



# McGEORGE SCHOOL OF LAW LEGAL CLINICS

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**PACIFIC**  
McGeorge School of Law

## Spring 2019 Legal Clinics Newsletter

**Bankruptcy** – fall and spring semester | **Elder and Health Law** – fall and spring semester

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# JUSTICE ANTHONY M. K WALL OF JUDICIAL





## Melissa Brown

Legal Clinics Director and  
Supervising Attorney,  
Elder & Health Law Clinic

## DIRECTOR'S STATEMENT

Our legal clinics continue to have a significant impact on our students and our community. This last year, McGeorge legal clinic students have continued to engage in zealous advocacy and to make a difference. Whether it be representing an unaccompanied minor in her immigration case, engaging in public policy advocacy, helping a family with consumer debt, advocating for a federal criminal defendant, mediating a prisoner civil rights claim, protecting an elder from financial abuse, or helping a person experiencing homelessness to get back on his feet, each student has spread their wings and experienced what lawyering is all about. The skill, professionalism, and dedication they bring to their work are remarkable.

Our three on campus clinics (Immigration, Bankruptcy, and Elder & Health Law) are collectively known as Community Legal services. Last year, CLS closed 506 cases for those who, without CLS, would not have had access to legal services. Our off-campus clinics have shown equally impressive results. Since its inception in 2015, Legislative & Public Policy Clinic students have drafted 21 bills that have been introduced by members of the Legislature. Prisoner Civil Rights Mediation Clinic students have engaged in 131 successful mediations, and Federal Defender Clinic Students have five trials this year alone and have argued one case before the Ninth Circuit Court of Appeals. These are only some of the reasons our clinics were honored to receive a Sacramento County 2018 Heroes of Human Service Award.

Clinic work is the essence of experiential learning. Each clinic offers students a real-world, real-time opportunity to apply substantive law and develop skills and professional habits that directly apply and transfer to life after law school. In addition, clinic students engage in deep collaboration and develop connections with one another, which carry them during the rest of law school and into their careers. Students often share with me that working in our legal clinics reminds them of why they came to law school.

The legal clinics at McGeorge are part of a 40-plus year commitment to provide high quality legal representation and social justice to our community. Today's students continue that tradition. In so doing, students are transformed into working legal professionals. The stories in our spring newsletter are only a snap shot of their accomplishments, which continue to inspire me each day. Our clinic students are truly lawyers for all seasons in the making.

Thank you to our students; staff attorneys Nicole Egan, Lacey Mickleburgh, and Kishwer Vikaas; legal coordinator Brian Pando; and clinical professor colleagues for another successful and impactful year.



## Michael Schwartz

Dean, McGeorge School of Law

## DEAN'S STATEMENT

Students in all of our clinics, under the expert supervision of our practicing attorney clinicians, handle hundreds of civil, criminal, and immigration cases each year, working on all phases of the cases. Students learn essential law practice skills including interviewing, client counseling, negotiation, and settlement. They participate in trials and appeals; mediate civil rights disputes between prisons and prison inmates; and draft legislation, including statutes that the California Legislature has passed and the California Governor has signed into law.

In addition, the Legal Clinics regularly engage in community outreach events for consumers, in-service training for other services providers, and provide assistance and consultation to community partners such as Adult Protective Services, the Family Justice Center, Women Escaping a Violent Environment (WEAVE), Sacramento State, and local high schools, all of which benefit from McGeorge's assistance in meeting the needs of the communities they serve.

While clinical experiences at all law schools are the gold standard for learning how to be an excellent lawyer, McGeorge's clinical program is extraordinary.

**Front cover:** Crystal Viruet, Elder & Health Law certified law student assisting at the 10th annual Immigration Fair.

**Opposite page:** The 10th annual McGeorge Immigration Fair, where students, alumni, and faculty help with citizenship applications and DACA renewals.



