

## **Exporting the Legal Incubator: A Conversation with Fred Rooney**

Fred Rooney & Justin Steele

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### **AUTHOR**

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Justin Steele is the Executive Articles Editor of the UMass Law Review and a Juris Doctor candidate for May, 2014. I would like to thank my wife, friends, and family for always supporting me. Thanks to Professor Jeremiah Ho for your guidance. Additional thanks to the Editorial Board, Staff, and Associates of the UMass Law Review for all your help with this project.

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## I. INTRODUCTION

Fred Rooney is the Director of the International Justice Center for Post-Graduate Development at Touro Law Center.<sup>1</sup> As the inaugural director of the City University of New York (CUNY) School of Law's Community Legal Resource Network (CLRN), he pioneered the first law-school based Legal Incubator (Incubator).<sup>2</sup> In 2012, Mr. Rooney applied for a Fulbright Scholarship with the goal of exporting the Incubator to the Autonomous University of Santo Domingo (UASD) in the Dominican Republic. What follows is an edited transcript of an interview with Mr. Rooney about the creation of the CLRN, the evolution and growth of legal incubators, and his experience launching the Community Legal Services Center (Centro Comunitario de Servicios Legales or CECSEL) at the UASD. Included in the text are comments from the Attorney General of the Dominican Republic, Francisco Domínguez Brito,<sup>3</sup> an avid supporter of the program, as well as comments from three of the lawyers at CECSEL: Isabel Cabrera, Luis Calcaño, and Katherine Quezada.<sup>4</sup>

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<sup>1</sup> See *Touro Law Announces International Center for Post-Graduate Development & Justice*, WE ARE TOURO (June 25, 2013), <http://www.touro.edu/news/press-releases/touro-law-center-for-post-graduate-development—justice-2013.php>.

<sup>2</sup> COMMUNITY LEGAL RESOURCE NETWORK, THE FACES OF CLRN: SMALL-PRACTICE LIFELINE CELEBRATES FIRST DECADE 1 (2010), <http://www3.law.cuny.edu/clrn/Faces-of-CLRN.pdf> [hereinafter THE FACES OF CLRN] (stating that Fred Rooney has run the CLRN since its 1998 inception).

<sup>3</sup> *El Procurador General (2012)*, FRANCISOENLARED.COM, <http://francisoenlared.com/web/quien-es-francisco/> (last visited Sept. 30, 2013).

<sup>4</sup> All interviews were conducted by Justin Steele, Executive Articles Editor of the UMass Law Review, 2013–2014, and transcribed by Michael Coveney, Staff Editor of the UMass Law Review. Translations of the questions and answers of the Attorney General were conducted by Dr. Xavier Echarri-Mendoza, Assistant Professor of Spanish, of the University of Massachusetts–Dartmouth. Special contributions and translations were made by Isabel Saavedra, J.D. Candidate, UMass School of Law (2014).

## II. THE CUNY INCUBATOR: THE BEGINNING OF A NEW AND POWERFUL TREND IN LEGAL PEDAGOGY

### A. What is the Community Legal Resource Network and how did it begin?

The CLRN was created in 1998 to address a crisis in access to justice in New York City.<sup>5</sup> We did so by providing professional support to CUNY Law graduates interested in creating solo or small-firm practices in underserved communities.<sup>6</sup> CLRN began providing training in two areas: professional skill development and small firm management.

The unfortunate reality was, and still is, that compassionate and talented lawyers—even those with a deep commitment to working in underserved communities—need to learn how to run a practice quickly or be forced to close up shop. The CLRN designed a network of several hundred CUNY Law alumni lawyers who were encouraged to offer low-cost legal services in communities underserved by private attorneys, legal service centers, and bar associations.<sup>7</sup> CLRN has helped its members to garner business-management skills, access computer technology, and become adept at negotiating everything from ordering online legal research to renting office space.

CLRN also has an active listserv through which member attorneys share their work product, pose questions to colleagues on substantive areas of law or procedural matters in various local jurisdictions, or simply find referrals for clients. Through funded community service projects administered by CLRN, member attorneys have opportunities to provide services to low-income clients while enhancing the quality of their practices.

While the bulk of CLRN's efforts is focused on its members, the impact is ultimately felt by the countless number of working and middle-class New Yorkers who rely on CLRN members to provide affordable legal services.

### B. How did you start the Incubator?

Since its inception, CUNY Law has trained students in upholding the principles of “liberty and justice for all.” The graduates ensure

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<sup>5</sup> See *FACES OF CLRN*, *supra* note 2, at 3.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

competent legal counsel to individuals with limited incomes, similar to the counsel individuals with the greater financial means may receive. That was the impetus for creating an incubator in 2007—to provide a core of skilled practitioners interested in creating economically viable law practices in underserved parts of New York City.<sup>8</sup>

The Incubator was launched at a time when the economy was still fairly stable. However, during the 2008 economic crisis, there was an ever-growing number of law students graduating with no job possibilities.<sup>9</sup> This was a turning point for the incubator idea as it became not only about creating successful law practices in underserved communities, but also about helping CUNY graduates become more marketable lawyers.

Since 2009, dozens of American law schools have debated the pros and cons of launching their own incubators or residency programs, and numerous post-graduate programs have cropped up across the United States.<sup>10</sup> The principles of the original incubator have now become

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<sup>8</sup> The incubator has produced successful attorneys. For instance, Yogi Patel, one of CUNY's first incubator practitioners, now runs his own private practice specializing in commercial law for established and start-up companies, not-for-profit companies, and real estate entities. See Karen Slone, *Incubators Give Birth to Flocks of Solo Practitioners*, NAT'L LAW J. (Sept. 5, 2011) (reprinted in THE FACES OF CLRN, supra note 2, at 15); PATEL LAW, LLP, <http://www.patellawllp.com/> (last visited Oct. 4, 2013). Another attorney, Jay Kim, has gone on to start a community legal services and assistance program called "Common Law." See COMMON LAW, <http://commonlawnyc.org/> (last visited Oct. 4, 2013). See also *Launching a New Practice: Rosanna Roizin ('08)*, CUNY SCHOOL OF LAW (Apr. 15, 2012), <http://www1.cuny.edu/mu/law/2012/04/15/launching-a-new-practice-rosanna-roizin-08/>; *Defending People in Need: Andrew Lisko ('10)*, CUNY SCHOOL OF LAW (Apr. 15, 2012), <http://www1.cuny.edu/mu/law/2012/04/15/defending-people-in-need-andrew-lisko-10/>.

<sup>9</sup> See William D. Henderson & Rachel M. Zahorsky, *Law Job Stagnation May Have Started Before the Recession—And It May Be a Sign of Lasting Change*, A.B.A. J. (Jul. 1, 2011, 4:40 AM), [http://www.abajournal.com/magazine/article/paradigm\\_shift/](http://www.abajournal.com/magazine/article/paradigm_shift/) (noting a possible shift before 2008); William D. Henderson & Rachel M. Zahorsky, *The Law School Bubble: How Long Will It Last if Law Grads Can't Pay Bills?*, A.B.A. J. (Jan. 1, 2012, 6:20 AM), [http://www.abajournal.com/magazine/article/the\\_law\\_school\\_bubble\\_how\\_long\\_will\\_it\\_last\\_if\\_law\\_grads\\_cant\\_pay\\_bills/](http://www.abajournal.com/magazine/article/the_law_school_bubble_how_long_will_it_last_if_law_grads_cant_pay_bills/) (noting how a twenty-nine-year-old graduate of a second tier law school with law review and summer associate credentials had been laid off twice).

