

Report to the Appellate Division, Second Department
Of Touro College, Jacob D. Fuchsberg Law Center
Of the Activities of the Clinical Programs January 1, 2008 to December 01, 2008

Introduction

During the period January 1, 2008 through December 1, 2008, the clinical programs of Touro College, Jacob D. Fuchsberg Law Center operated five clinics, providing clinical training to seventy-one (71) law students. All students had completed the first year of law study and were given preparatory training to enable them to undertake the duties in the clinical program. Student activities included those provided for in the Student Practice Order of the Appellate Division, Second Department and other activities, such as appearances in federal district court and the before federal administrative agencies, that are governed by federal rules. In this period, students participated in five clinical programs: the Political Asylum Clinic, the Civil Rights Litigation Clinic, the Elderlaw Clinic, the Family Law Clinic, and the Non-Profit Law Clinic. As described below, students, under faculty supervision represented clients in a variety of legal matters and provided invaluable pro bono service to the community. Members of the Touro Law Center's faculty, who are admitted to practice in New York, supervise the students' activities in every respect. It is the policy of the Touro Law Center that all written work, even routine correspondence, produced by law students must be reviewed by the supervising attorney and Touro faculty appear as attorney of record on all cases. All advice provided to clients is reviewed and approved by the supervising attorney before discussions with the client. Clients of the clinic are informed that much of the work on the client's case will be performed by a student intern under faculty supervision and that each client has the right to request an appearance in any proceeding by the attorney of record. In all correspondence and other written and oral representations students must identify themselves as "law student interns." The Law Center maintains malpractice coverage with a limit of two million dollars (\$2,000,000.00) for all of the Clinics' activities.

Political Asylum Clinic

In the Political Asylum Clinic, students represent clients who have fled persecution, including imprisonment, rape and torture, and who seek asylum in the United States. In the year 2008 seventeen (17) students participated in this clinic. They represented clients before the United States Immigration and Naturalization Service and the United States Immigration Court on claims for refugee status under the Immigration and Nationality Act and on appeals to the Board of Immigration Appeals. Student activities included interviewing clients and witnesses, gathering relevant documents, arranging for translations of documents, researching social, political and human rights conditions in the home country, preparing petitions for political asylum, representing clients at administrative hearings before an asylum officer, the Immigration Court of the U.S. Department of Justice or before the Board of Immigration Appeals, and drafting memoranda, affidavits and other written presentations as part of the claim for political asylum. Clients are interviewed in the clinic office at the Law Center and the offices of Snowland Tibetan Comprehensive Services, Inc., 401 Broadway, Suite 311, New

York, New York, a not-for-profit social services agency. This agency, which provides various forms of assistance to Tibetan refugees, provides services to the clients of the clinic, such as oral translation, document translation and social support.

During the past few years the clinic has developed a special expertise in cases involving refugees from Tibet. The majority of the clients during this year had fled persecution, imprisonment and torture inflicted on the Tibetan people by the oppressive practices of the Chinese government. The campaign to destroy Tibetan Buddhism and the cultural heritage of the Tibetan people has forced thousands to flee Tibet, especially monks and nuns who have been cruelly treated. Touro Law Center is gratified that the professor and students have been able to assist these clients who have suffered so much.

Professor Neil Howard Afran, a member of the Touro adjunct faculty, taught this clinic and supervised the students. He also regularly teaches the Immigration Law course, in which most of the students in this clinic have enrolled. Professor Afran's home address is 48 Ridge Rd., Smithtown, New York. He maintains an office for the practice of law at 300 Rabro Drive, Hauppauge, New York. He was the attorney of record for all cases handled in the Political Asylum Clinic.

The students enrolled in the Political Asylum Clinic during 2008 were:

Volha Balandzina	Mabel Chandy	Kathleen Herr
Christopher Hoelzer	Jeremy Jorgensen	Moises Lee
Albert Rylo	Melisa Schroeder	Arti Venti
Melissa Abraham	Michael Byk	Janika Doobay
Gary Gorske	Miriam Metwaly	Scott Skrynecki
Hosana Wilson	John Yetman	

Civil Rights Litigation Clinic

In the Civil Rights Litigation Clinic seven (7) students assisted Professor William M. Brooks in matters on behalf of clients who have been diagnosed as mentally ill. In addition to the clinical seminar, students are required to enroll in a Disability Law course providing academic education on the rights of the disabled, with a specific emphasis on the laws affecting the mentally disabled.

Touro College, Jacob D. Fuchsberg Law Center receives a grant from the New York State Commission on the Quality of Care to provide advice and advocacy for mentally ill clients. The Clinic represents clients in both federal and New York state courts, with the nearly all matters in federal courts. Many of the clinic's cases extend over many years with extensive discovery and appeals. Students are able to work with the professor on only a few aspects of a case, as most cases extend beyond the period of any one student's service. In 2008 cases involved issues such as wrongful confinement claims, federal civil rights claims arising from the failure to protect patients in psychiatric confinement from assault, employment discrimination under the federal Americans with Disabilities Act, access of patients in psychiatric hospitals to legal advice, the legality of counterclaims for charges for the cost of care in state psychiatric facilities, the rights of patients in psychiatric facilities to family visits without staff supervision. In this clinic students assist the professor with various aspects of

representation such as drafting pleadings, briefs and motions, discovery, interviewing clients and witnesses and pursuing legal and factual research. Students drafted discovery requests and responses, drafted briefs, drafted motions, attended and observed depositions and reviewed records and medical files. In matters in the federal courts, students are permitted to appear, argue before the court and conduct discovery. In 2008 students participated in federal depositions, motions and drafted briefs to the United States District Court and argued motions before a United States District judge.

