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Barbara Kolsun's Big Designs for Fashion Law

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BRINGING LAW TO LIFE

CARDOZO LAW

BENJAMIN N. CARDOZO SCHOOL OF LAW • YESHIVA UNIVERSITY

BARBARA KOLSUN'S BIG DESIGNS FOR FASHION LAW



December 12, 2013

By Peninah Petruck for *Cardozo Life Magazine*

Barbara Kolsun '82 is the 2013 recipient of the John D. Appel Award for Exemplary Service to the Student Body—but that's only one of her accomplishments. Kolsun coauthored (with Fashion institute of technology professor Guillermo Jimenez) [Fashion Law: A Guide for Designers, Fashion Executives, and Attorneys](#), the first textbook on fashion law. She pioneered teaching a fashion law course at Cardozo as well as at other New York law schools, and she's the fashion industry's go-to lawyer on counterfeiting and trademark infringement.

Kolsun, the Executive Vice President and General Counsel at luxury shoe design firm Stuart Weitzman, remains an active part of Cardozo Law. Because of her efforts, the school already offers a course in Fashion Law Drafting as well as a practicum that is offered in collaboration with the Fashion Institute of Technology (FIT). She's also developing a program with Professor Jeanne Schroeder that focuses on the legal problems of the fashion, design and architecture worlds. This

RELATED NEWS

March 23, 2017

[Cardozo Law Launches Blockchain Project: Focus on Legal and Policy Elements \(/news/cardozo-law-launches-blockchain-project-focus-legal-and-policy-elements\)](#)

Dean Melanie Leslie announced the creation of a new initiative called **The Blockchain Project**, created by Associate Clinical Professor Aaron Wright, a leader in legal education in the field of law and technology.

March 20, 2017

[Professor Michael Herz on Cardozo's Pop-up Class, The First 100 Days: The Trump Administration & The Rule of Law \(/news/professor-michael-herz-cardozos-pop-class-first-100-days-trump-administration-rule-law\)](#)

Professor Michael Herz is one of the faculty members teaching in a 10-week class designed to address the particulars of the Trump Administration's policies and actions. Professor Herz analyzes presidential power, and the role of

past February, Kolsun moderated “International Fashion Trends: The Business of International Fashion Law,” an all-day conference she helped organize with the Cardozo Journal of International and Comparative Law.

Cardozo Life spoke with Kolsun about her career, the development of Cardozo’s fashion programs, and why the fashion industry is only getting bigger.

CARDOZO LIFE: Tell us a little about how you arrived at Cardozo.

Barbara Kolsun: I came to Cardozo in 1979. I had been in show business for eight years as a professional singer and decided to apply to law school.

CL: Does your work in the arts contribute to what you do now?

BK: It gives me confidence. I always say to my friends whose kids want to be in show business, “It’s a perfectly great way to start your career because you learn about rejection, you learn how to express yourself, you learn how to be unequivocal about advice that you give.”

CL: You’ve worked at most of the major fashion companies, and I get the sense that you kind of invented their legal offices.

BK: That’s right. I mean, I was the first in-house lawyer at Stuart Weitzman, and at Kate Spade, and 7 For All Mankind. Fashion companies have always had lawyers—but they were outside counsel. But like in any business, once the outside counsel’s bills start to reach a certain level, you start to think about having someone in-house who has some expertise in the area. And there are a lot of issues that are specific to the industry. I know our business very well. I can anticipate the problems that the creative side or the marketing side will have to deal with before they become problems.

CL: What does your job entail?

BK: The key, when you start a job like this, is to say, “Hey, I’m here to help. I’m part of the service end of the business.” And I always tell my students or my interns, “This is a service business.” I tease them and tell them they’re flight attendants. They bring the food, they make sure people don’t choke on it, and then they clear the plates. Don’t think you’re any bigger than that.

the other branches of government.

March 17, 2017

[Professor Alexander Reinert on Cardozo's Pop-up Class, The First 100 Days: The Trump Administration & The Rule of Law \(/news/professor-alexander-reinert-cardozos-pop-class-first-100-days-trump-administration-rule-law\)](#)

Professor Reinert offers his perspective on Cardozo Law’s 10-session pop-up class, designed specifically to address the Trump administration’s policies and actions.

