



## VOLUME 3, ISSUE 3—JUNE, 2018

### Disability and Civil Rights Clinic: The Clinic That Never Sleeps

Sara Lepis '19 prepared a presentation on guardianship and alternatives to guardianship for a group of teachers, parents, and students with disabilities at PS 373, the Brooklyn Transition Center. The presentation was extremely successful and a number of parents came up afterwards to express their gratitude for the essential information provided. The DCRC plans to continue its collaboration with the school in future semesters through presentations, pop-up brief advice clinics, and other outreach.

Chad Schwach '18 served as guardian ad litem in an adult guardianship case pursuant to Article 17-A of the Surrogate's Court Procedure Act. In this role, he met with both the respondent, a young woman with an intellectual disability, and her mother, who was petitioning for guardianship over her; conducted a sensitive and extremely thorough investigation; and wrote a thoughtful report recommending less restrictive options that would respect the respondent's autonomy while addressing the petitioner's concerns. As the result of Chad's strong rapport with the family and the detailed information he was able to provide regarding the consequences of a guardianship order and possible alternatives to guardianship, the petitioner chose to voluntarily withdraw her request for guardianship and pursue supportive decision-making instead.

Simone Lamont '18, Mario Fitzgerald '19, and David Kass '19 represented an intellectually disabled Honduran immigrant in his application for asylum. Through lengthy meetings with our client and his aunt; phone calls to multiple witnesses in Honduras; and extensive research, Simone, Mario, and David pieced together the facts of the persecution our client suffered in his native country as the result of his disability, and assembled his asylum application and supporting documents. All three students did an excellent job on an extremely difficult case, and developed a strong rapport with both the client and his aunt.

### Corporate and Real Estate Clinic Students Close \$1.7 million in Loans for Low-Income Cooperatives

Four low-income cooperatives in the Bronx, Brooklyn and Manhattan borrowed a total of \$1.7 million to resolve tax arrears and structural problems with representation from eight students in the Corporate and Real Estate Clinic supervised by the clinics' director, Debra Bechtel. One building had a commercial tenant whose removal of a beam in his store resulted in a serious structural issue which required expensive temporary shoring and resulted in an urgent need for the loan funds. Students faced a variety of legal issues, including negotiating payment agreements with prior lenders, revising default provisions, obtaining subordination agreements and estoppels, drafting a correction deed and preparing opinion letters and resolutions. Pictured below are: (left to right top row first) Professor Debra Bechtel, Peter Figman '19, Jared Steiner '19, Kristina Todorovic '19, Darren Levin '18, Greg Byrnes '18, David Huberman '19 and Yesenia Brewster '19. Not pictured: Ammar Jaber '18. Fall semester students worked with two of the buildings to resolve title exceptions and obtain subordinations: Blaise Gibson '19, Alia Soomro '19, Iantha Stewart '18 and Leo Suh '18. Two other teams of fall semester students also closed loans: Maybelline Guido '19, Peter Karuppiah '18, Stephanie McPeake '19, George Peters '18. All of the 2017-18 students also represented low income cooperative boards in unit closings or shareholder meetings as well.

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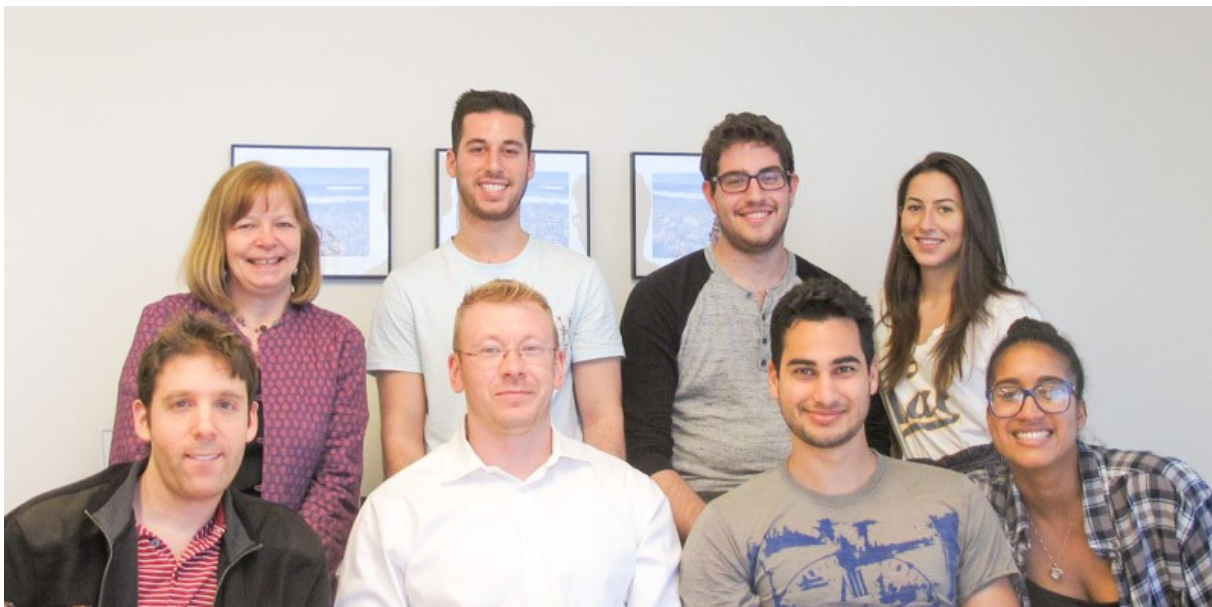
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#### Clinical Education Program Office

