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SUNY BUFFALO LAW SCHOOL

THE STATE UNIVERSITY OF NEW YORK

FORUM

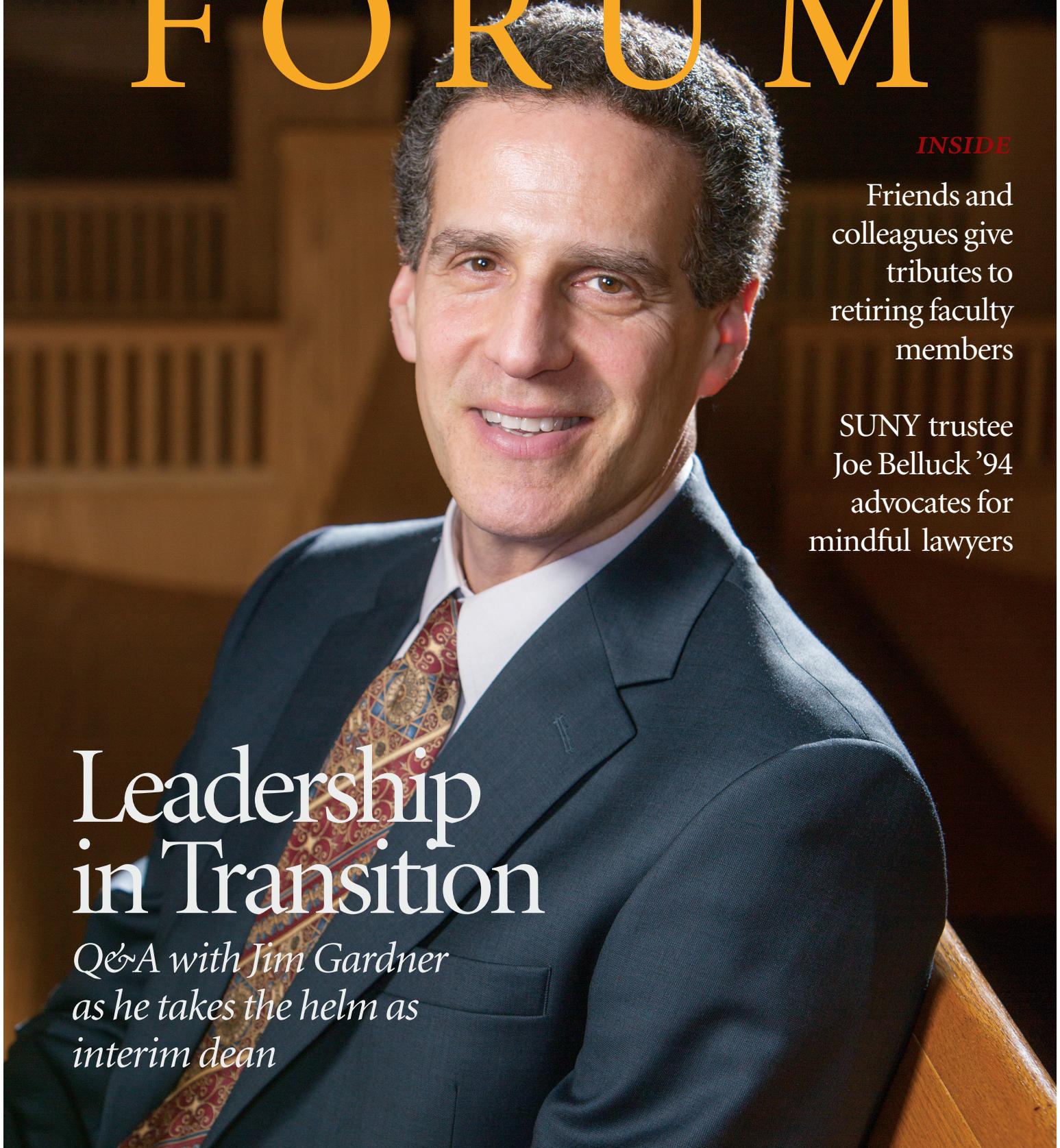
INSIDE

Friends and colleagues give tributes to retiring faculty members

SUNY trustee Joe Belluck '94 advocates for mindful lawyers

Leadership in Transition

*Q&A with Jim Gardner
as he takes the helm as
interim dean*



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MESSAGE FROM THE INTERIM DEAN

As I write this, the Law School is humming with activity. Some of it is the usual buzz associated with the conclusion of the academic year – classes winding up, SBA elections, advocacy team tryouts, dinners and banquets of all kinds, and of course Commencement is in the air. Some of the activity, though, is quite out of the ordinary. At the moment, 37 faculty-staff teams are working hard to conduct an unprecedented top-to-bottom

review of virtually every aspect of Law School operations. Some groups are examining possible curricular reforms, including small first-year sections, practice immersion programs, globalization of the curriculum and replication of the New York City Program in other locales. Others are reviewing our LL.M. offerings, while others are examining the feasibility of offering a SUNY legal education to new audiences in formats such as a one-year Master of Legal Studies or the executive education format pioneered by business schools. Other teams are exploring ways to improve our bar passage, academic support and job placement programs, while still others are studying our marketing, communications and strategic self-assessment practices.

Why all the fuss?

These are challenging times for legal education. As every lawyer knows, the collapse of the economy in 2008 brought down the legal job market with it, and applications to law schools nationwide have dropped nearly 40 percent since their all-time peak in 2010. Our law school was not immune from these trends, and like virtually every other law school in the country, we have shrunk the size of our student body in response to reduced demand.

There are, I am happy to report,

promising signs of a recovery. The decline in applications appears to have bottomed out. Median starting salaries of law graduates have risen for the last two years. Firms in Western and Southern New York – and elsewhere – are hiring again. Our employment figures for the class that graduated last spring are now in, and they show a four-point increase to a phenomenal 89 percent, placing us fourth in New York State overall, and second in the state once you exclude jobs offered by law schools to their own graduates to pump up employment numbers – a ranking-enhancement dodge to which this law school has never resorted.

Still, none of this provides a reason to pat ourselves on the back for having weathered a storm. Instead, the events of the last few years furnish important reasons to engage in some long-overdue reflection on what we do and how we do it. Where is the practice of law heading? Does the education we provide meet the needs of students who will graduate into what might be, for at least some graduates, in some locales and in some kinds of practice, a reshaped landscape? Does our internal organization and allocation of resources adequately serve our foreseeable institutional needs? All these and more

are on the table as the Law School engages in a process of self-study over the next several months.

As we turn to these inquiries, one thing nevertheless remains constant – our focus on the student. Thanks to the support of so many of you, we are now nearly six years and more than \$25 million into our seven-year Campaign for SUNY Buffalo Law School. As we put on the final push to reach our \$30 million goal, we intend to go all-in on raising resources to fund scholarships for deserving law students. At the end of the day, a public law school is about opportunity. Everyone who has passed through our doors, walked across the stage to claim a degree and gone on to a satisfying and professionally rewarding career was able to do so on account of having been offered an opportunity, a chance, a prospect. It is fitting for those who took the chance, and seized the opportunity, to ensure that those who come after have available to them the same kinds of possibilities. I urge you to support our Campaign with a gift – of whatever size you can manage – to make sure that the good fortune that your predecessors passed on to you gets handed down to your successors.

Please stay in touch; I'd be very grateful to hear your thoughts and concerns.

With all best wishes,

“The events of the last few years furnish important reasons to engage in some long-overdue reflection on what we do and how we do it.”

Q&A with **Jim Gardner** for alumni and friends

James A. Gardner bio in brief

In December 2014, SUNY Distinguished Professor **James A. Gardner** was named interim dean by Provost Charles F. Zukoski. Gardner is the Bridget and Thomas Black Professor in the Law School, a designation he will retain while serving as interim dean.

A member of the law faculty since 2001, Gardner is a highly regarded specialist in constitutional and election law. He is a prolific scholar who has published six books, as well as numerous book chapters, articles and review essays. Gardner recently was recognized as one of the 10 most frequently cited scholars in the field of election law by the Election Law blog.

He has served as the director of the law school's Jaeckle Center for Law, Democracy and Governance and formerly served as the school's vice dean for academic affairs, 2005 to 2012.

Gardner has served as the elected chair of the Law School's ad hoc Strategic Planning Committee, which was charged with evaluating the current state of the school and identifying strategies to preserve and enhance its strengths.

His most recent publications include *Election Law in the American Political System* (Aspen), *What Are Campaigns For? The Role of Persuasion in Electoral Law and Politics* (Oxford University Press) and a new revision of his *Legal Argument: The Structure*

and Language of Effective Advocacy (Lexis-Nexis).

He has taught at Western New England University, William and Mary, the University of Connecticut and Florida State University, and in 2012 held the Fulbright Visiting Research Chair in the Theory and Practice of Constitutionalism and Federalism at McGill University in Montreal.

Gardner received his B.A. from Yale University in 1980 and his J.D. from the University of Chicago in 1984. From 1984 to 1988, he practiced law in the Civil Division of the U.S. Department of Justice in Washington, D.C.

Why have you chosen to accept this call to serve as interim dean?

Service is an honor and a privilege. The Law School has been very good to me over the years. Giving back when I have the chance is the only decent thing to do.

What's first on your agenda for the coming year?

My top priority as interim dean is to implement the recommendations of the Strategic Planning Committee, a

group appointed by the provost last fall, to develop a comprehensive blueprint for action. The committee's recommendations concern everything from admissions and recruitment, to curricular reform, to expansion of graduate degree programs, to academic support programs and to all kinds of internal, operational matters. It is an agenda that will keep the Law School busy for some time.

It's a tough time for law schools in gen-

eral and for the legal profession. What signs of hope do you see for the future?

As Yogi Berra once said, it's tough to make predictions, especially about the future. Nevertheless, the signs seem to point to an incipient recovery in the legal job market. Certainly the leading employers in Western New York are hiring again. The industry may not recover to pre-2008 levels, and it may look somewhat different, but the signs seem hopeful.

How do you see alumni being part of your long-term aspirations for the school?

Alumni are an integral part of the Law School community. They mentor our students, teach courses, judge moot court competitions, provide networking opportunities, hire our graduates and support the school financially. At this moment, we are about \$5 million away from completing our \$30 million Campaign for SUNY Buffalo Law School, so alumni support is more important than ever.

Law schools have to teach both the philosophical underpinnings of the law and the nuts and bolts of practice. At SUNY Buffalo Law, is the balance shifting one way or the other?

That balance isn't shifting because for the last 20 years it's been in a very good place, providing a well-balanced education in the context of law, legal doctrine and practical skills. Our first-year curriculum of course stresses the fundamentals of context and doctrine, and the Legal Analysis, Writing and Research Program is focused heavily on skills. In the upper-level curriculum, the bridge semester has long been a showcase for skills instruction. Our clinical and externship offerings provide intensive practical instruction, while advanced courses and seminars provide instruction in all three areas. Although some have called for shifting

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“ My top priority as interim dean is to implement the recommendations of the Strategic Planning Committee to develop a comprehensive blueprint for action. ”

Strategic plan responds to changing conditions in the legal economy and the practice of law

Last October, Provost Charles Zukowski asked the Law School to develop a plan for responding to long-term downward trends in law school applications and enrollment. To this end, the provost appointed a Strategic Planning Committee composed of Professors **Lauren Breen, Todd Brown, Jim Gardner (chair), Stuart Lazar, Meredith Lewis, Sue Mangold** and **Jessie Owley**. The committee's charge directed it to develop short- and long-term enrollment goals and strategies to achieve them. But the charge also asked the committee to look beyond enrollment to identify promising directions in programs and curriculum to address changing conditions in the legal economy and in the practice of law. The committee worked intensively for two months, producing in late December a set of recommendations covering a wide range of areas from recruitment and enrollment to curriculum, academic support, graduate degrees, clinical education and internal operations.

These recommendations were then handed off to Interim Dean Gardner, whose top priority is the further exploration and implementation of these rec-



ommendations. In close consultation with faculty and staff, Dean Gardner created in March an implementation plan containing nearly 40 distinct action items. Each item is staffed by a faculty-staff implementation team charged with primary responsibility for determining

feasibility, establishing timetables, developing proposals and guiding them through to final implementation. Action items include:

- Globalization of the curriculum
- Replication of the New York City Program in other locations
- Adding new, specialized LL.M. degrees
- Exploring new educational formats such as executive education
- Evaluating existing academic support programs
- Strengthening placement capacity for judicial clerkships
- Reviewing marketing and external communications.

All this activity has already yielded fruit. In February, the faculty adopted a program to guarantee that all first-year students will take at least one of their doctrinal courses in a small section offering a more intimate and flexible educational experience. Next year, each small section is projected to contain about 15 students. In addition, the Law School adopted a new program that allows admission of UB undergraduates who have not taken the LSAT if they have maintained a 3.5 GPA for six semesters and previously scored in the 85th percentile on another standardized test such as the SAT or ACT.

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the balance toward nuts-and-bolts instruction to “make students practice-ready,” there is an important difference between preparing students for the first day of practice and preparing them to prosper over the course of an entire career. The latter requires sound instruction concerning the broad context in which law is practiced.

Does a smaller entering class mean you have less money to work with in the budget?

A smaller student body does bring

in less revenue, but we are extremely lucky to have a central University that is willing to support its Law School so that programmatic offerings will remain unaffected.

Your predecessor pushed hard to improve the Law School's position in the U.S. News and World Report rankings. Will that be a priority for you as well?

I have deeply conflicting feelings concerning rankings. On one hand, many people take them seriously, to the point that they cannot safely be ignored. Thus, I will be paying attention to the Law School's ranking and doing

what I can to improve it. On the other hand, I regret profoundly that so many people take these rankings so seriously. They are terrible at measuring anything important, and like all numerical metrics, they by definition confine themselves to examining only things that can be quantified. In so doing, they miss a great deal of what makes a law school interesting, inviting and a good fit for prospective students. It seems to me especially foolish to place any great weight on rankings that are as volatile as those of *U.S. News*. Our own ranking over the last 10 years has moved around within a range of 40 places or more, yet

we are in any given year fundamentally the same institution we were the year before. I can't imagine how anyone could trust a system that shuffles schools around to that degree.

How could philanthropy affect our rankings?

Philanthropic decisions shouldn't be driven by a desire to improve rankings; that plays directly into the intrinsic weakness of the rankings as an indicator of institutional quality. Instead, the purpose of philanthropy should be to support and improve the institution, its students and its programs. If doing so happens to improve our ranking, then so much the better. That said, one way to contribute that could have a positive effect on rankings is to provide support for student scholarships that will allow us to compete with other schools for the very best students.

Please describe your scholarly work.

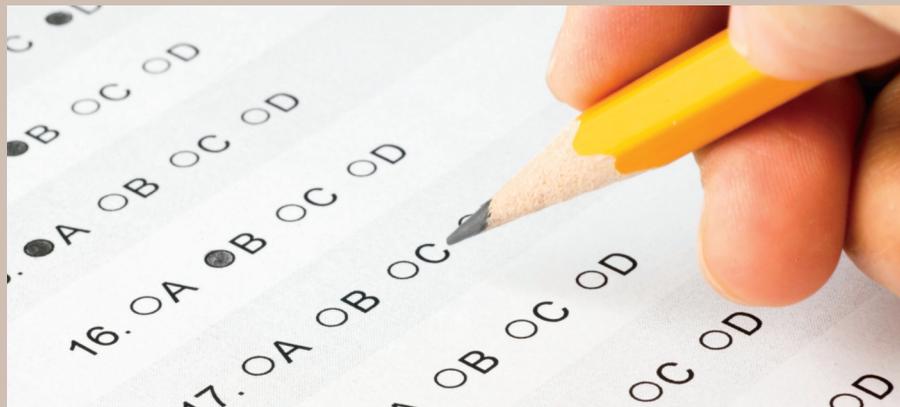
My work falls into two areas. First, I work in the area of law and democracy, examining how law structures and regulates democratic processes, and the consequences of legal design and regulation for the quality of democratic politics. Second, I work in the area of comparative federalism. Lately, I've been working on a project examining how subnational units in federal states exert influence on national policy-making, and the effect of constitutional design on the national-subnational balance of power.

