



SPRING 2009

INNOCENCE PROJECT OF TEXAS CLINICAL PROGRAM ACHIEVED FIRST POSTHUMOUS DNA EXONERATION IN TEXAS HISTORY

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From the Desk of Jeff Blackburn and Natalie Roetzel - Innocence Project



The Innocence Project of Texas clinical program is pleased to announce that because of the diligent efforts of our students, the clinic has achieved the first posthumous DNA exoneration in Texas history. Timothy Cole was formally cleared of a sexual assault he did not commit when Judge Charlie Baird pronounced him innocent in a Travis County Court on April 7 of this year. The court's decision came as a result of hundreds of man hours contributed by our students, who investigated the case from start to finish and assisted our organization's attorneys in preparing for two separate hearings in the Cole case.

The students' involvement in the case began several years ago when the clinic received a letter from Jerry Johnson, who was confessing to the crime. The students later learned that Johnson had also attempted to confess to several local government officials

in the hopes of clearing Tim Cole's name. Although his confessions to the courts, newspapers, and prosecutors began years before Cole died in prison of an asthma related heart condition, our students were among the first to reach out to Jerry Johnson for details regarding the case. Because of their commitment to determining whether Cole was wrongfully convicted, the students were able to obtain a detailed written confession from Jerry Johnson. This confession set the stage for the clinic's thorough investigation of the case.

Months worth of research revealed that DNA evidence was collected at the time the crime was committed. However, the students were unable to determine whether that evidence still existed and was available for DNA testing. All of that changed this summer when the Innocence Project of Texas was informed that the Lubbock District Attorney, Matt Powell, had in fact located testable DNA evidence and that a DNA test proved that Jerry Johnson was the actual perpetrator of the crime. This information sparked a renewed enthusiasm in the case, and it ultimately led the students from both the Summer and Fall / Spring courses to reach out to former

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From the Desk of Jeff Blackburn and Natalie Roetzel - Innocence Project of Texas (continued from page 1)

jurors, collect all relevant documents and police reports in the case, to contact the attorneys and prosecutors involved in the case, and to establish contact with the primary crime victim, who continues to work with our program to correct the injustice of wrongful convictions.

We are immensely proud of the work our students have done on this case over the past several years. The case investigation was a true team effort, and every one of the clinical students deserves a tremendous amount of gratitude for their diligence and support in preparing for one of the most important moments in the Cole family history...the moment when their son and brother was officially cleared and his good name restored.

Timothy Cole was a student at Texas Tech, a military serviceman, and a role

model to his siblings and members of the community. We here at the IPOT Clinic sincerely hope that his exoneration brings peace to his family and raises awareness regarding the causes and effects of wrongful convictions. Although Tim is no longer with us, his good name now lives on, and we are optimistic that his story will be a spark for several positive legislative reforms.



The summer and Fall/Spring students who deserve recognition for this wonderful victory include: Sarah Hegi, Stephen Coy, Ray Lopez, Adam Tisdell, Craig Cospers, Stefanie Gonzalez, Victoria Beles, Victoria Muniz, Vanessa Burgess, Nick Vilbas, Alec Pourteau, Natalie Vanhouten, Lara Tomlin, Christina Conway, Tania Ward, Joel Norris, Amber Cash, Paul Cash, Kelli Stumbo, Michelle Jackson, Ashley Ebeling (School of Forensic Sciences), and Crystal Allen (School of Forensic Sciences).

FOR MORE INFORMATION VISIT:

www.ipoftexas.org



L to R: Natalie Vanhouten, Victoria Muniz, Christina Conway, Michelle Jackson, Victoria Beles, Natalie Roetzel, Tania Ward, Kelli Stumbo, Stefanie Gonzalez, Joel Norris, Lara Tomlin, Alec Pourteau, Vanessa Burgess, Nick Vilbas, Amber Cash, and Paul Cash.

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 for either the summer sessions or 2009-2010 academic year clinic:

Summer: Vanessa Benavides, Taly Jacobs, and Lorren Lucero

2009-2010: Shmyla Alam, Jessica Alexander, Danielle Badeaux, Steven Baker, Vanessa Benavides, Ryan Brown, Matthew Butler, Lucia Ceaser, Kertisha Dixon, Clarissa Fernandez, Marissa Lozoya, Megan McHugh, Jacob Schmidt, Frank Sellers, Paige Tambunga, Christopher Tolbert, and Catherine Whitworth



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

During the spring semester, the following students continued their work in Professor Spain's section of the Civil Practice Clinic: **Andrew Anderson, Renee Brosch, Julie Caskey, Leslie Chaggaris, Britton Douglas, Jorge Leal, Suzanne Meredith, Victor Rodriguez and Aaron Shnider.**

Over the course of the semester, a total of 20 new client cases were undertaken, 24 cases were completed and closed and 26 cases remain open and will be carried over to the summer. Each of the students, in addition to being exposed to a variety of legal problems through the evening *Pro Bono Clinics*, participated in the *Night Court Divorce Project*, a program offered in collaboration with the Lubbock County Courts to provide representation to low-

income individuals in simple divorces with hearings held before Judge Judy Parker in the evening at the Law School. In addition to these activities, each of the students has been kept busy carrying an individual caseload of 4-5 clients throughout the semester and assumed primary responsibility for representing clients in matters involving family law, disability claims, civil rights claims, wills and estate planning, and consumer matters.

