



Buffalo Law Review

Alumni Newsletter

A NEWSLETTER FOR BUFFALO LAW REVIEW ALUMNI

SPRING 2011

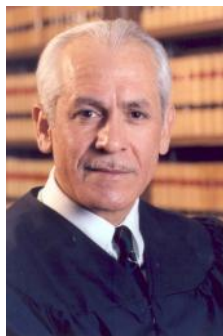
Law Review to Honor Fuentes & Graber

The *Law Review* is delighted to announce that Judge Julio M. Fuentes '75 and Garry M. Graber '78 will be honored for their distinguished service to the University at Buffalo Law School and the legal community at the *Law Review*'s 22nd Annual *Law Review* Dinner on April 20, 2011 at the Park Country Club in Williamsville, New York.

Judge Julio M. Fuentes currently serves as a judge on the U.S. Court of Appeals for the Third Circuit. He earned his B.A. from Southern Illinois University in 1971. Prior to college he served for several years in the U.S. Army, achieving the rank of First Lieutenant. In 1975, he graduated from UB Law, and earned an M.A. from Rutgers University in 1982 and an M.A. from NYU in 1993.

Before taking the bench, Judge Fuentes was in private practice in Jersey City, New Jersey, at the firm Miller, Hochman, Meyerson and Schaeffer. After two years in general practice he started his own firm—Fuentes, Plant and Velazquez. In 1978, he was appointed City of Newark municipal judge and served until 1986. In 1987, Judge Fuentes was appointed to the New Jersey Superior Court by Gov. Thomas

Kean. In 1999, Judge Fuentes was appointed by President Bill Clinton to the U.S. Court of Appeals for the Third Circuit. He was unanimously confirmed by the U.S. Senate in March 2000. He is the first Hispanic-American to sit on the Third Circuit, and the highest ranking federal judge to graduate from the UB Law



Hon. Julio M. Fuentes

The *Law Review* honors Judge Fuentes because his career in private practice and on the bench, coupled with his relentless promotion of UB Law, demonstrate his special ability to practice and adjudicate the law at the highest level while serving his community with distinction. Judge Fuentes' professional achievements and commitment to public service are at the heart of what the *Law Review* aspires to instill in its members. The *Review* is privileged to honor Judge Fuentes for his service to the students of the Law School and for his many professional achievements.

Garry M. Graber is a partner at the Buffalo law firm Hodgson Russ. He completed his undergraduate studies at the University at Buffalo in 1975 and also earned his JD from UB Law in 1978. Mr. Graber has over 32 years experience in all aspects of corporate reorganizations and

financial restructuring. Mr. Graber is the leader of his firm's eleven attorney Bankruptcy, Restructuring and Commercial Litigation practice group where he plays a major role in virtually every large Chapter 11 case filed in Upstate New York and many filed in the Southern District of New York and Delaware. Mr. Graber is the director and past president of the Upstate New York Turnaround Management Association and the past president, director, and treasurer of the Erie County Bar Association.

Mr. Graber's contributions to Buffalo Law School are almost too numerous to list. Mr. Graber is an adjunct faculty member at Buffalo Law, where he teaches courses in Bankruptcy and Chapter 11 Reorganizations. He is a member of Buffalo Law School's Dean's Advisory Committee, the past chair of the Buf-

falo Law School Capital Campaign, and the past president and director of the Buffalo Law Alumni Association. Mr. Graber was also the recipient of UB Law's Distinguished Alumni Award in the category of private practice. The *Law Review* honors Mr. Graber because his contributions to the Buffalo legal community are unparalleled, and because of his considerable devotion to UB Law. The *Review* is privileged to honor Mr. Graber.



Garry M. Graber

The members of the *Review* hope you will join us on April 20th to honor Judge Fuentes and Mr. Graber.

Please Join Us!

22nd Annual *Law Review* Dinner
The Park Country Club
Wednesday, April 20, 2011

Please join us as we recognize Hon. Julio M. Fuentes & Garry M. Graber for their distinguished service to the Law School community. To reserve a seat, please visit www.buffalolawreview.org.

Year in Review: 2010-11

The 2010-2011 academic year has been memorable for the *Buffalo Law Review*, as 2011 marks the *Law Review's* sixtieth year of publication. In order to properly commemorate this anniversary, our 2010-2011 *Law Review* editors and associates have worked diligently to publish five quality issues, recruit new members, and give back to the UB Law School and Greater Buffalo communities.

