Photo Highlight: Leaders Discuss the Opioid Epidemic

In June 2018, Joe Plumeri ’15 (Hon.), founder of The Joe Plumeri Center for Social Justice and Economic Opportunity at New York Law School (NYLS) and an NYLS Trustee (center); NYLS Dean and President Anthony W. Crowell (left); and Staten Island District Attorney Michael E. McMahon ’85 (right) met at The Plumeri Center. They discussed the opioid epidemic and critical response measures by the Richmond County District Attorney’s Office and the National Center on Addiction and Substance Abuse (CASA). Mr. Plumeri is Executive Chair of CASA’s Board of Directors, in addition to his NYLS roles and his position as Vice Chairman of the Board for First Data Corporation.

According to New York City Health Department data, in 2016, an average three to four New Yorkers died every day from drug overdoses. By combining their respective expertise and experience, the three leaders plan to amplify one another’s efforts to end the devastating crisis.

Professor Gowri Krishna Will Teach NYLS’s New Nonprofit and Small Business Clinic

Professor Gowri Krishna has joined NYLS as Associate Professor of Law and will teach its new Nonprofit and Small Business Clinic beginning this fall.

Professor Krishna is an experienced clinical educator with a strong focus on economic, racial, and social justice. She began her career as an Equal Justice Works Fellow at the Urban Justice Center, where she led a project that provided legal services to low-wage immigrant worker groups. After her fellowship, Professor Krishna taught community economic development clinics at Fordham Law School, the University of Michigan Law School,
and Roger Williams University Law School. In 2015, she returned to the Urban Justice Center to lead the expansion of its Community Development Project, which represents worker cooperatives and nonprofit groups throughout New York City on a broad range of corporate matters, including structuring, governance, tax, and employment issues.

Professor Krishna is an expert on immigrant-owned worker cooperatives and has presented on her work at the American Association of Law Schools Annual Meeting and the American Bar Association (ABA) Forum on Affordable Housing and Community Development Law Annual Meeting. She also chaired the Community Economic Development Committee of the ABA’s Business Law Section and regularly organizes meetings of New York City community economic development attorneys. In addition, she has published scholarship on worker cooperatives and movement lawyering.

Professor Krishna earned her B.A. in Social Thought and Analysis and Political Science from Washington University of St. Louis magna cum laude and her J.D. from Fordham Law School, where she was highly active in public service and human rights groups. Information on the new clinic is available at www.nyls.edu/smallbizclinic.

Securities Arbitration Clinic: Protecting Clients’ Savings

By Professor Howard S. Meyers, Clinic Director

The Securities Arbitration Clinic (SAC) recently concluded an especially active year. SAC students put forth an extraordinary effort in learning to work collaboratively, think critically, and serve their clients.

In August 2017, the SAC successfully negotiated a settlement on behalf of an elderly couple whose former brokers recommended that they purchase unsuitable securities. In addition, the former brokers made material misrepresentations about the nature of the investment, commissions charged, and purported safety of the investment. Marc Saracino 3L prepared the Statement of Claim and helped negotiate a settlement in the couple’s interest.

In October 2017, Tarrian Ellis 3L, Nina Fischetti 3L, and Yeshey Choden 2L participated in the St. John’s University School of Law Securities Dispute Triathlon, where they conducted a mock negotiation, mediation, and arbitration before a panel of current FINRA (Financial Industry Regulatory Authority) arbitrators.

In January 2018, the SAC filed its first-ever Whistleblower Complaint with the U.S. Securities and Exchange Commission (SEC) on behalf of two investors who were defrauded by a former member of their college fraternity. George Cartveli 4L Evening, Gabriela Pomar 3L, Tarrian Ellis 3L, and Nina Fischetti 3L drafted the complaint after spending hours interviewing the clients, reviewing documents, conducting legal research, and strategizing. Just one week after the complaint was filed, the SEC contacted our clients for additional information. The SEC receives thousands of whistleblower complaints every year, and its rapid response to our clients’ complaint is encouraging.

In February 2018, the SAC hosted Matthew Baum ’10 and SAC alumni, who discussed FINRA trial techniques with students. Mr. Baum is a partner at Ellenoff Grossman & Schole LLP, where he represents clients in FINRA arbitrations and SEC enforcement proceedings.

