

A C O M M U N I T Y O F J U S T I C E

CUNY LAW

SPRING 2008

Pipeline to Justice: Improving Access to Law School

Immigration Raids:
Students Find Lawyers
For Dozens of Detainees

Margaret Montoya:
Artistic Law Professor
Joins CUNY as Burns Chair



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Trafficked Domestic v. U.N. Employees: Clinic Students Take the Case



Pipeline to Justice: Improving Chances for Admission to Law School



Clinic Students Find Lawyers for Dozens of Long Island Raid Detainees

DEPARTMENTS

Clinic Connections	4
Student Updates	6
Alumni News	16
Faculty News	20
Faculty Notes	24
Alumni Notes	26



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Pictured on the cover: First-year CUNY School of Law student Candy Velasquez, a 2006-07 Pipeline to Justice participant, takes a break from her studies.



Dear Friends,

The CUNY School of Law is on a roll. Maybe you have had the chance to peruse our sharp new Web site. (Check out www.law.cuny.edu). That is only the beginning.

Since we published the last edition of our magazine, CUNY Law has obtained membership in the Association of American Law Schools (AALS). At the annual AALS conference, held this year in New York City, the Law School held a reception to celebrate this accomplishment. A number of panels at that conference focused on the 2007 book by the Carnegie Foundation for the Advancement in Teaching, *Educating Lawyers*, which praised CUNY Law School for its innovative curriculum that integrates theory and practice. As a result of its assessment, the Carnegie Foundation and Stanford Law School invited CUNY to join a prestigious working group of 10 schools assessing and making recommendations for the future of legal education.

This edition of the magazine highlights our spate of recent successes, as well as the work that we are doing to strengthen our core commitments. One prong of our mission is to train outstanding public interest and public service attorneys. Part of that training involves the legal practice our students undertake in our marvelous clinics in their third year of law school. This issue of the magazine features the work of two clinics: the Immigration and Refugee Rights Clinic (IRRC) and the International Women's Human Rights Clinic (IWHR). You will read about

how IRRC students found attorneys for the victims of the recent immigration raids in Long Island. You will also read about how IWHR students are suing two former United Nations employees for imprisoning a Peruvian domestic laborer for years, paying her pennies for her work.

In addition to the challenging and important practice our students carry out in our clinics, we enhance our mission by bringing exceptional public interest servants to the Law School as Haywood Burns Chairs each year. We are pleased to announce that we have



Michelle J. Anderson pictured here with three CUNY Law Alums. From left: New York State Senator Jeff Klein and New York Assembly Members Janelle Hyer-Spencer and Daniel O'Donnell.

invited Margaret Montoya, professor at the University of New Mexico, to be the 2008-09 Burns Chair. Margaret found her political voice in the 1970s Chicano, anti-war, and women's movements. As a law professor, she focuses her research on affirmative action, and she works to give back to the community from which she came, the Latina/o community in the Southwest. We are extremely pleased that she will join the CUNY Law community next year.

Another prong of our mission at CUNY School of Law is to provide access to the profession for historically underserved groups. To enhance this

core commitment, we have launched The Center for Diversity in the Profession, which will be directed by Professor Pamela Edwards. The Center for Diversity kicked off its activities by sponsoring the Haywood Burns conference on March 28, 2008, featuring as keynote speaker Professor Jenny Rivera, currently on leave as New York's Special Deputy Attorney General for Civil Rights.

Finally, also to enhance our core commitment of providing access to the profession, we have implemented a pioneering Pipeline to Justice Program, the cover story for this issue of the magazine. The Pipeline to Justice provides a mechanism for applicants to the Law School whose numerical indicators do not match their other achievements with a second chance to obtain admission to CUNY Law if they can boost their LSAT scores and master the skills necessary to succeed in law school. The Pipeline involves intensive LSAT training, as well as rigorous instruction in critical thinking, close reading, and analytical writing. Mary Lu Bilek, Associate Dean for Special Projects, runs the Pipeline to Justice Program with extraordinary talent and dedication.

We are pleased that these new programs to reinforce our mission have coincided with external recognition of the School's fundamental strengths— together generating a string of remarkable achievements.

Yours,

Michelle J. Anderson
Dean and Professor of Law

THE PIPELINE TO JUSTICE

CUNY Law Enhances Access to the Profession



Pipeline participants and first-year students Candy Velazquez, Valery Paul, and Yasmin Salama.

IMAGINE failing to gain acceptance to law school, then getting a letter telling you that someone thinks you're law school material. Imagine how you might feel when, in the next sentence of the letter, you discover that you're going to need to take the one test that you feel you can't seem to conquer – the LSAT – again.

Yet, that letter also lets you know that you'll get a full year's help to master the test and law school skills from left-brain thinkers, test-anxiety counselors, and law professors.

