

Your Park, My Park

CLINICAL LAW STUDENTS IN NEWARK WIN A LANDMARK CASE OPENING PARKS TO EVERYONE.

In 1993, Prospect Park resident Hwida Barkawi was issued a summons because her children were using a playground in the neighboring town of Haledon. Feeling like she was being singled out because she was wearing Muslim head garb, she contacted the Constitutional Litigation Clinic at the School of Law in Newark, which decided to help her repeal the summons. "This was the first case in the country that challenged an ordinance banning nonresidents from using municipal parks," says law professor Pelmy Venetis, the clinic's associate director. "It was the first step on the road to having towns throughout New Jersey repeal their own restrictive ordinances."

The clinic won a favorable ruling in that case from the appellate division of New Jersey Superior Court in 1999. But it continued to receive calls from people hassled in other towns. Most of the time, says Venetis, nonresidents felt they were victims of racial profiling.

In a separate case in 2002, the clinic, one of nine at Rutgers-Newark that provide hands-on legal experience for students, represented

two out-of-towners who were issued summonses while walking their dog in a park in Prospect Park, a small, working-class town abutting Paterson. This case prompted the clinic to survey towns throughout New Jersey to see which had restrictive ordinances on their books.

After a time-consuming search that found nearly 60 such towns, the clinic asked that the ordinances be



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rescinded. Municipalities that rebuffed or ignored the clinic were notified that they would be named in a class-action suit.

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By the time the class-action suit was filed this summer, all but 14 municipalities had voluntarily repealed their ordinances. In a June settlement hearing, the same judge who issued the Barkawi decision backed the clinic's contention that banning nonresidents from parks violates the First Amendment and gives police authority to stop and search people for no legitimate reason.

Prospect Park and about a dozen other towns named in the suit agreed to repeal their restrictive ordinances; the rest said they would change them by the next conference scheduled for the fall. "The continuation of the lawsuit depends on what those towns say at the conference," explains Venetis. "But there's little doubt that all of our hard work has paid off."