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Stein Center News

Louis Stein Center for Law and Ethics

3-2013

Stein Center News - March 2013

Stein Center for Law and Ethics

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Recommended Citation

Stein Center for Law and Ethics, "Stein Center News - March 2013" (2013). *Stein Center News*. Paper 10.
http://ir.lawnet.fordham.edu/stein_news/10

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Fordham Law < Louis Stein Center for Law and Ethics < Newsletter < March 2013

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

March 2013

Stein Center News - March 2013

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

Stein Scholars Students and Alumni Wanted for a Spring Cleaning of City Parks



For the first time, Stein Scholars students and alumni will join forces with other Fordham Law alumni, students, and friends to help give New York City a spring "greening" at a local park on Saturday, April 20. The Fordham Law team will be revitalizing parks, gardens, and other public spaces to make them cleaner, safer, and ready for summer.

Register [here](#) and make sure to use discount code NYCDS13HALF for 50% off. New York Cares will assign Stein Scholars alumni our park location in March.

Registration is \$10 per person, but the Stein Center will gladly cover the cost if the fee makes it difficult to participate.

Call 212-636-6988 or email steincenter@law.fordham.edu with questions.

Stein Class Anniversary Challenge

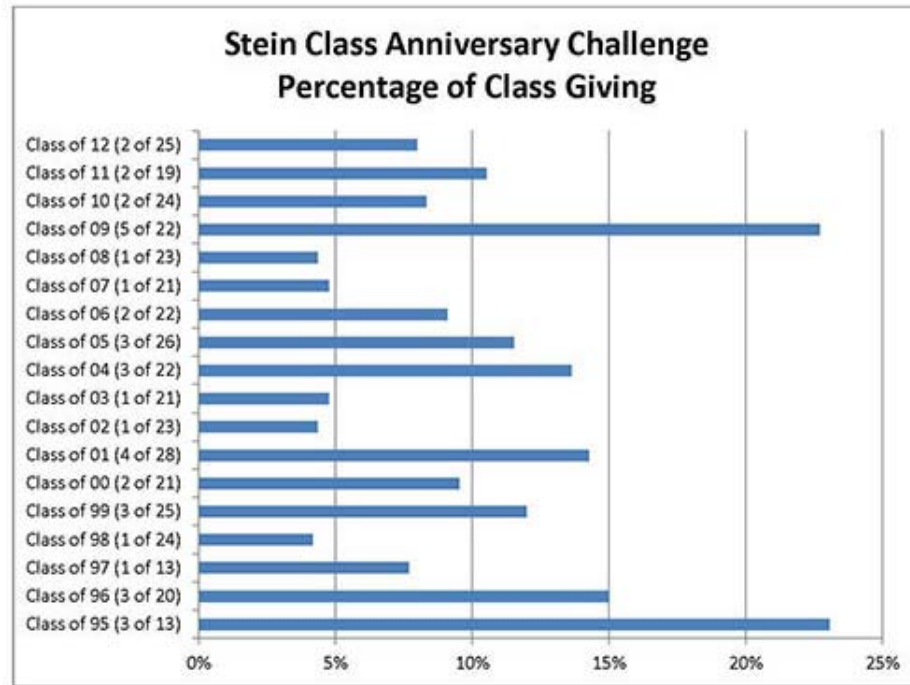
Who says public interest lawyers don't like a little competition? In honor of the Stein Scholars Program's 20th anniversary, the Stein Center has instituted the Stein Alumni Class Challenge.

Join the fun and friendly competition to see which Stein class can reach the highest percentage of donors to the Stein Scholars Program. Gifts of any size are greatly appreciated, and we hope you'll consider giving a gift that is meaningful under your circumstances. Win bragging rights when your class triumphs as the most all-around supportive and generous class of Steins!

If you have not yet given, please consider making a donation now by visiting law.fordham.edu/giving and choosing the Stein Scholars Program under Fund Choices. If you prefer to make a multi-year pledge, give anonymously, or via phone or check, please contact Michele Galioto by [email](mailto:michele.galioto@fordham.edu) or phone at 212-636-7637.

All money raised will go directly to the Stein Scholars Program. Student leaders of the Stein Council have decided to set aside the majority of the money raised to help cover the cost of bar review classes for graduating Steins who need assistance. Bar review courses cost approximately \$3,000 per student, and students are not able to receive federal loan money to pay for living expenses for the two months they are studying for the bar after graduation.

