



The Joe Plumeri Center for Social Justice and Economic Opportunity

STUDENTS IN ACTION

Office of Clinical and Experiential Learning

JUNE 2017

VOL 10 | ISSUE 3

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Conservation Law and Policy Clinic: Students Present at The Nature Conservancy Headquarters

By Professor Gerald Korngold



Left to right front row: Diane Lee 2L, Ashley Raccuia 2L, Veronica Bochenek 2L, Kelly Padden 3L, and Brenda Alejo 2L.
Left to right back row: Briggs Fenwick-Perry 2L, John Borelli 2L, and Clay Willett 2L.

In early April, students from the Conservation Law and Policy Clinic traveled to The Nature Conservancy's (TNC's) eastern regional headquarters in Boston. There, they presented research they had developed for TNC this year in the clinic.

The group worked on a 50-state "white paper" for TNC related to TNC's holding of conservation property. The students distilled the themes from the states they had analyzed into a 90-minute big-picture presentation that covered broad jurisdictional approaches and provided meaningful advice to TNC.

Their analysis, teamwork, and poise

were remarkable, and they earned kudos from the attorneys present and others who watched remotely via videoconference. The presentation highlighted the group's tremendous growth during the past year in writing, analysis, project design and management, teamwork, and professionalism.

The final version of the TNC white paper was completed in May. The clinic students were **Brenda Alejo 2L**, **Veronica Bochenek 2L**, **John Borelli 2L**, **Briggs Fenwick-Perry 2L**, **Diane Lee 2L**, **Kelly Padden 3L**, **Ashley Raccuia 2L**, and **Clay Willett 2L**. ■

Cyberharassment Clinic: A Successful First Year

By Professor Ari Ezra Waldman

In April, a group of clinic students—**Dale Mackey 3L**, **Doreen Shaoulpour 3L**, **Dawn Neagle 3L**, and **Zohar Shlush-Reyna 3L**—under the supervision of Cyberharassment Clinic Faculty Supervisor and Adjunct Professor **Andrew Santa Ana**, won an order of protection for a client against an ex-partner who had secretly filmed and photographed her during intimacy. When the client had tried to end the relationship, her ex-partner had taunted her with the images and caused her to fear for her safety and career. Clinic students worked with her for several weeks, advising her on possible remedies, gathering and analyzing evidence, and moving ahead when the client wanted an order of protection in court.

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EXPERIENTIAL LEARNING INTERVIEWING
COMPETITIONS APPLYING LAW
PROJECTS

On the court date, the team negotiated a settlement: a full order of protection, destruction of physical copies of the images, *and* a copyright assignment so the images could be controlled by the client. **Zohar Shlush-Reyna 3L** appeared before the judge to move for approval of the settlement.

Also, **Sara Alpert 3L**, who came to the clinic with significant experience in Family Law, took the lead in advocating for another victim of cyberharassment who is seeking an order of protection against an ex-partner. Sara helped ensure the client's safety in a risky situation, worked with him to make a forward-looking plan to keep himself safe, and gathered evidence despite several difficult obstacles.

In May, a team of four clinic students—**Catherine Ball 3L**, **Dawn Neagle 3L**, **Tom Caruso 3L**, and **Doreen Shaoulpour 3L**—drafted and delivered testimony before the New York City Council on the Council's proposal to criminalize nonconsensual pornography ("revenge porn"). The bill, introduced by Council Member Rory Lancman, follows on the heels of 35 jurisdictions passing revenge porn criminalization laws (and the notable failure of New York State to do so). Clinic students compared the legislation to similar proposals in other states. At the hearing, **Catherine Ball 3L** did an outstanding job delivering the testimony and answering questions. During the question-and-answer period, Council Member Lancman questioned Catherine and the other panelists about the bill's statutory language. The Council noted that it would take the group's concerns and advice under review.

These are just three of the clinic's recent efforts. In addition, students wrote amicus briefs and helped or directed resources to many other victims of harassment. Special congratulations are due to all of these students and, in particular, to Clinic Faculty Supervisor **Andrew Santa Ana**, who is doing a remarkable job in uncharted waters. ■

Civil Justice and National Advocacy Clinic: Students Go to Washington

By Adjunct Professor Joanne Doroshow



Left to right: Halah Elchorbagy 2L Two-Year J.D. Honors Program, Mike Thompson 2L, Congressman Jamie Raskin (D-MD), Adjunct Professor Joanne Doroshow, Laura Salgado 2L, Amanda Lind 3L Evening, and Charissa Wijaya 3L.

