“The Three Global Hotspots of the Climate-Security Century”

Professor Mark Nevitt on

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When I became Dean of this great College five years ago, one of my goals was to amplify and promote the thought leadership of our extraordinary faculty. I witnessed professors and researchers whose scholarship in critical and emerging areas of the law was already exemplary, but not as well-known or understood as it could be.

As our roundups on p48 and p50 illustrate, our faculty’s scholarly reputation is not only as robust as ever, it is sought-after, visible, and rising.

For instance, the two main features in this Yearbook exemplify our faculty’s status as influential scholars. As I write this in midsummer, two stories that remain in the news cycle are the rising death tolls from climate disasters in the Pacific Northwest, Germany, and China and the push for long-term care reform in the wake of the coronavirus pandemic. Our lead authors—professors Mark Nevitt and Nina Kohn—are highly in-demand scholars and commentators on the security implications of climate change and elder care, respectively.

In this issue, Professor Nevitt widens the lens on the impact of climate change, offering a portrait of three global “hotspots” that will dominate the “climate-security century.” One of his research questions—“What is the true pace of climate change in the Arctic?”—is especially prescient given the recent Pacific Northwest “heat dome” pushed as far north as Canada’s Yukon Territory. In “Long-Term Care After COVID,” Professor Kohn addresses “the dangers of the current system” and offers her own prescriptions for reform.

Of course, our students benefit immeasurably from a faculty who are thought leaders, dynamic educators, and productive scholars. As demonstrated in this year’s review of our Strategic Research Institutes and academic programs, an engaged faculty provides many meaningful applied learning opportunities for students.

Whether writing intellectual property reports for startups (p34), advocating for vulnerable populations through our clinics (p42), earning praise for their professionalism from externship hosts (p40), or excelling in advocacy competitions (p26), our students are guided toward a bright future by professors whose intellectual rigor is matched by their expertise and care in the classroom and beyond.

I am grateful to our staff who have worked diligently throughout the coronavirus pandemic to support our learning community and to ensure that our operations continued as smoothly as possible. We look forward to being back in Dineen Hall for the new academic year ahead, and I’m certain the positive lessons of the last year will make us stronger still. I hope as you read these pages, you are as proud and as inspired as I am by the remarkable accomplishments of our students, faculty, and staff.

Go Orange!

Craig M. Boise  
Dean and Professor of Law
The Three Global Hotspots of the Climate-Security Century

Adapted from an article first published in the Tufts Fletcher School of Law and Diplomacy’s Fletcher Security Review.

By Professor Mark Nevitt

Humanity is waging war on nature. This is suicidal. Nature always strikes back, and it is increasingly doing so with growing force and fury ... we must use 2021 to address our planetary emergency.1

—António Guterres, State of the Planet Speech, Columbia University (December 2020)
The climate-security century is here. With global temperatures rising, climate change is poised to massively destabilize the physical environment. This century may well be defined by our ability (or inability) to reduce our collective greenhouse gas emissions. We must also adapt and respond to climate change’s multivariate security impacts. From raging wildfires in Australia and California to melting ice sheets and permafrost in the Arctic, climate change acts as both a threat accelerant and a catalyst for conflict. Climate change is also unlike any other traditional security threat. It accelerates and exacerbates existing environmental stresses, such as sea level rise, extreme weather, drought, and food insecurity, leading to greater instability. Climate change impacts are already taking center stage this century, forcing us to think more broadly about climate change’s relationship with human security and national interests.

Complicating matters, climate-driven temperature increases do not rise in a neat, uniform fashion around the globe. The pace of climatic change unfolds unevenly and erratically. Some parts of the world—such as the Arctic—are warming at a rate two to three times faster than the rest of the world.

Three specific climate-security “hotspots” foreshadow greater destabilization and serve as climate “canaries in a coal mine”—a sneak preview of our climate-disturbed future:

1. The Arctic—transformed by climate change and a new operational environment, opening trade routes and sparking a potential race for natural resource extraction in the High North.
2. Pacific Small Island Developing States—where climate-driven sea level rise is swallowing nations whole, raising the specter of climate refugees and possible nation extinction.
3. The African Sahel—where climate change is leading to increased drought and food insecurity, serving as a tinderbox for resource conflicts.

Due in large part to the pace of climate change, the Arctic is quickly emerging as a region of increasing military and economic importance. The Arctic is warming faster than the rest of the planet, driven by a self-reinforcing feedback loop known as the albedo effect, which accelerates the melting of polar ice caps and permafrost. In turn, melting polar ice sheets are forming new trade routes through Canada (the Northwest Passage) and along the Russian border (the Northern Sea Route). Along the Arctic’s continental shelf, climate change is renewing interest in natural resource extraction, where close to 30% of the world’s untapped natural gas resides. The “Law of the Arctic” is largely governed by the work of the Arctic Council, the United Nations Convention on the Law of the Sea (UNCLOS), and the Comprehensive Antarctic Treaty System (ATS)—there is no Arctic Treaty. The Arctic Council is characterized by an evolving “soft law” system of collaboration among the eight Arctic Council states: Canada, Denmark (via Greenland), Finland, Iceland, Norway, Russia, Sweden, and the United States. Critically, China is not a voting member of the Arctic Council, although China has increased ambitions in the region. Of the eight members, Denmark, Russia, the US are original NATO members, providing a counterweight to growing Russian militarization. As Russia has invested heavily in Arctic military infrastructure, so has the US Navy has complemented and served as a good law of the sea partner. For example, the US views UNCLOS’s key navigational provisions as binding customs international law. Additionally, the US Navy has complemented and enforced many key UNCLOS provisions via freedom of navigation operations and diplomatic assertions around the world.

Outside of UNCLOS, the US has nevertheless signaled broader Russian ambitions in the Arctic. Today, Russia claims an outer continental shelf that extends to the Lomonosov Ridge—an enormous area with vast untapped oil and natural gas resources that overlaps with the North Pole.

While remaining a non-party to UNCLOS, the US has nevertheless served as a good law of the sea partner. For example, the US views UNCLOS’s key navigational provisions as binding customary international law. Additionally, the US Navy has complemented and enforced many key UNCLOS provisions via freedom of navigation operations and diplomatic assertions around the world. Despite the US Senate’s failure to provide its advice and consent to UNCLOS’s ratification, a remarkably diverse coalition of American national security experts, environmentalists, and business interests support the US becoming a party to the convention. The US should ratify UNCLOS as it is contrary to our long-term national security and economic interests in the Arctic and elsewhere. Outside of natural resource extraction, two seasonal waterways—the Northwest Passage and the Northern Sea Route—are both found in the Arctic. Canada has long viewed the Northwest Passage as their regional “highway,” opening trade routes and sparking a potential race for natural resource extraction in the High North.

The melting permafrost in Greenland and Arctic tundra increases the possibility for cataclysmic ‘green swan’ events.”
Far away from the Arctic, scientists predict that four Pacific Small Island Developing States (SIDS) may become uninhabitable by mid-century due to climate change-driven sea level rise and wave-driven flooding.13

The specter of potentially “stateless” UN member states—Kiribati, Maldives, Republic of Marshall Islands, and Tuvalu—strikes at the core of the UN Charter system, raising novel questions of both international law and environmental justice. It also exposes a governance gap in international law, which does not adequately protect climate migrants fleeing from climate-driven weather impacts and uninhabitability. The 1954 World Refugee Convention, for example, is silent on migrants fleeing environmental or climate disasters.

Since World War II, the UN Charter has played an important role in stabilizing international order by upholding national territorial integrity and the sovereign equality of each member nation.14 While SIDS are relatively small, they have equal standing as sovereign nations.

Several questions now arise: With climate change undermining the territorial integrity and sovereignty of these nations, what is the responsibility of developing nations to alleviate this slow-moving tragedy? Can international governance institutions afford to remain silent while nations face climate-driven statelessness? What are the legitimacy costs of both action and inaction?

The plight of global climate migrants is an issue of increasingly grave concern.15 By one estimate, more than 150 million people will be displaced by rising sea levels by the year 2050.16 One recent study found that two-thirds of the world’s population faces severe water shortages, a catalyst for cross-border human migration.17

In addition, many small island nations are uniquely vulnerable to extreme weather patterns. Scientists now link climate change, rising temperatures, and the increased likelihood of extreme weather,18 to which small island nations often lack the capacity to adapt and respond. In 2020, when Cyclone Harold struck several Pacific island nations, it triggered an estimated 99,500 displacements.19

Finally, critical US national security infrastructure in the region is increasingly at risk. The US operates a key military installation and radar facility at Kwajalein Atoll in the Marshall Islands that helps protect the US from North Korean missiles. Rising seas may cause parts of the Marshall Islands to become uninhabitable as early as 2035.

In a cruel twist, climate change is disproportionately harming nations that contributed the least to global greenhouse gas emissions and have the fewest resources to adapt to climate change’s impacts. This includes both SIDS and the poverty-stricken African Sahel, an area already suffering from climate-worsened food insecurity and conflict.20

The Sahel region of West Africa, for example, is one of the poorest regions in the world with 40% of the population living on less than US$1.90 per day. The region’s population is growing at an astonishing rate, expected to double by 2045;21 yet the climate is warming in the Sahel far faster than the rest of the world.

In a recent Security Council debate on climate and security, the World Meteorological Chief Scientist stated that climate change has a multitude of security impacts “increasing the potential for water conflict; leading to more internal displacement and migrations . . . it is increasingly regarded as a national security threat.”22

There is a growing body of scholarship that connects climate change’s multivariate impacts and violent conflict.23 In 2020, the International Committee of the Red Cross estimated that 12 of the 20 most vulnerable countries to climate change were in a state of conflict.24 An estimated 2.25 million people have been displaced in Burkina Faso, Mali, and Niger due to extreme rainfall and flooding.25 Climate change’s destabilizing role in the African Sahel is forcing international legal institutions to reimagine what role they might play in addressing underlying causes of conflict and instability.

Consistent with its mission to maintain international peace and security,26 the UN Security Council (UNSC) has begun to address climate change. It first recognized the link between environmental security and international security in the aftermath of the Persian Gulf War (1992) and the destruction of oil fields.27 Recognition of other non-traditional security threats followed, such as HIV/AIDS (2000) and Ebola (2014).

In 2017, UNSC took the historical step of linking climate change with the deteriorating security situation in the African Sahel. In Resolution 2349, the “adverse effects of climate change and ecological change” in destabilizing the security situation in the Lake Chad Basin is specifically highlighted.28 Since this Resolution was issued, the Council followed up with additional resolutions for Somalia, Darfur, West Africa and the Sahel, and Mali.29

While it has yet to make the formal determination that climate change effects are a “threat to the peace” within the meaning of UN Charter Article 39,30 there is a growing precedent for UNSC to use its authorities to address non-traditional security threats.

As the earth warms, climate hotspots such as the African Sahel will increasingly bear the brunt of climate change’s impacts. In the coming years, the UN will be under increasing pressure to address climate-driven security matters in some fashion.31 An Article 39 declaration serves as the legal key, opening the door for the Council to use its awesome Chapter VII authorities.

“Climate change disproportionately harms nations that contributed the least to global greenhouse gas emissions and have the fewest resources to adapt to climate change’s impacts.”
Within a month of taking office, President Joseph R. Biden Jr. L’68 released two executive orders on climate-security matters: (1) Executive Order on Tackling the Climate Crisis at Home and Abroad and (2) “Rebuilding and Enhancing Programs to Resettle Refugees and Planning for the Impact of Climate Change on Migration.”

“Tackling the Climate Crisis at Home and Abroad” makes clear that the world faces a “profound climate crisis” and that US international engagement “is more necessary and urgent than ever.” In the EO, President Biden makes it clear that climate considerations “shall be an essential element of US foreign policy and national security.” In re-energizing climate-security matters, the new Administration understands that it is simply too important to be left solely in the hands of the defense or state departments.

