



TEXAS TECH UNIVERSITY  
School of Law™

# CLINIC NEWS

The newsletter of the Texas Tech University School of Law Clinical Programs



SPRING 2007

## ASSOCIATE PROFESSOR HONORED AS “JOHN CREWS PRO BONO ATTORNEY OF THE YEAR”

### INSIDE THIS EDITION:

|  |    |
|--|----|
| From the Desk of Larry Spain.....                          | 2  |
| From the Desk of Larry Spain and Gene Valentini .....      | 2  |
| From the Desk of Marilyn E. Phelan.....                    | 3  |
| From the Desk of Wendy Tolson Ross.....                    | 4  |
| Clinical Program Recognizes Students .....                 | 4  |
| From the Desk of Glenn Roque-Jackson .....                 | 5  |
| Thanks to Faculty & Students .....                         | 5  |
| From the Desk of Jeff Blackburn and Heather McDonald ..... | 6  |
| From the Desk of Susan Fortney and Gene Valentini .....    | 7  |
| CCAV Continues to Assist Taxpayers .....                   | 7  |
| Lessons Learned .....                                      | 8  |
| Law and Justice Magnet Program .....                       | 8  |
| A Word from our Students .....                             | 9  |
| Recent Cases of Interest .....                             | 10 |
| IRS Awards Grant .....                                     | 11 |
| Weddings and Engagements.....                              | 12 |
| Snapshot Corner .....                                      | 13 |
| Faculty & Staff .....                                      | 14 |



The Equal Justice Volunteer Program of Legal Aid of NorthWest Texas held its Pro Bono Awards Luncheon in

conjunction with the Lubbock County Bar Association's Monthly Meeting on Friday, February 16, 2007 at the Lubbock Club. This event was held to recognize Private Attorneys, Professors of Law at Texas Tech University School of Law, Law Students, Lay Advocates and Community Volunteers for their dedication of meritorious services to help indigent individuals in their community and surrounding counties with their legal problems.

Associate Professor and Civil Practice Clinic co-director Wendy Tolson Ross was presented with the *2006 John Crews Pro Bono Lawyer of the Year Award*.

Certificates were also awarded in recognition of meeting the 50 Hour Annual Aspirational Goal for Pro Bono Services to indigent persons as recommended by the State Bar of Texas. These certificates are based on the number of hours reported to the EJVP coordinator during the past year on cases being handled through the Equal

Justice Volunteer Program of Legal Aid of NorthWest Texas and/or number of hours contributed at the legal clinics. Associate Professor Wendy Tolson Ross and Professor Larry Spain were both presented with this award during the Pro Bono Awards luncheon.

Charmaine Tupue (3L) who is graduating in May 2007 was presented with the *2006 Legal Clinic Volunteer Law Student Award*. Although Charmaine volunteered at various pro bono clinics, she also volunteered her time at the offices of Legal Aid of NorthWest Texas.



The TTU School of Law was also presented with a certificate for sponsoring pro bono clinics



throughout 2006. Pro bono clinics were held in the clinical program offices. Various community volunteers were presented with the certificates. Elma Moreno accepted the certificate on behalf of the law school.

*Professors Ross and Spain were honored for exceeding the State Bar's aspirational goal of 50 hours of pro bono work in a year and Professor Ross was honored with the most prestigious Pro Bono Award when she was named the John Crews Pro Bono Lawyer of the Year!*



## From the Desk of Larry Spain - Director of Clinical Programs and Civil Practice Clinic

During the spring semester, the following students were enrolled in Professor Spain's section of the Civil Practice Clinic: **Laura Brock, Daniel Caudillo, Amanda Galbraith, Tonya Graser, Desiree Larue, Robert Massey, Lori Ruiz, and Tia Wilson.**

Over the course of the semester, a total of 26 new client cases were undertaken, 23 cases were closed and 28 cases remain open and will be carried over to the fall semester. Students, in addition to being exposed to a variety of legal problems through the evening *Pro Bono* Clinics, also participated in a new Night Court Divorce program representing clients in divorces. Other types of cases handled during the semester included disability claims, other public benefits, name changes, preparing estate planning documents, and §1983 civil rights claims.



## Night Court Divorce Project

The Civil Practice Clinics, in cooperation with the Lubbock County Courts and Legal Aid of NorthWest Texas, have initiated a Night Divorce Project under the supervision of Professors **Wendy Tolson Ross** and **Larry Spain**. The courts had approached the clinical program with concerns about the lack of access to the courts for low-income individuals seeking a divorce as well as the problem of some individuals seeking to file their divorces pro se. Through this project, students in the clinical program participate in a monthly evening clinic where they interview individuals screened by Legal Aid of NorthWest Texas, prepare and file their Petitions for Divorce. When the cases are ready for a final hearing, the cases are heard in the Courtroom at Texas Tech University School of Law in the evening which is more convenient for individuals that may not be able to take time off from work.

The first set of final hearings was held on April 19 when a total of 8 divorces were completed before the Honorable **Judy Parker**, Associate Judge. **Barbara Sucsy**, Lubbock County District Clerk, also volunteered her time to accept documents for filing and to provide certified copies of the Final Decrees.

Since the project began in January, a total of 26 individuals have been assisted. Initially, the cases are limited to financially eligible clients with no children and limited property.