And if you do well when you take the LSAT again, you'll gain acceptance to law school once and for all.

That's the bold step CUNY School of Law has taken with its new Pipeline to Justice Program, the first of its kind in the country. The Pipeline invites excellent, public interest-focused students whose scores seem incompatible with their achievements to take an intensive LSAT-preparation course. If they reach the minimum score, they are admitted to Part II of the course, which involves intense critical reading and writing training. If they complete both parts of the course successfully, students are admitted to the next year's entering class at CUNY Law. The course spans a full academic year, meets largely at nights and on weekends and costs \$700 (See sidebar, "The LSAT Meets Binary Thinking: How the Pipeline Course Works," page 9.)

Life-Changing Experience

"It changed my life," says Dustin Smith, 29, whose LSAT score jumped 13 points – from a score that would have excluded him from virtually every law school in the country to one that puts him at the middle of CUNY Law's entering class. Smith is now a first-year CUNY Law student. "I was at the point of saying, 'If law school isn't for me, and people don't think I can do it, then I'm going to have to find some other way to make a living.'"

But the course worked for Smith, as it did for 19 students in the first Pipeline group. The Pipeline also offers coaching on test anxiety, individualized study planning, and tutoring by the teachers. The course is co-taught by an experienced LSAT

The first course began with 35 students in 2006-07, of whom 17 joined the CUNY Law Class of 2010. "We're telling these students, 'Look, you have to prepare for the LSAT, but the skills are learnable and we can teach them to you,'" says Bilek. "Also, we're saying, 'We know you might have encountered circumstances before where people didn't appreciate your intelligence or didn't have high expectations of you. But we have really high expectations and we believe you can make it.'"

Focus on Underrepresented Groups

The Law School feels an urgency in bringing particular groups of students into the Pipeline to Justice—for instance,

"WE'RE TELLING STUDENTS, 'WE HAVE REALLY HIGH EXPECTATIONS AND WE BELIEVE YOU CAN MAKE IT.'"

-ASSOCIATE DEAN MARY LU BILEK

prep teacher who has both worked for another national provider and started her own company to deconstruct the LSAT and by Associate Dean Mary Lu Bilek, a highly experienced law professor. Other components include non-academic counseling, a focus on self-efficacy skills (such as discovering one's learning style, developing proactive academic strategies for dealing with difficult material, and stress-reduction coaching), as well as significantly more hours in the classroom than Kaplan or Princeton Review offer, Bilek said.

those whose economic and educational circumstances combine with test anxiety or "stereotype threat" to cause them to underachieve on the LSAT. Many of these students come from groups underrepresented in the profession: African-Americans, Latinos, Asian-Americans, the poor, and first- and second-generation immigrants. (see story in this issue on the Center for Diversity in the Legal Profession, page 11). "They have what it takes to be great lawyers and we need them to practice law," Bilek says. "The Pipeline is designed to help."

Smith is, in some ways, typical of the Pipeline pool. Raised in Columbia, Missouri, his father was a janitor and his mother a receptionist when he was growing up. He earned Cs and Ds in high school. "I didn't know I was poor, but we were," Smith said in an interview. "I didn't think academics were my thing." But after a job at Jiffy Lube, he decided to pursue forensic psychology at CUNY's John Jay College of Criminal Justice, did very well there, and then decided to apply to law school. All 12 schools to which he applied for fall 2006 admission turned him down, but Bilek saw hope in Smith and invited him to join the Pipeline to Justice.

Bucking Conventional Wisdom

At the heart of the Pipeline program is a belief that LSAT scores are not immutable and that motivated students can learn to think in new ways, even

Pipeline participant and first-year student Dustin Smith.



"WE COULDN'T THINK OF ANYTHING MORE IMPORTANT FOR CUNY LAW"

-DEAN MICHELLE J. ANDERSON

after graduating from high school. This theory, Bilek says, may fly in the face of conventional wisdom at many law schools. But changing that thinking is essential, Bilek says, not merely because it is flawed but also because offering new opportunities to students who struggle initially with the LSAT exam is essential to continuing the CUNY Law School mission.

When Dean Michelle J. Anderson was hired in July of 2006, she and Bilek

began to brainstorm the creation of a Pipeline to Justice at CUNY Law.

They wanted to solidify the School's mission to provide access to the profession for historically underserved groups. "I think it was literally on her first day on the job that Dean Anderson made clear that we were going to do something immediately to insure that the Law School did not lose sight of its access mission and its diversity," Bilek recalls.

The two spent countless hours conceptualizing the program's component parts, refining some elements, and making modifications even

after Bilek sent out the e-mail inviting applications, she said. "We couldn't think of anything more important for CUNY Law, given our mission," says Dean Anderson.

