



Buffalo Law Review

Alumni Newsletter

A NEWSLETTER FOR BUFFALO LAW REVIEW ALUMNI

SPRING 2009

Law Review to Honor Dillon & Williams

This year, the members of the *Buffalo Law Review* will recognize the Honorable Kevin M. Dillon and George M. Williams, Jr. for their distinguished service to the University at Buffalo Law School and for their outstanding achievements in the legal profession.

Hon. Kevin M. Dillon graduated from the University at Buffalo Law School in 1976, where he was honored with the Trial Lawyers Award. He graduated from Villanova University in 1972 and Canisius High School in 1968.



Hon. Kevin M. Dillon

Currently, Hon. Dillon serves as a Justice of the New York State Supreme Court, Eighth Judicial District. He has taught Criminal Procedure and Evidence at the University at Buffalo Law School for the past seventeen years. Prior to taking the bench, Hon. Dillon spent eleven years in private practice and eight years as Erie County District Attorney. Additionally, he served in the New York State Army Reserve

National Guard from 1972-1978.

Hon. Dillon has received numerous awards recognizing his outstanding achievements, including: the University of Buffalo Law Alumni Association Distinguished Alumnus Award, the New York State

Bar Association Criminal Justice Section Award for outstanding contribution to the delivery of prosecutorial services, the New York State Trial Lawyers Association Distinguished Jurist Award, and the Hogan Award,

which is the highest award given by the New York State District Attorneys Association. Hon. Dillon frequently lectures on legal topics and previously chaired the Board of Trustees for D'Youville College.

Mr. George M. Williams, Jr. graduated *magna cum laude* from the University at Buffalo Law School in 1978, where he was an Articles Editor for the *Buffalo Law Review*. He received his Ph.D. in Linguistics from MIT in 1971 and his B.A. from Davidson College in 1966, graduating *summa cum laude*.

Mr. Williams is currently a partner at Dewey & LeBoeuf LLP in New York City. He practices in the areas of corporate, banking, commodities and securities law, including matters relating to bank regulation in the United States and around the world. Mr. Williams chairs the Dewey & LeBoeuf Opinion Committee, belongs to the Tri-Bar Opinion Committee, and represents Dewey & LeBoeuf on the ABA's Working Group on Legal Opinions.

He is also a member of the American Association for the Advancement of Science, the Institute of International Bankers, and the Linguistic Society of Amer-

ica. Mr. Williams speaks Dutch, French, German, and Swedish. Prior to beginning his law practice, he taught linguistics at the University at Buffalo and Florida State University. Mr. Williams has actively participated in the Law School's New York City

Program in International Finance and Law since its inception. In the previous two years, he has advised group research projects for the program.

Mr. Williams frequently writes about linguistic

theory and the law. His most recent articles concern the current financial crisis and its effects on U.S. and foreign financial regulatory systems.



George M. Williams, Jr.

Save the Date!

20th Annual *Law Review* Dinner
The Park Country Club
Wednesday, April 22, 2009

Please join us as we recognize Hon. Kevin M. Dillon & George M. Williams, Jr. for their distinguished service to the Law School community. To reserve a seat, please visit www.buffalolawreview.org.

Alums and Editors Talk Strategy

The *Buffalo Law Review* held its bi-annual meeting of the Alumni Board of Consultants (ABC) on November 14, 2008. The ABC was created by last year's editorial board in order to preserve the *Review's* institutional memory from year to year. Committee members meet bi-annually to review a report created by the editorial board. This year's Committee members are John Godwin, Publications Editor 2006-07, James Grable, Editor-in-Chief 1995-96, Sachin Kohli, Editor-in-Chief 2005-06, Alisa Lukasiewicz, Publications Editor 1994-95, Jessica Ortiz, Head Note and Comment Editor 2004-05, Paul Wessel, Editor-in-Chief 1987-88, and Jeffery Williams, Editor-in-Chief 1989-90.

The editorial board's report focused on six general areas: article selection; publication; membership; office environment, resources, and operations; ranking; and marketing.

