



**The Joe Plumeri Center for Social Justice and Economic Opportunity**

# STUDENTS IN ACTION

Office of Clinical and Experiential Learning

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## New Asylum Clinic Addresses Urgent Legal Needs

By Professor Claire R. Thomas '11

"Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has."

—Margaret Mead



Front row, left to right: Alyssa Bain 2L, Professor Claire R. Thomas '11, and Victoria Lee 3L

Back row, left to right: Anais Salazar 3L, Jennifer Mittasch 2L, Maria Imam 3L, Ann Pham 2L Two-Year J.D. Honors Program, Kaylin Cullum 2L, and Melissa Salama 3L

With the constant anti-immigrant rhetoric and immigration policy changes of the current administration, the launch of New York Law School's (NYLS's) Asylum Clinic has proven to be an important and timely addition to our clinical and experiential learning programs. Our inaugural class of the yearlong clinic is composed of nine students who speak a variety of languages, including Arabic, Spanish, French, Vietnamese, Korean, Bengali, and Hindi. The students—**Alyssa Bain 2L**, **Kaylin Cullum 2L**, **Maria Imam 3L**, **Victoria Lee 3L**, **Jennifer Mittasch 2L**, **Ann Pham 2L Two-Year J.D. Honors Program**, **Melissa Salama 3L**, **Anais Salazar 3L**, and **Laura Salgado 3L**—hit the ground running and have been operating at full steam since the beginning of the semester.

Our first project was a mock asylum trial in collaboration with Professor **Lenni B. Benson** and students from NYLS's Immigration Law and Litigation Clinic. The mock trial was based on a real case handled by Adjunct Professor **Heather Axford**, with actors playing key roles. Immigration Judges Patricia Rohan (retired) and Dorothy Harbeck joined the class to provide feedback to the students on their performance.

The clinic's seminar portion consists of a lecture, discussion, and case rounds sessions. We focus on substantive areas of immigration law, as well as skills such as interviewing, working with survivors of violence, drafting affidavits, and understanding vicarious trauma. Students also learn to interact with social workers, therapists, doctors, and other professionals involved in their clients' lives.

In the clinic's fieldwork portion, students directly represent clients in a variety of humanitarian immigration matters, including asylum and withholding of removal claims, Special Immigrant Juvenile Status, applying for lawful permanent residence, and applications for naturalization (citizenship). Our clients range from children as young as 5 to adults and come from countries including Honduras, Guatemala, Jamaica, Jordan, Mexico, and Liberia. We are grateful for the assistance of volunteer Spanish language interpreters—two retired professionals and two NYLS students—to help facilitate client meetings and communication.

[www.nyls.edu/ocel](http://www.nyls.edu/ocel)

EXPERIENCE EDUCATION LAW CLIENT INTERACTION ACTION PRACTICAL SKILLS MEDIANE COUNSELING MOCK TRIALS NEGOTIATING EXPERIENTIAL LEARNING COMPETITIONS PROJECTS APPLYING LAW DRAFTING INTERVIEWING CASES

Twice a month, in collaboration with Assistant Professor Isabel Martinez of the John Jay College of Criminal Justice, City University of New York, clinic students under my supervision provide immigration consultations for students, staff, and others at John Jay. We had planned to start this work in October, but Professor Martinez contacted me just after the administration's announcement ending the Deferred Action for Childhood Arrivals (DACA) program in September to request that we begin screenings at John Jay as soon as possible, since she had been inundated with emails and calls from young people with immigration questions.

On two afternoons in September, clinic students and I met with young people at John Jay, many of whom were DACA recipients and had been living in the United States since they were toddlers, to speak with them about permanent forms of immigration relief for which they might be eligible. We agreed to represent one young woman in an asylum case and made targeted legal referrals for others. In addition, Ernie Collette, my writing partner and an attorney at Mobilization for Justice, will soon join us at John Jay to help young people determine if they are eligible for public benefits.

Going forward, clinic students will file asylum applications and appear before the Asylum Office and the Executive Office for Immigration Review (immigration court). They will also file custody and guardianship petitions and appear before family courts in the Bronx and Brooklyn. We look forward to providing more updates as their cases progress.

## Asylum Clinic Students Reflect on Their Experiences

"I am learning that being a lawyer is not going to be easy. We are only handling two clients, and it feels very overwhelming. Each client requires something different, and there's so much pre-planning that goes into each client meeting and client case."

—Melissa Salama 3L

"I have learned that each case is going to be different, and there won't be one particular way to work with a client."

—Maria Imam 3L

"My first goal is to help our two clients, M and A, gain lawful immigration status in the United States. I feel like they're doing me a favor by letting me help them."