During the spring 2017 semester, each student in the Civil Justice and National Advocacy Clinic specialized in one or two major issue areas that were the subject of congressional legislation.

Halah Elchorbagy 2L Two-Year J.D. Honors Program focused on medical malpractice bills, including HR 1215 and replacement bills for the Affordable Care Act. She examined how these bills could harm patients who are victims of medical malpractice. **Amanda Lind 3L Evening** developed expertise in legislation aimed at weakening the Americans with Disabilities Act. **Michael Thompson 2L** focused on a Senate bill and a federal Department of Education regulation that protects students from signing forced arbitration clauses and class-action waivers in student enrollment contracts. **Laura Salgado 2L** studied legislation that would make it difficult for dying asbestos victims to litigate their cases. And **Charissa Wijaya 3L** focused on legislation that would change the Federal Rules of Civil Procedure by making Rule 11 sanctions mandatory, thereby removing all judicial authority to decide whether to sanction on a case-by-case basis.

Students learned about legislative procedure, including the Senate filibuster and the Congressional Review Act; researched and discussed votes on several bills as well as outside groups and coalition partners (or opponents) for the bills; drafted a legislative memo for and did oral presentations on their bill(s); and watched a House Judiciary Committee hearing on HR 1215.

And on April 28, the group traveled to Washington to meet with key legislators and to drop off their legislative packets in a number of Senate offices. They met with Congressman Jamie Raskin (D-MD), staff for Senator Chuck Schumer (D-NY), and counsel for Senator Richard Durbin (D-IL). Afterwards, students raved about the trip.

Mike Thompson 2L noted, "This is what really brought the whole course full circle for me. It is one thing to research legislation in the vacuum of a classroom; however, going out and talking to the people who are actually pushing and passing the bills is a whole new experience."

Charissa Wijaya 3L said, "Out of all the classes that I am taking this semester, the Civil Justice and National Advocacy Clinic is ... the most hands-on, with a concrete real-world application."

Halah Elchorbagy 2L Two-Year J.D. Honors Program added, "I was personally impacted by our trip to DC and by the clinic as a whole. Instead of feeling helpless and hopeless about the current political climate, I know how I can be involved in policy and advocacy and that there are brilliant and passionate people in Congress that care about civil justice enough to fight for it." ■

Securities Arbitration Clinic: Students Fight for Investors

By Professor Howard S. Meyers



Left to right: Bradley Ellisor 3L, Paula Moyseystev 3L, Eroide Alphonse 3L Evening, and Jin ("Kent") Hui Wang 3L.



Left to right back row: Marc Saracino 2L and Caitlin Nelan 3L.
Left to right front row: Stephany Agovino 3L Evening and Jennifer Granovsky 3L.

Within a few days in April, the Securities Arbitration Clinic filed two significant cases.

Clinic students **Eroide Alphonse 3L Evening**, **Bradley Ellisor 3L**, **Paula Moyseystev 3L**, and **Jin ("Kent") Hui Wang 3L** filed a claim with FINRA (the Financial Industry Regulatory Authority) on behalf of joint account holders whose financial advisors had failed to follow their instructions to sell specific securities. Instead, the advisors had liquidated nearly all of our clients' portfolios, causing unnecessary realized losses. Because the financial advisors were authorized to exercise discretionary authority on our clients' accounts, the case was challenging. The students conducted significant legal research, consulted with an expert witness who provided pro bono services to the clinic, and prepared an affidavit from him in support of our clients' claims.

In addition, clinic students **Stephany Agovino 3L Evening**, **Jennifer Granovsky 3L**, **Caitlin Nelan 3L**, and **Marc Saracino 2L** filed a claim

with FINRA on behalf of two elderly investors whose former financial advisor recommended that they purchase an unsuitable mutual fund. His goal was to generate excessive commissions for himself. Moreover, the claim alleged that our clients' former financial advisor engaged in "bait-and-switch" tactics by making material misrepresentations to induce our clients to sell one of their long-term, stable investments in exchange for a far riskier investment. The students also requested an expedited arbitration hearing due to our clients' advanced ages.

