The First Jury Trial for Elder Law Clinic

The Elder Law Clinic had its first jury trial last month in the Supreme Court, New York County. Julia Carlin 2L was appointed court evaluator in an Article 81 guardianship case in which a hospital was the petitioner. The hospital sought to have a guardian appointed for an alleged incapacitated person (AIP) who allegedly refused to agree to a discharge plan for her transfer from the hospital. The hospital asserted that the AIP did not need any further acute hospital care and therefore should be discharged. Julia’s role as court evaluator was to investigate the case by interviewing the AIP, the petitioner, and all relevant witnesses. She and her mentor attorney, Ellyn Kravitz, then made a recommendation to the court as to the appropriate disposition. Julia also had to explain to the AIP the nature of the proceedings and advise her of her right to an attorney. The AIP rejected the attorney appointed to represent her, demanded a jury trial, and proceeded to represent herself with the appointed lawyer sitting at the counsel table as her advisor. Jury trials in guardianship cases are extremely rare, but are permitted on the issue of capacity when the AIP requests it. After a two-day jury trial in the Supreme Court (around the corner from the Law School at West Broadway and Thomas), the jury found that the AIP was “incapacitated.” The judge then accepted the remainder of the Clinic’s court evaluator recommendations and ordered the appointment of a guardian for the AIP.

Securities Arbitration Clinic Files Statements of Claim on Behalf of Aggrieved Investors

The Securities Arbitration Clinic filed two Statements of Claim on behalf of aggrieved investors with the Financial Industry Regulatory Authority (FINRA). One claim alleged that a broker-dealer failed to execute an investor’s sales transactions in a timely manner. The other claim alleged that an investor’s broker made an unauthorized purchase of an energy-related exchange-traded fund in the investor’s account. Clinic students Kevin Chu 3L and Roger Morscheiser 3L represented these investors and drafted the respective Statements of Claim. A decision is expected this summer.

International Human Rights Seminar and Workshop Celebrates Students’ Achievements

The International Human Rights Seminar and Workshop, led by Professors Ruti Teitel and Jayni Edelstein ’92, celebrates its students’ achievements. In line with the Law School’s motto, “Learn law. Take action,” the course places students in externships at human rights organizations, providing opportunities to apply the theories explored in the classroom to a real-world setting. This semester, students worked at Human Rights Watch, the Human Rights Foundation, the Open Society Institute, and the Global Justice Center.
Jessica Orozco 2L was placed at the Human Rights Foundation, where she facilitated the organization’s mission to protect and promote civil and political rights in the Americas. She spent her time working on a letter campaign to Secretary General Insulza of the Organization of the American States. The campaign seeks to urge Secretary General Insulza to take action against human rights violations in the Americas and fulfill his duties as Secretary General of the Organization of the American States. Jessica said of her experience: “Through working with the Human Rights Foundation, I have learned the importance of small, hardworking human rights NGOs and how their important work makes substantial differences in the lives of people all across the world. I have had such a successful experience at the Human Rights Foundation that they welcomed me back for a summer internship. However, I have accepted an internship with the Legal Aid Society of San Diego this summer. Of course, I will keep in touch with the amazing people I have met at the Human Rights Foundation and will hopefully work with them again in the future.”

HyoSung Bidol-Lee 3L did his externship at the Open Society Institute in the International Harm Reduction Development (IHRD) Program, working to advance the human rights of injection drug users (IDUs). HyoSung explained, “On the ground IDUs in countries like China, Russia, Thailand, and the Republic of Georgia face daily harassment, forced drug testing, and long-term detention that can include torture and inhumane conditions of confinement.” His project looked at forced drug testing jurisprudence in order to develop arguments against the practice and to ascertain the possibility of strategic litigation. HyoSung described what he learned from the experience: “Through this project I have learned that with the right perspective and will, one can influence the direction of international law towards being more humane and just, and that this can begin with the work of one legal intern.”

Sandra Dubow 2L completed her placement at Human Rights Watch (HRW) in the General Counsel’s Office, where she researched and wrote memos on federal and state laws governing grant-making and lobbying. She presented her work to HRW’s development unit to ensure that its grant proposals are in compliance with these laws. She also conducted research on Freedom of Information Act requests. Sandra said she “enjoyed [her] placement because it gave me insight into how a large NGO like HRW operates and the legal matters underlying the human rights work that it does.”

Matthew Goodro 2L worked on the Open Society Institute’s Law and Health Initiative (LAHI)—an experience he described as a positive one. He assisted the organization in using the prohibitions on torture as well as on cruel, inhumane, or degrading treatment or punishment to end abusive practices that occur in health care settings. A memo Matt worked on will be a springboard to launch a long-term campaign.

Similar to Matt’s experience, other students shared the sense of being an essential cog in a larger wheel. Their placements allowed them to be part of the greater human rights community.

