



# Buffalo Law Review

## Alumni Newsletter

A NEWSLETTER FOR BUFFALO LAW REVIEW ALUMNI

FEBRUARY 2024

### Review Holds First Ever Cite-A-Thon Fundraiser

On November 17 members of the *Buffalo Law Review* gathered in the UB Law School Library for a first-of-its-kind event, a six-hour citation marathon. The goal: to raise money for a worthy charitable cause.

The current Executive Board of Editors came into their positions determined to use the platform of the *Review* to do more

than simply publish legal scholarship. Early in their tenure, ideas for new events and initiatives were discussed. Ideas for charitable projects were regularly raised, but finding an event that could accommodate so many volunteers as the *Review* has members proved prohibitively difficult.

Not to be deterred, Editor-in-Chief **Mathew Biondolillo '24** and Diversity, Equity, and Inclusion

Editor **Racquel Bozzelli '24** put their heads together and came up with a novel concept: a charitable fundraiser of the *Review's* own design.

Inspired by the many organizations that collect pledges for miles walked or run in endurance athletic events, the winning idea, affably dubbed the Cite-A-Thon, envisioned turning editorial work into an opportunity to help a respected community organization, Journey's End Refugee Services.

Journey's End is a community organization that provides "refugees with the resources and support they need to become successful, active and contributing members of the Western New York Community." These include legal services to help refugees plant new roots and make a new home in Buffalo.

Participants collected lump sum and per-citation monetary pledges, earning donations with

each citation checked during the event. When the dust settled, members had checked and corrected over 450 citations, and in addition to donations of goods, raised \$1,842.91 for Journey's End.

The event, [live-streamed on LinkedIn](#), was also a success in building community and culture in *Buffalo Law Review* and with the Law School that we hope will persist. Associates and Editors worked closely together, supported by many generous faculty members, including: Faculty Advisor Prof. Anthony O'Rourke, who delivered a speech capable of stirring the hearts of the most stoic armies of antiquity, and Prof. Angelyn McDuff and Vice Dean Christine Bartholomew, who each assisted participants, wielding Bluebooks with the ease and grace of master artisans enrapt in their métiers.

We couldn't be more thankful for the participants and supporters who made this event a success.



**Members of Buffalo Law Review Checking Citations in the UB Law Library.**

### Board Announces 2024 Dinner Honorees

The *Buffalo Law Review* is proud to announce the 33rd Annual Law Review Dinner honorees, **Hon. Eugene M. Fahey '84**, retired Associate Judge from the New York Court of Appeals, and **Hon. John L. Sinatra Jr. '96**, U.S. District Judge for the Western District of New York.

The honorees each have Buffalo roots with professional careers serving the Buffalo

community predating their time on the bench. In addition, each has had a positive impact on the Law School and members of the *Review* personally making them well deserving of recognition.

Judge Fahey graduated *cum laude* from the University at Buffalo with a B.A. in political science in 1974. He graduated from UB Law in 1984 and earned his M.A. in European

**See Fahey & Sinatra page 3**



**Hon. Eugene M. Fahey '84**



**Hon. John L. Sinatra Jr. '96**

# Notes & Comments

One of the many highlights of the Annual *Law Review* Dinner is the announcement of the four student pieces that the *Review* publishes each school year. The 2022-2023 Head Note and Comment Editor **Eamon Danieau '23** revealed which four members of the Class of 2024 were chosen for publication during the current publication cycle.

**Davis Badger Anderson's '24** Comment, "Walking with Shadows and Phantoms: The Presumption of Innocence and Bail Determinations," focuses on federal bail determination and the factors federal court judges consider in setting bail. Specifically, the article traces the history of the "presumption of innocence" factor, arguing no such right exists. This Comment challenges the weight of the presumption, using legislative intent and case examples to advocate for re-evaluation of the factor in determining whether to detain a criminal defendant.



**Matthew Mason '23, Davis Badger Anderson '24, & Eamon Danieau '23.**

Overall, Anderson's Comment reveals a misuse of precedent and comments on the paradox its use creates at the pre-trial stage in criminal actions.

