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New York Law School's Civil and Human Rights Clinic: An Opportunity to Learn, A Commitment to Help

Richard D. Marsico

Cover Story

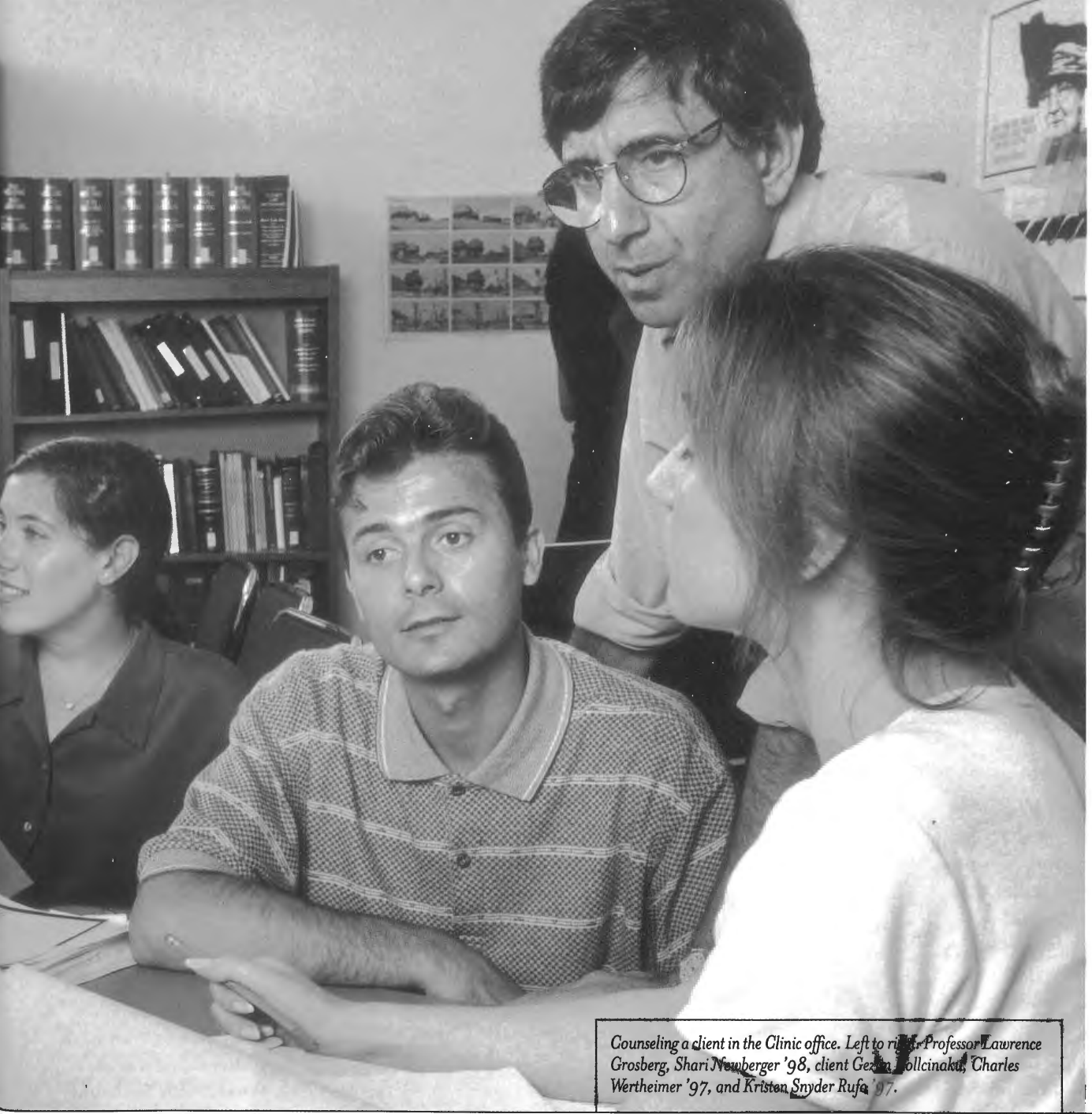
SINCE 1991, THE STUDENTS AND FACULTY OF NEW YORK LAW SCHOOL'S CIVIL AND HUMAN RIGHTS CLINIC HAVE PROVIDED PRO BONO SERVICES TO THOSE WHO HAVE SUFFERED CIVIL AND HUMAN RIGHTS ABUSES. THEIR WORK HAS RESULTED IN ASYLUM FOR THE POLITICALLY PERSECUTED, IMPROVED BANK LENDING IN UNDERSERVED COMMUNITIES, AND REPRESENTATION FOR VICTIMS OF DISCRIMINATION.



