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Commencement 2005: Keynote Address by Judge Paul Friedman

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Law School Report



Dean Olsen to the 2005 graduates:

“While your journey may long strange trip, I am confident

Michael J. Flanagan and son Liam



have at times seemed like a that you will remember it fondly.”

By Nicole Peradotto

John Dewey was quoted; so was Jerry Garcia. The Rule Against Perpetuities was mentioned; so was “Law and Order.” And by the end of a sunny spring afternoon, the members of UB Law’s Class of 2005 had been awarded the coveted purple academic hood, a hard-earned symbol of their freshly minted status as Juris Doctors.

Throughout the 116th commencement ceremony, held May 21 at the Center for the Arts, speakers reflected on what ownership of the hood entails, while graduates had a moment to celebrate before assuming the responsibilities of their new title.

“It is no understatement to say that you are the future of the legal community, because it will be shaped in large part by your arguments, your advocacy and your commitment to social equality and justice,” observed UB President Dr. John B. Simpson.

“Throughout your time in the Law School you have already made substantial and meaningful contributions to the intellectual discourse, discovery and collaboration that shapes the theory and practice of the law school today and will determine its future.”

For a dose of inspiration from within the legal profession, one of UB Law’s most accomplished alumni delivered



the keynote address – United States District Court Judge Paul L. Friedman ’68. Before embarking on a passionate speech about the importance of an independent judiciary, Friedman reminisced about his legal education.

“I started out at another law school,” Friedman recalled, “but came back to Buffalo in my second year, hoping to find what I was not finding elsewhere: a sense of why I had chosen to study law in the first place, and what I wanted to do with my life professionally.”

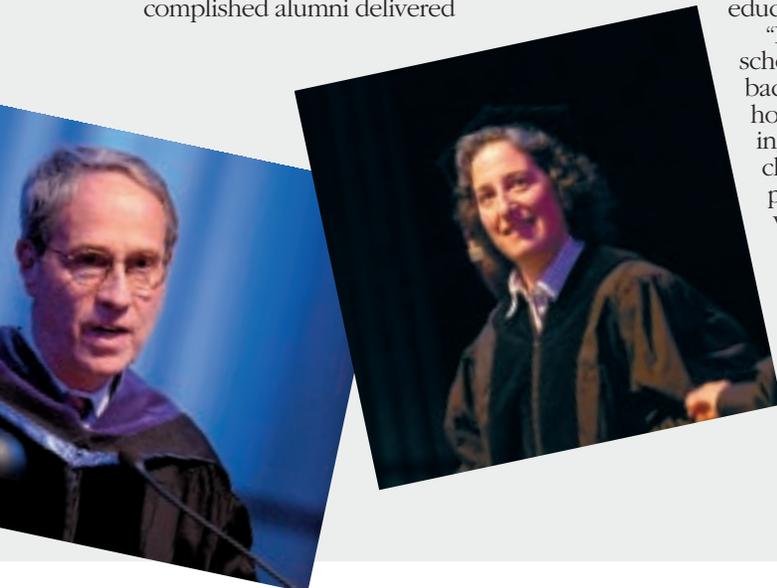
Under the watchful guidance

Daniel Tkachyk,
recipient of the John N.
Bennett Achievement
Award

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Left, Andrea Greenberg, recipient of the Max Koren Award

United States District Court Judge Paul L. Friedman ’68



Law School Report



University President John B. Simpson congratulates Christopher H. Horan.

