



## VOLUME 3, ISSUE 1—AUGUST, 2017

### Welcome to our Newest Clinical Faculty Member

In September, BLS will welcome Kate Mogulescu to our clinical faculty. Kate will be teaching a criminal defense clinic. Kate always wanted to be a public defender. She joined The Legal Aid Society in New York as soon as she graduated from law school. She served as a staff attorney for five years before taking leave to lead the criminal defense clinic at Pace Law School for a year. When she returned to Legal Aid and started handling prostitution cases, she developed the pioneering Exploitation Intervention Project aimed at providing better representation for people in the criminal sex industry. The focus is on learning from them, asking about their lives instead of making assumptions, and avoiding the “revolving door” of counseling them to plead guilty right away. The project expanded in 2013 and is now a fully functional, city wide unit of Legal Aid with eight team members, handling all prostitution offenses, including non-sexual crimes fueled by trafficking.



In addition to her work with Legal Aid, Kate is the lead attorney and consultant for the Survivor Reentry Project of the American Bar Association Commission on Domestic & Sexual Violence, an adjunct professor of law at City College as part of the Skadden Arps Honors Program in Legal Studies, and a member of the American Bar Association Task Force on Human Trafficking. In 2016, she served as a speaker/specialist for three weeks in India on the topic of trafficking for the U.S. Embassy Public Affairs Section and coauthored “Resisting the Carceral: The Need to Align Anti-Trafficking Efforts with Movements for Criminal Justice Reform” in the *Anti-Trafficking Review*. She has an article forthcoming in the *Florida Law Review* titled “An Experiment in Penal Welfare: The New Human Trafficking Intervention Courts,” and has written on the topics of policing prostitution and trafficking for the *New York Times*, *The Guardian*, the *Huffington Post*, and *The Village Voice*.

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### We've Moved!



The BLS clinical program bid farewell to its longtime home at One Boerum Place and has moved into smashing offices in 111 Livingston Street. The panoramic views, ultra-modern furnishings and spacious offices, student work space and

conference rooms are wonderful and enviable. To all clinic alums for whom the 3rd floor at One BP was a home-away-from-home, feel free to stop by and see our new digs.

And the invitation is extended to all of our colleagues at other schools in the NY area and anyone visiting Brooklyn.

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## Jonathan Askin is Recognized as a FastCase50 Honoree

[FastCase 50](#) is an annual award honoring the law's smartest, most courageous innovators, techies, visionaries, and leaders, whether they are lawyers, non-lawyers, techies, or non-techies. This year, Professor Jonathan Askin, Founder and Director of the Brooklyn Law Incubator & Policy Clinic (BLIP), was recognized for his work.



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## BLIP Patent Filings: From Kettlebells to Baby Bibs

Students in the BLIP Clinic work under the supervision of Adjunct Professor Serge Krimnus to file patent applications under the US Patent and Trademark Office's student clinic certification program. This year patents were issued to clients who designed such diverse inventions as a top-loading, adjustable weight kettlebell system, a wall-mountable seating device, a programmable device for alerting vehicles and pedestrians, a fitted plate lid, a medal display, and a baby bib.

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## LGBT Advocacy Clinic's Breathtaking First Year

