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Stein Center News

Louis Stein Center for Law and Ethics

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9-2014

# Stein Center News - September 2014

Stein Center for Law and Ethics

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Fordham Law < Louis Stein Center for Law and Ethics < Newsletter < September 2014

# 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 2014

### September 2014

[Read the September 2014 welcome letter from Bruce Green and Sherri Levine here.](#)

#### Stein Alumni Awards Reception



We look forward to seeing many current Stein Scholars and graduates of the Program at the Stein Alumni Awards Reception on Tuesday, October 21.



We will bestow the Stein Alumni "In the Service of Others" Award on Afua Atta-Mensah '04, Urban Justice Center's Safety Net Project Litigation Director, and Eric Montroy '03, Assistant Federal Defender in the Capital Habeas Unit of the Federal Community Defender Office of the Eastern District of Pennsylvania, for their inspiring commitment to public service.

The reception will also be a fun way to see the beautiful new law school building!



Tuesday, October 21, 2014  
6:30-8:30 p.m.

Costantino Room • New Law School Building  
Fordham Law School  
150 West 62nd Street

Hot and cold hors d'oeuvres and wine and beer will be served.

Register now, while early bird ticket prices are still available!  
Click [here](#) to see who has already RSVPed!  
Questions: [slevine17@law.fordham.edu](mailto:slevine17@law.fordham.edu)

## International Legal Ethics Conference VII to Take Place at Fordham Law School

We are thrilled to report that the board of the [International Association of Legal Ethics](#) recently selected Fordham Law School and the Stein Center, under the direction of Stein Center Director Bruce Green, to host the seventh biennial International Legal Ethics Conference! We expect approximately 300 scholars and lawyers from around the world to come to Fordham over the course of three days (July 14–16, 2016). Participants will present at and learn from 70 different panel discussions on topics ranging from Ethnicity and the Legal Profession to Comparative Approaches to Client Confidentiality to Teaching Ethics in Law School Clinics.

We are making the conference a collaborative enterprise and have gotten off to a quick start. The American Bar Association Center for Professional Responsibility has agreed to serve as one of the co-sponsors, as have many New York-area law schools. We have put together a working group as well as U.S. and international committees of organizers and advisors from around the country and the world to assist in the planning and to ensure that ILEC VII is international in scope and content. Stay tuned for more updates as the process unfolds!

## Awards and Scholarships Go to Steins

### Kirpalani Scholarship Goes to DeAnna Baumle '17

The Kirpalani Award is a highly selective scholarship established this year to recognize and support one entering Stein Scholar who is already a leader in her field, is committed to pursuing a legal career in the service of others, and has financial need. Through the award, Susheel Kirpalani '94 hopes to support a Fordham Law student's desire to embark on a lifelong professional career dedicated to public service.



We are excited to share the news that Stein Scholar DeAnna Baumle '17 was selected to be the first Kirpalani Scholar. DeAnna graduated summa cum laude and with academic honors from Boston University in May 2012. She has been active with Emerge: Counseling and Education to Stop Domestic Violence since September 2011, first as a volunteer and then full-time as an Office Manager and Group Leader. While at Emerge, DeAnna edited outreach materials and led abuser education groups.

### Monsignor James J. Murray Prize for Achievement in Public Service Awarded to Antoine Morris '14

The Monsignor James J. Murray Prize for Achievement in Public Service is given to a graduating Fordham Law School student who is committed to a career in public service. The prize was established through a generous gift from James J. Houlihan (GSB '74), Christie L. Houlihan (FLS '11), and the Houlihan family in memory of their uncle, Monsignor James J. Murray (FLS '51, GSS '58).



Just as Monsignor Murray exemplified the Fordham Law motto "in the service of others," it is the hope of the Houlihan family that recipients of this prize will commit their professional lives to public service. Monsignor Murray was the executive director of Catholic Charities of the Archdiocese of New York from 1973 until his retirement in 2000.

This award was granted to Stein Scholar Antoine Morris at the May 2014 graduation ceremony. In the fall, Antoine will start work as a staff attorney with the Center for Appellate Litigation. During law school, Antoine was an active member of the Stein Scholars Program and an intern at the NAACP Legal Defense and Education Fund and the ACLU. As a member of the Stein Scholars Program, Antoine chaired and moderated a panel discussion called "Ending the War on Marijuana? The Legalization Movement in New York and the Nation."

### Bellet Scholarship Offered to Prescott Loveland '15

The Bellet Scholarship is designed to enable a Stein Scholar to concentrate on developing the knowledge, skills, and values necessary to function effectively and ethically in leadership positions

as a lawyer in the service of others. First offered in the fall of 2012, the Bellet Scholars Program is the initiative of Sally J. Bellet '76, former vice president of real estate development for Amtrak, president of the Stein/Bellet Foundation, and a philanthropist who has given generously in support of education, medical research, and the arts. She established the Edward and Marilyn Bellet Chair in Legal Ethics, Morality and Religion at Fordham Law School in 2006 and serves on the advisory board for the Law School's Louis Stein Center for Law and Ethics, founded by her grandfather, Louis Stein '26.



The most recent student selected to join the Bellet Scholars Program is Stein Scholar Prescott Loveland, who is jointly pursuing a J.D. from Fordham Law School and a Masters of Social Work from Fordham's Graduate School of Social Service. Prescott, a 2007 Fordham University graduate, has a passion for criminal defense and juvenile justice. He has interned at the Legal Aid Society's Criminal Defense Practice as well as with the Red Hook Community Justice Center and the Legal Aid Society's Juvenile Rights Practice. He also helped form Fordham's Youth Advocacy Law Association and was a Brendan Moore Trial Advocacy participant.