**Racquel Bozzelli's '24** Comment, "A New Federalist Approach to Reducing Gun Violence: Model State Policy for Medicaid-Funded, Hospital-Based Violence Intervention Programs," advocates utilizing a public health approach



**Matthew Mason '23, Racquel Bozzelli '24, & Eamon Danieau '23.**

to address gun violence, both firearm access and the factors that contribute to and protect individuals from gun violence.

This Comment evaluates previous gun violence prevention measures and reasons why these measures proved insufficient, ultimately argu-

ing amending Medicaid legislation as an avenue for addressing community violence. Such an analysis is important as gun violence is the leading

cause of premature death for those over the age of eighteen.

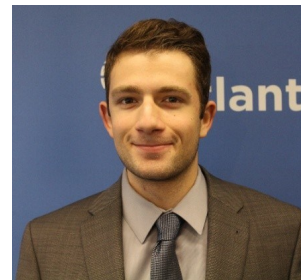
**Bryan Gilbert-Overland's '24** Note, "The Next Chapter of Consular Nonreviewability: *Muñoz v. U.S. Dep't of State*, 50 F.4th 906 (9th Cir. 2022)," analyzes

a Ninth Circuit court case granting review of a consular decision in an immigration case, arguing *Muñoz's* departure from precedent remedied gaps left in the doctrine of consular nonreviewability.

This Note explores the rights of noncitizens at the borders seeking entry, using procedural due process and Supreme Court precedent in *Mandel* to argue that the Ninth Circuit interpretation should persist. This analysis grants new requirements of

timeliness for noncitizens challenging consular decisions, and fits smoothly into existing precedent.

**Steve Burke's '24** Comment, "Juggling Tires, Burning Torches, and Pennies: The Challenges of Defining the 'Communities of Interest' Criterion in Municipal Redistricting," discusses how the definitions of the phrase "communities of interest" at the local level affects redistricting processes.



**Steve Burke '24**

While an overarching definition of the term has proven elusive, the Comment notes how localities across the country have defined everything from ethnic enclaves to university-affiliated hospitals as "communities of interest." Given the national implications of Congressional district boundaries, statewide redistricting processes are often the subject of media and scholarly attention. This Comment attempts to fill the gap of understudied local redistricting processes.

Congratu-

lations to all four competition winners!. Please keep your eyes peeled for these student pieces in Volumes 70 and 71 of the *Review*.



**Matthew Mason '23, Bryan Gilbert-Overland '24, & Eamon Danieau '23.**



## Fahey '84 & Sinatra '96 To Speak

**continued from page 1**  
History in 1998 from University at Buffalo. Judge Fahey served on the Buffalo Common Council prior to and following earning his law degree. He was a law clerk to Judge Edgar C. NeMoyer in the Court of Claims before entering private practice in 1985.

Judge Fahey was elected to Buffalo City Court in 1994 and to the N.Y. Supreme Court in 1996. He was assigned to the Commercial Division in Erie County in January

2005 until his appointment to the Appellate Division, Fourth Department in 2006. In 2015, Judge Fahey was nominated to the Court of Appeals, and was unanimously confirmed. He retired from the bench in 2021 and has taught at UB Law since that time.

Judge Sinatra graduated *magna cum laude* from University at Buffalo prior to law school. He graduated *cum laude* from UB Law in 1996.

During law school, he was the recipient of the Robert J. Con-

nelly Trial Technique Award and was Case & Comment Editor during his tenure on the *Review*.

After law school, Judge Sinatra worked as a law clerk for the New York Court of Appeals and then joined Jones Day as an associate. He then worked as Senior Counsel for the United States Department of Commerce from 2007-2008 until joining Hodgson Russ as a partner in complex litigation. During his tenure at Hodgson Russ, Judge Sinatra

was listed in *Upstate New York Super Lawyers* in 2017 and *Best Lawyers in America* in 2018. He was appointed to the bench in 2018 and routinely accepts UB Law students as clerks.

The *Review* is thrilled to honor such outstanding representatives of the Law School and warmly invites all alumni to attend the annual dinner to honor them in April. For information about the dinner, contact Rachel Golden at [rmgolden@buffalo.edu](mailto:rmgolden@buffalo.edu)

## Review Publishes Issue Devoted to John Schlegel

The *Buffalo Law Review* prides itself on remaining a generalist publication, dedicated to showcasing articles that address a broad range of scholarship, while also devoting one issue per year to publishing Essays, sometimes surrounding a particular topic of relevant scholarship.