Will you maintain your teaching responsibilities?

Not during the first year. It's a bit too much to teach while trying to learn the job. I hope to resume teaching during the spring semester of 2016.

When future historians look back on your time as interim dean, what do you hope they will be able to say?

That he left it better than he found it.



Top UB students offered LSAT-free admission for 2015

With two initiatives newly announced by SUNY Buffalo Law School, high-performing UB undergraduates will have a simpler route to beginning their legal education.

One initiative targets students in the University Honors College, which offers enriched courses of study for academically gifted students. The other is aimed more broadly at UB undergraduates who are excelling in their studies. Each offers admission to SUNY Buffalo Law School – the State University of New York's only law school – without the usual requirement of the rigorous half-day test, the Law School Admission Test.

"We want to create another pathway into the Law School," says Lillie Wiley-Upshaw, vice dean for admissions and student life. "These programs offer direct admission for UB undergraduates, as well as graduate students who fit these criteria."

The American Bar Association's Section of Legal Education and Admissions to the Bar regulates the standards that accredited law schools must meet. That body ruled last year that law schools may admit up to 10 percent of their incoming class without requiring the LSAT. Besides the \$170 test fee and the cost in time spent studying for and taking the test, the LSAT is offered only four times per year,

which can be a challenge for students trying to meet application deadlines.

Those eligible for the broader program are UB students who have a cumulative GPA of 3.5 or above through six semesters of academic work and have scored at the 85th percentile on a standardized test. Besides the SAT and ACT, eligible tests include the Graduate Record Examination (GRE) and the Graduate Management Admission Test (GMAT). Qualified students will be given priority consideration for admission to the Law School.

The other initiative not only waives the LSAT requirement for University Honors College students who meet the same criteria, and guarantees them admission to the Law School, it also establishes special programming for those students, enabling them to consider career choices in law and build a relationship with the Law School while still an undergraduate. Interested students are encouraged to sign onto the program in their freshman year.

"The goal is to enhance their experience in the Honors College," Wiley-Upshaw says. That will include such elements as visits to the Law School's home in John Lord O'Brien Hall, opportunities to meet and talk with law professors and current law students, attend workshops, help with professors' research, and enroll in undergraduate seminars on legal topics taught by Law School faculty members.

The direct admission initiatives will take effect with the entering class of 2015.

"We want to create another pathway into the Law School."
– Lillie Wiley-Upshaw,
vice dean for admissions and student life



The dark side of the information society

Who rules Big Data? It's a topic as vast as the billions of pieces of information collected each day on U.S. citizens. And so the Law School's signature Mitchell Lecture, in tackling this issue, called on not one but three thoughtful and provocative lecturers for this year's presentation.

The Mitchell Lecture, established in 1950, has always brought a critical eye to important contemporary issues, and no issue is more pressing than the use, and potential misuse, of data in today's society. Whether it is Facebook posts, police license plate scanners, credit ratings or YouTube videos, marketers, law enforcement officials and bureaucrats have more information at their disposal than ever before, and ever more sophisticated tools to analyze it. With that information comes power – and the question of how the law can help manage and circumscribe that power.

Introduced by **Professor Martha T. McCluskey**, chair of this year's Mitchell Lecture Committee, the speakers at the March 27 event found cause for concern in myriad ways.

University of Maryland Professor **Frank Pasquale** is the author of a new book, *The Black Box Society: The Secret Algorithms That Control Money and In-*

formation. He drew on material from that book in talking about the rankings and ratings that data analysis makes possible. More than 8,000 consumer rankings are compiled, he said, but the process by which they're arrived at is not transparent – hence the “black box” in which these algorithms operate.

“As a society, we always want the boiled-down version,” Pasquale said. “Just give me the number.” But the more we study ranking and rating in general, the more critical we become and the more we have to question that move from the consumer's history to

the score, or from the narrative to instantaneous evaluation.”

And the information being collected is more and more detailed. Soon, he said, all cars will come with “black boxes” that record such data as speed and acceleration; “insurers will be able to tell if you went 2 mph over the speed limit.” Similarly, he said, cell phones can be programmed to monitor a walker's gait, information that could have implications for health insurers or law enforcement. “These kinds of black boxes are increasingly monitoring every aspect of our lives,” Pasquale said.

The problem, he said, is that as people in power increasingly use these “quantitative social indicators” to guide their decisions, they end up distorting behavior in unhelpful ways. An oft-used example is student testing, which is intended to monitor educational progress but can warp the curriculum instead.

The use of data collection and analysis in police work was the focus of the second speaker, University of California,

Davis, law professor **Elizabeth Joh**.

Many police departments are turning to the tools of big data. For example, some departments are experimenting with “predictive policing”: the use of vast collections of data on past criminal activity to predict places where crime is likely to occur. In other cases, big data tools are being used to identify persons at high risk of being involved in future crimes. Chicago police, for example, analyze social networks to maintain a “heat list” of people who are connected socially to homicide victims. Those people face a very high risk of being in-



WHO RULES BIG DATA?



involved in a future homicide, either as a victim or perpetrator.

An important legal question concerns how Fourth Amendment protections apply to a technique like automated license plate readers, which generate detailed portraits of individual behavior. With the collection of license plate scans, the police have access to vast amounts of data, and they have the ability to repurpose that data in different ways.

The final speaker, **Virginia Eubanks**, is an associate professor of women's studies at SUNY Albany; her interest is in how automated decision-making affects those seeking public services, such as food stamps or Medicaid.

Eubanks focused on a recent situation in Indiana, which implemented IBM technology to automate the application process for such public services. The result, she said, was a disaster for those seeking benefits. Rampant tech-

nical failures were only part of the problem; the system, which was dealing with a surge of applicants following the 2007 recession and Midwest flooding, routinely denied applications on the basis of minor anomalies. There were egregious examples: a deaf woman whose application was rejected because she couldn't submit to a telephone interview, for example, or a woman whose Medicaid coverage was canceled because she was in the hospital and couldn't complete her application. It was estimated that from 150,000 to 700,000 people "lost access to their life-sustaining benefits," Eubanks said.

One problem, she said, was that the automated system worked too well, by applying "every rule precisely to the letter, every time. If you follow the letter of the law, the system basically freezes. The Indiana system is a zero-tolerance technology; it can't adjust to variation or change."

The notions of privacy and informed consent, Eubanks said, such a flashpoint for many, "are not meaningful in the context of public services. People in need of these programs trade their information and rights away in order to receive benefits. It's not that they don't want privacy, but they don't expect the government to not be in their business. You can't afford to refuse to provide any of this information, because if you do, you're thrown out of the system for failure to cooperate."



University of California, Davis, law professor Elizabeth Joh, University of Maryland Professor Frank Pasquale and Virginia Eubanks, associate professor of women's studies at SUNY Albany



“We met with one of the justices, and it was like meeting Ruth Bader Ginsburg.” – Maggie Wydysh ’15

When students cross the globe, they

France, New Zealand and Washington, D.C., offer unique opportunities

Three SUNY Buffalo Law School courses held outside of Buffalo – two of them outside the United States – took students into uncharted territory during January short courses.

Students traveled to France, to New Zealand and to Washington, D.C., for courses that exposed them to new ways of thinking about the law, and in some cases gave them valuable cross-cultural exposure – crucial given the increasingly globalized nature of law practice. Reflecting on these intensive two-week courses held in January, students say they found the experiences rich in ways that just can’t be found at home.

“The perspective we got on international relations and trade was different than it would be coming from an American,” says third-year student Jeff Hartman, who was part of Associate Professor **Meredith Kolsky Lewis’** class **“New Zealand: International Economic Law in Context,”** based at the Victoria University of Wellington Law School, in New Zealand.

“We got a sense of what international trade law as a profession could be and got a better grasp on those issues. The course gave me a valuable awareness about all the different things you can do in international law,” says Hartman. The comparative law course covered trade, investment, business and intellectual property issues, as well

as points of difference between the New Zealand and U.S. legal systems: New Zealand does not have a written constitution; has a system of parliamentary sovereignty; and has a very different tort law regime from the United States, as well as a unique approach to intellectual property.

Students attended lectures and met with government officials, industry representatives and lawyers in private practice, as well as members of the local Maori community. The group also took excursions to a winery and a wildlife sanctuary.

Hartman’s classmate Maggie Wydysh ’15 was impressed by the low-key attitude of the powerful officials they met. At the New Zealand Supreme Court, for example, “We met with one of the justices, and it was like meeting Ruth Bader Ginsburg. They keep things very informal, because

they want to seem approachable to the public. The justice was so laid-back, she even had summer clothes on.

“We met with some of the most important people in New Zealand. Each area we learned about, it was the top expert in the field. But everyone is so informal and friendly, you wouldn’t have known it.”

Also in January, Professor **Stuart Lazar**, whose focus is in tax law, took a dozen students to Paris, Brussels and Luxembourg for a course titled **“Basics of International Corporate Transactions.”** In Paris the SUNY Buffalo students worked with tax law students associated with the Sorbonne, researching and presenting on assigned topics.

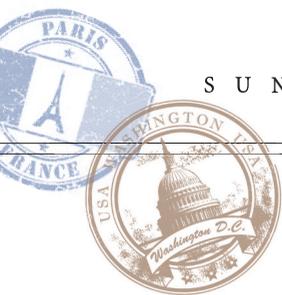
“The most valuable part was getting the chance to work with students



SUNY Buffalo Law students at the New Zealand Supreme Court with Associate Professor Meredith Kolsky Lewis, fourth from left, and Justice Susan Glazebrook, center

At right, the Victoria University of Wellington Law School





gain new perspectives on the law



Associate Professor Meredith Kolsky



Professor Stuart Lazar



Associate Professor Tara Melish



Nicole Lee '02

who are fluent in this area of law,” says student Julia Purdy ’16. “Working on a project with people from another culture and across language differences is a unique challenge. But their English was quite good. There was some give-and-take – the presentations were in English, but they were able to teach us a lot of the tax law.

“I’ve always wanted to study at the

Sorbonne,” Purdy says, “and I’m really glad that we got to do it. I think it’s important for our school to have something like this.”

Third-year student Beatrice Ajaero was impressed by the experience of being at the European Court of Justice, in Luxembourg, and watching arguments in a tax case that was being translated from Romanian into several languages. “Seeing the respect and integrity of the U.K., French and German practitioners all converging in this space, it was a tremendous experience for me,” she says. The visit also shone light on the relationship between European Union law and laws of the constituent EU countries.

Closer to home, Associate Professor **Tara Melish** taught “**Human Rights Lawyering: Advocacy, Influence and Impact in Washington, D.C.**” in conjunction with Nicole Lee ’02, principal at the public policy advocacy firm Lee Bayard Group. The course

brought students face to face with advocates and public officials in an intensive two weeks

Students in Washington, D.C., with Associate Professor Tara Melish and Adjunct Instructor Nicole Lee ’02.

in the nation’s capital.

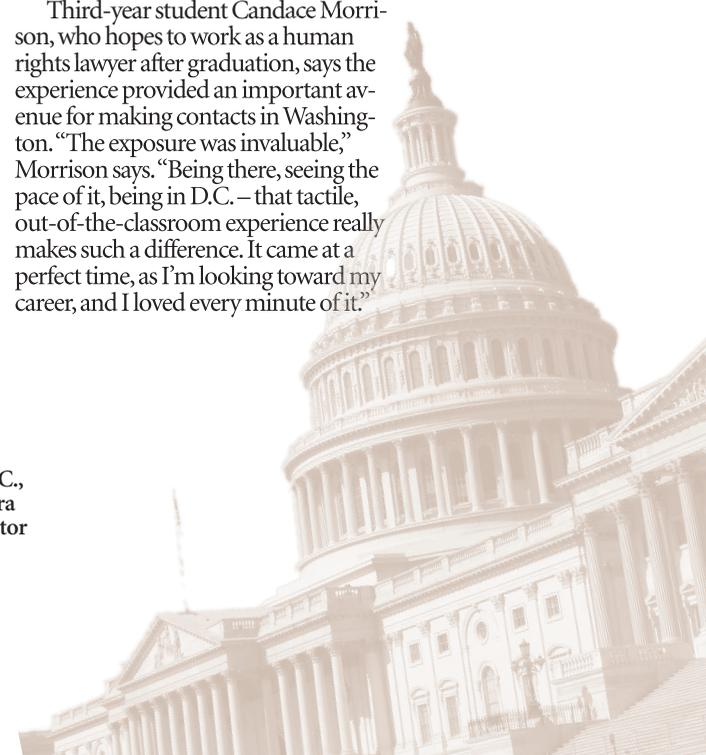
For second-year student Andrew DeMasters, one highlight was a visit to the advocacy organization Human Rights First. “There was an expert there who did litigation regarding Guantanamo Bay,” DeMasters says. “When we asked him what sort of strategies he was using to get the U.S. to finally close down Guantanamo, his explanations were brilliant. He recommended everything from policy reports to tactical litigation. Finally he suggested to work with other organizations to really personalize the message and bring the issue home.”

Third-year student Emily Riordan also was interested in their contacts’ frank discussion of tactics, particularly “going to government agencies, meeting people on other side of the table and hearing from them what is effective and what’s not in terms of advocacy. We talked about building the story and having a particular person who can tell what happened to them, putting a face to the problem. And we talked about putting forth smaller, more realistic goals to work toward. It definitely reaffirmed my commitment to this work.”

Third-year student Candace Morrison, who hopes to work as a human rights lawyer after graduation, says the experience provided an important avenue for making contacts in Washington. “The exposure was invaluable,” Morrison says. “Being there, seeing the pace of it, being in D.C. – that tactile, out-of-the-classroom experience really makes such a difference. It came at a perfect time, as I’m looking toward my career, and I loved every minute of it.”



The New Zealand Supreme Court



Prosecuting domestic violence

Brazilian comes to Buffalo for Criminal LL.M.

Change is difficult. That's true in personal life and it's especially true in societies, where cultural attitudes run deep. Often a change in laws leads the way to true progress.

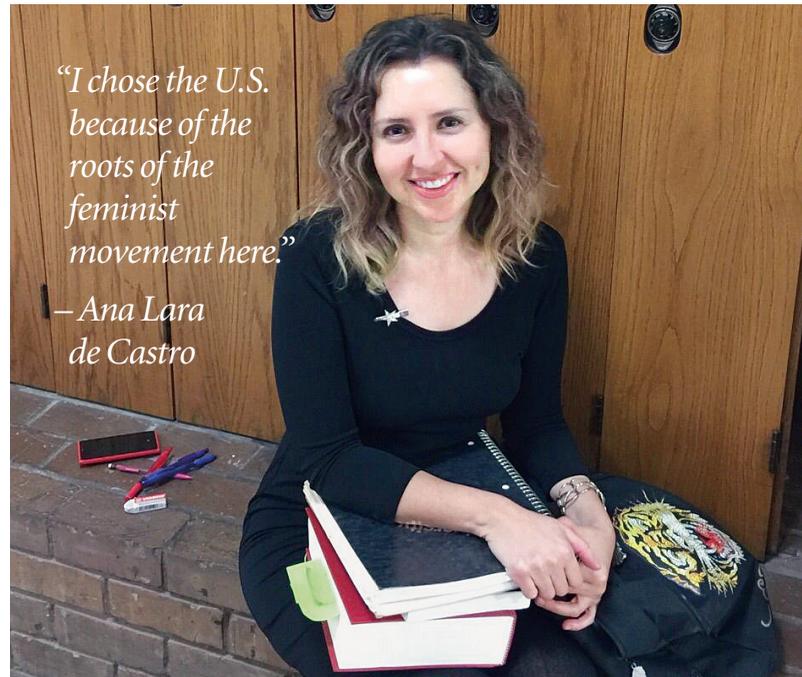
That's the situation now in Brazil, says a longtime public prosecutor who is at SUNY Buffalo Law School this year, earning an LL.M. degree in criminal law.

Ana Lara de Castro has been a prosecutor in Brazil's Mato Grosso do Sul state for nearly 18 years, the last eight prosecuting domestic violence cases. That work is done under progressive 2006 legislation, informally called the Maria da Penha Law, that brought together a system of protection for the targets of domestic violence and created DV courts nationwide.

