

SPRING 2014

SUNY BUFFALO LAW SCHOOL

THE STATE UNIVERSITY OF NEW YORK

FORUM



Among the top student advocates in the world

Our Jessup Moot Court winners

SUNY BUFFALO LAW SCHOOL FORUM CONTENTS

The Magazine of
SUNY Buffalo Law School
The State University of
New York

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MESSAGE FROM THE DEAN

“We have dealt with our challenges and are on the move”

I have written before that ours is a period of challenge and opportunity. Challenge because of the deep changes that have taken place in law schools and the legal profession. For law schools, nothing has been more challenging than the precipitous drop in applications. Since 2008, applications to law schools have fallen by half – from 100,000 to just below 50,000 today. In some law schools, these drops continue unabated. But at SUNY Buffalo Law School, we are now seeing what we believe is stabilization. This year (2014) is the first in which applications are flat – no major drops or increases. We believe this signals a likely end, at least for us, to declining applications. This means that law schools have to make changes in their business model and become even more targeted in the way they invest resources. That is exactly what we have done at SUNY Buffalo Law School.

First, we have reduced the IL class size from a high of roughly 230 to around 180 to 200. This, combined with enrollments for the LL.M. and two-year J.D. programs, should give us a total enrollment of 600. We believe that these numbers will allow us to admit highly qualified students while maintaining access. We know this for sure – no one who is qualified to join our law school will be turned away. Secondly, to keep our faculty congruent with the new class size, we have right-sized the Law School. This year, we offered an optional retirement incentive to faculty. Eight faculty took the option and will retire in June 2015. We believe that the retirements put the faculty more in line with our student count. We expect to replace some of the retire-



ments, especially in the clinics. In the meantime, we have hired for FY 2014-15 three highly qualified clinical teaching fellows after a national search. These new instructors, who come from prominent clinical programs around the country, will expand the reach of our Clinical Legal Education program.

We will soon be entering the last two years of our Campaign for SUNY Buffalo Law School. Thus far, we have raised \$22.5 million of our \$30 million goal. That is 75 percent of our goal. We have \$7.5 million or 25 percent to go, and we know that with your help, we will get there. The Campaign is focused on tuition scholarships, faculty research support and endowed ranks, technology in the classrooms and building infrastructure. We have stemmed our drop in applications because of the tuition scholarships for the most qualified and deserving students. Investments in the building have yielded first-rate classrooms, a brand-new basement (now known as the lower level) and a professional-looking and comfortable first floor. I want to thank you for all your

support – we could not do all these wonderful things without you.

Finally, we continue to establish new pedagogical programs and impress the world. In March, we launched the Advocacy Institute, an umbrella that will cover all our trial and lawyering skills teaching. The Advocacy Institute has attracted the support of the bar and the

bench, and drawn exciting philanthropic support. We expect great things from it going forward. Talking about advocacy, our students did exceptionally well in national and moot court competitions. In the Albert R. Mugal National Tax Competition, they beat out 13 other law school teams from across the nation. And in the Jessup International Moot Court Competition, they went to the round of 16 in Washington, D.C. That is the deepest they have gone in this prestigious competition. Please join me in congratulating our teams on their success.

In sum, we have dealt with our challenges and are on the move. Have a great summer!

Makau Mutua

Among the top student advocates in the world

All four of the SUNY Buffalo Law School students who competed at the 2014 Phillip C. Jessup International Law Moot Court Competition placed among the top 30 oralists in the world at the global competition's recently concluded International Rounds. Two SUNY Buffalo team members finished among the world's top 10.

The SUNY Buffalo team advanced to this worldwide competition's "sweet 16" round before its elimination, and it was the only team in the competition to finish with all oralists in the top 50.

The Jessup competition is the world's largest and most prestigious moot court competition. It focuses on international appellate advocacy in a hypothetical case that is set before the International Court of Justice. More than 620 teams and 2,000 law students from 89 countries registered for this year's competition. Through a series of regional and national competitions, the field of competitors for the International Rounds was narrowed from 620 to 124.

The SUNY Buffalo team had qualified for the Jessup Cup International Rounds by winning the U.S. Midwest Regional Round in Chicago with an undefeated 7-0 record, ahead of 20 other U.S. law schools. The team comprised third-year students **Andrew M. Dean**, **John D. Land**, **Jessica L. Noto** and **Henry A. Zomerfeld**. Second-year student **Stephanie L. Forman** served as the alternate, "of counsel."

In the International Rounds, held April 6 to 12 in Washington, D.C., the SUNY Buffalo team defeated Columbia Law School, the University of Dar es Salaam (Tanzania) and John Marshall Law School. At the conclusion of the Washington competition's preliminary rounds, SUNY Buffalo Law was ranked 21st out of the 124 teams and had the fifth-highest overall raw score.

The team then defeated the University of Malaya (Malaysia) in the round



Left to right: Andrew M. Dean '14, John D. Land '14, coach Kevin J. Espinosa '09 (standing), of counsel Stephanie L. Forman '15, coach Michael J. Hecker '09 (standing), Henry A. Zomerfeld '14 and Jessica L. Noto '14

At left, Henry A. Zomerfeld '14 during a competition



of 32 before falling to the University of Ljubljana (Slovenia) in the round of 16.

Two team members, Land and Zomerfeld, finished the competition in the top 10 of all worldwide competitors. Land was the second-highest-ranked oralist, and Zomerfeld tied for seventh place. Among competitors from the United States, they ranked No. 1 and No. 3, respectively. Land had also won Best Oralist in the Chicago competition's final round.

Dean and Noto ranked 14th and 30th, respectively, among all worldwide participants, and both finished in the top 10 among competitors from the United States. Forman served as an alternate throughout the U.S. Regional and International Rounds and will return to compete on next year's SUNY Buffalo Law School Jessup team.

Kevin J. Espinosa '09, vice president and counsel at M&T Bank, and **Michael J. Hecker '09**, an associate in the Environment and Energy Practice Group of Hodgson Russ, were the team's coaches. Both serve as adjunct faculty and as board members of the Law Alumni Association Graduates of the Last Decade group. **Professor George Kannar** serves as the Law School's director of moot courts.

*Many of this year's
competition
successes were
unprecedented*

The Jessup competition was far from the only highlight among spring-semester competitions. “Many of our teams enjoyed unprecedented success this year,” said Dean Mutua.

In the American Bar Association’s Representation in Mediation Competition, held in Bristol, R.I., in March, the team of third-year students **Christopher J. Larrabee** and **Alison E. Romanowski** came in third – missing a first-place finish by just one scoring point – and the team of **Amanda H. Sullivan** and **Jordan L. Zeranti** placed fifth. These students made up the two winning teams from UB’s own Representation in Mediation Competition, held at the school in November. The teams were coached by mediation attorney **Steven R. Sugarman ’85**.

By virtue of taking second place in the Northeast Regional Round, a SUNY Buffalo Law team advanced to the national round of the Frederick Douglass Moot Court Competition in Milwaukee in March. The team of third-year student **Alexandra E. Lugo** and second-year student **Mark C. Murphy** fell in the quarterfinals to the eventual winner. They came home with an award for Best Petitioner Brief in the national competition.

The Douglass competition is a national appellate advocacy competition organized by the National Black Law Students Association, the largest law students organization in the United States. This the second consecutive year that a SUNY Buffalo team made it to the nationals.



In the 16th annual Herbert Wechsler National Moot Court Competition, organized and hosted by SUNY Buffalo Law School’s Criminal Law Society in March, one of the two hometown teams – second-year students **Jeffrey M. Hartman** and **Jessica N. Carbone** – advanced to the quarterfinal round out of 24 teams. The coach for both SUNY Buffalo teams was **Audrey Herman ’11**.

In February’s Albert R. Mugal National Moot Court Tax Competition, the SUNY Buffalo team of third-year student **Alexandre J. Ramirez** and second-year student **Matthew C. Ronan** came out on top, prevailing over 13 other law school teams from across the United States. Another SUNY Buffalo team, third-year students **Earl K. Cantwell** and **Samuel A. Alba**, reached the competition’s semifinal round. **Elizabeth Blazey-Pennel ’10** and **Justin G. Meeks ’06** served as the SUNY Buffalo teams’ moot court coaches.

Founded in 1974, the annual Mugal competition is the oldest and most prestigious national moot court tax competition in the United States.

Left to right: Elizabeth A. Lee ’14, Paul A. Meabon ’14, Mark C. Murphy ’15, Alexandra E. Lugo ’14, Todd J. Potter Jr. ’15, Michael J. Rooney ’14, Caitlin O’Neil ’15 and Katherine E. Ellis ’15 after the Frederick Douglass Moot Court Competition.



Donald P. Chiari '83 and Michael C. Scinta '95, both of Brown Chiari



Peter Marlette of Damon Morey



Left to right: Vice Dean Alan S. Carrel '67, David McNamara of Phillips Lytle and SUNY Distinguished Service Professor Charles Patrick Ewing

Alumni, firms support launch of new Advocacy Institute

New Advocacy Institute builds profession-ready skills

“Among our alumni are some of the best trial lawyers in the country. They are committed to the idea and are giving generously of their time and treasure.”

—Dean Makau W. Mutua

The room was packed and the energy was electric as SUNY Buffalo Law School kicked off its new Advocacy Institute, an ambitious initiative to help students and legal practitioners develop their skills in the critical task of advocating for their clients.

About 200 people, many of them prominent local attorneys and judges, were present at the April 4 kickoff event for the institute, held at the Hotel @ The Lafayette in downtown Buffalo. They were there to celebrate this milestone in skills development for our students, and to celebrate the substantial alumni support in expertise and money that will help build the institute.

The Advocacy Institute, to be funded by private donors, the Law School and the University, will build on SUNY Buffalo Law's recent success in the moot court and trial advocacy programs that give students real-world experience in trial and appellate advocacy. Plans for the institute envision an expansion and further strengthening of those programs; new courses on advocacy topics; training for faculty in the best ways to teach these skills; and continuing education opportunities for



Terrence M. Connors '71, partner in Connors & Vilardo, speaks at the kickoff event.

members of the local bar.

One goal, says Vice Dean for Academic Affairs Charles Patrick Ewing, who will oversee the institute until a permanent head is named, is to raise Buffalo Law's profile as one of the nation's Top 10 law schools for advocacy training.

The first phase of alumni support is being led by five major donors, all of whom have invested \$100,000 or more in initial support: Buffalo litigation attorney **Terrence M. Connors '71** and four local firms: Goldberg Segalla,

Brown Chiari, Phillips Lytle and Damon Morey. Connors will serve as chair of the institute's Advisory Board.

“I'm all in,” Connors said at the kickoff event. “Because advocacy is at the very core of what we do. It doesn't matter whether you're center stage at a high-profile trial or in a real estate carrel at

the Erie County clerk's office, it's all about zealous advocacy for our clients. That's what we do, and that's what SUNY Buffalo lawyers do better than anybody.

“I see a law school that will excel at this field, I see lawyers coming out as great advocates and great people, and I'm glad to be a part of it,” Connors said. “I think it's going to be a great asset to this Law School, to our community and to all the lawyers in this area.”

“Brown Chiari is a litigation firm



Professor Charles Rose of Stetson University Law School and Professor Zelda Harris of Loyola Law School



Hon. Thomas P. Franczyk, Erie County Court judge, and Christopher J. O'Brien of The O'Brien Firm are adjunct faculty members and co-directors of trial advocacy.



Professor Kim Diana Connolly, vice dean for legal skills, and Christopher J. Belter '93, partner in Goldberg Segalla

that prides itself on its trial experience and successes achieved in the courtroom,” said **Donald P. Chiari '83**. “In the past, at least in my day at the Law School, there were only a few programs that taught the art of advocacy. The Law School has come a long way in that regard and has focused in recent years not only on the legal education required but also on the actual practice of law. We are very proud to support the new Advocacy Institute and join the Law School’s tremendous effort to make its students courtroom-ready.”

“We think it’s very important, especially at a point in time when younger lawyers and law students don’t have the same opportunity to learn their craft in the courtroom, that they receive excellent training in school,” said **Neil A. Goldberg '72**, a founding partner with Goldberg Segalla. “We appreciate everything that the Law School has done for us, so we want to give back. It makes us feel very good to be able to do this. We as a firm appreciate the need to give back to the legal community, and this is one way we’re able to do that.”

Said **Peter S. Marlette**, managing partner of Damon Morey, “We are proud to be able to make this type of commitment to the Law School and its Advocacy Institute. I think it says a great deal about the success that Damon Morey has had, and there is no question that a great deal of what we have been able to achieve is based on the large number of terrifically trained attorneys from SUNY Buffalo Law School who continue to join our firm each year.”

In addition to the five founders, who collectively gave more than \$600,000, the Law School is seeking to identify five or six additional founders and to raise a minimum of \$1 million in initial support for the institute.

Another major aim of the institute, Ewing says, is to train faculty members – both full-time professors and the practitioners who serve as adjunct professors – to be more effective teachers of advocacy skills. “Our hope,” he says, “is to bring in nationally known trial and appellate advocacy attorneys and instructors to teach our faculty to be better instructors. Another goal is to send members of our faculty to programs around the country to improve their advocacy and teaching skills.”

