rogow.



New York's Law Review Commission, Housed at Albany Law, Recommending Changes to Liquor Laws and Power-of-Attorney

The sale of liquor in New York state is largely regulated by laws written in the 1930s, driven by post-Prohibition issues. Likewise, New York's power-of-attorney laws, written in 1948, were crafted for reasons very different from how the law is used today.

Both of these examples represent the type of laws the Law Review Commission evaluates with an eye toward amending or proposing new legislation.

The Commission's main office, led by Director Rose Mary Bailly, and Assistant Director Barbara Hancock, is housed at Albany Law School, where it's been since 2001. Professor Michael Hutter serves as one of the five Governor-appointed Commissioners.

"The laws brought to our attention are generally out-of-date,

and affect a lot of people and-or commerce," said Professor Hutter. "To do this work impartially, we bring into the process all the stakeholders, look at other state laws, as well as explore uniform proposals that might exist; occasionally we hold public hearings when appropriate."

Once the Commission completes its review process, it makes recommendations to amend existing laws, or it proposes new legislation. Issues are brought to the Commission's attention through a variety of sources, including the legislature, the Governor, bar associations, judges, lawyers and laypersons.

"The Commission also identifies laws on its own that need revising," explained Bailly. "When we get a request, the



Rose Mary Bailly, Director of the Law Review Commission.



Prof. Michael Hutter, one of five Commissioners.

first thing we do is determine whether the problem merits further study. Sometimes the problem requires only a few tweaks to the existing law and may be more appropriate work for a government agency."

"It makes sense for the Commission's main office to be

located at Albany Law School," Hutter explained. "It provides the Commission the resources of a law school—student interns perform significant research—the neutrality of an academic setting, and access to the Albany-based decision-makers of the interested parties."



Program Places Students of Color in Key Intern Spots

The Albany County Bar Association's (ACBA) Diversity Internship Program celebrated the conclusion of its 17th semester in November with a special reception at the New York State Court of Appeals hosted by former Chief Judge Judith Kaye. Twelve Albany Law students successfully completed internships through the program.

The students were placed at law firms and corporate legal departments for 10-week paid internships, receiving assignments equivalent to the work expected of a junior-level associate.

Albany Law's most recent incoming class is the most diverse in the institution's history, with 25 percent of the new students representing minority groups.

Pictured from left are: Jillian Kasow '10, Ali Chaudhry '10, Judge Kaye, Phillip McKie '10 and Nan Zhang '10.



The seven lawyering professors are, from left, Rosemary Queenan, Jenean Taranto, Dorothy Hill, Deborah Mann, Evelyn Tenenbaum, Kathleen Whalen and Pamela Armstrong.

Lawyering Program: The 1L Boot Camp for Legal Writing and Thinking

Few things can advance a law student's career faster than strong legal writing. More than a mastery of language, it demonstrates the possession of legal insight. To write a decent brief reflects a knack for analysis, for understanding both sides of an argument, and for pretty much every other component required to think and act like a lawyer.

Paul Timpone '11, a business and computer science major at Northeastern University, was taught there to write simply and to the point. This bare-boned technical approach should have transferred naturally to the Lawyering Program, a year-long course required by all first-year students at Albany Law School.

"The structure of legal writing was new to me," Timpone said, after his first semester this year. "It took me a while to get comfortable. I still have to work

through several drafts before turning in the assignments."

Professor Pam Armstrong, one of seven lawyering professors, said Timponi "learned to nail his writing assignments in only one semester. After a brief struggle he sort of took himself over the hump."

The program, like many at the law school, seeks to integrate theory and practice through assignments grounded in simulated cases. "We give students their first experience with the entire legal system, including appeals," explained Professor Deborah Mann. "This process opens their eyes to the multiple layers of rules, communicating, and issues around ethics and professionalism, for starters. Students are introduced to their different roles as researchers, counselors, advocates, and colleagues."

At the heart of the program is

a hypothetical case each student works through, integrating civil procedure, legal research, client interviewing, legal and fact analysis, memo writing, and oral arguments before professors, alumni, and their peers.

The seven lawyering professors—who also include Dorothy Hill, Rosemary Queenan, Jenean Taranto, Evelyn Tenenbaum, and Kathleen Whalen—each teach two class sections of some 20 students each. "We coordinate closely as a group, particularly since our courses share the same mission," said Professor Armstrong. "Similarly, we encourage peer-to-peer help with our students. Students learn from each other, and learn the added value of cooperation."

"I tell them to practice at the highest level," said Professor Mann. "This is the beginning of their lifelong careers. Their

credibility starts here and now. These peers are your peers for life."

"While I stumbled at first, this stuff gets inside you quickly," said Timpone of the skills he's learned in the class. "Now, when I read, say, a magazine, I'll just skim the article in search of the meat and potatoes."

"It's worth noting," Professor Armstrong said, "that his writing samples have earned him some good interviews and should ultimately lead to a job."

"This is the beginning of their lifelong careers. Their credibility starts here and now. These peers are your peers for life."

Speed Mentoring: Career Help 5 Minutes at a Time

Judge Helena Heath-Roland mentors Brittany Linder '11 about attorney-life, recommending strategies to begin a career and offering insight and advice on issues unique to the female experience within the legal community. Judge Heath-Roland was one of eight women from the Capital District Women's Bar Association who spent time on campus this spring semester to speak to students one at a time for five minutes each.



High Court Judges Describe their Toughest Call

A panel of high court judges from four states talked about their most difficult court cases, noted in part for the controversy, the high-stake consequences and the legal ramifications. The Lawrence H. Cooke Annual Symposium entitled "Tough Call," organized by the 70-year-old *Albany Law Review*, featured, from left, Justice Robert S. Smith, New York Court of Appeals, Connecticut Supreme Court Acting Chief Justice Maureen McKenna Goldberg, Rhode Island Supreme Court Justice John M. Greaney (Ret.), and Massachusetts Supreme Judicial Court Justice Flemming L. Norcott Jr.



Professor
Luke
Bierman

Students

Professor
Suzanne
Dugan

IT Spotlight: Students Attend Government Ethics Class through Home Webcam

Six students in Washington, D.C., for the Semester in Government externship take their Government Ethics class via webcam from their D.C. homes.

Instead of videoconferencing from a single location, as in the past, the students use webcams in their apartments to attend class virtually. They join 15 classmates who attend the class on Albany Law's campus, which is taught by adjunct professors Luke Bierman and Suzanne Dugan.

The webcam system is web-based and provides a visual and audio exchange. In addition, each class can be recorded and saved for future reference. Students can type questions and answers that appear on screen in the classroom, or exclusively on the professor's laptop.

DAY



KATE STONEMAN



“I want to make it so humiliating for them to do it wrong, it’s just easier for them to do it right.”

Corporate-govern

“Nell was there first. She has been fighting the good fight on this issue for many, many years. She helped invent the field of corporate governance,” said Professor Christine Chung to introduce Nell Minow as the keynote speaker for the 15th Annual Kate Stoneman Day on March 3 in the Dean Alexander Moot Courtroom.

Minow quickly made clear her approach to influence corporations: “I want to make it so humiliating for them to do it wrong, it’s just easier for them to do it right.”

Minow is a co-founder of the Corporate Library, an independent research firm focusing on corporate governance, and a co-author of the book *Corporate Governance*, now in its

Keynote speaker Nell Minow at the 15th Annual Kate Stoneman Day.



ance pioneer delivers keynote at Kate Stoneman Day

By Nick Crouse

fourth edition. She has been named one of the 20 most influential people in corporate governance by *Directorship* magazine and “the queen of good corporate governance” by *BusinessWeek* Online.

Throughout her presentation, she described mistakes, oversights and other factors contributing to financial turmoil for big business, including CEO compensation and outrageous contracts and incentives. “I think CEOs should have to make the same disclaimer that mutual funds do: Past performance is no guarantee of future performance.”

Minow was one of three women to receive a Kate Stoneman Award, given annually to individuals who are committed to actively seeking change and expanding opportunities for women in the legal profession.

Catherine Cerulli, the director of the Laboratory of Interpersonal Violence and Victimization and a professor with the Department of Psychiatry in the School of Medicine and Dentistry at the University of Rochester, and Anne Reynolds Copps '81, an attorney in private practice, also received Kate Stoneman Awards for their efforts on behalf of women in the legal profession. Copps was introduced by her daughter, Katherine Copps, a third-year student at Albany Law.



Catherine Cerulli

The awards are presented in honor of Kate Stoneman, the first woman admitted to practice law in New York state and the first female graduate of Albany Law School in 1898. Previous winners span a variety of public and private practitioners, judges, and law professors, including Hon. Judith S. Kaye, Melissa Mourges, Mary O. Donohue, and Lorraine Power Tharp.

Kate Stoneman's great niece to donate personal effects

Kate Stoneman's great niece, Frances Pickin Florio, recently contacted the law school after browsing online led her to discover *Pioneering Women Lawyers: From Kate Stoneman to the Present*, a book published by the ABA and edited by Professor Patricia Salkin, featuring a dozen keynote speeches from Kate Stoneman Day.

Ms. Florio relayed that Kate Stoneman has long been a role model for the family, and that her advice to female family members to pursue higher education has been passed through the generations. Florio, who currently resides in New Jersey, has offered to donate a number of items owned by Kate Stoneman, including personal correspondence and a purple silk dress dating from the 1880s.



Anne Reynolds Copps '81



Katherine Copps '09 introduced her mother, pictured above.

Women's Hall of Fame to Induct Kate Stoneman

The National Women's Hall of Fame has announced Kate Stoneman as one of its three historic figures for its 2009 inductees. Seven living women will also be inducted.

The weekend-long celebration will be held at the Hall of Fame in Seneca Falls, N.Y., from Oct. 10-11, 2009. The 10 women will join the 226 women already in the National Women's Hall of Fame, the first national membership organization celebrating the accomplishments of great American women.

“Overcoming sexism, stereotypical expectations of women, and personal obstacles, each has become a stellar example of greatness in her respective field,” said the Hall's executive director Christine Moulton.

The other two historical figures are: poet Emma Lazarus (1849–1887) whose words are engraved in the Statue of Liberty: “Give me your tired, your poor / Your huddled masses yearning to breathe free,” and Rebecca Talbot Perkins (1866–1956) who created an organization to provide foster care and adoption services to countless families across the country. For more, visit www.great-women.org or www.stoneman.org

NATIONAL
WOMEN'S
HALL OF FAME

Moot Court Competitions Foster Practical Application of Legal Lessons

From competing against each other to orchestrating competitions for other law schools, more than 100 Albany Law students participated in the moot court program over the past several months.

The program promotes skills in areas like trial advocacy, appellate advocacy, client counseling and negotiating through both intramural and interscholastic competitions.

The moot court program also engages the broader legal community, with dozens of members of the local bar association, state and federal judges, and Albany Law professors volunteering their time and expertise as judges for the competitions held on campus.

Twenty-two teams from 21 law schools around the country participated in the 21st Annual Domenick L. Gabrielli National Family Law Moot Court Competition, hosted by Albany Law. Participating institutions in the only competition of its kind in the nation included law schools from Northeastern University, Seton Hall, The University of Texas, and the University of California–Gould School.



James Foster '10 and Peter McCormack '10 argued a product liability case in front of five state and federal judges to emerge as the winning team in the 2008 Domenick L. Gabrielli Appellate Advocacy Competition.



Francine Campbell '09 (left) and Megan Burke '10 competed in the American Bar Association (ABA) Negotiation Competition National Finals at the ABA Midyear Meeting in Boston this past February. After placing second at the regional competition in New York City, the two students advanced to the semi-final round in the national competition, placing 13th out of 224 teams.



Albany Law's team of Matthew Laroche '10 (left) and Peter Mancuso '10 took first place over 38 other teams from across the nation at the John J. Gibbons Criminal Procedure Moot Court Competition at Seton Hall University in March. Laroche was also named Best Preliminary Round oralist and Best Final Round Oralist.



Robert Salkin '10 won the 2008 Donna Jo Morse Client Counseling Competition in November. The competition simulates a law office consultation in which law students assume the role of attorneys conducting an initial interview with a prospective client with a pressing legal situation.

Student Learns Chinese M&A Laws Firsthand through Shanghai Visit

By Megan Burke '10

As part of my J.D./M.B.A. joint-degree program, I spent 10 days last semester in Shanghai touring the city and meeting with business leaders from multinational companies with a specific focus on M&A laws in China that I hope will bring me one step closer to a career in transactional law.

The learning experience was part of a Union Graduate College's MBA course taught through independent research, individual meetings with the professor and no traditional "classroom" learning, culminating in the trip to China with my classmates where we met with companies like Coca Cola, GM, and the law firm O'Melveny & Myers.

As a native Manhattanite, I grew up surrounded by tall buildings. But I was taken aback by the abundance of skyscrapers—its population is twice that of New York City—and the unique architecture that reflected Chinese cultural values.

Throughout the course, we were each assigned to conduct extensive research about a Chinese business issue relevant to our individual professional goals, with the objective of verifying and bolstering our research during a trip to Shanghai, China. Because I

have held a longstanding interest in becoming a transactional lawyer, I chose to write my paper about M&A law in China and how recent Chinese legal developments have impacted the country's deal landscape.

I researched both the recently enacted "new M&A rules" which were implemented in China in 2006 and the relevant merger provisions of the subsequently enacted Anti-Monopoly Law. I also interviewed attorneys, who attended law school in both the United States and China, about the impact of these rules on their practices. My research has specifically focused on M&A transactions that took place in China or that involved a Chinese entity that has a particularly large stake in a deal, as those transactions are most significantly impacted by the new provisions.

In addition to attending the scheduled lectures and meetings at companies, I arranged my own meetings with M&A attorneys in Shanghai, whom I contacted in advance of the trip—mostly by contacting them through email after reading articles they had written which pertained to my research. I found it exciting to hop in a cab and give the driver the directions (which had been written in Chinese for me in advance) to the law firm, as



Megan Burke in China. She will spend the summer in Washington, D.C., in the SEC's Summer Honors Law Program.

it gave me the opportunity to explore Shanghai on my own. It was insightful to get the first-hand perspective of M&A attorneys who practice in China, and compare their comments regarding the impact of these new regulations with those made by American attorneys whose clients engage in transactions in China.

I presented my paper, entitled *Adapt or Die: A Comparative Analysis of the American and Chinese Legal Approaches to the M&A Deal*, at Union Graduate College in January and have also entered the paper in an ABA sponsored competition.

Equally important to our business studies was exposure to Chinese culture, which led us to visit a Buddhist temple, a water village, a Chinese acrobat show and the Shanghai World Financial Center. Though this was my second trip to China (the first trip took place when I was a freshman in college and I volunteered on an Operation Smile medical mission in Lanzhou, China), it was my first trip to Shanghai.

Journal Editor Looks to Make Her Mark in Education Field

Everything Molly Adams Breslin '09 does seems to revolve around education. After receiving her Bachelor's degree from George Washington University, she went to Japan for a year to teach English. She returned to Vermont to continue her education track, working two years for a non-profit that helped keep juvenile offenders out of the delinquency system.

"I really miss that work," said Breslin, editor of Albany Law's newest student-edited journal, the *Albany Government Law Review*. "But I did as much as I could, I felt limited by my ability to help. With my law degree, I'll be able to accomplish so much more."

The daughter of two special education teachers—who are now school district administrators—she's currently interning in the N.Y. State Education Department Office of State Review, where she reviews the appeals of families challenging their district's special education decisions.

"I want to work at every level," she said, "the local school, the district, and at the state level. Those experiences will give me perspective and help me be more effective."

She recently wrote a paper, now scheduled to publish in the upcoming issue of the

Albany Government Law Review, accepted by a peer-review board through a blind process. Titled "No Child Left Behind and the Inherent Conflict with the Individuals with Disabilities Education Act: Leaving Special Education Students Further Behind," it examines the conflicts between the No Child Left Behind Act and the Individuals with Disabilities Education Act, specifically the lack of NCLB accommodations for a student to test outside his or her level, which the IDEA calls for.

Law Review Editor

Breslin is the second editor for the School's latest journal. "Since it's a new publication, we're all very protective of its brand," she said. "The foundation of the *Journal* has been established, but with each issue we're still establishing its identity."

"It's exciting for me," Breslin said about managing 40 people on the journal. "After I graduate, I don't expect to manage another staff of 40 any time soon."

Breslin married a classmate, Sam Breslin, after her second year at Albany Law. "We were dating for a while. We were both applying to law school at the time, and when we both decided we'd go to Albany Law, we got engaged." While they knew each other from nearby



high schools, they never dated until after Breslin befriended his cousin in D.C. during college.

"It's been great for both of us to have a support system," she said. "You don't have to explain why you have to stay at school extra late, or make excuses for your bad mood. He's going through the same thing."

After graduating this spring, Breslin's husband will work full time at Dreyer Boyajian in Albany, where he's been interning through law school.

Breslin wants to find a job in Albany. "I loved D.C., but love it here more. The outdoors, the skiing, the mountains." To make that point extra clear, Breslin noted that she coached a high school cross country ski team and led them to a Vermont state champ title before entering law school. "I'm looking forward to staying in the area." —DS

Miami School Teach

By Nick Crouse

Adriana and Julio De Armas met while undergraduates at Florida International University in Miami. After both teaching middle school and high school in Miami's public school system—he also coached the wrestling team—they married in June 2008, packed their bags and moved to the Capital Region to join Albany Law's class of 2011.

