Ethical Issues in Crisis Lawyering:
Representation and Advocacy Challenges

Presented By:

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and

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Baher Azmy is the Legal Director of the Center of Constitutional Rights. He directs all litigation around issues related to the promotion of civil and human rights. At the Center for Constitutional Rights, he has litigated cases related to discriminatory policing practices (stop and frisk), government surveillance, the rights of Guantanamo detainees, rights of asylum seekers, and accountability for victims of torture. Baher is currently on leave from his faculty position at Seton Hall University School of Law, where he taught Constitutional Law and directed the Civil Rights and Constitutional Litigation Clinic. While a Clinical Law Professor, Baher represented Murat Kurnaz, a German resident of Turkish descent imprisoned at Guantanamo Bay, until his release in August 2006. In addition, he litigated cases challenging police misconduct and violations of the rights of immigrants, prisoners, and the press. He has authored numerous legal briefs in the federal appeals courts and the United States Supreme Court on issues related to human rights and constitutional law, testified before Congress, and produced substantial scholarship on issues of access to justice. He is a magna cum laude graduate of the University of Pennsylvania and of NYU School of Law, where he was a Root-Tilden-Snow Public Interest Scholar. From 2012-2019, Baher has been selected as one of the top 500 lawyers in America by Lawdragon Magazine.

Baher has been published by and appeared on major media outlets including The New York Times, The Washington Post, 60 Minutes, PBS Newshour, and MSNBC.

Caroline Bettinger-López is a Professor of Law and Director of the Human Rights Clinic at the University of Miami School of Law. She also serves as an Adjunct Senior Fellow at the Council on Foreign Relations and is a recipient of a Roddenberry Fellowship for her COURAGE in Policing Project (COURAGE=Community Oriented and United Responses to Address Gender Violence and Equality).

The Human Rights Clinic, under Professor Bettinger-López’s leadership, and three South Florida-based community organizations are the joint recipients of a grant from the TIME’S UP Legal Defense Fund to start the Voces Unidas/Vwa Ini Project, to support low-wage immigrant women workers who have experienced workplace sexual misconduct or related retaliation.

From 2015 to 2017 Professor Bettinger-López worked in the Obama Administration, where she served as the White House Advisor on Violence Against Women, a senior advisor to Vice President Joe Biden, and a member of the White House Council on Women and Girls. At the White House, her responsibilities included co-chairing the White House Task Force to Protect Students from Sexual Assault, chairing the U.S. Government Inter-Agency Working Group on Violence Against Women, co-ordinating the Sexual Assault Kit Initiative, and developing the cabinet-level North American Working Group on Violence Against Indigenous Women and Girls (whose inaugural meeting in October 2016 included the participation of all attorneys general and indigenous affairs cabinet members from the U.S., Canada, and Mexico).
Professor Bettinger-López’s scholarship, practice, and teaching concern international human rights law and policy advocacy, violence against women, gender and race discrimination, immigrants’ rights, and clinical legal education. She focuses on the implementation of human rights norms at the domestic level, principally in the United States and Latin America. Professor Bettinger-López regularly litigates and engages in other forms of advocacy before the Inter-American Human Rights system, the United Nations, federal and state courts, and legislative bodies.

Professor Bettinger-López is lead counsel on Jessica Lenahan (Gonzales) v. United States (Inter-American Commission on Human Rights, 2011), the first international human rights case brought by a domestic violence victim against the U.S. She has worked extensively with advocates and government officials in Canada on issues of violence against Indigenous women and girls, challenged Stand Your Ground laws before the United Nations and the Inter-American Commission on Human Rights, collaborated with advocates in Miami and Haiti to stop U.S. deportations to post-earthquake Haiti, and litigated against the Dominican Republic for its mass expulsions of Haitian nationals and Dominicans of Haitian descent.

Her work has appeared in numerous journals, law reviews, and online and traditional media, including: Harvard Human Rights Law Journal, Columbia Human Rights Law Review, American Journal of International Law, the New York Times, the Miami Herald, National Public Radio, Huffington Post, Clearinghouse Review: Journal of Poverty Law and Policy, and Jotwell. She is the recipient of the Woodhull Foundation’s Vicki Sexual Freedom Award and was named a Champion of Change by the University of Colorado Denver’s Center on Domestic Violence, alongside her former client, Jessica Lenahan.

