



The Joe Plumeri Center for Social Justice and Economic Opportunity

STUDENTS IN ACTION

Office of Clinical and Experiential Learning

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Housing Rights Clinic: Defending Safe, Affordable Housing for New Yorkers

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



Left to right: Joshua Nace 2L, Emelia Johnson 3L, Ching Yi (Becky) Lee 3L, Matthew Reichert 2L, Safiya Bekmez 2L, and Danielle Lilley 2L



Left to right: Arielle Carla 2L and Ezgi Yilmaz 2L

In 2017, New York City became the first jurisdiction in the United States to guarantee counsel to low-income clients in eviction proceedings. NYLS's Housing Rights Clinic has already had significant victories in the fight to preserve safe and affordable housing for New York City residents. Highlights from the fall 2018 semester are below:

"Ms. D."

Ms. D and her family moved into a rent-stabilized apartment in Harlem 25 years ago. In May 2016, there was a fire in the commercial unit on the ground floor of her building, and Ms. D. and her family were forced to vacate. She went to the New York City Department of Housing Preservation and Development, which is responsible for maintaining housing code standards, and filed the paperwork to secure a rent reduction to \$1.00 per month while she was not able to live in the apartment, which she paid to her landlord every month.

Months passed; Ms. D. heard nothing from the landlord about the apartment or the status of the renovations. Then, one day in spring 2018, her daughter walked past the building and saw people moving furnishings into the apartment. Her daughter called the landlord, who said he had no idea who she was; a quick internet search by the daughter revealed that the apartment had been fully renovated and listed for rent at three times the legal regulated rent. Ms. D. also learned from a neighbor that the landlord had moved new tenants into the apartment.

Emelia Johnson 3L and Matthew Reichert 2L brought an "HP" action (a case against the property owner to force the owner to make repairs or restore essential services) and an illegal lockout petition by order to show cause seeking reinstatement of Ms. D. and her family to her apartment, repairs to the building, damages, and attorneys' fees. The case was scheduled for trial on November 29, 2018. Minutes before the trial was set to begin, Johnson and Reichert secured a significant settlement for their client: Ms. D. would be back in her apartment within 30 days, the landlord would repair the remaining conditions in the apartment, and Ms. D would receive a \$9,000 rent credit to settle her damage claims. The students will monitor the settlement to make sure the landlord complies; it was entirely due to their preparation that the landlord's lawyer was unwilling to go forward with a trial.

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

Johnson reflected, “Participating in the Housing Rights Clinic has given me an immense knowledge of housing law, helped me hone my legal writing skills, and provided me with the hands-on experience of representing clients.”

“The clinic has allowed me to support the individuals who make our city great in the fight against mass displacement and gentrification that is rapidly changing New York’s neighborhoods,” said Reichert.

“Ms. C.”

Ms. C. lives in the apartment she shared with her mother until her mother’s death in 2017. As a remaining family member in a rent-stabilized apartment, Ms. C. is entitled to a lease in her name. She came to the clinic because her landlord refused to provide her with one, claiming that she did not actually live in the apartment. Rather than wait for her landlord to sue her in Housing Court, last year Manhattan Legal Services and clinic students brought a New York State Supreme Court action on behalf of Ms. C. seeking a declaration of her rights and an injunction forbidding the landlord from suing her in Housing Court, which would subject her to the tenant “black list.” The case is in discovery, and this year’s clinic students **Safiya Bekmez 2L** and **Ching Yi (Becky) Lee 3L** defended a deposition of the client in November and are preparing to depose the landlord’s managing agent in January 2019.

Lee noted, “I am learning that being a good lawyer is not going to be easy. There is so much preparation that goes into each client meeting and case. I am also surprised that, in practice, the outcome of cases can be more likely to be affected by procedural rules than by substantive law. The clinic has been a great opportunity for me to learn about law, lawyering, professional skills, and values in a real-world context.”

Bekmez added, “I think clinics are one of the most important and valued aspects of law school because they allow my classmates and me to move beyond reading casebooks and solving hypotheticals to seeing how the law works in the real world through representing and advocating for real clients under supervision and mentoring. It is a unique combination of theoretical and practical learning that will become the building blocks of our legal careers.”

“Ms. N.”

