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ROBERTA KARMEL AND THE “BROOKLYN SCHOOL”

*Edward J. Janger**

“Festschrift” is the German word for a volume produced to celebrate the scholarship of a valued colleague—usually on, or about, the scholar’s 70th Birthday. This volume is a celebration of Roberta Karmel. We are a bit late in Roberta’s case, but we might be excused, because, while such books are common in Europe, the practice has not caught hold in the US. Also, Roberta defies the concept of age.

I am a bit of an interloper in this volume; I am not a securities lawyer, nor do I teach corporate governance. But Roberta has been a friend, a colleague, and a mentor for decades, and *mishpacha* for even longer.¹ So, I offer these comments to celebrate Roberta’s contributions to Brooklyn Law School as an institution. These remarks serve as a placeholder for the program that was held on the Friday evening of the symposium, where friends, family, and colleagues gathered to tell their stories about Roberta—the person, and the contribution that she has made to Brooklyn Law School—the institution.

The original idea for a scholarly celebration of Roberta grew out of a conversation I had with Andrew Gold about two years ago. Andrew had just joined the faculty and was trying to get his head around who we are and were. He raised the question, “Is there a Brooklyn School?” I think he was kidding but I took him to be asking, is there something distinctive about the brand of scholarly thought, and scholarship we produce at Brooklyn Law School? While one must always ask such questions with a wink, I took it seriously.

Andrew’s question really was, “Does Brooklyn have an intellectual and/or scholarly brand?” The question struck me as important for a law school like Brooklyn. We are independent. We don’t have a football team, a drama school, or a sociology department. We are, however, somewhat unique amongst independent law schools for having a strong academic (as well as professional) orientation, with very strong scholarly values and a uniformly productive faculty.

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1. *Mishpacha*, or *Mishpokhe*, is the Brooklyn argot for “extended family.” In that regard, I should disclose that I have known Roberta and her family since approximately 1969, when her first husband Paul would direct traffic outside of Sunday School at Temple Beth Shalom. Paul succeeded my father as President of the Synagogue. Philip, Roberta’s eldest son, was a class behind me in Law School and a high school classmate of my younger brother. Her stepson Andy and I were Cub Scouts together. That said, I don’t think I actually became aware of Roberta, until I learned that the family was all moving to Washington, DC where she was going to become an SEC Commissioner. She was busy. But for over 50 years, Roberta (along with her family) has been a force in my life, first as a neighbor and family friend, then as a colleague, and always as a role model.

I pondered, and said, “You know? It does, particularly on the private law side, but also on the public law side.” While we don’t have a football team, we do have Roberta Karmel, and a cadre of others like her, who have long set the tone by writing sophisticated yet practice relevant scholarship. Some are still on the faculty, others have retired. To a person they wrote (and write) theoretically sophisticated, ambitious work that is deeply grounded in institutions and practice; thoughtful, but always relevant and of interest to lawmakers and practitioners. This continues to be the mark of Brooklyn Law School scholarship. Our heads may, to varying degrees, be in the clouds, but our feet are firmly planted on the ground.

But what does this have to do with Roberta? Well, to anybody who knows her, the answer should be obvious. Indeed, this volume is a testament to the power and value that comes from somebody who can combine deep doctrinal knowledge, intimate familiarity with both legal and financial institutions, a keen analytic mind, and a strong sense of what is right.

Success has many parents, and these values can be traced to our history as a professional school dedicated to training practicing lawyers. It can also be traced to the vision of David Trager, when he set out to take a local law school and build it into an institution with a national reputation, which he did by hiring Roberta and a number of others.

When I arrived a little more than twenty years ago, there were several people who embodied private (or business) law scholarship at Brooklyn—the late Margaret Berger, with her work on Weinstein and Berger on Evidence and Law and Science, Aaron Twerski who had just finished restating the law of Product Liability, Neil Cohen who played a central role in revising my second most favorite statute, the Uniform Commercial Code, and Roberta with her fierce focus on the “regulatory” part of securities regulation.² A quarter of a century later, that is still who we are, both at the senior and the more junior level.

During her first decades on the faculty, Roberta split her time between scholarship and practice, working both at Brooklyn and of counsel at Kelley, Drye and Warren. In the early 2000s, she switched to Brooklyn full-time, and the first thing she focused her attention on was the faculty. In 2002, it was noticed that the faculty was aging, and that the junior faculty consisted of two people, me and Dana Brakman-Reiser. Roberta took over the hiring process with her characteristic energy and focus. We hired six new faculty that year (including our current Dean). Each year she chaired the hiring, we met our hiring goals with flying colors. Watching Roberta

2. I do not want to overlook the public law side of the ledger, where Maryellen Fullerton was doing important work on Immigration, Marsha Garrison on family law, Susan Herman and Joel Gora focused on Constitutional Law, Minna Kotkin on employment discrimination, and Liz Schneider on violence against women. One cannot name names without running the risk of omission. My focus here is on the private law side, where Roberta lived.

maneuver through that process was an education. She had an unerring eye for who would be good, not just as a scholar, but also as a teacher and a mentor who, as she would put it, “could help our students get jobs.” Even more striking was her sense of “the sweet spot,” a candidate who would fit in well on our faculty, and who would want to join us.

Roberta could not just hire. She could administer. Roberta and Arthur Pinto founded Brooklyn’s first academic center: the Center for the Study of International Business Law. That Center embodied what Roberta was about. It brought (and still brings) regulators and academics to the law school for talks, including the periodic capital markets breakfasts held at the New York Stock Exchange. The attendees were a veritable who’s who of the New York securities regulatory and corporate law practice, along with the international business law fellows and the school’s faculty. The center became a model for the Center for the Study of Business Law and Regulation, as well as other centers started later. It was the complete package. It generated excellent programming, produced an academic journal (the Brooklyn Journal of International Law), cemented the relationship of alumni and the profession to the school, and most importantly, made all of those resources available to students—the IBL fellows.

Central to Roberta’s work at the law school was always the students. One of the remarkable features of the international business law center was the program for students. Roberta and Arthur organized lunches with key professionals in the securities industry. The workshop on international economic law brought academics to present papers, largely attended by the students. Finally, the fellows all wrote and presented significant papers for the fellowship. Because of this, Roberta could be, and was, a fierce advocate for her students. She always reminded us that it was our job to get them jobs. And, indeed, one of the commitments that Roberta made to international business law fellows is that they were guaranteed summer jobs and jobs on graduation. She never failed to deliver.

Finally, Roberta cared deeply about the law school. Never afraid to speak her mind, she brought wisdom and pragmatism to faculty governance. She both counseled the Dean and was a leader on the faculty. When we started planning Roberta’s Festschrift, she had not decided to retire, but as this volume goes to press, her retirement has been announced. I have no doubt that even in retirement, she will remain a vital and vibrant presence at the law school for as long as her health allows. For that we thank her.

As a final note, this celebration of Roberta is yet one more of Roberta’s firsts. It is the first such Festschrift at Brooklyn, but it is not going to be the last. We have two more queued up for the next year, one in honor of Neil Cohen and a third in honor of Aaron Twerski. Roberta has left Brooklyn

Law School better than she found it, and with this celebration, she inaugurates another Brooklyn institution.