<sup>10</sup> See Andrew Lu, *More Law Schools Adding "Incubator" Law Offices*, STRATEGIST (Nov. 20, 2013 4:58 AM), <http://blogs.findlaw.com/strategist>

ubiquitous: help graduates improve employment opportunities and, in turn, help individuals living in underserved communities with unmet legal needs.<sup>11</sup>

### C. Are you associated with all of these programs?

I've been fortunate to travel extensively across the United States to talk about the value of post-graduate programs and, whenever possible, help get them off and running. While I have not been directly involved with all of them, I have worked closely with many schools to help them conceptualize their incubators and get them off the ground.<sup>12</sup> For instance, I recently spent time helping Thomas Jefferson Law School and California Western Law School launch incubators.<sup>13</sup> Though I was not directly involved, it was particularly interesting to watch Pace Law School turn our incubator model into a successful residency program.<sup>14</sup>

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/2012/11/more-law-schools-adding-incubator-law-offices.html (referencing California Western School of Law's incubator); Deborah L. Cohen, *Growing Justice Law Schools Hop on the Incubator Trend*, A.B.A.J. (Oct. 1, 2013 1:30 AM), [http://www.abajournal.com/magazine/article/growing\\_justice\\_law\\_schools\\_hop\\_on\\_the\\_incubator\\_trend/](http://www.abajournal.com/magazine/article/growing_justice_law_schools_hop_on_the_incubator_trend/) (referencing the startup of at least six incubator programs).

<sup>11</sup> According to Mr. Rooney, there are about seventeen post-graduate programs sponsored by either law schools, bar associations or bar foundations. See *Incubator/Residency Programs Directory*, A.B.A., [http://www.americanbar.org/groups/delivery\\_legal\\_services/initiatives\\_awards/program\\_main/program\\_directory.html](http://www.americanbar.org/groups/delivery_legal_services/initiatives_awards/program_main/program_directory.html) (last visited Oct. 4, 2013) (noting at least fourteen programs linked to the ABA). Other incubators include: the Brooklyn Law Incubator & Policy Clinic and Touro Law's Community Justice Center.

<sup>12</sup> See, e.g., Steve Semeraro, *Thomas Jefferson School of Law Commits to Solo Practice*, THOMAS JEFFERSON SCHOOL OF LAW (May 21, 2012), <http://www.tjssl.edu/news-media/2012/6505>; *Touro Law Announces International Center for Post-Graduate Development & Justice*, *supra* note 1; *Solo Law Practice Incubator at C|M|LAW will Support New Legal Entrepreneurs*, CLEVELAND MARSHALL COLLEGE OF LAW, <https://www.law.csuohio.edu/newsevents/news/solo-law-practice-incubator-cmlaw-will-support-new-legal-entrepreneurs> (last visited Oct. 6, 2013).

<sup>13</sup> See *CUNY Expanding Incubator Program for New Grads with Cal Western, Thomas Jefferson*, *supra* note 12; Semararo, *supra* note 12.

<sup>14</sup> See Tierny Plumb, *A Law School Run Law Firm*, 15 PRELAW 22 (2012) (discussing the creation of a CUNY-incubator-style law firm that is run by Pace Law School).

**D. How do you help schools launch their incubator programs and what are some of the challenges you've faced?**

I am generally invited by someone from the law school community to speak with members of the faculty and administration about the logistics and practicalities of setting up an incubator. My biggest challenge is helping convince the powers-that-be that the initial costs of creating an incubator are well worth the practical support it offers law graduates.

Sometimes the members of the faculty and administration need to be convinced that these programs are not only needed but also relatively easy to launch. They don't realize that once in place, incubators benefit almost every aspect of a law school.<sup>15</sup> The law schools become more competitive in the world of legal education because they continue training long after their students walk across the stage on graduation day.<sup>16</sup> This is what I refer to as a "longitudinal" law school experience wherein legal education is provided on a continuum.

More often than not, the schools I visit decide to create incubators. Before I accepted my current position, I was invited to meet with the dean and the faculty of the Touro Law Center in Central Islip, New York. During my presentation, I talked about the CLRN and about the growth of incubators across the United States. Shortly after my visit to Touro Law, the dean and faculty unanimously approved a plan to start an incubator for Touro graduates. As of this interview, I am working on the development of Touro's incubator as well as its newly formed International Justice Center for Post-Graduate Development.<sup>17</sup>

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<sup>15</sup> For example, incubators help bring in law school applicants, so they have a positive impact on admissions. They also provide opportunities for students who intern with incubator lawyers, impacting positively on career services. Furthermore, they generate a deep sense of good will with graduates as alumni understand that their alma mater actually cares about their well-being and professional development.

<sup>16</sup> See Delece Smith-Barrow, *Consider Law Schools with In-House Firms, Incubators*, U.S. NEWS (Dec. 18, 2013), <http://www.usnews.com/education/best-graduate-schools/top-law-schools/articles/2013/06/17/consider-law-schools-with-in-house-firms-incubators>.

<sup>17</sup> See *Touro Law Announces International Center for Post-Graduate Development & Justice*, *supra* note 1.

### **E. How do incubators get funding?**

In order to provide these services, the school either has to allocate or secure outside funding to cover start-up costs for furnishing and equipping the incubator—copier/fax/scanner, Internet service, etc. In New York, CUNY Law has been very fortunate to get discretionary funds from the New York City Council.<sup>18</sup> When I travel to law schools, I talk about the ways to forge partnerships with elected officials to serve the unmet legal needs of their constituents and, at the same time, provide new lawyers with increased opportunities.

Essentially the pitch to elected officials is, “If you provide us with some discretionary funds, we will bring our lawyers into your district and pay them to provide counseling and legal support for your constituents.” Once the lawyers in the incubator have the professional skills needed to effectively serve a given community, we send them to legal clinics, senior centers, grass-root NGOs, and religious and community organizations that are identified by the elected officials.<sup>19</sup>

By providing funds for a legal incubator, the elected officials look great because a corps of lawyers is brought into their districts to serve their constituents.<sup>20</sup> Furthermore, the constituents are grateful because they gain access to lawyers, sometimes for the first time. For CUNY, this really helped reinforce its mission of “law in the service of human needs.”<sup>21</sup>

### **F. What kind of legal work is done at incubators?**

At CUNY, incubator lawyers are commissioned to work at community centers, not-for-profits, churches, mosques, temples, or

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<sup>18</sup> See, e.g., *Searchable Database*, NEW YORK CITY COUNCIL.GOV, <http://council.nyc.gov/html/budget/database.shtml> (last visited Nov. 26, 2013) (providing a searchable database for all discretionary funds from the New York City Council including discretionary funds to CUNY School of Law).

<sup>19</sup> See Natalie Gomez-Velez, *Structured Discrete Task Representation to Bridge the Justice Gap: CUNY Law School’s Launchpad for Justice in Partnership with Courts and Communities*, 22 CUNY L. REV. 21, 41 (2012) (citation omitted).

<sup>20</sup> A particularly “attractive” constituency is senior citizens because these constituents have some of the highest turnouts among eligible voters. See, e.g., Emily Brandon, *Why Older Citizens are More Likely to Vote*, U.S. NEWS (Mar. 19, 2012), <http://money.usnews.com/money/retirement/articles/2012/03/19/why-older-citizens-are-more-likely-to-vote> (providing that 61% of US citizens voted in the November 2010 elections).