With respect to article selection, the current editorial board discussed options for various electronic submissions tools. The publications portion centered on the *Review's* efforts to increase the numbers of articles published in each issue, as well as the new team-based publications system in which the executive publication editors lead teams of publications editors and associates to promote cooperation and efficiency in the publications process. The membership selection portion highlighted the participation rates for the Casenote Competition, with this year's numbers consistent with those of last year.

There was much to discuss with respect to the office envi-

ronment, resources, and internal operations. Dean Makau Mutua addressed some concerns early in the year, including granting our requests for a copier, off-site access to the shared drive, and new computers in the office. The off-site access and new computers coincided with a school-wide technology upgrade.

Additionally, the editorial board described the revival of regular meetings of the full editorial board, rather than meetings of an exclusive executive board of editors, and the new committee system. The committee system provides a way to identify the *Review's* key needs and to delegate staff to concentrate on these areas. The board has noticed an increase in participation by editors this year which we feel can be attributed to this more inclusive approach.

The rankings section focused on our position in the Washington and Lee's generalist law journal rankings and methods of potentially increasing our score. This year, Head Note and Comment Editor Kevin Espinosa discovered an error which, when reported, resulted in our rank increasing eleven spots to fifty-five overall. With respect to marketing, the committee discussed our faculty advisors' proposal that the *Review* publish an annual themed issue as a way to attract top scholars in a particular area of law.

The second ABC meeting will occur in late spring, with members of the 2009-2010 editorial board taking a leading role. The *Review* looks forward to reporting substantial progress on many of the key goals laid out by the ABC and the editorial board during the fall.

Past *Law Review* Honorees

Each year the *Buffalo Law Review* honors outstanding members of the legal community at its annual dinner. Below is a list of past honorees. We hope you can join us this year to recognize Hon. Kevin M. Dillon & George M. Williams, Jr.

Robert B. Fleming.....	1990
Louis A. Del Cotto.....	1991
Jacob D. Hyman.....	1992
Hon. John T. Curtin.....	1993
Markus D. Dubber, John B. Sheffer II & Nancy Staudt.....	1994
Thomas E. Headrick.....	1995
Kenneth Joyce.....	1996
William A. Niese & Elizabeth Mensch.....	1997
Albert R. Mugel.....	1998
Herald Price Fahrigner.....	1999
James A. Wooten.....	2000
Hon. Michael A. Telesca.....	2001
Hon. Hugh B. Scott.....	2002
Hilary P. Bradford.....	2003
Hon. Barbara Howe.....	2004
Robert B. Conklin.....	2005
Denise O'Donnell & Robert Schwenkel.....	2006
Barbara D. Klippert & Dennis R. McCoy.....	2007
Jeffrey Crandall & Paul Battaglia.....	2008

Honors Bestowed on Attorneys and Students at Annual Dinner

The Nineteenth Annual Dinner was held last spring at the Buffalo Club and over one hundred fifty members, alumni, and faculty attended. We honored tax attorneys Jeffrey Crandall and Paul Battaglia for their distinguished service to the Law School, as well as several *Review* members for their achievements.

The Carlos C. Alden Award is presented annually to the senior making the greatest contribution to the *Law Review*. Last April, this honor was bestowed upon Brian Holland, who served as Executive Editor in 2007-08 and played an integral role in the implementation of the Alumni Board of Consultants program. Holland is currently a Corporate Finance Associate and a member of the Life Sciences and Healthcare Practice Group and the China Practice Group at Dewey & LeBoeuf's New York City office. He and his wife are expecting their first child, a son, in May 2009. Holland notes that "my time on the *Review* helped me develop additional foundations of professionalism and pride, as well as an abiding commitment to detail and excellence, all of which continues to serve me daily in my work at Dewey & LeBoeuf."



