Clinics Newsletter Spring 2014

A Message from...

DEAN MOOTZ
At Pacific McGeorge, we pride ourselves on exceptional experiential learning opportunities. Our clinical programs are at the center of these efforts. Under the leadership of the Director, Melissa Brown, we continue to provide our students with excellent educational placements where they assist clients. As we continue to revise our curriculum to prepare students for the changing legal landscape, clinical education will be at the core. You will be impressed by our students’ work described in this newsletter. We know that our students will go on to be lawyers who continue to distinguish themselves by their dedication, skill and accomplishments.

MELISSA BROWN
Legal Clinics Director and Supervising Attorney, Elder & Health Law Clinic
The legal advocacy our clinic students provide the community continues to inspire me. While gaining invaluable legal and professional skills, virtually every student reports that clinic work provides them with confidence and direction. Many consider it among the most valuable experiences in law school. Clinic alumni remain in touch with one another and many have started their own firms. I am proud that our clinic students are an integral part of McGeorge’s experiential learning curriculum, ranked 11th in the country this spring by The National Jurist.

Student Experience: Federal Defender Clinic

Jason Holley, 3D, comes from a long line of public defenders. His father was a Federal Defender in Sacramento and sister is a current public defender. He’s carrying on the family business through his work this year in the Federal Defender Clinic. Jason shares his poignant reflection on his clinical experience.

I received a voice message from a client which I have never deleted. I was able convince the prosecution to drop a petty theft charge on a 90 year old veteran. My client explained to me he doesn’t have much longer to live. He left a message after I notified him that his case was dismissed. I could tell he was almost in tears. He said nobody has ever fought for him like this. And he knows he will never be able to repay me for what I have done for him. He said it was for people like me, that he fought in WWII. He told me “You are doing this Country the greatest service, protecting innocent folks’ freedom.”

He wanted me to know that he will forever be grateful. I choked up when I heard this message. It came at a time when I was questioning what in the world I was going to do with my life if I could not find a job. This one client, and his voice mail, reminded me of why I went to law school and the importance of our work.

The Federal Defender Clinic is supervised by Prof. Cary Bricker, Chief Assistant Federal Defender, Linda Harter, with assistance from practitioners Rachelle Barbour and John Badasz.

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Alumni Spotlight: Katie Oldham '11

Katie Oldham credits the Immigration Law Clinic with preparing her for the realities of legal employment. She came to McGeorge with the goal of a career in immigration law in mind. The clinic, with its intense client interaction, provided her with actual immigration law experience and solidified her interest in the field.

As a staff attorney, Ms. Oldham stated that she “had the opportunity to prepare administrative applications on behalf of clients and to represent a client in Immigration Court in San Francisco.” Such experiences are extremely rewarding and beneficial for law students as they prepare to enter the practice of law. “It introduces law students to the practice of law that is hard to learn in a classroom setting.”

Ms. Oldham currently works at Casa Cornelia in San Diego as the Attorney Director of the Domestic Violence Program. She represents victims of domestic violence and other serious crimes in a variety of immigration applications. She also oversees a number of legal assistants and law clerks. Her favorite part of working both in the clinic and her current position is her ability to help and meet people from around the world with diverse backgrounds.

University of the Pacific, McGeorge School of Law

Clinics Newsletter

SPRING 2014

Immigration Clinic Inspires Domestic Violence Client to Pursue Legal Career

At the Immigration Clinic, students supervised by Prof. Blake Nordahl, represent many survivors of crimes of violence in self petitions for VAWA benefits. In addition, students may have opportunities to work on family based applications as well as asylum and removal defense cases before the USCIS and the Immigration Court.

Yuanyuan Wei (3D) obtained lawful permanent resident status for one of her clients in the Immigration Clinic. She was introduced to the Immigration Clinic by volunteering as a first year law student at a Spring Naturalization Fair organized by McGeorge. She joined the Clinic that summer as a work study student.

Her client was living at a women’s shelter; common for many clinic clients. As the student attorney, Yuanyuan completed the entire case from the initial consultation to conclusion. Her research found the young woman eligible for lawful permanent resident status through the Violence Against Women Act (VAWA), as she had been a victim of domestic violence by her U.S. citizen spouse. Yuanyuan worked with her client to prepare and submit the VAWA petition and application for lawful permanent resident status. This required substantial interaction with the client, the marshaling of relevant evidence, and counseling her client regarding interaction with law enforcement and social workers in the domestic violence case.