Prior to joining the Obama-Biden White House, Professor Bettinger-López was the founding Director of Miami Law’s Human Rights Clinic (2010-2015). Before that, she was Deputy Director of the Human Rights Institute and Lecturer-in-Law and Acting Director of the Human Rights Clinic at Columbia Law School (2006-2010). There, she helped to coordinate the Human Rights in the U.S. Project and the Bringing Human Rights Home Lawyers' Network, a network of over 900 lawyers who are actively involved in domestic human rights strategies in the U.S. In fall 2014, she was a Visiting Associate Clinical Professor at the University of Chicago Law School, where she taught and directed the International Human Rights Clinic. Earlier, she was a Skadden Fellow at the American Civil Liberties Union (ACLU) Women’s Rights Project, where she focused on housing, employment, civil, and human rights of domestic violence survivors (2004-2006). From 2003-2004, she served as a law clerk for Judge Sterling Johnson, Jr. in the Eastern District of New York.

Prior to her legal career, Professor Bettinger-López worked as an AmeriCorps member in the Miami Beach public schools, where she engaged in social services advocacy and youth education centered on women and girls’ empowerment, as well as anti-violence programming. She also lived and worked in Croix-des-Bouquets, Haiti as a secondary school teacher.

Professor Bettinger-López earned a J.D. from Columbia Law School, where she was a Harlan Fiske Stone scholar; and a B.A. from the University of Michigan, where she studied cultural anthropology and earned Highest Honors for her senior thesis, which was later published as a
book, Cuban-Jewish Journeys: Searching for Identity, Home, and History in Miami (Univ. of Tennessee Press, 2000). She is a Miami native, and a proud alumnus of Palmetto High School, Palmetto Middle School, and Pinecrest Elementary School.

**Ray Brescia** is the Hon. Harold R. Tyler Chair in Law and Technology and Professor of Law at Albany Law School. Professor Brescia combines his experience as a public interest attorney in New York City with his scholarly interests to address economic and social inequality, the legal and policy implications of financial crises, how innovative legal and regulatory approaches can improve economic and community development efforts, and the need to expand access to justice for people of low and moderate income.

Before coming to Albany Law, he was the Associate Director of the Urban Justice Center in New York, N.Y., where he coordinated legal representation for community-based institutions in areas such as housing, economic justice, workers' rights, civil rights and environmental justice. He also served as an adjunct professor at New York Law School from 1997 through 2006. Prior to his work at the Urban Justice Center, he was a staff attorney at New Haven Legal Assistance and the Legal Aid Society of New York, where he was a recipient of a Skadden Fellowship after graduation from law school.

Professor Brescia also served as Law Clerk to the path breaking Civil Rights attorney-turned-federal judge, the Honorable Constance Baker Motley, Senior U.S. District Court Judge for the Southern District of New York. While a student Yale Law School, Professor Brescia was co-recipient of the Charles Albom Prize for Appellate Advocacy; was a student director of several clinics, including the Allard K. Lowenstein International Human Rights Law Clinic and the Homelessness Clinic; and was Visiting Lecturer in Yale College.

**Bruce A. Green** is the Louis Stein Chair at Fordham Law School, where he directs the Louis Stein Center for Law and Ethics. He teaches and writes primarily in the areas of legal ethics and criminal law, and is involved in various bar association activities. Currently, Professor Green chairs the ABA Criminal Justice Standards Committee and the Multistate Professional Responsibility Examination drafting committee, and is a member and past chair of the NY State Bar Association’s Committee on Professional Ethics. He previously chaired the NYC Bar Association’s Committee on Professional Ethics and the ABA Criminal Justice Section, served on the ABA Standing Committee on Ethics and Professional Responsibility, was the Reporter to both the ABA Task Force on Attorney-Client Privilege and the ABA Commission on Multijurisdictional Practice, and co-chaired the ethics committee of the ABA Litigation Section and Criminal Justice Section. Since joining the Fordham faculty in 1987, Professor Green has engaged in various part-time public service, including as a member of the NYC Conflicts of Interest Board, as a member of the attorney disciplinary committee in Manhattan, as Associate Counsel in the office of the Iran/Contra prosecutor, and as a consultant and special investigator for the NYS Commission on Government Integrity. Previously, Professor Green was a federal prosecutor in the Southern District of New York, where he served as Chief Appellate Attorney, and he was a judicial law clerk to Justice Thurgood Marshall and Circuit Judge James L. Oakes. In May 2018, Professor Green received the Michael Franck Professional Responsibility Award, given by the ABA Center for Professional Responsibility.
**Professor Carmen Huertas-Noble** is the Founding Director of the Community & Economic Development Clinic (CEDC) at CUNY School of Law. She earned her J.D. from Fordham University Law School, where she was a Stein Scholar in Public Interest Law and Ethics and served on the staff of the Environmental Law Journal. Prior to joining the CUNY faculty, Professor Huertas-Noble was an Adjunct Professor at Fordham Law School where she supervised students in its CED Clinic. She also served as a senior staff attorney in the Community Development Project (CDP) of the Urban Justice Center (UJC). As part of CDP, she worked with neighborhood residents to form nonprofits as well as established organizing groups to create alternative institutions, such as worker-owned cooperatives (cooperatives).