Latin Honors 2005

Summa Cum Laude

Katie M. Metzen
Daniel George Tkachyk

Magna Cum Laude

Christopher A. Andreucci
Paul James Avery
Peter Chae
Adam M. Clark
Donald Wm. Driscoll
Joseph Nicholas Endres
Michael John Flanagan
Heidi Lynn Forman
Ruth Ellen Freeburg
Kelly Ann Gilman
Andrea Lynne Greenberg
Jamie Lynne Halavais
Nicole R. Hart
Margo Mercedes Lagueras
Ryan James Lucinski
Sean Charles Patrick McPhee
Jessica Ortiz
Jennifer Marie Purcell
Jennifer Renee Scharf

Cum Laude

John Edmund Abeel

Elizabeth A. Almeter
Cristina Andrea Bahr
Zachary Robert Benjamin
Roy David Bielewicz
Rebecca L. Boogaart Cooper
Allen Seth Brenner
Christian Marie Brockway
Sara Marie Bulson
Susan Marie Cimini
John Michael Cordon, Jr.
Kyle Michael Costello
Jillian Marie Dickson
Jamie Rachael Dyce
Danielle Erin Eisen
Timmon Michael Favaro
Rosemary Tessa Garlapow
Erik Anthony Goergen
Joseph Maron Hanna
Jamie Elizabeth Hartzler
Alice Yvonne Schott Hawks
Scott Allen Heard
Timothy Robert Hedges
Giuseppe Antonio Ippolito
Katharine Ruth Knauf
Joshua Korman
John Martin Lichtenhal
Gordon William Lyon

Kyle Patrick Magee
Molly Lauren Mallia
Sara Holderle Marangola
Brian David McCawley
Lillian Medina-Zelazny
Wendy Noel Mello
Mary Elissa Mogavero
Carolyn Marie Nugent
Scott Michael Pechaitis
Justin Michael Reich
Brendan James Rich
Brian David Rubenstein
John Laurent Rudy
Grayden Paul Schafer
Jane Shufer
Scott R. Simpson
Kristin Ann Tisci
Leslie Anne Travis
Jennifer M. Turkovich
Meredith Anne Vacca
Amanda Marie Warner
Emily Jane Westbrook
John James Westman
Andy On-Tik Wong
Joseph Daniel Zargari



A member of the Class of 2027



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of such professors as Jack Hyman, Lou Del Cotto, Kenneth Joyce, Herman Schwartz and then-Dean William Hawkland, Friedman said he learned to “think like a lawyer.”

“Their ability to bring the law to life – to make it interesting, both intellectually and practically – opened my eyes to the world of possibilities as I left this law school.”

After graduation, Friedman was one of the school’s first alumni to serve as a law clerk to a federal judge outside Western New York. Twenty-six years later, that very same judge, Aubrey E. Robinson Jr., administered the oath of office to Friedman when he joined him as a colleague on the U.S. District Court for the District of Columbia.

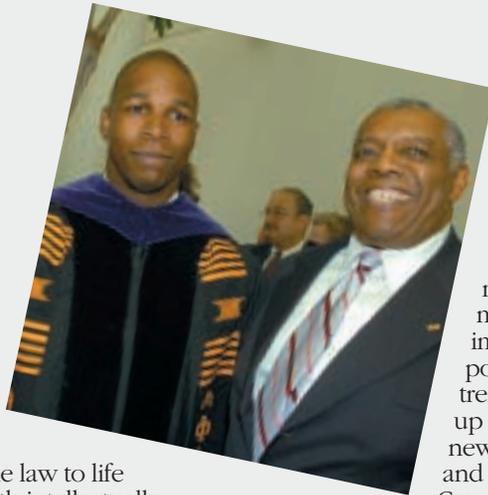
A well-known speaker and author on matters relating to professionalism, legal ethics, the administration of justice and sentencing, Friedman urged the Class of 2005 to “set the record straight” against misleading claims of judicial activism and arrogance.

“It is hard to remember a time when judges, courts and the judicial branch in general were subjected to so much gratuitous criticism, vitriolic commentary and purposely misleading attacks,” he said. “There are calls for impeachment of federal judges solely because of disagreements with their decisions. Terms such as ‘judicial activism,’ ‘judicial arrogance’ and ‘a judiciary run amok’ are used as aspersions, tossed about every day by people in positions of power and influence.

