



## 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
- How Science and Law Create a Path to Success



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BY THE NUMBERS

676

Current  
Students

203

Externship Placements  
(Summer and Fall '22 and Spring '23)

4

Student-Edited  
Journals

30+

Student and  
Affinity Organizations

7

S.J.D.  
Students

17

Military or Military-Connected  
Students in the Class of 2023

11,365

Alumni

S

College of Law

11

Joint Degree Programs

90.97%

Ultimate Bar Passage  
(2020 Calendar Year Graduates)

123

Faculty and Staff

10:1

Student- to-Faculty Ratio

132

Faculty Media  
Placements

457,627,157

Audience Reach for  
Faculty Media Placements

40%

of All Full-Time Faculty were  
Quoted in the Media

14,055

Titles Added to the Library

571,386

Volumes in the Law Library

14%

Increase in Electronic  
Library Resources

Data as of June 2023





**“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.”**

# DEAN'S MESSAGE

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.

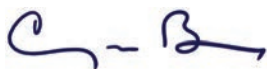
Our 2023 Yearbook spotlights the center that focuses on perhaps the most innovative and quickly evolving field of law of our time—the Innovation Law Center. For more than two decades, the ILC has prepared law students to drive growth in tech-related industries, including emerging medical, pharmaceutical, 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

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.

For instance, Joe Caspar and Chris Nolan, co-founders of M3 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:

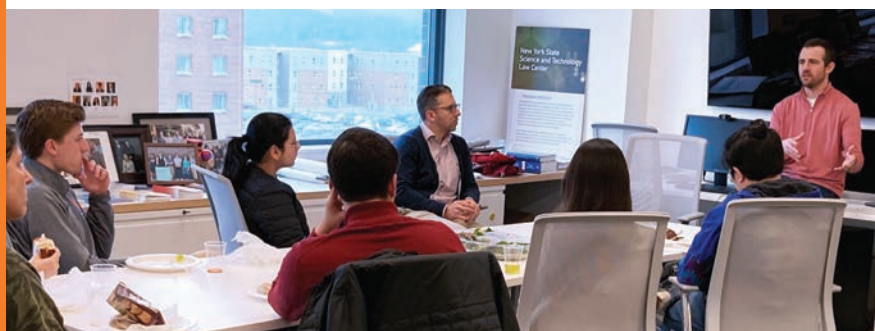
“The College of Law is honored to be recognized by Bloomberg Law in the field of legal experiential education,” said College of Law Dean **Craig M. Boise** in acknowledging the accolades. “The Innovation Law Center pioneered the educational field of technology commercialization law 30 years ago and continues 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 (NYS STLCL) for the Empire State Development’s Division of Science, Technology, and Innovation (NYSTAR). The ILC is now 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 in New York State. 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 landscapes. 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 Students**

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.



*Nick Somers L’16, Patent Attorney and Partner at Lee & Hayes, visited with ILC students and faculty. Somers shared how he helps large technology companies protect their patents and how his time at the New York State Science & Technology Law Center at the College of Law helped shape his career path.*

it’s a slow process; it translates to a huge expense; and it can be difficult to defend. [We partnered with the] ILC last summer, and we can’t say enough good things about it. It was a huge success. The students had a broader perspective that made filing the patent much faster. This is the most fast-track patent we ever filed, and it’s a stronger patent. We were able to secure a purchase order of \$709,000 almost immediately because of the work of the Innovation Law Center.”

### **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 Experience. 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.



**“Because of the experiences that I had in the ILC, I was hired at the Harvard-affiliated Children’s Hospital in Boston. All the questions they asked me during the interview were things I had learned and done in the Center.”**

—Chris Henley

Recently, the ILC partnered with the **Martin J. Whitman School of Management** (pictured below) 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, entrepreneurship, and law in a transdisciplinary approach to technology, entrepreneurship, and commercialization. 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 CAS is another honor students can earn to better position themselves in the job market. Importantly, the opportunity is open not only to Law and 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 ILC is partnering with Syracuse University’s Office of Technology Transfer (OTT) to, among other things, develop a liaison program that will benefit law students and University faculty, alike. “Bringing the ILC and the OTT 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 Innovation Law Center Measures Success on Student Outcomes**

Unlike other law school courses that focus on traditional doctrinal legal training, the ILC provides valuable experiential learning opportunities that lead to job success. The ILC program provides students with the opportunity to hone the practical skills they will need to carry with them into their practice. It has a history of placing an extremely high percentage of the students that come through its doors with employers. Such employers include some of the top innovative companies that have worked with the ILC such as Welch Allyn (now Baxter Healthcare) and Regeneron, venture capital-backed companies such as Orange Grove Biosciences, as well as institutes of higher education such as SUNY Upstate Medical University, Clarkson University, and Cornell University. Recent graduate **Chris Henley L’22** says, “Because of the experiences that I had in the ILC, I was hired at the Harvard-affiliated Children’s Hospital in Boston. All the questions they asked me during the interview were things I had learned and done in the Center.”

**WelchAllyn**

**REGENERON**

**Orange Grove Bio**

**Clarkson**

**UPSTATE MEDICAL UNIVERSITY**

**Cornell University**

As a former student in the ILC program when it was the Technology Law Commercialization Program under its founder Professor **Ted Hagelin**, and now as the Executive Director, Professor Gerling can fondly remark, “What is special about the ILC is two-fold. One, our clients benefit from important research and analysis that guides them through the critical early stages of the commercialization process and serves to mitigate risk. Our services benefit so many people and organizations throughout the innovation economy in New York state and across the country. And two, our students receive vital practical experience working with real clients who are looking for real solutions, and that experience positions them for success in the job market. The ILC’s high placement rate, reflecting our track record of converting student experiences into employment successes, is one of our proudest measures.” ■



**Want to learn more about the ILC and hear from students about their experiences? Scan the QR code for a short video.**

College of Law Faculty Retirement

# THE VILLAGE THAT JACK BUILT



The ILC went from six to 60 client projects in Jack Rudnick's (pictured second from left) first year leading the ILC.





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 inventive companies like Welch Allyn and Blue Highway. When Rudnick signed on to teach at his alma mater, he became a most practical Professor of Practice.

The ILC program, which was first known as the Technology Commercialization Law Program, was founded in 1990 by Professor **Ted Hagelin**, a widely respected thought leader in the field. "Jack would say 'Ted wrote the book, I lived the book,'" says Zimmermann. With decades of field experience under his belt, Rudnick shaped the ILC program to become a world-class resource for start-ups throughout the state of New York and beyond, with students helping hundreds of companies move through the commercialization process.

"We went from six projects to 60 projects that first year," recalls Rudnick of the year he took the helm. "I wanted to show the students what it was really like in real life to multi-task and work hard and help people turn ideas into marketable and beneficial products."

"Jack's major contribution—and it's a very significant one—was 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 counsels: 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 Medal from the American Society of Mechanical Engineers (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. 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 Orange 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





*Jack Rudnick presents to students at an Intellectual Property Law Society event.*

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.”

Murphy says the normal course of law school studies can be a rather lonely experience for many students: “You’re very much on your own.” Zimmermann 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 energizing for them.”

**Kaitlin Crobar L’21** 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 companies, 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 L’16**, who came into law school with a background in biology 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!”

Though 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 Murphy. “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 Murphy, 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 Murphy. “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 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.”

Crobar 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



**“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 L’73

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 ‘their 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? What can we 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 give them bad news.” “Jack is a very honest and honorable man,” says Day. “He’s 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 L’99**, who was invited by Rudnick to be an adjunct professor in the ILC and to succeed him as executive director in 2021. Gerling 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 succeeding Jack, but he was a great mentor to me as well. Jack also taught that it wasn’t enough to be a good lawyer, and he gave his



Jack Rudnick, left, received the George R. Burman Award for Entrepreneurial Leadership from the Whitman School of Management in 2016. Terry Brown, executive director of the Falcone Center for Entrepreneurship, presented him with the award.

students advice on how to marry those two concepts—good lawyer and good people—imparting social and moral responsibilities to the students. They graduate inspired to make the world a better place.”

