



SPRING 2012

CLINIC NEWS

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

CLINICAL PROGRAMS HONOR STUDENTS DURING RECOGNITION EVENT

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The *2012 Student Recognition Event* was held on April 26th in the Lanier Auditorium. A total of 72 students were recognized with a *Certificate of Appreciation* for their dedication and participation

in the clinical programs. Clinical Programs Director, Larry Spain, welcomed the students and guests. In addition, Dean Darby Dickerson addressed the students and guests with some special remarks. A slide show capturing former events and clinic students, faculty and staff was shown during the presentation of certificates.



Since the inception of the clinical programs approximately 2294 clients have been served through the Tax Clinic, Criminal

Defense Clinic, Caprock Regional Public Defender Clinic, Civil Practice Clinic, and Family Law and Housing Clinic which include the 160 clients served by the Wills Project which began during the Fall 2002. This total does not include the total number of cases handled through the Innocence Project since its inception.

Since the inception of the clinical programs which began with the LITC in April 2000, a total of 853 students have participated in the programs and contributed thousands of student hours.



Students who were honored participated in the *Health Care and Bioethics Mediation Clinic, Low Income Taxpayer Clinic, Civil Practice Clinic, Family Law and Housing Clinic, Criminal Defense Clinic, Caprock Regional Public Defender Office, Capital Punishment Clinic, and Advanced ADR Clinic.*

Also recognized with a *Certificate of Appreciation* for her continued dedication and commitment to the Divorce Night Court was the Honorable Judy Parker. Judge Parker played a major role in implementing the Divorce Night Court project during the Spring 2007 semester. She continues to preside over cases ready to be finalized during Divorce Night Court. An estimated 110 divorces have been granted by Judge Parker.



On behalf of the Clinical Programs Faculty and Staff we thank all the students for everything they have done!



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

During the spring semester, the following students were enrolled in Professor Spain's section of the Civil Practice Clinic: **Mikela Bryant, Lilia Doibani, Tammy Fisher, Allie Hallmark, Grant Matthews, Douglas Montgomery, Elizabeth Niblo**, and **Isaias Solorzano**. I have been ably assisted by **Terri Morgeson**, our Clinical Fellow, who has supervised students on individual cases and is always available to students for questions and individual assistance.

Over the course of the semester, a total of 26 new client cases were undertaken, 26 cases were completed and closed and 15-20 cases will remain open and carried over the summer. Each of the students, in addition to being exposed to a variety of legal

problems through the evening *Pro Bono Clinics*, again 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 have assumed primary responsibility for representing



Elma, Jennifer and Isaias assist Doug with signing of a Last Will and Testament

clients in matters involving family law, disability claims, wills and estate planning, employment, consumer matters, and VA claims.

During the semester, every student had an opportunity to complete a divorce case from beginning to end and have a final hearing held before the court. Additionally, most of the students were able to prepare Wills and other estate planning documents for a client. Several students also volunteered to take on a criminal case under the supervision of Terri Morgeson to broaden their experience in the clinic.

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.

Pictured L to R: Professor Spain, Douglas Montgomery, Grant Matthews, Tammy Fisher, Lilia Doibani, Mikela Bryant, Allie Hallmark, Isaias Solorzano, and Elizabeth Niblo



Congratulations to the following students selected for the **Civil Practice Clinic** for the 2012-2013 academic year:

Allison Brauer, Lindsey Cantu, Megan Fescenmeyer, Lauren Munselle, Robert Murphy, Spenser Piercy, Vanessa Rosa, Abigail Rosen, and Lauren Serrano



From the Desk of Wendy Tolson Ross - Family Law and Housing Clinic Director

This semester I had six (6) students enrolled in the Family Law and Housing Clinic. These students were: **Michael Henry, Susanna Meringola, Katy Krottinger, Kim Quesada, Ashley Wolf,** and **Christina Woods.**

The cases involved family law and probate of estates in order to save or repair the client's home. We had a really good year where the students worked extremely hard and were challenged to deal with some complicated issues. In this semester, we were able to save the home of a widow by asserting her life estate claim. This case ended up with a settlement agreement that allowed the widow to stay

in the house. Another case involved helping an elderly lady probate her husband's will so that she would be in compliance with the city grant program. Once the client was able to probate her husband's estate and receive full title to the home, the grant program forgave her outstanding mortgage.

Students were also involved in many complicated divorce cases that involved custody issues and significant marital assets, such as retirement accounts. One of these divorce cases required the student to file



Divorce Night Court Hunt Courtroom

several post-divorce motions and resulted in a hearing where the student was able to modify the child support. Another divorce case required the student to file several Motions for Enforcement and Contempt, which resulted in the Court imposing a finding against

the adverse party and requiring the adverse party to pay all money owed in arrearage within 90 days.

FAMILY LAW and HOUSING CLINIC

This is a full-year 12 credit hours (6 per semester—2 for class room component and 4 for case work) course limited to 8 students. Students accepted into the clinic must be registered for both Fall and Spring semesters. Students assume primary responsibility under faculty supervision of all phases of representation in assigned cases in a variety of civil matters including, but not limited to, family law and housing matters. The course focuses on the development of professional skills and values in a closely supervised clinical setting, including interviewing and counseling, case analysis and planning, problem solving, fact investigation, negotiation and mediation, document drafting, written and oral advocacy.

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.

