OCEL in the News: NYLS Ranked One of the Best Schools for Practical Training

By Michelle T. Weller, Clinic Administrator

The Office of Clinical and Experiential Learning is always working to provide the most innovative programs for our students, and we are getting some recognition in the press. The 2015 U.S. News & World Report ranking for Best Law Schools, published last March, listed NYLS among the top law schools in the nation for clinical training, ranking the Law School at No. 30. In addition, we were recently recognized by The National Jurist magazine as one of the top 20 law schools in the nation for practical training, receiving an A grade rating. The ranking of the top 20 will appear in the March 2015 issue. NYLS was also featured in National Jurist’s January 2015 issue, in which our Clinical Year program was recognized as one of the 15 most innovative law schools in the nation. Drawing on the medical school model, the Clinical Year is essentially a full-time job in which students work 40 hours a week at three placements on rotation. In the article, Dean Crowell is quoted, saying, “Students look to the school to give them the greatest leg up and the wealth of knowledge needed to practice.” Working closely with our full-time and adjunct faculty members, and in conjunction with our partner agencies, we are committed to providing valuable opportunities for every student to be able to study and develop the skills of law practice.

The Legislative Advocacy Clinic

By Johanna Miller, Adjunct Professor and Director of the Legislative Advocacy Clinic

This fall, students in the Legislative Advocacy Clinic worked with the New York Civil Liberties Union (NYCLU) to research and plan public policy campaigns to improve education and criminal justice outcomes for young people across New York State. One team tackled the overuse of high-stakes testing in public schools and its negative impact on students, teachers, and specific groups, such as students who are learning English as a second language. Team members interviewed leading educators, activist parents, and advocates around New York to inform their campaign. In early December, students testified at a public hearing before New York City’s Interagency Council on Youth, where their findings were shared with representatives of the Department of Youth and Community Development, the Department of Education, the public library system and cultural institutions, the mayor’s office, and the New York Police Department, among others.

The second team in the clinic considered the question of whether the legal age of criminal responsibility should be raised from 16 in New York. They developed a plan to advocate before the Governor and local lawmakers to raise the age when a criminal suspect is considered an “adult” to 18 (or 24, which would align New York’s laws with emerging science on adolescent brain development). Team members had the opportunity to attend a statewide conference on youth justice, coordinate strategies with the American Civil Liberties Union juvenile justice specialists, and train a group of youth leaders to advocate for change in their own communities. In December, the team submitted written testimony to the New York City Council, advocating for legislation that would ban employers from discriminating against applicants on the basis of a criminal record. In their
testimony, they argued that the bill would especially help teenagers, who can be charged as adults for nonviolent crimes, which can then interfere with their employment prospects for life.

Catherine Barreda 3L helped draft the NYCLU’s testimony to the New York City Council on a bill to restrict the activities of costumed performers in Times Square, developing arguments based on the First Amendment and New York’s pro-immigrant public policies. And Leslie Leutwiler 4L Evening assisted the NYCLU in analyzing anti-immigrant enrollment policies at public schools around the state. Her work helped lay the foundation for a formal investigation by the Attorney General and New York State Education Department into school policies that exclude immigrant children. ■

The Post-Conviction Innocence Clinic
By Adele Bernhardt, Adjunct Professor of Law and Director of the Post-Conviction Innocence Clinic

The NYLS Post-Conviction Innocence Clinic represents René Bailey in her quest to prove her innocence. The clinic argued that Ms. Bailey’s 2002 shaken-baby homicide conviction was based on unreliable, incorrect, and unscientific evidence.

Ms. Bailey was convicted of depraved indifference homicide. She was caring for four children in an in-home daycare center. One child fell from a chair during an unsupervised moment and suffered grievous injuries. Ms. Bailey believed the child fell because that’s what the other children reported and because the physical evidence corroborated that conclusion. However, the medical examiner concluded that the child’s injuries could not have been caused by a fall. As a result the prosecutor indicted her for murder and took the case to trial. At the time, very little research had been conducted to show that falls could sometimes be fatal.