At the close of February, the classes of '95 and '09 were in the lead, but there's still time before the anniversary event in June for any year to win.



Stein Scholars Pitch In with Sandy Response and Recovery

After the New York and New Jersey coasts were devastated by Hurricane Sandy, many members of the Stein Scholars community—students and alumni—jumped in to help with recovery efforts. Among the responses, Stein Scholars helped initiate emergency legal clinic volunteering shortly after the storm, helped organize and coordinate student door-to-door canvassing during the winter break, and engaged with Fordham administration to propose and schedule a class on Disaster Law during the current spring semester.

Emergency Legal Clinic

Several Stein Scholars—with the help of Theresa Mohan '90, IBM Senior Regional Counsel and coordinator of IBM's global pro bono program, and Fordham Law's Feerick Center for Social Justice and the Public Interest Resource Center (PIRC)—organized a 2-day legal clinic in the Rockaways on November 17 and 18. Fordham provided free vans to transport volunteers and over 30 Fordham law students, alumni, faculty, and administrators—spearheaded by Stein Scholars Alex Berke '14 and Rebecca Iwerks '13—travelled to the disaster site to answer questions about FEMA appeals, insurance, unemployment, food stamps, and other



urgent issues. Volunteers also travelled door-to-door in Broad Channel and Breezy Point to share information about a legal hotline.

Hurricane Donation Boxes

Several students, including Stein Scholar Prescott Loveland '14, set up donation boxes outside the PIRC office throughout November and December to collect donations of food, clothing, and other emergency items to be delivered to areas affected by the storm.

The Fordham Law legal clinic in the Rockaways on November 18.

Door-to-Door Post-Storm Assessment Survey

Based on experiences following Hurricane Katrina, several Stein Scholars and members of the Disaster Relief Network recognized that, to more efficiently respond to disasters, collecting data about the needs and experiences of those most affected is critical.

Hillary Exter, Director of Student Organizations at PIRC, and Jere Keys '12, Stein Center Dean's Fellow, worked with the New York Legal Services organizations, allies at other New York area law schools, and other legal resource organizations to develop a comprehensive survey for people in Sandy-affected areas. The survey collected important information—including the amount of structural damage in homes to children's educational progress as a result of school closures—among the most severely affected populations.

After the survey was developed, New York area law schools recruited student leaders to lead teams of volunteers. Volunteers were asked to attend a short webinar training provided through ProBonoNet. Then Legal Services dispatched the teams to neighborhoods to collect survey responses.

At Fordham Law, Stein Scholar Alex Berke '14 was one of those student leaders along with Lauren Lombardo '13 of the Disaster Relief Network. Berke and Lombardo were both recognized as December Volunteers of the Month by PIRC for their leadership.

Berke reports that 10–15 Fordham students, including Stein Scholar Richard Hendrix '14, volunteered their time during winter break to spend one or more days collecting survey responses.

"We found someone who needed help with a FEMA appeal and the 60-day deadline was up that day. We urged him to get help with the appeal immediately," said Berke. "People have to do so much to get their lives back in order and there is simply not enough help out there. We were glad to be trying to connect people in need with available services."

"I am glad I could help because it contributes to strengthening the hand of people who want to make sure relief resources keep flowing the right way," added Hendrix. "The survey also helps



Alex Berke and Richard Hendrix

advance the advocacy role of legal services.”

In assisting with the survey, Hendrix and Berke came to realize the scope of recovery assistance still needed, but were heartened by the honesty and community fostered in the wake of the disaster.

“It was eye-opening and refreshing to realize how issues and services need to overlap—from housing and labor to benefits and immigration,” said Hendrix. “I was also reminded that people are really honest. Time and again we got an honest assessment from people instead of people trying to inflate issues or damages. They would just say ‘We don’t have a problem with that’ if an area of our survey didn’t affect them.”

Berke found it particularly rewarding to use her legal skills in communicating with people about difficult subjects such as food security and children with special needs. “It was important to remember to expand your mind and not make assumptions. Every survey was different and if I had gone in assuming I was going to get the same results, even within the same building or on the same street, I wouldn’t have gotten as much out of it and I wouldn’t have been helpful.”

