The Opening of The Joe Plumeri Center for Social Justice and Economic Opportunity

By: Prof. Stephen Ellmann, Director of the Office of Clinical and Experiential Learning

As it celebrates its 125th Anniversary, New York Law School (NYLS) has received a $5 million gift from Joe and Susan Plumeri through The Joe Plumeri Foundation. The donation is among the largest in the School's history, and one of the largest donations ever to a law school to enhance clinical and experiential learning. This gift supports New York Law School's nationally recognized practical training programs by establishing The Joe Plumeri Center for Social Justice and Economic Opportunity.

Mr. Plumeri is currently Vice Chairman of the Board of Directors and Senior Advisor to the Chairman and CEO of First Data, a leading technology company that sits at the center of global electronic commerce. He is also a Senior Advisor to Kohlberg Kravis Roberts, a leading global private equity firm. Mr. Plumeri previously served as Chairman and CEO of Willis Group Holdings, a global insurance broker. Prior to joining Willis, he served as CEO of Citibank North America, Chairman and CEO of Primerica Financial Services, Vice Chairman of Travelers Group, and President and Managing Partner of Shearson Lehman Brothers.

The Plumeri Center will be the home of the School's law firm where a diverse client base drawn from all of New York City will receive free, high-quality legal services. The Center aims to be the premier place in New York City that clients can turn to for a breadth of legal services ensuring fairness and equal opportunity. The Plumeri Center is an extraordinary physical space that houses NYLS's legal clinics, provides the space for extensive simulation training in both the first-year Legal Practice program and upper-level courses, and includes a moot court room with an accompanying jury deliberation room. It enhances every aspect of NYLS's training in practical lawyering skills.

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Racial Justice Project Files Second Circuit Brief in Predatory Lending Case

By Khalil El Assaad 3L

On November 19, 2015 the Racial Justice Project (RJP), along with the NAACP Legal Defense and Educational Fund, the Damon J. Keith Center for Civil Rights at Wayne State Law School, and the Michigan Welfare Rights Organization filed an amicus curiae brief in the U.S. Court of Appeals for the Second Circuit in the case of Adkins v. Morgan Stanley, a class action lawsuit brought on behalf of African-American residents in Detroit who received predatory, high-risk mortgages in violation of the Fair Housing Act. The issue on appeal is whether the plaintiffs can maintain a class action under the Fair Housing Act to challenge the predatory lending practices that harmed thousands of African-American homeowners in Detroit, Michigan.

The RJP amicus brief filed in Adkins begins with a brief history of the racial discrimination that plagued the U.S. housing sector in the 1940s all the way up to the 1960s and the circumstances that prompted the passage of the Fair Housing Act in 1968. It then proceeds to show how racial discrimination in the financial services industry simply shifted from the outright denial of credit to African-American and minority borrowers to the systematic targeting of minority communities for predatory subprime mortgage loans. The brief goes on to discuss the widespread social and economic consequences of predatory subprime lending, which range from high default and foreclosure rates to loss of homeownership and entrenched racial segregation. Lastly, the brief asks the Court of Appeals to reverse the district court’s class certification ruling in light of the expansive reach of the Fair Housing Act and the need to vindicate the civil rights of thousands of unsuspecting homeowners who have suffered housing discrimination at the hands of predatory lenders and loan purchasers.

The Adkins litigation is an important case challenging Morgan Stanley’s loan-purchasing policies and the role it played in shaping predatory lending schemes in Detroit. As the primary purchaser of high-risk residential mortgage loans in Detroit—particularly those issued by New Century Mortgage Company, a now-defunct loan originator—Morgan Stanley encouraged and incentivized the origination of subprime loans rigged toward default and foreclosure. Today, in the wake of the subprime crisis, Detroit’s African-American communities increasingly face foreclosure and impoverishment as a direct result of the high-risk terms that are characteristic of predatory mortgage loans. In addition to causing high rates of foreclosure, home loss, and financial devastation, predatory subprime lending has solidified racial segregation in cities and towns across the country, especially in the metropolitan Detroit area.

The district court’s class certification ruling in Adkins threatens to insulate from liability the financial institutions responsible for some of the worst abuses of the subprime era. By leaving discrimination to be challenged on a loan-by-loan basis, the ruling impedes thousands of victims from vindicating their civil rights under the Fair Housing Act. Hopefully, the Second Circuit will recognize the economic forces at play and allow the individual plaintiffs to proceed as a class against Morgan Stanley, the investment bank responsible for their civil rights and economic injuries.

