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Stein Center News

Louis Stein Center for Law and Ethics

12-2014

Stein Center News - December 2014

Stein Center for Law and Ethics

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Recommended Citation

Stein Center for Law and Ethics, "Stein Center News - December 2014" (2014). *Stein Center News*. Paper 3.
http://ir.lawnet.fordham.edu/stein_news/3

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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

December 2014

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Stein Alumni Awards Reception an Inspiring Success



The strength of the Stein Scholars Program was on full display at this year's Stein Alumni Awards Reception, which took place at the new law school building on October 21. Current students, Stein graduates, faculty, and administrators enjoyed the chance to catch up and make new connections, while also recognizing the work of two Stein Scholars graduates, Afua Atta-Mensah '04 and Eric Montroy '03, who received the Stein Alumni "in the Service of Others" Award for their exceptional leadership, commitment, and contributions to public service.

As the safety net project litigation director at the Urban Justice Center, Afua advocates for economic justice by combining direct legal services, litigation, research, and policy advocacy to improve the lives of every day New Yorkers. Eric Montroy is an assistant federal defender in the Capital Habeas Unit of the Federal Community Defender Office of the Eastern District of Pennsylvania, where he represents death-row prisoners in post-conviction proceedings throughout Pennsylvania and beyond.

Afua and Eric gave inspiring remarks, as did the Steins who introduced them, Aimee Perez Cordero '03 and James Gatta '02.

A special thanks goes to the Planning Committee:

Susan M. Cordaro '04

Louise Feld '02

Yvette Garcia '95

Cynthia Isales '05

David W. Knight '03

Christine Schessler Poscablo '01

Melissa Lardo Stewart '09



Photos from the night can be found at the Stein Center's website [here](#) and on the [Stein Center Facebook page](#).

Plans are already underway for next year's Stein Alumni Awards Reception, so stay tuned for details about the date and nomination process.

Stein Scholars Speak Their Passion

Table Talk (October 8)

Four Stein Scholars alumni returned to the Law School to talk with current Stein Scholars about careers in public interest. The practitioners described their career paths, areas of focus, current employers, and law school experiences. They also offered advice on internship and job applications. In this way, current Steins were able to explore possible career alternatives they otherwise may not have considered, while also getting tips on how to make the transition from law student to public interest lawyer.



Alumni attendees included:

Susan Cordaro '04, The Children's Law Center
Nakeeb Siddique '06, The Legal Aid Society
Melissa Lardo Stewart '09, Outten & Golden LLP
David Urena '12, MFY Legal Services

Alternatives to Incarceration (October 29)

Stein Scholars organized a discussion titled "Alternatives to Incarceration," which was co-sponsored by two Fordham Law student groups, Youth Advocacy Law Association and Prisoners' Rights Advocates. The panel featured two speakers: Carol Fisler, Director of Mental Health Court and Alternative-to-Detention Programs at the [Center for Court Innovation](#), and Jim St. Germain, founder of [Preparing Leaders of Tomorrow](#), a nonprofit organization that provides mentors to youth involved with, or at-risk of entering, the juvenile justice system. Drawing on their professional and personal experiences with the criminal justice system, the speakers discussed the benefits of alternative approaches to incarceration.

Ms. Fisler spoke about the state of mental health courts (both in New York and around the country), her work at Center for Court Innovation, and current research regarding mental health courts. After explaining that recidivism rates are lower for individuals diverted to mental health courts, she identified the factors most responsible for recidivism: age, prior interaction with criminal justice system, and anti-social behavior. Surprisingly, mental illness is not included as a key factor. The evidence further suggests that the willingness of judges and prosecutors to provide



alternatives to incarceration. The evidence further suggests that the willingness of judges and prosecutors to provide



individualized attention to defendants in mental health courts is the most powerful antidote to recidivism.

