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ATDV-399: HNRS Summer Legal Fellows

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*Albany Law School Government Law Center Internship Reflection*

The Summer Legal Fellows program had piqued my interest prior to enrolling in Siena College. To the uninitiated high school senior, the prospect of working under the tutelage of law students, law professors, and licensed attorneys was one of the best opportunities to experience an aspect of the legal field before going to law school, and I was immeasurably grateful for being selected for Albany Law School site. The head of the Government Law Center, Andy Ayers, was more than happy to help us make the most of available resources to yield a rewarding, educational experience.

At the start, I was assigned law review articles to read regarding the persistent problems of lawyer access and succession in rural areas such as Arkansas. An Albany Law School/New York State Bar Association publication was also provided to me, detailing consequences deriving from the growing trend of “legal deserts” outside of New York metropolitan centers: antiquated court structures headed by non-lawyer judges, a growing number of older attorneys gradually aging out of the system without succession plans, and a massive disparity of new lawyers entering rural locations compared to urban locations, among others. The literature, while sparse, strived to be as comprehensive with its data collection as possible, signaling the severity of an ongoing problem slated to leave certain areas in a perilous state if left unaddressed. This was an environment ripe for further research. In addition, we were given a slideshow presentation on the uses of Westlaw and LexisNexis by an Albany Law School librarian, providing much-appreciated advance resources for future work involving case law.

Along with Zachary Coderre, MARRISA HOCHBERG, and Austin Winter, I was tasked to contribute to original research of staff attorney Taier Perlman regarding legal access in New York’s rural communities. Specifically, we were to collect data on the existence and framework of programs organized by state legislatures, state bar associations, nonprofit organizations, and

law schools which sought to combat the increasing shortage of lawyers and the restricted access to justice in rural communities. As our research progressed, Zach and Austin focused more on retrieving information from the state bar associations, while Marissa and myself focused on law schools nationwide, particularly the types of programs law schools tended to offer—legal incubators, loan repayment assistance programs, clinics, internships, externships, and mentorships. While programs dealing with loan repayment assistance were highly ubiquitous, others specifically dealing with rural legal access in the form of programs such as incubators tended to be far less common, opening the way for future research into possible motives for these trends.

We found that reaching out to specific individuals yielded answers faster than reaching out to general-access email addresses. Because of this, we received several encouraging leads later on in the project, including from the former Assistant Dean of Student Affairs from Albany Law School (now down at Rutgers). The ultimate goal of our work was to serve as a primary source of information for the NYSBA Task Force on Rural Justice to formulate recommendations which would be released in an official report in the coming months. I would have preferred the specialization have come earlier in the process; the lack of supervision coupled with the sheer scale of the project early on made progress feel aimless at times. While the project helped with skills beneficial in a general work environment (i.e., formatting template emails), it was less apparent where the betterment of legal skills would come into play when tackling the massive spreadsheet. It was undeniable, however, that the utilization of the data collected as a reference would serve everyone well, not only for additional projects we were to complete, but also for the NYSBA Task Force: they needed this data to gauge the state of programs in a research area fraught with obscurity. In other words, the research process was new for all parties involved, including those with several years of legal experience.

In between this research, we were granted opportunities to enrich our understanding of the New York State political process and the legal field alike: a tour of the bustling Capitol building to sit in on legislative hearings, a lecture at the Court of Appeals on New York's court structure and the duties of the Court of Appeals, two NYSBA Rural Justice Task Force meetings, and summer-session law school class offerings by a variety of professors. These trips were

suitably informative, with the Capitol tour being especially noteworthy for the sheer variety of activity unfolding around us as we looked around: the spirited discussion of bills in the Assembly and Senate (a keynote issue being the undocumented driver's license bill), small demonstrations running over matters of abortion and life imprisonment, representatives, advisors, and interns rushing from place to place, even seeing some renovations being done over at the U.S. Attorney General's Office—it was an experience I'd heartily recommend to other prospective Summer Legal Fellows. I'd have preferred introducing the summer classes earlier to us instead of halfway through the experience, but the amount of introductory materials given to us in the first week (coupled with the amount of original research material that occupied our attention overall) makes the latter point a somewhat necessary compromise. Even a glimpse in the form of one Constitutional Law class opened me up to an equal protection session focused on the legal concept of a protected class and how it affects the outcomes of cases, such as the bkatsnt discrimination against Chinese workers compared to whites in *Yick Wo v. Hopkins*. It demonstrated the importance of other factors besides the jurisprudential differences of interpretation I tended to identify with more as a Political Science student.

At the conclusion of the data collection, the four of us were assigned to draft policy briefs on a topic of choice relating to any aspect of the rural law initiative in the last two weeks. While I'd have preferred the project be introduced earlier (in order to properly utilize the Westlaw/LexisNexis slideshow and organize my chosen research path), the bevy of primary sources I found regarding state-sponsored efforts to reform the Town & Village Courts yielded a highly enjoyable experience I yearn for in a research process.

I ended up resorted to a deep archival dig in Albany Law School's library when the Internet proved insufficient, discovering state commission reports dating back to the 1950s under the Dewey governorship. Even then, several experts were suggesting policy recommendations for court reform backed by the state-backed comprehensive study of the New York State court system. Such proposals over the course of twenty years (spanning two of several commissions, the Tweed and Dominick Commissions where I focused most of my work in the interest of time) included converting lower-level court systems (i.e. the Surrogates' Court and the Children's Court of New York) into departments of the New York Supreme Court, converting the then-City

Courts into two lower courts to deal with criminal and civil matters separately, requiring five years of lawyering experience for Town and Village justices, prohibiting said justices from sitting on local boards, allowing newly created District Courts to supersede and absorb Town Courts, and granting authority to the Court of Appeals to “adopt, amend, or rescind” policies in the foundational *Civil Practice and Law and Rules*, all subject to legislative consideration, among other suggestions.

The persistent criticisms with the court reform plans (even after the successful implementation later down the line affected New York City organization) often surrounded the wresting of control and influence of Town and Village Courts into the hands of the state government. The preservationist sentiments were especially strong among local populations, which Committee reports acknowledged could easily overturn reform efforts via referendum even if the Assembly and Senate accepted reform plans (notwithstanding the difficulties of getting majorities of the two chambers to agree to one plan). Even NYSBA elected not to address court reform efforts in the 2019 Rural Justice Task Force, choosing instead to conceive efforts within the legal framework rather than make proposals which might have detracted from their goals of rural justice. It was an incredibly eye-opening case study of inefficient state framework being sustained time and again by powerful constituencies, institutional obstacles, and political popularity.

Overall, the Summer Legal Fellows program was a highly enriching educational opportunity I would recommend to any up-and-coming college junior. Albany Law School’s Government Law Center opened the door to several long-term networking benefits in the form of law school staff, acquainted me with resources routinely utilized in legal research, and did an exemplary job of tying politics and law seamlessly together. I came out of the program with a greater insight in a research area pertinent to New York constituents, and I look forward to following updates on Taier’s NYSBA Task Force regarding the recommendations they formulate in light of all of the data painstakingly collected. I am thankful for having participated, having been recognized as a candidate, and am thankful for Siena College partnering with Albany Law School and other institutions to make this experience possible.

