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CUNY LAW

SPRING 2013



TWO WISE LATINAS

Jenny Rivera Joins New York Court of Appeals

“While the skills I learned in the classroom were **invaluable** in preparing me to be an **outstanding lawyer**, it was the real-life setting of a public-interest law office during my summer fellowship that **reinforced** and **refined** these skills.”

—Second-year
CUNY Law student



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Dear Friends,

When I think of the founding of CUNY School of Law 30 years ago, I think about the decision to make this place unlike any other law school in the United States.

The founders were inspired to create a school with a well-defined mission: to graduate attorneys devoted to the public interest and to help diversify the legal profession. Fundamentally, their commitment was to social justice, public service, and social change.

Our work at CUNY Law three decades later continues these core commitments.

Today, we send a greater percentage of students into public interest work than does any other law school in the nation. Our clinical programs, again ranked fourth in the nation by *U.S. News & World Report*, are engines of public interest law.

The *National Jurist* magazine ranks CUNY Law the second most diverse in the nation among law schools, based not only on our student body but also on our faculty.

Although women make up 51 percent of the U.S. population, they account for just 30 percent of its lawyers. The CUNY Law student body, however, is more than 60 percent female. Although people of color make up 33 percent of the U.S. population, they account for just 10 percent of its lawyers. Our first-year class, by contrast, is 48 percent students of color.

Our diversity encompasses more than sex and race. About 45 percent of our students are first- or second-generation immigrants. Our students also vary along the lines of, among other

things, gender identity, economic background, and sexual orientation.

Our extraordinary diversity enriches everyone's experience, adds depth to the conversations we have in the classroom, and helps us graduate emotionally intelligent, cross-culturally competent lawyers who serve the public interest.

Poor and moderate-income people in the United States need the services of public interest lawyers more than ever. This need has been exacerbated by the financial crisis and the collapse of the housing market. Cuts in funding for civil legal services and growing economic inequality have limited equal access to justice.

CUNY Law was built to graduate students who will address the needs of moderate- and low-income communities. As I look to the future, I give thanks to those who built the school and developed its mission; I acknowledge the achievements of our alumni, faculty, and staff; and I applaud our current students' dedication to learning and practicing "Law in the Service of Human Needs."

Our work remains as important and vital today as when the Law School first opened its doors in 1983. We're working to make a difference in the world.

Yours,

Michelle J. Anderson
Dean and Professor of Law

Celebrating Judge Jenny Rivera

Professor Jenny Rivera is now the Honorable Jenny Rivera.

In February, Rivera was confirmed as the newest judge on New York State's highest court, the Court of Appeals. Rivera joined the faculty of CUNY Law in 1997. She founded the Center on Latino and Latina Rights and Equality, which focused on issues that impact the Latino community in the United States and developed progressive strategies for reform. Rivera won the 2013 Spirit of Excellence Award from the ABA Commission on Racial and Ethnic Diversity in the Profession and the New York State Bar Association 2012 Diversity Trailblazer Lifetime Achievement Award.

In April, the Law School celebrated Rivera and her accomplishments with more than 200 guests, who included students, staff, faculty, alumni, friends, and family. The Law School was honored to have many members of the judiciary in attendance, including New York State Court of Appeals judges Eugene Pigott, Jr., and Robert Smith, and U.S. Supreme Court Justice Sonia Sotomayor, for whom Rivera clerked when she served on the Southern District of New York. Speaking at the event, Sotomayor shared fond memories about her time with Rivera and ended her remarks by saying to her, "You are my child, and you are my equal." ●●



**Audie Serrano
and Judge Jenny Rivera**



From left: U.S. Supreme Court Justice Sonia Sotomayor, Professor Nina Chernoff, and Clinical Law Professor Lynn Lu

David Barr

Fighting AIDS Through Activism



WHEN YOU HEAR David Barr ('86) talk about his life in New York City in the 1980s, it's like a storyline from a gripping movie. But it's a story that Barr lived.

The 2013 Oscar-nominated documentary *How to Survive a Plague* features Barr and sheds light on the early days of the AIDS crisis, as well as the activism that helped push the FDA to fast-track approval of HIV drugs that would help curb an epidemic.

Barr spoke from his office at the Fremont Center in upstate New York. His work involves advocacy, development, and evaluation of service delivery for HIV treatment, as well as prevention projects, all taking place in a rural setting far removed from New York City.

"There's a lot of dairy farms, woods, and deer," said the born-and-bred New Yorker, who has lived full-time in the foothills of the Catskill Mountains for five years. Barr recounted his story while watching the mist rise up from the melting snow and into the trees.

In the 1980s, Barr was a young man working in theater and looking to go back to school. Getting a J.D. seemed to be a practical way of addressing political issues of interest to him. At the time, there was a new law school with a radical approach: to teach public interest law with a clinical focus. CUNY Law was looking for students with previous life experience. To Barr, it seemed like a perfect fit.

"I was in the first graduating class. It was very exciting because everybody was making up the program as we went along," said Barr.

While Barr learned lawyering skills, he was most interested in constitutional law and big-picture discussions on policy. "CUNY

gave me an opportunity to work on those issues," said Barr.

As a 2L, Barr interned at the ACLU Lesbian and Gay Rights Project and later the Lambda Legal Defense and Education Fund.

At the time, Lambda was trying to delay FDA licensing of the first HIV test because it lacked confidentiality and antidiscrimination provisions to protect people from misuse of test results. Barr was told to get affidavits from scientists to support Lambda's views.

When Lambda lost its bid and the test went out, Barr fielded and documented a flood of calls from attorneys whose clients had been HIV-tested by employers without their knowledge and then fired from work after testing positive. "That was the beginning of the AIDS legal crisis," said Barr.

In his long career, Barr has often made use of advocacy. His advocacy helped cut in half the time it took the FDA to develop and approve a class of powerful HIV drugs.

"When [those drugs were] used in combination with other previously approved drugs, people got off their deathbeds and are alive today because of them," Barr said.

Barr has also worked hard to get effective drug combinations to developing countries, while bringing down costs. It seems to be working. Ten years ago, 200,000 people in developing countries were getting the HIV drugs; now that number is 8 million.

Barr credits CUNY Law for helping him succeed, from teaching him how to work in a group to providing a common set of values for law in the public interest.

"I draw on my legal education every day," he said. "CUNY Law provided me with a useful framework on how to approach problems and grounded me with values." ●●



Janet Malone

Lending a Voice

“I ALWAYS WANTED to give a voice to those who didn’t have one,” recalled Judge Janet Malone (’89).

That goes all the way back to her very first case: her older sister being picked on by a boy at school. “You can’t talk to my sister like that!” the judge remembers telling the boy. “When it was over, I said to my sister: ‘You have to speak up for yourself.’” Malone was 5, and it was her first day attending school.

Standing up for people and making the tough decisions are what Malone does to this day. She was elected to Westchester Family Court in 2007; in 2011, she was appointed acting supreme court justice to the Supreme Court.

“The biggest challenge is the decisions I make that impact families and children,” said Malone. In the family court “you

don’t have a jury; I sit on the bench as custodian of the record and as judge and jury. I deliberate with me, myself, and I.”

Malone was born 48 years ago in Barbados, West Indies. Her father had left the family before she was born to pursue a life in England, so her mother raised her and her sister alone. “I grew up in a wooden house on cinder blocks, with no indoor electricity, no indoor plumbing, and we washed our clothes on the washboard,” Malone remembered.

When Malone was 5 years old, her mother entrusted her daughters to their maternal great-aunt, and she traveled to the United States, where she worked as a domestic with an attorney’s family in Scarsdale, New York. Her employer helped her sponsor Malone and her sister into the United States.

Once reunited with their mother, Malone and her sister saw how hard their mother worked, taking on multiple jobs to support the family. Their mother’s work ethic motivated Malone and her sister to succeed; for Malone that meant pursuing a dream that began in elementary school of becoming a lawyer.

That dream stayed alive through her attendance at Utica College of Syracuse University, where she was a criminal justice major. Her advisor, Professor Ted Olin, helped her apply to law schools. “CUNY offered me an interview, and the rest is history,” said Malone.

At CUNY Law, Malone found a diverse student body and many people who, like her, were trying to fulfill their dream and to learn law in a way that no one else was teaching it at the time. CUNY Law’s focus on practice, not just academics, and working in a group helped give Malone an edge in her first legal job as an assistant district attorney in the trial division of the office of Manhattan District Attorney Robert Morgenthau. Malone prosecuted major felonies, including sex crimes and domestic violence cases, and argued appeals at the Appellate Division.

After many years in the DA’s office, she moved to the private sector and then the court system. Malone began in the Westchester Family Court as an appointed support magistrate in 2003.

Reflecting on a successful career and looking to the days ahead, the judge knows that CUNY Law has played a big part in getting her where she is today. “CUNY Law gave me the opportunity to fulfill my dream to become a lawyer and now a judge. I am eternally grateful to CUNY Law for being in existence and giving me the foundation to succeed,” said Malone. ●●

Beginning a CUNY Law Legacy

by Paul Lin

Three decades is ample time for a legacy to develop. Consider the Cabans at CUNY Law. Osvaldo Caban got his J.D. in 1987, the second graduating class; his daughter, Celina, is on track to graduate in 2014. Both have strong feelings for their school.

“To me, it’s so much more than just a legal education. It was a big part of my life, even before I went here,” she said. “It’s like a second home.”

You could argue that it’s her third home; her dad took baby Celina to visit CUNY Law in Flushing when he was there. The school made such an impression on Osvaldo that he named his daughter after one of its professors, Celina Romany.

But, really, no pressure on Celina pursuing a J.D. and choosing CUNY Law. Although her father, a solo practitioner and criminal defense attorney, did point out that she—as a strong debater and great people person—could do well in law, Celina says she always had a choice.

She chose to take the LSAT and work as a paralegal for her father while she prepared for the test. Celina was intrigued by work with clients at Rikers Island; at the same time, she got a chance to observe her dad.