#### Record Number of 2014 Graduation Prizes Awarded to Steins!

We are also very happy to report that a record number of Stein Scholars were awarded scholarships and prizes at this year's graduation: the Joseph R. Crowley Award went to David James Harvey; the Mary Daly Prize was awarded to Jason Tortora; the Dean's Special Achievement Award went to Alex Berke; the Eugene J. Keefe Award was given to David James Harvey; the Donald Magnetti Award was awarded to David James Harvey and Alex Berke; the Emmet J. McCormack Foundation Prize was given to Tim Hiel; the Ann Moynihan Award was given to Amanda Niederauer; the Monsignor James J. Murray Prize for Achievement in Public Service was granted to Antoine Morris; the Addison M. Metcalf Labor Law Prize was awarded to Richard Hendrix; and the Robert Aram Renzulli Prize in Criminal Law was presented to Alex Guiterman. Congrats to all!

#### Join Us in Welcoming a New Class of Stein Scholars



Jennifer Angulo, an evening division student with an interest in criminal prosecution and immigration, graduated from CUNY in 2012. After seven years working as senior project manager and as chief operating officer at SPS Worldwide, a visual marketing company, Jennifer is excited to become a law student and an active member of the Stein Scholars community.

A 2012 graduate from Boston University, DeAnna Baumle worked full-time at Emerge: Counseling and Education to Stop Domestic Violence before starting at Fordham Law. While at Emerge, DeAnna edited outreach materials and led abuser education groups. She hopes to use her law degree to launch a career that focuses on domestic violence and/or poverty law.



While a student at the University of Virginia, Kathryn Campbell worked as a migrant outreach worker with the Virginia Farmworkers' Legal Aid Program and as a community organizing intern with Virginia Organizing. Her experience as a paralegal on a case about gender and race discrimination in Jefferson County, Alabama, cemented her interest in becoming a public interest attorney.

David Chambers, a member of the U.S. Marine Corps since 2007, hopes to use his law degree to help regulate the financial system to ensure that its development is both equitable and sustainable. His internship with the New York Stock Exchange Euronext strengthened his interest in pursuing a career in regulation and governmental affairs.



James Cunningham's work with AmeriCorps Vista, both as a career services coordinator at Safe Futures and then as a veterans recovery project leader at Columbus House, strengthened his advocacy skills and made him realize how much public service work there is to be done. He is pursuing a joint J.D./M.S.W. degree and hopes to focus on community organization and health law.

Marjorie Dugan envisions using her law degree to advocate for children, youth, and women. While in college, Marjorie was the president of University Child Rights at Columbia University. She also worked with orphans and vulnerable children in South Africa and with survivors of trafficking in the Philippines.



After graduating from NYU in 2011, Claire Glass focused her energies on journalism, including a stint with the communications department at the Juvenile Law Center. Her decision to become an attorney grew out of her work as a journalist writing about



restorative justice, abortion, and foreclosure. Her interests lie with children's law and criminal defense work.



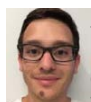
Marissa Gluck has concentrated her energies in the public service for years, first with the Anti-Violence Project and then with the Orange County Rape Crisis Center. Along the way, she was also a Congressional Intern with the U.S. House of Representatives and the director of activism and political fundraising with UNC Young Democrats.



Ashwin Iyengar's public interest experience has already been extensive. Over the last several years, he has worked as an LGBT Affordable Care Act project coordinator; peer mentor/social work consultant at the Court of Common Pleas; and a DHS case manager/intern with the Philadelphia Family Court. He is passionate about mental health advocacy and hopes to pursue that issue while a law student and as a practicing attorney.



While a student at Mount Holyoke, Marcella Jayne was an eviction defense coordinator for Springfield No One Leaves/Nadie Se Mude, a facilitator for the "Mothers Among Us" group for Incarcerated Mothers as part of the Prison Birth Project, and a board member of the Holyoke Health Center. She looks forward to learning more about many areas of law, including prisoner rights, housing, community economic development, and consumer law.



Joshua Liebman hopes to use his law degree to become a litigator with a focus on civil rights, constitutional law, and criminal justice. He is particularly concerned about the disproportionate outcomes faced by people of color arrested for violations of drug laws. While in college, Joshua interned at the New York State Division of Human Rights and the Kings County District Attorney's Office.



Since graduating from Middlebury College in 2009, Lorena Mejia has been steeped in the world of youth and education, first with AmeriCorps Vista's Ashoka's Youth Venture, then as an English instructor for Egyptian students and finally as a volunteer instructor and director of academic affairs with Sola School of Leadership in Afghanistan. Lorena is interested in exploring women's rights and immigration while at Fordham.



Saundra Ramirez believes that she is in the position she is in today as a result of having served in the U.S. Marine Corps, where she supported operations in Afghanistan and Iraq during the Persian Gulf war. She would like to continue her career in the federal government and is interested in the areas of immigration and children.



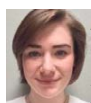
While an intern at Grama Vidiyal Microfinance Limited in Tamal Nadu, India, Daron Ravenborg was responsible for creating a sustainable business plan that supported local industry and economic growth. More recently, Daron taught underprivileged youth in Medellin, Colombia. He hopes to apply his law training to affecting public policy in the developing world.



Allison Richman has dedicated a lot of her time to issues pertaining to health care. She was an assistant sanitarian for the Westchester County Government Health Department where she worked on a West Nile Prevention Program, a translation services volunteer with the Sound View Throgs Neck Community Mental Health Center and a camp counselor at American Youth Understanding Diabetes Abroad in Quito, Ecuador.



