



VOLUME 4, ISSUE 1—OCTOBER, 2018

Community Development Students Wow City Council



Community Development students Areeb Khan and Juliana Malandro (with an assist from Robert Levy) testified at a hearing on the Small Business Jobs Survival Act on October 22, 2018.

After the students waited nearly seven (!) hours to testify, Chair Gonaj of the Small Business Committee stated that, “That was probably the most out-of-the-box thinking I heard all day long on how we can come up with a collective, comprehensive approach for those that truly need the help the most.”

The testimony is [here](#). Areeb starts speaking at 6:42:50 and Juliana ends at 6:50:45. Councilmembers questions and comments on their testimony end at 6:54.

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Criminal Defense & Advocacy Clinic

The Criminal Defense & Advocacy Clinic kicked off the Fall semester by successfully litigating a motion to vacate prior criminal convictions for a survivor of human trafficking. Kevin Dunshee '19 and Allison Broad '18 filed the motion in New York County Criminal Court in April. The CDAC client, a US citizen, had been arrested in New York County and convicted of offenses 72 times while being trafficked. Her arrests spanned a twenty-year period between 1991 and 2011.

On September 11, 2018, Kevin Dunshee '19 addressed the court before its decision on the motion highlighting the client's courage and resilience. He also directed his remarks to her, “[w]e would like to thank her for trusting us and for allowing us to play a part in what has been a very long journey... [she] is a survivor and, above all, a fighter. We hope that clearing these convictions will make her fight a little easier, and that she can pursue the dreams she had to put on hold up to this point.” CDAC is continuing to work with the client to make sure her arrests from other jurisdictions are similarly cleared from her record using parallel state law provisions.

Housing Rights Clinic

Adjunct Professor Justin R. La Mort's article entitled [Public Housing and Public Health: The Separate and Unequal Protection of Private and Public Housing Tenants' Health in New York City](#) was published in the ABA Journal of Affordable Housing and Community Development Law in August. The article discusses how New York City Housing Authority (NYCHA) tenants' health are put at risk by the policies and practices of the government. Public housing tenants receive unequal treatment when compared to tenants in private housing in obtaining repairs and preventing dangerous conditions. These conditions include lead, lack of heat and hot water, and mold which can have lasting consequences to those forced to suffer in the only home they can afford. This article argues lower rent does not mean lower expectations for tenant safety. After examining the history and regulatory structure that has led to this disparate treatment, the article stresses the importance of future NYCHA reform including greater funding, transparency, accountability, and equality to ensure decent, affordable housing for all.

Yulie Yang and Alia Soomro represented long-term tenants in Carrol Gardens who were at risk of losing their home as the owner wanted it for her personal use. Mr. and Mrs. D have lived in their rent stabilized apartment for decades and take care of their Great Aunt who lives in a neighboring unit. They understood that if they lost their home they would never be able to find an affordable apartment in the neighborhood and would likely have to leave the city. Yulie and Alia performed the legal research and drafted an Answer and Bill of Particulars highlighting potential weaknesses in the landlord's case. The landlord realizing that she was unlikely to win based on Yulie and Alia's work decided to drop the case ending the threat of eviction.

LGBT Advocacy Clinic Successfully Concludes Longstanding Federal Court Litigation

The LGBT Advocacy Clinic recently obtained a settlement for a client who had been verbally harassed and physically assaulted by a corrections officer at Rikers Island who targeted her because she is a transgender woman. Clinic client Sophie C. filed suit after a corrections officer called her a "faggot" and a "bitch" and struck her repeatedly in the face. Ms. C reported the incident immediately, but Department of Corrections supervisors refused to discipline the officer or even investigate the assault. LGBT Clinic students Blair Llamendola '17, Michael Lupton, '18, Rachel Russell '17, Chiara Apici '18, Mario Fitzgerald '19, Bailee Brown '19, Mendy Fox '19, Andrew Andrezjewski '19, Jordan Mendelson '19, Jennifer Taormina '19 and Kayla Smith '20 represented Ms. C in a federal civil rights lawsuit in the Southern District of New York. Thanks to their hard work, Ms. C obtained a favorable settlement and can now move on with her life.



Multiple Asylum Grants

The LGBT Advocacy Clinic won asylum for a gay man from Honduras who has been in immigration court proceedings since he was apprehended just after crossing the U.S. border in 2012. The client, Mr. C. had endured a harrowing journey to the U.S. that included being imprisoned in a "stash house" in Mexico by members of a criminal cartel who threatened to kill him if he did not pay them money to complete his journey to the U.S. Upon arrival, he was apprehended by the border patrol and agreed to testify against the cartel member who had smuggled him into the U.S. Terrified that he would be targeted by cartel members out for revenge, he asked for asylum in the U.S. and was locked in immigration detention for months awaiting a hearing on his claim. Eventually, some family members posted bond and he was released after 6 months in detention. At that point, Mr. C made his way to Long Island where he found a community of gay men and was able to come out and reveal his sexual orientation to a close friend at work. That friend urged him to tell his attorney that he was gay. Mr. C was scared to tell anyone about his sexuality for fear that they would reject or attack him, but he told his lawyer who then referred his case to Professor Susan Hazeldean. Over 4 years, Professor Hazeldean and her students fought for Mr. C to obtain asylum based on his sexual orientation and fear of horrific anti-gay violence in Honduras. Students Patricia Vazquez-

Rosario (LLM '17) and Kelly Ferrell ('17) helped Mr. C file an updated asylum application detailing his fear of being raped, beaten, or killed because he is gay. Gianna Boccanfuso '19 and Clint Carlisle '19 represented Mr. C in an individual hearing on his claim in immigration court, and prepared two expert witnesses to testify on his behalf. Thanks to their efforts, Mr. C was granted asylum and can now live safely in the United States without fear of deportation.

