



FALL 2010

TEXAS TECH UNIVERSITY SCHOOL OF LAW HOSTS 5TH ANNUAL FACULTY UPDATE SEMINAR

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After welcoming remarks from *Interim Dean and Paul Whitfield Horn Professor, Susan Saab Fortney*, the faculty from Texas Tech University School of Law offered a CLE program without cost to legal services attorneys and public interest practitioners on December 2nd and 3rd. Texas Tech University was the first law school in the state to offer such a program in 2005 which began after recommendations from a committee of the *Texas Access to Justice Commission* on how law schools can contribute to the delivery of legal services to the indigent.



Professor Larry Spain, who serves as Director of Clinical Programs at Texas Tech Law

School organized the program once again which showcased Texas Tech Law School's finest faculty on topics such as *Ethics in Estate Planning, An Overview of Consumer Law Statutes, Ethics for the Public Interest Practitioner, The Basics of Texas Intestacy Law, Making Sense of Mental Health Records in Child Related Cases, Basics of Criminal Expunction, Orders of Nondisclosure and Sealing of Juvenile Records, Limited Scope Representation, The Intersection of Immigration Law and Family Law and Tax Issues for the Low-Income Taxpayer*. The following faculty members from Texas Tech's law school participated in this program: **Professors Michael**



Hatfield, John Kraemer, Larry Spain, Gerry W. Beyer, Patrick Metzger, and Michelle Kwon. Also presenting were Adjunct **Professor David Strange** and **Crystal Collins**, who is with the Lubbock Dispute Resolution Center. She presented on behalf of Gene Valentini. Also, returning as a presenter was **Dr. Jeffrey N. Wherry**, Director of the Institute for Child and Family Studies at Texas Tech University.



Approximately 43 individuals registered to attend the seminar either in person or via live webcast. We had a total of 40 attending (26 in person and 14 live webcast). The number registering for the live webcast has increased year after year. Attorneys who attended in person included a trust officer/attorney from American State Bank, six attorneys from the Texas Attorney General's Office (Lubbock), thirteen attorneys from Legal Aid of North West Texas (Lubbock, Plainview, Midland, and Amarillo offices), one attorney from Texas Rio Grande Legal Aid (El Paso), three attorneys from Texas Tech University Student Legal Services, and two attorneys from private practice (Lubbock).



The Faculty Update Seminar continues to be a great success and Texas Tech Law will continue to offer this program on an annual basis.

CLINICAL PROGRAM WELCOMES NEW MEMBERS



Lesley Nall Washington
*LITC Community Outreach
Coordinator*

Lesley is a native Lubbockite and has recently moved back from Dallas where she lived for the better part of the past 16 years. She received her BA in French and her JD from Southern Methodist University. Outside of the law, she has been a teacher, web content producer and writer. Her most favorite role is being mommy to Silas and Soren, the “podlings” she attempts to wrangle each day with her husband Burney. Lesley joined us in early August.



Catherine Whitworth
*Executive Director
Innocence Project of Texas*

Catherine Whitworth received her Bachelor’s Degree in Public Administration from Texas State University in 2007. She later went on to law school, where she became a member of the Innocence Project of Texas (IPOT) in 2009. After her one-year stint with the IPOT clinic at the Texas Tech University School of Law, Catherine obtained her law degree and decided to put her skills to work for the organization full-time. She currently helps to supervise the clinical program at Texas Tech, and she assists the organization with community outreach initiatives and fundraising.



Nicholas Vilbas
*Case Director
Innocence Project of Texas*

A native of Kemp, Texas, Nicholas Vilbas obtained his Bachelor’s of Science Degree in Biology from the University of Texas at Arlington before moving on to several positions in the criminal justice field. He worked briefly with the Kaufman County Courts, the Dallas Police Department, and a defense attorney before deciding

to attend law school. He approached the IPOT representatives at the Texas Tech University School of Law during his 1L year and hasn’t left the organization’s side since. During law school, Nick clerked for a local defense lawyer while simultaneously working with the IPOT clinic for two years. In 2009, he was honored with the IPOT “Member of the Year” award for his dedication to the organization. In his spare time, Nick is an avid fan of football and hockey. He currently balances his interest in sports and fitness with his work supervising the IPOT clinic at Texas Tech and managing all of the organization’s current case investigations.



Donnell “Donnie” Yandell
*Chief Public Defender/Instructor
Caprock Regional Public Defender
Office*

Upon graduation from Texas Tech University School of Law in December 2001, Donnie opened a private practice. His area of practice was primarily criminal defense and family law but he also represented clients on business law matters, wills and probate and other assorted areas of the law. As his practice grew, he began narrowing his representation to primarily criminal defense, both state and federal, and family law. He has represented clients in trial for everything from class B misdemeanors up to habitual offender, first degree felonies.

Donnie also maintained an appellate practice and has presented cases to the 7th Court of Appeals, the Court of Criminal Appeals and the 5th Circuit Court of Appeals. He is licensed to practice law in the State of Texas as well as U.S. District Court, Northern District, and the 5th Circuit Court of Appeals.

After nine years in private practice, Donnie accepted the position of Chief Public Defender/Instructor with the Caprock Regional Public Defender Office.

WELCOME LESLEY, CATHERINE, NICK and DONNIE!

APPOINTMENTS AND RECOGNITIONS

Professor Larry Spain has been appointed to the *National Advisory Committee of Equal Justice Works*, an organization providing leadership to ensure a sustainable pipeline of talented and trained lawyers involved in public service. Equal Justice Works:

- Assists law schools establish and strengthen public interest programs;
- Provides public service work experience, professional development and training for students and lawyers; and
- Builds strong support in the legal profession for public service through pro bono work and financial support.