This year's editors began their term in the late spring of 2010. Note and Comment Editors graded over one hundred Blue-book exams and casenotes, Articles Editors reviewed a steady stream of submissions, and Publications Editors proofread articles for our July issue. In addition, with the help of the 2009-2010 Editorial Board, this year's Editorial Board launched an online extension of the *Law Review* over the summer, called The Docket. The Docket features short pieces by professors and legal practitioners on current legal topics.

In August, our organization welcomed a new class of thirty-three associates, whose enthusiasm and dedication have played a large role in making this year a success. As the school year began in the fall, *Law Review* members finalized our December issue, and acquired content for our January, April, and May issues. Our publication efforts continued through the Bridge Term and into second semester. Currently we are completing work on the 2010-2011 Board's final issue, which will be published in May.

This year, the *Buffalo Law Review* has made it a priority to publish articles on a wide range of topics. We have featured

pieces on issues ranging from public sector collective bargaining, to the Endangered Species Act, to legal realism. Our July 2010 edition was our symposium issue, and included six articles on the topic of "Advertising and the Law." A piece from our January issue—*Trademark Infringement, Trademark Dilution, and the Decline in Sharing of Famous Brand Names: An Introduction and Empirical Study* by Robert Brauneis and Paul Heald—was recently selected as one of the year's best law review articles related to intellectual property law, and will be featured in the 2011 edition of the *Intellectual Property Law Review*.

The *Buffalo Law Review* published four excellent student pieces this year. Our student authors were Elizabeth Blazey, Shayna Hutchins, Ryan Seher, and Estelle Hofschneider.

Our members have ventured outside the *Law Review* office this year as well, taking on active roles in both the law school and local communities. The *Law Review* spearheaded our annual Mentoring Program, in which first-year students are matched up with *Law Review* mentors who help them transition to law school and learn more about our organization. *Law Review* members have taken part in student recruitment events at the law school, and recently prepared dinner at Buffalo's Ronald McDonald House for our spring community service project.

Helen Root
Editor-in-Chief

Past *Law Review* Honorees

Each year the *Buffalo Law Review* honors outstanding members of the legal community. Below is a list of past honorees. Join us this year as we recognize Hon. Julio M. Fuentes & Garry M. Graber

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
Hon. Kevin M. Dillon & George M. Williams, Jr.....	2009
Hon. Eugene F. Pigott, Jr. & Professor David M. Engel.....	2010

A Productive First Year For The Docket

The spring sun will soon melt away the all-too-familiar blanket of snow that has crystallized around O'Brian Hall over the seemingly endless winter. Despite the chill, the busy buzz in the sixth floor office of the *Buffalo Law Review* never stopped for a winter's hibernation – the *Review* has continued to publish excellent scholarship.

The quality and quantity of the work that we are capable of publishing can no longer be contained within the pages of an ordinary law journal. Never content to limit ourselves to ordinary scholarship, we have launched The Docket: An

Online Extension of the *Buffalo Law Review*.

The Docket is the *Buffalo Law Review's* newly-launched online publication, containing original pieces as well as responses to current articles published within our review or in other reviews. Recent works featured on The Docket include James A. Gardner's *New York's Inbred Judiciary: Pathologies of Nomination and Appointments of Court of Appeals Judges* and Richard Michael Fischl's *Pedagogy and Critique: Values and Assumptions in the Law School Classroom*.

Buffalo Law Review edi-

tors and associates, as we are sure you fondly remember, spend a lot of their time reading and cite-checking articles for our publications. We would love it if some of those submissions could be from our very own alumni. If there is an article you are working on, or if you would like to respond to a recent scholar's publication, please submit your work to The Docket.

Our *Law Review* represents our law school, it represents our city, and it represents you—our alumni. As past *Buffalo Law Review* associates and editors, you all put in the time and dedication to produce a

first-class publication. Those of us who have succeeded you take your legacy seriously. We hope you still remember the work and the satisfaction that came from that effort as a member of the *Buffalo Law Review*. Please check out what we are working on now by viewing The Docket today.