## From the Desk of Larry Spain and Gene Valentini



During the Spring Semester, the following students participated in the Advanced ADR Clinic under the direction of Gene Valentini and

Larry Spain: **Mary Wahne Baker, Erik Burris, Melissa Carranza, Andrew Cates, Christie Hobbs, Kimberly Laseter, Weldon Nixon, Curtis Riddle, Micah Riddle, Josh Smith, Clinton Snow, Kurt Summers, Charmaine Tupue, Morgan Vaughan, Elizabeth von Kreisler, Lori Yarbrough, Nathan Yates, and Amy Zentmeyer.**

In addition to classroom instruction that qualified for the 40 hour basic mediation training in Texas, the students had an opportunity to observe, co-mediate and solo mediate actual disputes through the Lubbock County Dispute Resolution Center. The students mediated a wide range of cases including family law and child protection cases; partnership dissolutions; construction disputes; neighbor disputes; cases filed in Justice of Peace Courts, County Court at Law and District Court; and cases referred by the Lubbock County Criminal District Attorney's Office.



## CIVIL PRACTICE CLINIC

- Focuses on development of professional skills and values in a closely supervised clinical setting
- Students will assume individual responsibility for representing actual clients in all phases of client representation in social security disability claims, family law, wills and advance planning, housing issues, consumer and civil rights claims and other civil cases of interest to students
- Classroom component will provide instruction in substantive and procedural law applicable to cases handled by the Clinic as well as ethical issues and professional values; professional skill development; and case rounds
- Students have individual supervisory sessions with faculty and maintain a reflective clinic journal.

## Congratulations to the following students selected for the 2007-2008 academic year:

Julie Bohrer, Sherri Colson, Emily Cook, Elizabeth Lieb, Preston Mundt, Deena Reynolds, Jonathan Stovall, Sarah Uurtamo, Roberto Ambrosino Jr., Kyle Burgamy, Kacey D'Laine Harvey, Sammy Lucario, Oscar Mendez, Allison Stephens, Laura Tones, and Jacquelyn Wilson.





### From the Desk of Marilyn E. Phelan - Tax Clinic Director

Nine students, Kara Blanco,  
Logan Burdine, Elizabeth Carter

Storm, Amy Cochran, Nicholas Davis, Geanna Day, Jason Laseter, Jeff Mealer, and James Suter enrolled in the Tax Clinic in the fall and spring semesters to help taxpayers in their controversies with the IRS. These students obtained nonprofit and tax exempt status for two associations. They were successful in eliminating a failure to file penalty tax for another nonprofit organization. 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. The students have been successful in obtaining noncollectible status for clients and have been successful in resolving issues relating to tax liability for others. They have represented taxpayers in appellate hearings and have filed petitions on their behalf with the Tax Court. The students have filed offers in compromise for several taxpayers and have obtained substantial reductions in tax liability for these clients. As an example, one student was successful in filing an offer in compromise wherein the IRS agreed to

settle the client's tax liability of approximately \$16,000 for \$800. As further examples, the students obtained substantial refunds for individuals who had the earned income credit denied them both for claiming a child or claiming grandchildren or other relatives. One taxpayer obtained refunds in excess of \$11,000.

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 nine 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.



### CONGRATULATIONS PROFESSOR PHELAN FOR 40 YEARS OF SERVICE AT TEXAS TECH UNIVERSITY!

FOR MORE INFORMATION  
ON CLINICAL PROGRAMS YOU CAN  
VISIT:

<http://www.law.ttu.edu/lawWeb/centersprograms/clinics/index.shtml>

### LOW INCOME TAX CLINIC

The Low-Income Tax Clinic was formed in April 2000 to provide professional skills training to law students and to provide law students the opportunity to gain practical experience in administrative proceedings before the Internal Revenue Service and in judicial proceedings before the United States Tax Court. The clinic serves residents in the West Texas Panhandle area of Texas and Eastern New Mexico by offering representation to taxpayers who are unable to obtain professional tax counsel.

Students develop important lawyering skills by interviewing and counseling clients, conducting factual investigations, legal research an analysis, negotiating compromises, drafting documents and litigating. Students are responsible for their own caseloads but are closely supervised by the clinic director, Professor Marilyn Phelan. The director of the clinic assists the students in all phases of their clinical education.

Congratulations to the following students selected for either the summer sessions or 2007-2008 academic year clinic:

**Summer:** James Beam and Cory Beth Davis

**2007-2008:** James Beam, Kyle Kovel, Kerri Lawton, Jibin Luke, Savannah Meyer, and Travis Rodak







## From the Desk of Wendy Tolson Ross - Civil Practice Clinic Director

This semester I had 8 students enroll in my section of Civil Practice Clinic. These students were: **Christian Buensuceso, Lila Garza, Kassi Horner, Chelsi Keever, Carrie Mills, Gabriel Meyerat, David Reuthinger, Jennifer Yi.**

The majority of cases worked on by the students were family law cases. We accepted many divorces, both with and without children and some custody suits.

We have expanded our clinic to provide legal representation for abused women at the Women's Protective Services Shelter. Students interviewed women at the Women's Protective Service's Shelter, provided representation at the protective order hearings, and provided representation with

other family law matters. One of these cases involved a Protective Order which was concluded right before Christmas.

Finally, we had a couple of probate cases. These cases involved wills, a Determination of Heirship case, and a Muniment of Title Case.

We also settled an insurance case. This case involved an insurance company that refused to pay on a life insurance policy. We were able to successfully persuade the insurance company to pay the insurance policy and were able to obtain a check for our client in the amount of \$10,000.00.



## PRO BONO DIVORCE NIGHT COURT CLINIC

Project is co-sponsored by Texas Tech University School of Law Clinical Program, Legal Aid of NorthWest Texas, and Lubbock County Courts.