In April 2018, Shawna Burke 3L, Aleksandr Galinskiy 3L, and Patrick Kennedy 3L drafted and filed a Statement of Claim on behalf of a father and daughter whose former broker recommended that they purchase an unsuitable mutual fund despite their stated desire to preserve their principal. In essence, the broker converted our clients from savers to investors in order to generate commissions for herself. The same broker also falsely guaranteed that our clients would not lose money on their investment. Dwayne Latimore 4L Evening, a former SAC student, was also instrumental in drafting the Statement of Claim.

Also in April, George Cartveli 4L Evening, Gabriela Pomar 3L, Tarrian Ellis 3L, and Nina Fischetti 3L gave a presentation to more than 40 NYLS students on the securities arbitration process and brokers’ obligations to retail customers. The same month, the SAC hosted a branch manager from Morgan Stanley who discussed broker-dealer compliance and supervisory issues.

In May 2018, the SAC represented investors in a FINRA arbitration hearing. Our clients allege that their former investment advisors failed to follow their explicit instructions to sell certain securities. Christina Fiore 3L, Nazariy Gavrysh 3L, Graciany Miranda 3L, Yeshey Choden 2L, and Jason Semeiks 2L spent several months leading up to the hearing conducting and responding to discovery, interfacing with opposing counsel, reviewing more than 2,500 pages of documents, preparing witnesses for the hearing, drafting direct and cross-examination questions, creating demonstrative exhibits, and practicing opening and closing statements.
Civil Justice and National Advocacy Clinic: Making a Difference in D.C.
By Adjunct Professor Joanne Doroshow, Clinic Director

This semester, students in the Civil Justice and National Advocacy Clinic worked on three emerging Congressional issues: sexual harassment and forced arbitration, including the possible impact of an upcoming U.S. Supreme Court case; autonomous vehicles, specifically liability, preemption, and cybersecurity; and generic drug liability.


Students shared these observations:

“It was very rewarding to research a broad issue, speak about it every week with peers and experts in the field, digest the key points, and then stand at the most prestigious buildings in our country to advocate for a vast population.”
– Allyson Balcolm 2L

“I had a great experience in D.C. ... It was fun to do research and hard work and present it to a staffer who took me seriously and had comments about my work.”
– Alexander Davis 2L

“I am extremely interested in doing this sort of work after graduation. The trip showed me that I may want to focus more on lobbying—to pick an issue I am passionate about and work with like-minded people to achieve a goal.”
– Gianne Falvo 3L

“It was great to visit Washington, D.C. There was a high level of activity and interest, which made me excited to lobby. It was an amazing experience.”
– Dennis Futoryan 2L

“This course, as well as our recent trip to Washington D.C., have been incredible experiences that have reinforced my aspirations to work in government. The trip was both educational and exciting. ... Although the course was only a few months long, I really feel as though we made a difference.”
– Daniel Lerman 2L

“When we first got to D.C., I was uncertain of how our day would play out. Would our efforts actually accomplish anything? How could I, a law student, tell members of Congress what they should or should not do in relation to a future bill? But the experience revealed many things to me that day, including the fact that our work mattered.”
– Meenka Maharaj 3L

Elder Law Clinic: Helping Society’s Most Vulnerable
By Jessica Fiscella 4L Evening

After a guardianship proceeding is initiated, the court appoints a court evaluator. The court evaluator investigates the capacity of the person alleged to be incapacitated and makes recommendations to the judge, who determines whether a guardian should be appointed. In spring 2016, Jessica Fiscella 4L Evening participated in the Elder Law Clinic, which satisfied the training required to become a court evaluator in New York. Afterwards, she balanced her remaining studies at NYLS with working as a court evaluator in Queens and New York County Supreme Courts. She recently reflected on these experiences:

Many people have no idea what happens to those who cannot take care of themselves and have no one to care for them. Before the Elder Law Clinic, I didn't know what was involved in the adjudication process for an allegedly incapacitated person (AIP) either. In a majority of these cases, the Department of Human Resources brings a petition for the appointment of a guardian. This may be prompted by the fact that the person is facing eviction and homelessness or is already homeless.

I learned so much in the clinic and was fortunate to have a great professor and a mentor attorney who took me to court with him on any day I was free. Because of him, I was able to meet, interact with, and build a rapport with many of the Article 81 judges.
After completing the clinic, I sent a letter and my resume to all of the Article 81 judges informing them I was now an approved Part 36 Court Evaluator seeking appointments. I also inquired about available internships. Two days later, I received a call from a judge’s law clerk offering me an interview, which resulted in an amazing summer internship with the judge. In addition, I received a half-dozen court evaluator appointments that helped supplement my meager law student income. Both experiences were great and added depth to my resume.

