

# Clinical Programs

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Touro Law Center is pleased to welcome Associate Professor Leif Rubinstein as the new Acting Director of the Clinical Programs.



## Overseas Military Sales Corporation (OMSC) Awards \$5,000 to the Veterans' and Servicemembers' Rights Clinic

The grant will fund a Summer Fellowship to address the critical needs of local veterans.

The newly revived Veterans' and Servicemembers' Rights Clinic, with the help of Program Director Professor Ken Rosenblum, has hit the ground running, and is representing Vietnam, Iraq, and Afghanistan veterans in a range of matters. This semester students have worked on discharge review, correction of medical records, debt relief, and drivers' license renewals.

They have also helped veterans join other organizations in asking New York State Senator Lee Zeldin to seek the appointment of a dedicated representative in the Department of Motor Vehicles (DMV) who will create a more updated policy on veterans' renewal of their drivers' licenses. Frequent deployments and address changes often cause license suspension and renewal problems for many servicemembers.

Students also work with agencies to help sponsor legislation for homeless or indigent vets that would give judges in specialized Veterans' Treatment courts the discretion to waive or modify mandatory surcharges (there are an estimated 5,000 homeless veterans in Suffolk County alone). In early November, the clinic began hosting regular monthly legal assistance workshops at the Veterans Administration in Northport.

## A Message from the Director of Clinical Programs

Clinical legal education is about providing law students with an exciting opportunity to have hands-on practical experience in the legal profession prior to graduating. At Touro Law, our Clinics are known throughout the Long Island community for providing much-needed quality legal assistance to individuals and families who would otherwise not have access to such help. As a Clinic participant you will learn, under the direction of an experienced faculty member or practitioner, substantive law related to the Clinic that you are enrolled in, as well as lawyering skills such as interviewing, negotiating, counseling and case management. You will be given opportunities to improve your writing skills as well as to appear in court representing real people with real legal issues. Our goal is to help you become practice ready so that whichever field of law that you enter you will be able to do so with confidence, knowing you are ready to help others as a representative of this very noble profession.

## Summer Fellows Working in the Clinics

A Siena College, Pre-Law Mentor Summer Fellowship was awarded to two students, Andrew Federico and Alyssa Lowell, to work with our clinics this past summer. Andrew worked with the Disaster Relief Clinic and Alyssa was part of the Senior Citizens Law Program.

This is the second year that Touro was involved with this very innovative program that has brought to us dedicated students with a commitment to be part of the practice of law and to social justice.

## In the Wake of Sandy

To date, the Disaster Relief Clinic has helped over 1,500 Long Island residents with Sandy-related legal issues. Student clinicians have researched several dozens of legal and policy issues impacting Sandy victims, including drafting a memorandum of Good Samaritan laws for nonprofits, and researching the state home buyout and grant programs, oil spill laws and remediation, FEMA disaster assistance regulations and case law, and federal flood insurance law and regulations.

The clinic has created an insurance checklist for the public and New York-legal services providers, with sample form letters to send to insurers, in order to comply with certain policy deadlines. They have developed a mutual referral network between the clinic and other disaster relief nonprofits, such as FECS Health and Human Services, with a FECS disaster case manager working directly out of the law school.



Senator Schumer and Touro Law Dean Patricia Salkin with Clinical Faculty and students at a press conference to bring awareness to FEMA deadlines.

LLM Students from Duke Law School visited Touro Law Center's Disaster Relief Clinic to work with Hurricane Sandy victims. They had the opportunity to work with students from York, UK, St. Thomas, Phoenix University and Siena College.







## New Programs Coming to the Clinics

It's never too early to start thinking about which clinics you may be interested in. At Touro Law Center, it is our goal to provide every student with at least one clinical or externship experience.

As part of our desire to provide students with as many choices as possible, several clinics will undergo transformations, and we are planning entirely new clinical programs. The Mortgage Foreclosure and Bankruptcy Clinic will become two separate clinics in the spring with Professor Leif Rubinstein, Director of Clinical Programs, continuing with the Bankruptcy Clinic and Adjunct Professor Melissa Greenberger supervising students in the Mortgage Foreclosure Clinic.

Professor William Brooks is developing a new clinic to replace the existing Civil Rights Litigation Clinic and Professor Jonathan Ezor is finalizing plans for an exciting new Technology Startup Business Clinic. Our clinic directors are always available to discuss their clinics with you. Stop by anytime to visit us for more information. And don't forget, registration for the Fall 2014 semester will begin in March.