“If this current, often politically motivated drumbeat against judges continues unchallenged, more and more people, I am afraid, will lose faith not just in the courts but in the rule of law itself.”

Friedman pointed to examples from the recent past to make his point, including House Majority Leader Tom DeLay’s description of an “arrogant, out of control, unaccountable judiciary” following rulings by the Federal Court and Supreme Court in March rejecting an appeal by Terri Schiavo’s parents to keep the brain-dead woman’s feeding tube connected.

Seven years ago, Friedman recalled, when U.S. District Judge Harold Baer issued a



search and seizure decision that was widely perceived as anti-law enforcement, there were immediate calls for his impeachment. He pointed out that this trend may be picking up speed, but it isn’t new: Back in the 1950s and ‘60s, the Warren Court was labeled activist for its revolutionary criminal law and civil rights decisions.

“While the term ‘judicial activism’ is used all too loosely today, by definition it only occurs when a judge views his or her role as active, not passive; proactive, not reactive;

Neverson-Anyjah
S. Heatley III



unrestrained by law and principle,” Friedman said.

“If this is how a judge acts, he or she should be called to task, whether those actions are motivated by politics of the left or the right. But the truth of the matter is that most judges, whatever their political backgrounds, take their oaths of office seriously and understand very well that they are not legislators or policymakers. We know we are meant to operate under significant constraints.”

All smiles for the camera is
Yadira A. Ramos

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Left to right: Lara Kasper-Buckareff
and Logan N. Joseph

Law School Report

University at Buffalo Law School students received honors and awards at their recent commencement ceremony.

The award recipients are:

- **Andrea Lynne Greenberg** of Buffalo, the *Max Koren Award* for scholastic achievement, leadership and dedication to the ideals of the law
- **Daniel George Tkachyk** of Rochester, the *John N. Bennett Achievement Award* for the highest scholastic achievement in the graduating class
- **Jessica Ortiz** of Rochester, the *Dale S. Margulis Award* for having contributed the most to the Law School and community
- **Peter Chae** of Bayside, the *Birzon Prize in Clinical Legal Studies*, the *Charles Dautch Award* and a *Law Faculty Award* recognizing outstanding contributions to the Law School and community
- **Danielle Erin Eisen** of Snyder, the *Birzon Prize in Clinical Legal Studies* and a *Law Faculty Award* recognizing outstanding contributions to the Law School and community
- **John Michael Cordon Jr.** of Clyde, the *American Bankruptcy Institute Medal for Excellence*
- **Lillian Medina-Zelazny** of Amherst, the *American Bar Association* and *The Bureau of National Affairs Award for Excellence in the Study of Health Law* and the *Albert R. Mugal Award* recognizing proficiency in future interests and estate-planning law
- **Jennifer Marie Purcell** of Schenectady, the *American Bar Association* and *The Bureau of National Affairs Award for Excellence in the Study of Health Law* and election into the Order of Barristers, a nation-



Professor David M. Engel and Teresa A. Bailey

al honor society composed of students who have excelled in the art of oral advocacy and service to the Moot Court Board

- **Steven Kenneth Trynosky** of Buffalo, the *American Bar Association* and *The Bureau of National Affairs Award for Excellence in the Study of Health Law*

- **Ruth Ellen Freeburg** of Amherst, the *American Bar Association* and *The Bureau of National Affairs Award for Excellence in the Study of Intellectual Property Law*

- **Abigail Elaine Lighthart** of Amherst, the *American Bar Association* and *The Bureau of National Affairs Award for Excellence in the Study of Intellectual Property Law*

- **Jonathan Marcelinus D'Silva** of Amherst, the *American Bar Association* and *The Bureau of National Affairs Award for Excellence in the Study of Intellectual Property Law*

- **Paul James Avery** of Elmira Heights, the *American Bar Association* and *The Bureau of National Affairs Award for Excellence in the Study of Labor and Employment Law*

- **Steven H. Grocott** of Amherst, the *American Bar Association* and *The Bureau of National Affairs Award for Excellence in the Study of Labor and Employment Law*