<sup>21</sup> See CUNY SCHOOL OF LAW, <http://www.law.cuny.edu/index.html> (last visited Dec. 30, 2013) (providing mission statement).



senior citizen centers once or twice a week. This allows people from the community to come in and meet face-to-face with an attorney. The lawyers deal with almost every legal issue imaginable, which means they gain tremendous experience in a wide breadth of legal issues. Because there is never enough money to provide full-scale representation, the lawyers do *whatever* they can to resolve an issue without going to court.

A good deal of the work comes from senior citizens. The lawyers may be called on to draft wills, powers of attorney, living wills, or whatever they need. Many seniors have limited, fixed incomes, and the incubator provides them with the kind of services they would never be able to afford from a private attorney.<sup>22</sup>

There is also a lot of landlord-tenant work. Beginning in 2009, elected officials became concerned with the increasing gentrification of areas in their communities. Seeing a great opportunity to obtain higher rents, landlords began driving out rent-controlled and rent-stabilized tenants<sup>23</sup> who often pay a fraction of the actual fair market value.<sup>24</sup> This was often done by making life so miserable for the

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<sup>22</sup> There are many organizations that recognize the glut of legal services available to senior citizens. *See, e.g., NAELA Public Policy Guidelines: Legal Services*, NAELA (Mar. 2013), [https://www.naela.org/Public/Advocacy\\_Public\\_Policy/Public\\_Policy/Legal\\_Services.aspx](https://www.naela.org/Public/Advocacy_Public_Policy/Public_Policy/Legal_Services.aspx) (“NAELA recognizes that millions of seniors and people with disabilities cannot afford private legal services. One of NAELA’s missions is advocating for quality legal services for seniors and people with disabilities including those who are unable to pay for such services.”).

<sup>23</sup> *See* Sam Levin, *Christine Quinn, Political Bigwigs Rally for Rent-Control Tenants on Brink of Eviction; Call for Protections Against Greedy Landlords*, N.Y. DAILY NEWS (Nov. 7, 2011), <http://www.nydailynews.com/new-york/uptown/christine-quinn-political-bigwigs-rally-rent-control-tenants-brink-eviction-call-protections-greedy-landlords-article-1.973186>; Mitchel Maddux, *‘Rent is Too Damn High’ Candidate Facing Eviction from Rent-Controlled Apartment*, N.Y. POST (Aug. 5, 2011), <http://nypost.com/2011/08/05/rent-is-too-damn-high-candidate-facing-eviction-from-rent-controlled-apartment/>.

<sup>24</sup> *See* MOON WHA LEE, *SELECTED INITIAL FINDINGS OF THE 2011 NEW YORK CITY HOUSING AND VACANCY SURVEY 5* (2012), <http://www.nyc.gov/html/hpd/downloads/pdf/HPD-2011-HVS-Selected-Findings-Tables.pdf> (“The median contract rent of rent-controlled units was \$800, 73 percent of the median contract rent of all rental units in 2011 . . . .”); FURMAN CTR. FOR REAL EST. & URBAN POL’Y, *RENT STABILIZATION IN N.Y.C. 1* (2012), [http://furmancenter.org/files/publications/HVS\\_Rent\\_Stabilization\\_fact\\_sheet\\_FINAL.pdf](http://furmancenter.org/files/publications/HVS_Rent_Stabilization_fact_sheet_FINAL.pdf) (stating that 47% of N.Y.C. housing is rent controlled). *See generally* N.Y. DIV. OF HOUSING & CMTY. RENEWAL OFFICE OF RENT ADMIN., *FACT SHEET: #1 RENT*

tenants that they would leave the premises.<sup>25</sup> The Incubator's intensive training enabled our lawyers to become top-notch tenant advocates.

Our efforts were rewarded when we noticed the increasing number of halted evictions.<sup>26</sup> For instance, Pedro Rivera, one of our incubator lawyers, secured a year of rent abatements for twenty-six families living in a substandard apartment building in Northern Manhattan.<sup>27</sup> This is a prime example of the power of post-graduate training for committed and compassionate lawyers and the role they can play in defending the rights of vulnerable members of the community.

The CUNY Incubator does extensive immigration work. The New York City Council funds these efforts because of ongoing abuses of both documented and undocumented immigrants, who are particularly vulnerable groups in our society.<sup>28</sup> The lawyers who represented immigrants dealt with issues such as filing residency petitions, applying for citizenship, and applying to change immigration status.<sup>29</sup> In sum, it really has been a win-win for all parties involved.

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STABILIZATION AND RENT CONTROL (2008), <http://www.nyshcr.org/Rent/FactSheets/orafac1.pdf> (last modified May 2008) (providing reader with a general background in rent control and rent stabilization in New York City).

<sup>25</sup> See *Fact Sheet: #6 Fair Market Rent Appeals*, N.Y. DIV. OF HOUSING & CMTY. RENEWAL OFFICE OF RENT ADMIN. (Dec. 2011), <http://www.nyshcr.org/Rent/FactSheets/orafac6.pdf>; Marc Santora, *The Lucky Break of Rent Stabilization*, N.Y. TIMES (Feb. 4, 2011), [http://www.nytimes.com/2011/02/06/realestate/06cov.html?pagewanted=all&\\_r=1&](http://www.nytimes.com/2011/02/06/realestate/06cov.html?pagewanted=all&_r=1&).

<sup>26</sup> See Ed Finkel, *INCubator-Style Programs Growing Among Law Schools*, 42 STUDENT LAWYER 28 (2013), available at [http://www.americanbar.org/publications/student\\_lawyer/2013-14/october-2013/incubatorstyle\\_programs\\_growing\\_among\\_law\\_schools.html](http://www.americanbar.org/publications/student_lawyer/2013-14/october-2013/incubatorstyle_programs_growing_among_law_schools.html) (noting the success of Incubator lawyers in assisting tenants in New York City avoid eviction).

<sup>27</sup> *Id.*

<sup>28</sup> See generally *Immigrant & Non-Citizen Rights*, CUNY SCHOOL OF LAW, <http://www.law.cuny.edu/academics/clinics/immigration.html> (last visited Sept. 28, 2013) (explaining an overview of a student practice course and the involvement of students in representing documented and undocumented immigrant in a variety of legal issues.); see also SOUTHERN POVERTY LAW CENTER, *CLOSE TO SLAVERY: GUESTWORKER PROGRAMS IN THE UNITED STATES* (2007), [http://www.splcenter.org/sites/default/files/legacy/pdf/static/SPLC\\_guestworker.pdf](http://www.splcenter.org/sites/default/files/legacy/pdf/static/SPLC_guestworker.pdf) (providing a detailed analysis of the conditions under which guestworkers exist, whether documented or undocumented, in the United States).

<sup>29</sup> See *Press Release: City Council Speaker Quinn, Council Members Dromm, Recchia & CUNY Announce Free Citywide Legal Services for Immigrants*, COUNCIL OF THE N.Y.C. OFFICE OF COMMUN'C (Sept. 3, 2012), <http://>

### III. THE DOMINICAN MODEL: A NEW TWIST ON A TRIED AND TRUE METHOD

#### A. What inspired you to start an incubator in the Dominican Republic?

Seeing how incubators helped underserved communities throughout the United States,<sup>30</sup> I began to consider how they might help under-represented people around the world. The Fulbright Scholarship provided me with the perfect opportunity to see if the CUNY Incubator model could be reproduced outside of the United States. I wanted to experiment and see just how far the model could be taken.