The application was approved and the client is now a lawful permanent resident of the United States. The client expressed gratitude for the compassionate and high quality services Yuanyuan provided and is inspired to pursue a career in law so that she can help others as Yuanyuan helped her. Yuanyuan credits her experience in the Clinic with helping her to obtain exposure to client centered lawyering. “This case gave me the opportunity to establish a unique bond with my client. I was inspired by my client’s great fortitude to carry on fighting. This was my most rewarding experience working at the Immigration Clinic.”

Pacific McGeorge Housing Mediation Center Continues to Thrive

Pacific McGeorge Housing Mediation Center/ Clinic (“HMC”) has distinguished itself as the top alternative dispute resolution provider for housing disputes in Sacramento County. Recognized as an innovative leader, HMC has seen an exponential surge in the numbers of callers, intakes, mediations, and settlements since its inauguration in February 2012. HMC provides a free and safe forum for addressing housing disputes, making it an attractive alternative to costly, contentious litigation.

Law students, supervised by Prof. Pauline Nguyen, play an integral part of HMC’s success. Students dove right in, and are in the thick of all the action – participating in every stage of the mediation process, including: co-mediating, drafting mediation agreements, and interacting over the phone and in-person with individuals from all walks of life. Students bridge theory and practice by garnering and honing the practical skills they need to be well-rounded, competent, and practice-ready attorneys and mediators.

HMC’s mission is to increase access to justice. Through the work of clinical students, HMC has made a difference in the lives of real people. Here’s what one party had to say about our student mediators:

“What our mediator was thorough and understood the needs of both parties. The mediator was honest and fair and treated us with utmost respect. We were able to conclude the proceedings without going to court.”
Administrative Adjudication Clinic

In the Administrative Adjudication Clinic, supervised by Prof. Megan Shapiro, students learn first-hand, the practical application of administrative laws and procedures. Through their participation in simulated administrative hearings, students gain the perspective of all parties and participants in the process. By the end of the semester, clinical students hear and decide administrative disputes on behalf of several local cities and public agencies, such as parking ticket appeals for the City of Sacramento, County of Sacramento, and the UC Davis Medical Center. Clinic students report, “we’ve heard it all…from I didn’t see the sign to the dog ate my driver’s license.”

Bankruptcy Clinic

The Bankruptcy Clinic, supervised by Professor Warren Jones, represented an elderly client with substantial debt arising from her loss of employment and a major medical situation. Student attorneys, Paul Smith and Ethan Wicklund took on the case. Her prior prison term was her motivation. She owed only a few thousand dollars more on the car. Her goal was to get relief from her medical debt, while at the same time, being able to keep and pay off her car.

Paul and Ethan successfully filed bankruptcy for their client. Her medical debts were discharged and she is still cruisin’ in her Charger.

Criminal Appellate Advocacy Clinic

This spring, the Clinic welcomed eight new students. These students have been paired in teams to draft the appellant’s opening brief in a criminal appeal for a real client. Students in the clinic are listed as student attorneys on all briefs.

These appeals have presented some novel issues. In one case, the defendant was acquitted of violating California’s medical marijuana statute, but convicted of a felony for purchasing and possessing a controlled substance. In another case, the defendant was convicted of possession of a burglary tool because he was found with a socket-type screwdriver. A third case involved a conviction for transportation of a controlled substance based on the alleged possession of two hydromorphone pills. (Recently, the Legislature passed a statute limiting a prescription for these pills.) Because the clinic policy is to use the amount for personal use. (Because these cases are of first impression, the courts may adopt many of the arguments in their decisions.

Elder & Health Law

Robyn Miller, a fourth year evening student, was successful in obtaining an Elder Abuse Restraining Order and Move Out Order on behalf of her client who had been physically assaulted by her partner. The client fled to her sister’s house to escape the abuse, and both she and her sister were granted protection from the abuser. As the student attorney, Robyn prepared court documents, including her client’s declaration regarding the abuse, prepared her client and sister for testimony and appeared in court on their behalf. After the hearing, Robyn had this to say:

“This week, I experienced my first hearing for a client. At the hearing, my request for a maximum, 5 year restraining order was granted. From the moment I heard the client’s story, I knew I wanted to do whatever I could to make her feel safe – safe to return home, and safe to get back to her way of life. She was a sweet, soft-spoken, and kind elderly lady who had been selfishly subjected to cruel and violent treatment.