New York Law School's Civil and Human Rights Clinic:

An Opportunity to Learn, A Commitment to Help

BY PROFESSOR RICHARD D. MARSICO



Counseling a client in the Clinic office. Left to right: Professor Lawrence Grosberg, Shari Neuberger '98, client Gezin Bollcinaku, Charles Wertheimer '97, and Kristen Snyder Rufa '97.

Three children and their father, fleeing the civil war and its aftermath in Rwanda, wait anxiously to board the plane at Nairobi Airport in Kenya that will carry them to their mother, Clotilde Twagiramariya, a political asylee in the United States. They have not seen her in three years. ➤➤

An official tells them that their approval to travel to the United States has been withdrawn and they will not be leaving after all. The official gives the family no reason for the withdrawal and no indication when, or even if, final approval will be granted.

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Delcy Gonzalez, a young woman of Honduran descent who has recently graduated from college and is working at her first professional job, seeks an apartment in Queens convenient to her workplace. She looks at an apartment that is in the right location and the right price. She tells the landlord that she wants to rent it. The landlord tells her that "Hispanics play loud music" and refuses to rent to her.

✱

Chinatown residents deposit billions of dollars in the nearly 50 bank branches in the community. Despite this, Asian Americans for Equality ("AAFE"), a community group located in Chinatown, sees that the banks are doing little housing lending in the neighborhood. The area is in great need of loans for housing rehabilitation, as much of the housing is in poor condition and people live in overcrowded conditions. AAFE wants to take action to increase lending.

✱

The people and organizations in these three diverse situations share one thing in common: they are all represented by students enrolled in New York Law School's Civil and Human Rights Clinic. Operating as a small law firm out of an office in the Lawyering Skills Center at NYLS, the Clinic offers pro bono legal services on cases involving such matters as race, sex, housing and banking discrimination, and applications for political asylum. Directed by Professors Carol Buckler, Lawrence Grosberg, and Richard Marsico, students are given the opportunity to learn about being lawyers while using their nascent legal skills to make a positive contribution to people's lives.

Established in 1991, the Clinic's primary mission is twofold: to train students to be lawyers and to show students the dif-

ference that law can make in people's lives.

Under the careful supervision of the Clinic faculty, students interview and counsel their clients, perform legal research and writing, and participate in discovery, negotiations, and trials. They meet regularly with the professors to discuss progress on their cases, attend seminar meetings, and participate in taped simulations in which they perform the role of a lawyer working with a client.

Offered as a six-credit, one-semester course, the Clinic provides students with the

opportunity to learn a broad range of lawyering skills. A carefully developed case-load presents a variety of situations, all of which involve the deprivation of a civil or human right. The Clinic's work demonstrates that litigation is not the only form of advocacy in which lawyers engage, but that legal advocacy comes in many different shapes and occurs in many different places.

As the students work closely with their clients they also learn the importance of a lawyer's responsibility to others. Clinic student Aliaa Abdelrahman '98 remarks, "At the Clinic you really feel as though you are accomplishing something. Working with the clients is a big responsibility but also very fulfilling. Working as a team with the other Clinic students and learning to put the client first really prepares you to be a lawyer. The professors' guidance and their faith in us is terrific."

Political Refugees Find Help at NYLS

The Clinic is a significant provider of legal representation to political refugees in the United States. Each year, the Clinic represents three or four political refugees in their efforts to obtain political asylum in the U.S. The Clinic has obtained asylum for clients from nearly a dozen countries spanning three continents, including Chinese political dissidents, Bosnian Muslims, a Turkish journalist, Burundian and Rwandan Hutus, and Albanian political prisoners (see close-up on Gezim Kollcinaku, page 7).

Although winning asylum for a client is in itself a great accomplishment, it is only the first step in the process of restoring a client's life to a semblance of normalcy. One of the most important tasks the Clinic undertakes after winning asylum for a client is immediately to seek to bring the client's family to the United States. In the case of Clotilde Twagiramariya, a Hutu from Rwanda, this proved to be very difficult.

Clinic students successfully represented Ms. Twagiramariya in her asylum application. But when students applied for permission for her family to come to the United States, they found that the State Department was strictly regulating the entry of Rwandan Hutus into the United States. Ms. Twagiramariya had not seen her family, including three young children, for three years. When it finally appeared that her family would be coming to the United States, Rwandan officials withdrew their travel approval at the last minute. Desperate, Ms. Twagiramariya sought further assistance from Clinic student Liliana Correia '98. Ms. Correia — despite time, technology and language differences — worked furiously, making transcontinental phone calls and sending faxes, trying to cut through international red tape and have the family's travel approval reinstated. Ms. Twagiramariya was finally reunited with her family. No explanation for the delay was ever given by Rwandan authorities.