Jeffrey Crandall

The Justice Phillip Halpern Award for excellence in writing was presented to Jeffrey Gleason. Gleason's comment, *From Russia with Love: The Legal Repercussions of the Recruitment and Contracting of Foreign Players in the National Hockey League*, was published in the May 2008 issue. Gleason currently lives in Boston, Massachusetts and works in the corporate department of Ropes & Gray.

He was honored to receive this award: "It particularly meant a lot to be chosen by my peers as the best student-written article published that year. It has opened a lot of doors for me professionally, as people in that field have approached me to discuss my comment and to offer me to work with them in the future."

Associate Publications Awards were given to George T. Stiefel III, Ally-

son B. Levine, Jeremy Murray and Keith A. Gorgos. The *Review* published Stiefel's comment, *Hard Ball, Soft Law in MLB: Who Died and Made WADA the Boss?*, analyzing practical non-traditional legal solutions to performance-enhancing drugs in professional sports, in the December 2008 issue. Stiefel believes his suggestions "could be used by Major League Baseball and the Players' Association as a foundation to improve their drug program."

Allyson B. Levine's comment, *Failing to Speak for Itself: The Res Ipsa Loquitur Presumption of Parental Culpability and Its Greater Consequences* will be published in April 2009. Levine asserts that New York State courts currently apply the res ipsa presumption in an inconsistent manner and hopes her work can assist with a more consistent

application, particularly with regard to socio-economic status and the number of caretakers within the home.

Jeremy Murray's note, *The Death of Copyright Protection in Individual Price Valuations, a Flawed Merger Doctrine, and Financial Market Manipulation: New York Mercantile Exchange v. Intercontinental Exchange*, was published in January 2009.

Murray chose the topic because of the "importance of this case in the line of copyright decisions which examine protection of price values in compilations, in correlation with the problematic regulatory environment of commodity energy markets."

Keith A. Gorgos' article, *Lost in Transcription: Why the Video Record is Actually Verbatim*, will appear in the May 2009 issue. His comment urges courts to modernize the methods they use to create the record of court proceedings by utilizing a video record, which he suggests should serve as the "primary record." Gorgos hopes his piece will encourage more discussion on the topic, leading to additional jurisdictions following the precedent set by over twenty-five states who use video to some extent in recording some or all courtroom proceedings.



Paul Battaglia



Murray, Stiefel, Levine, and Gorgos at last year's dinner

Buffalo Lecturer Garners Award for Excellence in Legal Writing

Federal Judge James Robertson was among the list of winners announced by the Green Bag Association for “Exemplary Legal Writing” of 2008 for his speech titled “Quo Vadis, Habeas Corpus?” The *Buffalo Law Review* reprinted the speech as part of the commemoration of the first James McCormick Mitchell Lecture delivered in 1951 by Supreme Court Justice Robert H. Jackson. Judge Robertson, a guest lecturer in the 2007 Mitchell series, reflected, “What a real honor it was to be published next to the text of Justice Jackson’s speech.”

Judge Robertson has received national attention for his decision regarding detain-

ees at Guantanamo Bay and for his resignation from the Foreign Intelligence Surveillance Court during the Bush Administration. His speech focused on the historical roots of the writ of habeas corpus and its “evolution.” The writ, he pointed out, has been at the center of a long battle between the branches of our government that dates back to the Founding Era. Depending on the power of the respective branches, the powers of the writ are circumscribed or expanded to suit the will of the majority.

In its current form, executive action and congressional legislation has relegated the writ to the point of obscurity because each branch has asserted its role in the system of checks and balances. Judge

Robertson thought regardless of the desirability of limiting the writ’s power, it provided a civics lesson in our system of checks and balances. Before last term, the Congress and President Bush prohibited detainees held at Guantanamo Bay from petitioning the courts with a writ. The Court’s ruling last year in *Boumediene v. Bush* restored the ability. Judge Robertson called for this result in his speech, stating “Congress [should] proclaim that the federal writ of habeas corpus shall run to any place in the world where people may be detained or otherwise deprived of their freedom by officers or agents of the American government.”