"It changed the perspective," de Castro says. "Before the law, most DV crimes were handled in misdemeanor courts. They were not treated like real crimes, and women would leave thinking it was not serious. It was considered a private matter, a family matter."

The change in federal law gave prosecutors new tools, including orders of protection and mandatory prosecution once an offense has been reported. But de Castro says only broader social change will reduce the incidence of domestic violence. "Even if you use all the mechanisms, it is not enough to change the culture," she says. "Sometimes you feel powerless. You would like to have more tools to really protect that family and that woman, and you don't. It's very difficult for the woman to leave the relationship. She's the one who is supposed to guarantee the unity of the family, and women still feel very, very responsible."

But even if change is difficult, it's not impossible. De Castro points out that Brazil's Constitution, which guarantees gender equality, is still very fresh, having



"I chose the U.S. because of the roots of the feminist movement here."
— Ana Lara de Castro

Ana Lara de Castro, an LL.M. student, is a public prosecutor from Brazil.

been passed in 1988 as the nation returned to democracy following a period of military rule.

Brazil is still working out the details, and De Castro is interested in the ways that culture changes. She says studying in the United States is a way to see up close the results of a long-active feminist movement. Her year in Buffalo is a sabbatical from her public-service position as a prosecutor, which in Brazil is typically a lifelong career choice.

"I chose the U.S. because of the roots of the feminist movement here, the way American feminists changed the world from the '70s on," she says. "It's really interesting to see what American families and American women are thinking now. I was very curious to talk to these women and to understand." And so, for example, she listens carefully to her fellow students young and old, to participants in the Law School's Women, Children and Social Justice Clinic, to people she meets in her externship at the Family Justice Center, to the lawyers and the litigants in the area's domestic violence courts.

She is working closely with Profes-

sor Isabel Marcus, a longtime feminist and human rights activist. And she will take home with her some ideas that challenge Brazil's standard models for dealing with domestic violence. For example, de Castro says, a recent lecture by Gregory R. White, director of Catholic Charities' Domestic Violence Program for Men, confirmed her thinking about the crime as more of a social disease than an individual failing.

De Castro calls Buffalo "a very well structured city," though not easy to navigate without a car, so she bought one. She also notes that the area's "racial segregation is very marked, which surprised me, but it shouldn't. I've been everywhere in the United States, and it is still a problem in America. Brazil is much more mingled in terms of race and cultures."

The LL.M. program, though, is a happy polyglot, with a cohort that includes students from Russia, Ukraine, Albania and Nigeria. "The experience has been great. It's very interesting," de Castro says. "I can sit for hours and also learn by watching people live their lives."

Cross-Border LL.M. a step closer to reality

SUNY Buffalo Law School's location on the Canadian border makes it an ideal choice for students who want to deepen their knowledge of cross-border legal issues. Now a proposed new master of laws program which builds on that strength has passed a critical milestone.

The Law School's faculty has voted to establish a Cross-Border Legal Studies LL.M. program. Once the initiative gains the approval of State University of New York trustees and American Bar Association accreditors, it will join the Law School's existing master of laws programs, the General Law LL.M. and the Criminal Law LL.M.

These intensive one-year degree programs appeal especially to practicing attorneys from around the world who want to develop their expertise in a particular area of law. (Unlike in the United States, legal education in most of the world is an undergraduate degree.)

"A huge amount of business that takes place in this city crosses the border," says **Professor David A. Westbrook**, the Law School's director for global strategic initiatives. "And because we are so close to the border, we feel particularly well situated to offer a degree in cross-border legal issues. In short, we are simply taking advantage of our location. But we want to make this new degree attractive to students from the United States and all over the world, as well as students from Canada. After all, cross-border practices happen all over the world."

The initiative, Westbrook says, fits with SUNY Buffalo Law's strategic plan to become more international in nature. As law schools nationwide cope with a decline in the number of applicants, he says, diversifying to attract international students makes fiscal sense. "The healthy population of the school going forward will be larger than it now is," he says, "and a lot of those people will not be traditional J.D. students from Western New York or New York

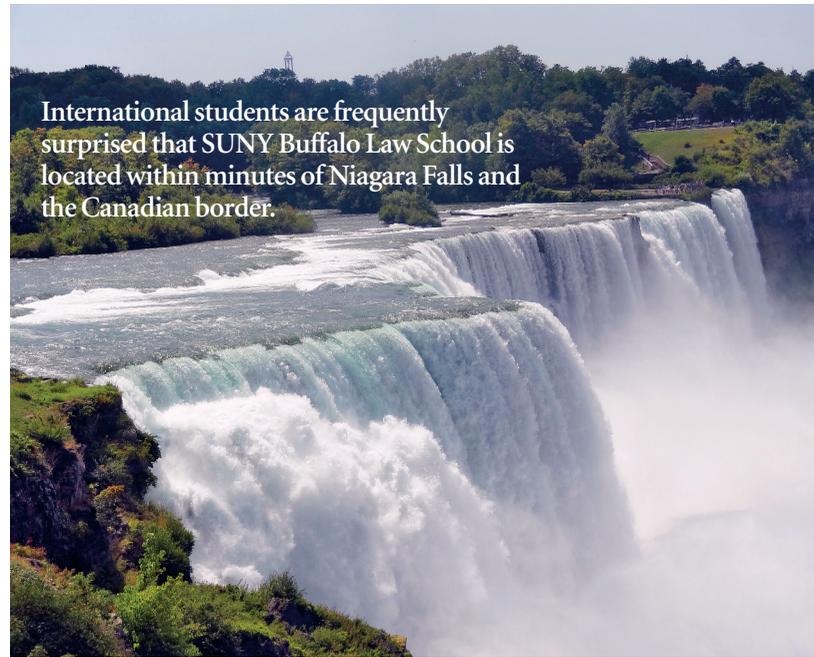
State or contiguous states."

The new LL.M. program dovetails with the work of the Cross-Border Legal Studies Center, whose name has been changed from Canada-U.S. Legal Studies Center to better reflect the breadth of the areas it includes.

The new name, says **Associate Professor Meredith Kolsky Lewis**, who directs the center, "conveys more accurately a sense of what we can offer by being on the border. People can come here and interact with lawyers who are doing cross-border work, and while that work may be primarily Canada-U.S. work, the issues that arise are similar whether you're dealing with the U.S. and Canada, or the U.S. and India, or any other two countries. Students can gain exposure to cross-border legal practice here, and then take that knowledge back home and apply it in their own countries or wherever they end up practicing."

Lewis says the Law School, which has already introduced a concentration in cross-border legal studies with the support of local alumni, will continue to draw on alumni support as the Cross-Border LL.M. program is rolled out, with a target date of fall 2016. "We have many alumni who are doing a wide range of international work right here," she says. "We look forward to sharing their expertise with our current and future students."

The degree program will require (and the concentration already requires) a hands-on capstone experience in the spring semester, in which students will be partnered with practicing attorneys to work on a wide range of le-



International students are frequently surprised that SUNY Buffalo Law School is located within minutes of Niagara Falls and the Canadian border.

gal issues that can crop up in cross-border practice. Already, she says, a number of large area firms have agreed to participate.

Lewis says the Cross-Border LL.M. will give students the opportunity to learn about many different types of cross-border work, including trade, immigration, tax, environmental and transactional matters. "A lot of people find the idea of doing international work attractive," she says, "but they might not really know the breadth of what that can entail. Many students are going to end up working in the private sector. Law firms and companies regularly deal with international transactions and a host of international issues. This program is an attractive opportunity for them to get exposure to a wide range of issues all in one place. The border is a laboratory where students can experiment to discover what interests them within the breadth of cross-border legal practice and to gain experience in those areas."



“We decided that it made sense to have more opportunities available to learn about the world of finance and to network with finance professionals.” — Clinical Professor Lauren Breen, assistant director of the New York City Program

NYC Program in Finance and Law: The key that opens legal careers



For a decade, the Law School’s signature New York City Program on Finance and Law has exposed a select group of students to the sophisticated world of finance in the nation’s financial hub.

For some, that semester in New York has been the key that opens legal careers. As the program marks its 10th anniversary, graduates from its earliest days—and its latest—can reflect on the experience and what it has meant for their life in the law.

One place that can happen is in the Williamsville office where **Michael Rodriguez ’06**, **Dominika Tanianis ’06** and **Mark Fanton ’14** work remotely as part of the New York City firm Purrington Moody Weil, doing transactional work for investment fund managers and investors. All three were part of the Law School’s New York City Program. Rodriguez and Tanianis participated in the very first New York City Program; Fanton completed the spring 2014 semester in New York.

In its early years, Rodriguez says, the program was half law students and half business students from UB’s School of Management. “We worked in teams,” he says, “two law students and two business students. They work differently and think differently than we do, so it was good to get their perspective.”

“Now that it is just law students, it may be less diverse but it affords Professor Halpern and the practitioners the ability to be more technical and focus on more nuanced legal issues that arise in the financial markets.”

“The program,” he says, “gave us a lot of good background on topics that you wouldn’t otherwise get. The use of soft dollars to pay for research or how



Mark Fanton ’14, graduate of the NYC Program, is mentored at Purrington Moody Weil by Dominika Tanianis ’06 and Michael Rodriguez ’06, also graduates of the NYC Program.

the cash flows under a swap transaction work are issues that I deal with every day now.”

He has returned the favor by teaching occasional sessions in the program on hedge funds, private equity funds and trading documentation. “You tend to talk about things you’re thinking about that day,” he says. “It gives stu-

dents the opportunity to address real-world issues, and that real-world knowledge could be a talking point for them when interviewing for a job,” something Tanianis found useful when she landed the job at Purrington Moody Weil while in the program. “Every little bit helps in these tough times for job prospects in the legal pro-

New initiatives extend the reach of the NYC Program

Building on the success of the current New York City Program on Finance and Law, a series of initiatives are bringing the lessons of big-city finance home to SUNY Buffalo. Two new courses and a new student organization are extending the reach of this important – and job-rich – area of the law.

“We decided that it made sense to have more opportunities available to learn about the world of finance and to network with finance professionals,”

says **Clinical Professor Lauren Breen**, assistant director of the New York City Program. “Not every student can go to New York. We want to offer students a number of opportunities while they’re in school to explore finance as a possible career path, as well as additional related courses before and after students participate in the NYC Program.”

In particular, the recent initiatives aim to raise awareness and build the skills needed to work in the area of regulatory compliance, a burgeoning field of opportunity as banks and other financial institutions meet the demands of government regulations enacted in the wake of the 2008 financial crisis. “One of our obligations as a law school is to

prepare students for careers in law,” Breen says. “This is an emerging career path, and we are adapting the curriculum to make students aware of these opportunities and help prepare for them.”

In the spring 2015 semester, with the assistance of **Professor Philip Halpern**, director of the New York City Program, Breen and **Professor John Henry Schlegel** co-taught a Finance and Banking Colloquium that invited banking professionals to present to the class on the issues they encounter every day in that work. The class included both alumni of the New York City Program and prospective participants, as well as other students with an interest in finance.

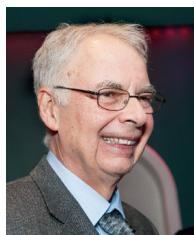
“It’s a unique course because they’re

fession,” she says.

Purrington Moody Weil hired Mark Fanton on the recommendation of Professor Philip Halpern, who directs the New York City Program. For his part, Fanton says his approach to the program was all about exposing himself to people who are doing exciting and stimulating work with financial markets, something that the program is known to focus on.

“You have access to the professor, presenters and the legal issues discussed in the New York City Program that you just do not have in a typical classroom setting,” Fanton says. “You are in a class with, say, 15 people, with one professor and multiple alumni lecturers who come in almost daily to teach, mentor and interact with you. Sometimes we would have alumni interacting with us for six hours a day, the sort of exposure you just cannot find elsewhere — even if you took three CLE courses a week and attended networking events every night.”

To get the most out of the program, it takes focus and drive, says Fanton. “It’s an environment where you can push yourself beyond what is available in the law library. You learn to be on your toes, ready to ask and answer questions. The two biggest things that I took away from the program were the ability to think on my feet and the ability to learn by doing.”



Professor Philip Halpern, director of the NYC Program on Finance & Law



learning every week about these issues from finance professionals, people who are doing this every day,” Breen says. “The students hear about how these regulations are impacting the world of finance.” Among the presenters was Kristy Berner ’02, a J.D./MBA graduate of the Law School who is general counsel to First Niagara Financial Group.

The spring course followed a compliance and whistleblowing bridge course taught by Jennifer Pacella ’08, assistant professor of law at CUNY Zicklin School of Business at Baruch College. And this fall Breen will teach a new course, Introduction to Compliance and Expanding Employment Opportunities for Lawyers, again bringing in outside professionals to share their expertise on compliance work as it’s currently practiced.

Law students, too, have responded to the increased interest in compliance and other finance-related fields. The Law School’s new Finance and Law Society held a well-attended career panel in April at which students networked with professionals working in the field and learned about potential careers. Erie County Bar Association Compliance Committee co-chairs Brad Davidzik ’05 and Brian Kearns attended the event, inviting law students to join this newly formed committee. Says Breen, “We’re trying to create as many opportunities as possible for students to meet potential employers and for potential employers to meet our students.”

Sue Elkin, vice president, HSBC, left, looks on as Kevin Quinn ’89, right, senior vice president and head of corporate banking for upstate New York, HSBC, makes a point during a reception in which Law School students networked with professionals.

Is your mind full or mindful?



Left to right, Joseph W. Belluck '94, Professor Stephanie L. Phillips and SUNY Distinguished Professor and Vice Dean for Research and Development Guyora Binder engage in discussion during the "Making the Mindful Citizen" program at the Law School.

Educating the mindful citizen

SUNY Trustee Joseph Belluck '94 advocates for mindfulness' place in university curriculums

Joseph W. Belluck '94 has studied contemplative practices and knows their benefits firsthand. Now, as a State University of New York trustee, he's lobbying educators to weave the element of mindfulness into their curriculums. The goal is to shore up a beleaguered ideal of university life – the value of a liberal arts education in creating thoughtful, engaged citizens.



Belluck is a founding partner of Belluck & Fox, a nationally recognized law firm with asbestos and mesothelioma cases, located in New York City. Belluck has spent his entire legal career representing injured consumers and workers. Prior to founding the firm, he served as a judicial law clerk for Justice Lloyd Doggett of the Texas Supreme Court and as a staff attorney and consumer lobbyist for Public Citizen in Washington, D.C.

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

Belluck brought that message, in an event titled “Making the Mindful Citizen,” to the Law School in April. Addressing a Cellino & Barnes Conference Center jam-packed with students, faculty and staff members, he first spoke in personal terms of how the breathing and meditation exercises he first learned as an undergraduate at Binghamton University have sustained him in a successful legal career.

“In my law practice, I deal with people who have been diagnosed with a terminal illness,” said Belluck, whose New York City firm, Belluck & Fox, focuses on asbestos and mesothelioma cases. “They’re mostly of a particular generation, and they’re not the most emotive folks in the world. They tend not to like to communicate. As their lawyer, we often become the person who’s closest to them and the person they talk to about what is going to happen to them.”

Mindful legal practice, he said, means doing what Dale Carnegie advised 80 years ago in his book *How to Win Friends and Influence People*: “Take a genuine and sincere interest in other people, and focus on them.”

“That is a very important skill for a lawyer,” Belluck said, “and it’s often the most valuable first step in the lawyer-client relationship. Having compassion for what people are going through, whether it’s your clients or your adversary counsel, is also a very important skill.”

No less important, he said, is the value of contemplative practice as self-care, to stay healthy and avoid burnout. “We help people deal with suffering on many different levels,” he said. “All of these practices help lawyers deal with helping other people with their suffering. I deal with people who are dying, all the time. Having these ways to understand that everybody goes through suffering – that’s very important to regulate your own emotional well-being.”

Citing clinical research on the mental benefits of meditation and similar practices, Belluck pointed to the salutary effects of stress reduction, improved focus and cognitive skills, even a higher level of compassion for other people. But, he said, it would be a mistake to understand these practices as simply a means to a professional edge. “The goal of mindfulness is not

only to focus your attention in a way that allows you to have more self-awareness, but also in a way that allows you to build connections to other people,” he said. “You are transforming yourself in some ways, but you are also transforming communities.”

