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BLS Externship Clinics Co-Host CLE Program for NYC–Area Supervising Attorneys

BLS was one of five NYC-area law schools that combined on December 4, 2015 to cohost a Continuing Legal Education program for supervising attorneys of student externs placed in public interest and public sector externships. The other law schools joining BLS as hosts were Cardozo, Fordham, Hofstra, and New York Law School, where the event was held.

Attending the two-hour program were over 80 supervising attorneys from the metropolitan-area who work in municipal, state, and federal agencies, judicial chambers, and non-profit advocacy and pro bono service organizations. They supervise our students in field placements as diverse as the NYS Attorney General’s Office, Brooklyn Legal Services, Kings County District Attorney’s Office, NJ Bureau of Securities, NYC Mayor’s Office of Environmental Remediation, U.S. Court of International Trade, IRS, Catholic Charities, and NYCLU.

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The first CLE hour was devoted to providing “Effective Supervision and Feedback” in the externship workplace. Through role play and discussion with the audience, the presenters elicited the challenges of and best practices for offering student externs a high-quality educational experience that includes meaningful critique of their workplace performance. Professor Jodi Balsam, director of the BLS Civil Practice Externship Clinic, co-presented the second CLE hour on “Ethical Considerations for Supervising Attorneys.” With the help of BLS clinic student Erika DiMarco ‘16, Professor Balsam staged a series of role plays, followed by audience small group work and feedback, focusing on two recurring ethical issues in the externship setting: conflicts of interest and confidentiality.

The program concluded with a networking reception at which the supervising attorneys, including many BLS alumni, heaped praise on

both our students and the CLE presentations. The written evaluations of the event were equally positive, expressing gratitude for practical advice that also helped raise consciousness of the field supervisor’s role as teacher and ethical steward.

A Clinician Grows in Brooklyn But Moves to Albany

Ted De Barbieri, who launched the Urban Economic Development Clinic in 2014 as a CUBE initiative, has been lured away to Albany Law School to a tenure track position teaching in their Community Development Clinic. He will make the big move at the end of the Fall 2016 semester.



Civil Practice Externship Clinic Expands Companion Seminar Offerings

In the 18 months since Professor Jodi Balsam joined the faculty as Director of Civil Externship Programs, she has rolled out a series of new externship companion seminars to add rigor and relevance to the academic component of the externship clinics. Since summer 2015, every first-time clinic student has taken the “Learning From Practice” seminar (LFP), a course in professionalism intended to support the student as a newcomer to legal practice. The one-credit seminar focuses on the study of lawyers and their roles and obligations; how to learn from experience, observation, and reflection; professionalism and lawyering skills training; legal institutions and process; and career development. In the classroom, students draw on their fieldwork experience as the primary text for exchange of ideas, small group exercises, simulations, and oral presentations. Four sections of LFP are usually offered every semester to meet student demand. The seminar is taught by a rotating cast of faculty that includes Professor Balsam, Professor Lisa Smith, Associate Dean Karen Eisen and Professor Maria Termini, along with distinguished adjunct faculty.

Many improvements were made to the slate of “advanced externship seminars” available to students enrolled in a second or third externship. Fall 2015 saw the introduction of two new cross-placement seminars: Litigation Skills and Transactional Law. Professor Balsam designed and teaches the Litigation Skills seminar for students whose fieldwork primarily relates to litigation, dispute resolution, investigations, and positional advocacy. Each class session immerses the students in a specific pretrial practice skill, such as developing a case theory, interviewing witnesses, drafting pleadings, managing discovery, and participating in alternative dispute resolution processes. Students engage in problem-solving and perform as litigators in simulations and writing assignments. Long-time adjunct faculty member and BLS alum Roger Griesmeyer teaches the Transactional Law seminar for students whose fieldwork primarily relates to business organizations, contracts, and transactions. The innovative course design requires students to subscribe (at a discount) to the Wall Street Journal and, building on that immersion in current business developments, to draft a “client alert” on a topic a law firm might include in its newsletter to clients.

In addition, returning seminar faculty have been exceptionally creative in making the placement-specific seminars more interactive and in varying the assignments to include more practice-oriented simulations and drafting projects. For example, in the Solo and Small Firm Practice seminar taught by adjunct faculty member, David Dince, students form themselves into “law firms” of 2-3 students who then participate in class in role as practicing attorneys and work with their “firms” to complete assignments and contribute to class discussions. In the Corporate Counsel seminar, taught by Arthur Cambouris, one new assignment has students negotiating and drafting an indemnification provision of a typical corporate services contract.

All the externship seminars are now letter-graded, providing an opportunity to reward students for the enthusiasm and effort they deliver to this academic setting.