And they graduate with jobs—even before diplomas are in hand or the bar exam is passed. ILC students have a 100% job placement rate in the very careers they dreamed about. Sometimes career connections were made because of Rudnick’s vast network. Sometimes it was simply the reputation of the ILC. Danna recalls one student who was competing with students from Harvard and MIT for a job at a prominent Boston hospital. “The interviewer just wanted to know about the ILC coursework,” says Danna. The student got the job and started working before he took his bar exam.

“It’s a job course,” says Rudnick (another Jackism!). “When you come out of this course, you’re going to get a job. My students are really hard-working. They are smart, practical, and willing-to-dig-in-and-get-dirty-kids.”

And when they become successful, they pay it forward and reach back to help other students in the ILC. “I hire almost exclusively out of the program,” says Murphy. “I like to get interns or externs to engage with the management team, and I 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. ■



# How Science and Law Create a Path to Success:

*A Class of 2023 law student draws on her undergraduate STEM degree to help entrepreneurs bring ideas to market as a legal professional.*

Some people spend years deciding what to do with their lives. **Cecily Capo L'23**, knew in an instant.

It was the spring of 2021, and, like most college students at the time, Capo was trying to make the most of remote learning. Truth be told, she felt listless, disconnected from her law studies.

Salvation came in the form of a virtual open house for Syracuse's **Innovation Law Center (ILC)**, an experiential learning program for students interested in technology commercialization. One of the presenters was a silver-tongued attorney named **Jack Rudnick L'73**, the face of the 30-year-old center for more than a decade.

"Professor Rudnick talked about the kind of work that the ILC does—intellectual property as well as market and regulatory

research for clients—and how it could propel my career in a new direction," recalls the Cazenovia resident, who earned a bachelor's degree in environmental science from the SUNY College of Environmental Science and Forestry (SUNY-ESF). "But what really surprised me was how many ILC students had science backgrounds. That flipped a switch in me."

A respected startup consultant, Rudnick convinced Capo of her own potential. He told her that in addition to interfacing with new and emerging technologies, she could draw on her scientific knowledge to help ILC clients—from federal laboratories and other universities to tech startups and blue-chip companies.

Moreover, her undergraduate focus on health and the environment could pay off for her down the road, given that the legal

profession and science and technology overlap more and more.

"I knew that the ILC was where I needed to be," Capo says. "I couldn't wait to get started."

## **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. Most of her work focused on the legal, business, and technical aspects of product development, all of which comprise the growing field of technology commercialization law.

Supervised by one or more faculty experts, Capo handled about a dozen ILC clients a year. Many of them were early-stage tech companies looking to capitalize on the post-pandemic job boom.





***“I’ve always been into giving back. At Syracuse, I’m doing it on a bigger scale and, in the process, hopefully making a difference.”*** —Cecily Capo L’23

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 gives 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 also has learned valuable practical skills that she can carry forward in her practice.”

Capo believes that the pandemic has changed how people think about work

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

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.

Most of Capo’s jobs spanned several months and culminated with a detailed landscape report in which she and her peers made recommendations to the client about the technology in question. Incredibly, they could do this for little or no cost, due in part to the ILC’s designation—and funding—as the New York State Science and Technology Law Center.

“We help clients figure out the next steps,” says Rudnick, the ILC’s senior advisor and professor of practice. “If their technology makes sense, we advise them to

contact a patent attorney. If it doesn’t, we encourage them to go back to the drawing board.”

#### **A Seamless Transition**

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. “Oftentimes we tell them what they don’t want to hear.”

Lawyers at Bond, Schoeneck & 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. Many of her future coworkers—patent attorneys and IP lawyers, mostly—have bachelors or advanced degrees in biology, chemistry, physics, and engineering.

“I anticipate 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**

It was quite a leap from SUNY-ESF, where an elective in environmental law and policy forced Capo to rethink her career plans.

“Science can be black and white and have only one right answer. But with law, you can argue both sides. Sometimes the answer lies in how you present your case,” she continues.

It wasn’t until after SUNY-ESF, however, that Capo considered going to law school. A postgraduate internship with William Sawyer, a local forensic toxicologist who serves as an expert witness in the Monsanto Roundup lawsuits, helped her connect the dots between law and STEM (science, technology, engineering, and math).

Poring over Sawyer’s depositions, Capo was struck by their similarities with STEM research papers. She noticed that both followed the logic and structure of rules-driven writing.

“By then, the qualities of scientific writing had been drilled into me—clarity, cohesion, precision,” Capo continues. “Whether you’re a biologist or a lawyer, the rules of good writing apply.”

Case in point: **Laura Lape** and **Rakesh Anand**, who respectively teach IP law and constitutional law, are among Capo’s favorite professors. “They’ve taught me 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 Intellectual Property Law Society.

Rudnick points to Capo’s involvement with the University’s Transactional Law Clinic, which provides legal services to small businesses, entrepreneurs, 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-ESF’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.” ■

# A Focus on Innovation

## → Innovation Law Center Recognized by Bloomberg Law's Law School Innovation Program



***“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.”*** —Brian Gerling L’99

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.

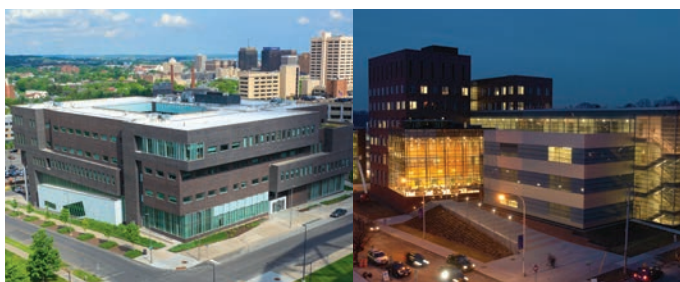
This experiential, interdisciplinary education prepares College of Law students for careers in IP law, technology, and the innovation ecosystem. Recognized as the sole New York State Science & Technology Law Center, the ILC delivers critical economic development support across the State of New York.

“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. The ILC’s high placement rate, reflecting our track record of converting student experiences into employment successes, is one of our proudest measures.” says **Brian Gerling L’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 Ortizo** 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 Whitman School of Management.”

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.



PATENT

PATENT





by Shubha Ghosh

Crandall Melvin Professor of Law  
Director, Syracuse Intellectual Property Law Institute;  
Innovation Law Center

# TRYING TO HAVE IT ALL

*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.*

**I**n *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 documentaries 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

repurposing of copyrighted works to create new expressions, new uses, and new markets. For example, Google's scanning of copyrighted books to allow a search that displays samples is fair use. In addition, copying of videogame software is allowed to create new platforms for playing games as is copying of smartphone software to allow new phone technologies, such as the Android. In *Warhol*, the Court seems poised to possibly expand fair use to encompass the creation of fine art that are not parodies or critical commentaries but embody original creative expression of an artist. How far the Court will go, we will see soon as its opinion should be out before June.

Brands and trademarks are another set of legal rights whose boundaries are often tested. Jack Daniels found itself before the Supreme Court in March 2023, defending the use of its name and the design of its famed whiskey bottle against VIP, the manufacturer and distributor of dog toys. What caught the attention of Jack Daniels, particularly its trademark attorneys, was a squeeze toy marketed by VIP that mimicked a Jack Daniels bottle with the name Bad Spaniels on the label. Although the toy contained foam and no liquids of any kind, its label included statements about dog poop which some pet owners might find amusing. The district court found that the design of the bottle constituted trademark infringement as consumers might be confused into thinking that Jack Daniels had marketed the dog toy. The appellate court reversed, ruling that VIP's toy was protected by the precedent of *Rogers v. Grimaldi*, a case from New York which allows the use of a trademark when the use does not denote authorship, sponsorship, or endorsement. The Rogers in this precedent was Ginger Rogers who sued Alberto Grimaldi, the producer of a movie called *Fred and Ginger*, a story of two dancers who emulated the famed duo. The New York federal appellate court ruled in favor of Grimaldi, and the court followed its own reasoning in ruling for VIP. The Supreme Court must decide whether to adopt the legal test in *Rogers* or adopt another approach to assess the uses of a company's trademark in a humorous way on a product completely distinct from that of the trademark owner.

