

**ACCEPTANCE SPEECH FOR
DISTINGUISHED ALUMNI OF THE YEAR
BROOKLYN LAW SCHOOL, APRIL 11, 2018**

When accepting an award from a student group such as Brooklyn's Intellectual Property Law Association, the natural topic is "How I Managed To Get Into IP Law," because it's an extremely competitive field and New York City is among the most competitive legal markets in the world. The short answer is that I couldn't help myself. Regardless of what was on my desk as a first-year associate at a firm, I always made time to study intellectual property and to find opportunities that would bring me closer to the practice I have now.

Beyond that, each lawyer's path is unique. It makes more sense for me to hear each of your unique circumstances and discuss how you might proceed from there. So, please contact me individually if you're interested in that. If we can't have lunch, we'll have coffee. If we can't have coffee, we'll have a phone call. But please keep in mind that I'm only willing to do this for you, because you will be fellow alums of Brooklyn Law School.

I never thought much about my old schools until I told my godfather that I was asked for a donation and was on the fence about giving. My godfather told me, "Be loyal to your alma maters." Of course, I don't always listen to my elders. I've learned that some of my elders have no idea what they're talking about. But I did listen to my godfather, as he was what I used to call the perfect gentleman-lawyer.

That's a controversial term: "gentleman-lawyer." I don't mean it to be gender-specific. I really mean it to convey that he was courteous, compassionate, and really loved being a good lawyer. He was imbued with a pervasive, old-school respectfulness that is seen all too infrequently among today's lawyers.

Once, he was at a restaurant with his daughter and about ten of her friends. Any time any of the women got up from the table, he would stand, and when they came back, he would stand again. Eventually the waitress brought him a tumbler of scotch, and he said, "Oh! I didn't order this!" The waitress responded, "This was bought for you by the table over there. They saw you standing up and sitting down so much that they said you could use it!" He must have known that this was an anachronistic manner. But he also knew that it was a sure way to convey his respect for the women at the table.

More stunning was when I met him for lunch on a Saturday at his University club in midtown. It was about six months after my godmother had died and her passing had devastated him. He had slowly but surely gotten back to being almost himself, at least enough to socialize again.

When we walked into the club dining room, he was greeted by the hostess who asked if his wife would be joining us. He immediately said, "She passed away!" with the kindest,

most open expression on his face, reaching out to her shoulder, as if to brace her for the news. We could see that she was stunned. Then the waiter came up and heard the news.

What was striking to me was his impulse to put them at ease. And he did. They sat us at the table he and his wife always took. The chef came out and gave his condolences.

How do you do that? How do you discuss one of the biggest personal tragedies in your life in a way that puts others at ease? Part of the answer is that he was just an extraordinarily good person.

But I think his personal goodness was reinforced from decades of practicing law with a very specific philosophy. For decades, he acted as a true fiduciary in every sense of the word, giving faithful care to his clients' matters. This merger or that contract may not impact his life personally, but it impacted his clients' lives. The attention he gave to his clients, his practice of law, and those in his personal life were indistinguishable to him. He lived a life of respect.

So, I listened to him—every carefully chosen word that he uttered. I reached out to all of my old schools and offered not only money, but also mentorships, internships, panel participation, whatever might have been asked that I could do. I've tried to be loyal to my alma maters and caring towards my clients.

In my intellectual property practice, I've met tons of lawyers who graduated from New England Law School, Harvard, and every place in between. Undeniably, all law schools release lawyers into the world who give into cynicism: they chortle at the idea of needlessly churning billables on a patent or trademark license; they casually suggest a provision for a production contract that not only benefits the attorneys, but arguably puts their interests in conflict with those of the clients'; they renege on agreements as a mere negotiating tactic; they're lax in returning phone calls or emails because they believe that client probably won't be worth a lot of future income. These are awful ways to treat people under your care. In New York entertainment and IP law, these behaviors are hardly unusual.

I'm so glad that I had someone like my godfather early in my career so that I wasn't fooled by the clever. Because all law schools also graduate lawyers like him: courteous to a fault, strikingly considerate, and all while setting the gold standard for the proper practice of law. There are many among us who have earned our favorite table at the club restaurant, and certainly the occasional, free tumbler of scotch.

We see these different behaviors in institutions, too. In 2013, the American Bar Association published a book that they commissioned from me: "The American Bar Association's Legal Guide to Fashion Design." It was the first book on fashion law written for lay people. So I sent out my quarterly press release, along with a hi-res copy of the cover to my grammar school, high school, college, two graduate schools, and, of course, Brooklyn Law School.

My grammar school and graduate schools published blurbs in the class notes, which is fine. My high school impressed me because they published the cover and gave a small corner amidst some comparable accomplishments by comparable graduates. Keep in mind, though, that I went to the same high school as some National Hockey League athletes, captains of industry, the concert master for *Hamilton*, fairly high level politicians . . . I graduated in the same class as Peter Dinklage. So this was more than I expected.

My college was a nightmare! They said that I missed the deadline by a day, but would put something in the class notes. In the meantime, I had to send them a review copy so they could draft their own text. I was perturbed at having to wait and having to pay for a review copy, but they have their own process and whatever.

When the next alumni magazine came out, the blurb in the class notes read something along the lines of, “David Faux says he wrote a book on fashion law.” It was really dismissive. The magazine after that was a bit more generous: it had a big two-page spread . . . of a study on salmon done by one of their adjunct professors. But in the corner was a picture of my book cover and an excerpt from my press release (as opposed to their own, original text).

Then, I got an envelope from Brooklyn Law School. I got some respectable ink: I think one of three or four graduates featured on a two-page spread with a picture of the cover. It was nice.

But Brooklyn went further. They gave me three copies for personal use—more professional than any other school, including my high school.

Brooklyn went even further, because they included a cover letter. It made such an impact on me that I remember it was signed by someone named Linda Harvey. It had some standard verbiage about the extra copies. The sentence that stood out, though, was the one that said, “We are very proud of you and your accomplishment.” It’s not that big a deal, except that nobody else said it. That says a lot about your law school.

Not only did this school prepare me for combat in a New York City market seething with cynicism, but it set me up for success. Brooklyn taught me how to apply my skill and experience to the practice of law, enabling my success in the face of the clever cynics. This success has only been enhanced by following the respectful examples of my godfather, other graduates I’ve met from Brooklyn Law School, and Brooklyn Law School, itself.

Thank you very much for this award. Be proud of your school.