Elizabeth Slater's work as an intake specialist at the New York Legal Assistance Group cemented her decision to come to Fordham Law School so that she could continue to deliver public service assistance to those who need it, while also advocating for positive change on a broader scale. She is interested in gaining experience in the fields of immigration and criminal defense.



After volunteering with organizations such as Attica is All of Us, the Police Reform Organizing Project, and the Correctional Association of New York, it is no wonder that Allison Tilden thinks that she might want to use her law degree to ameliorate conditions for incarcerated individuals and ensure that alternative to incarceration programs are readily available.



With extensive experience in product management and product development, particularly in the education world where she worked to advance education technology ventures, Kathy Walter hopes to expand and hone her skills so she can help others in the areas of consumer and education law.





With her B.A. from the University of Toronto and her M.S.W. from New York University, Janine Weisenbeck has interned at many places—Lawyers for Children, The New York Society for the Prevention of Cruelty to Children, Catholic Children’s Aid Society, and the Children’s Defense Fund—all with the goal of helping to improve children’s lives and opportunities.



Javed Yunus’ multiple legal internships while an undergraduate at Fordham University—the Narcotics and Extraditions Departments at the Queens District Attorney’s Office and the Trial Division at the Manhattan District Attorney’s Office—solidified his interest in criminal prosecution, legislative, and policy work.

### Angelica Kang '16 is Glad She Was an Intern at NYLAG This Summer

This summer I interned at the New York Legal Assistance Group (NYLAG) in their Storm Response Unit (SRU). During my first two years of law school I worked full time while attending classes in the evening program and because of my job, I did not intern after my first year of law school. However, early in my second year I realized that in order to be a competitive and competent future lawyer, I needed an internship to develop practical legal skills and experience. I also craved a hands-on learning approach; I had never seen the legal concepts I had imbibed in action and they remained abstract and intangible.



My Stein alumni mentor Jordan Ballard '09 encouraged me to apply for an internship at NYLAG’s Storm Response Unit due to my interest in disaster law. SRU provides comprehensive legal assistance to clients directly impacted by Superstorm Sandy and handles an array of legal issues in a number of practice areas such as housing and foreclosure, consumer, disaster benefits program, and insurance. I was selected as one of six interns for SRU. The internship was also eligible for the Equal Justice Works/Americorps J.D. program, which provides a stipend for qualifying students who work specifically in disaster legal services. Coupled with the Stein Scholar’s stipend, I felt (slightly) comfortable leaving my job in order to become an intern.

In my 10 weeks as a summer legal intern at SRU, I assisted two supervising attorneys with their caseloads. My work involved participating in client intake in the Rockaways, working with clients to resolve the legal issues holding up their applications with Build it Back (the city’s disaster benefits program created to assist homeowners with repairs and rebuilding), and researching several legal questions in order to assist clients with rebuilding their homes. Because of SRU’s wide array of services provided and the highly interactive nature of our work with clients, I was able to dabble in various areas of law. I was pleasantly surprised when I found that the application of the law for clients with names, personalities, and background stories was far more interesting and exciting than the academic pursuit of the law.

Interning at NYLAG not only provided the hands-on legal experience I needed but also contributed to my developing theories on disaster law and how legal services can best assist disaster victims. Additionally, the internship greatly informed my fall semester course selection and what areas of the law I need to learn in order to pursue a career in disaster law. I was fortunate to work with a group of warm and dedicated attorneys who were more than willing to train and guide me during my internship. At the end of the summer, I was hired to stay at SRU as a paralegal; this is a fantastic opportunity, particularly since I had taken such a big risk by quitting my job for an internship!

### Criminal Justice Ethics Shmooze

This past summer, the Stein Center for Law and Ethics, Cardozo School of Law, New York Law School, and Touro Law Center co-sponsored the Criminal Justice Ethics Shmooze on June 8-10, 2014, at Fordham Law School.

Shmooze participants included:

- Miriam Baer, Brooklyn Law School
- Michael Cassidy, Boston College of Law
- Meredith Duncan, University of Houston Law Center
- Tigran Eldred, New England Law
- Roger Anthony Fairfax, The George Washington University Law School
- Monroe Freedman, Hofstra Law
- Bennett Gershman, Pace Law School
- Bruce Green, Fordham Law School
- Lissa Griffin, Pace Law School

Erica Hashimoto, University of Georgia School of Law  
Samuel Levine, Touro Law Center  
Laurie Levenson, Loyola Law School  
Kevin McMunigal, Case Western University School of Law  
Janet Moore, University of Cincinnati School of Law  
Jane Campbell Moriarty, Duquesne University School of Law  
Ellen Podgor, Stetson Law  
Jenny Roberts, American University Washington College of Law  
Rebecca Roiphe, New York Law School  
Abbe Smith, Georgetown Law  
Ron Wright, Wake Forest University School of Law  
Ellen Yaroshfsky, Cardozo Law  
Steven Zeidman, CUNY School of Law

The Shmooze papers and conversation focused on questions of criminal procedure and professional conduct relating to prosecutors, defense lawyers, and the institutions in which they work. Specifically, junior and experienced faculty members sought feedback on ideas pertaining to issues such as new defense counsel obligations to disclose the source of real evidence, prosecutorial discovery violations, threats by prosecutors, the duty to communicate, plea bargaining, the relationship between moral courage and indigent defense representation, and prosecutorial accountability in the information age.

### What's New with Stein Alumni?

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Corey Calabrese '10 has a new job as a judicial law clerk for Judge Dora Irizarry in the U.S. District Court for the Eastern District.

