

FALL 2015

SUNY BUFFALO LAW SCHOOL

THE STATE UNIVERSITY OF NEW YORK

FORUM

INSIDE

- Ambitious plans unveiled for Advocacy Institute
- Animal Law: A growing field

LEARNING FROM THE BEST

Alumni who help teach our
NYC Program in
Finance & Law



Adjunct professor Erik D. Lindauer '81, left, and Professor Philip Halpern

SUNY BUFFALO LAW SCHOOL FORUM

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

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MESSAGE FROM THE INTERIM DEAN



Incoming students pledge themselves to the task during orientation week at the Law School.

The real key to success

Each fall, the dean of the Law School has the pleasure of welcoming the incoming first-year class. These newcomers are eager, enthusiastic and attentive, offering an ideal moment to deliver a message with lasting impact. This year, I focused on a question undoubtedly on the minds of all: What is the key to success in the legal profession? Below is an excerpt from my address.

Here's your first law school quiz.
Answer this question:

Which of the following is the *most* important to future success in the legal profession?

- A. What you know
- B. What you've accomplished
- C. Who you are

Choice "A" is wrong. This answer assumes, wrongly, that a professional's value consists mainly of what he or she knows. It's true that professionals need specialized knowledge; that's part of what it means to be a professional. But the information of which professional knowledge consists (1) regularly gets forgotten, (2) doesn't disappear, and (3) can always be found again. What you know is important to professional success, but it's not the most important thing.

Choice "B" is also wrong. People make this mistake by thinking as follows: "Mr. Employer, hire me. You need someone with a J.D. I have a J.D. Look, here it is. You need someone to practice corporate law; I took Corporate Law—see, it says so here on my transcript. You need someone who can practice Securities Law, Bankruptcy and Commercial Law. I took those courses; just look at my transcript. I have all the credentials; surely you must hire me."

The mistake here lies in assuming, wrongly, that the qualifications for a professional position consist in having successfully checked off items on a list. This way of thinking wrongly equates the accumulation of credentials with personal achievement. But the accumulation of credentials does not a high-quality professional make. The fact that you've completed the course of study or have some prior relevant experience does not by itself make you an appealing candidate for a job, or ensure your appeal to potential clients. There is something much more important.

That something else is choice "C"—who you are. I mean, for example, the way other people respond to you when you walk into a room. Do you exude competence? Do you earn their respect? Do you fill them with confidence that you will get the job done, and done right, on time, and within budget? How do you react to adversity, to setbacks, to stressful situations? Do you redouble your efforts? Buckle down for the long haul? Do you bounce back from losses? Do you inspire others and get the best out of them? People who possess these qualities are the people whom employers want to hire and clients want to retain.

You might already be such a person. If so, then you are already well along the path to professional success. If you're not,

then you must work as hard on this aspect of professionalism as any other. How?

The personal aspects of professionalism are taught differently, mainly through modeling. Our faculty and alumni mentors are the best at what they do. They will show you, through their behavior, how to be a top-notch professional. You in turn must open yourself to the lesson; you must recognize their behavior as a form of instruction, and replicate it until it becomes second nature. The ultimate challenge of law school, then, is to remake yourself into someone who not only has the necessary credentials and the necessary knowledge, but is the kind of person employers want to hire and clients want to retain, again and again. We will help you achieve this goal, but ultimately the challenge is yours. Become that person, the one others look to and in whom they are willing to place their trust and confidence.

It takes a village to train a lawyer, and you, our alumni and friends, are critical players in the training process. Please stay connected and in touch; I'd be grateful to hear your thoughts and concerns.

With all best wishes,





Students in the New York City Program in Finance and Law gathered for presentations at Sullivan & Cromwell in April 2015.

A PASSION FOR TEACHING

Students benefit from experienced alumni in our unique New York City Program

“It isn’t like the rest of the country,” John Steinbeck once wrote about New York City. “It is like a nation itself. Liteness gets swallowed up here.” That sense of the world’s greatest city as the hatchery of big dreams is part of the New York ethos. And for the students in the Law School’s New York City Program in Finance and Law, simply being in the city, close to the centers of power in the financial industry, can make all the difference.

Taking advantage of easy access to New York City, SUNY Buffalo Law students, including those in the joint J.D./MBA program and the Advanced Standing Two-Year J.D. program, can spend a semester living in New York while studying finance and law. Professor **Philip Halpern**, director of the program, and Clinical Professor **Lauren E. Breen**, associate director, teach courses along with other professors from the Law School.

Students also benefit greatly from presentations and case

studies by SUNY Buffalo Law School alumni and other practitioners from major firms and corporations. In addition, students participate in semester-long team projects, working with executives from top financial institutions and law firms.

For the attorneys and business people – all SUNY Buffalo Law alumni who teach as adjunct professors in the program – New York is where they have made their careers. In their teaching and their mentoring, they help ground the next generation of finance lawyers in the rigors of practice in this high-stakes field of law.

Conversations with a number of these teaching professionals – who volunteer their time, and often contribute financially to the program – reflect both the breadth of their knowledge and their enthusiasm for passing it on. Practicing in New York has taught them to think big – for themselves, and for their students’ futures.

• • •

“We’re the only state law school so far,” notes **David E. Franasiak ’78**, a principal with

Williams & Jensen who practices in the areas of tax, securities, financial institutions and natural resources. “To consolidate and enhance the Law School’s footprint and to emphasize its position in New York State, this New York City emphasis is crucial. The program gives our students an ability to experience what New York has to offer, and it attracts high-caliber students to the Law School and helps to get them placed in meaningful jobs in financial services.”



When the program began, Franasiak says, the Dodd-Frank Act had just been passed – the most significant revamp of U.S. financial regulation since the Great Depression. The new rules, he says, “have generated tremendous numbers of jobs for people who want to do compliance work.” As well, the nation’s economic growth has become concentrated in small firms. “The real growth in jobs is not in large firms, it’s in the start-up arena,” Franasiak says. “There’s a changing dynamic in the IPO market, and law firms that specialize in guiding these enterprises are where the growth will be.”

“These are all students who’ve made a specific commitment to be in New York,” says **Gary A. DeWaal ’80**, a special counsel with Katten Muchin Rosenman who handles financial services regulatory matters. “I find that



they’re very engaged, and they are quick learners. They’re eager to learn about the subjects that I work with them on.”

For DeWaal, that’s what he calls “an arcane area of the law,” the rules governing derivative financial instruments. He gives an overview lecture related to the field and tells some “war stories.” He has worked as a government regulator, on the business side in the derivatives industry, and now as a lawyer in the field. “So I have those three touch

points to relate to the students,” he says. “I give them some insight in three possible ways lawyers can be involved.”

Franasiak also works with a team of students on their capstone project, reminding them that brevity in presentation is a virtue. “I tell them that when you’re speaking to the general counsel or the CEO, you have to assume you have about 20 minutes of his attention,” he says.

Barbara Klippert ’75, a partner in the megafirm Morgan, Lewis & Bockius, team-teaches a class on structured finance transactions along with two other partners from her firm. Her piece of the lecture involves aspects of such transactions affected by federal ERISA law.



But it’s not a cut-and-dried lecture, Klippert says. “It’s a very interactive process. If we were to go in and lecture, we wouldn’t get through the lecture notes, because there are lots of questions and discussion from the students and each other. It makes for a very give-and-take experience.”

The discussion, she says, covers both the legal and the practical aspects of working in this area of law. “A deal like this involves corporate law, securities law, UCC, bankruptcy, ERISA, tax, and they all have to be coordinated,” Klippert says. “You have to get everything to work out correctly. If you change one thing, it might work for corporate purposes but it might not work for tax or bankruptcy purposes. It’s very complicated.”

For the lecturers, the teaching experience itself can be rich. **Erik D. Lindauer ’81** says he talks to the students about “common principles of commercial legal drafting that apply across narrow disciplines, then I go on to talk about various forms of bank credit, security interests, guarantees.”



“At least for me, as in any good seminar, the time goes quickly,” says Lindauer, a partner with Sullivan & Cromwell who practices in transactional banking, secured lending, commercial law, corporate reorganizations and bank-

ruptcy. “It’s really quite easy to do, talking about a subject you know pretty well and have an interest in, when people are engaged in dialogue and discussion. Part of what I try to convey is the fun part of lawyering in a large corporation. Practice is not just the routine grind of filling out papers, but there’s the need for creative lawyering. That allows for discussion of how people might handle hypothetical problems, and it makes for fun conversation.”

“One of the things that the New York Program does very well and encourages is interaction between the students themselves. If you’re lucky enough to be in practice with good colleagues, practicing can be a collegial exercise.”

The most recent Law School graduate to be teaching, **Jason Y. Lee ’07** brings with him the perspective of having been a student in the program.

“The first set of lectures you prepare are very challenging,” says Lee, founder and CEO of Celant Innovations, an online software company for drafting or analyzing documents. When he first taught, “I actually took two weeks’ vacation for that: one week to prepare for the lecture, the second week when I actually taught. But it gets easier. Each year I try to add a new set of slides to keep it new and interesting, and to cover new developments in the field.”



He teaches leveraged finance, and says the task helps keep him up to speed as well. “I do it mostly so I get a refresher,” Lee says. “And when I teach, my understanding in relation to my practice becomes more robust. It gives me time to reflect on what I do, and it’s a challenge to simplify it in such a way that a relative novice in the field can understand it.”

There’s a place for details and a place to give the macro view. “What I try to do – because of my interests and because I hope it fits into the interests of some of the people and the purpose of the program – is talk about the structure of financial systems in

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Left to right,
Jason Lee '07,
Erik D.
Lindauer '81,
Professor
Philip Halpern
and Margaret
M. Duggan '16



"The program gives our students an ability to experience what New York has to offer, it attracts high-caliber students to the Law School and it helps to get them placed in meaningful jobs in financial services."
— David E. Franasia '78



Clinical Professor
Lauren Breen,
above, watches
Jordan E. Baker
'15 give a
presentation at
Sullivan &
Cromwell.



Michael Rodriguez
'06; his wife, Dominika
Tanianis '06; and Mark
Fanton '14 (in photo at
left) work remotely in
Williamsville, N.Y., as
part of the New York
City firm Purrington
Moody Weil, doing
transactional work for
investment fund
managers and
investors. All three
were part of the New
York City Program.

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general," says **George M. Williams Jr. '78**, who practices corporate, banking, securities and commodities law as a special counsel with Kaye Scholer.

"Until a few years ago, people in this industry thought about specific narrow issues, like the safety and soundness of a particular bank, or the need for disclosure of certain kinds of information in securities laws, or the legality of a certain practice or product. Now, what we have to try to figure out is what is necessary to make the system as a whole safe and sound. That requires



reading things you might not have read before, thinking about things in a different way, even reconsidering what the basic legal principles might be.

"I try to give the students an idea of what they might need to learn and understand — what might be important for dealing with the financial system as a regulator and as a lawyer."

Jeffrey L. Tanenbaum '76 has continued to teach in the New York City Program after retiring from Weil Gotshal & Manges, where he practiced in business finance and restructuring. "I just love having high-quality students, who have a very keen interest in business



and finance, and having the opportunity to teach them and talk to them and mentor them," he says. "I love the interaction. My goal is to get them to engage. Once they start asking questions and demonstrate interest in what we're talking about, I just find it a ton of fun."

His guidance includes frank talk about the employment situation in the financial services industry, and a bit about his own background, including a clerkship in the appellate division of State Supreme Court and the happenstance that led him to his long-time career. "I had no clue that I was going to do bankruptcy work. I just wanted to do litigation," Tanenbaum says. "I recommend that they be pa-

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

tient and get what they can out of every step of the way.”

As a teacher, **Mark Jay Weinstein '81** likes to work with case studies – preferably ones with a little sizzle. Like the case of the Russian billionaire who attempted to buy basketball's New Jersey Nets, move them to New York City and build a world-class arena with the help



of public financing. A case like that, says Weinstein – who does tax and complex joint ventures work as a partner with Hogan Lovells – introduces students to the idea of working with international clients, as well as financing the project and the attendant tax issues at home and overseas.

He also spends some time talking about the practicalities of a legal career. “The business of law is something no one ever touches on in law school, but you can't ignore it,” he says. “You have to be aware of what the business is, what its constraints and opportunities are. I talk about how I got started, how I got lucky and how I got unlucky. And I encourage them to seize the moment, because there is opportunity out there.”

The teaching that **Jeffrey P. Crandall '82**, a partner in the Corporate Department of Davis, Polk & Wardwell, does in the New York City Program grows from the teaching that he and colleagues do with interns at his law firm. “We spend a lot of time presenting to



our summer associates; each practice group explains what we do and who we are,” Crandall says. “People coming in always say they want to be a litigator or they want to do corporate transactional practice. They never mention tax, or real estate, or executive compensation” – his specialty.

So his yearly lecture covers a few such areas. “It's a good opportunity to expose students to a whole host of issues they wouldn't be dealing with in law school,” he says.

His teaching also renews old ties. “I've been back to the school only once since I graduated,” Crandall says. “But I've met with some of the professors and the interim dean, and it has been a really good opportunity to reconnect with the Law School.”

