NYLS STUDENTS TAKE ACTION
Office of Clinical and Experiential Learning

Administrative Enforcement Clinic Breaks New Ground at NYLS

By Noelle Robinson 3L

New York Law School has launched an exciting new Administrative Enforcement Clinic this year at the New York City Taxi and Limousine Commission (TLC). NYLS students work in the Consumer Complaint Unit at the TLC prosecuting complaints brought to the Commission against taxicab drivers in the city. The students are the prosecutors, the drivers are the respondents, and those who filed the complaints, mostly passengers, become the witnesses.

Adjunct Professor Sherry M. Cohen, Assistant Commissioner of Prosecution in the Consumer Complaint Unit, says that the clinic is giving students a variety of first-hand experiences in litigating cases before city tribunals. Says Cohen, “I am interested in this truly being hands on and independent in an experiential learning setting. There’s no other forum where students will be able to get this kind of experience.”

Cohen went to law school to become a prosecutor, and she began her legal career in the Brooklyn District Attorney’s office, where she spent four years trying misdemeanor and felony cases. She then became a part-time judge at the Taxi and Limousine Commission, where she eventually rose to Deputy Chief Judge, then Director of the Prosecution Division (Court Unit), before becoming Assistant Commissioner of Prosecution.

Cohen has seen a notable expansion in the number of penalties issued by the Taxi and Limousine Commission in recent years. In September, the New York Daily News reported that in fiscal year 2013, passengers made about 17,000 complaints against taxicab drivers, resulting in penalties in about 7,000 cases. In 2009, only 731 of more than 18,000 complaints resulted in penalties.

Cohen notes that before 2011, the Commission was underrepresented at hearings. In the last couple of years, among the biggest changes at the Commission has been bringing in students to prosecute cases. Says Cohen, “They bring fantastic energy.” The Commission has been chipping away at the backlog of cases, and Cohen hopes to “tighten things up even more” in terms of addressing the practices that led to what was once a very long and frustrating process for those who filed complaints.

Clinic students divide their time between prosecuting cases in hearings and preparing the cases and witnesses for the hearings. After disposing of some cases through settlements, withdrawn complaints, or inquest hearings in the absence of the respondent driver, students prosecute at least two cases a week that go through the full hearing process on the record.

Student Prosecutor Christine Carballo 3L reports getting a remarkable amount of real-world experience in the clinic, even in just about the first month or so. Says Carballo, “Although I have plenty of support and training, I am the only TLC prosecutor on record for many cases. One of my favorite experiences so far has been negotiating a settlement offer with a driver’s representative because it is an opportunity to interact with an attorney in an official manner that has serious consequences for the Commission and the drivers.”

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Dispute Resolution Team Announcements

By Professor Kris Franklin

Congratulations to members of the NYLS Dispute Resolution Team who won top honors at the 2013 InterNational Academy of Dispute Resolution (INADR) Northeastern Invitational Mediation Tournament on October 3-5. The competition included significant training in mediation skills for all competitors, then required each to rotate roles as lawyer, client, and mediator through a series of simulations.

The NYLS teams were coached by Danielle Edrich 2L and Yusra Matari 2L. One NYLS team, made up of Diarra Clemons 2L, Andrew Heymann 3L, and Jaclyn Schianodicola 2L, took first place honors in the advocate/client category and third place as the mediator. Our other team consisted of Jason Seiler 2L, Salome Vakharia 2L, and Janelly Landa 2L, and they took first place in the mediation category. The competitors were also singled out for awards recognizing their individual efforts in various categories. Special appreciation also goes to Adjunct Professor F. Peter Phillips for his work helping to get these teams ready for the competition.

The DRT is very proud of these students’ efforts and their success in representing our school.

The New York Law School Dispute Resolution Team held its inaugural Client Counseling Competition on Saturday, October 26, 2013, and Sunday, October 27, 2013. This competition was judged by faculty members, practicing attorneys, and DRT members. It introduced students to both the New York Law School Dispute Resolution Team and competition-style client counseling.

