



Criminal Defense and Advocacy: Working on Many Fronts

Ongoing Advocacy for Incarcerated Survivors

Over the course of the academic year, the Criminal Defense & Advocacy Clinic (CDAC) has continued to fight for freedom for survivors of domestic violence and abuse who are currently incarcerated in New York State prisons. Sixteen students participated in the clinic – eight incoming clinic students and eight 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. Other projects include clemency petitions, parole advocacy, and reinvestigating claims of actual innocence. This year, CDAC students have made over 20 visits to clients in prison, along with scores of video visits, building relationships with eight CDAC clients serving extreme sentences.

Students have also interviewed witnesses, prepared clients for meetings with prosecutors, negotiated with District Attorneys’ offices, worked with

expert witnesses, drafted and filed motions and advocacy letters, and appeared in court.

Through these ongoing efforts, the Clinic seeks to shed light on the criminalization of survivors in our legal system and to uplift the voices of the women and men in prison whose stories have gone unheard for too long.

ON FEBRUARY 24, 2023, CDAC welcomed home a survivor who had been incarcerated for 11 years after successfully achieving

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



a significant sentence reduction on a manslaughter conviction in the Bronx. He was the first person in New York State resentenced under the DVSJA whose case involved intimate partner violence between gay male partners. The resentencing, the clinic’s tenth successful sentence reduction, saved over 9 additional years of incarceration. Multiple student teams worked on this case under the supervision of

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Video visit with a CDAC client and her student team: Gregory Chang '23, Rahmel Robinson '24, and Taylor Ramirez '23.

Criminal Defense and Advocacy

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(L-R) Professor Elizabeth Isaacs, co-counsel Kate Skolnick from the Center for Appellate Litigation, Katie Anderson '23, and CDAC's client right after his release.

Professors Kate Mogulescu and Elizabeth Isaacs. Instrumental in the outcome were Katie Anderson '23, Paige Massaker '23, Elizabeth Feinberg '22, and Rebekah Otis '22.

CDAC/Survivors Justice Project Team Grows

This year, CDAC welcomed Dana Wolfe as an Adjunct Professor to co-teach the Clinic along with Director Kate Mogulescu and Clinical Teaching Fellow Elizabeth Isaacs. Professor Wolfe is a Staff Attorney with the Criminal Appeals Bureau at the Legal Aid Society of NYC, where her practice focuses on the decarceration of criminalized survivors under the DVSJA.

The **Survivors Justice Project (SJP)**, CDAC's advocacy collective, also benefitted from the addition of Clarissa Gonzalez, a 2022 graduate of CUNY Law School, who joined as a post-graduate Legal Fellow in September 2022. This fellowship was made possible by the support of Cravath, Swaine & Moore LLP; Davis Polk & Wardell LLP; Paul, Weiss Rifkind, Wharton & Garrison LLP; & Weil, Gotshal & Manges LLP. Ms. Gonzalez's fellowship focuses on gathering and synthesizing data on the implementation of the DVSJA across New York. This data project has far-reaching implications for advocacy efforts under the statute, as well as campaigns to pass similar legislation in other states. Ms. Gonzalez also corresponds with incarcerated people across the state who reach out to CDAC and SJP seeking legal assistance.

CDAC/Survivors Justice Project Hosts DVSJA Statewide Roundtable for Prosecutors at BLS

In March, the Survivors Justice Project partnered with The Sentencing Project and the NYC Mayor's Office to End Domestic and Gender-Based Violence to host a roundtable at BLS for prosecutors from across New York State about DVSJA practice. The all-day event featured introductory remarks from District Attorney Sandra Doorley from Monroe County, and a presentation on data collection and survivor experiences from members of the Survivors Justice Project, Monica Szlekovics and Clarissa Gonzalez.



