Dead to Rights

Ethical Perspectives on Cultural Appropriation, Postmortem Rights of Publicity, & The Ghost of Harvey Weinstein

October 26, 2017
Fordham Law

Fashion Law Institute®
CLE MATERIALS

DEAD TO RIGHTS

ETHICAL PERSPECTIVES ON CULTURAL APPROPRIATION,
POSTMORTEM RIGHTS OF PUBLICITY, AND
THE GHOST OF HARVEY WEINSTEIN

October 26, 2017

Reception: 5:30 p.m.
Panel: 6:00 p.m. – 7:50 p.m.

Fordham University School of Law
150 W. 62nd Street, Bateman Room, 2nd Floor
New York, NY 10023

PANEL ONE SPEAKERS:

- Bibhu Mohapatra, Designer
- Mimi Plange, Designer
- Professor Susan Scafidi, Founder and Director, Fashion Law Institute
- Yeohlee Teng, Founder and Designer, Yeohlee Inc
- Carlene Thomas-Bailey, Senior Editor, WGSN

PANEL TWO SPEAKERS:

- Laurie Berke-Weiss, Principal Attorney, Berke-Weiss Law PLLC
- Dana Sussman, Deputy Commissioner, Intergovernmental Affairs and Policy, NYC Commission on Human Rights
- Bernadett Vajda, Model and Image Consultant
- Kenya N. Wiley, Founder and CEO, Fashion Innovation Alliance
- Elizabeth Wurtzel, Writer and Lawyer

MODERATOR:

- Jeff Trexler, Attorney and Associate Director, Fashion Law Institute

FASHION LAW INSTITUTE
Speakers' Biographies
Panel One

Bibhu Mohapatra
Designer

Bibhu Mohapatra is a New York based and Indian born luxury women’s-wear designer. Before launching his eponymous label at New York’s Fall 2009 New York Fashion Week, he was the Design Director at J.Mendel for almost a decade. His label is currently sold at Bergdorf Goodman, Neiman Marcus, Harvey Nichols, Saks Fifth Avenue, Lord & Taylor, and specialty boutiques in North America, Europe, Russia and the Middle East. To date, celebrities such as Gwyneth Paltrow, Hilary Swank, Glenn Close, Janelle Monae, Lupita Nyong’o, Jennifer Lopez and Taraji P. Henson have all worn Bibhu’s designs, and he has had the honor to dress former US First Lady, Michelle Obama. In January 2010, Bibhu was a finalist in the Women’s Apparel 2010 Rising Star Award presented by the Fashion Group International. In May 2010 he received the Young Innovator Award from the National Arts Club and in June 2010, became a member of the Council of Fashion Designers of America (CFDA). Bibhu received the Ecco Domani Fashion Foundation Award in January 2011 and was a US finalist in the 2012 International Woolmark prize. In 2014 Bibhu signed his first licensing deal with BCI one the largest fur manufactures in North America. This then led to his 2016 launch of his first ever full fledge diamond collection in collaboration with Forevermark India.

Mimi Plange
Designer

Guided by the principle she refers to as “The Democratization of Luxury”, Mimi Plange creates clothes that are very much inspired by the modern American luxury sportswear tradition, with an infusion of dark romance and aimed at the new, international and democratically-minded luxury consumer. Africa remains a limitless font of inspiration for the Ghanaian-born designer, who constantly seeks out the unusual and the lyrical found in African traditions, landscapes and lore, and reinterprets these themes in a refreshingly modern way.

Mimi Plange launched her own ready-to-wear label in 2010, after a decade working in the New York fashion industry. She is a graduate of the San Francisco Fashion Institute of Design and Merchandising, and holds a degree in Architecture from the University of California at Berkeley.

Mimi Plange’s designs have been worn by the First Lady of the United States of America, Michelle Obama and she took part in the inaugural Celebration of Design Event hosted by Michelle Obama at the White House. Mimi Plange has also dressed award winning actress Viola Davis, Vanessa Hudgens, Serena Williams, Rihanna, Paris Hilton, Michelle Trachtenberg and Janelle Monae, and many more amazing women.

SUSAN SCAFIDI
FOUNDER AND DIRECTOR, FASHION LAW INSTITUTE

Susan Scafidi is the first professor ever to offer a course in Fashion Law, and she is internationally recognized for her leadership in establishing the field. She has testified before the U.S. Congress regarding the proposed extension of legal protection to fashion designs and continues to work with government officials and stakeholders in the fashion industry on this and other issues. Her additional areas of expertise encompass property, intellectual property, cultural property, international law, and legal history.

Professor Scafidi founded and directs the Fashion Law Institute, the world’s first center dedicated to the law and business of fashion. A nonprofit organization headquartered at Fordham Law School, the Fashion Law Institute was established with the generous support and advice of the Council of Fashion Designers of America and its president, Diane von Furstenberg. On behalf of the Fashion Law Institute and Fordham, Professor Scafidi recently announced another global first: degrees in Fashion Law, an LLM for lawyers and an MSL for non-lawyers.