The first instance of such faculty training came April 5, when two of the best-known advocacy professors in the nation – Charles Rose of Stetson University Law School and Zelda Harris of Loyola Law School – worked with students, faculty and moot court coaches, offering critiques and teaching tools.

“The fact that you have that many loyal, respected, high-caliber alumni willing to give back to the institution says a lot for the long-term success of that program,” said Harris, whose own advocacy program ranks eighth nationwide. “I was impressed by the level of support that the alumni have toward the development and furtherance of the institute. And I saw a lot of current students who were all really energized

and excited about the potential. The commitment and training and interest is definitely there; now it’s just about implementing best practices.”

Said Rose, whose program *U.S. News & World Report* has ranked No. 1 nationwide for 16 years running: “The Advocacy Institute is the natural outreach of the bar’s commitment to effective professional advocacy, and I expect that Buffalo will very quickly make a mark regionally and nationally. The thing I came away with, from faculty, students and the local bar, is that these are genuine people who have a mission that they care about. When you’ve got good folks committed to something, the only thing that’s going to stop them is if they fail to do the work, and that’s not going to happen in Buffalo.”

For further information on supporting the Advocacy Institute, contact:

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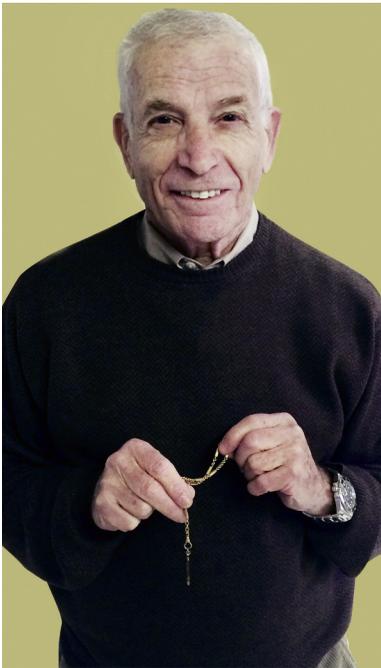
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“When you’ve got good folks committed to something, the only thing that’s going to stop them is if they fail to do the work, and that’s not going to happen in Buffalo.”

— Professor Charles Rose

Prestigious legal honor society chooses SUNY Buffalo Law



Professor Robert I. Reis holds his key from the Order of the Coif, circa 1964.

A prestigious legal honor society, whose philosophical roots stretch back to medieval English jurisprudence, has chosen SUNY Buffalo Law School as its newest member.

The Order of the Coif—often called the law school equivalent of Phi Beta Kappa—extended the invitation following a lengthy and thorough application process. SUNY Buffalo Law is the only new chapter granted this year by the organization. Buffalo joins a selective list of law schools that have received this honor—a group that includes Yale, Stanford, Cornell, Michigan, UC Berkeley, Chicago, Georgetown and Northwestern.

The organization's criteria for ad-

mittance include commitment to superior legal education, a stimulating intellectual environment, dedicated teaching faculty who also produce quality research, instruction in both basic and new areas of the law, and rich and varied co-curricular activities, such as law journals, moot trial and appellate courts. In addition, the school's student body must have varied educational backgrounds and excellent academic credentials, and the staff of the law library must provide a high level of assistance to the school's teaching and scholarship.

"We are delighted to take our place in the Order of the Coif alongside other highly regarded law schools," said SUNY Buffalo Law **Dean Makau W. Mutua**. "This recognition is an affirmation of the star quality of our faculty, the hard work of our staff and the high standards of our students. We are dedicated to educating new lawyers who are both deeply grounded in legal theory and conversant in the professional skills they will need in practice. We are gratified that our commitment to the best educational experience for our students is being acknowledged in such a public way."

Through its chapter of the honor society, SUNY Buffalo Law will honor the top 10 percent of each year's graduating class with membership in the Order of the Coif. In addition to honoring the best law students, the Order of the Coif confers a triennial book award, arguably the most prestigious award given for legal scholarship, and sponsors a national lecture series, through which member schools bring outstanding scholars to their campuses.

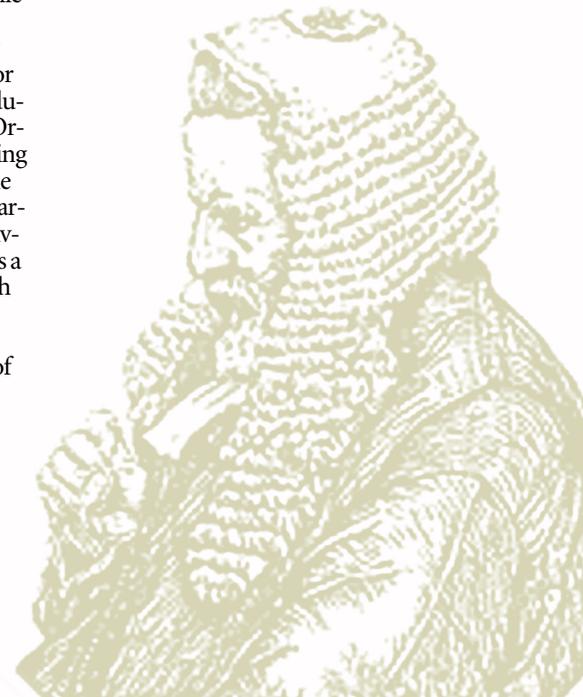
In medieval England, the Order of the Coif comprised the sergeants-at-law from whom the ranks of judges were drawn. (The coif, pronounced "koyf," was a round white cloth that these barristers wore atop their wig.)



The contemporary American version began in the early 1900s at Northwestern University Law School as a way to encourage excellence in legal education nationwide.

While all the Buffalo tenured faculty are invited to join the Order, several were made members at their law school graduation, including **Kim Diana Connolly** (Georgetown University), who is now serving as secretary of the Buffalo chapter. Other Coif members on the faculty are **Philip Halpern** (University of Pennsylvania), **Stephen Paskey** (University of Maryland), **John Henry Schlegel** (University of Chicago) and **Robert I. Reis** (New York University).

A longtime member, Reis says that when he joined the order, he received a solid gold key designed with the traditional figure of a serjeant wearing a wig. "It was back in 1964," he recalled, "when gold was only \$22 an ounce."



National Jurist praises SUNY Buffalo Law's practical skills training

SUNY Buffalo Law School has been named to a select list of law schools recognized by *National Jurist* magazine as delivering top-quality practical training in legal skills.

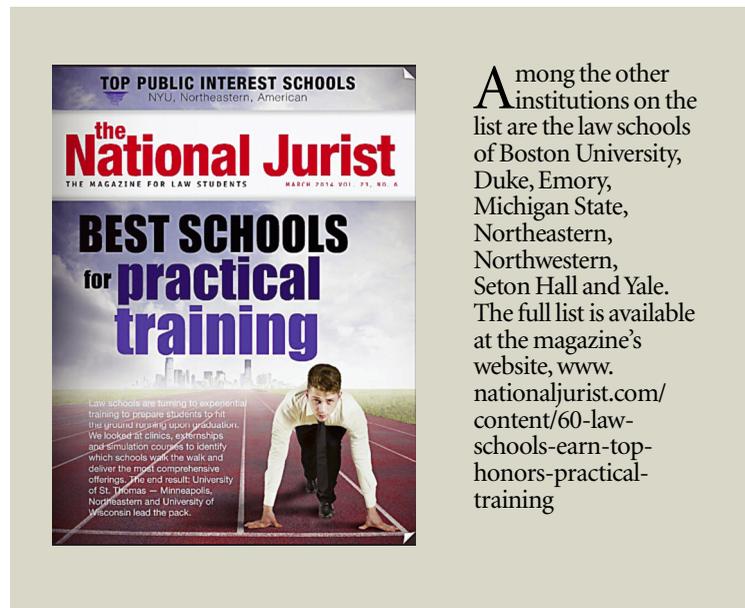
The publication and its counterpart, *PreLaw* magazine, are considered the nation's leading news sources in legal education. The "honor roll of law schools that deliver practical training," a first for the magazines, will list 60 law schools in upcoming issues throughout the spring.

"The majority of law schools have vastly improved their practical training opportunities in recent years," says Jack Crittenden, *National Jurist* editor in chief. "This is the first effort to try to quantify which schools are delivering on their promises to make legal education more experiential."

That distinction applies to SUNY Buffalo Law, which in recent years has intensified its commitment to graduate "profession-ready" lawyers conversant in both the theoretical underpinnings of the law and its real-world applications.

"I am extremely proud of my colleagues and our community partners for the amazing efforts that they have put in that allowed us to earn this recognition," says **Professor Kim Di-ana Connolly**, the Law School's vice dean for legal skills and director of clinical legal education. "We are listed alongside schools that have the ability to dedicate significantly more resources than we do. It's also a tribute to our students, who take these practical courses very seriously and dedicate their all when enrolled in them."

"SUNY Buffalo has not just made the commitment to graduate profession-ready students on paper – it's



Among the other institutions on the list are the law schools of Boston University, Duke, Emory, Michigan State, Northeastern, Northwestern, Seton Hall and Yale. The full list is available at the magazine's website, www.nationaljurist.com/content/60-law-schools-earn-top-honors-practical-training

clear that we have made the commitment on the ground."

The magazine based the ranking on four factors – three objective and one subjective. The three objective factors are the number of clinic positions, field placements or externships, and simulation courses in relation to the school's enrollment. The magazine then contacted the 90 law schools that ranked highest in that assessment and gathered detailed information on other practical training offerings, and assigned a score based on the data.

Sen. Joe Donnelly, D-Indiana, presented keynote address at Commencement

Sen. Joe Donnelly, the first Democrat to represent Indiana in the U.S. Senate since 1977, presented the keynote address for SUNY Buffalo Law School's Commencement exercises.

The ceremony was held May 17 at the Center for Arts, on the University at Buffalo's North Campus. There were

193 J.D. degrees awarded and nine LL.M.s.

Donnelly, a Long Island native, holds both bachelor's and law degrees from the University of Notre Dame. Before entering national politics, he practiced law with the South Bend, Ind., firm Nemeth, Feeney and Masters, and ran a small business. Elected from Indiana's 2nd Congressional District, he served three terms in the House of Representatives before

his election to the Senate in 2012, succeeding Republican Sen. Richard Lugar.

Political pundits called Donnelly an "accidental senator" after his five-point victory on Election Day 2012. His Tea Party-backed opponent, Richard Mourdock, saw his campaign implode in the final weeks after he made controversial comments about abortion and rape.

"We are thrilled that Sen. Donnelly was able to join us in May to celebrate this special day with our graduates and



Sen. Joe Donnelly, D-Indiana

their families," said SUNY Buffalo Law School **Dean Makau W. Mutua**.

A member of the moderate Blue Dog coalition in the House, Donnelly has continued to align himself with moderates in the Senate, saying he will be "an independent voice for Indiana families."

Donnelly campaigned as a socially conservative Democrat, expressing opposition to abortion rights and support for immigration reform. He recently changed his position and now supports same-sex marriage. Despite past support by the National Rifle Association, he has said he is "open" to gun control measures.

Other highlights of the Commencement exercises included presentation of the Dean's Medal to **Vikki L. Pryor '78** and the Ken Joyce Medal for Excellence in Teaching to **Hon. Thomas P. Franczyk**.

Pryor is principal and innovator at Change Create Transform, an operations, technology and business develop-

ment company based in New York City. She was the first African-American woman to head a life insurance company in the United States, serving as president and CEO of SBLI USA for 11 years. She has also served as CEO of the American Red Cross in Greater New York, and has held senior-level positions with Allstate Life Insurance, Blue Cross Blue Shield of Massachusetts and Oxford Health. She is a member of SUNY Buffalo Law School's Dean's Advisory Council and a recipient of the school's Distinguished Alumni Award.

The Dean's Medal is given annually to an individual who is distinguished by his or her commitment to justice and the rule of law.

Franczyk has served as an Erie County Court judge since 2008 and is known both for his knowledge of the law and for his evenhanded courtroom management. He also has been extremely generous with his time and energy in shepherding the next generation of lawyers through SUNY Buffalo Law School. With attorney Christopher J. O'Brien, he co-directs the Law School's trial advocacy programs, investing innumerable hours in coaching student mock trial teams and helping students learn the practical skills they will need in the courtroom. Franczyk also is an adjunct member of the Law School faculty, teaching courses that include Evidence and Trial Advocacy.

The teaching award, named after SUNY Distinguished Teaching Professor Emeritus Ken Joyce, a renowned teacher and specialist in tax law, honors teaching excellence and service among SUNY Buffalo Law School's extensive adjunct faculty.



Vikki L. Pryor '78 received the Dean's Medal for her commitment to justice and the rule of law.



Hon. Thomas P. Franczyk received the Ken Joyce Medal for Excellence in Teaching.