Mr. St. Germain complemented Ms. Fisler's presentation by sharing his personal journey as someone caught up in the criminal justice system at a young age and who benefited from an alternative justice program. After struggling with severe poverty and dislocation, Mr. St. Germain was arrested on multiple occasions by the time he was a teenager. After his last conviction, Mr. St. Germain's public defender fought to have him placed in a small group home in Brooklyn run by Boys Town. While there, he received guidance, support, and mentoring, which enabled him to turn his life around. He got his GED, graduated from John Jay College, and formed his own nonprofit in order to give back to other at-risk kids. Mr. St. Germain concluded his remarks by asserting that he is proof that community support and alternatives to incarceration can have a profound impact.

Standards of Police Conduct (November 5)

What standards of conduct should police follow in their day-to-day interactions with people? What role should the "broken windows theory" of policing—heightened police presence and heavy enforcement of minor violations and "quality of life" infractions in low-income and minority neighborhoods—play in overall police policy and efforts to reduce violent crime? The Stein Scholars presented a discussion on whether the "broken windows theory" is a wise or fair use of police resources and which other models of policing might be preferable.



The forum started with taped interviews of NYPD Commissioner Bill Bratton and Patrolmen's Benevolent Society (PBA) representative Pat Lynch. Both men described a current culture of anti-police rhetoric throughout much of New York City. Commissioner Bratton defended the "broken windows theory" by saying that the people of Staten Island, for example, deserve to feel as safe as those in Central Park South and that in order to ensure this, a heightened police presence is required in poverty-stricken neighborhoods. Mr. Lynch explained that too many people believe that resisting arrest is not a serious crime, and that "police officers should be allowed to expect to go home safely" and "use all necessary resources" in order to do so.

Following the videos, four panelists discussed various aspects of the "broken windows theory." LeShera Hardy, a public defender with Brooklyn Defender Services, emphasized how lack of trust of the police is a major issue. Austin Ashe, a Ph.D. candidate from Duke University, maintained that there is no data proving that the "broken windows policy" works, despite contrary popular belief. Andrea Ritchie, a police misconduct attorney from Streetwise and Safe who works to stop police misconduct on a policy level, argued that police conduct is inherently subjective and biased. Finally, Cynthia Conti-Cook, a special litigation unit staff attorney from The Legal Aid Society, discussed the reasons behind the individual and class action lawsuits she regularly brings against the police.

Law Review and Stein Center Team Up for Ethics Colloquium

On October 16 and 17, the Stein Center brought together approximately twenty scholars from the United States and United Kingdom for a colloquium titled *The Challenge of Equity and Inclusion in the Legal Profession: An International and Comparative Perspective*. Throughout the two-day event, which was co-sponsored by Stanford Law School's Center on the Legal Profession and the Centre for Professional Legal Education and Research at the University of Birmingham Law School, the speakers analyzed such themes as the ways the legal profession is diversifying compared to the racial and gender background of those practicing at the higher echelons; the different ways inequality manifests itself in the two jurisdictions; the causes of the disadvantages experienced by the lower status groups; and alternative ways each jurisdiction is addressing diversity.



The following speakers presented papers and engaged in an open, moderated, and comparative discussion about race, class, gender, status, inequality, and change in the legal profession:

Julie Ashdown (Law Society)
Louise Ashley (Kent Business School)
Devon Carbado (UCLA School of Law)
Richard Collier (Newcastle Law)
Michele Goodwin (University of Minnesota Law)
Bruce Green (Fordham Law)
Lani Guinier (Harvard Law School)
Justin Hansford (Saint Louis University Law)
Milano Harden (The Genius Group)
Stacey Hawkins (Rutgers Law)
Savita Kumra (Brunel Business)
Jonathan Lamptey (London School of Economics)
Russell Pearce (Fordham Law)
Deborah Rhode (Stanford Law School)
Hilary Sommerlad (Birmingham Law School)
Steven Vaughan (Birmingham Law School)
Eli Wald (University of Denver Law)
Lisa Webley (University of Westminster School of Law)
Kevin Woodson (Drexel School of Law)

Check out the [recent events gallery](#) to see more from the event.

The *Fordham Law Review* partners with the Stein Center on an annual legal ethics colloquium, and the papers from this colloquium will be published by the *Fordham Law Review* in a spring 2015 issue. If you would like to reserve a copy, please send an email with your name and mailing address to: steincenter@law.fordham.edu.

