Pro Bono News

Professor Carol Buckler, Director of Pro Bono Initiatives

As almost every New York Law School student knows by now, New York has a new requirement for admission to the bar. Any student applying for admission to the bar on or after January 1, 2015 (that means you, 3L evening students, 2Ls, and 1Ls!) will need to have completed 50 hours of pro bono work and document that work as part of their application for admission. In broad terms, to meet the requirements of the rule, the work must be law-related, must serve low-income people, and must be supervised by an attorney. In response to this new requirement, Dean Anthony Crowell has established the Office of Pro Bono Initiatives, directed by Professor Carol Buckler, to serve as a clearinghouse for information about the New York rule and to facilitate student participation in pro bono opportunities.

The good news is that there are many ways for students to satisfy this requirement and, in so doing, to use their legal training to help people in need. Many students already enroll in clinics and externship placements with government and nonprofit legal organizations that may qualify. Many more students each summer receive summer public interest fellowships that may satisfy the requirement. Other students will choose to volunteer their time with qualifying pro bono organizations—there is always a need for enthusiastic law students who can share their time and legal knowledge, and new opportunities arise every week. For example, Hurricane Sandy has, tragically, generated a huge demand for legal assistance—people need advice and guidance on a range of legal issues, such as how to apply for FEMA and other benefits, how to qualify for emergency unemployment benefits, and how to address landlord/tenant issues that may arise from displacement or damaged housing. The legal aid community is working with law schools and law firms to meet that demand. For information about how to connect with current opportunities, as well as how to meet the pro bono requirement, visit www.nyls.edu/probonoinitiatives or check out the Pro Bono Initiatives page on the NYLS portal.

Criminal Defense Clinic Student Represents Client in School Suspension Hearing

Uri Roer 3L

Criminal Defense Clinic student Uri Roer 3L, working with James McQueeny of the Legal Aid Society and under the supervision of Adjunct Professor Faith Colangelo, is currently representing “Sam” who has been charged with criminal possession of a weapon in the fourth degree, a class A misdemeanor. According to the accusatory instrument, a school safety officer recovered a razor from Sam’s left cargo pants pocket. In addition to the criminal charges, Sam was suspended from school.

continued on next page
Mr. Roer, at the suggestion of Professor Colangelo and Mr. McQueeney and with Sam’s consent, represented Sam at the school suspension hearing. The strategy behind representing Sam at the suspension hearing was that it would provide an opportunity to cross examine potential trial witnesses since the suspension hearing testimony would most likely involve direct testimony from those who witnessed Sam’s arrest.

The Department of Education (DOE) claimed Sam fought with a fellow student and in breaking up the fight, the school safety officer, principal, and an assistant principal were struck. The DOE was requesting that Sam receive a one-year suspension. With the burden of proof on the DOE, Mr. Roer decided to waive an opening statement and reserve his time for closing. The DOE called the school guidance counselor and the principal as their witnesses. Mr. Roer cross examined both witnesses and delivered a closing argument on Sam’s behalf, pointing out to the hearing officer that the evidence established that Sam was not the instigator and that the DOE had failed to prove: 1) Sam struck the principal; 2) the assistant principal was struck; and 3) a school safety officer was struck.

The hearing officer determined that Sam had engaged in a fight with another student and as a result the principal was struck. The hearing officer rejected the DOE’s request for a one-year suspension and instead suspended Sam for 10 days.

Mr. Roer has ordered the transcript of the suspension hearing and will use that sworn testimony in Sam’s criminal case.

Students Share Successes and Challenges with Good Humor at Annual All-Clinic Lunch

Michelle T. Weller, Administrator of Clinics

On November 14, 2012, students, faculty, and staff gathered to celebrate the work of our clinical program at the Annual All-Clinic Lunch. During this informal meeting, students discussed recent developments in their respective clinics. We heard presentations from the Criminal Defense Clinic, Criminal Prosecution, Kings County and Richmond County Clinics, Civil Rights Clinic, Elder Law Clinic, Mediation Clinic, and Securities Arbitration Clinic. Each clinic recounted successes and challenges with good humor. A common theme throughout the program seemed to be the excitement of working with live clients and standing before challenging judges, forcing students to dig deeper into their research and present themselves confidently to maintain credibility. Students recounted the importance of going through simulated exercises during the Lawyering program, but how working with live clients took the experience to a different level. Sondah Ouattara 3L expressed how listening to a client’s personal story “really puts [our work] in perspective . . . It puts a face to the cases, has humbled us, and makes us want to fight for our clients. That’s been, for me, the best part of working in the Clinic.”

