

Fall 2005



1802 Hartford Avenue
Lubbock, TX 79409

CLINIC NEWS



Texas Tech University School of Law Clinical Programs

CLINICAL PROGRAMS HONOR CIVIL PRACTICE CLINIC AND INNOCENCE PROJECT STUDENTS



Students participating in the Civil Practice Clinic and the Innocence Project during the Fall 2005 semester were recognized during a Student Recognition Reception which was held on Tuesday, November 8th, in the clinic conference room. Dean Huffman addressed the group with a few words of encouragement and expressing his support of the clinical programs.

Students were presented with a **Certificate of Appreciation** by each clinic director in recognition of exemplary participation as a student member.



The clinical programs currently have a total of 45 students enrolled in the clinical program courses for the fall semester. Students enrolled in the 2005-2006 academic year courses which include the Tax Clinic and Criminal Justice Clinic will be recognized during the Spring 2006 reception.



Clinic selection for the clinics is held during the Spring semester of each academic year. A mandatory session is held for students interested in applying to one or more clinics, applications are accepted, interviews are conducted, and the selection of students is completed prior to open registration. Look for clinic enrollment information for 2006-2007 academic year during the middle of February 2006.

INSIDE THIS ISSUE:

New Faculty Members Join Clinical Programs	2
Rocky Mountain Regional Clinical Conference	2
Pro Bono Legal Services	2
From the Desk of	3-7
Wills Project	8
Former CJC Students Publish Article	8

LITC Community Public Interest Workshop	9
CCAV Seeks Volunteers	9
Recent Cases of Interest	10
Snap Shot Corner	11
Where Are They Now?	12
Faculty and Staff	12

TWO NEW FACULTY MEMBERS JOIN THE CLINICAL PROGRAMS



Professor Wendy Tolson Ross joined us at the beginning of the summer 2005. Professor Ross was a Clinical Instructor of Law at St. Mary's University School of Law prior to joining the faculty at Texas Tech University School of Law. She was also Acting Associate Director for the Office of Academic Excellence. Professor Ross joined the faculty to teach a section of the Civil Practice Clinic and to teach negotiations in the Spring. She earned her B.A. from Texas Tech University and her law degree from University of Missouri - Columbia Law School.

Judge Charles F. Baird joined the faculty as a visiting professor at the beginning of the Fall semester for the 2005-2006 academic year. Judge Baird teaches Criminal Procedure, Capital Punishment, and the Innocence Project. He has been a trial and appellate judge for fifteen years. He is a visiting justice on the Thirteenth Court of Appeals. Judge Baird received his Doctor of Jurisprudence degree from South Texas College of Law and Masters of Law in Judicial Process from the University of Virginia. He has been a professor of law teaching courses in criminal law and procedure, capital punishment, appellate remedies, and trial advocacy.



LAW SCHOOL FACULTY JOIN WITH CIVIL PRACTICE STUDENTS IN PROVIDING PRO BONO LEGAL SERVICES

Faculty from Texas Tech Law School co-sponsored with Legal Aid of NorthWest Texas four evening Pro Bono Clinics at St. John's United Methodist Church during the months of September and October. Faculty provided advice and client intake on behalf of Legal Aid of NorthWest Texas to low-income members of the community needing legal assistance in civil matters.

Thanks to the following faculty members who, along with Civil Practice Clinic students, staffed Pro Bono Clinics during the months of September and October: Larry Spain, Vaughn James, Wesley Cochran, Jarod Gonzales, Brian Shannon, Susan Fortney, Rosemary Dillon, Cal Lewis, Gerry Beyler, and Dean Huffman.

CLINICAL PROGRAM HOSTS ROCKY MOUNTAIN REGIONAL CLINICAL CONFERENCE



Texas Tech University School of Law Clinical Programs hosted the 5th Annual Rocky Mountain Regional Clinical Conference, *Promoting Collaboration in Clinics*, October 21-22, 2005. Approximately 40 clinical

faculty, administrators and professional staff attended from the University of Texas, University of Houston, Southern Methodist University, Thurgood Marshall, St. Mary's University, University of Nevada Las Vegas, University of Tulsa and Arizona State University. **Elma Moreno** organized the program for administrators and professional staff and handled all of the logistical details for the conference.



