



Corporate Real Estate Clinic: Meeting Tenants On-Site Again

Toting several dozen Spanish and English language proxies, ballots and a brief guide to co-op ownership, on April 12, 2022, Corporate and Real Estate Clinic students Julia Zbarsky '22 and John Daly '22 conducted the clinic's first in-person tenant meeting since before the pandemic. Professor Debbie Bechtel, who supervised them, also attended. After the students made a presentation and responded to questions, the tenants of the 41-unit Williamsburg building voted unanimously to proceed with a proposed conversion to a tenant-controlled cooperative.

The other eight clinic students also made great strides to preserve affordable housing. Devan Banks '22 and Parker Brown '22 conducted closings for three unit transfers among relatives for a Brooklyn low-income co-op after resolving power of attorney, transfer tax, lien removal and income verification issues. Such transfers help to ensure that a co-op doesn't lose maintenance funds if shares are entangled in estate proceedings. Parker and Devan also began the process of obtaining a loan from Habitat for Humanity to rehabilitate a long-vacant unit in the same building. Ahmed Yousef '22 and Samantha Salanitro '22 negotiated contracts of sale for two units owned by a Brooklyn low-income co-op. They prepared documents for the closings which will occur in May and



Front row left to right: Julia Zbarsky, Samantha Benenson, John Daly and Alexa Cohn. Top row: Ahmed Yousef, Samantha Salanitro, Parker Brown, Devon Banks and Sean Kennelly. (Advanced students not pictured)

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Clinical Education Program
111 Livingston Street
Brooklyn, NY 11021
T: 718-780-7994
E: clinics@brooklaw.edu



June, providing the co-op with critically-needed funds to pay water arrears and to satisfy an outstanding mortgage. Samantha Benenson '22 and Alexa Cohn '22 prepared and submitted a voluminous petition to the Attorney General's Charities Bureau to allow a non-profit corporation to transfer its building for co-op conversion purposes. The team also worked with a distressed Cobble Hill non-profit-owned building to conduct the annual board election and to explore options for rehabilitation loans, a real estate

Criminal Defense and Advocacy Clinic Achieves Amazing Outcomes

Ongoing Advocacy for Incarcerated Survivors

During Spring 2022, the Criminal Defense & Advocacy Clinic (CDAC) has continued to work towards the liberation of survivors of domestic violence and abuse who are currently incarcerated in New York State prisons. A total of 18 students participated in the clinic this semester – 8 incoming clinic students and 10 returning in the advanced clinic. The primary focus of the clinic's work has been investigating, drafting, and litigating resentencing motions under the Domestic Violence Survivors Justice Act (DVSJA), seeking post-conviction sentencing reductions. This semester, the Clinic filed three new resentencing applications: in the Bronx, Brooklyn and Queens. Josephine Baldwin-Beneich '22, Jillian McDonald '22, Nicole Pagan '23, Rebekah Otis '22, Elizabeth Feinberg '22, Justine Woods '23, and Mikayla Leef '23 worked tirelessly to bring the motions to fruition.

Other projects include parole advocacy, as well as litigating

appeals from denials of DVSJA resentencing. CDAC students Alessandro Nardi '22, Rebekah Otis '22, and Taylor McCandless '22 also worked with two incarcerated survivors with

strong claims of actual innocence to seek clemency and a second look from a Conviction Integrity Unit. Through these efforts, the Clinic has expanded its work to bring attention to the wrongful conviction of survivors of domestic violence, including the phenomenon of survivors' heightened susceptibility to false confessions.



Josephine Baldwin-Beneich '22, Jillian McDonald '22 and Nicole Pagan '23 in Queens County Supreme Court after appearing on a resentencing application for an incarcerated survivor of domestic violence.

Survivors Justice Project Post-Graduate Fellowship Created

The Clinic team is growing! In addition to direct advocacy in the form of legal representation, the Clinic also houses the [Survivors Justice Project](#) (SJP), a collective of activists, lawyers, social workers, students, and researchers — many of whom are survivors of domestic violence and long-term incarceration – working on implementation of the Domestic Violence Survivors Justice Act (DVSJA) across New York and the country.

In exciting news, with the support of Cravath, Swaine & Moore LLP; Davis Polk & Wardell LLP; Paul, Weiss Rifkind, Wharton & Garrison LLP; & Weil, Gotshal & Manges LLP,

SJP is launching a two-year post-graduate fellowship for a law graduate or entry-level attorney, commencing in September 2022. The fellow will assist with SJP's efforts, including screening incarcerated people for resentencing eligibility under the law, coordinating referrals among pro bono advocates, assigned counsel plan attorneys and defender offices across the state, and collecting and analyzing data to inform similar legislative reform efforts in other jurisdictions.