Meet the New Bellet Scholar, Marcella Jayne '18E

The Bellet Scholarship is given annually to one incoming Stein Scholar on the basis of merit and financial need. Established and supported by Sally Bellet '76, the Bellet Scholarship enables a Stein Scholar to concentrate on developing the knowledge, skills, and values needed to successfully and ethically achieve leadership positions as a lawyer in the service of others.

Marcella Jayne '18 is this year's Bellet Scholar. Marcella, an evening division student, is a single mother of two children who recently relocated to New York to attend law school. She graduated cum laude with high honors from Mount Holyoke College in 2013. Marcella is particularly passionate about preserving and expanding access to low-income housing and was instrumental in a fight to save a public housing project in Springfield, Massachusetts. She 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 its Prison Birth Project, and a board member of the Holyoke Health Center.



She had only been at Fordham one week when her peers nominated and elected her to be the evening division representative on Stein Council. [Watch a video of Marcella sharing her struggles and aspirations.](#)

Welcome the Stein Center Dean's Fellow, Ruben Magalhaes '14

Ruben Magalhaes '14 began working with the Stein Center on October



6 as the Stein Center Dean's Fellow. While a student at Fordham Law, Ruben was a member of the *Fordham International Law Journal*, a student attorney at the Fordham Criminal Defense Clinic, and the student affairs and mentoring chair for the Latin American Law Student Association. Ruben was also a blog editor and contributor for the Fordham Sports Law Forum, where his article on international tax laws was cited in *Forbes*. Upon graduation in May 2014, Ruben received the Archibald R. Murray Public Service Award summa cum laude for completing more than 1,200 hours of pro bono and public service work.

Ruben is admitted to the New Jersey bar and hopes to find a permanent position working in securities litigation or regulation law. As the Stein Center Dean's Fellow, he will focus on designing and implementing Stein Center programs, developing workshop proposals, and enriching the curriculum. Ruben can be reached directly at rmagalhaes@law.fordham.edu.

Representing Palestinian Rights in the Israeli Supreme Court: Client Loyalty, Social Change and Political Legitimacy



On November 5, Visiting Professor Neta Ziv (Buchmann Faculty of Law, Tel Aviv University, Israel) and Fordham Law Professor Russell Pearce jointly presented a program titled *Representing Palestinian Rights in the Israeli Supreme Court: Client Loyalty, Social Change and Political Legitimacy*. The event was co-sponsored by the Stein Center, the Institute on Religion, Law and Lawyer's Work, and the Leitner Center for International Law & Justice.

The speakers introduced the policy, political, and legal issues that result from the Israeli High Court of Justice jurisdiction over Palestinians in the occupied territories, including cases regarding administrative detention, house demolition, curfews, torture, and use of public resources by Palestinians. Within this framework, Israeli lawyers considering representing Palestinians must decide how to balance issues of rule of law, advocacy, and client loyalty on the one hand, with the possibility of lending political legitimacy to a legal system viewed by many as biased, unilateral, and illegitimate.

After opening remarks, the speakers showed clips from director Ra'ana Alexandroni's powerful documentary *The Law in These Parts* (in Hebrew, *Shilton Hackok*, or *The Rule of Law*), which explores these issues by interviewing high-ranking former generals, judges, and Meir Shamgar, the retired president of Israel's Supreme Court. Although sometimes the Court has ruled in favor of Palestinians—the 1999 decision to prohibit physical torture during interrogations—the movie raises the question of whether the system actually lends the military legitimacy by making it appear as if it is subject to judicial checks-and-balances, when in reality actions justified by the military as necessary for national security purposes are seldom curtailed. After the film, parallels were drawn to the role of U.S. courts and American lawyers in the civil rights struggles here. There was also an opportunity to further explore topics such as neutrality, bias, and power in the judiciary, as well as tensions between promoting national security and protecting the rights of minorities.

What's New with Stein Alumni?

James P. Colgate '00, the assistant commissioner for technical affairs and code development at the NYC Department of Buildings for 11 years, joined Bryan Cave LLP's land use team this fall.

