

Federal Bar Association – SDNY Chapter
Serving the Bench, the Bar, and the Public
January 2020 Issue



Welcome!

**A message from FBA SDNY Chapter
President Mimi Tsankov:**

Dear SDNY FBA Members:

I am honored to take on the role of President of the FBA SDNY Chapter, and follow in the footsteps of Wylie Stecklow, and many others who have kept the profile of this New York Chapter on a national scale. During the year ahead, I look forward to focusing on the following programs:

Academic Outreach — The FBA benefits through meaningful partnerships with the many educational institutions in New York City and the neighboring communities;

Diversity and Inclusion – As a leader in the FBA’s National Task Force on Diversity and Inclusion, we’ll be hosting multiple events that serve to make our profession as diverse and inclusive as possible. These programs will be held at the regional, national, and international

level, with events planned for March 13, 2020 at Fordham Law School, and at the CSW64 Conference — the U.N. Conference on the Status of Women.

Mimi Tsankov
FBA SDNY President

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[UN GENERAL ASSEMBLY: 42ND PLENARY MEETING – OCEANS AND THE LAW OF THE SEA](#)

THE FBA SDNY CHAPTER HUMAN RIGHTS REPORTER SERIES

By Artem Volgaev^[1]

FBA UN Reporter

January 14, 2020

On December 10, 2019, the United Nations General Assembly considered a report of the Secretary-General on the theme ocean science and the United Nations Decade of Ocean Science for Sustainable Development,^[2] its draft resolution on sustainable fisheries (“Resolution A/74/L.21”),^[3] and its draft resolution on oceans and the law of the sea (“Resolution A/74/L.22”).^[4]



Norway presented the Resolution A/74/L.21. Ambassador Mona Juul pointed out that fishery is “a vital source of food and economic well-being for people all around the world,” and that achieving sustainable fisheries is the cornerstone of the global sustainable development. The Ambassador referred to the United Nations Fish Stock Agreement,^[5] which sets out a comprehensive legal regime for conservation and sustainable use of straddling highly migratory fish stocks. She mentioned positive examples of international cooperation which is crucial for better coordination and management of the oceans. Ms. Juul noted that despite these positive developments made since the adoption of the Code, there is a lot of important work to be done in the sphere of prevention of illegal, unreported and unregulated fishing (“IUU”). In her opinion, the problem can be resolved by implementation of the binding Agreement on Port State Measures between states specifically targeting the IUU.

Norway also joined other states in co-sponsoring the Resolution A/74/L.22. In her view, the draft resolution reaffirms the universal and unified character of the United Nations Convention on the Law of the Sea, and sets out the legal framework for all activities in the oceans and seas. In conclusion, Ms. Juul pointed out that Norway continues to play “a leading role in the global efforts to promote clean and healthy oceans.” The Ambassador affirmed that Norway will continue its strong support of development of new mechanisms of controlling biodiversity in areas beyond its national jurisdictions.

Singapore introduced the draft Resolution A/74/L.22. Ambassador Burhan Gafoor said that it remains “one of the most important and comprehensive resolutions on oceans and law of the sea.” Mr. Gafoor highlighted the main issues emerging from the previous negotiations of this document, including a roadmap for exploration for polymetallic nodules and the creation of the International Seabed Authority database (DeepData). The main purpose is to consider the impact of climate change on the oceans and the cryosphere. The Ambassador noted the importance of international cooperation in addressing the issues facing the oceans and seas.

Ms. Keisha McGuire, the Ambassador of Grenada, spoke on behalf of the 14 member states of the Caribbean Community, and expressed concern regarding the impact of climate change findings reflected in the IPCC Special Report on the Ocean and Cryosphere in a Changing Climate. Ms. McGuire expressed her concern that the language of the resolutions must be emphatic and ambitious in its treatment of the findings. She pointed out that the language employed should be more oriented toward “tackling climate change by reducing the growing gap between emissions targets and reality.” Fiji, Belize, Vanuatu, EU and other member states supported this critique.

Mr. Silvio Gonzato, who spoke on behalf of the European Union, supported both Resolutions and noted that they are not only mechanisms aiming to regulate significant developments and

issues in this area, but also serve all states “as regular political stocktaking and guidance in this regard.”

The President of the International Tribunal for the Law of the Sea reported about judicial work in 2019. Judge Jin-Hyun Paik said that the Tribunal dealt with a wide array of disputes arising from the freedom of navigation, exclusive flag state jurisdiction on the high seas, and the military activities exception to compulsory dispute settlement. In these cases, provisions of the United Nations Convention on the Law of the Sea were applied and interpreted to clarify to states their rights and obligations. In conclusion, Mr. Paik noted that the Tribunal “stands ready to deal with any further tasks with which the international community wishes to entrust it in the future.”

^[1] Artem Volgaev is an LLM Student at Fordham Law School studying Corporate, Banking and Finance law. He is scheduled to graduate in May 2020.

^[2] U.N. Secretary-General, Oceans and the Law of the Sea, U.N. Doc. A/74/350 (Sep. 11, 2019).