Hence his advocacy for the place of mindfulness in the university system, including in professional schools like law schools. By incorporating contemplative practice into curriculums, he said, universities can better prepare students to be more effective as they begin their careers. “I do think that people who really spend time with this end up being more likely to live with true compassion,” he said.

And that in turn, he said, produces rip-



“The goal of mindfulness is not only to focus your attention in a way that allows you to have more self-awareness, but also in a way that allows you to build connections to other people.”

– Joseph W. Belluck ’94

ple effects for society as a whole, including equipping citizens of New York and the nation with the tools to become more engaged and communitarian.

“As a lawyer,” Belluck said, “I often say to my clients and prospective clients that being involved in litigation stinks. It’s just not a good process for anybody, whether you’re the plaintiff or the defendant. But even though it’s an adversarial system and you’re presenting two sides of an argument or two applications of the law to a particular set of facts, at the end of the day people have to walk away thinking the process worked for them. These contemplative practices can often help in orienting future lawyers to understand that.”

“Law schools are famous for using the Socratic method, but Socrates also said, ‘The unexamined life is not worth living.’ That means you need to take time to examine and reflect. My personal challenge to law schools is to broaden your view of the Socratic method, to allow into your teaching a period of time where you allow people to examine themselves through contemplative practice.”

Better lawyers, better lives

Attention must be paid. And in several initiatives that are becoming part of the fabric of the Law School, mindfulness is helping students and faculty to focus.

“Mindfulness is about developing the capacity to pay attention to exactly what is going on now, to the person in front of you or the situation around you, without being distracted by plans for the future or worries about the past,” says **Professor Stephanie L. Phillips**, who has spearheaded these initiatives.

That close, focused attention is a valuable skill for lawyers. And discussion and experience of mindfulness practices, such as breathing meditation, enables broader discussion of lawyers’ relationships with clients and colleagues, and their place in the wider society.

Since 2006 the school has offered second- and third-year students an elective seminar called Mindfulness and Professional Identity. Registration is capped at 18 students, and the course is so popular that three sections are now offered, taught by Phillips, **Professor Athena Mutua** and adjunct **Professor Elaine Hammond**. Students discuss issues of professional ethics, identity and the lawyer’s role, and in class and at home practice mindfulness techniques and reflect on that experience.

Phillips emphasizes that there’s plenty of empirical evidence to show that mindfulness improves the skills that lawyers need. The central act of meditation, for example – returning one’s mind again and again to a centering point after it wanders away – has been shown to measurably improve focus and concentration. “Mindfulness practices are tools that will make you a better lawyer,” Phillips says. “We also emphasize the health benefits, because the stress level on lawyers and law students is incredible.”

As an outgrowth of the seminar, and as a gift to stressed law students, Phillips also offers drop-in meditation once or twice a week. The Law School has also become part of a wider movement on mindfulness and the law. The Western New York Contemplative Faculty/Staff Working Group comprises faculty at UB, Buffalo State College and Niagara University. They share ideas about how to infuse contemplative techniques into their teaching in disciplines as varied as law, nursing, counseling, psychology, social work and English. The group is hoping to sponsor a conference next year.



Front row, left to right: Stacey Walker '15, Sarah Draper '16, Meghan Hart '16, Anaiss Rijo '16. Back row, left to right: Oscar Kpota '15, Mohammed Haque '15, Michelle Santiago '16, Andrea DiLuglio '15, Anna McCarthy '15, De'Jon Hall '16, Jerry Whalen '16 and Anastasia Stumpf '15

Holding court

Moot court teams advance in national and international competitions

In the early months of 2015, the yearly high point of national moot court activity, teams from SUNY Buffalo Law repeatedly distinguished themselves. In at least three cases, a team from SUNY Buffalo Law reached all the way to the semifinal round in a sudden death elimination tournament.

A summary of their successes and achievements follows:

Frederick Douglass Moot Court Competition

Six teams from SUNY Buffalo Law competed in the annual Frederick Douglass Moot Court Competition at the Northeast Regional Convention of the National Black Law Students Association in Groton, Conn., from Jan. 28 to Feb. 1. Five advanced to the tournament's Round of 16. Two of those teams then advanced to the quarterfinals, and one of those went on to semifinal round. Sarah Draper '16 and Meghan Hart '16 were the semifinalists. Anna McCarthy '15 and Michelle Santiago '16 had advanced to the quarterfinals. This annual civil rights competition re-

quired each team to prepare an appellate brief during the fall 2014 term, as well as to present oral argument at the convention in a hypothetical case involving voting rights and other issues.

The Frederick Douglass team is supported by the Law School's Black Law Students Association.

Philip C. Jessup International Law Moot Court (the "Jessup Cup")

In late February, the Law School sent an exceptionally strong team to the Jessup Cup's Midwest Super Regional competition in Chicago. The Jessup Cup is the most prestigious and best-known moot court competition in the

world. The 2015 Super Regional competition took place Feb. 20 to 22.

The 2015 SUNY Buffalo team – Brittany M. Crowley '15, Steven R. Fisher '14, Stephanie L. Forman '15, Kathryn Krause '14 and Amanda Ruth Webber '15 – swept all four preliminary rounds and defeated the University of Michigan Law School team in the quarterfinals, advancing to the semifinal round for the third straight year. There it met its match in Wayne State University Law School. The SUNY Buffalo team won fourth place in the brief (in international law "memorial") writing category. Fisher and Crowley won the awards for, respectively, fourth- and ninth-best oralists after the preliminary rounds.

Our team was coached once again by Kevin Espinosa '09 of M&T Bank and Michael Hecker '09 of Hodgson Russ.

Niagara International Moot Court (the "Niagara Cup")

SUNY Buffalo Law made another strong showing at the Niagara International Moot Court Competition, held in Washington, D.C., from Feb. 19 to 21. This team also advanced to the event's semifinals. This venerable international law competition is sponsored by the Canada-United States Law Institute and

focuses on cross-border issues. It draws teams from all over the United States and Canada.

The 2015 SUNY Buffalo Niagara Cup team consisted of Ethan Notarius '15, Nikolay Feodoroff '16 and Merrick Sadler '16. In addition to advancing to the semifinal round, the SUNY Buffalo team also brought home the award for Second Best Respondent Brief and the Henry T. King Jr. Award, which is presented to the team that best embodies the spirit of the Niagara Cup Competition. Team member Merrick Sadler won the competition's award for Fifth Best Advocate.

The team was coached by Jonathan Dominik '13 of Feldman Kieffer.

Jeffrey Miller National Environmental Law Moot Court

Under the leadership of Associate Professor Jessica Owley, SUNY Buffalo Law returned to this competition after a long hiatus. In the competition, held at Pace Law School Feb. 19 to 21, SUNY Buffalo Law was represented by John Darnell '16 and Amy Counter '16. The competition problem involved complex issues relating to waterway access and pollution from large farms.

In preliminary rounds, the SUNY Buffalo Law team opposed the two teams that ultimately won the competition's awards for best and second-best briefs, and, along with two-thirds of the teams attending, did not advance to the higher rounds of the competition.

Christine Sullivan '15 served as a student coach with Owley.

Mugel Competition a rousing success

For three days, during a record-cold Buffalo February, teams from more than a dozen U.S. law schools gathered at the Erie County Courthouse for the 42nd annual **Albert R. Mugel National Tax Law Competition**, the oldest and most prestigious tax law moot court in the country. Each team submits a brief and takes part in extensive oral argument.

Professor Stuart G. Lazar wrote the 2015 competition's problem, based on two tax cases pending before the U.S. Supreme Court. Jessica N. Carbone '15, the Moot Court Board's vice pres-

ident, organized the event.

After three preliminary rounds, the competition culminated in a final round on Saturday, Feb. 21. Assuming the bench in the role of U.S. Supreme Court justices were Randall P. Andreozzi '87 of Andreozzi, Bluestein, Weber, Brown; Sharon Stern Gerstman of Magavern, Magavern & Grimm; and Timothy P. Noonan '99 of Hodgson Russ. Gerstman served as chief justice.

After an unusually exciting final round (including a burst water pipe just outside the Ceremonial Courtroom shortly after it started), a team from the University of Oklahoma College of Law was declared the champion.

Because SUNY Buffalo Law School was the 2014 Mugel champion, the Moot Court Board elected not to enter a SUNY Buffalo team in the 2015 competition. They wanted to avoid the risk that the competition might become less attractive to future visiting teams if the sponsoring law school won two years in a row.

Wechsler tackles right to a jury trial

Twenty-two teams from law schools across the country came to Buffalo on March 28 to compete in the 17th annual **Herbert Wechsler National Criminal Law Moot Court Competition**, organized by SUNY Buffalo Law School. The only national moot court contest in the United States to focus on topics in substantive criminal law, the competition is named after the drafter of the Model Penal Code. It is sponsored by the SUNY Buffalo Criminal Law Society and held in the Erie County Courthouse.

This year's problem involved the U.S. Supreme Court's ongoing effort to determine the proper scope of the Sixth Amendment jury trial right and its relationship to judicial fact-finding that takes place in the sentencing process. It was based on *United States v. Jones*, a D.C. Circuit case that fell just short of being accepted for plenary Supreme Court review, a rejection that drew a strong dissent from Justices Scalia, Thomas and Ginsburg.

Law schools competing in the 2015 Wechsler Competition included the University of Washington, the University of Michigan, Ohio State, the University of Colorado, the University of Kansas, New York University, William & Mary, Catholic Law School, New York Law School, Touro Law School, the University of Wisconsin, the University of Toledo, University of Miami, West Virginia University and the University of Louisville. Additional teams came from Rhode Island and North Carolina.

After a number of hard-fought and closely decided rounds, two of the 22 teams advanced to the final round and argued before a distinguished SUNY Buffalo Law School alumni bench: Hon. Eugene F. Pigott Jr. '73, associate judge of the New York Court of Appeals; Hon. Erin M. Peradotto '84, associate justice of the New York State Supreme Court, Appellate Division, Fourth Department; and Hon. William J. Hochul Jr. '84, U.S. Attorney for the Western District of New York.

The winners of the 2015 Wechsler Competition were Mathri Thannikkotu and Mac Morey from the University of Miami Law School, who narrowly prevailed over Nick Christianson and John Kennelly from the University of North Dakota.

SUNY Buffalo Law was represented by two teams: Kathryn Hartnett '15 and Benjamin Nelson '15, and Mark Murphy '15 and Lynda Keonig '16. The coach for both teams was Audrey Herman '11. Benjamin Nelson '15 won the coveted Ryan J. Mullins Award for best embodying the spirit of the Wechsler competition.

The SUNY Buffalo Criminal Law Society's Executive Board, including Eric Curtis '16, Alexandra Cusano '16, Merrick Sadler '16, Megan Hartl '16 and Joshua Jansch '16, was responsible for mounting and managing this highly successful event.

The Wechsler competition began 17 years ago under the aegis of the Buffalo Criminal Law Center and the SUNY Buffalo Criminal Law Society.



Hitting her stride in the courtroom



“I’ve got a lot of pride. I love this program.”
— Jamella James ’15

The first time **Jamella James** ’15 argued a case as part of SUNY Buffalo Law School’s trial team, her stomach was in knots.

The second time, in San Antonio, Texas, a little better.

The third time she nailed it, winning honors as Best Oral Advocate in the John L. Costello Criminal Law Advocacy Competition at Virginia’s George Mason University School of Law.

That’s how being on trial team — a major part of the Law School’s Advocacy Institute constellation of programs — develops real-world lawyering skills through hands-on experience.

James, a lively conversationalist, would seem a natural to stand before a jury and argue her client’s case. But in tryouts for the Law School’s team in their Buffalo-Niagara Mock Trial Competition, “I was a mess,” she says. “It’s such an intense, nerve-racking thing, and I didn’t know what I was doing.” But she brought her competitive spirit and her creativity to the case, and started to hit her stride. The case involved a

masked man running from the crime scene, so James bought a black ski mask at Walmart, draped it over a water bottle and made it a dramatic part of her opening argument for the defense.

It’s the kind of tactic that’s hard to learn in a classroom, and James says the overall experience has made her more self-assured as she prepares to enter the profession and looks for her first legal job, likely as a public prosecutor. “I can sell ice cubes to an Eskimo now,” she says. “The coaches helped develop and bring out my trial personality to help me grow and become confident in myself.”

James, who grew up in foster homes in Rochester, had her first experiences with the legal system as a child when caring family court judges took an interest in her welfare. After graduating from the University of Rochester she worked as a foster care caseworker, then with mentally ill adults, before coming to law school to pursue her dream of becoming a family court judge.

Her coaches on SUNY Buffalo Law’s trial teams — she cites especially Christopher J. O’Brien, Matt Murray and Kathleen M. Reilly ’91 — hold the competitors to rigorous standards. “As trial attorneys, they have very high expectations, so I challenged myself to meet each one of them,” James says. “Do not come unprepared to trial practice. You will not like it. You will get ragged on, because that’s what’s going to happen in real life.”

But in the midst of a hard-fought competition, precise attention pays off. In the Virginia competition, with teammates Aaron VanNostrand ’16 and Kerry Ferrell ’16, James says they were up until the wee hours, writing notes for the trial. The case involved a woman who suffered domestic violence for years, then burned down her house, killing her abusive ex-husband. In a tearful closing argument, James showed the jury a half-dozen pictures of the abused woman, scarred and bleeding. “I never felt closer to Zen than in that final round,” James says. “We just leveled people. They didn’t see us coming.”

“I’ve got a lot of pride,” James says of the skills she has learned. She also has pushed her fellow students of color to take part in trial team. “I love this program,” she says. “I can try a case from beginning to end, and I love it. It drives me. It was the most fun that I’ve had, and the most I’ve learned in any class.”

For a video, visit: www.law.buffalo.edu/forum/extra

OUTLaw Dinner looks to the next victories

At a time when 35 states recognize same-sex marriage, SUNY Buffalo Law School's gay and lesbian students and their supporters gathered to remind each other that there's more work to be done in their push for equal treatment.

The occasion was the annual OUTLaw Dinner, held March 12 in downtown Buffalo's Hotel Lafayette. Students, faculty and staff alike celebrated the increasing acceptance of LGBTQ persons in society, and renewed their commitment to extending those gains.

The organization's president, third-year student Anastasia Stumpf, said marriage equality had seemed to her "the final frontier in the LGBTQ rights movement. But then I went to law school. It changed what I see and the way that I see it. It turns out that being an LGBTQ person or an ally has a lot less to do with marriage equality and a whole lot to do with plain old equality." She cited such issues as the right to build a family, to live in housing of one's choice, to work without discrimination, to inherit property, to be safe from "conversion therapy and despicable acts of violence."

The evening's keynote speaker, **Amy Schwartz '99**, is a senior staff attorney with the Domestic Violence Unit of the Empire Justice Center, in Rochester. She too argued that marriage equality is not the final victory for LGBTQ persons – and indeed, that its introduction has created new complications, specifically in the area of intimate partner violence.

"When people enter into marriage, there are collateral consequences to that," Schwartz said. "We want to be sure we're looking at ways to keep people safe. In the cisgender community as well as among straight folks, there is domestic violence, there are relationships that are unsafe. We have to make sure that we can get people in and we can get people out."

Schwartz detailed a tortuous case that the Empire Justice Center litigated



on behalf of one partner in a relationship that had turned violent. The two women had entered into a civil union in Vermont, which at that time was their only marriage-like option, then moved back to New York. When the domestic violence began, the victimized partner wanted to leave the union – but because New York didn't recognize civil unions, she was hamstrung.

Schwartz and her colleagues took the case to state Supreme Court and asked for equitable relief. What followed was a four-year legal odyssey that involved two trips to the state Court of Appeals, a case in which the plaintiff finally prevailed.