Professor Larry Spain is also serving as Chair of the *State Bar of Texas Committee on Legal Services to the Poor in Civil Matters* after serving the past two years as Vice-Chair.

Professor Vaughn E. James was selected as the next *Robert H. Bean Professor of Law*. The Bean Committee which was composed of a member of the Texas Tech Law School Foundation, a past president of the Lubbock County Bar Association, and an acting judge of a court of record for Lubbock County recommended the selection of Professor James for the professorship. Provost Bob Smith accepted the recommendation.

Professor Vaughn E. James and LITC Outreach Coordinator, **Lesley Nall Washington**, were nominated to the CCAV Board as advisory members.

Elma Moreno is serving as Secretary for the *TTU/HSC Latino/Hispanic Faculty and Staff Association* and First Vice-President of the *West Texas Paralegal Association*

FORMER IPOT EXECUTIVE DIRECTOR

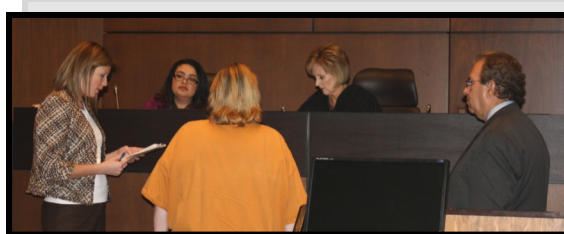
APPOINTED CHIEF STAFF ATTORNEY FOR ORGANIZATION



One of the original members of the Innocence Project of Texas (IPOT), Natalie's interest in law and the criminal justice system began during her career as an undergraduate student at Trinity University in San Antonio, Texas. She majored in Political Science and graduated from Trinity cum laude in 2004. Shortly thereafter, Natalie decided to enroll at the Texas Wesleyan University School of Law in Fort Worth. During her student career at Wesleyan, she served as a Notes & Comments Editor for the Texas Wesleyan Law Review, and she co-founded the Wesleyan Innocence Project. Simultaneously, she joined forces with IPOT in order to coordinate innocence investigations and litigation statewide. Immediately upon graduation, Natalie began working as the Executive Director for IPOT and as a staff lawyer for the organization's clinical program at the Texas Tech University School of Law. She held that position for three years but recently decided to put her law license to better use as the organization's Chief Staff Attorney. Currently, Natalie focuses her efforts on the litigation of claims of innocence made by individuals who can be proven innocent via the testing of DNA evidence.

FROM THE DESK OF LARRY SPAIN - DIRECTOR OF CLINICAL PROGRAMS AND CIVIL PRACTICE CLINIC

During the fall semester, the following students were enrolled in Professor Spain's section of the Civil Practice Clinic: **Adam Blanchard, Steven Boening, Matthew Koos, Chelsea Lowance, Shaun Rainey, Erin Mai, Alyson Falk, Andrew Howell, and Jennifer Wertz.** I have been ably assisted by **Terri Morgeson**, our Clinical Fellow and Visiting Professor, who has supervised students on individual cases and is always available for questions and assistance for the students.



Divorce Night Court

Pictured above L to R: Alyson Falk (student), Alexandra Gongora (Clerk's office), Judge Judy Parker, Professor Larry Spain and civil clinic client

Over the course of the semester, a total of 36 new client cases were undertaken, 8 cases were completed and closed and 43 cases remain open and will be carried over to the spring semester. 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 at all times throughout the semester and assumed primary responsibility for representing clients in matters involving family law, disability claims, wills and estate planning, and consumer matters.

During the semester, most of the students will have had an

opportunity to complete a divorce case from beginning to end and have a final hearing held before the court. **Erin Mai** had a temporary orders hearing before the court in a divorce case.



Teaches Civil Practice Clinic, Family Law, Professional Responsibility, and Advanced ADR Clinic. Before joining the faculty at Texas Tech, Professor Spain was the Director of Clinical Programs at the University of North Dakota School of Law for eighteen years, where he established several new clinical programs and expanded the range of clinical opportunities available to students. Prior to entering legal education, he worked for several legal services programs in Nebraska.

In addition to law teaching and legal practice, he has also been active in the field of alternative dispute resolution, serving as Chair of the Governing Board of a university-affiliated community dispute resolution center as well as being a frequent trainer and practitioner in mediation skills.

Professor Spain is actively involved in the field of clinical legal education nationally, currently serving as editor of the newsletter of the Clinical Legal Education Association (CLEA).



Pictured L to R:

Back Row:

Jennifer Wertz, Erin Mai, Chelsea Lowance, Alyson Falk, and Adam Blanchard

Front Row:

Shaun Rainey, Andrew Howell, Mathew Koos, Steven Boening, and Professor Larry Spain

**FROM THE DESK OF WENDY TOLSON ROSS -
DIRECTOR, CIVIL PRACTICE CLINIC**

This semester I had eight students enroll in my section of Civil Practice Clinic. These students were: **Akilah Bacy, Thomas (Adam) Brodrick, Shauna Fitzsimmons, Matthew Harris, Billy Hull, Jazmine Pelayo, Sarah Roberts, and Kyle Williams.**

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. This year, we have a several adoption cases. These cases involved helping grandparents and extended family members adopt children. We have also had an emancipation

case where we are helping a teenager get legal independence so that she can receive financial help for school.

This semester we had a couple of landlord/tenant cases. In these cases, we were able to successfully negotiate settlements and secure a return of the security deposit in one of the cases.

Finally, we had a number of probate cases. We were able to complete one will. Additionally, we filed a Determination of Heirship case and a Muniment of Title case in Probate Court.