Elma Moreno, Samirah Abdalah, Wendy Ross and Larry Spain participated on panels and made presentations during the conference. Special thanks go to **Marilyn Phelan** for arranging and sponsoring a reception at the Museum of Texas Tech University for conference attendees on Friday evening.



Next year's conference will be hosted by the University of Nevada Las Vegas.



FROM THE DESK OF



Larry Spain - Civil Practice Clinic

During the fall semester, the following students were enrolled in Professor Spain's section of the Civil Practice Clinic: **Belinda Arroyo, Markus Boenig, Scott Bradney, Tanya Buler, Pamela Ferguson, George Hoyt, Amy McCormick, and Lindsay Rose.** In

addition to assuming individual responsibility for cases assigned to them in the clinic, each of the students also assisted with client intake through Legal Aid of NorthWest, Texas and worked with practitioners from the Civil Division of the Lubbock County District Attorney's Office and Legal Aid of NorthWest Texas. This allowed students to gain exposure to a broader array of substantive areas of practice and be mentored by other public interest practitioners.

Tanya Buler and Amy McCormick conducted final hearings in divorces during the course of the semester while every student filed at least one divorce case over the semester. Additionally, **Belinda Arroyo, Markus Boenig, Tanya Buler, Pamela Ferguson, George Hoyt and Lindsay Rose** all conducted hearings before an administrative law judge on social security disability claims, decisions on which are still pending.

Over the semester, a total of 19 new client cases were undertaken, ranging from matters involving family law, disability, wills/advance planning and civil rights claims. Seven (7) cases were closed during the semester and a total of thirty-three (33) cases will be carried over to the spring semester.



Back Row: Professor Spain, Scott Bradney, George Hoyt, Markus Boenig, and Amy McCormick
Front Row: Pamela Ferguson, Belinda Arroyo, Tanya Buler, and Lindsay Rose



"The clinic experience has been one of the most rewarding experiences of my law school career. It's great to finally be able to put our classroom knowledge to use in the real world and even better to know that we are helping folks that might not have any other opportunities for legal assistance."

Amy McCormick

FROM THE DESK OF



Marilyn E. Phelan, Director - Low Income Tax Clinic

Seven students, **Nathan Daley, Lakeisha Forte, Christina Lee, Amy Ott, John Strong, Jami Swofford, and Matthew Williams** enrolled in the Tax Clinic in the fall semester and four students **Peyton Inge, Mitzi Franks, Arimy Beasley, and Justin Mock** enrolled in

the Tax Clinic during the summer sessions to help taxpayers in their controversies with the IRS. These students created an unincorporated association structure for a nonprofit organization and are helping another nonprofit organization obtain tax exempt status from the Internal Revenue Service. In addition, the students have been pursuing means to solve tax controversies for several taxpayers. Most of the issues confronting the students involved their clients' entitlement to the earned income credit, to dependency deductions, to head of household status, and to innocent spouse treatment. Two students were successful in securing a compromise from the IRS regarding his client's tax

liabilities. Another student successfully obtained a refund of \$5,500 for her client and had a penalty of \$10,500 reversed for her client. Another was successful in obtaining noncollectible status for a client.

The students' work in the clinic on actual tax cases and the class sessions on rights of taxpayers and the procedures in place to contest tax deficiencies, which the students must attend, have proved very helpful both to the students and to their taxpayer clients. The eleven students should be well prepared to represent clients with tax problems when they begin the practice of law. In addition, the School of Law is providing a benefit to the community in representing, without charge, taxpayers who cannot afford the services of a tax attorney.