Thomas E. Black Jr. '79, chair, Dean's Advisory Council

Tom and Bridget Black graciously host DAC in Dallas

The DAC and their spouses traveled to Texas in March for a productive and fun weekend, initiating a new model of holding their meetings in cities across the country... and yes, the BBQ was delish



The DAC meets in the elegant offices of Munsch Hardt Kopf and Harr, in Dallas.



Hon. Judith J. Gische '80



Christopher Wightman '99



Left to right: Thomas E. Black Jr. '79, Pamela D. Heilman '75 and Robert D. Heilman



Douglas W. Dimitroff '89 and Dr. Grace D. Dimitroff



Left to right: Terrence M. Gilbride '88, Garry M. Graber '78, Vice Dean James R. Newton



Margaret W. Wong '76



Above right: Dennis R. McCoy '77 and Hon. Craig Hannah '95



Left to right: Professor David A. Westbrook, Dean Makau W. Mutua and Mark K. Suzumoto '82



David McNamara



James M. Keneally '82 and Bridget Black

At left: Rebecca A. Donoghue and Associate Dean Karen R. Kaczmariski '89

For more photos visit: www.law.buffalo.edu/forum/extra

Re:New environmental initiatives

*Clean energy, air and water:
The new Environmental and
Natural Resources Law Program
will educate a new generation
in some of the most pressing
challenges of our time*

The Law School will be part of a major new University at Buffalo initiative to support research on energy, environment and water, bringing legal expertise to bear on issues involving these life-giving resources and solidifying the school's reputation for excellence in environmental law.

UB's RENEW Institute – the acronym stands for Research and Education in Energy, Environment and Water – brings together faculty in six academic units for interdisciplinary work. It's part of the Realizing UB 2020 Initiative, which seeks to bolster the University's reputation in research, scholarship and innovation. RENEW comes with a \$30 million commitment over 10 years to support this work, including the hiring of a high-profile program director.

At the Law School, the curriculum and faculty concentration in environmental law will be renamed the Environmental and Natural Resources Law Program. The school's core strength in environmental law currently includes four professors: **Professor Kim Diana Connolly**, a specialist in wetlands law policy; international environmental law scholar **Professor Errol Meidinger**; **Professor Irus Braverman**, focusing on the transnational governance of forests, animals and biodiversity; and



Among the work produced by practicum students is a 36-page publication called “A Neighborhood’s Continuing Evolution: An Environmental Justice Walking Tour of Buffalo, NY’s West Side.”

Associate Professor Jessica Owley, with expertise in conservation easements.

The school also has benefited from the teaching and scholarship of **Emeritus Professor Barry B. Boyer** and **Professors R. Nils Olsen and Robert I. Reis**, and counts among its adjunct faculty several practitioners with expertise in environmental law. The RENEW funding will also enable the hiring of at least one new full-time law faculty member in this area.

In addition to the Law School, RENEW participants include the School of Architecture and Planning, the College of Arts and Sciences, the School of Engineering and Applied Sciences, the School of Management and the School of Public Health and Health Professions.

“RENEW’s three pillars – energy, environment and water – are dear to

the Buffalo Niagara region and critical to the future of our globe,” says Law School Dean Makau W. Mutua. “The work of the initiative has the potential to make UB a global destination for scholars and policy-makers. Importantly, RENEW will educate a new generation of UB students in some of the most pressing challenges of our time. The Law School is very pleased to be a partner with other decanal units in this exciting and promising initiative. I believe it opens a new frontier for thinking about synergistic pursuits at UB.”

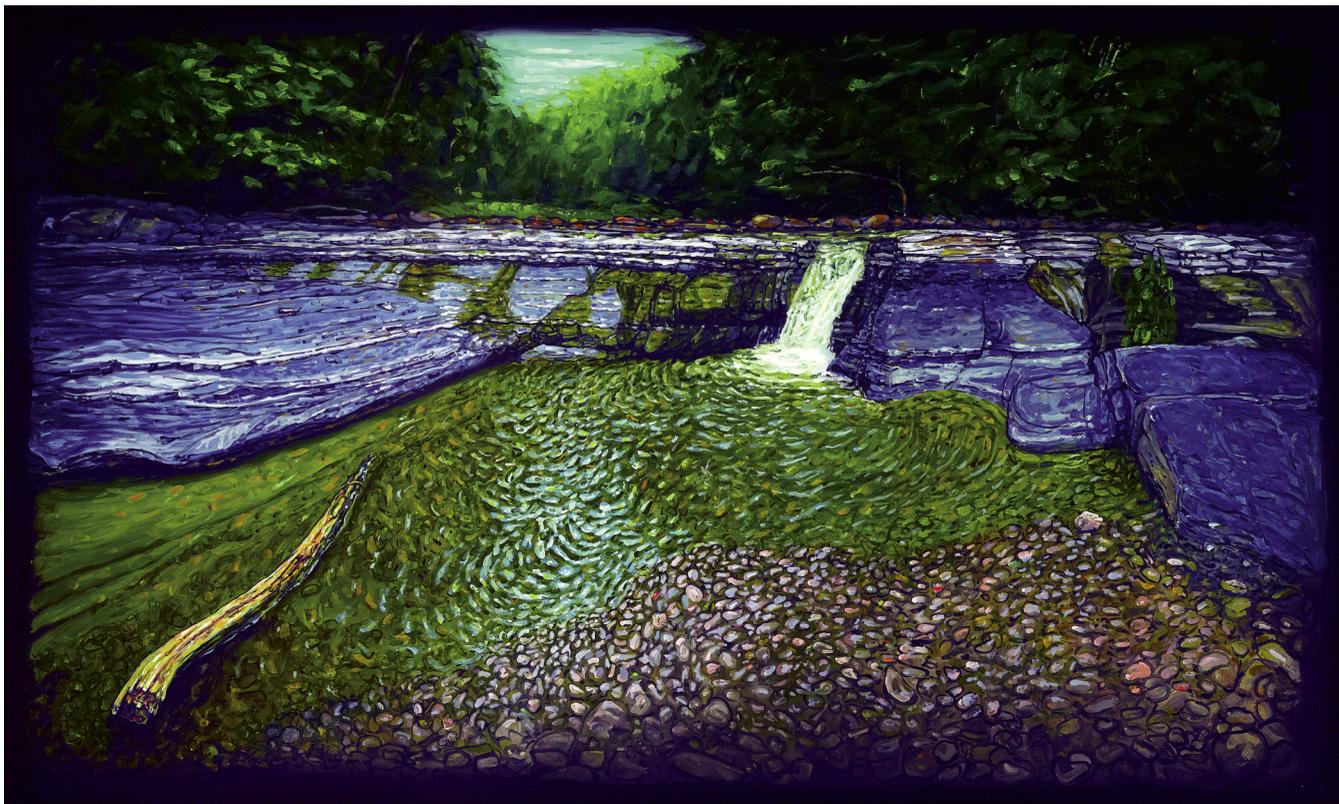
“SUNY Buffalo

Law has had an environmental program that has done amazing work over the years,” says Connolly, who also serves as the Law School’s vice dean for legal skills and clinical director. “Now we’re going to be able to reinvent a program that has been strong in the past to take advantage of opportunities across departments. The environmental clinic under my management, for example, will be interdisciplinary and doing trans-border work. Students will walk out of the clinic having mastered how international, federal, state and local laws of two nations work on the ground with respect to specific issues.”

Another successful initiative in this area is the Law School’s Healthy Homes Practicum. Students participating in the practicum provide legal support to the National Green and Healthy Homes Initiative, which has

BIOLOGICAL REGIONALISM PAINTINGS BY ALBERTO REY

INSET, BROWN TROUT, WILLOWemoc RIVER, CATSKILLS, N.Y.; BELOW, CHAUTAUQUA FALLS, WESTFIELD, N.Y.



chosen Buffalo as one of 17 pilot cities for its work in promoting safer housing. Among the work produced by practicum students is a 36-page publication called "A Neighborhood's Continuing Evolution: An Environmental Justice Walking Tour of Buffalo, NY's West Side."

In addition to the increased resources and interdisciplinary opportunities available to law students, such as greater access to faculty with advanced degrees in environmental sciences, Connolly notes that students from other departments will now be able to take relevant Law School courses, enabling a further exchange of information and ideas.

Meidinger, who served on the RENEW planning committee at the University level, says the initiative represents a recommitment by UB to the focus of the Environment and Society Institute, a University-wide effort of which he was founding director. That institute suffered from limited resources, he says, but nevertheless involved about 150 fac-

ulty affiliates from 20 University units and did important research on community environmental problems such as arsenic and other chemicals in industrial brownfields, as well as deepening curricular options for the interdisciplinary study of the environment.

"There was general agreement that ESI was a promising and important program," Meidinger says, "but that it was under-resourced. The idea now is for the University to found a center with a more serious level of resources that can both build on our strengths and fill in key faculty gaps, so that we can institute sound, enduring, sustainable interdisciplinary study in this area."

He notes also that as the search for a RENEW director begins, Owley serves on the search committee and represents the Law School's ideas and interests in that process.

At the Law School, the expectation is that these increased cross-departmental opportunities and further faculty

strength in environmental and natural resources law will attract more talented students with an interest in the field. To support that, the school has designated one of its most attractive scholarships as

the Environmental Law Research Scholarship. The \$2,500 award will pay a student in his or her second and third years to conduct research

with any or all of the faculty members who do environmental law work.

"As the University has moved to invest sizable resources into environmental and natural resources work, we thought a natural outcome would be to give our newly admitted law students broad exposure to the work of our faculty in this area," says Lillie Wiley-Upshaw, vice dean for admissions and student life. "We expect this scholarship will attract highly motivated students who really care about this important work."



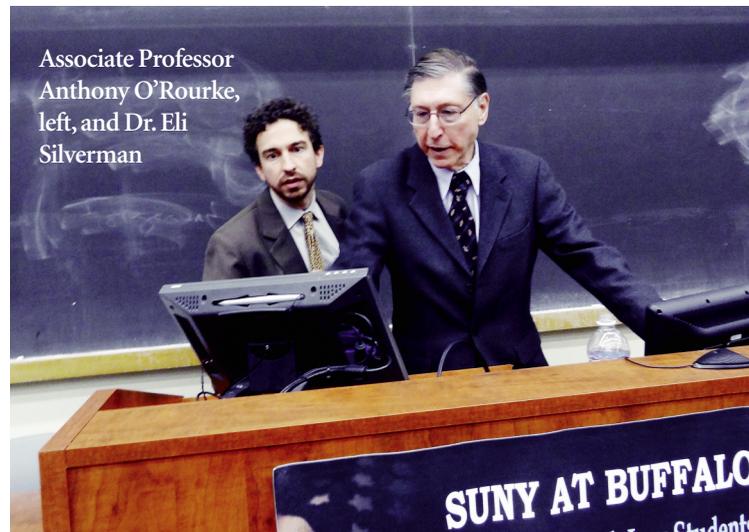
Expert's analysis highlights 'stop and frisk' forum

“**S**top and frisk” – the controversial policing technique that became a key issue in New York City’s recent mayoral campaign – received a critical examination at a Law School forum that asked whether the practice amounts to racial profiling.

The Feb. 20 presentation featured a keynote address by John Jay College of Criminal Justice emeritus professor Eli B. Silverman, an expert on the issue and co-author of *The Crime Numbers Game: Management by Manipulation*. It was sponsored by the Black Law Students Association, the Latin American Law Students Association, the Asian Pacific American Law Students Association and the Federalist Society. Silverman’s address was followed by responses from H. McCarthy Gipson, former police commissioner of the City of Buffalo; City Court Judge E. Jeannette Ogden ’83; and Associate Professors Anthony O’Rourke and Anjana Malhotra.

Silverman gave a brief overview of the law governing stop and frisks, in which police officers briefly detain and search individuals as a crime prevention measure. The seminal case, he said, was 1968’s *Terry v. Ohio*, in which the U.S. Supreme Court held that an officer conducting a stop and frisk doesn’t violate the Fourth Amendment’s prohibition against unreasonable searches and seizures if the officer has a reasonable suspicion that the person has committed or is about to commit a crime.

Then, in an August 2013 landmark case in which Silverman’s testimony and research was cited, U.S. District Court Judge Shira Scheindlin ruled that the New York Police Department had instituted a policy of indirect racial profiling by directing officers to focus their activity on “the right people” – the demographic groups that appear most often in a precinct’s crime complaints. The judge ruled that such a policy had led



Associate Professor Anthony O’Rourke, left, and Dr. Eli Silverman

police to impermissibly target blacks and Hispanics for stop and frisk at higher rates than whites.

“The judge did not say that the tactic of stop and frisk was illegal,” Silverman noted. “What she ruled was that the way it was practiced was discriminatory.”

Silverman noted that most stops are for two reasons: the target’s presence in a so-called high-crime neighborhood, and ill-defined “furtive behavior.” The upshot is that consistently about 87 percent of stop and frisks in New York City target African-Americans and Latinos.