**Elder and Health Law Clinic:** (L to R) Alumna April Perkins '18, Andrew Mahinay, Megan Humphries, Supervising Attorney Melissa Brown, Savleen Kaur, Daniel Ilacqua, Juliana Combs, Leslie Salvador, Staff Attorney Lacey Mickleburgh, Julian Gonzalez, Rachel Weatherby, Crystal Viruet, Eric Giersch, Kendall Bennett and Staff Attorney Nicole Egan. Not pictured: Professor Dorothy Landsberg '87.

## ELDER AND HEALTH LAW CLINIC

In essence, the Elder and Health Law Clinic is a civil practice clinic serving those age 60 and older. The legal needs are diverse and include not only estate and end-of-life planning, but also protection from physical and financial abuse, unfair business practices, contract disputes and other legal matters which have been characterized by the CDC as “social determinants of health.” This past year, the clinic expanded to include a Homeless Advocacy Project, in which students work in a medical-legal partnership to address the civil legal needs of those experiencing homelessness. Serving these two vulnerable populations, the clinic recovered and/or protected \$1,037,949 in assets for elders and fine/fees forgiveness.

This past year, MLP attorneys and students have been taking referrals for clients who are homeless, previously homeless, or precariously housed as part of a medical-legal partnership with WellSpace Health. Students and attorneys have been assisting clients in criminal record expungements, child support modifications, Social Security Disability Benefits, and traffic court issues. By addressing the civil legal needs, the barriers to housing and employment are reduced.

## Here's what one thankful client said:



Thank you everyone for your tremendous counsel and hard work. Personally, I was very saddened when this (elder abuse) became a problem, but meeting all of you was a blessing. I prepared myself beforehand for any possible hearing/trial outcome but, in the end, justice prevailed and this case was clearly guided by an extremely sharp legal team.

I have learned that dementia (in some form or another) affects 50 percent of our population over age 85, and that it is so darn tricky and progressive. All this, coupled with financial and criminal issues of elder exploitation, shows the need for competent legal counsel we all have as a society. I cannot say enough how confident I remain in our future, in large part due to honorable sharp young professionals like AJ and Crystal. All of you exemplify the very best of the legal profession.



**Immigration Clinic:** (L to R) Oscar Cardoza, Supervising Attorney Blake Nordahl, Patrick Lo, Clinic Coordinator Brian Pando, Claire Goodwin, Clinic Fellow Kishwer Vikaas, Adriana Garcia, Amy Gonzalez, Tharanpreet Chahal, Amy Seilliere, Monica Zafra, alumna Tami Castillo '10, Alicia Escobedo, and alumna Katie Fleming '11. Not pictured: Ryan Eldred, Whitney Jenkins, Ximena Puente-Arnan, and Professor Julie Davies.

**IMMIGRATION CLINIC**

In 2018, students in the Immigration Clinic represented low-income clients in a range of matters. The cases ranged from children fleeing gang or family violence in Central America, to helping survivors of workplace violence obtain legal status, to representing a homeless man from Kenya apply for naturalization. In the Immigration Clinic, law students represent clients from the initial consultation to the closing letter. Representation can include appearances before the Superior Court or the Immigration Court in San Francisco. Students also appear with their clients before USCIS in affirmative applications for permanent residence or citizenship in Sacramento.

These cases are challenging as the law is frequently changing and students often work with clients with complex histories who frequently have experienced trauma. But working in the clinic is tremendously rewarding, especially when students see firsthand how their hard work can help protect a client from deportation, obtain a more secure legal status, or unite a family.

**BANKRUPTCY CLINIC**

During the most recent academic year, the Bankruptcy Clinic had the opportunity to represent many individuals in the community who were experiencing financial hardship. As an example, one of our clients was legally blind and found herself in financial hardship. Her standard of living had been severely impaired due to her inability to provide for her basic necessities. She required special assistance, which our student was able to provide. She was able to discharge all of her debt, which gave her a “fresh start” in life.