Clinic students praised their experiences. **Jin Hui Wang 3L** noted, "The clinic offers students a unique opportunity to develop lawyering skills while assisting deserving individuals who are unable to obtain legal representation otherwise."

Eroide Alphonse 3L added, "The clinic provided me with invaluable experiences comparable to those of a first-year associate. ... I am tremendously honored and delighted that our clinic's services provided our client with a solution for her claims and that we were able to provide her with an opportunity for recovery." ■

Alumni Spotlight: Samuel Fillman '14

By Office of Clinical and Experiential Learning Staff



Current Position: Deputy Attorney General in New Jersey Office of the Attorney General

Featured NYLS Activities: Treasurer of the American Constitution Society (2L and 3L, regular member in 1L), member of the Criminal Law Society, and an affiliate of the Impact Center for Public Interest Law

What does your current role entail?

I am a Deputy Attorney General in the Division of Law, which is part of the Office of the Attorney General. The Division of Law provides representation for all state agencies. Our management refers to the Division as "New Jersey's Law Firm." I am assigned to the Department of Children and Families (DCF) section. Although there are some deputies assigned to different divisions within DCF, the majority of us represent the Division of Child Protection and Permanency (DCPP), which is the New Jersey version of New York's Administration for Children's Services. We get assigned to a county and then generally one, sometimes two, of the DCPP local offices. There are about 60 statewide.

As a DCF deputy, I practice in Family Court representing the local office when it brings abuse or neglect cases against parents and caregivers; these cases are intended to ensure the safety and well-being

of children and to provide services to parents and families. Deputies also get assigned to represent and advise the county boards of election and superintendent's offices for primaries and general elections.

The primary goal of the DCPD is to keep families together; however, when situations warrant it, DCPD also brings guardianship cases, where the objective is to terminate parental rights so the child can be adopted by relatives or resource parents (foster parents). The abuse/neglect cases far outnumber the guardianship cases.

What does your caseload look like?

Although most deputies statewide do either abuse/neglect or guardianship cases, I have a hybrid caseload. I have about 60 cases. I appear in court at least once a week, because the courts have weekly calendar days, and cases are reviewed about every two to three months. But I am probably in court more like two or three times a week, including new filings (which can be for children who have been removed from their homes due to abuse, neglect, or other safety concerns and cases where the Division has concerns and wants to provide services to ensure safety, but which do not require that the child be removed from the home), emergent hearings, and trials.

I also have a weekly conference day where I work out of the local office, meeting with caseworkers and supervisors to review compliance with court orders and advise on legal matters.

Another substantial part of my duties is handling appeals. The Division of Law has appellate supervisors but not a dedicated appellate section. There are two or three who only do appeals, but there are nearly 500 deputies, so most handle their own appeals. And because the DCPD cases inherently touch on parents' constitutional rights, there is an automatic right of appeal and most cases do get appealed. I wrote a brief for a guardianship appeal for a trial I did not try earlier this year and have oral arguments for that case this week. I just finished a trial in April, which I know is getting appealed, and I have a brief due in June for the appeal of a trial I did last summer.

What do you enjoy most about your work?

At the risk of obvious cliché, I like that I get to stand up for children who need help. While I do not represent the children directly (they get Law Guardians), the main focus is always the safety, health, and well-being of the children.

I also enjoy that I do have so much court exposure and a fairly wide variety of responsibilities. I started last May, and I had my first trial on my own by mid-June. I shadowed my supervisor for a few weeks and had a couple of trainings, although not until July and October for the main ones, but mainly the learning was hands-on.

While there is a fair amount of autonomy and some flexibility in the hours, there are also time constraints and responsibilities that strike a good balance, not to mention the very serious subject matter and consequences for both the children and the parents.

How did your experiences in NYLS's Criminal Prosecution Clinic and Advocacy of Criminal Cases impact your career?

Both were absolutely essential for my practice. The intense, skills-based nature of those courses was the perfect preparation for my job. My Evidence course was directly relevant too, but having first-hand courtroom experience helped me to jump right into handling cases and appearing in court. I can always go back and reread Rule 803, but nothing prepares you for getting up in a courtroom and making an argument to a judge or cross-examining a witness like actually doing it.