Among the respondents, the Law School professors addressed their remarks to Scheindlin’s ruling, which O’Rourke called “an incredible, innovative opinion.” He noted that the judge’s analysis of the issue was remarkable in its use of Fourth Amendment doctrine to address subconscious racial bias.

Malhotra noted that Scheindlin’s ruling “said something very powerful that I think could make this sustainable under equal protection,” assert-

ing that officers were making an express classification based on race.

For his part, Gipson said much racial profiling happens not as overt discrimination, but because of ingrained attitudes. “We are all products of our upbringing and the way that we are raised,” he said. He himself, said Gipson, has been pulled over for “driving while black.” The officer’s first question, he said, is typically, “What are you doing out here?”

“Wrong place, wrong neighborhood, wrong time,” he said. “It happens to so many people.”

Ogden noted that in the execution of the criminal justice system “there is a lot of discretion among the stakeholders in every phase of that process,” thus allowing for the influence of racial attitudes.

To the future lawyers in the audience she said, “You have to be prepared at all times, because racial profiling is going to exist. But it is up to you to work toward evening that playing field for your client. If you have just one person, if you’re willing to stand up and follow the law and distinguish between facts and fallacy, then you will make that difference.”

OUTLaw celebrates an evening of pride

Also sees challenges ahead for the LGBTQ community

The Law School's OUTLaw student organization gathered to celebrate a year of solidarity and accomplishment, and to take stock of what some called "the next hurdle for gay families in New York State."

The annual dinner, held March 13 at the Pearl @ The Lafayette in downtown Buffalo, brought together lesbian, gay, bisexual and transgender law students and their supporters – students, faculty and staff alike.

Among the highlights of the academic year, OUTLaw President **Daniel W. DeVoe '14** noted that the Law School this year sponsored a symposium on same-sex marriage; introduced gender-neutral restrooms to O'Brian Hall; and began offering to prospective students, on their admission application, an opportunity to indicate their sexual orientation and gender identity. He also celebrated the U.S. Supreme Court's striking down one section of the federal Defense of Marriage Act, opening the door to an expansion of same-sex marriage.

The evening's keynote speaker, attorney **Melissa Brisman**, tackled the issue of gestational surrogacy and detailed the complications for same-sex couples in New York State who wish to contract with a woman to bear a child for them. Brisman runs Reproductive Possibilities, a New Jersey agency that negotiates and manages surrogate mother arrangements.

Gestational surrogacy, Brisman said, is on the rise with the new acceptance of same-sex marriage. But, she said, New York is one of seven states that do not allow prospective parents to compensate gestational carriers – women who carry a baby conceived



Left to right: honoree Madeline Davis, Thomas E. Black Jr. '79, Daniel W. DeVoe '14, keynote speaker Melissa Brisman, Dean Makau W. Mutua and Anastasia M. Stumpf '15

with another woman's egg. As a result, she said, "New Yorkers are going to have to go out of state to find a compensated carrier. For most same-sex couples, we're finding carriers in Pennsylvania, North Carolina, even in Florida, but you can't find them in New York." Same-sex couples who live in New York then must legally adopt the child.

A gestational carrier typically receives payment of \$25,000. Carriers are also spot-checked against drug and alcohol use during the pregnancy.

In a twist, she said many same-sex couples seek to have twins, because it's a bargain – the carrier receives only an extra \$5,000 for gestating the second baby.

She cautioned the audience that "some countries allow adoptions by single parents but not same-sex couples, so marriage could complicate things."

The evening's honoree, introduced by OUTLaw Vice President **Anastasia M. Stumpf '15**, was longtime Western New York LGBT rights activist Madeline Davis. Stumpf noted that Davis was a founding member of the Mattachine Society of the Niagara Frontier,

the first gay rights organization in Western New York; taught the first course on lesbianism in the United States; founded the nation's first all-lesbian political theater; and was the first "out" lesbian to serve as a delegate to a national political convention, the Democratic National Convention in 1972.

In her remarks, Davis gave her own brief oral history of the local rights movement, saying it was born because "there had been just too many bar raids, there had been just too many men picked up in men's rooms at the park."

Davis also spoke with pride of the Sexual Orientation Non-Discrimination Act, enacted in 2003, which shields LGBT people from discriminatory treatment. "In New York State you cannot be let go from your job or refused a room in a hotel because of your sexual orientation," she said. LGBT activists are now working to have similar legislation, the Employment Non-Discrimination Act, passed on the federal level.

Lisa M. Patterson, associate dean for career services, and Associate Professor Michael Boucai serve as advisers to OUTLaw.

For more photos, visit: www.law.buffalo.edu/forum/extra



Kenya Mann Faulkner '89



Randall F. Inniss '97



Jessica Ortiz '05



Professor Luis E. Chiesa

Students of Color Dinner is the biggest ever

The real-world value of diversity and the challenge of lifelong learning were the dual themes of the Law School's Students of Color Dinner, whose 25th anniversary gathering took place April 3.

The dinner celebrates the achievements of the graduating 3Ls who are part of the Black, Latin American and Asian-Pacific American law students associations. A record crowd filled the grand ballroom of the Buffalo Niagara Marriott for the event.

The evening's keynote address was given by **Alphonso O'Neil-White**, retired as president and chief executive officer of HealthNow New York. O'Neil-White recalled arriving at his undergraduate college in 1968 to find that he was the only African-American student there. "I was a poor country boy from the peanut capital of the world, with \$8 in my pocket and three days worth of clean underwear in a single suitcase," he said. "I was ready to change the world. As it turned out, the world changed me."

As he began his legal and business ca-

reer, O'Neil-White said, "I found myself in many similar situations where there was a complete absence of racial diversity. In other words, I was the diversity element." And he advised the students, "Like me, you should work on developing some skills and tools to not only survive, but thrive."

He also said that a diverse work force is key to the renaissance of American cities. "I've observed that the successful cities that have experienced significant growth and prosperity have many things in common," he said. "One is the ability to appreciate the full range of their cultural, racial and ethnic heritage. They are able to use this mosaic as a fuel of progress and growth."

Two Distinguished Alumni Awards were presented, the first to **Kenya Mann Faulkner**

'89, vice president for legal affairs and general counsel for the University of Cincinnati. Faulkner thanked those who have mentored her along the way, saying, "I can't tell you enough about the people who will help you on your journey after you leave law school." And she shared a short list of wise advice for new lawyers, including, "The legal community is very small, whether you're in Dallas

or New York City or here in Buffalo. Don't let those sharp elbows get in the way. Your reputation is all you have."

The second recipient of a Distinguished Alumni Award was **Randall F. Inniss '97**, director of security for the National Basketball Association. Inniss said the investigative skills of law enforcement are "the same skills that are utilized by great lawyers. As law students, you should know that one of the most astute things you can do in terms of your job search is to become a good investigator," he said.

The Trailblazer Award was presented to **Jessica Ortiz '05**, an assistant U.S. attorney in the Southern District of New York. She cautioned the students that the legal profession is "not as glamorous as you thought. It's hard. It's a tough profession. You have to work hard and you have to keep at it. When you step into that first job, that's when the learning begins."

Professor Luis E. Chiesa, LALSA's faculty adviser, received the Jacob B. Hyman Professor of the Year Award. A new addition to the Law School faculty, he said he was hesitant about the honor, but accepted because he realized that "our own unique experiences, which are all very different in special ways, can inspire people. ... I choose to view the award as more of a vote of confidence for the kind of teacher I'm going to be rather than as a recognition of past accomplishment."

Inset:
Keynote speaker **Alphonso O'Neil-White**, who recently retired as president and chief executive officer of HealthNow New York



Buffalo Law Review marks a productive year

It's said 25 years is the silver anniversary, but as members and friends of the *Buffalo Law Review* gathered for their 25th annual dinner, the feelings were pure gold.

The dinner, held April 24 at the Park Country Club, celebrated a year in which the *Law Review* published five issues and, said outgoing Editor in Chief Emily A. Dinsmore, "worked to instill a sense of community in the *Review's* members." That included the organization's first-ever holiday party, complete with a bake-off and an appearance by Santa Claus.

Working on the *Law Review*, Dinsmore said, is "sometimes a little crazy, oftentimes very demanding. It's also a lot of fun at times."

The dinner was also an occasion to honor two SUNY Buffalo Law alumni who have excelled in the field and contributed much to the school.

The first honoree, Mary Joanne Dowd '80, is a partner in the Bankruptcy and Financial Restructuring Group at the Washington, D.C., law firm Arent Fox. She serves on the Law School's Dean's Advisory Council.

Looking back on her years in Buffalo, Dowd said she never worked on *Law Review* but has fond memories of her classmates who did. Buffalo Law, she said, "has such wide respect in New York State and the wider legal community. It opened up huge doors for me. I had no idea what law was like or what law practice was about. It was such a good experience that I came here." For one, she said, in Professor Ken Joyce's classroom "I learned to love the Socratic method. He could not have been a better teacher and mentor."

She also noted that the school has done well to keep tuition low, enabling people from all walks of life to get a legal education. And, she said, the prevailing culture continues to be one of support. "Law school was an incredibly collegial experience for me," Dowd said. "People were helping each other. I'm so pleased



Mary Joanne Dowd '80 and Alan S. Carrel '67

to see that the culture is still the same. It's a very special place."

The second honoree, Alan S. Carrel '67, is nearing retirement from the Law School, where he serves as vice dean. "I've always considered myself to be the luckiest person I know, and being honored for something I've loved doing for 35 years is a perfect example of that," he said. "This job has enabled me to interact with thousands of terrific students, alumni and co-workers whose company I have always enjoyed and from whom I have learned much."

Carrel also shared what he called some "basic concepts I have learned along the way." Among them:

"View yourself objectively. We all have plenty of faults. Work on the faults you can improve. I remind myself regularly that perfect never happens and the best I can do is my best."

"The worst mistakes you can make are being afraid to make one and being afraid to take a risk. Setbacks and disappointment are part of the process. Failing is not falling down, it is staying down."

"Your best resource is the opinion of others. No matter how smart you are,



Emily A. Dinsmore '14 and Ryan G. Ganzenmuller '15

you will have some dumb ideas and do some stupid things unless you listen to others. Listen openly and objectively before deciding what makes the most sense to you."

And finally: "Do not be what others want you to be. Figure out what you like to do, what is important to you and what is best for you, and then head in that direction. Success is spending your life in your own way."

Also at the dinner, four *Law Review* associates received publication awards recognizing their excellent writing. Their articles will be published in the journal. They are Erin E. Connare, Ryan G. Ganzenmuller, Thomas C. Katsiotas and Amrita Maharaj. The Justice Philip Halpern Award, presented to a third-year student for excellence in writing on the *Law Review*, went to Executive Editor Andrew M. Dean; and the Carlos C. Alden Award, presented to the third-year student making the greatest contribution to the *Law Review*, was given to Emily A. Dinsmore.

Ryan G. Ganzenmuller is the incoming editor in chief of the *Buffalo Law Review*.

For more photos, visit: www.law.buffalo.edu/forum/extra

The international trading system at the crossroads

Associate Professor **Meredith Kolsky Lewis**, who has long been intrigued by the complexities of the World Trade Organization (WTO) and other trade agreements, examines international economic law issues as a primary focus of her legal research. Now, in a new book that she has co-edited, Lewis and other authors delve into important questions as to what role trade agreements – multilateral, plurilateral and bilateral – should be playing in the current climate of global financial uncertainty, and how best to plan for a more stable economic future.

Trade Agreements at the Crossroads (Routledge Press) was co-edited with Susy Frankel, a Professor of Law at Victoria University of Wellington, in Wellington, New Zealand. Lewis began her academic career at Victoria University in 2005 and she maintains a faculty appointment at the New Zealand law school. The book developed out of a conference on trade agreements held by the New Zealand Centre of International Economic Law, which Lewis and Frankel co-founded at Victoria.

According to Lewis, the timing of the conference was important: It came in the midst of the global financial crisis, and at a time when the current “Doha Round” of WTO negotiations, begun in 2001, had stalled. “We thought this provided a lot of fodder for academic discussion,” Lewis says. “The WTO was in a state of uncertainty, and there was this broader economic uncertainty globally. . . . The financial crisis directed countries’ focuses inward onto their own economies and took away some of their appetite for putting a lot of energy into international negotiations.”

The chapters in the edited collection examine trade agreements in the context of the global economic crisis and the uncompleted WTO Doha Round of trade negotiations. The contributors, who hail from academic, governmental and legal practitioner positions around the world, critically examine the WTO, free trade agreements, bilat-



Associate Professor
Meredith Kolsky Lewis

eral investment treaties and other international economic law instruments. The authors grapple with a variety of emerging issues that have the potential to strengthen or weaken the global trading system, including matters of treaty interpretation; terms of new agreements; and the potential effects of existing agreement provisions.

In addition to the broad agreements on trade, tariffs and regulation that WTO signatories have entered into, member nations also enter into bilateral trade and investment agreements with each other. This has been occurring more and more frequently, in part out of frustration with the lack of progress in the Doha Round. And because of that, Lewis says, a host of complications could arise.