While my schedule conflicted with the oral argument for *Warhol*, I was able to attend the energetic oral argument in *Jack Daniels*. The Court rigorously grilled the advocates, who responded forcefully. The Justices, as a general impression, were concerned with the First Amendment problems in not allowing VIP to create its dog toy. Justice Kagan, however, questioned what VIP was trying to express by copying Jack Daniels's trademark in this way. Acknowledging her recognized sense of humor, she questioned whether there was any parody here. Instead, she suggested the dog toy was just a knock-off (to use the vernacular, not her words) of the famed whiskey bottle. Justice Jackson, who asked the most persistent and penetrating questions, wondered if this was trademark infringement at all, as a matter of law, separate from any First Amendment concerns. After all, she pointed out, VIP was not branding its dog toys with Jack Daniels' mark. The situation was different from the classic trademark case of someone



A portrait of Prince taken by Lynn Goldsmith (left) and 16 silk-screened images Andy Warhol created using the photo as a reference. Collection of the Supreme Court of the United States

selling a counterfeit Rolex watch. Finally, Justice Roberts, emphasizing the First Amendment concerns raised by his colleagues Justices Alito and Thomas, asked whether the Court needed to engage First Amendment law or work within the contours of trademark law

to protect the speech interests of companies like VIP. The latter approach might entail adopting the lower court's test from *Rogers*. Whatever approach the Justices take, the result, in my estimation, will not be unanimous and may well create an interesting opinion on how the First Amendment limits the scope of trademark rights.

Farther afield from photographs, fine art, whiskey bottles, and dog toys, is Amgen's rights in the antibodies that constitute Repatha, the company's patented cholesterol drug. The Supreme Court heard arguments a few days after the Jack Daniels dispute in a highly watched patent litigation between rival pharmaceutical companies Amgen and Sanofi. I was able to attend this oral argument as well and found the exchanges lively for what might appear to be a dry technical dispute. Once again at issue is how broad are the rights of the intellectual property owner.

Monoclonal antibodies, one particular type of antibody, are proteins that attach to cells and block them from invasion by pathogens, such as viruses or bacteria. Identifying antibodies and designing drugs around them are invaluable in treating diseases. Amgen identified 26 antibodies in its patent covering Repatha, an anti-cholesterol drug, but claims that this disclosure revealed 300 more antibodies. Therefore, the company argues, its patent covers a wide range of competing drugs, including Praluent discovered and manufactured by Sanofi. It may seem odd that Amgen is claiming rights not just in what it actually discovered but in other drugs that were made possible, or enabled, by its specific invention. At work is the patent doctrine of enablement which does allow a patent owner to claim a broad range of inventions beyond the specific discovery. A simple historical example illustrates this.

When Alexander Graham Bell made the first successful telephone call, it was to his assistant Thomas Watson in the next room. For patent law, a critical question is what specifically did Bell invent. It would be wrong to say that Bell invented an apparatus for speaking to someone in the next room. His invention encompassed more than that, allowing long distance communication. Specifically, Bell's patent states that his invention consists of an "employment of a vibratory or undulatory current of electricity in contradistinction to a merely intermittent or pulsatory current, and of a method of, and apparatus for, producing electrical







undulations upon the line-wire.” This technical language from the patent states what Bell invented. Anyone who makes or uses or sells a product containing this invention as described would be infringing Bell’s patent, which expired over a hundred years ago. This language shows what Bell’s invention enabled other inventors to do.

Patent law requires enablement for several reasons. Enablement provides notice to other inventors working in the field and to those who might want to license the patent. Enablement also makes sure that the inventor does not get more legal rights than is deserved. A patent rewards what an inventor has accomplished. An implication is that a patent owner might lose a patent if someone can show that the claimed invention has not actually been enabled. This is what happened in a famous Supreme Court case involving Thomas Edison.

Thomas Edison marketed a lightbulb using filament made from bamboo. A patent was issued to inventors William Sawyer and Albion Man covering light bulb filaments made of “carbonized fibrous materials.” The inventors sued Edison for patent infringement, claiming that the bamboo filament was an example of the carbonized fibrous materials. Edison successfully showed that Sawyer and Man had not actually invented a filament that could be made of any carbonized fibrous materials. Specifically, nothing in their work showed that bamboo, which Edison was able to make work after much effort, would serve as a light bulb filament. Therefore, Sawyer and Man’s patent claim was found invalid and hence unenforceable.

Edison’s infringement woes are immortalized in the Incandescent Lamp Patent case, a Supreme Court precedent that is now being re-examined in *Amgen v. Sanofi*. Under this precedent, an inventor enables her patented invention if another inventor knowledgeable of the science can make the invention without too much experimentation. Edison had to work hard to show that bamboo would work as a light bulb filament contrary to Sawyer and Man’s claim that any carbonized fibrous material would work. Similarly, Sanofi is arguing that the antibodies that constitute its cholesterol-reducing drug were not enabled by Amgen. By contrast, Amgen is arguing that Sanofi’s antibodies would have been readily discovered without too much experimentation based on the antibodies that Amgen did discover. In other words, Amgen did enable Sanofi’s drug and therefore it infringes Amgen’s patent.

The dispute between Amgen and Sanofi has been proceeding for nearly a decade, with the lower courts ruling that Amgen had not enabled the antibodies in Sanofi’s drug. The Supreme Court will determine whether the lower courts reached the correct result. Readers may be justifiably skeptical that judges can work through such a technical dispute. Understandably, the Justices exhibited caution in questioning the attorneys arguing the various sides of the dispute. What informed the Justices was the policy over granting Amgen too broad a patent, one that would thwart a competitor, like Sanofi. Edison’s name was mentioned during the oral arguments. If Sawyer and Man had been successful in the patent suit, how

would the light bulb have developed? If Amgen is successful now, what would be the impact on other inventors trying to compete in the pharmaceutical market? The Justices questioned Amgen to determine exactly how broad its patent might be. To be honest, in my opinion, Amgen’s attorney did not quell concerns that the patent might be too broad. At one point, he stated that Amgen may have enabled as many as 300 other antibodies and possibly even a million. Such a broad claim would have chilling effects on drug development. To be fair, perhaps Amgen has developed a blockbuster, game-changing drug, which would justify a broad patent. However, Amgen was not making a persuasive argument for how revolutionary its invention is, either in the lower courts or before the Supreme Court.

The trio of cases before the Court this term illustrates the importance of determining how broad intellectual property rights are for the commercialization of intellectual property and technology. How the Court decides these three cases will not settle long-standing and challenging legal problems but will fuel how attorneys work in the field. Recognizing these issues and keeping informed about how the law develops makes the practice of intellectual property and technology commercialization a constant source of excitement in guiding imaginative and entrepreneurial clients. ■

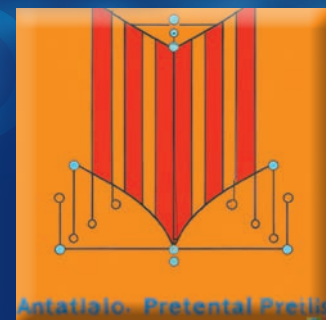
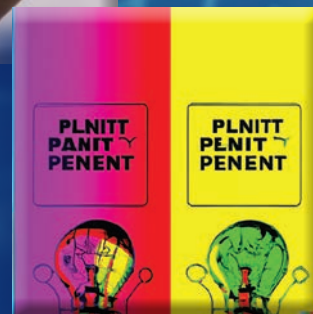
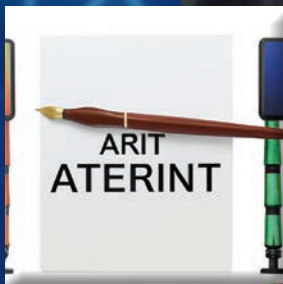
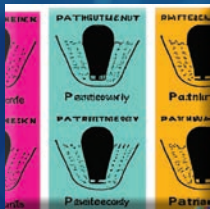