During the semester, most of the students had an opportunity to complete a divorce case from beginning to end and have a final hearing held before the court.

Britton Douglas had a contested temporary orders hearing over child custody, support and temporary use of property as well as an enforcement proceeding in the same case, supervised by **Terri Morgeson**. **Renee Brosch** and **Aaron Shnider** represented clients with disability claims before an Administrative Law Judge and are awaiting decisions.

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.



(L to R): Julie Caskey, Britton Douglas, Suzanne Meredith, Renee Brosch, Andrew Anderson, Professor Spain, Victor Rodriguez II, Jorge Leal, Aaron Shnider, and Leslie Chaggaris

"The clinic has been an amazing experience that I will always have and will never forget. Through the help of the professors and staff I have learned so much. I feel that the clinic has prepared me to enter into the real legal field with a heads up that most graduating law students do not have. With this experience I will be able to hit the ground running. It has shown me the impact that I can have on an individual's life that normally would not have had fair legal counsel, due to economic hardships in their life's. There is so much pro bono work and not enough attorneys that are willing to do it. I think that the clinic is not only great for the students but it is also great for the community."

Renee Brosch

Congratulations to the following students selected for the 2009-2010 academic year:

Professor Spain's Section:

Brittany Baumgartner, Amanda Carter, Ivey Beals Gay, Sophia Johnykutty, Bradford Ryan Kvinta, MaryLisa Merritt, Weldon Paul Miller, Nathaniel Peevey, Melissa Saenz, and Susan Marie Watson

Professor Ross' Section:

Matthew Brown, Adam Fulkerson, Daniel Gonzales, Mettie Judd, Priscilla Olivarez, Rachael Osaze-Ediae, Audrey Shakra, Tiffany Sheppard and Alfonso Zambrano



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

This semester I had seven students enroll in my section of Civil Practice Clinic. These students were: Alma Gonzalez, Alexander Kessler, William McCamish, K'Lisha Pace, Melinda Powell, Matthew Sapp, and Crystal Soria.

The majority of cases worked on by the students were family law cases. We have

accepted many divorces, both with and without children and some custody suits. In a couple of the divorce cases, we went to mediation. In one of these divorce cases, we were able to get the couple to talk and work out a resolution. We were able to obtain a protective order for a domestic violence victim.

Finally, we had a number of probate cases. We were able to complete a couple of wills and a Muniment of Title Case.



**Standing (L to R):
K'Lisha Pace, Alma
Gonzalez, Crystal
Soria, Melinda
Powell, Professor
Ross
Sitting (L to R):
William McCamish,
Alex Kessler, and
Matthew Sapp**



"I didn't realize exactly how much the clinic would help me transition from "law student" to "soon-to-be-attorney". I have gained invaluable experience that I owe it all to my clinic experience. I know that I will be able to handle a case when I get my license.

I'd like to thank Professors Ross and Spain for answering my endless questions, and Terri for always being there when I needed some practice tips, or to answer my weird and convoluted questions, for telling me I'll be ok, and for always being there when I needed to talk. I would also like to thank Professor James for listening to me whine even though he always harassed me about saying hello and Professor Metzger for always making me laugh or smile and most importantly for providing me with jellybeans. Elma and Samirah, we all appreciate everything that you do. You guys are AMAZING and the clinic would fall to pieces without the two of you. To my fellow "associates"/clinic mates, you guys are awesome and I am happy that I got to know you guys better over the past year. Love you guys!!!! "

K'Lisha Pace

**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 Judge C. Parker.

Clinics are held the third Thursday of every month beginning in September and ending in April (no clinic in December). Clinic offices are used for the interviews and all prove-ups are held in the law school 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.

LANWT screens all individuals and schedules the appointments.



From the Desk of Vaughn E. James - Tax Clinic Director

We have arrived at the end of another semester, another sixteen weeks of serving members of our community who need legal services but just cannot afford to pay for them. I am so happy that we have been able to play our part in providing equal access to justice for all.

This past semester, in addition to negotiating with the IRS on behalf of our clients, we also participated in the VITA program, assisting many members of our community in preparing and filing their federal income tax returns. From January through April, our clinical students put in several hours at the VITA site providing this valuable service. The Lubbock community is grateful; Texas Tech

University School of Law is grateful; I am grateful.

I am grateful, too, that this past semester I had the pleasure of working with a group of dedicated, amiable and brilliant student attorneys: Cory Boggess, Ryan Damiano, Alex Eaker, Dominica Moore, Traci Robison, Levi Siebenlist, Jack Starks, and Elizabeth Watson. I am also grateful – and feel doubly blessed – that I had the excellent and undying support of the Tax Clinic support staff: Elma Moreno and Samirah Abdalah. To each of you, I say a big “Thank you.”

And now, we’ll turn our attention to the summer session, to our incoming class of three students who will take over from those who are leaving us. Over the next few weeks, they will assist me with the approximately forty open cases we have at the Texas Tech University Low Income Taxpayer Clinic. James, Matt and Ric: Welcome!



Back (L to R): Dominica Moore, Alex Eaker, Traci Robison, and Beth Watson
Front (L to R): Cory Boggess, Ryan Damiano, Jack Starks, Professor Vaughn James, and Levi Siebenlist

Congratulations Professor Vaughn James for being selected by President Guy Bailey to receive the President's Academic Achievement Award for 2009!