By elevating several people within his Cabinet who have deep experience in climate change and security matters, and by favoring a whole-of-government approach, President Biden acknowledges that climate change requires integrated national security planning. For example, as Special Envoy for Climate former Secretary of State John Kerry will have a seat on the National Security Council—a historic first. Additionally, former EPA Administrator Gina McCarthy serves as the nation’s first National Climate Advisor, leading a new interagency National Climate Task Force.

President Biden’s EO on resettling refugees emphasizes that human migration is often due to climate change impacts. This order reinvigorates the role of the United States Refugee Assistance Program throughout the immigration process “in a manner that furthers [American] values as a Nation.”

Questions for the Climate-Security Century

As we look ahead to the challenges of the climate-security century, the most salient questions that arise include:

1. What is the true pace of climate change in the Arctic, and how will this impact both US interests and Russia and China’s ambitions in the High North?
2. How can the US renew climate science efforts at the Arctic Council?
3. Does the US have the necessary relationships and authorities to prepare for an upick in food insecurity and increasing natural resource conflicts in the African Sahel?
4. Is the US prepared for massive migration in the Pacific and other parts of the world?

By identifying, planning for, and resourcing the three climate hotspots, the US will find itself in a much better position to reinvigorate the interagency process and reclaim US leadership in addressing the challenges of climate change across the globe.

“A CLIMATE-SECURITY RESET FOR THE UNITED STATES?”

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This EO also requires that National Security Advisor Jake Sullivan develop a comprehensive report for the President on climate change’s impact on migration as well as its international security implications. While it remains unclear how results of this report will be implemented, this signals an important willingness to think broadly about the relationship between climate change and immigration patterns.

Relatively, a reinvigorated role for climate-security matters in the forthcoming National Security Strategy (NSS) is expected, a document that sets the tone for the new administration’s national security policies.

Since President George H.W. Bush, every US president has issued an NSS that squarely addresses climate change and national security. For example, President Barack Obama’s 2015 NSS stated that, “The present-day effects of climate change are being felt from the Arctic to the Midwest. Increased sea levels and storm surges threaten coastal regions, infrastructure, and property. In turn, the global economy suffers, compounding the growing costs of preparing and restoring infrastructure.”

In a present nod to the importance of recognizing non-traditional security threats, the 2015 NSS made clear the high priority of “meeting the urgent challenges posed by climate change and infectious disease.”

While climate change was omitted from the Trump Administration’s 2017 NSS, the Biden Administration’s Interim NSS states that, “The climate crisis has been centuries in the making . . . if we fail to act now, we will lose our last opportunity to avert the most dire consequences of climate change for the health of our people, our economy, our security, and our planet.”

By elevating several people within his Cabinet who have deep experience in climate change and security matters ... President Biden acknowledges that climate change requires integrated national security planning.”
Long-Term Care After COVID: A Roadmap for Law Reform

Between May 2020 and January 2021, 94% of US nursing homes experienced at least one COVID-19 outbreak. And nursing home residents—isolated from family and friends, dependent on staff often tasked with providing care to far more residents than feasible, and sometimes crowded into rooms with three or more people—succumbed to the virus at record rates. By March 2021, nursing home residents accounted for a quarter of all US COVID-19-related deaths.

The poor conditions in nursing homes that have been exposed by the pandemic are symptomatic of long-standing problems in the industry. Fortunately, as I discuss in the Georgetown Law Journal Online, there are a series of practical reforms that could readily improve the quality of nursing home care, in large part by changing the incentives for nursing home providers.

“A key problem exposed by the COVID-19 pandemic is the danger of chronic understaffing in nursing homes.”

By Professor Nina A. Kohn
The Danger of Chronic Understaffing
A key problem exposed by the COVID-19 pandemic is the danger of chronic understaffing in nursing homes. Low staffing levels—and especially low levels of nursing staff—predict facilities’ inability to control COVID-19 outbreaks and avoid fatalities.4 The dangers of understaffing were an open secret long before the pandemic. Even before the pandemic, researchers had shown that most facilities lacked the staff necessary to avoid systemic neglect.5 Likewise, pre-pandemic nursing home inspection reports provided ample evidence of facilities lacking the staff needed to care for residents, such as those needed to help residents eat without choking, maintain mobility, or simply stay clean. ProPublica’s database of nursing home inspection reports, for example, turn up scores of cases of residents with malnourished wounds and skin in the two years preceding the pandemic.6 Chronic understaffing doesn’t just result in bad care; it can be lethal. For example, when staff members are not available to assist residents who need help to stand or walk, residents may fatally injure themselves attempting to get about on their own. Understaffing is also associated with more regulatory problems. A 2018 Human Rights Watch report found that US nursing homes routinely overmedicate residents with dementia to make them docile and easier to control.7 This practice can increase the risk of death and strip residents of their personalities—as one daughter put it, her mother became “a zombie.” Nevertheless, as a 2017 review found, understaffed facilities appear to use psychotropic medication as a “cost-saving alternative to hiring additional RNs.”8

Understaffing is commonplace because while federal regulations set expected outcomes for facilities, the regulations do not hold nursing homes accountable for those outcomes. Instead, when nursing homes are found to have violated federal regulations designed to protect residents, they typically face no fine or other penalty; they are simply directed to correct the deficiency. Therefore, unscrupulous providers can increase profits by short-staffing facilities. Indeed, private equity firms continue to buy low-quality nursing homes9 because of the profit such facilities can generate—especially when owners are willing to sacrifice resident safety to maximize profit.10

The Power of the Federal Wallet
To address this issue, federal regulators could change the way nursing home penalties are assessed and enforced, imposing more significant fines and using the full range of penalties that federal statutes already authorize. This includes not only monetary fines but also holds on new admissions and suspensions of payment. Regulators also could require facilities to have minimum direct care staffing levels that accord with what researchers have found necessary to provide a “sufficient” level of care (slightly over four hours per resident, per day).11

In addition, regulators could require facilities to use a substantial portion of their revenue to care for residents. For example, New Jersey has adopted legislation requiring nursing homes to spend 90% of annual aggregate revenue on direct resident care. This approach could prevent unscrupulous providers from pocketing funds needed for resident care.

The key will be to require financial transparency so that facilities cannot hide profits as expenses and to set spending minimums high (such as New Jersey’s 90% requirement and unlike the 70% threshold New York adopted as part of its 2021 Budget Bill).12

But Is There an Appetite for Reform?
The good news is that, by exposing the dangers of the current system, the pandemic could create an opening for these types of meaningful law reform. The federal response to COVID-19 provides reason for skepticism about the extent of reform it will spark. At both the state and federal levels, policymakers’ primary response to concerns about COVID-19 transmission within nursing homes was not to protect nursing home residents, but rather to protect the nursing home industry.

As a result, under this federal approach, the states in the US granted immunity to nursing homes amid the crisis (some even went so far as to grant immunity to criminal liability and from acts that would otherwise be construed as gross negligence).13 Similarly, the US Secretary of Health and Human Services used his authority under the Federal Public Readiness and Emergency Ppeparations Act (the “PREP Act”) to bar state and federal claims against nursing homes that unusually administers or uses infection “countermeasures” such as masks and testing.14 In addition, policymakers responding by waiving—and even eliminating in some cases—existing regulatory requirements to protect residents. The Centers for Medicare and Medicaid Services initially responded to the COVID-19 pandemic by waiving a series of regulatory requirements for nursing homes and suspending most enforcement actions. Arkansas even rolled back its minimum staffing requirements in response to industry lobbying.

That said, there are some promising measures under consideration. For example, at the federal level, there is the Dingell proposal, as well as a Senate bill introduced by Pennsylvania’s senators that would expand the number of poorly performing nursing homes subject to additional inspections.15 Moreover, the Biden Administration has proposed an additional $400 billion (over eight years) for HCBS, which would help increase access to alternatives to nursing home care, although it would not eliminate Medicaid’s bias in favor of institutional care. States also are considering reform. For example, proposed legislation pending in Rhode Island would require nursing homes to provide the 4.21 hours of care per resident, per day16 that research has indicated is necessary to avoid neglect (see footnote 1.3). In short, policymakers interested in improving long-term care have a variety of straightforward options available to them. Accordingly—as I suggested in The Washington Post, examining the politics of nursing home reform—the key question is not what can be done to fix America’s long-term care system, but rather whether states will adopt the reforms that are so clearly needed.

2 “Is Extended Isolation Killing Older Adults in Long-Term Care?” AARP Network News (March 15, 2018).
6 “State Extends Incentives to Nurse Staffing agencies,” WTOP (July 6, 2021).
10 “Private Equity Ownership is Killing People at Nursing Homes,” Vox.com (November 11, 2020).
20 “The good news is that, by exposing the dangers of the current system, the pandemic could create an opening for these types of meaningful law reform.”
Disability Rights Luminaries Speak at DLPP/Syracuse Law Review ADA Symposium

The College hosted a star-studded Americans with Disabilities Act Symposium in April 2021, commemorating the ADA’s 30th anniversary, as well as the Disability Law and Policy Program’s 15th anniversary and a special ADA volume of the Syracuse Law Review. Guest speakers included disability law luminaries Alison Barkoff, Acting Administrator and Assistant Secretary for Aging, US Department of Health and Human Services; international disability rights activist Judy Heumann; and Arline Mayserson, Founding Director Acting Emerita, Disability Rights Education and Defense Fund.

Many of the papers discussed during the symposium will be published in a future edition of the Law Review, focusing on the past, present, and future of disability rights domestically and internationally.

On May 7, 2021, Syracuse Law celebrated the graduation of both the classes of 2020 and 2021 with a virtual Commencement ceremony featuring an address by JoAnna Geraghty L’99, President and COO of JetBlue.

“The rule of law can never have enough friends across the globe, where it can appear to be under siege at different times and in different circumstances,” Geraghty told the graduates. “Syracuse taught you that, be a friend to the rule of law wherever and whenever you come across it—and you will.”

Class of 2021 President Troy D. Parker and SBA LL.M. Senator Fidous Hamid of feried their colleagues words of congratulations and encouragement. Alicia Loomis L’19, an associate at Costello, Conney & Fearon PLLC, sang the National Anthem and Alma Mater. In addition to the virtual Commencement, on May 8 the College held a virtual awards ceremony honoring student, faculty, and staff excellence.

First-Time and Ultimate Bar Passage Rates Released

First-time and ultimate bar passage rates for Syracuse Law graduates were posted in March 2021. Of first-time bar exam takers in the New York jurisdiction, 81.31% passed (compared to the state average of 85.93%). The Ultimate Bar Passage rate for students graduating in the 2018 calendar year was 94.08%.

College of Law Hosts Policing Reform Panel Discussion

Exploring policing reform efforts in Onondaga County and connecting those local and community efforts to the broader national conversation about policing practices, Syracuse Law hosted the “Policing and Reform in Onondaga County and Beyond” panel discussion in April 2021. Sponsored by the Syracuse Civics Initiative and hosted by Dean Boise and Professor Lauryn Gouldin, the discussion featured Syracuse Police Chief Kent Buckner; Lisa Kurtz, Innovative Policing Program, Georgetown Law; Jmmy Oliver, Syracuse Police Director of Community Engagement; Sarah Reckess L’09, Director, Center for Court Innovation-Syracuse Office; and Onondaga County Legislator Vernon Williams Jr.

The panel addressed key provisions of the Police Reform and Reinvestment Plans recently developed by Onondaga County and the City of Syracuse, including use-of-force policies, police-community relations, and alternatives to arrest.

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College of Law Rises Nine Place in U.S. News Rankings

The College of Law rose nine places in the 2022 edition of the U.S. News & World Report law school rankings, released in April 2021. Among drivers of this improvement, the College’s median LSAT rose one point to 155 and the Undergraduate GPA increased from 3.33 to 3.53. In fact, Syracuse Law was among just 25% of law schools that improved both LSAT and UGPA, tying for the largest increase in UGPA.

The College’s selectivity improved by seven percentage points, the bar passage rate climbed from 85% to 88%, and the influential Judges/Lawyers Assessment Score went from 2.9 to 3.0. Notably, the Advocacy Program climbed from #15 to #11, marking a 16-place rise in the rankings in the last two years.