Now well into their second semester as law students, the married couple has established routines to help manage their hectic schedules. At home, they quiz each other while folding laundry or cooking dinner. They discuss coursework on the shared commute to and from campus each day, and try to meet for lunch in the cafeteria as often as possible.

"She makes the lunches," Julio said. "I cook the dinners."

The share a car, but they don't share their books. "I don't want his highlights and notes in my books," said Adriana.

They also shared one class during their first semester, Professor Dale Moore's Introduction to Civil Procedure. However, they are in different sections of the 1L class. "This semester, we probably won't see each other much during the day," said Adriana.

After graduating from Florida International in 2005, Adriana and Julio both spent time as public school teachers

ers Tackle Law School Together



in the Miami area. She taught government economics and other subjects to middle school and high school students; he taught history in a bilingual education program and coached wrestling.

Eventually, they decided to both apply to law schools. “She always wanted to come to law school,” said Julio. “My decision was more recent.”

“We asked ourselves, what’s the best place for the both of us,” said Adriana. “We’ll look at that.” After learning more about Albany Law at a law school fair in Florida, they visited Albany to tour the campus and talk to students and faculty.

The couple found Albany Law’s smaller setting and close-knit community appealing. “People are helping each other,” said Adriana. “We liked the atmosphere.”

“Here, everybody talks to you,” added Julio, noting that they chose Albany over Boston.

Adriana and Julio still have close ties to Miami, including parents who emigrated from Cuba, and they spent this past winter break in Florida visiting family and friends before returning to Albany for the spring semester. Upon graduation, Adriana is interested in pursuing a career in government law, while Julio is interested in the legal aspects of public policy.

“Here, everybody talks to you,” added Julio, noting that they chose Albany over Boston.

What’s on your...



Professor Stephen Clark

iPod? Mostly ’70s and ’80s music: Matchbox Twenty, Dixie Chicks, Pink, Cher, Madonna, and Indigo Girls.

Nightstand? *Fatal Shore: The Epic of Australia’s Founding*, Robert Hughes.



Professor Stephen Gottlieb

CD player? Mendelsohn’s Octet.

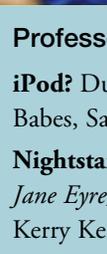
Nightstand? *Are We Rome*, Cullen Murphy; *The Moral Tradition of American Constitutionalism*, H. Jefferson Powell.



Professor Kathe Klare

iPod? Elton John and Nanci Griffith.

Nightstand? *The Plague of Doves*, by Louise Erdrich; *The Guernsey Literary and Potato Peel Pie Society*, Mary Ann Shaffer and Annie Barrows.



Professor Mary Lynch

iPod? Duke Ellington, Eva Cassidy, The Bitchin Babes, Save Ferris.

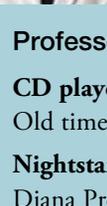
Nightstand? *The Tender Bar*, J.R. Moehringer; *Jane Eyre*, Charlotte Bronte; *Being Catholic Now*, Kerry Kennedy.



Professor Donna Young

iPod? Tarrus Riley, “Parables.”

Nightstand? *The White Tiger: A Novel*, Aravind Adiga; *Clash of Civilizations Over an Elevator in Piazza Vittorio*, Amara Lakhous.



Professor Daniel Moriarity

CD player? Classical music most of the day. Old time rock and roll when the mood strikes.

Nightstand? *Basilica*, R.A. Scotti; *Before the Fallout*, Diana Preston.



What's Jack Welsh Doing These Days?



Jack Welsh and his wife Jo in Europe overlooking the German Alps.

It didn't take long for Professor Jack Welsh to swap his notorious white shirt—his iconic uniform during his 44 years of teaching at Albany Law School—for a green flannel shirt.

"I had no problem understanding the difference between work and retirement," Welsh said over the phone from his home in Valparaiso, Ind. "I quit the world of work cold turkey."

A Notre Dame undergrad alumnus—the Welsh's have two generations at Notre Dame, and three generations at Albany Law—he moved there primarily to be near his grandchildren. He and his wife Jo have been traveling frequently since his retirement in 2003, visiting Europe, for example, seven times.

Along with teaching—his first love—for four decades in Albany, Welsh served as interim Dean three times, once for a two-year stretch. Asked if he dabbled at all in Valparaiso's school of law, an initial attraction for him when moving to the area, he stated, with emphasis, that in five-in-a-half years, he has made no connections outside a friend who happens to be an adjunct professor there.

"Once I retired I missed the classroom a lot less than I thought I would," he said, noting that this reaction isn't atypical for teachers.

When not traveling or spending time with his grand kids, he fills his day with a routine of three newspapers in the morning, the usual household errands and chores—"out here you can rake leaves three times a week in the fall"—reading non-law-related books, and watching the Chicago Cubs and Notre Dame teams. He and his wife take a train to Chicago often to visit museums and attend the opera, ballet, modern dance and musicals.

He's quick to mention that his oldest grandson has secured a scholarship to Notre Dame for soccer, and Welsh looks forward to adding those games to his schedule.

Albany Law Days

Looking back as his career start—when there were only seven full-time professors—Welsh is proudest of his work helping students who lacked the financial means to attend law school.

"I had substantial control over scholarship funding in my

early days, and I tried to mete it out fairly," he recalled. Over the years he has heard from successful alumni telling him how grateful—"indebted"—they were to him. He rattled off the names of a few people who have reached out to him to express these sentiments, including Diane Bodman '72 who gave the school \$50,000 toward the Jack Welsh Scholarship this year.

He's heard from others—directly and through the grapevine—who owe their success to Professor Welsh. He mentioned how the son of one former student coincidentally met with Welsh's son—John Welsh '88; the former student's son told the story of how his father completed law school only as a result of a generous scholarship awarded by Professor Welsh.

"That kind of thing is what I consider to be my best work," Welsh said. "That's my largest and proudest achievement."

As for the Welsh's next vacation trip? "We're retrenching right now... and watching the Dow."

To leave a message for Professor Welsh, go to www.albanylaw.edu/ProfWelsh.

—DS

Albany Law's

By Robert Emery,
Associate Director and
Head of Reference Library

Albany Law School's World War II veterans constituted a great generation. With all due respect, however, Albany Law's greatest generation was its Civil War alumni, greatest in terms of both legal achievement and government service. Albany Law people remember, of course, Major William McKinley (class of 1867), Ohio Volunteer Infantry; but what about, for instance, Redfield Proctor (1860), Vermont Volunteers, Vermont governor, Secretary of War, and U.S. Senator; or Edwin H. Conger (1866), Illinois Volunteers, congressman, and ambassador successively to Brazil, China, and Mexico; or Russell Conwell (1865), Massachusetts Volunteers, leading Baptist minister, and founder of Temple University? These were some of the best-known of a legion of alumni noted for their post-Civil War success.

When war broke out in April 1861 and President Lincoln called for volunteers to suppress the rebellion, recent Albany Law alumni and current students joined the Union Army. To cite two examples, almost at random, both Wheelock Veazey, class of 1860 (Vermont Volunteers, Congressional Medal of Honor winner, and later Chief Justice of Vermont), and Thomas Hubbard (1861) (Maine Volunteers, later

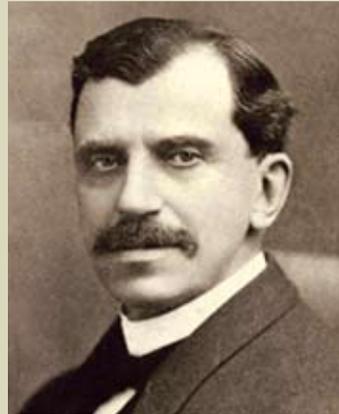
Greatest Generation: Civil War Alumni



Redfield Proctor (1860), Vermont governor, Secretary of War, and U.S. Senator



William F. Vilas (1860), U.S. Senator, Postmaster General, Secretary of the Interior



Russell Conwell (1865), founder of Temple University



Edwin H. Conger (1866), Congressman, and ambassador successively to Brazil, China, and Mexico

railroad financier and drafter of the ABA Canons of Professional Ethics), joined the Army shortly after Lincoln's call. Some current students enlisted immediately; others, before joining up, first enrolled in a student company drilled by William P. Prentice (class of 1861, New Hampshire Volunteers, and post-war prominent New York City lawyer). The enrollment of the law school dropped from 133 to 86 in one year.

These young men often received rapid promotions. Prentice, for example, joined the volunteers as a captain and within a year became a lieutenant-colonel and chief of staff to the general commanding the Army of the Cumberland. William F. Vilas (1860) enlisted in the Wisconsin Volunteers as a private and ended the war as lieutenant-colonel of his regiment (he subsequently served in the U.S. Senate and as Postmaster

General and Secretary of the Interior). Albert L. Lee (1854) (Kansas Volunteer Cavalry and member of the Kansas Supreme Court) and Hamilton N. Eldridge (1857) (Massachusetts volunteers and later prominent Chicago lawyer) ended the war as brigadier-generals, Harris L. Plaisted (1856) (Maine Volunteers and later Maine governor) as a major-general. Albany Law volunteers saw varied service. Major Henry R. Rathbone (1859), New York volunteers, for instance, personally witnessed Lincoln's assassination. Daniel K. Healey left law school to enlist in the New Hampshire volunteers and was subsequently commissioned as an officer in the Colored Infantry, serving at the bitter siege of Petersburg in 1864-65 (despite disabling wounds, he returned to Albany Law to graduate in 1868). Brigadier-General John McConihe (1854)

was killed at Cold Harbor in 1864, Brigadier-General Willoughby Babcock (1856) at Winchester the same year. McKinley fought at Antietam, Vilas served under Grant at Vicksburg, Veazey commanded a regiment at Gettysburg.

Veterans who enrolled in the law school after the war rivaled the success of earlier alumni. Take, for example, just the Class of 1867, the first completely post-war class: it numbered 144 and included veterans ranging in rank from private to brigadier-general. Future President McKinley was the most famous member. The class included, however, many others who later achieved prominence. There was Lieutenant-Colonel Edward E. Sill, New York Volunteers, who twice escaped from Confederate prison camps and, despite debilitating head wounds, later successfully practiced law in Rochester and New Haven.

William B. Perrin, Rhode Island Volunteers, was a long-time member of the Iowa legislature; Gorham Powers, Maine Volunteers, a Minnesota legislator and district judge. Other post-war classes also produced alumni veterans of prominence: at random: William P. Lord (1866), Delaware Volunteers, later Governor of Oregon; Stillman F. Kneeland (1868), Vermont Volunteers, later leading New York City commercial law specialist; Josiah H. Benton (1866), also Vermont Volunteers, Boston railroad lawyer and nationally-known bibliophile.

Albany Law School had developed a national reputation even before the Civil War. The Civil War veterans who attended it, before and after the war, made it one of the most influential law schools in post-war Gilded Age America.

PUBLIC DEFENDERS:

Searching for Understanding, Respect

BY PAUL GRONDAHL



They say one of the first things you acquire as a public defender is a thick skin. That's an occupational hazard for someone who must absorb plenty of ridicule, such as being called "Public Pretender" or "Public Offender." They've heard all the put-downs and are frequently objects of scorn, including this classic line uttered by indigent defendants: "If I had some

money, I'd hire a real lawyer."

There are dozens of Albany Law School alumni working as public defenders across many counties of New York State as well as in Vermont, Connecticut, Delaware, Maryland, North Carolina and more. They'll tell you that educating a misinformed public about what public defenders do begins with the 1963 landmark U.S. Supreme Court case, *Gideon v. Wainwright*.

Still, you're left to wonder: Given all the avenues open to a lawyer, why do they choose to do this, a job that comes with low esteem and even lower pay?

"People ask me why I do it all the time and it's kind of hard to explain," said Eric A. Carlson '05, who's worked for three years as an assistant public defender in North Carolina's Gaston County, just outside Charlotte. "I got pretty jazzed up about criminal law and I had an internship in my second year with a federal public defender's office," he said. "That experience made me a believer that our criminal justice system should serve everyone, regardless of whether they have any money or not."

Carlson often finds himself trying to explain his career choice to non-lawyer friends who don't understand the path he has taken. "They'll ask me, how can you defend that low-life? I say, how can I not? I have no moral hang-ups about defending an alleged criminal. We don't get

to pick our clients, but I believe in each person's constitutional rights. You're innocent until proven guilty."

Carlson had worked and lived in Charlotte during his previous career in the wireless industry and decided to relocate there after law school with his wife and two-year-old son. Although he was able to negotiate a starting salary above the typical range paid to assistant public defenders in neighboring counties in North Carolina, Carlson said the promise of law school loan forgiveness made the position economically viable.

If you want to find a "real lawyer," it doesn't get much more real than a public defender. Just ask Saratoga County Public defender John H. Ciulla Jr. '74, who left private practice behind after 25 years in his hometown of Mechanicville to take over the full-time public defender's position in 2001 after working in that office part-time since 1978. He oversees five full-time and three-part time attorneys and handles a full caseload himself of 100-150 cases at any one time.

"We're in the courtroom

almost every single day, I'm doing a lot of criminal work and it's very busy and demanding. That's as real as it gets as a lawyer, although a lot of our clients are still under the impression that we're not real attorneys," Ciulla said.

In private practice, Ciulla handled matrimonial cases, real property and estate planning matters, motor vehicle cases and the work of a general law practice. He occasionally misses the trust and friendships he developed with longtime clients, but the pace, variety of cases, camaraderie and collaborative style in the public defender's office appeals to him. He also enjoys acting as a mentor to younger lawyers. Saratoga County has one of the best pay scales in the state and Albany Law alumni are well-represented on Ciulla's staff: Diane Serbalik Turo '05 and Van Zwisohn '83, work there full time, while Stacey Gorman '99 and Mark Major '83 work part-time and maintain private law practices.

"I had a very successful private practice, but I've come to love working as a public



"People ask me why I do it all the time and it's kind of hard to explain." *Eric A. Carlson '05*

defender because we have very knowledgeable, professional and hard-working attorneys," said Ciulla, who is treasurer of the New York State Defenders Association.

Sarah R. Kouassi '05 started her job two years ago as an assistant public defender in Burlington, Vt., after she decided the real estate work she had been doing wasn't a good fit. The biggest influences on her career path were Professor Laurie Shanks' Trial Practice classes, competing in out-of-state events on the Albany Law School's Trial Team and an internship in her second year with a federal public defender's office.

"I've finally found my niche here," said Kouassi, whose caseload is primarily felonies, mostly drug cases, as well as assaults, robberies and sex crimes. "I'm an empathetic person and a lot of my clients are really down and out. I believe people deserve quality legal services regardless of their ability to pay. I've made a difference in some lives and that reminds me why I do this."

As a single mother raising a

four-year-old son, Kouassi has made peace with the job's low salary. She's grateful for a grant from the Vermont Bar Association and the possibility of some loan forgiveness. She also teaches two classes in law at the Community College of Vermont and works part-time answering a DUI hotline to supplement her income. "I'd like to make more money as a public defender, but getting rich isn't a priority," she said. "I worked 70 hours a week in a law firm just producing paper and I didn't enjoy it at all."

Michael T. Baker '97 spent several years working at Levene Gouldin & Thompson, a large law firm in Binghamton. "But I was horrible at the business of law. It just wasn't my thing," said Baker, who has been an assistant public defender in Broome County for the past five years.

"I like the action and fast pace of the public defender's office and the criminal defense work that goes with it," said Baker, who handled over 1,000 cases last year, including a major felony drug trial that he ultimately got dismissed after a mistrial was



"I never thought I could do this job, but I'm good at it and I like it. It comes down to the fact that I want to help people." *Tina L. Hartwell '99*



John Ciulla (center), Saratoga, with Assistant Public Defenders Van Zwisohn '83 and Diane Turo '05, all graduates of Albany Law School.

declared. “My client was facing 15 to 25 years in prison in that case and it was an awesome responsibility realizing how much of his life was in my hands. I’ve come to realize we’re representing something larger than one person. We’re representing the Constitution and justice for all.”

Baker is lifted by small victories, such as when he sees one of his clients who successfully completed treatment and graduated from Drug Court, who is now holding a steady job, has reunited with his family, and has been clean and sober for more than a year. “It’s not uncommon to represent the same person several times in the same year in this work,” Baker said. “I feel like a social worker at times because so many of my clients are dealing with drug abuse and mental health problems. It’s a great feeling when I meet a client several years later and they’re doing well and they thank me. That’s what keeps me going.”

Baker has no regrets about leaving private practice. “I like

that I don’t know what’s going to happen hour by hour in this job and it’s never dull,” he said. “This is my thing. This is what I’m supposed to be doing.”

Laila Mary Ghabrial Haswell ’95 has spent the past decade as an assistant public defender in Hartford, Conn., not far from where she grew up. She’s now working half-time and job-sharing as she helps raise two preschool-aged daughters. Haswell was influenced early on by her father, a pediatrician. “He took patients that a lot of other doctors in town wouldn’t and he never turned a patient away because they didn’t have insurance or couldn’t pay,” said Haswell, who worked in her dad’s medical office as a teenager. “Working in a public defender’s office is an extension of the way I was brought up.”