Lisa M. Patterson, associate dean for career services and co-adviser to OUTLaw along with **Associate Professor Michael Boucai**, pointed to some of the group's accomplishments this year, including schoolwide "safe zone" training for students, faculty and staff. And she reminded the audience that nearly all of the major news items in the past year around LGBTQ issues had legal underpinnings. "Lawyers

hold tremendous power and responsibility," Patterson said. "OUTLaw reminds us that if you are part of the legal system in any way, you have a responsibility to play a crucial role in ensuring equality, justice, dignity and peace."

Professor Stephanie Phillips introduced the evening's honoree, **Rev. Gerard Williams**, founding pastor of Unity Fellowship Church in Buffalo. The church serves a predominantly African-American LGBTQ congregation, of which Phillips is a member.

In accepting the award, Williams spoke with passion about the justice aspects of faith, couching his exhortation in spiritual terms.

"Freedom from oppression is a God thing," he said. "I strongly and firmly believe that. And one cannot fight against God. You can resist as long as you want, but ultimately freedom, equality, justice and liberation will always be a God thing."

"No one should ever be made to feel that they are left out, that they are not a part of the community, that who they are is anathema to God," Williams said.

"Freedom from oppression is a God thing," said Rev. Gerard Williams.

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

At Students of Color Dinner, aspirations and inspiration



Michael Battle '81 gave the keynote. "You're going to have the skills to be successful, to find a job, to have a career," he told the students.

Looking back in celebration and forward in anticipation, SUNY Buffalo Law School's students of color gathered at their annual dinner to renew their commitment to "lift as we climb."

The April 23 dinner – the 26th annual – was held at the Buffalo Niagara Marriott. A joint venture of the Black Law Students Association, the Latin American Law Students Association and the Asian Pacific American Law Students Association, the event celebrated the achievements of 21 graduating students.

The program began with keynote speaker **Michael Battle '81**, a former U.S. Attorney for the Western District of New York who now practices commercial and civil litigation with the New York City firm Schlam Stone & Dolan. Remembering his own uncertainty about his career prospects as a newly graduated attorney, he told of two law students who found success.

The first was a young woman whom he had hired for a summer position as a prosecutor. Upon graduation she

was desperate to work in a big city, but began her career with the district attorney's office in a small town in Michigan. Two years later, Battle said, she called him with the news that her dream had arrived: She was working in the district attorney's office in Las Vegas.

The second story was similar: Another young career-seeker asked Battle's advice on becoming a judicial law clerk at the federal level. "Cast a wide net," he told her – advice that helped her land a clerkship in Minneapolis.

"You're going to have the skills to be successful, to find a job, to have a career," he told the students. "No matter what, don't be bound by geography, because you never know how it's going to turn out. The opportunity has not changed. All you have to do is make it happen. And there are a lot of people who are willing to help you make it happen."

Hon. Hugh Scott '74 and **Susan Soong '94** were honored as Distinguished Alumni Award recipients.

Scott, a magistrate judge of the U.S. District Court for the Western District of New York, is the first African-American to sit on the federal bench in the Western District. In accepting the award, he encouraged his listeners to give back. "The job is No. 1," Scott said. "But one of the best ways to get a job is to get out in the community and let them know who you are and what you're about. Everyone here should find some way to engage in the community, to make the community they're practicing in a better place. Whether it's mentoring a law student or reading in an elementary school, we can encourage people to do better."

For her part, Soong – chief deputy clerk with the U.S. Court of Appeals for the Ninth Circuit, in San Francisco – recalled going to a conference at the University of Chicago when she was a first-

year law student. Seeing an Asian-American woman there "speaking with authority about the law" to a full auditorium, Soong said, made a huge impact on her. "All of you in this room can do that for other people," she said. "Every one of you can make a difference, be a role model and give back to your community."

Other awardees included **Jason Almonte '07**, a manager in the advisory services practice of the audit, tax and advisory firm KPMG, who received the



Students light the legacy candles, a tradition of the dinner.

Trailblazer Award, and **Professor Rick Su**, who was named the Jacob D. Hyman Professor of the Year.

Almonte encouraged the new lawyers to represent themselves well as professionals, but also to represent the Law School well. "I always mention what an amazing education I got here," he said. "You are entering one of the most honorable professions in our society. Be proud of that, honor it and always cherish it, and you'll be fine."

Su was brief in his remarks, saying with a smile to the students, "The only reason I do what I do and earn what I earn is because of you."



Students dance after the program.

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

Emotions run high at *Law Review* Dinner

The *Buffalo Law Review* is a dispassionate place for legal scholarship, but at the journal's year-end dinner, there was high emotion.

First at the April 30 dinner, held at the Park Country Club in Williamsville, was a tone of celebration. Outgoing editor in chief **Ryan G. Ganzenmuller '15** touched on the year's highlights, including two articles in particular that were reported in *The New York Times*. The *Review* also doubled the size of its office space and revamped its constitution. "We will remember two things: the work that people did and the people we met," Ganzenmuller said. "Many of us have made extraordinary friends through the *Law Review*. Long after the work is gone, the people are what we'll remember."

The emotions continued in remarks by the evening's two honorees, **Vincent E. Doyle III '89** and **John R. Nuchereno**.

A partner in the Buffalo firm Connors & Vilardo, Doyle is a commercial litigator whose practice includes civil and white-collar criminal litigation and representation of professionals in disciplinary proceedings. He is a past president of the New York State Bar Association.

Doyle noted that his 9-year-old daughter, Isabella, was present, and said he didn't want to bore her. "When I was on the *Buffalo Law Review*, we worked hard, we worked together, we took pride in what we published," he said. "But often we would pass the time looking for distractions and conversation topics." In a pre-Internet age, they debated: pizza vs. wings. Mary Ann vs. Ginger. The definition of a natural hat trick. "If there was ever a group that was suited to passionately debate trivial matters, it was the members of the *Buffalo Law Review*," Doyle said.

And then there was the debate about *Rudolph the Red-Nosed Reindeer* and Santa's elf who wanted to be a dentist. Herbie, wasn't it? Or was it Hermie?

"What always struck me was the



Honoree Vincent E. Doyle III '89 with wife Kerry and daughter Isabella



Honoree John R. Nuchereno, above, and at left, Ryan G. Ganzenmuller '15

passion, the effort, the ingenuity people brought to the debate," Doyle said. "Polls were taken, source materials were considered. Someone had a boxed doll that had the name Hermie on it; someone else had a *TV Guide* that listed Herbie." The matter was finally settled, he said, at a holiday party when they played the video. It was Hermie.

"I remember the feeling of accomplishment," Doyle said, "the feeling that we were part of a team. Forget the publication of the *Law Review*; we were several issues behind. But we had solved the puzzle."

Nuchereno, a partner in the boutique Western New York firm Nuchereno & Nagel, has tried hundreds of cases as a litigator, including more than 50 jury homicide trials. But it is his engaging teaching at the Law School that has endeared him to students – and shocked them when he announced he had been diagnosed with leukemia.

Nuchereno talked about that surprising journey and about the encouraging emails he got from students – including those he hadn't taught – as he prepared to undergo a bone marrow

transplant. When he was past that, he said, "the first place I went to was the Law School to see about resuming my teaching." And when he did return to the classroom "without a hair on my head, I walked down the aisle to a standing ovation. It was at that point I knew my career as a lawyer was a success."

He concluded with a litany of thanks to his family, colleagues, friends, his medical team and the students "who encouraged me when I could no longer encourage them." And one more: to the unknown young man who donated the bone marrow to save his life.

Pieces by four associates on the *Law Review* staff were chosen for publication next year: Kelsey Till, M. Alexandra Verdi, Steven Maffucci and Brandon R. White. Both the dinner's major student awards – the Justice Philip Halpern Award, for excellence in writing, and the Carlos C. Alden Award, for the senior making the greatest contribution to the *Law Review* – went to Ganzenmuller.

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

Religious Freedom Restoration Acts

Michael Boucai says Indiana fight spotlights a dangerous trend



“It’s important that the public see how these RFRA’s – not just Indiana’s – open the door for every person to become a law unto her – or himself.”
– Associate Professor Michael Boucai

The controversy over Indiana’s Religious Freedom Restoration Act has brought much-needed attention to an entire class of laws, says **Associate Professor Michael Boucai**.

According to Boucai, the original version of Indiana’s RFRA “permitted businesses, among others, to claim religious exemptions from local laws prohibiting discrimination against protected groups.” Indianapolis, for example, outlaws discrimination on the basis of race, gender, sexual orientation and other characteristics.

Enacted in response to a judicial de-

cision legalizing same-sex marriage in Indiana, the state’s RFRA would have allowed businesses, such as wedding photographers and banquet halls, to claim a faith-based objection to serving same-sex couples. “That,” says Boucai, “is why the law was seen as inviting an open season on LGBT people.”

In response to a storm of criticism, including boycotts of the state, Indiana amended its RFRA to clarify that the law cannot be used to trump nondiscrimination laws.

But the problems with Indiana’s law “went deeper than the anti-gay animus that it reflected and sanctioned,” says

Boucai, an expert in LGBTQ rights.

Concern about discrimination against LGBT people was, “if not a red herring, in some ways a diversion from a more fundamental issue.” The federal RFRA and its equivalents in over 20 states “conceivably permit exemptions from many other forms of essential regulation.” Boucai observes that “people have already invoked these laws to evade mandatory vaccination rules and even prohibitions of child abuse. The Bible, after all, says ‘Spare the rod and spoil the child.’”

In cases about issues ranging from Mormon polygamy to ritual use of hallucinogens, the Supreme Court “has repeatedly held that individuals cannot raise free-exercise claims against laws of general applicability.” Therefore, says Boucai, the RFRA’s codify “as a statutory right what the Court has wisely rejected as constitutional right.”

“It’s important that the public see how RFRA’s – not just Indiana’s – open the door for every person to become a law unto her- or himself,” he said.



Olympia Report

Tough measures urged for NFL discipline

Citing some of the most ugly off-field incidents in NFL history, sports law expert **Helen A. Drew** says tough measures are needed to address the disciplinary issues that have challenged Commissioner Roger Goodell’s ability to protect the league’s reputation.

“The NFL and the National Football League Players Association can best protect the NFL brand and ensure its continued success by instituting swift, comprehensive and substantial disciplinary measures in conjunction with scrupulous adherence to detailed, impartial, due process procedures for each alleged incident and any and all appeals,” writes Drew, an adjunct professor in the Law School.

Her article, in the current issue of the *Buffalo Law Review*, discusses the disciplinary cases that punctuated the 2014-15 NFL season, including the domestic violence cases of running backs Ray Rice of the Baltimore Ravens and Jonathan Dwyer of the Arizona Cardinals.

In the article, Drew discusses Goodell’s history regarding player discipline. She also examines the NFL’s revised personal conduct policy and the NFLPA’s response to the high-profile incidents of violence among some of the league’s best-known players.



SUNY Buffalo Law adjunct faculty member Helen A. Drew '88



ABC News



NFL

Top: Ray Rice of the Baltimore Ravens with wife Janay
Above: NFL Commissioner Roger Goodell

TRIBUTES

Robert I. Reis

Alfred S.
Konefsky

Dianne Avery



R. Nils Olsen Jr.

Suzanne E.
TomkinsAnthony H.
Szczygiel

George M. Hezel



Lynn Mather

We bid a fond farewell

*Generosity of spirit and dedication to helping others
mark tenure of eight retiring faculty members*

These eight individuals have truly shaped our Law School. When we think of the features of our institution that are most distinctive, the things that bring the most pride in being part of UB, we are reminded in countless ways of their efforts and contributions over many years.

Thanks to them, our Law School has tried to stand for something special. We've aspired to the highest values of service, self-sacrifice and intellectual innovation. They have been generous to colleagues and have helped many to become part of the academic community and to realize our potential as scholars and teachers. They have spent countless hours reading our work, offering support and encouragement, and guiding us past barriers and obstacles.

Thousands of alumni recall that their student experiences at UB were exciting and inspiring because they associate their best memories as students with these eight individuals. They are an important part of the public face of our Law School, and their stellar reputation has contributed substantially to our favorable recognition in the world of legal academia and in our community. But most of all, I think of their generosity of spirit and their dedication to helping others.

With gratitude and affection,
David M. Engel
SUNY Distinguished Service Professor

Tributes begin on Page 24.

Editor's note: *The retirement of eight faculty is unprecedented in our history, and we want to recognize and salute Robert I. Reis, Alfred S. Konefsky, Dianne Avery, R. Nils Olsen Jr., Suzanne E. Tomkins, Anthony H. Szczygiel, George M. Hezel and Lynn Mather. In this spring issue of the Forum we publish tributes to four in order of their length of service on the faculty. The remaining four will be lauded in the fall issue.*

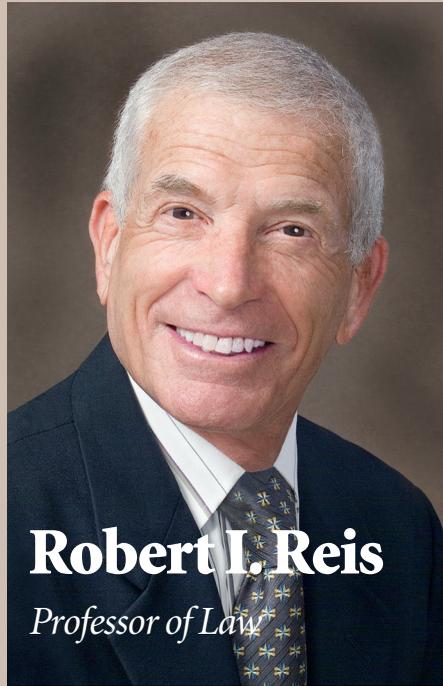
— ILENE FLEISCHMANN, EDITOR

Impressive intellectual curiosity

Robert I. Reis started teaching at Buffalo in 1968. I joined the Law School in 2006, so he had nearly 40 years as an academic under his belt when we first met. Bob is an impressive guy, but one of the most impressive things about him is his willingness to reinvent himself, to find a new subject of interest, test it, poke at it and study it until it finally yields to his intellectual curiosity. It was one of the things I enjoyed most about having Bob as a colleague.

Bob truly loves the law – that stood out from our first meeting, which quickly moved from opening pleasantries to a discussion of the Supreme Court’s decision in the Grokster copyright case. Bob started his academic career teaching and writing in environmental law. And he continued to keep up on events in that legal arena. But it also seems to be the case that Bob was never going to be satisfied just becoming an expert in one area. His intellectual curiosity led him to research and teach state and local government, taxation, land use and commercial real estate development, among other subjects.

The reason Bob and I immediately got to know each other is that Bob decided in the early 2000s that he was interested in intellectual property. IP and Bob were a natural fit. Bob has a love of technology. He bought multiple computers just so he could take them apart and figure out what made them tick. Bob harnessed this interest in technology to the broader themes of intellectual property – how to incentivize creation and best pro-



Robert I. Reis
Professor of Law

mote a rich public domain. For several years, Bob and I taught the Intellectual Property Colloquium together. The class was meant to serve as a capstone for students interested in specializing in patent, copyright or trademark law. The class was different whenever we taught it. Of course, some of this had to do with new legal developments, but it also had to do with Bob’s restless intellect. Why teach something you already knew when you could investigate something different and cutting edge?

The other thing I want to mention in this short sketch is Bob’s selflessness as a colleague. He was not only willing

to pitch in – teaching classes that suddenly needed staffing when someone retired or went on sabbatical – but he did it gladly, signing on for multiple courses in excess of the faculty’s required teaching load, relishing the challenge of mastering a new legal topic and doing whatever he could to help the Law School. Even though he was teaching more classes than me, Bob would constantly ask me how he could help, if there was anything he could do to lighten my burden. And he did help me, from sharing ideas on scholarship to reviewing exam questions to, when I had to suddenly address a family illness, volunteering (along with his wonderful wife, Ellen) to babysit my 2-year-old twins.

After nearly a half-century of service to the Law School, Bob is taking a well-deserved break. But I think he had a lot of fun while he was here. He would often refer to teaching and writing in intellectual property as “play.” Bob’s idea of play made the Law School a richer place, bettering the lives of his students and of his colleagues.

– Professor Mark Bartholomew



“The reason Bob and I immediately got to know each other is that Bob decided in the early 2000s that he was interested in intellectual property.”