Divorce Night Court
Pictured above L to R: Jazmine Pelayo (student), Professor Wendy Tolson Ross, civil clinic client, Alexandra Gongora (Clerk's office), and Judge Judy Parker.



Pictured L to R:

Standing: Kyle Williams, Matthew Harris, Billy Hull, Akilah Bacy, Jazmine Pelayo, and Sarah Roberts.

Sitting: Shauna Fitzsimmons, Professor Wendy Tolson Ross, and Adam Brodrick

*“Dear Sarah Roberts,
It was a pleasure for me to have you as an attorney for being your first time on a case like mine. You were great - you and your supervising attorney Wendy Tolson Ross. I thank all every much and Sarah I know that you are going to be a professional attorney. Yes, I will look for you if I need you again 100 percent sure. Take care you and Wendy.”*

Civil Clinic Client



Teaches Civil Practice Clinic, Negotiations, and Race and Racism.

Prior to joining us at the beginning of the summer 2005, Professor Ross was a Clinical Instructor of Law at St. Mary's University School of Law. She served as a Clinical Instructor from 1999 thru 2005. She was also Acting Associate Director for the Office of Academic Excellence. Professor Ross joined the faculty to teach a section of the Civil Practice Clinic and to teach negotiations in the Spring of 2006 which she continues to teach every Spring semester. She earned her B.A. from Texas Tech University and her law degree from University of Missouri - Columbia Law School. In addition to teaching one section of the Civil Practice Clinic, Professor Ross also teaches Race and Racism during the Fall semester.

Professor Ross is currently past President of the Mexican American Bar Association and has served on various other organizations throughout the years.

FROM THE DESK OF GENE VALENTINI - ADVANCED ALTERNATIVE DISPUTE RESOLUTION CLINIC

This semester there were twelve students enrolled in the ADR Clinic. These students were: **Danielle Adams, Natalie Cepak, Kristen Franks, Sheri Hibbard, Marissa Lozoya, Katie Maxwell, Marshall Meringola, Justin Pratt, Clinton Quisenberry, Margaret Tung, Brandon Schwarzentraub, Adam Whitten.**

The students in this year's ADR Clinic had a unique opportunity to be the first to mediate in a joint project with the Office of Dispute Resolution's Pre-Plea Program. The Pre-Plea Program is a collaboration between the Office of Dispute Resolution (ODR), the Lubbock County Criminal District Attorney, and Justice of the Peace Court 4, Judge Stratton. The Pre-Plea Program allows first time offenders, aged 21 and under, with Class C Misdemeanor charges to participate in a

mediation diversion program. Students who successfully complete the 90 day program will have their case dismissed by the DA.

Clinic students conducted mediations for the Pre-Plea program between the participants and their parents. So far, the program has been very successful, due in part to the participation of the Clinic Students who brought a fresh perspective to mediations involving college-age participants and helped shape this innovative new program.

The students also had the opportunity to participate in several other types of mediation including Landlord/Tenant Issues, minor criminal cases, and civil matters. Each student gained valuable hands-on experience by mediating these cases.



D. Gene Valentini is the Director of the Dispute Resolution Department of Lubbock County, an administrative entity that manages an innovative ADR System, which began in 1985. He is also responsible for the statewide USDA mediation program. A mediator since 1981 and an active trainer for the past eighteen years, Gene is the Master of Dispute Resolution for the courts of Lubbock County, Dean of Texas' ADR System directors and also co-teaches the Spring ADR course.



Pictured L to R:

Back Row: Brandon Schwarzentraub, Natalie Cepak, Danielle Adams, Katie Maxwell, Melissa Lozoya, and Margaret Tung

Front Row: Adjunct Professor Gene Valentini, Sherida Hibbard, Clinton Quisenberry, Marshall Meringola, Adam Whitten, Justin Pratt, and Candice Carson (Dispute Resolution Staff—Harvard Law 2010) who audited the class.

"Being a part of the ADR clinic was by far one of the best experiences I had in law school. Gene, the staff at the ODR, and my fellow classmates all contributed to providing me valuable, practical knowledge about mediation and the practice of law—knowledge I know will be ever so useful in the near future. I thank them all and hope that the clinical program continues to grow and expand at Tech Law."

Thanks!
Katie Maxwell
J.D. Candidate, May 2011

For more information of the Lubbock County Dispute Resolution Center,
please visit:

<http://www.co.lubbock.tx.us/drc/drc.htm>

**FROM THE DESK OF VAUGHN E. JAMES —
DIRECTOR, LOW INCOME TAXPAYER CLINIC**

Lindsay Canning; Anna Ford; Christopher Jackson; Jessica Jackson; Melia Jones; Gregory Martin; Charles Malolo; Patrick Sicotte: eight heroes; eight student-lawyers who are this year devoting their time and energy to learning how to represent low-income taxpayers before both the IRS and the United States Tax Court. They have been learning well, and have been representing their clients - our clients - to the best of their ability. With the help of our new Outreach Coordinator, we have also started a series of community workshops.



Lindsay Canning and Anna Ford got this school-year's workshops going by conducting one in Plainview, Texas, on October 19. The Clinic picked up two new clients as a result of the workshop. Good job, Lindsay and Anna! Our heroes have been supported by two other sets of heroes: first, the "Summer Crew" -

Kristen Franks, Teresa Gutierrez, Matt Innes, Bryan Rathgeber, and Margaret Reece - who did much



of the preliminary work on the cases we had this past semester; second, four exceptional people without whom we would be lost: **Elma Moreno, Samirah Abdalah, Terri Morgeson, and Lesley Washington.**

Lesley is our new Outreach Coordinator. During the past semester, she went on a promotional drive that brought the Clinic to the attention of many residents of our service area. Because of her efforts, we have been featured on television, on radio and in the newspapers, and have been flooded with requests for our assistance. The Clinic is truly buzzing with activity!