## UPDATE

As this article went to press, the Supreme Court issued its opinions in the *Warhol* and *Amgen* cases on May 18, 2023 and in the *Jack Daniels* case on June 8, 2023. The Andy Warhol Foundation lost its appeal as the Court found that *Orange Prince* was very similar to Goldsmith’s Prince photograph and substituted for it in *Vanity Fair Magazine*. The Court split 7-2 with Justices Kagan and Roberts dissenting vehemently against the majority’s ruling that Warhol did not add creative transformation to Goldsmith’s photograph. Amgen also lost its appeal with the Court ruling that Amgen had failed to enable the antibodies that were the basis for Sanofi’s pharmaceutical. The ruling against Amgen ends that litigation. Finally, the Supreme Court unanimously ruled in favor of Jack Daniels, overturning the Second Circuit’s decision applying *Rogers v. Grimaldi* to rule for VIP. Without much explanation, the Court held that *Rogers*, a case with applications to trademarks used in movie titles and song lyrics, had not application to VIP’s copying aspects of Jack Daniels’ trademark to brand dog toys. The dispute between the producer of whiskey and the purveyor of dog toys continues, perhaps to a settlement, perhaps to a trial.

**Those interested in learning more about these opinions, please contact Professor Ghosh at [sghosh01@syr.edu](mailto:sghosh01@syr.edu)**





The graphics on this page were created using Dall-E, an AI system that can create realistic images and art from a description in natural language. The language used to generate the images were: > Patentability of Artificial-Intelligence Inventions > An art deco graphic of Patentability of Artificial Intelligence Inventions in orange and blue > Hero image for an article about the patentability of AI inventions in the style of Warhol



by Michael L. Kiklis L'93<sup>1</sup>

# PATENTABILITY OF ARTIFICIAL INTELLIGENCE INVENTIONS

*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.*

## AI Definition

AI has been the focus of research since the 1950s.<sup>2</sup> 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 include machine learning. 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.”<sup>3</sup> 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.”<sup>4</sup> 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.’”<sup>5</sup> When and how these exceptions are applied are perhaps the most challenging part of a § 101 analysis.

<sup>1</sup> 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.

<sup>2</sup> See A.M. Turing, *Computing Machinery and Intelligence*, 59 MIND 433 (1950).

<sup>3</sup> 35 U.S.C. § 101 (emphasis added).

<sup>4</sup> *Diamond v. Diehr*, 450 U.S. 175, 185 (1981).

<sup>5</sup> *Funk Brothers Seed Co. v. Kalo Inoculant Co.*, 333 U.S. 127, 130 (1948).

## 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.<sup>6</sup> 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.”<sup>7</sup> In this “point-of-novelty” test, the formula (a law of nature) is ignored and the rest of the claim must be novel.<sup>8</sup> 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.<sup>9</sup> Then, decades later, the Supreme Court in *Mayo* seemingly resurrected the point-of-novelty test but left *Diehr* intact.<sup>10</sup> This is the cause of much difficulty today.<sup>11</sup>

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 exclusions, 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.<sup>12</sup> 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 clarified that software is not “inherently abstract” and can be patent eligible.<sup>13</sup>

## Patent Eligibility of AI Inventions

As the Federal Circuit’s case law evolved after *Alice*, it generated yet another hurdle for decision support systems in the *Electric Power Group* line of cases.<sup>14</sup> In *Electric Power Group*, the Federal Circuit held that collecting information, analyzing that information, and presenting the results is an abstract idea.<sup>15</sup> This means that many decision support systems may fail step one in the § 101 analysis, requiring that such systems recite an inventive concept—more than a generic computer—to be patent eligible. *Electric Power Group* is therefore dangerous for AI inventions. Although this line of cases is evolving and expanding, other cases provide help.

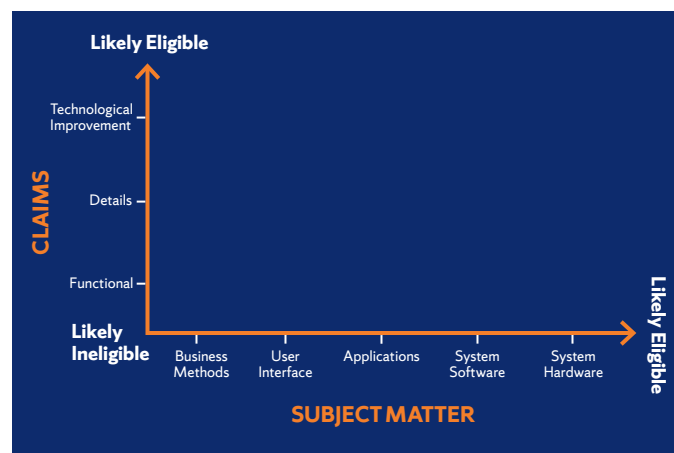
The courts have found patent eligibility in a number of situations potentially applicable to AI inventions. First, both the Supreme Court and the Federal Circuit have found patent eligibility where the invention improves the functioning of the computer itself.<sup>16</sup> Second, the Federal Circuit has found patent eligibility when the claimed invention provides a technical improvement over the prior

art.<sup>17</sup> Third, the Federal Circuit has found patent eligibility where the claims recite a technical solution to a technical problem,<sup>18</sup> and fourth, the Federal Circuit has found patent eligibility when conventional elements are arranged in a non-conventional way.<sup>19</sup> Should an AI invention fit into one of these categories, it will likely be found patent eligible as long as those features are both described in the patent specification and claimed.

There are other concerns beyond the *Electric Power Group* line of cases for AI inventions. For example, the Federal Circuit is very willing to strike down functionally drafted claims regardless of their subject matter.<sup>20</sup> Also, the Federal Circuit has found no business method patents after *Alice* satisfy § 101.

## Empirical Summary of § 101 Cases

The Federal Circuit § 101 cases post *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 y-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 x-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.



## 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. ■

<sup>6</sup> *Gottschalk v. Benson*, 409 U.S. 63, 73 (1972).

<sup>7</sup> *Parker v. Flook*, 437 U.S. 584, 585-86 (1978).

<sup>8</sup> *Id.* at 594.

<sup>9</sup> *Diehr*, 450 U.S. at 188-89.

<sup>10</sup> *Mayo Collaborative Services v. Prometheus Laboratories, Inc.*, 566 U.S. 66, 90 (2012).

<sup>11</sup> See, e.g., *Yu v. Apple*, 1 F.4th 1040, 1047 (Fed. Cir. 2021) (Newman, J., dissenting).

<sup>12</sup> *Alice Corp. Pty. Ltd. v. CLS Bank Intern.*, 573 U.S. 208, 217-18 (2014).

<sup>13</sup> *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1335 (Fed. Cir. 2016).

<sup>14</sup> *Electric Power Group, LLC v. Alstom S.A.*, 830 F.3d 1350 (Fed. Cir. 2016).

<sup>15</sup> *Id.* at 1353-54.

<sup>16</sup> *Alice*, 573 U.S. at 225; *Enfish*, 822 F.3d at 1335-36.

<sup>17</sup> *McRO, Inc. v. Bandai Namco Games America Inc.*, 837 F.3d 1299, 1313 (Fed. Cir. 2016).

<sup>18</sup> *DDR Holdings, LLC v. Hotels.com, L.P.*, 773 F.3d 1245, 1257 (Fed. Cir. 2014).

<sup>19</sup> *Bascom Global Internet Services, Inc. v. AT&T Mobility LLC*, 827 F.3d 1341, 1352 (Fed. Cir. 2016).