Berke and Hendrix agreed the experience was valuable and want to encourage more students to participate in the ongoing canvassing efforts. [Get involved.](#)

Disaster Law Class

Inspired by the experiences of coordinating volunteer responses to Sandy, the Stein Scholars Council worked with PIRC’s Hillary Exter and the Fordham administration to propose and schedule a two-credit class in Disaster Law taught by Hazel Weiser. Even with registration for the spring semester well underway, the Council conducted a school-wide survey of students to measure interest in the course and convince the administration that the course was both wanted and important. Stein Scholar Rebecca Iwerks ’13 was recognized for her work in making the Disaster Law class a reality by being named PIRC’s January Volunteer of the Month.

Stein Center and Corporate Law Center Team Up for New Three-Part Series



The Business and Ethics of Managing a 21st Century Law Firm three-part series got off to a terrific start when the panelists from the first program, “Lessons Learned and Reflections on the State of ‘Big Law’ in 2013,” spoke about the ethical problems, lessons learned, and future opportunities arising from the economic crisis and continued globalization of the legal profession to a packed room on January 28, 2013.

The panelists included James Bernard ’95 (Partner, Stroock & Stroock & Lavan LLP), Scott Green

(CEO, Pepper Hamilton LLP), and Bruce MacEwen (President, Adam Smith, Esq.). Silvia Hodges, Adjunct Professor at Fordham Law, was the moderator. Green shared his thoughts on the state of the legal profession and the trajectory of future law firm practice, MacEwen provided a behind-the-scenes analysis on the demise of Dewey & LeBoeuf LLP, and Bernard used the case of *GSI Commerce Solutions v. BabyCenter, L.L.C.* (618 F.3d 204 (2d Cir. 2010)) to examine how conflicts of interests are being addressed by law firms in the ever-expanding world of corporate affiliates. Materials and additional information about the presentation can be found [here](#).



The second panel, “New, Smart and Ethical Business Models,” was held February 25 and included the following panelists: Anthony Davis (Partner, Hinshaw & Culbertson LLP), Andy Daws (Vice President, North America, Riverview Law), and James Peters (Vice President, Legal/Attorney Services, LegalZoom). Moderated by Stein Center Director Bruce Green, the panel focused on new economic realities, new technologies, and new clients. As the traditional law firm struggles to adapt to the demands of the 21st century, this panel looked at the U.K. Legal Services Act and at new business models—from online services to flat fee legal services—and how those approaches fit into or conflict with ethical obligations of the profession. Download event materials [here](#).



[Register](#) for the third and final panel, “The Impact of Technology on the Future of Law Firms,” to be held on March 18 from 7–9 p.m in Fordham University’s South Lounge. Panelists include Larry Bridgesmith (ERM Legal Solutions LLC), Craig Raeburn (TyMetrix Legal Analytics), Daniel Martin Katz (Michigan State University ReInvent Law), and Suzie Scanlon ’95 (Berger Legal LLC). Sean Griffith, the T.J. Maloney Chair and Professor of Law and Director of the Fordham Corporate Law Center, will moderate.

This concluding program of the series will focus on the many kinds of technology that influence law firm business and the ethical questions this technology raises. Panelists will share their views on tools like e-discovery, data mining, quantitative methods for lawyers, and court prediction algorithms.

2 CLE credits will be available at this event.

Scholars Discuss Ethics for Large-Group Clients

The annual ethics symposium co-sponsored by the Stein Center and the *Fordham Law Review* was entitled “Lawyering for Groups: Civil Rights, Mass Torts, and Everything in Between.” It included discussions of adequate representation when the client is a class or group of people, conflicts of interest in mass tort lawsuits, problems of governance or decision-making within aggregate litigation, and litigating on behalf of entire communities impacted by systemic discrimination, among other topics.



Nine guest scholars presented papers during the all-day discussion and four Fordham professors commented on the presentations. Guest presenters included Elise Boddie (NAACP LDEF), Elizabeth Chamblee Burch (University of Georgia Law School), Brian Fitzpatrick (Vanderbilt Law School), Samuel Issacharoff (NYU School of Law), Alexandra Lahav (University of Connecticut School of Law), Troy McKenzie (NYU School of Law), Nancy Moore (Boston University School of Law), D. Theodore Rave (NYU School of Law), and Eli Wald (University of Denver Sturm College of Law).

The presentations were divided into four panels –“Individual and Group Interests in Collective Litigation,” “Aggregate Settlements and Collective Representation,” “Governance, Political Order, and Aggregate Litigation,” and “Lessons from Particular Fields – Bankruptcy, Civil Rights, and Native American Representation” – and moderated by Fordham Law Professors Howard Erichson, Bruce Green, Russell Pearce, and Benjamin Zipursky.