An asylum seeker represented by the Safe Harbor Project also was granted asylum after waiting for almost two years. This client, from the Republic of Congo (Brazzaville) suffered on account of his association with certain important government individuals. He had a joint interview with his cousin who learned of her asylum grant last spring. For no apparent reason, his case was stuck in the system. But late news can still be good news. This case was handled by Dan Smulian and clinic students, Michelle Grecco, Ishrat Ruhi, and Kevin Li (all of whom have graduated by now).



Safe Harbor welcomes a new co-director, Carmen Maria Rey. Carmen is an alum of the clinic who has become a leading expert in immigration law particularly relating to gender-based claims. Read more about Carmen [here](#).

Disability and Civil Rights Clinic

The clinic's generous grant from the Taft Foundation was extended for another two years. This good news arrived just before the arrival of Natalie Chin's baby, Aanisha. Even with the distraction of all of this good news, the Clinic was as busy as ever.

- The Disability and Civil Rights Clinic successfully settled a federal civil rights action against a nursing facility for disability-based discrimination on behalf of a deaf client, Ms. R. Clinic students successfully secured relief for Ms. R., who had resided for over one year in a nursing facility that failed to provide her with consistent and appropriate interpreting services despite knowledge that she is deaf.

Over the course of several semesters, eight Clinic students tirelessly worked on behalf of Ms. R. Students argued that despite numerous requests by family, the nursing facility did not provide Ms. R. with appropriate and effective interpreting services and auxiliary aids. As a result, Ms. R remained isolated while in the care of the nursing facility staff. Students asserted that the nursing facility discriminated against Ms. R. under the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, Section 1557 of the Affordable Care Act and city and local civil rights law.

Erin McMullen ('17) and Nick Girodano ('17) initiated the case by writing an excellent emergency memo for declaratory and injunctive relief, arguing their brief before the Court. They navigated through negotiating interim relief with opposing counsel, conducted client interviews, intensive fact investigation and discovery. Akeem Benn ('18), Emily Musson ('18) and Nora Cropper ('19) continued the litigation and went knee deep into discovery. Their work included reading through hundreds of pages of documents in preparation for depositions, conducting a deposition, preparing numerous timeline charts, navigating negotiations with opposing counsel, conducting extensive research, and speaking before the Court. And, finally, Adam Dong ('19), Katie Ryan (?) and Ryan Foley ('18) read through hundreds of pages of deposition transcripts, created meticulously detailed charts to organize the information, brainstormed litigation strategies, interviewed clients, and drafted a very thorough 56.1 Statement of Undisputed Facts for Plaintiff's Partial Motion for Summary Judgment.

The favorable settlement ensures that Ms. R. is no longer isolated at the nursing facility and can communicate effectively with nursing facility staff about her care and treatment.

- Clinic students, Ilanna Gibson ('19) and Paul Wagenseller ('19) successfully represented a transgender client, Ms. M., after she was denied eligibility to receive services from the Office of People with Developmental Disabilities (OPWDD). Without access to OPWDD services, Ms. M. could not apply for subsidized supported housing or the array of support and services provided by OPWDD to support individuals with intellectual and developmental disabilities. The students'

advocacy, which included extensive interviewing and fact investigation, securing a medical expert, and appearing before an administrative judge, succeeded. Ms. M won her appeal against OPWDD and was granted eligibility to receive OPWDD supports and services.

- An essay written by Erin McMullen ('18) and Victoria Pontecorvo ('18) detailing their housing rights advocacy in the Disability and Civil Rights Clinic will appear in a legal journal with a collection of essays from students, a veteran public interest lawyer, and practice faculty (clinic and field placement) that explores aspects of the accompaniment role for lawyers working on behalf of clients from marginalized communities, with a special focus on individual representation.

While Natalie is on family leave, the Clinic is lucky to have Deborah Berkman as Acting Director. Deborah is a Senior Staff Attorney with NYLAG's Public Benefits Unit with a focus on benefits administered by the City of New York. She advises and represents low-income clients regarding access to public benefits, including cash public assistance, Supplemental Nutrition Assistance Program benefits (food stamps) and Department of Homeless Services shelter. Deborah pioneered NYLAG's Shelter Advocacy Initiative, providing representation for homeless families who have been denied Department of Homeless Services shelter. Earlier, Deborah was a staff attorney in NYLAG's Special Litigation Unit. Before joining NYLAG, Deborah spent her career fighting on behalf of the disenfranchised at the New York Civil Liberties Union, the Sylvia Rivera Law Project and in private practice. She also teaches the seminar for BLS's Pro Bono Scholars.

Corporate Real Estate Clinic Recognized for Its Work to Save Affordable Housing

In an article appearing in the Columbia Spectator's online "[The Eye](#)," the clinic was singled out for its successes. "At the Corporate and Real Estate Clinic at Brooklyn Law School, [Debra Bechtel] supervises a team of eight to ten law students that conduct pro bono legal work for HDFCs. The clinic has had great success closing millions of dollars of loans arranged by UHAB each semester to get HDFC's out of arrears."

Immigration Law: Government-Side

The Government Immigration Lawyer Clinic's five students - Carolyn Morway, Perry Kong, Susan Zwibel, Ali Fadiil, and Farhana Hassan - are currently working in the EDNY U.S. Attorney's Office in the Immigration Unit at the U.S. Attorney's Office for the Eastern District of New York. Each student has worked on a wide range of federal civil immigration matters, ranging from efforts to combat immigration fraud to cases in which plaintiffs seek judicial review, pursuant to the Administrative Procedure Act, of determinations made by U.S. Citizenship and Immigration Services and the State Department. Each student is also being exposed to federal civil practice, as well as class action litigation.

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