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SUNY BUFFALO LAW FORUM

*THE MAGAZINE OF SUNY BUFFALO LAW SCHOOL
THE STATE UNIVERSITY OF NEW YORK*



*Class of 2016
begins their journey*

SUNY BUFFALO LAW FORUM

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SUNY Buffalo Law School
The State University of
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MESSAGE FROM THE DEAN

“Even with the challenges facing our profession, we are still able to advance our goals”

It gives me great pleasure to once again reach out to you at the start of an exciting academic year. Several weeks ago, I had the pleasure of addressing the incoming IL class. That singular event reminds me every year what a special place SUNY Buffalo Law School truly is. We receive each year among the best and brightest minds for whom we bear the responsibility of educating lawyers of conscience. This year's class – 200 strong – is among the most diverse. Even with the challenges facing our profession, we are still able to advance our goals. While challenges remain, SUNY Buffalo Law School is weathering them well.

We have been in renaissance mode for the last five years. It is because of you that we have been able to do remarkable things even as economic storms have buffeted us. We have hired 17 new faculty since I became dean, and are being joined this year by three excellent additions – Professors Anya Bernstein, Luis Chiesa and Anjana Maholtra. The three culminate a hiring boom that is unprecedented in the history of the school. More than one-third of our faculty joined us in the last five years. And that is not all. Our Campaign for SUNY Buffalo Law School – whose goal is \$30 million – is now over 60 percent of the way there. We have so



Makau W. Mutua, dean of SUNY Buffalo Law School, and Hon. John G. Roberts Jr., chief justice of the United States, at the Chautauqua Institution.

far raised over \$18 million, a figure never reached before. I know that with your generosity, we will hit the finish line in great form.

Our physical infrastructure has never looked better. Even I marvel every time I walk through the first floor. Gov. Andrew Cuomo of New York said to me during one of his several visits to the Law School this year – and I quote – “you’ve turned this place in to a magnificent, clean building.” I was walking with him from the Francis M. Letro Courtroom through the first floor to the Charles B. Sears Law Library where he announced the formation of the historic Moreland Commission to Investigate Public Corruption. I was very pleased that Gov. Cuomo – who has graced our Law School several times to make key pronouncements – noticed the work that has been done with your generous support. But I would be re-

miss to end this section without telling you about the basement – the most improved part of our building. We have completely redone the basement – technology in the classrooms, carpeting, artwork. It looks like the lower level of a high-class hotel. Please come take a peek.

We continue to plan strategically in the face of the challenges facing the profession. There is every indication that the landscape has changed – perhaps forever. There are fewer applications to law schools, and the job market remains tepid. Like others, we are looking for ways to innovate and create. We will be reaching out to you in the months and years ahead for your ideas as we grapple with these issues.

Finally, we have new exciting programs such as the two-year J.D. for foreign-trained lawyers. This program – available at only two other schools – is on the cutting edge and the first of its kind in New York. It will make our Law School more vibrant and global. We expect that it will truly take off in a few years. I see great things ahead for us, and want to thank you for all that you do. Go Bulls!

Gov. Cuomo makes two Law School appearances

New York Gov. Andrew M. Cuomo made two high-profile appearances at SUNY Buffalo Law School, less than a month apart, to press his point: He will make anti-corruption measures and campaign finance reforms happen “one way or another.”

During his first appearance, at a June 12 address before about 200 people in the Charles B. Sears Law Library, the first-term governor acknowledged the recent rash of scandals among state legislators and said the time is right for the reforms he has proposed in the three-part Public Trust Act.

“Any relationship is only as good as the level of trust in it, whether it’s professional or personal,” the governor said. “And when citizens lose trust in government, it hurts the functionality of the government.”

The proposal would empower district attorneys to prosecute those who show intent to bribe a public official, whether or not the bribe took place; create a new crime called “corrupting the government” that would carry a 25-year prison sentence and a lifetime ban from doing business with the state; make it a crime for any public official to fail to report bribery; and ban corrupt public officials from receiving state contracts, holding elected office, serving as a lobbyist or being a Medicaid provider.

In addition, Cuomo proposed a set of election law reforms, most notably to provide public funding for political campaigns in an attempt to reduce the influence of big-money donors on New York elections. His proposals also would require candidates to disclose contributions within 48 hours; establish lower contribution limits in campaigns for state offices; and treat limited liability corporations as corporations, not individuals, lowering the limit on their political contributions.

His overall goal, Cuomo said, is to make the state government more effective. “I believe in the capacity of government; I believe in the function of gov-



Dr. Satish K. Tripathi, UB President, and Erie County District Attorney Frank A. Sedita III '86

Above, Law School Vice Dean James R. Newton, SUNY Trustee Eunice A. Lewin and Erie Community College President Jack Quinn
Left, Gov. Andrew M. Cuomo and Dean Makau W. Mutua

ernment. I want to restore public trust because I want to make government stronger.

“All government is, is the organizing collective for society. It’s important that that institution works and that we believe in it and trust it, because if you don’t, you limit our capacity to do good things.”

In his June appearance, Cuomo put pressure on the Assembly and State Senate to enact these reforms swiftly. But after state lawmakers adjourned their session without acting on the governor’s proposals, Cuomo returned to the Law School on July 2 to announce Plan B: invoking the state’s Moreland Act and convening a special commission to address what he called “deficiencies in the law.”

In his second SUNY Buffalo Law appearance, Cuomo announced that he had formed such a commission, saying it may even prove superior to the laws that legislators had rejected. The commission, which has already begun its work, includes Erie County District

Attorney Frank A. Sedita III, a 1986 graduate of SUNY Buffalo Law School, and Law School Dean Makau W. Mutua, whom the governor described as “courageous.”

“They haven’t designed a perfect human being yet, and you will have politicians doing bad things,” Cuomo told reporters following his address before about 75 invited guests in the law library. “The question is, do you have a system in place that, when someone does the wrong thing, they get caught and prosecuted? Do you have a system in place that is designing a better way to remove the loopholes, etc., so that it is harder for people to do the wrong thing? That’s what I want addressed.”

Cuomo called the 25-member Commission to Investigate Public Corruption “the ‘best and the brightest ... the all-star team’” and said it would look into “systemic corruption and the appearance of such corruption in state government, political campaigns and elections in New York State.”

Great expectations

High spirits as the Law School's largest-ever capital campaign kicks off

With cheerleaders, confetti and camaraderie, the Law School launched the public phase of the Campaign for SUNY Buffalo Law—the most ambitious capital campaign in the school's history.

With a fund-raising goal of \$30 million, the campaign—whose theme is “Our Time Is Now”—seeks to ensure SUNY Buffalo Law’s place as a premier public law school. It was introduced at a gala kickoff event on April 26 at Buffalo’s historic Kleinhans Music Hall (*photos on pages 4 and 5*). Over 150 alumni, friends, faculty and students were on hand as dignitaries including Law School Dean Makau W. Mutua and UB President Satish K. Tripathi spoke of the opportunities the campaign presents for legal education.

The campaign is well on its way: It was announced at the kickoff event that \$17.7 million had been pledged during the quiet phase of the effort.

“The Campaign for SUNY Buffalo Law signals a new era of unprecedented private support for the Law School,” says Karen R. Kaczmarek ’89, associate dean for development. “We are dreaming big and those dreams are becoming a reality, thanks to the help of so many of our alumni and friends, on whom we must rely as state support evaporates. We are deeply grateful to all who have supported the campaign so far, and invite everyone to join us as we continue our journey to success.”

At the kickoff, the campaign’s four alumni co-chairs outlined the campaign’s priorities: endowed faculty chairs and professorships, student scholarships, endowed program support and infrastructure funding—all to help SUNY Buffalo Law remain an attractive choice for lawyers in training. Among their comments:



Thomas E. Black Jr. '79

*Black Mann & Graham
Flower Mound, Texas*

“This is a historic moment for the Law School. We started the quiet phase of this campaign over three years ago, charting a course for the biggest fundraising initiative ever in the history of our school. Our vision is to be globally recognized and nationally renowned for scholarship, education and service. We knew, in order to realize our vision, that we’d need resources—significant resources. In this day and age, resources make all the difference between a good law school and one that is great. That is why we started this campaign—and why it is so critical to the Law School’s future.”



Kenneth B. Forrest '76

*Wachtell Lipton
Rosen & Katz
New York City*

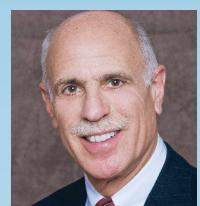
“Our goal is to help shape the future of SUNY Buffalo Law School—to keep building a world-class law school that will continue to educate, elevate, advocate and innovate. We can do that by strengthening our four pillars: attracting and retaining star faculty, recruiting the best students, developing outstanding programs and creating a modern infrastructure. To do these things, we need to think big and dream bigger. And that’s why we have set an ambitious fundraising goal for the campaign.”



Margaret W. Wong '76

*Margaret W. Wong & Associates Co. LPA
Cleveland*

“We are almost 60 percent of the way to our goal of \$30 million. Let’s take a moment to think about the significance of this. In just 3½ years, \$17.7 million has been raised, all of which is helping our Law School advance on all fronts. We’ve raised more, in half the time, than in the whole of our last campaign, which ended a decade ago. And with three more years to go in this campaign, we are all confident we will reach our \$30 million goal.”



Francis M. Letro '79

*Law Office of
Francis M. Letro
Buffalo*

“Our time is now—to make the difference for the law school that made the difference for us. We have the momentum, we have a compelling vision, we have great leadership at the Law School and the University, and we have a plan and goals that we can achieve. All the elements are in place. We hope that each of you will join us in this great endeavor to take our law school to the next level. For, if not now, when? And if not you, who?”

“We hope that each of you will join us in this great endeavor to take our law school to the next level. For, if not now, when? And if not you, who?”

— Francis M. Letro '79

Kicking off our campaign with a BANG!



Photos by Rob McElroy



1. Law School's campaign kicks off with a bang!

2. Francis M. Letro '79 and Vice Dean Ilene R. Fleischmann

3. Trini E. Ross '92, Dean Makau W. Mutua and Laurie Styka Bloom '83

4. Campaign Co-Chairs Kenneth B. Forrest '76, Margaret W. Wong '76, Francis M. Letro '79 and Thomas E. Black Jr. '79

5. Pamela D. Heilman '75 and Barbara Morgan

6. Thomas E. Black Jr. '79

7. (clockwise) Brian M. Melber '96, Hon. Shirley Troutman, UB President Satish Tripathi, Kamlesh Tripathi, Margaret W. Wong '76 and Christopher J. O'Brien

8. Christopher A. Wightman '99 and Associate Dean Karen R. Kaczmarski '89

9. 2012-13 GOLD Group President James M. O'Keefe '07, Patrick A. Little '15, Matthew Turetsky '14 and Michael S. Solomon '15

10. Kenneth B. Forrest '76 and Karen B. Leeds '76

11. Christopher A. Wightman '99 and Mark K. Suzumoto '82

12. Richard E. Gottlieb '85 and Paul J. Korniczkky '86

13. Thomas F. Ferris '96 and Vice Dean and Professor Charles P. Ewing

14. Nicole C. Lee '02, Marc Bayard and Vice Dean James R. Newton

15. UB President Satish Tripathi

16. UB cheerleaders help start the party.

17. Douglas W. Dimitroff '89 and David J. McNamara

18. Professor Errol E. Meidinger and Harvey L. Kaminski '77



A month of discovery

Undergraduates get a rigorous preview of life in law school



During a recent visit, Gov. Andrew M. Cuomo poses with students from the Law School's Discover Law Program.

Four weeks. Twenty students. A half-dozen professors and instructors. And a whole lot of learning, growing and discovery.

That about sums up the Law School's second foray into Discover Law, a program designed to make law school more accessible to students of color that gives promising undergraduates a real-world sampling of a lawyer's work and the rigors of legal education.