## Elder Law Clinic: Students' Compassion and a Mother's Commitment

Sometimes our clients' circumstances are heartbreaking and their plight impels our students to extraordinary efforts. Such was the case this past year with one of our elderly clients and the multiple teams of students who assisted her. Our client was a 92-year old woman who was living in her son's home, caring for him because he suffered from early-onset Alzheimer's Disease. Although alert and strong-willed, she had her own medical problems and caring for him was a demanding responsibility. But she was painfully aware that at her age her ability to care for him was limited and she wanted to set up legal arrangements to care for him when she no longer could. Our students were awed by her resolve and determined to help her, as she had given everything she had to help to her son; she no longer had assets, health or any family to assist.

At first they prepared a petition for guardianship to enable her to become his guardian and then together with the client

sought out another person who would act as the "standby" guardian to act in the future. Not surprisingly the client was distraught at the prospect of testifying about her son's condition and she worried about him constantly. As the hearing approached the students attended a meeting with the Court Evaluator, prepared her for her testimony at the hearing, accompanied her to the hearing and drafted all the documents needed to accomplish the guardianship. As much as the students learned about the legal process of guardianship, they learned equally about family devotion, the tenacity of the elderly and the necessity of treating clients with patience and dignity.

Sadly, a few months later the son's condition deteriorated and a new team of students assisted her when she was compelled to move him to a nursing home for more intensive care. Now that he was in a nursing home, students had to represent her in a claim for Medicaid coverage for her son and assisted her to sell his home. Unfortunately her meager income was insufficient to maintain the home, so it had to be sold, necessitating legal help by a new group of students to apply to the Court for permission to sell the home. Again, dedicated students prepared the sales contract, drafted the application to the court, helped her prepare for the hearing, accompanied her to the hearing and drafted the documents

approving a sale and establishing a Special Needs Trust for the son. However, this elderly woman, alone without family and no funds could not manage the physical aspects of the move. Although she was resourceful enough to find some buyers for some personal items, packing, moving and making all the arrangements associated with a move was too demanding. Again Elderlaw Clinic students came to her rescue. Not only did the team of Matthew Gordon and Matthew Leonhardt escort her to look at a possible new home, they arranged for her admission to an assisted living residence, packed up her personal things, packaged items to be taken to the Salvation Army and personally drove her and her possessions to her new home, helping her get settled. After all this physical labor, finalizing the documents for the closing and attending the closing with the Prof. Artusio was the easy part, but they stayed with their client throughout an exhausting day when she said goodbye to the home where she had, for so many years, devoted herself to caring for her son. There are more legal tasks to do for this client, and we know that the next team of students will assist her with the same diligence and compassion as students before. Maybe as much bending, lifting and carrying won't be required, but our students will be as professional and empathetic as those who have helped her to this point.



## Civil Rights for the Modern World

Since 1989, the Civil Rights Clinic has been a leading force in the movement to provide protection and advocacy for those who have been diagnosed as mentally ill, setting federal precedents in the area.

Lisa Vega and Kim Saasto, working with Prof. William Brooks, are pursuing an appeal to the Second Circuit in *Petrone v. Hampton Bays Union Free School District*, 2013 U.S. Dist. LEXIS 97292 (E.D.N.Y. July 10, 2013). This lawsuit is a discrimination case under the Americans with Disabilities Act in which the plaintiff, a first-year teacher who suffered from generalized anxiety disorder and panic disorder, alleged that the defendant violated the ADA when it forced him to resign after he requested an additional number of sick days when he was manifesting the symptoms of mental illness.

While a number of circuit courts and district courts within the Second Circuit have held that an extended amount

of sick days constitutes a reasonable accommodation under the ADA, the Second Circuit has yet to address this issue. Perhaps more significantly, research so far has revealed that the circuit court has addressed the issue of whether the failure to provide a specific date of return renders it an otherwise reasonable request to extend the amount of sick days. After familiarizing themselves with the long summary judgment motion, Lisa and Kim then exhausted all case law on the issue at hand, as well as the issue of whether a reasonable jury could conclude that the defendant acted with impermissible animus when it forced the plaintiff to resign. The brief was due in mid-November.



## Mortgage Foreclosure and Bankruptcy Clinics Respond to Crisis

The continued downturn has created deep financial distress. The loss of jobs, the shrinking of credit, the increasing number of layoffs in both the private and public sectors, the decline in the housing market, and the reduction of business activity has resulted in profound hardship for large segments of the population.

The Mortgage Foreclosure Clinic seeks to assist local residents who are victims of the economic downturn. Students negotiate

## Law & Diversity in the Family Law Clinic



Recently, one of our students represented a client who had been served with a petition demanding that his wife be given full custody of their child.

The client was in the U.S. on a student visa from Haiti to attend a graduate program. He was planning on leaving the U.S. at the end of May 2013, but he wanted to retain some parental rights. The student working on the case participated in several in-depth consultations, considering that the multi-national aspects of this case complicated the strategy and influenced the client's objectives. The student was entirely professional and negotiated an excellent settlement for our client, while clearly explaining its terms and restrictions. The client also benefited from Touro's diverse student body, because this student's knowledge of Creole and the Haitian culture improved our services to this client.

mortgage modifications, appear in New York Supreme Court at mandatory Foreclosure Settlement Conferences, and research and draft litigation documents.