During its first year at BLS, the LGBT Advocacy Clinic was very busy. On June 22, the clinic won an important victory on behalf of a transgender woman who was raped by an inmate in a New York State prison after corrections officers failed to take reasonable steps to protect her from sexual assault. We represent plaintiff LeslieAnn Manning along with Betsy Ginsberg's Civil Rights Clinic at Cardozo Law School. Ms. Manning is suing several corrections officers at Sullivan Correctional Facility, a maximum-security men's prison where she was raped in 2012. The defendants moved to dismiss her claim on the grounds that they did not know she was at risk of being raped by another inmate and therefore had no ability to prevent it. Judge Karas of the Southern District of New York denied the motion to dismiss as to all defendants, ruling that they were on notice that Ms. Manning was at risk of sexual assault because she was a transgender woman in a men's prison. He therefore found that the defendants were required to take reasonable steps to mitigate Ms. Manning's risk of rape. Since Ms. Manning's complaint alleges that the defendants took no steps to protect her safety, the judge ruled she is entitled to litigate her claim. Judge Karas' ruling is very significant because there are few decisions suggesting that corrections officers are on notice that transgender women prisoners in men's prisons are at risk of rape by other inmates and therefore have an obligation to mitigate their risk of sexual assault. Students Caitlin Bassett '18 and Jon Heiden '17 drafted the Response to Defendants' Motion to Dismiss. The case will now proceed to discovery, and future clinic students will have the opportunity to request documents, conduct depositions, and prepare for the case summary judgment or trial.

Clinic students Jake Lavelle '18, Will Stanton '18, Christina Rhode '18 and Charles Harris '17 won asylum for a gay man from Africa who had faced brutal lifelong persecution because of his sexual orientation. The client was forced to flee his home country after being sexually assaulted and beaten by a group of men who videotaped his ordeal and used the tape to blackmail the client and his family. When the client reported the anti-gay attack and blackmail to the police, they threatened to arrest him for being gay and he had to pay a bribe to avoid being imprisoned. He had no choice but to flee to the United States. Clinic students spent countless hours interviewing the client about his ordeal and preparing a detailed affidavit on his behalf. They also researched the conditions in his country and compiled newspaper reports, human rights documentation, and supporting affidavits to prove his claim. Finally, they spent many hours preparing him to testify at his asylum interview regarding the abuse he had faced. The students also addressed the client's other pressing needs: After he arrived in New York City, the client was approved for public assistance through the City's HIV/Aids Services Administration but he could not find anywhere to live because landlords illegally refused to rent to him as a public benefits recipient. Clinic students spent hours researching his legal rights and advocating for the client. Finally, he secured an apartment in the

Bronx in a supportive housing program. The client was granted asylum in June 2017. Now that he has permanent legal status in the United States, the client is looking for work and hoping to go back to school.

On April 18, 2017, the LGBT Clinic presented a workshop for LGBT Seniors on advance directives, wills, and other legal tools seniors can use to ensure their wishes are respected when they die or if they become incapacitated. The event took place at the Center for Gay Seniors in Jackson Heights, Queens and was very well-attended. Clinic students Christina Rhode '18 and Charles Harris '17 prepared and delivered the presentation. They also returned to the center the following week to provide personalized advice to seniors in individual consultations.

Finally, the clinic obtained a divorce for a homeless young lesbian woman who had faced domestic violence at the hands of her wife. Students Lindsay Javitz '18 and Rachel Goldstein '18 drafted and filed the divorce action. The client was granted a final decree of divorce in June 2017.

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## Safe Harbor Project's Longest Running Case is Finally Over

With Immigration Court and Asylum Office backlogs of many years, it is difficult to complete a case these days. But this spring, the clinic achieved a victory in its longest-running case by securing asylum for a transgender woman from a former SSR country with a well-documented history and tradition of discrimination and mistreatment of LGBT individuals. This client was represented by clinic students since fall 2009. The case involved two adversarial hearings, three appeals to the Board of Immigration Appeals, and a petition for Review to Second Circuit. Nathaniel Howard, '10, Steven Silverberg, '10, Paola Uriarte, '15, and Hannah Rogers, '17, contributed to the many phases of the case. Read more about the case [here](#) and [here](#).