This year, the *Review's* Essay issue was devoted to the symposium held at UB School of Law in April 2023 regarding Professor John Schlegel's new book, *While Waiting for Rain: Community, Economy, and Law in a Time of Change*.

The symposium, sponsored by the Baldy Center for Law and Social Policy and organized by Professor David (Bert) Westbrook, included an [active discussion](#) with many UB faculty and notable legal scholars with whom the *Review* has become familiar over the years, such as Duncan Ken-

nedy and Pierre Schlag.

*While Waiting for Rain* addresses the question of how a city having experienced fortuitous economic growth and a subsequent, equally fortuitous decline can reposition itself to promote and capitalize on circumstances that lead to economic renaissance—if of course that is even possible.

The essays, appearing in Volume 71, Issue 1 of the *Review*, represent the diverse perspectives of Schlegel's readers and roundtable participants, some presenting potential solutions, others asking additional questions left unanswered in the book.

All thoughtfully written, the essays pay tribute to the excellent legal-historical synopsis and critique Schlegel gives throughout the book.

The *Review* would like to thank Professors Schlegel and Westbrook and all contributors to the issue. Now,

### The Issue Includes:

#### **Dizzying: An Introduction**

*David A. Westbrook* (UB School of Law)

#### **Consider Buffalo**

*Pierre Schlag* (University of Colorado Law)

#### **On Preparing the Soil for Rain**

*Errol Meidinger* (UB School of Law)

#### **While Waiting for Capital to Rain**

*Matthew Dimick* (UB School of Law)

#### **The Tragedy of the (Not So Much in) Common(s)**

*George M. Williams Jr* (King & Spalding, LLP)

#### **While Waiting for Virtue: Comments on Schlegel's *While Waiting for Rain***

*James A. Gardner* (UB School of Law)

#### **With Thanks and a Note on Causation**

*John Henry Schlegel* (UB School of Law)

we encourage readers to [read the book](#) and the *Review's* [symposium issue](#) for yourselves.

**Prof. John Schlegel & Prof. David Westbrook**



## New DEI Statement for Casenote Competition

This year saw a change in the admissions process for new *Law Review* members and a step towards a more inclusive and diverse *Review* membership.

The class of 2023 adopted an amendment to the *Review's* Constitution, which added a requirement to the law review application process, a DEI statement. The DEI Statement replaces the Bluebook Test, which had traditionally been a four-hour long in-person exam, with a qualitative, narrative-style assessment hoping to capture a wider range of competencies, including those not typically assessed via standardized test metrics or GPA. The intended outcome is to foster a more diverse scholarship by incorporating a broader array of backgrounds and perspectives into the journal.

The amendment was the culmination of the prior editor class's Diversity, Equity, and

Inclusion Editor, **Peter Evancho '23**, who formed a committee to tackle the task of reforming the *Review's* admissions requirements in the name of inclusion.



**Peter Evancho '23**

The committee was assisted by then-Faculty Advisor Prof. Guyora Binder and Vice Dean Luis Chiesa and included students from the editor and associate classes of the *Review*. The efforts seek to create a diverse and inclusive membership who are not afraid to think outside of the box.

The requirements under the amendment are straightforward. Associate applicants are required to submit a DEI Statement, a 400-

600 word response to the following prompt: "We require candidates to submit a statement explaining how their experiences have equipped them to contribute to a diverse and inclusive community of inquiry."

Submissions are evaluated by a four-member DEI Team comprised of members of the upcoming editor class and are weighed among the other factors that determine who is offered a position on the *Review*; these include the casenote and GPA, which is utilized in deciding half of the selections. Bluebooking scores are considered as a separate grade stemming from the casenote submission citations.

Implementing the change for the first time was a challenge, but one the Executive Board of the class of 2024 was well equipped to take on. Working with then-Editor-in-Chief **Matthew Mason '23**, Evancho, incoming Diversity, Equity, and Inclusion Editor

**Racquel Bozzelli '24**, and others, the first ever DEI Team created a grading rubric and grading procedure, agnostic to any particular experience or identity mentioned in DEI statements, inspired by empirical research and materials used at other institutions.

