



Brooklyn
Law School

CLINICS

Volume 6, Issue 2: April, 2021

WHERE LAW COMES TO LIFE

LGBT Clinic Students Secure Parentage Judgment For New York Family

Carlton Campbell '22 and Noah Sexton '22 represented Olivia Dana in a petition for an order of parentage from the Brooklyn Family Court. Ms. Dana was originally represented by previous clinic students Beth Potter '20, Kenneth Law '20 and Megan Adams '20, who filed a petition for an order of filiation attempting to make it possible for LGBTQ parents to get court orders affirming their parentage from New York Courts. At that time, it was not clear whether non-biological parents could seek such orders, but Ms. Dana and her family wanted to fight to improve the law for LGBTQ families in New York.

Fortunately, while the case was pending New York enacted the Child-Parent Security Act, which specifically allows parents like Ms. Dana and her wife who create children through assisted reproductive technology to get orders of parentage making it clear that they are both the legal parents of their child. This semester, the clinic students filed a new petition on behalf of Ms. Dana and on April 13, 2021 it was granted! Ms. Dana will soon receive a court order confirming that she and her wife are the legal parents of their son.



Clockwise from left: Carlton Campbell '22, Noah Sexton '22, client Olivia Dana and her wife, Sophie English.

Minna Kotkin and BLS Win Prestigious NYS Bar Association Pro Bono Award



Professor Minna Kotkin

Every year on Law Day, the NYSBA awards individuals and entities who have provided extraordinary pro bono service. This year, they bestowed the Presidents Pro Bono Service Award for the Law School Category on Professor Kotkin, whose PERC Project last summer provided assistance with unemployment insurance to New Yorkers affected by the pandemic as well as clinical work experience to more than 100 students.

In this Issue

- LGBT Advocacy
- Criminal Defense & Advocacy
- Corporate Real Estate
- Safe Harbor
- Disability & Civil Rights

Clinical Education Program
111 Livingston Street
Brooklyn, NY 11021
T: 718-780-7994
E: clinics@brooklaw.edu



Busy, Busy BLIP

BLIP has devoted a fair amount of energy this semester working with tech-oriented, gig-economy cooperatives. In particular, BLIP has helped a company – People’s Choice – set up a communications cooperative to deliver broadband mostly to underserved communities like NYCHA Housing. In addition to corporate/cooperative structure and governance issues, BLIP students explored the telecom regulatory hurdles and landscape and options for universal service funding support, as well as various partnering agreements and other contractual relationships, licenses, and contracts. [Forbes](#) covered the concept and gives a nod to BLIP.

BLIP has been working to support a [driver-empowered coop](#) to take on the Ubers and Lyfts of the world. Another project is providing corporate, IP, and policy support for [Garbo](#) – a venture pioneering background checks designed to help proactively prevent gender-based violence in the digital age. Garbo has gotten recent media attention over the past few weeks for its partnership with Tinder, including a segment on [Trevor Noah](#) and a piece in [Fast Company](#).

Criminal Defense and Advocacy Clinic Powers On, Making a Huge Difference

The Criminal Defense & Advocacy Clinic (CDAC) ended the Fall 2020 semester litigating a resentencing hearing in Suffolk County Court. Advanced CDAC students Zoe Bernstein '21, Mia Guthart '21 and Mike Vilensky '21 (pictured below with Professor Kate Mogulescu) filed the motion in the Spring under the Domestic Violence Survivors Justice Act (DVSJA), a new sentencing reform for survivors of domestic violence which went into effect in August 2019. For the last year, the Clinic has been at the forefront of implementation of the new law, bringing some of the first cases across the state seeking relief. CDAC also conducts outreach to incarcerated survivors of domestic violence and develops resources regarding the DVSJA. The Clinic team argued the case remotely and successfully earned a sentence reduction for their client, who has been incarcerated for over 24 years, since he was 19 years old.

Separately, based on its extensive experience advocating for survivors of human trafficking seeking criminal record relief, CDAC has been working for the passage of the START (Survivors of Trafficking Attaining Relief Together) Act. The START Act would expand post-conviction relief for trafficking survivors in New York State and would offer important protection to survivors burdened by criminal records for offenses they were compelled to commit. On January 29th, CDAC participated in a Teach-in: *Creating a Fresh START for Trafficking Survivors in 2021*.

The clinic helped coordinate and plan the event, and the clinic team also worked to prepare a former CDAC client who spoke. It was her first time speaking publicly about her experience and she strongly conveyed how critical the law is for trafficking survivors like herself. Bill sponsors Senator Jessica Ramos and Assembly Member Richard Gottfried also participated in the teach-in.

Clinic students worked with one of their former clients to write and op-ed published in the [Gotham Gazette](#) entitled *New York Must Give Criminalized Trafficking Survivors Like Me a Fresh Start*. It is a beautiful example of collaborative advocacy, partnership and centering the voice of those most directly impacted by our criminal legal system as the true experts.