Congratulations to the following students selected for the **Family Law/Housing Clinic** for the 2012-2013 academic year:

Kyle Crowl, Stephen Doan, Chloe Evans, Valerie Finella, Denise Hernandez, John Langner, Paula Perez, Venessa Rodriguez, and Tahlia Stewart



Pictured L to R: Standing (L to R): Kimberly Quesada, Katy Krottinger, and Clinic Fellow Terri Morgeson
Sitting (L to R): Michael Henry, Ashley Wolf, Professor Ross, and Susanna Meringola
(not pictured: Christina Woods)



From the Desk of Vaughn E. James - Director, Low- Income Taxpayer Clinic

For me, the close of the school year represents a time for losing dear friends. For one year that seems too short, I have students-turned-friends to shape and mold into tax lawyers. And just as I am getting used to having them around, they graduate, pass the bar, and move on to great and wonderful things. In the words of *Les Grammacks de La Dominique* (one of my favorite *zouk* bands), these friends move on to “new horizons.”

This year, eight of them will pass through that door and move on to these new horizons. We shall miss them all: **Amy Browning, Jorge Catumbela, Alvin Chang, Josh Humphreys, Evan Jackson, Diana-Linh Le, Bradley Phillips, and Jonathan Sarager**. Throughout the year, they helped us represent low-income taxpayers in our service area. And what great help they gave us! With their help, we rejoiced when: (1) two victims of identity theft had their cases settled in their favor and their respective tax liabilities erased; (2) a low-income

taxpayer received a substantial refund after the Internal Revenue Service reversed itself and granted his claim for the Earned Income Tax Credit; and (3) another taxpayer received innocent spouse relief and was exonerated from tax liabilities resulting from the taxpayer’s spouse’s bad behavior.

In short, we have had our triumphs this past year. But now the friends who helped us achieve these heights must leave and head to new horizons. I wish them well. I look forward to working with them as members of the tax bar. I pray they will always make us proud.

Meanwhile, Elma is still here to help us guide the incoming summer group of friends into the wonderful world of tax practice. Jennifer – who has been a marvelous addition to our team – is here, too, and will play her part in guiding our new friends. And last, but by no means least, Meredith is still here. Just as she played a significant role in our journey this past year, she will play a significant role this summer.

Me, I am ready for the summer, ready for the challenge, ready to move to a new horizon.

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 and 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 the **Low Income Taxpayer Clinic** for the 2012-2013 academic year:
Jacqueline Baltrun, Thomason Bush, Jonathan Ellis, Daniel Garner, Mariah Mayworm, Natalie Myers, Dagmawe Teferawork, Nicholas Toulet-Crump, and Dustin Wilson



L to R: Standing: Alvin Chang, Professor James, Bradley Phillips, Joshua Humphreys, Jorge Catumbela, and Jonathan Sarager
Sitting: Evan Jackson, Meredith Nieto, Amy Browning, and Diana Linh Le

LITC PROVIDES EDUCATIONAL WORKSHOPS AND COMMUNITY OUTREACH

BY: Elma Moreno

Several tax clinic students provided information to taxpayers during educational workshops held throughout the semester. **Bradley Phillips** provided information to parents and students at a Texas Tech University Upward Bound event on January 7th. Approximately 300 individuals, including parents and students, attended the session. Additionally, **Professor James, Diana Linh-Le**, and **Jorge Catumbela**, made presentations at the Lubbock Seventh-day Adventist Church on least three occasions providing education on *Tax Preparation* and *Filing Status of Taxpayers* to an estimated 30 individuals.

The LITC was also invited to provide educational workshop to the staff at Texas State Health Services. **Bradley Phillips** and **Alvin**

Chang spoke to an estimated 15 individuals on *Filing Status of Taxpayers*.

The LITC also partnered with the Coalition of Community Assistance Volunteers on *National Earned Income Tax Credit Day* and were available at the VITA site to assist with distribution of educational brochures.



Finally, **Meredith Nieto** and myself attended resource fairs at Eddie Richardson Center, Bayless Elementary, Jackson Elementary, and McWhorter Elementary as community outreach events. Additionally, Professor James made presentations at *100 Black Men* and *Guadalupe Elementary*. We distributed various brochures, note pads, pens, book markers, and magnets to an estimated 900 individuals.

Congratulations to the following students selected for the **Low Income Taxpayer Clinic** for the 2012 Summer Sessions: **Chloe Evans, Rebecca Land, Anna Rains, and Yolanda Rodriguez**

INTERNAL REVENUE SERVICE AWARDS TAX GRANT

The TTU Low Income Taxpayer Clinic began its 12th year of operation with a grant award from the Internal Revenue Service. Funding for the LITC grant program is determined by Congressional appropriations. Texas Tech University School of Law is one of 159 organizations funded, as well as the only law school in Texas funded by the IRS. Other Texas organizations funded for 2012 include: Legal Aid of NorthWest Texas (Ft. Worth), El Paso Affordable Housing Credit Union Service Organization (El Paso), Texas Rio Grande Legal Aid, Inc. (Austin), Houston Volunteer Lawyers Program (Houston), Centro Familiar Cristiano, Inc. (Sugarland), Lone Star Legal Aid (Bryan), and Neighborhood Centers, Inc. (Bellaire). In 2012 Internal Revenue Service awarded over 9 million dollars in matching grants to Low Income Taxpayer Clinics for the 2012 grant cycle (January 1 thru December 31, 2012).