The Bankruptcy Clinic, in its recent annual report to the California State Bar, reported that our clients discharged \$1,722,136 of debt last year. On reflection, the ramifications of this are far more than the number reflects. It is the lasting effects on the clients and their families that is truly significant.



**Bankruptcy Clinic:** (L to R) Joshua Moon, Jasmine Perez, Jaismin Kaur, Victoria Jones, Ricky Martorana, Chadrick Punch, Supervising Attorney Warren Jones, and Tara Christian.

## LEGISLATIVE & PUBLIC POLICY CLINIC

The Legislative and Public Policy Clinic provides a unique, practical skills experience in researching, drafting, and advocating for the adoption of California state legislative changes. While seeking these changes, students interact with state elected and appointed officials, their staff, lobbyists, interest groups, state agencies, and public affairs professionals. Students also have an opportunity to develop political coalitions, interact with the media and advocate for change in State Capitol proceedings.

In its fifth year, under the supervision of Professors Cathy Christian, Elizabeth Fenton '04 and Chris Micheli '92, the students are working on three pieces of legislation on behalf of community-based clients:

**SB 338**, introduced by Senator Hueso, would update law enforcement manuals to improve the response to abuse involving elder and disabled persons. Students: Spencer Saks and Stephanie Chavez (SB 338 Hueso).

**AB 1077**, which would give judges more authority to waive certain fines and fees for those entering collaborative courts programs such as drug courts. Students: Ben Taggart, Sara Fitzsimon, Stephen Myers (AB 1077 Eggman).

**SB 212**, which would give voters greater choice in electing city council and school board members. Students: Sunny Gill, Henry Mantel, Nick Bennett (SB 212 Allen).



**Legislative & Public Policy Clinic:** (L to R) Sunny Gill, Stephanie Chavez, Stephen Myers, Henry Mantel, Nick Bennett, Spencer Saks, Sara Fitzsimon, and Ben Taggart



**Prisoner Civil Rights Mediation Clinic:** (L to R) Alexis Holmes, Whitley Duckworth, Juliana West, Supervising Attorney Kristin Capritto, Katie Dilts, Meghan McMahon and Anete Millers.

## PRISONER CIVIL RIGHTS MEDIATION CLINIC

The Prisoners Civil Rights Mediation Clinic, supervised by Kristin Capritto '14 and Preston Schaub '14, offers students the opportunity to co-mediate Section 1983 prisoner civil rights cases with federal magistrate judges at the United States District Court for the Eastern District of California. Under Section 1983, state prisoners may file a civil rights complaint seeking relief for alleged violations of their rights under the United States Constitution or federal statutes. Most of the cases students co-mediate involve prisoner claims related to excessive use of force, a failure to protect, a refusal to provide the prisoner with adequate medical care, an infringement the inmate's right to free exercise of religion or retaliation.



It was by far the most rewarding class I took in law school, given the hands-on work with the prisoners in the midst of navigating their civil rights claims, the deep engagement with alternative dispute resolution theories and ultimately being at the table to mediate their claims.

**Alexis Holmes**

Fall 2018 Prisoners Civil Rights Mediation Clinic Student

Students are trained in the theory and practice of mediation and conflict resolution while simultaneously developing a working knowledge of Section 1983 prisoner civil rights law. At the beginning of the semester, students tour Folsom State Prison to garner a greater understanding of the conditions of confinement. With the assistance of the Eastern District's ADR and Pro Bono Coordinator, Sujean Park, students interview the prisoner plaintiffs at their incarceration facility, and prepare bench memorandums for Magistrate Judge Kendall J. Newman and Magistrate Judge Carolyn K. Delaney prior to the scheduled settlement conference. They then participate in the mediation of the prisoner's claim at the Eastern District.



**Prisoner Civil Rights Mediation Clinic:** (L to R) Peter Scott, John Green, Supervising Attorney Kristin Capritto, Angela Stevens, Supervising Attorney Preston Schaub, Amrit Mann, and Crystal Keele.