The resulting rubric focused on an applicant's depth of thinking, self-awareness, their ability to make connections between their past experiences and current perspectives, and their ability to envision anticipated future contributions they could make to legal scholarship resulting from those experiences.

The first cohort of members admitted to the *Review* under the new requirements have nearly completed their year as Associates and are poised to take the reins of the *Review* in the next few months.

Readers wishing to learn more about the adoption of the [new criteria](#) or about the *Review's* [DEI efforts](#) can click the hyperlinks above.

## Law Review Notes

**Patrick Higgins '25** won the Best Advocate Award at "the Premier" trial competition at UCLA in November 2023.

**Victoria Heist '24** is co-director of the ABA Regional Mediation Competition; **Ciara Donohue '24** is part of the Competition Committee for the ABA Regional Mediation Competition.

**Ciara Harrington '25** was accepted as a mediator into the IDC-CDRC Vienna Mediation Competition taking place in July 2024.

**Asma Bawla '25** is completing a judicial externship with Hon. Michael Pastrick in Orchard Park, New York.

**Hannah Campbell '25** is serving as Vice-President of the Domestic Violence Task Force, Social Chair for the Buffalo Public Interest Law Program and Event Coordinator for the International Law Society.

**Racquel Bozzelli '24** is volunteering as a scribe with the UB Jacob's School of Medicine Human Rights Initiative for asylum seekers.

**Juliette Miranda '24** and **Alyssa Carbone '25** are participating in the New York City Program studying the intersection of business, finance, and the law.

**Shelley Payne '24** is a goalie for the Niagara Falls Buffalos senior A men's hockey team in the Union Hockey League.

## Board of Editors 2023-2024

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### **2023-2024 Executive Board of Editors**

**Back Row (Left to Right):** Davis Anderson '24, Claire Hofmeister '24, Taylor Phelps '24, Jordan Eaton '24, Rachel Golden '24, Mathew Biondolillo '24.

**Seated (Left to Right):** Racquel Bozzelli '24, Madeline Becker '24, Ciara Donohue '24, Victoria Heist '24, Juliette Miranda '24

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**P**lease follow our accounts on Instagram and LinkedIn. Click on the icons to go to our pages. Please also keep us informed about news, address changes, new career positions, marriages, births, job opportunities, etc. by emailing us at [law-blr@buffalo.edu](mailto:law-blr@buffalo.edu).



## From the Editor-in-Chief

**T**he *Review* is building. Two years ago we were ranked 78th in the country, based upon the Washington & Lee University rankings of generalist law reviews. Over the past two years we have risen to 60th. We are still climbing back to the top-50 generalist review we once were, but take pride in our progress thus far.

This progress is particularly validating considering the environment surrounding the *Review* when the current editors took their positions. Events preceding the 2023-'24 class seemed to have harmed the *Review's* reputation. Although current members know little of what occurred, we have felt the consequences.

For example, over four semesters with the *Review*, we have had three different faculty advisors. We were the first class to receive credit for service to the *Review*, via the Academic Legal Writing class that assists Associates with their publishable Notes or Comments, but also experienced an instructor change midway. And amidst this volatility, we were tasked with the enormous responsibility of implementing the Diversity Statement for Associate admissions, including creating a scoring

rubric and procedure.

The situation was daunting, and navigating it would require responsible, purposeful decisions. But with another advisor change and little faculty or administrative guidance, it was evident the challenge was ours to own. Our job was twofold: stabilize the *Review* and rebuild it upon a new foundation.

Wisdom comes with winters, and the Executive Board's first meetings proved as much. Internal talks about how to implement *Review* initiatives *might* have inadvertently sparked concern about the *Review's* direction (and a few negative reactions from students and faculty). But this opened the door to meaningful discussions, greater mutual understanding, and resolve to use the challenge as an opportunity for growth; each team and individual has contributed to that end.