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 award of \$75,000 will fund a full-time Tax Clinic Fellow and a part-time Community Outreach Coordinator position, operating costs, facilities and administrative costs, as well as supplementing the LITC director's salary for the summer months in order for it to operate the grant period (January thru December).

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 August and ending in April (no clinic in December). Clinic offices are used for the interviews and all prove-ups are held in the Don Hunt 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 Patrick S. Metze - Director, Criminal Defense Clinic

As is our custom, the students in the 2011-2012 Criminal Defense Clinic were busy all year representing real people in real cases in real time. This year, the students handled 130 cases for 93 clients. Of these cases, 40 are still pending, 45 were disposed of through some type of negotiated plea, and 45 cases were dismissed. Of the 40 still pending, 8 are currently set for pleas of guilty, 6 cases are set for dismissal, a felony appeal is pending, 5 are set for negotiation conferences, 4 clients have failed to appear and warrants have issued, 10 are still pending trial, 3 have recently pled guilty, and 3 clients cases remain unfiled. Cases consisted of 117 misdemeanors and 13 felonies. This is an average student case load of almost 12 clients per student and almost 16 cases per student, which is 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 Lubbock Municipal Court, before the Justice of the Peace, in the Magistrate Court, in both Lubbock County Courts at Law, in all three felony District Courts of Lubbock, in the District Court in Hockley County and before the Seventh Court of Appeals in Amarillo. Clinic students for this year were **Meghan Graham, Jack Hawthorne, Dustin Kellar, Jessica Nevarez, Eric Painter, Roland Soto, Maritza Stewart, and Leticia Trevino.** Please congratulate every one for all their hard work. These students are trained and ready for the practice of criminal law. During the school year, these students performed well in excess of 3600 hours of pro bono representation of the poor.

With the tireless and invaluable help of Professor Terri Morgeson the following cases were handled, or are still being handled, by the clinic students: Misdemeanors: 16 Possession of Marijuana <2 oz, 13 DWI's, 17 Class B Thefts, 16 Domestic Violence Assault, 8 Class A Thefts, 7 Driving While License Invalid, 2 Misdemeanor Assaults, 5 Criminal Trespass, 3 Failure to Identify to Police Officer, 1 Criminal Mischief, 6 Resisting Arrest, 1 Evading Arrest, 2 Burglary of a Motor Vehicle, 1 Terroristic Threat, 5 Possession of a Drug Without a Prescription, 4 clients with citations in Lubbock Municipal Court, 1 Fictitious Registration Sticker, 1 Class C Theft, 1 Theft of Service, 1 Class C Assault, 1 No Driver's License, 1 Unlawfully Carrying a Weapon, 2 Disorderly Conduct, 1 Prostitution, and 1 Interference with 911 Call, a total of 117 misdemeanor cases; Felonies: 1 Felony Appeal to 7th Court of Appeals, 1 Felony Possession of Marijuana, 3 Felony Thefts, 4 Felony Forgery, 1 Felony Credit Card Abuse, 1 Felony Burglary of a Building, 1 Felony Unauthorized Use of Motor Vehicle, 1 Felony Use or Possession of Identification, 1 Felony Tampering with a Governmental Record, a total of 13 felony cases.

During the weekly two hour classroom component, students shared with each other their accomplishments on their cases, their goals, fears and concerns. 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, and performed very complicated and sophisticated legal analysis. Collaborative class discussions were often very spirited and were always an enjoyable exchange of ideas. As the others in the clinic will tell you, when we have class, everyone hears us. We are there to learn and enjoy our work.

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CRIMINAL DEFENSE CLINIC

This is a full-year 12 credit hours (6 per semester - 2 for class room component and 4 for case work) course limited to 8 students. Students accepted into the clinic must be registered for both Fall and Spring semesters. The CDC 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 be on academic probation, and have taken Evidence, Criminal Procedure, and Professional Responsibility. Recommended 3L 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; all other qualifications being equal, students with no prior clinical or externship for credit experience are given preference for placement in the CDC; students may not have outside employment if enrolled in this clinic, however, exceptions can be made; and students may not sit for the February bar exam.

From the Desk of Patrick S. Metze

(continued from page 6)

Several learning environments are available to the students, including mandatory office hours leading to collaborative learning while the students work in close proximity, sharing ideas and developing strategies while keying off the knowledge of their peers. It is my hope this becomes a custom that will follow them into practice as the criminal defense bar freely shares knowledge and experience with younger attorneys.

Other experiential learning was courtesy of the criminal defense bar from throughout Texas and the United States. In November, because of the generosity of the Innocence Project of Texas and the Texas Criminal Defense Lawyers Association, students attended a two day Forensic Science Seminar in Dallas, Texas. Thanks to the Caprock Regional Public Defender Clinic the students heard Attorney Dick Burr in October speak on Peacemaking and his representation of Timothy McVeigh ~ convicted and executed for the Oklahoma City bombing. In April, the Criminal



Defense Clinic took second place in the Law School's annual chili cook-off, boo-yah!

There was significant effort and professionalism shown this year by all members of the Clinic. I hope the experience was meaningful and a jumpstart to a successful practice in criminal law. Additionally, my students all showed a real interest in pro bono work and I know that such a 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 clinical experience. As I tell the students, practicing law

is about treating each client as a valuable individual, doing their very best for each client one at a time, representing that client to the best of their ability, and ethically seeking Justice by holding the State to their burden. Preparation is the key. Remember to RGDS and all you need is that Gold Card. Remember this summer, no drama, pass the Bar and stay in touch. Come back often.