Kevin Carroll '01, in his role as lawyer for Major Jason Brezler, is mentioned in a *Washington Post* article titled "[Pentagon launches investigation into Marine general's alleged retaliation.](#)"

Kristin Connelly '05 is now the President and CEO of the East Bay Leadership Council and Executive Director of the Contra Costa Economic Partnership.

Assistant United States Attorney Seth DuCharme '03 was quoted in the *New York Times* article "[In Weapons Case, Prosecutors Press 2 Brothers to Urge 3rd to Come to U.S. to Plead Guilty.](#)"

Steven Epstein '98 has been named Co-Head of the Mergers & Acquisitions Practice at Fried, Frank, Harris, Shriver & Jacobson LLP.

Rachel Graves '13 recently relocated to Colorado to work as an associate at The Komyatte Law Firm in Denver. The firm specializes in representing severely injured car accident victims in products liability suits against auto manufacturers.

Sirrah Harris '11 is excited to begin her new job with the Storm Response Unit at the New York Legal Assistance Group in early October.

Dana Irvis '05 is now Head of Sanctions at Brown Brothers Harriman.

Sarah Lorr '10 has started work as an attorney with Brooklyn Defender Services in the Family Defense Practice, where she will aim to protect the due process rights of low-income families.

Chimera Thompson '07 (formerly Bowen) is an associate in Dorsey & Whitney's Trial Group in Washington, DC.

On June 27, 2014, Edgar De Leon '98 spoke about his practice, [De Leon & Associates, PLLC](#) at a Fordham Law CLE conference called *Solo Out of the Gate: A Boot Camp for Attorneys Starting a Law Practice from Scratch*.

Marni von Wilpert '11 recently started working with the National Labor Relations Board in the Appellate and Supreme Court Litigation Branch in Washington, D.C., where she will be litigating NLRB cases in the U.S. Courts of Appeals.

Emily Wei '09 is the (relatively) new Deputy Director for Policy Development in the Advocacy Department at Catholic Relief Services.

Stein Graduates on the Front Lines of Labor and Employment Law

Learn how six Stein graduates—Naoki Fujita '13, Daniel Gross '07, Diana Marin '12, Jadhira Rivera '05, Michal Shinnar '11 and Juno Turner '06—are advancing the rights of workers and unions.

Naoki Fujita '13 – National Labor Relations Board

Q: Where do you work and why did you decide to pursue a career in labor/employment law?

I am a field attorney with Region 29 of the National Labor Relations Board, which covers the boroughs of Brooklyn, Queens, and Staten Island, as well as Nassau and Suffolk Counties. The purpose of the NLRB is to conduct elections, investigate charges of unfair labor practices, and protect the rights of workers to act together. There are approximately 30 attorneys at the Brooklyn Regional office.

I entered Region 29 through the Honors Program, which meant that I was offered the position before graduating from law school, a reassuring way to end school! My primary focus is to investigate violations of labor law. One great thing about working in this field is that new attorneys get a lot of trial experience right from the start. We settle many of our cases, but many others go to trial. Trial experience is very valuable and something you might not get exposed to as a junior attorney in the private sector. The applicable rules when appearing before an administrative law judge are a little different, but I still must prepare witnesses, assemble evidence, etc. It has been a good way to learn the nuts and bolts of trial practice. The other uniquely valuable experience has been my responsibilities as unofficial mediator between unions and employers. When I draft and shape a settlement in a high-stakes case, I am also helping to negotiate and mend relations between the parties.



I applied to law school knowing that I wanted to pursue labor law. I had worked for 5 years as a union organizer with Unite Here! and SEIU (Service Employees International Union) before coming to Fordham. Once at Fordham, I found labor law to be very interesting and an important tool for protecting workers' rights.

Q: Any trends in the field you think will be particularly important down the road?

There are lots of changes going on right now in the field of labor. In the face of some large employers who refuse to bargain collectively over labor conditions, several local municipalities have implemented initiatives to increase wages for low-wage workers. Those efforts are taking place outside of conventional collective bargaining relationships, because worker centers and unions are looking for ways to improve working conditions outside of the traditional labor contract. Those campaigns work hand-in-hand with union contracts, because employers that refuse to bargain collectively (e.g., McDonald's, Wal-Mart, etc.) are now being faced with government mandates on wages, sick leave, and family leave. Some of these same employers might eventually decide they prefer to engage in collective bargaining rather than be regulated by the government, in part because union contracts can be employer-specific. Additionally, the NLRB is exploring new ways to defend the legal right to collective action, which includes looking at franchisors as joint-employers.

Q: Any advice for students or graduates who are thinking about entering this area of law?

You can gain experiences in the fields of labor and employment in many different contexts—from small nonprofit worker centers to government agencies to private law firms. Look at all the different options while you are figuring out if this is the field for you. Additionally, being able to take advantage of the Public Service Loan Forgiveness Program has been a tremendous benefit to working in government. I anticipate being debt-free in 10 years.

Q: Can you describe one interesting project and your role in helping to achieve a positive outcome?

I worked on a trial last fall in which we won a judgment against a green grocer in a case brought against Golden Farm Grocery. The case was particularly interesting because the judgment wasn't the end of the story. This employer continued to blatantly violate labor law, so we went to the Eastern District to get a 10(j) injunction. Section 10(j) of the National Labor Relations Act authorizes the NLRB to seek temporary injunctions against employers and unions in federal district courts to stop unfair labor practices while a case is being litigated before an administrative law judge and the board.