If, for example, a bilateral free trade agreement (FTA) includes a dispute settlement mechanism, it may be possible for a given dispute to be raised pursuant to the FTA dispute settlement mechanism and/or pursuant to the WTO’s dispute settlement mechanism. The possibility of overlapping jurisdiction raises the potential for parallel proceedings and inconsistent interpretations of similar or identical treaty language, as well as questions such as whether the WTO dispute settlement mechanism can or should ever decline its jurisdiction.

Those kinds of issues are discussed in the book’s opening chapter, “What to Do When Disagreement Strikes?: The Complexity of Dispute Settlement Under Trade Agreements,” which Lewis co-wrote with Peter Van den Bossche, a member of the WTO’s seven-member Appellate Body. Van den Bossche was the keynote speaker at the conference out of which the book grew.

To flesh out the potential for such disputes, the authors identify a panorama of dispute settlement mechanisms currently existing under the WTO and under regional and bilateral free trade agreements, ranging from non-existent to primarily diplomatic to highly rules-based. The chapter goes on to identify which mechanisms along the continuum have the potential to clash or overlap with the WTO dispute settlement mechanism, and identifies specific examples of such possible overlaps as well as possible solutions. The authors argue that the WTO dispute settlement mechanism has a number of advantages over the forums established by regional trade agreements, and thus most disputes that arise under these pacts should continue to come before the WTO for resolution.

Other chapters in the book focus on a range of issues, including product safety regulations; prospects for further regionalization and economic cooperation in the Asia-Pacific region; trade and climate change; and the possibility of suspending intellectual property rights to retaliate against a WTO member that has failed to comply with a dispute settlement ruling against it.

Lewis notes that the WTO’s just-concluded biennial Ministerial Conference, held in Bali in December 2013, led to agreement on some fronts, producing a “Bali Package” of accords that some hope will provide momentum for progress in the broader Doha Round of negotiations. Nonetheless, trade agreements will remain a dynamic, evolving phenomenon meriting continued focus.



Trade Agreements at the Crossroads developed out of a conference on trade agreements held by the New Zealand Centre of International Economic Law.

Ewing's new book asks how best to prevent child sex abuse

The statistics are shocking: As many as one-third of boys and three-quarters of girls in the United States experience some sort of sexual abuse as children or adolescents. The response has been determined: governments have passed strict laws, entered into international treaties, and established large bureaucracies in hopes of curbing child sexual abuse.

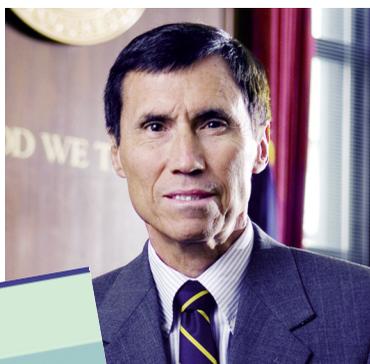
But, says SUNY Distinguished Service Professor **Charles Patrick Ewing**, an honest accounting shows that none of these efforts has been demonstrably effective against the problem. “The bottom line,” he says, “is that for most part the data don’t support much of what’s been done and it’s very difficult to prevent children from being sexually exploited or abused.”

What does work? Some common-sense strategies, he says, that can be as simple as teaching children to stay out of risky situations and making transparency and safety a priority in organizations that serve children.

That common-sense advice is at the heart of *Preventing the Sexual Victimization of Children: Psychological, Legal, and Public Policy Perspectives* (Oxford University Press), Ewing’s newly published book that critically examines the ways adults have tried to protect children from sexual abuse.

The idea for the book, Ewing says, came when he spoke at a conference at Johns Hopkins University on preventing child sexual abuse. “I learned a lot about the subject and I heard a lot of ideas, but not much empirical support for them,” he says. “I decided to survey all the methods that people have purported to use to prevent child sexual abuse. I came up with a rather large list, and then I asked, do the data support any of these?”

Chapters in the book give a historical overview of the problem, examine the effects of the crime on children, discuss



prevention strategies aimed at parents and children and those aimed at perpetrators, and review Internet-related child sexual abuse and exploita-

tion, the abuse of children in institutional settings, and the significant problem of the prostitution of children.

“Over the past couple of decades society has made significant gains in preventing child sexual abuse,” Ewing writes in his conclusion. “However, if these apparent gains are to be maintained in the years to come, preventive efforts . . . will need to be carefully examined using both empirical evidence and logical reasoning.”

He lists as “probably ineffective or counterproductive” such strategies as enhanced criminal penalties, extending statutes of limitation, civil commitment of child sex offenders and restrictions on offenders’ jobs, residency and travel. “Strategies that may be effective” include parent education, encouraging bystander intervention, background checks for those who work with children, and limiting the sexualization of children in media and advertising. Strategies most likely to be effective, Ewing writes, include risk education and teaching children to protect themselves, minimizing private space in schools and juvenile detention facilities, using technology to stop the production and dis-

tribution of child pornography, and severely punishing the producers and distributors of such material.

“It seems almost so simple as to be absurd,” Ewing says, “but we keep looking at these grand schemes and there are some things just staring us in the face that are more effective.”

Such as:

- Rethinking the architecture of institutions that serve children, putting in more windows and fewer doors, with more open space.

- Parents not allowing their children to be alone with teachers or other adults.

- Teaching children to protect themselves. “Even younger kids can be taught what’s wrong and right, and to tell someone if something happens to them,” Ewing says. “With older kids you can teach them to get away, and to avoid situations where they might be subject to sexual abuse.”

- “Desexualizing” the way children’s images are used in media. “Everywhere you look,” Ewing says, “people are trying to sell you something and using sexualized images, and a lot of the images are about kids.”

- Changing the culture of institutions that serve children. Ewing credits recent changes in the Catholic Church and the Boy Scouts for reducing the risks of predatory sexual behavior.

- Treating children who are arrested for prostitution – almost always runaways – as victims and not criminals, and diverting them into programs that provide housing, education, counseling and therapy.

- Making Internet service providers responsible for screening out child pornography being traded on their bandwidth. “Clearly a huge way in which kids are sexually abused is in the making and distribution of child pornography,” Ewing says. “As it is now, the guy who gets caught downloading or possessing child porn gets a draconian prison sentence, but what about the people who create the stuff?”

In a new role, Professor Miller advocates for a just and inclusive community



“This commitment by the University to equity and inclusion is significant. It is shared across the senior leadership team. It is real, and it extends beyond platitudes to concrete interventions.”

Is the University at Buffalo a community where everyone’s ideas are valued and welcomed?

Are the University’s various constituencies being treated fairly?

Is the goal of diversity getting real attention or just lip service?

Those are some of the broad-brush questions that Professor **Teresa A. Miller** is addressing as she assumes her new role as the University at Buffalo’s first vice provost for equity and inclusion. Miller, a Harvard Law School graduate who has been on the Law School faculty since 1995, was appointed to the newly created position – part of the University’s senior leadership team – in March at the recommendation of a search committee led by fellow Law Professor Athena D. Mutua. She will report directly to **Charles F. Zukoski**, provost and vice president for academic affairs.

“What excited me about this job is the charge to help transform the culture of UB to one of a truly equitable and just community,” Miller says. “I was appointed to ensure that issues of fairness are an integral part of all management decisions at UB, and that they are carefully considered and robustly discussed at all levels of the University.”

That means, she says, making sure the custodial staff feels as much a part of the University’s mission as the professors, and treating people fairly across the spectrum of difference. For example, if the University were to begin admitting more students with physical disabilities, but failed to provide access ramps to enable them to freely move around the campuses, that would be a failure of equity.

The position was created as an outgrowth of the University’s long-term strategic plan, UB 2020. A committee established to implement the plan recommended the appointment of a senior member of UB’s senior leadership team to oversee diversity and equity issues at the university.

“Creating the conditions for inclusiveness and equity among faculty, staff and students is critical for the transformational learning environment that will ensure UB’s reputation for excellence in the highly globalized and rapidly changing 21st century,” Zukoski said in announcing Miller’s appointment. “Professor Miller’s demonstrated commitment to equity, advocacy and compassion in her work, as well as her creativity and ability to work across disciplines, make her an outstanding choice to lead, plan and coordinate UB’s equity and inclusion efforts.”

Miller has been on a “listening tour” of University units, talking with administrators about their areas of responsibilities and “trying to understand where I can enhance equity and inclusion through targeted interventions and col-

laborative projects.”

An advisory council of faculty, staff, students and alumni will also be created, a fact that Miller welcomes. “Often people in this role become isolated,” she says. “What we are trying to do is create more campus-wide consensus, to make sure our messages are disseminated throughout the University. A broadly representative council of people who are committed to our goals makes that more likely.”

She also draws on her experience, for example, of teaching in the DiscoverLaw program for promising undergraduates of color who are considering law school. “The Law School has piloted some innovative and effective interventions that may be useful in other units,” she says.

It is a different kind of role, but one to which she brings valuable skills. After Harvard Law, she served as a law clerk to Hon. William M. Hoeverler in the U.S. District Court in the Southern District of Florida before joining the law faculty. She has published extensively on immigration law, prison conditions and other aspects of the criminal justice system and has taught innovative, technology-assisted courses on Attica, prison conditions and criminal immigration. “I intend to continue my scholarship,” she says.

“But this commitment by the University to equity and inclusion is significant. It is shared across the senior leadership team. It is real, and it extends beyond platitudes to concrete interventions. I am excited to have been chosen to serve the University in this role, because I know that I can make a difference.”

Vice Provost Finley returning to teaching and scholarship

After more than nine years as the University's vice provost for faculty affairs, Professor Lucinda M. Finley is returning to SUNY Buffalo Law School full time.

Finley, the Frank G. Raichle Professor of Trial and Appellate Advocacy at the Law School, is leaving her position in University administration as the academic year ends. She has served in the office of the University's provost since February 2005, where she has worked with the provost and other senior University leaders to support UB faculty members in myriad ways.

"In stepping down, Lucinda can be proud of her accomplishments in building strength in the UB faculty—the foundation of a great university," said Charles F. Zukoski, provost and executive vice president for academic affairs, in a letter to the campus community. "As vice provost, Lucinda enhanced greatly UB's goals of promoting faculty excellence and recruiting and retaining excellent faculty."

The provost went on to detail Finley's accomplishments over more than nine years in Capen Hall. They include:

"She has provided meaningful advice and assistance to faculty members preparing for the promotion and tenure process, improved the clarity and transparency of information about the process, as well as coordinated that process University-wide.

"She has facilitated the activities of the President's Review Board—which makes recommendations to the president and provost on matters related to faculty appointments, promotion and tenure—to ensure its integrity and efficiency. Lucinda's efforts in facilitating the promotion and tenure process contributed to UB's being rated by Collaborative on Academic Careers in Higher Education as an exemplary institution, based on our own faculty ratings of that process.

"Lucinda's efforts have extended to enabling recognition of our faculty. She



Finley's research and teaching areas include tort law, women and the law, reproductive rights, employment discrimination, and First Amendment and equal protection law.

led the nomination process for internal, SUNY and national awards and has worked with deans to increase both nominations and the success of these nominations. She has done this extraordinarily well, and her stewardship efforts have resulted in nearly 50 faculty members being appointed to SUNY's Distinguished Faculty ranks during her tenure.

"Lucinda significantly expanded UB's new-faculty orientation program to better introduce incoming faculty to our University and to prepare them for future professional, scholarly and teaching success. She created a department chair workshop series to similarly prepare new chairs to excel as department leaders.

"Lucinda has worked closely with

deans and department chairs to help them achieve their faculty recruitment goals and established workshops to provide search committee training, including strategies for diversifying the faculty. She also improved UB's recruitment process by creating the tremendously popular dual career partner hiring assistance program.

"An invaluable resource, mentor and strong advocate for UB's faculty, Lucinda has done a great deal to establish a culture of trust and transparency at our university."

Finley's research and teaching areas include tort law, women and the law, reproductive rights, employment discrimination, and First Amendment and equal protection law.

She is the author of numerous law review articles and book chapters on tort law and women and the law, and is the co-author of a leading casebook, *Tort Law & Practice*. Her recent research focuses on tort reform caps on non-economic damages, and analyzes how caps separately affect women, the elderly and children. Finley is also active as a litigator and appellate advocate in the federal courts, and frequently testifies before the U.S. Congress and state legislative committees.

An honors graduate of Columbia University Law School, she taught at Yale Law School before coming to UB.

The next generation of clinicians

Three experienced clinical teaching fellows will begin working at the Law School in the fall of 2014. All are proficient lawyers chosen from a nationwide search who have come to share their passion for social justice and practice experience with Law School students and clinic clients.

Building a healthy partnership

Danielle Pelfrey Duryea says there was a time in graduate school when she thought of herself as a “library rat,” happiest when she was alone in the stacks. Then she discovered what it was like to stand in front of a class of students. “The opposite proved true,” she says. “I loved teaching.”

Pelfrey Duryea, who joins the Health Justice Law & Policy Clinic this year, brings with her a breadth of both academic and practice experience, as well as the conviction that the law can be used to bring a measure of justice to underserved individuals and communities.