“I saw how thoughtful and creative he was at work,” she said, “but also saw the way he taught and how equally dedicated he was to being my father.”

Osvaldo represents indigent parolees who have had their parole revoked for some alleged violation.

“A lot of our clients have done some bad things, but they didn’t do all the bad things some police officers claim they are doing,” Osvaldo said. So he’ll search hard for that single document that can prove his client’s innocence and release him from jail.

“They call you day and night asking you to help them. You give these guys hope. The struggle they have is so traumatic,” he said.

Osvaldo knows about struggles. Born to Puerto Rican parents in Brownsville, Brooklyn, he grew up in the projects of Long Island City, Queens. His mother raised him after his parents divorced when he was 5; he was 11 the next time he saw his dad in Puerto Rico. Osvaldo began spending summers there and saw the beauty of the island and the culture he was missing. (As for Celina, she has visited Puerto Rico every year since she was 5 months old.)

In New York in the 1970s, what Osvaldo saw was political activism and groups like the Young Lords working to stabilize the South Bronx and East Harlem.

“It really touched me. I came from a totally disenfranchised community,” said Osvaldo. “I thought, ‘maybe I could do something like that.’” Getting into the new CUNY Law School got the ball rolling.

In its early days, Osvaldo remembers a no-frills law school housed in an elementary school. He felt the school’s move to its (now former) Flushing location was an instant improvement in space and facilities. These days, when visiting Celina in Long Island City, Osvaldo is truly impressed.

“Wow, what an upgrade! From early inception to now with this huge, beautiful building; it’s great to see the whole transition,” he said.

But it’s not building upgrades that prepare students for lawyering. It’s the faculty and staff, and the quality of the student body, as well as the mission. They remain constant to this day.

“The foundation of the Law School is built on a premise:



Celina and Osvaldo Caban

You have to care for all people's needs. That's what really touched me and my heart to undertake that challenge," he said.

The same thing touched Osvaldo's daughter nearly 30 years later.

"When I came here, there was an overflow of warmth and a diversity of students. The professors are so passionate and dedicated. I feel comfortable and happy and so invested in this school," said Celina.

She has enjoyed the day-to-day life of CUNY Law, the learning and the application. She has also completed a civil rights internship in Mississippi with Jaribu Hill ('95) and uses these skills in her current internship with LatinoJustice PRLDEF; her first-year courses, including Legal Writing with Professor Andrea McArdle and Civil Procedure with now former Professor Jenny Rivera, laid down a lawyering foundation that helped her clerk for Magistrate Judge Ronald Ellis; and she has found moot court and the *CUNY Law Review* organizations not so much work as "exciting and fun."

In addition, CUNY Law has given her access. The clerking job opened the door to meeting U.S. Supreme Court Justice Sonia Sotomayor, "a dream come true" for Celina, who had written about her in law school admissions essays.

On the eve of the Law School's 30th anniversary, both Cabans have deep admiration for the school and are grateful for their shared experience.

"CUNY Law is the number one public interest-focused school in the country," said Celina, who dreams of making a bid for City Council one day. "I'm so proud to be a student here and to see such successful and progressive alumni."

As for Osvaldo, he's happy that CUNY Law has been there for him and his daughter, providing the education and the grounding for her to become a lawyer in 2014.

"I am thankful that CUNY Law has survived and persevered through all the struggles and turmoil New York City has gone through," he said. "I am so proud my daughter and I are a part of it. CUNY Law School is a gift." ●●

Protecting the Rights of the Vulnerable



Professor Joe Rosenberg

by Paul Lin

The Elder Law Clinic helps protect the rights of vulnerable people who may not be able to make decisions for themselves.

“A major part of our docket is adult guardianship cases,” said Professor Joe Rosenberg. “These cases involve people who are alleged to need a guardian to take care of personal needs or their property management.”

Clients don’t have to be old, even though “elder” is in the clinic’s name. It really has more to do with the issues.

“We’ve worked on cases involving a 21-year-old person with mental illness and middle-aged people with developmental disabilities,” Rosenberg said. “There’s also older people with a mix of limitations related to aging.”

Those limitations may involve conditions such as dementia, but some individuals, even those who are alleged to need a guardian and might have some degree of diminished capacity, are often still able to make their own decisions.

“As they age, more people have physical issues but remain totally sharp. People make broad generalizations about aging and dementia, thinking they go together; they actually don’t,” said Degna Levister, who co-teaches the clinic with Rosenberg.

She likes to debunk some of the stereotypes about aging in the clinic, pointing to jazz greats like Sonny Rollins, who still does concerts at the age of 82. Or bassist Ron Carter, 76, whom Levister recently heard play and speak at the Brooklyn Conservatory of Music. “Sharp as a tack,” she said. Levister and Rosenberg connect the performance of these musicians to the practice of law “in the indeterminate zone,” where students learn how to work with the uncertainties of legal practice and to develop a range of approaches to solve the legal and nonlegal problems of clients.

But even mentally sharp people should protect themselves from the effects of aging by planning ahead.

“Everybody over 40 should have a power of attorney and health-care proxy,” said Levister, quoting a colleague, “because

you just never know.”

What complicates things is when older people are of sound mind but put off planning for the future. It can be challenging to get them to think about their own mortality and the idea of losing some autonomy by allowing someone to help them make decisions involving property and personal needs.

The clinic also represents people seeking to be appointed guardian for a friend or relative. Or the clinic itself may be appointed as a court evaluator, the so-called “eyes and ears of the court,” said Rosenberg. In that capacity, the clinic must file a report and testify in court, making recommendations on whether a guardian should be appointed—or not. That’s because guardians have the power to take advantage of the very clients they were appointed to protect.

“When a guardian is appointed, it limits somebody’s constitutionally protected liberty interests,” he said. “Guardians make decisions about fundamental aspects of life.”

Perhaps it’s only fitting that the director of the Elder Law Clinic has had tremendous longevity at CUNY Law School. Rosenberg, the associate dean of clinical programs, first taught as an adjunct in 1988, starting up a wills clinic with David Kadane that would become what’s now known as the Elder Law Clinic. Rosenberg also graduated from CUNY Law in its inaugural 1986 class.

After law school, Rosenberg worked at the Legal Aid Society in Albany, New York. One thing that piqued his interest: Older clients who needed Medicaid to pay for home care or nursing home care were losing their homes because of Medicaid’s liens and estate recovery rules.

“That was a big part of what got me into [elder law],” recalled Rosenberg. “There was a lot of client contact, a mix of preventive law and litigation.”

In the Elder Law Clinic, students get to put their lawyering skills to work by interviewing and counseling, as well as writing reports, pleadings, and motions to file with the court. They interact with other lawyers and court personnel, as well as social workers, doctors, nurses, and case managers. Students also appear in court to make opening statements, do direct and cross-exams, testify, and take part in conferences with judges.

“There’s nothing like taking the skills and substantive knowledge you learned in your doctrinal courses and applying them to real people,” said Levister.

Students also get to clearly see the difference they’re making. To date, the clinic has helped numerous people stay at home or return to their communities from institutional living.

Some of the clinic’s cases involve planning, so students may need to draft wills, health-care proxies, or powers of attorney. Last semester, Rosenberg said, students worked with the Lenox Hill Neighborhood House, a social services organization that runs programs for older adults.



**Clinical Law Professor
Degna Levister**

Besides working on cases, students also work on projects. Earlier this year, two students worked at the Vera Institute of Justice’s Guardianship Project, run by Laura Negron (’07), one of Rosenberg’s former students.

Numerous calls from people wanting to be guardians for others gave rise to the Elder Law Clinic’s Article 81 Guardianship *Pro Se* Project. Through materials developed by students and posted to the clinic’s website, people now have access to a step-by-step guide on how to file papers to become a court-appointed guardian.

That access continues to grow, helped by the Center for Computer-Assisted Legal Instruction (CALI), which accepted Rosenberg’s recent proposal as part of its Access to Justice clinical project.

“It’s exciting to me that a person will be able to answer a series of questions and prompts, and the CALI program will produce pleadings that can be filed with the court,” he said. The upshot: Technology can help aging people and their families in need navigate the court system, without having to go through private attorneys and incurring prohibitively expensive legal fees. ●●

Serving Vulnerable Elders and Their Families

by Paul Lin



Elizabeth Valentin ('01)

Elizabeth Valentin ('01) laughed when asked how she got interested in elder law.

"It's a funny story," said Valentin, who specializes in guardianship, estate planning, and Medicaid cases at Littman Krooks LLP.

She had come to CUNY Law aspiring to be a civil rights lawyer. So when it came time to choose a clinic, civil rights was her top pick; elder law was the runner-up. At the time, her family was having concerns about her paternal grandmother, who was living alone with health problems. In the end, she moved in with the Valentins.

"I remember thinking, if I don't get my first choice, then at least I'll learn something that I could use to help my parents while my grandmother was living with us," said Valentin, whose family comes from the Dominican Republic. "I got the Elder Law Clinic and ended up loving it. It was totally by accident."

Taking the clinic gave Valentin, the first in her family to go to college and law school, the chance to explore different areas of elder law. She discovered an affinity for guardianships after going to court with her first client.

Valentin first heard of CUNY Law as an undergraduate at the University of Pennsylvania doing research for Lani Guinier, who was then a law professor (in 1993, Guinier was nominated by Bill Clinton to lead the Justice Department's civil rights division). Guinier suggested Valentin check out CUNY Law if she was serious about public interest law.

Fast-forward to 2013, and it is Valentin's 11th year at Littman Krooks. Valentin is grateful to Professor Joe Rosenberg for inspiring her to focus on elder law and for giving her the job lead in the first place.

About half the work she does now includes guardianship cases. These may involve adults who are mentally incapacitated from dementia or other illness. She also handles cases of individuals 18 and older who are legally emancipated from their parents but lack the mental capacity to make decisions because of a developmental disability.

In both situations, someone, usually a family member, goes to court to ask for a guardian to be appointed to make medical or financial decisions.

"Someone needs to pay their bills, place them in a nursing home, or get them 24-hour home care, but they may never have signed a healthcare proxy or power of attorney," Valentin said.