Sixteen Corporate and Real Estate Clinic Students Close \$2.2M Loan for Williamsburg Building

After two and a half years of representation from the Corporate and Real Estate Clinic, a 41-unit building in Williamsburg owned mostly by low-income tenants closed on a \$2.2 million loan through the City's Green Housing Program on Dec. 28, 2020. The loan will finance energy efficiency improvements and needed upgrades, including new windows, a new roof, solar panels, and facade repairs.

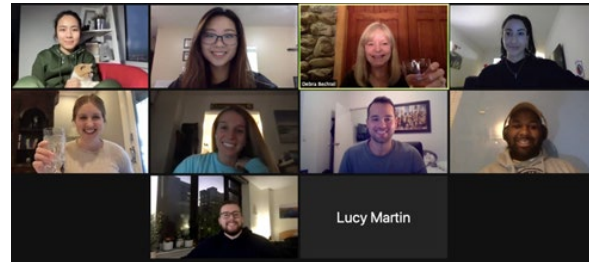
Under the supervision of the clinic's director, Professor Debra Bechtel, fall semester students Brian Brown '21, Melissa Cifone '21, Huyen Dang '21, and Austin Manna '21 negotiated a complex deal involving three separate governmental loans. The students prepared and reviewed loan documents, including the loan commitment letter, drafted an opinion letter and resolutions, and coordinated the virtual closing. Additionally, the students negotiated the general contractor and solar contracts.

At the closing, the City of New York was represented by Michael Chau '00, and Stewart Title Company, where Alumni Association Board member Tim Oberweger '05 is a vice president, insured the property title.

The clinic became involved in the Williamsburg project two and a half years ago when students began advising the corporation about co-op conversion options, pursuing a real estate tax exemption, assisting with a predevelopment loan and satisfying mortgages. The student teams who had worked on the project include: Briana Stapleton '19, Brenda Slochowsky '19, Sarah Zehentner '21, Jaime Dinan '20, Michael Nashewit '20, John Caruso '19, Yu Xie '20, and Nicole Ventura '20.

"I'm so proud of the dedicated efforts of our clinical students, both past and present," said Bechtel. "The pandemic has posed many challenges as well as created great need for our services, and our students have met the challenges head-on."

The other fall semester 2020 students also provided crucial assistance to low-income cooperatives and a nonprofit lender. Audrey Abate '21 and Jonathan Fertig '21 conducted research and drafted bylaws amendments for a co-op building with only one member on its board of directors, leading to a remote board election and setting the stage for negotiations with the city over a real estate tax exemption and a mortgage refinance. Lucy Martin '21 and Heather Foti '21 drafted a leasehold mortgage and closing escrow agreement for a deal involving both a land trust transfer and a loan from a nonprofit lender. The lender's innovative program was developed to rescue homeowners from foreclosure.



Disability and Civil Rights Clinic Makes News/Goes National

The NY Estate Litigation Blog recently published a [short article](#) regarding the Guardianship of J.D.S., a case the clinic students Elizabeth Berkowitz '21 and Julia Scully '20 worked on. The case addressed a novel legal issue—it is the first reported decision addressing whether a court in New York, or another state, was the appropriate forum for a guardianship dispute concerning a person with a disability—but it's also exciting for the Clinic because the Court largely adopted our analysis.

The Clinic also made several appearances in family defense case in Tennessee this semester! Both our client and his wife are parents with intellectual disabilities. They have been separated from their daughters for more than two years, but the County has failed to provide services that are appropriately tailored to their disabilities. Augustus Ipsen '22 and Rebecca Whedon '21 have developed a close, trusting relationship with our client and, with our co-counsel, Martie Lafferty of the Civil Rights Education and Enforcement Center and Jack Richardson, the Clinic litigated an evidentiary hearing on the issue of whether services have been appropriate under the Americans with Disabilities Act and Tennessee law. We obtained an order that the Department of Children Services (DCS) in Dickson County, Tennessee has violated state law by failing to use reasonable efforts to reunify our client and his wife with their two daughters. The Court also specifically ordered that DCS must provide our client with specific services from an appropriately tailored service provider that the case team identified. We are so pleased that this family is now one step closer to have an equal opportunity to benefit from the state's services and work towards reunification.

Safe Harbor Students Guide Client to Asylum

Despite the obstacles of remote representation, Safe Harbor students, Ben Bogard '21, Khrystyna Sahin '22, and Elizabeth Steinborn '21, managed to prepare a voluminous submission supporting their client's application for asylum based on his fear of persecution as a gay man in Russia, an increasingly homophobic country. Their client, a doctor who had patented a procedure used in sex reassignment surgery, had lived in fear for most of his adult life. The students worked diligently both in the clinic office and over Zoom to compile evidence and to prepare their client for his interview. He was granted asylum in February, only two months after submitting his application.