THE INNOVATION LAW CENTER:
Providing Practical Experiences from Lab to Market

ALSO INSIDE
→ Growing Real-World Opportunities for Students at the Innovation Law Center
→ The Village That Jack Built
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Our mission at the College of Law is clear—to set our students up for career success in a rapidly evolving world. When I became Dean just before the 2016-17 academic year, we spent time reflecting on and identifying what distinguishes us from the nearly 200 other law schools in the country. We believed that we could then build on our unique doctrinal and programmatic strengths with classroom-based practical training and experiential learning in externships and clinics to lay a solid foundation for our students’ post-graduation employment success.

Our discussions led us to identify four areas of excellence: our Innovation Law Center (ILC), our Trial and Advocacy Program, our Institute for Security Policy and Law, and our Disability Law and Policy expertise. Of course, not all of our students will be attracted to these areas, but our goal is to attract most of the prospective students, nationally, who are focused on these areas. And while no law school has the resources to be “all things to all people,” by focusing attention on our unique strengths, we can—and we do—deliver extraordinary outcomes.

Our 2023 Yearbook spotlights the center that focuses on perhaps the most innovative and quickly evolving field of law of our time—the Innovation Law Center. For more than two decades, the ILC has prepared law students to drive growth in tech-related industries, including emerging medical, pharmaceutical, robotics, computing, and manufacturing technologies, by combining academics with real-world practical experience.

In these pages, you will read about Cecily Capo, a member of the Class of 2023 who drew on her undergraduate STEM degree to help entrepreneurs bring ideas to market through the ILC and who continues that work now as an associate at Bond, Schoeneck & King. You’ll hear from Professor Shubha Ghosh on recent Supreme Court cases in the field of intellectual property and technology commercialization. You’ll learn about case law governing the patentability of Artificial Intelligence (AI) inventions from Michael Kiklis L’93, among other featured topics and achievements from the 2022-23 academic year.

Steve Jobs once said, “Innovation is the ability to see change as an opportunity, not a threat.” Through the ILC, we seek to provide students with the knowledge and practical skills to equip them to help move science and technology innovations from ideas to successful marketable products.

As you take the time to learn about the great work our students are doing in the ILC, I hope you are both proud and inspired by their remarkable contributions to this field of law. I look forward to seeing how the Innovation Law Center continues to grow in the years ahead, serving as a job incubator to expand our Orange alumni network.

Go Orange!

Craig M. Boise
Dean and Professor of Law
GROWING REAL-WORLD OPPORTUNITIES FOR STUDENTS AT THE INNOVATION LAW CENTER

At the Innovation Law Center (ILC), creating student opportunities is the primary metric for measuring success, according to Executive Director and Professor of Practice, Brian J. Gerling, L’99 (left). ILC students prepare reports for entrepreneurs developing new technologies and assist with their commercialization goals. The ILC creates valuable experiential learning opportunities that lead to job success for graduates of the Center. Recently Bloomberg Law recognized this success by identifying the ILC as a top program for Innovation and Experience. This success creates opportunities for students and helps drive the ILC’s mission of not only providing its students with a well-rounded education but also local, regional, and national economic development through support for technological innovation.

The Importance of the Innovation Law Center’s Mission
The ILC provides access to legal research and commercialization knowledge to entrepreneurial inventors in the community. The importance of this type of early-stage due diligence cannot be overstated. Students at the ILC research various intellectual property protections, market information, the regulatory landscape, and the corporate or legal structure of the entity on behalf of inventors. Generally, entrepreneurial inventors will develop their technologies over months or years before determining if they are capable of intellectual property protection or if the technology will have a market. The ILC process can help significantly speed up this timeframe.

To receive a patent, an invention must be of eligible subject matter, useful, novel, and non-obvious. While the eligible subject matter and usefulness requirements are typically easy to meet, the novelty and non-obvious sections can often be difficult to satisfy because of, for instance, competitor patents in the field. These outcomes can sometimes turn on subtle technological differences. While the ILC does not practice law, an ILC report helps the entrepreneur decide early in the process if they want to continue developing their idea, or if they need to pivot because their invention has patent challenges. The report provides an in-depth analysis of the prior art—publicly available information that predates the client’s invention—to help the entrepreneur navigate such obstacles. It also helps the client decide if a patent is the appropriate goal for protecting their intellectual property. Perhaps other IP options like Copyright, Trademark, or Trade Secret protection are better avenues for protecting a particular technology. And if a particular technology is regulated, the report will outline the applicable regulatory process for the invention.

Left: ILC students visit NextCorps, a non-profit business incubator in Rochester, NY. The students toured the NextCorps Center and presented to entrepreneurs on the services ILC can provide.
“The Innovation Law Center pioneered the educational field of technology commercialization law 30 years ago and continues to expand educational options and opportunities for its students and deliver vital research to its clients.”
—Dean Craig Boise

“The College of Law is honored to be recognized by Bloomberg Law in the field of legal professional education,” said College of Law Dean Craig M. Boise in acknowledging the accolade.

“The Innovation Law Center pioneered the educational field of technology commercialization law 30 years ago and continues to expand educational options and opportunities for its students and deliver vital research to its clients.”

More recognition comes from the success the ILC has in working with various partners. For example, the ILC is the only designated New York State Science & Technology Law Center (NY ST LCC) for the Empire State Development’s Division of Science, Technology, and Innovation (NYSTAR). The commercialization law in its fifth five-year grant cycle from NYSTAR indicating a long tradition of serving the innovation ecosystem in New York. These grants allow the ILC to serve as a state-wide resource to early-stage technology companies, and they, in turn, help fuel local and statewide growth of industry. The ILC further supports economic development in the community by publishing the Innovation Review, periodic newsletter, guidebooks, and by hosting and/or attending conferences promoting its customized research.

Nick Conn, Founder and Chief Scientific Officer of Casana, offered admiration for the ILC. “A resource like the ILC that provides early-stage research information and education to startups without charge is crucial research for early-stage companies seeking to commercialize a new technology. The faculty and students involved in the project exceeded our expectations, and the final research reports provided a good understanding of the prior art and regulatory landscape. I am happy to report that Casana has achieved a number of promising commercialization milestones, including raising a $30M Series B round of funding in January of 2022.”

“The Innovation Law Center is Growing Opportunities for Student Success”

The ILC continues to add opportunities for students. The ILC has been developing a residency program for recently graduated law students to hone their knowledge of technology law, and entrepreneurship. The residency program is designed to provide both academic opportunities and hands-on work experience. Further, Law 815, the primary class for students in the ILC, has more than doubled in size from 12 to 26 students. Additionally, the ILC hires many of its students into key ILC positions, such as Senior Research Associates, Special Project Consultants, and Summer Program positions, which further enhances the experiential learning students need to be successful.

Recently, the ILC partnered with the Martin J. Whitman School of Management to launch the Certificate of Advanced Studies in Technology Law and Entrepreneurship (“CASTLE”) program. The CASTLE program is recognized by New York State as a stand-alone educational certificate and integrates business, law and in a transdisciplinary approach to technology, entrepreneurship, and law.

The program serves as the connective tissue between business, science, engineering, and legal studies. It consists of a minimum of 12 credits, including a foundational course in entrepreneurship offered at the School of Management, while Law 815 is the capstone course at the College of Law. This CA is another honor student can earn to better position themselves in the job market. Importantly, the opportunity is open not only to Law and M management students, but purposefully available to all graduate students and professional students at Syracuse University, State University of New York (SUNY) College of Environmental Science and Forestry, and SUNY Upstate Medical University, who seek to master the basics of the technology commercialization process and/or translational research.

The history of working with Syracuse University’s Office of Technology Transfer (O TT) to, among other things, develop a liaison program that will benefit law students and university faculty, alike. “Bringing the ILC and the O TT together will directly benefit the University by accelerating our technology transfer and commercialization processes and enabling law students to work with technologies and clients from within our campus,” says Duncan Brown, Vice President for Research at Syracuse University.

The move allows Syracuse University to rely on the expertise, resources, and infrastructure of the ILC to more efficiently bring innovative technologies from development to the market.

The Essential Work of the Innovation Law Center is Recognized

Bloomberg Law recently recognized the College of Law’s ILC program as one of the top 10 legal programs for Innovation and Experiential Learning in America. This category identifies legal programs that advance new approaches to student instruction, legal technology, experiential learning, and advancing other areas of legal education.

The ILC program competed with the likes of Stanford Law, Duke Law, and other peer schools, and was recognized for its innovative approach to law school pedagogy.

and also discuss possible licensing options. These determinations potentially save years of development time and money. Equally important to the entrepreneur is that the report guides the early-stage inventor on how to bring an invention to the market.

In addition to discussing a path for securing intellectual property protection for a given technology, the report provides a complete market research section that facilitates the best market strategies to commercialize the technology and to market to potential investors. For instance, the Casapa and Chris Nolan, co-founders of M Innovations, a lighting technology company, recently praised the ILC by saying, “Working with the Innovation Law Center has really helped our company grow significantly. We struggled when we started. There are some challenges with intellectual property...
THE VILLAGE THAT JACK BUILT

It’s not just the law that draws students to the Innovation Law Center (ILC) at the College of Law. It’s the chance to apply the law to help others bring transformative ideas and inventions to life. “You’re working to create value for a company, for people, for yourself,” says Jack Rudnick L’73 who recently retired after directing the ILC for more than a decade.