- **Brian David Rubinstein** of Bath, the *American Bar Association* and *The Bureau of National Affairs Award for Excellence in the Study of Labor and Employment Law*

- **Nicole R. Hart** of Tonawanda, the *Professor Louis DelCotto Award* recognizing excellence in the study of taxation, the *Harry A. Rachlin Prize in Real Property Law* and *Real Estate Transactions Award* and the *Justice Philip Halpern Award* for excellence in writing for the *Buffalo Law Review*

- **Alice Yvonne Schott Hawks** of Syracuse, the *Maurice Frey Award* for outstanding academic performance in family law

- **Sara Marie Bulson** of Buffalo, the *Edith and David Goldstein Award* for outstanding performance in debtor-creditor and bankruptcy law

- **Timmon Michael Favaro** of Ithaca, the *Tom Headrick "Trees and Forest"*

Award for a student of corporate finance who most clearly recognizes that a corporate practitioner needs both to understand the transaction fully and to get the details correct

- **Katie M. Metzen** of Williamsville, the *Adolf Hom-burger Law Alumni Association Award* for academic achievements in civil procedure and compassion for people and the Robert J. Connelly Trial Technique Award

- **Erik Anthony Goergen** of Alden, the *Judge Matthew J. Jasen Appellate Practice Award* for outstanding achievement in appellate advocacy, the *Robert J. Connelly Trial Technique Award* and election into the Order of Barristers, a national honor society composed of students who have excelled in the art of oral advocacy and service to the Moot Court Board

- **Giuseppe Antonio Ippolito** of Buffalo, the *Judge Matthew J. Jasen Appellate Practice Award* for outstanding achievement in appellate advocacy and election into the Order of Barristers, a national honor society composed of students who have excelled in the art of oral advocacy and service to the Moot Court Board

- **Donald Driscoll** of West Seneca, the *David Kochery Award* for service and involvement in one or more student organizations and exceptional performance in procedures and remedies

- **Brendan James Rich** of Buffalo, the *Laidlaw Law Alumni Association Award* for best performance in commercial law

- **Mary Elissa Mogavero** of Amherst, the *Moot Evidence*

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Above left: Anthony T. Panebianco with parents Colleen and Anthony Panebianco.

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Before being sworn in as a judge, Friedman worked in both the public and private sector. From 1970 to 1974 he served as an Assistant United States Attorney for the District of Columbia, trying more than 100 criminal cases and assisting the original U.S. Attorney team that investigated and prosecuted the Watergate break-in.

He then became an Assistant to Solicitor General of the United States Robert Bork, arguing five cases in the Supreme Court. For the next 18 years Friedman was with the international law firm of White & Case, ultimately as managing partner of its Washington office. During that period he handled a wide range of civil litigation, appellate cases and white-collar criminal defense matters.

From 1986 to 1988 he also was a principal deputy to Judge Lawrence Walsh, Independent Counsel for the Iran-Contra Investigation. In 1994 he was appointed to the U.S. District Court by President Bill Clinton. In that capacity Friedman presided over the largest civil rights settlement in U.S. history, a class action lawsuit brought by African-American farmers alleging decades of discrimination by the U.S. Department of Agriculture.

Although such an impressive resume might suggest that he has had scant opportunity to pursue other interests, the keynote speaker made it clear that he cherishes his time away from the bench.

"No matter how hard you work, and how devoted to your profession you are, make time for family and friends. Get a life!" Friedman urged the gradu-



ates. "Don't miss seeing your children grow up. Find yourself friends who are not lawyers, and certainly not clients. As important as your career is, your life and your world must go beyond that narrow focus."

During class speaker Matthew R. Coseo's commencement address, he asked the graduating class to remember why each of them decided to pursue law in the first place.