Although bargaining in bad faith is a question of fact, this employer's behavior was so outrageous that it was not hard to demonstrate bad faith. The parties recently signed a one-year contract, when the employer started out demanding a 4-month contract, which is unheard of in contract



negotiations.

Going to federal court was exciting and the NLRB General Counsel is encouraging the use of 10(j) injunctions, especially in first contract cases. Once a majority of workers have voted for a union, they are entitled to see their rights upheld and taken seriously. Injunctions are one tool to enforce workers' rights.

Compliance isn't glamorous, but it is often a really important mechanism to enforce a judgment and protect workers' rights.

Daniel Gross '07 – Brandworkers

I didn't so much choose labor and employment law as much as it chose me. Working as a bookseller at Borders and a barista at Starbucks showed me first hand what was wrong with our economy. Wages too low to live on, insecure schedules, concentrated corporate power. Organizing with my co-workers, we felt the relentless sting of the anti-union lawyers deployed against us. I was convinced I should go to law school to fight back better.



Landing in the Stein Scholars Program at Fordham Law School changed my life. Stein empowered me to pursue a vision of starting an organization where workers could come to learn social change tools and assert their own voice on the job and in society.

The professors and staff of Stein take my breath away. Yes, they're brilliant and giving. But what stands out to me most is their courage: to stand against the tides of corporate control, elite society, and bigotry.

I have so much admiration for all of them: Bruce Green, Jennifer Gordon, Brian Glick, Andrew Chapin, Hillary Exter, Martha Rayner, Abby Hernandez-Brown, Tom Schoenherr, Russ Pearce, Sherri Levine, and many more. All of them are principled, courageous people. That I still get to collaborate with these folks as part of the Brandworkers community is one of the highest honors in my career.

Some of you are considering careers in labor and employment and that's how it should be with such great need out there. Income inequality is at historic highs. At the same time, traditional methods of change for workers including lawsuits and orthodox labor organizing are falling flat when measured against the enormity of the challenge.

The advice I'd give is to think anew about the problems facing working people by engaging directly with workers and formulating new collective solutions. What sacred cows in the labor movement like exclusive representation and mandatory membership could we reconsider? How might technology help workers come together or develop leadership skills?

I feel strongly that there's a ripe opportunity to experiment with new solutions to the enormous challenges facing working families. We need emerging legal professionals that will serve the movement as lawyer-innovators with a bias against the status quo and high accountability to workers.

Embrace your Stein opportunity to the fullest. You can take it from me that the community will keep you in good stead.

Daniel Gross '07 is the founder and executive director of Brandworkers, a nonprofit membership organization of immigrant workers in the local food production industry. Join the Stein community at the 2014 Brandworkers Awards Dinner, honoring *Champions of Economic Justice*, on November 13.

Diana Marin '12 – Urban Justice Center Community Development Project

Q: Where do you currently work?

I work at the Community Development Project of the Urban Justice Center, specifically in CDP's workers' rights practice. I started as a CDP workers' rights attorney in October 2013. Prior to that, I worked at Getman & Sweeney, a plaintiff-side employment law firm in New Paltz, New York.

Q: Why did you decide to pursue a career in labor/employment law?

During college, I worked in Fordham Law School's Clinical Program as a translator and secretary. I saw the impact that the Clinic had on people who could have been my neighbors or my family members. The work connected me to my upbringing and set me on a path towards law school. When I got to law school, I knew I wanted to do civil legal services work but was not sure in what area. Through coursework and internships, I homed in on the areas of law I was most passionate about. A summer internship at Farmworkers Legal Services of Michigan, followed by Professor Jennifer Gordon's class on workers' rights cemented my area of focus.



Q: What is unique about the CDP model?

Through legal representation, research and policy work, and technical assistance, CDP supports grassroots organizations that organize around social and economic justice affecting NYC's low-income communities. CDP's community partners are organizing around housing, consumer justice, and workers' rights issues. CDP's clients reflect the members of our community partners and include nannies, housekeepers, restaurant workers, day laborers, and hotel workers. Some of our partner organizations include SAPNA NYC; Damayan; Domestic Workers United; Chinese Staff and Workers' Association; the National Mobilization Against Sweatshops (NMASS); Desis Rising Up and Moving; New Immigrant Community Empowerment (NICE); and the Workers' Justice Project.

Q: What has been a big/unexpected challenge of the work so far?

The most surprising challenges have been ethical in nature. The Rules of Professional Responsibility often don't seem equipped to address our model and legal work, which has us working with community organizations and organizers as well as with individual clients. We are often working in a grey area and have to balance adhering to the rules and CDP's unique model. For example, how do we involve organizers in a case without breaching attorney-client privilege? How do you reconcile a group's organizing goals and an individual's right to settle a case? The rules don't always seem to take into account attorneys who bridge two worlds: grassroots community organizing and individual client representation.

Q: Any successes?

One area in which we have had success lately is the use of mechanic's liens for day laborers who experience wage theft. By placing a lien against the property where a construction worker worked and was not paid, we have been able to recover back wages owed to low-wage construction workers. Mechanic's liens are limited to construction workers, but CDP and its community partners are part of a coalition working toward expanding New York's lien law to include all low-wage workers who are not paid by their employers.

Q: Does the debate around immigration reform affect your work?

On the one hand, the debate around immigration reform doesn't directly impact our work because under federal and state law if you work, you are entitled to be paid, regardless of your immigration status. We are, however, seeing an increase in labor trafficking cases as more employers and recruiters are misusing guest worker visas and taking advantage of foreign workers by charging exorbitant fees to work in the U.S. and then not following through on the promised wages and work. Without a complete overhaul of our guest worker programs, foreign workers will continue to be exploited by nefarious recruiters and employers. More importantly, without comprehensive immigration reform, low-wage workers will continue to be exploited and afraid to come forward. When that happens, all workers are hurt, regardless of legal status.

