The Real-World Advantage of Clinical Education

Brooklyn Law School’s clinical program offers students the chance to gain significant experience working for the public interest and in public service. As one of the most diverse and comprehensive programs of its kind, students work on behalf of immigrants, consumers, the unemployed, community nonprofits, technology start-ups, and low-income housing cooperatives. Students can partner with many government agencies such as the New York City Law Department, the New York State Attorney General, and the U.S. Attorney’s Office for the Eastern District of New York.

How valuable is clinical experience in the long run? The National Association of Legal Career Professionals (NALP) set out to answer that question. NALP surveyed recent law school graduates to ascertain how they valued the experiential learning opportunities they had in law school clinics, externships/field placements, skills courses, and pro bono work. The survey overwhelmingly showed that law school clinics were game changers.

Not surprisingly, BLS graduates share this view. In this article, several of them describe how meaningful their clinical experience was during law school, and how it led them to a fulfilling career.

Liberty McAteer graduated from Brooklyn Law School in 2010, and immediately became in-house counsel for Tipping Point Partners, a New York City-based technology start-up. His work involves everything from managing outside counsel, negotiating development agreements and technology licenses, overseeing new hires, and corporate finance. He credits his ability to secure such a high-level position at an early stage in his career to his participation in Professor Jonathan Askin’s Brooklyn Law Incubator and Policy Clinic (BLIP).

While working in BLIP, McAteer was introduced to Tipping Point’s founder, who hired him as an intern during his last year of law school. “I got a crash course in LLC agreements, work for hire, Internet and IP law,” he said. “I drafted privacy policies, documents relating to trademark infringement litigation, and preliminary patent applications. The practical experience I got at BLIP was incredibly valuable. I was already up to speed with the ins and outs of these agreements because of what I learned in BLIP. Now as in-house counsel, I continue to rely heavily on BLIP clinic students for research. Their work product is outstanding.”

McAteer also benefitted from BLIP’s excellent reputation in the technology community. “If you are associated with BLIP, you get street cred in this community immediately, and that is what got me my job,” he said. “The networking is incredible.”

Jeff Lee ’05, Executive Director of the NYC Industrial Development Agency (IDA) and Build NYC Resource Corporation, was a student in Professor David Reiss’ Community Development Clinic. At the IDA, Lee is charged with identifying and reaching out to industrial businesses that are looking to grow or expand their existing footprint within NYC or to relocate to NYC.

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Brooklyn Law School’s clinical program never stops growing, and its effect on students who learn through experience is long-lasting. Clinic students achieve great satisfaction from helping their individual clients or organizations, improving their legal skills, and being part of a community of student-practitioners.

This newsletter highlights the endurance of the Law School’s clinical legacy as we observe how a clinic can transform students’ law school experiences, influence their career choices, help them find their dream jobs, and turn them into capable practitioners ready to jump into practice. This is not surprising, as many students who have developed a passion for an area of law and the skills to support that passion are top candidates for employment. In this issue, several recent alumni describe the importance of their clinical courses to their legal education and their current careers.

For some, this journey includes a chapter as a clinical teacher. Their own clinical experiences were so meaningful that, as soon as they felt sufficiently qualified and competent, they return to the Law School to create new opportunities for current and future students. Thanks to these loyal and inspiring alumni, we have many new programs that create diverse opportunities for students to learn skills, to develop professional habits, and to network. For these practitioner-teachers, who built satisfying careers triggered by their clinical experiences, their latest professional step has been giving back to the next generation of BLS-educated attorneys. This issue contains some of their stories.

I hope you enjoy the newsletter.

Stacy Caplow
Professor of Law and Director of Clinical Education

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Clinic Facts: Did You Know?

- For the class of 2012, 91% of all full-time students enrolled in at least one semester of clinics or externships.
- For the class of 2012, 61% of all part-time students enrolled in one semester of clinics or externships.
- 89% of all graduates enrolled in at least one semester of clinics or externships.
Brooklyn Law School’s adjunct clinical professors play an important role in teaching students effective advocacy skills necessary for practicing law. These professors are in the trenches working in government agencies, nonprofit organizations and law firms, often coming from the courtroom, quite literally, to the classroom.