Prior to teaching at Fordham, Professor Scafidi was a tenured member of both the law and history faculties at SMU, and she has taught at a number of other schools, including Yale, Georgetown, and Cardozo. After graduating from Duke University and the Yale Law School, she pursued graduate study in legal history at Berkeley and the University of Chicago and clerked for a distinguished legal historian, Judge Morris S. Arnold of the Eighth Circuit Court of Appeals. In addition, she has served as an expert witness in cases including Star Athletica v. Varsity, the dispute over copyrighted designs on cheerleading uniforms that resulted in a Supreme Court victory for the plaintiff, and Navajo Nation v. Urban Outfitters, which was resolved through a settlement that included the parties announcing plans to collaborate in the future.

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YEOLHLEE TENG
FOUNDER AND DESIGNER, YEOLHLEE INC

Award-winning designer Yeohlee Teng was born in Malaysia and has worked primarily in New York City, where she established her house, YEOLHLEE Inc, in 1981.
PANEL TWO

Laurie Berke-Weiss
Principal Attorney, Berke-Weiss Law PLLC

Laurie Berke-Weiss focuses her practice on all aspects of employment law. Corporations, non-profits, local businesses, lawyers, physicians, executives, architects, and teachers number among her clients. Ms. Berke-Weiss has over 30 years’ experience in state and federal litigation, arbitration and mediation. She litigates claims of sex harassment, discrimination and wrongful termination, Family Medical Leave Act and pregnancy issues, and non-competition agreements and other restrictive covenants in federal and state courts and before government agencies. Ms. Berke-Weiss also negotiates employment contracts and severance agreements, handles partnership issues, provides advice and counsel on workplace policies and procedures, and conducts workplace investigations.

Ms. Berke-Weiss frequently lectures and writes on employment discrimination, law practice management and legal ethics issues. She received her Bachelors of Science in Industrial and Labor Relations from Cornell University, a Masters of Arts in Industrial and Labor Relations from Rutgers University and a Juris Doctor from Fordham Law School. Ms. Berke-Weiss is admitted to New York, U.S. District Court Southern District of New York, U.S. District Court Eastern District of New York, U.S. Court of Appeals, Second Circuit and U.S. Supreme Court.

Dana Sussman
Deputy Commissioner, Intergovernmental Affairs and Policy, NYC Commission on Human Rights

Dana Sussman is Deputy Commissioner for Intergovernmental Affairs and Policy in the Office of the Chair/Commissioner at the NYC Commission on Human Rights, where she coordinates the office’s legislative, policy, interagency, regulatory, and adjudicatory work. Prior to joining the Commission in March 2015, Dana was a Senior Staff Attorney in the Anti-Trafficking Program at Safe Horizon, where she represented victims of trafficking in civil litigation, criminal justice advocacy, and immigration relief. Dana was formerly an Associate at Outten & Golden LLP representing employees in wage and hour cases and gender, pregnancy, and LGBTQ discrimination matters in negotiations, administrative proceedings, and litigation. After graduating from Northeastern University School of Law, Dana clerked for Magistrate Judge Orenstein in the EDNY and served as a Legal Fellow at the Center for Reproductive Rights. Dana holds a B.A. and MPH from Tufts University.

Bernadett Vajda
Model and Image Consultant

Model, political activist, motivational speaker and personal stylist. Bernadett Vajda is a woman with many guises, using her brains and brawn to inspire women of all ages, at all stages, to be the best version of themselves.
ELIZABETH WURTZEL
WRITER AND LAWYER

Elizabeth Wurtzel is the author of Prozac Nation, Bitch and More, Now, Again, and of the ebook Creatocracy: How the Constitution Invented America. She was the pop music critic for New York Magazine and The New Yorker. Her essays and articles have appeared in the New York Times, Elle, the Wall Street Journal, the Atlantic, the Washington Post and many other publications. She is a graduate of Harvard College and Yale Law School, and she works for David Boies. Elizabeth lives in Greenwich Village.

JEFF TREXLER
ATTORNEY AND ASSOCIATE DIRECTOR, FASHION LAW INSTITUTE
(MODERATOR)

Jeff Trexler teaches the Fashion Ethics, Sustainability, and Development course at Fordham University School of Law. He is an attorney and consultant whose clients include fashion brands, nonprofits, and social ventures. He has worked with organizations around the world on issues ranging from tax exemption and corporate compliance to intellectual property and communications strategy. His publications address a wide range of topics, including complexity theory and social enterprise, business ethics, copyright, and more.