<sup>20</sup> *Electric Power Group, LLC v. Alstom S.A.*, 830 F.3d 1350, 1356 (Fed. Cir. 2016) (“Indeed, the essentially result-focused, functional character of claim language has been a frequent feature of claims held ineligible under § 101....”); see also *ChargePoint, Inc. v. SemaConnect, Inc.*, 920 F.3d 759, 769-70 (Fed. Cir. 2019).





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## Featured News

### → 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 **Ludmilla Evelin de Faria Sant'Ana Cardoso** as 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 Lex Mundum 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."



**"Relationships have been central to each major step in my career."**

—Rob Beard



## → 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. Boise.** "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, "Before 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 Law 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.

## → Orange Advance Summer Residency Program

The College of Law welcomed a cohort of undergraduate students from the Atlanta University Consortium Center (AUC) for the Orange Advance Summer Residency program in May. These students interested in pursuing a law degree spent the week learning about the legal profession and how to prepare for law school with a full slate of academic, social, and cultural events.



**Benita Miller L'96**, Executive Director Powerful Families, Powerful Communities NJ, (pictured on the right, closest to the camera) held a discussion with the Orange Advance students about different career paths you can take with a J.D.



The **Hon. Vanessa Bogan** (pictured far right), Syracuse City Court Judge, speaks with Orange Advance students at a networking event at Bond, Schoeneck & King PLLC.



The **Hon. Rodney Thompson G'93, L'93** (pictured top left), New Jersey Family Court Presiding Judge for Mercer County, NJ, the **Hon. Ramon E. Rivera L'94**, Court of Claims Judge, New York State Unified Court System, and the **Hon. Glenn T. Suddaby L'85**, United States District Judge for the Northern District of New York provided students with college, career, and life wisdom and lessons.

## Faculty News

### → Associate Professor Jennifer Breen Recognized by Syracuse University with a Laura J. and L. Douglas Meredith Teaching Recognition Award



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 awards were 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 Meredith Professors, Teaching Recognition Awardees, and student representatives.

Breen teaches Constitutional law, administrative law, and labor law. Her interdisciplinary scholarship is centrally concerned with 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” (work in progress), and “Labor Unions and Public Health Outreach” (with Gretchen Purser, Syracuse University Associate 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 Elle Borgdorff**, and Lape, nominated by **Jessica Senzer 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 (later the Elder and Health Law Clinic) Law Clinic in 2008 and served as the Director of the Office of Clinical Legal Education from 2005 until 2011. Most recently, she served as the LondonEx Program Director and taught professional responsibility.

Her research and writing focus on elder law, with a particular emphasis on Medicare, 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 Working Group and was Chair of the Aging and the Law Section of the Association of American Law Schools (AALS) in 2021. She previously 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 McNeal 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 solid practical experience in private practice and at the U.S. Attorney's office. In 2008, she was recognized by the University with the Meredith Teaching Recognition Award for excellence in classroom teaching.

In addition to her classroom assignments, O'Connor played many leadership roles 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 into the Travis H.D. Lewin Advocacy Honor Society.

Her most lasting accomplishment at the College was in launching and piloting **JDinteractive**, first as Executive Director of Online Education alongside Professor **Nina Kohn** and then as Associate Dean of Online Education. With her guidance, the College of Law successfully established the program as the leading online JD program in the United States.

# 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 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?

I always wanted to be a lawyer. As a young person, I was inspired by civil rights movements and wanted to fight for civil rights.

##### 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 Mordue. **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](mailto:fjdiddle@syr.edu) or 315.443.1339.



To make a gift, visit [law.syracuse.edu/mordue](http://law.syracuse.edu/mordue)  
or scan the QR Code.

## Student News

### → 1L D'Andre Gordon Named One of Eight Federal Magistrate Judges Association Fellows



**1L 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* Annual Review-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 altercations. This could include roadside sobriety tests and pat downs, he says, as well as further escalations.

As 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’s Spring 2023 externship was with Legal Services of Central New York (LSCNY). LSCNY is a legal aid organization whose mission is to promote equity 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



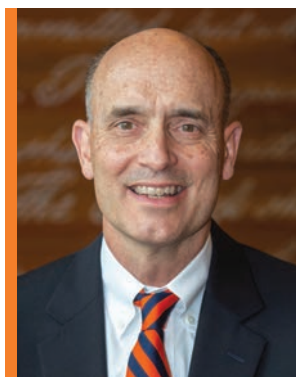
College of Law Tillman Scholars and **JDinteractive** students (pictured left to right) **Bill Rielly** (Army), **Amanda Higginson** (Navy), and **Natasha DeLeon** (Marine Corps) joined leadership from the Syracuse University Office of Veteran and Military Affairs for Pat’s Run, the signature fundraiser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

# Institute for Security Policy and Law Impacts War in Ukraine and Growing AI Field

## Syracuse Law Review and the Institute for Security Policy and Law Host “Lessons Learned: Perspectives on Law and Policy from the War in Ukraine” Symposium



The *Syracuse Law Review* and the **Institute for Security Policy and Law (SPL)** hosted the “Lessons Learned: Perspectives on Law and Policy from the War in Ukraine” symposium during the 2022 Law Alumni Weekend. Beginning with an introduction from the Director of the SPL, the **Hon. James E. Baker**, panelists gathered for a roundtable discussion on topics related to the war in Ukraine, which included:

- **Renn Gade**, Deputy General Counsel/Intelligence, Department of Defense
- **Brian Taylor**, Professor, Maxwell School of Citizenship and Public Affairs
- **Laurie Hobart**, Professor, College of Law

### SANCTIONS

- **Adam Smith**, Partner Gibson Dunn (former Senior Advisor, Office of Foreign Assets Control, Director NSC staff)
- **Kristen Patel**, Professor, Maxwell School of Citizenship and Public Affairs

The *Syracuse Law Review* recently published a special Symposium Journal edition that discusses ideas and topics deducted from the discussion. The symposium and accompanying journal focused on strategic and subject matter aspects of Russia’s war of aggression against Ukraine, starting with the question: why Ukraine matters to United States and NATO security.

This was the first symposium on the war in Ukraine held at a law school in the United States. While the in-person speakers were drawn from the United States, the special edition of the *Law Review* included comparative perspectives drawn from leading scholars in the “frontline states,” referencing the European states located on Russia’s border.

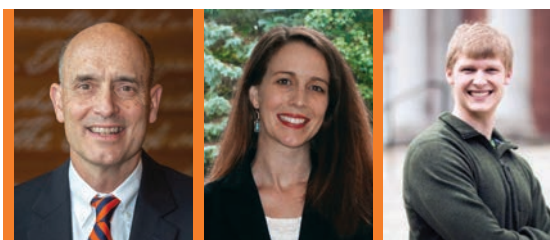
### THE LAW OF ARMED CONFLICT

- **Beth Kubala**, Professor, Executive Director of the Betty and Michael D. Wohl Veterans Legal Clinic (LTC U.S. Army Ret.)
- **Rachel VanLandingham**, Irwin R. Buchalter Professor of Law, Southwestern Law School (Lt. Col. U.S. Air Force Ret.)
- Major **William Casey Biggerstaff**, Military Professor at the Stockton Center for International Law at the U.S. Naval College
- Major **Jason Harrup**, Chief of National Security Law, 10th Mountain Division, U.S. Army

### INTELLIGENCE

- **Robert Murrett**, Professor, Deputy Director of the Institute for Security Policy and Law (former Director NGA, Vice Admiral U.S. Navy Ret.)

## “An Introduction to Artificial Intelligence for Federal Judges” Published by the Federal Judicial Center



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 Mittelsteadt** 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 and requested 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 SPL’s ongoing AI work to promote responsible AI regulation, including over 10 presentations to domestic and international legal and policymaking audiences.



## Expanding the Reach of Ring Around Russia: A Partnership for Law and Policy



Signing an MOU at Trnava University, Slovakia.



