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ABOUT THE PLUMERI CENTER
The Joe Plumeri Center for Social Justice and Economic Opportunity, dedicated in November 2015, is home to New York Law School’s (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.

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Education Law Field Placement and Seminar: Putting Students First

Fighting for Language Access
By Liza Blaszcyk 3L and Arleen Delaney 3L

We have been working with Queens Legal Services to help ensure language access services for parents of New York City students, especially students with disabilities.

The pandemic has exacerbated existing challenges with access to interpretation and translation services and resources. At the same time, these tools have become more important than ever.

With New York City public schools providing remote instruction, most students are learning from home, and their parents are increasingly relying on written communications to understand their children’s academic needs.

Queens Legal Services and Staten Island Legal Services filed a federal complaint, Garcia v. Carranza, with four named plaintiffs who are Mandarin- and Spanish-speaking, along with a parent group called The Alliance for Families with Developmental Needs. The complaint alleges that although the schools knew that the families spoke Mandarin and Spanish, school officials continued to communicate with the families in English, including in key documents and at important meetings.

We have helped prepare and host remote settlement negotiations with the New York City Department of Education. The requested relief includes implementing policies, practices, and training programs for all teachers, staff, and school officials to provide interpretation and translation to all Limited English Proficient (LEP) parents; notifying all LEP parents at the beginning of each school year that parents can obtain free interpretation services to communicate with school personnel; and translation of vital documents. Our goal is to make sure that New York City’s most vulnerable students are not left in the dark.

Advocating for Students With Disabilities
By Sivan Zak 2L

I have been working remotely with Brooklyn Defender Services (BDS) to advocate for students with disabilities. The pandemic has introduced several new challenges for our clients, such as hybrid learning, remote access to special education services, and being...
unable to build connections with their advocates face-to-face. Now, more than ever, schools must provide students with the resources, services, and education they need to succeed.

My client, Sarah*, has struggled with school since long before the pandemic. She was failing all of her classes and dealing with an array of emotional issues. Sarah requires a therapeutic and individualized educational environment with consistent assistance and a smaller classroom setting. Her school was not providing these services, and she was experiencing an array of difficulties at school. As a result, Sarah started to demonstrate aggressive behaviors towards her peers and adults. Instead of working with Sarah to provide her with the services she needs, the school suspended her. Recently, she has felt “too behind” to ask for assistance from her teachers, which has deterred her from participating and further fueled her aggressive behaviors.

The Education Team at BDS and I have successfully helped Sarah transfer to a new school where she will be receiving closer attention, opportunities to earn more credits, and be fully engaged in her education. We have secured smaller classroom settings and individualized instruction for Sarah. In addition, we are discussing advocating for psychiatric evaluations because they hadn’t been conducted previously. Despite the challenges we and our clients face due to the pandemic, the Education Team and I continue to advocate for meaningful improvements to children’s educational experiences.

“Name changed to protect confidentiality

Asylum Clinic: Advocacy by Phone and on Screen

Urban Lawyering in a Pandemic

By Claire R. Thomas ’11, Director of the Asylum Clinic

Despite a remote Fall 2020 semester, Asylum Clinic students have been very busy. Over the course of the semester, we met with many clients outside, usually near campus, in order to safely introduce ourselves and gather signatures on important documents. The students and I soon realized that clipboards were just as important as law books when it came to outdoor "urban lawyering.”

Students worked in pairs remotely to interview clients from Angola, El Salvador, Ghana, and Turkmenistan to build their asylum cases. Through our seminar classes and simulation exercises, students learned interviewing skills and developed their techniques through video and phone calls with their clients.

Asylum Clinic student Jaime Balbuena Hernandez 2L reflected on the learning curve: “Prior to the clinic, I had little experience interviewing individuals,” she said. “Because of this, during my first few meetings with my client, I wasn’t getting enough information, or I wasn’t getting the right information we needed to be able to write her affidavit.”

Clinic students also gained experience working with interpreters, specifically for the Portuguese, Spanish, and Hausa languages. Natalie Young 3L said, “I did not know prior to the Asylum Clinic that I’d learn how to work with an interpreter!”

Students witnessed the immense trifold trauma our clients face—from fleeing persecution in their home countries to experiencing horrific journeys to the United States that often culminate in immigration detention, and finally, building new lives in a strange city during a pandemic. We often connected clients to social support and mental health resources for asylum-seekers, even as we helped them navigate legal proceedings. Yang Gao 2L called these efforts “challenging and rewarding.”