More information on the Forum is available on the *Review's* website at:

www.buffalolawreview.org

Law Review Members Selected for Publication in 2010-2011

Four *Law Review* members were selected for the honor of being published in the *Buffalo Law Review* this year. The comments chosen cover a wide range of contemporary legal issues.

Elizabeth Rose Blazey's comment, published in December, is entitled *Controlling Government Secrecy: A Judicial Solution to the Internal and External Conflicts Surrounding the State Secrets Privilege*, and discusses the government's legally-recognized privilege to withhold information that may bear on national security. The article first examines the internal conflict within the government over which branch should define and control the privilege. Next, the comment explores three recent extraordinary rendition cases, and discusses how, without executive control over the state secrets privilege, they would likely expose information that would have a detrimental impact on national secu-

urity. Finally, the comment argues that the executive branch has the capability and competency to make decisions about information security, and should define and control the state secrets privilege, with limited oversight by the judiciary.

Shayna A. Hutchins' comment, published in January, is entitled *Flip that Prosecution Strategy: An Argument for Using RICO to Prosecute Large-Scale Mortgage Fraud*. The article explores the impact of mortgage fraud on the United States economy in the past ten years. It explains why current mortgage fraud prosecution strategies are inadequate, and fail to sufficiently deter perpetrators from committing similar acts in the future. The comment argues that The Racketeer Influenced and Corrupt Organizations Act should be used to prosecute large-scale mortgage fraud, discussing its required statutory elements and how

they are met by mortgage fraud perpetrators. The article reasons that prosecution of mortgage fraud falls squarely into RICO's broad legislative purpose, and that its higher fines, longer prison sentences, provisions for asset forfeiture, and the stigma that it brings to perpetrators make it an effective prosecution strategy.

Ryan R. Seher's comment, slated to be published in April, is entitled *I Want to Ride My Bicycle: Why and How Cities Plan for Bicycle Infrastructure*. Advocating the expansion of bicycle accommodations, the comment discusses the means by which bicycle infrastructure plans promote the health, safety, and welfare of citizens. It also examines the legal concerns involved with bicycle planning, such as funding and liability. Finally, the comment critically evaluates plans from the State of Oregon and the City of Portland that demonstrate the successful development of bicycle

infrastructure.

Estelle A. Hofschneider's comment, scheduled for publication in May, is entitled *Protecting Refugees and Immigrants on United States Soil But Not "in the United States": The Unique Case of the Commonwealth of the Northern Mariana Islands*. The comment examines the covenant that created the Northern Mariana Islands as a commonwealth associated with the United States. It then explores the consequences of the union on protections for refugees and battered spouses, over which the Commonwealth initially maintained local control. Hofschneider argues that the Commonwealth does not provide a stable situation for those fleeing persecution, despite the recently initiated transition to federal control over immigration.

Unique Summer Experiences Among Associate Class

Last summer, *Law Review* associate members worked in both diverse and specialized legal fields nationwide.

Many associates interned for judges, spanning the country from Utah to New Jersey. Taylor Hawes interned for Hon. Dee Benson in Salt Lake City, Utah. Here in Western New York, Lawrence Gallick interned for Hon. John M. Curran in Buffalo, and Ryan McCarthy interned for Hon. Frank Caruso and Hon. Ralph A. Boniello III in Niagara Falls. Jennifer Karnes interned for Hon. Michael A. Telesca in Rochester, where she drafted decisions and assisted with legal research.

Jonathan Cantil interned at the Navy-Marine Corps Court of Criminal Appeals in Washington, DC. Joe Jansen interned for University at Buffalo Law School alumnus and honoree Hon. Julio Fuentes on the U.S. Court of Appeals for the Third Circuit in Newark, New Jersey, where he attended oral arguments and helped prepare opinions.

Associates interned for various prosecutorial offices

throughout New York. Karen Oddo and Cristin Murray interned for the U.S. Attorney's Office in the Western District of New York in Buffalo. Karen researched legal issues, drafted and argued motions, and wrote an appeal to the Second Circuit, while Cristin worked with the White Collar Crime and Narcotics divisions.

Laura Groschadl interned for the Erie County District Attorney's Office in the Domestic Violence Bureau, where she completed research and writing projects and observed some of the area's finest criminal attorneys in the courtroom. Elizabeth Heins and Amy Belmont interned for the Monroe County District Attorney's office. In addition, Amy interned for the Erie County Family Court.

