## Your Park, My Park

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

n 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 t.heir own restlictive 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 fi:om people hassled in other lowns. 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 expelience 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 theil, books.

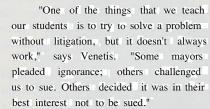
After a timeconsuming search that found nearly 60 such towns, the clinic asked that the ordinances be



, 'One of the things that we **teach**our students is to **try to solve** a
problem **without litigation**, but

it doesn't always work. "

rescinded.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



By the time the class-action suit was ftled tlus summer, all but 14 municipalities had voluntarily repealed their ordinances. In aJune settlement hearing, the same judge who issued the Barkawi deci-

sion backed the clinic's conlentiontl1al banning nonresiden ts from parks violates the First Amendment and gives police authority to stop and search people for no legitimate reason.

Prospect and about a dozen otller 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."