The inaugural year of The Joe Plumeri Center for Social Justice and Economic Opportunity has been a great success. The Center, dedicated in November 2015, is home to the Law School’s clinical and experiential learning programs and provides ground-level access to a reception area for clients, office space for clinics, private rooms for attorney-client meetings, study space for students, private work areas, and a state-of-the-art digital simulation center for skills training.

Our more than 20 clinics and experiential learning programs allow students to practice law as legal interns, under the guidance of legal scholars and expert lawyers on NYLS’s faculty. The Plumeri Center is home to New York Law School Legal Services, Inc., the School’s law firm, which provides free high-quality legal services to low-income New Yorkers, veterans, not-for-profits, struggling entrepreneurs, and other underserved groups who otherwise would be unable to afford legal representation.

In 2015-16, clinic students provided more than 17,000 hours of legal services to nearly 200 clients. We are looking forward to great things in the years ahead. New clinics in the areas of cyberharassment, trademark prosecution, education law and school suspensions, and family law will help people who are in great need of legal services. Our judicial and law office externships will continue to offer students a wide range of unparalleled opportunities in a plethora of legal settings.

In this issue, I am proud to share some of our clinics’ successes during The Plumeri Center’s first year.

ABOUT THE PLUMERI CENTER

The Joe Plumeri Center for Social Justice and Economic Opportunity, dedicated in November 2015, is home to NYLS’s law firm and provides free high-quality legal services to New York City’s diverse, low-income, and veteran populations who would otherwise be unable to afford legal representation. Made possible by a generous gift from Joe and Susan Plumeri, the Center’s innovative mission, sophisticated design, and ground floor location provide an unparalleled access point to the School’s legal services. The Plumeri Center also enables NYLS students to fully realize the benefits of experiential learning and skills training within a true clinical setting that is part of a new modern legal education. The Center is home to more than 20 clinical and experiential programs, a reception area for clients, study space for students, private work areas, and a state-of-the-art simulation center with direct-to-digital recording technology for student skills training.
NYLS’s Post-Conviction Innocence Clinic, housed in The Plumeri Center, accepts only a few cases each year. We decided to represent Rene Bailey because we believe she is innocent, and we believe the prosecution introduced invalid testimony at her trial. The only evidence against Rene was medical evidence that we thought was wrong.

In 2001, New York State charged Rene with homicide, alleging that she shook a pre-school child so violently at her home day care center that she caused the child’s death. No one saw how the child was injured, except a 2-and-a-half-year-old witness who said the child fell from a chair, but no one listened to him. Rene denied the charges. She cared for the child since the child was 6 weeks old and the child like her own. However, the medical evidence trumped everything else. At trial, the prosecution produced three medical experts, who all testified that shaking was the cause of the child’s death and that only shaking could have caused the particular injuries the child suffered.

After serving 12 years in jail and exhausting her appeals, Rene wrote to the clinic and told us she was innocent and that she believed the child fell off a chair.

The clinic thought the doctors were wrong. We discovered that the child who confirmed the fall was, by all accounts, a precocious and highly observant 2-and-a-half-year-old. He started acting out the fall at the next day care center where he was placed, convincing that subsequent caregiver that the death was a tragic accident. We found that day care provider and interviewed her. We learned how children react to trauma and discovered that compulsive reenactment is a typical response.

Moreover, we thought the doctors were wrong to say that a fall could never cause fatal injuries. We researched the medical issues and discovered that medical science changed between 2001 and 2012. By 2012, doctors viewed shaking—especially shaken baby syndrome—more skeptically, and by then, all doctors agreed that falls can be fatal. The clinic brought a motion to vacate Rene’s conviction. Justice James Piampiano, Supreme Court Justice in Rochester, New York, granted a hearing. In 2014, the clinic conducted a three-week evidentiary hearing in which leading medical doctors and a noted biomechanical engineer testified. Justice Piampiano agreed with the clinic and found that new scientific and medical research, new case studies, changed opinions of the relevant medical academics, and a review of the new and germane literature proved that “key medical propositions relied upon by the prosecution at trial were either demonstrably wrong or are now subject to new debate.” Based on these findings of facts, Justice Piampiano exercised his discretion to conclude that Rene’s conviction could not stand, vacated her conviction pursuant to CPL § 440.10 (1)(g), and ordered a new trial. He also released Rene from prison without bail.

The Monroe County District Attorney appealed the decision. In spring 2016, the clinic drafted a brief in response to the prosecution’s appeal, and in fall 2016, I argued the appeal in the Appellate Division, Fourth Department. It only took three weeks for the Appellate Division to affirm Justice Piampiano’s decision, at 2016 WL 2932227 (4th Dept. 2016). Over the years, many students worked on behalf of Rene, and they have all been touched by the story of how medical evidence can be wrong and how courts can repair a miscarriage of justice.