Even though Valentin is busy practicing elder law, she continues to keep in close contact with CUNY Law, sharing current issues in elder law with the clinic and giving back to the school that has given her so much.

Before CUNY Law, "I had never encountered an environment where I was so supported," she mused. "You hear all these horror stories about how cutthroat law school is. My experience was the complete opposite; so nurturing from my first day—and that continues today." ●●



Laura Negrón ('07)

Providing Caring Guardians

by Paul Lin

“Way too often we see horrific incidences of financial exploitation in the elder law cases that come to us,” said Laura Negrón ('07). Negrón, as director of the Guardianship Project at the Vera Institute of Justice, and her team try to give clients all the services that guardians should be providing.

She thinks of the frugal widow—a Holocaust survivor—who suffered a stroke that made her unable to live alone. The woman’s daughter asked her to move into her house, but, on arrival, told the widow she had to buy the house or she would be sent away. With the mother at the brink of suicide, the daughter gained power of attorney and then accessed the millions her parents had saved. While draining these accounts, she neglected her mother, failing to dispense her stroke medication.

“You can’t even believe that people like this exist,” said Negrón. “It was her own daughter!”

The Vera Institute established the Guardianship Project following a U.S. Government Accountability Office report in 2004 on elder abuse perpetrated at the hands of court-appointed guardians. Among the examples: a guardian who visited a client in a nursing home to bring her cake and flowers on her birthday, but later billed \$850 in legal fees for the visit.

The report, Negrón said, underscores the need for some form of public guardianship with safeguards to help prevent misuse of clients’ funds and to provide guardianship access to individuals, whether they have money or not. Currently, courts typically appoint private attorneys, paid through

clients’ assets, if there is no family or friend to look after a person deemed incapacitated. So clients with meager resources unable to pay guardian fees may find themselves in an institution with little chance to get home.

That’s despite home care often being more cost-effective than hospital or nursing home care. The Guardianship Project serves roughly 100 clients per year, and it has tracked annual cost savings to Medicaid of about \$2.5 million.

Negrón didn’t turn to elder law until she was almost 50 years old. She already had a career in social work and had raised a family. Then her father suffered a brain injury and developed dementia as her mother battled cancer. Negrón and her brother became co-guardians for their father. Watching home health aides try to exploit her parents led her to want better eldercare services. That desire led her to CUNY Law School.

Given its public-interest slant, experiential focus, and welcoming stance toward nontraditional law students—not to mention the Elder Law Clinic—Negrón knew she had found the right place.

Six years later, Negrón still regularly visits Professor Joe Rosenberg’s clinic to talk to students. She also places them with the Guardianship Project, where they most recently were instrumental in recovering \$63,000 unlawfully held by a client’s son.

“Guardianship is such an invisible area of practice. To me, it demands the development of a cadre of talented and caring lawyers to provide the advocacy and services this population really needs and often doesn’t get,” she said. ●

Elder Law Clinic: Students' Perspectives

Third-year Elder Law Clinic students Carolyn Fakury, Mary Elizabeth Murray, and Katie Redmon, along with Nora Moran, a social work intern from Hunter College, discuss the clinic and what inspired them to become lawyers.

What did you work on in the Elder Law Clinic?

Katie Redmon: We represented people on both sides of contested guardianship petitions when their cases were complex enough to require an attorney. The other exciting thing we did was pilot the *Pro Se* Guardianship Project, which helps individuals represent themselves in uncontested guardianship proceedings. The *Pro Se* project is designed to give people legal assistance without actually engaging in representation, in cases where it is unnecessary. This allows us to make the most of scarce resources. Participants generally come to us after they hit a legal roadblock in caring for an adult with diminished capacity. One participant, for instance, wanted to buy a house so her husband could end his four-year stay in a nursing facility. According to the client, the bank would not secure a loan without her husband's signature. He was in a catatonic state and could neither sign nor appoint a power of attorney. We explored less-restrictive alternatives to guardianship, but there were none. We confirmed that she was able and willing to represent herself at a guardianship hearing. We drafted a detailed petition together, and the participant filed it and proceeded *pro se*.

What's the value of incorporating a social work perspective into a project like this?

Nora Moran: Since we were preparing people to navigate the

legal system without a lawyer, my perspective ensured that the guardianship process was explained in a way that kept the client as the focus. Having a social work perspective allowed us to think beyond the immediate legal need and consider life's other factors that may influence guardianship petitions.

Why did you choose the Elder Law Clinic as your clinic placement?

Mary Elizabeth Murray: I carried immense personal connections with me when I joined the Elder Law Clinic. Immediately before law school and throughout my first year, I cared for my grandmother in her final days. Spending time with my grandparents at hospitals and doctors' offices opened my eyes to the daily physical, emotional, and societal challenges faced by the elder population.

What inspired you to become a lawyer?

Carolyn Fakury: I've been told since I was about 7 years old that I would be a good lawyer. I didn't know what people meant at the time, but as I grew up I found myself taking on the role of advocating for the underdog. It was natural for me to stand up and protect those who seemed to need it the most, and I had no problem being vocal about it. ●●

From left: Carolyn Fakury ('13), Mary Elizabeth Murray ('13), Professor Joe Rosenberg, Katie Redmon ('13), Nora Moran, and Professor Degna Levister





CUNY LAW WELCOMES NEW FACULTY

On the following pages, we are pleased to introduce you to the newest faculty to join CUNY Law. *Profiles by Paul Lin*

LYNN LU



Defending Access to Public Benefits

In her first year at CUNY Law, Clinical Law Professor Lynn Lu has enjoyed teaching the lawyering seminar to first-year students in the fall; this semester, she's co-teaching the Economic Justice Project (EJP) with EJP founder Professor Stephen Loffredo.

"The students are fantastic and very engaged," said Lu, who finds that unlike law students elsewhere, CUNY Law students have goals that closely fit the school's public service mission.

CUNY Law students also bring into the classroom "diverse work and life experiences to draw on," Lu said. Such rich backgrounds make for strong conversations on the issues—discussions about professional responsibility, the ideal work-life balance, and identification of students' skills and how to use them best.

"As 2Ls build client relationships, it's not a simulation anymore. Their decision making really matters, as do their life experience and judgment," noted Lu.

In the EJP, 2L students get their first chance to represent clients in administrative hearings. These clients are also CUNY students trying to further their education and raise themselves out of poverty; however, they face barriers because of New York requirements involving the public benefits system.

EJP builds on existing organizing by CUNY students at the Welfare Rights Initiative at Hunter College to challenge some of the policies that followed congressional changes to the welfare system in 1996, changes that deterred students from receiving public assistance and continuing education.

Teaching the EJP course is a good fit for Lu. Prior to teaching, she focused on poverty law and public benefits at the National Center for Law and Economic Justice. The center also does some work on access to education for students, so Lu actually had worked with EJP prior to coming to CUNY Law.

Lu also has experience with criminal justice reform, having challenged racial inequality and sentencing disparities in the criminal justice system at the Brennan Center for Justice at NYU School of Law. The experience solidified her interest in how public benefits and criminal justice intersect, as well as how laws disproportionately affect poor and marginalized people in society.

When the CUNY Law position opened up, Lu felt the timing was right. As a teacher with EJP, she would get to do some of the same work she had done at the National Center for Law and Economic Justice.

In the EJP, Lu's students will talk about the role of lawyers in a social justice movement. It's an essential conversation for CUNY Law students to have, Lu believes.

"We need to really think about what we want the law profession to be for, and CUNY's mission seems to get it right," said Lu. "We have such a lack of access to justice in this country and so many resources being poured toward legal defense for organizations that are already very powerful and privileged. It would be more valuable to use a legal background to advance the mission of public interest law." ●●



ALAN WHITE

Advocating for Economic Justice

Wander past Professor Alan White's office after class and you may find his students deep in conversation about the recent financial crisis and foreclosure situation.

White, who started teaching contracts, commercial law, and bankruptcy last fall, knows plenty about the financial crisis, having advised Federal Reserve Chairman Ben Bernanke while serving on the Fed's Consumer Advisory Council. From 2006 to 2008 he urged the Fed to do more to regulate subprime mortgages and the risk in the mortgage market.

"These loans were being made without regard to whether people could pay them back. [The Fed] had been very reluctant to do anything," said White, even though the subprime mess had been brewing for a decade, with foreclosures occurring largely in communities of color. "Anybody who criticized these new mortgage products was seen as some sort of skunk at the garden party."

It became a crisis, he said, after spreading to the suburbs and more economically vibrant parts of the country. By that time, not only were large numbers of homeowners feeling the impact; financial institutions and investors were also hurt. The Fed "finally issued regulations in 2008 after the whole thing exploded," he said.

Academics aside, when students come to chat with White about the subprime fallout, there also may be a personal reason.

"Some students have had family problems with financial institutions and housing," he said. Or students may have had experience helping homeowners or tenants in work they did before law school.

"CUNY students are different. They know why they want to be in law school and have a background doing social change or other community work," noted White, who previously taught law at universities including Valparaiso, Drake, and Temple. "There's also tremendous diversity in the student body—socially, economically, ethnically—compared to any other law school. It makes it a real pleasure to teach here."

White himself practiced law for 24 years at Community Legal Services of Philadelphia, after earning his J.D. from New York University. He represented thousands of low-income clients in bankruptcy, mortgage foreclosure, and related cases.

Given White's career path, CUNY Law seemed a natural place to teach. There's also a complementary aspect to how he fits in with the rest of the faculty.

"CUNY faculty are heavily focused on public law and the relationship between individuals and the state," White said. "But I think the kind of work I've done on consumer law issues, regulation of banking and financial institutions, and how the world of money works also offers something valuable for students." ●●

LISA DAVIS



Advocating for Women's Rights

Lisa Davis ('08) has been associated for years with the International Women's Human Rights Clinic (IWHR), but this is her first year as a full-time clinical professor.

"It's really exciting to be able to work with CUNY students in terms of teaching how to both advocate and litigate for women's rights and gender rights in regional and international forums," said Davis.