Law students meet with the qualified applicants and help them file for a divorce under the supervision of the Civil Practice Clinic professors. Law students prepare the paperwork, file it with the courts, and finalize the divorces before the Honorable Judy C. Parker in the law school courtroom.

Clinics are held the third Thursday of every month. Clinic offices are used for the interviews and all prove-ups are held in the courtroom.

For an individual to qualify for these services they must meet the following requirements:

- Meet the income guidelines which are based on family size;
- Must not have children of the marriage;
- Minimal to no property;
- No physical abuse during the marriage; and
- Be a Lubbock County resident.

Legal Aid of NorthWest Texas screens all individuals and schedules the appointments.



## CLINICAL PROGRAM RECOGNIZES STUDENTS DURING STUDENT RECOGNITION RECEPTION

A total of 80 students were recognized during the recognition reception held on April 17th with a *Certificate of Appreciation* for their dedication and participating in the clinical programs. A slide show presentation was made in appreciation to the students. Associate Dean Brian Shannon addressed the students with a few words of encouragement and gratitude.



Honored guests included the students from the Estacado High School Law and Justice Magnet Program.



Since the inception of the clinical programs approximately 745 clients have been served through the clinical program which include the 160 clients served by the Wills Project which began during the Fall 2002 semester. The total does not include the total number of cases handled through the Innocence Project since its inception.

Students who were honored participated in the Health Care and Bioethics Mediation Clinic, Tax Clinic, Civil Practice Clinic, Criminal Justice Clinic, Innocence Project Clinic, and ADR Clinic.





### From the Desk of Glenn Roque- Jackson - Criminal Justice Clinic Director

It has been a pleasure practicing law with these eight students. They have ethically and effectively represented a wide range of clients. Patrick Garcia, Ty Hamm, William Ivins, Stacy Marlin, Marcy Melton, Victor Rivera, Kristin Simms, Monica Tolden - I am proud of each one of them.

Spring was a busy time for the eight students enrolled in the 2006-2007 Criminal Justice Clinic. Ty Hamm and Marcy Melton spent a significant amount of time preparing for an assault trial only to have their client accept a last minute plea offer. It was a great result for the client. Patrick Garcia, Victor Rivera, and Monica Tolden litigated contested suppression motions in court. The judge and the prosecutors complimented them on their ability. William Ivins, Stacy Marlin, and Kristin Simms were the lucky three who went to trial. Each of them won a case!



## THANKS TO FACULTY AND STUDENTS SUPPORTING PRO BONO

Thanks to the following faculty members who have assisted Legal Aid of NorthWest Texas at various *Pro Bono* Clinics during the 2006-2007 academic year: **Deans Walter Huffman** (1 clinic) and **Brian Shannon** (2 clinics); **Professors Gerry Beyer** (3 clinics); **Christopher Bruner** (4 clinics); **Wes Cochran** (8 clinics); **Susan Fortney** (1 clinic); **Vaughn James** (1 clinic) **Jarod Gonzalez** (2 clinics) **Michael Hatfield** (1 clinic); **Jennifer Horn** (2 clinics); **Vaughn James**; **Kimberly Phillips** (4 clinics); and **Larry Spain** (8 clinics).

The Law School faculty co-sponsored with Legal Aid of NorthWest Texas the *Pro Bono* Clinics held at St. John's United Methodist Church during the months of September, October, and February. In addition, faculty assisted with four *Pro Bono* Clinics during the school year organized by the Student Public Interest Initiative and Volunteer Law Student Association.

All students in both sections of the Civil Practice Clinic participate in the *Pro Bono* Clinics. In addition, the following students from the Student

Public Interest Initiative and Volunteer Law Student Association assisted at the *Pro Bono* Clinics during the fall semester:

**Kent Anderson, Julie Boyer, Leslie Chaggarris, Jacob Edwards, Vanessa Kelley, Josephine Lue, Kathleen Nacozy, Carrie Nguyen, Shanon Stanfield, Ann Thomas, Phillip Urrutia, April Wiuff, Stephanie Wooley, Gabe Brake, Alex Eaker, Rebekah Herrmann, Jelena Kovacevic, Nancy Rotundo, Maxey Scherr, Shirlyn Solas-Edwards, Caitlin Thomas, Amber Thompson, and Monica Tolden.**

The following students from the Student Public Interest Initiative and Volunteer Law Student Association also assisted at the *Pro Bono* Clinics during the spring semester:

**Curt Brancheau, Monica Escamilla, Lani Hoffmann, Katie Kennon, Sean Nottingham, Leslie Obinegbo, Corinne Perez, Karyna Soldatova, Shannon Stanfield, Benicio Diaz, Shannon Long, Joe Rueda, Leslie Obinegbo, Sean Nottingham, Gina Barrier, Jennifer Yi**

If you are interested in participating in a future *Pro Bono* Clinic, contact Elma Moreno, [elma.moreno@ttu.edu](mailto:elma.moreno@ttu.edu).

## CRIMINAL JUSTICE CLINIC

This is a full-year 8 credit hours (4 per semester) course limited to 16 students. Students who are accepted into the clinic must be registered for both Fall and Spring semesters. The Criminal Justice Clinic will consist of two sections during the 2007-2008 academic year: Defense and Prosecution.

Prerequisites include: Students must be 3L status, not on academic probation, Evidence, Criminal Procedure, and Professional Responsibility. Recommended courses include: Texas Criminal Procedure, Trial Advocacy, and/or moot court or mock trial experience.