A WORD FROM OUR STUDENTS

"The Criminal Defense Clinic has given me a clear advantage once I set out on my own. I feel Professor Metze and Teri Morgeson have done a wonderful job of preparing me for many of the things I will see as a new attorney. The entire experience has been outstanding!!"

Roland Soto
Criminal Defense Clinic

"Working in the criminal defense clinic this year has been my most valuable experience in law school. I have learned so much from the clients, the professors, and the other students in the clinic. The clinic has given me a foundation of knowledge, skills, and confidence with which I will practice law for many years to come!"

Meghan Graham
Criminal Defense Clinic

"The clinic experience has allowed me to come out of law school with the experience and know how I need to open up a law firm day one."

Jack Hawthorne
Criminal Defense Clinic



Left (bottom up):
Dustin Kellar,
Jessica Nevarez,
Professor Metze,
Jack Hawthorne,
and Eric Painter

Right: Leticia
Trevino, Clinic
Fellow Terri
Morgeson, Maritza
Stewart, and
Roland Soto

(Not pictured:
Meghan Graham)

Congratulations to the following students selected for the **Criminal Defense Clinic** for the 2012-2013 academic year:

Irene Garcia, Elizabeth Howard, Chad Hughes, John Hundemer, Kiara Martinez, Lindsay Phillips, Sonia Salinas, and Christopher Schulte



From the Desk of Donnie Yandell— Caprock Regional Public Defender Clinic

I am proud to say that this inaugural year of the Caprock Regional Public Defender Office/Clinic has been a great success. The student attorneys this year were amazing and I think I have learned as much from them as they have from me. To start with, the student attorneys were: **Carah-Beth Bass, Charles Blevins, Xavier Charles, Shannon Crenshaw, Chris DeAnda, Liceny Espaillat, Tope Ogunsemi, Mary Porter, Trey Robinson, Pat Sloane, Robert Sullivan** and **Karla Valles**.

Each of these student attorneys worked hard for their clients and for the most part achieved extremely good results for them. The student attorneys were assigned 155 cases over the year and cleared 104 of those cases with a 44.94% dismissal rate! In other words, just under half of the 104 cases assigned to the student attorneys resulted in a dismissal. Of those 104 cases, three went to jury trial.

The first two cases to go to trial were part of the same offense and the jury heard both cases at once. Pat Sloane and Shannon Crenshaw were the student attorneys handling the first two cases and they did an admirable job defending their client with some very bad facts and few decisions from the bench going their way. Even though their client was convicted of both charges, the client's family was ecstatic that someone actually fought for their family member! I think this taught the student attorneys a very valuable lesson in that not all cases are winners but if the client wants a trial that is what you give him. We are currently working on the appeal of these cases and hope to have the opportunity to try them again with next year's student attorneys.

The next case to go to trial was a Driving While Intoxicated case. In this case, the student attorney's client actually gave a breath test that was significantly above the legal limit. This drawback did not deter the student attorneys handling the case, Karla Valles and Mary Porter. The two ladies planned their trial and executed their plan. When the trial was over, the jury acquitted their client!

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CAPROCK REGIONAL PUBLIC DEFENDER CLINIC

This is a full-year 12 credit hours (6 per semester - 2 for class room component and 4 for case work) course limited to 12 students. Students accepted into the clinic must be registered for both Fall and Spring semesters. The CRPDO provides a community service by representing defendants in criminal cases who would otherwise be unable to afford their own legal representation. Cases involve misdemeanor and juvenile offenses in a 16 county region. Students are closely supervised by Donnie Yandell, Chief Public Defender, and Charlie Pelowski, Assistant Public Defender. Prerequisites include: Students must be 3L status, not be on academic probation, and have taken 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 clinic, however, exceptions can be made; and students may not sit for the February bar exam.



Standing (L to R): Professor Patrick Metze, Lesley Washington, Charles Pelowski, Donnie Yandell, Xavier Charles, Chris DeAnda, Charles Blevins, Trey Robinson, Robert Sullivan, Pat Sloane
Sitting (L to R): Mary Porter, Shannon Crenshaw, Liceny Espaillat, Tope Ogunsemi, Karla Valles, and Carah Beth Bass

**From the Desk of Donnie Yandell—
Caprock Regional Public Defender
Clinic** (continued from page 8)

The two cases above are what everyone wants to talk about, however, they very well may not be the greatest accomplishment of the clinic and its students. For instance, of the twelve students in the clinic all but three of the students had at least a 33% dismissal rate or better. This means that one out of every three cases assigned to our office and our student attorneys were or will eventually be dismissed. Almost half of the student attorneys had better than a 50% dismissal



rate, or every other case assigned to these student attorneys were dismissed. Finally, one student attorney had a 70.59% dismissal rate, meaning almost two of every three cases assigned to her were dismissed.

This has been an amazing year for me and I hope for the student attorneys as well. I look forward to working with a whole new twelve student attorneys in the fall. Good luck to each of you on finals and to those taking a bar exam . . . don't forget to breath! To my student attorneys never forget whose interests are most important in your professional relationship with your client and you will excel!

WORDS FROM OUR CLIENTS

"Thank you for helping me and thank god for Joshua. He seems to have really cared. I will miss talking to him. He has wonderful people skills and he really cares. Thank you again!"

B.B.
Tax Clinic Client

"I have always been treated with respect by Jorge and other staff. I appreciate all the work that has been done to help me resolve my tax issue. I appreciate Jorge's professionalism as well."

