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Photo Highlight: NYLS Runs Mock Trial for High School Students

By OCEL Staff

Students from the Charter High School for Law and Social Justice in the Bronx, who participated in New York Law School’s (NYLS’s) Street Law course, came to campus to conduct their final mock trials.

Street Law, Inc. was founded at Georgetown Law Center in 1972 and now operates globally. Through it, high school students gain a deeper understanding of law and democracy, while law students learn how to teach complex legal issues in plain language. Law students, after receiving special training, create lessons in law, the legal process, government, and citizenship, which they teach weekly to high school students. The program also focuses on issues of justice, power, and equality in our society. NYLS’s Street Law experiential course launched in fall 2017 and, in 2018, was expanded from one semester to two due to popularity.

Adjunct Professor Amy Wallace (a veteran of Street Law when she attended Georgetown Law, who now leads NYLS’s course), NYLS students enrolled in Street Law, and staff from the Office of Clinical and Experiential Learning ensured that the mock trial was educational and successful.

Housing Rights Clinic: Fighting for Tenants’ Rights

By Professor Kim Hawkins, Co-Director, Housing Rights Clinic

The Housing Rights Clinic is off to a great start this academic year. Here’s a sample of our recent cases:

“Ms. B.”

Housing Rights Clinic students successfully represented Ms. B., who was sued by her landlord for having a pet dog, Cupcake, in violation of her lease. Ms. B. acknowledged that her lease did not allow dogs, and that
Cupcake, a golden retriever mix, lived in the apartment. However, Ms. B. bought Cupcake as an emotional support animal for her son, who has autism, an anxiety disorder, and a range of learning disabilities.

Kiara Tsevdos 2L and James Landau 3L drafted an answer to the landlord’s holdover petition, asserting defenses under the Fair Housing Act, the New York Human Rights Law, and the Rehabilitation Act for failing to provide a reasonable accommodation by authorizing the pet. The answer also asserted a counterclaim for damages. In court, the landlord’s lawyer settled the case by agreeing to allow Cupcake to remain in the apartment as a registered service animal and granting a month’s rent free to settle the damage claim.

Now, Tsevdos and Landau are fighting to secure a wheelchair ramp for another client: Ms. M., a 68-year-old rent-controlled tenant. This client’s landlord sued her for not paying her rent while she was recovering from spinal surgery in a rehabilitation center. The team is seeking the installation of a wheelchair ramp and other accessibility features in the apartment, as well as representing her in the non-payment proceeding.

“Ms. T.”
Ms. T. is a college student who was living with her grandmother in Hamilton Heights, Manhattan prior to her grandmother’s death in April 2019. Her landlord sued her in Housing Court, alleging that Ms. T. has no lease and no right to be in the apartment. However, as a remaining family member, Ms. T. has succession rights. In addition, she was never properly served with the court papers. After we filed an answer in the case, the landlord moved for discovery and an order granting use and occupancy. Lauralee Rivas 3L and Nicholas Romero 3L drafted both the answer and the opposition to the discovery motion. The students appeared in court to argue the motion in November 2019. The case is ongoing, and the students are preparing the client for upcoming depositions.

“Mr. W.”
Mr. W. has been sued by his landlord for allegedly using his rent-stabilized apartment as an Airbnb, in violation of his lease, and for creating a nuisance by doing so. While the law prohibits using rent-stabilized apartments in this way, it also requires that court papers alleging nuisance be very specific as to the conduct constituting the nuisance, and that the conduct be ongoing, rather than one or two instances. William McGovern 3L Evening and Andrew Adachi 4L Evening are preparing an answer in Mr. W’s case, and the team anticipates filing a motion to dismiss for failure to serve a proper predicate notice.

“Mr. M.”
Katryna Cordova 3L and Aida Garcia 3L successfully represented Mr. M., who was sued by his landlord for non-payment of rent—though the client owed no rent. Just before a scheduled court appearance on October 23, 2019, our team prevailed when the landlord was forced to discontinue his case. We also secured $1,800 to fix a broken door (not the client’s fault). The students had drafted a motion for leave to file an amended answer, and were prepared to argue the motion, but during hallway negotiations outside the courtroom, the landlord’s attorney realized that the case was fatally flawed. In addition, in the course of preparing the answer, we discovered that the client has likely been overcharged significantly in his rent; the non-payment was discontinued without prejudice against these important counterclaims. We are now deciding whether to bring an affirmative case in state Supreme Court to litigate his rent overcharge and damages claims.

Post-Conviction Innocence Clinic: New Partnership Grant With Suffolk D.A.’s Office

By OCEL Staff

NYLS’s Post-Conviction Innocence Clinic and the Suffolk County D.A.’s Office—through its Conviction Integrity Bureau—have been awarded a $275,000 partnership grant to investigate wrongful conviction claims. This is a rare collaborative model in legal education.