Harvey L. Kaminski '77 covers the commercial finance area in the program, and he makes sure nobody glazes over. “It's an intense two-hour lecture, and I try to be energetic. There's a lot of give-and-take,” he says.

“When I was at the Law School, I was very fortunate – I had unbelievably inspiring professors,” says Kaminski, president and CEO of Prestige Capital Corp., a commercial finance company specializing in factoring. “I had su-



perstars, and that made a big difference to me. So I do not want to sit there and drone on. Most of these students have a good business background, so I really push them. They're not just looking at things from the le-

gal side, they understand the business side also.”

He also hands out his email address, and says many students stay in touch, keeping him in the loop as they begin their careers. He even hired one former student for a summer job. “Best summer associate I ever had,” Kaminski says. “He works in China now, and when we throw a party we still invite him.”

• • •

Editor's Note: Robert C. Schwenkel '82, partner, co-chair Corporate Department and global head of M&A and Private Equity Practices, Fried Frank Harris Shriver & Jacobson and a longtime teacher in the NYC Program, was unavailable to be interviewed at press time.



The Class of '18, by the numbers

Quality of class as good as ever

More than 1,000 would-be lawyers nationwide applied for admission to this year's incoming class at SUNY Buffalo Law School. The 143 J.D. students who are enrolled as 1Ls attended some of the best undergraduate schools in the United States, and they'll contribute to the Law School community in ways that are yet to be told.

All told, the Law School has welcomed 158 new students this year, including seven LL.M.s and eight advanced standing Two-Year J.D.s from foreign countries.

With a snapshot in numbers, meet the Class of 2018:

• Median LSAT score	154
• Median undergraduate GPA	3.44
• Men	52 percent
• Women	48 percent
• Age range	20 to 56
• Average age	25
• Older than 25	30 percent
• Holders of advanced degrees	6 percent
• Ethnic and racial diversity	19 percent
• From out of state or out of the country	10 percent





Ambitious plans unveiled for Advocacy Institute

A longtime SUNY Buffalo Law School professor who has spent a lot of time in courtrooms throughout the nation is unveiling ambitious plans for the school's Advocacy Institute, which helps students and legal practitioners develop essential skills in litigation and advocacy.

SUNY Distinguished Service Professor **Charles Patrick Ewing**, who helped found the Advocacy Institute, has been named its permanent director and hopes the institute will become an important resource for honing skills such as trial and appellate advocacy, settlement negotiations and managing clients. Even for those whose practice does not include litigation, he says, the institute's programs will make for better lawyering. **Terrence M. Connors**, a prominent trial lawyer and a founding member of the Connors and Vilardo law firm, is working closely with Ewing as chairman of the Advocacy Institute Advisory Board, to develop, enhance and expand the program.

The Advocacy Institute encompasses three key areas of legal training offered through SUNY Buffalo Law School: trial advocacy, appellate advocacy and alternative dispute resolution.

The trial advocacy component includes the Law School's trial technique courses, in which students learn comprehensive strategies for how to conduct trials, as well as more narrowly focused skills courses on topics such as how to pick a jury or how to cross-examine a witness. This component also includes the Law School-sponsored Buffalo-Nia-



Top, SUNY Distinguished Service Professor Charles Patrick Ewing

Above, Terrence M. Connors, chairman of the Advocacy Institute Advisory Board

gara Mock Trial Competition, held each November, and student trial teams that take part in trial competitions nationwide.

Most of the Law School's trial-related courses are taught by practicing attorneys and judges who teach as adjunct faculty. Ewing envisions strengthening the training they receive, for example by

sending them to conferences and bringing in experts to help these practitioners become more effective teachers of trial advocacy skills. The Advocacy Institute may also sponsor continuing education opportunities, to continue to build bridges between the Law School and the legal community. And because students report that their trial team experiences are richly rewarding, the hope is to fund more such teams and make sure they get the highest-quality coaching possible.

Within the Advocacy Institute, **Hon. Thomas P. Franczyk**, an Erie County Court judge, and **Christopher J. O'Brien** of Buffalo-based O'Brien Firm are adjunct faculty members and co-directors of trial advocacy.

In appellate advocacy, the Advocacy Institute encompasses two nationwide competitions run by SUNY Buffalo Law – the Herbert J. Wechsler National Criminal Moot Court Competition and the Albert R. Mugel National Moot Court Tax Competition – as well as the intramural Charles S. Desmond Moot Court Competition. Ewing is looking to involve more students in these learning opportunities, and to link the Desmond competition more closely with Legal Analysis, Writing and Research, the foundational three-semester skills program for first- and second-year law students. He also hopes to get more of the school's full-time faculty involved with these moot court programs, particularly as coaches and mentors for students competing in regional, national and international moot court competitions.

After serving seven highly successful years overseeing the appellate advocacy programs, Professor **George Kannar** will now hand over their supervision to Lecturer **Patrick J. Long '00**, who teaches in the Law School's Legal Analysis, Writing and Research program, and runs the Veterans Legal Clinic.

And in the increasingly important area of dispute resolution, the Advocacy Institute comprises the school's courses in mediation and arbitration, as well as SUNY Buffalo Law teams that compete in national mediation competitions, and an annual in-house mediation competition. This segment of the Advocacy Institute is under the direction of **Steven R. Sugarman '85**, an attorney and mediator with Pusatier, Sherman, Abbott & Sugarman, in Kenmore, N.Y. Plans are to broaden the focus of ADR to also include settlement negotiation – a vital skill, Ewing notes, in that the vast majority of legal actions are settled before trial.

In addition to these existing components, Ewing also envisions an innocence project as part of the Advocacy Institute, to be directed by adjunct faculty member **John R. Nuchereneno**, of the Buffalo law firm Nuchereneno & Nagel. In this initiative, students under faculty supervision would examine the cases of prisoners who claim that they were wrongfully convicted.

"The idea is to serve as an aid to the criminal justice system," he says, "in helping to exonerate people who are wrongfully convicted, and as a training vehicle for students." Students would examine transcripts, motions and prior decisions in a case, and in the process learn how a case progresses from accusation to indictment to trial to conviction to post-conviction remedies and appeals. If a claim of wrongful conviction has merit and proceeds to litigation, Ewing says students may even end up helping to litigate such cases.

Other law schools that have established an innocence project have found huge demand, Ewing says, and the time and money it takes to investigate these cases will be a limiting factor.

Private support has been key to the launch of the Advocacy Institute, with the first phase being led by five founding donors, each of whom has invested \$100,000 or more in initial support: Terrence M. Connors '71 and the law firms of Goldberg Segalla, Brown Chiari, Barclay Damon and Phillips Lytle. The pace and scope of an expanded Advocacy Institute depends upon securing additional resources, in both time and donations, from SUNY Buffalo Law alumni and friends across the country.



From left, Christopher O'Brien, co-director of the Trial Advocacy Program; Alyssa Zongrone '15; Todd Potter '15; and Stephen Earnhart '14

Hard work pays off in practice skills

Students often speak of their Advocacy Institute experiences – the rigors of trial technique courses, the camaraderie of being on a trial team or a moot court team – as among the best of their time at the Law School. But what about after graduation?

To hear a few of them tell it, the advocacy skills they learned at Buffalo Law start making a difference right away as they begin their careers.

In her job as a staff attorney for Legal Services of Central New York, for

example, **Kerisha Hawthorne-Greer '14** stands before judges every day to plead for her indigent clients who are facing eviction or other legal jeopardy. She's comfortable in that milieu, she says, having worked out those new-attorney jitters in trial technique class and as part of the Wechsler criminal law moot court competition.

"The setup is different, but I'm using the same skills as I did in moot court," she says.

"Practice is nothing like law school, but a lot of the nerves I had around going in front of the judge and making arguments on behalf



Kerisha Hawthorne-Greer '14 now represents indigent clients in civil actions.

of my client have dissipated. And the preparation is somewhat similar." **Todd Potter '15** is pursuing public service of a different kind, as a candidate for the Tonawanda (N.Y.) Town Board. In Law School he was a member of a successful team in the Frederick Douglass Moot Court Competition, and went on to coach other students.

"I went to Law School not necessarily to be a practicing lawyer, but as an incubation period for running for office," Potter says. "But the exposure to trial advocacy I had, and my experiences with moot court, have brought me back to the idea of practicing."

Commencement 2015

Find an issue and pursue it, new graduates are urged

The pomp was in full swing and the circumstance was celebratory at SUNY Buffalo Law School's 126th Commencement ceremonies. Two hundred and nine degrees – both master of laws and Juris Doctor – were conferred in the May 23 ceremony, which took place in the jam-packed Center for the Arts.

In SUNY Distinguished Professor **James A. Gardner's** first Commencement as interim dean, he brought greetings from the faculty and, for the graduates, thoughts on the critical skill of exercising judgment in professional and personal life.

"It seems today as if the institution of judgment itself is under siege," Gardner said. "People seem reluctant to exercise their trust in their independent judgment, and instead are fascinated with what other people think and approve of." This "outsourcing of personal judgment," he said, shows itself in the metrics of social media "likes," web page hits and page views, and attention to what is trending on Twitter. "A brute and reductionist popularity seems to replace personal judgment as the basis for decision-making," he said.

He encouraged the graduates to exercise their own judgment – to "think less about what is offered and more about what is not provided for our consumption, and why not. This might tell an interesting story about power."

The good news, Gardner said, is that graduates "should be well-positioned to navigate this strange world. This law school strives mightily to produce graduates who are skilled critical thinkers. It's up to you to decide when the judgment and approval of others matters – and when it decidedly does not."

After greetings from University **Provost Dr. Charles F. Zukoski**, Gardner introduced the afternoon's keynote



Eric T. Schneiderman,
New York State's
attorney general



Professor Luis
E. Chiesa and
Garry M.
Grabber '78



Rachael Pelletier '15
and interim Dean
James A. Gardner

speaker: **Eric T. Schneiderman**, New York State's attorney general.

Schneiderman's remarks spoke to the role of lawyers in the grand experiment of American democracy, one that he said continues to grow. "You, my new colleagues, are not just practitioners," he said. "You are the guardians of a legal system and a nation based on the principle that we are a nation of laws, not men. It's your job as lawyers to oversee that system and guide it forward, because the law is always evolving."

The arc of history, he said, bends toward a continual expansion of the Constitution's emphasis on "we the people" – "the quintessentially American idea of

equal justice under the law, which was an extraordinarily radical idea. All of American history supports the notion that our national mission is to make these words ever more true."

Schneiderman cited a succession of New York lawyers who have been part of that progression, from the abolitionist movement in the 19th century, to women's suffrage in the early 20th century and the civil rights movement of the 1960s. And he challenged the graduates to find a cause to champion. "There are people here," he said, "who will be leaders in the evolution of the law in important political and legal movements."

As an example he held up Winifred

To view photos and video highlights of our Commencement ceremony, visit www.law.buffalo.edu/forum/extra



Samuel
Magavern



Class of '65, left to right: Sheldon Evans,
Hon. Anthony P. LoRusso, Hon. Leslie G.
Foschio, George B. Weires and Eric
Corbett Williams



Above left:
Corey S. Chapin
and Aaron
Fishkin, who
gave the student
address

Above: Emily G.
Riordan and
Jillian E. Nowak

Left: Jamila A.
Lee poses for a
photo.

Stanley, a 1933 graduate of the University of Buffalo Law School. As a brand-new graduate, he said, Stanley took on the cause of changing the law that barred women from sitting on juries—organizing church societies, women's clubs and political organizations, and ultimately prevailing. She went on to win election to Congress in 1942, and introduced the first equal pay legislation in that body.

Robert P. Heary '91, president-elect of the SUNY Buffalo Law Alumni Association, encouraged the new graduates to stay connected to each other and to their school, saying, "The friendships you have made during your time at the

Law School and the connections you will make will be key to your professional success and will sustain you in your career."

The student address was given by **Aaron Fishkin '15**, who spoke of some doubts along the way. "Does the world really need more lawyers?" he asked. "I learned the answer to that question last summer." During an internship with a district attorney's office, he listened as the defendant in a criminal case—a smart, career-oriented soldier charged with assaulting a bar bouncer—gave his side of the story. The prosecutor asked Fishkin privately, "What would you do here?"

"I thought about the man I had just met," he said. "This articulate, well-dressed, towering figure; this young man who seemed friendly and harmless; a man serving our country with so much at stake. A young man with no prior convictions but who stood accused of committing a violent assault. Then it hit me—this is what being a lawyer is all about. It's not about the prestige. It's not about the money. It's about ensuring that justice is served. It's about keeping an open mind and listening. It's about making a difference and using the law to make a difference.

"We will all face a situation where someone's life is in our hands," Fishkin said. "As lawyers we will be entrusted with tremendous discretion and responsibility to make tough, life-altering decisions. We won't know all the answers, but our diversity of experiences and our passion for doing the right thing will guide us. That's what it means to be a lawyer—being brave enough to make the hard decisions and vowing to do the right thing."

