From the Director:
Welcome to the Office of Clinical and Experiential Learning!

Our office (OCEL to our friends) came into being last fall, as one of many steps New York Law School is taking to build educational programs focused on preparing our students for the world of practice.

No one office can encompass everything NYLS does in the area of skills and experiential education, since almost every course has a skills aspect and many programs outside of our classes do too. But OCEL embraces a lot:

• Clinics, both those based here and our “field placement clinics” based at law offices in the city
• Externships, directed by the Office of Professional Development
• Simulation courses
• Project-based learning (PBL) courses
• Upper-level writing electives
• Competition teams – Moot Court, the Dispute Resolution Team, and the trial competition team now in formation

Since our portfolio is large, we’ve also expanded the scope of our newsletter (which used to focus just on clinics). In this issue and issues to come, we’ll certainly bring you news from our clinics, where students work directly on representing clients in challenging civil and criminal cases. But we’ll also tell you about the many other ways that students are learning skills. In this issue, we have news from one of our project-based learning courses—in fact a clinic as well—led by Professor Lenni B. Benson and Adjunct Professor Bethany Ow ’09; from our Moot Court Association, whose Faculty Advisor is Professor Susan J. Abraham; and from the Dispute Resolution Team, for which Professor Kris Franklin is the Faculty Advisor.

We hope you’ll enjoy reading about these programs. And we welcome your feedback too!

Professor Stephen J. Ellmann
Director, Office of Clinical and Experiential Learning

Clinic Update: Securities Arbitration

Professor Howard S. Meyers

The Securities Arbitration Clinic, a full-year clinic directed by Professor Howard S. Meyers, has a number of active cases and inquiries from the 2011–12 academic year that it will continue to pursue this year. Cases range from the sale of an unsuitable private placement investment in a “gold mine” to an elderly investor, to deceptive sales practices involving an illiquid proprietary real estate investment trust (REIT) product. In addition, the Clinic will be participating once again in the Securities Dispute Resolution Triathlon, hosted by St. John’s University School of Law, where the Clinic students’ negotiation, mediation, and arbitration skills will be judged by a panel of Financial Industry Regulatory Authority (FINRA) arbitrators. The Clinic is also excited to be conducting numerous community outreach events throughout the year.
Safe Passage Project Engages Students in Immigration Litigation

Professor Lenni B. Benson

We have gotten off to an amazing start. Our main focus is covering the juvenile docket at the New York Immigration Court. We welcome new adjunct faculty member, Bethany Ow ’09, who clerked for the Executive Office for Immigration Review (the immigration court) and now works part time to direct the Safe Passage Project with Professor Lenni Benson. Fellow Guillermo Stampur joined us and works with the Diane Abbey Law Center for Children and Families as well. Two pro bono adjuncts and mentor attorneys are also going with us to court: Susan Henner ’94 and Martin Rothstein. Faculty Assistant Virginia Vazquez has been coming to court and serving as an interpreter and organizing the PBL files. Justice Action Center Administrator, Alissa Kane, also came with us to visit the immigration juvenile docket and helped direct the flow of screenings.

In August and September 2012, the Safe Passage Project and the students in the Immigration Litigation project-based learning course, together with additional student volunteers, participated in six major activities. First in August we hosted a training session for law students on President Obama’s new Deferred Action for Childhood Arrivals. Under this program, young people who arrived in the United States before the age of 16 may apply for work permission and identification cards. If approved, these individuals get a two-year deferral of removal. New York may have more than 70,000 eligible young people. The students and faculty in the course are helping organize trainings and volunteering at clinics. Then on September 27, we partnered with the City Bar Justice Fund and the New York Immigration Coalition and helped more than 25 pro bono attorneys complete applications for members of the public.

On August 30, we worked with Judge Patricia Rohan and the attorneys for the Immigration and Customs Enforcement agency to prepare for our service as “Friends of the Court.” The students completed three hours of training on court procedure and were given a tour of the immigration court by the court administrator. On September 13, we covered our first official docket and saw more than 30 young people ranging from age 7 to 19. We are now writing up our initial assessment of these cases and have placed 15 with pro bono counsel. On October 11, we recruited Sandra Nichols ’95 to join us to assist in supervising students during the court screenings.

To recruit more pro bono counsel to represent the young people after the screenings, we planned and conducted a free CLE in partnership with the American Immigration Lawyers Association. More than 250 people attended our three-hour training that provided a simulation of a young man applying for protection in family court and immigration court to qualify for special immigrant juvenile status. Our students helped develop the program and staffed the event. We will be holding a student training for any other student volunteers who want to work in the Safe Passage Pro Bono Project. Students who are not in the PBL course are matched with pro bono attorneys and commit to helping for the length of the case. The PBL students are also volunteering on cases and conducting research about asylum based on gang recruitment or gang persecution in Guatemala, El Salvador, and Ecuador. Other students are researching the standards that help qualify a child as a victim of “abuse, neglect, or abandonment” under New York family law.