Founded more than 30 years ago, the ILC was among the first experiential learning programs in the nation to teach intellectual property law by providing students opportunities to work with clients bringing a new technology to market. The commercialization process requires an innovation ecosystem, and students in the ILC become part of it, says Molly C. Zimmermann, managing director of the ILC-affiliated New York State Science & Technology Law Center. “Technology commercialization takes a village. In addition to applying the law, you have to learn to make connections and access resources. Jack was all about that. He showed his students how to become part of the village to move a great idea from invention to innovation.”

“Innovation is not invention,” says Rudnick. “People misuse those terms all the time. Innovation is taking an invention and commercializing it, making money on it.” That process requires an understanding of the law and how to practice it in real life. And that’s what Jack Rudnick brought to the ILC when he started teaching and ultimately directing the program in 2013. “It was very academic at the time,” says Rudnick, who had taken his law degree from Syracuse in 1973 and spent four decades advising investors and engineers. “I wanted to show the students how to become part of this ecosystem, and students in the ILC become part of it, says Molly C. Zimmermann, managing director of the ILC-affiliated New York State Science & Technology Law Center. “Technology commercialization takes a village. In addition to applying the law, you have to learn to make connections and access resources. Jack was all about that. He showed his students how to become part of the village to move a great idea from invention to innovation.”

“Jack’s major contribution—and it’s a very significant one—is the change in the focus of the center,” says Christian “Chris” Day, professor of law emeritus. “He came with so much practical experience and it tremendously enhanced the student experience.”

Together, Day and Rudnick taught a first-of-its-kind general counsel course which was also steeped in practical learning. “We brought in a real galaxy of corporate attorneys to teach the course and challenge the students to come up with solutions to real-life problems faced by general counsel: employment problems, technology problems, intellectual property problems, and HR problems. The solutions are not just legal solutions.”

Similarly, Rudnick brought in an eclectic group of adjuncts to teach in the ILC, including scientists and engineers, “a wonderful mix of talent and a real gift to the law school,” says Day. One of them is Dominick Danna ’67, ’71, who graduated from Syracuse University with degrees in chemistry and electrical engineering and brought decades of engineering experience in which he earned 36 patents to the classroom. Danna’s credentials are stellar and unique. He was a 1994 recipient of the prestigious Holley-McElroy prize from the American Society of M. Engineering (ASME) awarded for “outstanding and unique act(s) of an engineering nature, accomplishing a noteworthy and timely public benefit.”

Danna and Rudnick met at Welch Allyn. Danna was in research and development. Rudnick was the corporate lawyer. They interfaced on lawsuits, taking on international companies to protect their inventions and figuring out creative ways to patent ideas for multiple uses and diverse industries. Today, Danna not only teaches in the law school he teaches a course in the engineering school. “When I first started working as an engineer, I knew nothing about patents and contracts,” Danna says. “I wish I did have that knowledge. It’s essential to know about ethics and contracts and patents and intellectual property.”

The interdisciplinary nature of the technology commercialization process is what attracts students from diverse backgrounds to the ILC. “Currently, one of our students is a French major; another is political science; they come from all over the country, and what they learn is to not be afraid of technology,” says Danna.

“The ILC worked for me because I was always a bit of a square peg in a round hole,” says Garin Murphy, who graduated in 2015 and is now Chief Business Officer and General Counsel at Grove Bio, an early-stage biotech company creation and venture capital firm. “I grew up in an entrepreneurial family, My father was an engineer who became an entrepreneur, so I entered the law school with a business-focused lens, thinking I could focus on this skillset from the outset,” says Murphy. “Honestly, law school commercialization process is what attracts students from diverse backgrounds to the ILC. “Currently, one of our students is a French major; another is political science; they come from all over the country, and what they learn is to not be afraid of technology,” says Danna.

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He basically convinced me that I wasn’t wasting three years of my life. He knew the law, he knew what I needed to excel in the practical world. The invention became a successful innovation and spawned a new idea—to use the software for the placement of solar panels. The lawyer was even more successful in the case of an inventor who developed software for a drone to be the sales prevention department. ‘You don’t do this alone. You do it together as a team with inventors, engineers, and others,’ says Rudnick. ‘You will not be the sales prevention department. You’re not going to say no.’

In cases where the students determined that a great idea just couldn’t be commercialized, Rudnick taught them how to help the clients ‘pivot and take inventions on a different path.’ He recalls the case of an inventor who developed software for a drone to assess weather-related damage to roofing. The ILC students determined through a patent search that other companies had active patents and contracts with insurance companies to do the same thing. He recalled that when the students delivered the news, the client was bereft. But two weeks later, she came back with a new idea—to use the software for the placement of solar panels. The invention became a successful innovation and spawned a company that is still in business today. Rudnick’s kindness and generosity of time and spirit are cited by colleagues and students alike. ‘Commercialization can be cutthroat and competitive,’ says Danna. ‘Under Jack’s leadership, I’ve never seen a dissatisfied client, even when we gave them bad news.’

‘You don’t do this alone. You do it together as a team with inventors, engineers, and others. You will not be the sales prevention department. You’re not going to say no. You’re going to say how.’ —Jack Rudnick’L73

Rudnick says ILC graduates are ‘excellent communicators and good model of what a good lawyer should be.’ Students advice on how to marry those two concepts—good lawyer and good people—impacting social and moral responsibilities to the students. They graduate inspired to make the world a better place. “You don’t do this alone. You do it together as a team with inventors, engineers, and others. You will not be the sales prevention department. You’re not going to say no. You’re going to say how.” —Jack Rudnick’L73

was initially disappointing because you were required to take a lot of courses as an entry point to the law, like torts and criminal law. During my 1L year, I questioned whether I should even be there. Then I met Jack and the light bulb went on. He changed the entire trajectory of my experience.”

M urphy says the normal course of law school studies can be a rather lonely experience for many students. “You’re very much on your own.” Zimmerman agrees. “A lot of law students find the experience isolating. Jack brought the ILC students on field trips, introduced them to experts, and organized social events which built connections. Learning from others—that’s Jack’s legacy. It was really encouraging for them.”

Kathleen Crobar ‘L74 recalls feeling bad for one of her law school peers who “just studied, studied, studied and didn’t even watch TV” whereas she, as an ILC student “worked with 20 different panels, engaging with other students and people outside the law school. We had so many more opportunities than other students because of Jack’s connections and approach.”

Rudnick truly took a personal interest in the success of his students and, for some, that was critical to building their confidence, a necessary quality for getting through law school and beyond. “I was a non-traditional law student and had a rough time my first year,” says Heather Roark-Parker L16, who came into law school with a background in science and biotechnology. “Science came easy to me, but this was a whole new thing. Jack gave me the confidence that even though I might not Excel in an academic area of the law, he knew what I needed to excel in the practical world.” He basically convinced me that I wasn’t wasting three years of my life in law school!”

“Certainly the ILC students master the relevant legal knowledge governing patents and intellectual property, they also become incredibly proficient at researching, marketing, business writing, and communicating—factors critical to commercializing a product.”

You need that 360-degree approach in business, covering intellectual property, financing, market research, customer analysis,” says M urphy. “Ideas are a dime a dozen, but it’s the ability to execute on the idea that determines success. Many scientists and academics aren’t skilled at explaining exactly what they do. They like to live in that comfortable space in their head where the idea sits. That space between vision and reality is dangerous.”

Rudnick taught his students how to build that bridge between vision and reality for clients. They did the research and the work to determine if there was a market for their idea, what the competition was, how to explain it to potential funders in simple terms, and how to pivot from one idea to another if necessary. “Nobody wants to hear their (tech) baby’s ugly or that their dog won’t hunt,” says M urphy, citing what his students call ‘Jackisms.’

“There was a lot of conversation when we had to tell clients their invention wasn’t likely to work, either because there were already active patents, or the regulatory requirements were prohibitive,” says Roark-Parker. “Jack encouraged us to confront the client with all the hurdles they would face, along with the opportunities.”

“When you deliver any message, it’s 10% the message, 50% body language, and the rest is in your tone,” says M urphy. “Jack taught us how to deliver a message in a palatable way.”

Rudnick says ILC graduates are “excellent communicators who form great interpersonal relationships. They can work with anybody and everybody. We’ve had several individuals and companies come to us with a great idea. We showed them why it wouldn’t work, and how to pivot and move their invention forward in a different way.”

C robar says she uses these skills daily as Innovation Commercialization Manager at the Zucker Institute for Innovation Commercialization in Charleston, SC. “We have researchers that do amazing work but if they publish early—and there’s intense pressure in academia to publish—they risk losing the chance to patent it. We help them figure out how to structure their research around ‘prior art’,” determine when to file for a patent, assist in obtaining monetary grants and investment to help pay for their research, and build a commercial plan that helps create value in their research innovations. And if we have to tell them ‘your baby is ugly,’ we explain the how, what, where, when, and why. Why there is no commercial path forward. How can we create value from where we are now? And what can I find that they didn’t disclose in their published research or can we patent it for another disease or indication.