Continued on next page
Hattiesburg, Mississippi has a “Mayor-council” form of municipal government. The mayor is elected at-large and embodies the executive power of the city. A five-person city council wields the City’s legislative power. Each council member is elected from one of five wards, and each ward must contain, as nearly as possible, a fifth of the City’s population, as shown by the most recent decennial census. For the past thirty years, Hattiesburg City Council has had three white members and two African-American members. According to the 2010 census data, African-Americans now comprise a majority of Hattiesburg’s total population. Adopted July 17, 2012, Hattiesburg’s most recent redistricting plan nonetheless retains three majority-white wards and two majority-black wards, despite the City’s African-American majority.

The Civil Rights Clinic represents the plaintiff, Mr. Kenneth E. Fairley, Sr., et al., claiming the current district plan dilutes the voting and political power of African-American citizens in violation of Section 2 of the Voting Rights Act. The Voting Rights Act, signed in 1965, is aimed at overcoming the legal barriers at the state and local levels that prevent African-Americans from their right to vote under the 15th Amendment to the U.S. Constitution. The act is considered one of the most far-reaching and significant pieces of civil rights legislation. Section 2 of the Voting Rights Act is significant because it prohibits voting practices or procedures that discriminate on the basis of race, color, or membership in one of the language minority groups. On August 11, 2015, the U.S. District Court for the Southern District of Mississippi ruled in favor of the city holding the current plan does not violate the Voting Rights Act. An appeal was filed in the Fifth Circuit and the Clinic has taken on the case. The Clinic is looking forward to oral arguments later this semester.

Securities Arbitration Clinic to File Claim on Behalf of Texas Shopkeeper

By Prof. Howard Meyers

The NYLS Securities Arbitration Clinic continues its national reach as a team of three enthusiastic students, composed of Josephine Bahn 3L, Annette Cordasco 2L, and Terrence Griffiths 3L, work on behalf of a Texas shopkeeper who was swindled by his broker. The broker, born from a culture of non-compliance at his firm, utilized attractive promises and fast talking pressure, thereby persuading the Texas resident to trust the broker with thousands of dollars. Once the account was opened, the broker essentially created a parasitic relationship, racking up commissions and fees for his own good, leaving the shopkeeper’s account nearly empty. Currently, the team is preparing to file a claim on behalf of the shopkeeper before the Financial Industry Regulatory Authority (FINRA), the regulatory agency governing disputes between investors and their brokers in the securities industry. It is the mission of the Clinic to fight for those who have been wronged by investors but unfortunately are not financially capable of hiring a lawyer; this Texas shopkeeper is the embodiment of that mission.

Safe Passage Project Students and Volunteers Advocate for Immigrant Youth

By Guillermo Stampur, Staff Attorney

In early February, the Safe Passage Project advocated for a young 17 year old boy from El Salvador fleeing persecution, abuse and violence obtain asylum in the United States. Safe Passage first met the young person at Immigration Court in July 2013 where New York Law School students, including Carlos Valenzuela 3L, from Professor Lenni Benson's class participated in the initial screening and made the initial appearance before Judge Rohan on behalf of the child to request more time to find the child counsel. Carlos was recently recognized by The National Jurist Magazine as a Law Student of the Year. Safe Passage not only helped the child find counsel, but also win asylum. The child is now living safely in Brooklyn, enjoying his GED classes, and working to support himself. His life has been changed forever.

Legislative Advocacy Clinic Makes Impact on Local Community

By Adjunct Prof. Johanna Miller

Working with Professor Johanna Miller, students in the Legislative Advocacy Clinic (LAC) learn how to use all the tools in the lawyer-activist toolbox to support progressive legislative change. During the fall semester, LAC students made quick progress on their advocacy campaigns, combining legislative drafting, direct lobbying, public education tactics, and grassroots organizing to advocate for local laws. Their projects covered six pieces of legislation on topics from police reform to public health to voting rights.

Jezwah Harris, Honors Program, focused his campaign on two bills that will broaden access to services and information for New Yorkers living with HIV. In October, Jez, who is also a registered nurse, testified before the New York City Council committees on Health and General Welfare in support of a bill, titled HASA For All, sponsored by the Council's first openly HIV-positive member, Corey Johnson. Jez worked closely with Councilmember Johnson's office as they prepared for the hearing, drafted potential amendments to the bill, and testified alongside public health experts and community leaders. He is continuing to work with the Council in support of a related bill that would improve public access to information about New York's HIV & AIDS Services Administration.

Amanda Seelman, 2L, also testified at City Hall, in support of a bill to expand voter registration among New York City high school students. Amanda directly lobbied Councilmember Margaret Chin (who represents the district that includes NYLS) in support of the bill. Specifically, Amanda focused on key language access provisions in the legislation that would allow students and parents who don’t speak English at home to access voter registration information.