Meeting with the Georgian Prosecutor General



Ukrainian Military Cemetery, Lviv

Expanding the reach of the Ring Around Russia: Partnership for Law and Policy was a key focus for the SPL this academic year. Led by the **Hon. James E. Baker**, the initiative involves a series of partnerships and exchange programs with universities and civil society organizations in countries along the eastern flank of NATO and the edge of Russia to reinforce the connection between law and security.

Through training, symposia, joint papers, and academic exchange at the professorial and Master of Laws (LL.M.) student level, SPL is working with regional partners to assist critical regional actors and thinkers to articulate and apply national security law and thus make the link between good faith adherence to law and process and security. Doing so will help provide for NATO's physical and legal security while building trans-Atlantic academic bonds and, it is hoped, help democratic states, including Ukraine, resist aggression. The project draws on leading scholars in the Frontline States, including Professors Knut Einar Skodvin (University of Bergen), Izabela Kraśnicka (University of Białystok), Martin Bulla (Trnava University), Volodymyr Turchynovskyy (Ukrainian Catholic University), and Charles Szymanski (University of Białystok).

The Ring Around Russia partnership now stretches from the Arctic to the Black Sea with participants in Norway, Finland, Estonia, Latvia, Poland, Ukraine, Slovakia, Romania, Georgia, and Moldova. During the past year, the SPL team and its partners conducted more than a 100 meetings with government officials, Non-Governmental Organizations (NGO), and university officials in Europe and in the United States. In addition, SPL hosted and contributed to four seminars addressing Ukraine, including an online Symposium on the "Experience of the Frontline States" with the Ukrainian Catholic University and the University of Białystok that drew scholars from throughout Eastern Europe, including Ukraine.

This significant outreach effort has produced a fruitful outcome. The project team has delivered well over 20 presentations and conducted training for domestic and international audiences on Ukraine, cybersecurity, disinformation, and emerging technologies. Baker and SPL consultant **Lotta Lampela LL.M.'23** were also invited to publish the project's first best practice paper, "A Combined Arms Response to

Disinformation," in the *Journal of the Latvian Association of Political Scientists*. The project's value has been recognized by European cabinets, as the Chief of Staff to the President of Slovakia and Estonia's Minister of Foreign Affairs have called it both vital and critical.

Several new Memorandums of Understanding (MOU) with universities abroad are also underway, including:

- Ukrainian Catholic University (Ukraine)
- Trnava University (Slovakia)
- The University of Białystok (Poland)
- The University of Eastern Finland (Finland)
- Tallinn Technical University (Estonia)
- Alexandru Ioan Cuza University (Romania)
- Carol I National Defense University (Romania)
- Academy of Economic Studies of Moldova (Moldova)

Partnerships with universities such as the University of Eastern Finland (UEF) and Tallinn University of Technology (TalTech) in Estonia bring significant potential to Syracuse Law students aspiring to become leading experts in growing and vital areas of law. TalTech Law School is a top-tier regional research institution focused on cyber security and technology law, whereas international environmental law and international climate change law are among the specialty areas of UEF.

The MOUs serve as a mechanism for academic cooperation, including funding mechanisms, further enhancing the cultural and values ties between the United States and the Frontline States, and making Syracuse University a leader in international academic cooperation in the national security area, highlighting the College of Law's outstanding LLM program and the Maxwell School's world class policy research and programs. These MOUs will also allow the SPL to expand the reach of the Ring Around Russia partnership, thereby stimulating necessary changes in the Frontline States' national security laws and policies and ultimately enhancing their overall security and thus the security of NATO and the United States. They also highlight SU's outstanding LLM program and international programs generally. ■

# 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



The Hon. James E. Baker (fourth from left) and Assistant Dean of International Programs Andrew Horsfall L'10 (third from right) meet with Chief General Prosecutor of Georgia (third from left).

Assistant Dean of International Programs **Andrew Horsfall L'10** and Institute of Security Policy and Law Director the **Hon. James E. 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 GBA President David Asatiani and Dean **Craig M. Boise** signed a Memorandum of Understanding (MOU) to promote scholarly exchange and cooperation between Syracuse Law, Syracuse University, and the GBA. Asatiani visited the College of Law with GBA Director of International Affairs Giorgi Tshekhani and

Head of Analytical and Committee Affairs Tamta 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 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.

Syracuse Law also offered a five-part lecture series to members of the GBA in the spring of 2022, discussing a range of topics that covered foundational aspects of the U.S. legal system, and nuances of criminal procedure, commercial law, national security law, and intellectual property.



Judge Baker (left) and Assistant Dean Horsfall L'10 (right) meet with LL.M. program alumni and scholars.



Assistant Dean Horsfall L'10 (right side, middle) and Judge Baker (right side, bottom) meet with the Ministry of Education.



**“The College of Law has, and continues to be, a rich academic 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.”** —Andrew Horsfall



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

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 collaborations around security policy and law. Highlights of the visit included:

- Meetings with the Chief Justice of the Supreme Court of Georgia, the Chief Prosecutor General of Georgia, and Georgia’s Deputy Minister of Defense to discuss current rule of law challenges and mutual cooperation in the training of its lawyers.
- A lecture by Baker to members of the GBA on the challenges of serving as a national security lawyer.
- A meeting with the Ministry of Education’s Center for International Education to discuss the launch of a tripartite scholarship program, in collaboration with the GBA, for Georgian lawyers, prosecutors, and judges.
- Round-table discussions with the Deans and representatives of eight of Georgia’s law schools to expand the College’s network of academic partners in Georgia, and with representatives from various civil society organizations promoting grass-roots level rule of law initiatives.

Shortly after their return, the College of Law hosted 10 of Georgia’s civil and administrative judges in April as part of a

jointly sponsored exchange program with the ABA Rule of Law Initiative (ABA ROLI) and USAID. For over 30 years, the initiative cultivates mutual understanding and capacity building through in-country visits, guest lectures, and engagement with various aspects of the U.S. judicial system.

Focusing on themes such as freedom of expression, jury selection, and court administration, the judges visited members of the judiciary from the United States’ Northern District of 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.

“This visit to Georgia and the College’s hosting of its judges has strengthened another crucial segment in the ‘Ring around Russia’ and our project’s present mission of cultivating a community of academics, military, government, and private-sector professionals committed to the rule of law. We were regularly reminded throughout our engagement with Georgia’s judges and advocates that 20% of Georgia is occupied by Russia and that threats to Georgia’s political and cultural sovereignty persist. Georgia’s relationship with the United States and other Western allies remains a priority to support the democratic values anchoring its institutions, and partnerships such as this further these important interests,” Baker said of these visits. ■

LAW ALUMNI WEEKEND

# ORANGE CENTRAL



2023



Marshall St



## 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!

## 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**

Assistant U.S. Attorney / Chief of General Crimes Bureau, U.S. Department of Justice

### Law Honors

**John "Neil" Huber L'68**

Retired Partner, Peper Martin Jensen Maichel & Hetlage

**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

**For more information and current schedule of events**  
[alumniweekend.law.syr.edu](http://alumniweekend.law.syr.edu)





# 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 US 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, alumni, and the local legal community with an opportunity to learn about veterans’ benefits, federal practice, and administrative law.

As part of the CAVC visit, the **Betty and Michael D. Wohl Veterans Legal Clinic** also arranged two panels for students. Professor **Andrew Greenberg L’89** moderated a panel of judges on the court who discussed judicial opinions and appellate advocacy. Following this event, Greg Block, 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** (left) 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**.

## VLC Students Deliver Oral Arguments Before U.S. Court of Appeals for the Federal Circuit



Ben Emmi L'23, Emily Pascale L'23, Professor Beth Kubala, 2L Milana Casillas, 2L Cody Nagel, and Bill Rielly L'23.

While 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 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 Poggi 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.



“In the Veterans Legal Clinic, I had the privilege to work with online JDinteractive and residential J.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 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** (left) volunteered to draft the appellant’s reply brief to counter matters raised by the Department of Justice. Again, 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.

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 L’09, Kelly Curtis**, and Adjunct Professor **Dean DiPilato** from Mackenzie Hughes donned 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.