“T. H. U.S. News rankings are just one way to measure our success,” noted Dean Boise. “Despite rankings are just one way to measure our success,” noted Dean Boise. “Despite
August 2020

Professor Ghosh Submits Public Interest Statement to Trade Commission
Submitted to the US International Trade Commission, Professor Shubha Ghosh’s Public Interest Statement raises questions around a finding that Daewoong Pharmaceuticals had misappropriated Medytox’s trade secrets in developing and importing Nabota, a competing botulinum toxin product. Ghosh expressed concerns about the anti-competitive effects of the administrative judge’s determinations.

Professor Johnson Appointed to Judicial Commission
Professor Paula Johnson, Co-Director of the Cold Case Justice Initiative, was appointed the Franklin H. Williams Judicial Commission. The Commission advises decision-makers throughout the New York court system on issues affecting both employees and litigants of color. All members are appointed by the Chief Judge of the New York Court of Appeals.

Professor Kanter Moderates Fulbright ADA Panel
Professor Arlene Kanter, Laura J. and Douglas Meredith Professor of Teaching Excellence and Director of the Disability Law and Policy Program, moderated a panel discussion in celebration of the 30th Anniversary of the Americans with Disabilities Act. Part of the Fulbright Impact in the Field Panel Series, the discussion convened more than 300 Fulbright alumni scholars with disabilities, accessibility and inclusion advocates, and legal experts.

Professor Beth Kubala Appointed US Army Civilian Aide
Teaching Professor Beth Kubala, Executive Director of the Betty and Michael D. Wohl Veterans Legal Clinic, was named one of six civilian aides to the Secretary of the Army at an August 2020 swearing-in ceremony.

Beth Kubala Appointed US Army Civilian Aide
Teaching Professor Beth Kubala, Executive Director of the Betty and Michael D. Wohl Veterans Legal Clinic, was named one of six civilian aides to the Secretary of the Army. CASAs promote good relations between the Army and the public and advise the secretary on regional issues. Thanking the new CASAs, Secretary of the Army Ryan D. McCarthy said, “These are unprecedented times, and the Army is fortunate to have you in the community interacting with civic leaders, educators, and businesses.”

September 2020

Professor Barnes Named Associate Dean for Faculty Research
Kristen Barnes—an expert in property and housing law, anti-discrimination, and civil rights—succeded Professor Lauryn Gouldin as Associate Dean for Faculty Research. “As Associate Dean, Professor Barnes leads the College’s continued placement of faculty scholarship in top-tier law journals, brings noted law experts to Dineen Hall to facilitate the exchange of ideas, encourages grant-funded research projects, and broadens our faculty’s involvement with noted institutions around the world,” says Dean Boise.

Professors Ghosh and Gouldin Appointed as Crandall Melvin Professors
Recognizing their significant scholarship and thought leadership, as well as their excellence in teaching, Dean Boise re-appointed Professor Shubha Ghosh as Crandall Melvin Professor of Law and appointed Professor Lauryn Gouldin as Crandall Melvin Associate Professor of Law, each for a five-year term.

November 2020

DHS Senior Executive Matthew Kronisch Joins SPL
The Institute for Security Policy and Law (SPL) welcomed Matthew L. Kronisch as a Distinguished Fellow-in-Residence. Kronisch is the first-ever Department of Homeland Security Office of the General Counsel Senior Executive assigned to an academic institution under the Intergovernmental Personal Act. Kronisch conducts research, teaches homeland intelligence topics, and serves as a career advisor for the Syracuse University Intelligence Community Center of Academic Excellence.

Professor Dorfman Publishes 2020 Israeli Municipal Accessibility Index
For the second year—in his capacity as an affiliated researcher at aChord-Social Psychology for Social Change—Professor Doron Dorfman led a study on attitudes toward disability in Israel and the state of disabled Israelis. The Municipal Accessibility Index also examines Israeli public opinion about experiences during the COVID-19 pandemic.

December 2020

Professor Beth Kubala joins fellow civilian aides to the Secretary of the Army at an August 2020 swearing-in ceremony.

Professor Dorfman teaching in September 2020.
January 2020
Faculty Participate in Society of Socio-Economists Annual Meeting
Several College of Law faculty members participated in the 2021 Society of Socio-Economists Annual Meeting, hosted by the College of Law and titled “Pressing Social Issues.” Joining Professor Robert Ashford, Program Co-Chair for the AALS Section on Socio-Economics, were professors Christian Day, David Driesen, and Shubha Ghosh.

May 2021
Wentworth-Mullin Appointed to NYSSBA Committee on Veterans
Chantal Wentworth-Mullin, Managing Director of the Betty and Michael D. Wohl Veterans Legal Clinic, was appointed to the New York State Bar Association Committee on Veterans. Wentworth-Mullin will assist her colleagues in program development, advocacy, and strategic collaborations that address the legal issues and needs of military servicemembers, veterans, and their families.

June 2021
Professors Berger and Gouldin Promoted
Dean Boise announced that—with the concurrence of Chancellor Syverud—and the University Board of Trustees, professors Todd Berger and Lauryn Gouldin have been promoted to the rank of full professor.

April 2021
Professor Gardner Receives Meredith Teaching Recognition Award
Syracuse University 2021-2022 Meredith Teaching Recognition Award for Continuing Excellence in Teaching, recognizing her contributions to teaching and learning. The award is one of the highest teaching honors bestowed by the University.

Lisa Cole Honored with Ms. JD Fellowship
In August 2020, 3L Lisa Cole was among 12 law students from around the country honored with a Ms. JD Fellowship. According to Ms. JD—a non-profit, non-partisan organization that seeks to support and improve the experiences of women law students and lawyers—fellows are selected based on their academic performance, leadership, and dedication to advancing the status of women in the profession.

Powers Awarded Scullin Scholarship
At a December 2020 ceremony, rising 3L Leita Powers was awarded the Northern District of New York Federal Court Bar Association Scullin Scholarship. The award—named for the Hon. Frederick J. Scullin Jr. L’64—is given each year to an exemplary College of Law student who shows a keen interest in federal practice.

The Father-Daughter Duo Taking on the College of Law
In November 2020, father and daughter law school students Scott and Lauren Deutsch were profiled by Syracuse University News: “He told me how welcoming the school was,” Lauren—a rising 2L—says, referring to her father’s advice about choosing Syracuse Law. “I want to be at a school where everyone is welcome, where the diversity is enormous, and I’ve found that here.”

In the story, rising 3L Scott—an Army veteran—notes Syracuse’s strong commitment to veterans and their families: “It’s a major point of pride, you see why veterans are drawn to campus.”

Yanez Chosen for Prestigious AAPD Summer Internship
In January 2021, rising 2L Matthew Yanez—recipient of a Dean’s Scholarship and a JK Wonderland Scholarship—was chosen to be an American Association of People with Disabilities (AAPD) summer intern. “This is a prestigious summer internship that receives hundreds of applications each year from undergraduate and graduate students with disabilities from all academic fields within the US,” explains Professor Arlene Kanter, Director of the Disability Law and Policy Program. “Only a fraction of those students are selected each year.”

Lisa Cole Honored with Ms. JD Fellowship

Powers Awarded Scullin Scholarship

The Father-Daughter Duo Taking on the College of Law

Yanez Chosen for Prestigious AAPD Summer Internship

Robert Ashford
Christian Day
David Driesen
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Shubha Ghosh

Robert Ashford
Christian Day
David Driesen
Shubha Ghosh
Frimpong Becomes the First Black Student to Lead Syracuse Law Review

In February 2021, rising 3L Hilda Frimpong was elected by her peers as the first Black student to lead the Law Review as Editor-in-Chief since it began publishing in 1949. "I am honored to break down barriers as the first person of color and first Black woman in this role. I am proud that my expertise and unique perspective will be added to the legacy of the Law Review," says Frimpong.

Added Law Review Faculty Advisor Professor Robin Paul Malloy, "This is wonderful news for Hilda, the Law Review, and the College. I am proud to serve as Advisor during this groundbreaking and overdue moment in its history."

Thevenin Trades Her Running Spikes for Law Books

In her March 2021 Syracuse Stories profile, rising 2L Tia Thevenin ’18—a former standout Syracuse University hurdler—discusses picking herself up from the disappointment of not competing for Team Canada in the 2020 Olympics due to the coronavirus pandemic: "I had planned to go to law school anyway, so I sped up my timeline. Walking away from the sport—and Team Canada—was one of the hardest decisions I’ve ever had to make. It’s also exciting to do something new."

Thevenin adds, "Studying law is not so different from running track. My goal is not to compete with my classmates but to inspire them to reach their fullest potential." Read more about Thevenin’s story at http://law.syr.edu/news_events/news/2l-tia-thevenin-on-olympic-sized-dream

Jasper Pursues His Dream of a Law Degree Online

In his March 2021 Syracuse Stories profile, Joseph Jasper—a rising 2L and US Army Chief Warrant Officer—spoke about how the "stars aligned" after transferring to Fort Drum in Upstate New York and learning about Syracuse Law’s JDinteractive program. "I was entranced by the hybrid format and the fact that it was accredited by the American Bar Association." For Jasper, attending law school is a "dream come true." "I have not stopped being excited about the opportunity to attend such a reputable university in pursuit of my legal education."

Read more about Jasper’s story at http://law.syr.edu/news_events/news/joseph-jasper-pursuing-the-dream-of-a-low-degree-online

A Powerful Voice for Justice

In the third March 2021 profile, Syracuse Stories turned the spotlight on rising 3L Mazaher Kaila, an immigrant from Sudan who is driven by civic engagement: "It’s a core value for me. I have always aspired to help the communities I’m from.” Kaila is not waiting until she graduates to assume the role of advocate and change-maker. She serves as President of the Black Law Students Association and is leading efforts to help the University administration address issues of diversity and inclusion. Read more about Kaila’s story at http://law.syr.edu/news_events/news/mazaher-kaila-a-powerful-voice-for-justice

Marquette Receives Best for Vets Award

At its May 2021 awards ceremony, rising 3L Ryan Marquette received the Student Veterans Organization’s Best for Vets Award, given to the student veteran who has done the most to help fellow student vets succeed on and off campus. Marquette serves as President of Veterans’ Issues, Support Initiative, and Outreach Network (VISION) and President of the National Security Student Association.

Otasowie MCs ROTC Review

Sharon Otasowie ’21—an Air Force ROTC Cadet and US Air Force JAG Corps graduate law candidate—had the honor of performing MC duties at the 104th Chancellor’s ROTC Review Ceremony in April 2021. The Chancellor hosts the annual ceremony to recognize the distinguished performance of cadets in the University’s Army and Air Force ROTC programs.

Law Students Awarded ICCAE Downey Scholarships

Rising 3Ls Abigail Neuville ’19, Penny Quintero, and Meghan Steenbergh ’97, and rising 2L Miriam Mokhemar, were among a group of 13 undergraduate, graduate, and law students awarded Downey Scholarships by the Syracuse University Intelligence Community Center for Academic Excellence (ICCAE) in May 2021. The award recognizes academic excellence, commitment to public service, and potential to bring diverse and distinctive backgrounds and experiences to the US Intelligence Community.
In May 2021, Dean Boise shared two important developments addressing efforts to achieve a more diverse, inclusive, and equitable law school community.

First, following recommendations by the Curriculum Committee and the Inclusion Council (formerly the Inclusion Initiatives Committee), a new three-pronged Cultural Competency Curriculum will be launched in fall 2021, applicable to all students beginning with the Class of 2024. The new curriculum consists of:

- A diversity, equity, and inclusion (DEI) primer module for Orientation and JD interactive residencies.
- A 1L DEI Summer Initiative to develop themes and materials that will become part of the 1L curriculum.
- A graduation requirement, applicable to students beginning with the Class of 2024, which may be satisfied by selecting a cultural competency-related course from a list of existing courses and new courses to be developed.