The students, who came from as far as Atlanta and Wisconsin and lived on campus during the June experience, took four rigorous courses taught by SUNY Buffalo Law professors, visited working courts, learned about the admissions process and shadowed a judge or attorney for a day. They were paid a small stipend to offset income lost during the month.

In the second year of a three-year grant from the Law School Admissions Council (LSAC), the Discover

Law program is a joint venture of the Law School, the Minority Bar Association of Western New York and the LSAC.

"Not everyone who comes is completely sold that law school is right for them," says Lillie Wiley-Upshaw, vice dean for admissions and student life, who administers the Discover Law program. "But many of them walked away with a firmer commitment to the study of law. They found that they were interested in the topics and how the professors presented information to them. We reassured them that this is very doable – it takes hard work, but if you have that drive and commitment, you can do it and there's a place for you in law school."

New this year was a resume writing workshop by specialist April Sanders, who Wiley-Upshaw says "worked with the students from an intrinsic point of view. The resume was a reflection of who you are, your values." Another addition to the program: Jodyann Galvin '99, a partner at the Buffalo law firm Hodgson Russ, matched the students with volunteer mentors from the local legal community.

One highlight, Wiley-Upshaw says, was a visit to Buffalo's federal court building, where students watched a proceeding and talked with U.S. Magistrate Judge Hugh B. Scott '74.

Among the Law School faculty, Professors Charles P. Ewing, Teresa A. Miller and James A. Wooten taught classes to the students; legal writing instructors Johanna Oreskovic '97 and Bernadette Gargano worked closely with them on research and writing skills; and, in a new twist, Ph.D. student David Sackris from UB's Philosophy Department helped the students with logic skills as part of their LSAT preparation.

Tatiana Williams, a social work major at Syracuse University, says she found the relationships she built were an important part of the experience. "I wasn't expecting that at first," Williams

says. "Everyone was competitive and very driven, and they all had goals they were passionate about. Coming together with that kind of group really changes an individual."

A Rochester native, Williams is hoping to earn a joint degree in law and social work. She was just 9 years old when her father was incarcerated, and she has been a mentor to young children who have a parent in prison – experience she hopes to build on in her law career.

The people in the Discover Law program, she says, "showed us that we are capable of accomplishing anything. They made us aware of some of the obstacles that exist, from finances to family situations, but also showed us what we can do to get around them.

"I didn't know what to expect," she says. "But this was an excellent opportunity that I appreciated. They were a really supportive staff, and that made a huge difference."

Her classmate Edward Fultz, a junior at Morehouse College in Atlanta, says the program "reaffirmed my decision that I want to go to Law School. We visited law firms, courtrooms, we did legal work, and I loved the whole thing. It was work, but work that I had fun doing."

A trip to Wende Correctional Facility also left a big impression. "We visited inmates who were serving 25-to-life sentences," Fultz says. "You see it on TV, but being there is a whole different experience. This man who will be there the rest of his life and he's only 19. That had a really big impact on me."

He acknowledged that Discover Law was a lot of work, "but we all knew that coming in," he says. "This was a rigorous program, a learning experience. But I didn't see it as work."

Oh, and those accommodations: much nicer than his undergraduate residence hall. "It was like a hotel," he says.

The idea factory

Buffalo Criminal Law Center puts scholars in touch worldwide

“A robust exchange of ideas” is the guiding principle behind an ambitious series of initiatives planned by the Buffalo Criminal Law Center, SUNY Buffalo Law School’s platform for in-depth study of U.S., international and comparative criminal law.

With Professor Luis E. Chiesa, an internationally recognized scholar of criminal law, as its director, the BCLC is planning academic events, hosting visiting scholars and making it possible for academics worldwide who work in this subject area to interact and converse.

“We want to foster a conversation between not only Europe and America, but also between America and Latin America, as well as America and Asia,” Chiesa says. “These are places where developing countries are hungry for ideas regarding how to better their legal system in general and their criminal justice system in particular. They really want to exchange ideas and to learn from each other.”

SUNY Buffalo Law School offers J.D. students a concentration in criminal law and also has a master of laws program in criminal law. Drawing on this core strength in criminal law, and building on the center’s early efforts led by former Professor Markus Dubber, the BCLC is concentrating its efforts on three initiatives.

The center’s Colloquium Series and Conferences will bring leading criminal law scholars to Buffalo to present works in progress. In the Colloquium Series, invitees are physically present at the Law School and present to Law School faculty. In addition, a rotating roster of 16 criminal law scholars worldwide will participate by Skype.

“This is an incredible opportunity for scholars to be able to present their work to a wide variety of colleagues,” Chiesa says. “We have to think deep and hard about the problems of the criminal justice system and how to solve them, flag new issues and come

up with new ways of thinking about old issues. Part of the job is to keep ourselves up to date regarding what’s out there. Hopefully, hearing about what others are doing and writing about will be helpful to our own projects. This is sort of a virtual community.”

The center will also sponsor more traditional conferences, in which academics gather in person to present and discuss around a central topic. A conference planned for spring 2014, with a topic yet to be determined, is expected to produce papers that will be published as a book or in the *Buffalo Law Review*. Participants will include scholars from Spain, Germany, Latin America and the United States.

The BCLC Visiting Researcher Program invites international scholars with an interest in U.S. criminal law to be in residence at the Law School for one to six months. There they will conduct research and talk with Law School faculty and other scholars. Besides the Law School’s excellent research facilities, Chiesa notes, it’s important for academics from other countries to be able to watch the U.S. justice system in action and to learn about its nuances from practitioners.

Finally, the Comparative Criminal Law Conversations Project will foster critical conversation between scholars in civil law jurisdictions, such as continental Europe and Central and Latin America, and those working in common law traditions such as Great Britain and the United States. In an unprecedented project, the BCLC is spearheading an effort that will feature English translations of four or five seminal German and Spanish works in criminal theory, followed by replies written by leading Anglo-American scholars. All of these will be translated into English, with publication expected to follow in early 2015. The goal, Chiesa says, is to help scholars bridge the gap between the civil law and common law traditions.



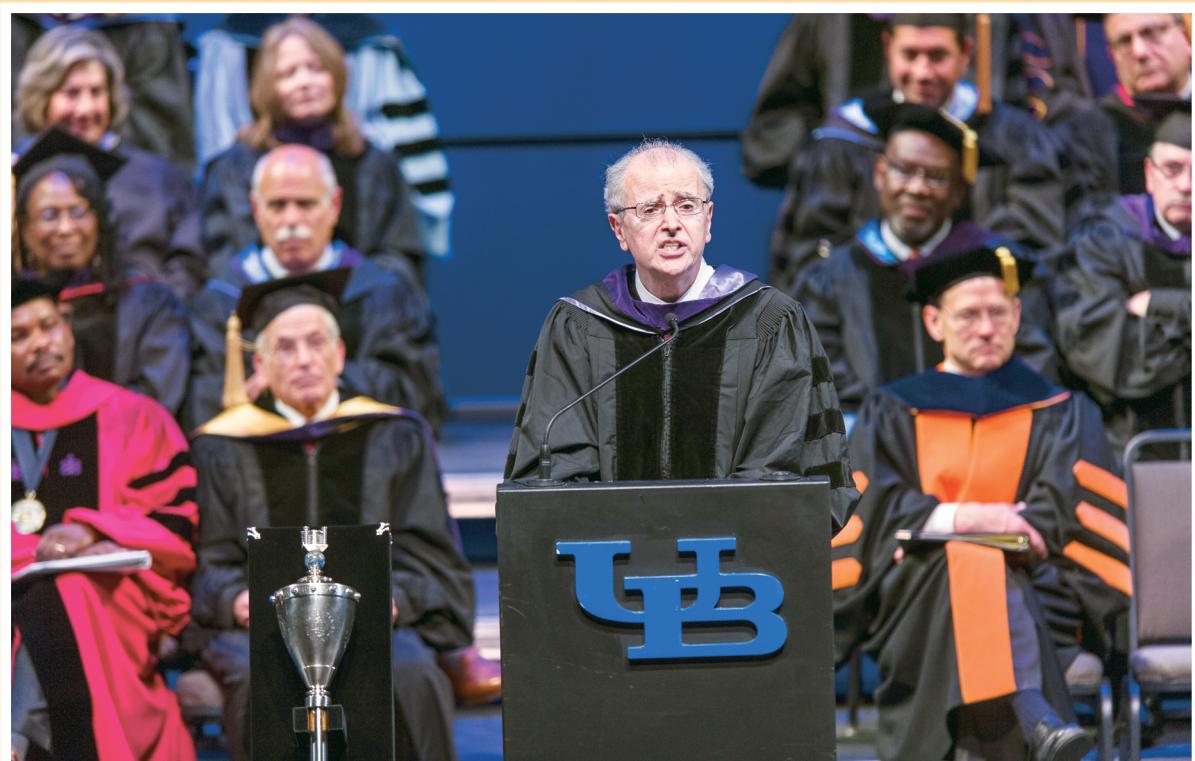
*Cited as “Best Legal Book”
by the Puerto Rico Bar
Association*

2013 marked the publication of the second edition of Professor Luis Chiesa’s 300-page hornbook on substantive criminal law, *Derecho Penal Sustantivo* (JTS Publishers), written in Spanish for readers in the author’s native Puerto Rico.

The second edition was made necessary by changes in the commonwealth’s legal code. The first edition was cited as “Best Legal Book” by the Puerto Rico Bar Association, and it has been cited at least 10 times by the Puerto Rico Supreme Court and 25 times by the Puerto Rico Court of Appeals.



At Commencement, a call to action



New York State's chief judge, Hon. Jonathan Lippman, presented the keynote address.

For the rows of new SUNY Buffalo-trained lawyers eager to take on the world, the message at their May 18 Commencement ceremonies was simple but not easy: Do well, but don't forget to do good in the process.

The 236 J.D. and nine LL.M. recipients heard that message in multiple ways, most especially from New York State's chief judge, Hon. Jonathan Lippman, a champion of pro bono service. And on a day steeped in celebration, they were sent forth with the reminder that, just as a legal education is open to all, access to the justice system is a primary responsibility of the profession.

"We are living in a vastly changing world where the assumptions of yesteryear are being countermaned by the facts of today," Dean Makau W. Mutua said in opening the ceremony. "But the timeless values that inspire and bind our profession will never change. That is because the human heart is driven by both altruism and self-interest. It is our job to find

the moral middle between these two competing forces, to write on the pages of time our unequivocal commitment to one simple truth: that each individual human being carries worth. This simple truth should be your lodestar. Hold onto it and you will never lose your way."

Lippman, who serves as chief judge of the state Court of Appeals, made news recently when he instituted a requirement that new law school graduates must complete 50 hours of pro bono legal work before sitting for the state Bar exam. The requirement takes effect with students graduating in 2014.

"The purpose of the new rule," he said in his remarks, "is to ensure that each new generation of lawyers will embrace the core values of our profession, which first and foremost include service to others, particularly to the poor, the indigent and people of limited means in these difficult economic times. This culture of service must become part of



Uijoo, Liam and Craig W. Anderson with classmate Chi-Yeon Kim.



Michelle A. Baksh and friend



Nicole K. Intschert and Paul T. Iya

your professional DNA.

"I say that in the context of the justice gap in this country. We at best meet 20 percent of the need for civil legal services in our own state. Legal service providers to the poor are turning away far more people than they are able to take in as clients. We need an army of lawyers dedicated to the public interest to eliminate, or at least reduce, this justice gap."

Noting that "last year more than 2.3 million people were unrepresented in civil cases in our courts," Lippman said, "Our courts are the emergency rooms for the ills of society, and today our courtrooms are standing room only, filled with vulnerable and frightened unrepresented litigants." He suggested that the graduates could help meet that need either by entering a public service role in representing indigent defendants full time, or by providing pro bono legal representation as part of their other work.