Q: Any trends in the field you think will be particularly important down the road?

We are concerned about the issue of collections for low-wage workers who win their employment cases but are often left with only a written judgment and no feasible way of collecting on the money owed them. For example, lots of employers transfer assets, file for bankruptcy, and close up shop and then open up under another name, all as a way to avoid paying judgments or back wages. CDP's community partners are leading efforts to implement legislation to make it harder for unscrupulous employers to ignore paying judgments awarded to workers for unpaid wages. One of those efforts is the SWEAT (Securing Wages Earned Against Theft) campaign and the SWEAT bill, aimed at trying to change New York law to make it hard for unscrupulous employers to hide or move assets.

Q: Any advice for students or graduates who are thinking about entering this area of law?

If you are committed to the labor and employment fields, then show it. Stay involved in those areas. There is no set route, but demonstrated commitment is important, either through internships, clinics, or volunteering. Additionally, try to be mindful of what you can get out of internships and volunteering and make the most of each experience by gaining as many "hard" legal skills (i.e., research, writing, negotiations, client interactions) as you can.

Jadhira Rivera '05 – Equal Employment Opportunity Commission

Q: What do you do and why did you decide to pursue a career in labor/employment law?

I am a trial attorney with the EEOC Newark Area Office. As an attorney with the EEOC, I bring cases on behalf of the Commission to enforce the anti-discrimination statutes. Additionally, I serve as counsel to investigators when they have questions about a case that is still in the investigation stage. The majority of our cases are initiated when people walk through the door and file a complaint. The complaint then undergoes a process to determine if it appears meritorious, at which time a final decision is made as to whether or not to pursue it in court.

I came to work at the EEOC as a result of a law school summer internship. I did not go to law school thinking I wanted to practice in the area of employment discrimination. Prior to starting law school, I worked as an investigator for a public defender and I went to law school so I could obtain the training to become a public defender. When I interned at the EEOC during my second summer, however, an interest was sparked. Back at school, I took labor and employment classes, such as labor law and employment discrimination. Upon graduation, I started at a non-profit where I focused on advocacy on behalf of low-wage workers. I have been with the EEOC since 2009.

Attorneys at the EEOC do not have specialty areas and we handle complaints regarding all of the issues covered by the statutes we enforce: disability, race, national origin, etc. We tend to get more Title VII cases than anything else, but that is because Title VII is broad and covers a lot.

Q: What has been a big/unexpected challenge of the work so far?

There are always administrative steps that we must undergo before getting into court with a matter. I underestimated how much time these would take.

Q: Can you describe a recent case that was particularly satisfying?

Last year, we settled a case against a Japanese specialty supermarket. We alleged that Hispanic workers were being paid less than their Asian counterparts. After the investigation, we learned that Hispanic workers with similar jobs, length of service and backgrounds were being paid \$1-\$2 less than other workers. For a low-wage worker, one to two dollars an hour is a big deal. We settled the case favorably and secured 100% back pay for the workers, along with a wage adjustment going forward.

When I worked at the nonprofit, money considerations always played a role in whether or not we could litigate a case. Often, employment discrimination work wasn't funded. I appreciate that at the EEOC merit is the main consideration.

Q: What is the most frustrating part about your work?

The amount of time I spend arguing about discovery issues and not about the merits can be very frustrating. I assume that is true for all litigation across the board, but I would much rather get to the meat of a case, instead of arguing about document production.

Q: Have the fast food workers campaign, the efforts to raise the minimum wage and the renewed dialogue around inequality impacted your work?

Not really, because we deal with wage disparities, not wage rates. I have not seen an uptick in cases as a result of the increased attention being paid to these issues. We tend to see an uptick in complaints when one of our press releases about a favorable settlement or verdict gets significant media coverage.

Q: Any tips for students who want to pursue this type of work?

If you want to work at the EEOC upon graduation, I highly recommend interning with the EEOC first. Interns usually get to interview for any job openings, so it is a big advantage. They like to hire people who are already familiar with the agency. If you do intern here, please try to do a good job.

You would be surprised at how many interns do not take the work seriously.

Q: What do you wish you had learned in law school that would have helped you hit the ground running when you first started in this field?

I felt well prepared when it came to the law, but I do wish I had received more practical training, such as how to take a good deposition. How to take a good deposition could be a whole course. There are so many different kinds of depositions: technical, hostile witness, defense, etc. Since so many cases don't go to trial these days, being able to secure evidence via document production and depositions is critically important. I have become better by trial and error, but I wish I had started here with more experience under my belt.

Michal B. Shinnar '11 – Snider & Associates, LLC

I graduated from Fordham Law School in 2011 and am currently a Litigation Associate at Snider & Associates, LLC, a plaintiff and union side labor and employment law firm in Baltimore, MD. The majority of my work is split between litigating discrimination cases and wage and hour cases, though I also handle traditional labor law, whistleblower cases, and matters before the Merit System Protection Board. Most of my wage and hour cases are collective actions. Most of my discrimination cases are individual cases, including both trial and appellate work.