111 Livingston Street  
Brooklyn, NY 11201

T: 718-780-7994

E: [clinics@brooklaw.edu](mailto:clinics@brooklaw.edu)



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## Externship Leadership

Prof. Jodi Balsam's national reputation as an innovator and leader in the externship community was recognized in her recent election to the CLEA (Clinical Legal Education Association) Board of Directors. She was named co-chair of the CLEA Externship Committee. The Externship program was featured in a story in the spring 2018 issue of *Brooklyn Law Notes*.

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## The Criminal Defense and Advocacy Clinic's First Semester: A Breathtaking Start

Professor Kate Mogulescu launched the Criminal Defense & Advocacy Clinic (CDAC) this semester. CDAC's first full semester saw significant accomplishments and critical representation for its clients – people arrested because of their involvement in the commercial sex industry. Casework afforded students the opportunity to develop best defender practices through real-life lawyering while also examining broader issues such as the intersection of race and gender in the criminal legal system.

The Clinic's eight students handled 12 misdemeanor cases, all but one of which resulted in a dismissal of the charges. The cases involved arrests for prostitution related offenses and were adjudicated in diversion courts. Clinic clients all identified as women and ranged in age from 19 to 56 years old. Over 90% of Clinic clients were women of color.

Clinic teams also spent the semester advocating for survivors of human trafficking who had been arrested and prosecuted in the past as a result of their victimization. Three student teams utilized a relatively new provision in New York's Criminal Procedure Law to represent trafficking survivors in their efforts to vacate judgments of conviction previously entered against them and clear their criminal records. At the end of the finals period, the first of these cases was successfully resolved with the students' motion granted in Manhattan Criminal Court.



*Criminal Defense & Advocacy Clinic student Kathleen Justis '19 (right) appearing with her client in Manhattan Criminal Court in May for the granting of a motion to vacate a client's entire New York State criminal record from over three decades earlier*

A final clinic team worked on a clemency petition for a young woman in federal prison who was sentenced to 18 years prison as a teenager. The petition was part of an innovative project, the Human Trafficking Clemency Initiative, spearheaded by Professor Mogulescu at Brooklyn Law School. The initiative now involves three other law school

clinics across the country.

In addition, Clinic teams led two workshops at the Rose M. Singer Center, the women's facility at Rikers Island. In small groups with women incarcerated both pretrial and after sentencing, Clinic students explored the role of lawyers in the criminal legal system. The open discussions identified ways in which lawyers can better represent marginalized and criminalized populations and address the specific needs of detained women.

*Criminal Defense & Advocacy Clinic students: Claire Wasserman '18, Sean Beherec '18 and Edward Soto '19 at Rikers Island after leading a workshop for incarcerated women this semester*



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## LGBT Advocacy Clinic

LGBT Clinic students helped Shantelle Little and her wife Jade Goodridge file a step-parent adoption case so that both of them would be legally recognized as the parents of their twin babies. Annie Melton '19 and Shanice Kirakossian, LLM '18 represented the couple at an adoption finalization hearing on April 18, 2018. The adoption was granted, and both Jade and Shantelle are now legal parents of their twins. Kelly Ferrell '17 and Patricia Vasquez-Rosario LLM '18 also worked on the case.