– Professor Mark Bartholomew

A masterful legal historian

I first got to know **Fred Konefsky** in 1976, just before he took up his appointment here on the law faculty. At the time, he was a Charles Warren Fellow at Harvard Law School and teaching a course in American legal history in which I had enrolled. It is no overstatement to say that the class transformed my life, exposing me to a kind of history with which I fell in love, in no small part because of Fred's masterful teaching. He would have us read case after obscure case in early 19th century American contract, tort and property law, and then patiently and carefully lead us through a process of taking an opinion apart to reveal its rich wider implications.

Many years later, after I came to Buffalo, I had the good fortune to be able to co-teach several legal and constitutional history seminars with Fred. These were among the most pleasurable and satisfying teaching experiences I have had, and experiences, I believe, that the students also held dear. Generations of students remember Fred warmly as a rigorous, inspiring teacher.

What his colleagues also know about Fred is that he has been unstinting in his willingness to make his time available to them to read and comment on their work, and to offer the kind of comprehensive bibliographical advice about often obscure sources that only he has at his fingertips. He has been a supportive friend to many colleagues at Buffalo and in the wider profession. Even now as he is on the verge of retiring, his colleagues and faculty members at other schools seek him out to read and provide feedback on their work and to solicit his advice on sources and publication strategies and for reassurance that they are on the right track. He has been a good aca-



Alfred S. Konefsky

*University at
Buffalo
Distinguished
Professor*

ademic citizen and generous to a fault with his time.

Although Fred has practiced law only occasionally, he has an amazingly sharp legal intelligence. His capacity to see the weaknesses and contradictions in arguments is breathtaking. This talent together with his gift for friendship made him a formidable actor in faculty politics, of which he was a consummate practitioner. His departure leaves a political vacuum on the faculty at a time when the very principle of faculty self-governance seems to be at risk. Just last year Fred published a long article on the future of legal education, arguing for the preservation of law as a learned profession, in which the public role of lawyers should not be forgotten.

When he arrived at Buffalo in 1977, the school was a hot bed of Law and Society and Critical Legal Studies

scholarship. Though Fred leaned in the direction of Law and Society, and could be a sharp critic of Critical Legal Studies, his scholarship over the years contained elements from both schools. He edited several volumes of the Webster Legal Papers while here, and published numerous influential articles on a wide variety of subjects. His colleagues will miss his scholarly companionship and his unfailing willingness to offer them his support and counsel.

– Professor Robert J. Steinfeld,
Joseph W. Belluck and Laura L.
Aswad Professor of Civil Justice



“Fred has been a good academic citizen and generous to a fault with his time.”

– Professor Robert J. Steinfeld



Dianne Avery

Professor of Law

Her thinking and writing is nationally recognized

Dianne Avery has been a part of my experience of the Buffalo Law School since we arrived, separately together, in 1973. As a friend, student, graduate and colleague, Dianne is one of the rocks on which SUNY Buffalo Law has been built. Her thinking and writing about the law of employment discrimination, women's rights and gender stereotypes is nationally recognized, and her teaching in these fields, as well as labor law,

property and federal taxation, has been treasured by students for years.

The core of Dianne's teaching can best be illustrated by her casebook on employment discrimination law written with other members of the Labor Law Group, a collection of scholars who have worked to keep the ideals of the National Labor Relations Act alive for workers everywhere. In this book she has striven hard fairly to present this body of law that she cares so much about and at the

same time to make equally clear the ways that this law made life more difficult for individuals in the workplace that we sometimes recognize as "the real world." Still, I have been regularly unhappy when it was time for my friend to update the casebook. My unhappiness was not because the activity was a waste of Dianne's time, but because of what the effort took out of her life, a life that many of us enjoyed when she had the time to spare.

Dianne's scholarship has been marked by the same clarity and con-

cern as her teaching. Whether the topic was assumptions about women and their roles as workers or workers' alleged propensity toward violence, the disruptiveness of handbilling or the supposed implausibility of female military cadets, Dianne attempted to present clearly the issue as seen from the perspective of those individuals whose lives the law affected. In doing so, she placed front and center her concern for the attempts of workers, or women, or women workers, to better their lives, to secure some measure of dignity, when these aspirations were undermined by unjustified assumptions about humans' limits or their proper place.

Though necessarily of smaller compass, Dianne brought the same clarity and concern to the scholarly topics that she essayed in the employment discrimination casebook. But not just there. Her name is mentioned numerous times in the first footnote in articles and books written by others, silent testimony to her efforts to bring out the clarity and concern implicit in the scholarship of colleagues and friends, a generosity with her time and talents that all appreciated.

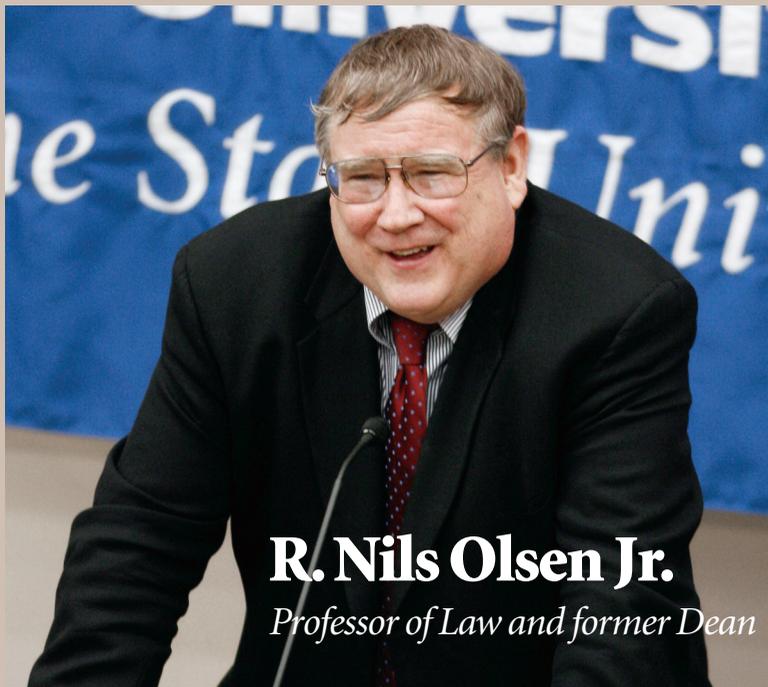
In all of her work Dianne has offered an object lesson in the importance of meticulousness when doing law. She never accepted the standard "Good enough for government work." From time to time, some of us were inclined to take the quick and dirty approach, but were later thankful that Dianne had bucked our desire to be over and done with a task and forced us to get it done right. For that too we love and miss her.

— John Henry Schlegel, University at Buffalo Distinguished Professor and Floyd H. and Hilda L. Hurst Faculty Scholar



"In all of her work Dianne has offered an object lesson in the importance of meticulousness when doing law. She never accepted the standard 'Good enough for government work.'"

— Professor John Henry Schlegel



R. Nils Olsen Jr.
Professor of Law and former Dean

Few have done as much for the Law School

Nils Olsen is, quite simply, an extraordinary person. If you happen upon one or two such people in your lifetime, consider yourself fortunate. At the Law School, we know Nils for his nine years as dean, four years as vice dean for academic affairs, two decades as founder and director of our clinics, and nearly four decades as a member of the faculty. Study SUNY Buffalo Law's 125-year history and you will find few if any others who have done as much for the school as Nils. Examine the history of Western New York since 1978

when Nils moved here, and you will find few who have contributed more to the community.

In addition to his distinguished service to the Law School, Nils has been a key member of the University's leadership team, providing advice and counsel to presidents and provosts for decades, chairing the Intercollegiate Athletics Board (which contributed significantly to the growth and success of UB's Division I athletics), and leading the UB 2020 strategic planning group charged with strengthening the University's focus on

civic engagement and public policy.

Nils was the perfect person for the latter role, having spent decades as a public interest lawyer. Nils represented dozens of citizen environmental groups and several local municipalities in disputes ranging from the siting of hazardous-waste incinerators to the drafting local land-use planning legislation. Nils also served as court-appointed counsel in scores of federal habeas corpus cases and frequently argued before the local federal district court as well as the U.S. Court of Appeals for the Second Circuit.

In perhaps his most memorable habeas corpus case, Nils represented more than 200 inmates incarcerated in Western New York prisons whose direct appeals had not been resolved within two years of their convictions. The lawsuit was settled when the government agreed to greatly increase resources for court-appointed appellate counsel and enhance administrative oversight of appeals brought by indigent inmates.

Nils also served Western New York as board member for many public and private institutions and organizations. He was a longtime publicly elected member of the Lewiston-Porter Board of Education, and has served on the boards of directors of the New York State Environmental Advocates, the Youngstown Free Library and Great Lakes United, among many others. In 2003, in response to a financial crisis facing the City of Buffalo, New York State established the Buffalo Fiscal Stability Authority to oversee the city's finances. In 2010, Gov. David Paterson appointed Nils chair of the authority, a position he continues to hold.

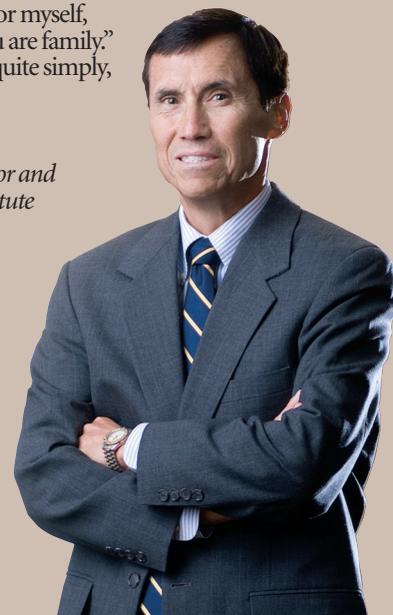
Although Nils has served with great distinction in many powerful leadership positions at UB and in the community, he has remained a genuinely humble man who has always seen himself as a facilitator rather than a manager or "boss." Whatever problems and challenges have been presented to him, he has always approached them as a friend, colleague and equal. When Nils stepped down as dean, a faculty colleague said to him, in front of a packed and appreciative audience of faculty and alumni, "There is not one among us who does not regard you as a colleague and friend, not one among us who has not benefited from your kindness, caring, concern, inspiration and the great personal sacrifices you have made to take care of us. Speaking for myself, and I think many others, you are family."

To repeat: Nils Olsen is, quite simply, an extraordinary person.

— Charles P. Ewing, SUNY
Distinguished Service Professor and
Director of the Advocacy Institute

"Nils has been a key member of the University's leadership team, providing advice and counsel to presidents and provosts for decades."

— Professor Charles P. Ewing



Lessons grounded in experience

Christine Pedigo Bartholomew, who has dedicated the last six years teaching research and writing at SUNY Buffalo Law School, has accepted a tenure-track position at the law school starting this fall. As an associate professor, her teaching load will include civil procedure – a topic aligned with her scholarly research interests. “I wanted to have an opportunity to continue with my scholarship and find more synergy between my research and teaching,” she says. “I’m deeply intrigued by some of the questions about civil procedure, which is an overlay for lots of areas of law. I am thrilled to be pursuing these questions while staying at UB.”

Bartholomew joined the Law School in 2006, teaching doctrinal subjects for three years before becoming part of what is now the LAWR (Legal Analysis, Research and Writing) program. The LAWR program, which was redesigned to better reflect changes in the realities of legal practice, and expanded to three semesters, has been satisfying for someone who values the written word. “I’m really proud of this program and my colleagues. LAWR places an emphasis on analytical reasoning and careful writing,” she says. “It’s not just learning to write in a certain way, it’s about being an editor and revising. Law has a huge emphasis on concise writing. It’s all Hemingway, all the time – in the best of ways.”

Bartholomew – who was honored for her teaching by the graduating class of 2014 with the Faculty Award – will now teach civil procedure, evidence, antitrust law and law firm management. She’s particularly excit-



“It matters to me that my scholarship speaks not only to other scholars, but also to judges and practitioners.”

– Christine Pedigo Bartholomew, a new associate professor

ed about the latter, having managed a law office herself during the 10 years she was a practicing lawyer. “We have a lot of students who are going into a small practice or opening their own shop,” she says. “We need to help them understand how you design a practice – what areas have strong market demand, what billing practices to adopt, how to abide by ethics rules when a practice does work in other states or internationally.”

In her new position, Bartholomew hopes to draw from her extensive teaching and practice experience to bridge theory and practice. She argues that teaching the theory of law is inevitably bound up with the practical lessons enabling students to graduate ready to practice. In that respect, the move is a natural extension of the goals of the LAWR program. “You’re always looking at the law in the context of how it will be used in practice,” she says. “In a matter like deciding which court has jurisdiction over a case, you’re talking about access to justice.”

That real-world experience, she says, is helpful in the classroom, and

her scholarship helps keep her grounded in how lawyers are doing the job. “If I am proposing a change in the law, I want that change to be functional,” she says. “I call practitioners and say, ‘I’m making this argument – would this actually work?’ It matters to me that my scholarship speaks not only to other scholars, but also to judges and practitioners.”

Bartholomew, who has twin 7-year-old children, was born in Iran and grew up in California. After earning her J.D. from the University of California, Davis, School of Law, she specialized in litigation concerning antitrust and consumer law cases and served as the managing attorney of the San Francisco office of the D.C. law firm Finkelstein Thompson. Her areas of scholarship focus on civil procedure, evidence, and antitrust, and she has articles forthcoming in the *Fordham* and *Brooklyn Law Reviews*.

For new vice dean, a by-the-numbers approach

As **BobbyJo LaDelfa** settles into her new role as the Law School's acting vice dean for administration, she's dealing with a lot of moving parts. Faculty and administrators are wrestling with how to implement the best ideas from an ongoing strategic planning process. The landscape of legal education, and the profession itself, is changing dramatically. The periodic ABA accreditation process is ramping up. There's always the budget to worry about.

Now Dr. LaDelfa's challenge is to make possibilities into reality. "My job is to have a handle on the big picture and to be the resource that [interim Dean] Jim Gardner needs," she says.

One strength she brings to that task is a head for numbers, befitting the data analytics that are the new norm for universities nationwide. She comes to her new post after serving for seven years as the Law School's registrar – officially the assistant dean for records, registration and financial aid – and in that role managed all data about students, as well as statistics for accrediting and ranking bodies, as well as the academic calendar and course scheduling.

"I'm a data person," says Dr. LaDelfa, who holds a doctorate in higher education administration from UB and calls herself a "self-taught technology junkie." "The whole campus has become very data-driven. That's the new environment of higher education. We want to decide what metrics are important to us as a law school, whether it's the number of our alumni who are engaged with the school, placement rates, the percentage of our graduates passing the bar, the number of faculty publications."

That by-the-numbers monitoring of the school's quality, she says, bears fruit as administrators and faculty look to bring the next good idea to life. "I'm the practical person," Dr. LaDelfa says. "I need to be able to look at the operations and ask, can this work? If the faculty want to do this or that with the curriculum, can we do it? I know a lot about the curriculum, how it's staffed and how it works, and that leads directly into, if we want do a new program, how can we do it and how can we afford it?"

Before coming to the Law School in 2008, Dr. LaDelfa worked in UB's School of Management as director of credit-bearing internships and projects. The two academic units have very different cultures, she says; because the Law School has its own registrar, for one thing, "that allows the faculty to have more freedom and flexibility."

The student experience is different, too; whereas management students do much of their work in teams, law students pursue their own interests in the mostly-elective second and third years. The quality of their experience as stu-

dents, she says, makes a difference in how engaged they are with the school when they become alumni.

"We have the highest level of alumni engagement of all University units," she says. "That is a testament to how well our programs connect with students, because if you don't have that connection when you leave, you won't be engaged later. The Law School in general is dedicated to our students, and that doesn't disappear when they walk out the door."

Dr. LaDelfa will have more opportunities to interact with alumni in her new role, including working with the Dean's Advisory Council.

In addition to her Ph.D., LaDelfa has a bachelor's degree in psychology from SUNY at Cortland and a master's in community counseling from the University at Albany. She currently teaches Finance of Higher Education as an adjunct in UB's graduate program in Educational Leadership and Policy and previously taught in the School of Education and Human Development at Binghamton University.