Second, the new Hon. Sandra L. Townes L’76 Diversity, Equity, and Inclusion Student Resource Center will open in fall 2021. Named for the pioneering jurist and educator—who was the first Black woman appointed as a federal judge in the Eastern District of New York—the Center will be located in the Susan K. Reardon L’76 Room in Dineen Hall’s Law Library. Developed in coordination with the Black Law Students Association (BLSA), the Center will be a space for students and faculty to convene and curate resources for sharing, experiencing, and actualizing diversity, equity, and inclusion at the College and in the law profession.

“We envision the center to both serve as a space to promote diversity and cultural competence and a safe space for minority students to engage with one another,” says rising 3L Mazaher Kaila, 2021-2022 Student Bar Association President, who was President of BLSA in 2020-2021. “The Student Resource Center will begin as an extended library space where students can access computers, printers, white boards, and books, as well as hold discussions and plan events. Our vision is for this Center eventually to offer student advising, mental health support, support for students with disabilities, and trainings and other tools essential for reaching diversity and inclusion goals.”

Professor Suzette Meléndez has appointed Professor Suzette Meléndez as Syracuse Law’s first Associate Dean for Equity and Inclusion. In this position, Professor Meléndez will work with me and across the entire College to lead ongoing efforts to foster a learning community that seeks to address and eradicate racism and other forms of discrimination, that values and builds on our community’s diversity, and that equips our students with the cultural competence necessary to function effectively and ethically in 21st century legal practice,” says Dean Boise.

In doing so, Professor Meléndez will draw and continue upon her work as Chair of the Inclusion Council, which will continue to meet regularly to evaluate the College climate and make recommendations for actions to create and sustain inclusivity. In addition to her new duties, Professor Meléndez will continue her teaching in the area of Family Law.

Photograph Credit: Syracuse Post-Standard

“The College’s new Cultural Competency Curriculum launches this fall with the Class of 2024.”

Professor Suzette Meléndez with students in the Children’s Rights and Family Law Clinic.
Advocacy Program

Eleven Up: Advocacy Program’s Reputation Goes from Strength to Strength

Given the challenges presented by the coronavirus pandemic, the Travis H.D. Lewin Advocacy Honor Society could have been forgiven if it had stepped back this year and waited for the dust to settle. But in 2020-2021, students, professors, coaches, and judges did quite the opposite. They embraced virtual tournaments; added, launched, planned—and hosted—competitions; and boosted Syracuse’s national reputation to such an extent, Syracuse Law is now ranked number 11 in the nation for Trial Advocacy by U.S. News and World Report, having climbed 16 places in two years. That’s on top of placing number seven in Fordham Law’s 2020 Trial Competition Performance rankings.

Among the highlights of this academic year, two teams won their regional rounds for the second year in a row: the Black Law Students Association Trial Team and the National Moot Court Competition Team. The BLSA team then progressed to the elite eight of their national tourney, the Constance Baker Motley Mock Trial Competition. In February 2021, Syracuse swept the National Trial Competition Region 2 tournament, also for the second year in a row; meaning the Program again sent two teams to the NTC national finals and lifted the Tiffany Cup—awarded by the NYSBA’s Trial Lawyers Section, which sponsors the NTC New York Regional—for the third year in a row. Syracuse’s national reputation undoubtedly was boosted by the excellence of hosted competitions. In October 2020, the second Syracuse National Trial Competition became one of the first live-streamed tourneys in the nation. The SNTC organizers convened 22 top teams, managed nearly 50 trials, and gathered an awe-inspiring 150 volunteer evaluators, including many of our alumni. Loyola Law School Los Angeles prevailed over Georgetown Law in the final round.

The Program then launched a new international competition in March 2021, the Transatlantic Negotiation Competition—a collaboration with Queen’s University, Belfast—together with 60 students and judges (including alumni) from 23 countries, with Liberty University School of Law winning the inaugural tournament.

Next year, these two hosted competitions will be joined by the new National Disability Law Appellate Competition, co-hosted by Syracuse Law and the National Disabled Law Students Association. NDLAC will feature a minimum of 12 teams from law schools across the United States competing in an appellate brief writing component and an oral argument component.

“NDLAC is the first national appellate advocacy competition to focus exclusively on disability law. It will enable students to develop their oral advocacy skills while simultaneously navigating a challenging and important area of disability law,” says Professor Michael Schwartz, Director of the Disability Rights Clinic.

With the addition of NDLAC, Syracuse Law now boasts three invitation-only competitions in each of the recognized advocacy divisions—Alternative Dispute Resolution, Appellate, and Trial.

In intercollegiate tournaments, notably this was the first year that JDinteractive students competed; and JD students won both the Hancock Estabrook Oral Advocacy Competition and the Bond, Schoenbeck & King Alternative Dispute Resolution Competition. In sum, rather than diminishing or even shutting down advocacy tournaments and training during the coronavirus pandemic, faculty, students, and alumni volunteers embraced online competition, allowing new opportunities to be seized.

2020-2021 INTERCOLLEGIATE COMPETITION HIGHLIGHTS

In late November 2021, there was good news from Boston, where Joseph Tantillo L’21 and rising 3Ls Abigail Neuville and Alexis Eka, coached by John Boyd II L’16—advanced from the Constance Baker Motley Mock Trial Competition regionals for the second year in a row.

In February 2021, the Black Law Student Association trial division team—Ken Knight L’21, Sharon Otasowie L’21, and rising 3Ls Abigail Neuville and Alexis Eka, coached by John Boyd II L’16—advanced from the Constance Baker Motley Mock Trial Competition regionals for the second year in a row.

The 2020-2021 Black Law Students Association trial team competes online.

Sharon Otasowie L’21 and rising 3L Robert Rose posted award-winning performances at the 2020 Buffalo-Niagara Trial Competition in October 2021. Otasowie won Best Overall Advocate and Rose offered the Best Direct Examination.

In March 2021, Syracuse swept the National Trial Competition Region 2 tournament for the second year in a row. This double win meant that the College once again sent two teams to the NTC national finals and took home the NYSBA’s Tiffany Cup for the third year in a row: Joanne Van Dyke L’07 and Peter Hakes coached rising 3Ls Marina DeRosa and Amanda Nardozza, who took first place, and runners-up Joe Celotto L’21 and Christy O’Neil L’21.

As he rendered the panel’s decision on the final round of the Lionel O. Grossman Trial Competition in March 2021, the Hon. Glenn T. Suddaby L’85, Chief United States District Judge, US District Court for the Northern District of New York, addressed the “four finalists,” observing, “I’ve been doing this a long time, since law school: I’ve judged a lot of moot court competitions. The four of you are four of the best I’ve ever seen. Those were the two best opening statements in a moot court competition I’ve been doing this. I’m just so impressed with all of you. You have a great future ahead of you.”

* Alex Eaton L’21 and Tyler Jeffries L’21 (winners), rising 3L Will Hendon and Nate Kelder (runners-up)

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Advocacy Program

2020-2021 INTRACOLLEGIATE COMPETITION

HIGHLIGHTS

Audrey Bimbi L’21 and Carly Cazer L’21 won the 49th Mackenzie Hughes LLP Edmund H. Lewis Appellate Advocacy Competition. The final round, on Oct. 1, 2021, marked the first-ever virtual moot court competition hosted by the Travis H.D. Lewin Advocacy Honor Society. Bimbi also won Best Advocate.

Rising 3Ls Penny Quinteros and Margaret Santandreu won the 2020 College of Law Bond, Schoenbeck & King Alternative Dispute Resolution Competition. The final—held virtually in October—was judged by the Hon. Joanne F. Alper ’72, Circuit Court of the Seventh Circuit of Virginia (Ret.), James L. Sommario, of Bousquet Holstein PLLC, and Brian Butler L’96, a managing member for Bond, Schoenbeck & King PLLC.

Syracuse might well be the only law school in the country with a large student organization whose students are deeply integrated into an academic program—our Advocacy Program—which encompasses the fields of trial and appellate advocacy, as well as alternative dispute resolution.

Burton Blatt Institute

Inclusion, Empowerment, and Participation in Community: BBI’s Year in Review

The Burton Blatt Institute (BBI) at Syracuse University builds on the legacy of Burton Blatt, former dean of SU’s School of Education and a pioneering disability rights scholar, to better the lives of people with disabilities.

With its focus on research, education, and outreach in law and public policy, BBI incorporates cross-disability issues, focusing with an intersectional lens across the whole of life, to advance the civic, economic, and social participation of people with disabilities, while building on the University’s longstanding commitment to diversity and inclusion.

Below are highlights of BBI’s impactful work this year.

July 2020

Toward Creating a Disability-Inclusive Law School Environment

BBI co-hosted a national symposium of leading law schools titled “Call to Action: Creating a Disability-Inclusive Law School Environment” from July 7-9. The symposium convened top law schools to work on disability inclusiveness and accessibility to share ideas and resources, identify existing barriers, and ultimately form a task force that creates a more disability-inclusive future in legal education.

Symposium topics included (1) how ableism and racism function together; (2) racial disparities in COVID-19 that impact students of color; (3) race-based trauma, and (4) the need to combat anti-blaceness in disability advocacy. Co-hosts included the ABA Commission on Disability Rights, National Disability Law Student Association, Law School Admissions Council, and Coelho Center for Disability Law, Policy, and Innovation at Loyola Law School.

Thirty for ADA@30

For the 30th anniversary of the Americans with Disabilities Act, University Professor Stephen Kuusisto, Director of the BBI Office of Interdisciplinary Programs and Outreach, published 30 short essays about the law, the anniversary, and the cultural impact of ADA@30. According to Kuusisto, “I’m doing this as a disabled person who’s lived half his life before the ADA, I’m reflecting on the ‘before and after’ of the law.” Read the essays at bbi.syr.edu/2020/07/thirty-for-thirtieth-ada-anniversary.

A 360° View

Remarks by Professor Todd Berger, Director of Advocacy Programs, at the 2021 Travis H.D. Lewin Advocacy Honor Society Banquet, April 2021

The online final of the BSK Alternative Dispute Resolution Competition, in October 2020.

In March 2021, Alyssa-Rae McGinn won the 11th Hancock Estabrook I. Oral Advocacy Competition, judged by Dean Bolse; the Hon. Max A. D’Agostino L’80 and the Hon. Thérèse Wiley Dancks L’91, both of the US District Court for the Northern District of New York; and Timothy P. Murphy L’89, Managing Partner, Hancock Estabrook LLP.

Alex Eaton L’21 and Tyler Jeffries L’21 won the 43rd Annual Lionel O. Grossman Trial Competition. Jeffries took home the Best Advocate award. Held virtually for the first time in its history in March 2021, the final round was judged by the Hon. Glenn T. Suddaby L’85, US District Court judge, Northern District of New York; the Hon. Rodney Thompson L’93, New Jersey Superior Court judge; and the Hon. Bernadette Romano Clark L’89, New York State Supreme Court justice.

Rising 2Ls Payton Sord and Nicco Vocaturo prevailed in the second annual Entertainment and Sports Law Society Negotiation Competition, held on April 8, 2021. The competition was held in conjunction with the seventh annual Entertainment and Sports Law Symposium, the first time both events were held completely online. Competition judges were Professor Elizabeth August L’94; Kevin Balbey L’16, Sports Media Agent, Creative Artists Agency; and Beverly Sarfo, General Counsel, TTO.
August 2020
Addressing Digital Access and Accessibility
The Aug. 3, 2020, edition of ADA Live!—a podcast produced for the Southeast ADA Center by BBI—took a deep dive into access for students receiving special education during the coronavirus pandemic. The podcast addressed the shift to online instruction for schools across the United States, which has exposed troubling gaps in digital access and accessibility, especially for low-income students and students with disabilities. “Schools now face the difficult task of re-imagining what instruction will look like in the future,” explained the hosts.

September 2020
Analyzing DBI in the Legal Profession
BBI and the American Bar Association published a groundbreaking report in September 2020, uncovering prevalent reports of discrimination faced by disabled and LGBTQ+ lawyers. The study of 3,950 lawyers from every state and the District of Columbia was among the first and largest undertaking of its kind to focus on lawyers who either identify as having disabilities or who identify as LGBTQ+ in their workplaces.