She strives to find something of value in her clients, regardless of their alleged crime. “I can make a connection with most of them,” she said. “When I see women who are mothers and struggling with substance abuse and mental illness, I really feel for them. Their lives are falling apart and it makes me want to

do my best on their case.”

Albany County Public defender John M. Whelden ’88 keeps this quote on his desk: “The rights of the best men are secure only if the rights of the vilest and most abhorrent are protected.” It’s from Justice Pound in *People v. Gitlow* in the N.Y. State Court of Appeals in 1922. Whelden landed an internship in the public defender’s office in his third year at Albany Law School and was hired in 1988 just after graduation. He’s been there ever since.

“I love this work and I was never interested in trying to make a lot of money practicing law,” Whelden said. “When a poor person is accused of a serious crime, very often I’m the only friend they have left and the full power and resources of the state are pointed at their head.”

Whelden and the other public defenders in his office—which include several Albany Law School alumni—possess a strong belief in the need for equal justice for all. “Anybody who does this work and lasts any length of time cares deeply about the work they’re doing,



“Anybody who does this work and lasts any length of time cares deeply about the work they’re doing.” *Michael Whelden '88*



.....
"My father taught me that the justice system doesn't work if it's too one-sided. It needs advocacy on both sides in order for it to be fair and respectable." *Elizabeth Riley '98*
.....

because they're obviously not doing it for the money or the glory," Whelden said.

But the financial strain always looms for those who choose to stick it out. Tina L. Hartwell '99 started as an assistant public defender in Oneida County in 2001. She typically puts in 60-hour weeks, along with night courts, covering 43 town and village courts each month, juggling 65 felony cases at any one time. She's not eligible for any overtime pay.

"Even though we're widely misunderstood and even despised, I had a chance to go over to the prosecutor's side and I didn't," Hartwell said. "I never thought I could do this job, but I'm good at it and I like it. It comes down to the fact that I want to help people."

Edward J. Nowak '74 spent 30 years as Monroe County Public Defender, hired several Albany Law School alumni, argued a case before the U.S. Supreme Court, supervised an office with 55 attorneys and 30 support staff handling 20,000 cases a year and managed an annual budget of \$7 million. Nowak retired at the end of

2007, but as president of the board of the New York State Defenders Association he remains active on the issues and is a strong advocate for pay increases, salary parity with prosecutors and loan forgiveness for public defenders.

"I loved what I did for more than 30 years and I couldn't have asked for a more challenging, rewarding career," Nowak said. "I believe working as a public defender is the most important job in our criminal justice system. If the poor don't get a fair shake and equal justice, our system

isn't what it says it is."

One of those whom Nowak hired was Elizabeth Riley '98, who's been an assistant public defender in Monroe County for the past five years. She is now assigned to violent felonies. After law school, she worked for six years in the Legal Aid Society's criminal defense division in Brooklyn. She grew up admiring her father, who was a federal prosecutor and is now in private practice in Rochester.

"My father taught me that the justice system doesn't work if it's too one-sided. It needs advocacy on both sides in order for it to be fair and respectable," Riley said. "The people we serve are poor and vulnerable and often stereotyped. They don't have resources to fight back. They have never had a voice in society. If we don't fight for them, who will?" ■



.....
"When I see women who are mothers and struggling with substance abuse and mental illness, I really feel for them. Their lives are falling apart and it makes me want to do my best on their case." *Laila Mary Ghabrial Haswell '95*
.....

PARSONS in the

SPOT

BY DAVID SINGER

As chair and CEO at Time Warner, he was called one of the most powerful executives in the country. As Citigroup's new chairman and an economic advisor to President Obama, Richard Parsons is now more visible than ever.

Persuader, charmer and diplomat, often Parsons' mere presence can appease shareholders and affect the tenor of a board room.

This January, Parsons spoke to a small group of Albany Law alumni in Manhattan, sharing his insights on President Obama and the economy and ribbing his classmates.

An avid supporter of Albany Law, he spoke fondly of his friends and professors.

Following are excerpts from his talk, where a soft-spoken Parsons spoke for about 40 minutes, without notes.



LIGHT:

Parsons speaking to President Obama at a Business Roundtable earlier this year.

MANDIL NGAN/AP/Corbis Images

Excerpts from
Parson's Talk with
Albany Law
Alumni in
February 2009



“I showed up at Albany Law School to register. Tuition was \$750. I remember that amount because I didn’t have it. Helen Wilkinson told me to go see Bob Tyman, he was in charge of loans and aid. Helen said, ‘Tell him I sent you.’ Of course, with Helen’s support, everything works out in the end.”

**Parson's
Career
Path**

1948

Born in
Brooklyn

1964

Attends
University
of Hawaii
at age 16

1968

Marries
Laura
Ann
Bush

1971

Graduates
Albany Law
School first
in his class

1971

Begins career as
legal counsel to
N.Y. governor
Nelson Rockefeller

1974

Follows Rockefeller,
now vice president of
the United States, to
Washington, D.C.

Greeting Friends

It is very nice to do this and it really is my pleasure because I have the most tender and grateful feelings about being a member of the Albany Law School community. When I went to Albany Law School, I was what my wife refers to me as a “reprobate,” and because of law school she now refers to me as a “credentialed reprobate.”

There are people here tonight who I went to law school with, like Lisa Whitney and Dave Strickland. Thank you to Steve Cleary '70 for getting me through law school. He was my best friend in the world. Steve's son is here tonight, Andrew '07; he is a graduate of Albany Law School—I don't know how this happened so quickly because I am not that old.

There are people here who I have worked with, such as the upcoming president of the Bar Association, Stephen Younger '82; and I worked with Jim Kelly '83 at the Dime Savings Bank. Charlie Webb '58 gave me my first job in government and launched my career. We all had a lot of good moments together.

President Obama

I thought I'd start by talking about our new U.S. president, who is actually quite a remark-

able man. I knew him a bit before he began running for president.

At Time Warner we would bring in interesting and provocative people, sit them in front of an audience of mostly journalists and have a Q&A for a couple of hours; everyone would get some exposure to one another. We had Pres. Obama in about a year-and-a-half before the election. My impression of him was that he was a really smart guy.... I thought he would make a good chief justice of the Supreme Court.

He ran a brilliant campaign. He put together the right team, put the right people in the right places, he kept them motivated, and was very clear in terms of responsibility.

The Economy

If he has one big problem, it is in rising to the giant expectations of everyone here and around the world. Eighteen months ago his challenges would have been environment, education, and pulling out of the wars. Today it is all about the economy. If anybody could rise to this, it is this young man. I can't think of anyone who has entered office with a larger, more complicated and more serious set of challenges....

Priority number one: jobs.



President Barack Obama greets Parsons as Citigroup CEO during a business roundtable earlier this year. Parsons serves on the president's advisory council.



As Time Warner CEO, Parsons meets with former President George W. Bush and former Sen. Daniel Patrick Moynihan in the Oval Office of the White House in 2001.

1977

Returns to New York to join Patterson, Belknap, Webb & Tyler

1988

Dime Savings Bank, hired as chief operating officer, then chairman & CEO.

1991

Time Warner board member

1995

Time Warner president

2001

Time Warner chairman & CEO

2009

Citigroup chairman



Parsons with Carmen Pacheco (left) and Betty Lugo '84 in New York City in January.



Parsons with, from left, Albany Law's board chair E. Stewart Jones, and Dean Guernsey, in New York City in January.

“So how did we get here? How did we go from everyone having a job and making money to all of a sudden companies are gone, companies with iconic names.”

Richard Parsons

Number two: the wars. Behind that is health care. And people of his generation worry about the environment, worry about the shape of the world they leave for their grandchildren. He will run an administration with integrity. He is smart. He is earnest. He is a great communicator. But make no mistake, he's in the world headquarters of politics. There are political imperatives. The politics has to be contended with.

Public Anger

The American people are outraged with the billions of dollars going to people who have millions.... There are financial executives who will say it's not worth it for them to work for \$500,000 a year. If anyone can negotiate these issues, and bring people along with him, I think he can. But the President has his work cut out for him.

I have high hopes for him. We will all need to come together with our different approaches and I think we also need to keep our fingers crossed.

.... Most Americans have no idea how we got here. So how did we get here? How did we —go from everyone having a job and making money to all of a sudden, companies are gone, companies with iconic names. The great financial institutions of the world are teetering. How does this all happen? What's going to happen to all these people who work for GE, Wachovia, Wells, and on and on?

.... When we're making money, we say we're smart. When we're losing, we say that someone screwed us. It's easy to say it was the greed of Wall Street. A lot of the challenge is communicating how we got here, rationally.

We Need Banks

We need modern banks. We can't let them fail. We need banks to create restaurants, to build homes, to buy homes, to send our children to college. Banks need to be more effective communicating this. If the strategy works for the banks, it's a good investment for the government.

The Solution

There's no silver bullet to all this. My guess is that the President's program will be a tool-box, with a lot of different tools in the kit from government loans, insurance strategies, converting equity... nationalization should be the last stop on the train.

Some of the strategies will come with more severe, hostile price tags. The President must talk to people like FDR did. The president is a powerful, effective communicator. It won't be easy, but he can lead us out of this. ■

Other Alumni Making Headlines



Tom Vilsack '75, the former two-term Governor, is now the U.S. Secretary of

Agriculture. He received Albany Law School's Distinguished Alumni Award in 2007, spending a day on campus with students after receiving the award.



New York State Senator John Sampson '91 is now the chair of the New

York State Senate Judiciary Committee. He is a member of Albany Law School's Board of Trustees.



Stephen Younger '82 has been elected to serve as the 113th President of

the New York State Bar Association (effective June 2010). Younger, also a member of Albany Law School's board of trustees, is a partner with the New York City firm Patterson Belknap Webb & Tyler LLP.

Albany Law Professor Recognized for Contributions to U.S. Senate's Economic Report

A report commissioned and released in February by the U.S. Senate "gratefully acknowledges the assistance of Christine Sgarlata Chung, assistant clinical professor of law and director of the Securities Arbitration Clinic at Albany Law School...."

The report also acknowledged her as co-director of the Center for Financial Market Regulation with David P. McCaffrey, distinguished teaching professor at University at Albany.

Their collaboration on the Congressional Oversight Panel's Special Report on Regulatory Reform helped examine how regulation could have averted the nation's current economic crisis and provides recommendations for future regulation.

Chung and McCaffrey surveyed and assessed a number of proposals for regulatory architecture reform and prepared summaries for the report, as well as more comprehensive summaries for the panel's Web site (<http://cop.senate.gov>). Now complete, the Congressional Oversight Panel's special report specifically points to three areas of regulation that could have prevented the current economic crisis: basic consumer protection rules; supervision of credit rating agencies; and regulation of companies that are "too big to fail." The report also outlines recommendations for eight separate areas that could help prevent future crises.

The Center for Financial Market Regulation (<http://www.albany.edu/cfmr>) is a cooperative project between Albany Law School and the University at Albany and members of the financial services industry, regulatory organizations, and major law firms. The Center contributes to the theory and practice of financial market regulation by connecting academic research with professional practice to engage contemporary and emerging issues facing regulators and supervisors.

Gadziala '78, SEC Compliance Director, Speaks to Students

Mary Ann Gadziala, Associate Director of the Office of Compliance Inspections and Examinations at the U.S. Securities and Exchange Commission, spoke to students last semester about her role heading up inspection programs for investment banks and stock exchanges to comply with federal securities laws.

Following the Sept. 11, 2001, World Trade Center disaster, she worked with other regulatory officials in New York to reopen the markets, and assumed a lead role in planning compliance programs to prevent terrorist financing and money laundering from infiltrating financial institutions.

Gadziala began her 30-year career with the federal government as an attorney in the General Counsel's Office of the Federal Reserve Board. She later served as Assistant General Counsel for Banking and Finance at the Treasury Department.



Professor Chung, co-director, Center for Financial Market Regulation



Mary Ann Gadziala from SEC's Office of Compliance

Eyes Wide Open: *Surgery to Westernize the Eyes of an Asian Child*¹

By Professor Alicia Ouellette



The speaker was a proud father. To illustrate his comments about a piece of art that celebrated the wonders of modern medicine (and which he had just donated to a local hospital), he told a story about his adopted Asian daughter. He described her as a beautiful, happy child in whom he took much delight. Her life, he told the audience, had been improved dramatically by the miracle of modern medicine. When she

joined her new Caucasian family, her eyes, like those of many people of Asian descent, lacked a fold in the upper eyelid, and that lack was problematic—in his view—because it made her eyes small and sleepy and caused them to shut completely when she smiled. A plastic surgeon himself, he knew she did not need to endure this hardship, so he arranged for her to have surgery to reshape her eyes. The procedure, he explained, was minimally invasive and maximally effective. His beautiful daughter now has big round eyes that stay open and shine even when she smiles.

The case may or may not be unusual in the United States. While surgery to widen the eyes of children, even newborns, is reportedly common in Taiwan, Japan, and Korea, no statistics are available on its use in children in the United States. Plastic surgeons report that “Asian eye surgery,” or blepharoplasty, is the most common procedure elected by Asian Americans. More than 230,000 such procedures were performed in 2005, but since no report breaks that number down by the patient’s age and ethnicity or even mentions surgeries performed on children, it is possible that blepharoplasty is performed on children only rarely.

...The medical intervention involved is distinctive because its purpose is to shape the child solely for the sake of shaping the child, not to provide a medical or functional benefit. Because the surgery is triggered by a cosmetic preference, it raises stark questions about the limits of parental choice and the failure of the current model of medical decision-making to take into account the rights of the child. In the law’s existing paradigm for parental decision-making, eye-shaping is a run-of-the-mill decision requiring deference to parental choice regardless of critical autonomy and identity rights of children. The case stands as a clear example of the need to reconceptualize the legal role of parents in medical decision-making to better protect children

from well-meaning but misguided parents.

The Law of Shaping

Current law affords parents broad, well-recognized rights to shape their children, whether the shaping is figurative (such as cultivating a love of music or reading through early exposure) or literal (such as cultivating a lean body through limited diet and enforced exercise). Indeed, the right of parents to shape the lives of their children by deciding where they will live, how they will be educated, and what values they will be taught is so fundamental that it receives constitutional protection. To the extent that the law gives parents the right to shape their children, the law treats children “like a special kind of ‘property’” over which parents have exclusive control.

Of course, the right of parents to shape their children is not unlimited. A parent cannot use excessive physical violence to teach a lesson. Parents must feed, clothe, and protect their children. If they neglect those duties or physically abuse their children, they can lose the right to raise them. In such cases, the law recognizes that “the parents are trustees of their children’s separate welfare, not owners of their personhood.”

When it comes to health care decisions, the law supports parental prerogative to make choices for children. In virtually all cases, parents are free to choose for their children among reasonable medical alternatives. Indeed, the law presumes that a parent’s medical decision for a child is in the child’s best interests, and the presumption is difficult to overcome if a provider deems the choice medically reasonable. The parent is thought to be the person best situated to determine the best interests of the child, and in making that determination, the parent is free to consider personal and familial values as well as the needs of the individual child.

To be sure, parental power over medical decisions is not unlimited. Theoretically, abuse laws are available to prevent a parent from exposing a child to unnecessary procedures. Child protection laws prohibit parents from acting intentionally to cause or to risk causing physical harm to their children unless the risk is offset by a direct benefit. Cases of medical neglect for failure to treat are not uncommon, but the cases in which a parent is found to be abusive for choosing to provide medical care for a child are few and far between. In fact, no published decision describes a finding of abuse by a parent based on a single decision to treat.

The more important limitations on parental choice are procedure—or intervention-specific. In some states, for example, children must be vaccinated regardless of parental choice. In others, parents may not

deny children life-sustaining treatment or sterilize a minor without express court approval. Federal law criminalizes female genital cutting, and federal and state laws strictly limit the ability of parents to enroll their children in research protocols. To the extent that the law limits parental choices for children in specific situations, it acknowledges that parents are only trustees of their children's welfare, not owners of their personhoods. Owners may freely destroy their property; trustees are legally bound to protect what they hold in trust. But because the laws limiting parental choice are procedure-specific and not based on a broader conception of the child as person or on a categorical view of parent as trustee, the rule giving priority to parental choice—a rule based on parental rights—is the default position.

Elective shaping procedures fall within the broad default rule of parental choice in almost all cases. Parents may elect surgery to pin back a child's ears, to circumcise the penis of their newborn son, to repair a cleft palate, or to remove a mole from a child's face. The exceptions to the rule are the procedure-specific rules mentioned above: female genital cutting and the surgical sterilization of a minor. None applies to eye-shaping surgery.

Thus, unless it could be characterized as an abuse case—which would be difficult given the utter lack of supporting precedent for such a finding—current law would treat the case of the father who chose to reshape his daughter's eyes no differently from those of a mother who opts to pin back her child's ears, the couple that chooses to circumcise a newborn son, or the father who agrees to hormone treatment to add height to his child. It is a matter of parental choice, limited only by finances and the availability of a willing provider. The question the case raises, then, is whether the existing paradigm appropriately protected the daughter.

In the Eye of the Beholder: What is at Stake?

Despite the controversy, hundreds of thousands of Asian American adults have elected to have eye-shaping surgery for the same reasons the surgeon-father chose it for his daughter. If the father was the decision-maker for the child—the person best situated to decide what is in his child's best interest—and he determined that surgery was in her best interests, it follows that his election of surgery for his daughter was quite appropriate.