“Participating in the tax clinic has been one of the most rewarding experiences in law school. The tax clinic presents a unique opportunity to assist and advocate for people whose voice would otherwise be lost in the tangles of the Service.”

Alex Eaker

Congratulations Professor Vaughn James! Library Journal has chose his new book, THE ALZHEIMER'S ADVISOR, among the 24 best consumer health titles of 2008.... for more information visit: <http://www.libraryjournal.com/article/CA6630780.html&>

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. 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 2009-2010 academic year clinic:

Summer: Ricardo Barrera, James Baskin, and Matthew Collier

2009-2010: Jeremy Curtis, Brandon Fresard, Travis Hanson, Clifford Jessup, Trans Luu, Zachary Stephenson, Scott Stratton, and Kendra Wiley



**From the Desk of
Glenn Roque-
Jackson - Director,
Criminal
Prosecution Clinic**

This has been an extraordinary year for the seven students enrolled in the 2008-2009 Criminal Prosecution Clinic. Each one has successfully tried several criminal cases.

Collectively, they have completed 37 trials and compiled an impressive record of 32

wins and 5 losses. Along the way, they received instruction from veteran prosecutors, senior law enforcement officials, prominent defense attorneys, and experienced trial judges.

Additionally, each student has seen, first hand, the critical role that prosecutors

play in our criminal justice system. Megan Batchelor, Meredith Coffman, Russell Frost, Kathryn Kennon, Brandon Price, Joe Rueda,

and Benson Varghese - I am proud of each one of them.



(L to R): Professor Glenn Roque-Jackson, Joseph Rueda, Megan Batchelor, Benson Varghese, Kathryn Kennon, Brandon Price, Meredith Coffman, and James Frost

“Conducting a jury trial was fairly intense. The night before I stayed up late revising and re-revising trial outlines, and the next morning I had the butterflies of a first law school final. After an hour of deliberations, the jury returned its verdict: guilty. I slept that night for fourteen hours.”

Russell Frost

“The Criminal Prosecution Clinic at Texas Tech offers students an opportunity unlike that offered at any other law school in Texas: the opportunity to try cases on behalf of the state. Students in the clinic handle every aspect of preparing for trial, from reviewing police reports and interviewing witnesses to negotiating plea agreements with defense counsel. Under the supervision of the city attorneys, students try bench trials as well as jury cases, taking on the role of lead trial counsel and handling everything from jury selection to closing arguments. This year, students also have had the opportunity to hear from distinguished speakers including Federal Magistrate Judge Stuart Platt who provided insight on drafting effective pleadings, defense attorney Jason Leach who shared effective trial strategies, and DEA Supervisory Agent Dante Sonianello who discussed methods of bringing down organized crime networks. The Criminal Prosecution Clinic has allowed me to take my interest in criminal prosecution and develop it into real world experience. “

Benson Varghese

CRIMINAL PROSECUTION CLINIC

This is a full-year 8 credit hours (4 per semester) course limited to 8 students. Students who are accepted into the clinic must be registered for both Fall and Spring semesters.

The *Criminal Prosecution Clinic* provides students an opportunity to investigate, prepare, and try misdemeanors on behalf of the City of Lubbock. Under the guidance of experienced prosecutors, students serve as lead counsel on their own cases.

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.

Congratulations to the following students selected for the 2009-2010 academic year:

Jordan Bailey, Jacob Blizzard, Laura Durbin, Robyn Katz, Megan Loving, Cole Means, Ceren Unal, and Cardine Watson



**From the Desk of
Patrick S. Metze -
Director, Criminal
Defense Clinic**

The students in the Criminal Defense Clinic were busy this year representing real people in real cases in real time. This year students have handled 169 cases for 114 clients. Of these cases, 28 are still pending, 78 were disposed of through some time of negotiated plea, 42 cases were dismissed, and 21 were disposed of for other reasons. Cases consisted of 143 misdemeanors and 26 felonies including 1 felony appeal. This is an average student case load of 14.25 clients per student and 21.125 cases per student, well in excess of the clients and cases promised in the clinic catalogue. Students handled all phases of representation from initial interview through appearance in court. Members of the clinic represented clients in the Municipal Court, before the Justice of the Peace, before the Magistrate Court, in an Administrative Law Court, in both Lubbock County Courts at Law, in all three felony District Courts and before the Seventh Court of Appeals. Clinic students for this year were **Tifanee Baker, Paul Harrell, Luz Martinez-Bernal, Melissa Moreno, Jason Rew-Hunter,**

T.J. Roberts, Gail Schroeter, and Sosa "Ann" Thomas. Please congratulate everyone for all their hard work.

Students shared with each other, during class rounds, what they had accomplished on their cases and what their goals were. By freely sharing and participating in these open class discussions, students assisted each other in the learning experience and helped formulate strategies, themes and theories of their cases. Class discussions were often very spirited and were always an enjoyable exchange of ideas.

Each week the students spent time with one of eight different criminal defense lawyers in Lubbock rotating throughout each office, experiencing criminal practice by observing and by doing. Mentors for the Criminal Defense Clinic for 2008-2009, all local attorneys practicing criminal law, were Chuck Lanehart, Danny Hurley, Dwight McDonald, Steve Hamilton, Trey McClendon, Robin Matthews, Mike Brown, and Laurie Key. All mentors are members of the Lubbock Criminal Defense Lawyers Association, a financial supporter of the Texas Tech School of Law and the Criminal Defense Clinic.