In recent years, and in increasing numbers, Law School alumni who participated in clinics as students have developed exciting proposals for new clinical programs. They have returned to the Law School to teach and open doors to current students who may even become their future colleagues. Since these alumni participated in clinics as students, they truly understand the value, the demands, and the standards of a high quality clinic. The Law School benefits from their expertise and generosity. They are not only successful lawyers in their own right, but they are committed teachers who are guiding their students into successful careers.

Highlighted here are four adjunct clinical teachers who are Law School graduates who mentor their students, providing excellent role models. (see sidebar)

Emily Sweet ’99 and Andrew Rauchberg ’06
Nearing her ten year Law School graduation anniversary, Emily Sweet, an attorney with the NYC Law Department’s General Litigation Division, decided that she wanted to give back to her alma mater. She approached Professor Stacy Caplow, about starting a clinic that would provide students with experience working in her Division. “I participated in a variety of clinics while in law school, including the Safe Harbor Project,” said Sweet. “My professors encouraged me to learn through doing, and I thought there was no better opportunity than to offer the same kind of experience that I had to Brooklyn Law students.”

Sweet invited Andrew Rauchberg ’06, also in that Division, to partner with her. They launched the Municipal Litigation Clinic: NYC Law Department in 2008. Their students work with a variety of attorneys, and their assignments may include drafting pleadings, researching and writing memoranda of law, engaging in fact investigations, assessing cases for possible settlement, and participating in pre-trial discovery. Cases handled by the General Litigation Division run the gamut from administrative proceedings that are resolved by motion practice within a few weeks to complex federal class actions involving intensive discovery that may be litigated for years.

“The structure of the clinic helps students appreciate different points of view,” Sweet said. Rauchberg agrees. “The Law School’s professors challenged us to think strategically as students and helped us excel in our careers as a result,” he said. “But there is only so much you can do in the classroom. That is the significant value clinics bring to the curriculum — the actual practice of law.”

Rauchberg is the lead professor this fall. His new partner is BLS alumnus, Assistant Corporate Counsel John Buhta ’09.

Laurie Parise ’04
Laurie Parise founded Youth Represent, a holistic youth defense and advocacy non-profit (Continued on page 6)
Q&A with Professor Minna Kotkin

What types of cases have your students worked on this past year?
The unemployment insurance system is difficult to navigate for our clients. Many workers are not even aware of their eligibility, having the mistaken belief that only those who are laid off from a job are entitled to benefits. In fact, workers who quit their jobs with good cause or who are terminated for reasons other than misconduct are eligible to receive benefits.

The clinic handles many “good cause” cases: for example, employees who quit because of compelling medical reasons, unsafe working conditions, sexual harassment, or other forms of discrimination.

With regard to misconduct, we regularly see clients who have been terminated after being out of work for a brief illness, or for complaining about co-workers or a supervisor. Because New York is an “at will” state, non-unionized employees can be terminated for almost any non-discriminatory reason, but that doesn’t mean that they are disqualified from receiving benefits.

How has your clinic prepared students to work in the field of employment law?
Employment law is a highly varied field, with every case presenting a unique fact situation. Clients often come to see a lawyer at a time of stress and uncertainty. Students who have participated in the clinic learn how to conduct interviews with an empathetic understanding of their situation. They also learn how to diagnose a range of possible employment law issues. They develop important counseling skills, and the ability to present a range of options that best meet their client’s needs. Also, students sometimes have to deliver information and advice that is difficult to hear. For example, clients are often surprised to learn that they can be fired for reasons that may seem unfair to them, or that litigation can be expensive and take longer than they would like or expect it to take.

What would you tell prospective students about practicing in this field?
Employment law is a growing field, and is less affected than many other fields by the uncertain economic climate. Employment law affords lawyers with the opportunity to form close relationships with clients and excellent opportunities to mediate cases to avoid litigation. Many students participate in the Employment Law Clinic because they are interested in practicing discrimination and civil rights law. While I encourage students to pursue careers in this direction, I emphasize that there is also a need for competent and committed lawyers to represent employers. They can make a difference working in this capacity as well. For example, as corporate counsel for a public or private entity, lawyers can play an important role in preventing discriminatory employment practices, and help enforce civil rights laws from the inside.

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How does the Employment Law Clinic help students in other fields?
The clinic provides students with an understanding of how to structure litigation relating to any subject area, not just employment law. We spend a lot of time discussing how to develop a case theory and how to apply it to guide the fact investigation, discovery process, and trial stages of the case. This helps students feel confident in their ability to fully engage in the work of a litigation practice when they graduate, and makes them highly marketable to employers.