[T]wo things separate this case from the run-of-the-mill medical case. First, no medical, psychological, or physical impairment triggered the need for a parental decision; the father chose the surgery based on his aesthetic preference. Second, the intervention itself permanently altered a feature that is to some people an integral aspect of identity.

These points make a moral difference. Most parental decisions to treat a child medically or surgically are a response to a physical or psychological impairment, illness, or injury in the child. In those cases, some need of the child triggers the decision to intervene, and

The case stands as a clear example of the need to reconceptualize the legal role of parents in medical decision-making to better protect children from well-meaning but misguided parents.

the parent is the best person to sort through the medically appropriate choices for the child. But where a parent modifies features of a child that have nothing to do with physical impairment but can be integral to identity, and bases that decision on his own needs or aesthetic preferences, he asserts physical control over the child's body in the same way that he might assert control over a piece of property that he can modify to his specifications. In the case of the surgeon father, he literally crafted his daughter. As Daniel Tobey points out, those who are crafted “take on some of the features of a tool.” A child is not a tool.

...[T]he use of eye-shaping surgery on a child is more like enrollment in a research protocol than a choice between reasonable medical options. Placing limitations on parental choice for eye-shaping surgery would be justified for the same reasons that limiting a parent's ability to enroll a child as the subject of research is justified; the state may exercise its *parens patriae* power to protect children from unnecessary risk....

Toward a New Paradigm

The case of eye-opening surgery for an adoptive Asian daughter should open our eyes to the need to reexamine the paradigm that defers to parental choices concerning health care for children when the medical intervention sought addresses the social, cultural, or aesthetic preferences of the parent rather than a medical condition in the child. A paradigm built around the conceptual framework of parent as trustee of the child's welfare would better protect a child from well-meaning but harmful parental decisions than does the current paradigm, with its emphasis on parental choice. The specifics of such a paradigm are beyond the scope of this essay, but certain guiding principles should apply. First—as with any trustee—a parent's primary duty must be to protect and preserve what is held in trust. Second, the trustee parent must avoid self-dealing—that is, taking advantage of his position as trustee to serve his own interests. Third, the trustee parent may not engage in transactions that involve or create a conflict between his duty to protect the child and his personal interests. As with any trust situation, the trustee's power to exercise his discretion over the trusteeship should be afforded presumptive deference and remain beyond review except to the extent that its exercise is inconsistent with his duties to the child. Those trustee decisions that may constitute an abuse of trust—such as those that suggest self-dealing or that involve a conflict of interest—should be implemented only when reviewed and deemed appropriate by someone other than the trustee....

¹ Excerpted, with permission, from Alicia Ouellette, “Eyes Wide Open: Surgery to Westernize the Eyes of an Asian Child,” *Hastings Center Report* 39, no. 1 (2009): 15-18.

This article appeared in the February 2009 issue of the ABA Journal.

More Than Just a Bill of Lading By Professor Paul Finkelman



The signing of the Emancipation Proclamation is one of the greatest moments in American history. At the time, even President Lincoln had to calm himself down. He was so nervous and excited that his hands were shaking, but he didn't want to show in his signature for fear someone might think he was wavering or uncertain about what he was doing.

But the Emancipation Proclamation is unique among the iconic documents of U.S. history, like the Declaration of Independence, the preamble to the Constitution or Lincoln's own Gettysburg Address. They provide thrilling rhetoric and powerful ideas about the nature of freedom. Much the same might have been expected from the Emancipation Proclamation. After all, Lincoln was one of the greatest craftsmen of the English language in American political history.

But the Proclamation is dull and turgid. Historian Richard Hofstadter said it had "all the moral grandeur of a bill of lading."

How do we explain this? Why, in the most important document he ever wrote, does Lincoln sound like a pettifogger, drafting an almost incomprehensible legal document? And why did it take him so long—nearly two years into the Civil war—to move against slavery?

The answers are tied to Lincoln's career as a lawyer.

In his first inaugural address, Lincoln said, "I have no purpose, directly or indirectly, to interfere with the institution of slavery in the states where it exists. I believe I have no lawful right to do so, and I have no inclination to do so." This statement reflected a legal interpretation of the Constitution that had never been successfully challenged: The states, not the national government, had sole power to regulate all laws concerning personal status, such as marriage, divorce, child custody, inheritance, voting—and slavery. Thus, Lincoln's position was that he had no "purpose" to interfere with slavery because he had no purpose to violate the Constitution.

By mid-1862, however, Lincoln concluded that, as commander in chief he did have the power to take slaves away from states in rebellion. Thus, he confined the reach of the Emancipation Proclamation to states in the Confederacy not occupied by federal forces, since under

the Constitution he could only free slaves in places that claimed to be outside the United States.

Lincoln's legalistic approach also explains the tone of the Proclamation. It was a carefully drafted argument designed to withstand a challenge before the Supreme Court, which was still dominated by Chief Justice Roger B. Taney and four other justices who had been part of the majority in *Dred Scott v. Sandford* (1857). Lincoln drafted the Proclamation to be specific and precise and to leave no questions about what and who it covered.

When Hofstadter criticized the Proclamation for its lack of "moral grandeur," he failed to understand the significance of a bill of lading to an old railroad lawyer like Lincoln. A bill of lading was the key legal guarantee for the delivery of goods between parties that were far apart and may never have known each other.

Karl Marx, who was living in Britain while the Civil war raged in the United States, had a clear fix on what Lincoln had done, and why. Writing for a London newspaper, Marx observed that the "most formidable decrees which he hurls at the enemy and which will never lose their historic significance, resemble—as the author intends them to—ordinary summons, sent by one lawyer to another."

So the Emancipation Proclamation became a "bill of lading" for the delivery of freedom to some 3 million Southern slaves. The federal armies brought the power of the proclamation with them, freeing slaves every day as more and more of the Confederacy was redeemed. This was the moral grandeur of the great document and Lincoln's careful strategy to bring it into existence.

President William McKinley Distinguished Professor of Law and Public Policy Paul Finkelman is editor of the five-volume Encyclopedia of African American History, Oxford University Press, 2009; co-editor of The Political Lincoln: An Encyclopedia, CQ Press, 2008; and Dred Scott v. Sanford: The Case that Made Lincoln President, Lincoln Lore, Spring 2008.

Lincoln's legalistic approach also explains the tone of the Proclamation. It was a carefully drafted argument designed to withstand a challenge before the Supreme Court.

Why I Teach By Professor Dale Moore

My immediate reaction to the question “Why do you teach?” is “If given the opportunity, why wouldn’t I teach?” Despite being occasionally intimidating, teaching is a challenge, a joy, a privilege, and an honor.

When I was six years old, someone gave me the blackboard and chalk that I’d been begging for. I put them in my room and immediately began to play at becoming a teacher. The imaginary pupils who populated my initial classes were acquiescent and passive, and I talked at them with enthusiasm. From time to time I recruited a few real-life subjects for these early efforts by persuading friends to “play school” in lieu of some other activity. But despite their willingness to tolerate the school game occasionally, my friends didn’t really share my fascination—they preferred to leave the classroom behind whenever possible. So most of the time I played “school” on my own. Eventually I indulged my instinct to teach by taking advantage of opportunities to explain to novices the things I understood well. Perhaps I went too far sometimes, which once prompted my nephew to say, in response to his mother’s suggestion that he ask a question of me, “I don’t want to know that much about it.”

Long before realizing how much I’d love teaching, I learned to love being a student. Indeed, being able to continue one’s education is among the luxuries

afforded by a teaching career. Loving learning as a student reinforced my determination to become a teacher long before I knew I’d be a teacher of law. As a student in all sorts of schools—a little nursing school, a small community college, two large universities, and a medium-sized law school—I encountered outstanding, good, mediocre, and lousy teachers as potential role models. I was fairly sure I could do better than some, hoped I could be as good as others, and aspired to come close to the greatness of a few.

Observing many teachers showed me that those who are truly superb share at least one characteristic: they delight in their work. I strongly suspected I’d feel the same enthusiasm; and during the past 26 years, I have. Watching a student’s face when the cerebral cortex wrinkles—or the light bulb goes on—is, like virtue, its own reward. Believing that one has contributed to such a beneficial outcome helps to soothe the distress I consistently feel when grading exams. And even during the classes in which the light bulbs seem merely to flicker, those momentary sparkles provide encouragement to continue.

The challenges never go away. They change, however, in part because each class develops its own unique personality. Coping with the class personality while staying in touch with each of its individual components calls on

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Dale Moore, a Professor of Law at Albany Law School since 1983, won the 2008 distinguished Educator for Excellence in Teaching Award. She currently teaches Civil Procedure, Health Law, Products Liability and Torts. She is an adjunct professor at Albany Medical College and former editor of the Health Law Journal, published by the N.Y. State Bar Association’s Health Law Section. She has an R.N. from Lankenau Hospital School of Nursing; and a B.A. and J.D. from University of Pennsylvania, where she was Editor-in-Chief of the Law Review.

skills that have little or nothing to do with the substance of the course. Being attentive to personality as well as substance is, even for an experienced teacher, an opportunity to learn something new nearly every day.

In the classroom I’ve tried to emulate my best teachers. The most memorable of the best is Clyde Summers. Great luck brought me the chance to know and learn from Professor Summers, a scholar and gifted teacher, who taught Torts during my first year of law school. I blame and bless him for my attachment to that subject. But Professor Summers could and did teach anything and everything—Contracts, Torts, Property, Labor Law, Constitutional Law, and whatever else he chose. His love for teaching was evident in all of his behavior, both inside the classroom and at his office. His love for teaching and regard for his students inspired me and others who hoped to earn the opportunity to try following his path. Professor Summers once summarized his attitude by saying (with his characteristic crooked smile): “When I retire, I’ll teach.” He did, and I suspect that I will too.

Publications



Professor Vincent Bonventre's article "The Fall of Free Exercise: From 'No Law' to Compelling

Interest to Any Law Otherwise Valid" was published in 70 *Albany Law Review* 1150 (2008). He also authored entries on "Irving Lehman" and "Cuthbert W. Pound" in the *Yale Biographical Dictionary of American Law* (Yale, 2008). His article "Court of the Utmost Import" was published in *Newsday* on Dec. 14.



Professor Melissa Breger authored a supplement to her *New York Law of Domestic Violence*, 2nd ed.

(Reuters-Thomson-West, 2007) (with Judge Lee Elkins and Jane Fosbinder).



Professor Raymond Brescia's article "Sheltering Counsel: Towards a Right to Counsel

in Eviction Proceedings" was published in 24 *Touro Law Review* 187 (2008), and his article "Subprime Communities: Reverse Redlining, the Fair Housing Act and Emerging Issues in Litigation Regarding the Subprime Mortgage Crisis" was published in 2 *Albany Government Law Review* 164 (2009). His article "Batten Down Against Foreclosures" was published in the *Albany Times*

Union on Dec. 8. His article "Beyond Balls and Strikes: Towards a Problem-Solving Ethic in Foreclosure Proceedings" will be published in the 59 *Case Western Reserve Law Review*.



Professor Patrick Connors authored "Case Law on CPLR 3101 (d) (1) (i), Expert Disclosure,

Is in Shambles," for the Jan. 20 issue of the *New York Law Journal*.



Professor Norman Deutsch's article "Does Anybody Really Need a Limited Public Forum?" was

published in 82 *St. Johns Law Review* 107 (2008). His article "May Religious Worship Be Excluded From a Limited Public Forum? Commentary on the Ninth Circuit Court of Appeals Decision in Faith Center Church Evangelistic Ministries v. Glover" is forthcoming in the *Hawaii Law Review*.



James Campbell Matthews Distinguished Professor of Jurisprudence Anthony Paul

Farley's "Seasons in the Sun: Keynote Address at the 10th Annual MLK Reflection and Commemoration at DePaul University" was published in 1 *DePaul Journal for Social Justice* 323 (2008). He is scheduled to publish "The Final International:

The Third Annual Jerome M. Culp Memorial Lecture" in the *Florida International University Law Review* and "The Colorline as Capitalist Accumulation" in the *Buffalo Law Review* and "Defining Race" in the *Albany Law Review* (forthcoming 2009).



President William McKinley Distinguished Professor of Law and Public Policy Paul Finkelman

co-edited *The Political Lincoln: An Encyclopedia* (CQ Press 2008) and authored the essay "James Madison and the Bill of Rights: A Reluctant Paternity," which was reprinted in the *International Library of Essays in the History of Social and Political Thought Series: James Madison* (Ashgate 2008). He was also the editor-in-chief of the *Encyclopedia of African American History, 1896 to the Present: From the Age of Segregation to the Twenty-First Century*, published by Oxford University Press. Also, he authored the article "Was Dred Scott Correctly Decided? An 'Expert Report' for the Defendant," which is forthcoming in the 12 *Lewis & Clark Law Review*, and the section "The World of Frederick Douglass, 1817-1895" in *The African American History Reference Series* (Oxford University Press, forthcoming 2008) (With L. Diane Barnes). His article "John McLean: Moderate Abolitionist and Supreme Court Politician" will be published in the 62 *Vanderbilt Law Review*

(forthcoming 2009), and his article "Regulating the African Slave Trade: Lessons on Social Change, Social Policy, and Legislation" will be published in the 42 *Akron Law Review* (forthcoming 2009).



Governor George E. Pataki Professor of International Commercial Law James Thuo

Gathii authored the forthcoming *War, Commerce and International Law* (Oxford University Press 2009) and *Kenyan Company Law* (East African Publishers 2009), as well as the section "Irregulars and the Use of Force Under the UN Charter" in *What is the Meaning of War* (ed. Mary O'Connell 2008). Also, he authored the section "Elections and Multiparty Democracy" in *The New Oxford Companion to Law* (ed. Peter Cane and Joanne Conaghan 2008) and published "Introduction: Tsunamis, Hurricanes, Earthquakes, and Asteroids: Are We Ready for the Next 100 Years" in the Proceedings of the 101st Annual Meeting of the American Society of International Law 113 (2008).



Jay and Ruth Caplan Distinguished Professor of Law Stephen Gottlieb's article "Does

What We Know about the Lifecycle of Democracy Fit Constitutional Law?" is scheduled to be published in *Rutgers Law*

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Review (2009), and his article “Law and the Polarization of American Politics” is scheduled to be published in the *Georgia State Law Review* (2009).



Professor Maria Grahn-Farley authored the section “The Limits of the Free Agency Argument: Women in Bosnian War Camps” in *Between Resistance and Compliance* (Harts Press, forthcoming 2008) (Sari Kouvo and Zoe Peterson, ed.), and her article “Neutral Law & Eurocentric Law Making: A Post-colonial Analysis of the UN Convention on the Rights of the Child” was published in the 43 *Brooklyn Journal of International Law* 1 (2008).



President and Dean Thomas Guernsey will publish the second edition of his *Trial Practice* (LexisNexis, forthcoming) (with Lawrence A. Dubin).



Professor Peter Halewood authored the entry “Whiteness” in the *Oxford Encyclopedia of African American History* (Paul Finkelman, editor) (Oxford University Press, 2009).



The Honorable Harold R. Tyler Jr. Chair in Law and Technology Sheldon Halpern's article “Trafficking

in Trademarks: Setting Boundaries for the Uneasy Relationship between ‘Property’ Rights and Trademark and Publicity Rights” was published in the 58 *DePaul Law Review* 4 (2008).



Professor Lenese Herbert authored the section “When Prosecutorial Discretion Meets Disaster Capitalism” in *Race to Injustice: Lessons Learned from the Duke University Lacrosse Players Rape Case* (Michael L. Seigel, ed.) (Carolina Academic Press, 2008), and her article “On Precedent and Progeny: A Response to Professor Gabriel J. Chin’s ‘Doubts about Yick Wo’” was published in 2008 *University of Illinois Law Review* 5 (2008).



Kate Stoneman Chair in Law and Democracy Kathryn Katz wrote the history chapter for *Kate Stoneman: A Pioneer for Equality in Pioneering Women Lawyers* (American Bar Association, 2008).



Government Law Center Executive Director Bennett Liebman's article “Horseracing in New York in the Progressive Era” was published in 12 *Gaming Law Review and Economics* 550 (December 2008), and his article “2008 New York State Legislation Affecting Entertainment, Arts and Sports Law” was published in 19

Entertainment, Arts and Sports Law Journal 11 (Fall/Winter 2008). He also published the article “The Past as Present: The Last ‘Dead Heat’ in the State Senate 100 Years Ago” in the *New York State Bar Association Journal*.



Professor Dale Moore's article “Never Let Your Sense of Morals Keep You From Doing What's

Right: Using Newly Dead Bodies as Educational Resources” was published in 18 *Health Matrix: Journal of Law-Medicine* 1 (March 2008), and she authored “Legal and Ethical Issues” in *A Guide to the Primary Care of Neurological Disorders*, 2nd ed. (A. John Popp, ed.) (Thieme Medical Publishers and the American Association of Neurological Surgeons, 2008).