Ms. N. is an elderly tenant on a fixed income. She is careful with her money and is never late on the rent payments for her rent-stabilized apartment in East Harlem. She was very surprised to receive a postcard in the mail from the Housing Court informing her that her landlord is suing her for non-payment of rent, alleging months of rent arrears. Ms. N. went to court on her own and submitted a *pro se* answer, explaining that she never received notice that rent was due from her landlord (which is required in order to commence a proceeding), nor

did she receive the actual petition itself. Moreover, she paid her rent every month by money order, and she had the receipts to prove it. She was directed to the Manhattan Legal Services intake and interviewed by clinic students, who decided to take the case. **Ezgi Yilmaz 2L** and **Arielle Carla 2L** drafted an amended answer and a motion to file an amended answer. They also appeared on Ms. N.’s behalf in Housing Court. Upon negotiating with her landlord’s attorney, the students learned that the landlord has been holding her money orders, thus creating arrears. They also learned that in December 2017, a money order sent by Ms. N. was cashed by someone but never credited to her account. The students have subpoenaed the bank to see if the identity of the depositor can be determined and will be preparing a potential hearing to establish that the case should be dismissed for improper service of the pleadings.

Carla said, “What I have learned so far in the Housing Rights Clinic goes beyond what I have learned in all my other classes. The clients’ issues are not a fact pattern on an exam; they’re a real person’s story. I am gaining experience in what it means to be lawyer in real life rather than on paper. I am learning to balance empathy while remaining an objective person who can deal with issues without becoming overwhelmed by serious situations.”

Yilmaz added, “When we are involved in a case, the tenants are more confident. We don’t only represent them in a legal capacity; we also inform them of their rights and relieve them of some of their burdens. ... Clerks and judges seem excited to have law students interested. Landlords’ attitudes also tend to change when they learn that our clinic is on the case.”

“Mr. A.”

Mr. A. is an Uber and Lyft driver. He often works nights and sometimes accepts out-of-town hires that take him out of the city for short periods of time. He lives in the rent-stabilized apartment that he grew up in on Manhattan’s Lower East Side. In the 1980s, the neighborhood was completely different—his building used to be filled with families from Bangladesh who all knew one another. Neighbors would open their doors for holiday parties and care for each other’s children after school. Summertime brought potluck dinners. Now, the neighborhood is rapidly gentrifying. Over half of the apartments in Mr. A.’s building have changed hands in the past few years; the landlord is renovating and combining apartments to allow for increased rents as the area becomes appealing to affluent renters. About a year and a half ago, Mr. A. was served with a notice from his landlord alleging that he is illegally subletting his apartment. The notice was based on his super’s claims that he is “never in the building” and that a woman and young child were seen in the apartment. Mr. A. acknowledges that for a period of time, his two nieces were staying with him while they took college courses at New York University, but both left the apartment after their coursework ended. Moreover, he has never abandoned the apartment.

Joshua Nace 2L and **Danielle Lilley 2L** picked up this case and drafted a motion for summary judgment. (The case had been filed and was in discovery when the landlord changed counsel.) The students re-interviewed the client and were in the process of drafting new affidavits for the client and the nieces when the landlord reached out to discuss settlement. Those talks are continuing.

Nace said, “Participating in the Housing Rights Clinic has given me two major advantages. First, it has allowed me, through practical application, to expand on the foundational knowledge that I learned in some of my first-year classes. Second, it has broken the boundaries of theoretical education by allowing me to counsel and represent real-world clients facing real-world legal issues. This will ease my transition from law student to lawyer because I will have already done what real lawyers do. I am thankful for this experiential learning opportunity and would highly recommend it to future students.”

“The clinic has been so different from my internship!” Lilley said. “I’ve learned more about WHY we’re doing what we’re doing. ... That’s the benefit of doing a clinic and being in a learning environment. I’ve learned a lot so far and can’t to see what the rest of the year brings!”

Nonprofit and Small Business Clinic: Embracing Diversity and Providing Opportunity

By Professor Gowri Krishna, Martina Watson 3L, and Alejandro Dardik Radonski 3L

Editor’s Note: NYLS’s Nonprofit and Small Business Clinic launched in fall 2018 and provides free transactional legal services to nonprofits and small businesses that serve, or are run by, historically marginalized people.



Left to right: Andrew Adachi 3L Evening, Alejandro Dardik Radonski 3L, Allan Louis 2L, Professor Gowri Krishna, Jennifer Frank 2L, Rubi Bala Sharma 3L Evening, and Martina Watson 3L

Situated on a corner in Carroll Gardens, Brooklyn, Emma’s Torch—named for the poet Emma Lazarus, whose words are inscribed on the Statue of Liberty—seems at first like any other hip restaurant in the neighborhood. But on second glance, it’s much more than that. Emma’s Torch is a nonprofit organization that provides training and

employment opportunities to refugees through the culinary arts. The organization’s mission is to “harness the power of the culinary industry to help refugees build new lives in their new communities.” During its eight-week training period, Emma’s Torch offers classes and practical cooking experience. The organization also offers English courses to participants. At the end of the program, Emma’s Torch helps its trainees find employment in New York City’s culinary industry.