V.G.
Tax Clinic Client

"The IRS started to take money out of my social security check so I knew the IRS had the power to do anything—I came to you for help with stopping any further "not right" actions by them—Jonathan helped by letting me know I have rights too."

L.W.
Tax Clinic Client

"I just want to thank ya'll for an outstanding job on solving the outstanding issues I was going through and know I feel less stressful. Thanks on getting my troubles cleared up. Awesome job and if I know if anyone going through this same situation I would strongly advise them to ya'll. Thanks."

R.L.
Tax Clinic Client

WORDS FROM OUR STUDENTS

"I am very grateful to have had the opportunity to be part of the criminal defense clinic. The practical experience the clinic provided coupled with Professor Metzger and Terri's guidance have been invaluable to my education and have made the transition from student to professional an easier one."

Jessica Nevarez
Criminal Defense Clinic

"By far my greatest experience in law school was my time in the Caprock Regional Public Defender's Office. As rising 1L and 2L's will learn, the learning of law has very little to do with its practice. I am glad that through Pat Metzger, Donnie Yandell, and all the others involved in this clinic, such deficiencies are overcome."

Robert Sullivan
Caprock Regional Public
Defender Clinic

Congratulations to the following students selected for the **Caprock Regional Public Defender Clinic** for the 2012-2013 academic year:

Ibukun Adepoju, Joseph Gore, Neil Harris, Mitchell Mills, Lauren Mullins, James Philips, Sulema Retana, Yolanda Rodriguez, Audrey Rugg, Sarah Steaniak, Liza Trevino, and Nathan Young



From the Desk of Patrick S. Metze, Capital Punishment Clinic

The Regional Public Defender for Capital Cases office welcomed it's second Capital Punishment Clinic this past Spring semester with active cases pending in a region exceeding 150,000 square miles, encompassing 127 counties in the State of Texas. Our clients are, each of them, in the unenviable position of prolonged incarceration, generally single-celled, alienated from family, and without hope of eventual release. Six student-attorneys (**Juliana Adelman, Beth Hill, Lori Lawson, Crystal Whalen, Jennifer Jordan, and Jill Propst**) were immediately assimilated into the framework of not only the capital trial teams assigned to each case, but into the entire fabric of the office.

On day one, these students underwent an intense day-long orientation session which instructed them in various office protocols, as well as the roles of the fact investigators, the mitigation specialists, and the line attorneys. With that limited exposure, they were quickly utilized by all of the RPDCC staff and morphed immediately from

observer to valued contributor. Assignments included the mundane (research and drafting motions), the exhausting (automobile trips through West Texas to spend hours with clients in jails), the nerve-wracking (presentation of crucial ex parte funding motions to trial judges) and the exhilarating (resolution of a client's case with a sentence other than death). This semester these students experienced such exhilaration in saving the lives of three of their clients.

Biweekly office staffings are a critical communication technique utilized by the RPDCC. Each case is thoroughly discussed, and various strategies vetted with all staff members participating. These student-attorneys not only attended the staffings, but were regular contributors to the development of our mitigation and litigation plans for each client.

The classroom component of the Capital Punishment Clinic melded nicely with the field component. Whereas the RPDCC focused on the "how-to" aspect of defending the capital case, the classroom emphasized the "why" aspect ~ why the defense teams function in a particular way. Methodology and its underlying foundation is critical to the success of the capital defense practitioner, and is literally a matter of life and death for the client.

WORDS FROM OUR STUDENTS

"This clinic has given me the opportunity to defend those accused of the most serious crime- capital murder. It has taught me about the importance of mitigation and investigation. It has been truly amazing to be able to help save lives. I would recommend this clinic to anyone who is interested in finding out the harsh truths about capital sentencing in Texas."

Jennifer Jordan
Capital Punishment Clinic

"The Capital Punishment Clinic has been my favorite part of law school. Being part of a team working on a capital case is a very fulfilling experience, one that most lawyers will never have. I never imagined as a 1L that I would end up doing something so meaningful in my last semester of law school, and I'm so grateful to have had this opportunity."

Jill Propst
Capital Punishment Clinic

"The capital punishment defense clinic was a wonderful experience. I am honored to have contributed to a cause very dear to my heart, as well as to the defense team that made it all happen."

Juliana Adelman
Capital Punishment Clinic



Pictured L to R: Bethany Hill, Julianna Adelman, Jill Propst, Crystal Whalen, Lori Lawson, Jennifer Jordan, and Professor Patrick Metze

From the Desk of Larry Spain and Gene Valentini - Advanced ADR Clinic

Eighteen students participated in the Advanced ADR Clinic during the Spring Semester: **Francis Adesina, Tiffany Au, Tyler Benting, Kristiana Butler, Heather Carson, Grant Cunningham, Chad Davis, Malachi Daws, Elizabeth Galas, Emily Hart, Christopher Kelley, John Larios, Kaitlyn Luck, Bryce Percy, Matthew Ribail, Lauren Valastro, Kavish Wazirali, and Leslie Young.** 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 Office of Dispute Resolution for Lubbock County. 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 presentation on a mediation topic of their choice.

"The ADR Clinic is one of the most practically applicable courses I have taken in law school. Because mediation has become a regular part of settling most disputes, my participation in the ADR Clinic has given me a behind-the-scenes look at what will surely be a major part of the rest of my career."