Professor Alicia Ouellette is scheduled to publish *Bioethics and Disability* (Cambridge

University Press, forthcoming 2010). Her articles “Eyes Wide Open: Considering the Implications of a Case of Surgery to Westernize the Eyes of an Asian Child” in the 39 *Hastings Center Review* 15 (2009) and “Growth Attenuation, Parents’ Choices, and the Rights of Disabled Children” in the 8 *Houston Journal of Health Law and Policy* (forthcoming 2009). She also authored the section “Moral Reasoning in Judicial Decision on Same-Sex Marriage” in

Philosophy and Sex, 4th ed. (forthcoming 2008) and is the co-editor of *The Cambridge Dictionary of Bioethics* (Cambridge University Press, forthcoming 2010) (co-edited with Laurence McCullough and Robert Baker).



Raymond and Ella Smith Distinguished Professor of Law Patricia Salkin published

Bordering on Madness: An American Land Use Tale, Companion Reader (with Popper and Avitabile) (Carolina Academic Press, 2008), “The Kelo Effect in New York, New Jersey and Pennsylvania: Assessing the Impact of Kelo in the Tri-State Region” in *Land Use and Power: The Impact of Eminent Domain in Urban Communities* (Princeton University, 2008), “Understanding Community Benefit Agreements: Equitable Development, Social Justice and Other Considerations for Developers, Municipalities and Community Organizations” in the 26 *UCLA Journal of Environmental Law and Policy* 291 (2008) (with A. Lavine), and “Land Use Law and Active Living: Opportunities for States to Assume a Leadership Role in Promoting and Incentivizing Local Options” in the 5 *Rutgers Journal of Law and Policy* 317 (Spring 2008) (with A. Lavine). She is also the editor of *Pioneering Women Lawyers: From Kate Stoneman to Present* (American Bar Association Press, 2008), as well as the forthcoming

2009 *Zoning and Planning Law Handbook* (Thomson-West, forthcoming 2009). Her article “Modernization of New York’s Land Use Laws Continues to Meet Growing Challenges of Sustainability” will be published in the *Pace Law Review* (forthcoming Spring 2009) (with J. Bacher), and her article “A Quiet Crisis in America: Meeting the Affordable Housing Needs of the Invisible Low-Income Seniors” will be published in the 16 *Georgetown Journal on Poverty Law and Policy* (forthcoming 2009).



Professor Christian Sundquist’s article “The Meaning of Race in the DNA Era:

Science, History and the Law” was published in the *Temple Journal of Science, Technology and Environmental Law* (Fall 2008), and his article “Forensic Genetics and the Ascendancy of Modern Race Science: Establishing the Inadmissibility of DNA Estimates of Race” is scheduled to be published in the *Harvard Blackletter Law Review* (Spring 2009).



Professor Evelyn Tenenbaum authored the section “Eleventh Amendment and Special Issues

Related to the Defense of State Entities” in *Constitutional Litigation: Roles of the Courts, Attorneys, and Administrators* (Carolina Academic Press)

(forthcoming 2009). Her article “To Be or To Exist: Standards for Deciding Whether Dementia Patients in Nursing Homes Should Engage in Intimacy, Sex, and Adultery” is scheduled to be published in 42 *Indiana Law Review* (forthcoming 2009).



Professor Donna Young authored the entry for “Hurricane Katrina” in the *Encyclopedia of*

African American History: 1896 to the Present (Paul Finkelman ed., Oxford University Press, 2009). She is also scheduled to publish her article “Defining Race through Law” in the 72 *Albany Law Review* (forthcoming 2009), as well as *Gender, Work and the Law: Cases and Materials* (Carolina Academic Press, forthcoming 2009).

Awards and Achievements



Justice David Josiah Brewer Distinguished Professor of Law Ira Bloom was elected chair of

the Trusts and Estates Law Section of the New York State Bar Association.

Professor Raymond Brescia’s article titled “Capital in Chaos: The Subprime Mortgage Crisis and the Social Capital Response” was listed on the Social Science Research Network’s (SSRN)

Top Ten download list for CPE: Regulation (Topic). His paper entitled, “Subprime Communities: Reverse Redlining, the Fair Housing Act and Emerging Issues in Litigation Regarding the Subprime Mortgage Crisis,” was also listed on SSRN’s Top Ten download list in the category of Urban Markets.

Professor Patrick Connors was appointed as a Reporter for the New York State Bar Association’s Special Committee to Review the Code of Judicial Conduct.

Professor Paul Finkelman’s article titled “Was Dred Scott Correctly Decided? An ‘Expert Report’ for the Defendant” was listed on the Social Science Research Network’s (SSRN) Top Ten download list for LSPLCL: Rights & Liberties (Topic).

Professor James Thuo Gathii’s paper, “Defining the Relationship between Corruption and Human Rights,” was recently listed on the Social Science Research Network’s (SSRN) Top Ten download list in the categories of Development Strategies; Impact of Legal Information on International Law; and Legal Information & Legal Systems.

Professor Patricia Salkin was elected Vice Chair of the State and Local Government Law Section of the American Association of Law Schools. She was also reappointed to the Environmental Protection Agency’s National Environmental Justice Advisory Council for a

second consecutive three-year term, as well as appointed to the College Council of Empire State College, State University of New York, by Governor David Paterson. Associate Dean Salkin was also named to the New York State Bar Association’s Task Force on Global Warming.

Professor Christian Sundquist was a member of the planning committee for the Junior Faculty Development Workshops at the 2008 LatCrit Annual Conference, which was held at the Seattle University School of Law. He also contributed to a bibliographic research project on race and ethnicity conducted by the Aspen Institute, granting copyright permission for his prior article “Equal Opportunity, Individual Liberty and Meritocracy in Education: Reinforcing Structures of Privilege and Inequality” 9 *Georgetown Journal on Poverty, Law & Policy* 227 (2002) to be used as part of the formal readings for the Racial Equity and Society seminars conducted by the institute in June 2008.

Presentations

Professor Patrick Connors presented a program entitled “Recent Developments in Ethics” for the Judges of the New York State Court of Appeals and the Justices of the Appellate Division at the annual Appellate Judges Seminar held Oct. 24 through 26 in Rye Brook, N.Y. He also presented

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a CPLR Update with Professor David D. Siegel at the Seminar.

Professor Paul Finkelman delivered a presentation on John Brown as part of the University of Mary Washington's 2009 Chappell Lecture Series on Feb. 24. Also, he delivered a series of lectures on "The Supreme Court and the Peculiar Institution: Marshall, Story, Taney, and the Defense of Slavery" as part of the Nathan I. Huggins Lectures at the W.E.B. Du Bois Institute for African and African American Research at Harvard University. He also delivered the keynote address, "I Need Kentucky": President Lincoln and the Necessary Conditions for Emancipation," at an academic conference titled "Abraham Lincoln and Jefferson Davis: Two Visions of America," held by The Filson Institute in Louisville, Ky., on Oct. 18, and he presented "The Emancipation Proclamation as War Measure" at the 11th Civil War Symposium & Reenactment, held by the National Archives and Records Administration—Great Lakes Region in Chicago on Oct. 24.

Professor Sheldon W. Halpern spoke on "Trade Mark Traffic: Property Rights, Trade Marks and Publicity Rights" as the Hirschel Smith Lecturer for the Queen Mary Intellectual Property Institute at the University of London on Nov. 27.

Bennett Liebman delivered a speech on developments in the law governing exclusions of

patrons and licensees in horse racing to the board of directors of Harness Tracks of America at their annual convention on Feb. 3.



Rosemary Queenan and Evelyn Tenenbaum presented "A New Approach to

Helping Students Navigate the Rocky Mountain of Persuasive Facts" at the Rocky Mountain Legal Writing Conference in Tempe, Ariz., on Mar. 13.

Associate Dean Patricia Salkin spoke at Hofstra Law School's "Energy and the Environment: Empowering Consumers" conference on Mar. 20, on a panel entitled "Over-empowered Consumers? NIMBY and Alternative Energy." She also delivered papers at the William & Mary Environmental Law Journal Symposium and the Houston Energy & Environmental Law Review Symposium and delivered two presentations at the Annual Meeting for the Association of Towns in New York City on climate change for town attorneys and on the attorney general's voluntary wind ethics code for wind farm developers. She gave a presentation to the Center for Economic Growth's Capital Region Local Government Council on the subject of local governments and climate change initiatives on Feb. 24, and she delivered a presentation on ethical considerations in land use planning and zoning for the Upstate Chapter

of the American Planning Association in Canandaigua, N.Y. Salkin also spoke on the Religious Land Use and Institutionalized Persons Act for the Capital District Humanist Society in Albany, and on Climate Change and Community Development for the Union College Adult Lifelong Learning Program. She facilitated the opening session of the 2008 Backyards & Beyond Education Conference for Firewise Communities in Tampa, Fl., and spoke on "Wind Development: Ethics, Government and the Attorney General's Code of Conduct for Wind Developers" at the Environmental Breakfast Series at Whiteman Osterman & Hanna LLP.

Professor Christian Sundquist was a panelist on Forensic Genetics and the Ascendancy of Modern Race Science: Establishing the Inadmissibility of DNA Estimates of Race at the national symposium on Defining Race at Albany Law School in November 2008. He also delivered the presentation "Some Realism about Integration, as part of the Future of Racial Integration" at a panel during the annual conference of the Society of American Law Teachers, held at the University of California-Berkeley School of Law, and the presentation "Child Soldiers and the Perpetrator Bar under United States Asylum Law" as part of the "Lost Childhood: Child Soldiers, Trafficked Children, and Child Rights" symposium held at Albany Law School.

Professor Evelyn Tenenbaum and Rosemary Queenan presented "A New Approach to Helping Students Navigate the Rocky Mountain of Persuasive Facts" at the Rocky Mountain Legal Writing Conference in Tempe, Ariz., on Mar. 13. She also presented a Public Health Policy and Ethics Practicum at the Alden March Bioethics Institute Clinical Ethics Capstone at Albany Medical College on Jan. 15 and 17.

ALUMNI EVENTS

Albany Law School Reunion Weekend 2008



Members of the Class of 1958 at their 50th reunion.



Members of the Class of 2003 celebrated their 5th reunion at the 74 State hotel in Albany during Reunion Weekend 2008.

Hundreds of alumni and their guests joined faculty, staff and students at the Law School to celebrate Reunion Weekend 2008, September 26–28.

The weekend began on Friday at Saratoga National Golf Club and a TGIF reception. Saturday's activities included the inaugural 5K fun run/walk around the Law School neighborhood and the annual alumni picnic. Alumni toured the law school campus, rode the Albany Aqua Ducks tour throughout the city and reconnected with classmates during Saturday's cocktail reception and dinner.

Contact Christina Sebastian, Director of Alumni Affairs at cseba@albanylaw.edu or 518-445-3361 to learn more about Reunion Weekend 2009, October 16–18.



Alumni Affairs director Christina Sebastian with the winning golf team. From left: Alfred C. Laub '78, Phillip M. Tribble '78, Bruce S. Trachtenberg '78 and Matthew K. Taylor '11.



Alumni and their families traveled through the city of Albany on an amphibious tour that splashed into the Hudson River.



Patrick K. Jordan '02 and Laura M. Jordan '03 at the picnic with their son, Finn.



Members of the Class of 1983 during Saturday's cocktail reception prior to dinner.

ALUMNIEVENTS

Albany Law School Alumni Events

Alumni attend events throughout the country to reconnect with Albany Law for a variety of reasons including to network, socialize, pursue business development or to meet Dean Guernsey, faculty, staff and students. Contact Christina Sebastian, Director of Alumni Affairs, to learn more and get involved in your area. Visit www.albanylaw.edu/alumni for a calendar of events.

October 16, 2008 • Amsterdam, N.Y.
Raindancer Restaurant



*Krishna K. Singh '95 and
J. Gerard McAuliffe Jr. '88*



*Hon. Joseph M. Sise '88 and
Robin L. Sise '88*

November 11, 2008 • White Plains, N.Y.
Home of John '84 and Suzy Halloran



*Marc D. Schechter '78 and
Paul M. Feinstein '74*



*Allen R. Wolff '92 and
Andrea Rendo '92*

October 30, 2008 • New York, N.Y.
Classes of 1994-2008 • Sardi's Restaurant



*Joseph T. Johnson, III '94 and
William J. Renahan '94*



*Clorisa L. Cook '04 and Dana L.
Salazar '05*

December 4, 2008
Albany, N.Y.
Classes 1998-2008
Midtown Tap and Tea Room



*Right: Lisa M. Bonacci '03 and
Melissa L. Byrne '05*

*Below: Barrett D. Mack '04, Shalini
Natesan '06, Erica L. Putnam '06
and Catherine P. Ham '06*



*Adam L. Lounsbury '08, Betsy H. Sochar '08, Rinat Hafizov '08 and
Russell J. Pearce Jr. '07*



ALUMNIEVENTS

January 29, 2009
New York, N.Y.
Waldorf-Astoria

Alumni Awards were presented during the Waldorf event in New York City. Top: National Alumni Association (NAA) President and Trustee James T. Potter '80, Distinguished Alumni Award Recipient Lisa A. Whitney '71, Young Alumni Award Recipient Ryan T. Donovan '02 and President and Dean Thomas F. Guernsey. Missing from photo: Ruth E. Leistensnider '88, Donald D. DeAngelis Excellence in Alumni Service Award.



Left: John J. Halloran, Jr. '84, Advancement Officer Laura Liebman-Alpers, Robert J. Conway '76, and Jerry N. Chambers '76. Right: Nancy Kim '05, Yat-Fai Lau '05, Hailey Choi '06, Lia E. Coniglio '07, David W. Schweikert '07, and Curtis A. Johnson '07.



February 26, 2009
Atlanta, Ga.
Troutman, Sanders LLP
Host: Arthur H. Dombey '79,
Partner

Atlanta alumni and guests attend a reception two days before their snowstorm.



ALUMNI EVENTS



**March 11, 2009
Binghamton, N.Y.
Coughlin & Gerhart, L.L.P.
Host: Mark S. Gorgos '80,
Managing Partner**

*Left: Hon. Robert S. Rose '68,
Gregory A. Gates '78
Below: Joshua M. Luce '07, Mark
S. Gorgos '80, Xiaoqin Zhang '02*



A Friendship Since Year One

Lester Rappaport (*left*), age 99, with Leo Sawyko, age 97, both class of '35, at Lester's retirement home in Rochester, N.Y. The two were friends since law school, and made a point to eat lunch together regularly.

To get into law school, Leo recalls signing an oath stating he had nothing to do with his father's illegal beer garden during Prohibition. Given his number of children, grandchildren and great-grandchildren, he sends out 59 birthday cards annually—with a little money in each.

Both longtime supporters of the law school, Leo is in his second year of a five-year pledge—he personally delivers his gift every year at the annual Rochester alumni event at Constellation Brands. Leo intends to personally give Dean Guernsey his final installment at the age of 102. Along with the pledge, he has included the school in his estate plans.

Editor's note: At the time of printing, we learned the sad news that Mr. Rappaport had passed away.

Mentors Needed for Next Year

Hundreds of first-year students have been paired with a mentor—and often retain their relationships after graduating—as part of the Alumni Initiative in Mentoring (AIM) program created by the National Alumni Association. Alumni mentors are needed for the 2009-2010 academic year. Contact Ariane Garwood, Alumni Affairs Associate at 518-445-3220 or agarw@albanylaw.



*Mentor Kate Hogan '07
with Alima Atoui '11*



*Matthew J. Klimasauskas '11 with
mentor Earl Redding '03*



Charlotte Pitt stands before a portrait of her deceased husband The Honorable DeForest C. Pitt '32, which hangs in the 1928 Building.

Two Recent Gifts to Establish Scholarships

The Christopher S. Chow '93 Memorial Scholarship was endowed in 2008 by Mei Y. Chow in memory of her son, Christopher S. Chow, who died in 2006. It is designated for students in good academic standing with financial need. Gifts from a variety of donors also contributed to the fund.

The Seymour Fox '49 Scholarship is designed to assist qualified students with financial need. Established in December 2006 by Seymour Fox '49, he set up the endowment as a vehicle to express his confidence in the future of Albany Law School. Mr. Fox doubled the scholarship with a gift a year later, from \$25,000 to \$50,000.

An Aversion to all Things Risky, Pitt Puts Her Chips on Annuities

If Charlotte Pitt had a mantra, it just might be, "I don't gamble." Playing it safe has been good to her.

She and her husband DeForest C. Pitt '32, a former N.Y. State Supreme Court Judge, stayed out of the stock market. "When Dee passed away, I sold the only stock we owned and bought my Jaguar," she said.

She's resided in the same 3rd floor walk-up apartment in Menands, N.Y., for the past 30 years, giving her the freedom to travel regularly: most recently to West Africa, and in May she's booked for Spain and Italy.

A child of the Depression, she's proud of her prudent grounding. "I don't like to take risks—not with my money and not with myself." She noted her affinity for horse racing, yet she's resisted the bet.

To that end, Charlotte has invested in two gift annuities with Albany Law School, which at her age, yields 8.5% a month. The gift annuity allowed Charlotte to get an immediate charitable tax-deduction and provides a lifetime of fixed payments with a good percentage of each payment tax-free.

"I know what it costs me to live," she says. "This annuity guarantees me an amount every month."

Calling the Albany Law community her extended family, Charlotte gives regularly to the school, most recently contributing to this year's Annual Fund at the Dean's Gold Circle Level. And just last year, Charlotte made a provision for Albany Law School in her will, planning to leave a bequest that will enhance the School's endowment.