Professor Huertas-Noble has played a leading role in providing transactional legal support to worker-owned cooperatives in New York. While at UJC, she counseled cooperatives in navigating their legal entity formation options and on creating democratic governance structures. She worked with ROC-NY in creating COLORS, a worker-owned restaurant in Manhattan and Green Workers Cooperatives in creating ReBuilders Source, a South Bronx worker-owned business that collects and recycles construction materials. Since then, numerous community groups and attorneys have consulted with Professor Huertas-Noble on entity formation options and democratic decision making structures for cooperatives. Such groups include Cidadao Global, a current client of the CEDC. Cidadao Global is in the process of creating the first eco-friendly house cleaning cooperative based in Queens.

Professor Huertas-Noble’s research and scholarship focuses on promoting alternative ownership models, including community land trust and worker-owned cooperatives (alternative institutions). Her scholarship emphasizes the role of lawyers in creating meaningful, client participatory decision making processes as part of the lawyer’s counseling process and in support of client-centered lawyering on behalf of alternative institutions.

**David McCraw** serves as the lead newsroom lawyer for The New York Times. He is the author of the book “Truth in Our Times: Inside the Fight for Press Freedom in the Age of Alternative Facts” (St. Martin’s 2019), a first-person account of the legal battles that helped shape The Times’s coverage of Donald Trump, Harvey Weinstein, national security, and the rise of political partisanship in America. Mr. McCraw has been at The Times for 19 years and currently holds the position of Deputy General Counsel.

In addition to advising the newsroom on libel and other legal issues, he is one of the nation’s most prolific litigators of Freedom of Information cases, having brought more than 85 suits against the federal government over the past decade seeking the release of secret information. He also oversees international security for Times journalists and has worked as the crisis response manager when reporters and photographers have been kidnapped or detained abroad.

He is a visiting lecturer at Harvard Law School and an adjunct professor at the NYU Law School. He previously was deputy general counsel at the New York Daily News and a litigation associate at Clifford Chance and Rogers & Wells. Mr. McCraw is a graduate of the University of Illinois, Cornell University, and Albany Law School.
**Jay Sullivan** is the Managing Partner at Exec|Comm and leads the firm’s Law Firm Group. He is an award-winning author and columnist, as well as an Adjunct Professor at Georgetown Law Center and Fordham University School of Law. His book, *Simply Said: Communicating Better at Work and Beyond*, was released by John Wiley & Sons in 2016, and has since been translated into Chinese, Korean, and Russian.

As a contributing writer for Forbes.com, Jay brings relevant and timely advice on enhancing one’s communication skills to the business community. Jay joined Exec|Comm after nine years as a practicing attorney. He received his J.D. from Fordham University in 1989. That year, Jay was named among the first class of Skadden Fellows by the Skadden Foundation. For two years he acted as in-house legal counsel at Covenant House, a crisis shelter for runaway and homeless teenagers. He then practiced corporate law for seven years on behalf of Lloyds of London.

After graduating from Boston College in 1984, Jay spent two years in the Jesuit International Volunteer Corps teaching English. His book about that experience, *Raising Gentle Men: Lives at the Orphanage Edge*, was named the 2014 Best Book by a Small Publisher by the Catholic Press Association. Jay sits on the Board of Directors of Dot Foods, Inc., the nation’s largest food redistributor. He and his wife, Mary, live in Pleasantville, New York, where they raised their four children. Jay plays squash weekly (and weakly, but with great enthusiasm)

**Ellen Yaroshefsky** is the Howard Lichtenstein Professor of Legal Ethics and Director of the Monroe Freedman Institute for the Study of Legal Ethics at the Maurice A. Deane School of Law at Hofstra University. She teaches ethics courses and criminal procedure, organizes symposia, and writes and lectures in the field of legal ethics with a concentration upon issues in the criminal justice system. Ms. Yaroshefsky counsels lawyers and law firms and serves as an expert witness.

She is the longstanding co-chair of the Ethics Advisory Committee of the National Association of Criminal Defense Lawyers and regularly advises NACDL lawyers around the country. She is the former co-chair of the American Bar Association’s Ethics, Gideon and Professionalism Committee of the Criminal Justice Section. She also serves on various committees of state and local bar associations.

From 1994-2016 she was a Clinical Professor of Law and the Director of the Jacob Burns Center for Ethics in the Practice of Law at the Benjamin N. Cardozo School of Law in New York. Prior to joining the Cardozo faculty, she was an attorney at the Center for Constitutional Rights in New York, a public defender at the Seattle-King County Public Defender Association and then in private practice. She has received a number of awards for litigation and received the New York State Bar Association award for “Outstanding Contribution in the Field of Criminal Law Education.”