BBI Chairman and Professor Peter Blanck, lead author of the study, wrote that “the longer-term objective is to help measurably enhance the professional lives of lawyers through accommodations tailored to their needs.”

Particularly noteworthy, the study examines individuals with multiple identities that intersect, such as people of differing genders, sexual orientations and gender identities who also have disabilities. Read the study at americbar.org/groups/diversity/disabilityrights/initiatives/awards/aba-bbi.

November 2020
The Future of Workplace Accommodation
In November 2020, the Future of Workplace Accommodation, which celebrates the ADA’s 30th anniversary, was released. The report showcases how the ADA has driven the workplace accommodation conversation forward and offers a vision for the future of employment, career pathways, entrepreneurship, and economic self-sufficiency for youth and adults across the spectrum of disability.

December 2020
Exploring New Norms in Public Health Surveillance
Professor Blanck (pictured above, left) and BBI International Distinguished Fellow Paul Harpur (above, right) were awarded a Social Science Research Council Just Tech Covid-19 Rapot-Response Grant—funded by the Ford Foundation and the MacArthur Foundation—in December 2020. Their project—“The Unsettling of Old Norms by a New World of COVID-19 Public Health Surveillance”—asks, “How has COVID-19 public health surveillance shifted social norms pertaining to health status in public spaces? How are new health norms created by COVID-19 health surveillance creating new sites of disability in society? How do disability discrimination and ability equality measures apply to people disabled by COVID-19 health surveillance? How can the unsettling of ability and disabled be used to help make a more inclusive society?”

February 2021
A Crip Reckoning
Postponed by the coronavirus pandemic, the University of Virginia’s celebration of the ADA’s 30th anniversary in February 2021 saw the release of a report on the findings and recommendations of the Virginia Supported Decision-Making Pilot Project. This report provides background information and foundational research on supported decision-making as an alternative to guardianship and a way to increase self-determination and enhance the quality of life for people with disabilities. Among the report’s findings, project participants who used supported decision-making showed improved independence and decision-making skills, made better decisions, and had enhanced quality of life.

April 2021
Kuusisto Awarded Guggenheim Fellowship
In April 2021 Professor Kuusisto received a John Simon Guggenheim Memorial Foundation fellowship, awarded to individuals who have demonstrated exceptional capacity for productive scholarship or creative ability in the arts. In addition to directing BBI’s Offices of Interdisciplinary Programs and Outreach, Kuusisto is a poet and writer who has authored the memoir The Planet of the Blind, Evosurveillance: A Memoir of Blindness and Listening, and Have Dog, Will Travel: A Poet’s Journey, as well as the poetry collections Only Bread, Only Light and Letters to Borges.
Institute for Security Policy and Law

Human-Machine Teaming
SPL Research Asks How Law and Ethics Can Best Regulate Artificial Intelligence

We are amidst an artificial intelligence (AI) revolution. If the last decade was the dawn of the “Age of AI,” then this decade has seen the technology mature as it has begun to be widely deployed. Its growth and use in the next few years will be exponential. However, the use of AI opens a Pandora’s box of legal and security challenges. The law has yet to catch up.

In a recent paper titled “A Defense Production Act for the 21st Century,” Baker addresses these challenges—and trying to bridge the gap between AI reality and AI regulation—funded by a research grant from the Center for Security and Emerging Technologies (CSET).

Our focus: Ethical decision-making, bias, and data regulation so that national security community can maximize the benefits of AI and minimize and mitigate the risks.

The central question of our research is posed in Baker’s landmark book, The Centaur’s Dilemma: National Security Law for the Coming AI Revolution. What is the appropriate mix of human and AI decision-making?

By Matthew Mittelstein G’20, AI Research Fellow, Institute for Security Policy and Law

This is the puzzle known as the “Centaur’s Dilemma,” just as a centaur is part man and part horse, with AI we must ask the question with each AI application what part should be machine-driven and what part reserved to human decision. The dilemma is in reaping the benefits of operating at machine speed with machine capabilities while maintaining appropriate legal and ethical human control.

SPL Publications: Breaking New Ground

As nearly every AI legal and policy question involves a variant of the Centaur’s Dilemma—and recognizing that policymakers have done little to address AI up until now—SPL research sets out to determine how law and policy can be applied to make AI more accurate and effective while also maintaining necessary human control.

We recognized that the answer must start with Socratic inquiry, asking questions such as: What is the purpose? Where is the data from? Is there bias? What laws, if any, can we use to guide AI regulation? Where does data gaps exist?

In his policy paper, “A Defense Production Act (DPA) for the 21st Century,” Baker addresses these questions by turning to the US Code, noting that there are few statutes that explicitly map federal AI authority. To fill this void, policy—and therefore law—must be flexible. The DPA, for instance, can be extended to AI to promote robust research and development and to adapt to AI’s rapid evolution.

Turning to the courtroom, in Baker, Hobart, and my forthcoming guide “AI for Judges,” we seek to give judges a legal reference, outlining appropriate processes to guide their jurisprudence while flagging the questions they will address when AI issues arise in court. This first-of-its-kind work will offer a primer to judges as they attempt to define AI’s legal scaffolding and answer the Centaur’s Dilemma.

Furthermore, my issue brief “AI Verification: Mechanisms to Ensure AI Arms Control Compliance” in turn recognizes that many have called for AI controls, but no one has explained exactly how that will be achieved. How, for instance, will we verify that a state or an application is complying with the law or ethical principles? Without verification, it is hard to apply law and ethics.

The brief attempts to do just that, proposing first-of-its-kind technical mechanisms that can be used to inspect AI “arms” and providing a map whereby regulatory authorities and the international community can be confident that AI regulations are being respected.

A National Symposium

In each of these publications, our guiding philosophy has been an emphasis on explaining technology in “plain language.” We believe anyone can understand AI if given the proper guidance, and we aim to make the field accessible to non-technologists, including lawyers.

This philosophy guided an AI symposium for national security lawyers that SPL hosted in October 2020. Acting as a live AI security policy discussion, we first offered the audience a primer on how AI works. Three live panels followed: AI and the Law of Armed Conflict; AI and National Security Ethics: Bias, Data, and Principles; and AI and National Security Decision-Making.

Top experts and policymakers fielded audience questions, debated the core policy issues, and introduced the audience to the many challenges and benefits AI will create. The Symposium concluded with a conversation between Baker and CSET Founding Director Jason Matheny (now Deputy Assistant to the President of the United States for National Security and Technology) and Deputy Director of the Office of Science and Technology Policy (OSTP) about the way AI will transform—or should transform—how and where national security lawyers practice law.

The bottom line: “Twenty-first-century lawyers will need to understand the constellation of technologies known as AI, or they will be left behind.” The symposium provided attendees an overview of the emerging field and broadcasted the importance of AI policy in light of the Centaur’s Dilemma.

Ultimately, the Centaur’s Dilemma is a “wicked problem” only answerable by a state of ethically grey solutions. Recognizing this, SPL’s research recognizes there is no single, definitive answer to this problem. In the past year, however, the SPL and CSET collaboration has made strides towards clarifying the legal landscape, crystallizing the process, and deepening understanding.

“Twenty-first-century lawyers will need to understand the constellation of technologies known as AI, or they will be left behind.”

AI is here to stay, and it requires serious policy and legal attention. Our hope is that our work will inspire the vigorous thought needed to maximize the benefits of human-machine teaming while mitigating the risks. Visit securitypolicylaw.syr.edu for updates and further reading on AI.

New Frontiers in AI: Policy Briefs and Reports

Read and download at: securitypolicylaw.syr.edu/AI-research.

“A DPA for the 21st Century,” by the Hon. James E. Baker

The Defense Production Act can be an effective tool to bring US industrial might to bear on national security challenges, including those in technology. If updated and used to its full effect, the DPA can encourage the development and governance of AI.

“Ethics and Artificial Intelligence: A Policymaker’s Introduction,” by Hon. James E. Baker

A primer on the limits and promise of three mechanisms to help shape a regulatory regime that maximizes the benefits of AI and minimizes its potential harms.

“AI Verification: Mechanisms to Ensure AI Arms Control Compliance,” by Matthew Mittelstein G’20

A starting point to explore “AI arms controls” defining the goals of “AI verification” and proposing several mechanisms to support arms inspections and continuous verification.

“National Security Law and the Coming AI Revolution,” by the Hon. James E. Baker, Laurie Hobart G’16, Matt Mittelstein G’20, and John Cherry

Observations from the October 2020 AI law and policy symposium hosted by SPL and the Georgetown Center for Security and Emerging Technology.
I'm organizing data to be understood by others."

Jake Goldsmith

When rising 3L Jake Goldsmith was a biology major in the College of Arts and Sciences, he had no idea that he would parlay his education into the courtroom—and the boardroom. "There's not much difference between science and law," he says. "In both my education into the courtroom—and the boardroom. "There's not much difference between science and law," he says. "In both

Goldsmith hands-on legal training but also enables him to help innovators, entrepreneurs, and companies bring their ideas to life.

For more than 30 years, ILC has been a pioneer in technology commercialization law, which encompasses the legal, business, and technical aspects of product development. In addition to offering a graduate-level practicum, ILC is New York State’s only official science and technology law center and is a sought-after commercialization law center.

Students such as Goldsmith work with faculty experts at ILC, which advises more than 60 clients a year, ranging from startups and established companies to federal laboratories and other research institutions. Most clients, he says, seek out ILC for actionable research analysis about early-stage technologies. The center responds with a detailed landscape report covering the technology’s intellectual property rights, competition, marketplace, and regulatory environment.

Recent projects include an amphibious, all-terrain vehicle; a wind tunnel simulation-testing tool; a gas turbine for an unmanned aerial system; and an at-home catheterization and sterilization system.

"We help clients figure out what to do next," says ILC Director M. Jack Rudnick L’73. "If the technology is sound, we recommend they contact a patent attorney. If it isn’t, we encourage them to go back to the drawing board. Either way, ILC provides something of value at little or no cost."

"If the technology is sound, we recommend they contact a patent attorney. If it isn’t, we encourage them to go back to the drawing board. Either way, ILC provides something of value at little or no cost."

Rudnick has noticed a surge in M.B.A. candidates from the Martin J. Whitman School of Management and graduate students from the College of Engineering and Computer Science.

One such participant is Patrick Riolo ’20, G’21, an M.B.A. and a B.S. graduate in bioengineering. He recently proved his interdisciplinary mettle by conducting marketing research for several ILC clients, including a major cybersecurity firm.

"ILC has changed how I view my audiences," says Riolo, who appreciates the reciprocity between technology and the marketplace. "Here, I’m not writing for a professor or an imaginary judge. I’m writing for a real-world client who is emotionally invested in the success of their technology."

Today, Goldsmith is a student in the Innovation Law Center (ILC) and an aspiring intellectual property attorney. ILC not only gives Goldsmith hands-on legal training but also enables him to help innovators, entrepreneurs, and companies bring their ideas to life.

For more than 30 years, ILC has been a pioneer in technology commercialization law, which encompasses the legal, business, and technical aspects of product development. In addition to offering a graduate-level practicum, ILC is New York State’s only official science and technology law center and is a sought-after legal incubator.

ILC’s Student-Led Research Reports Give Innovators an Edge

During 2020-2021, Innovation Law Center students’ applied learning experiences continued apace with virtual student teams developing research reports for clients who brought a spectrum of technologies to the Center, including innovations in green building systems, plastics recycling, medical sensors, biometrics, 6G cell service, streaming media, and infrastructure logistics.

That variety was matched by the research tasks students performed, among them prior art searches, the potential for patent infringements, and commercialization pathway mapping.

This research offers invaluable work experience, as Nikkia Knudsen L’21 discovered when assisting biotech firm Triton Bio. "My team helped Triton narrow down what their technology could look like and then created a report based on potential technological iterations," says Knudsen, who recently joined the health care practice at Columbus, OH, firm Vorys, Sater, Seymour and Pease LLP. "This process helped me learn how to guide a client and help them figure out exactly what type of research is useful to them."