Today, all doctors agree that falls can kill—although rarely. At a three-week hearing in April, pathologists, ophthalmologists, radiologists, mechanical physicists, and pediatricians explained to Judge James J. Piampiano that falls can fatally injure a child’s brain. After the hearing—which the clinic students prepared and participated in—Judge Piampiano decided that the science regarding head injury had evolved so significantly since the 2002 verdict that René Bailey’s conviction could no longer be trusted. He decided that the science upon which the verdict rested was now known to be both unscientific and incorrect. His decision is the first in New York State to hold that a change in science constitutes “newly discovered evidence” under C.P.L. 440.10. ■

Criminal Defense Clinic: Prepping a Case for Trial
By Constantine Loizides 3L

“I need you to make time in the next month to help me prepare for a case that’s set for trial.” My almost immediate response to Professor Anna Gabrielle Cominsky’s request was simply: “Yes.” That interaction repeated itself in my mind at least a dozen times as I left the 100 Centre Street Criminal Courthouse for the day. Pangs of nervousness shot through me as I thought about balancing this new challenge with my course load and law review editorial duties. Yet, in the end, any anxiety was swept away by the realization that I finally had the opportunity to prepare for an actual criminal trial.

Entering into my third year at New York Law School, I was hungry to finally put what I had learned over the past two years into practice. The
Criminal Defense Clinic (CDC) not only gave me this chance, but also provided me with the comfort of knowing that I had two seasoned supervising professors as my safety net. In addition to prepping a case for trial, I drafted motions, spoke on the record, helped negotiate pleas, and worked directly with my clients. Essentially, I was finally placed in the role of criminal defense attorney rather than criminal defense student.

Not only did the CDC provide me with invaluable practical experience, it allowed me to do what I had entered law school wanting to do—actually help people. I interacted on almost a weekly basis with my clients, getting to know them as individuals, rather than as defendants. I vividly recall the relief on a client’s face—an expectant mother—after I told her she would receive an Adjournment in Contemplation of Dismissal, which would ultimately lead to the dismissal of her assault charge. I was proud, knowing that I had negotiated that deal with the prosecutor.

The work I did in the CDC was very demanding. Professor Frank Bress and Professor Cominsky expected a lot out of my colleagues and me. Whether learning to properly draft court documents for the first time or preparing arguments to be made before a judge, I was asked to step outside my comfort zone time and time again. However, with their guidance and support, I was able to meet and surpass both their and my own expectations, making the overall CDC experience an extremely rewarding one.

Safe Passage Resource Open House

By NYLS Volunteer Student Carlos Valenzuela 2L

On Sunday, January 25, volunteers gathered at New York Law School to welcome young people and their families to the first Safe Passage Resource Open House. Organized by Staff Attorney Claire R. Thomas and social work volunteer Wendy Miron, the event provided Safe Passage Project children and their caretakers with resources about education, health, public benefits, and other social programs. Angelika Gutierrez, Health Insurance Enrollment Coordinator at Lenox Hill Neighborhood House, assisted young people with enrollment in the Child Health Plus insurance program. Wendy Miron informed Safe Passage kids about alternative educational programs and how to register for the new municipal ID card. Ernie Collette, Liadan Donnelly, and German Castaneda of MFY Legal Services provided young people and their families with information on eligibility for a variety of public benefits programs. Sarah Flatto of the Manhattan Family Justice Center raised awareness about teen dating violence and offered resources for survivors of intimate partner violence. Carlos Valenzuela 2L, an Americorps Justice Paralegal, and John Jay College student Myriam Santamaria, a member of the CUNY Service Corps program known as the Unaccompanied Latin American Minors Project (U-LAMP), were very helpful in organizing the event and in greeting young people and their families.

The Safe Passage Project hopes to continue to host Resource Open Houses in 2015, along with regular Child Health Plus insurance enrollment clinics, with the help from our incredibly generous corps of volunteers!

CLINICAL AND EXPERIENTIAL LEARNING INFO SESSIONS

Tuesday, February 24, 2015 • 4:50 p.m.–5:50 p.m.
Thursday, February 26, 2015 • 12:50 p.m.–1:50 p.m.
Room W401

Clinical faculty give a general overview of our skills offerings and explain why they are an important part of your legal training. Pizza will be served.

OPEN HOUSE

Wednesday, March 4 • 4:00 p.m.–6:30 p.m.
Events Center (Room W202)

Talk with faculty and students to learn about clinics, externships, workshops, project-based learning, simulation courses, upper-level writing electives, competition teams, and Academic Centers. A variety of refreshments will be served.

CLINIC STUDENT PANEL

Wednesday, March 18 • 12:50 p.m.–1:50 p.m.
Room W420

Clinic students share their insights and experiences in a casual setting. Pizza will be served.

APPLICATION AND INTERVIEWS

Begin: March 4, 4:00 p.m.
Due: March 23, Noon

Many OCEL courses require an application or interview. Please refer to the OCEL packet for more info. Go to https://go.nyls.edu > Student Resources > Academics > Office of Clinical and Experiential Learning