Yet students also realized the need to care for themselves. As Carolina Abdullah 2L shared, “I need to remind myself that it’s okay to take a break and do something for myself. Ultimately, if there is nothing left for me, then I am not helping my client as much as I think I am.”

Through virtual guest speakers and volunteer work with Al Otro Lado, a bi-national nonprofit assisting asylum-seekers and migrants in Mexico and the United States, students learned about changes to U.S. immigration policy under the Trump Administration that forced some 60,000 asylum-seekers to wait in Mexico for their U.S. immigration court hearings. Taylor Weber 2L reflected, “To think that these people came to the U.S.A. to escape torture and terror, and were instead met with more at the border, makes me sick. It’s also cemented my plans to work for people seeking asylum in the United States.”

Students also engaged in writing projects, including drafting responses to proposed immigration-related rules published in the Federal Register through notice-and-comment rulemaking. Edwin Gil 4L Evening found these projects useful given that his goals included “to expand on my legal writing” and “to utilize the legal tools and knowledge I have gained over the semester to help not only my client but also others like her who have suffered.”

In addition, students participated in bi-monthly legal immigration screenings with members of the John Jay College community. These screenings have become very popular among John Jay students and their family members.
During the spring semester, Asylum Clinic students will continue this work. We are hopeful that 2021 will bring immense positive change to the immigration landscape and provide even more opportunities to advocate on behalf of immigrants in the United States.

An Asylum Clinic Student’s Experience
By Aubrey Thompson 3L

In the Asylum Clinic, we work with people from all around the world who have had horrible experiences many of us are lucky enough to only hear about on the news or see in movies.

Some of the clients we have the honor of working with come to us through Al Otro Lado, an organization that provides free legal services for those on both sides of the United States and Mexican border. In the new COVID-19 world, we meet with our clients over the phone to fill out their Form I-589. This document is used to seek asylum, protection under the Convention Against Torture, and withholding of removal. To complete the form, we not only need basic biographical information—we must also gain the trust of these complete strangers, without ever seeing each other’s faces, as they tell us about the events that forced them to flee their home countries. Achieving this is difficult but not impossible.

In addition, I have been learning remotely in Dallas, Texas. Balancing multiple time zones, a full course load, and an internet connection that always seems to cut out at the worst moments has been an incredible opportunity to learn how to adapt to change, even when it feels impossible.

At the end of the day, when you hear your client crying tears of joy and thanking you for taking the time to help them, it makes the professional challenges caused by COVID-19 seem minor.

Volunteering With Al Otro Lado
By Jaime Balbuena Hernandez 2L

Working with migrants who are forced to stay in Mexico under the “Remain in Mexico,” or Migrant Protection Protocols, was an interesting experience. When I spoke by phone with my client, I could hear his fear of returning to his home country in his voice. I could hear the pain of the persecution he suffered in his country and the anxiety he was facing while having to wait for his U.S. Immigration Court hearing in Mexico. As he retold his story, he had to take breaks from our conversation because he was holding back tears.

Finally, I heard the sadness in his voice when I told him that once I was done helping him complete his asylum application, he would have to appear in front of the immigration judge on his own, because the U.S. immigration system would not provide him with counsel. I knew he was upset at these limitations. But we also both knew there was nothing else I could do.

My experience volunteering with Al Otro Lado has made it clear to me that I am in law school to help as many migrants as possible seek a better life in the United States.

Editor’s Note: Find more Asylum Clinic stories on news.nyls.edu.

Housing Rights Clinic: Tenants Impacted by the Pandemic

Fighting for Tenants’ Rights During COVID-19
By Frank Piña 3L and Madeleine Robinson 2L

We drafted an appellate brief for a case that has reached the Appellate Division of the New York State Supreme Court.

The case was initiated as a nonpayment proceeding by a landlord against a tenant and client of Manhattan Legal Service, Ms. T. The landlord’s petition claimed that Ms. T’s unit was no longer subject to rent stabilization and sought to recover a significant portion of unpaid rent. Our objective was to prove that the unit was, in fact, subject to rent stabilization pursuant to the Rent Act of 2015, and therefore the landlord’s petition should be dismissed.

Proving that apartments like Ms. T’s are subject to rent stabilization is critical, since there are numerous (often unknown) rights that come
with these units. In our case, after Housing Court found that Ms. T.'s apartment was rent-stabilized under the Rent Act of 2015, the court dismissed the petition. However, after the landlord appealed this decision, the Appellate Term reversed. At that point, we were assigned the case and began work on the appeal.