Students may not be concurrently enrolled in this class and another clinic or externship; students may not have outside employment if enrolled in this court, however, exceptions will be made; and students may not sit for the February bar exam.

Clinic directors for the 2007-2008 academic year are Patrick S. Metze (defense) and Glenn Roque-Jackson (prosecution).

### Congratulations to the following students selected for the 2007-2008 academic year:

Tamara Baggett, Aimee Bateman, Alex Benavides, Lindsay Kinzie, Michael Kirkland, Sheena Molsbee, Earl Oaks, Cheryl Pitre, Joseph Baker, Latoya Colley, Steven Forsberg, Abigail Glison, Aaron Holt, Kathleen Nacozy, Christina Schwartz, and LaShonda Taylor.



## From the Desk of Jeff Blackburn and Heather McDonald Innocence Project



We are getting ready to say goodbye to our first full-year group at the Innocence Project! It has been great having the students here for both the Fall and Spring semesters, first because they are a great group who have worked extremely

hard, and second because having them all year has provided continuity so that they were able to accomplish a lot. Although 2 of our students graduated early, we had 9 students remain with us for the Spring semester. This semester's students include: **Nicholas Ball, Julie Bohrer, Leila Kallel, Stephanie Luce, Robyn Nance, Amber Reed Burdine, Erin Shinn, and Russ Shinn.**

Since the students were veterans and needed no orientation, they were able to work on 56 cases this semester. Their efforts have led to 26 cases being closed either due to lack of an innocence claim or lack of new evidence. This enabled them to move on to cases with a valid actual innocence claim. The other 30 cases remain open and under investigation. Several of these cases are at the litigation stage.



Russ Shinn and  
Julie Bohrer

Throughout the semester students have gained a wide range of experience. From dealing with the media, to locating disbarred attorneys, to drafting writs and motions, the students have become skilled at investigating actual innocence claims. We hope that they will use the skills in whatever practice they enter.



Billy Smith with Jeff Blackburn

In addition, students have been collaborating with other Innocence Projects on an Arson Taskforce. A recent re-evaluation of the "science" behind

arson investigation has led to questions about the validity of many arson convictions. These students researched and created special arson questionnaires to help identify those actually innocent of arson. Students also developed many arson resources and investigation tools for use in the future.

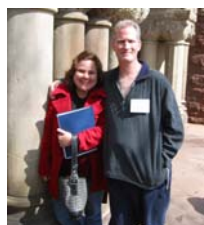
All of these students have done an amazing amount of work and showed a commitment to the project that makes us proud. Thanks to all of them for their hard work and dedication! We wish them good luck on finals, graduation, and the bar exam!



Jeff, Heather, and Innocence Project student, Robyn Nance, attended the 2007 Innocence Conference in Cambridge, MA this past March. The conference included students, and practitioners, as well as 57 recent exonerees. This provided a unique opportunity for those doing the work and those benefiting from it to share their stories and learn more about working for the actually innocent. Meeting the exonerees reminded us all of why we do this!

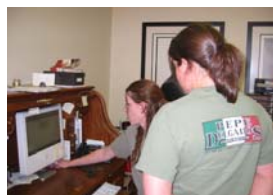


Billy Smith, recent  
Exoneree from Dallas  
County, and Robyn  
Nance, Innocence  
Project student



Heather McDonald and  
Brandon Moon (an  
exoneree) at the  
Innocence Conference in  
Boston.

Robyn Nance and  
Stephanie Luce



## INNOCENCE PROJECT

This Project is a vital part of the Innocence Project of Texas. The mission of Innocence Project of Texas is:

- to identify, investigate and document claims of actual innocence
- to work to exonerate those persons who have been wrongfully convicted
- to educate students, citizens and public officials about wrongful convictions, how they occur and how they can be prevented
- to advocate for criminal justice system reforms to prevent wrongful convictions and achieve justice
- to assist the wrongfully convicted with their adjustment back into society

Each student is in charge of doing an investigation and determines if an inmate is innocent. From there it is determined how we can prove his/her innocence and how to get them out of jail. Finally, the student drafts an application for a writ of habeas corpus or a clemency petition.

### Congratulations to the following students selected:

**Summer:** Ruth Bradbury, Curtis Brancheau, Pamela Dallefield, Kurt Glass, Sara Hudman, C. Barrett Thomas, Caitlin Thomas

**2007-2008:** Becky Behl-Hill, Frances Bickford, Hannah Brown, Renee Castillo, Cynthia Clements, Brandi Dosser, Angela Dunlap, Anju George, Alma Gonzales, Rebekah Herrmann, Dustin Howell, Natalie Kersey, Charity Mireles, Aaron Shnider, Karyna Soldatova, and Rebecca Stewart.







## From the Desk of Susan Fortney and Gene Valentini - Health Care & Bioethics Mediation Clinic

The Health Care and Bioethics Mediation Clinic and Program are off to a great start. In the fall 2006 semester, nine law students completed their mediation training, along with seven providers from Covenant Health System, University Medical Center, the Garrison Geriatric Center and the Texas Tech Health Sciences Center. Participants obtained their certificates confirming that they completed the training required for Texas mediators. Some of the participants have continued to mediate cases for the Dispute Resolution Center or in their work settings.

The Program is continuing to assign mediators to handle health care-related disputes. These mediation services are provided free of charge. Any community member or providers who are interested in referring a matter should call the Dispute Resolution Center, 806-775-1720.

Persons who have questions on the program should contact Gene Valentini at 806-775-1720 or Susan Saab Fortney at 806-742-3990 ext. 233.