Most recently, that has meant making trips to Haiti and Colombia with CUNY delegations. In early February, delegates, including students and Dean Michelle Anderson, attended an event in Haiti to help garner support for the passage of an unprecedented law that would enhance protections for women who have suffered from sexual violence, and also improve their access to services.

The latest visit to Port-au-Prince follows several years of groundwork in Haiti. In 2010, IWHR students documented violence against women living in squalid displacement camps that were set up after the devastating January 2010 earthquake. IWHR then worked with a local women's organization, KOFA-VIV, on behalf of individuals who experienced sexual violence. Together, they drafted a successful petition to the Inter-American Commission on Human Rights requesting Haiti take immediate measures to redress the situation.

"Ever since," Davis said, "we've been working on the implementation of that decision."

Teaching students and giving them practical on-the-ground experience is how IWHR has operated since it was cofounded

in 1992 by professors Rhonda Copelon and Celina Romany. Copelon led the clinic for many years, until her death in 2010. The current director is Cynthia Soohoo.

"Graduates from IWHR have gone on to international human rights NGOs or tribunals or other international legal NGOs, continuing the work they did in the clinic," said Davis; these graduates include Natasha Bannan ('11), now a legal fellow at the Center for Reproductive Rights, and Blakeley Decktor ('12), a legal fellow at the International Gay & Lesbian Human Rights Commission.

Davis first came to CUNY Law after having worked as a human rights advocate. She was drawn to IWHR under Copelon, admiring the clinic's progressive values, as well as CUNY Law's mission. Earning a J.D., she felt, would give her a better way to help people and to advance policies.

After graduating, Davis went back to the international human rights field as a legal consultant and then worked as director of human rights advocacy at MADRE, where she is still an advisor to the international human rights docket.

Now a full-time professor at CUNY Law, Davis feels honored to be able to continue the work that Copelon did for so long in what has become one of the premier international human rights clinics in the country.

"It's my dream job; I couldn't imagine teaching anywhere else," she said. "It's a real opportunity to be with CUNY at this moment in time, to see its longevity and look forward to its future, doing something no other law school does: providing cutting-edge lawyering and attorneys whose main focus in life is helping advance people's rights." ●●

NINA CHERNOFF

Committed to Client-Centered Lawyering

It happened by chance. Associate Professor Nina Chernoff had just moved to New York and had not heard about CUNY Law until she paused to speak with CUNY Law professors Babe Howell and Natalie Gomez-Velez at a criminal law lecture.

They spoke with such passion for the Law School's mission that Chernoff was mightily impressed.

"I didn't know it was possible to have that kind of community and commonality of interest and mission in academia," recalled Chernoff, who had been teaching lawyering at NYU. "The night after I met these two professors, I knew I had to get a job here."

Now in her first year at CUNY Law, she has been teaching Lawyering to first-year students and Evidence to second-year students.

"I feel lucky to have landed here. I really admire the students and faculty," she said.

Chernoff brings to the classroom a background in criminal justice and juvenile justice reform. Before teaching, she worked in the special litigation division of the Public Defender Service for the District of Columbia and the Juvenile Law Center of Philadelphia.

"What I took away was the incredibly strong commitment to client-centered lawyering at the very highest level," said Chernoff of her public defender experience. "That kind of very fierce, focused work ethic made a big impression on me. I hope I'm bringing that into the classroom, too."

Chernoff has definitely brought that level of intensity to her academic scholarship. In a recent paper, she examined the racial inequities in jury systems, using statistics to show how juries underrepresent people of color.

"I felt outraged, and that it was important to gather the evidence of this inequity that's being accepted and condoned by



the courts," she said.

With plenty of fuel for outrage, Chernoff doesn't often think about the origins of her anger, but she saw inequities early on.

"[Growing up,] I saw that the criminal justice system and the community responded differently to misconduct by young people," she said, explaining that race, money, and parental support made the difference in how young people were treated. "I was struck by the unfairness of it."

Chernoff first worked to change things as a public school teacher in Philadelphia. She also focused on policies and programs for at-risk youth at the nonprofit organization Public/Private Ventures, working to keep kids out of the juvenile justice system. Eventually, she went back to school, earning an M.S. in criminal justice from American University and then a J.D. from Georgetown.

At CUNY Law, Chernoff hopes to bring her passion and experience in criminal and juvenile justice reform to the classroom. At the same time, she takes inspiration from her students.

As a member of the Admissions Committee, she reads student applications and has learned more about applicants' lives and work experiences and why they want to come to CUNY Law.

"They're really inspiring," she said. "I've gotten goose bumps reading these stories. I hope it brings out the best in me because they're putting a tremendous amount of effort and hard work into being here. I feel like I have to live up to it." •



ALEX BERRIO MATAMOROS

Enhancing Research with Technology

“I’m the librarian with probably the fewest books on my bookshelf,” said Alex Berrio Matamoros, the new emerging technologies librarian and library associate professor.

A grand total of two books are on the shelf, plus a third on his desk. All three are law books, at least. “I don’t really use print books very much. Digital resources are what I focus on most,” he said.

And iPods. His collection takes up an entire shelf.

Berrio Matamoros teaches legal research to first-year students, but has the additional responsibility of overseeing the introduction of new technologies throughout the library. That includes providing users with e-books and new electronic resources.

It’s not surprising to see technology play a bigger role at the Law School. More attorneys take their iPads and other devices in the field to do legal research, or bring them to court to double-check something, to bolster an argument, or to collaborate with colleagues. Berrio Matamoros encourages students to do the same when they conduct legal research. He also envisions a day when faculty will work the use of tablets into other aspects of practice.

Berrio Matamoros’s interest in digital media and legal research dates back to a time between college and law school, when he saw how easy it was for people to infringe on artists’

copyrights and keep them from benefiting financially from their own creations.

At Boston College Law School, he interned at a firm specializing in new media and intellectual property. He thought he had found what he wanted to do, but he questioned whether working at a firm was the right fit. Then he realized what he enjoyed most about the law was the day-to-day research he did. That put him on his current career path.

Berrio Matamoros taught at BC Law School after graduating. When an opening arose at CUNY, he was immediately attracted to the fact that law librarians here were on the tenure track.

“It’s refreshing to find a faculty that appreciates and understands the importance of law librarians as peers in teaching,” he said.

Students’ devotion to public interest law was another draw.

“The student body here is so incredibly passionate about doing good and using the law as a tool for justice,” he said.

Berrio Matamoros joins CUNY Law on the eve of a big birthday for the school, which has been an innovator since Day One through its public interest spirit and focus on clinical education.

“In the few months I’ve been here, I’ve seen interest among faculty, administration, and students about enhancing legal education through technology. I feel like there’s an opportunity for CUNY Law to be innovative and continue to lead,” said Berrio Matamoros. ●

FLORENCE KERNER

Preparing Students for the Bar

If you had been a student at Orientation this past fall and met Florence Kerner, you would not have forgotten her enthusiasm and sheer excitement during that program.

"It's the best thing about teaching here," said Kerner, in her first full year as a lawyering instructor at CUNY Law. "Our students are such fascinating, committed human beings."

Kerner should know. She has actually taught the lawyering seminar program to first-year students as an adjunct since 2006, which included legal writing, as well as client communication, interviewing, negotiating, oral argument, and other skills.

Students might also get Kerner later on in Uniform Commercial Code, Applied Legal Analysis, or, after graduation, in a bar mentoring program run by Kerner and Allie Robbins.

But it's not just Kerner's academic ubiquity that makes her identifiable. It's her genuine desire to help students learn and figure out where they're going, even if they think they already know.

When she was beginning her career, "I didn't see any path; I just kept going," said Kerner. "You try to tell them that somehow things work out the way they're supposed to. You can't always see the straight path or know where you really want to be, until you try a few things. But you get there."

Kerner's own path led her to a job clerking in the U.S. District Court, Eastern District of New York, for a federal magistrate judge.

"He was very passionate about the work he had done as a federal defender [before becoming a judge], and it really inspired me," said Kerner.

When her clerkship ended, Kerner joined the Legal Aid Society in its Criminal Appeals Bureau. She wrote briefs and argued in the New York Court of Appeals. She also appeared twice in the U.S. Court of Appeals for the Second Circuit.

Based on her Legal Aid experience, Kerner got a job at Hofstra University, where she taught lawyering and legal writing. She took some time off to raise a family and then, in 2006, started teaching at CUNY Law.

"I knew what CUNY did; I knew about the public interest



mission. I thought it would be a good fit," said Kerner. "I've enjoyed teaching here ever since. And I'm thrilled to have a full-time instructor position now."

Although Kerner has always felt welcomed by the faculty and students as an adjunct, being full-time in a new building with her own office has given her a more settled-in feeling. And, in retrospect, she feels her career moves all make sense.

"I love working one-on-one with students," she said. "I feel really comfortable here in this place and in this job." ●



IN THIS FEATURE, WE ARE PLEASED TO SHARE HIGHLIGHTS OF RECENT SCHOLARSHIP FROM CUNY LAW FACULTY. The following is a condensed introduction to Professor Caitlin Borgmann’s article “Appellate Review of Social Facts in Constitutional Rights Cases,” which is forthcoming in the *California Law Review*. The full article is available at http://papers.ssm.com/sol3/papers.cfm?abstract_id=2179212.

Borgmann joined the faculty of CUNY Law in 2004. She is currently spending a sabbatical year as a senior fellow at the Columbia Center for Gender & Sexuality Law. Her scholarship focuses on the respective roles and authority of the courts and the legislatures in protecting constitutional rights, and on the role and judicial treatment of fact finding in constitutional rights cases. She has also written extensively about reproductive rights.