Building a Disability Rights Information Center for Asia and the Pacific Clinic

By Professor Michael L. Perlin

The Building a Disability Rights Information Center for Asia and the Pacific Clinic is an outgrowth of a Project-Based Learning (PBL) course first offered in 2008-09 that helped create a “blueprint” for a Disability Rights Tribunal for Asia and the Pacific (DRTAP). See Michael L. Perlin, Promoting Social Change in Asia and the Pacific: The Need for a Disability Rights Tribunal to Give Life to the UN Convention on the Rights of Persons with Disabilities, 44 Geo. Wash. Int’l L. Rev. 1, 27-29 (2012) (discussing work of PBL students). There is currently no regional human rights court or commission in that part of the world; a DRTAP would provide a vehicle through which persons with disabilities could have claims of international human rights violations (especially those that violate the UN Convention on the Rights of Persons with Disabilities) adjudicated.

One piece of the DRTAP project is the creation of a Disability Rights Information Center for Asia and the Pacific (DRICAP). This Clinic is designed to study recent developments in the relationship between international human rights and mental disability law, so that students can participate in the “building” of the DRICAP website, by researching and analyzing all disability rights law-based developments in specified Asia/Pacific nations, and preparing them for website posting and distribution.

At this point, students will be working directly with advocates in 14 nations from that region, and we hope that, by the spring of 2014, researchers and advocates from all over the world will finally have a “one stop shopping” website through which they can access all the relevant disability law statutes, judicial decisions, administrative regulations, advocacy initiatives, and current research for these nations. We hope to expand this project to other nations in future years.
Securities Arbitration Clinic News

By Professor Howard S. Meyers

I am pleased to announce that the Securities Arbitration Clinic (SAC) recently received a favorable arbitration award against Chase Investment Services, Corp. Last year’s clinic students, Carl-Alain Memnon ’13, Kathleen Maher ’13, and Lauren Smith ’13 (who I am happy to report have fantastic jobs at a broker-dealer, hedge fund, and law firm respectively), interviewed our client, developed a theory of the case, conducted extensive legal research, and ultimately drafted and filed a Statement of Claim with the Financial Industry Regulatory Authority. Notably, the Arbitrator awarded our client 100 percent of the damages requested in the Statement of Claim, plus 9 percent interest, and ordered Chase to reimburse our client’s filing fee.

This semester, the SAC mediated a claim in late September involving the sale of an unsuitable illiquid real estate investment trust (REIT) and is scheduled to commence a contentious six-day arbitration hearing in mid-November concerning the sale of an unsuitable private placement in a Nevada gold mine. The SAC also has a number of active inquiries that our students will be evaluating.

For more info about the Securities Arbitration Clinic, visit www.securitiesclinic.org.

Suspension Representation Clinic

By Wilson Holzhaeuser 3L

In early October, Suspension Representation Clinic students Shanneyvie Johnson 3L and Wilson Holzhaeuser 3L represented a Bronx high school student, “Chris,” and his mother at a superintendent’s suspension hearing before the Department of Education. Chris had been suspended from school for allegedly participating in a group fight, which carries the consequence of a one-year suspension. Chris is a student with a disability, and English is his second language. A year-long suspension would have disconnected Chris from vital resources and his community.

After interviewing Chris and his mother, investigating the allegation, examining witness statements, and reviewing surveillance footage, Johnson and Holzhaeuser concluded that the school’s case was not supported by the evidence. Moreover, the school failed to follow fundamental due process safeguards such as providing timely notice and conducting a complete investigation. After consulting with Adjunct Professor Samantha Pownall, Johnson and Holzhaeuser developed a strategy for the hearing.

At the hearing, there was an unexpected twist: The hearing officer granted the school’s request to consolidate the fact-finding portion of Chris’s case with that of another student, “Steven,” who was allegedly involved in the same incident. Steven and his mother did not have representation. After consulting with Chris and his mother, Johnson and Holzhaeuser spoke with Steven and his mother regarding the incident. Both families believed that the school also wrongly accused Steven. They agreed on the record to be represented by Johnson and Holzhaeuser for the rest of the hearing.

Through direct testimony of all four clients and cross-examination of the school’s witnesses, Johnson and Holzhaeuser established in both cases that the school’s evidence was insufficient to support the charges and that the school failed to uphold important due process rights. The hearing officer was persuaded. The following day, both Steven and Chris were immediately reinstated. Steven and Chris are relieved and grateful to be returning to school.

Johnson and Holzhaeuser continue to represent both families in their special education cases.