Back Row: Matthew Williams, J.B. Strong, Professor Phelan, and Christina Lee
Front Row: Nathan Daley, Jami Swofford, Lakeisha Forte, and Amy Ott



"Participating in the tax clinic this fall has enabled me to gain extensive experience in dealing with the IRS as well as client relations. I have received great appreciation from my clients which has shown me the importance of the clinic program for both the taxpayers as well as myself. What a great experience!"
Jami Swofford



"I learned more from the tax clinic, through the hands on experience, than any class taken in law school. It was invaluable experience which will never be forgotten."
Arimy Beasley



Summer Session: Peyton Inge, Mitzi Franks, Arimy Beasley, Justin Mock, and Professor Phelan



"Because the tax laws are so complex, most taxpayers need assistance in dealing with the IRS. Working with my clients has given me the opportunity to give back to the community while obtaining valuable practice experience."
Lakeisha Forte



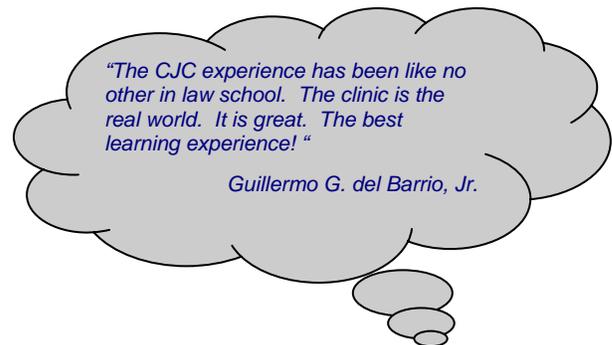
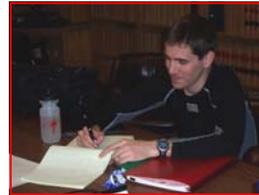
FROM THE DESK OF



David Guinn - Criminal Justice Clinic

Eight students have jumped into the rollercoaster ride of actively representing citizens accused of various crimes by the State of Texas. **Guillermo DelBarrio, Stacy Estes, Chris Hesse, Mike King, Leigh Mauer, Lisa Minjarez, Sarah Roland and Chad West** are all engaged in representing

people on charges ranging from speeding tickets to second degree felony cocaine (crack) possession. Teams of Roland and DelBarrio as well as Hesse and Minjarez are well prepared for evidentiary hearings on Motions to Suppress illegal search and seizure issues in early January. Mauer and West have uncovered interesting facts behind claims of a state witness but must now wait for a lab report from the Texas Department of Public Safety before moving forward much further. King and Estes are working hard on a case arising from a disagreement between former spouses. All are gaining valuable experience in client communication, investigation, disciplined preparation, real world plea bargaining and eventually, jury trials in the Texas Court System. Periods of intense work can be followed by doldrum like slow periods. All are rising to the task of remaining steady and consistent. Everyone is seeing that there is more art than science to much of what happens and that is why it is referred to as the practice of law.



Back Row: David Guinn, Michael King, Chris Hesse, Chad West, Guillermo DelBarrio

Front Row: Lisa Minjarez, Sarah Roland, Stacy Estes, Leigh Mauer



"It's refreshing to have a class where we learn from real-life examples, and not simply from a text book. The Criminal Justice Clinic has proven to be the most practical, useful learning experience in law school."

Chad West

"The clinical experience has been great! It's nice to finally be able to see the legal concepts, rules, and theories that we've previously learned being applied in real life situations as opposed to hypotheticals and having the opportunity to positively affect someone's life."

Sarah Roland

FROM THE DESK OF



Wendy Tolson Ross - Civil Practice Clinic

This semester I had 8 students enroll in my section of Civil Practice Clinic. These students were: **Joshua Craven, Teresa Hellstern, Kayla Murray, Aranza Rojas, John Sallaway, Heather Scott Threadgill, and Velma Solorzano.** The students are assigned to work with local agencies such as Legal Aid of Northwest Texas, Advocacy Inc., Lubbock County District Attorney's Office - Civil Division, and State of Texas Attorney General's Office, where they were able to assist in a variety of cases.