We drafted an Informational Statement that was submitted to the Appellate Division, completed research projects related to perfecting appeals at the Appellate Division, and drafted the appellate brief. All of this work was done remotely.

After submitting the appellate brief in December 2020, we expect to address the landlord-respondent's answer and draft a reply brief in early 2021 before oral arguments in the case. More to come!

Housing and Racial Justice
By Carly A. Gartenberg 2L

For many Black communities, the right to safe housing is under siege. During the Fall 2020 semester, my Housing Rights Clinic classmates and I attended a virtual conference called “Good Trouble: A National Conversation on Black Lives Matter and Tenants’ Rights.” Housing attorneys from cities around the United States discussed how COVID-19 is worsening the already fraught experiences of Black tenants. I was particularly moved by the words of Robert D. Sanderman, an attorney who primarily represents Black and Latinx tenants in New York City.

Sanderman finds that working with marginalized communities during this crisis requires him to be both a lawyer and a social worker. He spends a lot of time dispelling misinformation fed to vulnerable tenants, including illegal threats of eviction.

“These people have been living with this trauma in their hearts for decades,” he said at the event.

His statement made me reflect on my experiences interviewing tenants at risk of eviction through the clinic. Earlier in the semester, I had interviewed a Black tenant in her 90s who disclosed, for the first time, that she has been living without heat in her apartment for 40 years. She never complained, she said, because she “didn’t want to start any trouble.”

The murder of George Floyd was a great awakening for many people, especially those who don’t navigate the world from inside a Black body. It is incumbent on all law students and lawyers to examine our own deeply entrenched biases and to ask ourselves what we are doing to personally disrupt systems of oppression. How are our actions and inactions, including our postures of neutrality, continuing to delay equal justice for all?

Editor’s Note: This summer, Carly Gartenberg 2L will continue to work on issues of racial injustice with the American Civil Liberties Union’s Racial Justice Project.

Veterans Justice Field Placement and Seminar: Supporting Veterans’ Health
By Adjunct Professor Peter Kempner

Alexander Hymowitz 2L and Earl Loria 4L Evening, students in the NYLS Veterans Justice Field Placement and Seminar, took the lead in drafting a public comment to the U.S. Department of Veterans Affairs (VA) urging greater protection of veterans benefits.

We submitted the comment on behalf of Volunteers of Legal Service’s Veterans Initiative. The comment addressed proposed regulations by the VA to change the definition and scope of “aggravation” of a pre-existing health condition. This change would make it harder for veterans with pre-service health conditions that were aggravated during service to obtain service-connected disability benefits.

Our public comment invoked the VA’s motto: “To care for him who shall have borne the battle” and the message that veterans who have sacrificed in service to our nation deserve to be treated with dignity, care, and respect.

We relayed to the VA that its proposed actions stand in deep contrast to this motto. We also noted that many veterans find themselves at risk of eviction and homelessness, and income from VA benefits would be more difficult to obtain if the proposed regulations were adopted. We emphasized that during the COVID-19 pandemic, when we should strive to help those most in need, the VA is proposing to limit veterans’ ability to obtain disability compensation. This compensation could mean the difference between having a place to call home and ending up homeless.

Loria, a veteran of the U.S. Army, reflected, “As a veteran, I have experienced how challenging it can be dealing with the bureaucracy that is the VA. In addressing the VA’s arbitrary decision, which would place an unnecessary burden on veterans attempting to access service-connected disability benefits, I was able to put to work what I have learned at NYLS and give a voice to my fellow veterans.”
Hymowitz, a veteran of the Israeli Defense Force, added, “It was my pleasure and privilege to work on this public comment. It is my long-held belief that the VA should be doing everything in its power to make it easier for disabled veterans to access service-connected disability benefits. I am grateful to NYLS’s Veterans Justice Field Placement and Seminar for giving me the insight and knowledge that guided my response to the VA’s fractious action.”

Read the full comment.

Criminal Defense Clinic: Crafting a Strong Argument
By Rebecca Carey 3L

Not long after I joined the Criminal Defense Clinic, I was assigned J.’s case.

J. had been arrested and charged with Unauthorized Use of a Vehicle in the Third Degree, a Class A misdemeanor, for driving a rental vehicle that was not leased in her name.

Immediately upon reviewing the facts, I felt that the charge was unfair, particularly because J. had permission from the lessor to drive the vehicle, she had no idea that she was not allowed to drive the vehicle, and a conviction would result in a criminal record, which would forever negatively impact her life.

I began by preparing for J.’s court conference. I researched caselaw that dealt with New York’s Unauthorized Use of a Vehicle statute. It did not make sense to me that someone could be charged with a criminal offense for driving a vehicle when they had permission to do so; I just had to find the backing to make that argument.