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Teaches Elder Law, Federal Estate and Gift Taxation, Federal Income Taxation, International Taxation, Law and Religion, and the LITC.

He is admitted to practice in NY, Texas, US Tax Court, and the US District Court for the Northern District of Texas.

Outside the classroom, Professor James is very active on the national and international scenes. A musician and recording artist for over thirty years, Professor James still records and performs with his calypso and reggae band, *King Shakey & the Banned*. In May 2007, he was awarded the Heritage Legend Award by the University of the West Indies—Dominica Center. A graduate of the Seventh-day Adventist Theological Seminary and an ordained minister of religion, Professor James spends most weekends in pulpits in America and the rest of the world speaking on religious topics, especially as they relate to Religious Freedom, the First Amendment and the Civil Rights Act of 1964 (as amended). He is involved in various organizations, has received numerous awards, recognitions and has authored several publications.



Pictured L to R:
Back Row: Charles Malolo, Patrick Sicotte, Professor James, Greg Martin, and Christopher Jackson
Front Row: Anna Ford, Lindsay Canning, Melia Jones, and Jessica Jackson

"We are greatly appreciative for your help. Thank you so much for everything and taking care of it in a professional matter."

Tax Clinic Clients

**FROM THE DESK OF VAUGHN E. JAMES -
DIRECTOR, LOW INCOME TAXPAYER CLINIC**

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I thank my 17 heroes for all they have done for the Low-Income Taxpayer Clinic during the summer and fall semesters. I look forward to next semester when we shall continue to serve both the Texas Tech University School of Law community and the residents of our service area. In particular, I look forward to teaming up with the Coalition of Community Action Volunteers

(“CCAV”) for our annual tax assistance activities. It promises to be an exciting semester!



Pictured L to R:

Standing: Bryan Rathgeber, Professor James, and Matt Innes

Sitting: Kristen Franks, Teresa Gutierrez, and Margaret Reece

**A WORD FROM
OUR STUDENTS**



"The clinic provided me with an opportunity to get to know my peers on a deeper level. I feel like I built stronger and more lasting relationships with people who I had only seen in the halls of the law school. The feelings of camaraderie and friendship that I have cultivated with my peers are those that only come through working 'in the trenches' together in the clinic. This has truly been a wonderful experience."

T. Adam Brodrick
Civil Clinic

"My participation in the Criminal Defense Clinic has allowed me to experience the aspects of law that cannot be taught in the



classroom. From client interaction to legal paperwork, I have had a priceless education in the real-world practice of law. I have also had the privilege of meeting many well-respected defense attorneys and judges. Though the clinic requires many hours of my time and dedication, there is no bigger thrill than representing people who look to me for counsel and guidance."

Marianne Sanchez
Criminal Defense Clinic

"A low income tax clinic provides both an educational experience for the students involved and a practical value for the clients. The educational value of a tax clinic for a law or accounting student is invaluable. Students get the opportunity to see first hand how tax laws affect real people...I've learned the importance of knowing the law and rules inside and out. "

Matt Innes
Summer 2010

Texas Tech Law School Low Income Taxpayer Clinic is on

facebook



FROM THE DESK OF PATRICK S. METZE DIRECTOR, CRIMINAL DEFENSE CLINIC

Just a short note to let everyone know the students in the Criminal Defense Clinic are, as always, busy representing real people in real cases in real time. Since the beginning of this semester, through November 12th, students have handled or are handling 95 cases for 69 different clients. Students handle all phases of representation from initial interview through appearance in Court.

The responsibility of representation falls entirely on the clinic students shoulders under the ever watchful eye of Terri Morgeson, Clinic Fellow, and the Clinic Director. Without the assistance of Ms. Morgeson, the heavy case load of the Criminal Defense Clinic would not be possible.



This semester to date, of those 95 cases, 28 have been completed with 16 pleas of guilty and 12 dismissals - for a 43% dismissal rate. Representing clients in the Magistrate Court, two Lubbock County Courts at Law, and in the District Courts of Lubbock and Hockley County are **Jessica Adair, Adam Alvarez, Alexis Butler, Chad Crowl, Zac Morris, Marianne Sanchez, Megan Wells** and **Will Williams**.

The class has recently agreed to represent a felony defendant in her appeal of a 40 year sentence in Hockley County. The class will collaboratively prepared the appellate brief and it is hoped one lucky student will get to argue the case in the Seventh Court of Appeals in Amarillo.

Please congratulate them all for their hard work. Space does not allow an individual account of all they have accomplished in less than 3 months. Suffice it to say, these students are practicing law at the highest level

for the benefit of their clients every day. They are learning the real life lessons of the practice of law putting their education to great use. All students are members of the Lubbock Criminal Defense Lawyers Association and the Texas Criminal Defense Lawyers Association. These students have attended monthly meetings of the local organization, the 30th Annual Prairie Dog Lawyer Advanced Criminal Law Seminar and the two day 8th Annual Forensics Seminar in Dallas - both during October. As members of the State organization, all students may also attend a board meeting of TCDLA in Ft. Worth in December, San Antonio in February and the annual San Antonio Rusty Duncan Seminar in June to network with the best criminal defense lawyers from throughout Texas - and maybe land a job.