Kristin Connelly '05 is the president and CEO of East Bay Leadership Council and is the executive director of Contra Costa Economic Partnership. The mission of the East Bay Leadership Council is to provide advocacy on public policy issues affecting the economic vitality and quality of life in Contra Costa and the Tri-Valley region.

Elizabeth Joynes '10 is now an employment attorney for Make the Road New York's Workplace Justice Team. MRNY's Workplace Justice group promotes good jobs with a living wage and

workers' right to organize.

David Levy '12 recently moved to Timor-Leste to work with its national human rights compliance monitoring mechanism to research and assist with writing Timor-Leste's response to the Convention Against Torture.

Michelle Movahed '06 is busy at her new position in the special litigation unit at the New York Legal Assistance Group. Michelle's work focuses primarily on addressing the needs and legal problems of NYLAG's clients following Superstorm Sandy.

Molly Murphy '01 is special counsel to the Commissioner at the NYC Human Resources Administration.

Rachel Salem Pauley '99 is now part of Columbia Law School's Social Justice Initiatives, where she works as the director for government programs.

Andrew Wachtenheim '10 moved from the Bronx Defenders immigration practice to the Immigrant Defense Project this past summer.

Alexander Wentworth-Ping '13 just started a one-year federal clerkship with Magistrate Judge James Orenstein in the Eastern District of New York.

Is Solo/Small Firm Practicing the Path for You?

Jennifer Gniady '09, Maria Scheuring-Elbert '98, and Sergio Villaverde '97 discuss the advantages and challenges of being solo/small firm practitioners.

Jennifer Gniady '09 is the founder of the [Law Office of Jennifer A. Gniady](#), a firm in Alexandria, Virginia, that serves the needs of nonprofit and tax-exempt organizations.

Is there a single experience or event that guided you to working as a solo practitioner?

When my clerkship ended in 2010, public interest and government agencies all seemed to be flooded with deferred associates. I was considering large firm jobs (none in practice areas I wanted) and the Federal Trade Commission (closer, but still not quite right), when I decided to keep looking for a better fit. I started networking to find or create an in-house job at a nonprofit. Every executive director I spoke to said their legal bills were over-budget, but they couldn't justify a full-time position. So, initially, I offered to help rein in their legal costs. Sometimes I did the legal work for them, sometimes I was behind-the-scenes riding herd on outside counsel so the organization got what it needed and felt confident enough to push back on excessive charges or shoddy work. After seeing what I could do, clients started to call me first.



What field of law do you practice mostly and what might cause you to venture to less familiar fields?

My practice exclusively serves nonprofit organizations, which primarily involves tax law and regulations at the state and federal levels. But a nonprofit still has to operate as a business, so there are also contracts, leases, labor, and intellectual property issues. When issues are outside of my practice area, my task shifts to helping clients see what options exist and identify next steps and other professionals or services they may need.

What are some of the advantages and disadvantages to working as a solo practitioner?

There's a lot of autonomy, you control what matters you take and how you manage them. And since you're running the business, transparency is never an issue. The disadvantage is that you have to actively cultivate trusted colleagues to bounce ideas around with.

How do you primarily get new clients/business?

The best new clients come from referrals, most often from someone you know in another capacity. For me, that can be an accountant who works in the same building, a fellow parent at my kids' schools, or someone I volunteer with at a church or charity. Another great source can be solo attorneys who want to scale down their practice to focus on other interests and are willing to give

you overflow work.

What about law school best prepared you to be a solo practitioner?

Definitely being an evening division student and juggling both career and classes (oh, and a baby, too)! This is not to say that being a solo occupies every hour of day and night. But it gave me a balanced perspective of where the law fits into life and helps me relate to my clients who are running a nonprofit organization but still have many other obligations outside of that role.

Maria Scheuring-Elbert '98 is the founder of the [Law Office of Maria Scheuring-Elbert](#), a full-service law firm on Long Island.