Working to Ensure Fair Bank Lending in New York City's Low-Income Neighborhoods

The Clinic has been on the cutting edge of using a federal law known as the Community Reinvestment Act (CRA) to force banks to make loans for housing, small business, and economic development in needy neighborhoods in New York City. The CRA requires banks to lend in the low-income communities in which they do business. Through a combination of investigation, negotiation, and informal administrative challenges to bank mergers before the Federal Reserve Board, Clinic students have played an important role in negotiating millions of dollars in lending commitments from banks and in forcing changes in lending policies.

CRA cases that Clinic students have worked on have made a difference in the lives of residents of low-income neighborhoods in New York City. One case against Manufacturers Hanover Trust (MHT) resulted in hundreds of millions of dollars in lending commitments from MHT, including a commitment to finance 500 units of new or rehabilitated housing in Harlem. Another Clinic CRA case helped get Banco Popular to change its policy of refusing to make home mortgage loans in New York City and to commit to lend \$5 million for housing in East Harlem. In still another case, the Clinic represented a

client who challenged the Bank of New York's definition of its CRA service area. The Bank included most of the New York Metropolitan Area (including Dutchess County to the north, Orange County to the west, and Suffolk County to the east) in its lending area, but excluded the Bronx, Brooklyn, and Manhattan north of

loaned less than one percent per dollar of these deposits each year back into the community for housing loans, a percentage far below the average in financially better-off neighborhoods. The second report determined that a large number of banks with branches in Chinatown were not doing their share of lending to Asian borrowers throughout the New York City area. The reports provided the information the AAFE needed to press the banks to increase lending.

Representing Victims of Discrimination

The Clinic is an important source of attorneys for victims of housing, lending, and employment discrimination. Despite federal laws that provide for attorneys fees for private counsel whose clients win discrimination cases, many acts of discrimination go unpunished because there are not enough lawyers to represent all of the victims.

The Clinic has successfully litigated several discrimination cases.

In one recent case, the Clinic won a significant settlement for Delcy Gonzalez, but not until after a long and frustrating effort. In that case, the landlord explicitly referred to Ms. Gonzalez' race in denying her the opportunity to rent an apartment. The Clinic sued the landlord in federal court, but the landlord defaulted. Despite Ms. Gonzalez' strong desire to have her case heard by a jury, the landlord's default and a legal technicality defeated her jury



Conferring on a case (left to right): Nirupa Narayan '98, clinic staff member David Paredes (seated in back) and Professor Carol Buckler.

96th Street. Clinic advocacy helped force the bank to redefine its service area to include these locations.

When AAFE was seeking to develop a strategy for dealing with the lack of lending in Chinatown, it sought the advice and assistance of the Clinic. The Clinic agreed to study bank lending records, issue a report, and develop a strategy to approach banks to ask them to improve their records. The Clinic ultimately issued two reports, one of which showed that banks in Chinatown had \$3.5 billion in deposits but

right, and her claim was heard by a judge. Clinic students participated in conducting an evidentiary hearing on damages. Nearly a year later, the judge issued a decision awarding damages. Not until the Clinic commenced enforcement proceedings did the defendant appear, and her lawyer, pleading his client's poverty and ignorance of the law, sought to vacate the default judgment. After waiting nearly another year, the court denied the motion.

The defendant appealed to the Second Circuit, and Ms. Gonzalez' frustration grew. However, Clinic student Jessica O'Kane '98 decided to test the landlord's claim that she was too poor to pay a judgment. Her search of property records disclosed that the land-

lord owned other property. Suddenly, the defendant had assets to pay the judgment, and the case was settled shortly thereafter.

Making a Difference in People's Lives

The Civil and Human Rights Clinic at New York Law School gives students the opportunity to learn about being lawyers while providing legal counsel for those who are not able to afford it. For NYLS students, it is a first step out of the classroom and into the real world of lawyering, a time to make decisions and take actions that will forever affect people's lives. Says

Clinic student Nirupa Narayan '98, "Working at the Clinic has been a great experience. The reason I decided to go to law school was to help people and at the Clinic I have had the opportunity to do so. It has taught me that the law can be a powerful tool in the fight for social change." The Clinic has made a significant difference in the lives of its clients, and our students can be proud of the role they have played.

In front of the office of Asian Americans for Equality (left to right): Aliaa Abdelrahman '98, Professor Richard Marsico, and AAFE Executive Director Christopher Kui.