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**CRIMINAL
DEFENSE CLINIC**

This is a full-year 8 credit hours (4 per semester) course limited to 8 students. Students who are accepted into the clinic must be registered for both Fall and Spring semesters.

The *Criminal Defense Clinic* provides a community service by representing defendants in criminal cases who would otherwise be unable to afford their own legal representation. Cases involve misdemeanors, felonies, and juvenile offenses in Lubbock County and the surrounding metropolitan area.

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.

Congratulations to the following students selected for the 2009-2010 academic year:

Samuel Ackels, Raymond Baeza, Stefanie Gonzalez, Rachel Nichols, Charles Pelowski, Sarah Preston, Benton Ross, Courtney Stamper, and Tania Ward



Standing (L to R): Melissa Moreno, Professor Patrick Metze, Jason Rew-Hunter, Paul Harrell, and Tifanee Baker.

Sitting (L to R): Luz Martinez-Bernal, T.J. Roberts, Sosa "Ann" Thomas, and Gail Schroeter.

From the Desk of Patrick S. Metzger (continued from page 7)

In early March, 2009, the students of the Criminal Defense Clinic attended the 29th Annual Prairie Dog Lawyer Seminar produced by the Lubbock Criminal Defense Lawyers Association and the Texas Criminal Defense Lawyer Association. This two day event included the most prominent criminal defense lawyers in Texas speaking on a variety of defense issues. Also present for the seminar was Mark Lanier and Dicky Grigg who gave inspiring lunch presentations to the 276 lawyers (and future lawyers) present. The hot topic of conversation was the quick thinking of Criminal Defense Clinic student T.J. Roberts whose decisive action put an end to a fire which erupted just outside the school during a speech being given by Judge Cathy Cochran of the Court of Criminal Appeals. As a result of his quick action, Mr. Roberts received the Dean's Award of Excellence. This award was presented to Mr. Roberts at a faculty meeting which preceded a rousing standing ovation from the faculty. If T.J. needs a second career, firefighting will be a natural for him.

This year other guest speakers included local attorneys Donnie Yandell and Steve Hamilton who demonstrated administrative license revocation techniques, local attorney Rob Cowie who spoke on new lawyer issues, local attorney Chuck Lanehart who gave a talk on the history of the Lubbock County Bar, and local attorneys Ben Webb, Joel Cook, Robin Matthews, Terri Morgeson and Donnie Yandell who spoke on the nuts and bolts of setting up a law practice from scratch.

Each student was asked to provide a brief paragraph about a meaningful or light hearted memory of their clinic experience.

"I remember the sinking feeling I got the first time I had a Plea Negotiation Conference and the first time I had a plea. You know, that butterflies in the stomach feeling when you're unsure or nervous. And then everything went by in a blur and I felt empowered in some way; like I could really do this. There is also a feeling of hopelessness when you look across the table at a DA and you can't rely on them to know the law or give you a fair deal. I remember feeling that way in the beginning too. How on Earth could I help people when I have to deal with this? The only answer I came up with is being relentless in representing my client's case. At the end of the day, you can't blame yourself for anything when you've done your job to the best of your ability and fought tooth and nail on your client's behalf.



People that know me will tell you that I have a strong belief that the criminal justice system is an extreme injustice in its current state. From the indigent clients that are left in a cell for a month or longer before they get appointed an attorney to the minorities and poor people who feel pressured into taking a crap offer because they have to get back to work and find a way to put food on their tables. It's just sad and I get emotionally involved in all that I do when it deals with the criminal justice system.

I've shadowed some of the best lawyers in the state of Texas right here in Lubbock, Texas and I can only hope that I can follow in their footsteps. I can only hope that I have the conviction, the courage, and the strength that these attorneys have exhibited. I've had several cases where in my heart of hearts, I knew my client was innocent and based on the police report alone, it was obvious that there was no crime committed and in those cases, the clients took the offers anyway just to "be done with it". What I've learned? No matter how hard you fight for your clients, you will lose some, but you can't let that take your focus away from the bigger picture. As long as people continue to be treated unfairly in a system that prides itself on a sense of false justice, defense attorneys will be needed. Be a part of the solution. Through the things that Pat has taught us this year, I hope I always live up to what needs to be done to correct this horrible system everyone seems to be apathetic towards."

Tifanee Baker
(continued on page 9)

Cases handled included: 19 DWI's (including 4 Class A Misdemeanors), 14 Failure to Identify to Police Officer, 18 Possession of Marijuana < 2 oz, 8 Class B Thefts, 3 Misdemeanor Theft, 1 Class C Theft, 21 Domestic Violence Assault, 10 Burglary of a Motor Vehicle, 6 Evading Arrest (including 1 Felony evading with a motor vehicle), 1 Unlawfully Carrying a Weapon, 2 Prohibited Weapon, 4 Felony Theft \$1500-\$20,000, 2 Felony Forgery, 1 Felony Theft <\$1500, 3 Theft \$500-\$1500, 1 Felony Burglary, 1 Felony Theft of a Firearm, 5 Misdemeanor Assaults, 4 Felony Possession of Controlled Substance, 1 Prostitution, 2 Resisting Arrest, 5 Criminal Trespass, 5 Driving While License Invalid, 2 Felony Failure to Register as a Sex Offender, 1 Discharging Firearm in City Limits, 1 Felony Tampering with Governmental Records, 1 Felony Possession of Drugs With Intent to Deliver, 1 Promoting Prostitution, 1 Interference with 911 Call, 1 Theft of Service \$20-\$500, 1 Interference with Public Servant, 2 Felony Credit Card Abuse, 1 Possession of Drug Paraphernalia, 2 Justice Court tickets, 1 Municipal Court ticket, 2 Administrative Law Revocations, 1 Felony Assault on a Public Servant, 2 False Report to a Police Officer, 2 Felony Fraudulent Use of Identifying Information, 1 Fraud, 1 Felony Unauthorized Use of a Motor Vehicle, 1 Cruelty to Animals, 1 Obstructing a Highway, 1 Disorderly Conduct, 1 Felony Criminal Nonsupport, 1 Possession of a Drug Without a Prescription, 1 Felony Appeal, and 2 Juvenile matters