I chose the Dominican Republic because it is close to the United States—three hours by plane—and because there is a huge problem with access to justice.<sup>31</sup> I have strong connections to the Dominican communities of New York City and of Allentown, Pennsylvania from my work with both for many years. That work left me with a deep admiration for the Dominican community. In my experience, Dominicans are hardworking, have a strong sense of family, and a deep sense of faith. Having been to the Dominican Republic on many short visits, I embraced this opportunity to become more fully immersed in the country, its people, and its culture.

#### B. How did UASD become the sponsoring law school?

UASD was a natural choice. They have campuses throughout the Dominican Republic,<sup>32</sup> and the administrators expressed a strong desire to have us launch incubators in conjunction with these other campuses.

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council.nyc.gov/html/pr/090312citizen.shtml; CUNY Citizenship Now, *About Us*, CUNY, <http://www.cuny.edu/about/resources/citizenship/about-us.html>.

<sup>30</sup> See Karen Gargamelli & Jay Kim, *Common Law's Lawyering Model: Transforming Individual Crises into Opportunities for Community Organizing*, 16 CUNY L. REV. 201, 204–05 (2012).

<sup>31</sup> See, e.g., William E. Davis & Helga Turku, *Access to Justice and Alternative Dispute Resolution*, 2011 J. DISP. RESOL. 47, 59–61 (2011) (describing the progress of setting up alternative dispute resolution centers across the Dominican Republic to increase access to justice).

<sup>32</sup> See AUTONOMOUS UNIVERSITY OF SANTO DOMINGO, <http://uasd.edu.do/index.php/en/> (last visited Oct. 7, 2013) (listing all satellite campuses).

The law department at UASD is the oldest in the western hemisphere.<sup>33</sup> UASD is the Dominican Republic's largest public provider of post-secondary education, and a large percentage of students choose UASD because it is affordable and much more accessible for students from moderate to low-income families.<sup>34</sup> This is similar to CUNY—a publicly funded university system that has been a beacon of hope for students of modest means.

I also wanted to bring the incubator system to a school with students that would use it to improve their society. UASD students have strong feelings about politics and are passionate about the future of their country.<sup>35</sup> Students don't simply attend the UASD, they live and breathe it. UASD was exactly what I was looking for.

### **C. Once you arrived at UASD, what was the process of setting up CECSEL?**

Shortly after arriving, I came in contact with a group of *highly committed* students who were concerned with the inequities in their legal system. They wanted to use their skills and privileges in society

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<sup>33</sup> UASD is the oldest university in the Western Hemisphere. *See History of the University*, AUTONOMOUS UNIVERSITY OF SANTO DOMINGO, <http://www.uasd.edu.do/index.php/es/informacion-general/historia> (last visited Nov. 26, 2013) (noting that on October 28, 1538, Pope Paul III authorized elevating the original seminary university to the University of Santo Domingo, which was split into four schools: medicine, law, theology, and arts).

<sup>34</sup> *See generally Work Study Grant (BET)*, AUTONOMOUS UNIVERSITY OF SANTO DOMINGO, <http://uasd.edu.do/index.php/es/bienestar-estudiantil> (last visited Oct. 7, 2013) (discussing the criteria, rights, duties, and eligibility of a work study program that supports low-income students); *Student Loans*, AUTONOMOUS UNIVERSITY OF SANTO DOMINGO, <http://uasd.edu.do/index.php/es/creditoseducativos> (last visited Oct. 7, 2013) (discussing the Education Credit, which is a monthly loan to help low-income students with the cost of materials such as books, as long as they meet the minimum academic performance required by the loan).

<sup>35</sup> *See* AM. EMBASSY OF SANTO DOMINGO, MEMORANDUM FROM AMERICAN EMBASSY OF SANTO DOMINGO ON THREATS OF VIOLENCE, STRIKES AT AUTONOMOUS UNIVERSITY OF SANTO DOMINGO TO THE SECRETARY OF STATE IN WASHINGTON D.C. (Jun. 14, 1994), <http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB429/docs/Document%20-%20-%2019940614%20-%20101.pdf> (describing violent protests and student strikes at UASD in opposition to the detention of Narciso Gonzales, a critic of the Dominican government); Emanuel Santos, *Seeds of Future Struggles in Dominican Republic*, SOCIALIST WORKER (Nov. 16, 2007), [http://socialistworker.org/2007-2/653/653\\_05\\_DomRepub.shtml](http://socialistworker.org/2007-2/653/653_05_DomRepub.shtml).

to help underserved communities. Over the course of several months, I developed a strong relationship with them and grew to respect them in so many ways. These relationships became the foundation that helped me conceptualize the incubator and get it running.

I knew the incubator model needed to be tailored to the country to which it was being exported. CECSEL is unique because, rather than supporting solely individuals licensed to practice law, we developed a hybrid model including five students—who would be the equivalent of second semester 3L law students in the United States—and five law graduates<sup>36</sup> awaiting admission to practice.<sup>37</sup>

We incorporated students in addition to graduates because clinical education is virtually non-existent in the Dominican Republic.<sup>38</sup> For law students in particular, getting any practical experience is difficult, if not impossible. The five students who came into the incubator would get a taste of what clinical education is like in the United States. Working side-by-side with law graduates and lawyers in the same training programs allows students to develop very strong professional skills as well as the business skills that they can eventually use as small-firm practitioners.<sup>39</sup>

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<sup>36</sup> See *Inauguran Centro de Servicios Legales para Personas de Escasos Recursos*, EL NUEVO DIARIO (Nov. 4, 2013), <http://www.elnuevodiario.com.do/app/article.aspx?id=326376>.

<sup>37</sup> There is no bar exam for Dominican lawyers, but new graduates can often wait from several months to a year for their license. In order to receive a license, a prospective lawyer must do as follows: (1) graduate from a Dominican law school or have UASD validate his or her foreign degree; (2) get a Presidential authorization (generally done by a written letter to the President of the Dominican Republic); (3) become a member of the Colegio de Abogados de la República Dominicana; (4) be sworn in by the Supreme Court of the Dominican Republic; and (5) register at the local court. See Fabio J. Guzman, *Dominican Lawyers*, DR1.COM (Oct. 2, 2006 9:29 AM), <http://www.dr1.com/forums/legal/47427-dominican-lawyers.html> (responding to message board post asking how someone acquires a license to practice law in the Dominican Republic). This process was confirmed by Mr. Calcaño. Interview with Luis Calcaño, Sub-Coordinador, CECSEL, via Skype (June 25, 2013).

<sup>38</sup> See Tania Karas, *Dominican Law Students Shadow Judges to Gain Insider's View of State Access to Justice Program*, N.Y. L.J. (Jun. 28, 2013), <http://www.nycourts.gov/careers/diversity/pdfs/LJ-6-28-13.pdf>.

<sup>39</sup> According to Mr. Calcaño and Ms. Quezada, students serve as interns in essentially a paralegal capacity—doing research and assisting the attorneys with their cases for several months. When their internship is finished, a new group rotates in to replace them. At the end of the two rounds, the lawyers choose the best of the interns who will then become the next incubator lawyers. As the

**D. What were the most significant challenges you faced in setting up CECSEL?**

The biggest challenge was trying to maneuver within a system that is drastically different from ours. In the Dominican Republic, it generally takes a lot longer to get things done. For instance, it took longer to secure funding to launch CECSEL. When funding was in place, it took longer to actually receive the funds. All of that put me at a disadvantage because by the time we were up and running on April 10, 2013, I only had a month left on my Fulbright Scholarship. Despite the challenges, we did open the incubator and it continues to operate successfully.<sup>40</sup>

I have never been in a situation where I helped give birth to a program and then left shortly after the delivery. Now my biggest challenge is making sure there is a strong enough commitment on the ground to ensure that CECSEL continues to be successful both financially and in terms of educating the incubator participants.