Immigration Law and Litigation Clinic: A Safe Passage Success Story

By Guillermo Stampur, Director of Legal Services/Supervising Attorney, Safe Passage Project

This month, NYLS’s Safe Passage Project helped two brave refugee children obtain legal permanent resident status in the United States. When Julio and Flavia were 13 and 14, respectively, they were forced to stop going to school and to leave their home in Haiti. Their parents could not provide for them, and they recall going days without food. Their only option was to flee in search of safety and opportunity. They had family members living in Mexico, so they worked to save enough money to take a boat from Haiti to Mexico. In Mexico, Julio and Flavia worked menial jobs to pay for food and housing before it became clear that they could not support themselves in Mexico either. They knew of a family member living in New York and decided to make the dangerous journey to the United States on foot and by bus.

The two children were detained at the United States/Mexico border and transferred to New York to live with their aunt. When they arrived, Safe Passage met them at Immigration Court. Guillermo Stampur, Director of Legal Services for Safe Passage, and then-students Carlos...
Valenzuela '16 and Timothy Greenberg '16 took their cases, assisted by Lauren Blodgett, an Equal Justice Works fellow and Harvard Law School graduate who works with Safe Passage.

Safe Passage helped Julio and Flavia's aunt become their legal guardian and assisted the siblings in their application for Special Immigrant Juvenile Status. The week of October 17, 2016, Julio and Flavia received their green cards. NYLS students were involved in every stage of the process, from drafting pleadings to participating in client meetings and accompanying the Safe Passage legal team to Immigration Court.

Julio told Safe Passage that he wants to become a lawyer or a professional soccer player and that his sister wants to become a doctor. Safe Passage played a significant role in ensuring that Julio and Flavia have a safe and stable future and the chance to pursue their goals.

**Cyberharassment Clinic: Centering Victims**

*By Andrew Sta. Ana, Professor and Director of the Cyberharassment Clinic*

The Tyler Clementi Institute for Cyberharassment is protecting and defending victims through a new clinic. Named after the Rutgers University student whose death sparked a national conversation about LGBTQ bullying, privacy, online behavior, and appropriate legal responses, the clinic is focused on keeping victims central as it develops. Despite increasing awareness of cyberharassment, victims are often dismissively told to “just” change their emails, delete their social media accounts, or simply stay offline completely. Others are told that they should be ashamed of themselves for sharing pictures and secrets with partners. This advice often further isolates victims, and because of these negative experiences, many victims resist reaching out for assistance.

Despite increasing awareness of cyberharassment, victims are often dismissively told to ‘just’ change their emails, delete their social media accounts, or simply stay offline completely.

For these reasons, students in NYLS’s Cyberharassment Clinic receive significant training on working with cyberharassment survivors, and, in some cases, learning directly from victims. Within its first few weeks, the clinic featured numerous survivor speakers, practitioners, and leaders in this emerging area of law. One, a survivor of cyberharassment, “Sally,” spoke to the clinic about the abuse she experienced by her ex-boyfriend. Sally shared the story of how her ex-boyfriend monitored her online and via cell phone, created a fake profile of her, and threatened to expose her to her family. Another guest speaker, Sam, an advocate and therapist from the newly founded Online SOS network, discussed trauma-informed approaches to serving victims of cyberharassment. The clinic also invited Carrie Goldberg, a leading litigator in the area of cyberharassment, to discuss her work. Finally, clinic students participated in several live simulations that explored cases involving non-consensual pornography, online stalking, sextortion, and intimate partner violence.

**Students in NYLS’s Cyberharassment Clinic receive significant training on working with cyberharassment survivors, and, in some cases, learning directly from victims.**

These days, the clinic is working with survivors to help them to identify the ways cyberharassment manifests in their lives. Through legal research, writing, and advocacy, students are assisting victims in navigating how the law applies to their cases. The clinic will also launch a website so that victims seeking information and services will be directed to students, who have centered their voices from the beginning.

**Criminal Defense Clinic: Reflection on the Value of Clinics**

*By Gabriella Ali-Marino 3L, Criminal Defense Clinic legal intern*

“Law school is like studying the manual for a toaster for years without ever actually having one to work on; this clinic is your toaster.” On my first day observing arraignments at the New York County Criminal Court, a judge imparted this unconventional but fitting description of the clinical experience. Traditional law school classes teach students “black-letter law” from casebooks, and in nearly all instances, students will never apply that knowledge aside from exams and during class discussions. By contrast, the Criminal Defense Clinic provides students with a vehicle for using some of the knowledge gained from doctrinal classes. More significantly, however, the clinic doesn’t just teach a student how to think like a lawyer. Instead, it teaches students to be effective advocates through deep analysis of the law, thoughtful consideration of the consequences of their actions, and actually applying the law.

