New York Law School Undertakes Historic Expansion of its Clinical and Experiential Learning Programs


Beginning in the 2013–14 academic year, students at New York Law School (NYLS) will be given an unprecedented opportunity to become even more immersed in the legal life of New York City. Thirteen new clinics will expand their real-world opportunities in the practice of law and allow them unparalleled opportunities to build critical skills and knowledge while helping to make an immediate difference in the lives of others. Guided by expert faculty and attorney supervisors, students will bridge their classroom learning to practical legal training, primarily in New York City government law offices and nonprofit agencies serving New York City clients. They will work in a diverse range of practice areas, including child welfare, civil rights, and education; criminal prosecution and post-conviction remedies; legislative and human rights advocacy; administrative enforcement and tort litigation defense on behalf of the City; pro bono business and tax counseling for not-for-profits and start-ups; and individual taxpayer assistance.

“As New York’s law school, it’s only natural that we embrace the City as our classroom and grow the number of uniquely New York experiential learning opportunities for our students,” Dean and President Anthony W. Crowell said. “When I started at NYLS last summer, I made a commitment to work with our faculty on a historic expansion of our clinical and experiential learning programs. I’m proud that we have been able to more than double the number of the School’s clinical offerings in less than one year with these extraordinary additions to our curriculum. Our goal is to ensure that every student, before they graduate, can and will take advantage of a first-rate clinical placement or supervised externship and will have the chance to work on real cases, transactions, and advocacy efforts, with real people—clients and witnesses, business owners and entrepreneurs, government officials, and others. This also will allow us to give our students the needed tools to meet the demands of today’s market and be leaders in the rapidly evolving legal profession. And it will allow us to further our deep commitment to ensuring a diverse population is provided with access to justice.”

With the additions, the Law School will offer 25 clinics in the upcoming academic year and is able to expand opportunities for evening students to participate in clinics. More than 30 full-time and adjunct faculty members will be teaching these courses. The clinics differ in the subject matter of the practice and lawyering skills to be developed. All include experience in supervised legal work and an accompanying seminar. In addition, last fall, NYLS was the first law school to announce an initiative to identify and create new experiential learning opportunities for students that would help provide the community with access to justice and help students satisfy the 50-hour pro bono requirement for admission into the bar. The historic expansion of the clinical programs allows the Law School to fulfill that commitment on time.

The new clinics include:

Administrative Enforcement Clinic: Students will prosecute taxicab and livery driver and operator violations of the NYC Taxi and Limousine Commission’s (TLC) rules and regulations before the TLC tribunal within the New York City Office of Administrative Trials and Hearings (OATH).

Child Welfare Clinic: Students will work at the NYC Administration for Children’s Services (ACS), representing ACS in matters involving child welfare, including abuse and neglect cases, permanency hearings, emergency hearings on applications for return of children from placements, and more.

Civil Justice Through the Courts: A project-based class in which students will work with the Center for Justice and Democracy, a public policy organization housed at New York Law School, to support the protection of plaintiffs’ rights through legal and policy analysis.
Clinical Year: Building on the medical school model, students will spend their entire third year (30 weeks) in three 10-week, full-time, clinical rotations. The experiences will consist of drafting legislation and helping to provide advice and counsel to elected and appointed officials, and agencies, at the Division of Legal Counsel at the New York City Law Department; assisting in civil litigation matters at the Legal Aid Society; and working on administrative law matters at the New York City Department of Health and Mental Hygiene.

Criminal Prosecution Clinic (New York County): Under the supervision of Assistant District Attorneys in the Office of the Manhattan District Attorney, students will staff the new Quality of Life Part in Manhattan Criminal Court and prosecute criminal cases.

Legislative Advocacy Clinic: Working with the New York Civil Liberties Union, students will help develop a local legislative proposal to advance social justice, and work to draft and seek passage of legislation in the City Council.

Municipal Litigation Defense Clinic: Students will work under the supervision of expert tort litigators at the New York City Law Department, assisting with multiple facets of defending the City in personal injury and other matters, and will learn about the operational, fiscal, and policy considerations impacting the practice of municipal law.

Post-Conviction Innocence Project: Students will work in teams to handle post-conviction cases for defendants who move to vacate their convictions based on newly discovered evidence, recanted or perjured testimony, false confessions, or improper identifications.

Suspension Representation Clinic: Students will provide legal representation to low-income students facing a superintendent’s suspension from New York City public schools.