Since its founding in 2015, Emma’s Torch has grown. The nonprofit now seeks to develop an employee handbook that asserts its compliance with federal, state, and city laws. As members of NYLS’s new Nonprofit and Small Business Clinic, we are developing this handbook so that Emma’s Torch can continue to provide opportunity to not only its program participants, but also its employees. The organization’s commitment to diversity and individuality is by no means limited to its cuisine—and we are working hard to incorporate these values into its employee handbook and employment policies. We started with a model employee handbook, after reviewing it for compliance with the numerous federal, state, and city laws that relate to employees. We’re continuing to counsel our client as we refine the handbook. We’re also researching best practices and assessing the advantages and disadvantages of various choices our client can make.

Particularly at this moment, Emma’s Torch is making a powerful statement by being unafraid to speak up about the importance of providing opportunities to those who come to the United States seeking a better and more sustainable life for themselves and their families. Previous students of Emma’s Torch have come from Venezuela, Haiti, Afghanistan, Mexico, and several other countries from around the world. By providing opportunities to such diverse individuals, Emma’s Torch is leading by example in what it means to be a true New Yorker: embracing diversity and providing opportunity. Our clinic is proud to support that work.

Criminal Defense Clinic: Finding New Ways to Help Low-Income Defendants

By Professor Anna G. Cominsky ’05, Director of the Criminal Defense Clinic



Professor Anna G. Cominsky ’05

In October 2017, New York State enacted a statute that allows qualifying individuals to have certain prior criminal convictions sealed and thereby effectively remove a conviction from the person’s criminal record. This relatively new law is already changing people’s lives. When I first heard that it was going into effect, I knew it was something that our students should be a part of.

I am pleased to announce that starting in spring 2019, the Criminal Defense Clinic will expand the services it offers to its indigent clients. Through a unique partnership with The Legal Aid Society, the clinic

will begin representing clients who seek to have their prior criminal convictions sealed. As a result, NYLS will be home to one of the first legal clinics in the New York City area to make the new law an integral part of students' work.

Students currently receive a robust clinical experience, which includes representing dozens of indigent criminal defendants every year. Now, they'll have the chance to engage in this fantastic work while positively impacting more individuals' lives.

Securities Arbitration Clinic: A Valuable Competition

*By Office of Clinical and Experiential Learning (OCEL) Staff,
Ryan Callinan 3L, Kayla Canasi 3L, Dana Mallon 3L, and
Meghan O'Brien 3L*



Left to right: Kayla Canasi 3L, Meghan O'Brien 3L, Ryan Callinan 3L, and Dana Mallon 3L

On October 13 and 14, 2018, students in the Securities Arbitration Clinic participated in the 2018 Securities Dispute Resolution Triathlon at St. John's University in Queens, New York. NYLS has participated in all 10 years of the competition. The Triathlon is named for its three parts: negotiation, mediation, and arbitration.

This year's team consisted of **Ryan Callinan 3L**, **Kayla Canasi 3L**, **Dana Mallon 3L**, and **Meghan O'Brien 3L**. The competition focused on cybersecurity and brokerages' responsibility to protect their clients from cyberattacks. The mock problem involved an investor whose email account was breached, resulting in a fraudulent wire transfer request. Complicating the matter, the broker had previously requested that the client use a secure messaging system for these transfer requests, which she declined to use. Each round was judged by three FINRA (Financial Industry Regulatory Authority) neutrals: arbitrators who hear securities-related disputes. The judges hailed from a wide variety of backgrounds, and students found their different viewpoints extremely valuable.

The NYLS team was assigned to defend the brokerage firm in the dispute, arguing that the firm was in compliance. The students were very pleased with the end result of their negotiations, which allowed the firm to settle for a far smaller amount than the claim.

Professor **Howard Meyers**, Director of the Securities Arbitration Clinic, and Distinguished Adjunct Professor **F. Peter Phillips '87**, Director of the Alternative Dispute Resolution Program, helped students thoroughly prepare for the competition and provided a holistic view of the process, drawing from their substantive experience and knowledge. The students found that the nature of the competition, which required them to switch lawyer and client roles between rounds, encouraged them to delve deeply into the material. Overall, this was a valuable experience for students, enabling them to step outside of the classroom and practice their skills in front of experienced arbitrators.