"My job is to have a handle on the big picture and to be the resource that [interim Dean] Jim Gardner needs."

– Dr. BobbyJo LaDelfa, acting vice dean for administration



Kathryn Hartnett '15, Andrea D. Lugho '15, Kristen Flick '15, Professor Isabel Marcus, Nadeen Bawab '15 and Anna McCarthy '15

Prof. Marcus receives first Woman of SUNY Buffalo Law Award

A pioneer in advocating for women's and civil rights

By **MARCENE ROBINSON**

At 12 years old, Isabel Marcus knew she wanted to become a rabbi. However, when Marcus revealed her ambitions to her rabbi, she was informed that the closest a girl could come to the position is reb-betzin, or the rabbi's wife. To her horror, Marcus' father agreed.

"That's the moment I became a fem-

inist," says Marcus, now a professor at SUNY Buffalo Law School. "I realized by the time I finished high school that women and girls were second-class citizens."

Six decades later, Marcus stood before a crowd of lawyers and judges, and students, faculty and staff from the Law School. After a career of advocating for women's and civil rights, Marcus was honored with the first Woman of SUNY Buffalo Law Award from the Women of

SUNY Buffalo Law (WSBL), a student organization for the professional and educational advancement of female law students.

"I've been honored by UB and in other countries, but that this award came from the students, and that it is the first one is very moving," said Marcus.

WSBL was launched in fall 2014 to provide female law students with opportunities to connect with practicing women attorneys and to create avenues to impact state and local policy-making.

"We want to honor someone who embodies our mission statement," said Anna McCarthy, WSBL co-president. "Dr. Marcus has been very supportive of our group, has been at the Law School

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

for more than 30 years and has had an impressive career.”

The ceremony was held March 26 at the Jacobs Executive Development Center at the Butler House in Buffalo.

Among those in attendance were Erie County Family Court Judge Lisa Rodwin '85, attorneys from Hodgson Russ and Hurwitz & Fine, and Law School interim Dean James A. Gardner.

“She’s a real pioneer in her field,” said Gardner. “She’s been doing amazing work for a long time; important work that needs to be done that no one else is doing. She’s invented this enterprise of training women’s rights advocates in parts of the world where they don’t exist. It’s a lifetime’s work that deserves recognition.”

Marcus detailed much of her early career in her award speech, “Why Feminism Matters and What Is to Be Done,” which was a collection of stories that bounced between humor and severity to explain how feminism changed her life.

She illustrated the harsh realities of growing up in a Jewish family that emigrated from Poland, her early – and somewhat unsuccessful – run for high school political office, and how she wanted to disappear when she brought a boyfriend home for the first time and her parents pounced on the opportunity to showcase her awards and photos for public oratory and debate contests.

Marcus also shared her struggles with the University of California, Berkeley, to add a course in the political science department that focused on women in politics, and her experience in organizing the first sex discrimination class-action case against a major public university, a lawsuit she brought to implement affirmative action programs.

Before ending her speech, Marcus told of a University of Texas doctoral candidate who borrowed her copy of Jürgen Habermas’ *Legitimation Crisis*. Upon finding “commie” ideologies inside, he shredded the book with gunfire.

Out of consideration, the student returned the destroyed book with a new copy to replace it. Marcus held on to the tattered copy – a memento from her time teaching in Texas – and was met with laughter when she displayed it



Professor Marcus addresses the crowd at the Butler House in Buffalo.



“I’ve been honored by the University and in other countries, but that this award came from the students, and that it is the first one, is very moving.”

– Professor Isabel Marcus

to the crowd.

Each story was underlined by her challenging patriarchy by demanding substantive and not merely formal equality for all women.

“We need to be aware of our context and to understand history,” says Marcus, who earned a J.D., an M.A. in African studies and Ph.D. in political science from UC Berkeley. “The combination of going down South and living in Berkeley changed my life. I saw the darkest, cruelest sides of America. You couldn’t see America in the same way.”

• • •
 Marcus joined SUNY Buffalo Law School in 1982. Her research focuses on family law, domestic violence and international women’s rights. She has lectured extensively at Eastern European and Asian universities, and established an International Visiting Scholarship for women’s rights lawyers from Eastern Europe to attend SUNY Buffalo Law.

Marcus is also the founder of the UB Institute for Research and Education on Women and Gender, or Gender Institute, and served as chair of the Department of Women’s Studies from 1997 to 2002.

Shatorah N. Donovan '12: *"The Annual Fund goes toward helping attract high-level students and supporting the programming that enables all the students to get the core legal education they want and graduate practice-ready."*

Leveraging the school for good

One lawyer doing good things can make a world of difference. A graduating class full of lawyers out to change the world – they can make a real difference.

That's the leverage that **Shatorah N. Donovan '12** is counting on as she settles into her new position. Donovan, who recently joined the Law School as assistant director of development in charge of the Annual Fund, says she made the move from private practice back to O'Brien Hall because she sees the potential in supporting active, socially aware future attorneys and the good they can do.

"To be able to work with alumni and advocate for the Law School seemed like a natural fit for me," says Donovan, who has a master's degree in social work along with a J.D. "It's about impact. The impact I can have here is compounded, because if I'm able to help a student who otherwise wouldn't have been able to afford law school, that student is able to go out and practice and help other people."

In reaching out to alumni, Donovan also draws on her own experience as a law student. "I had an extremely positive experience here," she says. "They let law fit into your personality and your lifestyle – there are so many different ways at the school to structure your education. I also liked that there is a really open faculty and administration, and a ton of volunteer opportunities."

The Annual Fund is the Law School's signature fundraising appeal, an effort that involves outreach by student callers throughout the academic year. Over the past eight years, it has raised more than \$1 million each year – support that



Shatorah N. Donovan '12 recently joined the Law School as assistant director of development in charge of the Annual Fund.

Donovan says is crucial in multiple ways.

"The Annual Fund goes toward helping attract high-level students and supporting the programming that enables all the students to get the core legal education they want and graduate practice-ready," she says. "These gifts go to the Law School in very critical ways, such as scholarships, alternative legal programs like moot court competitions, and our clinical program." Donors with a particular interest can designate the use of their gift. One thoughtful donor, she says, even gives an amount each year that goes to buy bagels and coffee for the students as they grapple with final exams.

She also notes that gifts to the Annual Fund count toward the overall \$30 million goal of the Campaign for SUNY Buffalo Law School, which is entering its final phase next year.

While she was in law school, Donovan worked as a law clerk for the University's immigration counsel, processing immigrant and non-immigrant visas for the University's international professionals. After graduation, she passed the bar exam, did some contract legal work and worked at a small firm, then joined

with her former supervisor at UB, Oscar Budde, in his small practice doing immigration law and corporate start-up legal services.

She's continuing to exercise her legal skills by taking some pro bono cases, representing immigrants seeking asylum in the United States for political or social reasons. "I'm not giving up the opportunity to help people," she says.

But mainly she's focused on leveraging the most good from SUNY Buffalo Law, at the same time honoring what she says the school has done for her. "I've gotten so much help from this law school in terms of scholarships, academic support and mentorships," she says. "I just want to be able to relay that to other people. I really enjoy being an advocate for the Law School and helping persuade people that giving to the Law School means that they really are helping the students and in turn helping the community."

Outside the office, Donovan – who just recently got married – leads spinning classes at a women's fitness club.

To learn more about the Annual Fund, or to donate, Donovan can be reached at (716) 645-9048 or snr4@buffalo.edu.

To go to the website, visit www.law.buffalo.edu/giving.

DiscoverLaw grant renewal

Opening the door of the legal profession to more students of color

SUNY Buffalo Law School's award-winning initiative to attract underrepresented minority students into the legal profession will continue for a fourth year.

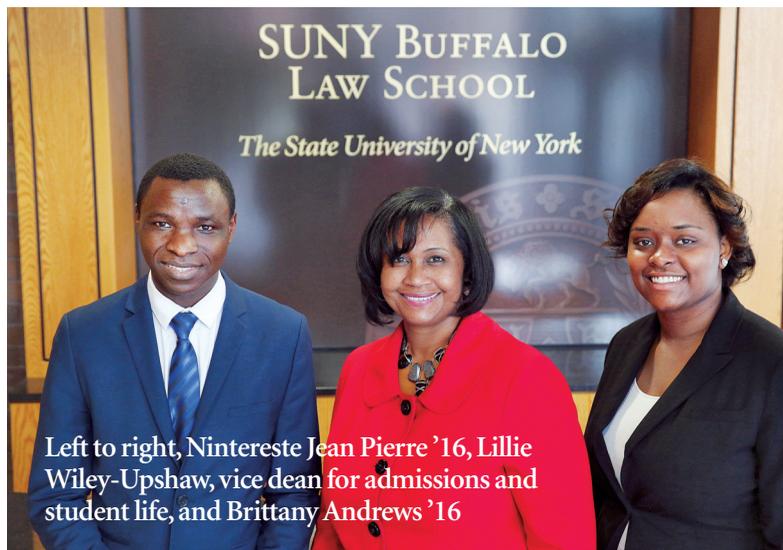
Lillie Wiley-Upshaw, vice dean for admissions and student life, announced the extension, which comes in response to a grant by the Law School Admission Council. LSAC had initially funded the program for three years, but was able to extend that funding for one more session.

Targeting students of color who have completed one or two years of college, the DiscoverLaw program is helping to diversify law school classes, and later the profession, one promising young person at a time.

In the program, 20 students live on the University at Buffalo's North Campus for a month over the summer, and earn a \$900 stipend to offset income they might otherwise have earned during that time. They take four rigorous courses taught by SUNY Buffalo Law professors, attend field trips to see the law in action, learn about the admissions process, and shadow a judge or attorney for a day.

Other curricular highlights include intensive seminars on the law school admissions process and skill development for the LSAT; tours of correctional facilities and courthouses; a resume writing workshop; and an ethnographic research project, in which the students interviewed people of various ethnicities about their views of the law, and explored their own experience and identity through journaling. Students also have been matched with volunteer mentors.

The students have come from as far as Atlanta and Wisconsin, though preference is given to applicants from west-



Left to right, Nintereste Jean Pierre '16, Lillie Wiley-Upshaw, vice dean for admissions and student life, and Brittany Andrews '16

NEW YORK LAW JOURNAL

ern and central New York, northeastern Pennsylvania and eastern New York.

It's an initiative that has proved effective and now has drawn statewide notice. SUNY Buffalo Law was honored March 30 in New York City by the *New York Law Journal*, whose Diversity Initiative Project 2015 recognizes commitment to creating a diverse legal community and sustained efforts to reach that goal. The legal publication honored "law firms and legal organizations that confronted barriers to attracting, training, retaining or supporting diverse talent, and created realistic initiatives to overcome those obstacles and provide ongoing opportunities for growth and advancement."

"We are deeply grateful and humbled to receive one more year of funding," Wiley-Upshaw says. "We are very proud of the students who have participated in our program and so very excited to have the opportunity to host the program for one more summer. We are hopeful that we will be able to raise the necessary funds to do it on our own in 2016."

Kent D. Lollis, LSAC's executive director for diversity initiatives, said about 18 law schools nationwide have participated in the DiscoverLaw initiative since its inception in 2002.

Besides SUNY Buffalo Law, the law schools of the University of Arkansas

and the University of Texas-Austin will take part in the program in 2015. In Buffalo, the Minority Bar Association of Western New York is a co-sponsor.

"It's a real commitment," Lollis says, "and I admire the schools that have done it. It's one of the most labor-intensive programs we sponsor. We're very pleased with the program overall, and we wouldn't have made this offer if SUNY Buffalo's program had not been effective according to our evaluation standards. I know that the school has been eager to secure additional funding to operate the program over the long term."

Karen R. Kaczmarek '89, associate dean for development, says SUNY Buffalo Law 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.

The Law School is currently accepting applications for the DiscoverLaw program starting June 2015. Applications are available at www.law.buffalo.edu.

“Pamela D. Heilman has been a beacon of inspiration to our Law School community.”
 – Interim Dean James A. Gardner

With Jaeckle Award, a pioneer gets her due

A longtime booster of SUNY Buffalo Law School and the University at Buffalo, and a boundary-breaking female lawyer in the Western New York legal community, received the Law School’s highest honor in a Jan. 30 ceremony.

Pamela Davis Heilman ’75, a leader in cross-border business practice with the Hodgson Russ law firm, accepted the 2015 Edwin F. Jaeckle Award during a presentation at the Union League Club in New York City. The presentation was made in conjunction with the school’s annual New York City alumni luncheon.

Heilman, a longtime member of the Law School’s Dean’s Advisory Council, for six years also has served on the UB Council. In that role she was part of the search committee that selected Satish K. Tripathi as UB’s 15th president.

Introduced by Dean’s Advisory Council member **Dennis R. McCoy** ’77, President Tripathi praised the honoree for her investment in the success of the University. Heilman, he said, “exemplifies what it means to be an engaged alumna – a distinguished leader in the legal community who offers an inspiring example to our current and future students and a deeply engaged university citizen who cares passionately about our university and our Law School and has committed herself to actively advancing them.”

The Law School’s interim dean, SUNY Distinguished Professor and Bridgett and Thomas Black Professor, **James A. Gardner**, spoke of Heilman’s accomplishments as a lawyer, as a civic leader on the boards of several non-profit organizations, and at the Law School, where in addition to the Dean’s Advisory Council she serves on the steering committee of the Law School’s



Interim Dean Gardner presenting the Jaeckle Award to Pamela D. Heilman ’75, with UB President Satish K. Tripathi at right.

current fund-raising campaign. “There is a common theme to Pam’s vast volunteer work,” Gardner said. “She builds bridges. She brings people together, and she makes people and organizations stronger. . . . Pamela D. Heilman has been a beacon of inspiration to our Law School community. Her service to the Law School, the University and the legal profession is exemplary and extraordinary.”

In accepting the award, Heilman first gave credit to “two extraordinary parents who raised a girl to believe she could do and achieve anything she chose.” But, she said, that achievement

became possible only because her undergraduate institution, Vassar College, had adopted a standard of need-blind admission, and because the Law School became gender-blind in its own admission policies. The Class of 1974, she noted, included only a dozen women – but in her own Class of ’75, fully one-quarter of the students were women.

Still, Heilman said, it was daunting to apply for a job at Buffalo’s largest law firms. But she found common ground with Hodgson Russ, a firm that she called a pioneer in diversity because it had hired people of all political persuasions and religions. Today, she noted, 23

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



At left: Pamela D. Heilman '75 and husband Robert Heilman

Below: LAA President Hon. Lenora B. Foote-Beavers '97



Hon. Julio M. Fuentes '75, left, and Harvey L. Kaminski '77



Dennis R. McCoy '77, left, and Terrence M. Gilbride '88



Left to right: Hon. Barbara Howe '80, Pamela D. Heilman '75 and Ellen Yost Lafili '83



percent of Hodgson's equity partners are women, as against the national average in law firms of 16 percent – "even though law schools have been 50-50 for 30 years now."

That commitment to a multiplicity of voices, Heilman said, benefits everyone. "Opportunity and diversity are the hallmarks of justice, making collective decisions by giving voice to all members of society," she said. "They ensure the positive impact of social institutions on health, welfare, community and sustainability, enhancing social cooperation in addressing societal needs."

Those goals, she said, inform the Law

School's mission. "The school's strength in interdisciplinary legal scholarship and teaching should be the focal point for the University's efforts to illuminate questions of justice," Heilman said. "This is the true responsibility of a great public law school and a great public university."

And she challenged those present – "alumni, faculty, administrators and citizens" – to sustain this vision. "The task is more challenging than ever," she said, "as we face dramatic declines of over 50 percent in law school applications nationally and in the overall quality of those applicants. At a time when 51 per-

cent of the students in our nation's public schools come from families in poverty, we need to continue to meet the challenge of being New York's only public law school, to be the place where first-generation lawyers are welcomed and embraced along with students of color. We must stay true to our mission."

Heilman closed with many thanks, most especially to her husband, Bob – "my date for the senior prom" – and "the wonderful journey we have shared with so many of you."

A satisfying win, all in the family



The parallel lines of two brothers' careers in patent and intellectual property law converged at last – in a most unusual case.

