Students in Prisoners and Families Clinic
Secure Prisoner’s Release After Parole Denial

While enrolled in the Prisoners and Families Clinic (PFC) last spring, law students Michelle Maloney ’05 and Alison Wilkey ’04 received a letter from a Dutchess County, N.Y., woman who was serving a six- to 13-year prison sentence. Barbara Lapidus had recently been denied parole and was confused by the denial and by her criminal history record. Ms. Maloney and Ms. Wilkey began an exhaustive investigation into court records dating back more than 15 years, and they eventually discovered that Ms. Lapidus was serving time for an offense for which she had never been convicted.

Under Professor Philip Genty’s instruction, the PFC typically handles cases involving administrative or judicial challenges to parole denials, but this inquiry was unusual in that the client believed she should have been serving her two sentences for convictions in two New York boroughs concurrently, rather than consecutively. “We were hopeful that there was some mix-up in her record,” Ms. Maloney says. “It had never really occurred to her that she was never convicted of the [offense] in the first place.”

The students spent weeks poring over court records – some vague and conflicting – before discovering that the first of two convictions had been attributed to Ms. Lapidus instead of her co-defendant. Because of this error, Ms. Lapidus was assigned second felony offender status as required by New York state’s predicate felony statute and given a prolonged sentence.

While Ms. Maloney and Ms. Wilkey (who is now working in the Criminal Defense Division of Manhattan’s Legal Aid Society) could not represent their client in court, they enlisted the aid of the Brooklyn and New York County Defender Services. Their efforts won Ms. Lapidus a new hearing, and her sentence was reduced to an aggregate term of one to three years. Having already served more than three years, she was immediately released.

“With more than her fair share of illness and heartache, Barbara could have hardened, but instead she left prison born anew,” says Ms. Maloney. “A week after her release, in a letter thanking Alison and me, she wrote, ‘Life can be wonderful indeed.’ And that lesson was her gift to us.”

Graduate Resolves Corp. Gov. Matter in State Supreme Court

Corporate shareholders should be heartened by the legal victory of visiting Columbia Law student Jared Danziger. Last October, in Ohio, Mr. Danziger won a significant protection against corporate misconduct in Ohio Supreme Court. Mr. Danziger, 29, who with his father and uncle comprise 1-percent of the stock ownership in Croghan Bancshares, Inc., filed suit after years of complaining about the company’s poorly performing subsidiary, Croghan-Colonial Bank of Fremont.

“Students don’t often successfully bring matters before state supreme courts,” admits Mr. Danziger, who acted as a pro-se litigant at the trial, appeal, and state levels. “It is even rarer that they do so to resolve important matters of corporate governance.”

But in a 4-3 decision, Ohio Supreme Court justices reversed two prior rulings, finding that the Danzigers had a “common-law right” to inspect the subsidiary’s financial accounts because a controlling company’s corporate identity could not be distinguished from its subsidiary. Mr. Danziger’s argument received coverage in many legal and financial publications and other local media.