Luckily, I found a case in Queens County that had similar facts, in which the judge dismissed the complaint because the conduct alleged was not the kind of conduct the legislature intended to criminalize when it passed the statute. I was nervous, though, because the case was from a different county than mine and was a couple of decades old. I was also anxious about appearing before a judge for the first time. Before the conference, I created an outline of what I was going to say.

When I logged on to the virtual conference, I found out that the prosecutor on the case had already decided to dismiss the charges. Before I had time to be disappointed about putting in all that work for nothing, the judge asked if I wanted to make my argument anyway, just for practice. I enthusiastically agreed, thankful that I could practice making an argument before a judge without the added stress of my client’s case being on the line. Even though I had my outline on my screen, I had studied it enough that I did not need it.

I knew exactly what my argument was, and I was even able to use the case I had found to support my position. What’s more, the judge agreed with my argument and complimented how prepared I was.

A full dismissal is the best outcome I could have hoped for in J’s case. She can now move forward with her life, and I can move forward with my career in public defense.

Post Conviction Innocence Clinic: Leaving No Stone Unturned
By Kara Kitchell 3L

During the Fall 2020 semester, Post-Conviction Innocence Clinic students handled two different matters, working in small teams. Half of the students represented a client incarcerated in the New York State correctional system who wrote to the clinic asking for assistance in proving his innocence. The other half collaborated with the Suffolk County District Attorney’s Conviction Integrity Bureau to consider the reliability of a conviction where the now released, but still convicted, individual wrote to the Bureau requesting review.

The Clinic Case

In 1991, a gunman or gunmen entered a residential building in the Bronx and shot three women, tragically killing two of the women and leaving the third woman critically injured. Although there were a few eyewitnesses, none testified during the trial. Police arrested our client, Kevin Buie, and charged him with homicide after an anonymous, never investigated, 911 caller identified him as the gunman.

Our client was released after his arrest because officers could not, at the time, locate the surviving victim, who suffered from gunshot wounds and psychological trauma. Before they released our client, police officers photographed him. Later that year, police re-arrested him, showed his photograph to the surviving victim, and put him in a line-up. Although our client looked very different from the victim's original description of the gunman, she identified him as the shooter.
Clinic students assessed the victim's ability to positively identify the gunman under the circumstances with the assistance of a psychologist who has extensively studied eyewitness memory. Additionally, the team interviewed a witness who stated that another person, not our client, was the actual shooter. The team is engaged in trying to find corroboration for that witness's memory. The team also explored Fourth Amendment issues, decoded police patrol and dispatch records, analyzed the discrepancies between eyewitness descriptions, studied the science of memory, researched exoneration cases from the same area to identify patterns of police misconduct, and worked with investigators to draft strategies for locating and speaking with witnesses.

We expect that incoming students will move Buie’s case forward and present it to the Bronx District Attorney’s Conviction Integrity Bureau for review.

The Conviction Integrity Bureau Case

In 2005, the Suffolk County District Attorney charged Jamien Medina with one count of Robbery in the Second Degree and one count of Petit Larceny stemming from a robbery of a 7-Eleven store clerk.

The evidence against Medina included the store owner’s apparent later recognition of him as the robber from video surveillance images of the robbery, canine evidence tracking a scent from the store to an area close to Medina’s home, and the store clerk’s identification of him from memory after conversations with the owner and the assistance of a voice line-up. Medina waived a jury and proceeded to trial before a judge. He called witnesses to testify that he was home at the time of the robbery. After his release from prison, he asked the Conviction Integrity Bureau to review his conviction.

Throughout our interview, Medina maintained his innocence, arguing that a closer analysis of the video footage of the robbery would exonerate him. He pointed out differences in appearance between himself and the person in the video. Additionally, our client said that he has information establishing that another individual committed the crime.

Clinic students’ analysis surfaced weaknesses in each piece of corroborating evidence by collecting and analyzing documents; locating, hiring, and consulting with a dog training and tracking expert; and interviewing witnesses. The canine evidence, which seemed convincing at the trial, was revealed to be flawed as the team learned the difference between scent-discriminating dogs and freshest-scent dogs and gathered the canine’s training records.

This spring, clinic students plan to interview the alternative suspect and other witnesses.

I’m sure I speak on behalf of my classmates by saying that it was an honor to be part of a clinic that is dedicated to righting institutional wrongs, pushing for accountability in the criminal justice system, and mitigating and preventing injustice.