## CONGRATULATIONS PROFESSOR SUSAN FORTNEY FOR BEING RECOGNIZED WITH THE CHANCELLOR'S COUNCIL'S DISTINGUISHED TEACHING AWARD!



## CCAV CONTINUES TO ASSIST LOW INCOME TAXPAYERS



VITA Volunteer:  
Ken Suitt (greeter)

The Coalition of Community Assistance Volunteers (a partnership of the LITC) and staff from the Internal Revenue Service trained an estimated 80 volunteers in early January to assist with volunteer income tax preparation. The

Lubbock Housing Authority located on 18th and Cricket Avenue donated the south side of their building during the tax filing season. As a result of the efforts of these volunteers a total of 3,287 people whose average gross income was \$14,309 had their tax returns prepared for free and approximately \$3,767,907 were returned to families within the community. An appreciation luncheon is scheduled for April 30th at the Lubbock Club.

Board Members  
Carmen Vige (greeter)  
and Elma Moreno (site  
coordinator) on last  
day of VITA!



Doug Aldridge &  
Cory Beth Davis  
(tax preparers)

Thank you to the following law students who volunteered:

**Corinne Perez, Cory Beth Davis, Geanna Day, Jeff Mealer, Kara Blanco, Kassi Horner, Kerri Lawton, Lila Garza, Marcus Blais, Michael Watson, Monica Lira, and Travis Rodak.**

Out of the 2,644 volunteer hours, law students contributed a total of 511.0 hours.

## HEALTH CARE AND BIOETHICS MEDIATION CLINIC

This course and clinic gives students an opportunity to develop their communication, facilitation, and mediation skills. Through reading, simulated exercises, field work, and live co-mediations, students will learn the law, ethics, and procedures involved in mediating disputes. The study and work will focus on problems and disputes that arise in health care settings, including those that arise pre-admission, during hospitalization/ residency, immediately before discharge, and post-discharge. The issues may relate to conflicts between patients, their families, and providers. The actual matters handled will depend on referrals and approvals from participating hospitals and nursing homes.

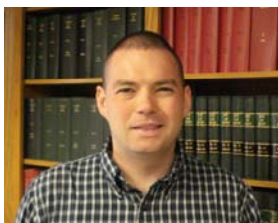
Students who have received credit for the other ADR Clinic will not be able to enroll in this clinic. The students' training will satisfy the 40 hour requirement for Texas mediators.

This clinic is a 3 credit hour course held during the Fall semester and is limited to 10 students. 2L and 3L status students are welcomed.

**Congratulations to the following students selected for the 2007 Fall semester:**

Ruth Bradbury, Lynne Brooks, Bradley Crider, Monica Escamilla, Kenneth Hashimoto, Mark Killingsworth, Alyssa Parrish, Maxey Scherr, Mahsa Tajipour, and Colleen Wisdom.





## LESSONS LEARNED

By: William Ivins III  
Criminal Justice Clinic

Preparing for a trial is hard work. There's no getting around it. Put the time in and be prepared.

During Voir Dire get to know the potential jury members by interacting with them one-on-one, your goal is to find out their beliefs and views on issues relevant to your case. A good way to discover their beliefs and views is by allowing them to talk and listening to what they have to say.

Witness testimony is the key to winning a jury trial.

Good Witnesses: likely to win.

Bad Witnesses: likely to lose.

Don't hesitate to not put a witness on the stand if witness will hurt your case.

Less is better!!!!

Have a plan but be prepared to adjust accordingly.

Your plan will almost always have to be adjusted because you cannot anticipate all defense's tactics.

I had planned on putting four witnesses on the stand. At the last minute I decided against one witness and only put three on the stand. I know that decision helped me win the case, fourth witness would have been a horrible witness for the state.

Know the facts better than anyone. Know the law and explain the law to the jury in a manner they can understand.

Hammer undisputed facts throughout the trial because it will enable a jury to decide disputed fact. Juries want to hang their hats on something that supports their decision; undisputed facts support jury decisions.

Be yourself, be sincere, and be honest. If there is something bad about your case the jury should hear this information from you. Don't be someone you're not. The jury will know it and hold it against you.

## Clinical Program Provides Preceptorship to Estacado High School Law and Justice Magnet Program

The clinical program suites continued to become a familiar environment to students with the Estacado High School Law and Justice Magnet Program during the Spring semester. Students



were able to assist clinic staff and administrative staff with various tasks, as well as sit and observe a few law courses.

The preceptorship in the clinical program is the beginning of a five-year partnership between the School of Law and the Estacado High School Law and Justice Magnet Program which intends to provide additional educational resources and help

guide students toward their goals of attending law school.

Elma Moreno, Legal Assistant and Office Manager for the Clinical Program, has been working closely with the students and the program instructor, Lucio R. Trevino, to make the preceptorship rotation visits a learning experience.

All students and instructor were presented with a certificate during the student recognition reception on April 17th.



