

5-8-2023

Criminal Defense Clinic Hosts German Students for Exploration of the American Criminal Legal System

Tuhfa Begum '23

**WE ARE NEW YORK'S LAW SCHOOL****Criminal Defense Clinic
Hosts German Students for
Exploration of the American
Criminal Legal System**

Tuhfa Begum '23 • Published May 8, 2023

In April, 11 law students from the Free University of Berlin in Germany visited New York Law School to learn about the American criminal legal system and the work that NYLS's Criminal Defense Clinic does to advocate for indigent New Yorkers who are accused of misdemeanor crimes.

On the first day of the visit, my clinic classmates and I delivered a three-hour presentation on the American criminal legal system which covered key provisions of the United States and New York State Constitutions, the layout of courtrooms in New York City Criminal Court, and the ways that defense attorneys provide zealous, client-centered representation to indigent populations. Our presentation concerned the nuances of how a case commences in court, how we preserve our clients' rights to a speedy trial, and how very few cases in the state and federal systems ever make it to trial—meaning that many people accused of crimes may enter into a plea agreement which may result in some period of incarceration.

On day two of the visit, our guests were able to use the knowledge from our presentation to observe proceedings in New York City Criminal Court. We began our observations at arraignment, the initial proceeding that formally commences a criminal action. At arraignment, defendants have the charges against them formally read before they enter a plea of guilty or not guilty. Judges make decisions about bail status at arraignment as well. After arraignment proceedings, we observed proceedings in the court's All-Purpose parts, where a number of post-arraignment appearances—from motion arguments to sentencing after plea negotiations—can occur. Finally, we ended our court visit by observing portions of a felony murder trial.

We followed our court visit with an event hosted by the Wilf Impact Center for Public Interest Law and the Criminal Justice Institute which commemorated the 60th anniversary of a landmark Supreme Court case, *Gideon v. Wainwright*. That case held that the Sixth Amendment requires counsel be provided to criminal defendants who cannot afford one. Irwin Shaw, Attorney in Charge at the Legal Aid Society, and Mildred Morillo '15, Trial Attorney at New York County Defender Services, served as panelists at

the event, where they shared what public defense looks like in practice. Our guests were able to learn about the history of public defense in New York and how Gideon, despite its best efforts, may not be fully realized amidst an underfunded public defense system.

Having almost single-mindedly focused on client representation this year, our visitors from the Free University of Berlin offered my classmates and me a refreshing reprieve from practice by allowing us to demonstrate the knowledge we have developed throughout our year in the clinic. We also had a wonderful time discussing the differences between criminal defense practice in the United States versus Germany and what international standards for criminal legal reform can look like.

**Experiential Learning at New York Law School's
Plumeri Center**

Experiential learning is an integral part of the NYLS education. The Plumeri Center is NYLS's home for experiential learning, and the Center houses our many clinics, including the Asylum Clinic. Through our top-tier programs, we offer students the opportunity to turn theory into practice: Starting in their first year, students participate in counseling, interviewing, and negotiating exercises in their foundational Legal Practice course. During their upper-level years, students may select from a wide array of experiential learning courses to hone their lawyering skills. Together with a comprehensive legal education, these experiential offerings prepare our students for careers in advocacy.