Selecting Students

"We know there are people in our 'denied admission' pile for whom CUNY Law is the right school and who should be here," Bilek adds. "They just need the right investment in their future, and they need our guidance."

Indeed, the selection of students to join the Pipeline is one of the most important tasks Bilek undertakes as she works both with the first-year students currently enrolled at CUNY Law, as well as with a new class of Pipeline students this year. The latest group took the LSAT again in early February after completing the first section of the Pipeline course last fall. For the 2006-07 group of Pipeline students, the Law School reviewed the applications of 1,063 students denied admission to CUNY Law for the class that began study in the fall of 2006. It invited 229 to apply to the Pipeline program.

Criteria for Pipeline

Like its regular admissions criteria, the Law School seeks a diverse range of students for the Pipeline to Justice -- those who that show a demonstrated

The LSAT Meets Binary Thinking: How the Pipeline Course Works

What does binary thinking have to do with the LSAT? Everything, according to Associate Dean Mary Lu Bilek, who co-teaches the Pipeline to Justice course.

Binary thinking involves exercising the “left brain,” the analytical part of the mind that governs much of legal reasoning. Bilek’s hypothesis is that left-brain performance can be improved with learning and exercise and that improving left-brain skills and the speed at which they are performed leads to improvements in LSAT scores, as well as improved performance on law school exams and on the bar exam.

And that’s the part that anchors the Pipeline Program. The course is geared to improving the LSAT scores of denied applicants to CUNY School of Law, and it includes everything from games that help students master critical reasoning and logic, to breathing exercises for test anxiety, to the use of Webinar technology that allows students to enter virtual classrooms to focus on problem areas. Peer counseling also helps students build relationships with classmates. Enhancing self-esteem is another critical piece of the course.



Pipeline participant and first-year student Thaddecia Andrews.

“All the while, we’re trying to surface exactly where the trouble spots are,” Bilek says. “Having adults in a classroom who know why they’re there and who want very much to improve makes for an exciting environment.”

The Pipeline course costs \$700 – roughly half the cost of

many commercial programs. Kaplan Test Prep, for instance, charges \$1,299 for its LSAT preparation course.

The course runs in two parts. In Part I, students meet for three hours on Tuesday and Thursday nights, from October to February, at the John Jay College of Criminal Justice in Manhattan. Monday nights are optional for students who want additional one-on-one help.

In addition, students must attend six, all-day Saturday sessions during the term, taking a practice LSAT exam on each of the mornings, then grading and reviewing the exam, item by item, in the afternoon. All told, during the course, students must take 15 practice LSAT exams. And that’s just the in-class time. Pipeline students spend virtually every minute they’re not at work or sleeping meeting in groups or with the instructors, working through examples, discovering logic patterns, and sharpening their skills.

Some, such as Dustin Smith, now a first-year student who boosted his score 13 points, says he took 35 tests and participated in a six-student study group that also met on additional weekends, before class on Tuesdays and Thursdays, and on all Monday nights.

The first part of the course is taught by Eva Lana, a Harvard University graduate and an Intel winner for biochemical research. Her past experience also includes working for one of the largest prep test companies. She began closely studying and deconstructing the LSAT exam in 1991. “Eva’s approach is unique and inspired,” Bilek said.

In early February, students take a real LSAT. If they reach a threshold score, they are invited to take the second half of the course. Part II lasts six weeks and is designed to build critical reading, analytic thinking, and post-graduate level analytic writing skills, Bilek said. Students write a five-page paper each week, on which they receive detailed feedback. Each student meets at least once in an hour-long conference with Bilek, but most meet far more often than that.

Part II of the course concludes with a test designed to evaluate each student’s ability to apply the knowledge acquired during Pipeline in a linear, analytic format and to produce a post-graduate level, timed rhetorical essay.

If students achieve in both portions of the course, they are invited to join CUNY Law. “This course requires a huge investment on all sides – from the students, the teachers, and the Law School,” Bilek says. “But the return on that investment is more than worth it.”

commitment to public interest or public service, as well as the potential for academic success in law school. In addition to those indicators, however, the Pipeline seeks students with underdeveloped academic potential, the ability to overcome obstacles, and a strong motivation to attend CUNY School of Law. Students also must show that they have the discipline and perseverance to work anew at the LSAT.

“I need to start with people who want law school so badly,” Bilek says, “that even when they’re been denied admission, they want to try again.” And, she says, students who initially perform

poorly on the LSAT are often capable of making substantial gains, “not by gaming the test, but by actually learning new ways to think critically.”

Great Prep for Law School

Students who have successfully completed the Pipeline to Justice say it prepared them well for CUNY Law School. First-year student Pauloma Martinez says, “The Pipeline gave me the confidence not just to achieve and pass the course, but to do well in law school, too. And now I’m on a road, a path. And that feels great.” ◇

Close-up:

Student Pauloma Martinez Says Pipeline Gave Her Dream a Chance

What would Pauloma Martinez be doing today were it not for the CUNY Law Pipeline to Justice Program? She says she’s truly not sure.