## ADR CLINIC

- Students receive intensive mediation and conflict resolution skills training and course qualifies as the 40 hour basic mediation training

- Students will have the opportunity to observe mediations, co-mediate and solo mediate actual disputes through the Lubbock County Dispute Resolution Center

- Class format will consist of a combination of lecture, class discussion and interactive participation, skills exercises, mediation role plays, videotape review

- Course will provide students with opportunity to develop skills essential to effective problem-solving that can be integrated in the practice of law as well as well as advise, counsel and prepare clients for mediation

Congratulations to the following students selected for the 2008 Spring semester:

Jason Anderson, Shatoree Bates, Adriana Bhatt-Kriz, Curtis Brancheau, Jared Bylund, Amanda Cleghorn, Pamela Dallefield, Cory Beth Davis, Sarah Dowdy, Joseph Dyson, Sarah Gardner-Cox, Eric Ryan Johnson, Chibuike Nwaokemele, Amit Patel, Jose Ramirez, Stacey Reeh, Matthew Sherwood, and Katherine Sparks





## A WORD FROM OUR STUDENTS:



"Simply stated, the clinic has been the best experience of my law school career. I have been fortunate to learn from the best trial lawyer in Texas, Professor Roque-Jackson, who taught us not just what it means to be an effective advocate, but what it means to be a good

human being. He is a mentor, a leader, and he has become a friend. Albeit, I don't hold it against him that he is a Harvard Law grad. I also appreciate that I was able to learn from my fellow Criminal Justice Clinic students, who in my opinion are some of the best students in the school. Finally, I would like to echo a comment by my fellow trial counsel, Victor. Elma Moreno and Samirah Abdalah are, without a doubt, the people that make the clinical experience so outstanding! Deans, professors, and administration officials will change, but Elma and Samirah have been here and will be here for years to come. They are the unsung hero's of the clinic. Their enthusiasm and selfish devotion to the law students and the Lubbock community are what really make our clinical programs the premier program in Texas. I will always be grateful for the opportunity to participate in the Criminal Justice Clinical program."

Patrick Garcia  
Criminal Justice Clinic

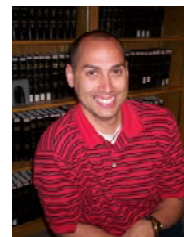


"As far as my clinic experience: I think this has been one of the most valuable classes I've had in law school! I know that many students agree, classrooms and text books can only offer so much. Meeting and interacting with clients, actually seeing the people whose lives are shaped by the law we learn, has had

a profound impact on me. They need straight answers, not classroom hypotheticals. Professor Phelan and the clinic staff have helped teach me how to efficiently and accurately address those needs."

Elizabeth Storm  
Tax Clinic

"This is by far the best experience a student can receive. Sure, Board of Barristers has competitions where a student can learn how to negotiate, conduct a mock trial, deal with judges, and it allows the competitors to practice their oral and client advocacy skills, but hands down, there is nothing like the real thing! If a student really wants to see what it will be like once they graduate, they need to participate in one of the clinic programs. Real clients, real judges, real attorneys...there is nothing else like it until after the bar exam so my suggestion is to capitalize on such a great opportunity."



Having partaken in the Criminal Justice Clinic, I must attest that Professor Roque-Jackson is a great instructor. He makes the clinic very interesting by continually bringing in professionals from both sides of the criminal law arena. This allows students to get various approaches on how to become a good trial attorney. Furthermore, his experience as an Assistant United States Attorney really helps when the student is deciding what steps to take for the clients. Finally, thanks to Professor Roque-Jackson, the clinic will now have a prosecution and defense clinic, allowing more students to benefit from this wonderful clinical program. In reality, with the law school offering two criminal clinics, the big winner is the community. The students in the defense clinic can defend those accused of a crime for free while the victims of the community will see faster justice with students working directly with the city prosecutor, helping out with the hundreds of cases on file. It is a win-win situation.

Finally, my hats off to Elma Moreno and Samirah Abdalah! Without these two wonderful ladies, the clinic would not function. They are very friendly and their experience helps the clinic run smoothly.

All in all, my recommendation to all students at Tech Law is to strive to make it onto one of the clinic teams, you will not regret it."

Victor Rivera  
Future Criminal Defense Attorney for  
Miller, Johnston, Cross, Blakely & Harris, P.C.  
(Amarillo, TX)

## H.E.L.P. Program

A new legal outreach program, **H.E.L.P. (Homeless Experience Legal Protection)** has been started in Lubbock, modeled after similar programs in several other cities across the country. The program provides legal consultation, advice, brief service and referrals for homeless individuals in the community who have legal needs that are not met through existing resources. Professor Larry Spain is coordinating this program locally.

Volunteers are sought to help staff this program to provide pro bono legal services to homeless individuals at a Clinic held at the Salvation Army Homeless Shelter on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays of the month from 7:45 - 8:45 a.m. Local attorneys are being recruited to help with this program.

The following faculty members have already volunteered to assist with this program: **Professors Gerry Beyer, Christopher Bruner, Rosemary Dillon, Susan Saab Fortney, Angela Laughlin, and Larry Spain.** The following law students have volunteered to assist: **Leslie Chaggarris, Sarah Gardner-Cox, Jibbin Luke, and Michael Watson.**

If you are interested in participating in this new program, please contact Professor Spain, [larry.spain@ttu.edu](mailto:larry.spain@ttu.edu).



(continued on page 10)

## A WORD FROM OUR STUDENTS:

(continued from page 9) **Tax Clinic:**

"Regarding my clinic experience, It was a wonderful learning experience with real clients. I also wanted to tell you about one of my really good cases. The IRS had denied clients their EIC and we helped them to get it for 2003, and once that was resolved they were able to get their withheld refunds from 2004, and shortly 2005. This is a total of \$14,621 refunded plus they will be able to get their 2006 refund this year instead of having it frozen."