All work in the Civil Rights Litigation Clinic is performed under the supervision of Professor William M. Brooks, a member of the Touro faculty, with offices at Touro Law Center. disabled. Professor Brooks resides at 35 Hillview Avenue, Port Washington, New York. Michelle Caldera has been employed as a staff attorney in the Civil Rights Litigation Clinic since June 2nd, 2008. Michelle Caldera resides at 697 Chester Road, Sayville, NY 11782. Professor Brooks was the attorney of record on all cases in this Clinic.

The students enrolled in the Civil Rights Clinic during 2008 were:

Margaret Carucci	Joseph Gulino	Jeongwha Lee
Levan Natalishvili	Patricia Wright	Erick Alahverdian
Shanna Black		

Elderlaw Clinic

During 2008 eighteen (18) students assisted Professor Marianne Artusio in the Elderlaw Clinic. The Elderlaw Clinic represents low income clients, over the age of sixty (60), with problems such as Social Security, pensions, guardianship, housing, consumer issues, wills, nursing home issues, consumer rights, senior citizens' housing, bankruptcy, health care proxies, health care and health care planning, Medicare, Medicaid, SSI, and other public benefits. To participate in this clinic students must also enroll in an Elderlaw course, where they learn the substantive law in the areas of law most applicable to senior citizens and the work of the Clinic, such as guardianship, health care, public benefits and housing laws. In 2008 students appeared in Suffolk County District Court on eviction matters and in administrative hearings before the Social Security Administration and the New York State Department of Social Services.

Professor Marianne Artusio is a member of the Touro Law Center's faculty and the Director of the Clinical Programs. Professor Artusio supervises all the work in the Elderlaw Clinic. She also teaches the Elderlaw Class. Professor Artusio resides at 544 Manor Ridge Road, Pelham, New York 10803.

The students enrolled in the Elderlaw Clinic in 2008 were:

Richard Ain	Angelo DiMaggio	Jeannine Farino
Katie Giusti	Henry Graham	Evan Lerner
Jonathan Marin	Diane Matero	Yuriy Moshes
Joseph Scheno	Felicia Bromes	Ferdusi Chowdhury
James Hourican	Tina Marone-Tew	Patric McNamara
Jessica Rosenthal	Yelena Sharova	Milana Shimanova

Family Law Clinic

During 2008 fifteen (15) students participated in the Family Law Clinic, providing assistance to needy clients involved in proceedings in Family Court and in divorce proceedings in Supreme Court. Students enrolled in this Clinic must have previously completed the basic course in Family Law and an intensive preparatory program at the beginning of the clinical semester. They represent clients in Family Offence proceedings under the supervision of an adjunct member of the faculty and of Prof. Lewis Silverman. Under the authority of the practice order granted to Touro Law Center, students represented clients seeking orders of protection and ancillary relief, such as confiscation of weapons. Activities include interviewing clients, drafting petitions, court appearances in Suffolk County Family Court including motions and trials. The students also assisted clients who were victims of domestic violence in obtaining needed services such as shelter, counseling and financial assistance. In addition students represented clients in child support, custody and visitation matters in Family Court and in uncontested matrimonial matters in New York Supreme Court. In contested matrimonial matters, students assisted the attorney of record in interviewing, drafting papers, legal and factual research and preparation of the case, but did not appear on these matters. In most cases students interview clients and witnesses, draft pleadings, motions and orders, draft memoranda, objections and briefs, negotiate settlements in child support cases, and present testimony at hearings on support matters before a support magistrate in Family Court. Students also completed miscellaneous other tasks associated with divorce and child support proceedings.

Professor Lewis A. Silverman, a member of the Touro Law Center's faculty, supervises students in all their work on child support and matrimonial cases. He resides at P.O. Box 147, 1059 Hawkins Avenue, Lake Grove, New York. Professor Silverman is a former hearing examiner in Suffolk Family Court and also teaches the introductory course in Family Law at the Law Center. He is assisted by adjunct instructor, Marjorie Zuckerman who is employed part-time by Touro Law Center to supervise students in the Family Law Clinic. She resides at 459 Lombardy Boulevard, Brightwater, New York and maintains an office for the practice of law at 134 Fourth Avenue, Bay Shore, New York. Either Professor Silverman or Marjorie Zuckerman was the attorney of record on all cases in the clinic

In 2008 the students participating in the Family Law Clinic were:

Pared Behr	Patricia Finneran	Kelly O'Brien	Lauren Padian
Janeen Sandhu	Jennifer Schenker	Louis Sternberg	Natalia Vassielieva
John Weber	Jessica Bookstaver	James Ciscione	Fawn Dyer
John Hillman	Julie Hirsh	Tanisha Williams	

Not-For-Profit Corporation Law Clinic

This clinic, which gives enrollment preference to evening students, is dedicated to assisting community groups and non-profit organizations. Community organizations that desire to incorporate as Not-for-Profit Corporations received assistance from this clinic. Students assist

Adjunct Professor William Bird in advising community groups on appropriate forms of organization to accomplish their goals. They also worked with Professor Bird assisting these community groups in matters such as creation of corporate structure and by-laws and application for tax-exempt status. In the year 2008 thirteen (13) students participated in this clinic.

Jason Aylesworth
Sanford Scharf
Michael Byk
Robert Dooley
Tanisha Williams

Ronald Brown
Alex Kiel
Laura Coleman
Paola Vera

Maritanna Isacov
Kerry Fisher
Dustin Collins
Justin Wiesel

Professor Bird resides at 1015 Barth Drive, Baldwin, New York and maintains an office for the practice of law at 45 Post Avenue, Westbury, New York.

Respectfully Submitted,

Marianne Artusio
Director of Clinical Education