ILC students are taught to figure out how to support inventors to succeed in the innovation ecosystem rather than ‘saying no.’ “Jack was always client first,” says Roark-Parker. “He would go above and beyond for clients and remind us that no matter how much time it took, we should do it to benefit the clients.”

A lawyer should avoid saying no,” says Danna. “In the engineering world, if you say you can’t do something, you won’t last long.”

Rudnick taught his students how to “de-risk” ideas and be creative: “You don’t do this alone. You do it together as a team with inventors, engineers, and others,” says Rudnick. “You will not be the sales prevention department. You’re not going to say no. You’re going to say how.”

In cases where the students determined that a great idea just couldn’t be commercialized, Rudnick taught them how to help the clients ‘pivot and take inventions on a different path.” He recalls the case of an inventor who developed software for a drone to assess weather-related damage to roofing. The ILC students determined through a patent search that other companies had active patents and contracts with insurance companies to do the same thing. He recalled that when the students delivered the news, the client was bereft. But two weeks later, she came back with a new idea—to use the software for the placement of solar panels. The invention became a successful innovation and spawned a company that is still in business today. Rudnick’s kindness and generosity of time and spirit are cited by colleagues and students alike. “Commercialization can be cutthroat and competitive,” says Danna. “Under Jack’s leadership, I’ve never seen a dissatisfied client, even when we gave them bad news.”

‘Jack is a very honest and honorable man,” says Day. “He’s a good lawyer, a good model of what a good lawyer should be.”

‘Not only did Jack help prepare students for the practice of law, but he mentored them to be good people,” says Brian Gerling L99 who was invited by Rudnick to be an adjunct professor in the ILC and to succeed him as executive director in 2021. Getting brought decades of experience in private practice in commercial and intellectual litigation to the classroom. ‘Jack was a great steward of the program, particularly when it came to the resources provided to the program by New York State. I have big shoes to fill.’

And when they become successful, they pay it forward and reach back to help other students in the ILC. “I have almost exclusively out of the program,” says M urphy. “I like to get interns or externs to engage with the management team, and seek out the top students to work for my company. They’ve all been taught how to think differently, and that’s really important.”

Though retired as its director, Rudnick remains a senior advisor to the ILC, still connecting students to potential job opportunities, consulting with start-up companies, and contributing to the innovation ecosystem, ensuring that the “village that Jack built” is continuously expanding to help inventors, entrepreneurs, and companies turn ideas into solutions and accelerate innovation.
As the legal profession becomes more data- and tech-driven, students like Capo can benefit ILC clients and peers alike. “Cecily’s background and time in the ILC gave her a unique understanding of our clients’ technologies and their desire to monetize a particular technology,” says Brian J. Gerling L’99, who recently succeeded Rudnick as the ILC’s executive director. “Cecily learned valuable practical skills that she can carry forward in her practice.”

Capo believes that the pandemic has changed how people think about work and technology. “Even if a client isn’t at the forefront of their respective field, tech can play an important role in growing their company,” she says, adding that today’s small business trend can quickly become tomorrow’s disruptor. She has lent her expertise to all kinds of projects, from a nonsurgical solution for sleep apnea patients to an eco-friendly water filtration system to an image-transfer device for smartphones and TVS. ’

Today’s Trend, Tomorrow’s Disruptor

In her third year, Capo was a senior research associate at the ILC, where she helped innovators and entrepreneurs bring ideas to market. M of her work focused on the legal, business, and technical aspects of product development, all of which comprised the growing field of technology commercialization law. Supervised by one or more faculty experts, Capo handled about a dozen ILC projects in a year. M of them were early-stage tech companies looking to capitalize on the post-pandemic job boom.

Capo was convinced of her own potential. He flipped a switch in me,” says Capo. “I couldn’t wait to get started.”

“I knew that the ILC was where I needed to be. I couldn’t wait to get started.”—Cecily Capo L’23

To keep pace with demand, ILC enrollment has more than doubled in the past year under Gerling’s vision and management. Capo was a part of a 24-person cohort made up mostly of law students, along with a few graduate students from the Martin J. Whitman School of Management and the College of Engineering and Computer Science.

“Our clients need people who can break down complex systems, recognize cause and effect relationships, and draw conclusions from research,” Capo says. “Often we tell them what they don’t want to hear.”

Lawyers at Bond, Schoeneweck & King agree, as they have a job waiting for her after graduation. As a member of the firm’s intellectual property (IP) team, Capo will draw on her ILC experience to advise university spinouts, entrepreneurial start-ups, and blue-chip tech companies. “Bond has an amazing track record of helping clients with patents and trademark registrations,” says Capo of the Syracuse-based law firm, which has offices up and down the East Coast. “My team also works high-profile cases involving patent and trademark infringement, unfair competition, and trade secrets.”

Capo will be in good company. M of her fellow coursework—patent attorneys and IP lawyers, mostly—have bachelor’s or advanced degrees in biology, chemistry, physics, and engineering.

“Anticipating a seamless transition,” says Capo, who currently spends one day a week at Bond in preparation for her new job—“Syracuse has prepared me well.”

Compassionate Professionalism

As the legal profession has more than doubled in the past year under Gerling’s vision and management. Capo was a part of a 24-person cohort made up mostly of law students, along with a few graduate students from the Martin J. Whitman School of Management (science, technology, engineering, and math).

Pursing over Sawyer’s depositions, Capo was struck by their similarity. Capo of the STEM research papers. She noticed both the logical approach to science and technology, which makes sense, we advise them to think, read and write like an attorney—something I couldn’t have done without my STEM training,” admits Capo, who was the editor-in-chief of the Syracuse Journal of Science and Technology Law and secretary of the Science and Technology Law Society.

Rudnick points to Capo’s involvement with the University’s Transactional Law Clinic, which provides legal services to local nonprofits, small businesses, and startups, as proof of her compassionate professionalism, that she leads from her head and her heart.

“I’ve always been into giving back,” says Capo, who co-founded SUNY-STF’s first food pantry and has volunteered for the Samaritan Center. “At Syracuse, I’m doing it on a bigger scale and, in the process, hopefully making a difference.”
Innovation Law Center Recognized by Bloomberg Law’s Law School Innovation Program

The ILC has been designated a top-scoring program in the Innovation and Experience category of Bloomberg Law’s inaugural Law School Innovation Program. ILC students work with Syracuse University engineering and business school students, advise clients on their intellectual property, and deliver regulatory, patent, and market research to support the commercialization of new technologies. ILC faculty conduct classes on bringing technologies to market, and related legal fields. The program provides extensive hands-on learning opportunities for students to guide real clients on new technologies. ILC clients include both start-ups and established companies, as well as several university tech transfer offices.

This experiential, interdisciplinary education prepares College of Law students for careers in IP law, technology, and the innovation ecosystem. Recognized as the sole New York State Science & Technology Law Center, the ILC delivers critical economic development support across the State of New York.

“The College of Law is honored to be recognized by Bloomberg Law in the field of legal experiential education,” says College of Law Dean Craig M. Boise. “The Innovation Law Center pioneered the educational field of technology commercialization law 30 years ago and continues to expand educational options and opportunities for its students and deliver vital research to its clients.”

“What is special about the ILC is that the work conducted by the Center benefits so many people and organizations. Our students receive invaluable experience working with real clients that positively position them for success in the job market. Our clients benefit from important research that guides them through the commercialization process and mitigates risk during the critical early stages of funding,” says Brian Garling ‘99, Executive Director of the ILC.

First Cohort of Students Enrolled in Graduate Level Certificate of Advanced Study (CAS) in Technology Law and Entrepreneurship Graduate

Three of the first cohort of six students enrolled to receive the Certificate of Advanced Study in Technology Law & Entrepreneurship (CASTLE) graduated this May from the College of Law. A new partnership between the College of Law and Martin J. Whitman School of Management, the program leverages areas of strength at each of the schools that equip students with an advanced, marketable designation as they seek careers at the intersection of law, business management, and technology.

“The CASTLE partnership has allowed me to gain broad exposure to innovative and unique topics,” said 2L Patrick Mullery. “It has been a great opportunity to learn from and expand my network of peers and professors with a variety of backgrounds. I hope to engage with entrepreneurs in the future—and this partnership has pointed me in the right direction.”

2L Michael Ortez explains, “Coming from a non-business and non-STEM undergraduate background, the CASTLE Program has allowed me to explore my recent interest in the intellectual property and business world. In addition, it has given me the opportunity to network at a deeper level with entrepreneurs at the Wilmot School of Mangement.”

The ILC is seeking to expand this partnership program in the future to other graduate-level students across the Syracuse University campus.

Innovation Law Center Launches 4th Year Program Residency Position

New this year, the ILC launched a 4th-year Program Residency position available to recent College of Law graduates. This one-year, full-time position provides students with an opportunity to gain real-world experience that they can use as a springboard for future careers at a law firm, industry, start-up, or however they choose.

Positioning the ILC as a job incubator, this Program Residency position is mainly available to students who participate in the ILC during their time at the College of Law. The first graduate to hold the position is Penny Quinteros L’23.