**E. How does the incubator model fit into the current pedagogy in the Dominican Republic?**

It is completely outside of the box—a new concept for the country. In the United States, long before I started the first law school-based incubator, there were incubators for graphic designers and start-up

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current members' tenures end, they will then look for the students or graduates with exceptional grades and a demonstrated commitment to social justice to repopulate CECSEL. While the current admissions process is fairly informal—no forms, business plans, or paperwork is required—a goal is to create a more structured admissions process.

<sup>40</sup> For instance, Mr. Calcaño has already worked on several low bono and pro bono matters:

I worked with a man that was being wrongfully evicted by his landlord. In the end, the landlord was not even the real owner of the property and had no standing. We helped the tenant get his first trial, which saved him around \$40,000 thousand Dominican pesos (U.S. \$960). I also recently helped a woman who was denied wages—about 30,000 Dominican pesos—by her employer. Now we are suing to get the workers' benefits.

Interview with Luis Calcaño, Sub Coordinator, CECSEL, via email (Oct. 3, 2013).

companies in Silicon Valley.<sup>41</sup> In the Dominican Republic, very few incubators exist at all,<sup>42</sup> let alone ones for lawyers.

Yet from the outset people were very supportive of my ideas. The dean of the law school was willing to learn about incubators and allowed me to pitch the idea to the faculty. The faculty was willing to experiment and see how it would impact the students and graduates. In many ways, CECSEL has been more successful than anything else I have accomplished in my professional life. Even Attorney General Domínguez Brito came to the opening and spent an hour talking about his support of this concept and its articulated goals of increasing access to justice.<sup>43</sup> He has been and continues to be one of our strongest allies.

More people jumped onboard after we articulated the mission of the incubator in simple, understandable Spanish. Furthermore, the media was very generous, providing time to outline our goals on television, radio programs, and in dozens of newspaper articles. There was tremendous interest in and support for a new model that was developed to help increase access to justice.<sup>44</sup>

#### 1. Comments from the Attorney General of the Dominican Republic Regarding CECSEL's Impact on Dominican Education and Legal Practice

Many of the same questions were posed to the Attorney General Domínguez Brito. He largely echoed Mr. Rooney's sentiments about CECSEL's purpose and impact: "CECSEL . . . carries out two essential duties: first, free legal services to marginalized groups; and second, practical training to law students and professionals. It is my

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<sup>41</sup> Other types of incubators such as business incubators have been around since 1959 and have helped new business owners access the resources and assistance they need to grow successful firms. See DAVID A. LEWIS ET AL., INCUBATING SUCCESS: INCUBATION BEST PRACTICES THAT LEAD TO SUCCESSFUL NEW VENTURES 5 (2011), [http://www.edaincubatorool.org/pdf/Master%20Report\\_FINALDownloadPDF.pdf](http://www.edaincubatorool.org/pdf/Master%20Report_FINALDownloadPDF.pdf).

<sup>42</sup> See *Inauguran Centro de Servicios Legales Para Personas de Escasos Recursos*, El Nuevo Dario (Apr. 11, 2013), <http://www.elnuevodiario.com.do/app/article.aspx?id=326376>.

<sup>43</sup> *Id.*

<sup>44</sup> See, e.g., *Inaugurates Legal Services Personas de Escasos Recursos*, *supra* note 42; Bethania Apolinar, *Asistirán a Personas en Problemas Legales*, LISTIN DIARIO.COM (April 25, 2013), <http://www.listindiario.com/la-republica/2013/4/24/274603/Asistiran-a-personas-en-problemas-legales>.

understanding that the center promotes community ethics and responsibility, and a true calling to public service for law professionals. In addition, these centers inspire citizens' confidence in justice.

"CECSEL's work definitely has an impact on increasing the levels of access to justice in our country. I understand that CECSEL allows young lawyers to put their knowledge into practice and, at the same time, it offers legal advice to those who do not have enough resources to pay for a private lawyer, therefore I think that CECSEL expedites the practice of the law."<sup>45</sup>

## 2. Comments from CECSEL Members on the State of Legal Pedagogy in the Dominican Republic

Mr. Calcaño made the following observation: "CECSEL unquestionably changes the traditional approach to legal education in our country. This university is the only public law school in the country. There are many other law schools, but all of them are private universities. They do not have clinics or incubators and the traditional approach does not offer any practical experience. CECSEL is a way for us to gain day-to-day practical legal skills and experience. The incubator is so progressive and I am sure that it is going to infuse a great change in the Dominican Republic, particularly with the traditional way that our lawyers view their role in society."<sup>46</sup>

Ms. Quezada stressed the practicality of the lessons noting that the most important things she learned were how to deal with actual clients and how to run a small firm, critical lessons not available in the classroom.<sup>47</sup> She also noted that, at CECSEL, the lawyers get routine workshops that help prepare them for private practice.<sup>48</sup>

Ms. Cabrera provided an even deeper critique of the Dominican education system. According to her, CESEL's hands-on and practical approach is distinct from anything in the Dominican education

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<sup>45</sup> Interview with Francisco Domínguez Brito, Attorney General, Dominican Republic, via email (Aug. 22, 2013) (trans. Dr. Xavier Echarri-Mendoza).

<sup>46</sup> Interview with Luis Calcaño, Sub Coordinator, CECSEL, via Skype (June 30, 2013).

<sup>47</sup> Interview with Katherine Quezada, Lawyer, CECSEL, via Skype (Jul. 18, 2013).

<sup>48</sup> *Id.*



system,<sup>49</sup> which is almost exclusively based on memorization—from elementary school all the way to college.<sup>50</sup>

All the members of CECSEL emphasized that the incubator system will help alleviate the absence of practical experience in Dominican education by offering concrete training.<sup>51</sup> There appears to be a general consensus that this will also make UASD law graduates much more competitive with other law graduates,<sup>52</sup> including graduates from more prestigious schools. CECSEL “graduates” will not need as much post-law-school training to become contributing lawyers at firms or successful solo practitioners.<sup>53</sup>

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<sup>49</sup> Interview with Isabel Cabrera, CECSEL member, via Skype (June 30, 2013).

<sup>50</sup> *Id.*

<sup>51</sup> Ms. Cabrera’s concern for Dominican law graduates having never taken a practice class or doing an internship is very similar to current concerns about U.S. law graduates. *See, e.g.,* Erwin Chemerinsky, *Rethinking Legal Education*, 43 HARV. C.R.-C.L. L. REV. 595, 596 (2008).

Meaningful reform requires that law schools do far more to emulate the way medical schools train doctors . . . . For example, my goal is that at the new University of California, Irvine School of Law, every student will participate in a law school clinic or have the equivalent experience, such as through a carefully selected externship. A clinical experience for every student in the third year will solve a problem that plagues every law school: how to make the third year of law school meaningful and useful for students.

*Id.*

<sup>52</sup> Similar to the United States, the Dominican Republic has a distinct hierarchy of law schools. In fact, according to Ms. Quezada, there are law firms that explicitly state that graduates from AUSD need not apply. Even more surprising, some of those firms have AUSD graduates in senior partner positions, yet still refuse to look at new AUSD graduates. *See* Interview with Katherine Quezada, *supra* note 47.