M. Malachi Daws
Advanced ADR Clinic

ADVANCED 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 advise, counsel and prepare clients for mediation.

Congratulations to the following students selected for the **Advanced ADR Clinic** for the 2013 Spring semester:

Alicia Daugherty, Jacob Farr, Lee Gyomlai, Nadia Haghghatian, Tanner Hartnett, Cassandra Hernandez, Erik Jacobson, Alondra Johnson, Jamie Kroon, Kelli Leisure, Robert Mahaffey, Christian Mayer, Lindsay Nichols, Katherine Owens, Bradley Parkin, Brittany Paxton, Nathan Robinson, and Neal Spradlin



Pictured above: Professor Spain, Adjunct Professor Valentini, Matthew Ribail, Lauren Valastro, Kaitlyn Luck, Chad Davis, Emily Hart, Grant Cunningham, Joseph Young, Liz Galas, Christopher Kellley, Tiffany Au, Francis Adesina, Bryce Percy, Kristiana Butler, Heather Carson, Tyler Benting, Kavish Wazirali, and Malachi Daws (not pictured: John Larios)

THANKS TO FACULTY AND STUDENTS SUPPORTING *PRO BONO*

Thanks to the following faculty members who participated in *Pro Bono* Clinics held in conjunction with Legal Aid of NorthWest Texas during the spring semester of the 2011-2012 academic year:

Associate Dean and Professor Arturo Torres (4 clinics), **Professors Dustin Benham** (1 clinic), **Catherine Christopher** (1 clinic), **DeLeith Gossett** (2 clinics), **Larry Spain** (7 clinics), Law Librarian **Eugenia Charles-Newton** (1 clinic) and Communications Coordinator **Celeste Villarreal** (4 clinics).

The Law School faculty co-sponsored two *Pro Bono* Clinics held at St. John's United Methodist Church during the month of February and assisted with four *Pro Bono*

Clinics during the spring semester organized by the Student Public Interest Initiative (SPII), Family Law Society and Volunteer Law Student Association (VLSA). In addition, all students in the Civil Practice Clinic and Family Housing Clinic participate in the *Pro Bono* Clinics as part of their clinical work. In addition, several students from the Student Public Interest Initiative and Family Law Society assisted at the *Pro Bono* Clinics during the fall semester and spring semesters.

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

WORDS FROM OUR STUDENTS

"I am opening my own solo practice after law school. I cannot imagine going out on my own without the experience and confidence that working in the Civil Clinic has given me. I have been given the opportunity to help real-life clients and work directly with people who really need my services. This experience has been so rewarding. There is no substitute for the real-life experience I've gained in drafting and filing documents and appearing in court on behalf of my clients. The professors and clinic staff have made this experience worth its weight in gold."

Tammy T. Fisher
Civil Practice Clinic

"Being a part of the clinic was one of the most enriching activities I participated in during my time in law school. Not only did I learn how to better practice law, but I received excellent guidance from the clinic staff and thoroughly enjoyed getting to work with actual clients on a daily basis."

Grant Matthews
Family Law and Housing Clinic

"The clinic is one of my favorite experiences at Tech, and definitely worth all the hard work! It is amazing just how much you learn here, and what a head start it gives you when you get out into the real world and become a lawyer."

Kimberly Quesada
Family Law and Housing Clinic

Congratulations!



Patrick S. Metze

on

your tenure promotion!!

Meredith Nieto (LITC Administrative Student Assistant), Jennifer Sibley (Tax Clinic Fall 2011), and Elizabeth Rainey (Family Law and Housing Clinic Fall 2011) on passing the February Bar Exam!



CONGRATULATIONS CLINIC STUDENTS HONORED DURING HONORS AND AWARDS PROGRAM

Several clinic students were honored on May 3rd during the Texas Tech University School of Law Honors and Awards Ceremony. Recipients of the *Professor Marilyn Phelan Tax Award* were **Diana Le** (Tax Clinic) and **Alvin Chang** (Tax Clinic). **Malachi Daws** (ADR Clinic) and Jeffrey Anderson (non-clinic student) were honored with the *Hinkle, Hensley, Shanor & Martin Oil and Gas Award*. The *Clifford W. Brown Award* was presented to **Leticia Trevino** (Criminal Defense Clinic). Finally, the *Edward R. Smith and Norton Baker Tax Award* was presented to **Meredith Nieto** (LITC Administrative Student Assistant).

Another award presented during the Honors and Awards Program included the *Elma Moreno Pro Bono Award*. In 2000, Professors Tim and Daisy Floyd created an award named the “*Elma Moreno Pro Bono Award*” which recognizes a law student whose pro bono activities best exemplify the lawyer’s obligation to ensure equal access to justice.

The recipient of the 2012 award was **Aleida Villarreal** for her volunteer contributions to Legal Aid of NorthWest Texas and the Volunteer Income Tax Assistance.



Pictured L to R:
Diana Linh Le,
Meredith Nieto,
Alvin Chang,
and Elma
Moreno

Pictured L to R: Elma Moreno, Tamara Duncan, Aleida Villarreal, and Dean Darby Dickerson



Pictured above: Mike
Brown and Leticia Trevino

WORDS FROM OUR STUDENTS

“It was a real enjoyable experience. We really made a difference.”

Matthew Ribail
Advanced ADR Clinic

“Participation in the Advanced Alternative Dispute Resolution clinic was very beneficial to me, especially with regard to practicing problem solving with different people. Gene and Larry provided excellent mediation training that will be very useful in my career. Thank you.”