"We all must earn a living," the judge acknowledged. "But we cannot define our existence by the billable hour or paychecks alone. Our profession should not be perceived as argumentative, narrow or avaricious, but rather as one that is defined by the pursuit of justice and the desire to be of service. Justice has no real meaning without lawyers to give it life."

Graduating senior Adam Hayes, delivering the student address, noted, "We've learned a lot about what it takes to be a good lawyer, advocate and representative. But we have so much more to learn. Today we begin the next stage in our continued lifelong process of learning. We must begin to evaluate ourselves and suppress our hubris so we don't replace doors with walls."

"Today we must place those past successes and titles on a shelf and strive for new ones by simply doing good work for others. Certain labels of privilege will tempt us. Our society often calls lawyers elite, intelligent, special. But such labels are not taken, they are earned through the development of one's integrity and character. Only when we use our talent and skills to help others achieve, understand or get back what they've lost, only then can we call ourselves elite, intelligent or special."

Hon. John T. Curtin '49, senior U.S. district judge for the Western District of New York, received the Dean's Medal in recognition of his longtime commitment to justice and the



Left to right: New York State's chief judge, Hon. Jonathan Lippman, Hon. John T. Curtin '49, senior U.S. district judge for the Western District of New York, Hon. Erin M. Peradotto '84, Appellate Division, Fourth Department, and Hon. Thomas P. Franczyk, Erie County Court.



Far left, Professor Susan V. Mangold and LAW Program Coordinator Patrick J. Long hood Katelyn M. Carpenter.



Left, Adam L. Hayes gave the student address.

rule of law. Curtin, referencing "that happy few, that band of brothers that attempt to bring justice in large and small cases," said, "I hope and I trust that you recent graduates will do your best to provide representation to all."

The Ken Joyce Excellence in Teaching Award went to Helen A. Drew '88, a longtime adjunct instructor at the Law School whose courses in sports law are highly popular. Voted by the graduating class, the Faculty Award was given to legal analysis, research and writing instructor Patrick J. Long '00, and the Staff Award was presented to Amy Atkinson, the Law School's director of special events.

THE LONG HELLO

A week of events orients new students to law school life

Three years from now, they will march across the stage at UB's Center for the Arts as new graduates of SUNY Buffalo Law School. So it was only fitting that the members of the Class of 2016 would begin their journey in that same venue, kicking off a weeklong calendar of orientation events.

Blue-shirted "student ambassadors" greeted the incoming students as they arrived on Aug. 23. What followed was a whirlwind of information, support and fun – along with some serious reminders that lawyers have a special obligation to high ethical standards and access to justice.

"We wanted to make this a signature event to designate a transition in their life," says Lillie Wiley-Upshaw, vice dean for admissions and student life, who led the committee that organized orientation week. "They'll become different people, and we wanted to recognize this from the first day of orientation."

Along with greetings from Dean Makau W. Mutua and other faculty and administrators, the 1Ls heard a brief history of the Law School and watched a video from the school's recent 125th anniversary celebrations. They also took an oath – a tradition at



many other law schools, but a first at SUNY Buffalo – in which they promised, among other things, to "be fair, honest, courteous and respectful to all people and commit [themselves] to service with integrity and without prejudice."

An exercise on the next day of orientation reinforced that commitment to service. Created with the help of the United Way of Buffalo and Erie County, the Community Action Poverty Simulation had students role-play different situations faced by people living close to the poverty line. The goal was to drive home the reality that poor people face a frustrating maze of challenges in the everyday struggle to survive, and that lawyers can change those lives for the better.

Students were assigned to a "family" and given a description of their circumstances. For example, one might play the role of a 45-year-old male head of household with three children and a disabled wife, unemployed and needing job training. His fellow students would fill the other roles in the family. A set of props – play money, pretend Social Security cards and the like – added verisimilitude. The challenge was to deal with different government agencies (run by staff members and current students) to accomplish tasks like applying for public assistance.



The Class of 2016, by the numbers

Some fast facts about the new 1L class:

25	Average age
20	Youngest
56	Oldest
26	Percent who are 25 and older
50	Percent who are women
50	Percent who are men
21	Percent who are racial or ethnic minorities
8	Percent with advanced degrees
3.48	Median GPA
154	Median LSAT score
199	Enrolled first-years
1,146	Number of applications



Lillie Wiley-Upshaw
Vice dean for
admissions and
student life

As the orientation students learned, it's not an easy life. They found themselves filling out applications, stuck in waiting rooms, short of money for gasoline or bus fare. In some cases, robbers stole their Social Security card and they had to start over. Play-acted unsavory characters added to the sense of realism.

"We tried to simulate, as much as possible, the same sorts of circumstances that people who live on the line would experience," Wiley-Upshaw says.

After the role play was over, she says, staff members debriefed the experience with the students. It wasn't news to all of them: "Some said, 'That's not too far off from my life. It's what I've had to live with and deal with,'" Wiley-Upshaw says.

For all the students, though, the take-away message was one of professional responsibility. "Lawyers are really advocates, and they're essential in our society because they are there to help people in need," Wiley-Upshaw says. "This was a good way for them to start conceptualizing themselves in the role of lawyers in our society. No matter how you use your law degree, understanding and listening to people's stories is an important part of

their skill set."

The simulation was followed by a tour of Carolyn's House, in Niagara Falls, a supportive housing program for homeless women and children that also offers education, counseling, advocacy and support services to its clients. The facility was created with significant help from the Law School's

Continued on Page 13

First annual 3.5-mile run/walk in Delaware Park to benefit the Law School's clinical program



Race winners: Charlie Anderson of Grand Island and law student Aimee Hopkins '16.

Two LL.M. students arrive with prestigious fellowships

Two new students come to O'Brian Hall this fall with a particularly impressive credential: They are Fulbright scholars, midcareer legal professionals who will pursue master of laws degrees at SUNY Buffalo Law with the support of this prestigious international fellowship.

The Fulbright Foreign Student Program, funded by Congress through the State Department, supports student grants for non-U.S. nationals to study in master's and Ph.D. programs in the United States. According to Joseph E. Schneider '02, the Law School's director of post-professional and international education, 72 Fulbright scholars are at UB for the 2013-14 academic year.

"Having students of this caliber really elevates the level of classroom discussion," Schneider says. "It sets the bar pretty high."

The two are among 10 total master of laws students admitted this year,

plus an exchange student from Barcelona, Spain. The Fulbright scholars are:

Ali Mosfer of Frankfurt, Germany. Mosfer is a doctoral candidate, studying criminal and constitutional law issues, at Goethe University in Frankfurt. His particular interest is in criminal law related to economic offenses, and he is enrolled in the Criminal Law LL.M. program.

Shiyamaladevi Manokaran of Kuala Lumpur, Malaysia. Manokaran graduated second in her class from the University of Malaya, the nation's oldest public university, and has practiced litigation with the Kuala Lumpur firm Shook Lin & Bok. An avid sports fan, she is fluent in three languages: English, Malay and Tamil. She is enrolled in the General LL.M. program.



Poverty simulation had students role-play different situations faced by people living close to the poverty line



Fulbright Scholars
Ali Mosfer of
Frankfurt,
Germany, left, and
Shiyamaladevi
Manokaran of
Kuala Lumpur,
Malaysia.

THE LONG HELLO

(Continued from Page 11)

Affordable Housing Clinic.

Also part of orientation week for the Class of 2016: small-group and panel discussions with faculty and alumni on what to expect in Law School; visits to downtown courts; a Student Bar Association barbecue and a chartered bus to the Elmwood Festival of the Arts; an alumni reception featuring a “Buffalo Thanksgiving Feast”; and a 3.5-mile run/walk in Delaware Park that raised \$500 to benefit the Law School’s clinical program. Over 100 people completed the two laps of the park’s scenic Ring Road.

A force for good

Students reflect on their summer work in the public interest

Continuing SUNY Buffalo Law School's long tradition of support for students exploring public-interest work, two dozen spent the summer in not-for-profit agencies, courts, and prosecutors' and public defenders' offices, funded by fellowships that made it all possible.

Under the umbrella of the student-run Buffalo Public Interest Law Program (BPILP), 21 students received funding for their summer work. Three others received support through the national Equal Justice Works Summer Corps Award program.

Last spring's 18th annual BPILP Auction of goods and services generated nearly \$40,000 toward these fellowships, which enable students to work without pay in public-service positions.

Catching up with a few of these talented students, we found a wealth of learning and a renewed commitment to using their developing legal skills to help real people in need.

Jasmine Liverpool '14 worked in the Domestic Violence Unit of the Kings County District Attorney's Office in her native Brooklyn.

"My most important thing is doing trial advocacy," Liverpool says. "I knew

the DA's office was where I needed to go. And I knew I wanted to be back home in Brooklyn, so it was very important for me to be able to come down and network."

Working under a practice order, Liverpool represented the DA's office in court proceedings on domestic violence cases, such as motions to dismiss a case or refer an offender to a drug abuse or anger management program.

"I was never just twiddling my thumbs or sitting at a desk all day," she says. "I was always moving, doing



Jasmine Liverpool '14



Matthew Fanciullo '15

hands-on work. If I wasn't in court, I was doing intakes, interviewing women who came into the office. Besides the cops, I would be the first person they would talk to. We had to figure out what happened and whether to prosecute."

The work can be emotional, she acknowledges, but "I learned not to internalize any of these things. I saw so many of these cases come in, one worse than the next. You just have to get to the bottom line and figure out whether we can prosecute or not. Over 90 percent of the time, these things plead out."

Liverpool's work was subsidized by the inaugural Suzanne E. Tomkins Women, Children and Social Justice Advocacy Fellowship. "I was exceptionally grateful for the fellowship," she says.

Matthew Fanciullo '15 calls his internship with Hon. Lawrence E. Kahn, of the U.S. District Court for the Northern District of New York, in Albany, "really incredible." Along with one other full-time student intern and two part-timers, he spent the summer researching and writing on legal issues facing

the court. He even had one piece published in the New York Law Journal.

"All day, every day, I could work on my writing," Fanciullo says. "All the clerks here are from Ivy League schools, they were on Law Review, they're brilliant guys, and any time I needed a question answered about anything, they gave me the time. It's a very collegial atmosphere. Judge Kahn is really brilliant, and he's hilarious, too. Even some of the other judges would sometimes invite us to their proceedings and discuss with us why they ruled a certain way, what was in their mind, what they said to the attorneys to try to get them to settle."

The BPILP fellowship he received, Fanciullo says, made the internship happen. "I don't know if this would have been a possibility without the funding from my fellowship," he says. "I suppose I could have worked less and gotten less out of it and had another job as well. But if I had to leave earlier every day, it wouldn't have been as helpful. So BPILP was huge in this. I really appreciate that there's an organization like that."



Ann Dillon '15

An Equal Justice Works tuition grant made possible the summer internship of **Amanda Sullivan '14**, who worked with Mid-Missouri Legal Services Corp. in Columbia, Mo. Sullivan, who is in the joint JD/MSW program, expects to live in Missouri after graduation and wanted to become familiar

with Missouri law this summer.

Her agency serves low-income clients either bringing or defending themselves against civil actions. Under what in Missouri is called Rule 13, she was certified to practice in court under attorney supervision. "This was my first experience in court," she says. "But a lot of the judges are so helpful. They'll see a Rule 13 student and come down and introduce themselves."

Her cases involved mostly issues in family law: housing issues, orders of protection, Medicaid claims. Many



Amanda Sullivan '14

were ex parte situations in which a client was seeking child visitation, child support or safety measures such as the relinquishment of firearms by an offender.

Sullivan used her interviewing skills from social work school in working with these clients, but says she really learned the ropes from her supervising attorney, Michael Carney. "Relationships are dynamic; they are fluid things," she says. "A woman might be fearful for her life one day, but not the next. It's really important to set boundaries and understand that people are going to make their own choice. You're not there to counsel or empower, you're just there to make sure they are getting their point across before the judge."

