

Criminal Defense

In the [Criminal Defense Clinic](#) (DEF), student defenders provide direct, one-on-one representation in a variety of contexts, including representing indigent clients charged with various misdemeanors in the New York City Criminal Court, and incarcerated men and women challenging their placement in solitary confinement in New York State prisons.

In addition, clinic interns assist federal prisoners seeking clemency from the President of the United States, work with Public Defender offices and experienced practitioners on serious felony cases, and engage with criminal justice organizations and think-tanks on current issues.

PRACTICE HIGHLIGHTS

Criminal Court Cases: Student defenders handled the full range of charges faced by any of the thousand or so people arrested each day in NYC and achieved dismissals or non-criminal dispositions in every case. Defenders also assisted their clients with all related matters that resulted from arrest, including potential suspension from college, revocation of security guard and taxi driver licenses, and immigration concerns.

Challenging Solitary Confinement: CDC had a breakthrough representing a client contesting his solitary confinement as a petition for certiorari was granted by the New York Court of Appeals. This case presents an issue that potentially arises in every prison disciplinary hearing: whether and when a *pro se* prisoner will have access to judicial review based on having sufficiently preserved a legal challenge. In addition, student defenders are drafting an amicus brief on another prisoners' rights case pending before the Court. This case involves the relief provided when a prisoner's placement in solitary confinement was based on a constitutionally deficient administrative process.

Federal Clemency Cases: The Clinic joined the newly created Clemency Project 2014, an unprecedented, national consortium of criminal justice organizations working to identify and represent federal prisoners serving lengthy sentences who are eligible for clemency by the President of the United States. The Clemency Project, spurred initially by the Attorney General, is a response to the policies of mass incarceration that have led to more than two million people in America's jails and prisons.

Working in the Community: Locally, clinic interns began working on a project to educate incarcerated persons at Rikers Island about their right to modify child support obligations based on being incarcerated. Previously, clinic interns held workshops to assist formerly convicted persons obtain Certificates of Relief from Civil Disabilities to help enable them to secure employment.

SPOTLIGHT

Alumni: Clinic graduates are substantially represented as staff and supervising attorneys at state and federal trial and appellate defender offices across the country. Recent Criminal Defense Clinic alums are working as Public Defenders in California, Colorado, Florida, Louisiana, Massachusetts, New Hampshire, New Jersey, New York, and Pennsylvania. Many Clinic graduates are also part of small criminal defense and civil rights firms or have their own private practice, while others can be found at not-for-profit or governmental criminal justice agencies.



Professors. Nicole Smith Futrell and Steve Zeidman in class

PROJECTS AND PARTNERS

Misdemeanor Representation: Clinic interns represent indigent clients through the Clinic's contract with the Legal Aid Society and pursuant to the Judiciary's Student Practice Order. Clinic interns meet their clients approximately 24 hours after their arrest, argue to the court for their client's release, and continue their representation until the charges are resolved.

Prisoner Disciplinary Hearings: In partnership with Prisoner's Legal Services, student defenders represent NY State inmates who have received disciplinary violations and are serving lengthy sentences in solitary confinement.

External placements: CDC partners include the Bronx Defenders, Brooklyn Defender Services, the Legal Aid Society, the Center for Appellate Litigation, the Office of the Appellate Defender, the Vera Institute of Justice, and Mental Hygiene Legal Services.

Trial Advocacy: Guest lecturers from Bronx Defenders and the Legal Aid Society provide trial advocacy training, and clinic interns work in teams to prepare and conduct a pretrial suppression hearing based on a real case handled by a Clinic alum.

DEFENDER CLINIC IN THE NEWS

[Steve Zeidman Comments on Police Dragnets](#)

Read Nicole Smith Futrell's analysis of the Floyd decision in the [Oxford Human Rights Hub blog](#).

For more articles by Defender Faculty please visit their [faculty pages](#).