Trexler previously served as a chaired professor and executive director of the Wilson Center for Social Entrepreneurship at Pace University and taught nonprofit organizations at Yale, SMU and Saint Louis University. Trexler holds a J.D. from Yale Law School and a Ph.D. in American Religious History from Duke University.
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And while Bernadett can claim more strings to her bow than most, it has taken years of hard work and progress to be the best version of herself she is today. Since the age of ten, Bernadett dreamed of one day going into the Peace Corps, law school and then one day run for political office. Just as she'd planned, her adult career began in politics, working for a member of congress in Massachusetts. All that then suddenly changed when her father was tragically killed and her political ambitions were replaced with a desire to live life to the fullest with no regrets. Through rebuilding her life and learning how to take better physical care of herself, take greater spiritual steps on her own journey and ultimately rebuild her sense of self piece by piece, Bernadett is more qualified than most to guide fellow females through times good and bad.

Her new life took her to New York, where she was discovered as a model and started to work in the plus size industry. This has brought her much success on catwalks and in editorial. It has also seen her surrounded by some of the best in the industry – from fashion, to hair and makeup.

Combining her personal flare with fashion expertise and a strong emotional sensitivity and love for her clients, Bernadett works with women to discover their personal style and express themselves in fresh ways. Bernadett supports new starts, new phases of life or simply helps with a little wardrobe refresh. With one of the best ‘Black Books’ in the business, Bernadett will get you the look and will have a lot of fun in the process.

KENYA N. WILEY
FOUNDER AND CEO, FASHION INNOVATION ALLIANCE

Kenya Wiley is Founder and CEO of the Fashion Innovation Alliance (FIA), working with leaders in fashion and technology on public policy, education, and innovation for fashion tech. Since FIA’s launch in 2016, the Alliance has brought together visionaries in fashion, technology, government, and academia through numerous initiatives. These include FIA’s 2016 Fashion Tech Showcase on Capitol Hill in Washington, DC, a forum on innovation and immigration following the November 2016 U.S. Presidential election, as well as several roundtable discussions.

Kenya previously worked for the Motion Picture Association of America (MPAA), where she led MPAA’s inaugural academic outreach program and provided legal and strategic advice on intellectual property and technology issues.

Prior to working in the private sector, Kenya served as Counsel and Senior Policy Advisor for the U.S. Senate Committee on Homeland Security and Governmental Affairs. In this role, Kenya provided legal and policy analysis on key legislative issues, including cybersecurity, information technology, postal delivery and logistics, and labor and employment.

Kenya currently chairs the ASTM International Task Group on Data Security for Smart Textiles, and she is an active member of Fashion Group International and the Journalism and Women Symposium (JAWS). Kenya is also the recipient of the Howard University School of Law 2012 Intelligent Design Award for her outstanding contributions to fashion law and policy. Kenya received her B.A. in Psychology from Stanford University and her J.D. from the Georgetown University Law Center. Kenya is admitted to the District of Columbia Bar and the Illinois State Bar.
Yeohlee believes that design comes from serving a function and is refined through time and process. Her designs are driven by material, maximizing the use of each fabric by thoughtful consideration of weight, texture, color, cut and finishing. She believes that "Clothes have magic. Their geometry forms shapes that can lend a wearer power."

Yeohlee’s work has been featured in numerous exhibitions internationally and is part of the permanent collection of the Metropolitan Museum of Art in New York, where curator Richard Martin called her “one of the most ingenious makers of clothing today. Yeohlee’s clothes conserve and impart energy for they are the synthesis of reason and magic.”

YEOLHEE’s Collection is – and has always been – designed, developed and produced in New York City. Made in New York has the advantage of a quick “just in time” response that is critical in today’s economy. This accessibility promotes efficiency, conserves time, energy and resources and ties in with Yeohlee’s zero waste philosophy.

YEOLHEE: WORK published in 2003 surveys the first 20 years of her practice with essays by prominent fashion, art and design curators and critics.

Yeohlee Teng is the recipient of the Smithsonian Cooper-Hewitt National Design Award for Fashion 2004.

In 2010 YEOLHEE NY, a Made in New York retail store was established in the Garment District. Today the store and workroom is located at 12 West 29th Street in the NoMad/Flatiron neighborhood.

CARLENE THOMAS-BAILEY
SENIOR EDITOR, WGSN

I’m a print scribe, digital scribe and social media expert. I’m passionate about equality, diversity, and the future of media.
I got my journalism start at The Guardian, and have gone on to write for Hearst Media Publications, from ElleUK to Women’s Health and Men’s Health.
I’ve been obsessed with fashion and magazines for as long as I can remember, I think it’s because they offer up a place for storytelling, which is my great passion.
I joined WGSN to take over their relaunched front facing blog, and run their social media channels. So now I tell stories in a digital form, and I love it.

SUSAN SCAFIDI
FOUNDER AND DIRECTOR, FASHION LAW INSTITUTE

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