Each moot court session helped Emmi refine his knowledge of the facts of the case, practice his opening statement, and expertly frame the issues consistently. The students provided feedback, discussed the strengths and weaknesses of the arguments, and continued to predict the questions the judges would pose.

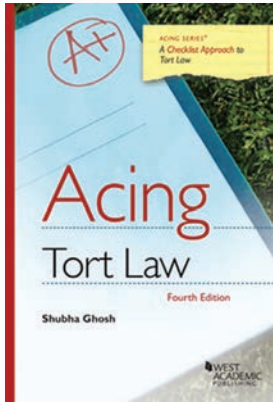
In early April, a team of students gathered in Washington D.C. for the oral arguments before the U.S. Court of Appeals for the Federal Circuit. Prepared and composed, Emmi confidently appeared before the three-judge panel to emphasize arguments made in the briefs and respond to pointed questions from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

“We were able to put on two moot arguments with the help of Professors Abbott-Hill, Curtis, and Gardner, and Mackenzie Hughes partner, Dean Dipilato. I owe them a huge thank you. They were incredibly dedicated to learning the subject matter and providing me with the most realistic experience possible, not once but twice. As a testament to their judicial prowess, many of their questions during practice came up during the actual argument. I can sum up my argument in front of the Federal Circuit by saying that I wouldn’t have even had such an incredible experience without the support of my peers and Syracuse Law faculty,” says Emmi.

After 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’19** 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 she currently is interning with the Office of National Drug Control Policy. ■



## Faculty Books



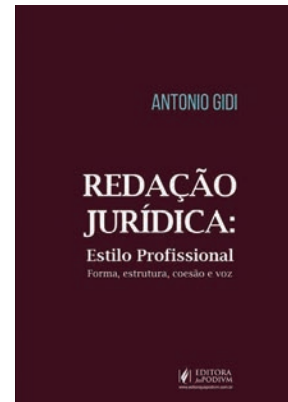
***Acing Tort Law: A Checklist Approach to Tort Law***  
(4th. Ed. 2022)

**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. Other 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)

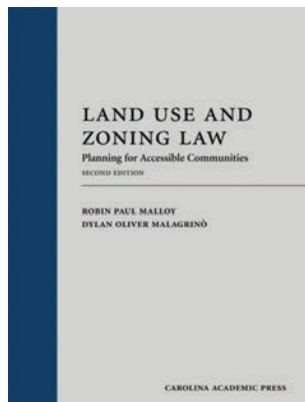
**Antonio Gidi**

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**

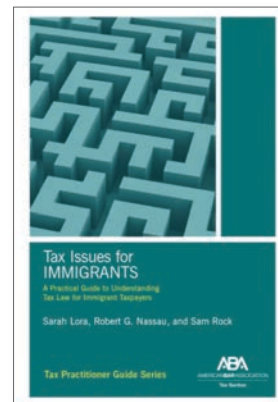
E.I. White Chair and Distinguished Professor of Law;  
Kauffman Professor of Entrepreneurship and Innovation;  
Director, Center on Property, Citizenship and Social  
Entrepreneurism

(with Dylan Oliver Malagrino)

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)

American 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* expands 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 resident and nonresident taxpayers and taxpayers with spouses and/or dependents in foreign countries. The book looks at how the tax code treats taxpayers, spouses, and dependents with ITIN numbers, including their eligibility for dependent exemptions, head of household filing status, and anti-poverty tax credits. It also provides general information about the immigration consequences for filing or non-filing of returns, as well as nonpayment of taxes. And it discusses taxpayer language access rights as it relates to communicating with the IRS.

# Faculty Publications

Discover faculty research at [papers.ssrn.com](https://papers.ssrn.com).



**Todd A. Berger**  
Professor of Law  
Director, Advocacy Programs

**Law Review and Other Scholarly Articles**  
*Problematic Problems: The Case Against Mock Trial Problems Involving Racist Speech*,  
94 TEMP. L. REV. ONLINE 1 (2022).



**Peter D. Blanck**  
University Professor  
Chairman, Burton Blatt Institute

**Book Chapters**  
*Economic Inclusion and Empowerment of People with Disabilities* (with F. Hyseni & N. Goodman), in HANDBOOK OF DISABILITY (M.H. Rioux, J. Viera, A. Buettgen & E. Zubrow eds. 2023).

**Law Review and Other Scholarly Articles**  
*Disability Reparations and the Modernization of the Community Reinvestment Act of 1977* (with G. Klein, M. Morris & G. Nanette) 24 N.Y.U. J. LEGIS. & PUB. POL'Y, 375 (2022).



**Jennifer S. Breen**  
Associate Professor of Law

**Law Review and Other Scholarly Articles**  
*Caring Work, Women's Work, Essential Work: Reconsidering Comparable Worth as an Approach to Pay Equity for Care Workers*, 43 BERKELEY J. EMP. & LAB. L. 311 (2022).

**Reports, News and Commentary**  
*Delegitimizing the Administrative State*, NONSITE.ORG (JULY 2, 2022).

*Right-Wing Supreme Court Imperils Democratic Self-Governance*, COMMON DREAMS (July 1, 2022).



**Keith J. Bybee**  
Vice Dean  
Paul E. and Honorable Joanne F. Alper '72 Judiciary Studies Professor  
Professor of Law  
Professor of Political Science  
Director, Institute for the Study of the Judiciary, Politics, and the Media  
Senior Research Associate, Campbell Public Affairs Institute

**Book Chapters**  
*Does the Constitution Protect the Right to Lie?* in THE U.S. CONSTITUTION IN FIVE MINUTES (Joseph L. Smith & David E. Klein eds., 2023).



**David M. Driesen**  
University Professor

**Law Review and Other Scholarly Articles**  
*The Political Remedies Doctrine*, 71 EMORY L. J. 1 (2021).  
*Feasibility Analysis and the Climate Crisis*,  
39 YALE J. REG. 533 (2022).

*Appointment and Removal*,  
74 ADMIN. L. REV. 422 (2022).

*Making Appointment the Means of Presidential Removal of Officers of the United States*,  
26 LEWIS & CLARK L. REV. 315 (2022).

*The Specter of Dictatorship: Judicial Enabling of Presidential Power: Special Issue*,  
73 SYR. L. REV. 1419 (2022).

**Other Reports, News and Commentary**  
*Guest Opinion, Williams, GOP Are Using Debt Ceiling as a Blackmail Tool: The Deficit Can Only Be Cut By Raising Taxes, Cutting Spending or Both*,  
SYRACUSE POST STANDARD, Apr. 30, 2023, at F2.

*Opinion, After the Jan. 6 Hearings*, WASHINGTON POST, Dec. 28, 2022, at A18.

*Opinion, Jailing Trump Won't Keep Him From Power - Exclusion Will*, THE HILL (Dec. 21, 2022).

*How Will the Midterm Elections Affect Regulation? |Member Scholars and Staff Offer Expert Insights* (with Allison Stevens, et al.), CTR. FOR PROGRESSIVE REFORM BLOG (Nov. 21, 2022).

*Opinion, How the 14th Amendment Can Reinforce the Jan. 6 Committee's Trump Subpoena*, THE HILL (Oct. 24, 2022).

*Unreal Politik*, LAP PROGRESSIVE (Jul. 24, 2022),

*Guest Opinion, The Supreme Court v. the Rule of Law: Reform the Court: Justices Violated Constitutional, Procedural Norms*, SYRACUSE POST STANDARD, Jul. 24, 2022, at E2.

*Parading the Horribles in Administrative Law: Some Thoughts on the Oral Argument in West Virginia v. EPA*, CTR. FOR PROGRESSIVE REFORM BLOG (Mar. 8, 2022).



**Shubha Ghosh**

**Crandall Melvin Professor of Law**  
**Director, Syracuse Intellectual Property Law**  
**Institute**

**Book Chapters**

*Make Without Take*, in *RELEVANCE OF DUTIES IN THE CONTEMPORARY WORLD* (Raman Mittal & Kshitij Kuman Singh eds., 2022).