Commencement is also a time for honoring achievement. The Dean's Medal, which recognizes individuals who have distinguished themselves by their commitment to justice and the rule of law, was presented to **Samuel Magavern**, a Law School adjunct professor and principal of the social justice organization Partnership for the Public Good. The Ken Joyce Excellence in Teaching Award went to **Garry M. Graber '78**, whose courses in corporate reorganization in bankruptcy have been popular despite their specialized nature.

Also honored were student **Benjamin Nelson**, with the Max Koren Award for scholastic achievement; **Thomas C. Katsiotas** and **Amat Fatimah**, with the John N. Bennett Achievement Award; and **Rachael M. Pelletter**, with the Dale S. Margulis Award for contributions to the Law School and the community.

This year's faculty award went to **Professor Rick Su**, and the staff award to **Marc Davies**, associate director for career services.

Dean Gardner also noted the retirements of eight faculty members and paid special tribute to clinical **Professor George M. Hezel**, longtime director of the school's Affordable Housing and Community Development Clinic.

LAW *of the* JUNGLE



Endangered: Red Wolf

More than 150 U.S. law schools now have courses in animal law. SUNY Buffalo Law School was among the first

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The course was called “Animals (and the Law),” and in 1984 it was a brand-new field of study. Only at Harvard and at Buffalo, in the classroom of Professors **Elizabeth Mensch** and **Alan Freeman**, were students wrestling in a rigorous way with the legal and ethical issues of how human beings relate to their fellow creatures.

“We were both interested in some of the philosophical questions,” says Mensch, now retired. “It also came out of our experience in dealing with a really badly behaved dog, to whom we felt some obligation but couldn’t figure out why. One of the things that challenges ethical systems are the questions at the margins – they have a way of causing one to examine the fundamental nature of the ethical obligation.”

Those questions persist. Now viewed as an innovative and fast-growing field, animal law is taught at more than 150 U.S. law

schools. And at SUNY Buffalo Law, the combination of faculty scholarship and the interests of students and staff members have made animals both wild and domestic an important part of the educational enterprise. Their work, ranging from wild life and ecosystems to animal protection, celebrates the unique bond – sometimes loving, sometimes fraught – we share with the animals.



SUNY Distinguished Teaching Professor Emerita Elizabeth Mensch was a pioneer in the field.

Endangered:
Golden Lion
Tamarin





Professor Irus Braverman: *Her new book blurs the lines between wilderness and captivity*

BORN TO BE WILD

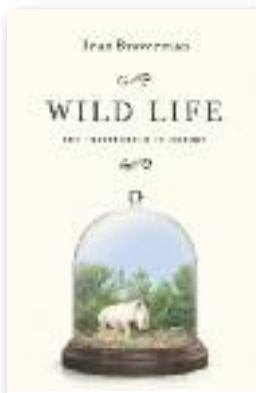
Professor **Irus Braverman's** previous book, *Zooland: The Institution of Captivity* (Stanford, 2012), explored the complex web of agreements that governs how zoos manage their animals. Her newest book, *Wild Life: The Institution of Nature* (Stanford, 2015), broadens that inquiry to look at animal management in what one of her interviewees called the “megazoo.”

“I thought I was done with zoos after the previous project,” Braverman said. “It was quite intense and emotional.” But after *Zooland* was published, Braverman attended a conference where she witnessed a bitter debate between animal rights activists and conservationists regarding the legitimacy of keeping elephants in captivity: free them into the wild, said the animal rights people; there is no such thing as wild, said the zoo people in response.

Drawing on four years of fieldwork and participatory observations that include interviews with over 120 conservation scientists from all over the world, *Wild Life* explores what it means to be captive, what it means to be managed.

Braverman presented the book at a June 23 book launch event at Buffalo's Talking Leaves bookstore. According to Braverman, the debate over *in situ* versus *ex situ* conservation—conservation in nature versus conservation outside of nature, or in captivity—is “a really important question that is very emotional as well. Some say we have to give up on this distinction; others say if we do that we're basically giving up on nature. So there's a lot at stake

Endangered:
Elephants



in this debate.”

Braverman begins her book with the emblematic story of a giant wolf snail that was introduced to French Polynesia so that it would eat the snails that were eating the agricultural crops. Instead, the snail chose to feast on dozens of species of “native” snails, to the point that most of them are now extinct in the wild. A few of the surviving species are now kept in zoos, “within the confines of tanks and thermometers,” Braverman asks, following her interviewees’ lead: “Is this nature conservation? What kind of a life is this as it is lived out of context?”

Braverman goes on to share the story of the Puerto Rican crested toad, which was thought to be extinct until one high school student found it in his family's back yard, and the red wolf, which was hunted to near-extinction in North America, was bred in captivity and is currently regaining a foothold in its historical range. Among the other species whose stories she tells are golden lion tamarins in Brazil, black-footed ferrets in the American Plains, Sumatran rhinos in Indonesia and Tasmanian devils in Australia. Such stories, she says, “show how conservation is moving away from *in situ* and toward an integration between conservation *in situ*

and *ex situ*. The integration of the two is becoming more and more important, when nature has been changed in very dramatic ways.”

Captive breeding in order to reintroduce a species to the wild is one aspect of that integration. In some cases, zoos manage animals that cannot be immediately reintroduced into the wild for a variety of reasons, for example in cases where their natural habitat has radically changed. “What happens when a species can only exist in captivity and there is no place in the wild for it?” Braverman asked. Most of the biologists she interviewed believe in maintaining such species in captivity, in the hopes that one day they can be returned to their natural home. But there are practical considerations as well, as director of U.S. Fish and Wildlife Service has explained to Braverman. It takes a lot of money and energy to preserve those animals—money and energy that could instead be invested in species that may still be saved in the wild.

In response to a question, Braverman explained why traditional species conservation typically critiques “de-extinction” narratives, such as those found in the summer blockbuster movie *Jurassic World*—namely, the idea that extinct species can be re-created through their DNA. What bothers the conservationists she interviewed, she explains, is “the hubris of the idea that humans can re-create life. In a way, extinction doesn't matter much anymore if we can do this. But life can't be so easily frozen and re-created out of context.”

Endangered:
Sumatran
Rhino



FISHING FOR ANSWERS



The federal agency chiefly in charge of enforcing the Endangered Species Act is the U.S. Fish and Wildlife Service.



Associate Professor Jessica Owley: *New research reveals large gaps in protection of endangered species*

Using a case study approach to investigate protection of endangered species, SUNY

Buffalo Law School Associate Professor **Jessica Owley** found significant gaps in how public agencies operate. Her article, "Keeping Track of Conservation," appears in the latest issue of the *Ecology Law Quarterly*.

According to Owley, the federal Endangered Species Act, like many other environmental laws, has a mechanism where landowners can legally kill or harm endangered species as long as they do so with permission from the appropriate federal agency. Landowners and project developers can obtain what are known as Incidental Take Permits under Section 10 of the Endangered Species Act. "These Section 10 permits legalize the killing of endangered species by imposing avoidance and mitigation requirements," explains Owley.

Curious to examine what type of mitigation measures were being exchanged for the detri-

mental impacts to endangered species, Owley examined several Endangered Species Act permits in California.

"I started this project because I was interested in seeing whether the federal agencies involved were keeping track of the mitigation measures over time, and because I wanted to know how easy it would be for a member of the public to understand the mitigation requirements," says Owley.

What she found was more worrisome than she expected. In some cases, the public officials involved did not have copies of the permits themselves, let alone know or understand the details of the mitigation measures.

The federal agency chiefly in charge of enforcing the Endangered Species Act is the U.S. Fish and Wildlife Service. "Because the permit process is run by the local Fish and Wildlife Service office, there was a lack of uniformity in the processes for

drafting, monitoring and enforcing mitigation requirements," she says.

Owley was particularly interested in where conservation easements are used to meet mitigation requirements. Conservation easements restrict the use of private land for conservation purposes, with individually negotiated terms. Conservation easements can be enforced either by non-profit organizations known as land trusts or by public agencies.

While the Fish and Wildlife Service often uses conservation easements to meet mitigation requirements, it does not hold the conservation easements and does not usually retain a right of enforcement. In her investigations, Owley learned that not only do the agencies fail to retain copies of the conservation easements but they can be tricky to track down through the public recording process.

"All in all, it was a series of chilling discovery, about the mitigation and just general recordkeeping. How can the agencies be keeping track of mitigation when they don't have the documents detailing what the mitigation is?" Owley asks.

"As many environmental programs at the local, state and federal level involve mitigation measures, this small study indicates the need for a broader investigation into what is being exchanged for the right to degrade the environment."



CLINIC OFFERS A NEW LEVEL OF HELP

Like a playful puppy that grows into a 60-pound Labrador, a Law School project serving animal-related clients has expanded into a full-fledged clinic.

The new Animal Law Pro Bono Clinic, a one-semester course being taught this fall by Professor **Kim Diana Connolly**, grew out of earlier pro bono work in which students addressed issues such as how municipalities should deal with free-roaming “community cats” and how to prevent the abuses of dog breeding mills. “The level of commitments that we took on because of student interest in community engagement made it bigger than something I could do as a side project,” says Connolly, who is also vice dean for legal skills and director of clinical legal education. “There’s a lot of interest in this, a lot of great work to be done.”

As in all clinics, students will hone their practical legal skills both in the classroom and while serving not-for-profit clients from the local community. Importantly, Connolly says, “Students are not taking the clinic to learn cat law or horse law. They’re taking the clinic to learn how to work with clients, how to make appearances on behalf of clients in court, how to draft a model contract

for a client, how to draft amendments to state law and introduce them in the Assembly. This is about learning skills and applying them to clients who work for animal welfare.”

In a carryover from students’ previous work, clinic students will continue to

“Students realize the skills they are gaining will be applicable to any area of legal practice.”



— Professor
Kim Diana Connolly

work with local governments that are seeking to pass local laws dealing with “community cats” – felines that roam freely, posing some problems but also keeping rodent populations down. Those discussions spring from consideration of a model ordinance, developed by SUNY Buffalo Law students, on how such cases should be managed.

A new project will be to

develop a model contract, on behalf of a local organization that finds new placements for retired thoroughbred racehorses, to ensure good outcomes from those adoptions. “Just about everyone who adopts a horse has his heart in the right place,” Connolly says.

“There are some very bad apples, though. We’ve been asked to draft an enforceable model contract to make sure people don’t say they are going to adopt the horse for good reasons and then go off and do nefarious things.”

A further project is to help with investigations of those who have been accused of breaking animal welfare laws.

The clinic will comprise six second- and third-year students. “I was amazed at the students who were interested,” Connolly says. “In part it’s because they love animals, but in part it’s because they realize these skills they are gaining will be applicable to any area of legal practice.”



Whose pain is it, anyway?

Why is it a crime to stomp on a goldfish? Professor **Luis E. Chiesa**, who serves as the Law School’s vice dean for academic affairs and directs the Buffalo Criminal Law Center, asked that question in a provocative – and frequently cited – scholarly article published in the *Mississippi Law Journal*.

Chiesa’s paper sprang from a case in which a defendant was convicted of felony animal cruelty for killing the pet goldfish of a 9-year-old boy. The stomper had argued that because the goldfish died instantly, his offense didn’t rise to the level of “aggravated cruelty” defined in the statute as a felony.



Professor Luis
E. Chiesa

The court, Chiesa said, reasoned that anti-cruelty statutes aim to deter people from hurting animals, not to protect the animals, but so that people won’t suffer emotional pain. His article argued against this view.

“The best way to account for the most salient features of anti-cruelty statutes is by acknowledging that the victims to be protected by the enactment of such laws are animals, not human beings,” he wrote.

“By misapprehending the nature and purpose of anti-cruelty statutes, the court gave short shrift to the only being whose interests were sought to be protected by such legislation – the animal harmed – in this case, Junior the goldfish.”

The rescue squad

Alumni and faculty who act on animals' behalf



They love dogs. Or cats. Or horses. Or – well, they just love animals.

Plenty of alumni, faculty and staff of the Law School spend their off hours making a better life for the animals they love. A sampling finds them putting their time, their money and their hearts into four-legged life – and reaping inhuman rewards.

Ginger Schröder '90, a well-established labor lawyer in Buffalo, made the cover of *Upstate Super Lawyers* magazine recently in a feature about the equine and poultry farm where she lives in rural Cattaraugus County. Amid the ducks and chickens, she has – at this point – eight horses that she bought at auction to save them from the slaughterhouse.

They include off-track thoroughbreds, a couple of work horses, a “big paint,” and a spotted draft horse in which she has invested north of \$30,000 in medical treatment and trainer’s fees. The farm goes through 1,700 bales of hay a year and employs a full-time caretaker/trainer.

“The ultimate goal is for me to give them forever homes,” Schröder says. “If I found the appropriate circumstances, I might be willing to let them go to another person, but I would essentially lease them so I could keep my eye on them.”

Lucinda Finley, Frank G. Raichle Professor of Trial and Appellate Advocacy, a rider and horse owner since forever, co-founded Finger Lakes Finest Thoroughbreds to help find good homes for post-career racehorses from Finger Lakes Race Track. Founded in 2011, the group has placed more than 650 horses.