Ann Dillon '15 was one of two Kappa & Reynolds Fellows, an alumni-funded fellowship. Her summer internship was spent in Chicago at Access Living, a not-for-profit that promotes independent living for people with disabilities. She got interested in special education law, she says, when before law school she taught on Chicago's South Side, "working with a lot of kids who came from families that didn't know their legal rights. You just see a lot of families who need legal representation and they might not even know it."

Working in the legal department at Access Living, she helped represent individuals with disabilities in cases alleging discrimination in housing or other public accommodations. The goal, she says, is to get people into the least restrictive living environment that meets their needs, so they can lead independent, self-fulfilling lives. The clients included people with developmental disabilities such as Down's syndrome or cerebral palsy, all sorts of physical disabilities, and afflictions such as crippling anxiety or depression.

With only four attorneys on staff, "I got to do a little bit of everything," she says — a lot of research, writing an appellate brief, attending hearings for class-action lawsuits, doing intake interviews with potential clients, even writing newsletters.

"There's a different sense of urgency when you're working for a real client," she says. "I had always thought of going into education law; I had never really considered disability law. But you see how many different social issues there are that really need

lawyers advocating to further the cause."

Amanda Ruth Webber '15, too, returned to familiar ground this summer: her native Adirondack Mountains, where she arranged a legal internship in Ray Brook, N.Y., with Region 5 of the state Department of Environmental Conservation (where the supervising attorney is Michelle Crew '94).

Mostly, Webber says, the work involved administrative law, such as the permitting process for dams or docks, and the web of regulations that govern petroleum storage for cars, boats and airplanes. Her office also monitors how towns and villages contain and treat wastewater runoff.

"A lot of it is very technical," she says, "and there were a lot of technical terms I wasn't familiar with. I spent four or five days in the field throughout the summer, with the engineers explaining to me how things work."

She also witnessed firsthand how the good intentions of the law sometimes butt up against hard fiscal realities, when she sat in on a meeting with a small municipality whose wastewater treatment plant was out of compliance. The municipality couldn't afford to fix the problem.

"Our Office of General Counsel sat down with officials of this municipality and said, 'This is what's wrong, what needs to be fixed, what the regulations are. You're supposed to go about it this way,'" she says. "It was a sharp realization for me that the law doesn't live in isolation — there are real-life implications. Slapping a huge penalty wasn't going to solve the problem here, but at the same time you can't eliminate all penalties."

"The main thing I learned was that it's our job to act in the public interest. I got to see how what we did actually had an impact."



Amanda Ruth Webber '15

Easing the transition

Students step up for those adjusting to life after prison

A new Law School practicum is putting students' legal skills to use on behalf of an underserved group of clients: federal offenders who are completing their sentences and finding their way in life after prison.

The Post-Incarceration Reentry Practicum is a collaboration between the Law School and the Western District of New York's Federal Reentry Court Program, a voluntary post-release program that provides newly released federal offenders with a range of support, including legal assistance, to help them stay out of trouble and get settled in jobs and housing. Starting with six students this fall semester and continuing in the spring, participants in the practicum are working with attorneys from the Legal Aid Bureau of Buffalo to help resolve civil legal issues for these newly released offenders.

The instructors for the program are **Monica Piga Wallace '94**, a Law School lecturer in the Legal Analysis, Writing and Research program, and Legal Aid attorney **Paul Curtin**. Professor **Athena Mutua** will also participate in the practicum.

Nationwide, over 150 prisoners each day are released from federal custody, Wallace says, and they face both legal and social barriers to successful reentry into society. The transition from life in prison to life at home poses many challenges for those individuals. As convicted felons, they may have difficulty finding adequate housing; they may be barred from certain types of employment; they may have issues with substance abuse, mental health, and child support or child custody arrangements. "These barriers interfere with their ability to transition



Hon. Hugh B. Scott '74,
Magistrate Judge, United
States District Court



Participants in the practicum with instructors Monica Piga Wallace '94, a Law School lecturer in the Legal Analysis, Writing and Research program, second from right, and Paul Curtin, a Legal Aid attorney.

back into the community," Wallace says. "Even individuals with the best of intentions will encounter legal and social obstacles that threaten to interfere with reintegration and increase the likelihood of recidivism. Reentry work seeks to identify and eliminate those barriers and create situations where newly released individuals can successfully rejoin society.

"This is an opportunity to give students real practical experience while fulfilling this unmet legal need. Experiential learning has been identified as essential to developing the legal skills needed to address the demands and challenges of practicing law. It's a great marriage of the Law School's desire to facilitate experiential learning and the school's commitment to pro-

viding pro bono legal services."

In addition to their classroom-based coursework, those in the practicum—all second- and third-year students—spend about 10 hours a week working under the supervision of Legal Aid attorneys representing participants in the Federal Reentry Court Program. For example, Wallace says, they might work to obtain a waiver for an offender who wants to reunite with his family living in federally subsidized housing, but is barred from doing so because of rules against felons' living in subsidized apartments. Others may help resolve outstanding arrest warrants or seek modification of a child custody order. Some will work under practice orders in federal, state, city and family courts, and students will also participate in the biweekly Federal Reentry Court sessions run by **U.S. Magistrate Judge Hugh B. Scott '74**.

Scott, whose program is one of about 40 administered by federal district courts nationwide, says that if of-

Kitty, kitty, kitty . . .

*What to do with 90,000 wild cats?
Pro bono project seeks an answer*

fenders succeed with the reentry program, their period of supervised release can be reduced by a year. "It's really about putting your life back together," he says. "These are people at the highest risk of reoffending. But it costs a fortune to re-imprison someone. This is an attempt to do for these individuals as much as we can do as a court."

Participants in the program gather every two weeks in Judge Scott's well-appointed Genesee Courtroom, on the sixth floor of Buffalo's new federal court building, to report on their progress: Have they found a job? Are they living in a stable situation? Are they avoiding drugs and alcohol? "We try to make it a lot less formal than a regular court proceeding, and we try to involve their families as much as we can," Scott says.

Reentry programs seek to avoid the future social and legal costs that occur if an individual reoffends. The offenders' participation is voluntary, he says, and 14 to 18 are in the program at any given time. "I really hope this program expands in the future," Scott says. "It's the right thing to do, it's a good use of resources, it saves resources, and it saves people from a lot of collateral consequences."

Legal Aid attorney Curtin says the practicum is "a really good fit for students who want to have a serious experience doing actual legal work in the civil field. It's the kind of client representation that is all-encompassing. I'm anticipating the participants will get some experience in housing law, landlord-tenant law, issues with the city Housing Court, civil legal issues related to financial problems, and a broad range of family law issues. The clients we deal with take us into pretty much every court in the city. But with these folks, you can really make a profound difference in a short period of time."

They're called feral cats – entirely un-domesticated – or "community cats," friendly felines that troll the neighborhood for food and don't live with a family in a home. To some, they're a nuisance; to others, they're a vital part of the urban ecosystem. And there are a lot of them: By some estimates, 40,000 to 90,000 unowned cats roam the streets of Buffalo.

The problem is, the city has no well-thought-out plan for dealing with these cats. Citizen complaints led the city's Common Council to form a task force to address the issue. One member of that task force, Peter A. Reese '73, approached the Law School seeking legal help for the project.

The result was the development of the SUNY Buffalo Animal Law Pro Bono Project, with students working over the summer and continuing this fall researching the issue and putting together a draft model ordinance for lawmakers to consider.

"The students looked at what the science shows us happens in communities with free-roaming cats, the experience that other localities and national experts have had with ordinances, and how Buffalo works," says Professor Kim Diana Connolly, vice dean for legal skills and director of clinical legal education, who oversees the project. In addition, she says, students searched nationwide for municipal laws dealing with feral and community cats. They found that no uniform standard exists for laws in this area, and, Connolly says, they hope to submit the draft ordinance to a national database to be shared widely.

Reese, a longtime advocate for animal welfare, says there are three possible avenues for dealing with unowned cats. The first is to try to catch and euthanize them. But, he says, "we've been trying that approach for at

least 150 years, and it just doesn't work." Cats, he points out, are prolific breeders. The middle ground is to do nothing, and he says some studies have shown it's the best course, recognizing that if all the wild cats were to disappear from a city, rats and other vermin would proliferate.

What Reese calls the most progressive approach is labeled TNVR – trap, neuter, vaccinate and release. "It requires some resources," he says, "but we would like the Common Council to at least recognize the concept of TNVR. If they're willing to support it, that's good. We hope to shed some light on this and give the Common Council some options." He says the task force will reach consensus on a recommendation and present it to the Council; public hearings would follow.

Of the law students' involvement, he says, "I think it's a fantastic opportunity for the students to do pro bono work and for the community to utilize their resources, to come up with solutions for problems like this."

Student Ian Laing is writing the draft ordinance for the city task force. "Through this project, I have been able to read and analyze ordinances that have been passed in other jurisdictions," he says. "Being able to read and decipher what some of the other ordinances mean and say is a major benefit."

Connolly says, "It is a win-win when students can get experience while delivering a project that is needed in real-time for an actual project."

The rising second- and third-year students did the work to help satisfy New York State's new 50-hour pro bono requirement for Bar admission. The Law School wants to offer other such service experiences in many subject areas, in which professors or alumni "can get a group of students who can do meaningful work that will support necessary change in a limited time." Interested parties can reach her at (716) 645-2092 or at kimconno@buffalo.edu.





Jessica Carbone '15



Matt Turetsky '14



Lizeth Castillo '14

Adventurous internships

For some students, the summer commute included a long plane trip

Three SUNY Buffalo Law students made good use of their passports this summer, as they flew off to work at legal internships in Europe and Central and South America.

The internships, arranged through the International Law Section of the New York State Bar Association, were coordinated by Hodgson Russ attorneys Lauren D. Rachlin and Benjamin R. Dwyer '96. This is the second year for the program, which places students worldwide where the Bar Association has local chapters; last year's interns worked in Guatemala, Prague and Vienna.

"I wanted to go outside New York State and get a non-traditional experience," says **Jessica Carbone '15**, who spent three weeks at a law firm in Bergamo, Italy, just northeast of Milan. She also is of Italian heritage and heard Italian spoken at home – but, she says, the rapid-fire Italian was a challenge.

The firm, Studio Legale Amorese, is small – only four people, two of them who spoke good English. The principal attorney, Marco Amorese, is a generalist, practicing litigation, corporate law and criminal defense.

"He gets clients who want to do business with New York law," Carbone says. "For example, one client had started a business that would sell in the United States, and he was trying to decide if he should choose U.S. or Italian law, wanted to know the benefits and risks of each one." The parties to contracts, she explains, have to agree on which body of law applies to the deal.

In Bergamo, Carbone says, "the bar exam you have to take there is the most difficult in

Italy, and the lawyers there are the best in Italy."

"It's fairly new for women to be lawyers there," she says. "I learned I would not want to be a lawyer anywhere but the U.S." But she also appreciated learning about the customs that attach to jurisprudence in Italy: the extravagant robes that attorneys wear to court, the cage-like structure in which defendants are held in the courtroom, trials that can go on for more than a decade.

In the four weeks **Matt Turetsky '14** spent at an internship in Guatemala City, Guatemala, at a law firm called Pacheco Coto, he found himself immersed in the culture and the language. He had had only a semester of Spanish in college, but "by the end I could piece together a conversation."

At the firm, he worked on contracts and other legal documents, addressing trademark and franchising issues. He also wrote an article that compared franchising laws in Guatemala and the United States. "Guatemala has every franchise you can imagine," Turetsky says.

In rotating through the firm's different practice groups, Turetsky found that

corporate contracts typically are based on New York law. "New York is the hub for international business," he says. "A lot of things were in English."