Selected 2020-2021 NYSSTLC Clients

- Icarus Biomedical—Eicar’s Knoggin technology is a mobile application that allows the user to perform tests to assess the cognitive state of a person with a head injury.

- Intermedia—a copolymer that adheres the various polymers found in mixed post-consumer plastics, helping increase the amount of plastic that can be effectively recycled.

- MicroEra Power—Solutions for retrofitting existing HVAC systems in commercial buildings to make them more cost-effective and energy-efficient.

- Organic Robotics—Developed at Cornell University, this platform technology uses networks of sensors to help athletes’ bodily movements.

- NSION Technologies—a media streaming and data management platform that provides real-time, multi-source situational awareness for events and disasters.

- Octera—This Cornell University-based start-up has developed a high-speed, high-voltage transistor to improve radar sensitivity for future 6G cell service.

- Optimel—Commercializing University at Buffalo technology. Optimel is currently assessing the patentability of 3D-printed dentures.

- Skip-Line—Real-time information on fleet location, material usage, and application performance for contractors completing road work.

- Triton Bio—Novel technology to isolate microbes from biological samples for medical diagnostics.

- Vita Innovations—a "smart" face mask for emergency rooms and similar clinical environments that monitors patients’ vital signs with embedded technology.
Viviana Bro ‘21 is seen here with Patrick Riolo ‘20, a B.S. and M.B.A. graduate in bioengineering. “I came to Syracuse because of ILC, whose entrepreneurial environment reminds me of the West Coast.” —Viviana Bro L’21

invested in their product and understands the technology behind it. I like to put myself in their shoes and wonder how their invention might look to an angel investor or a venture capitalist.”

The first in the nation to apply scholarly legal analysis and experiential education to product commercialization, ILC has enjoyed a strong upward trajectory. Its designation as the New York State Science and Technology Law Center in 2004, followed by Rudnick’s arrival in 2013, has enhanced the state’s role as a global leader in unmanned vehicles, medical, and infrastructure technologies.

“Success breeds success. We went from six to 60 clients almost overnight. Now we have more than 120,” says Rudnick. “I’m always thinking about how ILC students can benefit other students on campus and companies throughout the region.”

Ego is his emphasis on effective client management—asking the right questions at the right time to achieve clarity and understanding. Viviana Bro L’22, discovered this during her first day on campus when she met Rudnick at a student-faculty luncheon.

“I came to Syracuse because of ILC, whose entrepreneurial environment reminds me of the West Coast,” says Bro, a veteran of California’s semiconductor industry. “The program has taught me that a lawyer can be a fundamental partner or ally instead of someone who always says ‘no.’”

Bro’s projects also reflect ILC’s commitment to diversity and inclusion. The Chilean-born scholar recalls working with three entrepreneurs on an app that connects people who are deaf and hard of hearing to American Sign Language interpreter services. “Today, the app is widely available,” she says. “We hope it becomes as ubiquitous and easy-to-use in the Deaf community as Uber is for city passengers wishing to hail a ride.”

Supporting the Innovation Ecosystem

David Eilers ’80, who teaches part-time in ILC, says the program’s success is measured in different ways. “Sometimes, the best thing we can do for a client is deliver bad news, saving them millions of dollars down the road. Other times, we’re able to hand them off to a good patent attorney or an investor who helps get their product off the ground.”

An adjunct professor in management and law, Eilers credits ILC for staying nimble amid an uncertain global economy. The key to ILC’s longevity, he surmises, is being different things to different people.

“If you’re a client from New York state, we can serve you as the NYS Science and Technology Law Center. If you’re from out of state or overseas, we can work with you as a tech incubator, with no territorial restrictions,” says Eilers, who also teaches in the National Science Foundation’s Innovation Corps program.

“Thanks to support from Empire State Development (New York’s chief economic development agency), we can do pro bono or low bono work and pay our students.”

Eilers is struck by the similarity between scientific and legal literacy. “Just as there’s a hypothesis to prove in the scientific method, there’s a business thesis needing to be attacked through rigorous discovery process. Good data is key.”

Nowhere is this rigor more evident than within Central New York’s thriving innovation ecosystem, where ILC enjoys longstanding relationships with Blackstone LaunchPad & TechStars at Syracuse University Libraries, the Syracuse Center of Excellence in Environmental Energy Systems, the Center for Advanced Systems and Engineering, and the CNY Biotech Accelerator.

“The program has taught me that a lawyer can be a fundamental partner or ally instead of someone who always says ‘no.’” —Viviana Bro L’22

“Some of our most gratifying projects are those conceived and cultivated in our own backyard.” —M. Jack Rudnick L’73

Innovation Law Center

The Innovation Review

In fall 2020 ILC launched a series of student-written articles to assist inventors and start-ups navigate common issues in IP and regulatory law. The articles are published in The Innovation Review, a monthly newsletter produced on behalf of the New York State Science and Technology Law Center. Read the newsletter at nysstlc.syr.edu/innovation-review.

→ Viviana Bro L’21: “Has the COVID-19 Pandemic Ushered in the Drone Age?”

→ Kaitlyn Crobar L’21: “General Wellness v. Medical Device Considerations”

→ Nikkia Knudsen L’21: “Has Crowdfunding Become the Best Way for Start-Ups to Raise Funds? Not So Fast!”

→ Sohela Suri L’21: “Considerations for Choosing a Business Entity”

→ Sehseh Sanan L’21: “Implications of Van Buren v. United States and the Reach of the CFAA”

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How a “Small but Mighty” LL.M. Cohort Forged Ahead During Lockdown

By Andrew S. Horsfall L’10, Assistant Dean of International Programs

In early spring 2020, weekly enrollment reports showed that applications to the LL.M. program were soaring well above where they usually are. I was holding weekly application interviews with applicants from nearly every corner of the globe and working with incoming students on their visa paperwork (a good sign that one has committed to Syracuse Law). It felt as though we were on track to exceed our enrollment goals for the fall 2020 semester until talk of a pandemic began to be all too real. Looking back, it is easy to think that everything changed overnight—lockdowns, mask mandates, and canceled plans—but there was still hope through the late spring and early summer that we would be back to normal sometime during summer and that it would be business as usual by fall.

However, summer brought border closures, student visa restrictions, and the near-hourly requests from students to “defer to a later semester.” I couldn’t blame anyone for wanting to delay their LL.M. experience. Many applicants would be accessing Zoom lectures from up to 12 hours ahead or behind Syracuse time. Although admissions numbers started to evaporate, I was struck by the optimism and determination that a small group of students who committed to starting their LL.M. studies with us in August demonstrated over the past year. Every LL.M. student who started in the fall successfully completed the semester, and then went on to do the same in spring. Indeed, our “small but mighty fall” cohort was joined by 13 new LL.M. students for spring 2021. Our LL.M. students not only attended classes—sometimes well past midnight their time—but they participated in student organizations, made meaningful editorial contributions to student journals, and formed relationships with one another and their professors. Throughout, there was a refrain of gratitude for the opportunities to learn and engage with the Syracuse Law community. The LL.M. program is always a transformative experience for our students, and over the 2020-2021 academic year our students—and our COVID Class—were asked to transform and adapt to many more challenges than they could have foreseen.

Throughout, there was a refrain of gratitude for the opportunities to learn and engage with the Syracuse Law community.”

Not that we have surmounted the obstacles of that year, we can proudly look ahead to a return to in-person classes and the opportunity to welcome one of our largest incoming cohorts of LL.M. students—from more than 20 countries! Having thrived in their studies during a pandemic, the COVID Class has set a very high bar for our future students, and I look ahead with all the optimism and determination that our students demonstrated over the past year.

The College of Law mourns the passing of Master of Laws student Zaiden Geraige Neto in March 2021. Zaiden was a prestigious and well-respected class action lawyer and law professor in Sao Paulo, Brazil, who held an LL.B., Masters, and Ph.D. from Pontifical Catholic University. “I knew Zaiden as a perennially positive and optimistic person who was excited about his studies with us and always enjoyable to see,” reflects Assistant Dean of International Programs Andrew S. Horsfall L’10.

Assisting Uzbekistan with Disability Rights Building Capacity

In December 2020, Dean Boise joined Chancellor Kent Syverud, Provost John Lu, Syracuse Law colleagues, and representatives from three Republic of Uzbekistan institutions to sign an agreement that strengthens academic ties between the University and the republic. The agreement includes a collaboration to create a disability law clinic at Tashkent State University of Law, led by Professor Michael Schwartz, Director of Syracuse Law’s Disability Rights Clinic.

“Syracuse Law enjoys institutional relationships with more than two dozen foreign law schools and government agencies,” says Dean Boise. “This agreement marks our first in Uzbekistan. It will be among our most robust partnerships, bringing together parties and interests across various strata of civil society, including academia, governmental, and nonprofit organization.”
Deborah O’Malley, the 2020-2021 NYCEX and PhillyEx Director, notes that even though they were not on-site with their employers, our students impressed their site placement supervisors. “Each participant in the NYCEX and PhillyEx programs for the spring semesters received excellent final evaluations,” she says. The New York City/Philadelphia course seminar was also continued via Zoom, with guest lectures from Everett Gillson L’85, Chief Administrative Officer, Defender Association of Philadelphia, Kimberly Lau L’06, Partner, Warshaw Burstein LLP, Kevin Belbey L’16, Sports Media Agent, Creative Artists Agency, and Jesse Feitell L’16, Media Associate, Davis Wright Tremaine LLP.

Overseen by Professor Terry Turnipseed, Faculty Director of Externship Programs, the Washington, DC, program also continued its strong placement track record, with DCEX placing nine students across government, nonprofit, judicial, and corporate organizations. “I was quite pleased with the quality of the placements,” he says. “For instance, we placed five participants at the US Department of Justice, including two in the Tax Division for the first time.”

All DCEX placements were remote, except an in-house placement at Orbis Technologies, hosted by Erin Lawless Miller L’10, Vice President of Corporate Business Services. Rachel Stanley Nguyen L’07 and Jo Di Scipio L’95 were among alums offering insights and advice during the DCEX seminar series.

Looking to the future, I look forward to executing Dean Boose’s vision of integrating our Externship Program within the Office of Career Services as part of our efforts to achieve the highest level of placement outcomes for our students. Because the number of students in the DCEX program is the highest it has been since [D] was implemented, the main focus will be on finding these students top externship opportunities.

This coming year, we will not only continue to grow our externship opportunities for our residential students, we will place our [D] students in their first externships of their law school journey. We’ll also begin to implement our Third Year Away program, allowing students to spend their final year of law school in a city of their choice. These 3L students will earn their final credits in a combination of externship placements and online classes.

I look forward to working with our alumni on all these fronts. College of Law alumni have been an integral part of our students’ successes in our Externship Program—and post-graduation, too! [20, 21]

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“May You Live in Interesting Times”

By Robert Nassau

The precise origin of the phrase “may you live in interesting times” is unknown, and it’s also unclear if it meant as a blessing or a curse. But whether a blessing or a curse, or a little bit of both, that phrase certainly has rung true for the student attorneys and directors of the College of Law’s eight clinics during the 2020-2021 academic year.

Below, we summarize some of the amazing work performed by our student attorneys and clinic directors during these interesting and challenging times. These summaries are just the tip of the iceberg for all that we have accomplished this past year.

And while the coronavirus pandemic has created significant obstacles, it also—as Associate Dean of Clinical and Experiential Education Deborah Kenn wrote in last year’s Clinic Director’s Report—provided teachable moments and learning opportunities that will better prepare our student attorneys for legal practice in a post-pandemic world.

Why am I writing this year’s report rather than Professor Kenn? It is because she has stepped down from her position as clinical program director due to a terminal illness diagnosis. Deb arrived at Syracuse College of Law in the fall of 1989 when she started the Community Development Law Clinic. For the past 10 years, under her leadership as Associate Dean, the Office of Clinical Legal Education has added the Bankruptcy Clinic and the Betty and Michael D. Wolf Veterans Legal Clinic, and the College dramatically expanded its experiential learning opportunities, consistent with new ABA and state requirements.