*Ain't It Just Software?*, in *RESEARCH HANDBOOK ON INTELLECTUAL PROPERTY AND ARTIFICIAL INTELLIGENCE* (Ryan Abbott ed., 2022).

**Law Review and Other Scholarly Articles**

*A La Recherche De Breyer Perdu*, 21 *UNIV. ILL. CHI. REV. INTELL. PROP. L.* 38 (2022).

*Time, Scarcity, and Abundance*, 7 *FRONTIERS IN RES. METRICS AND ANALYTICS* 1 (2022).

**Book Reviews**

*A Tribute That Turns One Inside-Out*, *JOTWELL* (Feb. 15, 2022) (reviewing FEI-HSIEN WANG, *PIRATES AND PUBLISHERS: A SOCIAL HISTORY OF COPYRIGHT IN MODERN CHINA* (2019)).

Book Review, 10 *IP L. Book Rev.* 11 (2020) (reviewing CHRIS SAGERS, *UNITED STATES V. APPLE: COMPETITION IN AMERICA* (2019)).

**Antonio Gidi**

**Teaching Professor**

**Law Review and Other Scholarly Articles**

*Las Acciones Colectivas y el Arbitraje*, 99 *PAUTA - ARBITRAJE Y MEDIOS ALTERNATIVOS DE SOLUCIÓN DE CONTROVERSIAS* 4 (2022).

**Jack M. Graves**

**Teaching Professor**

**Reports, News and Commentary**

*Law and Crypto—An Oxymoron?*, *SYR. L. MAG. Y.B.* 2022, at 5.

**Roy Gutterman**

**Director, Tully Center for Free Speech**  
**Associate Professor, Newhouse School of Public**  
**Communications**

**Professor of Law, College of Law**  
**(by courtesy appointment)**

**Law Review and Other Scholarly Articles**

*Media Law* (2020-2021 *Survey of New York Law*), 72 *SYRACUSE L. REV.* 959 (2022).

*Masking Free Speech: The First Amendment Implications of Masks, Clothing and Public Health*, 53 *LOY. U. CHI. L. J.* 475 (2022).

*New Voices, New Rights, New York: A Case Study and a Call for Student Journalist Protections in New York*, 83 *ALBANY L. REV.* 1115 (2020).

**Reports, News, and Commentary**

*NY Court Agrees: You Have the Right to see Police Disciplinary Records*, *SYRACUSE POST-STANDARD*, Feb. 3, 2023,

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

**Arlene S. Kanter**

**Laura J. & L. Douglas Meredith Professor for**  
**Teaching Excellence 2005-2008**

**Professor of Law**

**Director, Disability Law and Policy Program**

**Faculty Director of International Programs**

**Professor of Disability Studies,**  
**School of Education (by courtesy appointment)**

**Book Chapters**

*Legal Protections Against Violence for Girls and Women with Disabilities in Kenya* (with Evelyn Milanoi Koiyiet), in *DISABILITY AND SOCIAL JUSTICE IN KENYA: SCHOLARS, POLICYMAKERS, AND ACTIVISTS IN CONVERSATION* (N. Berman, R. Monteleone, eds., 2022).

**Law Review and Other Scholarly Articles**

*Remote Work and the Future of Disability Accommodations*, 107 *CORNELL L. R.* 1927 (2022).

# Faculty Publications

Discover faculty research at [papers.ssrn.com](https://papers.ssrn.com).



## Nina A. Kohn

David M. Levy L'48 Professor of Law

### Law Review and Other Scholarly Articles

*Malpractice Litigation in Elective Lumbar Spinal Fusion: a Comprehensive Review of Reported Legal Claims in the U.S. in the Past 50 Years* (with Justin K. Zhang, et al), 22 SPINE J. 1254 (2022).

*Protective Orders & Limited Guardianships: Legal Tools for Sidelining Plenary Guardianship* (with David A. English), 72 SYR. L. REV. 225 (2022).

*Teaching Law Online: A Guide for Faculty*, 70 J. LEGAL EDUC. 230 (2021).

### Reports, News, and Commentary

*Voters Live Here: Understanding the Voting Rights and Needs of Long-Term Care Residents, Generations Today* March-April 2023 (American Society on Aging) (Mar. 15, 2023).

*Opinion, Modern Laws and Out-of-Court Solutions Can Advance Guardianship - Expert Views on Adult Guardianship* (with Robert Dinerstein, Deborah Enix-Ross & Ellie Lanier), U.S.L.W. (Mar. 9, 2023).

*Hospitals That Ditch Masks Risk Exposure* (with Irina D. Manta), BILL OF HEALTH (Harvard Law Petrie-Flom Center, Feb. 20, 2023).



## Kevin Noble Maillard

Professor of Law

### Reports, News, and Commentary

*Native American Movement Grows*, N.Y. TIMES, Aug. 31, 2022, at D7.



## Robin Paul Malloy

Ernest I. White Chair and Distinguished Professor of Law

Kauffman Professor of Entrepreneurship and Innovation

Director, Center on Property, Citizenship, and Social Entrepreneurism

Professor of Economics, Maxwell School of Citizenship and Public Affairs (by courtesy appointment)

### Law Review and Other Scholarly Articles

*Adam Smith's Market Jurisprudence: An Introduction to - Law and the Invisible Hand: A Theory of Adam Smith's Jurisprudence*, 73 SYRACUSE L. REV. 159 (2023).



## Keli Perrin

Associate Teaching Professor

Managing Director, Institute for Security Policy and Law

### Law Review and Other Scholarly Articles

*Assessing Cyber Attacks on Local Electricity Markets Using Simulation Analysis: Impacts and Possible Mitigations* (with Jason Dedrick, Ehsan Sabaghian, & Peter J. Wilcoxon), 34 SUSTAINABLE ENERGY, GRIDS & NETWORKS 1 (2023).



## Mary Szto

Teaching Professor

### Law Review and Other Scholarly Articles

*Barring Diversity? The American Bar Exam as Initiation Rite and Its Eugenics Origin*, 21 CONN. PUB. INT. L.J. 38 (2022).



## Dan Traficonte

Associate Professor of Law

### Dissertation

*Patents Over Planning: Industrial Capital and Federal Innovation Policy* (2021) (Ph.D. dissertation, Massachusetts Institute of Technology) (ProQuest).

### Law Review and Other Scholarly Articles

*Collaboration in the Making: Innovation and the State in Advanced Manufacturing*, 21 COLUM. SCI. & TECH. L. REV. 328 (2020).

*A Flood-Not a Ripple-Of Harm: Proximate Cause Under the Fair Housing Act* (with Justin Steil), 40 CARDOZO L. REV. 1237 (2019).

### Reports, News and Commentary

*Factories of the Future: Technology, Skills, and Digital Innovation at Large Manufacturing Firms* (with Susan Helper, Elisabeth Reynolds & Anuraag Singh) (MIT Work of the Future Task Force, Research Brief No. 19, 2021).

*Strengthening Manufacturing Innovation Ecosystems Before, During, and After COVID: Lessons from Massachusetts* (with Elisabeth Reynolds & Anna Waldman-Brown) (MIT Work of the Future Task Force, Working Paper 11-2021, 2021).

*Manufacturing in America: A View from the Field* (with Suzanne Berger et al.) (MIT Work of the Future Task Force, Research Brief 16, 2020).

*An Innovation Policy for the Green New Deal* (with Ian Wells) (People's Policy Project, Research Brief (2019).





# 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 Develop Law Clinic. She was then appointed as Director of Clinical Legal Education Office, 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

to study the post-Apartheid 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.

Her energy and dedication for living was shared with her family, a wide circle of friends, her animals, her students and her colleagues. Her interests included gardening, word puzzles, hiking, traveling, reading, cooking and dining out. She also found comfort, wisdom and strength from the natural world.

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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.

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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.