A native of Louisville, Ky., she studied English at Yale and did graduate work in English and cultural studies at the University of Virginia. Her J.D. is from Georgetown University Law Center, where since 2012 she has served as a clinical teaching fellow in the school’s Domestic Violence Clinic.

In between was a five-year stint with the Boston firm Ropes & Gray, where she worked in litigation, mostly for pharmaceutical and medical device companies. But it was a pro bono challenge that would come to define her time in Boston.

An in-house presentation on the possibility of creating a medical-legal partnership – in which lawyers work with medical personnel to remediate living conditions that make people chronically ill – intrigued her. The chief of pediatrics at Boston Medical Center had noticed that children from low-income families would present with asthma attacks time and again; when he investigated, he found that these families were living in

substandard housing with mold, rats, insect infestations and other triggers for severe asthma. When he challenged the landlords to fix the problems, they ignored him – until lawyers got involved.

Pelfrey Duryea and colleague Michele Garvin responded by partnering with a community health care center in Boston’s working-class Dorchester neighborhood and the legal aid provider Medical-Legal Partnership | Boston. When Pelfrey Duryea and Garvin put out an in-house call for volunteers, they were swamped with 100 lawyers and paralegals – about one-quarter of Ropes & Gray’s Boston office. Essentially the project became a firm-within-a-firm, and Pelfrey Duryea helped create and oversee a mentoring and intake structure to handle all those volunteers. She also designed a skills training series and a cultural competency curriculum for associate volunteers.

“It was such a great experience and really a true partnership,” she says. “We created a free legal service, in five practice areas, working with every patient who was referred to us by a clinician. Over four years, we did not turn away a single patient who was referred to us for lack of someone to help them.”

Pelfrey Duryea brings to Buffalo the lessons of that experience as well as Georgetown training in clinical legal education. “I feel very well prepared to talk and think about how to make the lessons of the clinic transferable to the world of practice,” she says. “Buffalo is a whole new community for me. I have a lot to learn about the health of the community, where there are inequities in health across the community and how a medical-legal partnership can address them. Clearly many elder law issues have a profound impact on health. I’m hoping that, over time, we will find many ways to build on the deep tradition of the clinic and invite more collaboration between medical and legal service providers.”

Pelfrey Duryea comes to Buffalo with her husband, Eric Pelfrey Duryea, a lawyer trained at the University of Virginia School of Law.



Danielle Pelfrey Duryea

Health Justice Law & Policy Clinic

- *Education:* B.A. in English, magna cum laude, Yale University; M.A. in English/women’s studies and Ph.D. work in English/cultural studies, University of Virginia; J.D., cum laude, coursework toward a master’s degree in public policy, and LL.M. in advocacy forthcoming, Georgetown University Law Center
- *Practice experience:* Domestic Violence Clinic, Georgetown University Law Center; Ropes & Gray, Boston
- *Research interests:* health disparities and medical-legal partnerships; food, drug and medical device law and regulation; feminist and anti-racist theories and practices

“I wanted to become a lawyer so I could help people.” – Cody Jacobs

Making the law a tool for good

Clear writing means clear thinking, an old adage goes, and **Cody Jacobs** has spent his legal career proving that true.

Jacobs, who joins the Economic Justice Law & Policy Clinic this fall, was the writing director for the *Georgetown Journal on Poverty Law and Policy* while he was a student at Georgetown University Law Center. In that role, he helped fellow students with development and editing of their pieces for the journal. In his 2L year, he also helped teach a legal research and writing class to first-year law students.

“The people who go to law school are all very smart and good writers, but it’s one thing to be a good writer and another thing to be a good legal writer,” Jacobs says. “It’s definitely very different from other styles of writing, and it takes a lot of getting used to.” He expects to bring that expertise to his teaching in Buffalo, saying, “My goal will be to give people the opportunity to write a whole bunch of documents – briefs, motions and more policy-oriented writing.”

A native of Tampa, Fla., and graduate of the University of South Florida, Jacobs says he always envisioned a legal career. “I wanted to become a lawyer so I could help people,” he says. “I like the intellectual side, but I also like that you can use the law to help make people’s lives better. I thought it was a great opportunity.”

Following law school Jacobs joined Sidley Austin in Los Angeles, working

on “a really wide variety of cases” on the defense side in complex commercial litigation. Those included pharmaceutical and other product liability cases, such as a case involving whether California’s Proposition 65 required warning labels on dietary supplements containing lead. He also did a lot of pro bono work, and for those efforts he earned the ACLU of Southern California’s Access to Justice Award and was named a 2014 *California Lawyer Magazine* Attorney of the Year.

From there he joined the Law Center to Prevent Gun Violence as a staff attorney, tracking Second Amendment litigation nationwide, editing amicus briefs for major Second Amendment cases and working with California policymakers on legislation related to firearms. “I thought this was a great opportunity to get some policy experience and work on a really fascinating developing issue,” Jacobs says. “It’s obvious that gun violence is a really pressing issue in our country right now. This was a chance to work in a fascinating area of constitutional law and make a difference at the same time.”

At the Economic Justice Clinic, he says, he’s excited to “have the opportunity to both help the community through the clinic and help students through teaching them important lawyering skills. My first priority is my clinical course, but I’m also excited to be able to write and do research.” He also brings to the clinic his own experience at Georgetown with the D.C. Law Students in Court clinic, through which student attorneys represent indigent clients in mainly landlord-tenant cases and small claims actions. “I not only felt I was helping people, but I learned a ton in that clinic,” he says. “It was just a really great experience for me.”

Jacobs comes to Buffalo with his wife, attorney Kristen Carothers, a graduate of the University of Virginia School of Law.



Cody Jacobs

Economic Justice Law & Policy Clinic

- *Education:* B.A. in political science, cum laude, University of South Florida; J.D., magna cum laude, Georgetown University Law Center
- *Practice experience:* Law Center to Prevent Gun Violence, San Francisco; Sidley Austin, Los Angeles
- *Research interests:* civil procedure, constitutional law, civil rights law

“Many of my clients were not bad people, but they made bad choices, and a lot of them stem from lack of educational or economic opportunity, substance abuse or mental health issues, or broken homes.” – Chris Moellering



John Christopher “Chris” Moellering

Domestic Violence and Women’s Rights Law and Policy Clinic

- *Education:* B.A. in government and history, cum laude, Georgetown University; M.Sc. in comparative politics, London School of Economics and Political Science; J.D., Fordham University School of Law
- *Practice experience:* Legal Aid Society of Nassau County, N.Y.; Mazzei & Polk, New York City
- *Research interests:* human rights

Making the hours count

Chris Moellering knows what it’s like to work harder than you need to.

In law school at Fordham, he received an award for performing more than 1,000 hours of pro bono work. That work included teaching young people in Harlem to read; raising money to support law students’ work in public interest; mentoring foreign LL.M. students to help them adjust to law school; completing externships with Human Rights First, the Brooklyn District Attorney’s Office, and the New York State Attorney General’s Office; and working in the school’s International Justice Clinic, where he joined in the defense of two detainees held at Guantanamo Bay, Cuba.

Moellering joins the Domestic Violence and Women’s Rights Law and Policy Clinic this fall as a Clinical Teaching Fellow. A native of St. Louis, he did his undergraduate work at Georgetown University before earning a Master of Science degree at the London School of Economics and Political Science. While in London he worked for Baroness Shirley Williams in the House of Lords as a researcher.

After receiving his J.D. from Fordham University School of Law, Moellering plunged into the labor-intensive world of the public defender, representing clients of the Legal Aid Society of Nassau County, on Long Island. There, he says, he learned the difficult trade-offs necessitated by a workload that ranged from 125 to 225 cases at any one time.

“You’re like a doctor in the ER, triaging patients coming in from a huge car accident or a fire,” he says. “Generally I would have five to 20 incarcerated clients, and those cases require more immediate attention. But

because of a lack of resources, you end up having to do less work on some cases so you can do more work on others. I knew that I should be writing motions in a case or doing more investigation; I would have liked to drive by the scene of a crime so I could better communicate to the jury what happened. But sometimes there was just no way to do all I wanted to do.” He discovered too, he says, that “Many of my clients were not bad people, but they made bad choices, and a lot of them stem from lack of educational or economic opportunity, substance abuse or mental health issues, or broken homes.”

In the Domestic Violence Clinic, Moellering is looking to give students broad exposure to both the law and the practicalities of working with victims of domestic abuse, such as bringing in social workers to discuss how to communicate compassionately but effectively with a battered victim. Moellering plans to involve students in direct service to clients, such as people without means to hire a lawyer who are seeking orders of protection, or need help escaping from the ravages of human trafficking, or who are not U.S. citizens but face deportation if they divorce an abusive spouse who is a citizen. Moellering hopes the clinical work will build on the decades of well-regarded service to the community provided by the Women, Children and Social Justice Clinic, and coordinate with faculty teaching family and domestic violence law in other classes.

Moellering and his wife, Elizabeth Russo Moellering, a graduate of Harvard Law School, have a daughter, Charlotte, born last year on the Fourth of July. Elizabeth Moellering will be working as an Assistant United States Attorney with the United States Attorney’s Office for the Western District of New York.

Recent press

In print, on the Web and on the air

Forbes – Associate Professor S. Todd Brown, an expert on asbestos bankruptcy trusts, was quoted in an article about a hearing on motions by several major corporations to make public evidence about asbestos claims that Garlock Sealing Technologies uncovered in its bankruptcy.

USA Today – Clinical Professor George Hezel was quoted in an article in that reports minimum-wage employees must work on average 2.6

Wall Street Journal – Jessica Owley, associate professor and an expert on conservation land trusts, was quoted in an article about a legal case that could determine how taxes on property owned by land trusts are handled across the nation.

Christian Science Monitor – Professor Rick Su was quoted in an article about a plan put forward by Michigan Gov. Rick Snyder to award 50,000 visas over five years to immigrants willing to settle and

New York Times – Anya Bernstein, associate professor and author of *The Hidden Costs of Terrorist Watch Lists*, was quoted in an article about terrorist watch lists.

Milwaukee Journal Sentinel – Professor James Gardner was quoted in an article about a request by the Milwaukee Police Association to force the City of Milwaukee to obey a new law that ends residency requirements for all local units of government.

Associated Press – Lecturer Stephen Paskey was quoted in a story about Nazi collaborators who remain in the United States after a court ordered their deportation.

Huffington Post – Associate Professor Michael Boucai wrote an article looking back at the radical origins of the mainstream acceptance of same-sex marriage.

Democrat & Chronicle – Associate Professor Todd Brown was quoted in an article about a motion filed by



The New York Times

THE WALL STREET JOURNAL

Bloomberg Businessweek



THE HUFFINGTON POST

full-time jobs to afford a decent two-bedroom apartment in the United States without paying more than 30 percent of their income.

The Buffalo News – Professor Rick Su was quoted in an article about a dispute between the Town of Aurora and the Village of East Aurora over who should pay to repair or replace a rusted culvert-style bridge.

Forbes – Associate Professor S. Todd Brown was quoted in an article about insurance companies that have joined the list of parties that are seeking to open the records of the bankruptcy trusts that plaintiff lawyers set up to pay asbestos-related claims.

work in Detroit as part of his efforts to revitalize the bankrupt city.

New York Times – Dean Makau W. Mutua called for support for the International Criminal Court against charges of racial bias in a Kenya investigation.

WBFO-FM – Professor Charles Patrick Ewing was interviewed about an intense standoff between a Tonawanda man and police before the man died in his burning home.

KPFK-FM (Los Angeles) – Dean Makau W. Mutua was interviewed on a radio news program where he discussed the endemic political corruption in Kenya and how it has affected efforts to subdue terrorists in that country.

KUOW (Seattle) – Dean Makau W. Mutua commented on Al-Shabab's attack on Westgate Mall in Nairobi, Kenya, stating that the Somali-based terrorist organization's attack was a long time coming.

New York Daily Record – In a profile, *Don West '80* talked about his career, friendships and being co-counsel for the George Zimmerman trial.

The Buffalo News – Lecturer Nan Haynes co-authored an op-ed calling for an independent review of jail complaints.

Tavis Smiley, PBS – Human rights expert Nicole Lee '02 assessed President Obama's trip to Africa and his efforts to re-engage with countries there both economically and emotionally.

Endicott Interconnect Technologies to sell all of its assets for \$250,000 to a corporation owned by one of its minority shareholders.

Wall Street Journal – Dean Makau W. Mutua, named by Gov. Cuomo to the Moreland Commission, said the panel had uncovered potentially criminal offenses committed by about a dozen state lawmakers.

Bloomberg Businessweek – Professor Martha McCluskey was quoted in an article that called joint federal tax returns an outdated practice that does not address current social and economic realities.

Justice Pigott accepts Jaeckle Award at gala NYC luncheon



Left to right: Hon. Jonathan Lippman, Hon. Eugene F. Pigott Jr. '73, Dean Makau W. Mutua and Francis M. Letro '79

Forty years to the day after he was admitted to the New York State bar, one of SUNY Buffalo Law School's most distinguished jurists accepted the school's highest honor.