John Noel Larios
Advanced ADR Clinic

“The Advanced ADR Clinic has been a great experience. I really enjoyed being able to work with the parties to resolve their disputes. Being able to have a hands on practical experience was great and I would highly recommend this clinic to everyone.”

Heather N. Carson
Advanced ADR Clinic

“I believe the ADR clinic has provided me with tools to resolve disputes for future clients above and beyond what most law students learn. I’ll walk out of law school a trained mediator, before even passing the Bar with a useful marketable skill.”

Bryce Pearcy
Advanced ADR Clinic

“I have gained invaluable experience by participating in Clinic. I think everyone should participate in a clinic at some point during their law school career.”

Katy Krottinger
Family Law and Housing

RECENT CASES OF INTEREST



Tammy Fisher represented a 48 year old individual in a claim for Supplemental Security Income benefits based on disability before an administrative law judge with the following

impairments: seizure disorder, syncope, hypertension, history of right ankle reconstruction, major depressive disorder, panic disorder, and pain disorder. A fully favorable decision was issued after the hearing, the ALJ concluding that the client was disabled and entitled to benefits retroactive to the date of her application, August 16, 2010.

Tammy also represented another client on a disability claim with multiple medical conditions, including fibromyalgia; neck, back and shoulder pain; depression; and anxiety. She was able to successfully consolidate a prior claim for benefits and establish a medical finding of disability without the necessity of a hearing resulting in a retroactive award of benefits of \$12,000 + as well as continuing monthly benefits of \$1,542.

Mikela Bryant represented a 31 year old individual with cerebral palsy, depression and panic attacks who was awarded monthly benefits in the amount of \$210 in



Supplemental Security Income and \$368 in Social Security Disability Insurance benefits without the necessity of a hearing.

Tammy Fisher represented a blind client who had been denied access to his children and, after a contested temporary orders hearing, received joint managing conservatorship as well as a standard possession order.

Lilia Doibani filed an appeal before the Appeals Council after an unfavorable decision was issued by the administrative law judge on a childhood disability claim filed on behalf of her 9 year old client who has been diagnosed with ADHD and seizure disorders. The basis of the appeal is the failure of the ALJ to give appropriate weight to the opinion of the treating physician. The appeal remains pending.



Elizabeth Niblo conducted a hearing before an administrative law judge in March on a disability claim filed by a 57 year old woman diagnosed with diabetes and suffering the effects of peripheral neuropathy. A decision is pending in the case.

Isaias Solorzano was able to negotiate a settlement with his client's former employer releasing a lien on his motor vehicle despite a claim of an unpaid prior loan to the employee in satisfaction of an unpaid wage claim and other potential claims arising out of the sale of a motor vehicle to the client. Isaias was also able to establish the client's claim for unemployment benefits after a hearing before the Texas Workforce Commission.



Tammy Fisher was able to negotiate a settlement of a claim on behalf of a consumer with a local business involving the defective installation of flooring in her home.

WORDS FROM OUR STUDENTS

"My experience with the Caprock Regional Public Defender Clinic has been priceless. I can't imagine what my first year as a defense attorney would have been like! Not only have I gained some valuable and practical experience, but I was a part of the first class of students to venture out into the wilderness that is West Texas."

Liceny Espallat
Caprock Regional Public
Defender Clinic

"In the clinic, I am learning more than I could have thought possible. When I first transferred to tech, I wanted to be in a clinic, any clinic, very badly. I loved how the other clinic students got to do real world things. But I feel exceptionally lucky to have been able to be a part of this clinic in particular. Our client's very life is on the line and the work that we do could help save someone from being put to death at the hands of the State of Texas. Also, the people who work at the Regional Public Defender's Office for Capital Cases are the toughest and the sweetest lawyers I have ever met. They are amazing to work with and learn from."

Crystal Whalen
Capital Punishment Clinic

"Clinic is such a valuable and practical experience. I feel much better equipped to leave law school and start practicing."

Susanna Meringola
Family Law and Housing
Clinic

A WORD FROM OUR STUDENTS



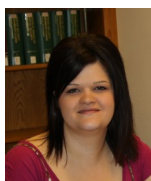
"This semester, the Low-Income Taxpayer Clinic has continued to prove rewarding. I had the opportunity to welcome new clients to the clinic and have been able to obtain successful resolutions with the IRS. This has provided much satisfaction to both my clients and myself. The clinic has truly been a great experience."

Jonathan Sarager
Tax Clinic

"The Civil Clinic Program has provided me with an incomparable experience that can be obtained nowhere else in law school. It is instrumental in preparing students to become competent, ethical, and ultimately successful attorneys upon graduation. Further, the insight and support of our supervising attorneys and clinic staff make the program all the more valuable."



Allie Hallmark
Civil Practice Clinic



"The Family Law Clinic has provided me with practical tools on which I will base my professional career. The experience has shaped how I will define myself in the legal field and provided the tools by which I will measure my peers."

Christina Woods
Family Law and Housing Clinic

"Being part of the CRPDO has given me a leg up on many classmates because I have been thrown in the "fire" already. The clinic gave me the opportunity to do several detention, adjudication, and disposition hearings for juveniles. In addition, I learned to work efficiently when an out of town prospective client walks in your office at 3pm and want you to represent them on a



case at 9am the next morning...and they are not really sure why they were charged."