NYLS Team Claims Third Place in Arbitration at Securities Dispute Resolution Triathlon

Annie Causey 3L

Over the course of two rigorous days, October 13 and 14, a select group of New York Law School’s Securities Arbitration
Clinic (SAC) members participated in the annual St. John’s Securities Dispute Resolution Triathlon. The Triathlon consists of three rounds of dispute resolution—negotiation, mediation and arbitration—in which each participating law school’s team of five students, representing either the investor or the broker, attempt to resolve an investor dispute under the rules and authority of the Financial Industry Regulatory Authority Inc. (FINRA). Indeed, this year’s participants—Lauren Smith 3L, Annie Causey 3L, and Chris Warren 3L—as well as their coaches—Tara Gatto 3L and Kimberly O’T oole 3L—received the unparalleled benefit of critique and correction from actual FINRA arbitrators and mediators devoted to raising the advocacy standards of a forthcoming generation of lawyers resolving disputes under FINRA’s forum.

In the wake of 2008’s economic collapse, investor claims against brokers are on the rise, and as many of you may know, customer-broker contracts compel those disputes to be meted out pursuant to FINRA rules and from within its forum. This year, the NYLS team represented the investor in all three rounds, taking third place in the arbitration round, while competing against 18 other law schools. The team’s takeaway from the entire competition wasn’t just the rigorous process of refining real-world advocacy under FINRA; just as importantly, the team learned joint advocacy skills, strategizing together to present the best claim on their client’s behalf.

Moot Court Association News

Ariella Spitalnick 3L

It’s been an exciting semester for the New York Law School Moot Court Association! On October 5–7, 2012, 3Ls Geoffrey Bleau, Vanessa Craveiro, Neil Giovanatti, and William Kleinindienst represented New York Law School at Emory University’s Civil Rights and Liberties Moot Court Competition in Atlanta, Georgia. The arguments concerned the highly debated issue of whether there is a fundamental right to adoption in the context of gay marriage and foster parenting.

On October 19–20, 2012, veteran Moot Court Association members Jason Sender 3L, Kaitlyn Tooker 3LE, and Sarah Hansel 3L participated in American University’s Burton D. Wechsler First Amendment Moot Court Competition in Washington, D.C. Law students from around the country debated whether First Amendment Rights apply in the context of WikiLeaks and the federal concern for national security. Jason, Kaitlyn, and Sarah did a fantastic job.

On October 25–27, 2012, 3Ls Amit Patel, Benjamin Humphreys, Gabrielle Venito, and Zachary Nathanson made us proud at John Marshall University’s International Moot Court Competition in Information and Privacy Law in Chicago, Illinois. Students addressed whether an employee can successfully sue for employment discrimination and the tort of intrusion upon seclusion, when an employer has terminated an employee based on findings of private photographs posted at an employee’s home office. Our members advanced to the octo-final round and did an overall great job.

We are very excited that our team members will be competing this semester with the New York City Bar Association, the Chicago Bar Association, and the Price Media Law Competition, which is an international law competition that is not based on U.S. law and will involve teams from all over the world. We are also busy with the mentoring program in which we have been guiding our new members through a training program in appellate advocacy. Despite the hardship caused by the storm, our new members have been diligently completing their briefs. These students bring incredible enthusiasm and impressive skills to New York Law School’s Moot Court Association.

Civil Rights Clinic Students Represent Employment Discrimination Plaintiff in Mediation

Civil Rights Clinic

This year’s Civil Rights Clinic students have had the unique opportunity of not only working on employment discrimination cases under the supervision of our new Associate Dean for Academic Affairs, Deborah Archer, but also of working on projects for the American Civil Liberties
Union under the supervision of its Racial Justice Program Director, Dennis Parker, and Senior Staff Attorney, Courtney A. Bowie.