“This is a phenomenal opportunity for law students to get experience after graduation,” Quinteros said. “The intersection of technology and the law impacts so many industries and fields that the position really allows for wide-ranging opportunities. Intellectual property is very important to the national security realm which is a personal focus for me. This position offered me the flexibility to be able to research and write on that topic while getting the hands-on experience necessary to succeed in a technology-focused law practice.”

With Quinteros on the team, the ILC is now nimbler and has expanded its offering to clients to provide reports in a much shorter timeframe than ever before. The goal of the job incubator is to broaden opportunities for students as well as generate additional revenues that can then be reinvested into the program for future growth.

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A contentious question in the field of intellectual property and technology commercialization is how broad a creator’s exclusive rights are in their work. Three current Supreme Court cases grapple with this issue in the fields of copyright, trademark, and patent.

In Warhol Foundation v. Goldsmith, the trustee of the late artist’s estate claims the right to make 12 silkscreens based on Lynn Goldsmith’s photograph of the late musical phenomenon Prince. Goldsmith had granted Vanity Fair the right to use her photograph of Prince, taken shortly after the release of his 1984 film Purple Rain, as part of a magazine article on the performer. Under the terms of the license from Goldsmith, Vanity Fair commissioned Andy Warhol to create artwork based on the photograph. Warhol copied the photograph as part of his silkscreen process to create *Orange Prince*, published in the 1984 Vanity Fair article. Warhol continued to make 12 more silkscreens from the photograph. These additional works came to light in 2016 after Prince’s death when Conde Nast, the publisher of Vanity Fair, released these twelve images in a tribute to the musician. Goldsmith complained to the publisher that these 12 silkscreens were unauthorized and infringed her copyright in the photograph. The Warhol Foundation initiated litigation to establish that Warhol’s creation of the 12 silkscreens was fair use and therefore allowed under copyright law. While the district court found in favor of Warhol’s Foundation, the appellate court disagreed, ruling that the silkscreens did not contain sufficient creativity to be a fair use of the copyrighted photograph. The Supreme Court heard oral arguments in October 2022, to resolve this dispute.

How broad are a copyright owner’s rights? Does Goldsmith’s copyright in her photograph allow her to prevent all copies or alterations of the image of Prince captured in her photograph? She authorized Warhol’s first silkscreen. Did the artist have to go back to Goldsmith to receive permission for each subsequent silkscreen? How about other artists who want to reproduce the Goldsmith photograph in their works or documentarians of Prince’s life who want to refer to the photograph in their movies? Does every conceivable use of the photograph have to be licensed or are there some uses that do not require a license because they are protected as fair use under the Copyright Act? The Supreme Court, as well as lower courts, have confronted questions like these for over one hundred and fifty years. Courts inform us that parody or other critical commentary are fair use. So are...
Another approach to assess the use of a company's trademark in a situation was different from the classic trademark case of someone selling counterfeit Rolex watches. In a case involving a dog toy company, the Supreme Court ruled for VIP, which was not branding its dog toys with Jack Daniels' mark. The Court seemed to be concerned with fair use and free speech concerns. After all, she pointed out, Justice Jackson, who asked whether the Court needed to entertain a constitutional question, was the most persistent and penetrating questioner, wondering if the design of the bottle might appear to be a dry technical dispute. The Court seems to be concerned with fair use and free speech issues. The Court ruled for VIP, which was trying to express by copying Jack Daniels's trademark in a way that would not be infringing. The Supreme Court in March 2023, defending the use of its videogame software is allowed to create new platforms for playing games as is copying of smartphone software to allow new technology. The Court ruled in favor of Jack Daniels, overturning the Second Circuit. The ruling against Amgen will determine exactly how broad its patent might be. To be honest, it may not be making a persuasive argument for how revolutionary its invention is, either in the lower courts or before the Supreme Court for that matter. The trio of cases before the Court this term illustrates the importance of determining how broad intellectual property rights are. The Court has already said many other things about patents. The Court seems to be concerned with fair use and free speech. The Court ruled for VIP, which was trying to express by copying Jack Daniels's trademark in a way that would not be infringing. The Supreme Court in March 2023, defending the use of its videogame software is allowed to create new platforms for playing games as is copying of smartphone software to allow new technology. The Court ruled in favor of Jack Daniels, overturning the Second Circuit. The ruling against Amgen will determine exactly how broad its patent might be. To be honest, it may not be making a persuasive argument for how revolutionary its invention is, either in the lower courts or before the Supreme Court for that matter. The trio of cases before the Court this term illustrates the importance of determining how broad intellectual property rights are. The Court has already said many other things about patents.
AI Definition

AI has been the focus of research since the 1950s.1 There are many definitions for AI, but most include simulating human activity (such as robotics) and providing decision support (such as suggesting an optimal network configuration based on network activity). This article focuses on the patentability of decision support systems, which are included in patenting. Decision support systems usually analyze data, which could be a static data set or dynamically derived data, like network activity. They then provide recommendations by, for example, displaying them or even automatically implementing those changes. Neural networks are a common tool for use in such systems.

Patentable Subject Matter Overview

The statute governing patentable subject matter is very broad, for it states “Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.”3 The Supreme Court has recognized several judicial exceptions that limit patent eligibility: “Excluded from such patent protection are laws of nature, natural phenomena, and abstract ideas.”4 The rationale for these exclusions is that “these exceptions are ‘part of the storehouse of knowledge of all men … free to all men and reserved exclusively to none.’”5 When and how these exceptions are applied are perhaps the most challenging part of a § 101 analysis.

When studying Artificial Intelligence (AI) in the 1980s, I never thought it would become such a mainstream, hot topic as it is today. Its promising advances are being discussed everywhere, even at the kitchen table. The promotion of AI is important to our society, and such promotion is perhaps best accomplished by the U.S. patent system. This article discusses the case law governing the patentability of AI inventions. In short, AI inventions are patent eligible, but they must overcome several hurdles.

1 Michael Kiklis is a 1993 graduate of Syracuse University College of Law. He holds both a B.S. and an M.S. in Computer Science and focuses his practice on software patent matters. Over his career, he has written and spoken extensively on patentable subject matter. Kiklis is also the author of THE SUPREME COURT ON PATENT LAW (2014), an 800-page treatise devoted to the U.S. Supreme Court’s treatment of patent law.

2 A.M. Turing, Computing Machinery and Intelligence, 59 MIND 433 (1950).


Patentability of Computer-Related Inventions

The Supreme Court first dealt with computer-related inventions in a trilogy of cases. First, in *Benson*, the Supreme Court struck down a binary-coded decimal to pure binary conversion program, leaving it up to Congress to decide whether to patent these inventions. Next, *Flook* dealt with a method for updating alarm limits using a mathematical formula and again struck down the invention because the only difference between the conventional methods of changing alarm limits and that described in respondent's application rests in the second step—the mathematical algorithm or formula. In this “point-of-novelty” test, the formula (a law of nature) is ignored and the rest of the claim must be novel. The last in the trilogy of cases was *Diehr*, where the Court rejected the point-of-novelty test, stating that the “novelty” of any element or steps in a process, or even the process itself, is of no relevance in a § 101 inquiry. Then, decades later, the Supreme Court in *Mayo* seemingly resurrected the point-of-novelty test but left *Diehr* intact. This is the cause of much difficulty today.

The current § 101 analysis—as explained by the Supreme Court in *Alice*—is a two-part test: (1) determine if the claims are directed to one of the judicial exceptions, such as an abstract idea; and if so, (2) consider the elements of each claim both individually and as an ordered combination to determine whether the additional elements transform the claim into a patent-eligible application by reciting an inventive concept, which must be more than a generic computer. This test caused much concern for software patents because the novelty in those inventions is found in the processing of the software itself, rather than in the hardware. Luckily, in *Enfish*, the Federal Circuit held that collecting information, analyzing that information, and presenting the results is an abstract idea. The Supreme Court in *Alice* can be somewhat confusing to reconcile. However, when viewed based on claim analysis and the invention's subject matter, a pattern emerges as shown in the following graph. The x-axis shows patent eligibility based on the patent's claims, with those drafted functionally faring the worst, those drafted with technical details faring better, and those reciting a technological improvement faring the best. The y-axis shows patent eligibility based on the claim's subject matter. Claims directed to business methods fare the worst, claims directed to user interfaces fare better, claims directed to applications fare better still, and claims directed to system hardware and software fare the best.

**Empirical Summary of § 101 Cases**

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**Conclusion**

AI inventions may face more patent-eligibility difficulties than other technologies based on the *Electric Power Group* line of cases. But where the specification and claims describe the technological advantages and other features that the Federal Circuit equates with patent eligibility, AI inventions should pass § 101 muster.
College of Law Holds Commencement for Class of 2023

On Friday, May 5, the College of Law held Commencement for its 182 J.D. and 22 LL.M. Class of 2023 graduates.

Senior Vice President, General Counsel and Corporate Secretary at Micron Technology Rob Beard delivered the 2023 commencement address. Class President Ryan Ockenden offered remarks to the Class of 2023, followed by Benita Miller L’96, a Fulbright scholar and the LL.M. SBA representative.

Professor Todd Berger received this year’s Res Ipsa Loquitur Award, given to a faculty member for “service, scholarship, and stewardship” to the students. Professor Antonio Gidi was voted by the LL.M. Class of 2023 as the recipient of the Lucet Les M undum Award for his significant impact on the successes and experiences of the LL.M. students during their studies.