Essentially, interns “color in” black-letter law through research on practical application of statutes...

As a law student intern in the Criminal Defense Clinic, the value of having a deep understanding of the law through detailed analysis quickly became apparent. Instead of asking professors questions about the law in a superficial way, law student interns are required from the very beginning of the semester to practice self-reliance when it comes to answering questions they have and questions posed by both supervisors and colleagues. Essentially, interns “color in” black-letter law through research on practical application of statutes through case law that provides distinctions. Supervisors challenge interns to push past the natural impulse to ask someone who “knows better,” and to instead count on their own investigation and careful scrutiny of the law. Dissection and exploration down to the most elemental level of issues and offenses enable interns to establish a level of self-confidence in their own abilities in a way that is unmatched elsewhere during one’s law school career.
Simultaneously, interns go from pondering the philosophy of law and learning rules to thoughtfully considering the impact of their actions and words on a client’s life. In the clinic, interns discuss situations as they apply to particular clients and results of research with colleagues to find answers to questions that affect critical aspects of an individual’s life. These aspects include the creation of a criminal record, deportation, losing eligibility for public housing, and even financial assistance for education, to name just a few. The scenarios discussed during case rounds aren’t contrived from an active imagination testing hypotheticals. The clients are real, living people, and their lives are as complex and unique as the human experience itself. Interns practice client-centered advocacy by assisting clients in making decisions in the clients’ best interest.

The Criminal Defense Clinic challenges the way students typically think about resolving issues by encouraging introspection and thoughtfulness throughout every aspect of a client’s representation. This experiential way of learning boosts the confidence of the law student intern and the confidence of the client in his or her legal team and, in turn, generates procedural justice that is often lacking in the criminal justice system. The experience is about moving past thinking like a lawyer and toward being a reliable and credible lawyer. And, as that same New York County Criminal Court judge imparted as she turned to take the bench, “In law, and in life, credibility is everything.”

Civil Rights Clinic: Successful Student Mediation in Discrimination Case

By Shelby Hoffman 3L, Harlan Scholar, and Christopher DeLong 3L

After more than a year of aggressive advocacy, Impact Center and Civil Rights Clinic students Shelby Hoffman 3L and Christopher DeLong 3L successfully resolved a client’s pro se lawsuit through mediation. Mediation is a less formal version of litigation that includes negotiation conversations between both parties with the guidance of a court-appointed mediator. The client, a former employee of a major hospital, alleged that his employer engaged in age discrimination, disability discrimination, and Family Medical Leave Act (FMLA) retaliation. The client was suffering from episodic and debilitating seizures, possibly as a result of a previous brain surgery. The employer terminated the client one day before the client’s FMLA leave was to commence. Ultimately, the client underwent a second brain surgery to treat the condition. Though the mediation’s outcome is not public, the clinic students who handled it report that the client was very pleased with the result and grateful to be spared the arduous experience of further litigation. By the time of mediation, the case had languished for more than a year in the United States District Court for the Southern District.

Photo Exhibition: March on Washington for Jobs and Freedom

On August 28, 1963, more than 250,000 demonstrators converged on Washington, D.C. for what is now known as the March on Washington for Jobs and Freedom. The landmark march culminated in Martin Luther King Jr.’s “I Have a Dream” speech, calling for racial justice and equality, and was a pivotal event in the passage of the federal Civil Rights Act of 1964.

The photos—displayed in The Plumeri Center—are courtesy of Trustee Professor of Law David Schoenbrod, who took them shortly after his college graduation.

Events

- January 16, 2017: Martin Luther King Jr. “Day of Service” by NYLS students, faculty, and staff
- January 24, 2017: “ADR and Diversity” Symposium, sponsored by the American Bar Association’s Business Law Section and NYLS’s Alternative Dispute Resolution Skills Program and Impact Center for Public Interest Law (Open to the public)
- January 27, 2017: “The Fight for Housing Justice” Symposium, sponsored by NYLS’s Impact Center for Public Interest Law (Open to the public)
- February 2, 2017: Reception for NYLS Trustee James Zirin’s Supremely Partisan: How Raw Politics Tips the Scales in the United States Supreme Court
- February 28, 2017: “Forensics in the Law” program co-sponsored by the New York State Bar Association and the Criminal Justice Project, part of NYLS’s Impact Center for Public Interest Law