

Texas Tech University
School of Law
CLINIC NEWS



Spring 2003

**STUDENT RECOGNITION RECEPTION HOSTED BY
CLINICAL PROGRAMS**

Students who participated in the clinic courses during the 2002 First Summer session, Fall 2002, and Spring 2003 were recognized at a Student Recognition Reception on Friday, April 25, 2003, which was held in the clinic offices. Certificates were sent to students who were unable to attend the event, including those who graduated in December 2003. Pictured are Brit Inman, Armando Gonzales, and Kay Everett who participated in the Spring 2003 Civil Litigation Clinic. They are three of several students recognized.



George A. Elliott, managing attorney of Legal Aid of Northwest Texas (formerly known as West Texas Legal Services) said a few words of encouragement and appreciation.

LAW SCHOOL CLINICAL PROGRAMS BID FAREWELL TO DIRECTOR OF LOW-INCOME TAX CLINIC

Before joining the Texas Tech University Law School faculty, Donald R. Williams spent many years with the Internal Revenue Service. He retired from the Internal Revenue Service after twenty-five years of service. During that time period, he was employed as a Revenue Officer, a Revenue Officer/Settlement Officer and a Trial Attorney for periods of eighteen, two and five years respectively. He is the recipient of a Presidential Letter of Commendation, a Secretary of the Treasury Award, the Fayette G. Taylor Award for Excellence in General Litigation and the Albert Gallitin Award and various other awards for his job performance with the Service. Since retiring from the Service in September 1995, he has been in private practice representing taxpayers in tax controversy matters.

He is the co-founder of the TTU Low-Income Tax Clinic which began its operation in September 2000 due in part to a grant received from the Internal Revenue Service.

Since joining the faculty, Professor Williams, as director of the LTC, has provided many students the opportunity to represent low-income taxpayers in providing assistance in all areas involving collection disputes, including, but not limited to: levy and seizure action, summonses, innocent spouse applications, offers in compromise, payment agreements, lien releases, and trust fund recovery penalties, as well as, experience in filing petitions in the United States Tax Court.

Professor Williams has resigned as Director of the LTC effective May 31st. He will return to and continue his private practice on a full-time basis and will seek other career opportunities. Professor Williams has been an

inspiration to the students throughout his service as the tax clinic director. A student once quoted:

"I would highly recommend the Tax Clinic to anyone wanting to gain practical experience working as an attorney. Simply put, Professor Williams is the best. You know from the minute you walk into his class that he cares about his students. He follows the philosophy that the only stupid question is the question left unasked...."

The clinical program staff and faculty wish Professor Williams the best of luck! He will be missed.



Pictured: Aaron Pier and Professor Donald Williams



Pictured: James Herbrich (December graduate) and Professor Donald Williams

WENDY LEJEUNE RECEIVES CLEA OUTSTANDING CLINIC STUDENT AWARD

Wendy LeJeune, a student in the Civil Practice Clinic during the Fall Semester of the 2002-2003 academic school year, received a CLEA Outstanding Clinic Student Award for excellence in clinical fieldwork based on the high quality of representation provided clients, and for outstanding participation in an accompanying clinical seminar as determined by exemplary thoughtfulness and self-reflectiveness in exploring pertinent legal and lawyering issues.

Last year, 21 such Outstanding CLEA, the Clinical Legal Education Association, is a national organization composed of more than 700 law school clinical faculty and annually gives an Outstanding Clinic Student Award based upon nominations and supporting materials from law school faculty. Clinic Student Awards were presented nationally.



Professor Spain presented the award at the annual Honors and Awards on Friday, April 25th

PROFESSORS JOIN CLINICAL PROGRAM FACULTY

Professor Marilyn E. Phelan will be joining the clinic faculty beginning the first summer session of the Tax Clinic. In order to keep the tax clinic in operation after a decrease in funding and Professor Williams' resignation, Professor Phelan has agreed to teach the clinic course until future notice.

Additionally, Professor Larry Cunningham will be joining the faculty beginning the Fall 2003 semester and will be teaching the Criminal Prosecution Clinic as one of his designated courses. Selection of students for all the clinics has been conducted and students have been given notice of which clinic they are enrolled in. We are looking forward to working with these two professors and students during the summer and fall semesters.



John Ross '02 - Associate with Norton & Wood, LLP, Texarkana, Texas;

Steve Woods '02 - Associate with Winstead, Sechrest & Minick, Houston, Texas;

Sylvia Mora '02 - Solo Practitioner - San Antonio, Texas;

Professor Anita Royal (former Criminal Prosecution Clinic Professor) - back in Arizona!

LEGAL AID OF NORTHWEST TEXAS AND LUBBOCK COUNTY BAR ASSOCIATION HONOR CLINIC FACULTY, STAFF, AND STUDENTS

The Pro Bono Awards Luncheon was held in conjunction with the Lubbock County Bar Association Meeting on Friday, February 21, 2003, at the Lubbock Club and was attended by over 70 individuals.