Hon. Eugene F. Pigott Jr. '73, senior associate justice on the state Court of Appeals, was presented the Edwin F. Jaeckle Award at a New York City alumni luncheon on Jan. 31. The award, given annually "to an individual who has distinguished himself or herself and has made significant contributions to the Law School and the legal profession," made special note of the justice's commitment to the advancement of minority attorneys.

Pigott, a native of Rochester, graduated from LeMoyne College in 1968 and then served as an Army captain in Vietnam until 1970. After graduating from the Law School, he practiced with the Buffalo firm Offermann, Fallon, Mahoney & Adner, served as Erie County attorney, then became chief trial counsel for Offermann, Cassano, Pigott & Greco. He was appointed to the state Supreme Court in 1997, elected to a full 14-year term, then was designated to the Appellate Division, Fourth Department, and appointed presiding justice in 2000. His nomination to the Court of Appeals, New York's highest court, was confirmed by the State Senate in 2006.

At the luncheon, following welcoming remarks by master of ceremonies Thomas E. Black Jr. '79 and Law Alumni Association President Terrence M.

Gilbride '88, the honoree's boss – New York State's chief justice, Jonathan Lippman – paid tribute to Pigott's role on the high court.

"Gene really epitomizes what the Court of Appeals is all about," Lippman said. "There isn't a case that comes up that he doesn't put his unique stamp on it. We all look to Gene for his practical take on what the case means in the real world and for real people. It's so helpful to have someone who has such a practical understanding of the law."

Dean Makau W. Mutua reported to the attendees that the Law School is "in good health," pointing to progress in faculty hiring, building renovations and the academic quality of the student body. Noting that applications to law schools nationwide have dropped by half, the dean said legal education will almost certainly undergo changes. He announced that the University has given its assent to reducing the Law School's enrollment to 600, down from the current 750. The dean also shared the happy news that the Campaign for SUNY Buffalo Law School has raised more than \$22 million toward its \$30 million goal.

In introducing the honoree, Francis M. Letro '79 pointed to Pigott's human qualities, saying, "He enjoys an extraordinary legal career well balanced by his family, by his friends, and by having lots of fun along the way as a lawyer and a judge."

Especially, Letro said, Pigott has worked tirelessly "for the benefit of the profession and its day-to-day practitioners. While his job is to be the last word on the Court of Appeals when it comes to application of the law to the specific facts of a case, he also sees his job

as being the first word when it comes to advising and counseling lawyers on how to build a successful and fulfilling and helpful legal career. He frequently reminds us to take seriously our obligations to our clients and to the court, but not to take ourselves too seriously. Most of all, he reminds us to balance our professional obligations with the needs of one's family and oneself.

"He's a regular attendee and participant at legal events big and small. He'll be seen at retirement parties, bench and



Hon. Eugene F. Pigott Jr. '73

bar picnics and social gatherings and memorial services, Law School moot court competitions, Law School Commencement exercises and many other events. He is uncommon for his common touch and his common sense, and for that we are very grateful."

"The judge embodies everything that one could hope for in a jurist," Dean Mutua commented in his remarks. "He's intelligent, he's fair, and he's dedicated to the law. But he's also fiercely dedicated to our Law School."

Mutua noted that Pigott loves

lawyers and the law, and "possesses a wonderful humanity. He gets the fact that the law is about people." He also praised Pigott's service to the Law School as a guest lecturer and mentor and as a longtime member of the Dean's Advisory Council.

In accepting the Jaeckle Award, Pigott noted how difficult the job of attorney can be. "If doctors were like lawyers, that would mean if they're there to take out your appendix, there's a doctor on the other side of the table trying to keep it in," he said. "It's a tough business, and the fact that we can keep our civility and our fraternity is amazing. What we do for people is incredible."

"I have such great regard for what you do and how you do it," he said to the lawyers in the audience. "My theme over the last five or six years in CLEs is, you've got to take care of yourself. It's like a sport. You have to be physically ready; you have to feel good when you're

doing this work, otherwise you just start to drag. You are in a profession that is unparalleled on earth, that does things no one else can do, that solves problems in the best way they can possibly be solved."

Looking north and finding a world of success in business

As Victor Pérez Urbán looked to a future in international business, he knew that an additional U.S. law degree would be a key qualification. After much research, he found himself in a New York state of mind.

A law graduate of Universidad Panamericana, Urbán was director of procedures for the Ministry of Finance and Public Credit in Mexico's Office of the General Tax Attorney.

"I had decided to move from public service to private practice," Urbán says. "I was looking for a master's degree in law in the U.S. I evaluated different options, focusing especially in New York State, because to pursue a career in corporate law it was necessary to learn New York law. New York law is very useful for a foreign lawyer, because it's so important in international transactions. It's a body of law that is used in contracts all over the world." Urbán now serves as senior legal counsel for a business that works in more than 50 countries worldwide.

In his new position, Urbán still oversees the company's tax work. But his main focus is in transactional law. He negotiates and oversees contracts for the sourcing of materials and services, including involvement in the competitive bidding process; manages contracts with the company's information technology suppliers; and ensures that data privacy is being respected.

Urbán says he and his family still have fond memories of their time in Buffalo, and he is working with Law School staff to spread the word about the opportunities available at SUNY Buffalo Law School for lawyers and would-be lawyers in other countries.



Urbán notes the Buffalo program grounds students in the U.S. common law system, a valuable addition to the civil law training in Mexico and many other countries.

ACCESS TO JUSTICE CHAMPION

Going to bat for special-needs students

The phone rings a lot in the office of **Donnalyn Darling**, 78. There are calls about the personal injury cases she tries as head of the Medical Malpractice Group at Meyer, Suozzi, English & Klein, in Garden City, N.Y. There are calls from carpenters, plumbers and electricians who have been injured on the job – another practice specialty. And always, always there are calls from parents of special-needs children who are trying desperately to arrange the best school situation for their kids.

Darling, who also chairs the firm's Education Law Group, fields those calls along with her colleagues, and doles out hard-won advice about how to negotiate with school administrators. She accompanies some parents to Committee on Special Education meetings at which the child's needs and the school's accommodations are talked through. And because many of the parents are poor and have limited English, she does much of that work without charge.

Now the Nassau County Bar Association, which refers many of those parents to her, has named her an Access to Justice Champion in recognition of her pro bono work.

"This firm encourages pro bono work, and they actually keep track of our pro bono hours," Darling says. "Lots of lawyers here have received awards for that work. It's incredibly gratifying, particularly because doing that work helps the whole profession. We're supposed to give back as lawyers. We're supposed to do things for people who can't do them for themselves."

New York State law requires the public schools to provide "a free, appropriate public education" in the least restrictive environment possible. Darling's expertise in how that law gets applied stemmed from her advocacy for her own special-needs son – now a ju-

nior in high school and doing well – and a colleague's similar work on behalf of a son with autism, starting about 15 years ago. (Darling and her husband, Jon, met at UB; they also have a daughter who has just completed a doctorate in pharmacy.)

"We got together and studied education law," Darling says. "And we discovered there was a huge need for help in this area. Most of the people we tried to help couldn't afford to pay any attorney."

In addition to helping negotiate the Individualized Education Programs that govern the schooling of special-needs children, Darling and her colleagues also represent parents who call about disciplinary proceedings against their kids. The challenge is to persuade a school to meet its legal requirements when, for example, it denies entry to a blind student when he could do perfectly well there with some extra help, like an aide. They also do a lot of presentations, educating parents on what the law says about their children's education.

Darling, a Long Island native who did her undergraduate work at SUNY Stony Brook, chose SUNY Buffalo Law for pragmatic reasons: She was paying the freight herself and needed a school with reasonable tuition. She worked her way through school, serving as an adviser to the student judiciary board, which adjudicated disputes between students, and as a resident adviser in UB's massive Richmond Quad. That was in her final year of law school, and it was marked by tragedy. One student



"We're supposed to give back as lawyers. We're supposed to do things for people who can't do them for themselves."

stabbed to death another with scissors; Darling, a trained emergency medical technician, tried in vain to save the victim's life.

About SUNY Buffalo Law she says, "It's great that someone who doesn't have any financial support can send themselves to a school this good. It was a great school and gave me a great opportunity." She notes that four partners at her Long Island firm are SUNY Buffalo Law graduates.

Coming out of law school and eager to do trial work, she joined the Bronx district attorney's office and became a prosecutor. Among the most terrible crimes they prosecuted were sex crimes against children, and one day, Darling says, another ADA came to her with a request. He was trying to get a child to talk to him about such an offense, but she wouldn't budge. "I was 22 years old," Darling says, "and I'm slight of stature, so I looked really young. He said to me, 'You look like a girl – try to get her to tell the story.' And I was able to get the child to tell me the story."

Then, working the DA's Grand Jury Bureau, she developed a further technique for working with reluctant young victims. "I realized that a lot of the kids didn't have the language skills to identify how they were violated," Darling says. "So we used these anatomically correct cloth dolls – they came in both genders

and different races, so that the doll looked like them – and the child could act out the sexual violation with the doll. We could videotape that and could use those videotapes to indict a defendant.”

But it was emotionally wrenching work – “all these things you couldn’t wrap your mind around,” Darling says. “Those cases were terrible. When you tried them, usually the offender was someone who lived in the child’s home, an uncle or the mother’s boyfriend, for example. And when you lost those cases, you knew the child was going back into the home with the abuser.”

But she did learn her way around a courtroom, and some of the techniques that sway juries. In one trial, of a man accused of concealing a sawed-off shotgun, Darling gave her entire summation with the gun in the pocket of her skirt, hidden by her jacket – and at the end with a flourish showed the jury that she – nine inches shorter than the defendant – had been concealing the weapon the whole time. The jury took 20 minutes to convict him.

When her three-year commitment to the DA’s office was over, she went into private practice, initially doing civil defense work for a Wall Street firm. But a sense of perspective remains. “I did realize that even if you lost a case it was only money, as opposed to a child going back to live with an attacker,” she says. And even now, as she represents people whose lives have been derailed by others’ negligence, “the stakes are very, very high for my clients, but nothing like that.”

She joined Meyer, Suozzi in 1992 after nine years practicing personal injury law with another Garden City firm. “I’ve been doing this for a long time now; I’m really involved with my clients and truly care about the people we represent,” she says. “I’ve represented some of the children of past clients. When you are out there and do good work, a lot of it is word of mouth. And jurors see you, and when they get hurt they call you.”

And the phone on her desk keeps on ringing.



Jacob S. Sonner '14 wins national writing award

Law student **Jacob S. Sonner '14** has been awarded the 2014 Distinguished Legal Writing Award by the Burton Foundation for his article in the *Buffalo Law Review's* August 2013 issue, “A Crack in the Floodgates: New York’s Fourth Department, the PLCAA, and the Future of Gun Litigation After *Williams v. Beemiller*.”

The Burton Award is given to 15 authors from among entries submitted by the nation’s top law schools. Sonner will receive his award at the foundation’s 15th anniversary program, June 9 at the Coolidge Auditorium of the Library of Congress in Washington, D.C. This year’s program is dedicated to rewarding achievements in law, with a special emphasis on writing and reform. Award winners are selected by law school professors and judges, including professors from Harvard, Columbia and Stanford law schools.

A Western New York native, Sonner received bachelor’s degrees in journalism/mass communications and history from St. Bonaventure University in Allegany, N.Y., in 2011. In May, he received his J.D. from SUNY Buffalo Law School.

While in law school, Sonner worked as a law clerk with Legal Services for the Elderly, Disabled or Disadvantaged of Western New York and as a research assistant for Christine Pedigo Bartholomew, a lecturer in law, legal analysis, writing and research at the Law School. Sonner also served as an executive publications editor for the *Buffalo Law Review*. He will join Damon Morey in Buffalo as an associate attorney.

AROUND *the* CHAPTERS

Buffalo



Buffalo

Mentor Reception at the Center for Tomorrow
Feb. 25, 2014

1. Left to right: Tasha E. Moore '98 and Sarah M. Draper '16

2. Left to right: Trishe L. Ball '16, Joseph M. Marris '93 and Erik A. Burrows '16

GOLD Group Social – The Lodge in downtown Buffalo
March 27, 2014

3. Left to right: Joshua E. Dubs '08, Lydia H. Beebe '12, Christopher S. Safulko '13, Frank H. Ewing '12 and Adam L. Bojak '12

LAA Power Hour Presentation for Student Members in the Francis M. Letro Courtroom
April 9, 2014

4. Left to right: Eric County Attorney Michael A. Siragusa and Jaime L. Gallagher '02

GOLD Group Reception – Hotel Lafayette in downtown Buffalo
April 25, 2014

5. Left to right: John P. Feroletto '07, Cathleen M. Roemer '13, Aleece Burgio '15 and Rachael M. Pelletter '15.

Rochester

Annual Fall Rochester Alumni Social at Bamba Bistro
Nov. 19, 2013

6. Left to right: Timothy J. McFarland '86, Joshua D. Jansch '16 and Merrick L. Sadler '16

7. Left to right: Melle Xu '13, Donald (Dan) W. O'Brien Jr. '77 and Marla J. Pilaroscia '97

Rochester



Albany



Albany

Albany Alumni Event at New York State Museum
Nov. 19, 2013

9. Left to right: Denis R. Hurlley Jr. '88, Drew A. Lochte '92, Vice Dean Ilene R. Fleischmann and Kimberly A. Fanniff '99

Washington, D.C.