I am a 1998 graduate of Fordham Law School and a Stein Scholar alumna. I grew up in the Bronx and commuted while I went to school at Fordham. While I was a law school student, I interned at the Bronx County District Attorney's Office after my first year, and after my second year was a judicial clerk to Hon. Gerald Sheindlin (formerly of the *People's Court* and husband to Judge Judy), who was a Bronx County Supreme Court Judge at the time. Through my exciting experiences at the DA's office, I knew I wanted to be a litigator. After I graduated, I became an assistant district attorney in the Bronx for 3 years. I then transitioned to private practice in a number of firms for the next 3 years, primarily for financial reasons, where I practiced insurance defense, worker's compensation, and no-fault litigation.



In 2003, I became pregnant with my first child while working at a plaintiff's no-fault litigation firm. Part of my duties were to go to court every day throughout the five boroughs and Long Island, which I did right up to two weeks before my due date when I was scheduled for maternity leave. Approximately four months before my due date, I was due for my annual raise as promised when I was hired. When my boss came to me he told me, "You will not be getting a raise this year because you are pregnant and we can't expect the same work from you." I was horrified, but I had to continue working for them until I delivered since no one was going to hire a pregnant woman. From that time until my delivery, I did not miss one day of work or court, including the last week before I went on maternity leave. I even had one judge tell me to leave the courtroom because I was so pregnant he was scared I was going to deliver!

After I gave birth to my first child, I gave notice and left the job. At the same time, my husband, also a lawyer and former Bronx ADA, left his criminal defense position and we started our partnership, Elbert & Elbert, LLP. At first it was difficult to get work that was flexible enough for me to stay home with my daughter, but I used the contacts I made at the no-fault firm to connect with an insurance company, and began receiving cases from them that I was able to handle from home while having per diem attorneys appear in court for me. That work continued for about 10 years and through the birth of two more children, which was wonderful. Just as my youngest was starting full time kindergarten, the insurance company suddenly had fewer and fewer litigation cases and were down to two law firms, including mine, and only one claims examiner. I needed to get more work, but was also ready to get out of the house more, go to court, and try a new field. At the same time, my husband wanted to expand his practice area to personal injury but as that was a conflict of interest, we decided to start our own practices. I started the Law Office of Maria Scheuring-Elbert in August 2013.

As a solo practitioner, it has been freeing to have control over my work and schedule, yet scary when you don't know where your next check is coming from or if you can pay your bills next month! I started taking CLE classes on matrimonial and family law, and I have volunteered to handle divorce cases with the Nassau and Suffolk Law Services, where they assign me a mentor to help throughout the case. I find it very fulfilling to provide much needed legal services to those who cannot afford it. I enjoy the new area, and am looking forward to handling some paying clients soon!

I have also been working as a per diem attorney covering cases in Suffolk County for a number of other attorneys, which I also enjoy very much. Working as a per diem means I handle a great variety of cases and am usually done within an hour or two giving me more freedom over my day. Additionally, I have been able to network and meet attorneys, even receiving a few job offers! It's easy to get sucked into the stability of being an associate, but just the thought of that again makes me feel like I am going to suffocate. It's not so easy to stick to your guns when money is tight, but I believe there is something out there for everyone as long as you don't give up.

Sergio Villaverde '97 is the founder of [Villaverde Law](#), a community-based matrimonial and family law practice in New York City.

Is there a single experience or event that guided you to working in a small firm?

The desire to be closer to the people we serve and the ability to directly make decisions regarding the degree of community involvement.

What field of law do you practice mostly and what might cause you to venture to less familiar fields?

Our firm focuses primarily on domestic relations law, including divorce (uncontested, contested, mediation, and complex), domestic violence, child support/child custody/visitations, and prenuptial and postnuptial agreements. We also assist our family law clients in different areas (i.e., real estate, trust and estate, etc.), in order to be able to have complete representation of their needs.



Why did you choose to start your own firm?

This is the most exciting way to practice law. You are responsible for leadership at all levels.

What other career experiences have you had and how do they compare to your current position?

I was a technician with NYC Emergency Medical Services, a police officer with the NYC Police Department, and a U.S. Coast Guard Reserve, where I currently hold the rank of Commander. Public service has enhanced my ability to relate to our clients and various agencies. Life experience is always helpful in the practice of law.

What are some of the unique challenges to working in a small firm?

You need to be able to run the business and be an excellent practitioner at the same time.

