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Stein Center News

Louis Stein Center for Law and Ethics

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Stein Center News - September 2012

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STEIN CENTER NEWS

The e-newsletter for alumni and friends of the
Stein Center for Law and Ethics at Fordham



LOUIS STEIN CENTER FOR LAW AND ETHICS

September 2012

Stein Center News - September 2012

Read Director Bruce Green's [welcome letter](#).

Participate in the Stein Scholars Oral History Project

In honor of the 20th anniversary of the Stein Scholars Program, current Stein Scholars have launched a project to assess the experiences of Stein Scholars alumni. The goal of the project is to collect the experiences of Stein Scholars while at Fordham Law and understand how those experiences have shaped their legal careers. Responses will also be used to reflect on how the Program has grown over the past 20 years, as well as how improvements can be made for the benefit of future Stein Scholars.

The first part of the project is a brief [online survey](#). To date, over 75 alumni have completed the survey. The second part will consist of alumni interviews conducted by current Stein Scholars.

The students look forward to sharing the results of the project at the June 2013 20th anniversary event, and in future issues of Stein Center News.

If you are a Stein Scholars graduate and have not yet taken the survey, there is still time. The survey will remain open until Tuesday, October 2.



Stein Scholars Alex DeLisi and David Harvey are two of the students spearheading the alumni project.

Meet Our New Dean's Fellow

The Stein Center's first Dean's Fellow, Jere Keys '12, started work with the Center on September 5. While a student at Fordham Law, Jere served on the *Fordham Urban Law Journal* and was the 2011 Capital City Challenge Mock Trial Competition National Champion. He received the Archibald R. Murray Public Service Award summa cum laude for completing over 1,000 hours in pro bono and community work and was a member of the Stein Council.



Jere took the New York Bar in July and hopes to find a permanent position advancing LGBT legal rights. As the Stein Center Dean's Fellow, Jere will focus on designing and implementing Stein Center programs, developing workshop proposals, and enriching the curriculum. He can be reached directly at jkeys@law.fordham.edu.

New Scholarship Focusing on Ethical Leadership Announced

This year, the Stein Center will institute and oversee the new Bellet Scholarship, a combined needs- and merit-based scholarship focusing on ethical leadership. Each year, a Bellet Scholar will be selected from among the members of the entering class of Stein Scholars. The Bellet Scholar will demonstrate a commitment to developing his or her potential to become an ethical leader in the public interest legal community. The first Bellet Scholar will be selected in September 2012.

A New Year of Stein Scholars

We are excited to introduce the incoming class of Stein Scholars, a group of twenty-one 1Ls with diverse backgrounds and interests. All share a commitment to pursuing a career in public interest law. You can learn a little more about each of them [here](#) (PDF).

Jacqueline Barkett	Mary Gibbons	Elizabeth Langton
Alex Cardenas	April Harris	Sofia Linarte
Douglas Chiu	Michael Huggins	Katie O'Hare
Dan Curbelo Zeidman	Allison Job	Muriel Raggi
Gui Farias	Angelica Kang	Tom Rosso
James Findley	Alex Karman	Vanessa Salazar
Andrew Fitzgerald	Joshua Kingsley	Dana Swanson

The New York County Lawyers' Association Recognizes One of Our Own

On September 12, the New York County Lawyers' Association (NYCLA) will present one of its 2012 Public Service Awards to Jessica Rose for her work as the Director of the Community and Economic Development Unit at Brooklyn Legal Services Corporation A, Legal Services NYC. Preet Bharara, United States Attorney for the Southern District of New York, will give special remarks at the occasion.

According to NYCLA, the Public Service Awards honor lawyers in the public sector who have distinguished themselves as role models, innovators and problem solvers of complex legal issues. Since 1990, the Public Service Awards have recognized the efforts of lawyers who dedicate themselves to public service, but whose achievements are not often publicly acknowledged.

Stacey Sarver '03

Stacey Sarver '03 is Senior Attorney at the [National Network to End Domestic Violence](#) and Legal Director of [WomensLaw.org](#), a project of NNEDV.