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## Corporate and Real Estate Clinic Working to Preserve Affordable Housing in the Bronx

When the officers of a Bronx co-op at 1347 Bristow Street first consulted the Corporate and Real Estate Clinic in 2015, thirteen out of the twenty-three units were vacant because of leaks and roof problems attributable to shoddy construction work. The waste of affordable units was startling; however, in two years, students have made great progress. Under the supervision of the clinic director, Professor Debra Bechtel, they negotiated and closed a zero interest \$245,000 loan from the city for the rehabilitation work and then turned their attention to unit sales and a commercial lease. The initial unit sales were complicated because banks requested a great deal of information before approving loans to prospective purchasers. Spring semester students Ron De LaFuente '17 and Dan Vizcarrondo '17 responded to lender inquiries, negotiated two contracts of sale, and prepared closing documents for the sales, bringing two new families into the building and garnering \$250,000 for the co-op. Students also closed two sales by shareholders which required that 30 percent of the profits be paid to the co-op and, thus, provided another \$80,000 for repairs and a reserve fund.



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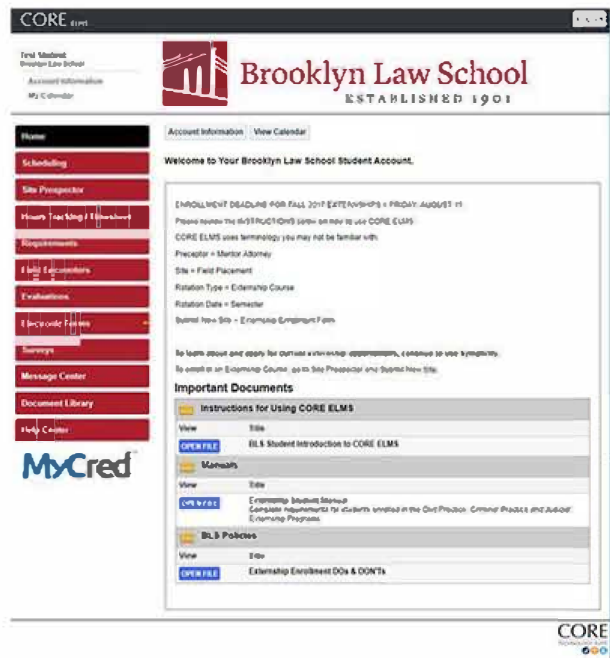
## Externship Program Launches New Learning Management System

Professor Jodi Balsam, faculty director of the BLS Externship Program, has announced the launch of a new online system to manage the mass of information about students and field placement sites that participate in the program. BLS partners with more than 800 distinct law offices in the New York area and beyond to offer educational field placements to our law students. We enroll more than 400 students each year in one of the three main externship courses: Civil Practice, Criminal Practice, and Judicial. Not surprisingly, an externship program of these dimensions generates lots of data and data management needs. As of fall 2017, those needs will be met by the CORE Experiential Learning Management System (ELMS). ELMS will allow BLS to operate more efficiently and effectively at a time when heightened ABA standards for law schools are demanding more accountability and academic rigor from externship programs.

Students find that ELMS greatly simplifies their interactions with the BLS Externship Program, allowing them to complete and submit enrollment forms, time records, and field placement evaluations online. Over time, ELMS will aggregate more precise information about what students can expect at different field placements. Students will be able to research the types of lawyering tasks and activities likely to be assigned at particular placement settings. The Externship Program will be able to more definitively evaluate the student field experience and measure student attainment of learning outcomes.

ELMS allows Mentor Attorneys in the Externship Program to access in one convenient location all resources for participating in the program and providing excellent supervision to our students. One of these resources is the ELMS Document Library, which offers one-stop shopping for externship program information, manuals, policies, and forms. Students can even find a sample syllabus for every one of the required companion seminars. Clinical faculty have access to a folder of experiential teaching materials, including teaching plans and classroom exercises.

Launching ELMS took considerable collaboration from many BLS departments, including the Office of Professional & Career Development, the Public Service Law Center, the Registrar, and Information Technology. While the learning curve during this first year of using ELMS may be steep, the pay-off down the road will be substantial, to the enduring benefit of student learning through externship. Here's what the CORE home page looks like. Pretty 21st century!



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