Vanessa Craveiro 3L and Jason Sender 3L were the first clinic students to complete an employment discrimination case. They represented “Robert,” a former business analyst hired through a consultant firm, in a settlement conference at the U.S. District Court for the Southern District of New York. Robert brought a claim under Title VII against the consultant firm and his former employer for the retaliation and gender, age, and national origin discrimination he experienced. Robert had been handling both cases on his own until Vanessa and Jason became involved. In the short month before the October 10 Settlement Conference, Vanessa and Jason were able to counsel Robert not only on different aspects of employment discrimination law, but also on certain aspects of the discovery process that would affect settlement. Unfortunately, Vanessa and Jason were not able to completely redress Robert’s claims through their representation because Robert decided not to continue on with settlement after a few rounds of negotiations. However, the settlement conference gave Robert the opportunity to voice his position, and he gained vital knowledge and assistance from Vanessa and Jason that will help him effectively advocate for himself in his continuing case. In addition, Vanessa and Jason received invaluable experience and feedback throughout the process that will help them with future clients.

Jacob Korder 3L and Sonia Tapryan 3L represented “Nancy,” an assistant bank manager, in her employment discrimination case in the U.S. District Court for the Southern District of New York. Nancy is a 59-year-old black clergywoman who was fired, allegedly for improperly processing a wire transfer at the bank. However, she maintained that she had followed all of the bank’s procedures, and that her supervisor consistently discriminated against her because of her race, age, and religion. Nancy’s supervisor also failed to discharge or discipline, and even affirmatively protected, a younger white employee who made a similar error to the one Nancy was said to have made. Nancy brought a claim under Title VII of the Civil Rights Act of 1965 and the Age Discrimination in Employment Act of 1967 (ADEA) against the bank for this discrimination. Jacob and Sonia received her case after the court assigned it to mediation. Jacob and Sonia represented Nancy at the mediation and in settlement negotiations prior to the mediation and helped her with parts of the ongoing discovery process. Although the first mediation session ended without a settlement, Jacob and Sonia helped Nancy with the confusing and intimidating process of being a pro se plaintiff against a defendant who is represented by an experienced attorney. They also made progress toward settlement both by helping Nancy to think through what she needed in a settlement and by aggressively negotiating with the defendant’s attorney for an offer that would compensate Nancy for the financial losses and emotional distress that she has experienced. The students gained valuable experience in client interviewing, client counseling, practical legal research and writing, negotiation, and mediation. They are hopeful that Nancy and the defendant will settle the case after completing additional discovery and are prepared to represent Nancy again if a second mediation is scheduled.

Megan Crespo 3L and Shantal Sparks 3L are currently representing “Carla” in the mediation proceedings of her employment discrimination case. Carla also filed her employment discrimination case in the U.S. District Court for the Southern District of New York. She is alleging failure to promote based on her race and gender and retaliation. Mediation for Carla’s case is currently scheduled for mid-December. Megan and Shantal have drafted an ex parte memorandum for the mediator outlining Carla’s claims and have completed an informal document exchange with opposing counsel in preparation for the mediation. Megan and Shantal hope to obtain the best possible outcome for Carla by being strong advocates and working diligently to address all of the unforeseen issues that arise in what can be an intimidating process for a pro se plaintiff.

Sondah Ouattara and Cortney Nadolney, both 3Ls, are currently representing “Michelle,” a married mother of two with 20 years’ experience in her field, in a settlement conference in the U.S. District Court for the Southern District of New York. Michelle initiated a Title VII claim against her employer for racial discrimination and defamation. Michelle requested counsel assistance after having represented herself soon after being terminated. Since taking over Michelle’s matter, Sondah and Cortney interviewed and counseled Michelle, and began drafting a settlement conference submission. Although a settlement conference was scheduled for late November, Sondah and Cortney initiated settlement discussions with opposing counsel to resolve the matter, while simultaneously counseling their client about settlement possibilities. Cortney and Sondah attended the settlement conference with their client where they presented her discrimination case to a magistrate judge and were able to reach a favorable outcome for her.