Beard offered words of advice and wisdom to graduates, inspiring them to make their own luck and be the best and most genuine version of themselves. He emphasized the importance of teamwork and relationships as a key component of a successful career, explaining, “Relationships have been central to each major step in my career. They were the introductions to new opportunities that broadened and shaped my path. And many times, these people were great coaches — they emphasized and highlighted qualities I had and encouraged me to have the confidence to step into the next role. Relationships are central to everything in life.”

Orange Advance Summer Residency Program

The College of Law welcomed a cohort of undergraduate students from the Atlanta University Consortium Center for energetic and diverse law schools to take part in the Orange Advance Summer Residency Program in May. This program provides student participants with an opportunity to prepare for law school with a full slate of academic, social, and cultural events.

The College of Law Advocacy Program’s National Trial League Recognized by Bloomberg Law’s Law School Innovation Program

The College of Law proudly celebrates its Advocacy Program’s National Trial League (NTL) as among the top-scoring entries in the Student Development category of Bloomberg Law’s Law School Innovation Program.

The College of Law created and launched the NTL in 2021 as a new trial competition that brings together 12 top national law school trial teams to compete in a season-long format resembling a traditional sports league. The bi-weekly matches are conducted virtually using short fact patterns.

The NTL is composed of two conferences of six teams. The teams compete in bi-weekly matches through seven rounds in their conference and in one cross-conference match. The top two teams from each conference advance to the playoffs. This year, the championship match was held in person at Syracuse University College of Law.

“The College of Law is honored to be recognized by Bloomberg Law in the Student Development category for our nationally ranked Advocacy Program’s National Trial League,” says Dean Craig M. Boisse, “At its heart, the NTL is a dynamic experiential opportunity for aspiring trial lawyers across the country to hone their advocacy skills in the courtroom, under conditions that simulate the pressure of appearing before a bench of judges.”

Explains NTL organizer Professor Todd Berger, Director of Advocacy Programs, “Beyond the NTL, inter-collegiate trial competitions occurred over the course of a few days and featured long, complex fact patterns. Most real-world trials involve much shorter fact patterns and are conducted over a few hours, particularly bench trials.”

The College of Law’s Innovation Law Center also received recognition from Bloomberg Law as a high-scoring program in the Innovation and Experience category (see article on page 14.) Bloomberg Law’s School Innovation Program identifies, recognizes, and, connects law school faculty, staff, and administrators who are pioneering educational innovations that benefit their students, their schools, and the legal field. Through the Law School Innovation Program, Bloomberg Law seeks to acknowledge these innovators while raising overall awareness of innovation in legal education.

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The College of Law created and launched the NTL in 2021 as a new trial competition that brings together 12 top national law school trial teams to compete in a season-long format resembling a traditional sports league. The bi-weekly matches are conducted virtually using short fact patterns.

The NTL is composed of two conferences of six teams. The teams compete in bi-weekly matches through seven rounds in their conference and in one cross-conference match. The top two teams from each conference advance to the playoffs. This year, the championship match was held in person at Syracuse University College of Law.

“The College of Law is honored to be recognized by Bloomberg Law in the Student Development category for our nationally ranked Advocacy Program’s National Trial League,” says Dean Craig M. Boisse, “At its heart, the NTL is a dynamic experiential opportunity for aspiring trial lawyers across the country to hone their advocacy skills in the courtroom, under conditions that simulate the pressure of appearing before a bench of judges.”

Explains NTL organizer Professor Todd Berger, Director of Advocacy Programs, “Beyond the NTL, inter-collegiate trial competitions occurred over the course of a few days and featured long, complex fact patterns. Most real-world trials involve much shorter fact patterns and are conducted over a few hours, particularly bench trials.”

The College of Law’s Innovation Law Center also received recognition from Bloomberg Law as a high-scoring program in the Innovation and Experience category (see article on page 14.) Bloomberg Law’s School Innovation Program identifies, recognizes, and, connects law school faculty, staff, and administrators who are pioneering educational innovations that benefit their students, their schools, and the legal field. Through the Law School Innovation Program, Bloomberg Law seeks to acknowledge these innovators while raising overall awareness of innovation in legal education.

The College of Law Advocacy Program’s National Trial League Recognized by Bloomberg Law’s Law School Innovation Program.
Associate Professor Jennifer Breen Recognized by Syracuse University with a Laura J. and L. Douglas Meredith Teaching Recognition Award

A associate Professor Jennifer Breen received a 2022-23 Laura J. and L. Douglas Meredith Teaching Recognition Award for Early Performance in recognition of her excellence in teaching. The award was created in 1995 to recognize and reward outstanding teaching among faculty in two categories: Early Performance and Continuing Excellence. Breen was selected for this award upon the recommendation of a committee of M eredith Professors, Teaching Recognition Awardees, and student representatives.

Breen teaches Constitutional law, administrative law, and labor law. Her interdisciplinary scholarship is centered around democratic governance in the United States and pays particular attention to the roles of gender and labor politics.

She has recently completed or is working on several new articles including “Democratic Erosion and the United States Supreme Court” (forthcoming Utah Law Review, spring 2024), “Democracy, Republicanism, and the Roberts Court” (forthcoming), and “Labor Unions and Public Health Outreach” (with Gretchen Purser, Syracuse University AALS Professor of Sociology).

Professor Arlene Kanter Receives a Chai Feldblum Award from the AALS Section on Law Professors with Disabilities and Allies

Professor Arlene Kanter, Director of the Disability Law and Policy Program, received a Chai Feldblum Award from the AALS Section on Law Professors with Disabilities and Allies at the American Association of Law Schools (AALS) 2023 Annual Meeting. The award is named after Chai Feldblum J.D., an EEO and DEI consultant, Partner and Director of Workplace Culture Consulting at Morgan Lewis, and former Commissioner of the U.S. Equal Employment Opportunity Commission. This is the third year the award has been given. Kanter's nomination letters note that she is an influential scholar, innovator, and leader, and that students and colleagues often conveyed their personal thanks for her advocacy on their behalf.

Professors Emily Brown L’09 and Laura Lape Honored at the Center for Disability Resource's Faculty and Staff Recognition Ceremony

Professors Emily Brown L’09 (pictured left) and Laura Lape both received honors at the 9th Annual faculty and Staff Recognition Ceremony. Hosted by the Center for Disability Resources, the awards are presented to individuals who have exceeded expectations and embrace a culture of empowering students, inclusion, and celebrating disability as diversity.

Brown, nominated by 2L Ella Bendorff, and Lape, nominated by Jessica Senzar L’23, said they found it moving to attend the ceremony and see how much inclusive practices mean to students across campus.

Professor Mary Helen McNeal Retires after Over 30 Years of Teaching

Professor Mary Helen McNeal taught her last class for the College of Law on Thursday, April 20, capping more than 30 years as a professor with the last 18 years at Syracuse Law. She founded the Elder and Health Law Clinic’s Law Clinic in 2008 and served as the Director of Clinical Legal Education from 2005 until 2011. Most recently, she served as the London E Program Director and taught professional responsibility, research, and writing on elder law, with a particular emphasis on M edicare, clients with diminished capacity, restorative justice and elder abuse; culture and lawyering; and clinical teaching.

McNeal participates in the Syracuse area Elder Justice Task Force and the CNY Restorative Practices W orking Group and was Chair of the AALS Commission on Law and the Law Section of the AALS. McNeal served on the AALS Clinical Section’s Task Force on the Status of Clinicians in the Academy, on the AALS Equal Justice Task Force, and as Chair of the Clinical Section. She also has worked extensively on equal justice issues and served as Chair of the Montana Supreme Court’s Equal Justice Task Force and as a member of the Montana State Bar’s Access to Justice Committee. McNeal also has participated as an ABA site inspection team member.

The College of Law offers a sincere thank you to Professor M cNeal for her service over the years and the spectacular impact she has made on countless students for their professional lives and individuals who may otherwise not be able to obtain critical legal services.

Her well-earned retirement will enable her to pursue her many other interests, including traveling, hiking, and spending time with her family and her beloved dog Rosie.

Professor Kathleen (KC) O’Connor Retires After Over 20 Years at the College of Law

Professor Kathleen (KC) O’Connor retired from the College of Law after more than 20 years of teaching and mentoring Syracuse Law students. O’Connor joined the College of Law Faculty as a Legal Writing Professor in 2002. She came to the College with a background in law and a strong interest in the field of elder law. She served as interim director of the Legal Communications and Research program and, from 2015 to 2018, as the faculty director of the Moot Court Honor Society. In that role, O’Connor was instrumental in shaping the advocacy program across the nation.

In addition to her classroom assignments, O’Connor played a leadership role at the College of Law. She served as interim director of the Legal Communications and Research program and, from 2015 to 2018, as the faculty director of the Moot Court Honor Society. In that role, O’Connor was instrumental in reshaping the advocacy program across the nation. O’Connor was a leader in the field of elder law, with a particular emphasis on M edicare, clients with diminished capacity, restorative justice and elder abuse; culture and lawyering; and clinical teaching.