He also sat in on a meeting of the Latin American Council, a new group backed by the NYSBA that brought together attorneys from North and South America to address corruption in government. That meeting was in Antigua.

Lizeth Castillo '14 made the leap to the Central American nation of Panama, where she did corporate work with a small but influential Panama City firm, Quijano & Associates.

During her five-week internship, Castillo says, she worked in sections of the firm dealing with incorporating companies, registering ships and immigration issues. She found the experience paperwork-intensive dealing with the Panama's maritime authority, but the corporate work was "very interesting."

"The firm is micromanaging everything about these client corporations," she says. For instance, the law firm might put its own attorneys on a company's board of directors, to expedite the paperwork.

Most valuable to her, she says, was "being submerged in corporate law that I hadn't had any experience in before. I really enjoyed it."

As for the language, Castillo is of Mexican heritage and Spanish is her first language. "In Panama their Spanish is very fast, almost all slang all the time. It was interesting to get there and feel I couldn't actually speak the language."

Professor Errol E. Meidinger was the Law School's faculty liaison for the internships, and Lisa M. Patterson, associate dean for career services, coordinated the student application process.

A lesson in justice

Ethan Notarius '15 had a role in the first war crimes tribunal since Nuremberg

In the office where he served his summer legal internship, Ethan Notarius '15 heard several languages being spoken every day. Besides three U.S. colleagues, there were up to a dozen other legal interns, from Australia, Bosnia, Bulgaria, China, Colombia, Great Britain, Italy, Iceland, Lithuania, Romania and Serbia. The trial he was working on was conducted in English, French and Bosnian-Croatian-Serbian. And the trial team is dealing with more than 2 million pages of documents.

Such is life at the International Criminal Tribunal for the former Yugoslavia (ICTY), where former Bosnian Serb Republic President Radovan Karadzic is accused of war crimes allegedly committed during the Bosnian War. His trial in The Hague, Netherlands, before a Trial Chamber of three judges, began in 2009 and is expected to finish in 2014. Karadzic is defending himself, but he has a legal adviser and team to provide advice, do legal research, draft legal documents and handle procedural matters.

Notarius, who spent the summer as an intern working on the case, says the length of the trial is no surprise, given the amount of information at issue and the breadth and seriousness of the alleged crimes, which cover a period of about five years. "Terms like 'genocide' and 'crimes against humanity' refer to heinous crimes, and they can't be handled lightly. Both the prosecution and defense recognize this and the future impact of the trial's outcome, and I think they handle the case accordingly," he says.

Karadzic, he says, "has been highly



"The highlight was taking the skills I learned in my first year of law school, the legal writing, and the principles of law and justice I learned in my doctrinal classes, and applying them to an international context."

vilified, rightfully so or not, by much of the international community. I don't know whether he expected a particular outcome in deciding to self-represent. Yet I think he wanted to convey his perspective and establish a more complete record, not for his case alone but for the world – to show there is another side to the story, that things may not be exactly as they've been portrayed by the media. With so many facts and events at issue, self-representation was probably his best option."

Notarius' job involved working with the voluminous document record, searching, organizing and analyzing documents that had been digitized and stored on computer – looking, for example, for documents that might be used during a witness' cross-examination.

He also compiled witness sum-

maries and did legal research and writing, including researching international treaties, covenants and human rights cases; drafting legal memoranda; and contributing to a motion.

The highlight, Notarius says, was "taking the skills I learned in my first year of law school, the legal writing, and the principles of law and justice I learned in my doctrinal classes, and applying them to an international context. Many of the first-year skills and fundamentals are universal in character, and it was interesting to see how they take shape in an ad hoc tribunal that applies a mix of civil and common law." For example, he says, the ICTY affords defendants many

rights similar to those guaranteed in the U.S. Constitution's Bill of Rights, but not the Sixth Amendment right to a jury trial for certain cases. ICTY cases are heard by a three-judge trial chamber and allow the use of hearsay evidence.

Notarius says he felt privileged to have spent his summer alongside talented and dedicated attorneys, law students and staff. He hopes the ICTY, as the first war crimes tribunal since Nuremberg, will remind future generations that there are certain acts humanity will not tolerate.

Looking good!

Summer basement renovations create two new tech-enabled classrooms

The cavernous basement of John Lord O'Brian Hall—as Vice Dean for Administration James R. Newton puts it, once a place “where furniture went to die”—underwent an extreme makeover this summer. The renovation, which created two new attractive and technology-enabled classrooms, is the latest chapter in a five-year project that has dramatically improved the Law School’s home.

Students take most of their classes either in the basement or on the first floor, Newton says, and research had indicated that many students felt the ambience left something to be desired. “To remain competitive, we thought it was important to have a building that is attractive and had the technology that students are accustomed to and will use in practice,” Newton says. On the heels of last year’s major renovation of the first floor, the new Classrooms 10 and 12 downstairs are meeting that standard.

Much of the work was structural, with the installation of new walls, ceilings, flooring and lighting, as well as aesthetic, with hanging artwork. Seven security cameras also were installed.

But for effective teaching and learning, perhaps most significant is the installation of audiovisual technology in both classrooms, bringing them up to the standards of the first-floor O'Brian lecture halls. This includes document cameras, projection screens, video and DVD capability, and a wall mounted camera with room microphones for Skype and similar communications.

With the additional tech upgrade to one of the fourth-floor classrooms,



Newton says, seven of the 11 Law School’s primary classrooms are now fully technology-enabled. The most recent installations have been funded by a generous gift from Harvey L. Kaminski ’77, a member of the Dean’s Advisory Council, for whom a first-floor classroom was named in recognition of previous major gift. Kaminski’s most recent gift, totaling \$200,000, includes \$100,000 designated for educational technology upgrades.

Overall, the Law School’s renova-

tions to O'Brian Hall—the first building constructed on the University at Buffalo’s North Campus—have totaled about \$2.5 million since 2009. The University has paid over half that cost; the Law School’s share has come from fundraising, the annual operating budget and tuition income.

Also this spring, restrooms on the fifth and seventh floors were renovated to fully comply with the Americans with Disabilities Act.

Global law in action

Fall courses renew emphasis on international law

What draws great students and star legal scholars to study and teach at SUNY Buffalo Law School? Many say it's a culture of openness to new ideas and the insights of professors who bring diverse academic disciplines to the study of law. Now the Law School is more fully claiming its status as an ideal place to study international and comparative legal systems – and the New York law that undergirds so much international legal work.

Nowhere is this renewed emphasis on international law more apparent than in the Law School's fall course offerings. Long-established professors and rising scholars are challenging their students to look beyond national borders and discover the richness of global law, and in the process develop practice-ready skills.

A sampling of what's filling the classrooms in O'Brian Hall this semester includes:

Comparative Criminal Law (*Professor Luis E. Chiesa*)—A focus on the elements of criminal conduct, criminal responsibility, justification and excuse, criminal combinations, and the application of general principles to specific crimes from a transnational perspective. This comparative perspective is used as a tool for helping students understand the strengths and weaknesses of American criminal law.

International Comparative Labor Law (*Associate Professor Matthew Dimick*)—An exploration of the important similarities and substantial differences in the labor and employment laws of the United States, Canada, Mexico, the United Kingdom, Germany, France, China, Japan and India – all major players in the global economy - as well as how international labor institutions and agreements shape and influence national labor laws.

International Legal Research:



Sources & Strategies (*International Law Librarian Nina Cascio*)—An examination of print and electronic sources for international legal research including judicial decisions, documents of intergovernmental organizations and non-governmental organizations, and selected foreign law sources.

International Trade Law (*Associate Professor Meredith Kolsky Lewis*)—The theory and practice of international trade law including relevant U.S. laws, free trade agreements and the World Trade Organization regime, with special attention on the interplay and tension between international trade commitments and regulatory autonomy to enact policies domestically.

Women's International Human Rights (*Professor Isabel Marcus*)—The complexities of relationships among cultures, national laws and their implementation, international rights, norms and instruments, and the work of non-governmental organizations internationally are interrogated. Students evaluate moves to develop state accountability for violations of women's human rights.

Immigration and Human Rights Clinic (*Associate Professor Arjana Malhotra*)—Supervised students are engaged in practical legal thinking and ethical practice through client representation, policy development and effective problem-solving work addressing civil immigration and human rights issues.

Public International Law (*Associate Professor Tara J. Melish*)—An introductory international law course that explores the elementary and foundational sources, norms and institutions in contemporary international law, critically examining the creation, evolution and enforcement of international law.

International Law Colloquium (*Dean Makau W. Mutua*)—Part of the International Law Concentration, students read and discuss recent scholarship on the changing structure and function of the international legal system in the era of globalization and democratization.

Economic and Social Justice (*Professor Athena Mutua*)—A discussion of important social issues within critical, interdisciplinary and globalized frameworks in order to study how law promotes and impedes social justice in diverse communities across the United States and internationally.

International Environmental Law (*Professor Errol E. Meidinger*)—This course is a selective examination of certain areas of international environmental law with the goal of enabling students to understand the main ways in which transnational environmental problems are addressed.

Refugee and Asylum Law (*Associate Professor Rick Su*)—Focus on the legal regulations that govern the migration and status of refugees, asylum seekers and other victims of forced migration in the United States, with special attention to how these regulations intersect with international law and institutions.

Obama speaks on campus, making UB history

The president unveils a bold new plan to make higher education affordable for all

By David J. Hill

Speaking before an audience of thousands at UB's Alumni Arena on Aug. 22, President Barack Obama announced a plan he said would "shake up the system" and make college more affordable for middle-class students.

The president spoke about the need for all students to be able to afford higher education, which he called "the best ticket to upward mobility" in American society.

"We understand that in the face of greater and greater global competition in a knowledge-based economy, a great education is more important than ever. A higher education is the single best investment you can make in your future," Obama told the standing-room-only crowd.

The president's visit was a highly anticipated event. He is the first sitting U.S. president to speak on campus since Millard Fillmore did so in 1853, at which time Fillmore was also the university's chancellor.

In his address to the nation, Obama said tuition at the average four-year public university has increased by more than 250 percent in the past three decades, while the typical family income has risen just 16 percent, a disparity that has forced many students and their parents to take out loans to finance college.

Many families are struggling to pay back those loans, the president noted, adding that the average student borrower owes more than \$26,000 after graduating.

"The bottom line is this: We've got a crisis in terms of college affordability and student debt," Obama said before outlining his plan to counter this trend. "Today I'm proposing major new reforms that will shake up the current



Obama is the first sitting U.S. president to speak on campus since Millard Fillmore.

system, create better incentives for colleges to do more with less and deliver better value for students and their families."

Some of the reforms Obama is proposing will require action from Congress, while others can be enacted through the executive branch. Obama's plan includes:

Implementing a new rating system before the 2015 academic year that rewards colleges and universities for performance. The rating system would allow students and their families to select schools that provide the "best value."

Tying financial aid to college perfor-

mance. Under this plan, students who receive federal aid would not receive assistance for the next semester's courses until they have completed their current coursework.

Promoting innovation and competition among the nation's universities by offering students a greater range of study options, including online courses.

Easing the burden of student loan debt by allowing all borrowers to cap loan payments at 10 percent of monthly income.

"At a time when a higher education has never been more important or more expensive, too many students are facing a choice that they should never have to make: Either they say no to col-



lege and pay the price for not getting a degree – and that's a price that lasts a lifetime – or you do what it takes to go to college, but then you run the risk that you won't be able to pay it off because you've got so much debt. Now, that's a choice we shouldn't accept," the president said.

FACULTY

Criminal law

Two professors have roles in high-level federal court cases

Two SUNY Buffalo Law School professors have brought their expertise in criminal law to bear on major cases that may reach the highest levels of the federal judiciary.