Corporate and Real Estate Clinic Students Acted as Borrower's Counsel in Deals Totaling 1.9 Million Dollars

Increasing affordable housing units in New York City is a two-pronged effort involving both construction of new units and preservation of existing affordable units. Brooklyn Law School students are in the forefront of the preservation effort in the Corporate and Real Estate Clinic which provides free legal assistance for financially distressed low income cooperatives representing hundreds of the affordable units. In the fall semester of 2015, all four teams (eight students) conducted loan

closings as borrower's counsel enabling the co-ops to pay delinquent real estate and water charges and, in one project, to complete crucial rehabilitation. (Most teams also handled co-op unit closings and other matters). The loan closings involved a great deal of project planning and coordination as well as specific tasks such as: 1) drafting board resolutions and opinion letters, 2) explaining the closing process and documents to board members, 2) reviewing title reports and resolving issues, 4) negotiating loan documents, 5) obtaining subordinations, 6) responding to lender concerns about code violations and rent arrears and 7) reviewing closing costs. The buildings included:



Twenty-five unit Inwood building

This \$775,000 loan allowed the board of directors to re-pay delinquent real estate taxes and water and sewer charges in the November closing. **Shea Cunningham '16** and **Jennifer L. Gesualdi '17**.



Forty unit Bronx building

The board for this co-op consists mostly of new directors who were struggling to deal with real estate tax and water and sewer arrears. Their current lender agreed to re-finance and lend additional funds (\$258,000) in a December closing. **Shawn R. Sinclair '17** and **Jonathan S. Wong '17**.



Bronx building half empty because of water damage

This building had a defective roof which rendered many units uninhabitable due to water damage. The students closed a \$250,000 loan in November which will be used to complete masonry work and repairs in the apartments. The loan structure was complex because one city agency made the loan and then assigned it in the same closing to another city agency which will act as construction lender. **Benjamin P. Chananie '16** and **Jack L. Rukab '16**.



Fifty unit Harlem building

This \$655,000 loan, also closed in December, was used to pay real estate taxes and water and sewer charges. **Alexandra C. Kuykendall '16** and **Shelbey S. Tamayo '16**.

Urban Economic Development Clinic Students Counsel Anti-Gun Violence Nonprofit Led By Ebony Magazine Power 100 Honoree

Through a partnership with the Brooklyn Community Foundation, Urban Economic Development Clinic students Adeneiki Williams '16, Mike Martens '16, and Chris Antonelli '17 provided start-up legal assistance to the Precedential Group, a social justice consulting firm founded by 2015 Ebony Magazine Power 100 Honoree Marlon Peterson (pictured right). Peterson, a 2015 Soros Justice Fellowship recipient, has devoted his life to keeping communities of color safe, including in the Crown Heights neighborhood of Brooklyn, where he grew up. Teaching by example, Peterson, himself formerly incarcerated, founded the Precedential Group to advocate for effective gun control laws.



The Precedential Group is part of the Brooklyn Community Foundation's Brooklyn Accelerator Incubator Project. As part of the Project, the Precedential Group has access to office space, initial funding, and legal assistance performed by Urban Economic Development Clinic students under the supervision of Prof. Ted De Barbieri '08. This term, students assisted the Precedential Group in incorporating in New York State, drafting bylaws, and counseling on related business law issues.

Leaders in the Clinic Community

After completing her two year term as the co-chair of the Externship Sub-Committee of the Section on Clinical Education, Lisa Smith has been appointed to the Executive Committee of the Section.

Safe Harbor Project Gains Protection for Longtime Client

A clinic client whose case began in 2011 was granted relief in the form of Withholding of Removal preventing his deportation to his home country. The case, originally prepared by Joshua Morey, Mike Sevilla and Liat Zudkewich, all of whom have graduated and started their careers (two in immigration practices and one having just reported taking on a pro bono asylum matter at his firm), was adjourned in 2012 for 2 ½ years. After a few years of inactivity, current clinic student, Kwok Kei Ng, plunged into the work, updating the application and the supporting evidence. Our client, an HIV positive man from a Caribbean country with a horrific record of human rights abuses of gay men, suffers from cognitive impairment due to a low IQ and AIDS dementia. The judge walked into the courtroom and basically said that given the country conditions and his health, he met the refugee standard. The only issues were 1) his mental competency and 2) whether he could overcome the one-year bar. After a short competency examination of the client and his psychologist, the IJ found him competent but that he could not overcome the filing deadline bar to asylum. Our client went home with the order in his pocket, smiling and reading to get a good night's sleep (he came to court at 7 am) knowing he couldn't be deported to almost certain persecution. Unfortunately for Kwok, he didn't get to do his great direct exam or deliver his impassioned closing.

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