Judge Robertson was quick to point out that he does



not feel vindicated by the Court’s decision. He and his colleagues are still grappling with the question of whether the writ extends to persons held at other locations off American soil; questions left open in the *Boumediene* decision.

Law Review Seeks Change to Rules, Credit for Student Comments

The members of the Buffalo Law Review have taken on an ambitious project, led by Head Note and Comment Editor Kevin Espinosa, to allow future students to earn credit for their student comments.

Currently, associates of the *Review* are required to write a scholarly piece between 20 to 35 pages; however, under law school policy, students may not receive academic credit as part of an independent study unless it is “substantially altered.” This rule discourages many students from seeking assistance from professors when preparing their comment, instead writing in a rush while balancing the rigorous demands of the *Review* with daily life.

The goal of the Review is to allow students the option of writing their note or comment under the direction of a professor with no need to alter the piece to receive credit. “Allowing students to work with professors and receive credit will increase the scholarly quality of the comments written by our Associates and will improve the reputation of our school’s student works,” states Espinosa.

The Law School faculty voted to abolish credit for *Review* work in 1983. That rule remains in place, but faculty members have agreed to consider the new proposal. Professor James Wooten, one of the *Review*’s faculty advisors, actively supports the idea and has proposed the repeal of the current rule.

To buttress their claim for credit, *Review* members compiled data from the top one hundred law reviews around the country. The results were mixed, ranging from schools declining to give credit, to schools awarding credit simply for being a member of the law review. “Our approach is to take the middle ground, only giving credit for the note or comment when done as an independent study with a faculty member,” said Espinosa. He continued, “We think this is the best way to achieve credit for our work while still encouraging scholarly achievement and fairness within the school.” Under the

Review’s proposal, members of the other journals within the school would also be able to write pieces for those journals as part of an independent study and submit it for possible publication. For now, students realize that any changes are unlikely to occur immediately. In the meantime, however, they will continue to make their case to the faculty.

The Review Goes Green!

www.buffalolawreview.org

To continue receiving annual updates about the *Buffalo Law Review*, please visit our website and submit your email address.

Law Review Presents ClassCrits Essay Collection

Essays Inspired by Baldy Center Workshops

Volume 56 of the *Review* featured a collection of essays based on two workshops sponsored by the Baldy Center for Law and Social Policy in 2007. According to co-organizer Professor Martha McCluskey, the workshops were “aimed at reviving—or revising—a scholarly legal analysis of law and economic class.” Twelve scholars turned their workshop presentations and discussions into essays that grapple with the theories that influence legal conceptions of class and inequality, and also examine class construction in specific institutions and areas of legal scholarship. The au-

thors include expert scholars on labor law, economic theory, gender studies, and critical race theory.

UB Law Professors McCluskey and Athena Mutua organized the conference and wrote essays for this collection. Professor Mutua’s introduction describes the theoretical underpinnings of the ClassCrits movement, establishing the theoretical traditions that set the themes for the workshops and shaped the conversations. Professor McCluskey’s piece, *Constitutionalizing Class Inequality: Due Process in State Farm*, examines the issues of class and economic equality in punitive damages jurisprudence

by focusing on a recent Supreme Court decision.

UB Professor John Schlegel and Dean Makau Mutua also wrote essays in this issue. Professor Schlegel’s piece, *On the Many Flavors of Capitalism, or Reflections on Schumpeter’s Ghost*, recognizes and describes different varieties of capitalism, distinguishing each by focusing on the ways that each system handles change. Dean Mutua’s essay, *Human Rights and Powerlessness: Pathologies of Choice and Substance*, critically examines prevailing liberal theories of human rights, concluding these systems provide an ineffective means of coun-

tering the “powerlessness of the majority.”

Other authors who attended the workshops and contributed thoughtful essays to the collection are: Susan Carle, American University Washington College of Law; Kenneth Casebeer, University of Miami School of Law; Anthony Farley, Boston College Law School; Maria Grahn-Farley, Albany Law School; Laura Kessler, University of Utah, S.J. Quinney College of Law; Lucille Jewel, John Marshall Law School; Martha Mahoney, University of Miami School of Law; and Jim Pope, Rutgers School of Law.