O’Connor was active in the local community and a leader in the field of elder law. She served on the AALS Clinical Section’s Task Force on the Status of Clinicians in the Academy, on the AALS Equal Justice Task Force, and as Chair of the Clinical Section. She also has worked extensively on equal justice issues and served as Chair of the Montana Supreme Court’s Equal Justice Task Force. In addition to her work at the College, O’Connor was a leader in the field of elder law, with a particular emphasis on M edicare, clients with diminished capacity, restorative justice and elder abuse; culture and lawyering; and clinical teaching.

Her research and writing focused on elder law, with a particular emphasis on M edicare, clients with diminished capacity, restorative justice and elder abuse; culture and lawyering; and clinical teaching. In addition to her work at the College, O’Connor was a leader in the field of elder law, with a particular emphasis on M edicare, clients with diminished capacity, restorative justice and elder abuse; culture and lawyering; and clinical teaching.
New Faculty Hires

→ New Faculty Bring Extensive Classroom and Professional Experience to the College of Law

In the Spring 2023 semester, the College of Law welcomed Professor of Practice and Faculty Director of Externships Kristin Walker L’09 to the faculty. Walker, who served as an adjunct for four years, returns to her alma mater in a full-time capacity to teach transactional drafting and advanced litigation among other courses and the externship seminar. Starting in the Fall 2023 semester, leading expert on civil procedure, civil rights litigation and disability law Katherine A. Macfarlane will join the faculty as a Associate Professor of Law and Director of the College’s Disability Law and Policy Program.

Meet the Professors:

→ Kristin Walker L’09

Why did you go to law school?
As an undergraduate at Villanova University, I enrolled in a Business Law course taught by a practicing attorney. At the time, I was pursuing a career in journalism. However, due to market changes and this professor’s energetic, practical teaching style, my pursuits shifted in the direction of law.

What inspired you to progress from an Adjunct Professor to a Professor of Practice and Faculty Director of Externships?
Teaching allows me to channel my practical knowledge into the classroom to bring legal theory to life. Having taught as an adjunct professor for four years while practicing full-time, I knew that teaching was my passion. As I was already teaching courses and externship seminars as an adjunct professor, it was a rather seamless transition into my full-time faculty role as Professor of Practice and Faculty Director of Externships.

Did you ever envision yourself in front of the classroom while a student at the College of Law?
I have always had an inclination to teach, whether it was equestrian sports, fitness disciplines, or law. I believe my desire to teach my profession was inspired by my father, now a Professor Emeritus of his own profession. Despite my awareness of this inclination, however, I will always remember my first day of teaching a law school class.

What interests do you have outside of the classroom?
Outside the classroom, I am a certified fitness trainer in the disciplines of TRX and STOTT Pilates Reformer and am a student of classical piano. I am drawn to entrepreneurial pursuits, all things nature and animals, and entertaining family and friends.

→ Katherine A. Macfarlane

Why did you go to law school?
As an undergraduate at Villanova University, I enrolled in a Business Law course taught by a practicing attorney. At the time, I was pursuing a career in journalism. However, due to market changes and this professor’s energetic, practical teaching style, my pursuits shifted in the direction of law.

What is the most important aspect of the law that students should know?
You can both love the law and recognize (and try to change) the injustice in our legal systems.

What interests do you have outside of the classroom?
I love swimming, catching a matinee, and spending time with my dog Cooper. I lived in Italy as a kid and am very happy whenever a margherita pizza makes an appearance in my life.

What are you most looking forward to this fall as you join the College of Law?
I am thrilled to be joining a law school that is committed to supporting people with disabilities. And I can’t wait to meet our students!

Your Gift Helps Establish the NDNY FCBA Hon. Norman A. Mordue ’66, L’71 Law Scholarship

Syracuse Law and the Northern District of New York (NDNY) Federal Court Bar Association (FCBA) are partnering to establish a new scholarship in memory of the Hon. Judge Norman M.ordue. The NDNY FCBA Hon. Norman A. Mordue ’66, L’71 Law Scholarship will provide Syracuse Law students with the means to pursue a legal education and follow in his footsteps.

In recognition of Judge Mordue’s proud, courageous, and remarkable service in the United States Army, scholarship awards will be made with a preference for military-connected students. Gifts to the scholarship are now being raised to seed the fund and grow it into an endowed law scholarship.

Given Judge Mordue’s profound impact on the lives and careers of so many, it is not surprising that his students, judicial clerks, classmates, colleagues, and friends are mounting this very special campaign.

For questions, please reach out to Fritz Diddle at fjdiddle@syr.edu or 315.443.1339.

To make a gift, visit law.syracuse.edu/mordue or scan the QR Code.

Syracuse University
College of Law
1L D’Andre Gordon Named One of Eight Federal Magistrate Judges Association Fellows

D’Andre Gordon is one of eight law students nationwide to be named a Federal Magistrate Judges Association (FMJA) Fellow for the 2023-2024 academic year. Gordon will be interning for the Hon. Thérèse Wiley Dancks L’91, U.S. Magistrate Judge for the Northern District of New York.

The FMJA, in collaboration with Just the Beginning, created the fellowships to support and promote the placement of diverse and underrepresented law students in judicial internships with U.S. Magistrate judges. Each FMJA Fellow will also have the opportunity to participate in FMJA programs advising students about the application process for federal clerkships and the various career pathways to the bench.

Gordon says, “As someone who identifies strongly with Black people’s struggle for liberation, the FMJA fellowship is necessary for increasing diversity in the judiciary. Because the intersection of race and class permeates every aspect of our lives, the federal judiciary must strive to reflect the demographic makeup of the U.S. population. Otherwise, there is a real risk that federal courts will cause more significant public harm, and public trust will erode. Working with a magistrate judge will allow me to better understand how federal judges decide cases of great importance while also learning about multiple areas of law. Using the skills I’ll gain working in a judge’s chambers, I hope to become a stronger and more effective advocate for individuals and groups lacking access to the legal system.”

Christopher (Martz) Arima L’22 Named a 2023 Law360 Distinguished Legal Writing Award Winner by the Burton Awards

Christopher (Martz) Arima L’22 was named a 2023 Law360 Distinguished Legal Writing Award winner by the Burton Awards. Sponsored by Law360 and co-sponsored by the American Bar Association, the Burton Awards were established to honor the finest accomplishments in law, including writing, reform, public service and interest, regulatory innovation, and lifetime achievements in the profession.

His note “Domestic Violence in Iraq: Legal Barriers to Survivors in Pursuit of Justice” was published in the Journal of Global Rights and Organizations – Volume 12. Aliza Milner, Director of Legal Communication and Research, reviewed notes from the College’s academic journals to select one paper for submission.

Arima is currently a law clerk at Herbert Smith Freehills New York LLP, specializing in disputes, international arbitration, and international investment.

Kendall Anderson L’23 Featured in the ABA Journal

Kendall Anderson L’23 was featured in the article “ABA Partners with Law Schools to Advance New Approaches to Policing and Public Safety” in the spring ABA Journal.

Anderson is a fellow in the ABA’s Legal Education Police Practices Consortium, a collaboration between law schools and the ABA, that is examining and addressing legal issues in policing and public safety. As a part of his research, he plans to collect local data on police stops that involve physical contact or alterations. This could include roadside sobriety tests and pat downs, he says, as well as further escalations. As a part of their work in the Legal Education Police Practices Consortium, law schools offer semester-long fellowships to students such as Anderson who are interested in studying policing and other criminal justice issues. In January, Anderson joined 40 law students from 28 law schools in the spring fellowship class.

Maureen Blennerhassett L’23 and Matthew Mayers L’23 Named 2023 Feinman Fellows

Maureen Blennerhassett L’23 and Matthew Mayers L’23 were named Feinman Fellows as Spring 2023 externs. Established by Martin Feinman L’86, the Feinman Fellows receive a financial gift to help defray expenses associated with taking on their spring externship in recognition of their commitment and dedication to public service. Feinman is the Director of Juvenile Justice Training at The Legal Aid Society of New York City.

Blennerhassett’s Spring 2023 externship was with the Federal Public Defender for the Western District of Texas, Capital Habeas Unit (CHU). CHU is a federal office tasked with representing indigent men and women on Texas’ death row in late-stage appeals of their death sentences, filing federal habeas corpus petitions, and applications for clemency. Mayers’ Spring 2023 externship was with Legal Services of Central New York (LSCNY). LSCNY is a legal aid organization whose mission is to promote equality and justice through law and policy, and advocates for juveniles whose rights have been violated in the context of incarceration.

College of Law Tillman Scholars Run in Pat’s Run 2023 Fundraiser

College of Law Tillman Scholars and Practicactive students (pictured left to right) Bill Rielly (Army), Amanda Higginson (Navy), and Natasha DeLeon (Air Force) joined leadership from the Syracuse University Office of Veteran Affairs and Military Affairs for Pat’s Run, the signature fundraiser for the Pat Tillman Foundation’s Scholar program.

Their shared commitment to service beyond self has led them to the College of Law. According to Rielly, “Justice in our country requires both accountability and redemption. We need to stop defining people by their mistakes and start focusing on their potential.”

Higginson is dedicated to promoting a positive growth experience in medicine and life by connecting people with support and resources. Meanwhile, DeLeon hopes to become part of the solution to the injustices she has seen in the legal system as a social worker.

