

Briefs



Legal fiction

Every so often, **Paul Goldstein** says, people will approach him at a conference and say, “I read your book, and I loved it.” He knows, he says with a laugh, that they are not talking about his four-volume treatise on U.S. copyright law.

More likely those readers passed a pleasant weekend with *Errors and Omissions* or, now, *A Patent Lie* (Doubleday), his second novel in the legal thriller genre.

The new novel is a courtroom drama built around Goldstein’s continuing hero, Buffalo lawyer Michael Seeley, and his quest to find the truth amid the shifting allegiances of an intellectual property lawsuit. Seeley goes to San Francisco to argue on behalf of his estranged brother’s biotech company, which is defending its patent on a high-stakes AIDS vaccine against a Swiss pharmaceutical giant.

As the trial progresses, Seeley begins to suspect that there is corruption all around, and his courtroom life is complicated by romantic entanglements, family drama, political activism and a mysterious murder. “Never has copyright and intellectual law been so thrilling and so dangerous,” the book’s publicity enthruses.

Goldstein, who began his teaching career as a UB Law associate professor from 1967 to 1971, is an acknowledged expert in

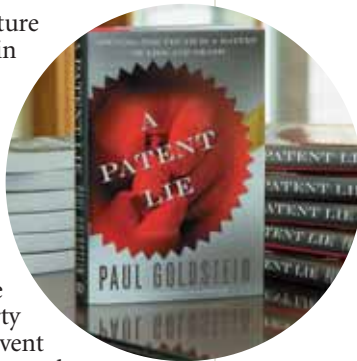
IP law and now teaches at Stanford University. In addition to textbooks, casebooks and other purely academic work, he has written general-interest non-fiction books on IP and copyright law. *Errors and Omissions*, his first published novel, came out in 2006; he is already at work on the third in the Seeley series.

With his love of literature and the movies, Goldstein said, copyright was a natural fit when he was a student at Columbia Law School. At UB Law he taught survey courses in copyright, patent law, trademarks and unfair competition.

Now, of course, the field of intellectual property has exploded with the advent of the Internet, file-sharing technology and the like. Keeping up is challenge enough, so how does Goldstein find time to indulge his passion for fiction?

“I have not found it overly difficult,” he says. “I am a lot more efficient in my professional writing today than I was when I started. The first article I published took me a year to write, and I probably threw away three-quarters of it. It took me a while to figure out how to work efficiently.”

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A light in the Atticus

Harper Lee’s beloved novel *To Kill a Mockingbird*, and the classic 1962 film starring Gregory Peck, got the full legal review in front of an audience at Buffalo’s Albright-Knox Art Gallery. Three UB Law School academics were part of a panel discussing the judicial aspects of *Mockingbird*, whose key conflict revolves around the defense by principled lawyer Atticus Finch of a black man falsely accused of raping a white woman in 1935 Alabama.

The program came in conjunction with a National Endowment for the Arts program called The Big Read, which encourages entire communities to read the same book, and it preceded a showing of the film.

UB Law clinical instructor **Sam Magavern**, moderator of the panel, began by reminding the audience of the book’s plot, centered on Atticus’ children Scout and Jem, and on their mysterious, reclusive neighbor Boo Radley.

Boo, said Magavern, is a key figure in the book’s legal pedigree; he is a recluse because as a teenager he was put under house arrest after falling in with a gang, and at age 33 was briefly

locked in the courtroom basement after stabbing his father with scissors. The climax of the story explores the issue of law versus justice, when the sheriff decides not to prosecute Boo for killing a man who was threatening to hurt the children.

Professor **Stephanie Phillips** spoke of the social and political context in which the novel was released. It was published in 1960, she noted, “at the height of the civil rights movement, and before Civil Rights Act and the Voting Rights Act. It reminded the nation of some of the issues that were on the table right then.”

SUNY Distinguished Teaching Professor **Elizabeth Mensch** went deeper into the character of Atticus Finch, saying that he is “part of a declining Southern gentry culture” who derives his authority from that position of privilege.

Nevertheless, she sees Atticus as a virtuous lawyer. “Atticus teaches the children to see in the most unlikely people a possibility, a touch of a better reality that is only partially revealed,” she said, quoting Gregory Peck’s character as saying, “People are nice if you only see them.”



New York’s clean team

An environmental advocate fighting the good fight with the New York State attorney general’s office brought some war stories and some words of inspiration to a UB Law School class on public-service environmentalism.

Katherine “Kit” Kennedy is special deputy attorney general for environmental protection, and chief of the state’s Environmental Protection Bureau.

Kennedy detailed the work of that office. “It is an incredibly fascinating and challenging job,” she said. “The bureau has a broad range of responsibilities and duties that touch on every area of environmental law,” including enforcing state and federal environmental laws, and defending the DEC and other agencies when they are the targets of lawsuits brought on environmental grounds.

The work, she said, runs the gamut



from very complex nationwide cases – such as a recent challenge by New York and other states that struck down the federal Environmental Protection Agency’s toothless regulations on mercury emissions by coal-fired pow-

er plants – to small, local law enforcement actions.

Because of the ruling in the EPA case, Kennedy said, the federal agency will need to rethink its system for limiting mercury emissions by power plants. “This is a significant case in Buffalo and Western New York,” she said, “as well as in other parts of the country, because mercury affects the Great Lakes.”

Other recent efforts by the Environmental Protection Bureau include lawsuits to slow global warming, clean up contaminated urban sites, improve water quality in the Bronx River, Hudson River and New York City watershed, and prevent invasive species from gaining a foothold in the Great Lakes.

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