“Racehorse trainers are immersed in their little world,” Finley says. “If they have a horse that’s done racing or is not working out, for too long they really didn’t know what to do with them. Organizations like mine help fill that gap.”



Ginger Schröder bought these horses at auction to save them from the slaughterhouse.

That means taking photos and videos of available horses, writing them up for the group’s website and Facebook page, even arranging transportation.

Finley herself is not immune to their charms: She owns six horses, five of them off-the-track thoroughbreds.

Karen R. Kaczmariski '89, associate dean and director of development, has been on the board of the SPCA Serving Erie County for more than a decade. Much of her work focuses on development efforts with the organization, which is in the midst of a \$9 million capital campaign.

“It’s not just about rescuing animals,” Kaczmariski says. “It’s about humane treatment of all creatures. It’s the idea of protecting animals that can’t protect themselves, or that are sadly abused.”

She herself is partial to cats, and says she adopted her first SPCA cat while she was a law student. How many does she have now? “Too many!” she says.

Down the hall, **Jill M. Domagala**, assistant director of development programs, runs canine operations for Pets Alive of Western New York and serves on the organization’s board.

Pets Alive takes dogs from individuals and, mostly, from overcrowded shelters, and works to find homes for them. Domagala oversees the foster program, “making a determination of sending

this dog here or moving this dog there if something is not working out in that foster home.” And doing intake work, making veterinarian appointments, dealing with behavior issues, checking out prospective adopters ... the list goes on.

She has three dogs herself, and knows how emotional it can be to foster a dog. “You hate seeing the bad things, the sad things,” she says. “But when there’s that happy ending and you know you’ve had a part in making that happen, that’s what makes it rewarding.”

Lisa Patterson, associate dean for career services, has just one dog. But Abby, a 3-year-old black Lab mix, does important work.

At exam time and during bar review season, Patterson brings Abby to O’Brian Hall as an unofficial therapy dog. “When we know students are coming out of the exam rooms, we’ll walk the hallways or hang out in the lobby,” Patterson says.

Sometimes you just need to pet a dog. Especially when it looks like the laptop software has eaten your final exam. Patterson tells of one student who came out white as a ghost, and while the IT team worked to retrieve her hard work, she sat on the floor and hugged Abby the whole time.

Expanding our global presence



Joseph Schneider, assistant dean for international and graduate education, recruiting at the DAJVL.L.M. Fair in Cologne, Germany, in June.

SUNY Buffalo Law builds on growth in international students and programs

As SUNY Buffalo Law School expands its global presence, drawing international students and establishing programs worldwide, a new Office of International and Graduate Programs will build on that momentum.

Interim Dean James A. Gardner announced creation of the office, which will be headed by **Professor Meredith Kolsky Lewis**, newly named vice dean for international and graduate programs. In addition, **Joseph E. Schneider '02** has been named assistant dean for international and graduate education.

Lewis, who joined the law faculty in 2013, maintains an appointment at the Victoria University of Wellington Law



Vice Dean and Professor Meredith Kolsky Lewis

School, in Wellington, New Zealand. She teaches public and private international law subjects, with a primary research interest in international economic law, focusing on international trade.

The Law School began developing new international offerings and linkages in 2013, when Professor David “Bert” Westbrook was appointed director of global strategic initiatives and Lewis was named director of the Canada-U.S. Legal Studies Centre.

“Bert was very successful in his role, making important strides in conceptualizing, marketing and developing our international programs,” Gardner said. “Among other achievements, Bert led our efforts to design and roll out our

two-year J.D. program, and developed and implemented our dual LL.M. program with the Catholic University of Lyon. While Bert is stepping down from his position, he has laid the groundwork for additional growth in these programs.

“Meanwhile, Meredith has been instrumental in developing our cross-border initiatives, beginning with re-branding the Canada-U.S. Legal Studies Centre as the Cross-Border Legal Studies Center, then developing and initiating our cross-border legal studies concentration, and most recently obtaining faculty approval to seek the authorizations necessary to introduce an LL.M. in cross-border legal studies.”

These initiatives have attracted more international students to apply for the Law School’s master of laws and two-year J.D. programs.

In her new role, Gardner said, “Meredith will be responsible for overseeing and developing a wide range of international and graduate initiatives in the areas of degree programs, curriculum, international student recruitment, study abroad and exchange programs, and faculty exchange.”

Schneider, formerly director of post-professional and international education, joined the Law School in 2008. “Joe has traveled extensively on behalf of the Law School and has communicated directly with many prospective students,” Gardner said. “His efforts have resulted in significant growth in our international applicant pool as well as a welcome increase in the engagement of many of our international alumni. As assistant dean, Joe will continue to be the person primarily responsible for recruiting, admitting, seating and supporting the Law School’s LL.M. and two-year J.D. students. He will also play a more prominent role in working with current international students and international alumni.”

CROSSING THE BORDERS TO LEARNING

Five SUNY Buffalo Law students put their passports to work this summer, getting a taste of the lawyer's life in locations on four continents around the globe.

Two of the students traveled as fellows of the Buffalo Public Interest Law Program. The other three were sponsored by the International Section of the New York State Bar Association; this is the fourth year that SUNY Buffalo Law students have participated in the state bar's initiative.

Rebecca Alward '17, BPILP's Kaplan & Reynolds Fellow, worked in the legal department of a nonprofit in Cairo, St. Andrew's Refugee Services. "We assisted refugees with navigating the various processes of appealing or reopening their cases with the [United Nations High Commissioner for Refugees] and work on assisting refugees with resettlement appeals as well. I learned their story and then figured out whether their claim would qualify as a refugee under the UNHCR 1951 Convention, and then why the UNHCR did not recognize them. After this, I appealed to the UNHCR, outlining in gory detail why my client had been persecuted and faced the same persecution should they return to their country of origin.

"Egypt," she says, "is magnificent chaos. It isn't for everyone, but I would come back to Cairo in a heartbeat."

Her classmate **Ashmita Roka '17**, a Buffalo Human Rights Center Fellow, was on the other side of the world, serving with the HUG Project in Chiang Mai, Thailand. The agency serves children who have survived abuse and

human trafficking.

"I researched Thai law, extraterritorial legislation law, and the criminal law of countries such as the United States, Australia and European countries on child sex tourism and child sexual abuse," Roka says. "I also participated in meetings with federal investigation teams from Britain, the United States and the Royal Thai Police, and accompanied victims and HUG staff members to police stations and trial proceedings in Chiang Mai Provincial Court.

"This experience has taught me that there are lots of gray areas when it comes to the issue of human trafficking. It exists everywhere, and we just need to be willing to see it, acknowledge it and, finally, do something about it."

Among the NYSBA interns, two were in Europe and one was in Mexico.

In Austria, **Victoria Hahn '16** worked at the Viennese law firm Graf & Pitkowitz Rechtsanwälte, where they appreciated her editing skills. "I tried to make sure various documents sounded as if they were written by a native English speaker," Hahn reports. "I edited and conducted research about Austrian capital markets (and the EU), but I also helped other attorneys in the firm with letters and other documents. The language barrier forced me to not only think differently about the way I approach cases and situations, but think more critically





At left, Ashmita Roka '17 helped fight human trafficking in Thailand.

Below left, Julia Purdy '16 worked in Stockholm, Sweden, for a corporate law firm.



about the documents I edited and worked on."

And, she says, "Life in Vienna moves at a slower pace. People aren't in as much of a rush, and they tend to take life more slowly to enjoy things along the way. There is such a deep appreciation for the arts as well."

Julia Purdy '16 spent her 1L summer at a UN agency in Spain. This year she went north to Stockholm, where she worked on private mergers and acquisitions, as well as some capital markets work, with the Lindahl Law Office.

"Everything about my time with Lindahl was fantastic," Purdy says. "It was invaluable to be involved in the work of such a professional company. I learned about corporate law and met truly wonderful people."

Swedish is a notoriously difficult language, but Purdy says that wasn't a

problem. "Fortunately, everyone in Stockholm spoke nearly perfect English, so there were no language issues," she says. "The firm taught me a lot, including some Swedish. Nonetheless, I always carried an English-Swedish dictionary with me."

"The culture definitely influences the work environment," reports **Cara Cox '16**, whose summer placement was in Mexico City with the law firm Hogan Lovells. "The experience allowed me to understand how different firms operated depending on their location. I have worked in a Buffalo law firm and company, and things operate differently. No office is going to be the same, especially when you are in another country."

At the law firm, Cox helped draft content for the publication *Latin Lawyer*, and worked with attorneys and other summer associates on drafting and translating a variety of contracts. "There were some language issues, especially because some legal concepts either do not exist in Mexican law or there is no perfect translation. Another issue was that I was assisting with contracts in areas of law that I have never studied, such as maritime law."

And the traffic! "Even with the huge public transportation infrastructure, there was still an unbelievable amount of traffic," she says. "One Friday, it took over two hours to drive home."

The main fundraiser for the Buffalo Public Interest Law Program is the group's annual auction, which always draws a crowd eager to bid.



A summer in the public interest

They stayed in town or traveled far. They helped represent defendants and public prosecutors. They advocated for children, for refugees, for the poor. For the Law School's newest crop of public-interest fellows, this summer meant making a difference for those who need it most.

The Buffalo Public Interest Law Program, along with awards funded by alumni, the Buffalo Human Rights Center and the New York Bar Foundation, sponsored 25 students for work in the public interest this summer. These summer placements are typically unpaid, and the Law School's roster of grants, fellowships and awards makes it possible for students to follow their passions without using their savings.

A brief sampling of our students' summer experiences reveals the breadth of their interests and the scope of what they learned.

Maria Apruzzese '17 found her summer posting with the U.S. Marshals Service in Arlington, Va., via Google



searching, and started two days after her last final exam. In the agency's Office of General Counsel, she did research and wrote memos regarding the tort claims brought against the U.S. Marshals. "For example," she says, "a civilian would file an administrative tort claim with the Marshals Service if they thought a deputy marshal was negligent in causing their motor vehicle accident." She also researched cases involving asset forfeiture and Fourth Amendment searches.

"I eventually want to be a federal law enforcement agent," Apruzzese

says. "I like the work that the marshals do — they definitely make a difference every day."

Nikolay Feodoroff '16 spent his second summer at Journey's End Refugee



Services, in Buffalo, and says with that foundation "I was able to do more intricate work." For example, he worked on asylum filings for individuals who claimed they would be persecuted if they were sent back to their country of origin. Feodoroff researched and wrote briefs to be presented to an immigration judge, detailing the political conditions in the applicant's country.

"The attorneys at Journey's End have an open door policy, so it's a really

wonderful environment," he says. "I learned a lot and I was also part of a team."

"Everyone is so passionate about what they're doing," says **Christina Kennedy '17** about her experience at Advocates for Children of New York, in New York City. The agency advocates for families of children with disabilities, working to ensure they get the services they need, without discrimination, from the city's school system.

In the position, Kennedy worked on requests by families that believe they have been denied due process by the schools, and are requesting a new hearing. "It's really important to protect the rights of students to a free, appropriate public education, because it's a steppingstone to a really great life," she says.



Madison Ozzella '17

put her 1L training to good use in her hometown — Olean, N.Y. — in her work with Legal Assistance of Western New York, which represents indigent clients in areas including public benefits claims, housing issues and family matters. As part of the agency's Family Court division, she spent time in court, did intake interviews, wrote letters, orders and motions, and met with clients. (Her classmate **Sara Hicks '17** also spent the summer with LAWNY.)

"I've always known I wanted to do family law," Ozzella says. "This internship has shown me the importance of understanding public benefit and housing law in order to best help your family law clients."

At the Partnership for the Public Good, in Buffalo, **Jayne O'Connor '17** worked on the agency's Open Buffalo



Initiative, helping to seek a community benefits agreement with the Buffalo Niagara Medical Campus. As part of that advocacy, she also researched the Affordable Care Act and New York State health law.

"I've always been interested in human rights and civil rights and underserved populations, and this was a way to really make it happen," she says. "I learned a lot, and I felt like I was doing something, not just stuck in a cubicle somewhere. And I wouldn't have been able to do it if I hadn't had a grant."



Malhotra, students help win decision in Ninth Circuit



The legal team, led by Dean Erwin Chemerinsky, University of California, Irvine School of Law (fifth from left), included Associate Professor Anjana Malhotra (third from left).

Student research was a key in court victory

Dogged work by a small group of SUNY Buffalo Law students played a crucial role in what their professor calls a “historic” decision in the Ninth Circuit Court of Appeals.

The decision by the San Francisco-based federal court, handed down in July, remands to the lower district court the case of *Arce v. Douglas*, which challenged the constitutionality of an Arizona law banning ethnic studies in primary and secondary schools. Associate Professor **Anjana Malhotra** served as a lead appellate litigator in the case, and it became grist for the students in her spring 2014 seminar on appellate litigation practice and theory. Professor Malhotra became involved with the case when she was a clinical teaching fellow at Seattle University School of Law’s Korematsu Center, the lead clinic for the case.

The appellate brief filed by Malhotra and her colleagues argued that the Arizona statute violates First Amendment rights

and the right to equal protection and is unconstitutionally overbroad and vague.