Elder law is fascinating because it is generally not adversarial. I’ve seen attorneys, judges, and clinicians come together to help a vulnerable and fragile stranger in need of assistance. Knowing that someone at risk of being abused, exploited, or harmed is being cared for by a group of complete strangers makes this work rewarding and a true display of humanity at its best. That, to me, is what the law is all about: helping people, including people who are incapable of helping themselves.

Article 81 hearings could strip AIPs of their right to make decisions about their own lives, their health and treatment, and their property and assets. That’s why courts execute these proceedings with the utmost care, skill, and consideration to justice. Court evaluators are essentially the “eyes and ears of the court” and owe a moral duty to be thorough, precise, and just in their recommendations. I take this work very seriously. My reports are typically 20 to 30 pages long; I believe that including substantial detail is the least of what every AIP deserves.

I highly recommend the Elder Law Clinic. Elder law is a fascinating field, and some of the AIPs are the most interesting people you’ll ever meet. Their lives and their stories are remarkable. I want use my law degree to help society’s most vulnerable: the elderly, the disabled, the mentally ill, and the infirm, and that’s why I loved this clinic. I truly had no idea I would get that out of the clinic, but it was a wonderful unexpected benefit.

Criminal Prosecution Clinic: In the Field With the 69th Precinct

By Amber Dailey 3L

We arrived at the 69th Precinct in Canarsie, Brooklyn to ride along with police officers during the 4:00 p.m.-to-11:00 p.m. shift. Our group included eight interns, two supervisors, and one Assistant District Attorney.

My first tour was with two police officers who were assigned to a specific sector. They drove us around and explained the calls they receive, which have included fights in a nearby park and complaints about drug dealing, noise, and car break-ins. We drove through a housing complex where a shooting had taken place the previous day. The officers also explained their roles in building community camaraderie and their involvement in school and town meetings.

During the second tour, I rode with two other police officers and another intern in a patrol car. We responded to a few calls during this tour. One involved a domestic dispute. When we arrived at the scene, I stayed outside the home. The officers told us that when they went inside no one was willing to admit who had made the call. Another call concerned a robbery in which a man stole from a store and escaped on his bike. The most interesting call was from a hotel owner who said that a guest refused to leave. We arrived at the scene, and the officers spoke to the owner. Afterwards, we waited to make sure the disgruntled guest left the premises.

In the Criminal Prosecution Clinic, I worked with police officers who provided the information I needed to handle my cases. It was a totally different experience, however, to be inside a police station and patrol cars. I saw firsthand the responsibilities that come with their jobs, and it helped me realize how challenging it is to make sure each call is documented. The ride-along was a great opportunity to see the officers in action.

Asylum Clinic: Confronting Complex Issues

Students in the Asylum Clinic are learning how to respond to a variety of challenging legal issues. Three students recently reflected on what they gained from the clinic:

Immigration and Domestic Violence

By Anais Salazar 3L

The Asylum Clinic has given me valuable exposure to the broad spectrum of issues that many immigrants in our country face. Through our first client, I learned that many people who are fleeing their home countries are not only escaping persecution based on their race, religion, national origin, or political opinion; they are also victims of domestic violence.

When we first met our client, she shared her experience as a Garifuna in Honduras. The Garifuna are Hondurans of African descent and often face racial discrimination. Our client explained the
Re-Conceptualizing Human Trafficking Victimhood in the Wake of #MeToo

By Victoria Lee 3L

As I listened to Sabrina Talukder from The Legal Aid Society draw parallels between a trafficking victim and the Disney animated character, Cinderella, a quiet revelation crept into my consciousness. I realized the need to re-think my understanding of what it means to be a “victim” in a society that has begun shifting its norms regarding women, our bodies, and our rights.

As a self-proclaimed connoisseur of all things Disney, I thought I knew all there was to know about these much beloved childhood characters. As an advocate of advancing women’s rights, I prided myself in consciously taking note when Disney made its female characters the heroines in their journeys. But as I sat in class that morning, I wondered: How did I miss this?