^[3] G.A. Res. A/74/L.21, Sustainable Fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and Related Instruments: Draft Resolution (Nov. 27, 2019).

^[4] G.A. Res. A/74/L.22, Oceans and the Law of the Sea: Draft Resolution (Nov. 29, 2019).

^[5] The United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, Dec. 11, 2001, 3 U.N.T.S. 2167.

[THE SITUATION IN THE MIDDLE EAST \(SYRIA\) – SECURITY COUNCIL, 8674TH MEETING](#)

THE FBA SDNY CHAPTER HUMAN RIGHTS REPORTER SERIES

By Dejana Ljuboja^[1]

FBA UN Reporter

January 14, 2020

On November 22, 2019, the Security Council held its 8674th meeting, and it was directed by the President of the United Kingdom. The meeting was focused on the situation in the Middle East – specifically, Syria.

The Constitutional Committee for Syria offers a potentially historic moment, the Secretary-General's Special Envoy for Syria warned the Security Council, as conditions on the ground must improve, he suggested, to give the talks a chance for success in ending the years-long conflict.

The Constitutional Committee for Syria began its work in late October. The Committee consists of 150 participants, with 50 each from the Government, the opposition, and from the civil society. The Committee has identified 45 participants who are to make up the Constitution drafting group, which are comprised of 15 individuals from each of the three components.



Geir O. Pedersen, briefing the 15-nation Council, said: “This launch was a sign of hope for the Syrian people and a chance for the Syrian parties to begin a direct dialogue they lead and own on the future of a broken country.”

The members of the so-called “middle third”, comprised of society activists, experts, and other independents from inside and outside Syria, had no formal affiliation with each other, and although they bring differing life experiences, they were able to work together. Women made up 30 percent of the Committee members and gender equality appeared to be a potential area for common ground.

Mr. Pedersen noted that the dynamics on the ground need to change, starting with ensuring full respect for international humanitarian and human rights law and the protection of civilians. He expressed deep concern over renewed violence in Idlib and other areas. In addition, he suggested measures that include release of detainees and missing persons.

Sabah Al Hallak, a member of the Syrian Constitutional Committee and the Syrian Women's Advisory Board, stressed that, unfortunately, “Syrian women face threats to their rights from all sides, not only from existing discrimination embedded in law, but also from groups such as ISIS and Al-Nusra.”



She also called on the Council to press for progress on the fate of the 100,000 Syrians who remain detained or missing, and who are often subjected to torture or other ill-treatment. The Council must also prioritize an immediate ceasefire, ensure civilian protection, humanitarian access and women’s full participation in the political process, and guarantee that provisions in the new Constitution codify human rights, including gender rights. She pointed out that their future depends on decisive action by this body.

Most of the countries, including the United States, the Russian Federation, Dominican Republic, Kuwait, Germany, Cote d’Ivoire, China, Indonesia, France, Belgium, Peru, Equatorial Guinea welcomed the initiation of this process, and characterized the work of the Constitutional Committee as “the start of a long and difficult process.”

Since the next important issue is an immediate ceasefire which needs to end the conflict and ensure that all civilians are protected from attacks, James F. Jeffrey, Representative of United States, said that “Blame needs to be placed on the Iranian Government” for moving long-range missiles into Syria and continuing ground strikes through its proxies. Expressing support for Israel’s right to self-defense, he went on to call for a nationwide ceasefire in Syria and for unrelenting pressure from the international community. Representatives from the Dominican Republic, Cote d’Ivoire, Indonesia, Belgium, South Africa and Peru also joined and agreed that a ceasefire is necessary in that regard, as is respect for civilian lives and infrastructure in the course of any counter-terrorism operation. Concern was expressed for the toll on children in the country, as well as those civilians who have been attacked in Idlib.



Joanna Wronecka, the Representative from Poland, called on all parties to the conflict to engage in confidence-building measures, highlighting the importance of safeguarding the humane treatment of detainees, including abductees and missing persons in that country. She called for the release of thousands of people who have been arbitrarily detained, particularly children, women and the elderly. Her statements were joined by the Dominican Republic, Peru and the United Kingdom.

Wu Haitao, the Representative from China, said that “Syria should not be divided or torn apart,” and called for full respect for the country’s sovereignty and territorial integrity, and this view was shared by the representatives from Syria, the Russian Federation Kuwait, and Equatorial Guinea.



Some conflicts arose between the Representatives of the Russian Federation, Germany, and others over the commitment to observing humanitarian and human rights law, even in the context of counter-terrorist operations. Germany was firm in its resolve that none of the crimes and atrocities committed during the Syrian conflict would go unpunished, that all perpetrators would be held accountable and victims afforded real justice. It became clear that the source of the dispute centered on the extent to which political and humanitarian aspects of the Syrian conflict were being conflated.



As the meeting drew to a close, President Karen Pierce observed that the participants had employed a positive tone which was an important first step. She urged the parties to make good use of the Constitutional Committee process and emphasized that there would be no

reconstruction assistance provided to Syria without the creation of a credible political process that goes beyond the Constitutional Committee.