From the Desk of Patrick S. Metzger (continued from page 8)



"There was nothing about law school that was nearly as valuable as my time in the clinic. Working on real problems for real humans is both rewarding and educational. I will forever be thankful to Pat and the other mentors for launching my career."

Paul Harrell

"Pat's confidence in me has been the most meaningful experience in the Criminal Defense Clinic. This confidence encouraged me to do the best for my clients. I currently have a client who is clearly innocent so I went in to the plea negotiation conference ready to demonstrate this to the D.A. The D.A. would not take the time to review the whole case but I made sure he knew everything he needed to know in order to review the case at a later time. I left the plea negotiation conference a little upset that I had not been able to get an immediate dismissal but I felt a lot better when an attorney approached me and said he overheard my negotiation and I had done a great job. I now feel confident in myself."



Luz Martinez-Bernal

"I never imagined all that was in store for me when I was assigned my first domestic violence charge. I quickly learned from my client that he was on parole and had spent just about half of his life in the penitentiary for six counts of attempted murder. I investigated his case as thoroughly as possible and visited my client regularly, keeping him up to speed with the status of the case. We began building a rapport, and although I was half his height and tattoo-less, he confided and believed in me. We faced the harsh reality that because of this man's history, very few people cared about his pending case and whether it was fabricated. We were scheduled for trial on January 5, 2009. The day after Christmas (two days before I had to return to Lubbock to prepare for trial), I received a phone call from the assistant district attorney. She advised me that she was dismissing the case after reading through the notarized witness statements that I turned over to her and after



her own investigation. It was a bittersweet moment because I had spent countless hours preparing for trial (and I was so eager to get in the courtroom), but it was still a win for us. It was a very emotional ride that lasted over several months; however, it is one that I will always appreciate and remember."

Melissa Moreno

"One of my first clients was a hardened felon who had jumped parole and was facing a misdemeanor charge of failing to identify (he had given the police one name, when his real name was tattooed across his back). The police had presented his case to the District Attorney who, for whatever reason, had not bothered to file the charges on him for more than a month. Because there was no resolution to the failure to identify case, the parole board would not go through the formality of giving him a hearing before the inevitable revocation of his parole. So this client was sitting in a penal limbo, buried somewhere in the dank, staph-infested recesses of the Lubbock County Jail. After haranguing the intake division of the DA's office for another week with no success, we decided the best course of action would be to file a writ of habeas corpus to show cause for the continued incarceration of my client."



WORDS FROM OUR STUDENTS:

"I was assigned to prosecute a case in which a police officer had issued a citation for "crossing a barrier." After reading the complaint and speaking with the issuing officer I realized that what the alleged wrongdoer had done was not "crossing a barrier." After researching the issue, I realized that the offense that the officer issued the citation for was actually a Class B Misdemeanor and outside the City Prosecutor's jurisdiction. I took this information to my supervising attorney and he decided to follow my recommendation to dismiss the case. This experience was so memorable because it showed me that we clinic students are valued by the office and that through the office mentorship we have gained valuable skills for evaluating cases and carrying out the duties of a prosecutor."

Kate Kennon
Criminal Prosecution Clinic

"My most memorable classroom experience was our discussion with Assistant U.S. Attorneys about the contours of the concept of justice, and how prosecutors can further the ideals of our justice system in their personal and professional lives."

Megan Batchelor
Criminal Prosecution Clinic

"The time I have spent in the Criminal Defense Clinic has given me practical experience that I would have otherwise not had in law school. I feel confident that I have the necessary skills to work for myself as soon as I get my gold card. I am leaving having known and benefited from great mentors, good friends, and an exceptional professor. Thanks, Pat."

Gail Schroeter
Criminal Defense Clinic

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From the Desk of Patrick S. Metzger (continued from page 9)

but I was representing a person. This was a man who had spent the majority of his adult life in the penitentiary, but he still had the humanity to appreciate that someone out there would still stick up for him, regardless of how petty the charge was in his eyes."

Jason Rew-Hunter

"Clinic was one of the best experiences I had during law school. It is one thing to learn something from a book, but it is completely another to have the opportunity to practically apply what you learn. I remember the first time I was able to speak on the record, in front of the judge, in an actual case that drastically effects someone's life. I knew then, I could do this!"