The law, enacted in 2010, prohibited courses that promote resentment toward a race or a class of people, are designed primarily for people of a particular ethnic group or advocate ethnic solidarity instead of the treatment of people as individuals. It has been selectively enforced by Arizona, Malhotra says, to eliminate the Mexican-American studies program in the Tucson Unified School District. The move was particularly controversial because the program had brought significant gains in academic achievement for Latino students in Tucson.

The majority of students in that district are Hispanic. The program taught them about historic events relating to the Mexican-American experience such as their indigenous roots and the Mexican Revolution.

A group of teachers and students challenged the law’s constitutionality in federal court. Though the teachers were dismissed from the lawsuit for lack of standing, the students

continued their challenge. The district court declared one section of the law unconstitutionally overbroad, but granted summary judgment to the defendants on the students’ other claims. The students appealed to the Ninth Circuit court, with help from SUNY Buffalo Law students, the Seattle clinical program and other partners.

“We had to show the Ninth Circuit that there was all this information the plaintiffs weren’t able to access, information that showed there was evidence of discriminatory intent in the legislation,” Malhotra says. “It was almost like we had to try the case on the appellate level.”

The task was an uphill climb, she says, because the law sets a high bar for establishing that lawmakers intended to discriminate against a particular ethnic group. But the SUNY Buffalo Law students’ research proved decisive.

“We had a group of eight students who dug through thousands of documents that weren’t in the record to identify evidence of discriminatory intent,” Malhotra says. “The opinion is based heavily on the brief they wrote. They helped gather the facts that were critical in proving our point, and the students were really in charge of extensive and novel legal research. They were critical to this victory, and they did a tremendous job.”

Malhotra says their 107-page brief benefited from discussions with her SUNY Buffalo Law colleagues, in particular **Professors George Kannar** and **James Gardner**. “We had 13 constitutional claims in this case, trying to apply Supreme Court precedent to a new situation that hits a lot of areas in law,” she says. “I got helpful and invaluable ideas from my colleagues – brilliant perspectives and suggestions about strategy, legal arguments, how to talk about the specific kind of animus and inequality that was going on in this case. It’s incredibly beneficial to be able to reach out to these folks.”



Associate Professor Anjana Malhotra

Schlegel! appointed UB Distinguished Professor

John Henry Schlegel, a longtime faculty member in SUNY Buffalo Law School, has been named a UB Distinguished Professor. The appointment became effective Sept. 1.

The UB Distinguished Professor designation was created by the Office of the Provost to recognize full professors who have achieved true distinction and are leaders in their fields. It is a separate designation from that of SUNY Distinguished Professor, a rank above full professor that is awarded by the SUNY trustees.

It is open to faculty members who have been a full professor for at least five years and who have achieved national or international prominence and a distinguished reputation within their field through significant contributions to the research/scholarly literature or through artistic performance or achievement in the fine arts.

A member of the SUNY Buffalo Law faculty since 1973, Schlegel also is one of the law school's Floyd H. & Hilda L. Hurst Faculty Scholars. He twice has served as associate dean – from 1982-87 and 1990-91 – and as acting dean – for the fall 1983 semester, and in 1985-86.

His most influential work has chronicled two movements in 20th century legal thought: Legal Realism and Critical Legal Studies. His book *American Legal Realism and Empirical Social Science* (University of North Carolina Press, 1995) has been described by colleagues as “pioneering” and “the definitive work in its field.”

Moreover, an article Schlegel published on Critical Legal Studies in the *Stanford Law Review* in 1984 has been called “incisive” and “the single best history of CLS that has yet appeared.”



John Henry Schlegel

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His book *American Legal Realism and Empirical Social Science* has been described by colleagues as “pioneering” and “the definitive work in its field.”

More recently, he has focused his teaching and research on corporate finance and the economic redevelopment of Rust Belt cities. He is part of the SUNY Buffalo Law faculty group that offers the school's financial transactions concentration, teaching both acquisition transactions and in the concentration's program in finance in New York City. He also teaches a two-semester seminar on regional economic development.

He currently is at work on a book, *While Waiting for Rain: Community, Economy and Law in a Time of Change*, on the role of law in the development of the mid-20th century American economy.

Schlegel received a B.A. from Northwestern University and a J.D. from the University of Chicago.

TRIBUTES



Robert I. Reis

Alfred S.
Konefsky

Dianne Avery



R. Nils Olsen Jr.

Suzanne E.
TomkinsAnthony H.
Szczygiel

George M. Hezel



Lynn Mather

We bid a fond farewell

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

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

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

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

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

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

— ILENE FLEISCHMANN, EDITOR

International trailblazer

Suzanne E. Tomkins '92 is a trailblazer, a consensus-builder, a model advocate and a gifted educator. She changed the landscape for domestic violence victims locally while also impacting legal responses throughout the country and in Ukraine, Russia and Brazil. She always saw the next issue to be addressed before others recognized it. As co-director of the Family Law Program, she ensured that new lawyers addressed intimate partner violence whenever it was present in family law matters. The ripples of her work are wide and deep.

Tomkins and Dr. Catherine Cerulli started the Domestic Violence Task Force as law students at SUNY Buffalo Law School in 1990, and Tomkins served as its faculty adviser for over 20 years. The task force has provided advocacy in Family Court in collaboration with Haven House (the local battered women's shelter) and the Erie County Bar's Volunteer Lawyers Project.

Tomkins and Cerulli started the Women, Children and Social Justice Clinic (formerly the Family Violence Clinic) in 1992. Students obtained a practice order to assist local prosecutors, victims seeking protective orders, victims in matrimonial and custody matters and immigrants who self-petition for relief under VAWA.

Tomkins and Cerulli co-supervised students in groundbreaking empirical research and evaluation of intervention models. Protocols developed by the clinic with partners in Niagara County, N.Y., became a model for protocols in several other New York counties. Recently, the clinic created a searchable online database identifying emergency animal shelters for victims who could not take their pets with them into shelter, overcoming a barrier to victim safety. The clinic joined forces with other law schools in a campaign to recognize domestic violence as a human rights violation.

Tomkins worked with the Community and Economic De-



Suzanne E. Tomkins '92

Clinical Professor

velopment and Housing Clinics and the YWCA of Niagara to address the economic underpinnings of violence. They collaborated to build Carolyn's House, a comprehensive housing program for homeless women and children in Niagara Falls, N.Y., virtually all of whom have been victims of intimate partner violence.

In January 2011 in Orchard Park, N.Y., Dr. Muzzamil Hassan killed his wife, Assiya, while his children waited in the parking lot of their TV station. Tomkins and clinic co-director Remla Parthasarathy led the communication effort of the local domestic violence community so that it was a strong, informed and unified voice.

Tomkins led a similar communication and education effort when the local district attorney announced that he would no longer prosecute misdemeanors and violations in the Integrated Domestic Violence Court, calling the court a "failed experiment." Tomkins educated the public about the dangerousness of low-level offenses in the cy-

cle of violence. Under court order, the cases were resumed.

Tomkins was sponsored by the American Bar Association's Rule of Law Project to travel to Russia to educate attorneys, judges and law enforcement officials. She did similar work in Ukraine. For six years, one or two feminist-practicing attorneys from Central and Eastern European countries came to study with Professor Isabel Marcus and Tomkins. Prosecutors from Brazil also studied in Tomkins' clinic, and she went to Brazil as their offices began to prosecute cases under the first laws criminalizing domestic violence in Brazil.

Tomkins' work through the Women, Children and Social Justice Clinic changed the response to intimate partner violence in our community. By training the next generation of advocates here and around the world, her work will have infinite and endless impact.

— Professor Susan V. Mangold



"Suzanne Tomkins changed the landscape for domestic violence victims locally while also impacting legal responses throughout the country and in Ukraine, Russia and Brazil." — Professor Susan V. Mangold

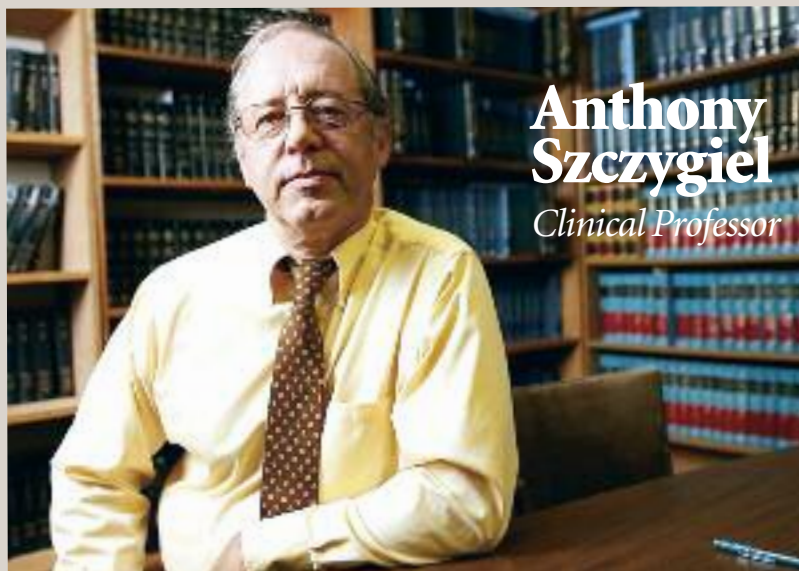
Advocate for the elderly

I first met **Tony Szczygiel** in 1981, when he was interviewing for a position on our faculty. Tony impressed me immediately. He was keenly intelligent, with a demonstrated commitment to working with underserved communities, having spent five years working for Farmworker's Legal Services.

Tony is the exemplar for the effective community engagement a thoughtful, sophisticated and empathetic clinical teacher can provide. During his 34 years at UB, he developed a sophisticated educational program that profoundly impacted provision of legal services to an ever growing and often financially challenged, elderly population.

Tony's program is centered in his masterful clinical teaching. Over the years, scores of law students have worked with Tony, representing the elderly poor. Under his supportive supervision, students perfect interviewing skills necessary to elicit legally significant facts from often confused individuals, as well as the subtle art of actually listening to prospective clients. In his teaching, Tony listens closely, without interruption, and thinks before replying. This trait, which operates so effectively in the classroom, is imparted to his students by example. In a profession that seems sometimes to validate the caricature of windy, blowhard lawyers, this is a valued skill.

In addition, Tony teaches his students effectively to counsel the elderly. His clinic handles complicated, and often intertwined, questions, including: Medicaid eligibility; Medicare Parts A, B, C and D; VA insurance benefits; private insurance impacted by the Patient Protection and Affordable Care Act; long term health insurance; home nursing care; nursing home finance; and eligibility for Social Security Disability Insurance and Supplemental Security Income. Tony has effectively



balanced demands for repetitive, though highly desired, individual representation against broadly based, impact litigation that may prove life-changing for many. Tony's students have appeared in hundreds of fair hearings and administrative tribunals on behalf of individual clients, while also successfully pursuing complex litigation. This balance has been a hallmark of his clinical teaching.

Tony's impact litigation provides unmatched educational experience. The seemingly never-ending case of *Conrad v. Perales*, which lasted an astonishing and depressing 21 years, is an excellent example of his complex litigation, not to mention his inexhaustible patience. This class action alleged that 16,000 nursing home residents were cheated out of insurance co-payments, deductibles and other costs when New York State charged them twice for the same services. Plaintiffs ultimately received an \$11 million settlement; however, sadly, most of his frail clients died during the lengthy proceedings, and the settlement ultimately was distributed to their heirs, a cogent lesson for his students on the limits of such lawsuits. Not insignificantly for the future of his clinic, \$2.3 million in attorney fees was awarded.

Tony's civic engagement has not been limited to the classroom and courtroom. He has been instrumental in organizing and continuing the education of an ever-

increasing "elder law" specialty. For example, he founded the Coalition of Medicaid Advocates, affectionately known as COMA, prepared and distributed voluminous materials discussing recent statutory and case law, and participated on panels too numerous to recount.

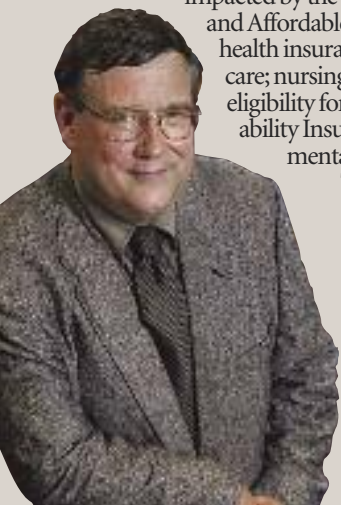
In addition, Tony has worked tirelessly on behalf of Legal Services for the Elderly, Disabled, and Disadvantaged. His students assist in intake at their office, and he has co-counseled with their attorneys, sharing fee awards with the financially challenged program.