<sup>53</sup> The hope that incubators will make graduates from “lower ranked” schools more competitive for law firms is, of course, very similar in the United States. However, there are some who believe that no amount of “practice ready” law graduates will replace the old method of hiring from Harvard, Yale, and Stanford, etc. *See generally* Elie Mystal, *The Myth of The ‘Practice Ready’ Law Graduate*, ABOVE THE LAW (Sept. 3, 2013), <http://abovethelaw.com/2013/09/the-myth-of-the-practice-ready-law-graduate/>.

Sure, hiring partners might talk a good game at legal education conferences when a law school asks what they can do to get more students hired by their firm. But that’s because saying ‘produce practice-ready graduates’ sounds a lot better than ‘nothing . . . we’re going to hire people from the most prestigious

#### IV. CECSEL'S SUBSTANTIVE ISSUES

##### A. What are the legal issues being dealt with by the lawyers at CECSEL?

In the Dominican Republic we secured funding through the U.S. State Department and the U.S. Embassy in Santo Domingo. When I explained to embassy officials how we trained New York lawyers around the articulated needs of funders, the embassy decided to provide funding to train CECSEL participants in the areas of gender-violence<sup>54</sup> and LGBT rights.<sup>55</sup>

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schools we can, and maybe bring in your valedictorian for an interview if we're feeling generous.'

*Id.*

<sup>54</sup> Domestic violence is a major issue in the Dominican Republic. According to a recent article, in 1997 the Dominican government passed Law 24-97 to curb domestic violence. See Mercedes Perez, *Legislative Reform and the Struggle to Eradicate Violence against Women in the Dominican Republic*, 14 COLUM. J. GENDER & L. 36, 36 (2005) (internal citations omitted). The law sought to criminalize domestic violence and provide equal protection to women under the law. *Id.*

A recent report by Amnesty International notes that in 2011, 733 women were killed by partners or former partners. See AMNESTY INTERNATIONAL, DOMINICAN REPUBLIC SUBMISSION TO THE UN HUMAN RIGHTS COMMITTEE 104TH SESSION OF THE HUMAN RIGHTS COMMITTEE, 12-30 MAR. 2012 10–11 (2012), <http://www.amnesty.org/en/library/asset/AMR27/001/2012/en/09f02d87-524d-4db8-9b3a-82ce70482b52/amr270012012en.pdf>. It also notes that battered women's shelters, which are to be funded and set up by the government per Law 88-03, are seriously underfunded and lacking resources. *Id.* at 11.

<sup>55</sup> LGBT rights are another major issue in the Dominican Republic. Although homosexual relationships are legal, there are no laws to protect homosexuals from discrimination. See IMMIGRATION AND REFUGEE BOARD OF CANADA, *Dominican Republic: Treatment of Homosexuals, Including Protection Offered by the State and the Attitude of the Population*, 22 January 2007, REF WORLD.ORG, <http://www.refworld.org/docid/469cd6c8c.html> (last visited 29 September 2013).

According to Andrew Reding, Senior Fellow at the World Policy Institute and Director of the Project for Global Democracy and Human Rights, "Article 330 of the Penal Code . . . punishes 'every violation of decorum and good behavior on public streets' with up to two years in jail. The vague language lends itself to arbitrary interpretation against sexual minorities." WORLD POLICY REPORTS, SEXUAL ORIENTATION AND HUMAN RIGHTS IN THE AMERICAS 67 (2003), <http://www.worldpolicy.org/sites/default/files/uploaded/image/WPR-2003-Sexual%20Orientation%20and%20Human%20Rights%20in%20the%20Americas.pdf>.

As such, a significant portion of training is designed to enable participants to better represent the legal needs of women, and occasionally men, who are survivors of domestic violence. Additional training focuses on helping individuals from the LGBT community who face discrimination or harassment on the job or in society.

At the same time, the lawyers are working with people who come in with issues related to labor law, contract law, and other common legal matters. Just as we were able to use public funding to pay the lawyers in New York to represent tenants or immigrants, funding received from the U.S. State Department enables us to pay Dominican lawyers who represent individuals from the core groups mentioned above.

**B. Are there other legal issues in the Dominican Republic that you hope CECSEL will confront?**

One area of serious concern is the legal status of thousands of Haitians living and working in the Dominican Republic. Recent changes to the Dominican Constitution in 2010 and a ruling by the Dominican Constitutional Court have put many Haitian immigrants' citizenship into question.<sup>56</sup> As of now, children who are born to undocumented Haitian migrants do not have a right to Dominican citizenship.<sup>57</sup> While they technically have the right to Haitian

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<sup>56</sup> In 2010, the Dominican Government removed citizenship from all persons who are born "in transit." See OPEN SOC'Y INST., DOMINICANS OF HAITIAN DESCENT AND THE COMPROMISED RIGHT TO NATIONALITY REP. 16 (2010), [http://www.crin.org/docs/DR%20Compromised%20Right%20to%20Nationality%20\\_IACHR%20report\\_.pdf](http://www.crin.org/docs/DR%20Compromised%20Right%20to%20Nationality%20_IACHR%20report_.pdf) [hereinafter "OPEN SOC'Y REP."].

On Thursday, September 26, 2013, the Constitutional Court of the Dominican Republic ruled in favor of the new Constitution, "strip[ping] citizenship from thousands of people born to migrants who came illegally, a category that overwhelmingly includes Haitians brought in to work on farms." Associated Press, *Dominican Ruling Strips Many of Citizenship*, N.Y. TIMES (Sept. 26, 2013, 6:37 PM), [http://www.nytimes.com/aponline/2013/09/26/world/americas/ap-cb-dominican-republic-stripping-citizenship.html?\\_r=1&](http://www.nytimes.com/aponline/2013/09/26/world/americas/ap-cb-dominican-republic-stripping-citizenship.html?_r=1&). Additionally, "[t]he decision cannot be appealed, and it affects all those born since 1929." *Id.*

<sup>57</sup> See OPEN SOC'Y REP., *supra* note 56, at 16. Specifically, Article 18 of the new Constitution provides that "Persons born on national territory, with the exception of the sons and daughters of foreign members of diplomatic and consular delegations, and foreigners who find themselves in transit or reside illegally on Dominican territory. Foreigners shall be considered as being in transit as defined in Dominican laws." *Id.*

citizenship,<sup>58</sup> they are considered nevertheless stateless because the Dominican government will no longer grant them citizenship because the mother was undocumented.<sup>59</sup> It is terrifying to wake up and discover that the only place you've ever called home no longer recognizes your citizenship.

Worse yet, without documentation, Dominicans are unable to register for school,<sup>60</sup> or even, in some cases, secure medical treatment.<sup>61</sup> There are also thousands of Haitian immigrants and Dominicans of Haitian decent who are undocumented because their

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<sup>58</sup> HAITIAN CONST. ART. 11 (“Possède la Nationalité Haïtienne d’origine, tout individu né d’un père haïtien ou d’une mère haïtienne qui eux-mêmes sont nés Haïtiens et n’avaient jamais renoncé à leur nationalité au moment de la naissance”) (English Translation: “Any person born of a Haitian father or Haitian mother who are themselves native-born Haitians and have never renounced their nationality possesses Haitian nationality at the time of birth.”) *Constitution of the Republic of Haiti*, REFWORLD.COM, <http://www.refworld.org/cgi-bin/txis/vtx/rwmain?docid=3ae6b542c> (last visited Sep. 14, 2013).

<sup>59</sup> OPEN SOC’Y REP., *supra* note 56, at 6 (citing Dilcia Yean and Violeta Bosico v. Dominican Republic, Judgment of September 8, 2005, Inter-Am Ct. H.R. (Ser. C), No. 130 (2005)).