"Albany Law School gave the love of my life the ability to achieve a successful career and life," she said. "He loved the School."

Growing up in Troy, Charlotte had an affinity for lawyers early on. "They were the best dressed, and they were the best looking," she said, laughing. She called the Depression Era a more desperate time than the current financial times. "You saw men in Chesterfield coats, with their velvet collars, waiting in breadlines that wound around the block.... FDR was an aristocrat, but he tried to take care of the people."

"I've never gambled," Charlotte likes to say often. She's even reluctant to risk replacing her old Jag with a new model. "Not until they put the emblem back on the front hood. They should never have taken it off." —DS

The gift annuity allowed Charlotte to get an immediate charitable tax-deduction and provides a lifetime of fixed payments with a good percentage of each payment tax-free.



Jennifer Hollis '09, the recipient of the Robert E. Littlefield '52 Memorial Scholarship, leaves her family behind in Malone, N.Y., every Sunday night to attend Albany Law School.

Hollis '09 Balances Study, Family and a 200-mile Commute

Each Sunday evening, Jennifer Hollis says goodbye to her husband, Al, and 11-year-old daughter, Tori, at their home in Malone, N.Y., and drives nearly 200 miles to her apartment in Albany. She spends the week in class and studying, returning to Malone and her family after her last class each Thursday.

“Sometimes my husband and daughter travel here instead, especially close to finals time,” said Hollis. “My daughter loves coming to Albany.”

Hollis, who will graduate from Albany Law this year, is the recipient of the Robert E. Littlefield '52 Memorial Scholarship, a merit-based scholarship that she has received for two consecutive years. She credits the scholarship with allowing her more time to study and spend with her family—and for gaining practical legal experience outside of the classroom.

“I was fortunate to be accepted by several law schools, but after much soul searching, Albany Law felt like the best choice for a number of reasons,” said Hollis. “The biggest reason was that I knew with its location in the Capital Region, Albany Law would provide me with the greatest number of opportunities for government internships and agency field placements, as well as other activities that involve the legal profession.”

Hollis has completed a health law field placement at the New York State Office of Mental Retardation and Developmental Disabilities and two summer internships with the Franklin County District Attorney's Office. “Last summer, I was able to submit and prevail in my first appeal to the Appellate Division, Third Department,” she said. While she expected to concentrate on disabilities law when she came to law school, her experience over the past two summers has led her to also consider criminal law as a potential career path. —NC



Daniel Komansky '82, Foundation president.

New Scholarship to Help Students Focused on Health Care Law

Albany Law School benefits from a new gift given by the Slomo and Cindy Silvian Foundation Scholarship to create a \$25,000-endowed scholarship fund. The fund will provide \$1,250 annually to a student interested in studying health care law while gaining hands-on client experience at the school's Health Law Clinic.

“We were looking for the right educational mission,” said Daniel Komansky '82, president of the Slomo and Cindy Silvian Foundation, located in Huntington Station, Long Island. “The kind of work pursued by the Health Law Clinic fits well with our vision of the Foundation; it ensures that the Foundation's money is put to use in a meaningful, productive way toward a young person's future, and toward justice.”

“Often our students work on cases involving the client's doctor and their insurance company,” said Professor Joseph Connors, director of the Law Clinic. “These kinds of scholarship gifts make the program stronger.”

The Albany Law Clinic and Justice Center's Health Law Clinic uses a model to collaborate between law students and medical professionals, which helps to resolve legal disputes and improve health outcomes for clients simultaneously.

Over the course of three years, a \$2,500 scholarship totals \$7,500, or a savings of about \$50 a month of debt after school. Annualized over the 15-year life of the average student loan, the money spares a student \$20,000.

The first student will receive the award in the fall 2009 semester.

Find Career Support through Your Fellow Alumni and Career Services

These are challenging times. Reports show that most firms are not hiring new attorneys, and some are reducing their staff size. Some of our highest-performing students have had their job offers deferred by larger law firms in favor of 12-month public service fellowships with public interest employers.

The class of 2009 is experiencing one of the tightest job markets in recent memory, but these challenges are not limited to attorneys new to the job market. Rather, attorneys at every level and in virtually every sector are potentially impacted by current economic realities. As a result, we hope to strengthen our interaction with our alumni community to better create opportunities not only for graduates entering this competitive environment, but also for alumni who are looking for new positions.

To better assist recent graduates, as well as alumni looking for new or improved employment opportunities, the Career Center will now operate under the broader organizational umbrella of Institutional Advancement. We expect this realignment to create synergy between Career Services and Alumni Affairs to help many of our graduates through these tough times.

With more than 9,500 alumni in every state of the country, we have a powerful network spanning all sectors of the legal profession. This includes government agencies, corporations, non-profit organizations, large and small firms, and countless non-traditional legal employment opportunities. Geographically, we regularly arrange interviews in cities such as New York, Boston, Washington, D.C., and Chicago.

At the Career Center we provide job seekers and employers access to the private online job search system, where thousands of jobs at all levels and employers in every sector and geographic region are listed at any one time. For those of you currently seeking employment, we urge you to join this network and tap into a community rich with resources and expertise.

Our full-time staff have decades of experience placing graduates with employers, and have a strong sense of the market. As a graduate, you are a lifelong member of the Albany Law School network, and are welcome to take advantage of our resources whether you are hiring or seeking employment.

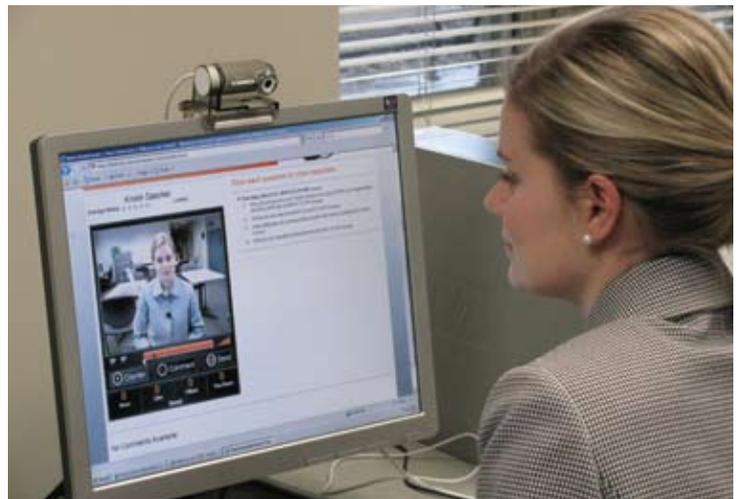
You can learn more by contacting us at 518-445-2332 or careers@albanylaw.edu, or visit us at www.albanylaw.edu/careers.

Online Job Search Tools for Alumni

Through state-of-the-art technology, Albany Law School's Career Services offers a free, online service with:

- an innovative online job search system
- a private database of international opportunities for alumni networking relationships
- a personal "job search agent" that automatically emails job listings based on your specifications
- the ability to post and package application materials for interested employers
- job searching web sites
- career guides.

The system also provides a range of services for employers, who take advantage of the program daily. To start using it immediately, go to www.albanylaw.edu/jobsearch.



Perfecting the Interview, On Your Own

Alumni and students can now practice interviewing privately through a new online system that records and then reviews your performance. Above, Kristin Dascher '09, observes her visual and verbal responses to a question. Dascher, a skilled interviewer who starts full time after graduation at Harter Secrest & Emery in Rochester, N.Y., scored high on the system, notably using no "um" on any of her answers.

Job-seekers are encouraged to contact the Career Center's Emily Simmons at 518-445-5874 or esimm@albanylaw.edu to reserve interviewing time with the new system.

CLASSNOTES

{ SPRING 2009 }

Connect Online with Classmates

Stay connected to your classmates and friends and Albany Law School; register by visiting www.albanylaw.edu/alumni, and click on Online Alumni Community.

Register and:

- Search for your classmates
- Update your information
- Submit class notes
- Register for alumni events
- Make a gift to the Albany Law School Fund online

Want online help?

Contact Ariane Garwood, Alumni Affairs Associate at 518-445-3220 or agarw@albanylaw.edu.

1952

The Honorable Joseph Gerace has received the John D. Hamilton Community Service Award. This award recognizes an individual's dedication, leadership and support in furthering community spirit and enhancing the quality of life in the Chautaugua Region of New York state.

1964

The Honorable Robert G. Hurlbutt is commencing his 22nd year as a N.Y.S. Supreme Court Justice and 11th year on the Appellate Division, Fourth Department.

1971

Richard Hanft has been appointed to the position of legislative assistant to the Troy City Council. He currently serves as Of Counsel at Tully Rinckey PLLC.

1973

David Beier has been appointed to the board of directors of ARYx Therapeutics, Inc. He is a veteran of the biotechnology industry and has been instrumental in the development of U.S. policy impacting biotechnology companies, having served in both the industry and the Clinton administration.

1974

Robert C. Daly has been promoted to senior vice president at Toyota Motor Sales, U.S.A., Inc. He is also a member of

their executive committee. He has been with Toyota since 1985.

1975

The Honorable Jeanine Pirro is the judge on a new court type national television show on the CW Network.

Former Governor of Iowa **Thomas Vilsack** is the new Secretary of Agriculture for President Obama.

1977

Mark Grobosky is an associate professor of legal studies at the University of Great Falls in Montana.

1978

Jonathan Birenbaum has joined as a partner the New York office of Winston & Strawn LLP.

Christopher J. Lagno has joined Seyfarth Shaw LLP in New York City. He serves as legal counsel to executors and trustees in all facets of the administration of estates and trusts.

Kathryn Grant Madigan has been appointed chair of the Binghamton University Council. She is a partner with Levene Gouldin & Thompson LLP.

Robert Mayberger continues to work as the deputy clerk of an appellate court, but in his spare time, he is shooting sports photos, which have recently appeared in the *New York Post*, *Newsday* and on ESPN.

Anne E. Pitter has joined Hartman & Craven LLP in Manhattan, as a partner. She

brings expertise in real estate law as well as corporate/business services, creditors' rights, and workouts and restructuring.

Martin J. Rothschild has been certified as a life member of both the Million Dollar Advocates Forum and the Multi-Million Dollar Advocates Forum. He specializes in construction site injuries, automobile accidents, truck and tractor accidents and municipal liability.

Stephen J. Waite, of Waite & Associates PC has moved his primary offices to State Street in Schenectady, N.Y.

1980

Lois Goland has been appointed to deputy counsel for the N.Y. State Police. She has been an assistant counsel since 1994.

1981

R. Steven Aceti was re-elected to the board of directors of the American Shore and Beach Preservation Association at its meeting and fall conference in Chicago, Ill. He is a lawyer and lobbyist in California.

James A. Caruso, a former principal law clerk to Supreme Court Justices, has opened his law practice in Troy, N.Y. He will be concentrating in matrimonial and family law.

1982

J. David Sampson has been appointed as deputy attorney general for regional affairs by New York's Attorney General.

Long Trials, Long Days, Large Rewards

When Leslie Debra Kelmachter '77 describes her 2007 \$12.75 million settlement after 11 weeks of trial with the City of New York and a landlord for the lead-poisoning of 19 children, she feels proudest for her post-settlement work.

"We spent a year structuring monthly stipends for each of the clients," Kelmachter said. "We wanted them to have lifelong income, and not just spend it as fast as they could."

These kinds of multimillion-dollar cases are not unfamiliar to Kelmachter, who is the lead trial lawyer at The Jacob Fuchsberg Law Firm, headquartered in midtown Manhattan. Not long before the lead poison settlement, Kelmachter won a \$13.2 million verdict for a plaintiff who lost a portion of her leg. Recently, after eight weeks of trial, she negotiated a settlement from a hospital that released her client without determining that he suffered a stroke, subsequently paralyzing him.

"I love the trial," Kelmachter said. "It means working day and night to prepare, and you can't win them all, but they're exciting." Her favorite part? Cross examination.

"I remember my 3rd grade teacher took me aside and said she thought I should be a lawyer," Kelmachter recalled. "She may have told this to a lot of kids, or maybe she just made it up for me, but it stuck with me."

The boutique firm, which specializes in medical malpractice and personal injury work, has

three general partners, 10 associates and junior partners and a full-time medical doctor. Through reputation, some radio advertising, and referrals from other attorneys, there is no shortage of cases at the firm.

"There are so many families who come in because of catastrophic injuries or the death of a loved one, but not every injury has its basis in liability," said Kelmachter, who personally vets many of the cases that come in. "Anecdotally, I'd say we settle about 90% and win about 80% of those that we try." She's currently preparing a case for a family whose mother died giving birth. With a two- and four-year-old at home, Kelmachter does a good portion of her work at 4 a.m.

Kelmachter grew up in Brooklyn. She attended the State

University of New York, New Paltz, as a political science major, and then, following her 3rd grade teacher's advice, she went to law school. After graduation she worked at Legal Aid, and then for New York City, defending the City against personal injury suits. She began her work on the plaintiff's side at Schneider Kleinick, and Weitz, where she praised Ivan Schneider for his mentoring.

"When you work for Legal Aid, you find yourself in front of a judge all the time. Eventually you come to know how to do it, and some get good at it," Kelmachter said. "I love starting a new trial, learning about medical topics, or construction, or chemical poisoning. And then you forget it for the next trial. It's the learning for each case that I really like." —DS

Discrediting a Renown IQ Expert in 5 Minutes

After a full day of testimony from the final witness of an 11-week trial, Leslie Debra Kelmachter asked the judge for five more minutes to cross-examine the witness quickly before they adjourn for the day. Before the Judge could respond, a juror shouted from the box, "Give her five minutes," Kelmachter recalled. "This actually happened." So she got her five minutes.

"The witness, Alan Kaufman, was a world-renowned IQ expert, and it felt like he shifted the case against my client and in favor of the defendants," Kelmachter explained. "But I had learned he consulted for lead-related chemical companies. I asked him if he lobbied for these companies. Rather than answer the question, he asked 'What's lobbying?' This from an expert holding himself out as the greatest authority on intellect in the nation. After a day of damaging testimony against my clients, he was discredited in five minutes."

The City and a landlord settled with Kelmachter for \$12.75 million before a verdict was rendered.

1983



Michael Basile was given the Lawyer of the Year Award by the Schenectady

County Bar Association.

1984

Harold V. Johnson has been named to the 2009 Board of Directors of Brinks Hofer Gilson & Lione, an international property law firm.

Jeffrey P. Mans has been appointed by N.Y. Governor David Paterson to serve as deputy secretary for labor and financial regulation.

1988

Robert S. Bennett is the author of the book *Johnny Podres: Brooklyn's Yankee Killer*. He has his own law firm in New York specializing in technology and intellectual property law.



John J. Gable has joined the firm of McGlinchey Stafford PLLC, in

their Albany office.

Anthony Giardina has been appointed by N.Y. Gov. David Paterson to serve as assistant secretary for economic development and upstate recovery.

REITs, Manufacturing, Financial Advising: Nolan Diversifies after Ayco

Dan Nolan '78 just might be busier than he has ever been during his years at Ayco. But that hasn't toned down his commitment to Albany Law School—which has included recruiting students on campus, volunteering as an interview coach, attending events and serving on the National Alumni Council. In fact, he's stepped it up a notch as one of the newest members of the Board of Trustees.

Recently he sold the second largest company behind Verizon that owned and managed pay phones in Puerto Rico. He also bought five residential buildings in Ft. Lauderdale, where he plans to rent the 30 units and eventually, when the market turns, convert into town houses. During this time he was named managing partner at Johnson Illington Advisors, working with the Capital Region's most notable investment expert Hugh Johnson.

On another front, Nolan, working with a partner, sought to raise around \$200 million to invest in REITs—Real Estate Investment Trusts—in the Caribbean and eventually Latin America. The project is on hold until credit loosens its tight grip.

All this and more has been going on since he left Ayco Co. in 2007 after a 27 year career that began right out of law school.

"The most exciting parts of my Ayco years were growing the business in its early days, and integrating with Goldman Sachs," Nolan said. "When I left Ayco, I was eager to pursue entrepreneurial endeavors."

When Goldman Sachs

acquired Ayco in '03, Nolan led the effort to integrate the two units. This meant taking the 5:10 a.m. Amtrak to New York on Monday—"I beat a lot of the New Yorkers into their office"—returning Tuesday evening, and then back down to New York on Wednesday morning until Thursday evening.

While Nolan covers a diverse range of business pursuits at any one time, they all fall under three main umbrellas: NPV Capital, LLC, a private equity and real estate firm currently focused on waterfront property in Florida; an investment partnership with an office in Rockefeller Center; and his director role with Johnson Illington.

"I'm very diversified," Nolan said, "and each project can take off at any time." Sounding partial toward the Johnson partnership, Nolan explained that he met Johnson years ago after continuously bumping into him at Albany's train station and airport. "He invited me to come down and see how it feels," Nolan explained, after seeing Johnson at a local function. "It's entrepreneurial, and it's small. In this economic environment, that's what people are looking for."

The Ayco and Albany Law Years

"I haven't interviewed for a job since law school," Nolan said, chuckling. Initially out of school, he was looking in Phoenix, Atlanta, and San Diego, warm, developing regions at the time, until he got a cold-call from Ayco's founder Jim Conway,

who was prompted to call Nolan by Professor Harold Dubroff. "I went to their office, met them, and fell in love with the company."