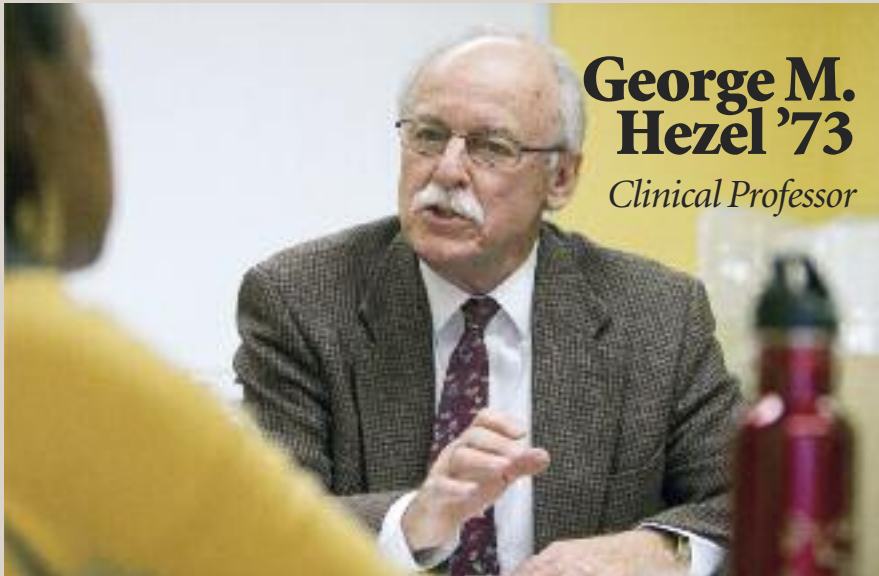
In short, Tony has worked successfully to improve the quality of advocacy available to the elderly. This is precisely the activity UB 20/20 envisioned in its strategic strength of Civic Engagement and Public Policy, the linchpin of any great state university.

Finally, I acknowledge Tony's compassion and willingness to assist colleagues concerning matters such as home health services and insurance coverage of nursing and hospice care during family crises. I will never forget his empathetic and wise counsel during my father's terminal illness. I am privileged to call Tony a friend. When he reflects on his contributions during his retirement, he will indeed have a great deal to be proud of.

— Professor R. Nils Olsen Jr.

"Tony listens closely, without interruption, and thinks before replying. This trait, which operates so effectively and respectfully in Tony's teaching, is imparted to his students by example." — Professor and former Dean R. Nils Olsen Jr.





George M. Hezel '73

Clinical Professor

Lawyer, teacher, friend

When I arrived at the Law School in the fall of 1989 to work with **George M. Hezel '73** in the recently created Affordable Housing Clinic, he suggested that I take a look at Section 42 of the Internal Revenue Code, which contained the Low Income Housing Tax Credit. At the time, this provision was a little used or understood temporary measure passed as a part of the Tax Reform Act of 1986. George thought we might be able to use it as both an educational tool for our students and to create afford-

able housing in Western New York. Since then, George has worked with students, community organizations, banks, prospective tenants, government officials, politicians, consultants, equity investors and accountants to bring more affordable housing to Western New York. Most of our work together involved the Low Income Housing Tax Credit, which soon became a critical part of developing affordable housing throughout the country.

The more obvious and tangible re-

sult of his work consists of over 2,000 units of affordable housing which have been built with the assistance of the Affordable Housing Clinic over the past 25 years. The more lasting and impressive part of George's legacy are the many former students he inspired to go into this field. They will continue to contribute to the lives of countless future residents of affordable housing for many years to come.

George was fond of re-

minding students that Section 42 is the longest section of the Internal Revenue Code. Navigating the provisions of this law to the satisfaction of banks, private equity investors and state officials required legal precision and sophistication. Accomplishing this task with students required patience and extraordinary teaching skill. Insisting this could be done at all in a law school setting required vision, determination in the face of disappointment, salesmanship and audacity. George was perfect for the job.

George's persistence and optimism fueled his success. Often, when a particular project seemed doomed, George would energetically pursue alternatives until he found a successful path to closing. Throughout this process, he was always positive and upbeat.

I watched George gain the confidence of key constituencies needed to build affordable housing. He worked in abandoned school basements on the East Side of Buffalo, in bank offices and in state offices here and in Albany. George could work with each of these groups and, more importantly, get them to work with each other. Even when thoroughly frustrated, he searched for a way forward by considering the legitimate interests of all constituents. In this role, George wasn't just building affordable housing, he was building bridges in our community.

George recently received a Lifetime Achievement Award from the New York State Association for Affordable Housing and was awarded the inaugural University at Buffalo Community Partners Award. These awards represent the respect, admiration and affection that so many of his colleagues and former students feel for George as a lawyer, teacher and friend.

— *Clinical Professor Emeritus*
Thomas Disare



“The more obvious and tangible result of his work consists of over 2,000 units of affordable housing which have been built with the assistance of the Affordable Housing Clinic over the past 25 years.

The more lasting and impressive part of George's legacy are the many former students he inspired to go into this field.”

— *Clinical Professor Emeritus Thomas Disare*



The gold standard for studying the legal profession

Lynn Mather has been a key contributor to the intellectual life of SUNY Buffalo Law School, a person of principle, and one of our most honored and respected scholars. Her colleagues have benefited immeasurably from her encouragement and advice, and her students have been enriched by her wealth of knowledge about law, legislation, and the legal profession. Lynn has been a mentor and friend to new faculty mem-

bers and a valued source of advice to those who are further along in their careers. Her departure leaves a void that will be very difficult to fill.

For more than 40 years, Lynn Mather has been one of the most recognized, respected and influential figures in the international Law and Society field. Her studies of lawyers and the legal profession, in particular, are considered the gold standard by her peers. She has re-

ceived many awards and other forms of recognition for her writings and her leadership, including election to the presidency of the Law & Society Association in 2001-02. In 2013, her contributions and outstanding reputation were recognized by the State University of New York with her promotion to the rank of SUNY Distinguished Service Professor.

Lynn came to SUNY Buffalo Law

School in 2002 as the result of an international search for the next director of the Baldy Center for Law and Social Policy. She had spent most of her professional career at Dartmouth College, where she was the Nelson A. Rockefeller Professor of Government. We were thrilled to have her join us here at UB, and she began to have an impact on faculty and students almost from the moment she arrived. Although she was hired primarily in an administrative capacity, she is a skilled teacher who immediately made her mark in the law school classroom teaching courses on the legal profession, statutory interpretation, courts and social change, and other courses and seminars dealing with Law and Society topics. As a political scientist, she also taught and mentored graduate students and fostered dialogues across the disciplines on our campus.

Colleagues at UB came to know Lynn for her extraordinarily generous and selfless support of faculty scholarship. One of her innovations at the Baldy Center, the Book Manuscript Workshop for UB authors, brought noted scholars to our campus to lead discussions of books that were nearing completion. Many faculty members later commented that these sessions had contributed significantly to the success and visibility of their work. Lynn herself is a meticulous reader who has provided many of us with detailed comments on our work, a role she has played for scholars around the world.

Lynn has been a dedicated member of our faculty, never hesitant to speak her mind, always devoted to the betterment of our community. The dozen years she spent with us seem far too short. Her countless contributions to our faculty, our students and our international reputation will be sorely missed.

— SUNY
Distinguished
Service
Professor David
M. Engel



“Lynn Mather has been one of the most recognized, respected and influential figures in the international Law and Society field. Her studies of lawyers and the legal profession, in particular, are considered the gold standard by her peers.”

— SUNY Distinguished Service Professor David M. Engel

Faculty in the press

A sampling of print, the Web and on air

The Guardian – Associate Professor Christine Bartholomew was quoted in an article on the unprecedented NFL concussion settlement of the class action lawsuit.

New Yorker – In an article, “Judging the Right to Vote,” Interim Dean James A. Gardner was interviewed about the Supreme Court’s order regarding voting regulations, especially in Texas, which is allowed to enforce a voter ID law.

Bloomberg Business, U.S. News & World Report, ABA Journal – Interim Dean James A. Gardner was quoted about SUNY Buffalo Law School leading the way to drop the LSAT exam for some honor students.

Buffalo News – Lecturer Nan L. Haynes is quoted in a front-page article about a Buffalo police officer who was suspended for allegedly striking a handcuffed suspect.

Los Angeles Times – SUNY Distinguished Service Professor Charles Patrick Ewing was interviewed for an article about Dzhokhar Tsarnaev, who was sentenced to death for his role in the Boston Marathon bombing.

Huffington Post – Professor Rick Su was quoted in a story about roadside checkpoints and what people’s rights are when they are stopped at a border patrol checkpoint in northern New York State.

The Wall Street Journal – Professor Makau W. Mutua was interviewed about anti-gay sentiment in Kenya and the dilemmas it presents during President Obama’s visit to that country.

USA Today, Huffington Post, Desert Sun, News-Herald, 790 Talk Now and WZZM13 – Vice Provost and Professor Teresa Miller was interviewed about the superintendent and 11 others being placed on leave at the Clinton Correctional Facility after two inmates escaped.



All Things Considered – SUNY Distinguished Service Professor Charles Patrick Ewing commented on a case in Texas where the state planned to execute a murderer whose competence was debated.

National Law Journal – Associate Director of Admissions Lindsay Sutton commented on the Law School’s direct admissions program, which permits some honor students from UB to apply to the Law School without the LSAT.

New York Law Journal – On behalf of the Law School, Vice Dean for Admissions Lillie Wiley-Upshaw accepted an award from the journal as the only Law School in the state to be named one of its 2015 Diversity Honorees for the DiscoverLaw pipeline program.

BBC News – SUNY Distinguished Service Professor Charles Patrick Ewing was quoted in a story about John Hinckley Jr. and his insanity plea for shooting President Reagan.

Reuters – SUNY Distinguished Service Professor Charles Patrick Ewing discussed the reasons why the two killers who escaped from the Clinton Correctional Facility in northern New York State didn’t talk about noises they may have heard during the escape.

Wall Street Journal – SUNY Distinguished Service Professor Charles Patrick Ewing was interviewed about District Attorney Andrew Wylie and the stress the escape of two prisoners from the Clinton Correctional Facility in upstate New York put on Wylie and his staff.

International Business Times – Nellie Drew, adjunct professor, commented about the NFL’s poor record of investigating and sanctioning scandals.

USA Today – Professor Mark Bartholomew was quoted about the secret expansion of the National Security Agency’s warrantless surveillance of Americans’ Internet use.

North Country Public Radio – Professor Rick Su was interviewed about roadside checkpoints and what people’s rights are when they’re stopped at a border patrol checkpoint.

“My greatest disappointment with Obergefell is its romanticized and morally saturated vision of marriage.”

— Associate Professor
Michael Boucai



The marriage equality decision: Surprises and disappointments

By Associate Professor Michael Boucai

On June 26, 2013, the Supreme Court held in *Lawrence v. Texas* that criminal sodomy laws are unconstitutional, in part because, as Justice Anthony Kennedy explained, they intrude upon “conduct that can be but one element in a bond that is more enduring.” Exactly 10 years later, in *U.S. v. Windsor*, Kennedy announced for a bare majority of the Court that a key provision of the federal Defense of Marriage Act “interfere[d] with the equal dignity of same-sex marriages” and so violated the Fifth Amendment’s Due Process Clause. Finally, on June 26 of this year, the Court held in *Obergefell v. Hodges* that states are constitutionally compelled to issue same-sex marriage licenses. Again speaking for a majority of five, Kennedy wrote that this new dimension of the freedom to marry “is part of the liberty promised by the Fourteenth Amendment [and] is derived, too, from that amendment’s guarantee

of equal protection of the laws.”

In light of *Lawrence* and *Windsor*, to say nothing of the profound cultural shifts those cases represented, the result in *Obergefell* came as no surprise. This is not to call the decision unimportant. To the contrary, *Obergefell* eliminates what were in some states the only remaining instances of explicit governmental discrimination based on sexual orientation – and the only remaining instances of explicit sex-based discrimination in the law of marriage. Thanks to *Obergefell*, the gay rights movement can focus on securing federal, state and local protections against discrimination in employment, housing, education and public accommodations. And, of course, the decision allows thousands more families to reap the tangible and intangible benefits of a privileged legal status.

The Court’s predictable ruling also contained a few surprises. The most striking was doctrinal. Kennedy’s opinions in *Lawrence* and *Windsor* augured an analysis that would weave together principles of both liberty and equality, but few observers expected an opinion so overwhelmingly focused on “the fundamental right to marry.” Because I doubt the existence of such a right – as if the government were obliged to issue marriage licenses! – I would have preferred a decision grounded exclusively in equal protection.

Another unfortunate surprise was

the Court’s endorsement of the theory that sexual orientation is immutable. This affirmation was gratuitous given the majority’s failure to raise, let alone answer, the question of whether sexual orientation is a “suspect classification.” More importantly, the immutability theory is debatable as a matter of fact; it holds true for many people but by no means all. And as I and many others have argued, a characteristic’s mutability should be irrelevant to our constitutional calculus.

My greatest disappointment with *Obergefell* is its romanticized and morally saturated vision of marriage. Justice Kennedy calls marriage a “transcendent” institution whose “centrality to the human condition” rests largely on the “nobility and dignity” it bestows upon spouses. On this score I stand with Justice Clarence Thomas: “The decision to [marry] does not make one person more ‘noble’ than another. And the suggestion that Americans who choose not to marry are inferior to those who decide to enter such relationships is specious.”