T.J. Roberts

"I will always remember my first felony plea. The ADA brought the wrong paperwork, my client was convinced he knew more than I did, and I wanted to get through all of my admonishments before the judge came in. Eventually, we were called to stand in front of the judge's bench. The judge asked my client a series of questions, and my client dutifully answered at the



right times. Then, he switched gears and asked me a question without looking up from his paperwork. I didn't know the question was directed at me until he looked up, gave me a small smile, and shook his head to direct me to answer in the affirmative. I quickly responded with "Yes, sir." We moved on without any other incidents, finished the plea, and my client was ushered out. I was thankful for the judge's patience. I am always happy to have firsts out of the way, although, in the last year, other firsts went a lot smoother. Like tracking down a twitchy girlfriend and a shuffling prostitute...."

Gail Schroeter

"One of my many memorable moments with the Criminal Defense Clinic happened when I was negotiating with a DA. In my heart I knew that my client was not guilty of the charge that he was being

accused of and that the plea offer for seven years in prison was not an appropriate offer. I also knew that the DA was not going to go easy on him because of his prior record.

When I first started in August I really didn't think I had it in me to argue vigorously (and win) against a much more experienced attorney. As

I explained by position to the DA she dismissed me and stated, "we will just have to agree to disagree." I can honestly say that I learned a lot about myself as I kept reiterating my position. As I was still insisting on reducing the charge she hung up on me. However, an hour later she faxed over a new offer which reduced my client's charge from a felony to a misdemeanor. Sometimes as an advocate you can't agree to disagree. In the words of Henry Wadsworth Longfellow, "Perseverance is a great element of success. If you knock long enough and loud enough at the gate, you are sure to wake up somebody."

Sosa "Ann" Thomas



This report shows significant effort and professionalism by all members of the Clinic. I hope the experience was meaningful and a jump start to a successful practice in criminal law. Additionally, my students all showed a real interest in *pro bono* work and I know that commitment to the poor will continue throughout their entire career. Or, at least it better. Also, it is my sincere wish that each student remembers Texas Tech Law fondly with particular affection for their clinic experience. As I tell the students, its not about numbers, its about treating each client as a valuable individual, doing your very best for each client to represent them to the best of your ability, and to ethically seek Justice for your client by holding the State to their burden. Preparation is the key. Remember to RGDS. Good Job to all! Stay in touch.

"Over the past year, my colleagues and I have worked closely with experienced prosecutors and law enforcement personnel to uphold and enforce the law. Additionally, we've prepared dozens of cases for trial, settling many out-of-court, but also taking a fair number to trial before a judge or jury. Because this is the type of hands-on experience that real-world employers seek and crave, we've been able to pursue and secure attractive career opportunities with pride and confidence. If this weren't already enough, we were also guided by a talented federal prosecutor who never hid the ball from us and who showed us what it takes to be the best. Owing to these experiences, I have a bright future ahead and, for once, in law school, I'm well above the curve!"

Joe Rueda
Criminal Prosecution Clinic

"Participating in the Prosecution Section of the Criminal Justice Clinic was very rewarding. The Clinic enhanced my legal education because it provided me with the opportunity to apply the principles I have learned in the classroom to actual cases. The experience I received by trying real cases in a courtroom full of jurors is invaluable. The classroom portion of the Clinic was also beneficial. My classmates and I received practical training from various experts in the criminal law field. In addition, employees from several federal law enforcement agencies visited the class and gave presentations on intriguing topics. My most memorable experience in the Prosecution Clinic was trying my first jury case in Municipal Court. The experience I received by trying a jury case is invaluable."

Brandon Price
Criminal Prosecution Clinic

From the Desk of Larry Spain and Gene Valentini

Eighteen students participated in the Advanced ADR Clinic during the Spring Semester: **Nick Arrott, Meredith Brant, Jon Clark, Linda Clark, Cynthia Clements, Marguerite Gabriele, Chase Garrett, Elizabeth Henderson, Aaron Hendley, Rebekah Herrmann Batot, Natalie Kersey, Jean Moss, Sean Nottingham, Konstantin Parkhomenko, Sally Pittman and David Thompson.** In addition to the course satisfying the requirements for completing 40 hours of

Basic Mediation Training, the students had the opportunity over the course of the semester to observe as well as to co-mediate or solo mediate a minimum of four disputes through the Lubbock County Dispute Resolution Center. The cases ranged from family law matters, consumer disputes, landlord-tenant issues, criminal cases, juvenile and other civil cases, among others. Every student also videotaped an introductory statement in mediation and completed a research paper and an oral presentation on a mediation topic of their choice.



L to R (front to back): Rebekah Herrmann Batot, Carrie Nguyen, Konstantin Parkhomenko, Marguerite Gabriele, Cynthia Clements, Sally Pittman, Jon Clark, Sean Nottingham, Jean Moss, Chase Garrett, Elizabeth Henderson, Nicholas Arrott, Natalie Kersey, Aaron Hendley, Meredith Brant, David Thompson, and Linda Clark

Larry Spain has been invited to speak at the ABA/NLADA Equal Justice Conference in Orlando on May 13, 2009 on *Connecting Faculty with Law School Pro Bono* as part of a pre-conference Law School Pro Bono Advisors Program.

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 2010 Spring semester:

Jonathan Armour, Kathryn Barnes, Ellen Brown, Sean Carey, Melissa Cook, Kimberly Culver, Christopher Elmore, Dana Gailan, Donmale Gbaanador, Jillian Gordon, Bryan Jensen, Tiffany Kamuche, Sondet Parnell, Ravenna Romack, James Smith, Christina Tippitt, Meagan White, and Mary Katherine Wood

THANKS TO FACULTY AND STUDENTS SUPPORTING PRO BONO

Thanks to the following faculty members participated in *Pro Bono* Clinics held in conjunction with Legal Aid of NorthWest Texas and co-sponsored by the Law School faculty during the spring semester: **Dean Arturo Torres** (1 clinic); **Professors Gerry Beyer** (2 clinics), **Susan Fortney** (1 clinic), **Jarod Gonzalez** (1 clinic), **Jennifer Horn** (1 clinic), **Vaughn James** (4 clinics), and **Larry Spain** (4 clinics).