Left to right: SUNY Distinguished Teaching Professor Kenneth F. Joyce with UB President John B. Simpson

"What was it that motivated you to enter this field? Was it the first time you won an argument at the dinner table or successfully talked your way out of a speeding ticket? Maybe it was the time you got two friends to stop fighting on the playground, or maybe it was after you had watched a few too many episodes of 'Law and Order.'"

Whatever the reason, the Class of '05 must be united in its dedication to justice, Coseo said.

"Commitment to this weighty adventure

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Left to right: Dean Nils Olsen with Hon. John F. O'Donnell

Law School Report

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Award for best performance in the area of evidence

- **Daniel Keyes Morris** of Saratoga Springs, the first *Ryan J. Mullins Award* for the graduating senior demonstrating the greatest commitment to and proficiency in criminal law and criminal trial practice skills

- **Jamie Lynne Halavais** of Snyder, the *Judge William J. Reagan Award* for proficiency in estates and surrogate's law, as well as having a strong concern for public service and public welfare

- **Joshua Matthew Bengis** of Mt. Sinai, the *Robert J. Connelly Trial Technique Award*

- **Ericka Nicole Bennett** of Buffalo, the *Robert J. Connelly Trial Technique Award* and the *Linda S. Reynolds Award* for demonstrating an exceptional commitment to equal justice for the poor

- **Roy David Bielewicz** of Fillmore, the *Robert J. Connelly Trial Technique Award*

- **Yomara Castro** of Buffalo, the *Robert J. Connelly Trial Technique Award*

- **Robin Elizabeth Catalano** of Rochester, the *Robert J. Connelly Trial Technique Award*

- **Matthew Robert Coseo** of Clarence, the *Robert J. Connelly Trial Technique Award* and election into the Order of Barristers, a national honor society composed of students who have excelled in the art of oral advocacy and service to the Moot Court Board

- **Christopher Michael Grant** of Williamsville, the *Robert J. Connelly Trial Technique Award*

- **Amanda Kristin Hooge** of Irving, the *Robert J. Connelly Trial Technique Award*

- **Lara Kasper-Buckareff** of Buffalo, the *Robert J. Connelly Trial Technique Award*

- **Margo Mercedes La-gueras** of Amherst, the *Robert J. Connelly Trial Technique Award*

- **John Martin Lichten-**

thal of Buffalo, the *Robert J. Connelly Trial Technique Award*

- **Brian Michael Swann** of Williamsville, the *Robert J. Connelly Trial Technique Award*

- **Leslie Anne Travis** of Rochester, the *Robert J. Connelly Trial Technique Award*

- **Robert Charles Whitaker** of Amherst, the *Robert J. Connelly Trial Technique Award*

- **Joseph Endres** of Tonawanda, a *Law Faculty Award* recognizing outstanding contributions to the Law School and community

- **Denise O'Connell** of Buffalo, a *Law Faculty Award* recognizing outstanding contri-



Yadira Ramos, right, lends a hand to a colleague.

butions to the Law School and community

- **Eliot Reid** of Buffalo, a *Law Faculty Award* recognizing outstanding contributions to the Law School and community

- **Aku-Shika Pappoe** of New Haven, Conn., a *Law Faculty Award* recognizing outstanding contributions to the Law School and community

- **Lauren Tamporo** of Belrose Village, the *New York State Bar Association Ethics Award*

- **Allen Seth Brenner** of Boyds, Md., election into the Order of Barristers, a national honor society composed of students who have excelled in the art of oral advocacy and service to the Moot Court Board

- **John Laurent Rudy** of New York City, the *Carlos C. Alden Award* for making the greatest contribution to the *Buffalo Law Review*

- **Amanda Ruth Jordan** of Franklinville, election into the Order of Barristers, a national honor society composed of students who have excelled in the art of oral advocacy and service to the Moot Court Board

- **Anne Elizabeth Joynt** of Medina, election into the Order of Barristers, a national honor society composed of students who have excelled in the art of oral advocacy and service to the Moot Court Board