Stacey explains that the mission of WomensLaw.org is to provide easy-to-understand legal information and resources to women living with or escaping domestic violence. Since joining the organization in February 2008, Stacey has been in charge of all of the legal content contained on the website. She wishes every women confronting domestic violence could have access to a free or affordable competent lawyer, but the vast majority of women remain unrepresented. The website provides state-specific information about domestic violence and family law in "plain language," thereby helping women across the country lead lives free of abuse.

She also manages the e-mail hotline, where women write in with questions or to obtain referrals for an attorney or domestic violence organization when struggling to end an abusive situation. Stacey and staff receive 3,000 to 5,000 e-mail inquiries a year. Each e-mail is answered within 5 business days, and the responses are tailored to each person's specific needs. The staff and volunteers know that the information they provide can make a profound difference and affect the women—and their children—for the rest of their lives.

Stacey also trains students, including those active with Fordham Law School's [Domestic Violence Action Center](#), on how to be hotline responders. Students are asked to commit to answering the hotline for one semester, but often the dedicated students continue to do so for years.

The biggest challenge currently is the limit on what the organization can do in the face of such a large need. WomensLaw.org provides critical information, support, and referrals, but at the end of the day many women fleeing an abusive situation must do so without legal representation. From Stacey's perspective, a woman who has managed to leave her abuser should not then have to face him unrepresented during a subsequent custody hearing.

When asked to share a success story, Stacey immediately conveys the satisfaction she gets from the regular feedback WomensLaw.org receives from those they help. Women frequently write saying

that the information on the website or in the e-mail made a real difference. She is often told that WomensLaw.org was the only place that took the time to respond; that response, together with the specific information on domestic violence, proves invaluable. The personal stories and connections are the rewards that keep Stacey going.

Although the lack of lawyers to assist women trying to escape domestic violence continues to be a crisis, Stacey reports that there have been some statutory improvements in individual states. Some states have provided longer orders of protections or identified more grounds upon which to secure an order of protection. Other states now require the partner with the greatest income to cover the cost of the attorney or forensic evaluation, which can be a tremendous benefit to a low-income woman trying to escape abuse.

When asked about the primary impact of the Stein Scholars Program, Stacey immediately replies, "I loved the Stein Scholars Program!" She is very proud to call herself a Stein and feels a strong kinship to anyone who wants to dedicate his/her career to public interest. The Stein Scholars Program provided her with a true sense of community. In fact, her three closest friends throughout law school are women she met during her first days of the Stein Program and they are still friends today. The connection with fellow Steins was an integral part of why she loved Fordham Law.

Stacey came to the Law School knowing that she wanted to work in the field of domestic violence. Prior to joining WomensLaw.org, she represented low-income domestic violence victims in Bronx and Staten Island family courts and in the Integrated Domestic Violence Court in Manhattan. Her advice to current Steins is to stay the course if public interest work is their true calling. While not minimizing the impact of large loans and financial strain, Stacey strongly believes it is possible to make a public interest career work, and the satisfaction of pursuing one's passion can't be matched!

What's New in Legal Ethics?

You may recall from constitutional law (or from an old episode of *Schoolhouse Rock!*) how a bill becomes a law. You probably did not learn, however, how a law review article becomes a law—a far rarer occurrence. Stein Director Bruce Green would be able to tell you; a recent article he wrote inspired New York's newest ethics rule, which requires prosecutors to take steps to investigate wrongful convictions and free the innocent.

The story begins in 2002 when the ABA comprehensively revised its Model Rules of Professional Conduct without making any substantive changes to ABA Model Rule 3.8, the rule governing prosecutors' ethics. Professor Green [published an article](#) soon afterward addressing some of the issues that a rule of prosecutorial ethics might address. This was at a time when new DNA evidence was leading to the exoneration of convicted defendants around the country—and exposing the fallibility of the criminal justice process, despite all of its procedural protections.

Among other recommendations, Professor Green argued for a rule addressing prosecutors' duty to correct wrongful convictions—in particular, a rule addressing prosecutors' post conviction obligations when they receive new evidence suggesting that a convicted defendant may have been innocent. In 2006, the New York City Bar issued a report building on the article and proposing such a rule, which would call on prosecutors to disclose new exculpatory evidence to the defendant and the court, to conduct an investigation, and, if the prosecutor ultimately became convinced of the defendant's innocence, to take steps to attempt to remedy the wrongful conviction.

