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Stein Center News

Louis Stein Center for Law and Ethics

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Stein Center News - February 2014

Stein Center for Law and Ethics

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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

February 2014

February 2014

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

Save the Dates for Three Upcoming Stein Events

March 6: Tips on How to Transition from Firms to Nonprofit/Government Entities

Do you work at a firm? Have you been thinking about trying to secure a job at a nonprofit or government agency? If so, you will want to dial in during the upcoming conference call with the following 5 Stein graduates, all of whom moved from a private firm to a nonprofit/government entity:

Gail Eckstein '03 - from Reed Smith LLP to the NYC
Department of Education

Erica Gersowitz '07 - from Kaye Scholer LLP to the Laura
and John Arnold Foundation

Adam Libove '07 - from Troutman Sanders LLP to NYC
Department of Investigation

Nicholas Mitchell '07 - from Allen & Overy LLP to
Independent Monitor of the Denver Police and Sheriff
Departments

Seema Saifee '04 - from Kramer Levin Naftalis & Frankel LLP to the Innocence Project



These Stein alumni will share their perspectives on how to position yourself to facilitate the transition, what to expect after you make the move, and why you might want to consider undertaking a career change. There will also be time during the call for you to pose your own questions to the speakers.

The call will take place from 12:30-1:30 p.m on Thursday, March 6. To participate in the call, RSVP to [Sherri Levine](#). You will be provided with a call-in number prior to the date of the event.

March 20: CLE Program on Ethical Issues Confronting In-House Counsel

Are you in-house counsel or outside corporate counsel who works with in-house counsel? Then this upcoming CLE program is for you. Ethics for In-House Counsel: New Developments and Future Challenges is a daylong CLE program scheduled for Thursday, March 20 from 10:00 a.m. to 3:00 p.m. in the E. Gerald Corrigan Conference Center on the 12th Floor of Lowenstein.

Earn 4 ethics CLE credits while learning about such issues as conflicts (including advanced waivers, affiliate/subsidiary conflicts, and business conflicts), candor and truth in the context of negotiations and drafting, the role of the *Upjohn* decision during employee interviews, and new ethical developments in law and practice.

For more information, email [Sherri Levine](#). Advanced registration is required. [Register here](#).

April 7: Hot Topics - Family and Children's Rights: Challenges, Accomplishments, and Emerging Issues



We are excited to invite you to join us on Monday, April 7 to hear 5 Stein alumni share their expertise and analysis regarding current legal challenges and the road ahead in the field of family law at the Spring 2014 Hot Topics panel discussion: Family and Children's Rights: Challenges, Accomplishments, and Emerging Issues. The speakers will address emerging and complex issues confronting children, parents, the courts, and family law advocates.

Speakers:

Stacy Charland '04 - Staff Attorney at Bronx Defenders
Susan Cordaro '04 - Appellate Attorney at Children's Law Center
Louise Feld '02 - Senior Policy Associate for Food and Economic Security at Citizens' Committee for Children of New York
Sandy Rosin '06 - Litigation Supervisor at Center for Family Representation
Lauren Wenegrat '00 - Director of Legal Services - Family Foster Care at Good Shepherd Services

The panel will begin at 7:00 p.m. and conclude with a reception, to allow plenty of time for networking and community-building. The panel discussion and reception will take place at Fordham Law School in Room 430 B/C.

The panel is free, but advance registration is requested. [Register here](#). Questions? Call Sherri Levine at 212-636-6988.

New Stein Alumni-to-Alumni Mentorship Program Launched!

The Stein Center has launched a new program: the Stein Alumni-to-Alumni Mentorship Program. Mentoring isn't just for soon-to-be lawyers or very new lawyers—even experienced attorneys can benefit from relationships with peers in order to learn about new areas of law, improve their practice and/or gain advice on such issues as career transitions and work/family balance.

If you are a Stein alum and would like to be matched with a more senior or experienced Stein graduate, please fill out [this short survey](#).