Papers from the symposium will be published by the *Fordham Law Review* in spring 2013.

Stein Scholars Examine Fingerprinting and Food Stamps

In May 2012 Governor Cuomo announced that people receiving Supplemental Nutrition Assistance Program benefits (SNAP, formerly food stamps) would no longer have to submit to mandatory finger imaging to qualify for the benefits. The new policy went into place at the beginning of November. Advocates for the fingerprinting requirement argued that the process deterred fraud or duplicate benefits dispersal, saving program costs. Those who welcomed the change in policy argued that people in need of SNAP already faced numerous barriers to benefits access and the fraud deterrence benefits of the program were minimal at best.



The discussion was moderated by Fordham Law Professor Marcella Silverman. Panelists were Mark Dunlea, Executive Director of Hunger Action Network of NYS; Heather MacDonald, John M. Olin Fellow at the Manhattan Institute for Policy Research; Robert Doar, Human Resources Administration Commissioner; Lawrence Mead, NYU Professor of Politics; and Nicholas Freudenberg, Distinguished Professor at CUNY School of Public Health at Hunter College. The group debated the issues, avoiding facile rhetoric to form a thoughtful analysis of the situation.

Fordham's Domestic Violence Action Center co-sponsored the panel.

Stein Center Hosts National Association of Criminal Defense Lawyers

On November 15–16, Fordham Law welcomed the [National Association of Criminal Defense Lawyers](#) for its 8th Annual White Collar Crime Seminar, the nation's premier white-collar CLE program. The Stein Center has co-sponsored the program for the past four years.

The topics of panel discussions ranged from representing high-profile clients, government officials and Wall Street brokers to healthcare fraud and foreign bribery prosecutions. Many of the panels included participants from the government as well as the defense bar and the judiciary, including District Judges Nancy Gertner and Jed Rakoff, making the event particularly helpful for practitioners

to keep abreast of increasingly complex issues. Not surprisingly, significant attention was given to issues of ethics in white-collar practice. Topics included “Relating with Other Lawyers: Communicating Strategically While Maintaining Ethical Bounds” and “Out of Bounds: Calling Foul When the Government Violates its Discovery Obligations.”

Stein Center Director Bruce Green spoke on a panel called “Navigating Ethical Waters: Obstruction of Justice, Destruction of Evidence, and False Statements,” during which the moderator, Andrew Wise, led the panelists through a hypothetical involving a corporation’s response to a criminal investigation as the basis for a discussion about applicable laws and ethics principles in this context. Other members of this panel were prominent white-collar criminal defense lawyers Colleen A. Conry, Andrew Levander, and John Kecker.

Stay tuned for information on next year’s 9th Annual White Collar Crime Seminar, which will take place at Fordham Law on November 14–15, 2013.

From Our Nation’s Capital: Stein Scholars Alumni

The Washington, D.C. area is home to many Stein Scholars alumni. Here we highlight the important work of three of them.



Rhonda Cunningham Holmes '97 (pictured with her son, Austin, now 16, who was born during her 3L year) [discusses her position](#) as Deputy Director of the Washington Lawyers’ Committee on Civil Rights and Urban Affairs.



Mamta Kaushal '02 [shares her perspective](#) on being Advisor to the Director of Operations in the World Bank’s Office of the Integrity Vice Presidency.



Kate Lang '99 [talks about her role](#) as Staff Attorney at the National Senior Citizens Law Center.

Stein Alumni in the News

Dora Galacatos '96 was appointed Executive Director of Fordham Law's Feerick Center for Social Justice. Galacatos has been with the Feerick Center since its creation in 2006, consistently working to strengthen the efforts of the Center to help New York's most vulnerable and underrepresented. Galacatos succeeds Professor John D. Feerick '61, who will take the title of Senior Counsel and will remain actively engaged in the activities and administration of the Center.



Please join us in congratulating Dora in her new position. We look forward to working with her and to her continued accomplishments.

What's New with Legal Ethics?

Stein Scholars alumnus Kamal Essaheb '06 recalls the worry he felt when applying for a license to practice law as an undocumented immigrant. Like many immigrants, called "Dreamers" after the proposed Dream Act, Essaheb was brought to the country by his family at a young age. He grew up in the United States, went to college here, and attended Fordham Law School, but still worried that he might be denied admission to the New York bar even after a lifetime of hard work.

