

A Report from Jessica Oliff, the New York Women's Bar Foundation's First Ellerin Fellow

The Hon. Betty Weinberg Ellerin Fellowship was established in 2006 by the New York Women's Bar Association, through its Foundation, to honor Justice Betty Weinberg Ellerin, the first woman to serve as Presiding Justice of the Appellate Division, First Department, Past President of NYWBA and a mentor to women lawyers and judges. The purpose of the fellowship is to offer law students the opportunity to intern with a sitting judge. Jessica Oliff, a law student from New York University School of Law, is the first Ellerin Fellow and interned with Justice Alice Schlesinger. Below is a report of her experience.

When I learned that the New York Women's Bar Association Foundation had created a fellowship position with a New York State Supreme Court Justice, I jumped at the opportunity. I was particularly excited about the possibility of interning with a judge who had previously worked as a public interest attorney. My internship with Justice Alice Schlesinger last semester exceeded my expectations and turned out to be one of the best learning experiences of my law school career.

My internship with Justice Schlesinger had three components: I observed as the judge and her staff conferenced cases and heard motions; I watched many trials; and I helped prepare two written decisions, receiving invaluable guidance and feedback.

I learned how a case develops and what tasks attorneys must complete to move a case from its inception to settlement or trial, and gleaned much insight into what judges expect from the attorneys who appear before them. It quickly became clear that the most competent attorneys were well-versed on the details of their cases and arguments that favored their positions. I learned the importance of considering in advance an opposing attorney's likely arguments and having responses ready before appearing before a judge.

Attending several trials over the course of the semester gave me a chance to observe a number of different attorneys and to compare their techniques and styles. This opportunity was particularly useful for me this semester as it enhanced what I was learning in my trial practices seminar. Watching attorneys make and respond to objections helped me better understand what my course materials were trying to emphasize about this practice. Moreover, I had the unique opportunity to ask Justice Schlesinger questions about the attorneys' performances. Her explanations provided me with a better understanding of the trials I was observing and enabled me to get a sense of how I will try to approach witnesses, jurors and judges when I become a litigator.

My work helping to write decisions elucidated how different the process of writing a legal memorandum or brief is from crafting a judicial decision. Working with the Court Attorney, Rose Ann Magaldi, I began to see how judges identify the essential legal reasoning for a decision and how this information can be best explained in a written decision.

I also had a chance to watch how Justice Schlesinger was able to balance the litigants' pain and loss in the medical malpractice cases she handles with the law that must be applied. Her balance of compassion and legal acumen served the litigants well, both in litigating and in helping to settle many previously un-negotiable cases.

Despite observing the skill of Justice Schlesinger, her staff and many of the attorneys who appeared before her, my 16 weeks in the part also gave me a new appreciation for some of the weaknesses in our legal system. Several matters came before the judge more than once, enabling me to see the slow speed at which many cases develop. As someone who is still new to the legal profession, I was surprised to see how little seemed to be accomplished in the six or eight weeks between appearances before the judge. While there were always explanations for this slow pace, I can imagine the frustration that plaintiffs must feel during the course of litigation.

Given my experiences last semester, I would strongly recommend that my classmates seize the opportunity to see legal practice from "the other side of the bench." My internship greatly enhanced my coursework in my last year of law school. I will take the lessons I have learned into my practice. I am very grateful to both the New York Women's Bar Association Foundation and Justice Schlesinger for providing me with this unique and rewarding academic experience.

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