APPELLATE COURTS AND THE QUESTION OF SOCIAL FACTS

BY CAITLIN BORGMANN

When legislation or government policies are challenged in federal court as violating individual constitutional rights, federal district court judges may issue written findings of fact after preliminary hearings or bench trials, which often occur before the law or policy goes into effect. The facts that are relevant to these cases are social facts, also commonly called “legislative” facts. In contrast to case-specific or “adjudicative” facts (the “who, what, when, where, how, and why” facts specific to the case), social facts are general facts, often predictive in nature, that have significance for society more broadly and that often form the basis of judicial rulemaking. Examples of such questions of fact are whether violent video games cause aggression in children, or whether certain abortion procedures carry safety advantages for the pregnant woman.

A major unresolved question is how appellate courts should treat these findings of social fact. Normally, facts found by a federal district judge are protected on appeal by Federal Rule of Civil Procedure 52(a)(6), unless those findings are “clearly erroneous.” Although nothing in the rule exempts social facts from its scope, it is widely believed that such facts are not subject to the rule and that appellate courts should review them independently. Remarkably, considering the importance of social facts to constitutional rights litigation, the Supreme Court has never addressed the question in any detail or answered it definitively.

Despite the lack of Supreme Court precedent, some federal courts of appeals have held that social facts are subject to independent appellate review.¹ I refer to this exclusion of social facts from the scope of Rule 52(a)(6) as the “social facts exception.” Legal scholars often repeat as dogma the proposition that social facts are not subject to Rule 52(a)(6).² But judges and legal experts disagree about this.³ After *Perry v. Schwarzenegger*,⁴ in which a federal district judge struck down California’s Proposition 8 banning same-sex marriages, legal experts made starkly contrasting predictions about how the trial court’s findings of fact would be treated on appeal. Some said that Judge Vaughn Walker’s findings would insulate the decision on appeal because the “clearly erroneous” standard would apply,⁵ while others maintained that the nature of the facts found made it unlikely that the Ninth Circuit would defer.⁶ On appeal, the Ninth Circuit panel seemed uncertain about how the facts should be treated, although it ultimately sidestepped the question.⁷

I propose a clear-cut solution to all the confusion. Appellate courts should straightforwardly apply Rule 52(a)(6) to constitutional social facts. This approach is consistent with the language and intent of the rule. It also reinforces the judiciary’s role as a protector of constitutional rights against oppression by the majority. When legislatures “find facts” to support legislation that encroaches on constitutional rights, especially when the right implicates a controversial or hot-button social issue, this fact finding is often biased and unreliable. Constitutional rights claimants look to the federal courts for dispassionate, independent review of the relevant social facts. Trial courts are well-positioned to perform this function.

For example, trial judges are able to observe the verbal and nonverbal behavior of trial participants, including expert witnesses. This can be particularly helpful when a trial court confronts the contentious factual issues often underlying laws that restrict controversial or minority rights. For example, in a legislative hearing on a “partial-birth abortion” ban in Alaska, witnesses compared abortion procedures to the “Nazi Holocaust” and testified that the medical profession had “cut its own throat” by allowing abortion providers to “perform unjustified abortions” and “falsify the patient’s records” in order to secure a “pre-arranged convenience for the mother and a financial benefit for the doctor.”⁸ In contrast, when “partial-birth abortion” bans were tested in federal court, the district judges had the opportunity to

see and hear abortion doctors in person, which helped counter these caricatures prevalent in public discourse and in legislative hearings. This opportunity may help explain why 12 out of 13 federal district courts invalidated the bans, finding that they prohibited methods that protected women's health.

Appellate courts, on the other hand, lack many of these advantages. There are no formal rules governing fact finding at the appellate level. Advocacy groups and others submit amicus briefs at the appellate level that contain factual assertions that are unvetted by the adversary process. In addition, Supreme Court justices and appellate judges freely turn to their own research, including Internet searches. This informal, unscreened fact finding deprives the parties of the opportunity to contest or develop facts "found" by the appellate court. There is no reason to think that this system is better at resolving social fact disputes than the tried-and-true process of a trial.

The Supreme Court's opinion upholding the federal Partial-Birth Abortion Ban Act illustrates the problems that occur when appellate courts independently review social facts. In *Gonzales v. Carhart*, Justice Kennedy asserted, admittedly without "reliable data," that women are emotionally traumatized by abortion.⁹ The "authority" Justice Kennedy cited was an amicus brief submitted by Sandra Cano, the plaintiff from *Doe v. Bolton*¹⁰ who now claims to regret her abortion, and "180 post-abortive women who have suffered the adverse emotional and psychological effects of abortion."¹¹ The brief was part of a deliberate campaign of

anti-abortion-rights groups to persuade Justice Kennedy to reverse his position on the constitutional status of abortion. The asserted social "fact" was not relevant to the case, was of questionable scientific validity, and surely would not have survived the rigors of a trial. Justice Kennedy even conceded it lacked a sufficient

scientific foundation. Yet it now carries the Supreme Court's imprimatur and is being cited by lawyers trying to convince courts to uphold laws that require women to be told that abortions cause women emotional harm.

In short, the pat rule that social facts should be independently reviewed, while adjudicative facts merit the deference of the "clearly erroneous" standard, does not hold up under scrutiny. A likely reason the Supreme Court has never definitively declared Rule 52(a)(6) inapplicable to all social fact finding is that such a rule seems too rigid. The justices surely sense that at times, deference is appropriate. Yet no one has offered a more nuanced rule as to when deference is appropriate and when it is not. This article aims to present such a rule.

The article first establishes the basic groundwork for understanding appellate review of social facts. It describes the general appellate standard of review for trial judge fact finding, the "clearly erroneous" standard, and the social facts exception. It goes on to identify and examine the various rationales underlying the social facts exception and concludes that none is sufficient to justify excluding social facts from Rule 52(a)(6). The article then proposes a framework for appellate review of social facts that incorporates the "clearly erroneous" standard. ●

The pat rule that social facts should be independently reviewed, while adjudicative facts merit the deference of the "clearly erroneous" standard, does not hold up under scrutiny.

1 See, e.g., *United States v. Singleton*, 29 F.3d 733, 740 (1st Cir. 1994); *Dunagin v. Oxford*, 718 F.2d 738, 748 n.8 (5th Cir. 1983) (en banc) (plurality opinion).

2 See, e.g., Bryan Adamson, "Critical Error: Courts' Refusal to Recognize Intentional Race Discrimination Findings as Constitutional Facts," 28 *Yale Law & Policy Review* 1, 17 n.71 (2009).

3 See, e.g., *McPherson v. Rankin*, 786 F.2d 1233, 1237 (5th Cir. 1986) ("The precise fit of the clearly erroneous standard of review and our duty to make 'an independent judgment on the facts of the case[] is not altogether clear."), *aff'd*, 483 U.S. 378 (1987).

4 704 F. Supp. 2d 921 (N.D. Cal. 2010), *aff'd sub nom. Perry v. Brown*, 671 F.3d 1052, *reh'g en banc denied*, 681 F.3d 1065 (9th Cir. 2012), *cert. granted sub nom. Hollingsworth v. Perry*, 133 S. Ct. 786 (2012).

5 See, e.g., Andrew Koppelman, "Power in the Facts," *New York Times Room for Debate* (Aug. 4, 2010, 10:03 PM), www.nytimes.com/roomfordebate/2010/08/04/gay-marriage-and-the-constitution/judge-walkers-factual-findings; Dahlia Lithwick, "A Brilliant Ruling," *Slate* (Aug. 4, 2010, 9:27 PM ET), www.slate.com/articles/news_and_politics/jurisprudence/2010/08/a_brilliant_ruling.html; Mark Ambinder, "Prop 8 Overturned: The Facts, Not the Law, Matter," *The Atlantic* (Aug. 4, 2010, 5:17 PM ET), www.theatlantic.com/politics/archive/2010/08/prop-8-overturned-the-facts-not-the-law-matter/60957/.

6 Dave Hoffman, "There Are Facts, and Then There Are Constitutional

Facts," *Concurring Opinions* (Aug. 5, 2010, 1:07 AM); Orin Kerr, "How Much Do the Factual Findings Matter in *Perry v. Schwarzenegger*?" *The Volokh Conspiracy* (Aug. 5, 2010, 2:42 AM), www.volokh.com/2010/08/05/how-much-do-the-factual-findings-matter-in-perry-v-schwarzenegger/. Hoffman's post reflects a common confusion or blurring between social (or "legislative") facts and "constitutional facts." See *infra* Part II.A.2.3. Here he seems to use the term to mean social facts, not constitutional facts in the sense in which the Supreme Court usually uses this term. *Id.*

7 *Perry v. Brown*, 671 F.3d 1052 (reciting Rule 52(a)(6) but expressing uncertainty as to whether the district judge's findings of social fact were best characterized as "adjudicative" or "legislative" and whether the "clearly erroneous" standard should apply), *reh'g en banc denied*, 681 F.3d 1065 (9th Cir. 2012).

8 "An Act Relating to Partial-Birth Abortions: H. Judiciary Comm. Meeting on H.B. 65," 20th Leg. (Alaska 1997), available at www.legis.state.ak.us/basis/get_single_minute.asp?ch=H&beg_line=0965&end_line=2183&session=20&comm=JUD&date=19970307&time=1308.

9 550 U.S. 124, 159 (2007).

10 *Doe v. Bolton*, 410 U.S. 179 (1973).

11 Brief of Sandra Cano et al. as Amici Curiae in Support of Petitioner at 2, *Gonzales v. Carhart*, 127 S. Ct. 1610 (2007) (No. 05-380), 2006 WL 1436684.

Alumni News

Many of your classmates have a lot of news to share, including business addresses, marriages, children, and photos—more than we can fit in the magazine! For expanded Alumni News, please visit the alumni section of www.law.cuny.edu.

1986

VINCENT MAHER received his master's degree in English literature from Iona College. His daughter recently graduated from nursing school and received her R.N. degree.

THE HON. SONDR A. PARDES was elected to the New York State Supreme Court in November 2012. She had been sitting in the Nassau County District Court since 2009 and is presently assigned to the Nassau Matrimonial Center.