If you are a Stein alum and would like to mentor a fellow Stein graduate, please fill out [this short survey](#).

When you sign up, you will be asked to briefly describe what you are currently doing professionally and either why you would like a Stein alumni mentor or what areas of expertise you will provide as a mentor. In either case, we will do our best to find you a match as quickly as possible!

Fordham-Stein Prize Awarded to Judge Weinstein

The 2013 Fordham-Stein Prize was awarded to the Honorable Jack B. Weinstein of the Eastern District of New York at the annual Stein Prize Dinner on November 20. Each year, the Stein Center recognizes one individual whose work exemplifies outstanding standards of professional conduct and promotes the advancement of justice.

Following Monsignor Joseph Quinn's invocation and Fordham



University President Father McShane's greetings, the Prize was presented to Judge Weinstein by Fordham Law Dean Michael M. Martin.

At the dinner, Judge Weinstein announced the creation of the Evelyn and Jack Weinstein Fund for Law and Social Work to support scholarships in those fields.

[Read Judge Weinstein's remarks.](#)

[View a list of previous recipients.](#)

Spring 2014 Advanced Seminar for Public Interest Lawyering Underway

The 19 students enrolled in this year's Advanced Seminar for Public Interest Lawyering are already well on their way to producing useful legal products for five local nonprofit organizations.

Following is a brief overview of the organizations the students have teamed up with and the projects they are pursuing:

1. Four students are working with The Door Legal Services to develop workshop curricula on topics and issues affecting Spanish-speaking youth who have adjusted immigration status via green cards.
2. Four students have designed a project in conjunction with The Center for Reproductive Rights to determine the viability of extending access to affordable reproductive healthcare at the state level, with an initial focus on 8 states.
3. Four students have teamed up with the New York Lawyers Assistance Group to create a manual for pro bono attorneys working on veterans' appeals.
4. Four students are working together with the New York County Lawyers' Association Task Force on Professionalism to better understand (with the goal of helping to improve) relationships between prosecutors and defense attorneys.
5. Three students have undertaken a project with Legal Services NYC–Bronx to create a manual to assist victims of workplace crime obtain U Visas.

The teams' efforts will culminate at the end of the semester with deliverables for each organization and final presentations to the class.

Stein Center Hosted AALS PR Section Business Meeting



The Stein Center hosted this year's American Association of Law Schools Professional Responsibility Section business meeting on Saturday, January 4. Despite harsh weather, over 30 PR section members attended the breakfast meeting, which was co-sponsored by the Maurice Deane School of Law at Hofstra University.

Jack Sahl, then chair of the PR Section and Professor of Law and Faculty Director of The Joseph G. Miller and William C. Becker Center for Professional Responsibility at Akron Law, presided over the meeting. He commenced by providing a brief report about the "state of the PR Section," including developments by the committees responsible for website design, nominations, event scheduling, scholarship, and mentoring. He then presented the Fred C. Zacharias* Memorial Prize for Scholarship in Professional Responsibility to Dana Remus (University of North Carolina School of Law) for her article, *Out of Practice: The Twenty-First Century Legal Profession*, with an award of Honorable Mention going to Norman

Spaulding (Stanford Law School) for *The Privilege of Probit: Forgotten Foundations of the Attorney-Client Privilege*.

At the conclusion of the business meeting, PR Section members had an opportunity to socialize and network before returning to the AALS annual meeting.

*Fred C. Zacharias, who passed away in 2009, was the Herzog Research Professor at the University of San Diego Law School and one of the country's most noted and prolific scholars on matters of ethics and the legal profession.