The Bankruptcy Clinic represents clients in personal bankruptcy proceedings in federal court and counsel debtors on available alternatives to bankruptcy. Students also interview and counsel clients, investigate facts, review financial records and, negotiate on behalf of their clients.

# Small Business and Not-for-Profit Transactional Experience: An Outstanding Complement to Touro's Evening Program

The Small Business and Not for Profit Law Clinic enables students to engage in the practice of basic corporate and non-profit law while helping community groups accomplish important goals. Students advise groups on appropriate forms of organization and provide ongoing legal services in matters such as creation of corporate structure and by-laws; applications for

tax-exempt status; compliance with federal, state, and local laws; fundraising; advice about board and volunteer liability; restrictions on lobbying; and government filings. The newly added Small Business component will permit students to counsel local small business owners in a variety of areas such as lease negotiation; permit applications and licensing requirements.

One of the many accomplishments of this clinic is the Tender Loving Care (TLC) Community Fund, a 501 (c) (3) organization created by the Touro Community to assist students in financial difficulty. The program helps students with financial needs and it is supported by the entire school's faculty & staff.

## Students Reflect on the Clinical Experience

### Matthew Leonhardt, '14

I have been working in the Elderlaw Clinic since the beginning of the summer and my experience has been nothing short of eye-opening. Certainly, being able to work in an office that focuses in an area of law which I would like to pursue in the future is an ideal situation. During my time here, I have been able to pick up on certain nuances of the legal profession as well as mastering skills necessary to function as a capable attorney.

It is an incredible and unique feeling to be able to help a client achieve the goals that the client set prior to coming to the Elder Law Clinic for assistance. From aiding a client in obtaining guardianship over a loved one, to protecting the interests of an individual who can no longer defend his/her self, to going above and beyond the legal duty by aiding clients with matters that are humanitarian in nature and unrelated to Elder Law - the ability to interact with clients and feel like you have made a positive difference in their lives is the reason that I look to enter the legal profession. I could not be more proud of the work that I have done thus far, and cannot wait to build upon the roots and skills that I have established here in the Elder Law Clinic long into the future.

### Christina Knorr, '14

Participating in the Veterans' and Servicemembers' Rights Clinic has been one of my best experiences in law school. Not only am I learning new areas of law, but I am also gaining invaluable hands on experience. Dean Rosenblum, who supervises the clinic, has gone above and beyond in providing us with such amazing learning opportunities,

and has introduced us to some of the most influential people in the area of Veterans law. I think I can speak on behalf of all the students in the clinic when I say that the work we have done has been inspiring, motivating and heartwarming.

### Lawrence Zaccarese, '14

After starting my internship in the Disaster Relief Clinic, I quickly realized its impact and value - the experience of the faculty and staff is unrivaled. Not only is this clinical program providing excellent pro bono services within its practice areas, but the collaboration of the clinics also allow for interdisciplinary referrals. Many of the clients seen by one clinic often have multiple issues (eg, a Sandy client who also happens to be elderly or is having foreclosure issues coupled with an insurance claim). The faculty and staff all work seamlessly in collaboration. I am confident that my time spent here will pay dividends in my career. I would strongly encourage my colleagues to take advantage of the opportunity.

### Sara Carissimi, '14

Working in the Family Law Clinic has been an invaluable experience. It has allowed me and my colleagues to take what we've previously learned in Family Violence and Family Law classes and use our knowledge to help real clients. The clinic has provided us with the opportunity to meet and interview clients, draft petitions and documents, and represent clients on the record in court proceedings. The Family Law Clinic runs like its own little efficient law firm; it is a wonderful experience to

help students determine whether or not they are interested in pursuing a career in Family Law in the future.

### Stephanie Ramirez, '13

My time at the Mortgage Foreclosure and Bankruptcy Clinic as a student intern has helped to further hone my client communication skills. I have had an opportunity to meet with clients and assess their needs on a one on one basis. Because foreclosure is a personal process, each of my clients required a personalized approach. Through each loan modification I submitted, I gained a working knowledge of the system. Armed with this information, I have been able to counsel my clients on the appropriate methods and procedures to submit a successful loan modification. Additionally, by attending settlement conferences, I have learned firsthand how loan modifications are reviewed.

Furthermore, I was able to broaden my understanding of the Home Affordable Modification Program (HAMP) and reduce common errors that are associated with modification applications. Working in the clinic has been a wonderful experience for me. I have been able to learn from the ground up and stick around long enough to see the results. The clinic has allowed me to work hands-on more than any other internship I have been a part of. An additional benefit has been my ability to address other issues in such proceedings. I am truly thankful for the clinic molding me professionally.



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