Transactional Law Clinic – Start-Ups and Nonprofits: Students will provide pro bono transactional legal services and capacity building for under-resourced start-up businesses, entrepreneurs, and nonprofit entities in New York City.

Taxpayer Assistance Clinic: Partnering with the IRS Volunteer Income Tax Assistance program and the IRS/AARP Tax Counseling for the Elderly program, students will offer free tax preparation assistance for New York City taxpayers who qualify.

Tax Planning Clinic: Students will provide tax advice, tax training, and tax research support to the Transactional Law Clinic’s clients and other NYLS service projects.

Building a Disability Rights Information Center: Students will work on disability rights research for the Disability Rights Information Center, a dynamic online resource for policymakers, lawyers, and community-based advocates, that presents statutes, regulations, scholarly articles, advocacy news, and case law from selected Asian and Pacific nations.

“We are excited to be offering these new courses,” said Professor Stephen Ellmann, Director of NYLS’s Office of Clinical and Experiential Learning. “They expand an already extensive skills curriculum, and they mark the School’s commitment to developing innovative ways to help our students get ready for the practice of law while instilling the values of professionalism and integrity that are critical components of the profession.”

In making the announcement, Dean Crowell thanked Associate Dean for Academic Affairs and Professor Deborah Archer, Professor and Director of the Office of Clinical and Experiential Learning Stephen Ellmann, and Professor and Director of Clinical Programs Frank Bress, for their leadership and expertise in coordinating the development and implementation of these new offerings with our faculty.

Existing clinics include:
- Conservation Law and Policy
- Criminal Defense Clinic
- Criminal Prosecution Clinic (Kings County)
- Criminal Prosecution Clinic (Richmond County)
- Domestic Violence Litigation Field Placement
- Elder Law Clinic
- Guardianship
- Immigrant and Refugee Rights Field Placement
- Immigration Law and Litigation
- Mediation Clinic
- Racial Justice Advocacy
- Securities Arbitration Clinic
- Wills Clinic

www.nyls.edu/clinics

Criminal Defense Clinic Student Wins Dismissal of All Charges For Client

Kristina Cretella 3L

I represented “Mr. Jones” in the Criminal Defense Clinic through the Legal Aid Society. Mr. Jones is a veteran who made many selfless sacrifices to serve our country. He was discharged from the U.S. Army in 1985 and was issued a Veterans License to Hawk, Peddle, and Vend Merchandise by the State of New York. The license states that the nature of goods to be sold is to be “general merchandise.” When I met Mr. Jones he was charged with violating NYC Administrative Code § 20-453, Unlicensed General Vending. He had allegedly displayed and offered for sale various pieces of costume jewelry without displaying a license issued by the NYC Department of Consumer Affairs. On
two prior occasions, Mr. Jones was similarly charged with violating Administrative Code § 20-453, and the Court dismissed and sealed the charges.

I discussed the matter with my mentor and faculty supervisors, and after receiving some guidance I drafted an Omnibus Motion, on behalf of Mr. Jones. The motion included a motion to dismiss for facial insufficiency and in the interest of justice. On the next court date I presented my oral argument to dismiss Mr. Jones’ case and provided the court and prosecutor with case law supporting the motion. The case was then adjourned for a later date so that the cases I cited could be reviewed.

At the next court date, Judge Tisch of the NYC Criminal Court issued a written decision granting my motion to dismiss on the ground that the accusatory instrument was facially insufficient. The judge's analysis of Administrative Code § 20-453, Unlicensed General Vending, included all of my major points. All of the cases that he cited in that section were cited in my motion as well.

The entirety of working on this case from beginning to end has been a great learning experience. Mr. Jones was very appreciative and impressed by the legal services provided to him; he was very pleased with the outcome of his case.

NSLS Moot Court Association Claims Second Place and Second Best Brief at the Federal Bar Association Thurgood A. Marshall Memorial Moot Court Competition

Ariella Spitalnick 3L

After a rigorous two days of competing in the Federal Bar Association Thurgood A. Marshall Memorial Moot Court Competition in Washington, D.C., NYLS Moot Court Association 2Ls Lily Ockert and Alex Noble, supported by their coach 3L Ariella Spitalnick, came in Second Place and received the award for Second Best Brief.