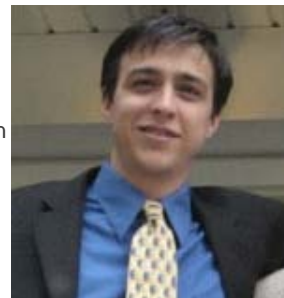
Moving the Profession in a Positive Direction

The New York City Bar Association's [Committee on Professional Ethics](#) is chaired by Nicole Hyland '02, Fordham Law alum and partner at Frankfurt Kurnit Klein + Selz, PC. The Committee devotes its time to the following three undertakings:

1. Running the Bar Association's ethics hotline
2. Issuing informal written opinions to individual practitioners who write in with ethics questions
3. Issuing formal opinions to guide practitioners

This past September, Alex DeLisi '14 began serving on the Committee in a volunteer capacity. We spent a few minutes talking to Alex about why he decided to get involved with the Committee and what he has done since he started attending the Committee's monthly meetings.

Why did you decide to volunteer with the Committee?
I was interested in ethics and thought it would be a good way to learn in a different environment from practitioners, who have real world experience with certain ethics issues, and to give back to the profession.



Why do you have an interest in ethics?
I think ethics and professional responsibility are interesting because, no matter what type of law you're practicing, ethical issues are implicated. That is why every law student has to pass the MPRE. Other professions have policing regulations, but I think it's particularly important for lawyers given the nature of the work. As an advocate, you always need to know where the lines are.

What have you done since joining the Committee?
The Committee meets monthly, and I have participated in all but one of the meetings. I am a non-voting member because I'm a student. One project I did for the Committee involved adding to the FAQ section of the website. A new formal opinion was issued by the Committee on the boundaries of "of counsel relationships," and I volunteered to convert that opinion into an FAQ section.

How many student members are there?
There are 4, including me and Jason Tortora '14, a fellow Stein Scholar. The other 2 students are from another area law school.

What has been the most rewarding experience of participating on the Committee?
It has been really rewarding to feel like I'm playing a small part in advancing the NYC legal profession in a positive direction. In the meetings, everyone is there to work—to figure out what's right. Although initially I may have thought *I'm not even a lawyer, how can I contribute?* the Committee makes me feel comfortable contributing as a law student.

Have you learned anything unexpected about the legal profession and ethics?
I have learned a lot about the process. One thing that was surprising to me is that the work of the Committee is very rule focused. If something is outside the scope of the rules, the Committee does not address it.

Would you recommend that your fellow students get involved with a Bar

Committee too?

Absolutely. It's a great way to meet people. At the meetings, there is such a breadth of experiences among the members (retired, partners at big firms, solo practitioners). There are so many committees. I would encourage people to try to join a bar committee even if they may not have a deep substantive knowledge in the area, just as long as they are interested in those subjects. As a student, you're not expected to know everything, but it is a safe place to start talking with other lawyers about the law.

Stein Scholars Discuss Crime in NYC – Then and Now



On November 6, the Stein Scholars Program hosted a panel titled *The End of Fear City? A Discussion on the Future of Crime and Criminal Justice in New York*.

The panelists included Bob Gangi, Director of the Police Reform Organizing Project at the Urban Justice Center; Martha Rayner, Fordham Law Clinical Professor and founding member of the Neighborhood Defender Services; and Walter Mack, Partner at Doar Rieck Kaley & Mack and former Deputy Director of Internal Affairs at the NYPD.

The speakers discussed current contradictions of the criminal justice system. For example, even though crime in NYC has been steadily decreasing, misdemeanor arrests have been on the rise. This has resulted in, among other things, overburdened courts, which, in turn, often makes deliberative, individual justice hard to provide. The increase in arrests has been accompanied by a new New York State cap on public defenders, a development that can only worsen the situation.

Significant time was also spent discussing the changing nature of stop-and-frisk. There was a general consensus that stop-and-frisk has been inappropriately and illegally applied but also some support for the notion that under certain circumstances it could be used as a legitimate police tactic.

The panel, which was introduced by Stein Scholar Jeff Kinkle '16 and moderated by Stein Scholar David O'Brien '16, concluded with a robust question and answer period.



Stein Alumni in the News



Chimera Bowen '07, Kaye Scholer litigation associate, was recently named to *Lawyers of Color's* inaugural Hot List, which features 100 early- to mid-career minority lawyers under 40 from the Mid-Atlantic region who excel in the legal profession.