SJP is grant/donation funded. [Please consider supporting its work.](#)

Corporate Real Estate Clinic Update

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tax exemption and possible corporate restructuring. Advanced student Amanda Yang '22 prepared and submitted a petition to the Attorney General's Charities Bureau on behalf of a non-profit tenant-controlled corporation and she conducted a member meeting for that entity.

The other advanced student, Shanni Lynch '22, continued her quest from the fall semester to save a Lower East Side low-income co-op from foreclosure. Her efforts involved communicating with the lender's lawyer, the co-op President and a consultant to weigh re-financing options and to prepare an application. Shanni also assisted a tenant association with lease and membership issues.

Safe Harbor Students Seek Safety for Clients

Eliza Reinhardt '23, Harrie Im '23, and Marisol Vazquez Alonso '23 filed a U non-immigrant status application for a survivor of domestic violence from Mexico. The client assisted with the prosecution of her abuser and the Bronx District Attorney's Office supported the application.

Flora Ho '23, Brianna Lenehan '22, and Benjamin Smith '23 filed a request with the New York Asylum Office to expedite the asylum interview of a Burmese asylum applicant based on the danger to the client's husband who remains in Burma, the prolonged family separation, and the client's deteriorating mental health. The request was granted, and the students represented their clients at the interview, participating via Teams.

Several longtime clients of the SHP finally became Lawful Permanent Residents this semester: An Egyptian mother and daughter whose case began in fall 2018, a transgender Honduran man whose case began in 2015, a Gambian man whose case began in fall 2014, a Burkinabe woman whose case began in spring 2018. These clients were zealously represented by Safe Harbor students, all of whom have graduated by now. The immigration system is so inefficient and backlogged that this status, which should be granted in about 18 months, takes many years.



Raina Hasan '23, William Maier '22, and Deyalyn Batista Rijo '22 filed a self-petition under the Violence Against Women Act for a survivor of domestic violence from Bangladesh, which will allow her to obtain a green card without the help of her abusive U.S.-citizen spouse.

Two CDAC Clients Released from Prison

On May 5, 2022, CDAC welcomed home two clients from prison. Remarkably, the Clinic's efforts resulted in their release on the same day, and they walked out of Bedford Hills Correctional Facility and Taconic Correctional Facility minutes apart. Both survivors of severe domestic abuse, they had fought for many years for courts and prosecutors to recognize the role that trauma played in their offenses. Arising in Rockland and Queens counties, each survivor had already been incarcerated for approximately 11 years. After the Clinic filed resentencing applications under the DVSJA, both survivors received significant sentence reductions.

Without resentencing, the first client would not have been eligible for release until August 2023, convicted after she killed an acquaintance in the course of a sexual assault. Danika Gallup '22 and Taylor McCandless '22 spent four semesters fighting for her release. But the work did not stop with her sentence reduction—because the client is not a U.S. citizen, the team also prepared and filed a pardon application so that she can remain in the U.S. with her teenage son and family. The application is currently pending with Governor Kathy Hochul.

The second survivor, who was serving an indeterminate life sentence, would not have been able to even seek parole until 2028. She had been convicted of second-degree murder for a homicide committed by her abusive boyfriend (what is often called "felony murder"). By the time she went to trial, her boyfriend had long since been sentenced. He pleaded guilty almost immediately and received a sentence of 15 years on a lesser charge. She was sentenced to 17 years-to-life after trial. Her resentencing allowed her to vacate the murder conviction, plead guilty instead to the lesser charge of manslaughter, and made her immediately eligible for release. Several students demonstrated incredible advocacy on this client's behalf: Barbara Vega '22, Jillian McDonald '22, Josephine Baldwin-Beneich '22, and Nicole Pagan '23.



Taylor McCandless '22 (L), Danika Gallup '22 (R) and Professor Kate Mogulescu (middle), a/k/a "Team Awesome Sauce," celebrating the release of a domestic violence survivor in May after four semesters of tireless representation and advocacy.