Planning Committee for the Domestic Violence Survivors Justice Act Prosecutors Roundtable (L-R): Professor Elizabeth Isaacs, Marjorie Cohen '09, Professor Kate Mogulescu, Saloni Sethi, Melissa Paquette, Monica Szlekovics, Patrice Smith, Michelle Daniel Jones, Liz Komar '13, Clarissa Gonzalez.

Fighting to End Mass Incarceration through Legislative Advocacy

CDAC students have had several opportunities to push for legislative reform this year, including presenting analyses of pending criminal reform bills to advocacy groups, and attending advocacy days in Albany.



CDAC at the Parole Justice Day of Action in Albany in January 2023. (L-R): Clarissa Gonzalez (SJP Legal Fellow), Professor Kate Mogulescu, Caroline Golub '24, Rahmel Lee Robinson '24, Kaitlyn Pavia '23.

Disability And Civil Rights Clinic's Busy Semester

Building on the Roundtable tradition, which would have been its ninth year, the DCRC and New York Law School's Civil Rights and Disability Justice Clinic co-hosted a two-day **Reclaiming Disability Justice** symposium. The purpose of the symposium was to honor the history and provenance of disability justice as a movement that centers people of color with disabilities and disabled people with multi-marginalized identities. The conference brought together more than 300 people and 20 panelists in a hybrid gathering. Participants thought critically about how to actively engage with disability justice principles in legal advocacy and how it can be made meaningful in the law. Professors Prianka Nair and Sarah Lorr both moderated panels throughout the event and Clinic interns worked with panelists, moderated the virtual aspects of the symposium, and made sure everything went as smoothly as possible.

The Clinic, with co-counsel Bois Schiller Flexner, defeated a motion to dismiss in a discrimination complaint brought in the Eastern District of New York. The complaint, brought on behalf of a mother whose child was taken from her care because of her disability, alleges discrimination under the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and several constitutional violations (substantive and procedural due process and equal protection) pursuant to 42 USC § 1983. Fall interns Mackenzie Kramer '24 and Meredith Yates '24 contributed to the briefing.

At an event called "**Freedom Fridays,**" students



(L-R): Natalie Chin (CUNY, founding Director of DCRC), Sarah Lorr, Britney Wilson (NYLS), and Prianka Nair.



(L-R): Pengyu Jiang '24 and Jessica Ramsawak '24 along with Sarah Lorr and three advocates from Neighborhood Defender Services

presented to, and learned from, doulas, doctors, and community members about the need for doulas for birthing people with disabilities who are at risk of child welfare involvement. *This project was supported by a generous grant from the New York Women's Foundation.*

LGBT Advocacy Clinic Changes Lives

Bianca Li '24, Casey Doyle '23, Marlon Amaya '24, and Chelsea Brown '23 represented "Tanya" and "Shantelle," a lesbian couple who fled Jamaica after enduring years of violent abuse on account of their sexual orientation. Shantelle narrowly escaped rape by a man who had been paid by her father to sexually assault her so as to force her to be heterosexual. Both women were forced to flee their home after a group of men tried to burn it to the ground because they are lesbians. They left Jamaica after being threatened at gunpoint by a man who said they deserved to die because they were "sodomites." The couple fled to Mexico, hoping to make it to the U.S. and seek asylum, but found the U.S. border closed. They had to wait nine months to be granted parole and cross. The student team who took their case worked hard to prove all elements of the clients' claim with medical records, police reports, photographs, and witness declarations from friends and family in Jamaica. They also recruited a team of expert witnesses to document the clients' injuries and the horrific conditions for

lesbian women in Jamaica. When Tanya and Shantelle finally went for their hearing in May 2023, the immigration judge granted them asylum on the spot because of the strength of the written submissions prepared by the BLS team. When the judge announced his decision, Tanya and Shantelle both burst into tears of relief. They are now adjusting to life in the U.S. and both hope to serve in the armed forces.