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Chloe Coniaris, 3L, led a campaign tackling one of the most prominent and most difficult issues faced by New York City: reforming the NYPD. Working with the New York Civil Liberties Union (NYCLU) and Communities United for Police Reform (CPR), Chloe helped organize a series of direct grassroots actions in support of two police reform bills, together known as the Right to Know Act. Attending organizing meetings and strategy sessions with the NYCLU and CPR helped Chloe gain a better understanding of how campaign strategy develops, how to identify target legislators, and how to turn out constituent support for legislation. Most importantly, she gained firsthand experience with the complicated relationship between lawyer-advocates and community-led movements.

Chloe focused on reaching constituents in Councilmember Dan Garodnick’s Manhattan district, asking them to voice their support for the bill. Councilmember Garodnick is an attorney and a usual supporter of civil liberties causes, but had not yet signed onto the Right to Know Act. To increase pressure on Garodnick to sign on, Chloe identified strategic locations for street outreach in his district and helped research local organizations as potential allies. She organized political science students at Hunter College to get more involved in the campaign. She met with the bills’ sponsor, Councilmember Antonio Reynoso, and lobbied other members outside of City Hall. Finally, Chloe published a piece on the NYLS Impact Center’s blog in support of the Right to Know Act, asking students to think critically about the impact of “Broken Windows” policing on communities of color as the law school welcomed NYPD Commissioner Bill Bratton to campus.

News from the Alternative Dispute Resolution Skills Program

By Prof. F. Peter Phillips

Marriage License Project Students Advocate for Victims of Identity Theft

By Adjunct Prof. Lisa Grumet

The Marriage License Project provides students with the opportunity to assist individuals who were denied a marriage license due to identity theft. Generally, someone else used the victim’s name fraudulently to get married, apparently for immigration purposes. Cases are referred by the New York City Clerk’s Office to the Diane Abbey Law Institute for Children and Families of the Impact Center for Public Interest Law. Since the project began in 2013, students have successfully assisted more than 25 clients in reversing the denials of their marriage licenses, making it possible for the clients to get married.

Most of the cases are decided based on written submissions. However, several students have conducted administrative hearings before the City’s Office of Administrative Trials and Hearings. This past summer, Ariana Dindiyal and Jezwah Harris, students in the Two-Year Honors Program, appeared on the record on behalf of a client whose personal
documents were stolen in August 1996. At the hearing, through their direct examinations of our client and her fiancé, Ariana and Jezwah established the facts of the 1996 identity theft and how this identity theft followed our client for decades, negatively impacting her credit score, tax filing, driver’s license, and personal life. Other students who have successfully conducted administrative hearings include Kimberly Gay 3LE, Elizabeth Friedrich 3LE, and Yusra Matari ’15.

The Marriage License Project has also represented clients with extraordinary cases in which other legal issues have been present. Kimberly Gay worked on a case involving a young woman who was a domestic violence victim in addition to being a victim of identity theft. Our client’s ex-boyfriend threatened her and also attempted to “marry” her, apparently by having someone else pose as her so he could obtain a false marriage license. Kimberly prepared papers that resulted in a determination that our client was not the person referred to in the marriage license. As Kimberly stated, the outcome “helped [our client] regain control of her life.”

In another complex case, handled by Sara Alpert 2L, the birth certificate used to obtain a false marriage license may have been obtained from our client’s biological mother, whose parental rights had been terminated when she was a child. Sara researched and prepared a successful application for our client’s name to be redacted from the published decision, given the sensitive nature of the child protective information.

Working on these cases can be very rewarding. As stated by Jason Reuben 3L: “I will always remember the reactions of my clients upon informing them that their appeal has been granted. This has resulted in shouts of joy and even tears of happiness. The clients are always so appreciative of the work you have done for them, and it is both a rewarding and gratifying feeling to know that you have made such a difference in someone’s life.”

Other students who have filed marriage license appeals during this academic year include Stephen Gaeta 3L, Rebecca Hanus 4LE, Jarienn James (Honors Program), and James Losada 4LE. The cases are supervised by Adjunct Professor Lisa Grumet.

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Alumni Spotlight: Alisha Bacchus ’14, Staff Attorney at Legal Aid Society

By Alisha Bacchus ’14

Please share a little bit about what you do or any new initiatives at your workplace.

I am currently employed as a staff attorney at the Legal Aid Society where I represent indigent clients who have been arrested and charged with a crime. Before I started this job I didn’t realize how much of my criminal practice would extend far beyond the courtroom. Half of my time is spent in front of judges advocating for my clients but the other half is providing help and support to my clients who don’t know where to turn or who to ask. Whether it is informing a client how to get a disposition letter showing their case is over or setting up a meeting with one of Legal Aid’s immigration specialists to discuss immigration concerns, there are so many things we do for our clients that extend beyond a court appearance.