On top of her leadership of the College of Law’s clinical and experiential education, Deb has taught doctrinal courses in, among other things, Animal Law, Property, and Nonprofit and experiential education, Deb has taught doctrinal courses.

Both Deb’s camaderie, leadership, and dedication to our clients and our students. Now more than ever. And more importantly, the hundreds of students whom Deb has taught, guided, and mentored over the decades will remember her fondly and gratefully throughout their careers.

To paraphrase another unattributable proverb, but one that perfectly encapsulates Deb’s tenure at the Syracuse Law: “She left it better than she found it.”

CLINIC REPORTS

Bankruptcy Clinic
Director: Adjunct Professor Lee E. Woodard

During 2020-2021, the Bankruptcy Clinic produced results for its clients despite challenges presented by the coronavirus pandemic. Various legal aid societies and numerous other sources continued to refer clients and bankruptcy courts continued to conduct hearings and process filings virtually. Appearing in court or at meetings of creditors virtually presented its own challenges, such as having clients sign petitions and schedules and then getting the originals filed with the court. A combination of Zoom, FaceTime, phone, e-mail, and regular mail was used, and the clinic was able to file all its cases.

With in-person instruction starting again in fall 2021, student attorneys are looking forward to interacting with clients directly, sitting down with them to go through their financial information world and helping them create a fresh start.

The coronavirus pandemic provided teachable moments and learning opportunities that will better prepare our student attorneys for legal practice in a post-pandemic world.”

All of her colleagues in the Office of Clinical Legal Education will miss Deb’s camaraderie, leadership, and dedication to our clients and our students. None more than me. And more importantly, the hundreds of students whom Deb has taught, guided, and mentored over the decades will remember her fondly and gratefully throughout their careers.

“Our clients retained us for the following matters:

• Joint tenancy issues and options for a partition action for an unmarried couple
• Bankruptcy issues related to marriage
• Issues of property division when workers’ compensation settlement proceeds were used to buy a marital home
• Inherited property and claim against the marital home purchased with said inheritance

Additionally, CRC students assisted clients in an expungement hearing arising from an erroneous determination after a child welfare inquiry; the preparation of annulment paperwork after a bigamous marriage was discovered, and the pursuit of an order of protection necessary to extract a woman and her children from a violent home. Students also participated in mediation training and observations in cases where alternative dispute resolution was offered.

Betty and Michael D. Wolf Veterans Legal Clinic
Executive Director: Professor Elizabeth Kubota

Over the past year, the coronavirus pandemic has changed the practice of law, and student attorneys in the Betty and Michael D. Wolf Veterans Legal Clinic (VLC) have adapted and evolved to continue to best serve our community’s veterans.

While many courts closed or suspended operations, the US Department of Veterans Affairs continued processing disability claims, requiring students to find innovative ways to meet with clients and maintain good client relationships. In fact, the significant shift to virtual proceedings meant increased opportunities for student attorneys to participate in hearings and appeals. And because classes were delivered virtually, the clinic was able to integrate [Interactive students who benefited from experiential learning opportunities provided by the clinic.

Student attorneys performed a broad array of administrative and court appeals to challenge wrongful denials of federal veterans’ benefits, adapting seamlessly to the VA’s tele-hearing format and regularly appearing before the Board of Veterans Appeals.

Children’s Rights and Family Law Clinic
Director: Professor Suzette Meléndez

Despite the pandemic—and perhaps because of it—the Children’s Rights and Family Law Clinic (CRC) was hard at work this past academic year with students engaged in the active representation of their clients even while the courts had to severely reduce the matters heard.

CRC student attorneys were able to finalize an adoption for a family that had taken in a teenager after a very unstable and abusive childhood and was now adopting him as an adult after 18 years. The whole family showed up in the Zoom courtroom for the event.
**Criminal Defense Clinic**
Director: Professor Gary J. Popkes

The Criminal Defense Clinic (CDC) had several successes during the 2020-2021 academic year. Victoria Lezette L’21 and Michael Stoianoff L’21 represented a client charged with a series of minor, victimless charges, mostly resulting from her substance abuse and mental health issues. After Stoianoff developed a motion based upon statements from her family and social workers detailing her mental and physical condition, the court agreed to dismiss all charges.

In another case, James Thyden L’21 and rising 3L Katherine Davis convinced the judge and prosecutor to reduce the charges and dismiss the client after explaining their client’s history, and he was able to move back home.

**Low Income Taxpayer Clinic**
Director: Professor Robert Nossum

In addition to its typical array of casework—such as helping clients obtain rightful refunds or fend off debilitating collection activity—student attorneys participated in the Low Income Taxpayer Clinic’s (LITC) First-ever Remote Tax Court Trial and increased their expertise in all three of our government’s pandemic-related stimulus payments.

The trial involved a taxpayer’s claim that she had signed an Extension of Time to Assess Tax under duress. Student Attorney Meredith Wallen L’21 examined the taxpayer at trial while rising 3L Justin Langer and Michael Towey assisted with a post-trial briefing.

Regarding the stimulus payments, LITC helped numerous taxpayers obtain payments, which—for reasons ranging from a failure to return a stimulus check to having been fraudulently claimed by another taxpayer—they had wrongfully been denied. The clinic anticipates a similar tax activity in the coming year in connection with the expanded Child Tax Credit.

**Disability Rights Clinic**
Director: Professor Michael A. Schwartz

The following are five exemplary accommodations of the Disability Rights Clinic (DRC) during the past year:

- DRC partnered with a Rochester, NY-based law firm to file a lawsuit against a franchise of the Kentucky Fried Chicken chain in the United States District Court for the Western District of New York, alleging violations of Title III of the Americans with Disabilities Act and New York state anti-discrimination law. The case concerns a Deaf driver who was refused service at the franchise’s pick-up window because he could not use the ordering kiosk. Initial mediation is mandatory.
- DRC joined a local non-governmental organization in defending a lawsuit brought by a roofing company against the clinic’s client, an elderly Deaf man, in Small Claims Court. The clinic, in turn, filed a discrimination claim against the company with the New York State Division of Human Rights, which found probable cause to go to a public hearing.
- DRC continues to advocate for snow removal and maintenance of sidewalks for wheelchair users in a suburb of Syracuse.
- An Institutional Review Board approval was obtained for a study of educational policies and practices involving members of the deaf New American community.
- The clinic continues to advocate for accessible access to health care facilities for people with disabilities, including immigrants with disabilities.

**Elder and Health Law Clinic**
Director: Professor Mary Helen McNeal

Despite the many challenges of COVID-19, the Elder and Health Law Clinic (EHLC) shifted quickly to virtual representation. Students executed wills, powers of attorney, health care proxies, and living wills; handled appeals of public benefit denials; assisted clients with minor probate issues; litigated a financial exploitation case; and represented family members seeking guardianship of clients with minor probate issues. Students also collaborated for their appearance before the low-income tax court in Syracuse.

EHLC and Elder Justice Fellow Allison Witz are integral parts of this project, providing legal information, training, referrals, and limited representation.

**Elder and Health Law Clinic’s 1L, 3Ls, and Rising 3Ls**

**Disability Rights Clinic**: Jill Blaine L’21, an associate at Lock, Longo, LaMarca & Brazeinski PC in Syracuse, provided an overview of practicing real estate law in the City of New York and writing documents for clients and drafting contracts.

**Low Income Taxpayer Clinic**: student attorneys represented several patients residing in the long-term care unit at the Veterans’ Administration Hospital in the unusual circumstances of a global health crisis, the Transactional Law Clinic (TLC) took advantage of online meeting technology to invite alumni to share experiences in their transactional law practices since graduating Syracuse Law.

**Transactional Law Clinic**
Director: Professor Jessica Murray

While continuing to work with clients who are starting and operating businesses and not-for-profit organizations during the unusual circumstances of a global health crisis, the Transactional Law Clinic (TLC) took advantage of online meeting technology to invite alumni to share experiences in their transactional law practices since graduating Syracuse Law.

Alumni speakers included:

- Erin Chrzanoski L’19, Corporate Legal Counsel Americas for Dassault Systèmes, joined the class from Massachusetts to discuss her in-house practice, which includes work similar to that done by student attorneys.
- Haley DeCarlo L’18, an associate at Block, Longo, LaMarca & Brazeinski PC in Syracuse, provided an overview of practicing real estate law in Central New York.
- Marya Mullon L’13, an associate at Latham & Watkins, and Tyler Mullon L’13, Government Contracts Attorney, US Defense Information Systems Agency, both joined the class from Washington, DC, discussing how TCL experiences impacted their careers.
- Austin Judkins L’18, an associate at Booyan Code in Rochester, NY, talked about the business and corporate finance practice of a medium-sized firm.

The visiting alumni also discussed life-work balance, career opportunities, changes resulting from COVID-19, and diversity initiatives at their workplaces. These online visits proved so popular that the clinic will continue them even after students return to the classroom, and some student attorneys have already expressed interest in returning to the clinic as future alumni guest speakers.

Students also collaborated for their appearance before the US Court of Appeals for Veterans Claims on a still-pending, novel case involving veteran suicide from military sexual trauma. Finally, two student attorneys worked as part of a national team to draft an amicus brief filed before the US Supreme Court that addressed issues involving veteran suicide rates, Gulf War Illness, and military sexual trauma.

**The Criminal Defense Clinic successfully got a client’s case dismissed because of prosecutorial violations of updated New York discovery rules.**

The CDC also successfully got a client’s case dismissed because of prosecutorial violations of updated New York discovery rules. A team of Donatello Lazaretti L’21, Andrew Rahme L’21, and rising 3Ls Lillian Baah and Shannon Edwards researched, filed, and argued several motions arguing numerous discovery violations. On the eve of trial, the judge ruled that dismissal was warranted after multiple failures by the assistant district attorney to provide required discovery.

**Disability Rights Clinic’s 1L, 3Ls, and Rising 3Ls**

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Get Ready to Boost the ’Cuse! on October 7!

Are you a VIP (Very Influential Person)? We think you are! We are currently recruiting Boost the ’Cuse 2021 influencers in preparation for this year’s day of giving on October 7.

Sign up as a VIP to recruit friends and help spread the word about BoostCuse, and we’ll send some cool swag your way! Visit boostcuse.syr.edu/Influencer to help us Boost the ’Cuse! Go Orange!

Visit law.syr.edu/magazine to read or print the College’s three magazines, the Stories Book (featuring our extraordinary alumni), the Yearbook (celebrating the scholarly achievements of College of Law Faculty and students), and the Giving Book (honoring the many ways our alumni give back to their alma mater.)

The magazines, and the individual stories within, are downloadable and can be shared as a webpage.

All College of Law Magazines Available Online

Enjoy Law Alumni Weekend in person at Dineen Hall or virtually, from wherever you live and work, join us September 23-25 for a weekend of exciting panel discussions and opportunities to reminisce with your classmates, faculty, and friends, and to attend Dean Boise’s State of the College Address. Celebrate this year’s awards recipients, meet with our students, earn CLE credits, and share your Orange pride!

Your Favorite Programs Return!

Register at alumniweekend.syr.edu, or email Kristen Duggleby, Director of Alumni Relations, at klduggle@law.syr.edu or call 315.443.9532.

Whoova App: Keep track of events and connect with fellow alumni during LAW with the free Whoova App. Visit the reunion website for instructions.

Title Sponsor

Lowenstein Sandler
Faculty Books

Disability Law and Policy
University Professor Peter D. Blanck
West Academic, 2020
Disability Law and Policy provides an overview of the major themes and insights in disability law. It is also a compelling compendium of stories about how our legal system has responded to the needs of impacted individuals.

The year 2020 marked the 30th anniversary of the Americans with Disabilities Act. During the past three decades, disability law and policy, including the law of the ADA itself, have evolved dramatically in the United States and internationally.