Finally, I wish that one of the four liberal justices who signed on to Kennedy’s paean to marriage had bothered to write a concurrence. I would have liked to see Justices Sonia Sotomayor and Elena Kagan, both unwed, distance themselves from the notion that one who does not marry is “condemned to live in loneliness.” And I would have liked to see Justice Ruth Bader Ginsburg explain why, the so-called “fundamental right to marry” notwithstanding, same-sex marriage bans embody gender stereotypes and therefore invidiously discriminate on the basis of sex.

We can take heart that the meanings of this legal, political and cultural milestone are not limited to what a majority of the Supreme Court says they are. In a recent article on the first gay marriage cases, which arose in the heyday of gay liberation, I suggest that the fight for this right once was and still can be understood as part of a larger movement for sexual freedom, gender dissent and alternative family forms. Time will tell whether *Obergefell* enhances or undercuts those radical possibilities.

Michael Boucai teaches Criminal Law and Family Law at SUNY Buffalo Law School, where he has also offered courses on Law & Sexuality and Law & Procreation.

Owley's book rethinks the idea of sustainability

By Charles Anzalone

Sustainability may be one of those “squishy/mushy” buzz words too vague to be of much use. But the principle behind it demands that citizens come to grips with the grave problems it was created to solve.

That's one conclusion Associate Professor **Jessica Owley** reaches in *Rethinking Sustainability to Meet the Climate Change Challenge*, a new book featuring a collection of essays by leading environmental scholars. The book addresses the ways sustainability needs to be “re-examined, refined or articulated in greater detail to address” the crucial, but daunting, issue of climate change.

“The book explores what we mean by sustainability and whether the concept of sustainability can help us in our efforts to battle climate change,” says Owley, an expert in environmental law. “With the variety of voices involved, however, we don't reach one set answer.”

The series of essays by members of the Environmental Law Collaborative, a group of scholars she helped start, is much more than an academic discussion. At stake is probably the most comprehensive issue facing society – anything but an abstract issue to be debated at leisure.

Instead of giving one quick, reductive message, Owley and co-editor Keith Hirokawa of Albany Law School ask whether the concept of sustainability has reached the end of its useful life.

It means many things to many people, the authors concede. And they recognize it has been a positive driving force across society – “either through laws and treaties or voluntary action – to keep our planet and our people healthy.”

But even this concerted, broad-based movement has not been enough to prevent the ravages of climate change.



“The book explores what we mean by sustainability and whether the concept of sustainability can help us in our efforts to battle climate change.”

– Associate Professor
Jessica Owley

“Climate change is a reality that's here to stay,” Owley writes, “and it's bigger than we would have imagined even 20 years ago. We need to think about what we are actually working toward and setting clear goals, not just adopting a catch phrase that sounds cool but can be shaped into whatever the listener wants it to be.”

The book seeks to highlight the importance of tackling the problems of climate change without losing sight of the fact that it is a “wicked multi-faceted problem with people at its core,” Owley says. “Addressing climate change isn't just about science and chemicals, but about public health, livelihoods and well-being.”

Although the book presents diverse thinking about sustainability and how to approach the problems associated with it, some principles guide its conclusions:

- Sustainability often has been about local issues, such as food, resources and customs.
- Conceptualizing climate change and our responsibility for that often is more global.
- Identifying relevant lessons, strategies and goals to address these issues means bridging the gap between this local and global scale.
- Uncertainty over this definition of sustainability should not obstruct progress

and understanding of the problem. The allocation of scarce resources requires a framework that will set priorities. Climate change will test today's concepts of justice and community in previously unseen ways.

“To most folks on the street, sustainability just means ‘environmentally friendly,’” Owley says.

“When we embrace that definition, sustainability doesn't give us much to hang our hat on. Just suggesting folks be ‘greener’ isn't concrete or useful in tackling climate change. For these reasons, the book authors present a few different approaches.”

Owley's book has been described as a collection of papers from experts in the field articulating a wide range of thoughtful ways to re-examine, refine or articulate sustainability in greater detail to address these challenges.

“The work is provocative and timely,” according to Nicholas A. Robinson, an emeritus professor of environmental law at Pace University School of Law.



Barbas' new book asks: Who owns your image?

“Image is everything,” the tennis star Andre Agassi intoned a quarter-century ago in a famous ad for Canon cameras. That bald assertion set the tone for the image-conscious 1990s, and prompted backlash from pundits who retorted that, well, substance still counts for something.

But, as Associate Professor **Samantha Barbas** argues in her new book, Americans’ obsession with self-presentation, and their desire to control the use of their images, goes much deeper in our history.

In *Laws of Image: Privacy and Publicity in America*, to be published this fall by Stanford University Press, Barbas looks at the development of laws that govern the use of people’s public images. The legal history, she says, is tied up with the nation’s cultural history, as the law has reflected Americans’ growing concern about their images, reputations and self-presentation in public.

“I tried to reframe the way that legal scholars have been looking at this area of the law,” says Barbas, who has written previously about privacy issues and the cult of celebrity. “I wanted to tie it in with American culture’s preoccupation with personal image. The more self-focused and image-conscious we become, our law seems to follow in step.”

That attitude, she says, developed as the United States moved from an agrarian society to an industrial one in the late 19th century. “As people moved to the cities, where they were surrounded by strangers, they became more concerned with creating and projecting a positive public image — making a good first impression,” she says. “It’s not like a small town, where everybody knows you. Not only



“People will post all kinds of things online, really intimate stuff about themselves. ...

That, to me, is an emblem of the feeling that ‘I should be able to own all aspects of my persona.’”

— Associate Professor
Samantha Barbas

celebrities, but ordinary people became conscious of their image and believed they should have some control over their image.”

The rise of image-intensive industries — fashion, cosmetics, advertising and the movies — also led people to become more conscious of their appearances and social personas. In the 20th century, Barbas argues, Americans came to see their identities as intertwined with their public images.

In her research, Barbas, who holds a Ph.D. in American history, looked at reported court decisions from the viewpoint of a cultural historian. She

also looked at the archival records of publications such as *The New Yorker* and *The New York Times* from the 1920s and ’30s, “to see what kinds of libel and privacy claims were being made and how they were dealt with, what arguments were made.”

One example of the way the law reflected Americans’ image-consciousness can be seen in a 1947 case, *Cason v. Baskin*. The author Marjorie Kinnan Rawlings — famous for *The Yearling* — wrote in her autobiography about a friend of hers. The friend was portrayed in a positive light, but she objected anyway, saying in essence, that’s not how I want to portray myself to the world. The friend sued for “invasion of privacy,” and the resulting court decision, Barbas says, created an important precedent in privacy law.

Laws of Image concludes with a discussion of the myriad privacy

questions around online media. Barbas notes that “people will post all kinds of things online, really intimate stuff about themselves. They’ll put it on Facebook and someone else will put it somewhere else, and they then claim invasion of privacy. That, to me, is an emblem of the feeling that ‘I should be able to own all aspects of my persona.’”

Law Alumni Association elects 2015-16 officers and directors



Front row, left to right: Assistant Director Lisa M. Mueller, Executive Director and Vice Dean Ilene R. Fleischmann, Amy P. Herstek, Hon. Lenora B. Foote-Beavers, Terrence M. Gilbride, LAA President Robert P. Heary, Melissa A. Foti, Jaime C. Gallagher and Elizabeth A. Kraengle

Second row, left to right: Pietra G. Lettieri, Thomas F. Knab, Stephanie A. Saunders, Jason G. Ulatowski and Joseph D. Morath Jr.

Third row, left to right: Beverley S. Braun, Andrea Schillaci and Linda Lalli Stark

On stairs, left to right: Stephen A. Sharkey, Jeffrey C. Stravino, Christopher E. Copeland, Scott C. Becker, Marc W. Brown, Brian D. Gwitt, Paulette E. Ross, Sylvia Valentin, Kenneth M. Gossel, Leslie M. Greenbaum and Mary Pat Enright Fleming

Not pictured: Hon. Tracey Bannister, Christopher M. Grant, Amy L. Hemenway, Marion K. Henderson, Anne E. Joynt, Tiffany R. Perry, Jeffrey F. Reina, Brendan J. Rich, Elizabeth M. Savino, Pauline C. Will and Preston L. Zarlock

Robert P. Heary '91 has been elected 2015-16 president of the SUNY Buffalo Law Alumni Association.

Heary is a partner at Barclay Damon in the Buffalo office, where he has more than 20 years of experience representing employers and their management teams in all aspects of labor and employment law. He also leads the firm's business services practice group, and is a director of the Bar Association of Erie County's Volunteer Lawyers Project.

Brian D. Gwitt '98 of Woods Oviatt Gilman is the new president-elect. Vice presidents are: Hon. Tracey Bannister '84 of New York State Supreme Court; Scott C. Becker '93 of Kavinoky Cook; Christopher E. Copeland '02 of M&T Bank; Jeffrey F. Reina '99 of Lipsitz Green Scime Cambria; and Stephanie A. Saunders '00 of the Buffalo Board of Education.

Treasurer is Marc W. Brown '99 of Goldberg Segalla; assistant treasurer is

Pietra G. Lettieri '01 of Harris Beach; secretary is Amy Herstek '04; and secretary emerita is Marion K. Henderson '65, retired.

Immediate past president is Hon. Lenora B. Foote-Beavers '97 of Erie County Family Court. 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 2018 are Kenneth M. Gossel '91 of National Fuel Gas; Christopher M. Grant '05 of the Office of Congressman Chris Collins; Elizabeth A. Kraengle '07 of Duke, Holzman, Photiadis & Gressens; Elizabeth M. Savino '92 of CTG Inc.; Jason G. Ulatowski '07 of Rupp Baase Pfalzgraf Cunningham; and Dr. Sylvia Valentin '97 of Niagara University.

Other directors include: Beverley S. Braun '07 of Jaekle Fleischmann & Mugel; Melissa A. Foti '03 of Kenney Shelton Liptak Nowak; Jaime C. Gallagher '02 of the New York State Liquor Authority; Amy L. Hemenway '01 of Harter Secrest & Emery; Anne E. Joynt '05 of Lipsitz & Ponterio; Thomas F. Knab '88 of Underberg & Kessler; Joseph D. Morath '05 of Connors & Vilarado; Tiffany R. Perry '00 of Erie County Family Court; Brendan J. Rich '05 of Lippes Mathias Wexler Friedman; Paulette E. Ross '97 of Gibson, McAskill & Crosby; Andrea Schillaci '82 of Hurwitz & Fine; Stephen A. Sharkey '88 of Bond, Schoeneck & King; Jeffrey C. Stravino '97 of Hodgson Russ; Pauline Costanzo Will '96 of Bennett Schechter Arcuri & Will; and Preston L. Zarlock '92 of Phillips Lytle.



Robert P. Heary '91

New GOLD Group leadership named



Front row, left to right: Executive Director and Vice Dean Ilene R. Fleischmann, Jessica M. DeMichiel, Cristin L. Murray, Joshua E. Dubs, Kathleen T. Feroletto, Assistant Director Pat Warrington, James M. O'Keefe and Ryan P. Crawford

Second row, left to right: GOLD Group President Michael J. Hecker and Lydia H. Beebe

Third row, left to right: Marnie E. Smith, Kevin J. Espinosa and Jeffrey P. Gleason

Fourth row, left to right: Teia M. Bui and Elizabeth Blazey-Pennel

On stairs, left to right: Elizabeth A. Lee, Michael E. Reyen, Aaron M. Saykin, Bradley S. Loliger, Ryan P. Parisi, Seth D. Pullen, Jeffrey T. Fiut and Paul C. Parisi

Not pictured: Emily M. Berry, Eliza P. Friedman, Melissa M. Morton, Caitlin E. O'Neill, Nicholas A. Romano and Christopher S. Safulko

Officers and directors of the Law Alumni Association's GOLD (Graduates of the Last Decade) Group, a committee 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. Michael J. Hecker '09 of Hodgson Russ will serve as 2015-2016 GOLD Group president. President-elect is Jeffrey P. Gleason '08 of Woods Oviatt Gilman. Immediate past president is Kevin J. Espinosa '09 of M&T Bank; treasurer is Jeffrey T. Fiut '10 of Hodgson Russ; treasurer-elect is Elizabeth R. Blazey-Pennel '11 of the Internal Revenue Service; secretary is Ryan P. Crawford '06 of Gibson, McAskill & Crosby; and secretary-elect is Marnie E. Smith '09 of Harris Beach. Patricia L. Warrington of SUNY Buffalo Law School serves as assistant director.

Other GOLD Group directors include: Lydia H. Beebe '12 of Barclay Damon; Emily M. Berry '15; Teia Marie

Bui '08 of Clover Group; Jessica M. De Michiel '11 of Barclay Damon; Joshua E. Dubs '08 of the Law Offices of Joshua E. Dubs; Eliza P. Friedman '14 of Lippes Mathias Wexler Friedman; Elizabeth A. Lee '14 of Rupp Baase Pfalzgraf Cunningham & Coppola; 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; Cristin L. Murray '12 of Hodgson Russ; James M. O'Keefe '07 of The Law Offices of William Mattar; Caitlin E. O'Neil '15 of Connors & Vilardo; Paul C. Parisi '06 of Blair & Roach; Ryan K. Parisi '10 of the Niagara County District Attorney's Office; Seth D. Pullen '09 of Hodgson Russ; Nicholas A. Romano '13 of Connors & Vilardo; Christopher S. Safulko '13 of the Erie County District Attorney's Office; and Aaron M. Saykin '13 of Hodgson Russ.