—Ann Pham 2L Two-Year J.D. Honors Program

"Working with a partner is new and interesting, as we get to balance the workload. It is nice to have someone to talk about the case with, who is just as familiar with the details as you are, and with whom you discuss next steps."

—Kaylin Cullum 2L

"There is a world of difference between hearing about violence in a naturalization consultation and the personal investment it takes to write affidavits based on multiple, tearful, hours-long appointments. To take a story and put it in someone's own words is an entirely different and taxing thing."

—Alyssa Bain 2L

## Legislative Advocacy Clinic Tackles Use of Military Weapons in Schools

By Adjunct Professor Johanna Miller '08

This past semester, students in the Legislative Advocacy Clinic addressed the use of surplus military weapons in schools, a strong contributor to the school-to-prison pipeline across the country. Our client was the Federal School Discipline Coalition (FSDC), a group run by the Washington, D.C.-based nonprofit Open Society Foundations.

FSDC is highly concerned about the recent rescission of an Obama-era executive order that prevented schools from using donated surplus military equipment—such as riot gear and machine guns. (The executive order also applied to local police departments.) President Obama issued the executive order in 2014 after police in Ferguson, Missouri were photographed using tanks and military-style weapons to confront people protesting the death of Michael Brown. What many did not know, however, was that the heavy equipment was in fact owned by the local school district.

A representative from FSDC visited our clinic to request help drafting federal legislation on these concerns and related school discipline reform issues, such as the number of guidance counselors versus police officers in schools, how arrests are made at school, and performance standards for law enforcement who work in schools.

Our students did an extraordinary job researching the legislation and writing a series of legislative briefs to help FSDC assess potential lawmakers with whom it could partner on these issues. NYLS has been active in issues related to the school-to-prison pipeline, so our students had the benefit of a solid foundation. Nonetheless, I was impressed with their ability to pick up the additional knowledge and skills they needed so quickly. After we sent our work to the client, he called me and his first word was, "Wow!" The type of in-depth analysis our students provided was similar to work that a private firm would have done (at a cost many nonprofits could never afford).

The school-to-prison pipeline is particularly significant in New York City, where there are stark racial disparities between schools and where low-income and minority students have disproportionately higher rates of suspensions and arrests at school. Students arrested at school are four times likelier to drop out. Our students were fortunate to join me in submitting testimony on these issues to the New York City Council. The request was last minute, and they spent

their Thanksgiving break preparing the testimony. **Gianne Falvo 3L** testified alongside me.

I am so proud of this group and the impact they are making.

### Natchaya Vutrapongvatana 2L Reflects on Her Work in the Legislative Advocacy Clinic



"I've always wanted to go into legislative work, especially in city politics. I thought that working in this clinic would give me the skills I need to go down this path and would also allow me to fulfill my passion to work for great causes. I want to be able to create change, and it's great to do so while still a law student.

My favorite part of the clinic so far is the hands-on experience. I'm working on legislative research on school resource officers for our client and helping to draft a memo of understanding. [In the clinic], you're doing work that serves a purpose, and the product you put out is actually going to be used. It's not just credits or requirements or a line on your resume.

I also did research on specific City Council legislation, and for me, personally, this is coming full circle. I interned for a council member as an undergraduate, and now I'm able to do the same sort of work that the people I looked up to as an intern are doing. Four years ago, I would've never thought I would be able to have this impact."

## Street Law Students Bring Creativity and Dedication to a Bronx High School

By Adjunct Professor Amy Wallace



Left to right: Allyson Balcolm 2L and Julie Dantoni 2L

This past fall, Street Law was offered as an experiential course for the first time at NYLS. Street Law places law students in high schools in low-income neighborhoods, where they teach high school students and engage them in discussions about the law, their rights, and civic

involvement. The program, which was founded over 40 years ago at Georgetown University Law Center, exists at many law schools around the country.

The NYLS instructors teach 10th- and 11th-grade students at the Charter High School for Law and Social Justice in the Bronx, a school co-founded by Professor **Richard D. Marsico** three years ago. When Professor Marsico and I were creating the NYLS course, we wanted the best program for both the law students and the high school students. Our course meets for a weekly seminar focused on deconstructing content for high school learners and interactive teaching techniques that will engage students.

During one of our first seminars, I wrote the maxim, "Talk Less, Teach More" on the board. Ten confused NYLS students looked up at me, very concerned that they had chosen this adventure. This motto exemplifies the theory that high school students learn better when they do most of the talking, explaining, analyzing, and discussing.

Street Law strives to develop high school students' critical thinking and analytical skills, which means the law student instructors not only have to deliver complex legal content; they must also write inventive lessons in which their students practice and apply that content in fun ways. Our instructors adopted the learner-centered approach and immediately began crafting amazingly creative lessons. Instructors submit weekly reflective journals; one described her favorite moment of the lesson as "where students take control of the class, lead the discussion, and are able to teach themselves or other students in the class by relating our topics to their own real-life examples!"