July 19, 2016

[Dean Leslie Announces Professor Myriam Gilles as New Vice Dean \(/news/dean-leslie-announces-professor-myriam-gilles-new-vice-dean\)](#)

Professor Myriam Gilles has been appointed vice dean of Cardozo School of Law for a one-year term effective August 29, 2016.

January 6, 2016

[Cardozo School of Law Launches The Center for Rights and Justice \(/news/cardozo-school-law-launches-center-rights-and-justice\)](#)

Dean Melanie Leslie has announced the creation of the Center For Rights and Justice, a home for more than 25 programs at

I was hired here by the equity fund that invested in the company. They're obviously looking to eventually sell the company, so there's a lot of focus on due diligence. When you think about due diligence, you ask, "Have we got a human resources department? Who does our bookkeeping? What are in our stores? Where are our leases? Do we have employment agreements? Do we have an employee handbook?"

You also have to consider that everything's different in Europe—"How do we deal with our employees in France and Italy?" The list goes on and on.

I also read all the contracts and comment on them. I have a great relationship with the business people everywhere I've worked because I love what I do, and if you love what you do, then you get to know everybody.

CL: Tell me about some of the classes you teach at Cardozo.

BK: The course that I'm teaching this semester is called Fashion Law Drafting. During the term, students have seven or eight short writing assignments. For example, students were given an e-mail by a customer which said, basically, "I love your shoes, but I hate that naked 12-year-old girl in your boots, and I'm really offended by it, and I'm going to stop buying your product."

The assignment was to respond to that with a one-page letter. And the students learned that it was all about finding the right tone. First, you don't want to offend the customer. You want to talk about the point of the ad, which is empowerment and women, and you want to also remind them that this model is actually 30, and she has three children, and she is very well known for her charitable work related to families.

Usually students start the semester trying to write moot court briefs, and it's like, "No, no, no! You don't have to cite a case—just get to the answer."

CL: You basically started the Fashion Law program at Cardozo. How did it develop?

BK: Years ago, Dean Monroe Price asked me to put together a syllabus for a course in Fashion Law. And then the course didn't happen, and I

Cardozo School of Law/ Yeshiva University, which will work to advance justice through scholarly research, public policy reform, and advocacy. Professor Alexander Reinert has been appointed as program's faculty director.

put all the material on the back burner. In the meantime, I met Guillermo Jimenez, a professor at Fashion Institute of Technology. He suggested we do a book. So I took the outline that I prepared for Price and used it as the outline for the book. Once it came out, it was very easy to sell the course.

It was hugely successful at Cardozo. I co-teach it with Lee Sporn, and we insisted on teaching it in the morning because I have to work. I remember Ed Stein saying to me, "Oh, you'll never get students at eight in the morning." But sure enough, there were 35 students in that first class. And now, this academic year, there are three offerings: Fashion Law, Fashion Law Drafting, and Lee is teaching a course called Fashion Law Practicum with FIT.

CL: What advice would you give to students looking to break into Fashion Law?

BK: If you list all the general counsel of all the fashion companies in New York, everybody has a different background, from a former U.S. Attorney to litigators to an acquisitions lawyer to a real estate lawyer. So I'd suggest that students work in a law firm to get some skills. Like any hot business, it's not easy getting jobs. We tend to have very small law departments, and there are very few lawyers who get positions in fashion companies right out of law school.

There's a lot of opportunity out there if students are flexible in terms of geography. I have a mentee who was at Levi Strauss, and she got the job as general counsel at Neiman Marcus because she was willing to move from San Francisco to Dallas.

CL: Where are we going with Fashion Law?

BK: I think there will continue to be discussions in the U.S. about protection of fashion because it doesn't exist under our current jurisprudence. We have copyright, we have design patent, but we don't have the kind of protection of fashion law that Europe has. It's a big issue.

Fashion is a trillion-dollar business, and there are a lot of knock offs. There's also counterfeiting. Everyone's being counterfeited—whether you're a famous designer or not. There are also employment issues specific to the fashion industry—we all have a lot of retail stores, real-estate issues, shopping malls.

Fashion is growing and growing—everybody cares about it, everybody's interested. It's not really a little niche.

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