

**New York University  
Student Bar Association**

**Bill 2014-01**

**A Resolution**

**Whereas:** In or around March 2014, a group of NYU Law students circulated around campus a letter to Dean Morrison expressing concern about alleged labor law violations committed by Care One, a business owned by NYU Law Trustee Daniel Straus, and

**Whereas:** Two weeks later, Care One issued subpoenas to two Law School students in connection with litigation between Care One and the labor union, SEIU. The subpoena requested emails and other private communications regarding any contact the students may have had with SEIU and any activity relating to Mr. Straus or Care One,[1] and

**Whereas:** New York University was established to provide “a system of rational and practical education fitting for all and graciously opened to all,”[2] and to “embrace diversity among faculty, staff and students to ensure a wide range of perspectives... in the educational experience,”[3] and

**Whereas:** The students, faculty, and administration of the New York University School of Law take seriously the charge of being a “private university in the public service,”[4] and recognize the importance of open academic inquiry in creating this kind of environment, and

**Whereas:** The members of the New York University Student Bar Association (“SBA”), as students of New York University School of Law, recognize that creating an environment where students can exercise their First Amendment right to engage in free speech is crucial to developing an open academic environment that is committed to the public interest, and

**Whereas:** The issuance of subpoenas in an academic environment tends to have a chilling effect on free speech and stifle the exercise of First Amendment Rights, and

**Whereas:** The two students who were issued subpoenas are respected students in good standing at the New York University School of Law, and

**Whereas:** The administration at the New York University School of Law has assisted the students in paying for and retaining counsel, has agreed to cover any legal expenses they may face in connection with the subpoenas, and has also counseled the students to help minimize the impact of these subpoenas on their studies.[5]

**LET IT THEREFORE BE RESOLVED THAT:**

**Section 1:** The SBA urges the Administration to continue to support and advise the two students who have been issued subpoenas in this matter by keeping its commitment to cover any legal expenses in connection with the subpoenas and by continuing to provide academic and institutional support, and

**Section 2:** The SBA urges the Dean of New York University School of Law, as steward of a prestigious institution of higher education that is committed to academic inquiry and to the public interest, to continue his dialogue with all parties involved, and to work towards the ultimate withdrawal of the subpoenas, and

**Section 3:** The SBA denounces the issuance of subpoenas on the two NYU Law students by Care One, and views the issuance and refusal to withdraw these subpoenas as a failure by Trustee Daniel Straus to honor the relationships and responsibilities that the Law School community expects from its trustees.

Passed by a vote of 7 - 3 - 1 on April 25, 2014.

---

Jordan Chisolm  
SBA President

---

[1] Dean Trevor Morrison, Memorandum to the Law School Community, "Re: Community Update" (April 17, 2014)

[2] <http://www.nyu.edu/about.html>

[3] <http://www.nyu.edu/about.html#below>

[4]

<http://www.law.nyu.edu/publicinterestlawcenter/financialassistance/scholarships/rootscholarship/programhistory>

[5] Dean Trevor Morrison, Memorandum to the Law School Community