The National Jurist recognized Brooklyn Law School as one of the 20 best schools in the country for preparing students for public service careers in the areas of prosecutors/public defenders and government.

The poll considered such factors as clinical programs and externships, certificate programs, and placement. With a strong criminal law curriculum taught by full-time faculty, BLS students also learn about criminal practice from real life experts such as Brooklyn District Attorney Charles Hynes, State Supreme Court Justice Barry Kamins, and defense attorney Gerald Shargel ’68.

The Law School also has many clinics and courses designed to introduce students to the criminal justice system, including five clinics that focus solely on defense and prosecution.

Students working in the Prosecutors Clinic: U.S. Attorney, EDNY try cases before U.S. Magistrate Judges, sometimes facing students from NYU Law School as defense adversaries. Other students work on behalf of wrongfully convicted people in New York through the BLS/EXI Innocence Clinic. Students represent death row inmates post-conviction on federal habeas corpus petitions and write Supreme Court amicus briefs through the Capital Defender and Federal Habeas Clinic. Some students review trial records and draft briefs in the Criminal Appeals: Defense Clinic, while others write briefs for respondents’ appeals in the Criminal Appeals: Manhattan District Attorney Clinic. In both, students argue cases before the New York State Supreme Court, Appellate Division.

Professor Lisa Smith ’78 directs the Prosecutors Clinic: Brooklyn District Attorney and teaches the popular Criminal Practice Externship. “There has been a tremendous increase in interest in the criminal justice system and there are a large number of students who come to the Law School knowing that they want to become prosecutors or criminal defense attorneys,” said Smith. “It’s gratifying that our program is so robust in this area,” said Caplow, “and that we are able to provide students with varied and meaningful experiences in the criminal justice field. This training has helped our students succeed in the workplace.”

Clinical offerings in the government sector are equally strong and varied. Students represent New York City in federal court in civil rights and other litigation. Other students work in the NYS Attorney General’s Economic Justice Bureau. And students interested in immigration law get an insider’s perspective at the Immigration Unit of the U.S. Attorney’s Office EDNY.

Additionally, the Law School boasts one of the largest externship programs in the country and a strong curriculum in public service law that enables students to learn about a range of subjects that intersect with a career in government. During the academic year, as many as 500 students work in placements throughout the metropolitan area. “There is virtually no government agency, public interest organization or prosecutor’s office without a BLS student at any time of year,” said Caplow. “Our clinics and externships give our students valuable experiences. They allow students to engage with a field of law from many perspectives. And they become experienced advocates even before they graduate.”

Brooklyn Law School Ranked Highly by the National Jurist for Preparing Students for Public Service Careers

The Safe Harbor Project received a New York City Council Proclamation for its “outstanding service” to the immigrant community. The Law School was recognized at City Hall in April along with other clinics by Council Speaker Christine Quinn and Councilmember Daniel Dromm, Chair of the Committee on Immigration, as part of the City’s Immigration Heritage Week.
organization in 2006. The idea came to her after she worked at the Legal Action Center as a Sparer Public Interest Law Fellow under the tutelage of Professor Elizabeth Schneider, Director of the Fellowship Program. Parise observed the difficulties that youth struggle with when attempting to reenter society because of their past involvement in the criminal justice system. “It is not just the challenge of finding employment that they face,” said Parise. “They have issues with housing, employers, and college. Reentry is a big issue; it was shocking to me.”

After several years of building the organization, Parise was ready to reconnect with BLS. She remembered the invaluable experience she had at the Law School and thought that developing a reentry clinic would be a great way to involve Brooklyn Law School students in this field.

In 2011, she created the Youth Reentry Clinic exclusively for BLS students. Students work directly with court-involved youth, assist in direct legal representation in family and criminal court, and learn substantive law in the areas of criminal justice and reentry. “Youth Represent affords students the opportunity to perform work from which they can gain significant practical experience in just one semester,” Parise said. It was a no-brainer to teach students about a topic near and dear to her heart. “I wanted to teach reentry in the broader context and provide law students with the practice and interaction within the system,” she said.