We also held two other events about immigration policy. The first was on September 10 and was co-sponsored by the Center for Migration Studies. Eighty people came to hear a panel discussing the record high rates of removal—more than 1.5 million people have been removed during the Obama administration. And on September 24, we held a CLE on business immigration issues and how they relate to start-up technology companies. Daniel Parisi ’03 and Alexis Axelrad ’97 were the main speakers.

Moot Court Association Welcomes 32 New Members at 2012 Froessel Competition

Professor Susan J. Abraham

On July 12, 2012, about 100 NYLS students read the fact pattern they would have to write a brief about in order to compete in the Charles W. Froessel Intramural Moot Court Competition with the hope of making the team. For the next few weeks they each began to craft a brief on whichever side they chose. Some argued in favor of the student
who posted a message on “Ace-book” accusing a classmate of using a drug that helped him do well in school. Others argued in favor of the school’s right to punish that student for her comments. All of the students learned a lot about Tinker v. Des Moines School District and a host of other cases, as they grappled with a school’s right to punish a student’s speech, when that speech may not have been uttered on school grounds but was online, and therefore everywhere and nowhere in particular.

Not all the students who began those briefs persevered. Some withdrew on the eve of oral arguments. But for four days in September, Addya Bhowmick 3L and Cristina Grullon 3L ran the oral argument portion of the competition, marshaling the volunteers, encouraging the competitors, sending out round after round of students to be judged. On Sunday September 23, 2012, following the final round argument, 32 exhausted but exhilarated students were invited to join the New York Law School Moot Court Association.

The final round argument was challenging, instructive, and very entertaining. Alex Noble 1L, Catherine Brunetto 1L, Ariel Cabral 1L, and Matthew Ulmann 1L worked hard to dazzle the judges, while the judges just wanted to know why Tinker applied and what a school should do. Judge D. Brooks Smith referred to a brilliant Third Circuit opinion on the issue, which he had written. Judge Joseph Irenas responded to a competitor’s argument about what the Third Circuit had done in another case, with a dismissive comment about how no one ever listens to the Third Circuit anyway. After the argument was over, Judge Smith praised the competitors, as well as the fact pattern that students Melissa Zeigler 3L and Zach Nathanson 3L had written, calling it “brilliant.” Judge Irenas was very tough as a judge but thought the students did a fantastic job. He reminded students that even in appellate courts, a good advocate always emphasizes the facts. (Judge) Samantha K. Harris was impressed at how well the students managed the detailed facts in the record in response to the tough questions from real judges, and reminded them that they don’t need to rush into an answer; a pause that may feel like an eternity to them, may only be about 20 seconds and well worth the time if it means getting your thoughts together. Assemblyman Daniel J. O’Donnell insisted that he couldn’t figure out why he was invited to be a judge, claiming that he didn’t belong up there, after making a powerful argument for the need for anti-bullying legislation, his specialty in the New York Assembly.

These 32 students will now go through a rigorous mentoring program led by the more experienced Moot Court students, through which they will write a legal argument of a brief and get more feedback on oral arguments. They will put in office hours and volunteer on moot teams as they practice for their competitions in Chicago and Washington and Virginia and Buffalo. They will learn a new area of law on their own, learn how to work as a team in crafting a brief, and next year, some of them will become members of the Executive Board, leading even newer students through next year’s Froessel.

NYLS Dispute Resolution Team Prepares for Busy Year Ahead

Professor Kris Franklin

This past spring, the NYLS Dispute Resolution Team (DRT) moved into its permanent offices, and then immediately began planning for a demanding new year. The team conducted a summer write-on competition which finalized its membership for the 2012–13 academic year. Next, all team members attended an intensive summer training summit (which culminated in a team barbecue and madcap intramural *CatchPhrase™* competition).

DRT students then organized their first annual internal slating competition. During the slating, all team members practiced their skills while trying out for their preferred external competitions. We were delighted to have several members of the faculty join the DRT Executive Board in judging the competition and providing feedback to the members. Based on their performances and preferences, DRT members were then organized into competition units and committees. This year the team plans to train for and attend competitions in interviewing and counseling, negotiation, mediation, and arbitration. Competitions will cover topics ranging from business law to intellectual property and sports law. Anyone with expertise in these areas who can help our teams practice and prepare is invited to join us. Please e-mail Professor Franklin at Kris.Franklin@nyls.edu for more information.

In the spring of 2013, the DRT will host the ABA regional Interviewing & Counseling competition, as well as our own school-wide competition in negotiation. Please wish the team good luck in all of its projects for the coming year.