JOE ROSENBERG is one of a handful of participants in the CALI Access to Justice ("A2J") Clinical Project. CALI accepted Joe's proposal to develop a curriculum for the Elder Law Clinic at CUNY School of Law designed to produce materials and forms for *pro se* litigants in adult guardianship proceedings under Article 81 of the Mental Hygiene Law using the A2J software. The goal is to have the software program disseminated widely to legal aid, legal services, the courts, and others involved in Article 81 proceedings. Joe's article "Routine Violations of Medical Privacy in Article 81 Guardianship Cases: So What or Now What?" was published in the January 2013 *New York State Bar Association Journal*. Joe has been serving as the interim associate dean of clinical programs at CUNY and will become associate dean on a permanent basis in June 2013.

CATHY VELEZ-LIPPMAN and **GARY LIPPMAN** have lived in Florida for almost 17 years. Their daughter Jenna attends Georgia Tech and their daughter Jacqueline is a freshman in high school.

1987

THE HON. DORIS M. GONZALEZ was transferred to the matrimonial division of the Supreme Court, Bronx County. She spent the past six years in the criminal division in Criminal and Supreme Court, Bronx County.

The New York Law Journal recognized **BARBARA J. KING**, a partner at Tully Rinckey PLLC, as a role model for lawyers statewide for her dedication to helping lower-middle-income New York families gain access to and navigate the legal system, particularly through her volunteer work with Schenectady County's Modest Means Panel Program.

BETH S. LYONS served as a defense counsel in three cases at the International Criminal Tribunal for Rwanda in Arusha, Tanzania. Her review of Professor Nancy Amoury Combs's book *Fact-Finding Without Facts: The Uncertain Evidentiary Foundations of International Criminal Convictions* was published in the *Journal of Genocide Research* in September 2011.

1988

AMY SALTZMAN is serving as a vice president of the New York Women's Bar Association for 2012–2013.

1989

In addition to her position as deputy director of the Westchester County Human Rights Commission, **JERRICE DUCKETTE EPPS** is president of the Westchester Black Bar Association.

1991

ANNA LEVINE currently works as a mediator. She shares her sympathy on the death of her classmate Lawrence Cullen.

IN MEMORIAM: **LAWRENCE CULLEN** died in November 2012. He was a judge on the New York State Supreme Court.



Jerrice Duckette Epps ('89)

1992

The Suffolk County Bar Association appointed **PETER C. WALSH** as associate dean of the Suffolk Academy of Law, cochair of the East/End Extension Academy Committee, cochair of the Elder Law Committee, and cochair of the Solo and Small Firm Committee.

1993

In December, **STEPHEN BERGSTEIN** prevailed in a ruling from the Second Circuit Court of Appeals, which affirmed a jury verdict under Title VI of the Civil Rights Act of 1964. The case is *Zeno v. Pine Plains Central School District*.

BEATRICE HAVRANEK began her law career as an associate in the law firm of a local lawyer. In 2006, she became the first assistant county attorney for the County of Ulster, and in 2009 she became the county attorney. She is the first woman to hold either position.

BILL TSOUMPELIS represents distressed homeowners in foreclosure actions and clients in real estate-based litigation.

1994

K. JACOB RUPPERT is in his seventh year as court counsel and district hearing officer for the 11th Judicial District Court of Louisiana as well as his fourth consecutive year as president of the Louisiana Hearing Officers' Association. Jacob also serves on the Louisiana Supreme Court's Domestic Violence Curriculum Committee. In October, he hosted **KATHRYN JONES MALWITZ** and **JESSICA CARRIGAN-BRODA** in New Orleans for a Big Easy reunion and celebration of the life of **LARRY S. SHARPE**, who recently passed away.

IN MEMORIAM: **LARRY S. SHARPE** died in September 2012.

1995

KIM DVORCHAK was a collaborating author of *Colorado: An Assessment of Access to Counsel and Quality of Representation in Juvenile Delinquency Proceedings*.

JUDITH FLAMENBAUM is retired and continues to help others through pro bono work. She is on the legal advisory board of Sanctuary for Families and is a member of the board of visitors at CUNY Law School. She is supervising an uncontested divorce program through a CLRN offspring. Her four grandchildren are all in school. Judith and her husband will celebrate their 50th wedding anniversary this year.

SAM OAKLAND continues as a teaching park ranger in the Pacific Northwest. He is on a leave of absence to teach law and literature at the Moldovan State Institute of International Relations and also at Moldovan State University as part of his fourth Fulbright teaching grant. In February, he was the keynote speaker at the Black History Through Fiction & Film Conference at the American Studies Center of Moldova.

1997

For the past six years, **JEANNE VAGELL ROWLEE** has been an assistant public defender in Broward County.

1998

KATHLEEN MCLAUGHLIN is in solo general practice in Ocean Grove, NJ. She is also a pool attorney for the juvenile division of the Monmouth County Public Defender's Office.

GIOVANNI C. MERLINO is with Dinkes & Schwitzer, handling labor law, construction site accidents, and workers' compensation claims.

MICHAEL TOBMAN served as senior advisor to Flushing Assemblywoman Grace Meng during her successful campaign for U.S. Congress. He is coordinating a statewide campaign for an increased role for local governments in the approval and siting of commercial casinos. Michael is the founding principal of Hudson TG and launched Riverview Public Affairs with his colleague Julie Roginsky. Michael lives in Brooklyn with his wife, Aimee, and their children, Hailey and Jacob.

1999

THE REV. MYKAL O'NEAL SLACK was ordained in October 2012. He is the founder of 4Lyfe Ministries. He is based in Boston, MA.

IN MEMORIAM: **MARYANN ZALESAK** died in October 2012.

2000

DIEGO DEMAYA is a human resources educator and legal analyst at Southwest ADA Center.

2001

ERICA BUCKLEY (née McHale) was appointed chair of the New York City Bar Association's Committee on Housing and Urban Development. In December, Erica coauthored "Land Banking in New York Begins—How Our Towns and Cities Are Using the New York Land Bank Act to Fight Blight and Encourage Renewal" with **BENJAMIN FLAVIN** ('09) in the New York State Bar Association's *Real Property Law Journal*.

NATHANIEL R. PUFFER has been a staff attorney at New Mexico Legal Aid in Taos, NM, for the past five years.



Leroy Gadsden ('02)

2002

THE REV. CHRILL D. CREWS was granted approval for ordination/admission to the roster of ordained ministers of the Evangelical Lutheran Church in America in October 2012 by the Candidacy Committee of the Metropolitan New York Synod.

LEROY GADSDEN, the Criminal Justice and Legal Redress Chair for the New York State NAACP, provided testimony on the discriminatory impact and effects of NYPD Stop and Frisk at the New York State Assembly Hearings and the New York City Council Hearings on Police Stop and Frisk.

IAN F. HINONANGAN has been in his solo immigration practice for 10 years in Jersey City, NJ. Ian plans to expand his practice to Baltimore and Washington, DC.

KIRK LUND is a part-time law clerk for Waukesha County Family Court Judge Michael O. Bohren and plans to seek his license to practice law in Wisconsin on proof of practice in Minnesota.

MARK S. SILVER published the 3rd edition of *Handbook of Mitigation in Criminal and Immigration Forensics: Humanizing the Client Towards a Better Legal Outcome*.

2003

HARRY BERBERIAN is the director of strategic partnerships and resource development at Graham Windham.

ED CAMPANELLI became staff attorney at Housing Works.

DEIRDRE A. O'BRIEN was appointed as a trustee at the Cornelia Connelly Center.

KAVITA PAWRIA married Siddhartha Sanchez in New Rochelle, NY. Kavita has been the executive director of the Office of Refugee and Immigrant Affairs at the City of New York's Human Resources Administration/Department of Social Services since 2008.

AZALIA VOLPE (née Lopez) is an administrative law judge for the New York State Office of Temporary and Disability Assistance.

2004

JONNEE BENTLEY joined Service Employees International Union as assistant general counsel in February 2012. She lives in Washington, DC.

After living in Venezuela for many years, **EVA GOLINGER** is practicing immigration and international law in New York. Eva also has a weekly television show, *Detrás de la Noticia*, on RT Spanish. She is preparing a book about her time in Venezuela working as an advisor to Venezuelan president Hugo Chavez. Eva's son, Zachary, was born in 2012, and they live in Brooklyn.

BILLY MASSEY is a partner at the worker/union-side labor and employment firm of Gladstein, Reif, & Meginniss, LLP. He is also an adjunct professor at CUNY Law, teaching and supervising students in the Community & Economic Development Clinic.

BENJAMIN M. MASTAITIS is entering his fourth year at the Albany County

District Attorney's Office. His wife, **KATE MASTAITIS** ('04), is an attorney at Donnellan and Knussman, PLLC, in Ballston Spa, NY. They have two children, Eleanor and Greta.

CARRIE MILLER'S son, Elias Kassatly, completed his B.A. at Hunter College in December 2012.

2005



Anya Gupta-Riccardi, daughter of Sebastian Riccardi ('05) and Malvika Gupta ('05)

E. MICHELLE ANDREWS is a senior staff attorney for the Northern Manhattan Improvement Corporation's housing unit. She married Kevin M. Noonan in June 2012. Michelle serves on the Legal Issues Affecting People with Disabilities Committee at the New York City Bar Association.

JONATHAN DARCHE became the deputy chief prosecutor with the Civilian Complaint Review Board in January.

MIKA DASHMAN joined Fishman & Mallon, LLP, in November 2012.

JENNIFER LEIGH DEVENUTI (née Mazzo) is an associate at Picciano & Scahill, P.C., in Westbury, NY.

MAGGIE KAWINSKI and **HOLLIS PFITSCH** had their first child, Oskar Pfitsch-Kawinski, in October 2012.

SEBASTIAN RICCARDI and **MALVIKA GUPTA** welcomed their daughter, Anya Gupta-Riccardi, in December 2012.

2006

HEATHER COOK is a prosecutor at the NYC Civilian Complaint Review Board's (CCRB's) new administrative prosecutions unit. Heather's new deputy at the CCRB is **JONATHAN DARCHE** ('05).