In October 2000, Congress created the T visa by passing the Victims of Trafficking and Violence Protection Act. T visas are available to victims of a severe form of human trafficking who are present in the United States. The maximum number of these visas is 5,000 per fiscal year, but every year, many of the available visas go unutilized. Today, there are 57,700 people in modern slavery in the United States, according to Global Survey Index estimates. The International Labour Organization estimates that women and girls represent the largest share of forced-labor victims, with 11.4 million trafficked victims (55 percent) compared to 9.5 million (45 percent) men, and the average age a teen enters the sex trade in the United States is 12 to 14 years old. With so many victims in the United States, how is it possible that T visas are so underutilized?

I can hypothesize as to why these victims don’t report, but perhaps one reason is that some victims don’t know that they’re victims. After the class where we spoke about Cinderella, I began wondering which other Disney princesses could be classified as victims of exploitation: Snow White, Sleeping Beauty, Rapunzel? For victims of human trafficking and sexual exploitation to realize that they are, in fact, victims, our society needs to re-conceptualize what this means and expand the definition of victimhood.

Immigration Law and Litigation Clinic: Helping Minors in Court

By Jeannie Calcano 2L, Two-Year J.D. Honors Program

This account reflects the author’s experience in the 2017–18 Immigration Law and Litigation Clinic.

I was accepted into the Immigration Law and Litigation Clinic in fall 2017 and continued to work in the clinic through spring 2018. I accompanied Professors Lenni Benson and Bethany Ow ’09, along with other student volunteers to the immigration court at 26 Federal Plaza. There, we assisted unrepresented minors as a “friend
of the court.” We appeared before immigration judges to assist the individuals in requesting a continuance—in other words, more time—for the purpose of seeking representation. We then scheduled these individuals for screenings and interviews with the Safe Passage Project at NYLS to assist them in finding low- or no-cost representation.

During the fall semester, the juvenile docket was assigned to specific judges, many of whom knew our purpose and were happy to have our assistance. At times during the spring, we encountered judges who were not as familiar with our work; in those instances, we did our best to explain that we were there to serve both the unrepresented minors and the court. Ultimately, most of the judges were very happy to have our help.

Many people who appear before the Immigration Court are confused, afraid, and uncertain of what is to come, especially the children who have no idea about their rights. Our clinic helps bring clarity to these individuals and quell their fears. At the same time, we assist the immigration court by helping individuals find representation, which supports the timely adjudication of cases.

Once an individual is granted a continuance by the judge, we schedule screenings and interviews. Throughout this process, we ask many questions in an effort to obtain as much information as possible and be able to provide an in-depth assessment of the case. Our goal is to determine whether the individual is entitled to relief. We then draft placement memoranda that provide prospective pro bono attorneys with background information about the individual’s case and identify any forms of immigration relief he or she may be entitled to. The clinic seeks to find a pro bono attorney with whom these cases may be placed.

My hope is that we can continue to help individuals who are, for the most part, unaware of the relief that may be available to them.

Conservation Law and Policy Clinic: Presenting Research in Boston

By Professor Gerald Korngold, Clinic Director

The Conservation Law and Policy Clinic worked on an important project for its client, The Nature Conservancy (TNC). On April 20, 2018, students from clinic visited TNC’s eastern regional headquarters in Boston to present their findings. TNC’s reaction to the presentation was extremely positive. Afterwards, the students submitted a lengthy report detailing the results of their extensive work.

Education Law Clinic: Protecting Students’ Rights

In its second semester, the Education Law Clinic faced new challenges as students continued their tireless advocacy on behalf of New York City families.

“Miranda”

By Elizabeth Tran 3L and Cosette Shachnow 2L

We witnessed the “on-your-feet” nature of suspension hearings when we resolved a case only two days after intake. “Miranda” was charged with possessing a Category I weapon after she mistakenly left a three-inch knife with her art supplies at school. Miranda’s mother’s primary concern was ensuring that her daughter was immediately reinstated at the school, so she chose a no-contest plea. As a result, the hearing officer moved straight to the disposition phase, deciding the length of the suspension. We quickly assembled a disposition packet highlighting Miranda’s excellent reputation. The packet included a supportive letter from her teacher—a rare feat for suspension cases. Less than five hours after faxing the disposition packet to the suspension office, Miranda’s mother was notified that Miranda could return to school in two days. She was grateful and relieved.