Cases currently pending include: 1 Felony Appeal, 25 traffic tickets, 1 Class B DWI, 1 Class A DWI, 4 Failure to Identify to Police Officer, 9 Possession of Marijuana <2 oz, 2 Class C Theft, 10 Class B Theft, 2 Class A Theft, 6 Domestic Violence Assault, 2 Criminal Trespass, 5 Driving While License Invalid, 1 Criminal Mischief, 1 Resisting Arrest, 7 Class A Assault, 1 Felony Unauthorized Use of a Motor Vehicle, 4 Evading Arrest, 1 Unlawful Restraint, 1 Fictitious Inspection Sticker, 1 False Vehicle Registration, 1 Fraudulent Destruction of Writing, 1 Theft of Service and 1 Tampering With Governmental Records.

Cases already disposed of through pleas or dismissals include 1 Traffic Ticket, 2 Class A Assaults, 1 Failure to Identify, 3 Domestic Assaults, 1 Evading Arrest, 2 Possession of Marijuana, 9 Class B Thefts, 2 Class A Thefts,

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Patrick Metze became a full-time faculty member teaching and directing the Criminal Defense Clinic this academic year. Pat is an experienced criminal defense practitioner in Lubbock who is a Past President and current Director of the Lubbock County Criminal Defense Lawyers Association. He is enthusiastic about continuing the development of our Criminal Defense Clinic and providing a quality experiential program for our students.

Received a Bachelor of Arts from Texas Tech University and his Doctor of Jurisprudence from The University of Houston. He was admitted to practice in the State of Texas on April 29, 1974.

He is one of only 14 attorneys qualified for appointment as first chair in Capital Murder cases in the 45 counties of the 9th Administrative Judicial Region and the only attorney in Lubbock who is qualified and solicits appointments to indigent clients for misdemeanors, juveniles, felonies, death penalty cases, and appeals in all courts.

FROM THE DESK OF PATRICK S. METZE DIRECTOR, CRIMINAL DEFENSE CLINIC

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1 Criminal Mischief, 1 Resisting Arrest, 2 Criminal Trespass, 1 Possession of a Prohibited Weapon, 1 False Drug Test, 1 Failure to Leave Information and 1 Misdemeanor Possession of a Dangerous Drug.

As an additional advantage, every week the students spend 4 hours with one of eight different criminal defense lawyers in Lubbock rotating through each office, experiencing criminal practice by observing and by doing. Mentors for the Criminal Defense Clinic - all local attorneys practicing criminal law - are Chuck Lanehart, Danny Hurley, Dwight McDonald, Steve Hamilton, Robin Matthews, Laurie Key, Charles Chambers, and Mark Snodgrass. 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. Just prior to the start of Fall classes, students attended a 20 hours jump-start on trial advocacy presented by clinic

personnel and the clinic mentors who all donated their time and talents to fine tuning the students trial skills. We appreciate so much the dedication of time and energy our mentors provide the clinic students. Our appreciation for the continuing support of the local criminal defense bar can never be overstated.

During the course of each semester each student will spend a minimum of 220 hours representing their clients, working with their mentors and practicing law. This equates to a total time investment during each semester of a minimum of 1760 hours of *pro bono* representation for the clinic clients. The Criminal Defense Clinic is proud to represent the indigent citizens of the South Plains by court appointment only and plays its part in the Law School's commitment to providing quality, ethical representation to the poor while educating each student of the importance of such work.

A WORD FROM OUR STUDENTS

"My work in the criminal defense clinic has been the greatest educational experience of my law school career. Witnessing firsthand the impact my work has had on the families and lives of my clients has furthered my conviction that assisting others and providing them with the best legal assistance available is of the utmost importance for a just and fair legal system."



The criminal defense clinic has provided me with the tools, guidance and knowledge necessary to excel in the field of criminal defense. With today's uncertain economy, it's refreshing to know that I will have the skills necessary to open my own practice if a job is not available."

Adam Alvarez
Criminal Defense Clinic



Pictured L to R:

Back Row: Adam Alvarez, Charles Crowl, Zach Morris, Will Williams, and Professor Pat Metzger

Front Row: Alexis Butler, Clinic Fellow Terri Morgeson, Jessica Adair, Marianne Sanchez, and Megan Wells

"The Criminal Defense Clinic has provided me with an invaluable experience. Not only have I sincerely enjoyed interacting with my clients, but I have learned more in this atmosphere than I ever thought possible. I cannot imagine entering the legal field without this first hand, practical instruction. I wish every law student had this opportunity."



Jessica Adair
Criminal Defense Clinic

FROM THE DESK OF JEFF BLACKBURN - DIRECTOR, INNOCENCE PROJECT OF TEXAS

The Innocence Project of Texas has enjoyed another successful semester thanks to the hard work of students involved in the clinical program. This semester 21 students are enrolled in the clinic, including several students from the Forensics Science Masters program. Each of these students is assigned cases to investigate from persons who are claiming to be actually innocent of the crimes of which they were convicted. IPOT currently has over 3,000 case files to investigate.

Some of these cases include convictions where junk science was used. IPOT started a campaign against the use of junk science in

Texas courtrooms earlier this year with the publication of a report called *Dog Scent Lineups: A Junk Science Injustice*. IPOT students are investigating cases that used these dog scent lineups, as well as cases where faulty arson investigation techniques were used.



This year IPOT received two grants to conduct a statewide review of cases where DNA evidence could be used to prove guilt or innocence. Using funds from this grant, IPOT has recently filed a motion to test DNA in a case investigated by former IPOT student Kertisha Dixon. The results of that motion will hopefully lead to another exoneration of an innocent man. Currently, IPOT has nine cases involving DNA evidence in various stages of litigation.