Every year, nominations are made to the Pro Bono Advisory Committee by the Private Attorney Involvement Program Coordinator, Nancy Mojica. The Committee selects the recipient for each award.

Nominations for the John Crews Pro Bono Lawyer of the Year Award is based on the number of cases accepted, number of hours contributed, and number of clinics attended. The nominations for the clinic award are based on the number of clinics attended and number of hours contributed. The following awards were presented:



Guest speaker: Betty Balli Torres, the Executive Director of the Texas Equal Access to Justice Foundation



2002 John Crews Pro Bono Lawyer of the Year Award

Professor Larry Spain, Texas Tech University, School of Law Clinical Program. Award presented by George A. Elliott, managing attorney for Legal Aid of Northwest Texas

2002 Legal Clinic Volunteer Attorney Award →→→→

Ron McLaurin of the law firm McLaurin and McDonald. Mr. McLaurin is a former TTU Law School graduate. Award presented by Nancy Mojica, PAI Coordinator.





**2002 Legal Clinic Volunteer
Law Student Award**

Katrina Bryant, 3rd year law student at Texas Tech University, School of Law.

**2002 Legal Clinic Volunteer
Lay Advocate Award →→→→**

Elma Moreno, Office Manager/Legal Assistant of the Texas Tech University, School of Law Clinical Program.



Certificates were awarded in recognition of meeting the 50 hour annual aspiration goal of pro bono services to indigent persons as recommended by the State Bar of Texas. These certificates are given based on the number of hours reported to Nancy during the past year on cases being handled through PAI and/or number of hours contributed at the legal clinics. This years recipients were: Professor Larry Spain and David Getz.

Certificates of Appreciation were also awarded to the following law students who volunteered at two (2) or more clinics for the year 2002:

**Lacy Adams
Cord Borner
Connie Carter
Alexis Dunham
Katherine Everett
Josh Flores
Kyle Hinkle
Bonnie Hollier
Amanda Knight
Wendy Lejeune
Andrew Lloyd
Isreal Miller
Sylvia Mora**

**Joshua Nieto
Becky Ramirez
Kimberly Reasoner
Linda Russell
Bryan Stanfield
Steve Woods**



Samirah Barona. Legal Secretary of the TTU Clinical Program presented with Certificate of Appreciation as a Community Volunteer who volunteered at two (2) or more clinics for the year 2002.



Becky Ramirez receiving certificate from Nancy Mojica.

NEWS AND NOTES

From the desk of LARRY SPAIN.....

The following students were enrolled in the Civil Practice Clinic during the Spring Semester: Katherine Everett, Justin Furnace, Armando Gonzalez, Brit Inman, Leon Reed, Lena Roberts, Tina Tuccelli and Sommer Walker. In addition to individual cases assigned to them within the Clinic for which they assumed primary responsibility, each student also assisted with client intake through outreach clinics sponsored by Legal Aid of Northwest Texas (formerly West Texas Legal Services). In addition, each of the students were paired with attorneys from Legal Aid of Northwest Texas, Lubbock County Legal Aid and the Office of the Attorney General, Child Support Division, to work on selected cases.



In addition to cases carried over from the previous semester, 6 new cases were accepted over the course of the semester including a probate case, a disability claim, a divorce and several wills. A total of 11 cases were closed over the course of the semester with 14 cases remaining open at the end of the semester.

From the desk of DON WILLIAMS....

The following students were enrolled in the Tax Clinic during the spring semester: Bryan Carter, Michael Anderson, Scharlene Overstreet, and Robert Piwetz.

These students have made a major impact on the lives of their clients. The clients could not afford to hire competent representation and many lacked the ability to understand or communicate in English. In the course of their representation the students effectively dealt with the most feared of all federal bureaucracies, the IRS. Despite the IRS reputation, the students found that the majority of all of the IRS personnel to be open and willing to help. The North Texas Area Taxpayer Advocate came and spoke with the class explaining the function and purpose of her office.

The issues involved in representation included disallowance of the earned income credit, disallowance of dependant's, stolen refund, identity theft tax assessments, offers in compromise, innocent spouse claims and general tax advice. Eight United States Tax Court cases were resolved since January 2003. Two additional Tax Court cases have been filed and it is anticipated that a third will be filed shortly. In addition to the actual court cases, the students have successfully concluded six other cases involving various disputes.

It has been an honor and a privilege to work with all of the fine students, staff, and faculty during my time with the Tax Clinic and I look forward to watching the program continue under the able direction of Professor Marilyn E. Phelan. Her knowledge and experience should add significantly to the program.



From the desk of MATT POWELL.....

The following students were enrolled in the Criminal Prosecution Clinic during the Spring semester: Katherine Merrill Andre, Holly Church, Andrea Klement, Allison E. Kuczek, Laura Ann Nodolf, Kelli Todd, and Heather Trice.

I wanted to write everyone a note and say how much I enjoyed the criminal prosecution clinic this semester. It definitely was a learning process and not just for the students. With Bill Sowder being gone serving our country, my plate was definitely loaded. However, the students and Elma made this semester very rewarding for me.