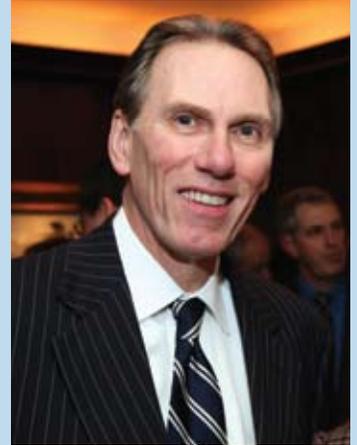
Ayco expanded rapidly during the '70s and '80s, as pioneers of fee-based financial planning. "We offered Fortune 500 executives objective advice on retainer, and let other financial firms make the investments. This was a new approach back then."

Nolan, as a member of the firm's hiring committee, recruited dozens of Albany Law grads over the years, making Ayco the number one private employer of the school's alumni.

"I had a phenomenal experience at law school," Nolan said. "I really enjoyed my three years there. The education was far better than the reputation, and I still think Albany Law is the best kept secret."

Nolan has previously considered joining the Board, but couldn't make the commitment. "The timing was never right until now," he said. "My commuting to New York has slowed down considerably, and I can devote the proper time to the position.... I believe in what this Dean is doing and I'll always have a soft spot in my heart for this school. I'm glad to serve on the Board."

Nolan has a 23 year-old son working in an investment management firm in New York, and a daughter in her senior year of high school. —DS



Dan Nolan '78

"But Sir, My Wedding Is the Day before the Test."

Dan Nolan made meticulous plans to time his wedding and honeymoon between the semester break and final exams of his third year of law school. He met his fiancée, Sally, now his wife of 31 years, at a law firm summer job after his first year of law school, where she was an assistant to a firm partner.

"After making all the plans, I saw I had a test the day after the wedding, when we were supposed to fly to the Bahamas. I told Professor [Bernard] Harvith, but he said I still had to take the test."

"I remember talking to registrar Helen Wilkinson about my situation. A few days later, she called to tell me that Professor Harvith agreed to move my test time. I don't know how she fixed it, but she did. I don't know what we would have done. Honeymoon at Niagara Falls in the winter?"

After 500 Syndicated Loan Transactions with Sheppard, Scott asks: What's Next?

The way William M. Scott IV '85 tells it, he had no clear plan and no road map for his career after Albany Law School. In fact, he wasn't even sure why he applied to law school in the first place after graduating from Dartmouth College with a major in history and only the vaguest of notions of what he might do with that. His girlfriend was set to begin a graduate program in reading education at the University at Albany, so he set his sights on Albany Law. "It was a lot of happenstance," Scott recalled.

His serendipitous journey has carried him to the top echelon of lawyers who handle multi-billion dollar syndicated loan transactions on massive construction projects for major gaming and resort companies as a partner with Sheppard, Mullin, Richter and Hampton in Los Angeles. The firm is one of the nation's 100 largest, with more than 500 attorneys practicing in California, New York, Washington, D.C., and Shanghai.

Scott is currently working on the complex financing arrangements for one of the largest private development projects ever undertaken, a \$10 billion Las Vegas mega-resort that is a joint venture between MGM Mirage and the government of Dubai. Touted as an "unprecedented urban metropolis," CityCenter will cover 67 acres between the Bellagio and Monte Carlo resorts on the Las Vegas Strip.

The economic crisis has increased the stress of the work. "They're crazy hours right now," said Scott, who spoke from his

L.A. office at 7 p.m. on a recent night, more than 12 hours after arriving for work early that morning. "I'm lucky if I get 10 minutes for lunch, but that's kind of the nature of the job."

The recession has meant that Scott has been increasingly revisiting the financing on previous projects. "In some instances, I'm being called upon to enforce my documents or to restructure debt," he said. "A lot of companies have increased leverage and a lot of them are facing liquidity problems and other stresses. There aren't a lot of people loaning money now and those that did loan money are very concerned about being paid back."

Scott estimated that he's done more than 500 syndicated loan transactions over the past 22 years at Sheppard Mullin, the only place he's worked since adding a master's degree in Banking and Financial Services Law from Boston University Law School in 1985 after graduating from Albany Law in 1984. When he was just starting out at Sheppard Mullin, a Las Vegas gaming resort of \$100 to \$500 million was considered large. Now, the projects routinely have risen into the multi-billion range and anywhere from three to 200 lending institutions are involved in a single syndicated loan transaction.

"I like to think I'm contributing something," Scott said. On CityCenter, there are 10,000 guys going home tonight from that construction site and putting food on the table in front of their kids because we financed

that project. My role is pretty small on these projects, but I'm proud of what I've done over the past 20 years. I like to think that I've help build businesses where my clients made good livings and contributed to the economy."

Scott's wife, Jill, also has a law degree. "She's a reformed lawyer," Scott said. She teaches reading intervention at a public elementary school outside L.A. The couple has four children: Max and Mike, both collegiate athletes at UCLA; Molly, who will attend Amherst College in the fall, and MaryJo, a high school junior. The Scotts live in the La Canada Flintridge in Los Angeles County.

He recalls his favorite professor, Katheryn Katz. "It wasn't so much about the course material, but she kept it interesting and fun and that's what I was looking for," Scott said. "She was a great communicator and made the subject come alive." He also praised the courses he took with Alex Seita, who talked about his work as an in-house counsel at Bank of America. "It's interesting that Bank of America is now one of my biggest clients," he said. "Alex started to get me a little more interested in commercial and real property law and then into contract law."

From a financial standpoint, the 49-year-old said he's in a position to retire at 50, but his predicament isn't unlike what he felt as a first-year student at Albany Law. "I didn't know what I was doing then and I have no idea what I'm doing now when it comes to the big picture," he



William M. Scott IV '85

said. "This is what I do, I'm reasonably good at it, I've made some money at it, but I'm looking for different ways to contribute. I've been a husband and a father and I have four great, smart kids. But I've been a partner in this law firm for a long time and a lawyer in this law firm for an even longer time. I've been hitting the iron pretty hot for many, many years.... I'm just thinking out loud here. I might run for political office, maybe get into government service somehow. I might start a bank. I'm very interested in considering second-career choices at this point."

His only regret in the short-term is that he doesn't have much time for long-distance cycling. This spring he plans to ride in a San Francisco to Los Angeles cycling race. It's a distance of about 350 miles. This time, he'll take the most direct route. —PG

Weapons of Mass Destruction Expert Brings Her Experience to the Ford Foundation

Daniel Hurteau, a partner in the Albany office of Nixon Peabody LLP, has joined the Albany County Bar Association's board of directors.



David P. Miranda has been elected President of the Albany County Bar Association for 2009.

Susan A. Roberts, chief compliance officer for Bausch & Lomb Inc., has been named a corporate vice president.

1989

Brian W. Devane has opened his own office in Delmar, N.Y. His areas of expertise include criminal defense, personal injury and litigation services.

1990

Kenneth P. Addeo is of counsel at Greenberg Traurig's new White Plains, N.Y., office. His practice will focus on commercial real estate law and asset-based finance transactions.

Robert K. Davies was featured in the Albany *Times Union's* Capital Profile for his work as the N.Y. state director of Lands and Forests and State Forester.

Robert E. Krahulik has been named to the board of trustees for the State University of New York Orange County. He is senior partner at Bonacic, Krahulik & Associates LLP in Middletown, N.Y.

Well before WMD—weapons of mass destruction—was a household acronym, Bonnie Jenkins '88 was general counsel to the U.S. Commission to Assess the Organization of the Federal Government to Combat Proliferation of Weapons of Mass Destruction. A few years later, she was appointed as counsel to the National Commission on Terrorist Attacks upon the United States (known as the "9-11 Commission"). Her specific work on the 9-11 Commission was to review the counterterrorism policies of the Office of the Secretary of Defense prior to 9-11 and included interviewing former defense secretaries Donald Rumsfeld and William Cohen, deputy secretary Paul Wolfowitz, and military generals including General Tommy Franks.

Her entire resume is daunting and lists positions with the U.S. Department of State Office of Policy Planning, and the U.S. Arms Control and Disarmament Agency, where she negotiated arms treaties for eight years in places like Vienna, Geneva, and Moscow. She has a B.A. from Amherst College, an M.P.A. from University at Albany, a J.D. from Albany Law, an LL.M. from Georgetown University Law Center, and a Ph.D. from the University of Virginia's Department of Politics.

After 20 years of service in the Air Force Reserves, with her eye on retiring, she was called to serve one year in Iraq. "I have always questioned our decision to go into Iraq," Jenkins wrote in an article for Amherst College.

Given her firsthand expertise in international law, Jenkins "did not think that international law supported our reasons for going into Iraq." After some soul-searching, Jenkins resolved to "answer the call" and serve. By the time she reported to Norfolk Naval Base in Virginia for preparation to go to Iraq, she learned that her assignment was moved to Tampa, Fl., the headquarters for U.S. military command for places like Iraq, Iran, Afghanistan and Syria.

The Ford Foundation

Today she brings together her vast WMD and international experience to the Ford Foundation, where her portfolio is U.S. Foreign and Security Policy.

Part of her job is to "promote the management and reduction of WMDs; help relationships with the nuclear powers like China, North Korea and Russia; and oversee intervention strategies for certain regions of the world entrenched in violence," said Jenkins.

Jenkins said her military experience has given her a richer perspective. "I've been on many sides of the equation; I approach my work with a very wide lens."

Her year in Tampa was spent identifying military targets overseas, selecting weapons appropriate to strike the targets, and estimating the collateral damage of a strike. Jenkins said that there was little discussion around policy in Tampa, which she accepted as inherent to military culture. At the Ford Foundation, she relishes the lively debates. "Here we take a very strategic view of the



Bonnie Jenkins '88

Her year was spent identifying military targets overseas, selecting weapons appropriate to strike the targets, and estimating the collateral damage of a strike.

field, engaging think tanks, universities, policymakers and community leaders. I meet with a lot of committed advocates and talented thinkers from all sides of the issues."

Retired from the military, happy with her role at the Foundation, and living in Westchester County, not far from her native Bronx and her beloved Yankees, Jenkins has no specific target for her future, only that it seems brightly lit. "This is very interesting work and requires me to draw from all my experiences," she said.

—DS

Defending a Dare, Roberts Lands Job at Bausch & Lomb



Bonnie Jenkins '88

After working at Harter, Secrest & Emery in Rochester, N.Y., for seven years, Susan Roberts '88 learned of an open position across the street managing litigation at Bausch & Lomb. Happy with her busy litigation practice at Harter, Secrest, the open position didn't interest her much at first, until a law firm colleague dared her to apply.

"You don't dare someone who is the youngest of five children," Roberts joked, adding that dares and challenges still hold value for her.

That was in 1995. Today she is the chief compliance officer for Bausch & Lomb, a company with 13,000 employees worldwide and products available in over 100 countries. Compliance issues can include conflicts of interest, harassment, environmental safety, bribery, theft, fraud—any type of legal violation or workplace misconduct.

"In compliance, we work to protect and enhance the value of the Company," explained

Roberts. "We focus on preventing compliance issues by continuously assessing risks, putting the necessary systems and processes in place to manage the risks, then auditing and monitoring to ensure the systems in place are effective. We also evaluate our culture—do our employees know what's expected of them and are they doing the right thing?"

Roberts started with Bausch & Lomb managing its litigation 14 years ago. Three years ago the company asked Roberts to start a compliance department. Shortly thereafter, the public company became privately held by Warburg Pincus, a private equity firm.

Even before the Compliance Department, Roberts said the work was challenging due to the company's global presence and its range of products, which include contact lenses, ophthalmic pharmaceuticals, intraocular lenses and ophthalmic surgical equipment.

Roberts reports directly to the CEO. In December 2008 the Board of Directors elected Roberts to corporate vice president.

"I believe in Bausch & Lomb," said Roberts, who is married with a nine- and a seven-year-old. "Our mission hasn't changed since our founders started the company 156 years ago: we help people see. A century and a half later, we're still doing that. I have seen our products change peoples' lives for the better and I'm very proud to be a part of that." —DS

Maureen Tighe is now with the firm of Martin, Harding & Mazzotti LLP in Albany, N.Y.

1991

Bonnie Greene Ackerman is a professor at Pace Law School, where she teaches criminal law and legal writing. She lives in Rye Brook, N.Y., with her husband and two daughters.

Eric Wilson has been named the deputy commissioner of aviation at the Lakefront Development Corp. in Syracuse.

1992

Kristina Baldwin has joined Greenberg Traurig LLP as part of its government affairs, health and insurance practices division.



Douglas E. Gerhardt

has joined the law firm of Harris Beach as a partner in the

firm's educational institutions and labor and employment law practice groups.

Suzanne Latimer is partner in the newly formed firm LaFave, Latimer, Stroud & Jermone LLP in Delmar, N.Y.

Allen R. Wolff has joined the firm of Olshan Grundman Frome Rosenzweig & Wolosky LLP in New York City as a partner. He was formerly with Carlsmith Ball in Hawaii.



Eleanor M. Zimmerman

has joined Hodgson Russ LLP in their corporate and

securities practice group in their Albany office.

Mark Zaid was named one of Washington, D.C.'s, 2009 Super Lawyers in the field of administrative law for his work handling national security and secrecy cases.

1993

The Association of Towns of the State of New York named **Lori Mithen-DeMasi** counsel. She has been with the association's legal staff for 15 years.

1994

Steven E. Gurdin has been named co-chair of the Family Law Section of the Boston Bar Association.

Kimberly Y. Jones has been appointed chair of the Massachusetts Bar Association's Civil Litigation Section.

Kristen Martin has been promoted to assistant vice president and general auditor in the home office internal audit department at the Utica Mutual Insurance Company, a principal member of the Utica National Insurance Group, of New Hartford, N.Y.

Melendez Balances Corporate Litigation, Community Commitment, and Family Life

1996

John F. Queenan has been named partner at Iseman Cunningham Riester & Hyde LLP in Albany, N.Y.

1997

William A. Hurst has been promoted to partner at Hiscock & Barclay LLP.

Mary Ellen Ladouceur has received the second annual Award for Outstanding Performance at the Office of Counsel. She has been an associate attorney at N.Y. State's Taxation & Finance since 2002.

John T. McManus was named a partner in the Albany office of Harris Beach.

1998

Ralph L. Puglielle Jr. has opened the law practice Minard & Puglielle PLLC in Highland, N.Y.

1999

Frederik Erikson has been appointed senior vice president, associate legal counsel, at Webster Bank, N.A., in Hartford, Conn., a subsidiary of Webster Financial Corporation.



Justin E. Proper has joined White and Williams as counsel in the Commercial

Litigation Department in Philadelphia, Pa.

Maria Melendez '92 still recalls Professor Norman Deutsch's oft-repeated instruction to "always read the statute." She continues to pass this simple yet sound advice on to young associates now that she is a partner in the New York City office of Sidley Austin LLP.

As a member of the firm's litigation practice since 1993, Melendez focuses on complex commercial litigation, including securities litigation, as well as commercial arbitrations. "At its core, it's all litigation, which is something that I've always enjoyed ever since law school," she said.

She fondly remembers her international transactions class with Professor Patricia Youngblood Reyhan. "She's one of those people who blow you away—so talented."

Her decision to apply to Albany Law School was based in part on a suggestion by one of her public policy professors at Syracuse University, where she earned her undergraduate degree in marketing. "I did kind of a loop through Upstate New York before returning to New York City," said Melendez, who was born in Puerto Rico and raised in Brooklyn.

While studying at Albany Law, Melendez spent more than two years clerking for E. Stewart Jones '66, currently chairman of the school's Board of Trustees. "You learn a lot from someone like that," she recalled. She also found time to serve as an associate editor of the *Albany Law Review*

and participate in as many BALSAs as possible.

Melendez maintains a full schedule today, as well, including serving as the New York-chair of the Diversity Committee and a member of the Hiring Committee for Sidley Austin, a firm with more than 1,800 lawyers in 16 offices. She is also a member of the board of directors of LatinoJustice PRLDEF, an organization that has won landmark cases in education, housing, voting, migrant, immigrant, employment and other civil rights.

She has been involved with the nonprofit organization inMotion Inc. in various roles since 2001, currently serving as Sidley Austin's corporate representative with the women's legal services provider. Several times a year, her firm sends an associate to inMotion to work full time for three to four months providing free services in matrimonial, family and immigration law. The program was recognized in February as one of inMotion's 2009 Commitment to Justice Award Recipients.

Melendez has two boys, ages eight and 10, with her husband, who she met as an undergraduate and married in 1993. "Although it is not always easy, it is certainly possible to balance a fulfilling home life with this kind of work," she concluded. "I think it is important for people just out of law school to realize that they can have both." —NC



Maria Melendez '92

Melendez maintains a full schedule today, as well, including serving as the New York-chair of the Diversity Committee and a member of the Hiring Committee for Sidley Austin, a firm with more than 1,800 lawyers in 16 offices.

Recent Grad Chases Doctorate



Alexandra Harrington '05 has authored 18 law journal articles in the past four years, and has delivered presentations at conferences spanning three countries over the past year.