This October, IPOT students attended the Texas Criminal Defense Lawyers Association's

annual Forensics Conference in Dallas. While at the conference, students attended lectures and panel discussions about investigating innocence claims, Chapter 64 writs for the testing of DNA evidence, and the use of forensic evidence in the courtroom

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Jeff Blackburn handles criminal defense and civil rights cases throughout Texas. He also represents the wrongfully convicted. He represented 38 people falsely convicted in the infamous Tulia drug bust, eventually obtaining full pardons and civil damages. He is the founder of and chief counsel to the Innocence Project of Texas. He was named criminal defense lawyer of the year by the State Bar of Texas for 2002/2003. He has received the Frank Scurlock award, the Henry B. Gonzales award, and the Maury Maverick award for his civil rights work. He is Board Certified in Criminal Law by the Texas Board Legal Specialization.



Pictured L to R:

Sitting: Kertisha Dixon, Naval Patel, Sondet Parnell, Tara Mulanax, Greg Whitley, and Tommy Le
Standing (front row): Maricela Mata, Modesta Harris, Audra Palacios, Angela Sims, Chelsea Tucker, and Lupe Ponciano

Back Row: Catherine Whitworth, Manju Mohan, Karen Findley, Mandeep Chatha, Rachel Presa, Jeff Blackburn, Courtney Grafft, Carly Hardt, Chelsea Schneider, Natalie Roetzel, and Nick Vilbas

For more
information visit:
www.ipoftexas.org

FROM THE DESK OF JEFF BLACKBURN - DIRECTOR, INNOCENCE PROJECT OF TEXAS

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such as blood spatter analysis. The students also had the opportunity to meet with several exonerees, including Michael Green. Mr. Green was released from prison in the summer of 2010 after spending over 27 years in prison for rape. He spoke at a dinner attended by the students and answered questions about his time in prison and what steps he believes should be taken to reform the criminal justice system in Texas.



IPOT students are also making a difference here in the local Lubbock community through the Tim Cole Truth and Justice Campaign. Tim Cole died in prison after being wrongfully convicted of a rape he did not commit. As a result, he received the first posthumous pardon in Texas history thanks to the work and commitment of IPOT students and lawyers. That commitment

continues as the Truth and Justice Campaign works to make sure what happened to Mr. Cole never happens again in Lubbock.

On October 18, 2010, the Campaign held a meeting at St. Johns United Methodist Church in Lubbock to garner community support and disseminate information about Mr. Cole's case and the Campaign's goals.

Over one hundred people and multiple news outlets attended the meeting. IPOT students Beth Hill and Preston Streufert were instrumental in the success of this meeting.

IPOT students have been hard at work this fall semester investigating individual cases and researching and learning about the Texas criminal justice system as a whole. We look forward to continuing this progress into the spring semester.

A WORD FROM OUR STUDENTS!



"The clinic allowed me to learn in real life scenarios and improve my counseling skills in a real environment. The experience is invaluable; everyone should take advantage of the opportunity! The professors are great at helping you grow and learn."

William J. Hull
Civil Clinic

"My experience in the civil practice clinic has really showed me the day-to-day responsibilities and concerns of an attorney. Working with real clients who have real problems has also been very valuable to me. Though I have worked as a clerk during the summer, writing a motion that will be filed with the court can be much more challenging and thrilling than writing a memo for another attorney."

Jennifer F. Wertz
Civil Clinic

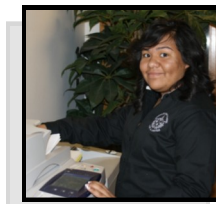
Clinical Program Continues to Provide Preceptorship to Estacado High School Law and Justice Magnet Program

Estacado High School Law and Justice Magnet Program students were very helpful to the clinical programs during the Fall semester. Students assisted Professor Ross with a scanning project and assisted Elma Moreno with preparation for the faculty update seminar. In addition, they also assisted with other administrative and clerical duties. The students who completing their rotation this semester were **Shaquille Williams**, **Mark Tejerina**, and **Crystal Rodriguez**.

The preceptorship in the clinical program is the continuation of 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.

Elma Moreno worked closely with the students and the program instructor, Lucio R. Trevino, to make the preceptorship rotation visits a learning and helpful experience.



"The Civil Practice Clinic has been one of the most important experiences I have had in law school. The Clinic gives a student the opportunity to take classroom learning into real world applicability through a client. The Clinic further has made me become better organized and scheduled which is great preparation for a successful law practice straight out of law school. I feel the overall experience has made me ready to practice law on the day I receive my bar card."

R. Shaun Rainey
Civil Clinic

THANKS TO FACULTY AND STUDENTS SUPPORTING PRO BONO

By Professor Larry Spain

Thanks to the following faculty members who participated in *Pro Bono* Clinics held in conjunction with Legal Aid of NorthWest Texas during the fall semester of the 2010-2011 academic year: **Associate Dean and Professor Arturo Torres** (3 clinics), **Associate Director for the Law Library Uwe Beltz** (1 clinic) **Professors Barry Bell** (2 clinics), **Dustin Benham** (1 clinic), **Gerry Beyer** (2 clinics), **Vaughn James** (4 clinics), **Dale Jones** (1 clinic), **Brian Shannon** (1 clinic), **Larry Spain** (7 clinics), and **John Watts** (1 clinic).

The Law School faculty co-sponsored two *Pro Bono* Clinics held at St. John's United Methodist Church during the month of September and assisted with three *Pro Bono* Clinics during the fall semester organized by the Student Public Interest Initiative (SPII), Volunteer Law Student Association (VLSA) 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:

Olivia Neu, Josh Humphreys, Julie Fletcher, Clarissa Fernandez, Arslanbek Umarov, Joseph Young, Kate Murphy, Kimberly Quesada, Anna Rains, Matthew Ribail, Chelea Seaton, Patrick Sloane, Brian Thornton, Erin Garey, Christopher Kelley, Mary Carlson, Heather Carlson, Jonathan Ellis, Adam Alvarez, Jessica Adair, Mikela Bryant, Joshua Humphreys, John Hundemer, Carl Robinson, Jessica Schneider, and Brian Sullivan.