The Law School faculty co-sponsored with Legal Aid of NorthWest Texas two *Pro Bono* Clinics held at St. John's United Methodist Church during the month of February and assisted with three *Pro Bono* Clinics during the spring semester organized by the Student Public Interest Initiative, Volunteer Law Student Association and Family Law Society. All students in both sections of the Civil Practice Clinic participate in the *Pro Bono* Clinics as part of their clinical work. In addition, the following students from the Student Public Interest Initiative,

Volunteer Law Student Association and Family Law Society assisted at the *Pro Bono* Clinics during the fall semester:

Rebekah Batot, Valene Berumen, Ellen Brown, Nathan Brown, Linda Clark, Kim Culver, Marisa Dunagan, Shauna Fitzsimmons, Brandon Fresard, Marguerite Gabriele, Deshun Harris, Kim Hobbs, Lani Hoffman, Jessica Holt, Ashley Hughes, Matt Innes, Clifford Jessup, Natalie Kersey, Guillermo Lara, Mary Laski, Charles Malolo, Katie Maxwell, Tracey Midkiff, Victoria Muniz, Jacob Parks, Margaret Perry, John Plumlee, Alec Pourteau, Rhonda Rhoten, Leah Robison, Tiffany Sheppard, Nathan Shore, Catherine Tambunga, Christina Tippit, and Meagan White.

If you are interested in participating in a future *Pro Bono* Clinic, contact Elma Moreno, elma.moreno@ttu.edu.

Clinical Program Continues to Provide 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.

The preceptorship is a 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.

Samirah Abdalah took on the responsibility of working closely with the students and the program instructor, Lucio R. Trevino, to make the preceptorship rotation visits a learning experience. Students were able to assist with preparing closed files for scanning which will be a "summer" project for the clinic staff. Thank you Samirah for providing them guidance.

CLINIC STUDENTS RECOGNIZED DURING HONORS AND AWARDS PROGRAM ON APRIL 16TH



Suzanne Meredith
(Civil Clinic Student)
Ken Burns Award



Kelli Stumbo
(Innocence Project Clinic Student)
Linda Kamp Service Award



Jack Starks
(Tax Clinic Student)
Professor Marilyn Phelan Tax Award



Britton Douglas
(Civil Clinic Student)
Judge Ken Spencer Award

CLINICAL PROGRAM RECOGNIZES STUDENTS DURING STUDENT RECOGNITION RECEPTION

A total of 80 students were recognized during the recognition reception held on April 16th 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 after Dean Huffman's welcoming remarks which were both inspirational and motivational.

Since the inception of the clinical programs approximately 1300 clients have been served through the Tax, Criminal Defense Clinic, and Civil Clinics 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 Defense Clinic, Criminal Prosecution Clinic, Innocence Project of Texas Clinic, and ADR Clinic.

INTERNAL REVENUE SERVICE AWARDS TAX GRANT

The TTU Low Income Tax Clinic began its 9th year of operation in 2009 with a \$48,026.00 tax grant award. The Internal Revenue Service has awarded \$9.5 million in matching grants to Low Income Taxpayer Clinics (LITCs) for the 2009 grant cycle (January 1 thru December 31, 2009). A total of 162 organizations have been funded for 2009. Texas Tech University School of Law is the only law school in Texas funded by the IRS.

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.

"I think it is worthy of note that Texas Tech is the ONLY school in Texas or Oklahoma that has a Low Income Taxpayer Tax Clinic (or at least one funded by the IRS).

I, for one, would like to congratulate Larry, Elma and Vaughn for keeping this clinic going and obtaining continued outside funding for the clinic. I would also like to thank Marilyn for her dedication to the clinic during her time here, and to Michelle for her willingness to keep the clinic going during Vaughn's absence. Clinical teaching is tough but the experience students obtain is invaluable."

Bryan T. Camp
George H. Mahon
Professor of Law

CCAV RECRUITS LAW STUDENTS TO ASSIST LOW INCOME TAXPAYERS DURING TAX FILING SEASON

The Coalition of Community Assistance Volunteers (a partner 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. Among those trained were law students recruited to assist with tax preparation for low-income taxpayers during tax filing season. 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 2,765 people whose average gross income was \$15,063 had their tax returns prepared for free. This saved them approximately \$550,000 in tax prep fees. The low income residents helped received more than \$1.2 million in Earned Income Credits and a total of \$3.2 million were returned to families within the community. An appreciation luncheon was held on April 27th at the Lubbock Club honoring all volunteers.

The volunteer pool recognized with *Certificates of Appreciation* included several law students who took time to assist in tax preparation. A total of 268 hours were contributed by the following



Cross, Brent Nelson, Kate Cross, and

law students: **Levi Siebenlist, Beth Watson, Alex Eaker, Dominica Moore, Traci Robison, Jack Starks, Josh Barnes, Beau**

Jenny Parker. One of our tax clinic students, **Levi Siebenlist**, was recognized during the appreciation luncheon as the “Student Volunteer of the Year”. He was presented his award by CCAV Board President, Judge Tom Head.