At the time of the New York City Bar report, a state bar committee, on which Professor Green served, was reviewing New York's ethics rules, then contained in the New York Code of Professional Responsibility. The committee intended to recommend extensive changes, including a switch to the format of the ABA Model Rules. As part of its effort, the committee worked with state and federal prosecutors in New York as well as members of the defense bar to craft a rule based on the New York City Bar's proposal. The state bar ultimately adopted the committee's work and recommended it to the chief judges of New York's four Appellate Divisions who have the authority to adopt ethics rules for New York lawyers. However, when the New York judges adopted the New York Rules of Professional Conduct in December 2008, it did not incorporate new rules on prosecutors' ethics.

Meanwhile, the American Bar Association's Criminal Justice Section debated and revised the New York proposal at the behest of an ethics committee co-chaired by Professor Green and Professor Ellen Yaroshesky of Cardozo. In February 2008, the ABA voted to add new provisions on wrongful convictions to the ABA Model Rules, whereupon state bars and judiciaries began considering whether to adopt rules based on these models.

As of early 2012, seven states had adopted new provisions based on the ABA models, but not New

York, where the provisions originated. This changed in July 2012, when, at the recommendation of the New York City Bar and other bar associations, and with input from state and federal prosecutors, New York became the eighth state to adopt wrongful conviction rules: Rules 3.8(c), (d) and (e) of the New York Rules of Professional Conduct.

In an August 9, 2012, article in the *New York Law Journal*, prosecutors noted that the new rules were not a response to cover-ups by prosecutors but reflected prosecutors' ordinary practices when they learn of new exculpatory evidence after securing a conviction. Nonetheless, as Professor Green noted, the rules will help teach prosecutors about their responsibility to avoid and rectify wrongful convictions and underscore the importance of that responsibility—a familiar theme for Stein Scholars who have taken Professor Green's seminar on Ethics in Criminal Advocacy.

What's New with the Stein Center Directors?

Vice Dean Sheila Foster recently co-authored *Comparative Equality and Anti-Discrimination Law: Cases, Codes, Constitutions and Commentary*, with David Oppenheimer and Sora Han.

Professor Bruce Green recently co-authored an article on community prosecuting (*The Community Prosecutor: Questions of Professional Discretion*, 47 Wake Forest L. Rev. 285-317 (2012)). He spoke this summer at the biannual International Legal Ethics Conference, at a workshop on ethics in criminal practice sponsored by the National Institute for Teaching Ethics & Professionalism, at the International Conference on Law & Society, and at the ABA National Conference on Professional Responsibility.



In the fall semester, he will be teaching first-year Criminal Law and the seminar on Ethics in Criminal Advocacy.

Professor Jennifer Gordon recently published *Tensions in Rhetoric and Reality at the Intersection of Work and Immigration*, 2 UC Irvine Law Review 125 (2012); her most recent op-ed, "America's Sweatshop Diplomacy," appeared in the *New York Times* on August 25, 2011. Among other speaking engagements, she delivered the Pemberton Lecture in Workplace Justice at the Ninth Circuit, sponsored by the University of San Francisco School of Law, and was a panelist at the Association of American Law Schools Annual Conference, at a conference titled What Works for Workers? at Georgetown, and at a plenary on "Law's Toolbox for Social Change" at Radcliffe.

In the fall semester, she will be teaching Workers, the Law and the Changing Economy.

Professor Russell Pearce co-authored with Eli Wald *The Obligation of Lawyers to Heal Civic Culture: Confronting the Ordeal of Incivility in the Practice of Law*, 34 U. Ark. L. Rev. 1 (2011), *Beyond Cardboard Lawyers in Legal Ethics*, 15 Legal Ethics 125 (forthcoming 2012), *Rethinking Lawyer Regulation: How a Relational Approach Would Improve Professional Rules and Roles*, 2012 Mich. St. L. Rev. (forthcoming 2012), and *Making Good Lawyers*, 24 St. Thomas L. Rev. (forthcoming 2012). He recently spoke at the International Institute for the Sociology of Law (Oñati, Spain), at *Fordham Urban Law Journal's* conference, and on two different panels at the 2012 International Legal Ethics Conference.

He will be teaching two Professional Responsibility classes this fall.

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