Proposed legislation drafted by LGBT Advocacy Clinic students, the Modern Families Act, was reintroduced in the New York State Legislature. Ana Kyriakos '23, Bailie Smith-Hunter '23, Brian Seo '24, and Nicole Horn '23 worked on the bill this year, updating its provisions and working to build support for the legislation, which would protect LGBTQ and other nontraditional New York families by creating a streamlined confirmatory adoption process, clarifying that a child can have more than two legal parents when it is in their best interests, and recognizing de facto and other functional

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parents as legal parents.

Walker Shockley '23, Sam Kunzman '24, and Sloane Forbush '24 represented Sofia Cano, a transgender woman who is incarcerated in a men's prison in South Carolina. Sofia has been diagnosed with Gender Dysphoria by prison staff, but they refuse to provide her with hormone therapy, the standard care recommended by medical experts, because South Carolina refuses to pay for gender-affirming care for trans prisoners. Along with co-counsel at the ACLU of South Carolina and firm Baker Botts, we filed a complaint in the District of South Carolina Federal Court seeking a ruling that the state's policy is unconstitutional and violates Ms. Cano's right to equal protection and freedom from cruel and unusual punishment. Walker, Sam, and Sloane helped draft the complaint and a motion for a preliminary injunction requiring the provision of hormone therapy during the litigation. We await a ruling from the court.

Rachel Conte '23 and Miri Reinhold '23 represented Shirley Gilyard, a Black lesbian woman from Brooklyn who faced horrific racist and homophobic abuse from a supervisor at her job in construction. When Ms. Gilyard told her employer about the abuse, they temporarily moved her to a different worksite but took no action to discipline the man who had humiliated and verbally abused her. Ms. Gilyard felt ashamed and depressed about the mistreatment she endured simply to keep her job. Rachel and Miri researched causes of action on Ms. Gilyard's behalf and drafted a complaint that we filed in the Eastern District of New York along with co-counsel from the New York Legal Assistance Group. Ms. Gilyard looks forward to obtaining justice.

"Clarke" is a gay man from Grenada who fled his country after homophobic abuse by strangers, partners, and family members left him suicidal and desperate. Clarke was



(L-R): Casey Doyle '23, Bianca Li '24, and Professor Susan Hazeldean

repeatedly raped by an older man who threatened to reveal his sexual orientation to his family and community if he did not submit to unwanted sex. His family members beat him, spray-painted homophobic slurs on his house, and threatened to kill him. Community members told him that he had caused his mother's death from cancer because his homosexuality had angered God. Strangers attacked him on the street and beat him severely while hurling homophobic slurs at him. The police refused to help. Clarke fled to the U.S. with help from friends he made playing video games online. Casey Doyle '23 and Andrew Russell '22 helped him apply for asylum and in May 2023 his asylum application was granted. Clarke is now applying for legal permanent residency and looking for a job. For the first time, he feels that he can have a happy life as an openly gay man.

"Peggy" and "Sarah" are a lesbian couple living in Brooklyn with their two children. They wanted to obtain a court order of parentage to ensure they would both be recognized as their children's parents, particularly if they travelled out of state or abroad. Sam Kunzman '24 and Sloane Forbush '24 assisted them in filing a petition for a parentage judgment that was granted by the Richmond Family Court in May 2023.

Clemency and Pardon Clinic Client Secures Immigration Relief

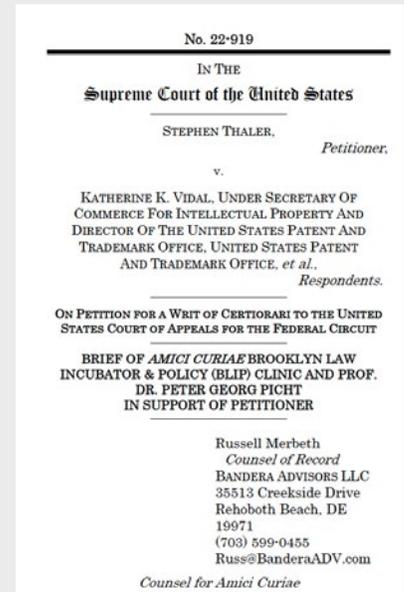
In 2019, one of the clinic's first clients (pictured at right with her family) amazingly had been pardoned by then New York State Governor Cuomo for a long list of substance-abuse-related crimes she had committed in the 1980s and 1990s. Long since rehabilitated, and now in her 60s, she was facing deportation. Her pardon freed her immigration lawyer to reopen a removal order and request relief. In May, almost ten years after the start of the case, the Immigration Judge granted Cancellation of Removal, a form of relief that puts her out of danger of deportation. The two generations of students, most recently Regina Yu '23 and Eliana Sands '23 (see below for news about them) created a voluminous record of her rehabilitation that persuaded the