One thing she does know, however: she did not expect to receive an invitation to join the Pipeline course after she’d been turned down by CUNY Law in 2006. She believed she knew one reason for her rejection: a low LSAT score.

“When I received the invitation from the Pipeline program – in my junk e-mail folder – I was hurled into a state of exhilaration,” Martinez said. “It was another opportunity for me to apply to law school and have better chances of getting in.”

Martinez’s LSAT score increased 13 points after the 2006-07 Pipeline course. (In the two years of the program, the average increase has been about 4.5 points, Associate Dean Mary Lu Bilek says.)

Martinez says the Pipeline program is extremely important to fostering diversity at CUNY Law. “I realized I am not the only person who has the drive and capability to get into law school but who was hindered by the weight that is put on doing well on such standardized tests.”

In fact, Martinez had caught the eye of Bilek, who runs the Pipeline program, months before she was invited to

join. Before applying to law school, Martinez had made a film about the Latino immigrant struggle in the Northeast and another movie about migrant workers in Southeastern Pennsylvania. Bilek noted how unique it is for a college student to produce a documentary and how both the film and her experience as a journalist made Martinez a strong fit for CUNY Law. Martinez had worked as a reporter for Spanish- and English-language newspapers. And for the year after she graduated with a B.A. from Temple University in Philadelphia, she worked doing community outreach for the New York City Bar Association.

The low cost of the Pipeline program – about half of what a regular LSAT prep course costs for a much more extensive and in- depth program – and the fact that it met at night allowed Martinez to work during the day and enroll.

Now, she says she’s working harder than she ever imagined to complete her first year of law school. But she also says she’s thrilled with her direction in life; she intends to practice international human rights law focusing on Colombia and, more broadly, Latin America.

“Law school is hard work, but it has given purpose to my life, as opposed to aimlessly wandering this earth as we destroy it, with no cause, nothing to live for, and as one among millions of lost souls.”



Creating More Diversity in the Legal Profession:

CUNY Law Opens Novel New Center

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In what is believed to be the first center on a law school campus devoted to studying diversity within the legal profession as well as the issues faced by people of color who practice law, CUNY School of Law has established the Center for Diversity in the Legal Profession.

The main purpose of the Center is to be a clearinghouse for data on the participation of people of color in the law, as well as to conduct original research, according to the Center's newly named director, Professor Pamela Edwards. The Center also will publish an e-newsletter on issues that affect the careers of people of color in the law. In addition, the Center will collaborate with other organizations that have activities designed to increase participation in the legal profession by people of color as well as by members of other communities historically under-represented in the legal profession.

In future years, the Center will sponsor workshops to help people in targeted demographic groups who have indicated an interest in entering the legal profession but have faced barriers to doing so.

"The time is ripe for this, and I'm so proud to be working on such an exciting new initiative that will benefit not only CUNY Law and the legal profession, but also communities of color and other

underserved communities," Edwards said.

Decline of People of Color

The decline of African-American and Latino students in law school was a motivating factor in establishing the Center, she said.

While it appeared in the late 1980s and early 1990s that some progress was being made toward the goal of bringing more people of color into the profession, the downturn in the numbers of students of color from certain ethnic groups in law school beginning in the late 1990s has clouded this improvement, Edwards said. According to data published by the American Bar Association, African-American enrollment in law school peaked at 9,779 (6.9 percent of total law school enrollment) in the 1995-96 academic year. In the 2006-07 academic year, African-American enrollment was 9,529 (6.7 percent of total enrollment), up from 9,126 (6.5 percent of enrollment) the prior year. Similarly, Puerto-Rican enrollment peaked at 718 students in the 1994-95 academic year; in the 2006-07 academic year, Puerto-Rican enrollment was 551 students, a 23 percent decline.

Simultaneously, the legal profession is one of the least diverse in the country. The 2000 U.S. Census revealed that attorneys of color represented 9.7 percent of all

attorneys; meanwhile, people of color represented 20.8 percent of accountants and auditors, 24.6 percent of physicians and surgeons, and 18.2 percent of college and university professors.

Student and Faculty Participation

Students will have opportunities to participate in the Center's work by conducting research, attending workshops, and organizing events for peers and potential recruits to law schools around the metropolitan area.

The Center also hopes to establish a "pipeline" program in which current students from CUNY Law will serve as mentors for middle-school and high-school students interested in becoming lawyers.

Faculty will be invited to participate in the Center's workshops and conferences. Professor Edwards, whose research scholarship has focused on applying a critical race perspective to legal education issues, said her initial role with the center will involve making contact and establishing relationships with other organizations committed to diversity in the legal profession. ◇