This year the students primarily focused on Family Law and Probate Law cases. We had several divorces, both with and without children. One of these divorce cases resulted in a contested final hearing and involved mediation. We also had an Agreed Termination of Parental Rights and Adoption case and a couple of Adult Name Change cases. We also accepted some wills, and was able to completely draft and execute a will.

This is my first year here at Texas Tech University and it has been fun getting to know the students in my class.



Back row: Joshua Craven, Crystal Marchesoni, Heather Threadgill, Teresa Hellstern, Velma Solorzano, and Professor Ross
Front Row: John Sallaway, Kayla Murray, and Aranza Rojas



"My involvement with the civil litigation clinic provided me with the practical, hands-on experience that you just can't get in a classroom. It has given me that edge I will need as a new attorney. Every law student should take advantage of this unique opportunity!"

Kayla Murray



For more information on the clinical programs visit:
<http://www.law.ttu.edu/lawsite/centers/ClinicalPrograms.asp>

FROM THE DESK OF



**Greta Braker and
Jeff Blackburn**

Innocence Project



transcripts and any other material that the attorneys will give to the clinic. At this point the students meet with Jeff and me and a decision is made whether to accept or reject the case for further work and investigation.

Out of the 45 cases the students worked up, six are being actively investigated and are close to the litigation stage. The litigation stage varies from case to case. For example the clinic is preparing to do a writ of habeas corpus hearing in front of Judge Cecil Puryear. Also, Roseanna and Ann Marie will be preparing a clemency petition for a person who was incarcerated for murder, but who is innocent. Jeff, Judge Charlie Baird, and I are proud of the hard work that each of our students did for the wrongly incarcerated.

Judge Charles Baird, Jeff Blackburn, and Greta Braker hosted an **Open House** on November 16th at their offices located at 1304 Texas Avenue. Law school faculty and staff, local attorneys, and the Innocence Project clinical students attended the open house.

This semester the West Texas Innocence Project had eleven students enrolled in the clinic and three independent study students. **Jeff Sheets, Hilary Smith, Steven Leary, Neiosha Mark, Laura Richards, Robert Rosen, Andrea Olivier, Kimberly Clark, Andrew Cates, Misty King, Dana Lockett, Ann Marie Saleh, Roseanna Abuelo, and Tiffany Colunga** collectively screened and investigated 45 claims of actual innocence from incarcerated inmates.

The students start off each case with an in-depth procedural history, and are sick and tired of Jeff and me asking them to do more work on the procedural history. Once out of the procedural history stage the students call the trial and appellate attorneys to discuss the case with the attorneys. The students get the trial



Back Row: Rob Rosen, Steven Leary, Jeff Sheets, Jeff Blackburn, Greta Braker, Judge Charles Baird, Kimberly Clark, Andrew Cates, and Hilary Smith

Front Row: Dana Lockett, Neiosha Mark, Andrea Olivier, and Misty King



**GRETA BRAKER IS SWORN IN
BY JUDGE CHARLES BAIRD AFTER
PASSING THE BAR EXAM!!!
CONGRATULATIONS!!**

WILLS CLINIC HELPS NEEDY RESIDENTS



This fall, the annual Wills Clinic sponsored jointly by the Texas Tech School of Law Clinical Programs and Legal Aid of Northwest Texas once again assisted several Lubbock residents in getting their wills prepared and executed. Under the direction of professors Larry Spain and Vaughn James, clinic staff Elma Moreno and Samirah Abdalah, and Legal Aid of NorthWest Texas Equal Justice Volunteer Program Coordinator, Nancy Mojica, the 58 students enrolled in Prof. James's Wills and Trusts class conducted will interviews, drafted instruments and supervised will execution ceremonies for 30 Lubbock residents. Intake interviews were conducted at the School of Law, the Legal Aid of Northwest Texas office at 1220 Broadway, and the T.J. Patterson Library at 1836 Parkway Drive, Lubbock.