Zaid Hydari '09 is Co-Founder and Chair of the Board of Directors of the Refugee Solidarity Network, a U.S.-based organization that protects the rights of refugees in Turkey by engaging with and building capacity of advocates in the region. Formed in February 2012, RSN mobilizes financial and human resources to increase capacity of the legal field in Turkey to respond to growing refugee needs. RSN was recently granted tax-exempt status, which will allow it to expand its efforts locally and abroad.



Janos Marton '09, a 2014 New Leaders Council Fellow, is now Special Counsel at Moreland Commission to Investigate Public Corruption, a commission convened by Governor Cuomo and Attorney General Schneiderman in response to recent political scandals in New York.

Kathryn Neilson '06, a staff attorney in the Housing Unit at Legal Services NYC–Bronx since graduating from law school, is now the Director of the Housing Unit.

Udi Ofer '01, the Executive Director of the American Civil Liberties Union of New Jersey since February 2013, gave the 18th annual Distinguished Contributions to Law & Justice Award Lecture, "50 Years After the Dream: The Struggle for Equality Continues," which he presented at the Law & Justice Program of Rider University.



Richard Saenz '10 was honored by Queens Pride House for his work as the HIV/LGBT Advocacy Project staff attorney at Queens Legal Services at the 16th anniversary benefit held on December 6.

Rebecca Kagan Sternhell '12 was recently awarded the NYC Law Department's Rookie of the Year Award. Recipients have graduated from law school in the past year and demonstrate outstanding performance and promise, dedication to work ethics, constructive attitude, and contributions toward a positive work environment. The December awards ceremony was attended by then-Corporation Counsel Michael Cardozo and Mayor Bloomberg.



Jason W. Sunshine '05, who joined the U.S. Securities and Exchange Commission in 2012, was recently made a Senior Attorney at the SEC.

From Stein Scholars Alumni on the Importance of Mentors

We spoke with three alumni from different parts of the country to gain insight on the role mentors can play in one's professional development.

Ilana Ehrlich '07

I think a mentor can be defined in different ways, and that one has many mentors over the span of one's career. The person whom I would consider to be my first and primary mentor—Vivian Huelgo—is someone who helped me get started in a field that I continue to be connected to today, despite the fact that I am now doing something slightly different and am no longer in close touch with her.

Ms. Huelgo is currently the Chief Counsel of Human Trafficking, Domestic and Sexual Violence at the American Bar Association, but when I met her she was the Director of the Legal Services Program at Safe Horizon. I met her through the network of Fordham alumni. I had planned to do domestic violence legal services when I went to law school, and through her I got my first law school internship, at the Safe Horizon Domestic Violence Law Project, where I worked during my first summer as well as the following semester. She taught me the basics of litigation in family court, which I continue to use to this day, and helped me understand the dynamics of family violence. She also showed me the level of passion and dedication necessary to work with families suffering from violence and abuse, which is both inspiring and difficult work. It is easy to burn out in family law; the issues you see and the dynamics you encounter are so intimate that it is hard not to feel them in a very personal way. Ms. Huelgo showed me, however, that if you come to it for the right reasons, you can use the law as a vehicle to address these terrible, violent situations and change the landscape of an individual's life.



I have not yet had the opportunity to be a mentor, but I do believe that mentors are critically important, especially in public interest law. Much of what you need to know to be a good lawyer, at least in the field of legal services, is not taught in law school. Learning to think on your feet and handle large caseloads, especially when you are working on an issue that consumes and drives you, is not something that can be taught in a classroom; a new lawyer needs a model.

I worked in domestic violence for a time, and have now moved on to representing abused and neglected children in the child welfare system. (I am a child advocate attorney at the Defender Association of Philadelphia—Child Advocacy Unit.) While my path has diverged somewhat from where I thought I would be, I remain committed to helping families live violence-free. I believe that Ms. Huelgo's mentorship made this possible.