- **Gordon William Lyon** of Fredonia, election into the Or-

graduating seniors who are custodial parents

- **Jamie Elizabeth Hartzler** of Idaho Falls, Idaho, the *Milton Kaplan Law and Social Development Award* for exceptional commitment to the study of law and social development in an American, comparative or international context

- **Karen Tatiana Beltran** of Yonkers, the *Kenneth A. Gomez Memorial Award* for striving for equality and justice for all minorities and the UB Law Alumni Association GOLD Group Award for outstanding leadership skills in advancing the mission of the Law School and enhancing its reputation for excellence in legal education

- **Heath Miller** of Rochester, the *Activist's Gavel Award*

- **Tina Washington-Abubeker** of Buffalo, the Minority Bar Association of Western New York Award for scholastic achievement and leadership, as well as for significant commitment to effectuating changes within the legal system that address the needs of the minority community

- **Amanda Marie Warner** of Buffalo, the *Woman Lawyers of Western New York Award* for exceptional academic and Law School activities in the areas of children's rights and/or family violence

- **Mary Elizabeth Little** of Buffalo, the *National Association of Women Lawyers Award* for academic achievement and contributions to the advancement of women in society and a *Law Faculty Award* recognizing outstanding contributions to the Law School and community

- **Susan Marie Cimini** of Salina, Kan., a *Law Faculty Award* recognizing outstanding contributions to the Law School and community

der of Barristers, a national honor society composed of students who have excelled in the art of oral advocacy and service to the Moot Court Board

- **John G. Miskey, IV**, of Tonawanda, election into the Order of Barristers, a national honor society composed of students who have excelled in the art of oral advocacy and service to the Moot Court Board

- **Joseph Donald Morath** of Buffalo, election into the Order of Barristers, a national honor society composed of students who have excelled in the art of oral advocacy and service to the Moot Court Board

- **Tara Anne Midlik** of East Aurora, the *Justice M. Dolores Denman Award*, presented to

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will not be easy for us. The law today is at once lauded for its nobility and honor and yet vilified for its perceived excesses and supposed 'frivolity.' As an attorney we will be given great power and, as the line from 'Spiderman' goes, 'With great power comes great responsibility.'"

Coseo reflected on all he and his classmates had endured to reach the podium: taking seven-hour exams, grappling with the Rule of Perpetuities – even being asked to temporarily relocate after a three-alarm fire in O'Brian Hall. Dean R. Nils Olsen also mentioned the blaze in his greetings to the students.

"While your journey may have at times seemed like a long strange trip, I am confident that you will remember it fondly," Olsen said, plucking a phrase from the songbook of the Grateful Dead.

"The law school at UB is much more than merely a place on the North Campus. At best it's an experience in which you establish lifelong friendships that will mature into supportive and collaborative professional associations; in which you have an unparalleled opportunity to focus your studies and intellectual growth in directions of your personal academic interest; and in which you are able to reflect upon your studies in comparative leisure, without the pressure of making a living from the application of that knowledge in the practice of law, and without measuring hours of your life in 10-minute intervals."

At the ceremony, the Center for the Arts was filled to near capacity with proud family and friends bearing flowers and snapping pictures. However, members of the Class of 2005 respectfully left three empty



Left to right: Oriana Mendez '04, Yomara Castro '05 and Jenelle A. Callender '06

seats beside them in the center section.

Two were to recognize classmates Andrew Wells and Richard Tucker, both serving in Iraq. The remaining seat was to remember Ryan J. Mullins, who died suddenly of a heart ailment in September 2003.

With Mullins' parents looking on, Daniel K Morris received the first annual Ryan J. Mullins Award, presented to the graduating senior demonstrating the greatest commitment to and proficiency in criminal law and criminal trial practice.



Above, left to right: Yomara Castro and Neverson-Anyjah S. Heatley III

At left, Vice Dean Susan V. Mangold (right) presents the Dale S. Margulis Award to Jessica Ortiz