“Natalie”

By Elizabeth Tran 3L and Cosette Shachnow 2L

“Natalie,” age 13, was an emergency referral to the clinic after she brought a box cutter to school. She had been bullied at her school for over a year, and her family felt that their complaints had been ignored. Distressingly, Natalie planned to cut her wrists at school. A friend stopped her and brought the knife to a guidance counselor, at which point Natalie was charged with possessing a Category 1 weapon. She was immediately sent to an alternative learning center (ALC) until her suspension hearing.

Typically, parents want their child to be immediately reinstated at school. However, Natalie was very happy at her ALC because for the first time in a long time, she was learning, making friends, and feeling safe. Therefore, we requested an immediate transfer to the new school.

The home school, meanwhile, asked for immediate reinstatement. Concerned that this was an attempt to cover up the school’s indifference to Natalie’s bullying, we vigorously opposed it. The day after the hearing, the hearing office informed us that Natalie would return to
the school that had suspended her. We appealed the decision over the phone and reaffirmed the client’s need to transfer for her own safety and well-being. Fortunately, the hearing officer agreed and transferred Natalie to the new school, where she reports feeling safe and happy.

This case relied on the support of the NYLS community including Noah Drucker 2L Two-Year J.D. Honors Program, Denise Lopez 4L Evening, Gabriela Pomar 3L, Aina Salazar 3L, and Stephanie Torres 3L, who generously donated their time and coordinated with the Education Law Clinic to translate for Natalie’s parents, who spoke Spanish.

“Bradley”
By Elizabeth Tran 3L and Samantha Blake 3L.

We represented “Bradley” at his suspension hearing and Manifestation Determination Review (MDR). A student with a disability cannot be punished for behavior that stems from his disability. When a student with a disability commits an infraction that would result in a suspension beyond 10 days, an MDR must be held to determine if the infraction was caused by or had a substantial relationship to the student’s disability, or if the school failed to properly implement the student’s Individualized Education Plan (IEP). An MDR meeting is intended to be a collaborative effort between the parents and the school.

Bradley is a student who is classified as emotionally disturbed in his IEP. He was suspended for picking up another student’s brother after the student declined to play-fight with him. Bradley, who has trouble understanding social cues and acts impulsively when rejected, had no intention of harming anyone and did not cause any injuries. At the hearing, four witnesses testified against Bradley. We cross-examined the witnesses to show that their testimonies were inconsistent, but the hearing officer sustained the charges.

At the MDR, we used Bradley’s special education documents to argue that his actions were caused by his disability and that his suspension was improper. The school agreed. Bradley was immediately reinstated at his school, and the suspension was immediately expunged from his record.

“Mark”
By Elizabeth Tran 3L and Cosette Shachnow 2L.

We recently handled a case in which the school did not investigate an incident before suspending a student with a disability.

Mark, a 14-year-old eighth-grader with attention-deficit/hyperactivity disorder, was accused by his school of forcefully pushing a teacher into a doorway. The school requested that Mark be suspended for 60 to 90 days. Mark’s mother believed that the school was trying to push Mark out.

The case posed many challenges. We had to sort through long handwritten records to show that Mark should have been provided with special education services. Also, we had to respond quickly to a surprise witness at the hearing. Finally, the Chancellor’s Regulations specify that during the disposition phase of the hearing, advocates may introduce mitigating factors, such as a student’s disability. However, the hearing officer proclaimed that it was his policy not to entertain special education arguments. Our team persisted and succeeded in shortening Mark’s suspension to just 10 days and amending his charges to eliminate “forcefully.” Also, the hearing officer found that the school violated Mark’s procedural rights by failing to conduct a thorough investigation. The case has also helped Mark and his mother begin the process to get Mark evaluated for special education services.

“Dasia”
By Qualia C. Hendrickson 3L and Cosette Shachnow 2L.

Dasia was a 15-year-old high school freshman charged with kicking a student in the head, stealing the student’s necklace, and fighting with another student during a group fight.

She admitted to fighting with a student but emphasized that she was defending her friend. There was no evidence that Dasia stole a necklace or kicked another student, and we defended her on these charges.

At the hearing, we negotiated with the school dean to drop the “kick” and “necklace” charges in exchange for Dasia taking a no-contest plea for the fight.

In the disposition phase of the hearing, we highlighted Dasia’s good grades, spotless attendance and guidance records, and the history of bullying she had suffered at school.

Although the school asked for a 90-day suspension, the hearing officer decided that Dasia would be suspended for only 10 days. Because she had already served 10 days of her suspension at the time of the hearing, she was reinstated at school the next day.

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.