The two-year grant supports joint efforts to identify and investigate wrongful conviction claims. The Conviction Integrity Bureau and the Post-Conviction Innocence Clinic, led by Distinguished Adjunct Professor Adele Bernhard, previously worked together on the exoneration of Keith Bush. Mr. Bush, who had been represented by Professor Bernhard and the clinic for over a decade, was exonerated in May 2019 of a murder he did not commit as a result of this joint effort. The grant will provide funding for additional staff and resources to support wrongful conviction investigations.
“This innovative partnership model sets an example for how law students and prosecutors can work together in a new way,” said Dean Anthony W. Crowell. “I thank the Conviction Integrity Bureau, Professor Adele Bernhard, and our Post-Conviction Innocence Clinic students for their perseverance and hard work.”

Professor Bernhard noted, “I was impressed by the Suffolk County Conviction Integrity Bureau’s commitment to thorough re-investigation, diligence, and fearless pursuit of the truth, and I look forward to collaborating with the office.”

Nonprofit and Small Business Clinic: Legal Eagles Help Feminist Bird Club Soar

By Katelyn Gely 3L and Michael Moore 2L

Many people find that watching birds in their natural habitats—birding—is therapeutic.

With that in mind, Molly Adams, a passionate bird-watcher, founded Feminist Bird Club. The club is dedicated to promoting diversity and providing a safe and relaxing environment for LGBTQIA+ people, women, people of color, and others who have long been underrepresented in wildlife activities. Thanks to attention from The New York Times and blog posts by the National Audubon Society and the Natural Resources Defense Council (headline: “This is Not Your Grandfather’s Birding Club”), the club has blossomed into an international society, with chapters across the United States, Canada, and even the Netherlands.

The group’s diversity and inclusion mission is not limited to birding activities. Each year, Feminist Bird Club sells special merchandise and fundraises to support groups like Pueblo sin Fronteras, a transborder organization that raises awareness of human rights abuses against migrants and refugees in Mexico and the United States, and Black Lives Matter.

Through the Nonprofit and Small Business Clinic, we are helping Feminist Bird Club consider various legal entity and structuring options that will further the organization’s goals. The issues we are grappling with—liability, governance, tax, and intellectual property—are complex, but we’re honored to advance the club’s mission of diversity and inclusion. We look forward to continuing to support our client’s goals.

Asylum Clinic: Transforming Refugees’ Lives

By OCEL Staff

Students in NYLS’s Asylum Clinic are trained to represent immigrant clients under faculty supervision. They argue cases in the New York Immigration Court and before the Newark and New York Asylum Offices on behalf of refugees fleeing persecution in their home countries and seeking safety in the United States. The clinic’s fall semester was very active. Two recent success stories are below:

YEMENI CLIENT GRANTED ASYLUM

Trisha Sobha ’19 secured asylum for her client, “S,” a young Yemeni woman who was raised in Saudi Arabia.

S. feared for her life after she secretly renounced Islam—a capital crime in Saudi Arabia and Yemen, punishable by death. She was also forced to marry a man more than twice her age, who severely abused her. After studying in the United States for three months with a student F-1 visa, S. decided not to return to Saudi Arabia.
As a result, her visa expired. If forced to leave the United States, S.’s only option would be to return to Yemen, the country of which she was a citizen. That would mean near-certain death. In February 2019, the clinic filed S.’s asylum application, and in March 2019, S. was interviewed before the Newark Asylum Office. S. was granted asylum in July 2019.

Today, S. is a thriving college student. Sobha works at Mobilization for Justice, where she continues to use her legal training to support immigrants.

Editor’s Note: Read a full-length story on this case at news.nyls.edu.

HONDURAN CLIENT GRANTED ASYLUM

In October 2019, Crystal Giron 3L secured asylum for “L.,” a Honduran mother of three who struggled for five years to gain legal status in the United States.

L. is Garifuna; she hails from an Afro-indigenous community in Honduras that has faced frequent discrimination and violence. As a local activist, L. feared for her family’s safety and journeyed to the United States in spring 2014. During her long quest for asylum, L. became part of the Mendez-Rojas v. Johnson class action case—which applies to individuals held in U.S. Department of Homeland Security custody who were never notified of their right to file for asylum, or of the government’s one-year deadline to do so.

The clinic began working with L. in fall 2017. Barbie Melendez ’19 and Adjunct Professor Claire R. Thomas ’11 filed L.’s asylum application. Giron then took on the case, drafting affidavits for L. and a witness, researching country conditions, and writing a memorandum of law. Her written submission was so strong that the counsel for the Department of Homeland Security stipulated to the written record and waived appeal. The immigration judge then granted L. asylum. Now, the clinic is filing paperwork so that L.’s children will also receive asylum status.

Alumni Catch-Up: Three Questions With Josephine Bahn ’16

By OCEL Staff

Josephine Bahn ’16 participated in NYLS’s Securities Arbitration Clinic during the 2015–16 academic year. We recently checked in with her:

What are you up to now?
I’m currently an attorney for the Federal Deposit Insurance Corporation (FDIC) in the Consumer Enforcement Unit. I joined the unit after completing the FDIC’s two-year Honors Attorney program and a federal district court clerkship.

How does your clinic experience compare to your current role?
Working for a federal regulator means I can monitor deceptive practices, from the regulator perspective, almost the same as I did when I was a law student advocating for my clinic clients.

What is one takeaway from the clinic that stays with you today?
Being a lawyer means helping folks from all walks of life and all levels of income. Our job as attorneys is to be the best advocate for our client.