Jessica Jenkins '10

I graduated from Fordham in 2010 with joint degrees in law and social work. I came to Fordham in 2006 excited about getting a law degree so I could work for social justice but with little idea of what the process of law school would actually entail. At various points throughout my 1L year I felt challenged, discouraged, and alienated. The one thing that pulled me through that first year was my involvement in the public interest community at Fordham. I met Hillary Exter at a PIRC event during my 1L orientation, and she became a huge support to me during that challenging first year and throughout the rest of law school. She affirmed my intention to do social justice lawyering—in other words, she assured me that I wasn't crazy—and she was



my #1 cheerleader and a ready source of practical advice as I navigated classes, clinics, student groups, and summer internships. As a first-generation college student far from home, I was so grateful that I found a mentor at law school who cared about my personal well-being and professional success, and who was so warm, friendly, and accessible. Hillary continued to provide me with support and encouragement after I graduated and as I studied for the bar and applied for fellowships and jobs. Even though I am now located on the West Coast, we have kept in touch via email and my occasional return visits to New York City.

I now work as supervising attorney at the Center for Employment Training–Immigration and Citizenship Program in San Jose, California, where I manage a team of paralegals and BIA-accredited representatives providing legal services to low-income immigrants. I work with volunteers and interns who are interested in becoming lawyers, and I hope that I will soon have the opportunity to provide one of them with the guidance and encouragement that I was so fortunate to have received at Fordham.

Manuel Jimenez '98

Donald Steedman, Senior Trial Counsel at the State Bar of California, was one of my most important mentors. I first met Mr. Steedman at the State Bar, as he was the supervising attorney of my trial unit and now we are in contact on a daily basis. Mr. Steedman helped me develop my practice of law, both technically and professionally. He has an excellent mind, particularly in regards to State Bar attorney discipline practice. His intimate knowledge of the area of law, including the State Bar Act, California Supreme Court case law, and case law from the State Bar Court's Review Department, is unparalleled within the office. Not only does he know the letter of the law but he understands the history of much of the law and context for its development. This is not surprising because he was actually involved in many of the decisions that came out of the Review Department. Mr. Steedman helped me develop my legal writing skills, in particular its persuasiveness. Mr. Steedman's guidance in the office also helped to demystify the professional environment and State Bar office culture, which can be archaic. He presented a non-judgmental resource and helped me grow professionally because I knew that "he always had my back."

Mentors are vital to the development of the legal profession, particularly in light of the economy new law graduates face. Many new graduates will become solo practitioners out of necessity. They will need to reach out and find mentors within the legal community to help them make the transition from law student to lawyer. In 2001, the State Bar issued a report entitled "[Investigation and Prosecution of Disciplinary Complaints Against Attorneys in Solo Practice, Small Size Law Firms and Large Size Law Firms](#)" in accordance with a mandate by California State Senate Bill 143 (1999). The report was mandated by the California Senate because of a perception that the State Bar placed too much emphasis on investigating and disciplining solo practitioners for misconduct, while ignoring large firm attorneys. The report did not find a bias against solo practitioners, but recognized, "Attorneys who practice in the context of a large firm or institutional practice have the practical advantage of ready access to mentors, peer support and office management systems..." This mitigated any professional conduct violations by attorneys in big firms. Because they did not often have these resources, including mentorship, solo practitioners were at a disadvantage.



Having benefitted from Mr. Steedman's mentorship, I have also served as a mentor. Currently, I work at the State Bar of California as a Senior Trial Counsel in the Office of the Chief Trial Counsel, which serves as the enforcement/prosecutorial arm of the State Bar of California attorney discipline system. I prosecute attorneys charged with professional misconduct before California's State Bar Court. I started at the Bar on July 6, 2004. If you need more information or are interested in aspects of the State Bar of California disciplinary process, read [this article I wrote in Los Angeles Lawyer magazine in 2010](#).