In the first couple of weeks, the instructors struggled as the high school students tested their new teachers. Then, the instructors all seemed to find their stride, and the classrooms reflected that confidence. One instructor practically skipped with joy out of her classroom, thrilled to finally have made that meaningful connection with her students. She sent an email after class stating, "BEST CLASS EVER!!!" Another instructor wrote in her journal, "I continue to be in awe of my students, their reactions and views on the topic we discussed, and their potential." The positive energy was overwhelming in all of the Street Law classrooms. It was a perfect reflection of the hard work the instructors have put into each lesson since week one.

Although the purpose of Street Law is to teach high school students, the instructors are also developing lawyering skills. They are practicing dissecting legal concepts for non-lawyers and analyzing legal problems. In addition, they are expected to respond to endless unscripted questions. In her journal, an instructor wrote, "I really do think that they are learning in the class and that they do care about what we are teaching them." She continued, "I feel like I am also learning from them every week."

Ever since I took the Street Law Clinic myself at Georgetown many years ago, it has been my dream to start a program in New York City. I am so incredibly proud of our instructors and what they have accomplished. They are creative, caring, and dedicated, and the high school students respond to the effort they see from their teachers.

## A “Day-in-the-Life” of a Criminal Defense Clinic Student

By *Tiffany Schneider 3L*



**9:45 a.m.** • I walk through the door of the courthouse. Flashing my Legal Aid badge at security, I skip past the line. As I walk into the courtroom where desk appearance tickets are arraigned, I pass rows of people, all sitting and waiting for their turn to go in front of the judge. I take a seat in the front row, the one reserved for attorneys and police officers.

**10:15 a.m.** • I am handed my case file. First, I read through the entire file. Then, in the front row of the courtroom, I pull out my “graybook,” which contains every statute my client could be charged with, and turn to the section related to my client’s charges. I review each element of the crime and ensure that the accusatory instrument alleges facts that, if true, support every element.

**10:45 a.m.** • I meet with Professor **Anna Cominsky ’05** in the hallway to discuss the file and what information we need to get from the client today.

**11:00 a.m.** • I call the client into the hallway. I introduce myself, explain that I will be representing him in this criminal case, and set out a brief agenda for the discussion. Although the meeting lasts around 15 minutes, I am able to discover my client’s view of the events that brought him to me, explain to him what he is being charged with and what will occur in court today, and advise him as to any offers the prosecutor has made. When the discussion is done, my client goes back into the courtroom, sits, and waits for his case to be called.

**11:30 a.m.** • The court officer calls my name first, followed by my client’s. When we get to the table directly in front of the judge, I give my appearance and wait for the prosecutor to make an offer. Having already discussed the offer with my client, I decline it, and we schedule a date for motions. My day in court is over.

**12:30 p.m.** • It is finally lunch time, which for me includes a large coffee.

**2:00 p.m.** • Wednesdays are “case round” days. All eight of us in the clinic and the professor discuss our cases and take the time to help each other with any issues or questions.

**3:45 p.m.** • I call two clients and schedule meetings for the upcoming weeks.

**4:00 p.m.** • I place my case files back into the filing cabinet, say goodbye to my classmates, and head home feeling as though I have practiced law today.

## Observations from Immigration Law and Litigation Clinic Students

NYLS’s Immigration Law and Litigation Clinic trains students to screen and represent juveniles in immigration court. Two students in the clinic spoke about their experiences this semester:

### Sabrina O’Bryan 3L

“The Immigration Law and Litigation Clinic has been an extremely rewarding experience. The law takes on a whole new meaning when you put a face and a backstory to a case name. Immigration law is becoming more and more complex. That is why clinics, such as this one, are imperative to provide everyone with a way to access justice. Additionally, while being a part of this exciting work, I have been able to develop my practical lawyering skills, such as interviewing juveniles, fact investigation, case planning, legal writing, and client advocacy. The clinic has been able to bridge the gap between classroom lectures and actual practice.”

### Trisha Sobha 3L Evening

“The Immigration Law and Litigation Clinic has been, in one word, inspirational. I have been getting hands-on experience in a field that I am so passionate about. I observed screenings of unaccompanied minors who are seeking help from Safe Passage Project and prepared intakes with everything the client told us. Later, I used these intakes to prepare placement memoranda that were submitted to the Safe Passage Project pro bono attorneys. Preparing these memoranda taught me how to take each case individually and to come up with forms of relief that could work for the client. I have also been paired with a Safe Passage Project mentor attorney, who has volunteered her time to work with me. We are working on an asylum memorandum to submit to the Asylum Office on behalf of a client. Preparing the memorandum requires a lot of legal research and through it, I have learned so much about immigration law.”

### 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.