**Geanna Day**  
Tax Clinic

"My clinic experience during the last year and especially the last semester has been really amazing. Because of my clinic work, my professors have begun to regard me in a different light. The professors appear to now view me and the other 3Ls as peers instead of just students. My work in clinic has prepared me for entering the



profession. I still have much to learn, but clinic has allowed me to challenge myself and work through problems with a guiding hand to assist and catch my mistakes. Working in the

legal profession with clients to meet their needs is the most amazing, challenging, yet rewarding job I have ever had. The legal profession contains such wonderful work and challenges. I am so glad I choose it, and it choose me. I distinctly remember a former boss of mine stating this profession was the best profession that ever existed, and he could not imagine doing anything else. Through my clinic work, my pride for the legal profession and my legal work is growing and I am very excited about it!!!"

**Tonya Graser**  
Civil Clinic

## RECENT CASES OF INTEREST

**Kara Blanco** favorably resolved a case with the IRS. We were able to get affidavits proving that taxpayer's grandchildren lived with her, and the IRS reinstated her Earned Income Credit for 2004 which means she no longer owes the IRS \$5200.



**Jeff Mealer** was successful in filing an offer in compromise wherein the IRS agreed to settle the client's tax liability of approximately \$16,000 for \$800.



**Geanna Day** was successful in obtaining refunds in excess of \$11,000 for her clients.



### **Innocence Project**

**Leila Kallel** has continued her research for the retrial of Death Row inmate Anthony Graves. Last year, the 5th Circuit reversed his conviction and ordered the state to release or retry him. The State has opted to retry him sometime this summer.

**Stephanie Luce** continued her work on a case in which DNA evidence presented at the original trial should be available for re-testing. After visiting with the inmate, she has determined that he has a good actual innocence claim. She prepared a Ch. 64 motion to have this evidence re-tested using new, more accurate testing. She has also uncovered another case in which DNA could be re-tested to prove actual innocence and has begun work on that case.

## ELMA MORENO SELECTED TO RECEIVE QUALITY SERVICE AWARD

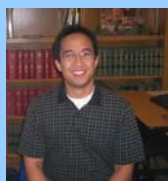
**Elma Moreno**, Office Manager/Legal Assistant in the Clinical Programs, has been selected as one of 20 individuals across the TTU System to receive a **2007 Quality Service Award**. These awards recognize Texas Tech staff members who have gone above and beyond the call of duty in their quest to provide excellent service in support of the University's mission and vision.

Elma will receive her award in an Awards Ceremony to be held on May 3, 2007.

Congratulations to Elma, who is a valuable member of the Clinical Program team, for this well-deserved honor.



**CONGRATULATIONS  
CHRISTIAN  
BUENSUCESO**  
for being named  
Outstanding Clinical  
Student by the Clinical  
Legal Education Association  
(CLEA)!



(continued on page 11)



## RECENT CASES OF INTEREST

(continued from page 10)

### Innocence Project:

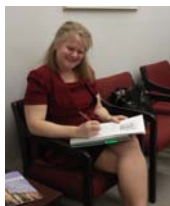
**Amber Reed Burdine** has been working on a writ of habeas corpus for a man convicted of a felony DWI. *Brady* evidence uncovered after the trial revealed that the officers who testified blatantly contradicted their own police reports. Amber's work on the writ will be invaluable to the next student assigned to the case.

**Erin Shinn** has been working diligently on a complicated case in which a trial judge recommended that a writ of habeas corpus be granted, but the Court of Criminal Appeals denied relief.

**Robyn Nance** has been working on a complicated murder case. Her dedication to the case has enabled her to uncover many leads in what looked initially like a hopeless case.

### Civil Practice Clinic:

**Tonya Graser** (Professor Spain's section) represented a 51 year old individual back, neck, leg and feet pain; degenerative disc disease; depression; and hypertension. After a hearing before an administrative law judge, a favorable decision was made determining the client disabled retroactive to March 29, 2005. The client was awarded \$18,888.28 in retroactive benefits and \$1,217 per month in continuing benefits.



**Tia Wilson** (Professor Spain's section) represented a 46 year old individual with a diagnoses of generalized anxiety disorder; depression; and borderline personality disorder. After a hearing before an administrative law judge, the client was found disabled from the date of her application, September 9, 2004. The client was determined eligible for a retroactive payment of \$6,759.34 as well as \$385.34 per month in continuing benefits.

**Amanda Galbraith** (Professor Spain's section) received a fully favorable decision after a hearing before an administrative law judge on a childhood disability claim for a 3 year old child with a diagnosis of hemophilic cerebral palsy affecting his right side and blindness in the right eye. The child had suffered from shaken baby syndrome as an infant. The child was found disabled retroactive to January, 2005. \$9,004 in retroactive benefits were awarded as well as continuing monthly benefits of \$623.

**David Reuthinger** (Professor Ross' section) successfully completed an insurance case which we were about ready to seriously litigate. David had sent the DTPA sixty-day letter advising the insurance company we were intending to sue. The insurance company cut the client a big check for \$9,831.41. (This represents the \$10,000.00 insurance policy minus the rescission check for \$620.34 already given.)



### **WHERE ARE THEY NOW?**

**Sarah Roland** (May '06 - former CJC student) is in Denton, Denton County, Texas practicing criminal defense law with attorney H.F. Rick Hagen of Jackson & Hagen.

**Jennifer Kajs** (May '06 - former Civil Practice Clinic student) is working for the Lubbock County District Attorney's office working as a prosecutor for County Court at Law #2. She has been at the DA's office since August 2006.