Intensive Trial and Advocacy Skills: A Rigorous Simulation Course

By Professor Mariana Hogan, Marina Bishara 3L, and OCEL Staff

It was a Sunday afternoon in late May. Finals were over, and for some students, summer had begun. But for seven students in the Intensive Trial and Advocacy Skills course, this particular Sunday was the start of a four-day intensive introduction to the essential trial advocacy skills that lawyers use in motion argument, hearings, trials, administrative proceedings, and arbitration.

Professor **Mariana Hogan** and Adjunct Professor **Anne Schofield Baker '97** introduced skills such as case theory and storytelling, communication for lawyers, direct and cross examination, exhibits, impeachment, openings and closings, and motion argument in lectures. Students then practiced these skills in workshops and received immediate faculty feedback. The course culminated in a mock trial of a civil case.

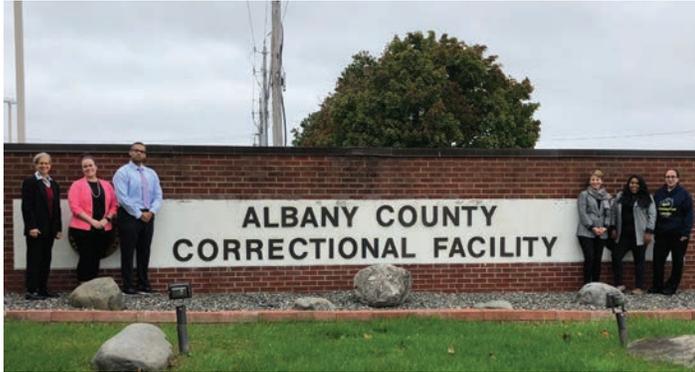
Marina Bishara 3L, a participant in the course, said, "I want to go into public defense, which will eventually involve a lot of trial work, and this course aligned with my goal. The most relevant skills I practiced were public speaking and organization of arguments in a coherent, cohesive manner. This is like a trial advocacy 'boot camp' that allowed me to hone a particular skill each day. I also enjoyed the small-class environment, which meant each student got lots of attention and we all got to be actively involved."

Asylum Clinic: An Unforgettable Trip to Albany

By Adjunct Professor Claire R. Thomas '11, Director of the Asylum Clinic

On October 8, 2018, Asylum Clinic students **Trisha Sobha 4L Evening** and **Amín Fernández 4L Evening**, along with **Barbie Melendez 4L Evening** and clinic alumna **Alyssa Bain 3L**, traveled with me to the Albany County Correctional Facility in upstate New York. Our purpose was to provide legal support to detained men and women seeking asylum in the United States. We were also joined by **Judith Lee '81** and two other volunteers: an advocate and an attorney. We prepared over a dozen immigrant men and women from Cuba, El Salvador, Honduras, Guatemala, and Nicaragua for their credible

fear interviews, the first step in the asylum process. We were thrilled to receive the good news that every person we prepped successfully passed their credible fear interview and is on a path to release from the detention facility. Below, Sobha and Fernández reflect on the experience:



Left to right: Judith Lee '81, Alyssa Bain 3L, Amín Fernández 4L Evening, Professor Thomas, Trisha Sobha 4L Evening, and Barbie Melendez 4L Evening.

Trisha Sobha 4L Evening

I had never been to a detention facility before and had no idea what to expect, but I instantly knew that I wanted to help.

On October 8, 2018, I ventured up to Albany with our amazing team. I admit that the entire drive up to Albany, I was a bit nervous, but I knew that I was about to hopefully change someone's life just by having a conversation with him or her.

When the officers began to send the detainees down to meet with us, I had to hold back tears. It was shocking to see them dressed the same as regular inmates and how young some of them looked. The only thing distinguishing them from regular inmates was the color of their wristbands. Without knowing why, they could see that they were being treated as criminals.

I was lucky enough to be paired with Judith Lee '81, an NYLS alumna. Together, we had a very emotional meeting with a young woman from Nicaragua. We spent time listening to her story and preparing her for her credible fear interview, the next step in the complicated and, at times, terrifying immigration system. She was so thankful that we took time to speak with her and try to help her understand what would be happening next. She was even more thankful to finally hear that people were on her side.

I walked out of the correctional facility that day a changed person and even more eager to continue helping as much as I can. Most of the detainees we met with had never even had a real conversation with anyone about their lives and why they fled their country. Someone was finally there to listen to them, and the way they smiled back at us made it seem like it was the first day anyone had made them feel worth listening to.

This was an experience I will never forget. I woke up the next morning

with the hope that as long as we keep fighting for them, we will change their lives forever, and I wanted nothing more than for them to wake up with that same hope.