Our article selections team, led by **Juliette Miranda '24**, has worked to select the best legal scholarship on a diverse array of topics from early-career to Emeritus scholars, with a focus on broadening the reach of our voice.

The note and comment team, led by **Victoria Heist '24**, has revamped the Academic Legal Writing course and recruitment strategies to better guide Associates on their writing and to grow interest in the *Review* year round. They also ensured prompt associate selections in time for OCIs.



**Mathew J. Blondillo '24**

Business Editor, **Claire Hofmeister '24**, brought our subscription and communication systems up to date, communicated with subscribers to migrate subscriptions to the new system, and created and has managed our social media accounts to extend our reach.

Diversity, Equity, and Inclusion Editor, **Racquel Bozzelli '24**, has been an ally and liaison for members of the *Review*, implemented new DEI training practices, and worked to ensure *Review* operations are considerate of the diversity of current and future members.

Managing Editor **Rachel Golden '24** has ensured no detail escapes us when planning events, meetings, and in running the day-to-day opera-

tions of the *Review*, going as far as setting up meetings while planning a wedding and honeymoon.

The Executive Publications Editors have ensured short turnaround times for authors and received copious plaudits for their work. Their efforts also allowed us to publish in our online publication, *The Docket*, for the first time in several years.

The Cite-A-Thon; a new Associate welcome event; an *Assocs. v. Eds.* kickball game; and this newsletter highlight some of the other efforts we've made to improve *Review* operations, build community, and make a difference.

We've made strides to rebuild the *Review*, largely due to the commitment of our members, for whom I am thankful. I am also grateful for the support of Interim Dean S. Todd Brown, Vice Dean Christine Bartholomew, Advisor Prof. Anthony O'Rourke, and Prof. Angelyn McDuff; and for you, the reader, for taking time to learn about us.

We look forward to the continued growth of the *Review* as we pass the baton. But for now, on behalf of the Editorial Board:

Thanks for reading.

—*Mathew J. Blondillo*

## Save the Date!

33rd Annual *Law Review* Dinner  
The Westin Buffalo  
Friday, April 26th

Join us to honor Hon. Eugene M. Fahey '84  
& Hon. John J. Sinatra Jr. '96

for their service to the UB Law School community

For more information or to reserve a seat, please contact [rmgolden@buffalo.edu](mailto:rmgolden@buffalo.edu) or visit <https://www.law.buffalo.edu/news/law-review-dinner.html>.



# Freedman '89 & Ortiz '05 Honored

The 2022-2023 school year, culminated with the 32nd annual alumni dinner on Friday, April 28th, at The Westin Buffalo.

The highlight of the evening for both past and present *Law Review* members was the opportunity to honor two distinguished

Youth and the Juvenile Delinquency Parts. She was appointed lead judge in the 8th Judicial District to implement New York's Raise the Age legislation and has led many innovative and collaborative practices to create better outcomes for justice-involved youth while serving on the bench.



**Hannah Atkinson '23 & Hon. Brenda M. Freedman '89**

Prior to the Port Authority, Ms. Ortiz worked as a federal prosecutor and co-chief of Narcotics Unit at the U.S. Attorney's Office for the Southern District of New York, supervising a team of over 40 prosecutors. After this, she worked as a partner for the law firm MoloLamken, LLP, focusing on white collar, government investigations, regulatory matters and complex commercial litigation.

the New York State Bar Association.

Current students were also honored. The Carlos C. Alden Award, presented to the senior making the greatest contribution to the *Law Review* was awarded to 2022-2023 Editor-in-Chief **Matthew Mason '23**. 2022-2023 Head Note and Comment Editor **Eamon Danieau '23** received the Justice Philip Halpern Award, for excellence in writing on the *Law Review*, for his published Comment, "Release the River: Recognizing Legal Rights for Natural Objects to Remedy Continuing Issues in American Environmental Law."

An unexpected highlight of the night was the spontaneous ovation for **Maryann Saccomando Freedman '58**, Judge Freedman's mother and the first women to serve as president of both the Erie County Bar Association and



**Jessica Ortiz '05 & Hannah Atkinson '23**

alumni, **Hon. Brenda M. Freedman '89** and **Jessica Ortiz '05**.