Associate Professor Anthony O'Rourke served as counsel to a group of 13 professors, including his colleague Associate Professor Rick Su, who filed an *amicus curiae* brief in an Arizona immigration case on appeal to the U.S. Court of Appeals, Ninth Circuit. **SUNY Distinguished Professor Guyora Binder**, who also serves as the Law School's vice dean for research and faculty development, joined with Stanford Law School Professor Robert Weisberg in submitting an *amicus* brief in a death penalty case on appeal to the U.S. Supreme Court.

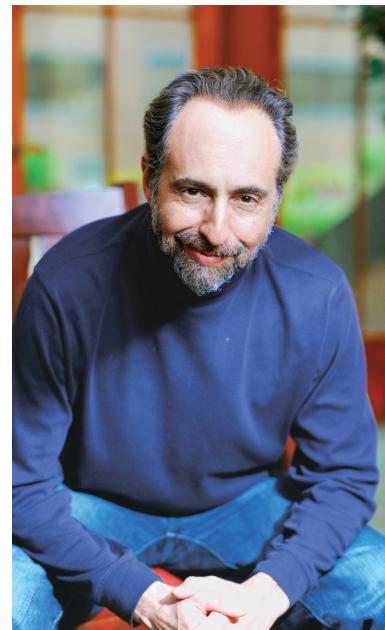
In the Arizona case, *Lopez-Valenzuela v. Maricopa County*, O'Rourke drafted and filed a 26-page brief in support of the American Civil Liberties Union's *en banc* petition. The case challenges an Arizona law that categorically denies bail to undocumented immigrants who are charged with a crime.

The law in question, called Proposition 100, requires judges to deny bail for a range of offenses to any person who "has entered or remained in the country illegally." The brief argues that the law impermissibly curtails defendants' due-process rights, and that a lower court erred in ruling that the liberty restrictions imposed by the law "were not excessive in relation to the goal of managing flight risk."

Proposition 100, the brief argues, "selectively targets a politically unpopular class of individuals and categorically denies them a right provided to others who are charged with identical offenses." It goes on to say that "while other state laws categorically deny bail only in cases involving particularly serious crimes," the Arizona law "covers an exceptionally broad range of felonies." For these reasons, the brief contends,



Associate Professor Anthony O'Rourke



SUNY Distinguished Professor Guyora Binder

Proposition 100 constitutes a "historically exceptional" restriction on the liberty that is unconstitutional under the Fourteenth Amendment's Due Process Clause.

The other case, *Watkins v. California*, turns on whether a defendant can be sentenced to death for committing felony murder without proof of any culpable mental state. Professor Binder, author of *Felony Murder* (Stanford University Press, 2012), co-authored the brief that seeks Supreme Court review of the case, which was decided by the California Supreme Court.

The case, he says, hinges on "whether a person can be sentenced to death for committing a felony murder without either the intent to kill or reckless indifference to human life." The petitioner, who claimed he shot the victim by accident while fumbling with a loaded gun, was convicted and sentenced to death. A death sentence un-

der California law, the brief notes, does not require any culpable mental state when the defendant kills in the commission of certain felonies. Previous Supreme Court decisions have established that accomplices in such felony murders cannot be sentenced to death without proof of intent to kill or reckless indifference to human life. The appeal seeks to determine whether that standard should apply to actual killers, not just accomplices in the crime.

"Not a lot of cases come up where someone is sentenced to death for what may have been an accidental killing," Binder says, "but this is one case where the issue does arise. It's an issue that death penalty litigators have known was out there for a long time, and the hope is that the court will give some clarity as to how these standards should be applied."

Named scholars

Six faculty members receive new academic designations for scholarship, teaching and service

Six longtime faculty members of SUNY Buffalo Law School have been elevated to new academic ranks – reflecting, says Dean Makau W. Mutua, “outstanding scholarship and notable records of teaching and service.” The new designations are made possible by generous gifts from distinguished alumni. Several are the result of leadership gifts to the school’s seven-year fundraising campaign. A major goal of the \$30 million campaign, which is especially targeted at the school’s 10,500-plus alumni, is endowed support for faculty research.

“In the last five years alone, we have raised money for four completely new endowed ranks,” Mutua says. “We expect many more of these gifts – to support our faculty – before the campaign is over.”

The faculty members receiving new academic designations are:



James A. Gardner, Bridget and Thomas Black Professor. A well-regarded constitutional law scholar and former vice dean of the Law School, Gardner joined the Buffalo faculty in 2001. He also has been

named a SUNY Distinguished Professor. A prolific scholar, his most recent book is *Election Law in the American Political System* (Aspen, 2013). Thomas E. Black ’79 and his wife, Bridget, are Western New York natives who now live in Texas, where Black is managing partner of the highly successful mortgage servicing firm Black, Mann & Graham. He serves as chair of the Law School’s Dean’s Advisory Council, as a trustee of the University at Buffalo Foundation, and as co-chair of the Law School’s campaign steering committee.



Errol E. Meidinger, Margaret W. Wong Professor. Meidinger, who teaches and conducts research in environmental law, directs the Baldy Center for Law and Social Policy, a research

institute that advances the University’s role in cutting-edge research on law and legal institutions. His most recent article, co-authored with four other scholars, is “Transnational Business Governance Interactions: Conceptualizing a Terrain,” published in *Regulation and Governance* (2012). Margaret W. Wong ’76 serves as co-chair of the Law School’s campaign steering committee and as a long-time member of the Dean’s Advisory Council. The successful immigration law practice she founded in Cleveland now has offices in six U.S. cities. She is also a published author and one of the Law School’s most generous alumni.



Athena D. Mutua, Floyd H. and Hilda L. Hurst Faculty Scholar. Professor Mutua studies and writes in the areas of critical race and feminist legal theory. Her work in-

cludes the edited collection *Progressive Black Masculinities* (Routledge, 2006). The late Floyd H. Hurst ’31 was a founding partner of the law firm Hurst & Brothman (later Hurst, Brothman & Yusick) in Angola, NY. He and his wife, Hilda L. Hurst, spent their later years in Altoona, Fla.



John Henry Schlegel, Floyd H. and Hilda L. Hurst Faculty Scholar. Schlegel, a SUNY Buffalo Law faculty member since 1973, has primarily studied legal history and the history of legal education. A recent article is “Together Again,” in the *Comparative Law Review* (online 2012). He is part of the faculty group that offers the financial transactions concentration, teaching both acquisition transactions and in the concentration’s program in finance in New York City.



David A. Westbrook, Louis A. Del Cotto Professor. Westbrook thinks and writes about the social and intellectual consequences of contemporary political economy.

His work touches on numerous disciplines, including law, economics, corporations and finance, sociology, anthropology and cultural studies. He also serves as the Law School's director for global strategic initiatives. Among his books is *Deploying Ourselves: Islamist Violence and the Responsible Projection of U.S. Force* (Paradigm Publishers, 2010). This professorship was endowed by a major donation from Brian Baird '83 and other former students of the late Professor Louis A. Del Cotto '51, who taught tax at the Law School for more than 40 years. Baird, who is of counsel with the Buffalo law firm Kavinoky & Cook LLP, serves on the Dean's Advisory Council and on the campaign steering committee of the Law School, and also is a trustee of the charitable Cameron and Jane Baird Foundation.

Robert J. Steinfeld, Joseph W. Belluck and Laura L. Aswad Professor of Civil Justice. A scholar of constitutional history and legal history, Steinfeld has a forthcoming book titled *The People or the Courts?: Conflicting Vision of Constitutional Order, Customary Constitutionalism and the Emergence of American Judicial Review*.

Joseph W. Belluck '94 is a founding partner of the New York City law firm Belluck & Fox, and serves on the SUNY Board of Trustees. He and his wife, Laura L. Aswad, live in New York City and Woodstock, N.Y.



LAWR lecturer Patrick Long '00 honored for teaching skills

Patrick J. Long '00, who coordinates and teaches in the Law School's Legal Analysis, Writing and Research (LAWR) program, has been tapped for special recognition as a legal writing professor.

Students chose Long to receive the Faculty Award at this year's Commencement ceremonies. The Law School now has submitted his name for recognition at the upcoming Annual Meeting of the Association of American Law Schools. At the meeting, Jan. 2 to 5 in New York City, Long will be recognized as one of AALS' "Teachers of the Year." He will also be acknowledged in the association's February newsletter.

"Pat Long is simply one of the best research and writing professors in the country," says Dean Makau W. Mutua. "His masterful command of legal argument, and his superior ability to teach legal skills to lawyers in embryo, is one of the reasons our LAWR program is without doubt a key cornerstone of SUNY Buffalo Law's curriculum."

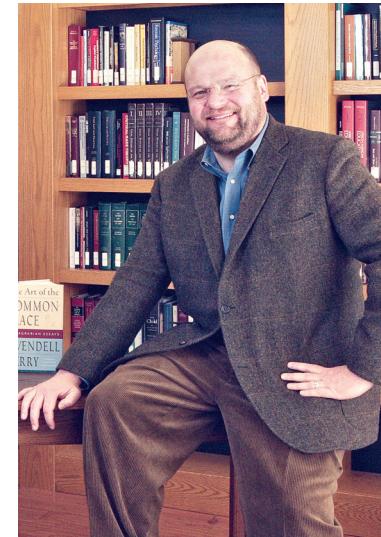
Recognizing an audiovisual master at work

A Law School librarian who helps to make learning a multimedia experience has been honored for her work by UB's Professional Staff Senate.

Anne Marie Swartz, an instructional support technician in the Charles B. Sears Law Library's Koren Audiovisual Center, received the Outstanding Service Award at a June 6 luncheon. The award recognizes "professional excellence and outstanding service of noteworthy scope and depth which is beyond that encompassed by the job description."

The Professional Staff Senate is an organization that represents 2,500 professional employees of the University.

Swartz, who joined the Law Library



"Pat's recognition as the best professor at SUNY Buffalo Law by the 2013 graduating class is a fitting nod to an excellent teacher, a mentor and a caring academic. We are honored he will be so recognized at AALS."

Long, whose undergraduate degree is from Harvard, spent four years in the Navy and taught English for four years at the private Nichols School in Buffalo before enrolling at SUNY Buffalo Law School. After graduation, he practiced litigation for five years with the Buffalo firm Hodgson Russ, then returned to Nichols before joining the Law School faculty.

in 2000, has primary responsibility for the audiovisual equipment – the laptops, DVD players, document cameras and projectors – used by professors and other presenters in the Law School, equipment that often must be set up, wired properly and tested in a 10-minute window between classes. She manages a rotating staff of about a dozen students and juggles staff, equipment and clients in a fast-paced environment. Swartz has a master's degree in library science.

Terrence McCormack, associate director of the Law Library and manager of Law School technology, nominated Swartz for the award.





Worldly transactions

A SUNY Buffalo-trained lawyer finds his niche in Southeast Asia

John Formichella '96 had never been outside the United States—indeed, hadn't traveled much outside of his native New York State—when, in his first year at SUNY Buffalo Law School, the world opened up for him.

Pursuing a longtime interest in Asia, he inquired about study-abroad programs for law students and stumbled upon one in Thailand. "The next thing I knew," he says, "that summer I was on a plane to Bangkok to study at the Chulalongkorn University Faculty of Law, studying international commercial law courses. This was an unprecedented experience for me, and it opened up entirely new dimensions not only in terms of cultural differences, but of experiencing a vibrant and robust economy in its developing stages."

His initial foray into Southeast Asia has blossomed into a flourishing legal career there, most recently as a partner with the midsize Bangkok law firm Blumenthal Richter & Sumet. There he practices corporate and commercial law, working with clients in specific sectors of the economy, mostly industrial, manufacturing and technology. His clients do business throughout the region, including Thailand, India, Vietnam, Hong Kong, Taiwan and Laos.