In 2005, the Inter-American Court of Human Rights issued a landmark judgment against the Dominican Republic affirming that these policies discriminated against Dominicans of Haitian descent and left them vulnerable to statelessness. The case, Dilcia Yean and Violeta Bosico v. Dominican Republic, was brought by two young girls of Dominican descent who were denied Dominican birth certificates even though their mothers were born in the Dominican Republic and possessed valid cédulas. In its judgment, the Inter-American Court found that the Dominican Republic was misapplying the ‘in transit’ constitutional exception to deprive children of Haitian descent of their right to Dominican nationality, making them vulnerable to statelessness.

*Id.*

<sup>60</sup> See OPEN SOC’Y REP., *supra* note 56, at 11.

<sup>61</sup> See *Peace Corps Initiative: Declaro mis Derechos*, FOTDR.ORG, <http://www.fotdr.org/site/DominicanRepublic/PeaceCorps/PeaceCorpsInitiatives/tabid/484/Default.aspx> (last visited Sept. 28, 2013) (“Without an officially recognized birth certificate, a child in the Dominican Republic can’t go to school, receive medical care in a public hospital or, when he or she turns 18, apply for a national identity card (cédula)”).

births were never registered.<sup>62</sup> Now, as children, adolescents or even adults, they have no formal identification.<sup>63</sup> That is a huge problem for the Dominican government and international foundations,<sup>64</sup> and we would like to address the issue. I have applied for funding to do just that.

1. Comments from the Attorney General Concerning New Legal Issues for CECSEL and Current State Assistance for the Poor

Attorney General Domínguez Brito hopes to see CECSEL focus on general domestic issues: “I would like CECSEL to focus on all areas of private law because people here have more economic difficulties when they look for private lawyer services. For example, a person with few financial resources who has been sued and forced to pay money that [s/]he does not have, or a person whose properties have been seized, would both have serious difficulties [obtaining] justice.”<sup>65</sup>

He also provided insight into what the Dominican government offers in terms of legal aid to the poor, and how CECSEL complements these services. “CECSEL complements the state’s role of organizing free legal assistance programs and services to people who lack financial resources to get legal representation, and it is for this reason we have decided that the Attorney General’s Office will provide economic support to the Center.”<sup>66</sup>

“[One State program is t]he Oficina Nacional de Defensa Pública (National Office of Public Defense)[. This] is an institution that provides free legal defense services through a staff of highly qualified

<sup>62</sup> See OPEN SOC’Y REP., *supra* note 56, at 5–6 (citing INTER-AM. COMM’N ON HUM. RTS, REPORT OF THE SITUATION OF HUMAN RIGHTS IN THE DOMINICAN REPUBLIC 350–55 (1999)).

<sup>63</sup> See OPEN SOC’Y REP., *supra* note 56, at 6.

<sup>64</sup> Per Caitlin Stitlin-Rooney, a consultant for the Dominican Association for Women’s Rights, ONU-ACNUR, Manos Unidas, Progreso, Christian Aid, Entreculturas, Advenient, Trocaire, Misereor, Economistas sin Fronteras, The Butler Foundation, Banco Munidal (Dominicano), Christian Relief Services, Jesuits, UNDEF, OSI, OIM, and Women’s Refugee Services are all actively working with Haitian immigrants in the Dominican Republic. See Email from Caitlin Stitlin-Rooney, Consultant, ADOPEM (Asociación Dominicana para el Desarrollo de la Mujer), to Justin Steele, Executive Articles Editor, UMass Law Review (Sept. 29, 2013) (on file with author).

<sup>65</sup> Interview with Francisco Domínguez Brito, *supra* note 45.

<sup>66</sup> See Karas, *supra* note 38.

lawyers aimed at people denied their liberty or involved in a juridical process that do not have economic resources to pay a lawyer, or people who for any other reason do not have a lawyer.”<sup>67</sup>

“[T]here is [also] the ‘Dirección Nacional de Atención a Víctimas’ (Victims Assistance National Department), which is a state office that is part of the Procuraduría General de la República (Solicitor General’s Office). [It] devotes efforts without discrimination in favor of anyone who is a victim of ill-treatment, economic or hereditary abuse, the slave trade, sexual abuse, gender violence, or domestic violence.”<sup>68</sup>

## 2. Comments from CECSEL Members

When this question was directed toward the CECSEL members, each made it clear that gender violence and LGBT issues were of paramount concern to them. Ms. Quezada emphasized that, although LGBT citizens are supposed to have equal treatment under the law, there is no substance behind that principal. She also shared Mr. Rooney’s concern for Haitian immigrants. Ms. Cabrera felt particularly inspired to help women assert their rights because of personal connections to abuse victims. Mr. Calcaño echoed the sentiments of his colleagues.

### **C. What prevents CECSEL from taking on these other issues?**

The biggest obstacle is funding. Normally, when I am onsite, I can knock on doors to secure additional funds. Fortunately, there is a strong interest on the part of Dominican and U.S. officials to open another incubator in Santiago, in the northern part of the country. I imagine we will eventually obtain funds to tackle these issues and expand programming throughout the country.

An alarming number of people in the Dominican Republic lack the economic means to defend a claim or assert their rights in court. Publicly funded programs are simply unable to meet the legal needs of Dominicans across the island, which is of course similar to the plight of millions in the United States. However, in the United States, even as funding for legal assistance programs is slashed, it is easier to design

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<sup>67</sup> *¿Que es la ONDP?*, OFICINA NACIONAL DE DEFENSA PÚBLICA, <http://www.defensapublica.gov.do/nosotros/quienes-somos> (last visited Oct. 1, 2013).

<sup>68</sup> DIRECCIÓN NACIONAL DE ATENCIÓN A VÍCTIMAS, <http://www.dnav.gov.do/> (last visited Oct. 1, 2013).

inexpensive programs that assist *pro se* litigants.<sup>69</sup> In the Dominican Republic, the incubator is looked upon with the hope of being replicated throughout the island.

**D. The attorneys in CECSEL are dealing with issues that often impact politically underrepresented classes in the Dominican Republic. Has there been any negative response from people in the government about utilizing a state-sponsored school for this purpose?**

On the contrary, many of the governmental and legal organizations have been heralding CECSEL as a beacon of hope expanding access to justice.<sup>70</sup> These organizations are aware of the challenges Dominicans face with access to justice.<sup>71</sup> A group of organizations that could conceivably be adversely impacted by the incubator would be the private bar associations but, for the most part, the communities we are looking to serve are communities many lawyers would be inclined to overlook.<sup>72</sup>

In Queens, New York, we initially received pushback from the bar association after they expressed concern that we would rob members

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<sup>69</sup> For instance, according to the ABA, “Courts in Washington, California, and Florida have established courthouse facilitators who assist with detailed procedural information and form preparation on a one-to-one basis. Other courts have established desks staffed by volunteer lawyers who provide similar individual information.” A.B.A. STANDING COMM. ON THE DELIVERY OF LEGAL SERVS., AN ANALYSIS OF RULES THAT ENABLE LAWYERS TO SERVE PRO SE LITIGANTS 5 (2009) (citations omitted).

<sup>70</sup> See *Inauguran Centro de Servicios Legales para Personas de Escasos Recursos*, *supra* note 42.

The Center is funded by the Embassy of the United States of America with the support of both governmental institutions and civil societies such as the Ministry of Youth, Ministry of Women, the Attorney General’s Office, CentroBono, COIN, Women and Health Collective . . . . Representatives of these institutions were present at the opening ceremony.