STEVE DIAMOND, his wife, and two daughters moved to Albuquerque, NM, at the recommendation of **CHARLIE STOLL**. Steve has joined Charlie in prosecuting domestic violence cases in the 2nd Judicial District Attorney's Office.

MICHAEL DAVIDOV is an estate planning and elder law attorney in Forest Hills, NY. He launched a financial coaching business in April. His book, *Legacy Wealth Planning: The Essential Guide to Estate Planning in New York*, will be published in 2013. Michael was named one of the "Kings of Queens" by the *Queens Courier* and obtained the designation of Fellow from the American Academy of Estate Planning Attorneys.

PAULA GRIFFITH EDGAR welcomed a son, Austin Edgar, in July 2012.

DAVE PALMER, executive director of the Center for Working Families, had two op-eds published recently. "United We Donate" appeared in the *Albany Times Union* and "Look for Substance of Minimum Wage and Campaign Finance Bills in Albany" appeared in *Newsday*. Dave and his wife, Paloma, recently celebrated their daughter Maya's 1st birthday with **MICHAEL OPPENHEIMER**, **IVAN PANTOJA**, **YOGI PATEL**, **RICHARD CELESTIN**, and **ELIZABETH CORDOBA** ('11).

IRINA C. RODRIGUEZ received in Motion's 2013 Commitment to Justice Award.

CHARLIE STOLL lives in Albuquerque, NM, where he prosecutes felony domestic violence crimes for the 2nd Judicial District Attorney's Office.

JENI WRIGHT, along with her husband, Walter, and son, Jonah, welcomed Jeni's

daughter, Lila Wright Walden, in January. Jeni is a part-time staff attorney at SeniorLAW Center in Philadelphia.

CHRISTINE ZIELINSKI is a litigation supervisor in the Manhattan office at the Center for Family Representation. She is engaged to Paul Bruno.

2007

SIENNA BASKIN is the codirector of the Sex Workers Project at the Urban Justice Center in New York. In July, she chaired a panel at the International AIDS Conference on the rights of sex workers. In September, the project issued a comprehensive report on human trafficking from Mexico to New York. Sienna also serves on the New York State Bar Association's Special Committee on Human Trafficking. She lives with her wife, **CHRISTA DOUAIHY** ('08), in East Harlem, NY.

KIMBERLY JONES BENDANA was married in March 2012 to Raymond Bendana. Their son, Nicholas Gregory, was born in December.

ROSALBA NOVOA DAVIS is a staff attorney at Catholic Charities of Baltimore. She lives in Howard County with her daughter Jillian and her spouse Derik.



Paul J. Kilminster ('08)

ALICIA PEREZ (Miller) is a private immigration attorney in Houston, TX.

2008

CHRISTA DOUAIHY is a team leader at the Bronx Defenders in its civil action practice. She also serves on the AIDS Committee of the New York City Bar Association. Christa lives with her wife, **SIENNA BASKIN** ('07), in East Harlem, NY.

LAUREN B. HYMAN is a trial attorney at Mental Hygiene Legal Service, 1st Judicial Department, Bronx Office. In November 2012, Lauren married Jeffrey Weinberg. CUNY Law alums in attendance were **AMANDA ALLEN**, **CHRISTOPHER FITZGERALD**, **RUTH CUSICK**, **GEOFF BICKFORD**, **SEAN MALLEY**, **MATT MONROE**, **JEN HOPE** ('07), **JENN BECKER**, and **KIM TATE-BROWN** ('05).

PAUL J. KILMINSTER is an associate with the law firm Goldberg Segalla in its workers' compensation and labor and employment practice groups in Garden City, NJ

2009

In 2012, **ALANA CHAZAN** opened Baumer & Chazan Law Group, LLP, a community law firm based in Echo Park, Los Angeles.

BEN FLAVIN, **YOGI PATEL** ('06), and Bikram Singh formed Patel Law LLP in September 2012. In the spring of 2013, they welcomed **FRED ROONEY** ('86) as a partner, who will continue to consult with law schools to develop access to justice programs. **MAGGIE SPOSATO** ('10) is a senior associate with Patel Law LLP, and **ERIN LLOYD** ('06) serves as of-counsel.

In December 2012, **ALEXANDER KEBLISH** became an associate attorney at Citak & Citak in Manhattan. He performs pro bono work through the Volunteer Lawyers Project of the Brooklyn Bar Association.

ANTHONY M. LISE practices family law at Weiss, Buell & Bell.

COREAL RIDAY-WHITE was elected vice president of the Association for Dispute Resolution of Northern California. He is an associate at a small civil litigation firm in San Francisco and is expecting his second child this spring.

2010

MAURICIO E. NORONA ran for a seat in the Ecuadorian National Assembly to represent the Ecuadorian community residing in the United States and Canada.

In January, **BRADLEY PARKER** became an international advocacy officer and staff attorney at Defense for Children International–Palestine Section, based in Ramallah.

VIRGINIA WILBER accepted a job at Nelson Law Firm, PLLC, in Waterloo, IA.

2011

PAULA SEGAL presented "Protest Lawyering: Theory and Practice," at a New York County Lawyers Association CLE in February. Her article "Flowers Follow" appeared in the Fall 2012 issue of *Shelterforce*.

LIZA M. ZAYAS is assistant law clerk to the Hon. Pam Jackman Brown, justice of the Queens Supreme Court.

2012

KENNY MINAYA is a staff attorney at the Catholic Migration Office's Immigrant Tenant Advocacy Project.

Through the New York Senate Graduate Fellowship program, **MINDY D. MITCHELL** is a legislative fellow in the Albany office of New York Senator José Peralta.

MICHAEL J. RAGO is a law clerk (associate upon admission) at the Novo Law Firm, P.C., in Manhattan. In October, Michael married Samantha Skoriak.

EMILY REES married Christian Garnett in November in Houston, TX. She will now go by the name Emily Garnett.

KELLY MARIE FAY RODRÍGUEZ is working for the AFL-CIO in Washington, DC. While in Phoenix documenting labor–community partnerships in electoral and civic engagement, Kelly assisted the Adió's Arpaio campaign and caught up with **LAUREN DASSE** ('12), who is an immigration staff attorney at the Florence Project.

Faculty Notes

MICHELLE ANDERSON'S article, "Legal Education Reform, Diversity, and Access to Justice," 61 *Rutgers L. Rev.* 1011, 1016 (Summer 2009), was cited in the Brief of the American Bar Association as Amicus Curiae in Support of Respondents in *Fisher v. University of Texas*. Anderson was also quoted by the *Daily News* and was featured in the *New York Law Journal's* Law School Special Section in November 2012.

ALEX BERRIO MATAMOROS coauthored "Librarians, Legal Research, and Classroom iPads—A Winning Combination: Integrating iPads into Legal Research Instruction at Boston College Law School" in the September 2012 issue of *AALL Spectrum*. In November, he presented "Flipping the Classroom: Adapting Teaching Strategies to Maximize Time in the Classroom" at the CUNY IT Conference at John Jay College.

CAITLIN BORGMANN presented "The Constitutionality of Government-Imposed Bodily Intrusions" at Loyola-Chicago Law School's Third Annual Constitutional Law Colloquium in November 2012. She was quoted in the *USA Today* article "Protracted Fight Over Abortion Rights Comes Due" and was interviewed on KRLD News Radio, Dallas, TX, on the 40th anniversary of *Roe v. Wade*.

REBECCA BRATSPIES'S chapter "Assuming Away the Problem? The Vexing Relationship Between International Trade and Environmental Protection" was published in *Non-State Actors, Soft Law and Protective Regimes* (Ed. Cecilia Bailliet), Cambridge University Press. In September 2012, she presented "Using Human Rights to Make Resource Development Decisions in the Arctic" at the Fifth Polar Law Symposium and "GMOs: Is Anyone Regulating?" at the Vermont Law School Conference on Agriculture and Food Systems. She published *Mayah's Lot*, an environmental justice comic book, with the Center for Urban Environmental Reform and organized

the seminar Greening the Red Zone: Sustainability in Cities with the U.S. Forest Service. She published "Food, Technology and Hunger" in the journal *Law, Culture and Humanities* (October 2012) and "Marine Environmental Law" (with Anastasia Telesetsky) in the *Routledge Handbook of International Law* (2012). Her blog post "Embracing Environmental Justice to Green the Cities" appeared on the Nature of Cities blog; her "BP Guilty Plea: Vindication or Drop in the Ocean?" post appeared on the Intlawgrrls blog; and her "Navigating the High Seas: Why the U.S. Should Ratify the Law of the Sea Treaty" post appeared on the Center for Progressive Reform blog. She presented "Lies We Tell Ourselves about the Green Economy" at the American Society of International Law's International Economic Law Biennial Meeting in December. Bratspies also moderated the Future of Environmental Law panel at the University of Akron Law School Conference on the Next Generation of Environmental Law.

In September 2012, **SUSAN J. BRYANT** co-presented "Bringing a Racial Justice Lens to Legal Services Work" with Lillian Moy & Tanya Douglas at the Partnership Conference for Legal Services in Albany. In October, she presented "Clinical Fieldwork Design" with Conrad Johnson at a Clinical Theory Workshop. In January, she presented "Presiding in Interpreted Proceedings: Understanding Key Issues in Court Interpretation" at a new judges training at the New York State Judicial Institute. She presented "Faculty Collaborations" with **DONNA LEE** at the AALS Conference in New Orleans and presented "The Five Habits and Race: Problem-Solving Issues of Cross-Cultural Lawyering and Bias" with Jean Koh Peters at MFY Legal Services.

NINA W. CHERNOFF published "Wrong about the Right: How Courts Undermine the Fair Cross-Section Guarantee by Confusing it with Equal Protection," 64 *Hastings L. J.* 141 (Dec. 2012). She coauthored "Jury Composition Challenges" in *Jurywork:*

Systematic Techniques, 2d, 2012–2013 edition, with Joseph B. Kadane.