[1] Dejana Ljuboja is an LLM Student at Fordham Law School Studying 'US Law'. She is scheduled to graduate in May 2020.



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AWARDEE:

HONORABLE DENNY CHIN

*United States Circuit Judge
of the United States Court of Appeals
for the Second Circuit*

JAN 27 2020

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U.S. District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, New York, NY

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HONORABLE DENNY CHIN

Judge Chin graduated from Princeton University magna cum laude in 1975 and received his law degree from Fordham Law School in 1978. After clerking for the Honorable Henry F. Werker, United States District Judge for the Southern District of New York, he was associated with the law firm Davis Polk & Wardwell from 1980 to 1982. He served as an Assistant United States Attorney in the Southern District of New York from 1982 until 1986, when he and two of his colleagues from the U.S.

Attorney's Office started a law firm, Campbell, Patrick & Chin. In 1990, he joined Vladeck, Waldman, Elias & Engelhard, P.C., where he specialized in labor and employment law.

From September 13, 1994, through April 23, 2010, Judge Chin served as a United States District Judge for the Southern District of New York. He presided over a number of notable matters, including cases involving Megan's Law, the Million Youth March, Al Franken's use of the phrase "Fair and Balanced" in the title of a book, the Naked Cowboy, the Google Books Project, and the United Nations Oil for Food Program. He also presided over the trial of an Afghan warlord charged with conspiring to import heroin and the guilty plea and sentencing of financier Bernard L. Madoff.

On April 26, 2010, Judge Chin was sworn in as United States Circuit Judge for the Second Circuit.

Judge Chin has taught legal writing at Fordham Law School since 1986. While in private practice, he provided extensive pro bono representation to the Asian American Legal Defense and Education Fund. He served as President of the Asian American Bar Association of New York from January 1992 through January 1994. He has served on the boards of numerous non-profit organizations, including Hartley House, Care for the Homeless, the Clinton Housing Association and the Prospect Park Environmental Center. He is currently a Vice President of the Fordham Law School Alumni Association, a member of the advisory boards of the Feerick Center for Social Justice and the Center on Law and Information Policy at Fordham Law School, and a member of the Board of Trustees of Princeton University.

Judge Chin is the recipient of the Woodrow Wilson Award from Princeton University, the Spirit of Excellence Award from the American Bar Association, the Edward Weinfeld Award from the New York County Lawyers Association, the Lifetime Achievement Award from Judicial Friends, the Abely Award for Leading Women and Children to Safety from Sanctuary for Families, the Medal of Achievement from the Fordham Law Alumni Association, and the J. Edward Lumbard Award from the U.S. Attorney's Office for the Southern District of New York.

Judge Chin was born in Hong Kong.

U.S. COURT OF APPEALS FOR THE SECOND CIRCUIT INVITES APPLICATIONS FOR BANKRUPTCY JUDGESHIP

The United States Court of Appeals for the Second Circuit invites applications from qualified candidates for a 14-year appointment as United States Bankruptcy Judge. There are two vacancies in the Southern District of New York in Manhattan and one vacancy in the Eastern District of New York in Brooklyn. Both the full vacancy announcement and the application form are posted on the Court's website at www.ca2.uscourts.gov. Applicants should identify in their cover letter whether they wish to be considered for a bankruptcy judgeship in the Southern District of New York, the Eastern District of New York, or both. The selection process will be confidential and competitive. Applicants will be considered without regard to race, color, religion, sex, national origin, age, sexual orientation, or disability.

The current annual salary of a United States Bankruptcy Judge is \$191,088.

The Second Circuit uses an open and competitive selection process. All applications are screened by a Merit Selection Committee. The Committee will review applicants using the following criteria: legal competence evidenced by experience with complex legal issues; an aptitude for legal scholarship and writing; familiarity with the courts and court processes; commitment to equal justice under the law; characteristics indicative of a sound judicial temperament; a reputation for integrity, good character and ethical behavior; and physical and mental health sufficient to meet the demands and tenure of the position. The Merit Selection Committee will select a limited number of applicants for interview and will conduct appropriate due diligence inquiries into the candidates' backgrounds and qualifications. Upon a majority vote of the Second Circuit Judicial Council, the Council will forward the Merit Selection Committee's Report with any recommendations or comments to the active judges of the Court of Appeals. The selected nominee will be required to satisfy FBI and IRS background investigations prior to appointment.

Basic qualifications for consideration include:

1. Membership in good standing of at least one state bar, the District of Columbia bar, or the Commonwealth of Puerto Rico bar, and never other than membership in good standing of every bar of which the applicant has been a member; and
2. A minimum of five years of legal practice experience.

Application forms are posted on the Court's website at www.ca2.uscourts.gov, may be obtained by calling (212) 857-8700, or may be found [here](#).

Completed application packages must be in the format required by the Second Circuit and received no later than March 6, 2020.

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