The moment the judge granted our request, I sensed my client take a deep breath – she finally felt safe. I gained more personal satisfaction and fulfillment than I have in any of my other professional experiences. It was very clear to me that I want to serve in a position where I can help and advocate for individuals subjected to abuse. Just months before my law school experience comes to a close, my experience in the Elder & Health Law clinic has reminded me what really matters – leaving work each day and being able to say, ‘Today I helped someone and made a difference.”

Legislative and Public Policy Clinic

McGeorge’s newest clinic, the Legislative and Public Policy Clinic supervised by Prof. Rex Frazer, is well underway. Over the course of this academic year, the clinic’s student teams have each developed a proposal for the 2014 California legislative session. Several proposals were inspired by cases handled by other McGeorge clinic students. Each student group advocates for passage of its legislation. Hearings on their bills will take place at the State Capitol, beginning in April. 2014. The bills are:

SB 1058 (Leno) Allows a court to overturn a criminal conviction that was based upon subsequently repudiated scientific testimony. (Students: Katherine Williams & Susan Madanat)

AB 2452 (Pan) Directs the California Secretary of State to develop a secure, online Advance Health Care Directive Registry Program capable of providing a medical provider with electronic access to an incapacitated patient’s end-of-life directives. (Students: Vignesh Ganapathy, Fielding Graves & Matthew Klopstein, with 2013 alumni Elizabeth Graham and Matthew Nemerson.)

AB 2623 (Pan) Enhances law enforcement training on elder abuse and creates a “Vicntims of Elder Abuse” card which law enforcement officers can distribute to victims so they understand available civil remedies and resources. (Students: Jacob Smith & Vincent Witaadmadja)

AB 2643 (Wickowski) Creates a civil action against a person who distributes intimate imagery of another person without his or her consent. (Students: Christopher Wu & Manita Shea)

In the regulatory arena, students Lexi Howard, Kristina Brown and Aaron Brieno, engaged in legal research, public records requests and provided technical assistance to community activists. Their work contributed to the rescission of Department of Social Services (DSS) policies that prematurely cleared individuals with criminal records to provide child and elder care. Their next step is to petition DSS to officially promulgate regulations that will ensure DSS compliance.

Prisoner Civil Rights Clinic

The Prisoner Civil Rights Mediation Clinic supervised by Prof. Michael Colaterlla and Associate Dean Dorothy Landsberg recently settled a “deliberate indifference” case in federal court filed by an inmate with Type 1 Diabetes. The complaint alleged that the prison staff and doctors unlawfully refused to provide the prisoner with a special diabetic diet, an emergency diabetic snack, daily exercise in the yard, and consistent administration of the prisoner’s medications. The two clinic students, Danielle Lenth and Gregg Wagner, reviewed the procedural history of the case, researched the case law relating to the medical treatment of prisoners, and identified the California Department of Corrections and Rehabilitation’s official policies on diabetic treatment. The students met with the prisoner for a pre-mediation interview. Danielle and Gregg then compiled this research into a detailed pre-mediation bench memorandum for Magistrate Judge Kellison, the assignment settlement judge on the case. Ultimately, the students worked side-by-side with Magistrate Judge Kellison to settle the case at the mediation.

Their work is an example of why the Clinic, unique in the nation, received the 2013 Ninth Circuit Alternative Dispute Resolution (ADR) Education Award.

Although the clinic policy is to decline gifts, we couldn’t resist this box of donuts from a grateful Bankruptcy Clinic client.
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The Criminal Appellate Advocacy Clinic is a continuation of the collaboration between McGeorge and the Central California Appellate Program (CCAP) that began in 2011. CCAP is the entity that appoints attorneys to represent indigent parents in dependency appeals and criminal defendants in juvenile appeals. For four years, CCAP has provided the clinic with cases for its students, Danielle Lenth and Gregg Wager, to handle. Clinic students report, “we’ve heard it all...from I didn’t see the sign to the dog ate my drivers’ license.”

The Bankruptcy Clinic, supervised by Professor Warren Jones, represented an elderly client with substantial debt arising from her loss of employment and a major medical situation. Student attorneys, Paul Smith and Ethan Wicklund took on the case. Her closing statement was her red 2012 Dodge Charger. She owed only a few thousand dollars more on the car. Her goal was to get relief from her medical debt, while at the same time, being able to keep and pay off her car.

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