I decided to pursue a career in labor and employment law because I am really interested in how employment opportunities are crucial for all other elements of a person's life. The ability to earn a living, get paid the wages you are owed, and access employment opportunities free from discrimination determines your ability to pay for housing, education, and more. In addition, prior to starting at Fordham I worked in medical research, and wanted to apply my healthcare knowledge to advocating for individuals with disabilities in a different context. I really enjoy seeing the concrete impact my work has on my client's lives, and enjoy the challenges of developing a client's case throughout the litigation process. Often client's come with a hunch that they have experienced a problem at work due to discrimination, and it is my job to use the discovery process to develop the evidence to be able prove their hunch at trial. With my wage and hour clients, often their underlying story is about an employer who was trying to get around existing labor laws - either by misclassifying an employee as exempt from the Fair Labor Standards Act, turning a blind eye to the overtime hours the employee is forced to work without compensation, and more.



Recent major court cases have made some of my work more difficult, such as *Vance v. Ball State* placing a higher threshold standard for considering someone an employee's supervisor, and *Dukes v. Walmart's* limitations on class actions. On the other hand, the amendments to the Americans with Disabilities Act (ADA) passed in 2008 vastly expanded the rights of disabled employees, and it has been really rewarding to be able to help individuals with disabilities that would not have been protected by the ADA prior to 2008. Ultimately, as a litigator, my job does not include fixing some of the more structural and macro problems in our labor market, such as high unemployment, the impact of globalization on American workers (especially blue collar workers), our immigration system, rising income inequality and beyond. As someone who deeply cares about the overall structural issues, it can be frustrating to know you cannot use litigation to fully address these matters. However, I see my role as working to secure fair opportunities within the jobs that exist and compliance with the laws currently on the books designed to protect employees, and that itself goes a long way towards protecting workers.

If you are considering going into employment law, I highly recommend doing legal internships in the field and taking substantive employment law classes, such as Jennifer Gordon's seminar on workers' rights. In addition, focus on getting practical litigation skills. Some of the best preparation Fordham gave me for my current position were my time on the Moot Court team, a class on discovery and the pre-trial process that I took with Judge Patty Shwartz (now on the Third Circuit), and a semester in the Tax & Consumer Law clinic. Law school is primarily designed to teach you the substantive law and how to research issues, which is very important, but knowing the substantive law does not teach you how to draft interrogatories, take depositions, or litigate your case. Seek out those experiences both through Fordham classes and externships. The staff at PIRC are phenomenal resources and can help you think of ways to find these experiences. Overall, working in labor and employment litigation is challenging, satisfying and fun. I am happy to talk with any Fordham students considering pursuing a career in the field.

Juno Turner '06 – Outten & Golden LLP

Q: Where do you currently work and what did you do previously?

I am an associate at Outten & Golden LLP, where I represent employees in all areas of employment law. Prior to joining the firm in 2009, I was a law clerk to the Honorable James Orenstein in the Eastern District of New York, and before that I worked for two years in the Labor Bureau of the New York State Attorney General's Office, where I investigated and prosecuted minimum wage and overtime violations.



Q: Why did you decide to pursue a career in labor/employment law?

Before law school, I focused on immigrant rights work, where I helped to get clients their papers so they could live lawfully in the U.S. The work was important, but I soon realized that even after my clients gained lawful status, they were still exploited at work. That realization made me want to shift my focus to pursuing workplace protections. Most of us work, and jobs should be a place where we are respected and not discriminated against. I decided employment law was the best way to use my law degree.

Q: What has been a big/unexpected challenge of the work so far?

One really big challenge is the war on class actions by corporate America. This campaign takes many forms, but overall it is an attempt to stamp out class actions, which are a particularly effective way of vindicating rights for low-wage workers. They have pulled out all the stops, but we are responding by being tenacious and not rolling over. For example, despite the media frenzy, we do not think the recent *Dukes v. Walmart* decision signals the death of class actions. We continue to file them successfully and we will keep at it.

Q: Any advice for students or graduates who are thinking about entering this area of law?

Take all the relevant classes you can. Always look for ways to demonstrate your interest in labor/employment law. Spend your summers interning at workers' rights organizations. Check out relevant bar association committees and the [National Employment Lawyers Association/New York \(NELA-NY\)](#), which is very active. Consider going to one of NELA-NY's semi-annual conferences, where you can learn from pros and network.

Q: Will any of the recent labor-related decisions (i.e., *Harris v. Quinn*, the NLRB McDonald's ruling, etc.) have an impact on your work?

The NLRB decision to pursue McDonald's was very encouraging. It was great to see the government take a hard look at labor abuses prevalent at franchised companies. Another promising example is the decision by a NJ District Court in *Nair v. 7-Eleven* that allowed franchisees to proceed with a Fair Labor Standards Act suit against 7-Eleven. We are beginning to see closer scrutiny of labor out-sourcing and concurrent sourcing away of responsibilities. These cases help raise awareness of wage exploitation practices that enrich corporate America at the expense of low-wage workers. Other issues that are finally getting more attention and greater scrutiny have to do with fair scheduling and over-use of part-time shifts, often as a way to avoid responsibilities under programs such as the Affordable Care Act. Workers are rising up and challenging these practices through organizing and litigation. Lots of workers' rights groups are doing great work in these areas.

Q: What do you wish you had learned in law school that would have helped you hit the ground running when you first started in this field?

I wish I had focused on acquiring actual legal skills, such as the nuts and bolts of litigating a case. I wish, for example, I had participated in moot court to get practice making a legal argument. It turns out that it is really hard to do and the more confidence one brings to the task the better.

Q: What has been a case that has inspired you at Outten and Golden?

The unpaid intern cases have been really inspiring and a wonderful learning experience. In June 2013, Judge William H. Pauley III, ruling in favor of our clients, two former unpaid interns, declared that Fox Searchlight Pictures violated labor law by not paying the interns for their work on the production of the 2009 film *Black Swan*.