The Tech Law Military Association partnered with Legal Aid of NorthWest Texas to sponsor a Veteran's Legal Clinic on November 11 as part of the State Bar of Texas initiative, Texas Lawyers for Texas Veterans. These *pro bono* clinics will be held in the future on a bi-monthly basis. Students participating in the Veteran's Legal Clinic included the following: **Andy Hefferly, Valerie Finella, Chase Hales, Abigail Rosen, Marshall Meringola, and Heather Carson.** **Professor Larry Spain** also assisted.

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

WHERE ARE THEY NOW?

Levi Siebenlist (Tax Clinic 2008-2009) finished the Tax LL.M. program at the University of Houston and is working for Field, Manning, Stone, Hawthorne & Aycock, P.C. as their newest tax associate.

Matt Collier (Tax Clinic Summer 2009) - working for Collier Construction, Inc. in Brenham, Texas.

Susan Watson (Civil Clinic 2009-2010) is working in Amarillo at the Whittenburg Law Firm doing immigration and civil litigation

Paul Miller (Civil Clinic 2009-2010) is working at McCreary, Veselka, Bragg & Allen, P.C. in Round Rock, Texas. He is currently working on a petition for writ of certiorari to the United States Supreme Court. The case involves the dormant Commerce Clause and they are optimistic that the Supreme Court will grant cert and hear the case.

Mettie Judd (Civil Clinic 2009-2010) is working at Carrington, Coleman, Sloman & Blumenthal in Dallas, TX. She is practicing in the general business litigation section.

Courtney Stamper (Criminal Defense Clinic 2009-2010) is an associate of Schneider & McKinney, P.C., Houston, TX.

*Selection process for Clinical Program will be held in mid-February for the 2011-2012 academic year!
Watch for announcements in late January and visit the clinic website for more information.*

LOW INCOME TAX CLINIC INCREASES COMMUNITY OUTREACH

By Lesley Nall Washington



I am excited to be in my new position as LITC community outreach coordinator. Starting at the beginning of August, I had a few weeks of quiet before the semester launched. Since then, it has been quite a busy semester meeting members of our community and alerting people and agencies to what our students offer. This Fall it has been a delight to get to know the hard-working clinic faculty, staff and the talented students.

Thankfully, this Fall has been a productive time for spreading the word about the services we provide at the LITC. I attended community action meetings, handed out flyers at community assistance events and personally spoke with numerous community agencies about who we are, what we do and what we can do for their communities and constituencies. We were featured on the local Fox morning program and on two Tejano music stations programs. The LITC is now in all of the regional 211 directories that cover our territory and I have spoken with their staff supervisors about referring to us. Many of the surrounding smaller communities have also featured us in their local papers and websites. Local Lubbock papers and Texas Tech's own daily paper and web journal have prominently featured our services.

Anecdotally, when giving a short talk about what we do to other community agencies at an SPCAA meeting, several people came up

to me afterward and asked for more information about our clinic. They did not know about us and were excited to hear that there was an organization that could help taxpayers having disputes with the IRS. This particular meeting concerned a group of people in our area that also tend to have peculiar tax situations- migrant and seasonal farm workers. As a group who travels and receives many sources of income throughout the year, their tax returns can be confusing. And this is only one of the lesser known groups of people in our area that we can help.

In October, two students began the important job of educating taxpayers about how to avoid making tax mistakes by leading a workshop in Plainview. We had thoughtful editorial press covering our presence in Plainview and received a couple of new cases from being there. In the Spring semester, I have arranged

8 more workshops at two local community centers in Lubbock and am excited for the students to have a chance to educate taxpayers on how to keep more of their paychecks and how to avoid errors.

I hope to continue building relationships with agencies in our community as this seems to be our best referral source, as well as promote more workshops so that our students can directly speak to taxpayers. My continued goal in this position is to reach as many taxpayers as possible, both to help prevent problems with the IRS through promoting our educational workshops and to make our legal services known to people who need the help.



WHERE ARE THEY NOW?

Daniel Gonzales (Civil Clinic 2009-2010) is at Lloyd Gosselink law firm. For more information visit: http://www.lglawfirm.com/Attorneys/daniel_gonzales.asp

Ravenna Romack (ADR Spring 2010) is currently working as a Legal Assistant with a firm in Austin that does water law, oil & gas storage, employment litigation/wrongful termination suits, and (most notably, for this clinic) special education disputes, which involve conducting mediation with some frequency. She anticipates promotion to associate in December.

Mary Lisa Mireles (Civil Clinic 2009-2010) is working at the Davis Law Firm in San Antonio. Specifically, she is working in the litigation department working on personal injury litigation.

Jordan Bailey (Criminal Prosecution Clinic 2009-2010) is working with Haynes and Boone, LLP on in their bankruptcy section.

Donmale Gbaanador (ADR Spring 2010) is working at a small civil law firm in Houston, Texas.

LaShonda Taylor (Criminal Defense Clinic 2007-2008) is an Assistant Public Defender in Kaufman, Texas.

CCAV SEEKS VOLUNTEERS FOR UPCOMING TAX SEASON

By Elma Moreno



As a member of the Board of Directors of the *Coalition of Community Assistance Volunteers* I am seeking volunteers to assist with the tax season around the corner. The *Coalition of*

Community Assistance Volunteers is asking that you consider volunteering your time and talents to prepare and e-file income tax returns FREE for low income taxpayers in our community.