DOUGLAS COX'S op-ed "The CIA and the Unfinished National Archives Inquiry" was published on JURIS. He presented "The Odyssey of the Noriega Files" at a CUNY Library Association meeting. He also presented "'Neutrality' as Archival Activism in the Age of Wikileaks" at the New School symposium Archives & Activism.

In October 2012, **LISA DAVIS** participated in the Expert's Meeting on International Law, Disarmament, Women and Human Rights in London. She testified on the codification of lesbian, bisexual, and transgender human rights at the UN Committee to End All Forms of Discrimination Against Women (CEDAW) 53rd Session in Geneva, Switzerland. She was also a guest lecturer on litigating cases in international human rights bodies at Hastings Law School in San Francisco. In December, she presented at the International Gay & Lesbian Association (IGLA) Annual World Conference in Stockholm, Sweden.

FRANK DEALE made two panel presentations on voter suppression and the Voting Rights Act in October 2012 at the Seventh Annual CUNY Black Male Initiative Conference, "Rock the Vote: The Presidential Election of 2012, the Struggle for Voting Rights and the Future of Urban America."

JULIE GOLDSCHIED presented her article, "Rethinking Civil Rights and Gender Violence," at the Social Justice Feminism conference at the University of Cincinnati in October 2012.

In September 2012, **NATALIE GOMEZ-VELEZ** presented "The Nuts and Bolts of the Admissions Process—Character and Fitness Review" with Maria Matos, executive secretary for character and fitness for the Appellate Division First Department. She and **CARMEN HUERTAS** served as experts on a board governance panel at Acacia Network Inc.'s Seventh annual working board retreat. In October, Gomez-Velez presented



Professor Victor Goode

“Urban Public Education Reform in New York City” on the panel “Education Reform and Governance: Trends, Legal Issues and Litigation” at the Education and the Law Symposium, sponsored by the ABA Section of State and Local Government and UMKC School of Law in Kansas City. In January, she was a scholarship presenter at the 100 Hispanic Women Inc.’s Young Latinas Leadership Institute Scholarship Awards at Hunter College of the City University of New York. Her article “Urban Public Education Reform: Governance, Accountability, Outsourcing” was accepted for publication in *Urban Lawyer*. Her articles “LaunchPad for Justice: Public Interest Legal Apprenticeship Serving Urgent Legal Needs” and “Structured Discrete Task Representation to Bridge the Justice Gap: CUNY Law School’s LaunchPad for Justice” were accepted for publication in the *CUNY Law Review*.

In October 2012, **VICTOR GOODE** published “Affirmative Action May Turn on Defining ‘Critical Mass’ of Diversity” and “The Roberts Court May Have the Last Word on Affirmative Action,” both in *Colorlines*. He participated in the “Creating and Sustaining Social Justice Lawyers” panel at the Society of American Law Teachers Conference in Baltimore in October. He also presented the CLE class “The Future

of Affirmative Action: The Fisher Case and Its Aftermath” at CUNY Law School. In November, he presented “The Colorline and Campus Admissions: The Past, Present and Uncertain Future of Affirmative Action” at the Facing Race Conference in Baltimore. In December, Goode published “Viewpoint: Affirmative Action in Peril” in the *Clarion*, PSC CUNY. He also presented “Can the Law Help Achieve Dr. King’s Vision of a Beloved Community? A Meditation, a Talk, a Reflection” at the New York City Bar Association, Contemporary Lawyers Group.

BABE HOWELL presented on and moderated a panel on the legality of the stop-and-frisk program at an all-day dialogue on stop and frisk at John Jay College of Criminal Justice in October 2012. She was quoted in the *Tampa Bay Times* article “Parents Angry after Finding Their Children’s Names on Police ‘Gang Lists.’”

In September 2012, **CARMEN HUERTAS-NOBLE** was a commentator on “Standing in the Shadow of Tax Exceptionalism: Expanding Access to Judicial Review of Federal Agency Rules,” authored by **LYNN LU**. She moderated CUNY School of Law’s Law Review and Labor Coalition’s panel discussion “Fire Your Boss: Worker Cooperatives, Community Development and Social Change!” in November. Huertas-Noble and **NATALIE GOMEZ-VELEZ** served as experts on a board governance panel as part of Acacia Network Inc.’s seventh annual working board retreat in September.

JEFFREY L. KIRCHMEIER published “Confession for the Soul? A Defense Lawyer’s Moral Advice to a Guilty Client,” 10 *Ohio State J. Crim. L.* 219 (2012) in December.

SARAH LAMDAN presented the CLE class “Researching Ethical and Legal Issues in Data Privacy & Social Media” with the Law Library Association of Greater New York in December 2012.

ANDREA MCARDLE published “Using a Narrative Lens to Understand Empathy and How It Matters in Judging” in 9 *Legal Communication & Rhetoric: JALWD* 173 (Fall 2012). In November 2012, she presented on the panel “Generating Ideas for Scholar-

ship” at the Legal Writing Institute’s One-Day Workshop at George Washington University School of Law in Washington, D.C. Her essay, “A Living, Working Faith: Remembering Our Colleague Derrick A. Bell, Jr. as Teacher,” appeared in 2 *Columbia Journal of Race & Law Special Feature* 30 (2012), an online, interactive edition that followed a daylong conference on Derrick Bell’s work at the Center for the Study of Law and Culture at Columbia Law School in December 2011.

In September 2012, **JENNY RIVERA** was the program moderator and presenter of the Civil Procedure segment at the Third Annual Supreme Court Term Review CLE program hosted by CLORE, the Hispanic Bar Association—NY Region, and the Puerto Rican Bar Association at Kelley Drye LLP. In October, she presented at the Northeast People of Color Conference in Boston on current and future challenges to Latino law student enrollment. Penny Andrews and Rivera both received the Haywood Burns/Shanara Gilbert Award at the conference.

RUTHANN ROBSON’S essay “Toward a More Perfect Analysis” appeared on SCOTUSblog in its online same-sex marriage symposium in September 2012. Robson organized and moderated the annual distinguished professor public conversation at CUNY Law in November, featuring Professor of Law **SHIRLEY LUNG** and CUNY Distinguished Professor Stanley Aronowitz. In January, she spoke at the New York City Bar and at the Public Law Advocacy program at Cardozo School of Law for the 40th anniversary of *Roe v. Wade*. She was also a judge in the finals of the National Moot Court competition at the New York City Bar. Robson was quoted by CBS on same-sex marriage cases and the affirmative action case in its stories about Supreme Court review; CBC, Rue89, and *South Carolina Lawyers Weekly* quoted her about secession petitions on www.whitehouse.gov; the *New York Times* and Associated Press quoted her about First Amendment concerns about banning sex offenders from using the Internet, and www.lawyers.com quoted her about assault weapons bans and the stop-and-frisk program.



Professor Deborah Zalesne

FRANKLIN SIEGEL and three co-counsel to the Class in *Handschu v. Special Services Division* filed a motion in federal court in Manhattan on February 4 to enjoin the New York City Police Department's surveillance program targeting legal First Amendment activity in Muslim communities. The motion also asks the court to appoint a monitor to ensure NYPD compliance with guidelines adopted under the *Handschu* decree. The NYPD surveillance program directed at Muslim communities was disclosed by Associated Press reporters (who were awarded a Pulitzer Prize). Their series detailed how NYPD infiltrators had routinely monitored worship and political activity in mosques, student associations, and community gathering places for no reason other than a connection to Islam, and with no indication of unlawful or terrorist activity. The filing was the subject of the lead Sunday *New York Times* editorial on February 10.

CYNTHIA SOOHOO was asked to chair the selection committee for the Ace Foundation Rule of Law Human Rights First Fellowship. She chaired the fellows interviews and selection in December 2012. Soohoo was also named board chair for the U.S. Human Rights Network and chaired the December board meeting.

RICHARD STORROW published "Marital Status and Sexual Orientation Discrimination in Infertility Care" in the *Law Journal for Social Justice* and "Judicial Review of Restrictions on Gamete Donation in Europe" in *Reproductive BioMedicine Online*. In September 2012, he presented his comments on the paper "Mothering for Money: Regulating Commercial Intimacy" at the Baby Markets Roundtable at Indiana University's Maurer School of Law.

In September 2012, **ALAN WHITE** presented "Disparate Impact Analysis under Fair Credit Laws" at the National Press Club on a panel organized by the Law & Economics Center at George Mason University. In October, he spoke on credit discrimination laws at the Public Policy Conference on Consumer Protection in Arlington, VA. He also spoke on a panel on standing issues in foreclosure litigation at the National Consumer Law Center's Consumer Rights Litigation Conference in Seattle. In November, he presented a work in progress, "Banks as Utilities," at the Class Crits conference at the University of Wisconsin–Madison. In January, he was the moderator and section chair for the AALS creditors' and debtors' rights section program. He was also a speaker at Cardozo Law School on

predatory lending. White posts regularly on the Credit Slips blog. He was quoted in the Huffington Post on the rolling jubilee movement, an offshoot of Occupy Wall Street organizing around debt cancellation.

JOHN WHITLOW spoke at Harvard Law School in November 2012 at the conference Community Responses to the Foreclosure Crisis. He also spoke at the Urban Uprising in History, in Process, in the Future conference at the CUNY Graduate Center.

DEBORAH ZALESNE was invited to join the author team of Amy Kastely, Deborah Post, and Nancy Ota for the fifth edition of *Contracting Law*, published by Carolina Academic Press. She was also invited to be on the editorial board of the *Journal of Legal Education*.

STEVE ZEIDMAN was appointed to a three-year term on the Indigent Defense Organization Oversight Committee by Luis A. Gonzalez, presiding justice of the Appellate Division, First Department. His article, "Gideon: Looking Backward, Looking Forward, Looking in the Mirror," was accepted for publication in a special issue of the *Seattle Journal for Social Justice* commemorating the 50th anniversary of *Gideon v. Wainwright*. He was quoted by the Associated Press in a story about problem-solving courts, by the *New York Law Journal* about citywide disparities in felony conviction rates, and in a www.DNAinfo.com article about a recent federal court ruling that the NYPD's stop-and-frisk program was unconstitutional.

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