What's New in Legal Ethics?

Gideon's Trumpet Heard Faintly Now
by George Conk

The year 2013 saw the fiftieth anniversary of *Gideon v. Wainwright*, one of two



U.S. Supreme Court decisions that year promising transformation of the criminal justice system. *Gideon* promised lawyers to indigent defendants. *Miranda v. Arizona* promised that everyone facing accusatory interrogation would be informed of the right to silence and to call a lawyer.

In the anniversary year, public defender systems were in crisis. Richard Lasnik, a federal district judge [appointed a monitor](#) for two Washington State counties; Pennsylvania continued as the only state which provided no state assistance for indigent defendants; and even the Federal Public Defender services were hobbled by the draconian budget measure known as “sequestration.” Immigrants facing deportation still have no right to counsel to defend them in their efforts to remain in the United States. A few will benefit from federal District Judge Dolly M. Gee’s [decision](#) to recognize a right to representation for a class of persons with mental defect facing deportation.

Gideon’s trumpet is heard faintly now. The prospect grows dimmer that we will realize the promise of the Model Rules of Professional Conduct. The Preamble identifies every lawyer as “a public citizen having special responsibility for the quality of justice” and urges us to use our “influence to ensure access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal representation.” That noble sentiment runs into enormous obstacles. When the financial crisis struck in 2008, the Federal Reserve reduced effective interest rates to near zero. Interest on lawyers’ trust accounts plummeted. Legal Services Corporation agencies cut staff by as much as half. It is not easy for courts to take firm action today to realize the laudable goals of our profession. They cannot themselves appropriate money, and elected officials faced with mandates may act against judges directly—as in New Jersey where a Governor can, without stating a reason, refuse to nominate for tenure any judge at the conclusion of the seven-year term. In other states, judges face retention elections.

In New Jersey, the Editorial Board of the only statewide legal newspaper has deplored the state Supreme Court’s refusal to review *D.N. v. K.M.* There, Justice Barry Albin, who has tenure, dissented alone from a denial of certification. The Appellate Division refused to appoint counsel for a respondent in a “civil” domestic violence action. A finding of domestic violence has grave consequences. They include reputational harm, a loss of custody of children, loss of possession of the family home, financial penalties, placement on the offender registry, and loss of the right to a weapons permit—devastating for a law enforcement officer for whom that is a job requirement.

Albin argued that in New Jersey an indigent defendant must be assigned counsel in a civil case if he is facing termination of parental rights, *N.J. Div. Of Youth & Family Servs. V. B.R.* (2007); tier classification in a Megan’s Law case, *Doe v. Poritz* (1995); involuntary civil commitment, *In re S.L.* (1983); and contempt for violating a restraining order, *State v. Ashford* (N.J. App. Div. 2004). But these are relatively narrow swaths of cases. Domestic Violence Act cases, on the contrary, are numerous. To protect women from violence, the laws have made exclusionary orders readily available. One result of this laudable goal is that people, especially in poor districts, now rely heavily on the police and the courts to intervene to resolve domestic disputes.

The timidity of the Supreme Court is understandable, if regrettable. Domestic Violence Act cases are so numerous that it would be a substantial burden on the bar if courts assigned counsel in all such cases. And the appointment of lawyers with little experience or expertise in such matters would likely lead to representation of dubious quality. As the majority pointed out in denying certification, a ruling affording counsel in such cases would be expensive; it would affect thousands of cases annually. But fifty years ago such obstacles did not deter the U.S. Supreme Court. In the current circumstances, we recognize that fewer now than then are prepared to answer the call of *Gideon*’s Trumpet, as Anthony Lewis called the landmark opinion in his classic book.

George W. Conk is Adjunct Professor of Law and Senior Fellow of the Stein Center for Law Ethics. He is a member of the New Jersey Supreme Court’s Advisory Committee on Professional Ethics. In 2013 he received the Eric Neisser Award for Public Service by Rutgers Law School, from which he graduated in 1974.

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