Her topics range widely, including health, environmental, human rights and international law. Harrington maintains this level of productivity

while enrolled in the Doctor of Civil Law program at McGill University in Montreal, working on issues around human rights and territorial sovereignty.

She is an associate fellow at the McGill-based Centre for International Sustainable Development Law, which promotes sustainable societies and the protection of ecosystems through the law. Along with a colleague at McGill, Harrington has also recently started a blog, www.jurisculture.net, covering various forms of media, culture and the law.

“After I graduate from McGill I hope to teach at the law professor level, preferably in the United States,” said Harrington.

Harrington served as editor in chief of the *Albany Law Journal of Science and Technology* and competed as a finalist in the Dominick L. Gabrielli Appellate Advocacy Moot Court Competition before earning her J.D. in 2005. After graduation, she spent more than a year in private practice in the Capital Region before returning to Albany Law to earn her LL.M. in International Law in 2008.

2000

Catherine M. Hedgeman was selected as one of 80 winners in the Women Rule! leadership contest held by *O, The Oprah Magazine*. She was featured in the November issue of the magazine.

Jared T. Levine started the law firm of Dervishi, Levin & Morgan PC in New York City.

Hobart Simpson has become a partner in the law firm of Tarshis, Catania, Liberth, Mahon and Milligram PLLC in Newburgh, N.Y. His areas of practice include construction, commercial, personal injury and general litigation.

2001

Matthew Sypniewski has been promoted to bureau chief at the Schenectady County District Attorney's office. He will be handling all the appeals in the office.

2002

Michele Schettino will be in charge of the Special Victims Unit at the Schenectady County District Attorney's office along with her role as City Court bureau chief.

2003

Moshe H. Bonder has been named Counsel at Hoffman Warnick LLC in Albany.

Matthew F. Guilbault has been promoted to director of government and industry affairs at PIA Management Services, Inc., with primary responsibility for all government relations and insurance industry liaison programs for the four-state Professional Insurance Agents associations.

Nicole Helmer has graduated from the fall 2008 FBI Citizens' Academy in Albany.

2004

Donna M. Kerwin is a senior attorney at the N.Y. State Office of the State Comptroller in Albany.

Nicholas L. Mineo has been named an associate with Rupp, Baase, Pfalzgraf, Cunningham and Coppola in Buffalo, N.Y.



Autondria Minor has been promoted to partner at Schmeiser, Olsen &

Watts LLP in Latham, N.Y.

Susan K. Plonski has been appointed assistant deputy county executive in Ulster County, N.Y.

Sara Delaney Vero is the new president of the board of directors for the Empire State Youth Orchestra, Inc. She is an attorney with Bond, Schoeneck & King PLLC.

2005

Jennifer A. Baltrush has joined the law firm of Alex C. Dell in Albany, N.Y.

Michael J. Norris has been named as third deputy corporation counsel for the city of Lockport, N.Y.

2006

Chad A. Jerome is partner in the newly formed firm—LaFave, Latimer, Stroud & Jerome LLP in Delmar, N.Y.

Gary M. Pasqua has been hired as a Franklin County assistant district attorney.

2007

Jim Horton has been sworn in as a N.Y. State Trooper at the State Police Academy.

Daniels '01 Closes in on a Triple Threat: J.D., M.D., Air Force Reserves Major

John Daniels felt himself torn between competing career goals: law, the military and medicine. Unable to choose just one, he's pursued all three across a circuitous career path that has made him a rare triple threat professionally: lawyer, Major in the Air Force Reserves JAG Corps and a medical student. He also has an MBA.

"I've always enjoyed the challenge of learning new things, which I find exciting. Juggling everything can get a little stressful, but when you've had a drill sergeant yelling at you, this is nothing," said Daniels, a married father of two young children, who is in his first year of medical school at the University of North Texas Health Science Center in Fort Worth. He and his wife, Jean, met at St. Peter's Hospital in Albany, where she worked as a secretary in the neonatal intensive care unit and he worked weekends as a lab tech in the blood bank to help pay his way through law school.

Daniels, who's known as J.D. in the military and at medical school, was born in Thailand. His father was in the U.S. Air Force stationed there and met his future wife, a nurse at the Korat Royal Thai Air Base. Daniels' family moved to the States in 1970 and settled in the Albany suburb of Averill Park. Daniels graduated from Troy High School and earned a bachelor's degree in biology at the University of Albany.

But something about the law had always fascinated him since boyhood, when he observed an attorney helping his mom



John Daniels, class of 2001, at his medical school White Coat Ceremony with his wife and children.

successfully complete her naturalization process. The same lawyer later helped the family to secure his dad's death benefits after he was killed in a car accident in 1981. "He was a good man and a fine lawyer and that impressed upon me from a young age that becoming an attorney was a worthwhile profession," he said.

At Albany Law, Professor Dale Moore was his biggest influence. He took a few courses from her, including Health Law and Legal Issues & Medicine. "She had been a nurse and really made the material come alive. I remembered her saying one day in class, 'Some of you may consider a career in medicine one day down the road.' That really stuck with me."

In one of Professor Moore's courses, Daniels had an opportunity to work alongside obstet-

rics residents at Albany Medical Center Hospital. He also completed an externship in the N.Y. State Department of Health's bureau of medical affairs. "I still didn't know how I was going to combine law and medicine at that point," he recalled.

Throughout law school, Daniels remained active in the Army Reserve, where he was assigned to the 364th General Hospital in Albany. After graduating from Albany Law, he joined the U.S. Air Force JAG Corps, where one of his jobs was as a medical law consultant: he reviewed medical malpractice claims, retirement benefit issues and other legal matters at 10 bases across Texas, Colorado and Wyoming. "That job brought me back into hospitals. I interacted with physicians and started thinking about medicine again," he said. While in the JAG Corps he

"Most who have both degrees went through medicine first and got their law degree second, but I reversed that route."

worked as a military prosecutor and as a special assistant to a U.S. Attorney's Office trying rape, sexual assault, child pornography and federal workplace theft cases in Magistrate's Court. "We dealt with forensic psychiatrists in the JAG and that got me thinking of going to medical school again," he said.

As a medical student, Daniels has taken courses from professors who are both physicians and lawyers. "Most who have both degrees went through medicine first and got their law degree second, but I reversed that route," he said. "I've discovered that it helps to have a legal background as a physician because the medical field is so regulated now, you need to be able to understand complicated legal issues in health statutes."

He has managed to afford the high cost of medical school with financial assistance from the G.I. Bill. Once he finally gets his medical degree and finishes residency training, he'll be in his late-40s and will probably decide that's enough schooling.

"My path has been a long and circuitous one," Daniels said. "I've always been a late starter. I finished college at the age of 25 and will graduate medical school at 44. I always knew I wanted to work in law and medicine. It's just taken me awhile to get there." —PG



Rebekah Nellis Kennedy has been named an associate attorney with D'Agostino,

Krackeler, Baynes & Maguire PC in Albany, N.Y.



Jennifer Sunderlin has been appointed to serve on the board of directors of

the Girl Scouts of Northeastern New York.

2008

Karry Culihan has been hired as a law clerk in the employment law department at Tully Rinckey PLLC in Albany.

John Healy has been hired to work in the Schenectady County City Court. He had been clerking in the district attorney's office.



Derrick Hogan is a law clerk with Tully Rinckey PLLC's employment

law department in Albany.

Robert F. Manfredo is an associate attorney at Girvin & Ferlazzo PC in Albany. He will work primarily on civil litigation.

MARRIAGES, BIRTHS AND ADOPTIONS

2000

Donna Cole-Paul gave birth to Kailey Samantha Paul on July 5, 2008.

2001

Christina Roberts-Ryba gave birth to a son, Graham, on Sept. 27, 2008.

2002

Mark Chieco and his wife, Tracy, gave birth to a son, Jack, on April 9, 2008.

2005

Robert J. Lalley and **Sophie A. Jensen '07** were married on Feb. 21, 2009, at the Mansion Inn of Saratoga, Saratoga Springs, N.Y.

2007

Elizabeth F. Williams and **Eliseo Bladizzi Jr.** were married on July 2, 2008, in the islands of the Turks and Caicos. Elizabeth is General Counsel at Indotronix International Corporation in Poughkeepsie, N.Y.

Who are they?

The first five alumni to correctly name anyone in either photo win an Albany Law School cap. The first two to correctly name all in either photo, including graduation year, win a Law School sweatshirt.

Submit your answers to Christina Sebastian, Director of Alumni Affairs, at 518-445-3361 or cseba@albanylaw.edu.



Answers from the last issue.

< Top Photo: John J. Quinn '75, Anthony J. Mastrodonato '75, Jeffrey J. Sherrin '75, John J. Conway III '75

< Bottom Photo: First Row (L-R): Sean M. Doolan '87, Kirk A. McDaniel '88, Joseph A. Glazer '89, William Fotopoulos '89. Second Row (L-R): Richard J. Miller Jr. '89, Heidi F. Aston '89, Renee L. James '87, Therese M. Vita '88. Third Row (L-R): Steven A. Rubin '88, Stephen W. Cass '88, Daniel J. McGraw '87, Stephen J. Maher '87

IN MEMORIAM

{ SPRING 2009 }

1937

William MacMillen passed away on Jan. 8, 2009. He graduated from Williams College in 1934. He served as a major in the U.S. Army Air Forces during World War II and was decorated with the Legion of Merit. Mr. MacMillen practiced law from 1939 to 1942 in the firm of MacMillen & Filley in Troy, N.Y. Thereafter, he began a long association with Robert R. Young at the Federation of Railway Progress. Mr. MacMillen's career included the entertainment and banking industry.

1943



Rollin L. Twining died on Aug. 11, 2008. Mr. Twining entered the

U.S. Army in March 1944, serving in Europe with the 106th Infantry Division, receiving the Certificate of Merit Award for outstanding and meritorious performance of military duty, the Bronze Star Award, and the N.Y. State Conspicuous Service Award. After receiving his law degree, Mr. Twining formed many partnerships over the years. In 1998 he joined Coughlin and Gerhart as counsel.

1946

The Honorable Malcolm Tomlinson passed away on Oct. 7, 2008. He was a graduate of Niagara University and was a student at St. John's Law School before he was drafted. Judge Tomlinson served with the 531st Engineer Short Regiment of the

U.S. Army. After discharge from the service he completed his law degree in 1946. The last 20 years of his career were spent as the Montgomery County Surrogate judge, retiring in 1987.



David Sterling Williams died on Nov. 12, 2008 at the age of 91. He was a

graduate of Albany Academy and Colgate University. He also received an Honorary Doctor of Law degree from Albany Law School 43 years after his graduation. He left law school in 1941 to join the U.S. Army and served as an intelligence officer in the European Theatre of Operations, being discharged in 1945. Upon completion of his law school studies in 1946, he joined the firm of Whalen, McNamee, Creble & Nichols in Albany and practiced law at the firm until his death. For many years he led the firm, and in 1974 the firm's name was changed to include his name on its title where it has remained ever since: McNamee, Lochner, Titus & Williams. He was president of the N.Y. State Bar Association from 1981-1982. He was a former trustee of Albany Law School. He contributed regularly for decades to the Albany Law School Annual Fund, and gave significantly to the Library Campaign and scholarships. A scholarship in his name was initiated by his wife, Georgiana Harris Williams (who died in 1996).

1949



John C. McTiernan passed away on Dec. 15, 2008. He joined the Navy and

became the engineering officer of the destroyer Dortch. After law school he began a long and successful career as a litigator for the State of New York.

1950

John W. Condon Jr. died on Oct. 29, 2008. He served in Europe during World War II. After the war, he graduated from Canisius College and Albany Law. Although he was retired, Mr. Condon was a Bar Association of Erie County lecturer and instructor at the University at Buffalo Law School. Mr. Condon was a founding member of the National Association of Criminal Defense Lawyers in 1958.

1954

Vito F. Longo passed away on Dec. 3, 2008. He was a veteran of the U.S. Navy during World War II. He taught business administration and eventually started his own law practice in Schenectady. He was also a certified public accountant. Mr. Longo worked for the N.Y. State Attorney General and was the former director of Employee/Employer Relations for the New York State Department of Education.

1956

Frank E. Kunker III died on Oct. 19, 2008. He had been an independent financial planner for many years.

1960

Arnold C. Peer passed away on Feb. 19, 2009. He was a U.S. Army Korean War veteran. Mr. Peer practiced law for 45 years before his retirement in 2005.

1968

John F. Compani passed away on Feb. 14, 2009. He was employed by the N.Y. State Department of Taxation and Finance as legal counsel, and wrote many of the New York tax laws still in use today. Recently, he worked as a real estate broker in Florida.

1971



Patrick J. Cannon passed away on Nov. 2, 2008. He practiced law at Jacobs and

Jacobs, Esq. for many years. Additionally, he served as a confidential law clerk for the N.Y. State Supreme Court under Honorable Justice Robert Harlem. For 1992 until 2000 he served as the Delaware County chief assistant district attorney.

1975

Christopher J. Connors died on Nov. 4, 2008. His legal career began in the office of J. Leo Coupe, Utica. There he began

Buschman '49, Justice Jackson's Clerk, Dies

By Professor John Q. Barrett, St. John's University School of Law

representing St. Elizabeth Hospital and became employed by them full time in June of 1989, until his death.

1979



Jeffrey R. Armstrong, 54, of Delmar, N.Y., died on Feb. 4, 2009. He was a

1976 graduate of Skidmore College. In 2004 he was awarded an LL.M., summa cum laude from Albany Law School. He was a partner with the firm of Whiteman, Osterman & Hanna LLP and concentrated his practice in the area of transactional intellectual property, sponsored research and compliance matters, and technology transfer. He also was an adjunct professor at Albany Law School for intellectual property and technology transfer courses. Mr. Armstrong served as external counsel to Rensselaer Polytechnic Institute for matters relating to research, and technology transfer. He also had several published articles in his areas of expertise. He is survived by his wife Pam '86, a professor at Albany Law School, and their sons Ryan and Brendan.

1989

Risa L. Viglucci died on Nov. 6, 2008. She was an assistant attorney general with the N.Y. State Attorney General's office. Prior to that Risa worked at the Albany County District Attorney's office.

Howard Charles Buschman Jr. '49, a law clerk for U.S. Supreme Court Justice Robert H. Jackson '12, died at age 91.

As a top student in his class, and editor of the *Albany Law Review*, Albany Law's Dean Andrew Clements '19 wrote a letter to Justice Jackson recommending Buschman for a clerkship. By that point the school had awarded Jackson, belatedly, the degree that it had refused to give him in 1912 because he was only 20 years-old. Jackson invited Buschman to interview at the Court, liked him and offered him a job starting only weeks later.

Howard Buschman's clerkship with Justice Jackson ran from June 1949 until June 1950. At the start, Buschman worked in Washington, D.C. After the Court began its summer recess in late June 1949, however, Jackson left town on various trips, including to Jamestown, N.Y. With Jackson's permission, Buschman took his summer work—a stack

of petitions seeking writs of certiorari that he was to summarize in short memoranda to Jackson—to Keene Valley, N.Y., in the Adirondack Mountains.

Justice Jackson asked him to stay on at the Court for a second term, but, Buschman, with regret, declined. At age 32, he told Justice Jackson that he was already six or more years older than other law school graduates who were starting their careers, and that he had to get started on his.

Buschman continued on to a successful legal career based in New York City. After a few years at the Milbank, Tweed law firm, he became counsel for the American Brake Shoe Company and, when it later became the global Abex Corporation, he became its counsel and vice president.

A Brooklyn native, he attended the Albany Academy for Boys and then Williams College. He spent six years in the U.S. Army before starting his law career.

In retirement he practiced some law from his home in

Mountain Lakes, N.J., not far from the Delaware Water Gap.

For a video excerpt of Buschman in 2003 reading from Jackson's Kingsland dissenting opinion, go to this site: www.roberthjackson.org/Center/videolist.

For more information about Justice Jackson, visit www.robertjackson.org.

John Q. Barrett is a Professor of Law at St. John's University in New York City, where he teaches constitutional law, criminal procedure and legal history, and he is the Elizabeth S. Lenna Fellow at the Robert H. Jackson Center in Jamestown, New York. He is a graduate of Georgetown University (1983) and Harvard Law School (1986).

Professor Barrett is writing Justice Jackson's biography. If interested in subscribing to his 12,000-member Justice Jackson email list, send him an email at barrettj@stjohns.edu.

1991

Geoffrey E. Major passed away on Feb. 21, 2009. He started his career as a law associate in the offices of Philip V. Cortese, Esq. Prior to his death, he worked for the N.Y. State Committee on Professional Standards, N.Y. State Supreme Court Appellate Division, Third Department. His brother Mark graduated class of '83.

Friend

Mildred K. Barnett died on March 7, 2009. She was the widow of Attorney Joseph N. Barnett '29. Mrs. Barnett supported Albany Law School as she gave the initial gift that endowed the Joseph N. Barnett Scholarship Fund in 1989 and that her family continues to financially support.



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SAVE THESE DATES

- May 15 **158th Commencement,**
Saratoga Performing Arts Center,
Saratoga Springs, N.Y.
- August 16 **Day at the Races, Saratoga Race Course,**
Saratoga Springs, N.Y.
- August 24 **Fall '09 classes begin**
- October 16-18 **Reunion Weekend 2009,**
Albany Law School

www.albanylaw.edu/events