She also worked with non-profit organizations to fund fellowships at Youth Represent, and Michael Pope ’10, a Sparer Fellow as well, received a two-year Equal Justice Works Fellowship. In addition to his work at the organization, Pope participates in the clinic’s seminar and helps supervise the students. When his fellowship ends, he plans on continuing to work at Youth Represent. “I am truly honored to work with Laurie,” said Pope. “The clinic not only provides meaningful legal experience to law students, but the organization, which she founded, has a real impact on youth in need.”

Deborah Morse ’80

“As a law student, I remember how much I loved learning and being mentored by my professors,” said Deborah Morse, an Assistant District Attorney at the Appeals Bureau in the Manhattan District Attorney’s Office. The desire to inspire the same thirst for learning in a new generation of BLS students helped inspire her to create the Criminal Appeals Clinic: Manhattan District Attorney, which she began teaching in 1991. “I love to teach and it makes me genuinely happy when students are having fun and learning. This is why I started this clinic. It’s a terrific way to give back to a school that gave me so much.”

In the clinic, each student handles a respondent’s appeal on behalf of the Manhattan District Attorney’s Office under Morse’s supervision. “Coaching students on what I do for a living is most gratifying,” Morse said. “It’s that combination of academic and practical experience that helps a budding attorney thrive.”

Morse, who is an active member of the Alumni Association Board, wants all Brooklyn Law School alumni to act as mentors. She credits her inspiration to the former Dean of the Law School, the late Judge David G. Trager, who made a career out of combining law school teaching with public service. “Trager was an extraordinary lawyer and human being who epitomized everything good about Brooklyn Law School,” said Morse. “Carrying on his legacy through mentoring is an invaluable way to give back to the school, and a way to support its strong history of public service.”

Alumni Giving Back – Adjunct Clinical Faculty

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A new internship program initiated by the New York State Bar Association’s Real Property Law Section was featured in a New York Law Journal article. Three BLS students interned for the real estate departments of law firms Gallet Dreyer & Berkey; Olshan Grundman Frome Rosenzweig & Wolosky; and Shearman & Sterling. Another student interned at the First American Title Insurance Company of New York. These students were the first to benefit from this program and were enrolled in the Transactional/Community Development Externship.
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For Build NYC, Lee issues tax exempt bond financing for 501(c)(3) organizations.

“The clinic was such a special experience. It was small and intimate, and more than anything else, it embodies why I went to law school: to practice law in the field of community development,” said Lee. His clinical experience enabled him to represent a local nonprofit in a land use matter, and speak at City Council meetings and community board meetings.

Lee was also an extern at the New York City Law Department’s Economic Development Legal Division, where he worked on the regulation of private pier development and created documents for the NYC Brownfield Partnership. “The work I accomplished there is incredibly relevant to what I do now,” he said. “Clinics can be a quick way to gain real life skills, learn first-hand what practicing law is actually like in a particular field, and give students the opportunity to figure out if they enjoy that practice area,” he added.

Niki Tsismenakis ’11, who obtained her J.D. with a Certificate in Real Estate Law, is an alumna of Professor Debra Bechtel’s Corporate Real Estate Clinic, and the NYS Attorney General Advanced Coop and Condominium Clinic taught by Adjunct Professor Ira Goldenberg.

As a student in Bechtel’s real estate clinics, Tsismenakis immersed herself in real estate finance law. With Bechtel’s assistance and referrals, she became a legal intern at the New York City Housing Development Corporation where she worked on loan closings and conversions. She was also an intern with Goldstein Hall PLLC, a boutique real estate firm specializing in affordable housing and nonprofit law, where she is now an associate. She focuses on precisely what she learned in the clinics — representing sponsors in affordable housing sales and corporate matters. “Every single real estate job I have had is because of Professor Bechtel,” she said. “She reached out to everyone she knew so I could get more exposure and experience. She has been an incredible mentor as well.”

“When you are in law school you learn to think like a lawyer, but you don’t know how to be a lawyer until you are practicing. Without the externship or in-house clinic, I would not have had the chance to learn critical lawyering skills. Even though I am a first-year associate, I can go from board meetings to loan closings to negotiations, and I credit my clinical experience with providing me with the skill set to do so.”