**Nathan Daley** (May '06 - former Tax Clinic student) is practicing with the law firm of Thompson and Knight in Dallas. He represents clients before both state and federal courts. Focuses his general business litigation practice on contract disputes, products liability defense, and intellectual property litigation.

**Lindsay Rose** (May '06 - former Civil Practice Clinic student) is an associate with Bingham & Lea, P.C. in San Antonio. Primary practice areas are business, employment and securities litigation.

**David Iglesias** (May '06 - former Civil Practice Clinic student) is working as a judicial clerk for the Honorable Sam R. Cummings, Federal District Judge for the Northern District of Texas, Lubbock Division. He has a two-year clerkship which will end in late August 2008.

**John Strong** (May '06 - former Tax Clinic student) is working for Cotton Schmidt, LLP, in Ft. Worth.



## INTERNAL REVENUE SERVICE AWARDS TAX GRANT

The TTU Low Income Tax Clinic began its 7th year of operation in 2007 with a \$51,907 tax grant award. The Internal Revenue Service has awarded \$8 million in matching grants to Low Income Taxpayer Clinics (LITCs) for the 2007 grant cycle (January 1 thru December 31, 2007). A total of 150 clinics were funded in 2006 representing 50 states plus the District of Columbia and Puerto Rico. It is expected that the same number of clinics will be funded in 2007. The TTU School of Law Tax Clinic is one of the grant recipients.

The clinic provides representation to low income taxpayers who may not be able to afford a tax professional when they have tax disputes with the IRS or are trying to comply with tax laws. The clinic also informs taxpayers for whom English is a second language or who have limited English proficiency of their tax rights and responsibilities. The grant continues to fund a part-time Community Outreach Coordinator position which has helped promote the Tax Clinic in various outreach efforts.





Lots of bells were ringing as several students were married or engaged during this past academic year!

Congratulations to the following clinical program students!!



Elizabeth Storm (Tax Clinic) married Brandon Storm November 20, 2006! Her last name went from Carter to Storm. Their "big" ceremony will be August 11, 2007.



Jason Laseter (Tax Clinic) and Kimberly Reeves (ADR) got married on January 6, 2007.



Patrick Garcia (Criminal Justice Clinic) and Geeta Yadav (Health Care and Bioethics Mediation Clinic) were engaged on November 10, 2006, in Ruidoso, New Mexico .



Geanna Day (Tax Clinic) got engaged in February to Ryan Tubbs. The wedding is set for October 20, 2007.



Lori Yarbrough (ADR) and Nicholas Davis (Tax Clinic) got married during Spring Break on March 10, 2007.

Victor Rivera (Criminal Justice Clinic) and Clarissa Chandler (Health Care and Bioethics Mediation Clinic) got married on August 4, 2006 in Hawaii.



# Snapshot Corner



## WHERE ARE THEY NOW?

**Christina Lee** (May '06—former Tax Clinic student) - currently enrolled at the University of Florida LL.M. in Taxation program. Will finish up in July 2007.

**Guillermo del Barrio** (May '06—former CJC student) - formed a partnership with two other Laredo attorneys. He is a trial attorney in commercial, corporate, family, criminal and personal injury litigation in the law firm of Nguyen, del Barrio and Morales.

**Jenna Zebrowski** (December '06—former Civil Practice Clinic student) - is a lawyer with Capín, Calderón, Ramírez y Gutiérrez-Azpe, S.C in Mexico City, Mexico working in the international business section.

**Deborah Dictson** (May '06—former Civil Practice Clinic student). Licensed to practice in Texas and New Mexico. Working as an Assistant District Attorney for the Third Judicial District Attorney's Office in Las Cruces, NM. The Third Judicial District handles more cases than any other judicial district in New Mexico with more than 8,000 open at this time. She is working on an article for publication.

**Steven Leary** (May '06 - former Civil Practice Clinic student) is a staff attorney at the Amarillo office of Legal Aid of NorthWest Texas.

**Matthew Williams** (May '06—former Tax Clinic Student) is an associate with the Corporate Finance & Securities with Vinson & Elkins in Houston.



# CONGRATULATIONS MAY GRADUATES!

## GOOD LUCK WITH THE BAR EXAM!

### Clinic Directors:

Larry R. Spain  
Civil Practice Clinic  
ADR Clinic

Marilyn E. Phelan  
Tax Clinic

Wendy Tolson Ross  
Civil Practice Clinic

Glenn Roque-Jackson  
Criminal Justice Clinic

Susan Fortney  
Health Care &  
Bioethics Mediation  
Clinic

Jeff Blackburn  
Innocence Project

### Co-Directors:

Gene Valentini  
Health Care &  
Bioethics Mediation  
Clinic and ADR Clinic

Heather McDonald  
Innocence Project

### Staff:

Elma Moreno  
Office Manager/Legal  
Assistant

Samirah Abdalah  
Legal Secretary

Janie Gonzales  
LITC Community  
Outreach Coordinator

## CLINIC FACULTY AND STAFF



Standing (Left to Right): Samirah Abdalah, Professor Glenn Roque-Jackson, Adjunct Gene Valentini, Professor Larry Spain, and Elma Moreno

Sitting (Left to Right): Professor Wendy Ross, Professor Marilyn Phelan, Professor Susan Fortney, and Janie Gonzales

Not pictured: Adjunct Jeff Blackburn and Associate Heather McDonald

## CLINIC NEWS

Spring 2007 Edition

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(806) 742-4312

[www.law.ttu.edu/lawWeb/centersprograms/clinics/index.shtm](http://www.law.ttu.edu/lawWeb/centersprograms/clinics/index.shtm)