Until recently, **Paul Korniczky '86** and **Stephen Korniczky '87** had never worked together on a case. That changed when Stephen Korniczky, a partner in the Del Mar, Calif., office of Sheppard Mullin, was asked to represent cellphone manufacturer HTC Corp. against a patent infringement claim. Because the suit was brought in federal district court in Illinois, he needed a local co-counsel. Enter Paul Korniczky, a partner at Leydig, Voit & Mayer in Chicago.

The case was an extraordinary one. The plaintiff, Intellect Wireless, sued several of the major players in the telecom industry, claiming they infringed two patents on a cellphone that transmitted photos. Several defendants settled for as much as \$23 million, but HTC chose to fight the suit.

Quite successfully, as it turned out. As Paul Korniczky tells it: "We were able to show that the inventor had lied to the patent office. To get his patent, he had filed a false declaration claiming he made a picture phone first. He never made a picture phone. The judge found that he lied, and he invalidated the patent."

After the judge's decision, the U.S. Patent Office launched its own investigation. Among the documents it turned up was an email exchange between the inventor and his patent attorney in which the inventor admitted that he never made a prototype of the picture phone. In another email, the inventor's litigation attorney told the inventor that the plaintiff was not saying that it made a working prototype, but it was trying to "convey an impression that we're unsure." "We were able to show that the lawyers knew the inventor was lying and proceeded with this lawsuit anyway," says Paul Korniczky, a member of the Law School's Dean's Advisory Council.

In light of the inventor's and lawyers' conduct, the judge noted that this was



Paul Korniczky '86, above, and brother Stephen Korniczky '87, right



"Any trial victory is satisfying for you and your client, but it's even more satisfying when you can share it with your brother."
– Stephen Korniczky '87

an exceptional case. He ruled that the attorney fees in the case, which spanned six years, must be paid by the plaintiff – and that the plaintiff's attorneys were personally liable as well. The fee award was initially \$4.7 million, but the judge ordered the parties to negotiate a final figure, which may be as much as \$4.1 million.

The patent law bar nationwide is a small one, and the number of patent litigators is even smaller. "We represent some really big companies," Paul Korniczky says of himself and his brother. "People know us, but they get us confused sometimes."

As young men, the brothers trained together in judo and wrestling, and sometimes competed with each other, but this was the first case on which they had worked together as IP lawyers. "It is a lot better working with my brother than competing against him," says Stephen Korniczky.

"The standards for bringing an inequitable conduct claim were recently tightened by the Court of Appeals for the Federal Circuit, and there was concern in the patent bar that the in-

equitable conduct defense was dead," Stephen Korniczky says. "This case showed you can still win an inequitable conduct case if you have the right facts. There had been a lot of talk about passing legislation to curb frivolous litigation that is being brought by non-practicing entities and patent trolls. One side of the discussion says district courts already have the tools to curb frivolous lawsuits that are improperly brought, and the court here wasn't afraid to use them."

The brothers have worked in tandem on a couple of other projects. As students at SUNY Buffalo Law School, they lobbied former Dean Tom Headrick to institute an IP course, covering patents, trademarks and copyrights in a single course. As alumni, they have funded a scholarship for current students looking to practice IP law.

Of the HTC case, Stephen Korniczky says: "Any trial victory is satisfying for you and your client, but it's even more satisfying when you can share it with your brother. And there were times when I was able to save the client money by staying at Paul's house instead of a hotel."

Student kudos

Award for student excellence honors Matthew Eldred

A third-year student whom one professor called “extremely serious, but also a genuinely nice person” has won the SUNY Chancellor’s Award for Student Excellence – the first SUNY Buffalo Law student ever to receive the honor. **Matthew A. Eldred** accepted the award at a ceremony in Albany on April 2.

The faculty and staff committee that selects the honorees look for high-achieving students who go beyond the academic grind and contribute to the campus and the community. Eldred’s 10-page nomination form included his work as executive editor of the *Buffalo Law Review* and of the *Buffalo Environmental Law Journal*, his service on the board of the Jessup International Moot Court Team and as a mentor to first-year law students, his volunteer work with the American Red Cross and regular donation of platelets, as well as his avocation hand-crafting fine wooden furniture and his reciprocal support for his wife, Nita. And all of this was accomplished even with the two-hour round-trip commute from Rochester eating up precious time.

Eldred, 29, was nominated for the award by lecturer **Patrick J. Long**, who had Eldred in his first-year classes in legal analysis, writing and research. “He just has a very sharp intellect that cuts to the heart of any issue I presented,” Long says. “It’s analytical, but it’s also agile and flexible. And he also had a curiosity to explore on his own issues that we raised in class.” For example, Long says, after a lecture on the rhetorical devices that President Lincoln used in the Gettysburg Address, Eldred researched the famous speech, read some books and articles about it, then went back to his professor for further discussion.

Eldred will begin his career as an as-



Matthew A. Eldred '15

sociate with the Rochester law firm Harris Beach, where he worked as a summer associate last year.

Erin Decker shares the lessons of perfection

Erin Decker, a second-year law student, tests well. OK, that’s an understatement. She’s one of a handful of test-takers who aced her LSAT, critical-reading and problem-analyzing her way to a perfect 180 score.

Now Decker is taking those skills to future law students, teaching the fine points of the LSAT to both college students exploring the idea of law school, and collegians and career-changers getting ready to take the test.

“Of all of the graduate admissions tests, the LSAT is the one most strongly correlated with grades in the first year,” Decker says. “Part of it is understanding what the questions are asking, and the rest is building your comprehension skills. You have to be able to read and analyze the text very precisely.”



Erin Decker '16

Decker, a Buffalo native, earned her bachelor’s degree in mathematics at SUNY Potsdam, then a master’s in math at Binghamton University, before deciding that she’d rather be a lawyer than a math professor. She earned her MBA in an intensive one-year program at Cornell University’s Samuel Curtis Johnson Graduate School of Management before coming to SUNY Buffalo Law School.

Starting in graduate school, she worked for Kaplan Inc., the national test-prep chain, as a trainer and eventually a product development manager.

Last summer Decker taught an LSAT skills course for DiscoverLaw PLUS, the Law School’s exploratory program to encourage members of underrepresented minorities to consider law school. Now she has fleshed out that class into a daylong LSAT preparation course. The Law School’s Office of Admissions and Student Life pays her a stipend to teach the course, which includes six hours of instruction, punctuated by a lunch hour with a question-and-answer session about the admissions process. Decker was planning to lead the course for the fifth time in May.

The class is limited to 30 potential law students, and it’s oversubscribed – no doubt at least in part because the instructor’s perfect-score credential is part of the appeal.

THE WIDE ANGLE

Alumni connections across the nation

Buffalo



Buffalo

LAA Student Membership Table at the Law School
Oct. 29, 2014

1. Amy Herstek '04, Melissa Foti '03, Hon. Lenora Foote-Beavers '97 and Sheldon K. Smith '01 greet students.

Meet the Deal Makers Power Hour for student members at the Law School
Jan. 20, 2015

2. Amy Herstek '04, Christopher Copeland '02, Kristy Berner '02, Terrence Gilbride '88, Martha Anderson '87 and Nancy Sheehan '94

GOLD Group Ethics CLE at The Saturn Club
Feb. 3, 2015

3. Hon. Barbara Howe '80, Michael Taheri and Kevin Kearney

Insurance Defense Power Hour for student members at the Law School
Feb. 23, 2015

4. Hugh M. Russ III '87, David G. Brock '72, Nicole B. Palmerton '01,

Melissa A. Foti '03, Stephanie A. Mack '08 and Sheldon K. Smith '01

Mentor Reception at the Center for Tomorrow
March 4, 2015

5. Megan Lyle '17 and Ronald J. Winter '81

6. Natasha Yumas '17 and Giuseppe (Joe) A. Ippolito '05
7. Hon. Erin M. Peradotto '84 and Yuqing Tian '16

GOLD Group's Spring Social at Ironworks
April 10, 2015

8. Michael J. Hecker '09, Anne Joynt '05, Kevin J. Espinosa '09 and Teia M. Bui '08

9. Jeffrey P. Gleason '08 and his wife, Nancy, with Michael E. Reyen '09

Central New York

Reception honoring Mayor Stephanie A. Miner '99 at JRyan's Pub
Sept. 15, 2014

10. Hon. James P. McClusky '88, Hon. Joseph E. Fahey '03 (LL.M.), Hon. Brian F. DeJoseph and Hon. Michael L. Hanuszcak '84

11. Major Gifts Officer Lucy Dadd '04 and Lynn Wilson '94

12. Mayor Stephanie Miner '99 and Sam Tamburo '68

Central New York



New York City



Rochester



Washington, D.C.



New York City

Tour of Grand Central Terminal
Nov. 12, 2014
13. Sachin Kohli '06, Michael D. Mann '06 and Enam Hoque '06
14. UB graduate Mark Nussbaum leads the tour.

Annual Fund/Alumni Reception at The Remi
March 18, 2015

15. Robert J. Gutowski '99, Flora Lau '97 and James M. Keneally '82
16. Neil E. Botwinoff '82 and

Associate Dean for Development
Karen R. Kaczmarzski '89

Washington, D.C.

Bills game viewing at Laughing Man's Tavern
Nov. 13, 2014
17. Candace M. Jackson '09 and Karema T. Page '05
Annual Fund/Alumni Reception at 701 Restaurant

March 11, 2015

18. Lawrence M.F. Spaccasi '87, Samuel M. Spiritos '87 and Celia G. Spiritos '87
19. Assistant Dean Lisa M. Mueller '93, Michael J. Surgalla Jr. '82 and Vice Dean Ilene R. Fleischmann

Rochester

Annual Fall Social at City Grill
Nov. 18, 2014
20. Andre L. Lindsay '08, Yimell M. Suarez '10 (LL.M.), Frances M. Kabat '10 and Michael T. Jablonski '09
21. Kelly McIntyre

'10, Johanna V. Bartlett '92 and Wende J. Knapp '10
CLE on Grievances in the Fourth Department
Jan. 8, 2015
22. Arthur L. James III '12, Richard G. Curtis '79, Andrea Tomaino and Gary J. Muldoon '76

Six chosen to receive Distinguished Alumni Awards

Two judges, three practicing attorneys and a public policy leader were recognized when SUNY Buffalo Law School convened its 53rd annual alumni dinner and celebrated some of its most successful alumni. The event was held May 13 in the Hyatt Regency hotel in downtown Buffalo.

The Distinguished Alumni Awards, given to five Buffalo Law alumni and one non-alumnus, were the highlight of the SUNY Buffalo Law Alumni Association's annual dinner.

The awards, given in six categories, were presented this year to:



For the judiciary, **Hon. Judith J. Gische '80**, who serves in New York City as an associate justice of the New York State Supreme Court's Appellate Division, First Department. Gische has

served on the state Supreme Court since her election in 2008 in New York County. She began her judicial career in May 1990 when she was appointed as a judge in the Housing Part, Civil Court of the City of New York. She then was elected a judge of the Civil Court in November 1993, and in 1997 was designated an acting justice of the Supreme Court. Gische also worked in private practice for eight years.



For private practice, **Dennis R. McCoy '77**, a senior litigation partner with the Buffalo law firm Hiscock & Barclay. Representing clients in major, complex litigation, he has tried cases

throughout New York State and the Northeast. A major emphasis of his practice has been representing legal and health care professionals in malpractice actions. He has served as a national and regional counsel for two major companies, managing or di-

rectly litigating their highest-exposure cases throughout the United States. He also serves as a court-appointed mediator and is a sought-after lecturer on litigation and professional liability topics.



For community service, **Ann E. Evanko '79**, president and managing member of the Buffalo law firm Hurwitz & Fine. Practicing in the areas of employment law and corporate law, she also works

to mediate complex business, commercial and employment disputes. In the community, she has been very active with the Western New York chapter of the Women's Bar Association of the State of New York, including serving a term as its president. Her other service includes major leadership roles with the Western New York Women's Foundation, the YWCA of Western New York and Everywoman Opportunity Center.



For public service, **Nicole C. Lee '02**. Now an organizational and public policy leader with the Lee Bayard Group in Washington, D.C., Lee served as the first female president

of TransAfrica, the nation's premier African-American foreign affairs organization. She has led investigations and missions documenting violations of human rights and dignity of the world's vulnerable populations, testified before Congress and served as a resource to government officials and media members on international policy issues affecting Africa, Latin America, the Caribbean and racial minorities worldwide.



For business, **Jonathan S. Beane '98**, executive director, global workforce diversity and inclusion, with Time Warner in New York City. Before joining Time Warner in 2007, Beane held

positions with Johnson Controls and with PricewaterhouseCoopers. He also practiced law and was a judicial clerk for Hon. Patricia Timmons-Goodson at the North Carolina Court of Appeals. Beane serves on the board of Howard University's School of Communications.



For outstanding service to the University and community by a non-alumnus, **Hon. William M. Skretny**, senior judge of the U.S. District Court for the Western District of New York. A graduate

of the Northwestern University School of Law, Skretny has been an assistant U.S. Attorney in Illinois and New York, a first deputy district attorney of Erie County, and in private practice in Buffalo. He was confirmed to the District Court in 1990 and assumed senior status this year.

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

ALUMNI IMPACT

By the numbers

SUNY Buffalo Law alumni have significant influence at local, state and national levels. Below is a small sampling of our 11,000 law alumni that documents the Law School's mission to provide civic and business leaders.

Judiciary

- 1 Circuit Court Judge for U.S. Court of Appeals
- 5 U.S. District Court Judges
- 3 U.S. Bankruptcy Court Judges
- 2 New York State Court of Appeals Judges
- 7 New York State Appellate Division Judges
- 20 New York State Supreme Court Judges
- 43 County and Family Court Judges
- 29 Administrative Law Judges

Business and Law

- 110 Managing Firm Partners
- 70 General Counsel Positions in Private Industry
- 11 Corporate CEOs

Education

- 2 Deans of U.S. Law Schools
- 1 Dean of a Canadian Law School
- 5 General Counsels of Universities
- 2 Vice Presidents of Universities
- 6 Law Professors

Boards of Directors

- 1,500 Boards have UB alums
- Vast number of local board memberships



Visit us at www.law.buffalo.edu

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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 Fleischmann at fleisch@buffalo.edu.

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SAVE THE DATE OCT. 2 & 3, 2015 FOR YOUR CLASS REUNION!



Here is some of what you can expect:

Friday, Oct. 2

- **Back to School** – Audit a class. Classes to be determined by fall class schedule.
- **Network the Nation** – Share your insight into the practice of law or your non-traditional career in small groups with our students.
- **Reunion Class Cocktail Party with the Dean** – Join him at the Hotel Lafayette with cocktails and hors d'oeuvres.

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. Join your class Facebook page – link found on the website.

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

*Planning is under way for the
Classes of 1975, 1985, 1995 and 2005
We need you to make the party complete!*

Saturday, Oct. 3

- **Tours of the Law School** with our student ambassadors, including light refreshments.
- **UB Bulls Football Game** (pending start time) vs. Bowling Green, with pre-game tailgating concert series featuring K.C. & the Sunshine Band.
- **Or 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 Center, Darwin Martin House, Albright-Knox Art Gallery and Buffalo Zoo.
- **Your Class Party** – Reunion weekend concludes Saturday evening with the all-time favorite alumni event – the individual class party.

Class of 1965's 50th Reunion Dinner

- **Friday, May 22** at the Buffalo Club. We look forward to seeing you!
- **Register now:** www.law.buffalo.edu/ClassReunions

Class of 1960's 55th Reunion Dinner

- **Saturday, June 20** at Russell's Steaks, Chops & More on Transit Road.
- Look for your mailing. Questions: law-reunions@buffalo.edu

50+ Reunion Luncheon

- Save the Date!
Wednesday, Aug. 5, at the Law School in O'Brian Hall.



Goal \$30M

\$25M
\$25.5 million

The amount raised to date toward our \$30 million goal

\$20M
OUR TIME IS NOW!

\$15M
One year to goal in the Campaign for SUNY Buffalo Law School

\$10M
Every dollar counts!
To donate, please visit www.law.buffalo.edu/giving

\$5M