Alumni Annual Fund Event at The Hamilton
March 4, 2014

10. Left to right: Annual Fund Co-Chair Celeste M. Murphy '97 and Danielle M. Grimm '97

11. Christopher West '94 and Vice Dean Ilene R. Fleischmann

Washington, D.C.

New York City



10



11



12



13



14



16



15



17



18



20



19



21

12. Left to right: Leslie P. Machado '96, Katherine McGregor Dent '96 and Michelle M. Radecki '96

13. Left to right: D.C. Alumni Chapter Vice Chair Kenneth A. Libby '85 and Joseph A. Kresse '95

New York City

Alumni & Faculty Reception at the Sheraton NYC Jan. 3, 2014

14. Left to right: Amy E. Fellenbaum '13, Sean M. O'Brien '13, Professor Mark Bartholomew and Caitlin M. Higgins '13

15. Left to right: Professor Christine Haight Farley '94 of American

University, Washington College of Law, Associate Professor Michael Halberstam, Carolyn G. Goodwin '00 and Dean Makau W. Mutua

Informal Social at Copia Lounge March 26, 2014

16. Left to right: Michelle Yeung '15 and Jamie Moss '15

Alumni Annual Fund Event at Hudson Terrace March 5, 2014

17. Left to right: Hon. Kathy J. King '84, Timothy J. Sheehan '84 and Kimberly C. Sheehan '84

18. Left to right: Michelle Yeung '15, Lauren C. Hojnacki '15, Timothy Hooge '16, David E. Franasiak '78,

Michael Cavalieri '14, Bridget E. Riley '15 and Michael S. Solomon '15

19. Left to right: Dean Makau W. Mutua, Gwen Yu and Enam Hoque '06

20. Left to right: Annual Fund Co-Chair Jason Lee '07 and Development Officer Jeffrey J. Piscitelli

21. Ian J. Laing '15 and Assistant Director of Development Lucy Dadd '04

Toronto

Reception for Alumni and Prospective Students at the Toronto Regional Board of Trade Feb. 6, 2014

22. Left to right: Britta L. McKenna '04 and Marina Stojanovic



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For more photos, visit: www.law.buffalo.edu/forum/extra

*For the
Judiciary*



Hon. Eugene M. Fahey '84
Justice, New York State Supreme Court Appellate Division, Fourth Department

*For Private
Practice*



Robert C. Schwenkel '82
Partner, Fried, Frank, Harris, Shriver & Jacobson (New York City)

*For
Community
Service*



Hon. Lisa Bloch Rodwin '85
Judge, Erie County Family Court

*For Public
Service*



Michael J. Surgalla Jr. '82
Attorney, U.S. Department of Justice (Washington, D.C.)

*For
Business*



William F. Savino '75
Senior Partner, Damon Morey

*For Outstanding
Service by a
Non-Alumnus*



Hon. Robert T. Russell Jr.
Associate Judge, Buffalo City Court

Law School alumni association honors six with awards

Three judges, a business litigator, a specialist in corporate law and a veteran federal prosecutor were honored May 20 when the Law Alumni Association of SUNY Buffalo Law School presented its annual Distinguished Alumni Awards.

The awards, given to five Buffalo Law alumni and one non-alumnus, were the highlight of the association's annual dinner at the Hyatt Regency Buffalo.

Law Alumni Awards were given in six categories. The 2014 honorees were:

For the judiciary, **Hon. Eugene Fahey '84**. Fahey is a justice of the New York State Supreme Court's Appellate Division, Fourth Department. He served two six-year terms on the Buffalo Common Council and worked in private practice before ascending to the bench, first on Buffalo City Court and then on State Supreme Court. He was appointed to the Appellate Division in 2009.

For private practice, **Robert Schwenkel '82**, partner and co-chairman of the New York City law firm Fried Frank Harris Shriver & Jacobson. Schwenkel chairs the firm's Corporate Department and is global head of its M&A and Private Equity practices. He

joined Fried Frank in 1982 and became a partner in 1989. Schwenkel's diverse transactional corporate practice is concentrated on private equity transactions and mergers and acquisitions.

For community service, **Hon. Lisa Bloch Rodwin '85**, an Erie County Family Court judge since 2008. Before taking the bench, Rodwin was a prosecutor in the Erie County district attorney's office, where she served as chief of the Domestic Violence Bureau. She helped obtain a grant for the Erie County Family Justice Center, where targets of domestic violence can obtain help from legal professionals, counselors, pastoral caregivers and medical providers in a single, secure location.

For public service, **Michael Surgalla '82**, an attorney with the U.S. Department of Justice Criminal Division's Human Rights & Special Prosecutions Section. Surgalla began his government career as a trial attorney in the New York District of the Immigration and Naturalization Service. He joined the DOJ in 1987 after several years in private practice. His current areas of focus are border security and gross violations of human rights and humanitarian law.

For business, **William Savino '75**, senior partner at the Buffalo law firm Damon Morey and chair of the firm's

Business Litigation & Insolvency Department. His responsibilities include matters involving business litigation (including construction, corporate and partnership dissolution, accounting malpractice and Uniform Commercial Code matters) and insolvency (both debtor and creditor) with an emphasis on reorganizations. He teaches in both the Law School and UB's School of Management.

For outstanding service to the University and community by a non-alumnus, **Hon. Robert Russell**, a Buffalo City Court associate judge who has been an innovator in using the courts to address stubborn social problems. Russell created Buffalo's Drug Treatment Court in 1995 and continues to serve as its presiding judge. In 2002 he established and began presiding over Buffalo's Mental Health Treatment Court, which oversees cases involving individuals diagnosed with severe mental illness. And in 2008, Russell created and began presiding over the nation's first Veterans' Treatment Court.

PHILANTHROPY

A summer sampling of law school leads to the real thing

Two participants in the first session of DiscoverLaw, which took place in 2012, are nearing the end of their first year at SUNY Buffalo Law School. The month-long program is a joint venture of the Law School, the Minority Bar Association of Western New York and the Law School Admissions Council. Students live on the UB North Campus for the month, and earn a stipend to offset lost income. It is designed to make law school more accessible to students of color, who historically have been underrepresented in the legal profession.

“We are very pleased with the outcomes that we are realizing from the DiscoverLaw program, including increased diversity among our 1L class,” says Vice Dean for Admissions and Student Life Lillie Wiley-Upshaw. “Two alumni of the 2012 session are now law students and they say that what they learned in DiscoverLaw and the warm reception they received on campus has been invaluable in their decision-making and their adjustment to the rigorous life of a 1L.

“I am so proud of them. Not only is this program making a difference in their lives, but in the profession as well.”

Ninteretse Jean Pierre ’16, a native of the African nation of Burundi and a resident of Rochester, was entering his senior year at Buffalo State College and studying criminal justice when he entered DiscoverLaw. At the time he said, “The workload was ridiculous – so much work, it was almost undoable. But somehow we got through it. . . . It’s a reality. To make the decision about whether to attend law school, you need to know the amount of work that’s going to be involved, so it won’t come as a surprise.”

Now, proceeding through his first year at SUNY Buffalo Law, Jean Pierre says, “For me it was helpful, especially in the admission process. DiscoverLaw exposed me to what I needed to know to be successful – the workload, the discipline, all of the things you need as a law student.”

The workload of a law student, he says, “cannot compare to undergraduate school. Then, it was maybe two hours a day of studying. Here, I study all day, 8 a.m. to 8 p.m.” But, he says, the work eth-



Ninteretse Jean Pierre ’16



Brittany Andrews ’16

ic he developed during that summer session has stayed with him. “I tried my best when I was part of the DiscoverLaw program and worked my hardest,” he says.

At SUNY Buffalo Law, Jean Pierre has found some new interests, moving away from his criminal justice background and gravitating toward human rights work and business transactions law.

His classmate **Brittany Andrews ’16**, was an English major at Syracuse University when she took part in the DiscoverLaw program. She says the program helped cement her longstanding interest in becoming a lawyer.

“I didn’t even know Buffalo had a law school until I submitted the application,” says Andrews, an Atlanta native. She remembers arriving in the pouring rain “with two huge suitcases” and being welcomed by the SUNY Buffalo Law students who served as resident assistants.

The writing assignments that the

professors required, she says, came back with extensive notes and corrections, but she also received affirmation that she was a good writer and a good thinker. “I got an idea of how well I can analyze and articulate myself on paper,” says Andrews, who has a strong interest in environmental law.

She also learned how important it is to take care of oneself – to get enough sleep, to hit the gym for stress relief, to eat something better than fruit snacks for breakfast. Those lessons have stayed with her at the Law School, where, she says, it’s “a different kind of busy from undergrad. It’s class all day, and your brain hurts. You have to study hard and get everything done, but you still have to be a human being.

“The thing I took away most from the program was knowing that this was something I wanted to do,” she

says. “It was the exposure I needed. Before you invest in law school, you have to know you want to do it. Having had that exposure made me more confident in my decision.”

The DiscoverLaw program was funded by a three-year grant from the Law School Admissions Council, and this summer’s cohort is the last under that funding. Karen R. Kaczmarek ’89, associate dean for development, says the school is hoping to continue the program with alternative funding. “The Law School has been working closely with key alumni and friends to obtain financial support from individual donors, corporations and foundations to ensure the continuation of the program, and all donations are welcomed and appreciated,” she says.

For information or to make a donation, contact Kaczmarek at (716) 645-6429 or krkacz@buffalo.edu, or visit www.law.buffalo.edu/scholarsProgram.html.

THE CAMPAIGN FOR SUNY BUFFALO LAW SCHOOL



Amount raised: \$22.5 million
Goal: \$30 million

With 2+ years to go in our Campaign, every gift makes the difference in helping us reach our goal.

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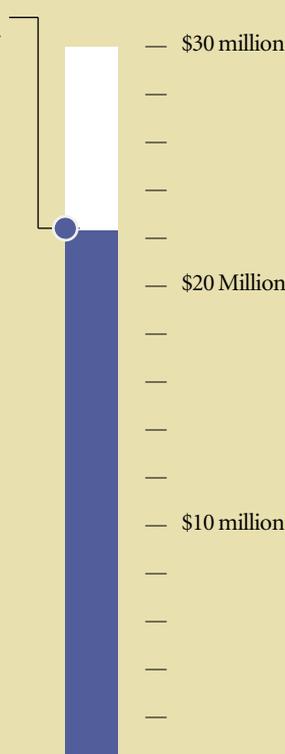
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Advocacy training

Students and their coaches crowded the Francis M. Letro Courtroom the morning following the Advocacy Institute kickoff event to learn from the best.



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Send your class notes to Cynthia Watts Rogers at clwatts@buffalo.edu for inclusion in our online newsletter, SUNY Buffalo Law Links. Send your comments or suggestions to Ilene R. Fleischmann at fleisch@buffalo.edu.

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SAVE THE DATE FOR YOUR CLASS REUNION!

Plan on coming to Buffalo Sept. 19 & 20, 2014

Classes of 1974, 1984, 1994 and 2004

The plans are set, but we need you to make the party complete!

Friday, Sept. 19

- Back to School –
Audit a class.
- Network the Nation –
Share your insight into the practice of law or your non-traditional career with our students.
- Reunion Class Cocktail Party with the dean and professors –
Cocktails and hors d'oeuvres at the Mansion on Delaware (the former Victor Hugo Mansion).

Saturday, Sept. 20

- CLE at the Law School
- Light fare and tours of the Law School –
Led by our student ambassadors.
- UB Bulls Football Game (pending start time) vs. Norfolk State with pre-game tailgating concert featuring the Spin Doctors.
- An afternoon on your own –
Call some classmates or just take the afternoon to explore some of Buffalo's hot spots: Harborplace, Burchfield Penney Art Gallery, Darwin Martin House, Albright-Knox Art Gallery and Buffalo Zoo.
- Class parties –
Reunion weekend concludes Saturday evening with the all-time favorite alumni event, the individual class parties.

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Class of 1964's 50th Reunion

- Thursday, June 12 –
Class dinner at Russell's
- 50+ Reunion Lunch**
- Wednesday, Aug. 6 –
Cellino & Barnes Conference Center at SUNY Buffalo Law School



Register now at:

www.law.buffalo.edu/ClassReunions

More information will be posted in the coming months at www.law.buffalo.edu/ClassReunions

Make sure we have your email address! Late-breaking developments and class information will be shared via email – don't be left out.

Comments or questions, contact Amy Hayes Atkinson, director of special events and reunions, aatkins@buffalo.edu or (716) 645-6224.