judge to grant relief even without testimony. She awaits news on her Connecticut pardon application submitted by Regina and Elie.



BLIP Goes to SCOTUS

In March, the Supreme Court considered whether to Americans with Disabilities Act (ADA) in *Thaler v. Vidal*, a case involving copyright protection for AI-created works. Professor Jonathan Askin and his students in BLIP, and a group of Chicago-based patent lawyers, argued in an amicus brief that the U.S. Supreme Court should take up a review of the U.S. Patent and Trademark Office's refusal to issue patents to inventions developed by artificial intelligence programs. The brief claimed that the decision "may have a chilling effect on innovation and scientific discovery" and "negatively impacts the research and development of advanced generative AI." Unfortunately, the Court did not grant cert.

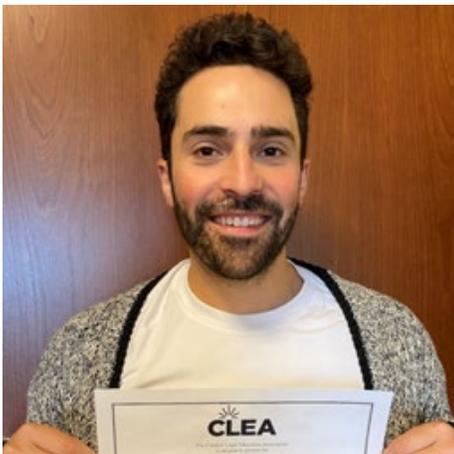


Student News—Clinical Legal Education Association Awards

Each year, **CLEA** recognizes one clinic student or team and one externship student who have excelled in both the fieldwork and seminar components of the course. This year, Joseph Cairo '23 is the recipient of the **Outstanding Externship Student Award**. During his time at BLS, Joe completed three semesters of externship work: providing direct legal services at ArtWorks Legal Incubator, performing corporate transactional work at Ametaek Aerospace & Defense, and researching and drafting judicial bench memos and opinions in the chambers of the Honorable Cathy L. Waldor, U.S. Magistrate Judge for the District of New Jersey. Joe's supervisors quickly recognized him as "self-motivated and autonomous," and assigned him challenging, sophisticated projects. They remarked that Joe was "a joy to host" and "consistently gave more than was required with a high level of professionalism." As an emissary to the legal profession, he represented the best of Brooklyn Law School and well deserves this award.

The **Outstanding Clinic Team Award** was conferred on Eliana Sands '23 and Regina Yu '23, who worked for three semesters in the Clemency and Pardon Clinic. They filed three pardon applications—one with the U.S. Office of the Pardon Attorney, one with the Governor of NY and one with the State of Connecticut. Each application involved a long-term lawful permanent resident in jeopardy of deportation. While the wheels of justice grind slowly in the federal and NYS systems, their client received a pardon for multiple crimes.

Each of these applications involved a lot of time with their client, as well as creating a strong record explaining why a pardon should be granted. Elie and Regina worked creatively and collaboratively to submit this documentation and advocacy.