Review Members Achieve Success Around the Law School

Members of the *Review* have made a name for themselves this year in oral advocacy, published works, and other feats around the law school and in the greater legal community.

Editors and associates made a strong showing in the Charles S. Desmond Moot Court Competition last October. Jonathan Lamberti and Vincent Miranda took first place in the competition and were awarded second-best brief. Heather Strachan & Elisha Rudolph advanced to the semi-final round. Strachan was awarded fifth-best oralist, while Rudolph was awarded fifth-best brief. Eric Hurd was awarded second-best brief.

Scott Iseman and Joshua Agins competed in the Na-

tional Civil Trial Competition in Los Angeles, California and were awarded eighth place. This semester, they competed in the regional tournament in New York City, where the pair presented a criminal trial. Agins calls it “a great opportunity to learn from some of the top trial attorneys in the area, who are extremely dedicated and generously give their time to the team each semester.”

In the Philip C. Jessup International Law Moot Court Competition held this spring, the UB Law team’s Memorial earned first in the U.S. Northeast Super Regional for their Memorial and now advances to the international competition. Competitor and *Review* member Melanie Beardsley won an award by placing in the top 20 individual scores as an oralist. Kevin Espinosa

served as a coach for the team.

Nicholas Hoffman was selected to represent UB in the Tenth Annual Herbert Wechsler National Criminal Law Moot Court Competition in March. Named after the drafter of the Model Penal Code, the Wechsler Competition is the only national moot court competition to focus on substantive criminal law.

Thomas Johnson won the ABA Representation in Mediation Competition last semester and Beth Kaufman came in second place. They advance to the ABA regional competition in New York City this March, where they will compete for a top spot in the National Finals.

Noel Mendez’s *Review* comment, *Patent Infringers, Come Out With Your Hands*

Up!: Should the U.S. Criminalize Patent Infringement? will be published in the *Buffalo Intellectual Property Law Journal*. Patent infringement is a criminal offense in many countries, but not in the United States. Mendez discusses the repercussions and policy goals of criminalizing patent infringement in this country.

Finally, one of our *Review* members scored big outside of the law school walls. Keith Gorgos and the UB Law Basketball Team won first-place at the 34th Annual Western New England Law Invitational, beating defending champion Quinnipiac.

Congratulations to all the members of the *Review* for their great success this year.

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The Review Gives Back

It is with great pride that the *Buffalo Law Review* is participating in an emerging collaboration to help students from Bennett High School transition from high school to college.

For the past several years, the *Review* has worked with students in Bennett's Law Magnet Program, providing students with exposure to legal careers. One notable feature of the program is an enriched course of study that includes substantive legal courses, including criminal law, constitutional law, and in-

ternational law. They also have the opportunity to develop oral advocacy skills through participation in mock trial with coaching from local attorneys.

Now, the *Review* will work alongside the Law School's Office of Admissions, the school's Students of Color organizations, and several professors to mentor and advise Bennett students through the entire college application process. UB Law representatives and Bennett's college advising staff met to develop a multi-year timeline for full implementation of the program.

The goal of this effort is to ensure Bennett Law Magnet students receive the support they need in researching and pursuing postsecondary programs. Bennett students will receive one-on-one college application mentoring, participate in leadership training, receive subsidized Kaplan SAT preparatory courses, and have their college application statements revised by *Review* members. The *Review* looks forward to working with Bennett High School for many years to come.

Current Projects

This spring, the *Review* is supporting Buffalo's homeless community by assisting Friends of Night People, Inc. (FONP), a non-profit organization that provides essential services to the homeless, destitute, and working poor. *Review* members have committed to serving meals this March and April.

In addition, members will be participating in, and working at FONP's Sixth Annual 5K Fun Run/Walk Against Hunger on Sunday, April 5th. If you would like to join us, please download a race application at friendsofnightpeople.org.