Chairs of the association's regional alumni chapters include: Caroline B. Brancatella '07 of Greenberg Traurig 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; Robert J. Gutowski '99 of MSC Inc., chair of the New York City Chapter; Michelle A. Daubert '07 of Wegmans Food Markets and Wende J. Knapp '10 of Xerox Corp., co-chairs of the Rochester Chapter; and Michelle M. Radecki '96 of Grace Studios, chair of the Washington, D.C., Chapter.



Repeat champions

Buffalo Law students now have won two prestigious Burton writing awards in two years – and an alum adds to our honors

FOR LONGTIME WRITER, A CAPSTONE HONOR

Sometimes a life in the law comes full circle. **Edward D. Manzo '75** remembers a third-year independent study he did at the Law School with Professor Paul Goldstein, culminating in a major paper about a case then pending before the U.S. Supreme Court, on the interplay between patent law and trade secrets. His conclusion came close, he says, to the court's ultimate decision.



Edward D. Manzo '75

Now another written piece of his about trade secrets, published in the *John Marshall Review of Intellectual Property Law*, has been recognized with the Burton Award, a national honor recognizing the best published writing by legal practitioners.

Manzo, a partner in the Chicago firm Husch Blackwell, has published widely. His Burton Award-winning article, "The Impact of the America Invents Act on Trade Secrets," grew out of a Continuing Legal Education presentation he did. He was asked to turn the presentation into a piece for the *John Marshall* journal; after it was selected for a compilation of the year's best IP articles, his firm nominated it for the award.

"I'm very pleased that somebody recognized that I made a contribution and it's helped the profession," Manzo says.

Manzo is the co-author or editor of numerous books in IP Law, including *Patent Claim Construction in the Federal Circuit*, published this year by Thompson Reuters.

"Writing is a way to show a person's expertise, and it helps develop clientele and establish credentials," he says. But, he says, "at this point it's become a bit of a burden. I'm passing along to my associates in my firm some of the writing opportunities I get. I have an article coming out in the *Federal Circuit Bar Journal* in September" – about his participation in the first case to come before that federal appeals court, in 1982 – "and it may be my last hurrah."

ON THE TRAIL OF DISAPPEARING EVIDENCE

Snapchat. Vaporstream. Wickr. Gryphn. TigerText. Secret Square. Self-destructing messaging apps have become the go-to choice for everyone from teenagers to business executives. Worry about the digital trail left by email and Facebook records has fueled the growth of short-lived communications systems that automatically delete messages and photos, often just a few seconds after they're received.



Ryan Ganzenmuller '15

Ryan Ganzenmuller '15, a recent graduate and editor in chief of the *Buffalo Law Review*, noticed that proliferation – and noticed too that the laws of evidence haven't kept pace. He made that gap the subject of an article, "Snap and Destroy: Preservation Issues for Ephemeral Communications," that was published in the *Law Review's* December issue.

Now that article has been recognized with a Burton Award, conferred by the Burton Foundation to celebrate the best writing by the nation's law students. This is the second year in a row that a SUNY Buffalo Law student has won the award, one of 15 nationwide; **Jacob S. Sonner '14** won last year.

Ganzenmuller says the idea came to him during an evidence course last year, when discussion turned to the rules governing the preservation of evidence. "I started to poke around a little bit, and there turned out to be a whole bunch of these programs," he says. "I saw a potential problem in the evidentiary sense, and found that not much had been written about that."

He says he and his friends use Snapchat with some regularity. "It becomes a means of keeping up with somebody's life and what they're doing," Ganzenmuller says. "Life is a series of these fleeting moments; some you remember and some you forget. With Facebook they're there forever, but Snapchat mimics what real life is like – quick memories, quick photos."

Ganzenmuller, an East Amherst native, studied political science and philosophy in a pre-law program at Binghamton University.

Professor Rick Su, faculty adviser to the *Buffalo Law Review*, says he saw Ganzenmuller's piece last year and heard some buzz about it among the student editors of the journal. "There was a lot of talk about it," says Su, who nominated the article for the Burton Award.

"A big component of the award is the quality of the analysis and timeliness of the issue. Ryan's article not only addresses a very exciting and innovative issue with regard to online communications, especially ones that are transient by design, but his analysis is great."

Ganzenmuller traveled to Washington, D.C., in June to accept his award, at an event that included Supreme Court Justice Sonia Sotomayor as the keynote speaker.

NBA honors Mason Ashe '89

No, not *that* NBA. The award that **Mason Ashe '89** received on July 23 was from the National Bar Association, a professional network of more than 65,000 African-American lawyers, judges, educators and law students.

Ashe was honored as Sports Lawyer of the Year at the organization's 90th annual convention, in Los Angeles. A veteran sports and entertainment attorney, he has represented many high-profile athletes and entertainers as an agent, and more recently has done more legal and consulting work for companies and sports teams.



Mason Ashe '89 with
Lenora B. Foote-Beavers
'97

The honor was especially sweet, Ashe says, because he shared the limelight with longtime sports lawyer Kendall A. Minter, who received a lifetime achievement award. Back when he was a law student, Ashe says, then-Assistant Dean Aundra C. Newell had suggested that he seek out Minter for career advice. "I had to track her down," Ashe says, "and tell her that I ended up on the same stage with him."

Lourdes M. Ventura '98 breaks a barrier



Lourdes Ventura
'98

In a New York borough where more than one in four residents identifies as Hispanic, **Lourdes M. Ventura '98** has become the first Hispanic president of the Women's Bar Association.

Her appointment as head of the Queens County WBA took effect June 23. Ventura, who is of Dominican descent, is a senior associate at Ahmuty, Demers & McManus, a civil litigation defense firm in New York City.

The association, which has about 200 members, works to help women develop their legal careers and professional skills. Ventura said a chief goal during her yearlong term will be to grow the organization's membership and make it more diverse. "When you're the first, you have to create a pipeline for there to be more diversity," she says.

A former assistant attorney general for New York State and special counsel to the State Senate, Ventura also currently serves on the Law School's Dean's Advisory Council.

Remember to re-member the LAA!

While the University at Buffalo's Alumni Association has eliminated its paid membership program, the **SUNY Buffalo Law Alumni Association decided to keep ours. We still need you to join!**

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THE WIDE ANGLE

Alumni connections across the nation

Buffalo

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

New York City



Buffalo

LAA & GOLD Group Mixer at Pettibones Grill in Coca-Cola Field June 24, 2015

1. Aaron M. Saykin '13, Marnie E. Smith '09, Assistant Director Patricia Warrington, GOLD Group President Michael J. Hecker '09 and Jeffrey P. Gleason '08
2. Anne E. Joynt '05, Scott C. Becker '93

and LAA President Robert P. Heary '91
3. Bradley S. Loliger '13 and Lydia H. Beebe '12

GOLD Group Bar Review Lunch at the Law School June 29, 2015

4. Nicholas A. Romano '13 offers service with a smile.

New York City

Yankees versus Orioles Game at Yankee Stadium July 21, 2015

5. David Grover '94, Enam Hogue '06, Chapter Chair Robert J. Gutowski '99 and David J. Hoffman '99

Annual Summer Social Aug. 12, 2015

6. Adam S. Wynn '11, Xin Wang '11 and Assistant Director for the NYC Program on Finance & Law Lauren E. Breen '89
7. Anuththara L. Jayasekara '09, Jitesh Malik '02, Elsa Hernandez '08 and Amy Weiswasser '02
8. Chapter Chair Robert J. Gutowski

'99 and Courtney D. Morphet '17.
9. Benjamin J. Kallos '05 and Mathew John Jr. '16 Mock Interview Program Aug. 13, 2015
10. Daisy A. Tomaselli '13 gives interviewing advice to Alina T. Hasan '16.

Washington, D.C.

Summer lunch with students at the Corner Bakery July 8, 2015

11. Leslie P. Machado '96, Erik A. Burrows '16, D.C. Chapter Chair Kenneth A. Libby '85, Michael J. Surgalla Jr. '82, Christopher R. Moran '11, Maria T. Apruzzese '17, Catherine J. Minder '17, Meredith Jolie

'03 and Erica L. Pandolfo '16 D.C. Reception at U.S. District Courthouse Aug. 6, 2015

12. Katelynn M. Johnson '17, Catherine J. Minder '17, Erik A. Burrows '16, Hon. Paul L. Friedman '68 and Erica L. Pandolfo '16
13. Craig J. Austin '08 with his wife, Christina.

Washington, D.C.**11****12****13****14****Rochester****15****17****19****16****18****20**

14. Nathnael T. Yohannes '12, Kathryn A. Krause '16, Gary A. Carleton '82 and Betsy Broder '81

Rochester

Reception for Newly Admitted Attorneys at the Hyatt Regency May 19, 2015

15. First row: Penny A. Dentinger '04, Katherine E. Bagley '14, Moira H. Cooper '14, Interim Dean James A. Gardner, Hon. Eugene M. Fahey

'84, Hon. John J. Ark '72 and Wende J. Knapp '10. Second row: Colleen M. Raimond '14, Hon. Gerald J. Whalen '83, Hon. Edward D. Carney and Hon. John V. Centra. Third row: Paul A. Meabon '14, Jeffery R. Friesen '14, Franz M. Wright '14 and

Michael J. Rooney '14
16. Helen K. Root '11, Kimberly A. Rowles '13 and Caitlin A. Loughran '12
17. Annual Fund Director Shatorah N. Donovan '12 and Franz M. Wright '14

18. Robert C. Brucato Jr. '90 and Assistant Dean Lisa M. Mueller '93

CLE on Ethics & Non-Profit Boards May 28, 2015

19. Arthur L. James III '12, Anita L. Pelletier and Melinda R. Saran '86

Ilene R. Fleischmann, vice dean and executive director of the SUNY Buffalo Law Alumni Association, celebrates 30 years of service to our Law School and our alumni.

20. UB Provost Charles F. Zukoski, '86

Ilene R. Fleischmann and UB President Satish Tripathi



Gregory Peck as the iconic lawyer Atticus Finch in the 1962 movie *To Kill a Mockingbird*.

The myth of Atticus Finch

By Chrisitne A. George

When I closed the book all I could do was sigh. For me it was a rather understated reaction. It could have been due to exhaustion—I was sitting in the Barnes and Noble parking lot by 6:20 for the 7 a.m. opening and went straight into a marathon reading session. Or perhaps I had simply gone numb. Pop culture has been resurrecting more and more from my childhood and adolescence and getting things completely wrong. I had thrown down the book in disgust when I found out that Todd Wilkins wound up with the wrong Wakefield twin. That was more of the reaction I would've expected from myself after finishing *Go Set a Watchman*. Instead, I sighed because the only emotion I had was discomfort. I didn't know how to reconcile my beloved Atticus from *To Kill a Mockingbird* with the changeling Atticus from *Go Set a Watchman*. It wasn't long before the panic set in. You see, I had recently been quoted in an article praising Atticus. Harper Lee had made me a fool.

It would have been easy to end it there, angry at Harper for not just knocking Atticus off his pedestal, but blowing it up from beneath him. The character I had always thought was the personification of justice had become complicated. I worked through my stages of grief. There was denial when the news broke prior to the release, which was followed by the obvious anger. My bargaining was more of attempted rationalization by recalling the failings of my second-favorite fictional lawyer, Ransom Stoddard. Spoiler alert if you haven't seen *The Man Who Shot Liberty Valance*. Ransom, who valued law books over violence, rose up the political ladder to VP nominee because he let people think he shot a guy in the street. That led me to depression because I had always known that Ransom was no Atticus, but now Atticus was no Atticus and the world made no sense. John Adams brought me to acceptance. John is my favorite Founding Father—those who know me know that I have lists of favorites and least favorites on a wide variety of subjects—for many reasons. One of the reasons, though, was because of a case he took prior to the dramatics of 1776. He represented the

British soldiers facing charges for the Boston Massacre. It was one of the first and clearest examples I learned of the rule of law rising above personal beliefs. Maybe it was possible for Atticus to be a good lawyer and a flawed man.

Like Scout—or Jean Louise, I guess I should say—I had a certain image of Atticus that was completely shattered. It is difficult to think of him being the same man from *To Kill a Mockingbird*. Actually it's hard to think of any of *Go Set a Watchman* as being a part of *To Kill a Mockingbird*. Other than some passages of text, the books are so wholly different it's incredible that the Capote rumors haven't resurfaced.

So where does that leave me, the law librarian who created a yearly contest so that Atticus could be voted Favorite Lawyer? Accepting the knowledge that the Atticus myth has been built up to such proportions that not even the man himself could live up to it.

...

Chrisitne A. George is the archivist and faculty services librarian at the Charles B. Sears Law Library.

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