Professor Vaughn James



Former Texas Tech Criminal Justice Clinic students Melissa Morgan and Collin Shellenberger wrote an article entitled ***The Complexities of Welfare Fraud Prosecutions*** which was published in the ***Voice for the Defense*** September 2005 publication. In the early Fall 2004 both students were assigned a case which involved a welfare fraud defense. A copy of the article can be found in the clinic offices or if you are a member of the Texas Criminal Defense Lawyers Association you can access it through their website. The article includes lessons learned from their work on welfare fraud cases and issues which should be raised at trial.



Both Melissa and Collin graduated in May 2005 and have passed the bar exam. Melissa is currently preparing for the Louisiana bar exam and will practice criminal defense law in Texas and Louisiana. Collin is employed with the law firm of Germer Gertz, LLP in the Beaumont office. Congratulations Melissa and Collin!

SNAP SHOT CORNER—INNOCENCE PROJECT OPEN HOUSE



LOW INCOME TAX CLINIC CO-SPONSORS SECOND ANNUAL COMMUNITY PUBLIC INTEREST WORKSHOP

Part of the requirement of the Low Income Tax Clinic Grant received from the Internal Revenue Services is to develop and conduct a workshop providing education to low income individuals in the community regarding tax law issues. In an effort to fulfill the requirement, Texas Tech University School of Law Low Income Tax Clinic and Legal Aid of NorthWest Texas co-sponsored the second annual "free" community Public Interest Workshops on at the TTU School of Law on August 13, 2005.

Nancy Mojica (EJVP Coordinator) and **Janie Gonzales** (LITC Community Outreach Coordinator) developed and coordinated the workshops and presenters.

Workshops consisted of tax law issues, social security disability (SSD/SSI) issues, medicare's new prescription drug program, and bankruptcy law. **George Elliott**, Managing Attorney for Legal Aid of NorthWest Texas gave the welcoming remarks.

Presenters included **Linda Martinez**, Taxpayer Advocate with Taxpayer



Advocate Services in Dallas, **Janie Gonzales**, **Arimy Beasley** and **Justin Mock** with the TTU Low Income Tax Clinic.

Other presenters included **Baynetta Jordan**, a partner with Turner & Jordan, P.C., who addressed the issues of social security disability (SSD/SSI) and its requirements. **Jim Morphey** from the Social Security Administration discussed Medicare's new prescription drug program.



Becky Miller, an attorney in private practice, addressed the new bankruptcy laws and the impact it will have on individuals.



CCAV SEEKS VOLUNTEERS FOR UPCOMING INCOME TAX SEASON

The Coalition of Community Assistance Volunteers, a non-profit organization, is seeking volunteers to assist during the upcoming income tax return filing season. The program is designed to assist low income, elderly, disabled, and non-English speaking taxpayers with the preparation of simple tax returns. Training is provided at no cost to volunteers and tax returns are prepared at no cost to taxpayers who meet the income eligibility guidelines.

CCAV provides free tax law and e-file training and all the materials needed to prepare basic individual income tax returns. Training classes will be held January 9-12 from 5:30 to 9:00 p.m. in the Business Administration building. Trainees will be able to use the TaxWise (software) program during every training class.

All volunteers will be required to take the course and be certified for each module which include basic, wage, and pension. Training is also provided online by clicking on **Link & Learn Taxes Course** at <http://www.irs.gov/app/vita/index.jsp> and taking the course and tests online. If you choose to use the Link & Learn Course, attendance at TaxWise (software) training on January 12, from 5:30-9:00 p.m. at the BA building is required. (If you are unable to attend the software training please see Elma in the clinic offices).

Upon completion of the basic, wage, and pension modules you will be provided a printable certificate. Should you choose to take the course and tests online, please bring your certificate to Elma Moreno in the clinic offices on or before January 11th.