LGBT Clinic Students Win Rare Victory and Draft Legislation

Sofia Kaufman '23, Leilani O'Sullivan '23, and Jacquelyn Kushner '23 represented Sarah, a transgender woman who lives in Louisville, Kentucky and relies on Medicare for her health insurance coverage. The private insurance company that administers Sarah's Medicare benefits denied her coverage for facial feminization surgery to treat her gender dysphoria. Sarah had undergone other surgical procedures to affirm her gender identity before this denial of coverage. But her facial features continued to greatly contribute to her dysphoria (and the anxiety and depression that accompany it) and induce fears of violence and discrimination due to the fact that she is obviously transgender. Sarah's doctors all agreed that facial feminization surgery, including a brow bone reduction, chin reduction, rhinoplasty, and a tracheal shave, was the only treatment that could alleviate this dysphoria for Sarah. Despite this, the insurance company claimed that facial feminization surgery is merely cosmetic and refused to cover the procedure. The clinic represented Sarah in an administrative hearing before a Medicare administrative law judge and received a fully favorable decision from the ALJ. The team worked with Sarah's therapist, primary care physician, and her treating surgeon, to draft letters attesting to the medical necessity of facial reconstructive surgery for Sarah. They also submitted extensive medical studies showing the efficacy of facial reconstruction surgery as a treatment for gender dysphoria, the safety of the procedure, and the positive effects on comorbid conditions like

depression and anxiety, and drafted a persuasive brief outlining the insurance company's failure to meet its legal obligations, facial reconstruction surgery's eligibility for Medicare coverage as a treatment for gender dysphoria, and the necessity of the procedure for Sarah. As a result of the team's hard work, Sarah was able to receive her surgery in January 2022.

Bailie Smith-Hunter '23, Maya Sparks '22, Hannah Rochford '23, Katelynn Anderson, '23, and Anastasia Kyriakos '23 drafted a bill to reform New York family law to better protect LGBTQ+ and other non-traditional families. The bill would create a streamlined confirmatory adoption process for people who are already legal parents of children to secure their parentage through adoption without an intrusive home study or background check process required. It would also codify that functional parents, who love, care and raise a child as parents are legal parents, even if they are not biologically related to the child. If enacted, the bill would recognize both de facto parents and people who hold out a child as their own as legal parents. The bill also provides that a child can have more than two legal parents under New York law when it is in the child's best interests for more than two legal parents to be recognized. And it includes protection for parents subjected to intimate partner violence to ensure their abusers cannot assert parentage over their children just to obtain power and control of their victim. Clinic students are currently working to get the bill introduced in the New York State legislature.

Disability & Civil Rights Clinic Projects Aim to Advance Supported Decision Making

Since its inception, the Disability & Civil Rights Clinic has been committed to advancing autonomy for and supporting the rights of adults with intellectual and developmental disabilities (IDD). This semester has brought great success to a legislative issue that will have real consequences for the Clinic's clients and the community of adults with IDD across New York: a bill to enshrine supported decision making as a legal option for folks with IDD who wish to make their own choices passed the Senate unanimously in April and is now in front of the state Assembly. We are especially proud of the success of the bill because Professor Sarah Lorr and her students Jane Dowling '22 and Lydia Saltzbarb '22 helped research and draft the NYC Bar Association Mental Health Law Committee's memo in support of the bill, building on years of research and advocacy that the Clinic has

done in this area. If passed, the bill will create a legislative framework through which people with intellectual and developmental disabilities can make legally enforceable decisions with the assistance of a chosen circle of support.

The Clinic has also joined forces with Boies Schiller Flexner to file a federal complaint in the Eastern District of New York. Together, Professor Lorr and BSF filed a complaint against ACS and a foster care agency on behalf of a mother whose child was taken from her care because of her disability. The complaint alleges discrimination under the ADA, Section 504 of the Rehabilitation Act and several constitutional violations (substantive and procedural due process and equal protection) pursuant to 42 USC § 1983. Students will be picking up the important work of litigating this complaint in the fall!

Externship Student Wins Award

The Outstanding Externship Student Award is sponsored each year by the Clinical Legal Education Association (CLEA), a national association of law professors who advocate for clinical legal education as fundamental to the education of lawyers. Every year, one student from each law school in the nation is named as that school's award recipient. This year's recipient of the BLS Outstanding Externship Student Award is Matthew Boyd '22. While at BLS, Matt completed three semesters of externship work on behalf of three different public interest field placements—the HIV Law Project, the Legal Aid Society Homeless Rights Project, and the National Center for Law & Economic Justice. These all were demanding,

intense, high-volume environments where Matt made meaningful contributions to the mission. Matt's labors covered the landscape of social justice advocacy, including direct client services, impact litigation, policy analysis, and field research. His field supervisors describe him as industrious, high-performing, insightful, and able contextualize his work within broader societal and legal system concerns. They uniformly remarked on Matt's maturity and effectiveness, especially when interacting with distressed clients and in other challenging circumstances. He also excelled in the externship program's corequisite seminars and faculty tutorials. As an emissary to the legal profession, he represented the best of Brooklyn Law School, and we are proud to honor him with this award.