"I wondered, *Will my status get in the way of my ability to practice law?*"

Although he disclosed his status and his application for a license was approved, Essaheb was still a bit anxious: the story does not always end well for immigrant students. Some Dreamers, who were brought to the U.S. as young children by parents hoping for a better future, have been denied admission to practice by state bar associations declaring that someone who remains in the country in violation of immigration status laws lacks the "moral character" to be a licensed lawyer.



"These people grew up here, they went to school, to college and to law school here," said Essaheb. "To label them as having poor moral character just because of an immigration violation they essentially inherited strikes me as unfair."

A new organization, the [Dream Bar Association](#), has sprung up to advocate for people like Essaheb. As a nonprofit legal organization that extends membership to undocumented pre-law students, current law students, practitioners and paralegals, the Dream Bar hopes to meet an emerging need for resources and legal assistance.

The Dream Bar is currently engaged in two high-profile cases that may set important precedent about immigration status and the ability to practice law. In Florida, the state's supreme court is set to offer an advisory opinion soon about whether Jose Manuel Godinez-Samperio, whose parents brought him to the country at the age of nine, can be admitted to the bar after completing law school and passing the bar exam. Likewise, in California, courts are considering the fate of Sergio C. Garcia who entered the country illegally with his family at 17 and now hopes to practice law at the age of 35. The Mexican American Legal Defense and Educational Fund (MALDEF) represents the Dream Bar in filing amici briefs in both cases.

Essaheb said that it's hard to identify exactly how the rules apply from one state to another. "I think we're seeing the high profile cases now because of the current debate on immigration reform and the rising profile of Dreamers. But there are likely many more cases like mine where someone applied, disclosed their status, were admitted or denied, and they just quietly accepted that decision. Most cases are probably like that, you don't hear one way or the other."

Although federal law defines the legal status of immigrants, Essaheb points out that regulation around the licensing of lawyers is fundamentally a state issue. He believes the national debate is driving the issue into local awareness, however. "The national debate is opening up all kinds of immigrant stories we don't get to hear and one of those is the story of dreamers—kids who grew up to become lawyers, doctors, accountants by getting all the education and meeting all the

requirements, but now they face these artificial bars to achieving their dreams.”

What's New with the Stein Center Directors?

Sheila Foster served as moderator for the panel “Urban Environmental Challenges” at the *Urban Law Journal's* 40th anniversary symposium on February 28 and for the November 27 “Public Safety and Security” panel at Fordham Urban Law Center’s two-day symposium, “The Bloomberg Administration’s Legal Legacy.”

She was also the moderator for a panel at the *Fordham Environmental Law Review's* 2013 symposium, “Doing Well By Doing Good? A New Normative Perspective on Corporate Social Responsibility,” on February 22, 2013, and a guest lecturer at the University of Palermo, Italy in December 2012 where she taught portions of her book *Comparative Equality and Antidiscrimination Law: Cases, Codes and Constitutions* (Foundation Press, 2012) in a graduate level Comparative Law course. Finally, she recently gave two faculty workshops at Seton Hall School of Law (February 4) and the University of Miami (February 15) on a forthcoming article, “The Mobility Case for Regionalism” (with Nestor Davidson).



Jennifer Gordon conducted a training for Mexican human rights lawyers in Mexico City in November. In December and January she traveled to D.C. to work on immigration reform with a number of workers rights organizations with the goal of including strong worker protections in whatever law is passed.

Bruce Green presented his work-in-progress “Professional Independence” to the faculty of University of Georgia School of Law in January and spoke on a panel on “New Developments in Attorney-Client Privilege” at the AALS 2013 Annual Meeting in New Orleans. Additionally, he published an article with Ellen S. Podgor, “[Unregulated Internal Investigations: Achieving Fairness for Corporate Constituents](#),” 54 B.C. L. REV. 73 (2013).

Russell Pearce gave a talk in February to the Catholic Lawyers Guild on “Rethinking the Lawyer’s Role in Light of Developments in Economic Theory.” He has also published two articles with Eli Wald, “[Making Good Lawyers](#)” (January 23, 2013). 9 U. ST. THOMAS L. J. 403 (2011); U Denver Legal Studies Research Paper No. 13-04, and “Rethinking Lawyer Regulation: How a Relational Approach Would Improve Professional Rules and Roles,” 2012 MICH. ST. L. REV. 513.

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150 West 62nd Street, New York, NY 10023
Tel 212-636-6000