A Visit with Old Friends: Celebrating 12 UB Law Emeritus Professors

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Nearly 200 people – colleagues, former students, alumni, friends and family – crowded the first floor of O’Brian Hall on the evening of May 20. For many it was a homecoming, and the occasion was homey as well – a celebration of the achievements of a dozen emeritus faculty of the Law School.

In the Frances M. Letro Courtroom, poster displays highlighted the scholarly works of these retired faculty members, and those present were honored with elegant glass statuettes.

“A law school is really the sum of its parts: alumni, faculty, staff and students,” said Dean Makau W. Mutua in his welcoming remarks. “But today faculty takes center stage, because the faculty is the core of any Law School. It is the faculty that teaches the students who end up becoming our illustrious alumni. It is the faculty that creates the possibility of a law school like this one to become nationally recognized. It is the faculty that molds the soul of a law school. … Sometimes we forget to honor those individuals who made us what we are. No institution can be what it is without the individuals who made it what it is.”

Added Thomas E. Black ’79, chair of the Dean’s Advisory Council (and father to Ryan, a second-year UB Law student): “Like candles, these professors have consumed so much of themselves to light the way for our students. Thank you not just for what you taught, but for what you are: the very foundation on which this great institution was built.”

Emceed by James L. Magavern ’59 and Hon. Leslie G. Foschio ’65, the night was structured as a series of toasts to those present and then to those absent – 12 professors representing a total of 394 years of service to the Law School.

A sampling of some of the emeritus professors’ remarks:

Lee A. Albert taught at UB Law from 1975 to 2008. A specialist in health care law and constitutional law, he has studied and published on issues of medical ethics. He comes by his interest in the U.S. Supreme Court from the inside – he once clerked for Justice Byron White.

“Closure’ is a much overused term these days,” said Albert, who was toasted by UB Law librarian Marcia L. Zubrow, “but I think it well fits the occasion today, at least for me. I can’t say that after all the years of teaching I sorely miss the classroom, but I do miss the place and the people who keep it running.”

Barry B. Boyer, a UB Law professor from 1973 to 2009, served as dean from 1992 to 1998. An authority on environmental law, he founded the group Friends of the Buffalo Niagara Rivers. He also directed the Baldy Center for Law & Social Policy for 15 years.

“It’s hard to stand here tonight and not see a lot of ghosts around this place,” said Boyer, whose toast by Vice Dean Errol E. Meidinger was read by Magavern. “The thing that stays with me about this place and those people is, first, it’s been a place that’s always open to new ideas and new approaches. That is an enormous institutional strength. It’s been an intellectually alive place.”

David B. Filvaroff served as the Law School’s 15th dean, from 1988 to 1992, and lists among his accomplishments the creation of the Dean’s Advisory Council. He taught torts, international law, civil rights, federal courts, constitutional law and international human rights.

“I came to this Law School because of its distinctiveness, the ways in which it differed from most traditional law schools,” said Filvaroff, who was toasted by Professor George Kannar. “I also have loved the strength and imagination of its faculty, and the boundless energy of its students. The support staff, often overlooked, has always been terrific.”

Tax specialist Kenneth F. Joyce, a faculty member from 1964 to 2008, has been one of the Law School’s most familiar faces. In addition to his teaching and research, Joyce has been at the forefront of law reform through legislation in New York State.

“When I got here,” said Joyce, who was toasted by Hon. Barbara Howe ’80, “I taught administrative law, but I also got stuck with a wills and trusts course. I didn’t know how I was going to pull it together, so I used Lou Del Cotto’s notes. We used to play bridge with the
VISITING PROFESSOR OF RESEARCH

Barnes ’89 rethinks America’s voracious media culture

Don’t cry for Tiger Woods, or Paris Hilton, or Tom Cruise, or Sandra Bullock. Life in the public eye has paid a lot of mortgage payments and opened a lot of doors for them. But don’t think that just because they’re celebrities, their intimate family lives are fair game for public consumption, argues Robin Barnes ’89. Despite the cherished protections of the First Amendment, she says it’s time to rethink the indecent balance between free speech and privacy rights.

Barnes, a professor of constitutional law at the University of Connecticut Law School, makes that argument in a recently published book, Outrageous Invasions: Celebrities’ Private Lives, Media, and the Law (Oxford University Press). The author was at UB Law School this summer as a visiting professor of research, trading ideas with her fellow scholars and working on a proposal for her next book.

In Outrageous Invasions, Barnes looks at the contrasts between European and U.S. law around privacy rights. She says that U.S. jurisprudence has fiercely defended unfettered media rights, reasoning that the First Amendment insistence on a free press should trump privacy considerations. But, she says, European law includes strong provisions for protecting individual privacy, and the media environment abroad is still robust.

“We have a problem in the United States,” Barnes says. “Our myopia and commitment to the First Amendment and freedom of speech has overshadowed what we traditionally understood as the needs of a democratic society.”

The tension goes back to the landmark 1964 Supreme Court decision in New York Times v. Sullivan, in which the court ruled that public officials could not successfully sue media outlets for defamation unless they proved “actual malice.” Subsequent rulings extended that standard to non-governmental public figures—athletes, artists, musicians, authors, actors, even “regular Joes and Janes involved in matters of public concern,” Barnes says.

The media culture today is, of course, much different than it was in 1964. And even when celebrities succeed in suing over tort law violations, circuit courts routinely reduce awards for damages significantly. “The deterrent effect for publishers is still not there,” she says.

To tip the balance back toward individual privacy, Barnes suggests the United States could learn from European law. For example, she cites a statute in France that photos of an individual can’t be published without his or her permission. “If it’s a public photograph—if Princess Caroline showed up at a Monaco event as part of her official duties—then yes. But her trip over something at the Monaco beach club in her bathing suit is off-limits.” Implementing such a law in the United States, she says, would remove the economic incentive that paparazzi have for stalking celebrities.

Barnes even argues that permitting injunctive relief—allowing a court to prohibit publication or broadcast of intrusive material—could be salutary. “There are those moments in time when that system could work well,” she says.

The tenor, she says, should be set by the European Convention on Human Rights, which “talks specifically about familial dignity and how individuals have the right to expect privacy for their home and private life.”