Both honorees are alumni of *Buffalo Law Review*. Judge Freedman, a former *Review* Senior Editor, is an Erie County Family Court Judge handling both the

Mr. Ortiz, a former Head Note and Comment Editor on the *Review* who helped spearhead DEI its early DEI initiatives, is the Deputy Inspector General and Director of Investigations at the Port Authority of New York & New Jersey.



**Vice Dean Christine Bartholomew, Daniel Ortega (Dean's Office), & Prof. Michael Boucai**



**Matthew Mason '23 & Mathew Biondolillo '24**



**Jacob McMahon, Lucia O'Quinn '23, Leah Shatkin '23, & Marc S. Shatkin '94**

# Moot Madness: *Review* Members Show Moot Court Moxy

**L**aw school is not a time for rest. With classes to attend, the job search fully underway, and—for *Buffalo Law Review* Associates—cite-packs to complete, there's always something to keep you busy.

Yet, a number of members still found the time to compete in the many intramural and extramural Moot Court Competitions you can take part in at UB Law this past year.

In the fall, several teams in the Desmond Moot Court Competition included *Buffalo Law Review* members, and several took top prizes, including Associate **Tyler Myszka '25** and partner Katherine Kio '25 who were named this year's overall winners.

Developed in honor of former Chief Justice of the New York State Court of Appeals Charles S. Desmond, students argue a current case before the United States Supreme Court. Competing in pairs, each team writes a brief which is graded for substance and form. They

then orally argue three separate times before panels of judges consisting of local attorneys.



**Tyler Myszka '25**

But **Myszka** wasn't the only "Mootgician" among *Review* membership. Head Note & Comment Editor **Victoria Heist '24** finished in second place overall with partner Lexi Horton '24, **Steve Burke '24** received the Best Oralist award, and **Victoria Heist** also won Third Best Oralist award.

But *Review* members' advocacy prowess extended beyond the walls of John Lord O'Brian Hall. This February, UB Law sent two

teams coached by Prof. Lucinda Finley to the ABA National Appellate Advocacy Regional Competition in Boston, Massachusetts. Teams included **Myszka** and Kio, as well as a team of Editor **Haley Case '24** and partner Elizabeth Hughes '24.

**Myszka** and Kio narrowly missed advancing to the National Finals after advancing to the Regional Finals and collecting a 4-1 record overall. In addition, they were awarded Sixth Best Brief. **Case** and **Hughes** also had a successful competition, advancing to the Regional Semifinals, and the award for Best Overall Brief.



**Elizabeth Hughes '24, Haley Case '24, Tyler Myszka '25, & Katherine Kio '25**

And if domestic law was not enough, this year's Philip C. Jessup International Moot Court team was comprised of no fewer than three *Review* members, **Dylan Feliciano '25**, **Matthew O'Hara '25**, and **Patrick Higgins '25**.

The Jessup team traveled to New Orleans in February for the Eastern United States Regional Competition, which featured fifty teams. And the UB team won the Eighth Best Brief award.



**Alec Herbert '24, Dylan Feliciano '25, Patrick Higgins '25, Christian Soto '24, and Matthew O'Hara '25**

We would like to give a huge round of applause for all members taking part in the Moot Court Competitions who have demonstrated the excellent writing and advocacy skills of the *Review's* members.

## Excited Utterances

### Inaugural "Editors of Buffalo Law Review" Calendar a Dud

Despite the *Review's* lofty ambitions, the "Editors of Buffalo Law Review" calendar composed of candid photos of editors at work on issues of the *Review* did not turn out to be the fundraising boon it was envisioned to be. After an aggressive social media ad campaign, no pre-sale orders were taken. Upon viewing the calendars for themselves, the Law School administration begrudgingly agreed to purchase all printed calendars so that they would "never see the light of day." When informed of this arrangement, a *Review* member who wished to remain anonymous commented, "A calendar? Why? Like, just why is this a thing?" Similar sentiments were shared by an Editor who learned he was "Mr. October," who inquired, "Wait, when did you take this [expletive] picture?" Subsequently, the *Review* has learned that all evidence of the calendar has been destroyed. As of press time, no University official has replied to our requests for comment.



### *Buffalo Law Review*

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