It's a long way from Buffalo, where Formichella earned bachelor's and master's degrees in economics before his Law School work. "In graduate school I became increasingly curious about the law, especially with regard to the application of economics and regulation," he says. "At that time the Economics Department was located in O'Brian Hall, and I had gotten to know some law students and had some interaction with Law School faculty. I was comfortable with the culture of the Law School and found it to be an intellectually rich environment. On the same day I was informed that I was admitted to the Law School, I also received a very interesting job offer from a trading company. I had to make a decision. I chose

to go to law school."

After that first experience of Thailand, he returned in the summer after his second year of law school to work as a "foreign summer intern" in the Bangkok office of Baker & McKenzie. "Both my graduate school education and legal education at SUNY Buffalo prepared me very well for working in a law firm handling cross-border commercial and investment transactions," he says.

"Once I had the experience from working with Baker in Thailand, I understood the niche and advantage of being a U.S.-trained lawyer on the ground in a developing market. During my second and third years at SUNY Buffalo Law School, I focused on courses related to corporate, commercial and tax law, which gave me a solid base to build a commercial transaction practice overseas."

"For example, cross-border transactions were (and are) memorialized in English (even though the parties are not native English speakers), and there was a tremendous need for face-to-face advice, professional document drafting, etc. Simple things like being in the same time zone made a difference for the parties because it made transactions move forward more expediently."

After graduation, Formichella worked for an international law firm in Taiwan; as in-house counsel for a nuclear power contractor, also in Taiwan; as vice president and general counsel of a telecommunications firm based in Hong Kong; and as an attorney in the Bangkok office of the firm Minter Elliston, practicing corporate law.

He has been with Blumenthal



John Formichella '96

Richter & Sumet for seven years, dealing mostly with Thai law. He notes that many of his colleagues who are Thailand natives have master of laws degrees from the United States and England. He also has been talking with his alma mater about setting up a chapter of the Law Alumni Association for alums working in Asia.

One might think that mastering the language would be a formidable barrier in the verbally exacting business of law, but Formichella says it isn't so. "I'm not a fluent Thai speaker," he says, "but I understand and can listen to what is going on around me. I still speak some Mandarin, which I learned while living in Taiwan. But most of the work is conducted in English."

Formichella and his wife, a Thai native, have a daughter, 5, and a son, 3, and he says his adopted city is very hospitable to family life. "Bangkok has many activities and places that are family-friendly," he says. "There are many things to do in the city, and it is a relatively safe place to live. It is an international city and is now estimated to be the most-visited capital city worldwide (just ahead of Paris), so there is always the presence of foreign visitors and tourists. It is also a very affordable city relative to major cities in the United States. My kids go to a bilingual school (English and Thai), and now my 5-year-old daughter will correct my Thai and her mother's English."

Nevertheless, he says, "It is always a challenge not being a native speaker of the language, and not being a citizen, which means that you do not fully participate in society. But I am very comfortable here."

"At SUNY Buffalo Law School, I focused on courses related to corporate, commercial and tax law, which gave me a solid base to build a commercial transaction practice overseas."

—John Formichella '96

On the Supreme Court of sport

*In Switzerland,
Brent Nowicki '06
helps settle
athletic disputes*

Like a lot of lawyers, Brent Nowicki '06 has hard-won advice to give to law students. "Do what you love," he says. "Attorneys spend a lot of time at their desk, a lot of time handling other people's problems and issues, a lot of time away from their family. If you don't truly love your job, the stress of spending all that time is compounded."

Unlike some other lawyers, though, Nowicki has followed his own advice. A talented lacrosse player at Fairfield University in Connecticut, where he was part of several championship teams as a midfielder, Nowicki has crafted a career in sports law that now has taken him to Lausanne, Switzerland, where he is Legal Counsel for the Court of Arbitration for Sport. The CAS resolves legal disputes – from corporate sponsorship contracts to doping allegations – from the sports world through arbitration.

"I don't think my plan was to end up here in Lausanne," Nowicki says. "Perhaps it was fate. I just followed my heart."

After his Law School graduation, Nowicki worked at the Buffalo law firm Hodgson Russ, where he practiced commercial and insurance litigation before developing a specialty in sports law. "I became determined to take what I loved (sports) and find a way to combine it with my skill set (legal)," he says.

Nowicki credits Ronald L. Jaros '66, a longtime sports attorney in labor issues, for opening the door to his first sports law assignment, as a regional attorney for the Professional Lacrosse Players Association. "The light bulb went off," Nowicki said, "and from that moment, I knew I needed to find a way to make this work."

His legal work in sports grew, including representing Robert Kendrick and



Left to right: Former Buffalo Bills wide receiver Andre Reed, former Buffalo Bills coach Marv Levy and Brent Nowicki '06.

Dimitar Kurovsky, two professional tennis players from the United States, and Caroline Maher, an Egyptian taekwondo competitor, in doping appeals before the CAS, as well as handling contract negotiations for professional football and lacrosse players.

The CAS had never had a North American attorney in its court before, so when the opportunity presented itself, Nowicki made the leap to Switzerland. "In the end, it was the perfect opportunity to handle true sports-related issues and disputes at the highest level," he says. "On a day-to-day basis, I get to review, consider and opine on legal issues that affect sport franchises, Olympic committees, sporting federations, major event sponsors, and the lives and careers of athletes. Our workload includes doping cases, eligibility issues, player/club/agent disputes, field of play disputes, player transfer disputes, breach of contracts (commercial) and sponsorship agreements, and just about anything else you can imagine in the field of sport."

And Europe, he says, is at the center of the sports world. "The world of sport is just massive outside of the United States," Nowicki says. "Europe has been handling these matters under a stand-alone practice of law for 20 years, so the

idea of sports law is far more developed here. And outside of football (soccer), athletes are not hugely compensated. It's a passion thing here – both from a player and fan perspective. That passion runs all the way to the law."

As one of six Legal Counselors at the CAS, Nowicki compares his work to that of a federal court clerk. "We brief the case, digest it with the arbitrator or arbitration panel, and see it through the hearing," he says. "I'm drafting decisions and doing research."

And the public is watching. "We have cases that are filed at 4 o'clock on a Wednesday afternoon, and a decision has to be made

Thursday morning because it will affect that night's game. These are games that might be attended by 100,000 people and watched by 10 million. Our job is to decide in a very short time whether that game should be played. People here are passionate about sport."

Nowicki sees the field of sports law – lex sportiva – as exploding in the next few years, as for example issues of match fixing and spot fixing (bribing players in order to fix a bet on some aspect of a game, such as when the first offside call will be made) which could arise in U.S. sports as well as overseas. "The CAS jurisprudence is looked at as the authority on so many of these issues," he says, "so shaping the law is pretty exciting."

As for his first passion, lacrosse, he has found a way to keep it alive as well. Having played recreationally as a way to get to know some athletes in his adopted town, he has now signed on as a coach for the Swiss national team that will compete next year, in Denver, for the Federation of International Lacrosse World Cup. "Coaching these guys is awesome," he says, "because they really want to absorb what you have to teach them. There's much more of a team approach to the sport here."

SUNY Buffalo Law Alumni Association elects 2013-14 officers and directors



Front row, left to right: Assistant Director Lisa M. Mueller, Mary Penn, Executive Director and Vice Dean Ilene R. Fleischmann, LAA President Terrence M. Gilbride, Jeffrey F. Reina, Amy P. Herstek, Robert P. Heary, Hon. Lenora B. Foote-Beavers, Hon. Frank R. Bayger, Sally J. Broad, Brian M. Melber and Laurie Styka Bloom.

Second row, left to right: Pietra G. Lettieri, Joseph N. Del Vecchio, Mary Pat Enright Fleming and Anne E. Joynt.

Third row, left to right: Ryan J. Mills, Paulette E. Ross and Thomas F. Knab.

On stairs, left to right: William A. Gersten, Brian D. Gwitt, Dennis R. McCoy, Stephen A. Sharkey, Scott C. Becker, Richard F. DiGiacomo, Marc W. Brown, Anthony J. Colucci Jr., Sheldon K. Smith, Michael T. Feeley, Joseph D. Morath, Jr., Andrea Schillaci, Christopher E. Copeland, William F. Savino and Linda Lalli Stark.

co-chairs the firm's College & University Practice Group.

Hon. Lenora B. Foote-Beavers '97 of Erie County Family Court is the new president-elect. Vice presidents are: Marc W. Brown '99 of Goldberg Segalla LLP; Joseph N. Del Vecchio '96 of National Fuel Resources Inc.; Mary Pat Enright Fleming '85 of the United States Attorney's Office; Brian D. Gwitt '98 of Damon Morey LLP, and Robert P. Heary '91 of Hiscock & Barclay LLP.

Treasurer is Michael A. Piette '80 of Jaeckle Fleischmann & Mugel, LLP; assistant treasurer is Pietra G. Lettieri '01 of Harris Beach PLLC; secretary is Mary Moorman Penn '99; and assistant secretary is Marion K. Henderson '65, retired.

Immediate past president is Brian M. Melber '96 of Personius Melber LLP. Vice Dean for Alumni, Public Relations and Communications Ilene R. Fleischmann of SUNY Buffalo Law School, continues as executive director. Lisa M. Mueller '93, assistant dean for alumni and communications, serves as assistant director.

New directors elected for terms ending in 2016 are Melissa A. Foti '03 of Kenney Shelton Liptak Nowak LLP, Anne E. Joynt '05 of Lipsitz & Ponterio, LLC, Thomas F. Knab '88 of Underberg & Kessler LLP; Joseph D. Morath '05 of Connors & Vilardo LLP, Paulette E. Ross '97 of Gibson, McAskill & Crosby LLP, Andrea Schillaci '82 of Hurwitz & Fine, PC, and Stephen A. Sharkey '88 of Bond, Schoenbeck & King, PLLC.

Gilbride '88 elected president

Terrence M. Gilbride '88 has been elected 2013-2014 president of the SUNY Buffalo Law Alumni Association. Gilbride is a partner in the Buffalo office of Hodgson Russ LLP



where he practices in the areas of real estate, public finance, higher education, commercial leasing and public/private partnerships. Gilbride focuses his practice on large, multifaceted commercial real estate development projects, and

2013-14 GOLD Group

Officers and directors of the Law Alumni Association's GOLD (Graduates of the Last Decade) Group, an arm of the Association focused on organizing educational, social and networking opportunities to assist recent graduates as they transition from student to attorney, were also elected. Teia Marie Bui '08 of Gross, Shuman, Brizdle & Gilfillan, PC will serve as 2013-14 GOLD Group president.

President-elect is Kevin J. Espinosa '09 of Hodgson Russ LLP. Immediate past president is James M. O'Keefe '07 of the Law Offices of William Mattar; treasurer is Marnie E. Smith '09 of Harris Beach PLLC; treasurer-elect is Joshua E. Dubs '08 of the Law Offices of Joshua E. Dubs; secretary is Jeffrey T. Fiut '10 of Hodgson Russ LLP; and secretary-elect is Seth D. Pullen '09 of Biltekoff & Pullen, LLP.

Other GOLD Group directors include: Elizabeth Blazey-Pennel '11 of the Internal Revenue Service; Stephanie J. Calhoun '08 of the New York State Attorney General's Office; Ryan P. Crawford '06 of Gibson, McAskill & Crosby, LLP; Frank H. Ewing '12 of Hodgson Russ LLP; Kathleen T. Feroleto '11 of Brown & Kelly, LLP; Elizabeth Fox-Solomon '06 of New York State Supreme Court, Appellate Division, Fourth Department; Kimberly A. Georger '08 of Rupp, Baase, Pfalzgraf, Cunningham & Coppola, LLC; Jeffrey P. Gleason '08 of Damon Morey LLP; Thomas M. Gordon '05 of Gross, Shuman, Brizdle & Gilfillan, P.C.; Michael J. Hecker '09 of Hodgson Russ LLP; Bradley S. Loliger '13 of Legal Services for the Elderly, Disabled, or Disadvantaged of Western New York; Melissa M. Morton '07 of Gibson, McAskill & Crosby, LLP; Ryan K. Parisi '10 of The Parisi Firm; Michael E. Reyen '09 of Hodgson Russ, LLP; Shatorah N. Roberson '12 of The Roberson Law Firm; and Patricia C. Sandison '07 of Hodgson Russ LLP.