As the book illustrates, walls of inaccessibility, exclusion, segregation, stigma, and discrimination have been torn down, often brick-by-brick. But the work continues, many times led by advocates who have never known a world without the ADA and are now building on the efforts of those who came before them.

Mastering Criminal Procedure
(2nd Ed.)
Professor Sanjay K. Chhablani, et al.
Carolina Academic Press, 2020
Mastering Criminal Procedure, Volume 1: The Investigative Stage provides a concise treatment of the relevant federal constitutional doctrines that guide and constrain interactions between the police and individuals in the investigation of criminal conduct.

Volume 2: The Adjudicatory Stage focuses on the charging and trial process of a criminal case from the filing of charges against a defendant through the pre-trial and trial stages of the prosecution, culminating with post-conviction proceedings.

The Specter of Dictatorship: Judicial Enabling of Presidential Power
University Professor David M. Driesen
Stanford University Press, 2021
In The Specter of Dictatorship, David Driesen analyzes the chief executive’s role in the democratic decline of Hungary, Poland, and Turkey and argues that an insufficiently constrained presidency is one of the most important systemic threats to democracy.

Driesen urges the United States to learn from the mistakes of these failing democracies. Their experiences suggest, Driesen shows, that the US Supreme Court must eschew reliance on and expansion of the “unitary executive theory” and apply a less deferential approach to presidential authority, invoked to protect national security and combat emergencies, than it has in recent years.

Ultimately, Driesen argues that concern about the loss of democracy should play a major role in jurisprudence because the loss of democracy can prove irreversible. As autocracy spreads throughout the world, maintaining democracy has become an urgent matter.

Advanced Introduction to Law and Entrepreneurship
Professor Shubha Ghosh
Edward Elgar, 2021
This Advanced Introduction considers the multiple ways in which law and entrepreneurship intertwine. It explores key areas defining the field—including lawyering, innovation policy, intellectual property, as well as economics and finance—to enhance both legal and pedagogical concepts.

Key features include: a survey of critical scholarly articles in the field of law and entrepreneurship; analysis of challenges to legal professions in the new technological environment; and a tracing of the roots of entrepreneurship and law and the scholarly study of intellectual property.

Advanced Introduction to Law and Entrepreneurship
Professor Shubha Ghosh (Editor)
Edward Elgar, 2020
Forgotten Intellectual Property Lore: Creativity, Entrepreneurship, and Intellectual Property
Professor Shubha Ghosh (Editor)
Edward Elgar, 2021
Forgotten Intellectual Property Lore explores forgotten disputes over intellectual property and the ways in which creative people and sovereigns have managed these disputes throughout the centuries.

With a focus on reform, the book raises important questions about the resilience of legal rules and challenges the methodology behind traditional legal analyses. Focusing on lore and traditions, Shubha Ghosh brings together expert contributors who incorporate into their analyses contextual understandings that are rooted in history, sociology, political science, and literary studies.

Real Estate (4th Ed.)
Professor Robin Paul Malloy
(With James C. Smith)
Wolters Kluwer, 2021
Part of Wolters Kluwer’s Emanuel Law Outlines series, Real Estate offers a comprehensive study guide to a spectrum of real estate law topics, including transactions and markets; types of brokers; contracts; risk management; liability; escrow; titles and deeds; contract remedies (damages, forfeiture, slander of title, and tort); land descriptions and surveys; public land records; mortgage products and obligations; foreclosure; and commercial real estate matters.

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Peter O. Blauk
University Professor
Chairman, Burton Blatt Institute

Law Review and Other Scholarly Articles
Thirty Years of the Americans with Disabilities Act—Law Students and Lawyers as Plaintiffs and Advocates, 45 NEW YORK UNIVERSITY REVIEW OF LAW & SOCIAL CHANGE/TH.E HARBINGER 8 (2021).


Disability Workers with Disabilities: Opportunities, Challenges, and Regulatory Response (with Paul Harvey), 30 OCCUPATIONAL REHABILITATION 551 (2020).

Disability and Inclusion in the American Legal Profession: Workplace Accommodations for Lawyers with Disabilities and Lawyers Who Identify as LGBTQ+ (with Fiona Huen & Forrest Ahuko Wahl), 30 OCCUPATIONAL REHABILITATION 537 (2020).

Before the Accommodation Principle: Disability and Employment Among Union Army Veterans (with Lucy Logan), 30 OCCUPATIONAL REHABILITATION 565 (2020).

California’s Response to the Status of Gig Workers Employed Among Union Army Veterans (with Larry Logue), 30 OCCUPATIONAL REHABILITATION 505 (2020).

The Professionalization of Urban Accessibility (with Mariela Zabo), 47 FORDHAM URB. L.J. 1213 (2020).

The Universal View of Disability and its Danger to the Disciplines (with Fitore Hyseni, Mary Killen, and Forrest Ahuko Wahl), 21檔US/DCC/L. REV 23 (2020).

Professor Mary Szto: There Must Be a Reckoning Against Anti-Asian Hate

Throughout the pandemic and during the rise in attacks on Asian Americans, Professor Mary Szto has provided local and national media with important context, analysis, and suggestions on how to combat discrimination.

In March 2021, speaking to BuzzFeed News, Szto placed the current Anti-Asian racism in its historical context: “Although today they may seem like quaint tourist attractions, Chinatowns arose because of discrimination,” she explained. Also in March, the Albany Times-Union spoke to Szto in the wake of the Atlanta, GA-area shooting of multiple Asian people: “We have to tell the story of anti-Asian violence,” observed Szto. “Unless we tell the story, and admit the story, we’re going to repeat the story.” Szto shared her own experiences with Anti-Asian racism with NPR-affiliate WAER FM in April 2021, noting the irony of labeling Asian Americans the “model minority,” observing that it “drives a wedge” among minorities and puts “Asians in a box,” by labeling them as a model of assimilation.

In May 2021, speaking to NPR-affiliate WRVO FM, Szto explained the “banting that people do as children has turned into verbal assaults that we see during the pandemic.” In order to break the cycle of hate, she said, there must be “a reckoning,” including an apology from the government regarding past mistreatment of Asian Americans.
Faculty Publications

Ian Gallagher
Professor of Law
Law Review and Other Scholarly Articles
Here’s How We’ll Change Laws to Protect Free Speech, 253 U.S. L. W. 759 (2021).

Shubha Ghosh
Crandall–Melvin Professor of Law
Director, Syracuse Intellectual Property Law Institute
Law Review and Other Scholarly Articles

Lauryr P. Gouldin
Crandall–Melvin Professor of Law
Director, Syracuse Civics Initiative
Law Review and Other Scholarly Articles

Roy Guterman
Director, Tully Center for Free Speech
 Associate Professor, Newhouse School
Professor of Law (by courtesy appointment)
Reports, News, and Commentary


Book Review


Book Review

Paula C. Johnson
 Professor of Law
Co-Director, Cold Case Justice Initiative
Reports, News, and Commentary


Book Review


Book Review

Arline S. Kanter
Laura J., & L. Douglas Meredith Professor for Teaching Excellence
Professor of Law
Director, Disability Law and Policy Program
Faculty Director of International Programs
Professor of Disability Studies,
School of Education (by courtesy appointment)
Reports, News, and Commentary


Book Review

Stop Press!
During the academic year, College of Law experts appeared in more than 1,500 local, national, and international news outlets, helping to bring a measured, educated perspective to sometimes noisy debates, as well as boosting the College’s academic reputation.

AMONG THE TOP MEDIA HITS OF 2020-2021:
Professor Emeritus William C. Banks: NBC News (civil-military relations), The Wall Street Journal (President Trump’s Second Impeachment)
Professor Emily Brown L’09: USA Today (long-term care reform);
Professor Emeritus William C. Banks: NBC News (civil-military relations), The Wall Street Journal (President Trump’s Second Impeachment)
Professor Greg Germain: CBS News (NRA bankruptcy)
Professor Shanah esto-ur-ru-ta: The Washington Post (Apple anti-trust case)
Professor Lauryn Gouldin: NBC News (ail reform)
Professor Roy Guterman L’00: Associated Press (Gov. Andrew Cuomo); Associated Press, The Washington Post (defamation); Axios, CNN (free speech); The Guardian (sedition laws); Reuters (voter fraud); The Washington Post (news leaks)
Professor Nina Kohn: NBC News, NPR 1A, USA Today (nursing homes, voting, and COVID-19); Associated Press, Newsweek, The Washington Post (long-term care reform); BBC, CNBC, Guardian (religious freedom), NBC News, NPR (Britney Spears and conservatorship)
Professor Jonathan Martinis: The New Yorker (long-term care reform);
Professor Mark Nevitt: Newsweek, The Washington Post (domestic extremism); Women’s Wear Daily (climate change and the fashion industry)
Professor Shubha Ghosh: The Washington Post (Apple anti-trust case)
Professor John Wolohan: The Washington Post (college athletics and COVID-19)
Faculty Publications

Professor David M. Levy: "Loy "Longrightarrow" (2021) and "The Political Remedies Doctrine, "THE HILL (May 19, 2021)."


An Impressive Year for Legal Scholarship

Re-affirming Syracuse's position as a leader in cutting-edge legal research, several top 50 law journals accepted or published faculty articles during 2021. Addressing a spectrum of topics—including criminal justice reform, health care, long-term care, climate change, and zoning—notable placements include:

Professor Lauren Foul, University of Pennsylvania Law Review (2021) and "The Effective Use of Private Property and Intellectual Property," THE HILL (May 19, 2021)."
The College of Law’s photo archive is a fascinating visual history of your alma mater, full of nostalgia, anecdotes—and a few mysteries. That is, some of our prints and slides lack information or captions. That’s where you come in. In this feature, we challenge you to help us recall the people and scenes in our mystery photos. For our new mystery, we’ve unearthed a fascinating photo, or what actually appears to be a tearsheet from a publication. Possibly a classroom scene from White or MacNaughton halls, there is no information accompanying this tearsheet, so if you know the names of any of the students pictured and/or when the photo was taken, please email Director of Alumni Relations Kristen Duggleby at klduggle@syr.edu, and we’ll publish what we discover in a future issue and on our social media.

Our Back Pages

Do You Remember? Help Us Caption Our Mystery Photos!

Supporting the College of Law Annual Fund with unrestricted dollars is the most direct way you can back the mission of your alma mater, impact the next generation of lawyers, and help improve our ranking and reputation. Our Annual Fund enables us to recruit and retain the best and brightest with the financial resources they need to pursue a career in law. The Annual Fund also helps underwrite our core programs and innovate new opportunities, to ensure our students receive a timely, robust, and practical legal education that propels their extraordinary careers.

Support leading edge research—such as the Burton Blatt Institute’s exploration of disability workplace accommodations (p.29) and the Institute for Security Policy and Law’s inquiry into AI and “human-machine teaming” (p.32).

Raise the Advocacy Program’s profile—and build on last year’s successes both competing in and hosting national and international trial competitions (see p.26).

Underwrite faculty excellence—to so that faculty members’ published scholarship (starting on p.48) continues to raise the College’s profile, attract ambitious students, and innovate the law.

Provide students with first class experiential opportunities—such as our busy Clinical Program and our ever-expanding Externship Program, which welcomes a new Director on p.42.

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Thank you for your support!
We can never say it enough—your support, input, and leadership are making a huge impact. Whether it’s our world-class faculty, our high-performing Advocacy Program, or our forward-leaning curriculum, we have much to celebrate even as we improve, adapt, and innovate.

Philanthropic giving is a key factor in reaching our shared goals. A gift to the College of Law Annual Fund is one of the most significant and direct ways you can influence College of Law outcomes. By donating to the Law Annual Fund, you support every aspect of Syracuse Law, including faculty recruitment, our world-renowned research institutes, classroom technology, our expanding Externship Program, the Advocacy Program, the law reviews, and our law clinics.

Your gift is an investment in the future of your College and an investment in tomorrow’s generation of lawyers and leaders.

Together, we are making a difference. Thank you!
Contact Sophie Dagenais, Assistant Dean for Advancement and External Affairs, at 315.443.1964 or sdagenai@syr.edu to make a donation.