Joseph Cairo '23



Eliana Sands '23



Regina Yu '23

Low-Income Cooperatives, a Crucial Component of New York City's Affordable Housing Stock, Receive Legal Support from Corporate and Real Estate Clinic Students

Low-income cooperatives in New York City are grappling with financial stresses caused by limited loan sources and constantly increasing costs, as well as the inability to impose significant maintenance increases or assessments on low-income families. Students in the Corporate and Real Estate Clinic, under the supervision of Professor Debbie Bechtel, represented ten of these low-income cooperatives in the spring semester as they sold units and prepared to close on rehabilitation loans, pursued green construction efforts, investigated new income sources, and negotiated to delay foreclosures and reduce judgments. Zoe Lindsey '23 and Olivia Morri '24 negotiated two contracts to sell units and closed on one while also working to remove a mechanic's lien and amend bylaws to extend a flip fee payable to the co-op. Karol Liguori '23 and Solomon Elefant '23 conducted the closing of a unit transfer from an original Harlem shareholder to her daughter, thus retaining the equity in the family and also bringing in a potential board member to bolster a very small board beset by problems. For that same building, they conducted research and began negotiations

for a potential sale of air rights to raise funds. Wendy Lui '23 and Ainsley Gilman '23 prepared for several unit transfers among relatives for one building and reviewed a regulatory agreement and prepared an initial draft of a construction contract for another building seeking funding through the City's Green Housing Loan Program. Brad Aretsky '23 and Rosaleen Maresco '23 conducted a unit closing for a Brooklyn building and also negotiated a significant reduction in a Workers' Compensation Board judgment for a Bronx co-op. Keanu Velez '23, in his second semester with the clinic, worked to stall a threatened mechanic's lien for a Williamsburg co-op and also to expedite construction at the building. Mo Tahir '23, also in his second semester with the clinic, was able to delay a foreclosure on a Bronx co-op by negotiating with the lender and facilitating the progress of several unit transfers. The health of these co-ops and the transfer of units to members of current shareholder families are crucial in the effort to preserve affordable housing and to shrink the racial wealth gap. Brooklyn Law students are playing a significant role.



Photo from the end of semester/graduation party (all class of '23 except one)

Standing (L-R): Kevin Trimmer, Nick Leon, Qitao Wu, Minal Patel, Wendy Lui, Professor Bechtel, Zoe Lindsey, Olivia Morri '24, Solomon Elefant

Sitting (L-R): Karol Liguori, Keanu Velez, Ainsley Gilman, Erica Thompson, Brad Aretsky

FACULTY NEWS

Professor Kate Mogulescu Wins Prestigious Award Given by AALS Clinic Section at San Francisco Conference, April 2023

Kate Mogulescu was presented with the M. Shanara Gilbert Award designed to honor an “emerging clinician.” This award honors a clinical professor with ten or fewer years of experience who has (1) a commitment to teaching and achieving social justice, particularly in the areas of race and the criminal justice system; (2) a passion for providing legal services and access to justice to individuals and groups most in need; (3) service to the cause of clinical legal education or to the AALS Section on Clinical Legal Education; (4) an interest in international clinical legal education; and (5) an interest in the beauty of nature (which is desirable, but not required). Mogulescu’s fulfillment of these activities and accomplishments demonstrates that this award is well deserved. A moving video was shown at the awards ceremony. [Click here to watch.](#)



(L-R): Norrinda Hayat (Fordham), Kate Mogulescu, Anita Sinha (American University).

Welcome to Aissatou Barry

Aissatou Barry, now a housing attorney trainer at the Legal Aid Society and an adjunct professor at the Cardozo School of Law, is joining our faculty as of Summer 2023 to teach a Housing Justice Clinic.



Achievements of Prianka Nair

Professor Nair was voted an appointment with eligibility for tenure this spring. Her article *Surveilling Disability, Harming Integration* will be published in the 124 Columbia Law Review (forthcoming 2024).



Congratulations to Susan Hazeldean

Professor Hazeldean will begin a term as the Associate Dean of Experiential Education on July 1, 2023. Hats off to the new czarina of all practice-based learning.