Front row, left to right: Executive Director and Vice Dean Ilene R. Fleischmann, Assistant Director Pat Warrington, Rebecca Z. McCauley, GOLD Group President Teia M. Bui, Melissa M. Morton, Ryan P. Crawford and Jeffrey T. Fiut.

Second row, left to right: Anne E. Joynt and Frank H. Ewing.

Third row, left to right: Stephanie J. Calhoun, Shatorah N. Roberson and Elizabeth Blazey-Pennel.

On stairs, left to right: James M. O'Keefe, Michael E. Reyen, Ryan K. Parisi, Seth D. Pullen, Thomas M. Gordon, Joshua E. Dubs, Kevin J. Espinosa, Marnie E. Smith, Michael J. Hecker and Jeffrey P. Gleason.

Regional Chapter leadership

Chairs of the Association's regional alumni chapters include: Rachel P. Ainspan '12 of Boies, Schiller and Flexner LLP and Kevin M. Grossman '04 of the New York State Governor's Office of Employee Relations, co-chairs of the **Albany Chapter**; Sam M. Tamburo '68 of the Law Office of Sam M. Tamburo, chair of the **Central New York Chapter**; Daniel A. Sikka '07 of McDonald's Corporation, chair of the Chicago Chapter; Anshu Pasricha '07 of White and Case, LLP, chair of the **New York City Chapter**; Wende J. Knapp '10 of Harter Secrest and Emery LLP and Jennifer K. Meldrum '10 of Woods Oviatt Gillman, LLP, co-chairs of the **Rochester Chapter**, and Christopher R. Moran '11 of the Internal Revenue Service, chair of the **Washington, D.C. Chapter**.

Connect with your chapter: www.law.buffalo.edu/chapter-leadership

THE WIDE ANGLE

Alumni connections across the nation

Wherever you work or live, you can connect with your SUNY Buffalo Law classmates and friends by liking the SUNY Buffalo Law Alumni Association on Facebook. Visit www.facebook.com/SUNYBuffaloLAA to get connected today!

NEW YORK CITY
Summer Social – Pampano Restaurant

Left to right:
Beth M. Kaufman
'09, Zachary G.
Schurkman '10,
Brian J. Vannella
'09, Elizabeth A.
Fiorelli '09,
Brian D. Miller
'08 and
Anuththara
L.Jayasekara '09



Anshu
Pasricha '07
and Burim
Namani '07



Fiona M.
Dutta '08 and
Brian
Holland '08

D.C.
Anniversary Party – Sidley Austin



Left to right:
Kathi S. Westcott
'94 and event
hosts David K.
Koehler '94 and
Kristin Graham
Koehler '94

Left to right: Alexander M.
Seiden '12, Candace M. Jackson
'09, Nathnael T. Yohannes '12,
Dean Makau W. Mutua and
Karema T. Page '05



Left to right: Jenna A. Moran '10, Christopher
R. Moran '11, Hon Paul L. Friedman '68 and
Roger V. Barth '63



Left to right: Ryan T. Black '12, Nathnael T.
Yohannes '12 and Alexander M. Seiden '12

ROCHESTER

Summer Social—Genesee Brew House



Left to right:
Susan S.
Laluk '85,
Wende J.
Knapp '10,
Rochester
Chapter
Chair
Jennifer K.
Meldrum '10
and Laura A.
Myers '05.



Left to right:
Franz M.
Wright '14,
Andrew
Kleehammer
'12 and
Stephanie M.
Poray '12.

**ROCHESTER**
Reception for new
students

Hon. John J. Ark '72
and Vice Dean
James R. Newton

ALBANY
Informal Social—
City Beer Hall

Left to right: Nicole E. Haimson
'12, Emily M. Ciulla '12 and
Rachel P. Ainspan '12

SAN FRANCISCO
Informal Social—21st Amendment
Brewery and Cafe

Left to right: Miro F. Cizin '92, Diane
Wightman and Christopher A. Wightman '99

BUFFALO
Gold Group Mixer—Pettibones

Hon. Lenora
B. Foote-
Beavers '97
and Bradley S.
Loliger '13



Left to right:
Jeffrey T. Fiut
'10, Marnie E.
Smith '09 and
Jeffrey P.
Gleason '08



Left to right: Thomas M. Gordon '05, Kathleen T. Feroleto '11,
Pietra G. Lettieri '01 and Melissa A. Foti '03

CENTRAL NEW YORK
Reception With the Judiciary

Left to right: Hon. Brian F. DeJoseph, Hon. James P.
McClusky '88, Hon. Erin P. Gall '96, Hon. Patrick F.
MacRae '79, Hon. Michael L. Hanuszczak '84, Hon.
Samuel D. Hester '70, Hon. Louis P. Gigliotti '82,
Hon. Joseph E. Fahey '03 (LLM) and Hon. Donald
F. Cerio Jr. '83

Learning by Doing, 2013 Mitchell Lecture

Looking at fandom, commerce and the freedom to play



Professor Madhavi Sunder, University of California Davis School of Law

When Harry Potter fans dress up as Gryffindor and flick their magic wands, or devotees of *Star Wars* write and post “fan fiction” about their favorite characters, is that harmless play – or copyright infringement?

That question is a hot-button issue today in intellectual property law, and it is the subject of SUNY Buffalo Law School’s signature Mitchell Lecture. The speaker is Madhavi Sunder, a leading scholar of law and culture who teaches at the University of California Davis School of Law.

In her lecture, titled “Learning by Doing” and scheduled for Oct. 8 at SUNY Buffalo Law, Sunder will discuss how consumers’ increasing demand for “participatory experiences” presents challenges and cautions in the arena of IP law.

“The explosion of participatory experiential activity extends to a range of contemporary activities, from karaoke to flash mobs, YouTube to Comic-Con,” Sunder says. “Copyright owners have tolerated much fan activity on the theory that lawsuits can turn fans’ love to hate. But the emergence of an ‘experience economy’ may lead some owners of cultural property to reconsider their laissez-faire attitude toward play.” For example, she says, Amazon and Warner Bros. are trying to license fan fiction with an eye toward making a profit from it.

But, Sunder says, that impulse raises caution flags about “the commoditization of fundamental human experiences and play.” Learning theorists have long understood that people learn best through experience – by doing. Efforts to regulate those experiences – what she describes as “singing, writing and playing together, learning music and art by copying masters, dancing and putting on costumes” – may impinge on fundamental human activity. And because IP law is “fundamentally about promoting knowledge and learning,” Sunder says,



A fan at the New York Comic-Con. Is this harmless play or copyright infringement?

lawyers need to be careful to protect that goal even when they are asked to help corporations turn such play into a commodity to be bought and sold.

Sunder’s legal scholarship ranges widely, from intellectual property to human rights law and the First Amendment. She has been a visiting professor at the Yale, University of Chicago and Cornell law schools, and is currently the Thelton E. Henderson Visiting Scholar-in-Residence at the University of California Berkeley School of Law. She was named a Carnegie Scholar in 2006. Sunder’s articles have been published in the *Yale Law Journal*, the *Stanford Law Review*, the *California Law Review* and *Law and Contemporary Problems*, among other journals; and her most recent book, *From Goods to a Good Life: Intellectual Property and Global Justice*, was published last year by Yale University Press.

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prestigious lecture series, the Mitchell Lecture was endowed in 1950 by a gift from Lavinia A. Mitchell, in memory of her husband, James McCormick Mitchell. An 1897 graduate of the Buffalo Law School, Mitchell later served as chairman of the Council of the University of Buffalo, which was then a private university. Justice Robert H. Jackson delivered the first Mitchell Lecture in 1951, titled “Wartime Security and Liberty Under Law.” The lecture was published that year in the first issue of the *Buffalo Law Review*.

Mitchell Lecture programs have brought many distinguished speakers to the Law School. These have included Justice Robert H. Jackson, Richard Posner, Irene Khan, C. Edwin Baker, Derrick Bell, Barry Cushman, Catharine McKinnon, Carrie Menkel-Meadow, Richard Posner and Clyde Summers, among others.

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John Lord O'Brian family visits O'Brian Hall



Posing in the Charles B. Sears Law Library in front of a Virginia Cuthbert portrait of their illustrious ancestor, John Lord O'Brian, Class of 1898, are from left to right:

- Lucy Butsch (*married to grandson*)
- Dr. John Lord Butsch (*grandson*)
- John Lord Hettrick, III (*great-great-grandson*)
- Allison Echeverria (*great-great-granddaughter*)
- Sarah Brugh (*great-great-granddaughter*)
- Anna Brugh (*great-great-granddaughter*)
- Lawrence Brugh (*great-great-grandson*)
- James Brugh (*great-great-grandson*)
- Heather Brugh (*great-granddaughter*)
- Jack Echeverria (*married to great-great-granddaughter*)
- Jane Hettrick (*married to great-grandson*)

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Designer:

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Cover photo:

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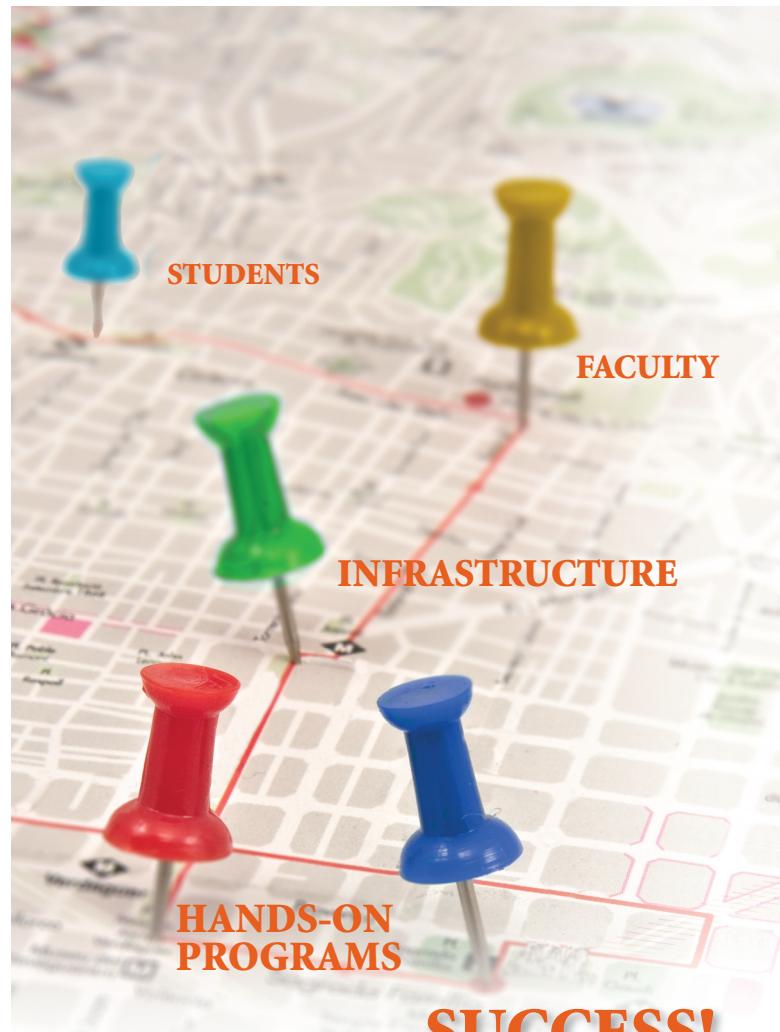
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