That case challenged a practice that widely exists, but is utterly unlawful. If you work, you are



entitled to wages, even if the employer calls it an internship. The purpose of the lawsuit was not just to get the interns money, but to level the playing field. Unpaid internships help provide entrée to paid employment for those who can live without a salary, while simultaneously disenfranchising people of color and working class youth who can't afford to work for free. The Black Swan case and another of our intern cases are currently pending before the 2nd Circuit Court of Appeals, and we are handling many other cases that may be affected by the outcome of that appeal.

## What's New with Legal Ethics?

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By Sylvia Shweder '05

As lawyers, we sometimes have to figure out appropriate steps to take when the legal and ethics guidelines are less than clear. As an assistant United States attorney, I must conduct investigations and prosecute individuals while also ensuring that people's individual rights are protected. In that capacity, I recently came across an ethics issue in which I was using the grand jury to assist in furthering an investigation when the witness I had subpoenaed stated that he wanted to consult an attorney but could not afford one.

In federal court, there is a Criminal Justice Act panel that has a roster of attorneys who take turns representing indigent defendants in criminal cases when the Federal Defender Service (the public defenders) are conflicted out of a case. A person, including a witness in a grand jury proceeding, who is not indicted does not legally get assigned counsel.

After I subpoenaed a witness to the grand jury, the witness asked for assigned counsel and said that he could prove his inability to afford his own attorney.

At this point, I could have forced the witness to nonetheless appear before the grand jury because he was not entitled to legal counsel paid by federal funds. I did not want my investigation into certain criminal conduct to be hampered merely because the witness was unable to afford an attorney. Yet, I did not feel comfortable requiring the witness to appear before the grand jury without his speaking to an attorney, as he had requested.

While the public's need to properly allocate taxpayer funds to pay for attorneys must be balanced against ending a possible fraud on the public, here the government's ethics boundaries of not wanting to force a witness to speak to the grand jury without the advice of counsel when he requested it outweighed the need to follow the legal limitations that a witness is not entitled to assigned counsel. Here, it was in the best interest of the individual to feel comfortable understanding the law despite not being able to afford an attorney and of the government to further an investigation into criminal activity. Thus, the government joined in the witness' request to the Court to have CJA counsel assigned. Ultimately, the witness was appointed counsel.

*Sylvia Shweder graduated from Fordham Law School in 2005 and was in the Stein Scholars Program. Following law school, she clerked for Hon. Loretta A. Preska, S.D.N.Y. and then worked at Sullivan & Cromwell LLP before joining the U.S. Attorney's Office in E.D.N.Y. in 2008. The views expressed in the article do not necessarily represent the views of the U.S. Attorney's Office or the United States.*

## What's New with Andrew Chapin and Tom Schoenherr?

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Andrew Chapin (Director of Counseling and Public Interest Scholars) married David Goren on Saturday, August 2, 2014, in the Pines on Fire Island and celebrated the event with about 100 of their friends and family at a beachfront house. Andrew and David have known each other for nearly 4 years and now they are living together happily in their Gramercy Park apartment. They hope to honeymoon in Australia and Japan next spring.

Andrew is also celebrating his 10th anniversary with Fordham Law's Public Interest Resource Center and Stein Scholars this September. He continues to be very active in law related professional organizations and was recently elected to serve for two years on the National Association for Law Placement's (NALP) Board of Directors. Many of you know that NALP sets hiring practices nationally for both private sector and public interest



employers and promotes equal opportunity, increasing diversity in the legal community.

Andrew has been busy all summer interviewing applicants for the incoming class of Steins and preparing for Stein and public interest activities for fall semester. At Lavender Law 2014 (the LGBT Law Conference & Career Fair) Andrew volunteered as a counselor, advising law students how to best present themselves professionally and move toward their individualized career goals.

Andrew is available for alumni career development too, so contact him anytime at [achapin@law.fordham.edu](mailto:achapin@law.fordham.edu) to chat or discuss your career goals.



Tom Schoenherr (Assistant Dean of Public Interest Resource Center) and everyone else in PIRC spent a lot of time over the past two months preparing for and moving into our new law school building. Tom went through 2+ decades of archives and files, purging, organizing, and packing—then moving, unpacking, and setting up in PIRC's clean and sleek new offices. Tom has also been busy this summer with work for the American Association of Law School's (AALS) Pro Bono Section, co-chairing the section's program planning sub-committee and organizing the section's program for the next AALS conference, which will take place in Washington, DC the first week of January 2015. Tom is also the AALS Pro Bono Section's point person for the annual service project, which has become a long-standing tradition at the AALS conference.

Last April, Tom moderated a panel, "International Public Interest Fellowships – Opening a World of Possibilities for our Graduates," at the NALP Annual Conference in Seattle, Washington, and was very happy to get together for dinner with May Che '03, who has been working as an attorney with the US-EEOC in Seattle for the past 5 years. Most recently, while attending the Lavender Law conference in New York this August, Tom caught up with Karen Loewy '00, currently working as a Senior Staff Attorney with Lambda Legal in NYC, and Richard Saenz '10, who has worked as the Staff Attorney of the HIV/LGBT Advocacy Project at Queens Legal Services since he graduated, and was named last year by the National LGBT Bar Association as a member of its Class of 2013 Best LGBT Lawyers Under 40 who have distinguished themselves in their field and have demonstrated a profound commitment to LGBT equality. Tom and his husband, Don, were delighted to spend the first week of July vacationing in Provincetown on Cape Cod, and the second week of August celebrating their one-year wedding anniversary on the Côte d'Azur in France.

NEW YORK IS MY CAMPUS . FORDHAM IS MY SCHOOL

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