One thing I value about working at Legal Aid is how our organization is like a family and has such camaraderie. Very quickly you realize that there are so many questions you do not know the answer to, some of which seem to have nothing to do with your practice. It is comforting to know that working with such a large network of attorneys and support staff means that someone will always be there to guide you and share their experiences with you. And because legal education never ends, Legal Aid is always offering different office wide lectures to help aid your practice and expand your knowledge about a specific subject area. Just last week I went to a discussion about hidden employment consequences of criminal convictions and learned so many valuable things that will significantly help my practice and my clients in the future. In fact, the very next day in court I dealt with a case that had potential employment consequences and was able to work out a more favorable disposition for my client and inform her of what steps she needed to take in order to get reinstated at her job. It is resources like this that makes me proud to work at the Legal Aid Society.

What do you enjoy most about your position and/or the legal field?

What I love most about criminal law, much like other law, is that the law is always changing. A case I dealt with a year ago might not be litigated the same today. Changes in the law affect the advice I give to my clients, the arguments I make to the judge, and the motions I file in court. I always make sure to read the new decisions in the New York Law Journal because something you argued yesterday could be different today based on a single Court’s decision. Knowing this makes me a better advocate for my clients and a better attorney. My clients are always excited to hear that a change in the law puts us in a more favorable position than when the case started. It also makes me realize how important motion practice is because arguments you make to a judge could help shape new law or change existing law.
How have your experiences in the Criminal Defense Clinic and/or other experiential learning courses at NYLS impacted your career?

First of all, I don’t think I would have my job with Legal Aid if it wasn’t for my clinical experience. In my opinion, internships are great for networking and gaining exposure but clinical programs are where you really learn how to become a practicing attorney in your field. I didn’t realize how much I learned in my clinical programs until I went through my training at Legal Aid. Much of what was being taught was a review for me and later, I felt much more confident going to court for the first time than some of my other colleagues did. Even something as simple as knowing where to stand when you address the court can help alleviate anxiety. The courtroom exposure I received in the clinic was something I don’t think I could have gotten anywhere else, especially not in a classroom. One of the most valuable things the clinics taught me was that much of criminal procedure is not guesswork, it is actually the work of thought out and detailed statutes and all you have to do is read them to understand the procedure and what is expected of you at this particular stage. I was so glad I took advantage of the clinical programs offered at NYLS and don’t think I would be the attorney I am today without the vital foundation they provided.

I would not be the attorney I am today without the help of Professors Bress, Cominsky, and Colangelo, and the rest of the clinical program staff at NYLS. I want to thank them all for sharing their real world experiences with their students and helping to shape us into the best trial attorneys we can be (before even taking the bar). I would also like to shout out to my fellow Criminal Defense Clinic classmates who are all doing amazing things in law. My criminal law professors at NYLS helped peak my interest in criminal law and litigation but it was the clinical professors and clinical programs that made me confident in believing that this was what I was meant to do. I am lucky enough to see Professor Cominsky occasionally in court and reiterate to her students that the Criminal Defense Clinic is one of the most valuable experiences they will take from law school. I know it was for me!

Civil Rights Clinic Recognized as NYLS Diversity Champions

By Michelle Weller, Administrator of Clinics

New York Law School celebrated Diversity Day on Wednesday, March 2, 2016 and honored various members of the law school community with the title of NYLS Diversity Champions. Among the honorees, the Civil Rights Clinic was commended for providing students with the opportunity to represent clients in trial and appellate litigation on a variety of civil rights issues, including employment and housing discrimination, voting rights, educational equity, and criminal justice reform. The members of the 2015-16 Civil Rights Clinic – Togtokhbayar Ganzorig 3L, Shelby Hoffman 2L, Shannon Lashlee 2L, Molly Mauck 3L, Nicole Mozee 3L, Sherbune Paul 3L, Tolulope Okusanya 3L, Victoria Stork 3L, Payal Thakkar 3L, and Rita Vega 3L – have been advocates for the protection of laws and policies that fight against racial segregation and isolation.

This year, the Clinic filed an amicus curiae brief in the United States Supreme Court in the case of Fisher v. The University of Texas at Austin. Fisher is a challenge to UT Austin’s race-conscious admissions program. The Civil Rights Clinic’s brief emphasized the continued importance of race-conscious admissions programs in admitting a diverse class and reminded the Court of the many individual, educational, and societal benefits of racial diversity. Professor Deborah Archer, Director of the Clinic and Dean of Diversity and Inclusion, reminded the audience that “it takes courage to engage the public and explain the importance of diversity to those who don’t value it as much as we do, and I am incredibly proud of these students for their leadership in championing the goals of diversity and inclusion.” Sherbune Paul, Clinic member and President of the Black Law Students Association, thanked the law school on behalf of the Clinic, not only for the opportunity to advocate for their clients, but also for providing a safe space for the students to discuss and debate these important topics with one another on a daily basis.
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