*Left to right: Annie Melton '19, Jade Goodridge, Shantelle Little, their beautiful babies, and Shanice Kirakossian LLM '18*

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## Student Prosecutors Win Trial in U.S. District Court, EDNY

Students in the Prosecutors Clinic at the Eastern District secured a conviction after a bench trial before Magistrate Judge Steven L. Tiscione. The defendant was charged with a simple assault that occurred on an airplane traveling from Ft. Lauderdale to La Guardia Airport last August after he rubbed and squeezed the victim's thigh throughout the flight.

The clinic students interviewed and prepped witnesses and gathered discovery material. Elyssa Abuhoff '18, delivered the opening statement, conducted the direct examination of a key witness—the flight attendant—who flew up from Ft. Lauderdale, the cross examination of a character witness—the defendant's son. Jessica Wishart '18, conducted the direct examination of the victim, the cross examination of a character witness, and delivered the summation. Mark Creedon '18, conducted the direct examination of the Federal Air Marshal, cross-examined the defendant and a character witness, and delivered the rebuttal summation. The students were supervised by AUSA William Campos throughout but were largely acting autonomously. Sentencing is set for August.

For more than 10 years, the Prosecutors Clinic in the EDNY has provided BLS students with the unparalleled opportunity to engage in federal criminal practice. In addition to AUSA Campos, clinic students are supervised by AUSA Patricia

Notopolous.

It is a true milestone for these three students to be able to say, "I won my first case—my first *federal* case—before I even graduated law school." This clinic, along with the Prosecutors Clinic in the Kings County District Attorney's Office, allow students interested in prosecution careers to obtain substantial hands-on experience.

*Left to right: Elyssa Abuhoff, Mark Creedon, Jessica Wishart after the verdict*



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## Safe Harbor Client Gains Asylum After Extended Wait

After waiting for 1.5 years after her asylum interview without any explanation for the delay, a West African client was granted asylum. She was the widow of the murdered driver of a high-ranking government official. Many other members of her family were also beaten, sexually assaulted and killed as a result of their association with him. This case was handled by Dan Smulian and clinic students, Michelle Grecco, Ishrat Ruhi, and Kevin Li (all of whom have graduated by now). Now, she can begin the process of reuniting with her children after this long wait.

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## Veterans' Rights News

The BLS Veterans' Rights Clinic is taught by BLS alum, Coco Culhane, Director of the Veterans' Advocacy Project at the Urban Justice Center. The VAP achieved a gratifying and hard-fought victory for one of its clients. One BLS student, John McKay '17, who interned there as a Veterans' Rights Fellow, a stipend funded generously by alumnus, Tyler Korff, wrote the following:

"During the summer of 2016, Heath Phillips was my client at the Veteran Advocacy Project (VAP). At age 17, Heath joined the Navy and was repeatedly raped and assaulted by six of his shipmates. To escape his assailants, and to protect his life when his chain of command refused to act, he went AWOL and was ultimately given an "other than honorable" discharge; a designation that denied him the well-deserved dignity of serving his country honorably. The horrific trauma and the stigma of "bad paper" would haunt him for the next 25+ years.

That summer, I worked with a small team investigating, researching and writing a draft of the brief at the heart of his discharge upgrade application to the Board for Correction of Naval Records. He had already tried and failed three times before coming to VAP. From fall 2016 through spring 2017, I returned periodically to revise arguments, organize exhibits, and polish the language. The finished product is still the most significant accomplishment of my young legal career.

I found out two days ago... we won. After decades of injustice, the Navy has finally acknowledged the atrocities perpetrated against Heath during his service, and recognized the honor with which he served his country."

Read more about the case [here](#) and [here](#).

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## One Door Closes, Another One Opens: Farewell to Amy Mulzer; Hello to Carmen Maria Rey



After two years of stellar work in the Disability and Civil Rights Clinic, Amy is leaving to work at the Family Defense Project of Brooklyn Defender Services as an appellate attorney. She calls this her “dream job,” since nothing less would have persuaded her to leave BLS. We will miss her.

As we say good-bye to Amy, we welcome Carmen Maria Rey as co-teacher in the Safe Harbor Project. Carmen, a Safe Harbor Project student while at BLS, has become a leader in the immigrant rights community in NYC, working most recently at Sanctuary for Families. Stay tuned for more news about her activities in the Clinic.



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