It is my desire that the Texas Tech Criminal Clinic will continue to grow and thrive. I know that with the commitment that we have had from the administration, as well as the students, the clinic will become a model for programs across the county.

Again, thanks for letting me be part of the clinic this semester. I really enjoyed it and besides, it was kind of fun being called professor.



RECENT CASES OF INTEREST

Lena Roberts (Civil Clinic) represented a 55 year old individual with a second grade education and a long history of unskilled manual labor who suffers from arthritis, degenerative joint disease in his knees, diabetes and hypertension before an administrative law judge. After the hearing, the client received a fully favorable decision finding him disabled under the Social Security Act retroactive to November 1, 2000. He will be entitled to receive continuing monthly disability benefits as well as a lump sum retroactive award of benefits.

Wendy LeJeune (Civil Clinic) wrote a brief to the Appeals Council of the Office of Hearings and Appeals resulting in a remand of a disability claim of a 51 year old client with a diagnosis of high blood pressure, osteoporosis, asthma, diabetes and arthritis for an additional administrative hearing where the administrative law judge had failed to consider the claimant's subjective complaints of pain, did not consider the claimant's maximum residual functional capacity, and did not properly consider the evaluation and findings of her treating physician.

Andrew Lloyd '03 (Civil Clinic) wrote a brief to the Appeals Council of the Office of Hearings and Appeals resulting in a remand of a disability claim of a 51 year old client with diabetic nephropathy, insulin-dependent diabetes mellitus, depression and anxiety for an additional administrative hearing where the administrative law judge failed to properly assess the limitations of mental function resulting from his disorders upon his capacity to be gainfully employed and failed to obtain evidence from a vocational expert to clarify the combined effects of his impairments on his ability to be gainfully employed.

Scharlene Overstreet (Tax Clinic) was assigned a case which involved a lot of client communication and drafting and redrafting of documents. An Offer in Compromise and Doubt as to Collectibility for tax years 1992 through 2001 was completed and mailed to the Internal Revenue Service. In the interim, the clients were served with a Notice of Intent to Levy by the IRS. The submission of the Offer in Compromise and Doubt as to Collectibility has stopped IRS' collection process.

Scharlene Overstreet (Tax Clinic) was also assigned to a case which was dormant until just recently when IRS caved in as a result of the ruling on the *Washington* case which just came out in April 2003. Client will be receiving her refund.

Robert Piwetz (Tax Clinic) was assigned a case involving an innocent spouse claim which has been resolved. We had received a letter from the IRS granting partial relief, however, based on the recent *Washington* decision Robert was able to get the client the full refund which was a sizeable amount.

A WORD FROM OUR STUDENTS.....

"I can't say enough good things about my experiences in the Civil Litigation Clinic. I came to Law School with the intention of representing those who needed my help the most, and that's exactly what I got to do in the Clinic. I helped an older, arthritic gentleman obtain Social Security benefits, without which he and his disabled wife would be unable to provide for the basic necessities of life. I assisted an inmate in trial preparation for his Civil Rights claim against (allegedly) abusive prison guards in this unit. I worked in conjunction with Legal Aid of Northwest Texas and Women's Protective Services to help abused women and their children get Protective Orders against their abusers, and assisted them in divorce proceedings so that the battered women could finally be free of their abusive spouses.

The most valuable thing I learned from my Clinical experience was something they don't teach you in an ordinary law school class - what the practice of law is really like. Before I came to the clinic, I didn't know where or how to file legal documents and had no knowledge of the inner workings of the courthouse. Now I am familiar with several of the judges, their assistants, court reporters, district clerks, and other local lawyers. Now when I go out to practice law on my own, I will have a leg up on other new lawyers who were not fortunate enough, or savvy enough, to take advantage of the opportunities offered by the legal clinics. The practical experience I gained from my participation in the Civil Clinic is invaluable."

**Lena Roberts
Civil Litigation Clinic**



"Working in the civil clinic has been one of the most rewarding and educational experiences of my law school career. Seeing the positive impact lawyers have in the community has made me sure that I chose the right profession. The legal clinic offered me an excellent opportunity to improve my counseling and research skills. It is fun to finally have the chance to apply what we have spent so much time learning and reading about. I have and continue to recommend the clinic experience to everyone in law school."

**Brit Inman
Civil Litigation Clinic**



“The Criminal Prosecution Clinic has been a great experience. I have always known that I want to prosecute cases, but this really solidified it for me. It was a wonderful opportunity to gain experience in the fast pace world of prosecution and the court room.”

**Laura Nodolf
Criminal Prosecution Clinic**

WORDS FROM A CLIENT

“...they handled it (my case) well and were very friendly”

FTM

Civil Litigation Clinic

SNAP SHOT CORNER

Pictures from Student Recognition Reception held April 25, 2003



Pictures from Open House held on November 22, 2002 - for full story visit www.law.ttu.edu/news/nov02/clinics



Civil Litigation Clinic Students - Spring 2003



CONGRATULATIONS 2003 GRADUATES!
GOOD LUCK!

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School of Law

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