Nicole Ettlinger interned for the Nassau County Attorney's Office in the Family Court Bureau, where she focused on juvenile delinquency. Nicole assisted with investigations, legal research, and witness preparation for drug possession, shoplifting, larceny,

and attempted murder cases for juvenile offenders.

Daniel Kelly interned for the New York County District Attorney's Office in Manhattan. In the Trial Bureau, Daniel worked on cases ranging from larceny to homicide.

Andrew Devine interned for the New York Attorney General's Office in Manhattan. In the Investor Protection Bureau, Andrew assisted with investigations and prepared motions for cases brought against financial institutions under the Martin Act, New York's securities law.

Joe Guza clerked for a leading Buffalo law firm, where he composed memoranda for many of the firm's practice areas. Joe drafted a memorandum for a personal injury arbitration, collaborated with a labor attorney on an appellate brief to the Fourth Department, and drafted motions for the commercial litigation and personal injury departments.

Other associates worked in public interest fields, for both international and domestic

causes. Katy Gabel spent her summer in New York City, interning for the United Nations Special Rapporteur on Extrajudicial Executions as a Barbara and Thomas Wolfe Human Rights Fellow. Katy conducted legal research on multinational force accountability, targeted killings, and human rights fact-finding, in addition to country- and situation-specific research related to illegal killings worldwide.

Joe Sroka interned at the Central New York Chapter of the New York Civil Liberties Union and worked on justice and civil rights issues. Joe helped address the constitutionally-suspect student search policies of a city school district, and redrafted a demonstration permit ordinance to strengthen freedom of assembly rights.

The associates gained excellent experience and learned from top attorneys last summer—experience which will surely enrich the *Law Review*.

Law Review Members Succeed School-Wide

Law Review members have found success in just about every extracurricular activity available at the law school and beyond.

Many associates and editors participated in the 2010 Charles S. Desmond Moot Court Competition. Particularly of note, Jonathan Cantil was selected as a finalist. Cristin Murray, Joseph Sroka, Daniel Engle and Lawrence Bice all advanced to the semi-final round. Murray and her teammate and the team of Sroka and Engle were awarded first and second place for brief writing, respectively. Elizabeth Heins

and Daniel Punch were awarded third best brief. Additionally, Joseph Sroka was also named the third-best oral advocate.

Matt Musial was selected and participated in the Northeast Region's Fredrick Douglass Moot Court Competition. He advanced to the Top 16 round of competition and his team won best respondent brief for the entire competition. Jonathan Cantil was the president of the organization this year and led the team to great success.

Angelyn Delgado participated in the Phillip C. Jessup International Law Moot Court Regional Competition in New

York City. Her team was awarded the sixth best brief and she was individually awarded the ninth best oral advocate.

Cristin Murray was also selected to participate in the ABA Appellate Advocacy Competition in Boston, MA.

Additionally, *Law Review* members participated in trial teams throughout the country. Laura Groschadl and Helen Root went to the National Association of Criminal Defense Lawyers National Criminal Trial Competition in San Antonio, Texas. Chris Moran placed first in the Albert R. Mugal Tax Moot Court competition in March.

Finally, a number of members have become published authors and guest speakers. One of note is Katy Gabel who published a book review in the December 20th issue of the *National Review* and gave a guest lecture on African Media at Buffalo State College in February of 2011.

Overall this year has been quite impressive as *Law Review* members represented the University at Buffalo Law School successfully on both the local and national level.

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Alumni Cocktail Reception in NYC

Last August, the New York City Chapter of the UB Law Alumni Association hosted a cocktail reception at the Brasserie restaurant in Manhattan. Alumni, students, and friends of UB Law enjoyed an evening of fun and networking with new and old friends.

Current *Law Review*

associates Andrew Devine, Katy Gabel, Joe Jansen, Daniel Kelly, and Alexander Seiden attended the event and had the opportunity to network with *Law Review* alumni, including Aparnaa Bhatt '09, Francis Earley '98, Enam Hoque '06, Sachin Kohli '06, Michael Mann '06, Anshu Pasricha '07, and Peter

Trimarchi '98.

The alumni caught up with old friends and shared their experiences with the associates, and a great time was had by all.

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www.buffalolawreview.org

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