On April 4 and 5, students from all over the United States presented oral arguments on whether the Seventh Amendment right to a civil jury trial is incorporated against the states, and additionally, whether the Petition Clause of the First Amendment protects a litigant’s burden-shifting request. The issues arose in the context of a defamation suit in the fictional state of Radnor, in which "Gossip Show" broadcasted a segment discussing details about Joe Public, a Radnor state celebrity, and Jane Private, his wife, after their public wedding ceremony.

The two preliminary rounds, judged by practitioners and judges, were held at the Superior Court of the District of Columbia. Alex and Lily impressively ranked in 6th place out of the total 45 teams competing in preliminary rounds. Friday’s octo-final, quarter-final, and semi-final rounds were held at the United States Court of Federal Claims. Throughout the day, Alex and Lily continued to impress competitors and judges with their excellent arguments and presentation, ultimately advancing to the final round.

At the United States Court of Appeals for the Armed Forces, competitors argued before Alfredo Castellanos a past president of the Federal Bar Association; Hon. Gustavo A. Gelpi, Jr., District of Puerto Rico and FBA President-Elect; Judge Andrew S. Effron, former Chief Judge of the United States Court of Appeals for the Armed Forces; Robert DeSousa, FBA National President; and Brigadier General Kyle Goerke, Special Assistant to The Judge Advocate General, Army National Guard. Alex and Lily displayed exemplary skill and resolve before a challenging bench, and made the NYLS community extremely proud.

Securities Arbitration Clinic Negotiates Favorable Settlement for Elderly Couple

Kimberly O'Toole 3L

Securities Arbitration Clinic students Kimberly O’Toole 3L, Adam Parks 3L, and Christopher Warren 3L recently represented an elderly couple seeking to file a claim against their stockbroker and large brokerage firm. The accused broker lost over 15 percent of the couple’s entire nest egg on speculative and aggressive initial public offerings, which were unsuitable in light of their conservative investment objectives. After months of collecting documentation, drafting statements, and meeting with their clients, the students filed a statement of claim against the broker with the Financial Industry...
Regulatory Authority (FINRA), the regulatory body that has authority to award a judgment on behalf of the couple to reclaim the lost value of their investments.

The claim was so strong that it forced the adversary to the settlement table to forgo going forward with arbitration. The students negotiated a favorable settlement on behalf of their clients.

This clinic provides students with a unique opportunity to gain a practical understanding of securities arbitration. Looking back on the past year, Adam Parks stated, “The Securities Arbitration Clinic has been an extremely rewarding experience. The responsibility of handling a case from inception to completion while learning first-hand how to advocate on a client’s behalf has been invaluable.”

Professor Lynn Su

An exciting NYLS initiative has made its debut! The newly-formed NYLS Trial Competition Team hosted its inaugural Spring Intramural Trial Competition on March 8 and 9, 2013. The case involved the prosecution of a defendant accused of robbery. There were six trials and 23 student advocates. Distinguished members of the legal community—Ikiesha Al-Shabazz ’01, David Fish ’96, Robert Galantucci ’70, Oscar Michelen ’85, Hon. John A. Conte, Sr. J.S.C., and Hon. John A. Conte, Jr., P.J.M.C.—served as judges.

Special recognition was awarded to students in the following categories: 

**Highest Scoring Advocate** – Bryan Assael 2L; 
**Highest Scoring Opening** (tie) – Marlana Aref 2L and Manish Patel 2L; 
**Highest Scoring Closing** (tie) – Lloyd Lesperance 2L and Thomas Schiro 2L; 
**Highest Scoring Direct Examination** – Bryan Assael 2L; 
**Highest Scoring Cross Examination** – Joseph Bonomo 3L; 
**Highest Scoring Prosecution Team** – Bryan Assael 2L and Diana Teverovskaya 2L; 
**Highest Scoring Defense Team** (tie) – Marlana Aref 2L and Thomas Schiro 2L, and Joseph Bonomo 3L and Carlos Martinez 3L.

The NYLS Trial Team was the long-time dream of a dedicated group of students—Tim Johnson 3L, Fernando Maldonado 3L, Arthur Mendola 3L, Danielle Medeiros 3L, Daniel Phillips 3L, and Olga Zagika ’13—the founding members of the team. Professors David Epstein and Lynn Su, faculty advisors for the Trial Team, want to congratulate the founding members and competitors, as well as Professors Frank Bress, Stephen Ellmann, Eugene Cerruti, and Dean Mariana Hogan, for their valuable assistance in launching this new initiative.