One tax preparation site located at the Spears Building at 2710 Avenue Q will be open 27 hours a week beginning on January 18th and closing on April 15th. Upon completion of the course and certification you will be provided with a list of days and times to choose from for your volunteer opportunities.

For more information or to register for the free training to be held, please contact Elma Moreno at elma.moreno@ttu.edu or come by the clinic offices.

RECENT CASES OF INTEREST

Tametha Barker ('05-Civil Practice Clinic) received a favorable decision after a hearing before an administrative law judge representing a 55 year old homeless individual with an 8th grade education and unskilled vocational background and diagnosed with high blood pressure, club foot, arthritis and vision problems. The client was awarded benefits of \$386/month retroactive to September 1, 2004.



Lakeisha Forte (Tax Clinic) began the semester handling a client who owed taxes from the 1993 and 1994 tax periods. In working with this client, she paid the 1993 taxes and the statute of limitations had run on the collection of the 1994 taxes. Lakeisha worked to obtain a refund of clients remaining tax refunds that the IRS was holding. The client was ultimately paid her refunds and we were able to obtain interest on the refund as well. Our client received a much needed \$3598.16.



Belinda Arroyo (Civil Practice Clinic) received a favorable decision after representing a 55 year old client with Parkinson's disease, a depression disorder and anxiety disorder with concentration problems before an Administrative Law Judge. Despite having a master's degree in community counseling, the ALJ concluded that she was incapable of performing substantial gainful work activity on a sustained basis because of the severity of her impairments. She was determined disabled retroactive to April, 2004.

Roseanna Abuero and Ann Marie Saleh (Innocence Project Clinic) will be preparing a clemency petition for a person who was incarcerated for murder, but who is innocent.

Julia Sladek ('05-Civil Practice Clinic) was able to establish parentage and amend a minor child's birth certificate after the death of the biological father of the child when no paternity had been adjudicated during his lifetime.

Lindsay Rose (Civil Practice Clinic) represented a 56 year old individual with a 10th grade education with blindness in the left eye, cataract formation in the right eye and severe osteoarthritis in the knees, hands and feet before an administrative law judge. Despite having previous denials of applications when represented by private counsel, the Administrative Law Judge entered a fully favorable decision determining the claimant was disabled retroactively to November 30, 2004.



Markus Boenig represented a 62 year old woman with a G.E.D. and past relevant work as a maid and home health worker who had been diagnosed with severe diabetes mellitus, hypertension and low back pain before an administrative law judge. After the hearing, the ALJ issued a fully favorable decision finding the claimant disabled as of February 1, 2004.

SNAP SHOT CORNER—STUDENT RECOGNITION RECEPTION



WHERE ARE THEY NOW??????

Holly Haseloff - Tax Clinic (Spring '05)
Associate for Craig, Terrell, Hale & Grantham LLP of Lubbock doing insurance defense.

Tony Fideli - Civil Practice Clinic (Fall '04)
Assistant District Attorney with District Attorney's office in Wichita Falls.

Melissa Morgan - Criminal Justice Clinic (2004-2005)
Opening an office in Aspermont representing indigent criminal defendants in Stonewall and surrounding counties (Lubbock too).

Gay Pulner - Criminal Justice Clinic (2004-2005)
Working at the El Paso District Attorney's office answering writs for the appellate section.

Amber Henderson (formally Rasco) - Tax Clinic (Spring 2005)
Got married in August and is working for Fletcher & Springer in Dallas.

Jeffrey D. Stewart - Civil Practice Clinic (Spring 2005)
Working with Wells & Cuellar, P.C. in Houston, Texas.

FACULTY AND STAFF



Pictured left to right (back row): Marilyn E. Phelan, Samirah Abdalah, Larry Spain, Jeff Blackburn, and Judge Charles Baird

Front Row: Elma Moreno, Janie Gonzales, Wendy Ross and Greta Braker



WISHING YOU A SAFE AND HAPPY
HOLIDAY SEASON!