Deepinder Mayell ’07 is the Director of the Refugee and Immigrant Program at Minnesota Advocates for Human Rights in Minneapolis, a nationally-recognized organization that provides free legal services to low-income asylum seekers. A Sparer Public Interest Law Fellow and Safe Harbor Project alumnus, he has had a long-standing interest in social justice and international human rights work. “My parents came to this country from India. As a first-generation American, I have always been committed to these issues,” he said. “They came to New York with the hope of starting a new life. However, the reality of assimilation is that it’s a difficult struggle that affects families very closely and intimately. That experience made me want to help immigrants and asylum seekers.”

While participating with the Safe Harbor Project, Mayell represented a political activist from Cote D’Ivoire who was imprisoned and tortured. Although his client was denied asylum at the interview stage, Mayell and his team represented him at the removal proceedings in immigration court and were able to ultimately help him win asylum and bring his family to America.

“Participating in the clinical program was a wonderful experience. It inspired me to practice what I practice now. The actual process of helping an individual, saving someone’s life, that’s a transformative experience. Not only for the client, but for the lawyer, too.”

—Deepinder Mayell ’07

Michael Almonte ’07, an associate at the corporate immigration firm of Fragomen, Del Rey, Bernsen & Lowey, was a member of the Brooklyn Law Review, where he wrote a note on immigration law, and is also an alumnus of the Safe Harbor Project.

Upon graduation, Almonte joined the Second Circuit Court of Appeal’s Staff Attorney’s Immigration Unit. One year later, he joined Fragomen and was the recipient of the firm’s year-long fellowship with the New York City Bar Justice Center. There, he worked on pro bono immigration matters, including asylum and detention cases, and participated in mentoring, training, and outreach activities throughout New York City.

At Fragomen he is using the skills he first acquired under the auspices of Professor Dan Smulian in the Safe Harbor Project. “The clinic was my first hands-on experience with a case,” he said. “It was very meaningful to work with a client from beginning to end, and to learn the skills... (Continued on page 8)
The Exoneration Initiative, Sponsor of the BLS/EXI Innocence Clinic, Wins Federal Grant

The Exoneration Initiative (EXI) and Brooklyn Law School have partnered to offer the BLS/EXI Innocence Clinic, which provides legal assistance to New York inmates who assert innocence on non-DNA grounds. The clinic follows in the footsteps of the former Second Look Project pioneered by Professor Emeritus William Hellerstein.

EXI Director Glenn Garber works pro bono on the project and uses BLS students to assist with cases each semester. In August 2012, the US Department of Justice awarded EXI a substantial two-year grant through its Wrongful Conviction Review Program. This will enable EXI to hire another full-time attorney and provide much needed funds for the investigation’s budget.

Garber, who also teaches the Wrongful Convictions Seminar at the Law School, said, “We feel we’re filling an important need in New York because most cases do not have DNA evidence, so the lion’s share of wrongful convictions occur in cases without DNA. But few lawyers and organizations have the capacity to handle these cases.”

Students screen the more than 2,000 requests from inmates that have been reviewed to date. Each investigation requires interviewing witnesses, reviewing forensic reports, and generating new reports. Government agencies and law enforcement are not always cooperative, which can slow investigations. So far, four cases, requiring thousands of hours over several years, have been litigated.

“What we’ve learned over the past 20 years in DNA exoneration is that the system is fallible,” Garber said. “The work we do not only saves lives, but makes the system a better system.”

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necessary to advocate on his behalf. We won our case, and it felt great knowing that our representation actually helped someone.” Almonte considers Smulian a mentor. “Dan is a great resource,” he said. “I learned a lot from him during law school, and I am still learning from him today.”

In addition to the Safe Harbor Project, Almonte took part in two more clinics, including the Capital Defender and Federal Habeas Corpus Clinic taught by Professor Ursula Bentele and the Employment Law Clinic.

“Forbes, the Huffington Post, and the Brooklyn Daily Eagle each featured the BLIP Clinic’s efforts on behalf of entrepreneurs in New York City, a burgeoning hub for innovative start-ups. BUP hosted the first “Legal Hackathon” in April, drawing hundreds of tech-oriented participants to the Law School. Topics included transforming copyright law and arts education for the digital age; crowdsourcing legal knowledge and legal documents; crafting more user-friendly terms of service and privacy policies; establishing consistent and verifiable rubric for socially-responsible corporate actors; and using the law and technology to improve politics, including an effort to crowdsource the next race for the New York City mayor.”

Professor Jonathan Askin (third from left) and BLIP clinicians

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