Visit law.syr.edu for all College of Law news, or follow us on social media.
Expanding the Reach of Ring Around Russia: A Partnership for Law and Policy

In February 2023, the Federal Judicial Center (FJC) published An Introduction to Artificial Intelligence for Federal Judges, written by James E. Baker, Professor Laurie Hobart and Research Fellow Matt Mittelstaedt during the 2021-22 academic year. The booklet addresses the role of judges as evidentiary gatekeepers, constitutional guardians, and potential consumers with respect to artificial intelligence (AI). The FJC reports that the booklet has been one of their most downloaded publications this spring. Hobart and Baker are currently revising and updating the booklet into a chapter for the National Academies of Sciences, Engineering, and Medicine and FJC’s Reference Manual on Scientific Evidence. The work supplements and supports the FJC’s ongoing AI work to promote responsible AI regulation, including over 10 presentations to domestic and international legal and policymaking audiences.

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LL.M. Collaboration with the GBA

Strengthening ties with the Georgian Bar Association (GBA) Through a Visit to Tbilisi and Hosting Judges in Dineen Hall

A staff Dean of International Programs, Andrew Horsfall L’10 and Institute of Security Policy and Law Director of the College of Law, Judge Baker traveled to Tbilisi, Georgia this spring upon invitation from the Georgian Bar Association (GBA) in spirit of partnership and future collaboration with the College of Law.

The institutional partnership between the College of Law and the GBA originated during the 2021-22 academic year, when President D and Assistant Dean Andrew Horsfall L’10 met with Chief General Prosecutor of Georgia, Giorgi Tshekhani and University, and the GBA. A staff Dean visited the College of Law with GBA Director of International Affairs, Giorgi Tskhechiani and Head of Analytical and Committee Affairs Tama Devdariani to deepen their linkages and understanding about rule of law and civil society functions in the United States.

“The College of Law has, and continues to be, a rich academic destination for Georgia’s students, scholars, and academicians. The College of Law hosted 10 Georgia law school representatives of eight of Georgia’s law schools to Big East, New York and New York State’s Fifth Judicial District to observe voire dire proceedings and share perspectives on jury selection. The College of Law also hosted a roundtable discussion with Vice Dean, Keith Bybee and Professor Roy Gutterman L’00 to discuss freedom of expression and the media’s coverage of high-profile cases.

Continuing this collaboration, Horsfall and Baker visited Georgia this academic year with the objective to not only strengthen the relationship with the Georgian legal profession, but also to promote Syracuse Law and University as a destination for Georgia's students, scholars, and academics seeking to pursue further study in the areas where it is facing its greatest political challenges—security law and policy, the spread of disinformation, and cyber security.” said Horsfall.

Judge Baker lectures members of the GBA on the challenges facing a national security lawyer.

“The College of Law has, and continues to be, a rich academic destination for Georgia’s students, scholars, and academicians seeking to pursue further study in the areas where it is facing its greatest political challenges—security law and policy, the spread of disinformation, and cyber security.” —Andrew Horsfall

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What do you find most challenging about being a lawyer?
Clinics Continue to Serve the Community While Preparing Orange Lawyers for their Careers

U.S. Army Judge Advocate General (JAG) Corps Visits the College of Law

The Judge Advocate General of the U.S. Army, Lieutenant General Stuart Risch (left), along with members of his staff and the JAG Corps, visited the College of Law in February of 2023 to share insights and advice with students. Lieutenant General Risch delivered an address to the College of Law community on "Lawyers as Leaders," and discussed the modern challenges faced by today's JAG Corps during a National Security Law Conversation with the Hon. James E. Baker, Director of the Institute for Security Policy and Law. Assistant Dean Lily Hughes also moderated a panel of Army JAG officers and civilian attorneys, who shared knowledge, advice, and perspectives on serving as an officer and lawyer. The Army JAG Corps also held a recruitment fair for current Law students.

US Court of Appeals for Veterans Claims (CAVC) Holds Live Oral Arguments in Melanie Gray Memorial Courtroom

The College of Law hosted the U.S. Court of Appeals for Veterans Claims (CAVC) in the Melanie Gray Memorial Courtroom for live oral arguments in the fall of 2022. The arguments provided students, faculty and staff, and the local legal community with an opportunity to learn about veterans' benefits, federal practice, and administrative law. A highlight of the CAVC visit was the Betty and Michael D. Wohl Veterans Legal Clinic, which arranged two panels for students. Professor Andrew Greenberg, a visiting fellow on the court, moderated a panel of judges on the court who discussed judicial opinions and appellate advocacy. Following this event, to the Clerk of Court, moderated a career panel including the attorneys from the VA's Office of General Counsel, the attorneys representing the appellant, and the judicial law clerks at the Court.

Tracy Costanzo L’25 and Amanda Hepinger L’24 Win the ABA Section of Taxation 2022-2023 Law Student Tax Challenge

Tracy Costanzo L’25 and Amanda Hepinger L’24 won the ABA Section of Taxation 2022-2023 Law Student Tax Challenge, held in person at the Section of Taxation’s 2023 Midyear Tax Meeting. Both are students in the JDinteractive program. Costanzo and Hepinger were one of six semi-finalist teams invited to the national competition. Overall, 62 teams from approximately 48 law schools entered the Challenge. The team was coached by the Sherman F. Levey ’57, L’59 Low Income Taxpayer Clinic Director Robert Nassau.

For more information and current schedule of events: alumniweekend.law.syr.edu

Law Honors

John “Neil” Huber L’68
Retired Partner, Paper M artin Jensen
Macht & Felge

The Hon. Theodore “Ted” Limpert L’88
Judge, City of Syracuse

The Hon. Rodney Thompson L’93
Judge (family division), New Jersey Superior Court

Joanne Van Dyke L’87
Partner, Cote Limpert & Van Dyke
Advocacy Fellow, Syracuse University College of Law

Asian Pacific Islander Legacy of Excellence Award

Tiffany H. Lee L’97
Assistant U.S. Attorney, General Crimes Bureau, U.S. Department of Justice

BLSA William Herbert Johnson Legacy Award

John Elmore L’84
Attorney, The Law Offices of John Elmore

Jose Bahamonde-Gonzalez L’92
Legacy Award
Alexandra Ramirez Randazzo L’96
Managing Attorney, Federal Aviation Administration

Jose Bahamonde-Gonzalez L’92
Legacy Award
Alexandra Ramirez Randazzo L’96
Managing Attorney, Federal Aviation Administration

September 28–October 1, 2023

This year, we're teaming up with Orange Central, the university-wide Reunion, to offer a full weekend of events, activities, and celebrations! Highlights include our reimagined law awards celebration, our annual SCOTUS Preview, a spirited tailgate before the biggest SU football game of the season versus Clemson, and lots of opportunities to connect with current students and fellow alumni. We can’t wait to welcome you back!

For more information and current schedule of events:

alumniweekend.law.syr.edu

September 28–October 1, 2023

2023 Award Honorees

Dean’s Distinguished Alumni Award
Bernard R. “Bernie” Kossar ’53, L’55
Retired Chairman & CEO, Millennium Partners LLC; Lifetime Member of the Syracuse University Board of Trustees and Member of the College of Law Board of Advisors

BLSA William Herbert Johnson Legacy Award
John Elmore L’84
Attorney, The Law Offices of John Elmore

Jose Bahamonde-Gonzalez L’92
Legacy Award
Alexandra Ramirez Randazzo L’96
Managing Attorney, Federal Aviation Administration

Asian Pacific Islander Legacy of Excellence Award
Tiffany H. Lee L’97
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Advocacy Fellow, Syracuse University College of Law

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Tiffany H. Lee L’97
Assistant U.S. Attorney / Chief of General Crimes Bureau, U.S. Department of Justice
VLC Students Deliver Oral Arguments Before U.S. Court of Appeals for the Federal Circuit

In the Veterans Legal Clinic, I had the privilege to work with online [interactive and residential]. D. students from across the US, collaborating on research, editing, and motion filing for an important case on behalf of a veteran’s widow. This experience culminated in an awesome morning at the United States Appeals Court for the Federal Circuit in W. Washington D.C., where our lead Syracuse student attorney persuasively argued before the Court,” says Rielly.

In the fall, after receiving the government’s response brief, Ben Emmi L’23 volunteered to draft the appellant’s reply brief to counter matters raised by the Department of Justice. A gain, the team mobilized to analyze the government’s approach, refute opposing arguments, and respond appropriately to convince the court that the law supported a finding for the client.

“Participating in a clinic during law school not only affords students an opportunity to work directly with actual clients on important issues, it also gives them invaluable real-world legal experience,” says Kubala, who served as principal counsel on the Clinic case rounds, all students collaborated in reviewing the draft brief, providing feedback, and helping to shape the final submission. Leveraging clinic students for this purpose brought fresh perspectives, objectivity, and ideas for new approaches to challenging issues.

In early April, a team of students gathered in W. Washington D.C., for the oral arguments before the U.S. Court of Appeals for the Federal Circuit. Prepared and composed, Emmi confidently appeared before the three-judge panel to emphasize arguments made in the briefs and respond to pointed questions from the judges. The oral argument represented the culmination of 24 months of effort from the entire clinic.