Stephanie Ricardo 3L was placed at the Women’s Rights Division of Human Rights Watch, where she worked on the issue of abortion in Brazil and, more specifically, on a case of 10,000 women whose medical records were confiscated under suspicion of committing illegal abortions. Stephanie said she “thoroughly enjoyed working with HRW this semester. It has proved invaluable in defining my professional path and showing me the sets of skills I must foster in order to succeed.”

Professor Edelstein expounded on the personal meaning the course holds for her as a New York Law School alumna, and stressed the importance of the experience students gain from the International Human Rights Seminar and Workshop: “Coming back to work with NYLS students has special meaning to me because it is the NYLS faculty, Ruti Teitel in particular, who gave me my start in the human rights field. Students need to know that perseverance and preparation are essential to achieving a fulfilling legal career. However, sometimes you need to get your foot in the door, and that’s where law school externships come in. As the adage says, ‘Chance favors the prepared mind,’ but personal connections help too. There is nothing better than helping students find meaningful and fulfilling work.”

Professor Edelstein’s words ring especially true for Shruti Sasidharan 2L, who was placed at Human Rights Watch in the LGBT Rights Program. Shruti, winner of the prestigious South Asian Bar Association Public Interest Fellowship, was invited to stay on at Human Rights Watch and extend her work for the organization as a summer intern. In addition, Katherine Greenier 2L, who was placed at the Global Justice Center, valued her experience because she “never had the opportunity to work in the human rights field until enrolling in the Workshop. The course not only opened career doors, but expanded my traditional area of academic focus.”

“All of this is extraordinarily rewarding,” said Professor Teitel. “Teaching new generations, together with an adjunct New York Law School alumna who is equally dedicated, models this commitment, as it expands exponentially the potential of human rights work and promotes a culture of lawyering in the service of justice.”
Urban Law Clinic students successfully negotiate settlements in employment discrimination cases

Urban Law Clinic students Jessica Fisher 3L and Jeremy Wechsler 3L successfully negotiated a settlement for reinstatement before a court-appointed mediator for an employment discrimination case filed in the Southern District of New York (S.D.N.Y.). The S.D.N.Y. Employment Discrimination Pro Bono Mediation Program assigned the case to the students. Jeremy and Jessica represented Donna, an African American female who was wrongfully discriminated against by her employer. Donna was employed with this company for approximately three years in the security services industry. While working for the defendant as a site supervisor, Donna was allegedly paid $3.00 less per hour than her male counterparts for equivalent work, in violation of both Title VII of the Civil Rights Act of 1964 (Title VII) and the Equal Pay Act of 1963. In addition, Donna was the victim of race and gender discrimination in violation of Title VII. As a result of these incidents, Donna filed a claim with the Equal Employment Opportunity Commission that was then removed to the S.D.N.Y. pursuant to statutory procedures. The S.D.N.Y. judge requested that Donna enroll in the S.D.N.Y. Pro Bono Mediation Program, wherein an amicable solution to the dispute could be achieved without litigation. Providing reinstatement with the employer was one remedy that could be sought at mediation, but could not be obtained through litigation. After two mediation sessions, Jeremy and Jessica were able to reach an agreement between Donna and the defendant.

Katherine Greenier 2L and Joanna Reihing 3L successfully mediated an employment discrimination case before the Honorable Judge Katz of the United States District Court for the Southern District of New York on April 15, 2009. The plaintiff claimed his employer unlawfully failed to provide him with accommodations for religious observance, created a hostile work environment, and ultimately fired him as a result of his need for religious accommodation. Their client, a Pentecostal Christian, was unable to work on Sundays due to his observance of the Sabbath. At the time he was hired, he indicated this orally to his supervisor and the Director of Human Resources. A few months after the time of hiring, the defendant asked the plaintiff to perform duties that targeted other employees in an effort to create trouble for them. In one instance, the plaintiff’s supervisor hid a pair of made-to-measure pants so that the tailor would be penalized, after the plaintiff had refused to do so himself. Immediately following the client’s refusal to engage in such actions, the defendant began stripping away the plaintiff’s job duties and began scheduling him to work on Sundays. At the same time, the plaintiff’s supervisor made derogatory comments about the plaintiff’s ethnicity, and made derogatory comments about other employees’ sexuality and race in the plaintiff’s presence. Following numerous scheduling conflicts, the plaintiff e-mailed his supervisor, reminding him of his need for Sundays off in order to observe the Sabbath. That same day, the plaintiff was fired; the defendant claimed they could no longer afford him the privilege of not working on Sundays. Following a mediation session at the Honorable Judge Katz’s chambers on April 15, 2009, Katherine and Joanna successfully settled the case for $5,000 and a positive reference letter provided by the defendant.

To find out more about clinics/externships please contact the Lawyering Skills Center at 212.431.2179.