Amín Fernández 4L Evening

Growing up in the South Bronx, my greatest fear was of one day being incarcerated. The idea of being deprived of fresh air, of not being surrounded by my family and friends—it terrified me. More than anything, I couldn't bear the thought of being invisible to the rest of the world, of being out of sight, out of mind.

As I sat in the Albany County Correctional Facility, I realized that the young man in front of me was currently living my greatest fear. Rather than being welcomed with open arms, from the moment he entered our country, he had been caged. It didn't matter that gang members made death threats against him. That he and his family left their lives in El Salvador behind. That he underwent a dangerous and expensive journey, all to seek safety in the United States.

This young man somehow had the poise and faith to remain hopeful, to continue to seek asylum and attain the future he sought when he was forced to leave his home. He just knew that he would be reunited with his mother and sister. Because, as he put it, he couldn't "see another way life could have a happy ending."

I did what I could to assist him. I heard his story, aided him in preparing for his credible fear interview. But as we parted ways, I couldn't help but think that my work that day just wasn't enough, that my afternoon with him was but a cog in the complex mechanism he was already being churned through.

I hope to have faith that our immigration system will change for the better. That it will one day treat those seeking refuge not as threats but rather as soon-to-be Americans. And that the young man I met will be allowed to prosper in this great country, not turned away to almost certain death.



Back row, left to right: Andrew Frenkel 2L Two-Year J.D. Honors Program, Jan Arcia 3L, Amín Fernández 4L Evening, and Jennifer Alvarez 2L. **Middle row, left to right:** Crystal Giron 2L, Olivia Kaplan 4L Evening, and Trisha Sobha 4L Evening. **Front row, left to right:** Danney Salvatierra 3L and Professor Thomas.

Life After Graduation: Q&A With Tiyana Clark '18

By OCEL Staff



Tiyana Clark '18

In a recent interview, **Tiyana Clark '18** spoke about life after law school—and how the Criminal Defense Clinic helped her build essential skills.

Tell us about your current role.

I am a law graduate at Queens Law Associates (QLA). My role is to do everything a criminal defense attorney would do (with a supervisor present,

of course). I pick up cases at arraignment, interview clients, make applications to the court, negotiate with the District Attorney's Office, draft motions, and prepare for hearings. We also have trainings at least once a week where I learn how to do arraignments or handle, for example, DWI cases. I go to arraignments approximately once a week. That's probably the most exciting part of the job, because I get to build a relationship with my client at the outset.

How have your first months out of law school been? Has it been a significant transition from the academic environment to the working world?

It's been exciting, nerve-wracking, and fun. First, there was the bar exam in July. Following the bar exam was a month of traveling with friends and family. Then, in September, I started my job at QLA. I am so grateful that I get to help people every day. It hasn't been a significant transition from school to work, partly because of the clinic and other internships. They were good stepping stones into the real world. The biggest transition has been having an inflexible schedule. It takes some adjusting and good time management.

Did your experiences in the Criminal Defense Clinic impact your career? How so?

Yes, and many of the things I do in court today are things I learned to do in the clinic. The clinic gave me an opportunity to get comfortable speaking with clients, prosecutors, and the judge. There isn't a much better feeling than starting a new job fresh out of law school and already feeling comfortable with the fundamentals. Also, I don't know if I would have gotten my current job without the clinic experience. Employers look to see who has clinic experience and who doesn't. Every interview I went on, employers skimmed my resume to see if I had clinic experience, and every interviewer pointed that experience out.

What advice would you give students considering a clinic?

Do it! It was absolutely, without a doubt, the best experience I had at NYLS. Professor Anna Cominsky '05, who taught the

Criminal Defense Clinic, was poised, patient, professional, and very knowledgeable. If you can work with her, do it. The best advice I can give students, other than actually participating in the clinic, is to take every opportunity offered, whether big or small. Don't be afraid to make mistakes in the clinic. Any time you have the chance to interview a client or go to court, do it. Put yourself out there, and you'll be the best attorney you can be going into the real world. Good luck!

Parting Thoughts: What It Feels Like to Gain a Client's Trust

By Danney Salvatierra 3L, Asylum Clinic Participant



Danney Salvatierra 3L

Through the Asylum Clinic, I am honored to be able to help individuals who were discriminated against due to their sexuality in Russia. Speaking to my client, "D.," and seeing the light of hope in his eyes every time I ask him a question, is enough to make my day worth a million bucks. D. is comfortable speaking to me, and it makes me happy to see a smile on his face when he sees me. I have been able to successfully gain his trust. I am incredibly grateful and will continue to work very hard on this case.

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.