The Clinical Year Begins Rotations

By Professor Stephen J. Ellmann

The Clinical Year has begun—not just the year in clinics, but New York Law School’s new clinical course, called “The Clinical Year.” As far as we know, this class, modeled broadly on medical school clinical rotations, is the first course of its kind in the country. Two 3L students, Erin Phillips and Samantha Schonfeld, joined the course for its pilot run. They will be earning 24 credits in this one course, which lasts the full school year. What they will be doing is three nine-week, full-time placements at law offices in New York City: first at the Legal Aid Society’s Civil Division; second at the NYC Law Department’s Division of Legal Counsel; and third at the NYC Department of Health and Mental Hygiene.

The course isn’t just placements, but also study; before each placement there’s a week-long, one-credit, pre-placement seminar, and during each placement there are 80 minutes of class each week, led by the placement faculty, and also adding up to one credit of work. Professor Stephen Ellmann oversees the course, which he developed (with the help of many NYLS colleagues), and he leads the teaching of each of the pre-placement seminars. Five placement attorneys, each appointed as an NYLS adjunct faculty member, oversee the placements: Katherine Greenberg, Liliana Vaaalnote, and Carol Santangel ’84 at the Legal Services Clinic.
Alumni Spotlight: Courtney Patterson ’11

Current Position: Political Field Director, Planned Parenthood Action Fund of New Jersey

Featured NYLS Activities: Urban Law Clinic; Justice Action Center Fellow

What do you enjoy most about your current position?
I’m so grateful for the opportunity to return to work for Planned Parenthood—an organization that so many rely on for high quality, affordable health services and to have a position that combines my three real passions: politics, reproductive justice, and the law. As Political Field Director, I work to design programs to keep voters informed about the status of women’s health in New Jersey. What I like most about my current role is the challenge—I’ve worked on several campaigns, both before and after law school, but I’ve never had the chance to build a campaign from the ground up. The Planned Parenthood Action Fund of New Jersey launched the New Jersey Women are Watching campaign in late August, with the goal of reminding candidates for state office that we didn’t stop paying attention after last November’s elections.

How have your experiences in the Urban Law Clinic or other experiential learning courses at New York Law School manifested in your current position?
It’s no secret that I loved my time at New York Law School and believe that the skills I learned there are invaluable to my current position. Law school, and particularly the experiential learning courses, taught me to approach situations and think through solutions differently. My goal while in law school was to better understand the way I can use the law to create social change. Working with clients in the Urban Law Clinic allowed me to see firsthand how certain policies impact real people. It sounds simple, but it’s something that I think legislators don’t see enough—they need to hear from voters more about the way certain laws affect them in practice. Part of my job is helping to encourage this conversation. Also, I have to follow pretty rigorous campaign finance regulations—so having a background in statutory interpretation certainly helps to make things a bit clearer.

What gets you excited about the law?
Seeing the law evolve, especially on social issues. Also, reading opinions from SCOTUS and recognizing famous case names and overanalyzing the footnotes.

Any shout outs?
Too many to list out—but I will say that all of the professors associated with Justice Action Center made my time as a student and in my role as graduate fellow truly meaningful. The law school experience is about so much more than grades; it’s really about determining how to best use the tools a legal education gives you to help others.

NYLS Students Prepare for New Pro Bono Requirement

By Professor Chris Kendall

Access to justice for low-income people is an increasing challenge throughout the country, and especially in New York. Many find themselves unable to afford representation to secure basic rights. To help address this unmet need and to encourage students to incorporate pro bono service into their professional training, the New York State Court of Appeals has instituted a new pro bono service requirement. Beginning January 1, 2015, individuals seeking admittance to the New York State Bar will be required to demonstrate that they have completed 50 hours of qualifying pro bono work prior to submitting an application for admission.

New York Law School has instituted a Pro Bono Initiatives Program to help law students learn about the requirement and find pro bono opportunities in the New York City area. As part of this student outreach, the Initiative held an information session in October aimed primarily at graduating students who are still looking for ways to complete the requirement. The session aimed to answer such frequently asked questions as whether work completed outside New York can count toward the requirement (yes); whether work completed before law school counts (no); and whether clinical work applies (in most cases, yes). Area service providers also presented information on current and ongoing volunteer opportunities.

Students were clearly eager to learn more about how they can satisfy the requirement, with approximately 40 of them in attendance at the information session. Students who missed the session can find a video on the Law School’s portal at https://go.nyls.edu/group/mycampus/pro-bono-initiatives. Students can also e-mail questions to probono@nyls.edu or visit the Initiative’s webpage at www.nyls.edu/probono for answers to more FAQs.