NYLS Dramatically Expands Clinical and Experiential Learning Programs

Michelle T. Weller, Administrator of Clinics

New York Law School has been substantially expanding the skills and experiential learning programs that we have available for our students—building this year on the strong base that the School has had in place for years. On January 28, 2013, the Office of Clinical and Experiential Learning hosted the first in a series of six experiential learning informational lunch sessions, grouped into subject areas of interest, to share more information about our courses and particularly to get the word out about our many new clinics. At these sessions, faculty members from each of the courses talk with students about the many different practice and skills opportunities these classes will offer. We now have clinical and experiential learning courses in criminal practice and in many civil areas, in litigation and non-litigation work, and at almost every credit level and amount of time that students would commit to the process of learning.

We have been very pleased with the turnout and the interest in our courses. Whether they came for the information, or the pizza, students certainly gained a lot more knowledge about our clinical and experiential offerings. The info sessions so far have focused on Criminal Law (1/28); Government, Public Policy, and Human Rights (2/4); Family Law (2/11); Business and Commercial Law (2/18); and Public Policy Advocacy and Persuasion and Writing (2/25). The upcoming session will focus on Simulations, Externships, and Competition Teams (3/4). Video recordings of the sessions are available on the NYLS Portal for students who are unable to attend these sessions.

If you’d like to find out more about all of the courses offered by the Office of Clinical and Experiential Learning, we invite you to attend our Open House on Wednesday, March 6, 2013 from 4:00 to 6:30 p.m. in the NYLS Events Center. Multiple tables will be set up for you to talk with professors and students from our courses to find out more about each one and the application process.

Racial Justice Project Files Amicus Curiae Brief on Behalf of Congressman John Lewis

J. Alanna Pittard 3L

On January 31, 2013, the Racial Justice Project submitted an amicus curiae brief in Shelby County v. Holder, which will be argued in front of the U.S. Supreme Court later this month. Shelby County v. Holder is a challenge to the constitutionality of Section 5 of the Voting Rights Act of 1965. The brief was submitted on behalf of Congressman John Lewis and is in support of the constitutionality of Section 5. Section 5 requires certain “covered jurisdictions” that have a long history of racism in their voting policies to receive preclearance from the U.S. Attorney General or a three-judge panel in Washington, D.C., before they make any changes to their voting procedures and policies.

Congressman Lewis is recognized as one of the “Big Six” leaders of the Civil Rights movement and took part in a very significant event in Civil Rights history. On March 7, 1965, he led a protest that is now referred to as “Bloody Sunday.” On this day, the protestors marched over the Edmund Pettus Bridge in Selma Alabama,
where Alabama State Troopers stood their ground at the end of the bridge. As the marchers stopped to pray, the State Troopers discharged tear gas and beat the marchers with night sticks. Congressman Lewis was among those who were seriously injured, suffering from a severe beating and a skull fracture. However, this day is said to be the encouraging factor for President Lyndon Johnson to submit the Voting Rights Act of 1965 to Congress on March 15, 1965.

The brief was co-authored by Associate Dean of Academic Affairs Deborah N. Archer, Professor Tamara C. Belinfanti, Professor Erika L. Wood, Howard University Professor Aderson Francois, and students in the Civil Rights Clinic: 3Ls Sondah Ouattara, Cortney Nadolney, Jeremiah Rygus, Jason Sender, J. Alanna Pittard, Shantal Sparks, Vanessa Craveiro, Megan Crespo, Jacob Korder, Sonia Tapryal, and Will Lemon.

To read the brief, visit the RJP website at www.racialjusticeproject.com.

NYLS Hosts Client Counseling Competition

Jonathan Pillischer 3L

New York Law School hosted the ABA Law Student Division Regional Client Counseling Competition on February 16 and 17, 2013. This year’s topic was employment law/discrimination, and 12 teams competed. The Client Counseling Competition promotes greater knowledge and interest among law students in the preventive law and counseling functions of law practice and encourages students to develop interviewing, planning, and analytic skills in the lawyer-client relationship in the law office. The competition simulates a law office consultation in which student lawyers conduct an interview with a “client.” Following the interview, the student lawyers explain how they would proceed further in the hypothetical situation.

By competing, students not only teach themselves the law in these areas but they also practice the interpersonal skills that cannot be taught through reading and lectures. Unlike most academic experiences where performance is analyzed in one-way conversations, here the students have a back and forth with the judges who assess their performance. These activities have a long-lasting impact, and many judges remember when they were competitors themselves. Even with the challenges that come with hosting a competition, the return on the investment is tenfold.

Securities Arbitration Clinic News

Christopher Warren 3L

Securities Arbitration Clinic students Kimberly O’Toole 3L, Adam Parks 3L, and Christopher Warren 3L, working under the supervision of Professor Howard S. Meyers, are currently representing “John” and “Sue.” They came to the clinic seeking to file a claim against their stockbroker and large brokerage firm. John and Sue are an elderly retired couple with limited means, and because of the size of their recovery, there was little recourse for them. The accused broker lost over 15 percent of John and Sue’s entire nest egg on speculative and aggressive initial public offerings, which did not match John and Sue’s conservative investment objectives.

After months of collecting documentation, drafting statements, and meeting with their clients, the Securities Arbitration team filed a statement of claim against the broker during the first week of January 2013. The statement was filed with the Financial Industry Regulatory Authority (FINRA), the regulatory body, which has authority to award a judgment on behalf of John and Sue to reclaim the lost value of their investments, as well as any broker fees and charges associated with the transactions in the claim. An answer is expected on the case in mid-March.