*Id.*

<sup>71</sup> See, e.g., Interview with Francisco Domínguez Brito, *supra* note 45. However, according to the World Justice Project, the Dominican Republic actually ranks fairly well out of the developing world, but fifty-ninth out of ninety-seven countries surveyed for access to the civil justice system and fifty-third out of ninety-seven out of countries surveyed for access to the criminal justice system. WORLD JUSTICE PROJECT, RULE OF LAW INDEX 45, 83 (2012).

<sup>72</sup> *Asistirán a Personas en Problemas Legales*, *supra* note 44.

of paying clients. I remember saying to bar officials, “If your members can handle the cases that are coming our way, we will back out. The only reason we are doing this is because your members are not.”

**E. Are there other countries in which you are looking to start incubator programs?**

I have been to Ecuador a number of times and talked to law schools about creating incubators. I recently received an inquiry from Argentina discussing the possibility of launching an incubator outside of Buenos Aires. There has also been interest in starting incubators throughout the Caribbean, in Africa, and in India. Once we can demonstrate the success of the Dominican model and show that it has been effectively backed by USAID<sup>73</sup> funding, it will be easier to set up incubators in different parts of the world.

It is really exciting because I have wanted to internationalize not only the incubator but the emerging concept of post-graduate education. Through CECSEL we are pioneering the concepts of clinical education and post-graduate education.<sup>74</sup> What we are doing will reverberate in different parts of the world. In a matter of time we will get calls from embassy officials, law school deans, and government officials who have looked at our success in the Dominican Republic and wish to replicate it in their own schools or countries.<sup>75</sup>

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<sup>73</sup> See *What We Do*, USAID, <http://www.usaid.gov/what-we-do> (last visited Nov. 14, 2013).

Our assistance develops the markets of the future; long-time aid recipients have become strong trade partners and are the fastest growing markets for American goods. USAID is developing partnerships with countries committed to enabling the private sector investment that is the basis of sustained economic growth to open new markets for American goods, promote trade overseas, and create jobs here at home.

*Id.*

<sup>74</sup> See *CLRN Director Fred Rooney Helps Thomas Jefferson Law School Launch Incubator*, IRISHLEGAL100.COM, <http://www.irishlegal100.com/director-fred-rooney-helps-thomas-jefferson-law-school-launch-incubator/> (last visited Sept. 28, 2013).

<sup>75</sup> There are numerous organizations that are helping to set up legal clinics and post graduate clinical work in countries outside the United States. See generally Richard Wilson, *Training for Justice: The Global Reach of Clinical Education*, 22 PENN ST. INT'L. REV. 421, 423–27 (2004) (listing numerous NGOs and private organizations that provide funds for legal clinics in the developed and developing world).



Our greatest challenge is launching new programs on shoe-string budgets. At a time when we question the logic of government funding for wars and other financially debilitating endeavors, it has been refreshing to see U.S. taxpayer funds being used to launch a program that strengthens democracy and helps invigorate a renewed respect for law and justice. Funding programs that increase access to justice for marginalized or vulnerable individuals and communities offer a compelling alternative to programs or policies that foster conflict.<sup>76</sup>

#### IV. CONCLUSION

##### A. What are your plans for future incubator development or other forms of post-graduate support now that you are at Touro Law?

In my opinion, incubator programs are the newest example of how law schools can respond to changing professional and community needs. The ongoing trend in the legal profession indicates a decrease in the number of paid lawyer positions.<sup>77</sup> Additionally, lawyers are needed in community-based practices to fill in the gap created by the significant decrease in federally and locally sponsored legal services.<sup>78</sup>

My goal when I started at the Touro Law Center was to help launch an incubator for recent graduates and build the International Justice Center for Post-Graduate Development (“the Center”). I was particularly attracted to Touro because of the administration’s commitment to quality legal education that encourages students to

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<sup>76</sup> By way of comparison, President Obama requested a defense budget of \$526.6 billion for the fiscal year 2014. *DOD Releases Fiscal Year 2014 Budget Proposal*, DEFENSE.GOV (Apr. 10, 2013), <http://www.defense.gov/releases/release.aspx?releaseid=15921>. In contrast, the 2014 requested budget for foreign aid was a paltry \$20.4 billion. *FY 2014 Budget Request Highlights*, USAID.GOV, <http://www.usaid.gov/results-and-data/budget-spending> (last visited Oct. 1, 2013).

<sup>77</sup> See, e.g., Katy Murphy, *Too Many Lawyers, Too Few Jobs*, SEATTLE TIMES (Oct. 8, 2013, 6:26 PM), [http://seattletimes.com/html/business/technology/2021994037\\_lawschoolsxml.html](http://seattletimes.com/html/business/technology/2021994037_lawschoolsxml.html) (noting that in 2012, 46,000 law students graduated and, after nine months, only 27,000 had full-time jobs as lawyers).

<sup>78</sup> See Jenifer B. McKim, *Cuts in Legal Aid Hit Poorest*, BOSTON.COM (Aug. 6, 2009), [http://www.boston.com/news/local/massachusetts/articles/2009/08/06/cuts\\_in\\_legal\\_aid\\_hit\\_poorest/](http://www.boston.com/news/local/massachusetts/articles/2009/08/06/cuts_in_legal_aid_hit_poorest/) (noting that in Massachusetts, cuts to legal aid programs have forced many layoffs of lawyers and a significant shortage in access to justice for poor people in the Commonwealth).

examine the moral goals of the law while promoting social justice and community service.<sup>79</sup> The mission of the Center is rooted in the mission of Touro Law, and it was created to further the school's belief in post-graduate legal education that enables new lawyers to deepen their commitment to social justice as they build solo practices, small firms, and not-for-profit organizations.<sup>80</sup> Additionally, the Center and incubator are logical extensions of the administration's commitment to preparing students and graduates for success in a challenging legal marketplace.<sup>81</sup>

The Center's focus will not just be on Touro graduates. The Center plans to work with other schools with the common goal of helping alumni set up and manage community-based practices in legally underserved communities.<sup>82</sup>

On November 12, 2013, Touro launched the first law school-based incubator on Long Island.<sup>83</sup> Being a solo or a small firm practitioner is especially important to Touro Law graduates because many choose to return to their hometowns and neighborhoods on Long Island as solo practitioners. With the incubator in place, Touro Law is in a perfect position to train students to understand that they can use their privileged roles to be catalysts for social change and to ensure greater equity in access to justice.

When CUNY Law's clinical professor, Sue Bryant, and I sat in her office in 2007 and made the decision to jumpstart an incubator, we had little idea that what began as a dream would eventually evolve into a movement. I feel privileged every time I am given the opportunity to assist law schools and bar associations design strategies to launch their own unique incubator or residency programs. My experience at CECSEL tells me that it is not just law schools in the United States that need these programs. Just as CECSEL will be a model for the Dominican Republic and other Latin American countries, my hope is that the Center and the Touro Incubator will serve as models to law

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<sup>79</sup> *International Justice Center for Post-Graduate Development*, TOURO LAW, <http://www.tourolaw.edu/Academics/?pageid=757> (last visited Nov. 26, 2013).

<sup>80</sup> *Id.*

<sup>81</sup> *Id.*

<sup>82</sup> *Id.*

<sup>83</sup> *Touro Law Opens First Law School Incubator on Long Island*, TOURO LAW, Nov. 13, 2013, <https://www.touro.edu/news/press-releases/tlc-opens-incubator.php>.

schools in this country. I truly believe that, within the next ten years, legal education in this country and across the globe will be forced to design and implement more practical approaches and post-graduate support. The incubator model will, no doubt, be a cornerstone of that movement.