What is a typical day like in your office?

We start our days in court in the morning and work straight through until 7:00 or 8:00 pm at night. Our work is divided between court appearances and trial preparation.

What are some of the advantages and disadvantages to working in a small firm?

You are directly involved in all facets of the practice. You see the immediate benefits of your efforts. You also see the consequences of your errors.

How do you primarily get new clients/business?

Referrals.

How do you use technology to advance your career (i.e. social media, business website, etc.)?

We have a [website](#) and are active in social media.

Any advice to students or graduates considering hanging up their own shingle?

Be active in your community. All past experiences are relevant to the practice of law.

What's New with the Stein Directors?

Professor Bruce Green has had several speaking engagements in New York and elsewhere. He recently spoke at a New York City Bar program titled "Ethical Considerations for Corporate Investigations: Views from All Sides" on September 30. This program explored current issues and recent developments relating to ethical responsibilities of attorneys and other



participants in corporate internal investigations involving public companies. He had previously spoken at a full day symposium at Howard University School of Law titled "The Taslitz Galaxy: A Gathering of Scholars at Howard" on September 19. Professor Green also travelled to Georgia to participate in an ABA Criminal Justice Section program titled "Supreme Court Update and Other Notable Developments in Criminal Law" on September 12.

Professor Russell Pearce has been busy both writing and speaking. He recently co-authored an article with Adam Winer called "From Emancipation to Assimilation: Is Secular Liberalism Still Good for Jewish Lawyers?" in *Jews and the Law* (Ari Mermelstein, Vitoria Saker Woeste, Ethan Zadoff, & Marc Galanter, eds. 2014). Professor Pearce also teamed up with Eli Wald to publish "What's Love Got to Do with Lawyers? Thoughts on Relationality, Love, and Lawyers' Work" (17 *Legal Ethics* 334 (2014)).

This summer was filled with international travel for Professor Pearce, as he gave presentations in Italy and England. In June, he was a participant in the Stein-Bellet Relational Workshop in Loppiano, Italy. He then ventured to London in July for the International Legal Ethics Conference VI, which is held every two years. (In 2016, Fordham will proudly host ILEC VII in New York.) While at ILEC VI, Professor Pearce presented three times. First, he was the chair and responder on the panel on "Comparative Approaches to Religious Lawyering." He was then a presenter on the panel on "The Effect of Technology on the Regulation of Lawyers in the United States." Professor Pearce finished his time at ILEC VI by presenting on the panel on "Ethics Theory in the Basic Required Legal Profession Course: What Should be Included? From What Perspective?"

While in London, Professor Pearce also took some time to present "Teaching Identity and Role in Legal Ethics" at the National Institute for Teaching Ethics and Professionalism. Professor Pearce then returned to the United States and presented "Is there a Place for Ethics in Legal Ethics?" at the Legal Ethics Scholars' Roundtable in September. He capped off his eventful summer and fall by participating and presenting at the Stein Center's colloquium on "Equity and Inclusion in the Legal Profession" in October 2014.

Professor Sheila Foster spent the fall 2014 semester in Italy as a Visiting Professor at Scuola Superiore Sant'Anna teaching a course on "Comparative Equality and Antidiscrimination Law," named after the casebook she co-authored on the subject. While in Italy, Professor Foster gave multiple talks. She made the short travel to LUISS Guido Carli University in Rome to give the speech "Collaborative Governance and the Urban Commons." She also presented "Vulnerability, Equality and Environmental Justice" at the Paul H. Nitze School of Advanced International Studies, Johns Hopkins University in Bologna, Italy on October 6, at the University of Palermo on November 21 and at the University of Turin on December 1.

Professor Foster is currently working on a forthcoming essay with Fernanda Nicola for the *Fordham Urban Law Journal* titled "Comparative Urban Governance for Lawyers." (42 *Fordham Urban Law Journal* ___ (2014)).

Professor Jennifer Gordon spoke at the "Disorientation" sponsored by the National Lawyers' Guild and gave a talk titled "Talking back to Economists: Market-based Assumptions Can Be Wrong" at a Stein Scholars event.

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