**Federal Defender Clinic:** (L to R) Marcus Williams, Rebecca Genoni, Olivia Chiu, Jessica Gandara, Stacie Jackson, Sydnie Reyes, Supervising Attorney Rachelle Barbour, Kevin Mighetto, and Gabe Babayan

## FEDERAL DEFENDER CLINIC

Supervised by Federal Public Defenders Linda Allison, Rachelle Barbour and Tim Zindell, the Federal Public Defender Clinic continues to provide real trial skills to students and important legal advocacy for our community. This year, students Stacie Jackson (3L) and Kevin Mighetto (3L) won a complete acquittal for their client before Federal Magistrate Judge Carolyn Delaney. Their client was found not guilty of the separate crimes of willful destruction of property and reckless driving. What makes this win so impressive (other than the fact that they tried the case against a seasoned assistant United States attorney) is that they successfully cross-examined four government witnesses and put on a defense case consisting of the accused, his boss, and an expert. The judge found these student-advocates to be zealous, persuasive, and ethical.

The success of these students, and all clinical students, builds on the collective teaching of McGeorge faculty. Here's what Jackson and

Mighetto had to say about the integration of their clinical work with doctrinal and skills classes:

"This win would not have been possible without the skills/law we learned in criminal law, statutory construction, trial advocacy, and evidence. We absolutely used something we learned from each one of those classes. Trial Advocacy gave us a sort of intellectual muscle memory. We successfully called objections without really having to think about it; it was just a reaction. In addition, Professor Vitiello really impressed upon us that recklessness is a very specific legal concept, requiring the prosecution to prove conscious disregard. Stacie and I just did not see it in this case, and we were right. It feels great to have combined the skills we've been honing for the last three years to the benefit of a real client."

## MEET ALUMNI KATHERINE FLEMING NÉE OLDHAM '11

In 2018, 95 percent of Katherine Fleming's casework involved protecting Sacramento-area immigrants facing deportation. Fleming fulfills a critical role as the first removal defense project director for the newly established Family Unity, Education, and Legal Network, known by its acronym, the FUEL Network. The FUEL Network is an initiative created by the City of Sacramento to protect its immigrant residents and includes the McGeorge Immigration Clinic as a key partner. The FUEL Network is managed by the California Rural Legal Assistance Foundation in Sacramento. Last year, Fleming's team represented 30 clients in removal proceedings under her supervision and representation.

"Compared to bigger cities, Sacramento has so many fewer immigration attorneys and nonprofits, so we have many more unmet needs," she reports. She emphasized in a recent visit to the Immigration Clinic "there are a lot of opportunities in the immigration field right now—both in representation and legal advocacy." Fleming is motivated to help encourage and mentor the next generation of motivated McGeorge students.

"I learned a lot at the clinic from Professor Blake Nordahl and how he works with clients," she says. "He taught me how to do my best within a system that is rushing to detain immigrants—often without due process. Working at the clinic—first as a student and then as a team leader—helped me leverage my skills in the workforce."

Fleming moved back to the Sacramento area at the beginning of 2018 along with her husband, Matt Fleming '11 and their newborn daughter after spending several years in San Diego. Prior to joining the FUEL Network, Fleming was an associate attorney at the Law Office of Andrew Nietor where a large part of her caseload consisted of court appointed work, representing individuals found mentally incompetent to represent themselves in removal proceedings. She also served as the directing attorney of the Domestic Violence Program at Casa Cornelia Law Center, a public interest law firm providing quality pro bono legal services to victims of human and civil rights violations in San Diego.



Katie Fleming '11, Matt Fleming '11, and daughter.

## HUMAN SERVICES HERO AWARD



(L to R) Sacramento County First District Supervisor Phil Serna, Clinic Director Melissa Brown, Clinic Fellow Kishwer Vikaas, Supervising Attorney Blake Nordahl