Luncheon sponsors and VITA sponsors formally recognized included United Ways of Texas, Bank of America, American Bank of Commerce, Lubbock National Bank, American State Bank, City Bank, Security State Bank, First Bank & Trust, AIM Bank, Wayland Baptist University, Lubbock Housing Authority, and NTS Communications.

Special recognition plaques were presented to Cory Beth Davis (former Tax Clinic and ADR Clinic student) for all her contributions during tax filing season and to Marion Bryant who served as an original Board member and has volunteered hundreds of hours at the VITA and Non-Resident sites. Also recognized as the “Site Coordinator of the Year” was Elma Moreno for her continued commitment to CCAV as a volunteer.



Thanks to all our volunteers and sponsors we had a successful year!

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 4 credit hour course held during the Fall semester and is limited to 9 students. 2L and 3L status students are welcomed.

Congratulations to the following students selected for the 2009 Fall semester:

Coleman Johnson, Margaret Perry, Lisa Prather, Kimberly Sias, Sybel Solorio, Jennifer Wertz, Timothy Williams, Ellen Wilson, and Leah Robison

RECENT CASES OF INTEREST

Julie Caskey (Civil Clinic) represented a claimant with mental retardation who has also been diagnosed with manic depression, panic disorder and dependent personality disorder. After an initial hearing before an ALJ, a partially favorable decision was rendered in November, 2007 finding that the claimant was disabled but the disability had not commenced prior to her insured decision expiring. The clinic appealed this decision to the Appeals Council which vacated the decision and



remanded for an additional hearing. In a new hearing before an ALJ, the claimant was found disabled retroactive to May 1, 2002 when she was last employed and prior to her insured status expiring.



Victor Rodriguez (Civil Clinic) received a fully favorable decision after a hearing before an ALJ for a 50 year old individual

with a diagnosis of morbid obesity, obstructive sleep apnea, hypothyroidism, hypertension, asthma, diabetes mellitus and skin ulcerations.

CLINICAL PROGRAM HOSTS INFORMATION SESSION

An information session was held on Thursday, February 26th, for students interested in applying to participate in one of the clinical courses during the 1009-2010 academic year including the summer 2009 Tax Clinic and Innocence Project Clinic. The student selection process begins in February of each Spring semester to fill all slots available in the clinical program. A total of 82 slots needed to be filled for the 2009-2010 academic year.



Clinic directors provided information on the following clinics:

- Tax Clinic
- Civil Practice Clinic
- Criminal Defense Clinic

- Criminal Prosecution Clinic
- ADR Clinic
- Innocence Project Clinic
- Health Care and Bioethics Mediation Clinic



A total of 77 students attended the information session and by the end of the application deadline and the second round of students selections a total of 111 students applied and turned in approximately 200 applications. 93 of the 111 students were offered and accepted to participate in the clinical programs.

CONGRATULATIONS to the 2009-2010 clinical program students! We are looking forward to having you in the clinics.

WHERE ARE THEY NOW?

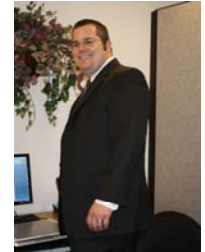
Christine Schwartz (Criminal Defense Clinic 2007-2008) is working in Midland with the law office of Morales & Navarrete. She is keeping pretty busy with family law and criminal defense. She is sitting second chair on a 1st degree felony week of April 27th which she states is pretty exciting.

Aimee Bateman (Criminal Prosecution Clinic 2007-2008) is in Charlottesville, VA at the Army Judge Advocate Officer Basic Course (JAOBC). She graduated from JAOBC February 4. She started her job as a trial counsel (Army prosecutor) at Fort Drum.

Aaron Holt (Criminal Defense Clinic 2007-2008) is in the Houston District Attorney's office. He currently works in the family violence division prosecuting cases of domestic violence where the victim is saying that it didn't happen, they fell on the ground, etc.

Lindsay Kinzie (Criminal Prosecution Clinic 2007-2008) is working for a civil law firm, **Brown Pruitt Peterson & Wambsgans, P.C.**, in downtown Fort Worth. In the past year, she has been able to assist in the preparation, investigation, and drafting for all types of administrative and trial proceedings and has been enjoying her work.

Snapshot Corner



CONGRATULATIONS MAY GRADUATES! GOOD LUCK WITH THE BAR EXAM!

CLINIC FACULTY AND STAFF

CLINIC DIRECTORS:

Larry R. Spain
Civil Practice Clinic
ADR Clinic

Wendy Tolson Ross
Civil Practice Clinic

Vaughn E. James
Low Income Tax Clinic

Glenn Roque-Jackson
Criminal Prosecution
Clinic

Patrick S. Metzger
Criminal Defense Clinic

Susan Fortney
Health Care & Bioethics
Mediation Clinic

Jeff Blackburn
Innocence Project

CO-DIRECTORS:

Gene Valentini
Health Care & Bioethics
Mediation Clinic and
ADR Clinic

Natalie Roetzel
Innocence Project
Executive Director

Terri Morgeson
Clinic Fellow
Attorney at Law

STAFF:

Elma Moreno
Office Manager/
Legal Assistant

Samirah Abdalah
Legal Secretary

Janie Gonzales
LITC Community
Outreach Coordinator



CLINIC NEWS

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