Prisoners and Families Clinic Helps Woman Gain Clemency

On Christmas Eve 2002, Gov. George Pataki '70 granted executive clemency to Linda White, whose petition was prepared by Columbia students. Ms. White had served 13 years in prison for the murder of her abusive boyfriend.

During the 1997-98 school year, students in the Law School's Prisoners and Families Clinic — Elizabeth Chen '00, Shelley Case Inglis '99, Tracey Gainor '99, and Carla Berg (M.S.W., School of Social Work, '98), along with Clinic Director and Professor Philip Genty — drafted a 70-page petition that highlighted Ms. White's many years of psychological and physical abuse and her unblemished prison record. They also compiled extensive documentary evidence — including letters from people who observed Ms. White's abuse and a psychologist's report — in support of the application for clemency.

"It took four years to achieve success," said Prof. Genty. Ms. White was represented by Sara Bennett of the Legal Aid Society, who worked closely with Columbia adjunct faculty member Dorchen Leidholdt.

Prof. Garro's Testimony Opens the Way for Latin American Fruit Workers to Gain Justice

For the past eight years, Professor Alejandro M. Garro '90 J.S.D. has been fighting to give injured banana workers their day in an American court. His work began in 1995, when a Dallas firm asked if he was interested in providing expert testimony for a case involving the laws of six Central and South American countries and the illegal use of Dibromochloropropene (DBCP).

DBCP is a pesticide developed in the 1940s for use on banana farms. Tests have shown that it causes sterility, increased risk of cancer, and genetic defects unless used with protective clothing. It was banned by the Environmental Protection Agency in 1979 and classified as a carcinogenic agent by the FDA. More than 3,000 Central American workers say they were exposed to the chemical without being told of its dangers and without being supplied protective clothing as late as 1985.

By 1999, thousands of victims — many of whom had cancer or had become sterile — banded together to sue both the producers and the users of DBCP, among them Shell Oil Company, Dow Chemical, and Dole Food. The companies resisted. According to Prof. Garro, they set up a motion to dismiss the case on grounds of the doctrine of forum non conveniens, which is well known in common law countries but unheard of in most of the civil law world. Although the U.S. courts had jurisdiction to deal with these cases, the defendants alleged that a U.S. forum where the companies have their central administration is 'inconvenient' and that these cases should be litigated in foreign countries where the pesticide was applied.

The problem, said Prof. Garro, is that the judicial machinery in most of the countries in question — among them, Costa Rica, Nicaragua, and Guatemala — are inadequate to the task of handling such cases.

"The highest courts in some of these Latin American countries have already held that their courts were not available to entertain disputes that the plaintiffs had legally chosen to bring in the United States where defendants have their main place of business," he said.

In his role, Prof. Garro has provided expert testimony before federal district courts in Hawaii, Mississippi, and Louisiana, showing the inadequacy of Central American legal systems to cope with this type of litigation and the potential misuse of the doctrine of forum non conveniens in this case.

His work has paid off. A recent ruling by a New Orleans federal judge has opened the way for a U.S. court hearing on whether the workers' cases could be tried under what Prof. Garro calls the "antiquated 19th century judicial structures" of Central America, or in U.S. courts. Until the cases are settled, Prof. Garro said he intends to continue fighting for the rights of thousands of Central American workers.