“With more than 80 percent of federal appeals decided solely based on written briefs, it came as a bit of a surprise in the spring when the clinic received notice that the Federal Circuit requested an oral argument. Emmi rose to the challenge, narrowing the issues and determining the strongest arguments. Syracuse Law community members mobilized to hold moot court proceedings to emulate the experience of arguing a case at the appellate level. Professors Shannon Gardner, Courtney Abbot Hill, Kelly Curtis, and Adjunct Professor Dean DiPilato from M.ackenzie Hughes donated judicial robes and held two separate moot court sessions where they replicated real court proceedings by asking numerous questions to force Emmi to think on his feet and practice engaging with the bench. During the first moot court session, the entire proceeding was filmed for later use in one of the College’s Appellate Advocacy classes.

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A fler an outstanding morning in federal court, the students enjoyed engaging with alumni and partners across the nation’s capital. The Marshal of the U.S. Supreme Court gave the students an insider’s view of the courtroom and other historic portions of the building. Bill Van Saun L’89 provided the students with current perspectives from the Senate Committee on Veterans Affairs, where he serves as Legal Counsel. The next day, 2L Cody Nagel hosted students for a tour of the White House, where the currently is interning with the Office of National Drug Control Policy.

W hile many law school students learn about appellate advocacy in the classroom or on a mock trial competition team, seven College of Law students recently traveled to W. Washington, D.C., for an oral argument before a federal court. The students seized the opportunity to apply the skills they learned in their law school experience before a three-judge panel at the U.S. Court of Appeals for the Federal Circuit.

The Executive Director of the Betty and Michael D. Wohl Veterans Legal Clinic (VLC), Professor Beth Kubala, supervised the students along the way and applauded their efforts. “Participating in a clinic during law school not only affords students an opportunity to work directly with actual clients on important issues, it also gives them invaluable real-world legal experience,” says Kubala, who served as principal counsel on the case. “The students learned how to navigate a complex appellate process and did so while zealously representing their client.”

Student attorneys in the VLC represented the widow of an Army veteran in her pursuit of survivor benefits. The students initially assisted the widow in appealing this matter through the Army’s administrative process, then through the federal court system. As the students learned, effective appellate advocacy requires a cohesive litigation team to conduct legal analysis, writing, and advocacy simultaneously. Several students contributed to the litigation team through various roles and tasks.

Last summer, VLC student Mike Puglisi L’22 took the lead in drafting the appellant’s opening brief. Bill Rielly L’23 and 2L Milana Casillas helped with research, responding to motions, and brief writing and editing. During the summer, as part of clinic case rounds, all students collaborated in reviewing the draft brief, providing feedback, and helping to shape the final submission. Leveraging clinic students for this purpose brought fresh perspectives, objectivity, and ideas for new approaches to challenging issues.

“Under the leadership of Professor Kubala, we cultivated a dynamic work environment that promoted collaboration and efficiency. Her guidance and support were instrumental in helping us navigate the complexities of our case, and she always went above and beyond to ensure that we had the resources and support we needed to succeed. It has been rewarding to work towards our goal with full confidence in one another and with the support of the Syracuse Law,” says Casillas.

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Faculty Books

Shubha Ghosh
Crandall Melvin Professor of Law; Director, Syracuse Intellectual Property Law Institute
West Academic

This study aid features an innovative method of content organization. It uses a checklist format to lead students through questions they need to ask to fully evaluate the legal problem they are trying to solve. It also synthesizes the material in a way that most students are unable to do on their own, and assembles the different issues, presenting a clear guide to procedural analysis that students can draw upon when writing their exams. The study aids provide sample problems, but none offers the systematic approach to problem solving found in this book combined with concise analytical summaries of the leading issues in tort law.

Redação Jurídica: Estilo Profissional (2d Ed. 2023)
Antonio Gidi
Teaching Professor
Casa do Livro Jurídico

This treatise discusses the main principles of legal writing style for a foreign audience. It includes chapters on concision, precision, clarity, simplicity and vigor, as well as sentence and paragraph structure and size. A manifest against legalese, the book also discusses the use of cohesion, punctuation, grammar, and cadence to expose the writer's voice.

Land Use and Zoning Law: Planning for Accessible Communities (2nd Ed. 2022 & Teacher's Manual 2022)
Robin Paul Malloy
E. W. Hite Chair and Distinguished Professor of Law; Kaufman Professor of Entrepreneurship and Innovation; Director, Center on Property, Citizenship and Social Entrepreneurism
(with Dylan Oliver Malagrinò)
Carolina Academic Press

This straightforward and easy-to-use casebook covers all of the basics needed for a successful zoning law practice. It is traditional in that it covers all of the basic elements of zoning and planning law, featuring classic cases and a clear statement of the governing law. At the same time, it is unique in that every chapter also includes cases on accessibility, integrating coverage of disability law and accessibility into every chapter of the book. Issues of accessibility are becoming more important in local zoning practices and lack of accessibility is increasingly a matter of litigation, all of which gives this casebook a contemporary relevance and perspective typically not offered in other books.

In addition, the casebook is organized around four key elements. Every chapter includes Questions for Consideration, Takeaways, Discussion Problems, and Practice Problems. Students benefit from these learning features and instructors can use them in their outcome assessments. The casebook comes with a complete teacher's manual that provides detailed materials to make class preparation effective and efficient.

Tax Issues for Immigrants (2022)
Robert Nassau
Teaching Professor; Executive Director, Office of Clinical Legal Education; Director, Low Income Taxpayer Clinic
(with Sarah Lora & Sam Rock)
A merican Bar Association

Tax Issues for Immigrants introduces the reader to the basics of taxation for immigrants, their spouses, and their dependents, as well as immigration law as it intersects with tax law. Content includes recent changes to immigrants’ eligibility for tax credits, identification numbers for taxpayers without Social Security numbers, and other considerations for noncitizens.

The tax code is increasingly differentiating and making more complex the obligations and rights of immigrant taxpayers, especially after the enactment of the PATH Act and the Tax Cuts and Jobs Act, which makes representing immigrant taxpayers increasingly difficult. Tax Issues for Immigrants builds on a chapter in Effectively Representing Your Client Before the IRS to explore issues that arise for immigrant taxpayers, their spouses, and their dependents, introducing readers to how the tax code treats different types of immigrants. It also examines how the tax code treats residents and nonresidents, and how it interacts with tax law. Content includes recent changes to immigrants’ eligibility for tax credits, identification numbers for taxpayers without Social Security numbers, and other considerations for noncitizens.

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Sarah E. Swift
Professor of Law

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University Professor

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Director, Syracuse Intellectual Property Law Institute

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Antonio Cidó
Teaching Professor

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Teaching Professor

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Prince, Syracuse University Football and Justice Clarence Thomas, SYRACUSE POST-STANDARD, Oct. 21, 2022.

Arlene S. Kantor
Laura & J. L. Douglas Meredith Professor for Teaching Excellence 2005-2008
Professor of Law
Director, Disability Law and Policy Program
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Professor of Disability Studies, School of Education (by courtesy appointment)

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Kevin Noble Maillard
Professor of Law

Reports, News, and Commentary

Robin Paul Malloy
Ernest F. White Chair and Distinguished Professor of Law

K.Kenn, 67, of Nelson, NY died at home to study the post-4-partheid legal system in that country. Throughout her legal and academic career, Deborah was a passionate advocate for social, environmental and economic justice, for animal rights, and for compassionate lawyering. She is the author of Lawyering from the Heart, and co-author of Community Economic Development Law. Deborah also served the Nelson community as a member of the Town of Nelson Town Board.

Kevin Noble Maillard
Professor of Law


Dan Traficante
Associate Professor of Law

Dissertation
Teaching Professor

Keli Perrin
Associate Teaching Professor

Mary Soto
Teaching Professor

Deborah Sue Kenn
1955-2023
Professor of Law, Associate Dean for Clinical and Experiential Education
Syracuse University College of Law

Our College of Law Community mourns the passing of Professor Deborah Kenn on April 20, 2023. Professor Kenn served as the Associate Dean for Clinical and Experiential Education and the Director of the Community Development Law Clinic for many years. She will be remembered as a passionate educator and mentor to hundreds of students and a relentless advocate for our community.

Deborah (Orah) Kenn, 67, of Nelson, NY died at home in the presence of family and friends on April 20, after a courageous seven-year journey with leukemia. Born in NYC and raised in Fort Lee, NJ, she spent her adult life in Syracuse and Nelson. She obtained a B.A. from Eisenhower College, and a J.D. degree from SUNY Buffalo. Initially practicing environmental and animal rights law in NYC, she then worked in poverty law with Legal Services in Syracuse. Subsequently, Deborah was employed at Syracuse University starting in 1989, initially as a law professor to direct the Community Development Law Clinic. She was then appointed as Director of Clinical Legal Education O ffice, and most recently served as Associate Dean of Clinical and Experiential Education at the Law School. She also led three student trips to South Africa.
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.

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Together, we are making a difference. Thank you!
Contact Melissa Cassidy G’18, Interim Assistant Dean for Advancement, at 315.443.1964 or mpcassid@syr.edu to make a donation.