Mediation Clinic Students Triumph in “Sick Puppy” Case

Mediation Clinic students Kiel Roeschke 3L and Noelle Fiorentino 3L mediated a difficult case involving the plaintiff’s purchase of a puppy from a pet shop. Shortly after he and his 9-year-old daughter brought the puppy home, they discovered that the dog was ill and required several thousand dollars in medical care. He sued the pet shop in small claims court for reimbursement of his expenses. Noelle and Kiel mediated a settlement that provided for a substantial credit to be used by the plaintiff for pet food and any other services offered by the pet shop and an agreement that the shop staff would treat the plaintiff respectfully in his use of the credit.

Securities Arbitration Clinic Obtains Recovery on Behalf of 82-Year-Old Widow

The Clinic Team of Lucas Charleston 3L, Louis Gelormino 3L, Christy Monier 3L, and Wendy Singletary 3L successfully negotiated a settlement on behalf of an 82-year-old widow whose former stockbroker sold her an unsuitable variable annuity investment. The statement of claim filed in connection with the arbitration alleged that the stockbroker violated securities industry rules and regulations and violated his fiduciary duty to the Clinic’s client. The settlement, reached moments before the arbitration was scheduled for a full hearing before a Financial Industry Regulatory Authority arbitration panel, resulted in a substantial recovery of the client’s losses that resulted from the sale of the unsuitable investment.

Urban Law Clinic Students Successfully Resolve Education Case for Mute Student

Urban Law Clinic students Diep Nguyen 3L and Rebecca Horwitz 3L participated in a settlement conference in which they successfully resolved a case forcing the New York City Department of Education to pay for private school and speech and language therapy for a 16-year-old boy who has been mute for the past six years. The student was in a classroom where he was being taunted, ignored, and not receiving any speech or language therapy at all. At the settlement discussions, Diep and Rebecca were able to dispute several arguments and offers made by the New York City Department of Education to finally obtain an appropriate education for the child.

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Criminal Law Clinic Student Wins Acquittal for Client

Criminal Law Clinic student Iryna Licandro 3L and second chairing Legal Aid Society attorney Ilissa Brownstein won an acquittal for a client charged with forcible touching in violation of PL 130.52, a Class A misdemeanor. It was alleged that the defendant rubbed against the female complainant's buttocks in a crowded No. 6 train as it entered Grand Central Station during rush hour. The statute requires that the “touching” be for the purpose of “degrading or abusing” the person touched or for “gratifying ... sexual desire” of the actor. In finding the defendant not guilty, the jury apparently accepted the defense that any contact between the defendant and the complainant was unintentional and not for a prohibited purpose.

Criminal Law Clinic Students Fight Back Against Abusive Police Practice

Criminal Law Clinic students Jamie McAleavey 3L and Luba Reife 3L are fighting back against the NYPD's controversial use of a statute to stop, frisk, then arrest people, often young minority men. PL 265.05(1) makes it illegal to possess a “gravity knife” even in the absence of any knowledge that it is a gravity knife or any intent to use it unlawfully. A gravity knife is one whose blade opens by the force of gravity or centrifugal force and locks into place once opened. Several brands of knives sold openly in hardware stores to unsuspecting, law-abiding tradespeople as “utility knives” can be opened with difficulty by forcefully flicking the knife downward. The knives all have a clip that holds them in a pocket or tool belt. The clip is indistinguishable from a variety of clips attached to lawfully possessed tools. The NYPD, however, views the clip as the telltale sign of a gravity knife, and police officers stop, frisk, then arrest a person if they see a clip on his/her pocket or belt.

McAleavey’s client works as a “grip” in the film industry and used his knife on the set to cut tape, wire, etc. Reife’s client works in the receiving department at Bloomingdale’s and used his knife to open and break down cartons. The students each moved to suppress the knife found on their client on the grounds that the stop and frisk was a Level 3 intrusion unsupported by either a reasonable suspicion that the defendant had, was, or was about to commit a crime, or by a reasonable fear for their safety. 1 The legal arguments relied heavily on a recent opinion by U.S. District Court Judge Weinstein, who wrote in a similar case: “[T]he prevalence of [the utility knife] and its everyday use by law-abiding mechanics makes unreasonable any inference of illegal activity drawn merely from the observation of such an instrument clipped in an individual’s pocket.” 2 The students also each moved to dismiss in the interests of justice on the grounds that it was contrary to the interests of justice to prosecute and convict law-abiding citizens who were unaware that the utility knives they purchased from reputable retailers to use in their work were illegal. Decisions on the motions are expected next month.


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