NYLS Moot Court Students Go Global

(Here in New York)

Jessica Richardson 3L

This past January, the Moot Court Association tackled a new area of law: international media law. 3Ls Katie Blackmer, Addya Bhowmick, Robert Scibetti, and Teresa Neri represented New York Law School in the Price Media Competition hosted by Cardozo Law School, coached by Jessica Richardson 3L. Our competitors faced students from law schools within the United States, as well as law students from South America, Central America, and the Caribbean. The arguments touched on multiple provisions of the Universal Declaration of Human Rights, which protects individuals’ freedom of expression, privacy, and association.

The contestants were faced with either defending or opposing a foreign government’s efforts to shut down cell phone towers, the primary means of communication within the country, after a protest became violent, allegedly after inciting words from cell phone users. Certain users of those cell phones were also charged with defamation and knowing membership in a terrorist organization.

The competitors spent over six months preparing the written argument, which was called a submission rather than a brief, and preparing for their oral arguments, while learning the rules and practices used in this international competition. Although they did not advance to the final round in Oxford, England, the NYLS competitors were able to expand their knowledge in an area of law they otherwise would not
have learned about and gain another memorable experience as Moot Court members. After the first day of competition, Floyd Abrams, an expert on Constitutional law and well-known advocate, spoke to all of the competitors. He captured the audience’s attention with his own personal stories and gave invaluable advice to all future advocates in the room.

The Price Media team would like to thank all faculty, alumni, and current Moot Court members for their assistance in preparing the team for the competition, as well as Cardozo Law School for hosting such an amazing competition.

Criminal Defense Clinic Student Gets Complete Dismissal of Case for Client
Nicole Lloret 3L

The New York Law School Criminal Defense Clinic gives third-year law students the opportunity to represent indigent criminal defendants at a wide range of criminal proceedings. Practicing under a Student Practice Order issued by the New York Supreme Court, Appellate Division, students work with faculty supervisors and are mentored by one or more attorneys at the Legal Aid Society-Criminal Practice in New York County.

I came to represent “Mrs. Smith” through the New York Law School Criminal Defense Clinic when she contacted my mentor at the Legal Aid Society. Mrs. Smith is a wife and mother of three who lives in Pennsylvania with her medically ill husband, daughter, and her three grandchildren. In July, one of Mrs. Smith’s daughters was court-ordered to attend an in-patient substance abuse program. Although Mrs. Smith was happy that her daughter was getting the help she needed, this left the fate of her grandchildren in her hands. In September, while she was applying to become a foster parent for her three grandchildren, a Pennsylvania child services agency informed Mrs. Smith that she had an open criminal case in New York County that dated back to 1990, and her application to become a foster parent would be placed on hold until the matter was resolved.

The Pennsylvania child services agency did not provide Mrs. Smith with much information beyond the existence of the open case. Mrs. Smith did not recall the incident and had no idea what she was charged with. After I spoke to Mrs. Smith, I could tell that she was under a lot of stress in her daily life, and discovering this open case only made things worse. She explained to me how sick her husband and her daughter were, and that it would be impossible for her to come to New York to defend herself against the case. She was her family’s primary caregiver, and their medical conditions required 24-hour assistance. I was able to assess the urgency of the situation. I knew I had to help her, but I had no idea where to begin.

I discussed the matter with my mentor and my faculty supervisors, and after receiving some guidance, I made my way to the court clerk’s office to obtain the original court file and get a better understanding of the case. From the file, I learned that in 1992 Mrs. Smith was charged with a misdemeanor and a violation for trespassing and prostitution when she was arrested at The Port Authority for allegedly agreeing to perform oral sex on a co-defendant for a small fee. More importantly, the file confirmed what Mrs. Smith previously told me: that she could not remember the specifics of the incident, but recalled that the police officers took her to a hospital right after her arrest. According to the court file, Mrs. Smith was issued a Desk Appearance Ticket (DAT) at the hospital since she was not arraigned. However, because of the state she was in when she was admitted to the hospital, she was not aware that she ever received a DAT. This point was crucial to any challenges to her right to notice—to be informed of the nature and cause of the accusation against her.

Now that I had a handle on the case, I went back to my professors to discuss our next steps. Since the case was so old, it presented a variety of constitutional and criminal law issues, such as Mrs. Smith’s right to a speedy trial and her right to notice. I narrowed the options down to two: I would either have the case put on the calendar and write what is known in New York as a Clayton motion—a motion to dismiss in the interest of justice; or compile a portfolio of the documents I had and ask the District Attorney to dismiss the charges in furtherance of justice. We decided the best way to approach the case was to reach out to the New York County District Attorney’s Office and see if we could get a prosecutor to dismiss the case. After compiling all the necessary documents, including: a letter to the District Attorney summarizing the circumstances surrounding Mrs. Smith’s case, the original court file, multiple letters from Mrs. Smith’s family doctors and the child service agency representatives, explaining in detail their hopes for a positive outcome in Mrs. Smith’s case, I submitted the packet to the District Attorney’s Office in the middle of December hoping that the holiday season would help in our favor.

Not more than two days after I submitted the documents to the District Attorney, I received a phone call—they agreed to dismiss the case in furtherance of justice! I phoned Mrs. Smith immediately, and of course, she was both relieved and overjoyed to hear the news. Mrs. Smith and her family no longer had to worry about her grandchildren going into foster care.

Working on Mrs. Smith’s case helped me to understand the many different facets of practicing public defense, from speaking to clients to navigating through the bureaucratic process. Criminal defense work doesn’t always yield happy endings, but when it does, the rewards are tenfold.