I have no doubt that it would have been 100 times harder to start my job without having done Advocacy of Criminal Cases and the Criminal Prosecution Clinic.

In the prosecution clinic, I had the opportunity to practice interviewing witnesses, planning a trial strategy, and conducting hearings and trials in front of a judge. The law is different from what I do now, but the process is basically the same.

It was also invaluable because I came straight from college and high school before that without any substantial work experience. So I got the opportunity to develop work experience—managing time, keeping of track of a caseload and various deadlines—that is quite different from the experience in an academic setting.

Do you have any advice for students considering taking a clinic?

Do it! Don't think. Do a clinic. Do two. Put on a suit, get in a courtroom, and be the best Atticus Finch you can be.

What advice would you offer students starting a clinic in the fall?

Absolutely make the most of your clinical experience. Be early, stay late; be the person who sits in the front and answers every question in the seminar portion. You will use the skills you learn in the clinic every day when you start practicing. A clinic is such a great experience because you are fully supported by the faculty and the partner organizations (the District Attorney's office, in my case), but you also get a sense of responsibility that comes with handling real-world matters and cases that you cannot get from textbooks and the Socratic method. There is nothing else like it in your law school experience. ■

“Do it! Don't think. Do a clinic. Do two. Put on a suit, get in a courtroom, and be the best Atticus Finch you can be.”

On the Horizon: New Courses in 2017–18

By Office of Clinical and Experiential Learning Staff

This fall, a fresh lineup of experiential learning courses will give students even more opportunities to hone essential lawyering skills and participate in real-world cases.

Asylum Clinic: Students in this course will be trained to represent refugees fleeing persecution in their home countries and seeking safety in the United States. Under faculty supervision, students will interview and counsel clients; conduct fact investigation and discovery; draft pleadings, correspondence, and motions; perform legal research and analysis; collaborate with social work professionals and country conditions experts; engage with interpreters; and appear with clients before the New York Immigration Court and at the Asylum Offices in Lyndhurst, New Jersey or Bethpage, New York. Students will engage in community outreach through “Know-Your-Rights” presentations and systemic advocacy and may work to develop immigration law resources for courts, attorneys, and clients.

Civil Rights Clinic: Although NYLS has offered a Civil Rights Clinic for many years, this year the clinic will specifically focus on housing rights. New York City is about to adopt Intro 214A, groundbreaking legislation that will make New York City the first jurisdiction in the United States to guarantee counsel to low-income tenants facing eviction. The clinic will provide students with the skills and background doctrine needed to work in this rapidly growing field. Selected students will work under faculty supervision and with advocates in civil legal services programs, as well as with community-based and citywide housing rights organizations. Students will represent individual and organizational clients in litigation and participate in housing rights-related advocacy campaigns, including advocacy related to the adoption and implementation of Intro 214A.

Education Law Clinic: Students in the Education Law Clinic will represent families of students who have been suspended and faced exclusion from school. Clinic students will have the opportunity to take a case from inception to conclusion and will interview clients and their parents; interpret local, state, and federal law; gather evidence, including witness statements, client intakes, and character references; develop a theory of the case; conduct direct and cross examinations at hearings; and argue in front of a judge.

PTO Trademark Clinic: The PTO Trademark Clinic provides an unprecedented opportunity for upper-level students to represent entrepreneurs who cannot afford counsel before the United States Patent and Trademark Office (PTO). Students will practice a variety of skills including client interviewing; drafting letters of communication with a federal agency; providing informal business and legal counsel; and writing memoranda and appellate briefs. The clinic will also allow students interested in intellectual property to apply what they have learned in class: evaluating trademarks for distinctiveness, conducting trademark searches, drafting persuasive documents for trademark applications, and communicating with the PTO during the application evaluation period.

Street Law Simulation Course: Students in the Street Law Simulation Course will teach a weekly class at an urban law-themed high school. After receiving training in law-related education, clinic students will construct lessons in law designed to develop high school students’ intellectual and cognitive skills. The Street Law curriculum focuses on developing an understanding of the law, the legal process, our system of government, and effective citizenship. Together, law students and high school students will examine the role of law, justice, power, and equality in our society. ■

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.