For more than 20 years Tech Law students have played an important role in the community by serving as volunteers for the Volunteer Income Tax Assistance program. CCAV who oversees the VITA project is asking that you consider volunteering your time and talents to prepare and e-file income tax returns **FREE** for low income taxpayers across the South Plains. Last year our volunteers enabled more than 2,900 taxpayers to save approximately \$441,000 in unnecessary tax prep and rapid refund loan fees, while bringing \$2.9 million in refunds into the local economy.

Volunteers are needed to prepare basic individual income tax returns on an easy-to-use computer software program. Volunteers are trained by CCAV and the IRS, and enjoy protections under state and federal Volunteer Protection Acts. Since students leave for the holiday break, we ask that you take the on-line training and testing provided through the

IRS Website at <http://www.irs.gov/app/vita/index.jsp> (Link N Learn Taxes Course);

While volunteer Tax Preparers may choose to train and test at three different levels (Basic, Intermediate and Advanced), they are **only required to train and test at the Basic and Intermediate levels.**

We hope you'll choose to participate with us during the upcoming tax season which runs from January 18th thru April 18th by volunteering 3-4 hours of your time per week. If you are interested, please feel free to contact me at elma.moreno@ttu.edu if you have any questions or if you would like to pick up a packet.

A brief review session on use of the tax preparation IRS approved software will be scheduled at the beginning of the Spring semester at the law school.

Please note that, since our volunteers handle so much confidential information, a new policy has been implemented requiring that a criminal background check be performed on each volunteer. Of course, this will be done at no cost to you.

Again, if you are willing to assist in the preparation of simple tax returns, and help make a difference in our community, we are in need of your help. Please contact me in the clinic offices at 742-3787, Ext. 222, or by sending an e-mail to elma.moreno@ttu.edu.

WHERE ARE THEY NOW?

Travis Hanson (Tax Clinic 2009-2010) is working at the Texas Tech University Health Sciences Center as Director of Contracts, Reporting, Security & Policy for the West Texas Health Information Technology Regional Extension Center (WT-HITREC).

Sophia Johnykutty (Civil Clinic 2009-2010) is currently working at Foster Quan in Houston, Texas. It is the second largest immigration firm in the United States.

Stefanie Gonzalez (Criminal Defense Clinic 2009-2010) is with the Law Office of Shannon Geihlsler. She is already on the appointment list for criminal, juvenile and CPS cases.

Nathaniel Peevey (Civil Clinic 2009-2010) lives in D.C. and will begin working for the Virginia office of Wilson Elser, www.wilsonelser.com, a pretty large defense firm in January 2011. He will probably be doing products liability, professional liability, environmental, and toxic tort defense work.

T.J. Roberts and **Paul Harrell** (Criminal Defense Clinic 2008-2009) formed a partnership Harrell Roberts & Associates, PLLC, in Lampasas and Georgetown, Texas.

For more information on CCAV, please visit:

www.freetaxprep4u.org

or call 687-CCAV

(687-2228)

CASES OF INTEREST



Andrew Howell represented a 46 year old client before an administrative law judge on a disability claim who had the following impairments: kidney disease, arthritis, degenerative disc disease, coronary artery disease (with multiple stents), obstructive sleep apnea, and

chronic knee pain. After a hearing, the administrative law judge issued a fully favorable decision establishing a period of disability retroactive to July 5, 2009. As a result, the client became entitled to prospective benefits of \$917/mo. as well as over \$9,000 in retroactive benefits.

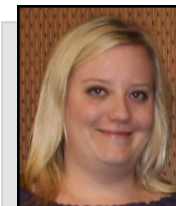


Adam Blanchard, Shaun Rainey and Jennifer Wertz successfully settled claims before trial in two separate cases against a local business for violations of the Texas Deceptive Trade Practices Act, Truth in Lending Act, Texas Consumer Credit Code, Breach of Contract and Fraud.

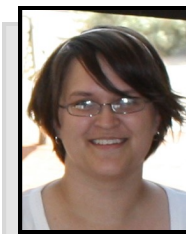
Both of the cases were filed last year by former clinic students, **Paul Miller '10, Brad Kvinta '10 and Nate Peevey '10.** In August, 2010, Adam and Shaun, after oral argument, obtained summary judgment on liability and damages under the Truth in Lending claim and liability on the Texas Deceptive Trade Practices claim based upon the extensive discovery and the deposition of the owner of the business that the students conducted last academic year. After several mediation sessions, a final settlement was reached.



In the one case, the client received the sum of \$2,700 as well as full satisfaction of the balance due on an Installment Note she had executed in the sum of \$7,500. In the other case, the client received the sum of \$1,450 as well as full satisfaction of the balance due on an Installment Note that she had executed in the sum of \$8,750.



Adam Blanchard, Jennifer Wertz and Chelsea Lowance are representing the Appellee in a case appealed to the Seventh Court of Appeals in Amarillo by the Texas Attorney General on a jurisdictional issue under the Uniform Interstate Family Support Act.



Christopher Jackson represented a couple on a Tax Court case which was set for hearing in October 2010. After compiling and submitting all the necessary information to the IRS, the IRS conceded on the case in our clients favor and the final decision documents were signed and filed. This resulted in saving the taxpayers over \$2400.

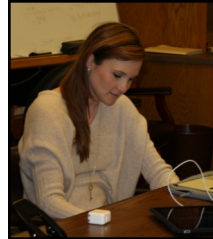


Pictured above: Patrick Sicotte and Lindsay Canning (Tax Clinic)



Pictured above: Professor Spain and Matthew Koos (Civil Clinic)

SNAPSHOT CORNER



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LITC Community
Outreach Coordinator



FROM

FALL 2010
CLINICAL PROGRAM FACULTY
AND STAFF



CLINIC NEWS

Fall 2010 Edition

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