

BETSY GINSBERG
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ACADEMIC APPOINTMENTS

Benjamin N. Cardozo School of Law, New York, NY

Clinical Associate Professor of Law and Director, Civil Rights Clinic, July 2015-present

Clinical Assistant Professor of Law and Director, Civil Rights Clinic, July 2013-July 2015

Developed and Direct full-year live-client civil rights and seminar in which students primarily litigate civil rights cases in federal district and appellate courts. The work of the clinic focuses on the intersection between civil rights and the criminal justice system, focusing on abusive law enforcement practices. Students handle cases involving excessive force by correction officers, police misconduct, including brutality and false arrest, and cases involving conditions of confinement in prisons and jails. Teach seminar covering substantive civil rights law and federal procedure and lawyering skills.

Visiting Assistant Clinical Professor of Law, July 2010-July 2013

Co-taught full-year live-client immigration law clinic and seminar. Supervised law students representing clients before the immigration courts, the Board of Immigration Appeals, and the federal district courts and federal courts of appeals. Students handled various types of immigration cases, including challenges to criminal grounds of deportability, derivative citizenship, due process challenges regarding the right to counsel and mental competency, and withholding of removal under Convention Against Torture. Also supervised students handling FOIA and civil rights cases in federal court, as well as related policy and advocacy projects. Taught clinic seminar, covering substantive law, lawyering skills and immigration policy.

New York University School of Law, New York, NY

Acting Assistant Professor of Lawyering, June 2007 – June 2010

Taught two-semester first-year course on legal process, writing, research, advocacy, and strategic interaction. Used experiential and collaborative methods to introduce students to law practice through simulations in counseling, interviewing, litigation, negotiation, and mediation.

LEGAL EXPERIENCE

Prisoners' Rights Project, Legal Aid Society, New York, NY

Staff Attorney

September 2003 -July 2007

Soros Justice Postgraduate Fellow

October 2001-September 2003

Provided legal assistance to prisoners in New York City Jails and New York State Prisons. Litigated federal class actions seeking institutional reform as well as individual test cases seeking legal reform for prisoners. Handled cases from investigation and filing to remedial phase compliance monitoring, including extensive motion practice, oral argument, depositions and other discovery and settlement negotiations. Focused on cases primarily involving disability rights but also concerning excessive force and lack of medical and mental health care. Conducted trainings

and provided support to private attorneys who handle prisoners' rights cases.

Prison Law Office, San Quentin, CA

NAPIL Equal Justice Fellow/Staff Attorney

September 1999- September 2001

Represented California prisoners and parolees in class-action institutional reform litigation. Litigated due process challenge on behalf of parolees with mental illness in parole revocation process. Monitored compliance with system-wide court-ordered settlement under the Americans with Disabilities Act. Litigated *habeas corpus* challenge to Governor's policy of refusing grants of parole.

EDUCATION

New York University School of Law, New York, NY

J.D., *cum laude*, May 1999

Journal: *Review of Law & Social Change*, Senior Articles Editor

Honors: Arthur Garfield Hays Civil Liberties Fellow, 1998-1999

Wesleyan University, Middletown, CT

B.A. in Government, May 1994; concentrations in International and Comparative Politics

SELECTED PRESENTATIONS & PANELS

- *Legal Challenges to Immigration Detention Conditions*, Brooklyn Defender Services, May 6, 2016;
- *Conflict and Community, a Pedagogical Approach*, American Association of Law Schools, Conference on Clinical Legal Education, May 1, 2016;
- *For Youth Advocates: Key Elements of Litigating a Section 1983 Case*, National Police Accountability Project's Conference on Representing Children and Youth in Police Misconduct Cases, March 10, 2016;
- *Where do we go From Here? Litigation and Policing*, Policing, Conflict and Change, Benjamin N. Cardozo School of Law, March 12, 2015;
- *Ethical Issues in Prison Actions*, *Prison Law 2014*, Practising Law Institute, October 30, 2014;
- *The Law of Prisoners' Rights: Prisoners' Civil Litigation in Federal Court*, Kelly, Drye & Warren, LLP, Training for New York Pro Bono Attorneys, April, 2014 (and yearly);
- *Mandatory Detention: Impact, Alternatives & Paths to Reform*, joint conference of Rutgers School of Law–Newark, Seton Hall Law School, Benjamin N. Cardozo School of Law, and New York University School of Law, March 2012;
- *Fordham Urban Law Journal: Colloquium on Conditions of Confinement*, October 2008;
- *Failures of Mass Incarceration: Can Alternatives to Incarceration Fulfill the Goals of Punishment?* NYU Review of Law and Social Change Colloquium: Alternatives to Mass Incarceration: Promises and Challenges, February 2007, Moderator;

- *Prisoners' Rights Training and Pro Bono Program*, Federal Bar Council, September 2006;
- *The Criminal Justice System: Prisons & Jails, Humanity in Action*, July 2006;
- *Prisoner Lawsuits Under The ADA and Rehabilitation Act*, Prisoners' Rights Litigation: A Workshop for Experienced Plaintiffs' Attorneys, Yale University, May 2004;
- *Prison Litigation: Framing Your Legal Claims*, National Association for Protection and Advocacy (NAPAS) Annual Conference, May 2003.

PUBLICATIONS

- *ABA Preview Coleman v. Tollefson*, , February, 2015.
- *Out With the New, In With the Old: The Importance Of Section 504 Of The Rehabilitation Act To Prisoners With Disabilities*, 36 Fordham Urb. L.J. 713 (2009).
- Work in Progress, *The Constitutional Dimensions of Civil Detention*
The use of civil detention in the United States has increased exponentially in the last several years. For example, civil immigration detention has increased 15-fold since 1990 and more than twenty states have enacted laws allowing for the civil commitment of sex offenders. Complaints about the conditions of confinement for civil detainees abound and legal challenges to them in federal court are becoming a more common occurrence. The courts, however, have devoted little analysis to what constitutional standards should apply where the detention is purely civil and have typically applied the same standards applied to claims brought by convicted prisoners. This article examines the legal landscape surrounding detention conditions and provides a framework for analyzing constitutional challenges to conditions of civil detention.

OTHER PROFESSIONAL EXPERIENCE

- Articles Consultant, International Journal of Constitutional Law, 2008-2009.
- Member, Committee on Corrections, Association of the Bar for the City of New York.

BAR ADMISSIONS

- Admitted to Practice in New York State and Federal courts.
- Admitted to Practice in California State and Federal courts.