Chris Deanda
Caprock Regional Public
Defender Clinic

"The Criminal Defense Clinic has been an educational and rewarding experience. I have learned so much about the criminal justice system, and how to work through it, to get the best possible outcome for my client. It has also allowed me to step outside of my comfort zone and meet new people in the legal community and also here at the law school. It has by far been the most gratifying experience of my law school career. It not only provides valuable practical experience but provides an opportunity for self-growth and reflection."



Leticia Trevino
Criminal Defense Clinic

"Working in Professor Metze's Criminal Defense clinic has truly been an invaluable experience since day one. Having the opportunity to assist and counsel my clients in their criminal matters allowed me to give back to the community and learn a great deal of practical experience that ultimately enriches my future criminal practice. I strongly recommend this vital experience to anyone contemplating the practice of criminal law because the opportunities and wealth of knowledge you obtain is not only marketable, but an advantage among your peers. I could never thank Professor Metze and Professor Morgeson enough for the mentorship and guidance they provided throughout the year. Overall, the Criminal Defense Clinic is hard work, but the payoff is well worth it. I feel confident upon licensing; I will be ready to hit the ground running!"



Jennifer Maritza Stewart
Criminal Defense Clinic

WORDS FROM OUR STUDENTS

"At the end of the spring semester, and 3L year, I can definitely say that Clinic has been my favorite part of law school. The staff and professors are wonderful, the experience is solid, and I feel at least semi-prepared for what the legal world will throw at me as a baby attorney. Working in the Clinic was my number one goal when I started as a 1L and I am happy to say it has been every bit as beneficial as I hoped for."

Mikela Bryant
Civil Practice Clinic

"This clinic experience gives every participating student a leg up once we begin practicing. Professor Spain and Terri are a wealth of invaluable knowledge from the procedural and practical aspect of practicing law. Thank you both so much!"

Isaias Solórzano
Civil Practice Clinic

Congratulations to the following students selected for the **Health Care Mediation Clinic** for the 2012 Fall semester:

Kelsey Brock, Braden Brown, Austin Carriazales, Cecilia Goforth, Jacquelyn Landrum, Manuel Hernandez, Kristin McClendon, Elena McCoy, Matthew Minnick, Elizabeth Morse, Ashirvad Parikh, and Jason Staggs.

FOR MORE INFORMATION ON THE CLINICAL PROGRAMS VISIT:

<http://www.law.ttu.edu/acp/programs/clinical/>

CCAV HONORS LAW STUDENTS WHO ASSISTED LOW INCOME TAXPAYERS DURING TAX FILING SEASON

The *Coalition of Community Assistance Volunteers* (a partner of the Low Income Tax Clinic) and staff from the Internal Revenue Service trained an estimated 100 volunteers with the assistance of **Elma Moreno**, Clinical Program Legal Assistant/Office Manager and member of the CCAV Board of the Directors and former Tax Clinic student Levi Siebenlist (Class of 2009 and an attorney at *Field, Manning, Stone, Hawthorne & Aycock, P.C.*), 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.

As a result of the efforts of student and community volunteers a total of **2,904** taxpayers whose average gross income was **\$15,900** had their tax returns prepared for free either at the VITA site. This saved them approximately **\$435,000** in tax prep fees. The low income residents helped received an estimated 1.6 million dollars in Earned Income Credits and a total of 4.5 million were returned to families within the community. An appreciation luncheon was held on May 3rd at Skyviews Restaurant honoring all volunteers.



The volunteers recognized with *Certificates of Appreciation* included several law students who took time to assist in tax preparation and the quality review process. The law students who volunteered during tax filing season included all students enrolled in the Tax

Clinic, as well as **Kent Hansen, Dag Teferawork, Ayesah Castang, Aleida Villarreal, and Valerie Finella.**

Natalie Cepak (3L) became a VITA student volunteer her first year in law school and was hired as one of the part-time Assistant Site Coordinators for CCAV for the 2012 tax filing seasons.



Natalie was presented with a plaque for her service to the program. **Alvin Chang (3L)** was recognized as the "Tax Preparer of the Year" for his contribution. Congratulations Alvin!

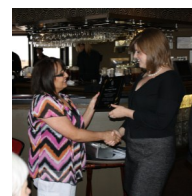
Other awards presented included the "Greeter of the Year Award", "Quality Reviewer of the Year Award", "New Volunteer of the Year Award", and "Volunteer of the Year Award". The "Site Coordinator of the Year Award" was presented to Elma Moreno.



Debra Hedgcoth was also honored and recognized with a plaque for 10 years of service to the Board of Directors as Advisory Board Member and IRS liaison.

Several VITA sponsors, as well as luncheon sponsors, were recognized with a plaque or certificate.

Thanks to all our volunteers and sponsors CCAV had another successful year!



WHERE ARE THEY NOW?

Elizabeth Rainey (Family Law—Fall 2012) is currently working at The Law Office of Ian Cantacuzene in Midland Texas doing Family Law and Criminal Defense. *Congratulations to Elizabeth who just passed the February Bar!!!*

Sarah Roberts (Civil Clinic—2010-2011) is working at the District Attorney's Office in Houston doing criminal law.

Patrick Sicotte (Tax Clinic 2010-2011) is currently living in Plano, Texas. He is working at Nesbitt, Vassar & McCown LLP in Addison, Texas. The majority of the firm is made up of Tech Law grads. And he primarily practices commercial litigation.

Chelsea Lowance (Civil Clinic 2010-2011) is a solo practitioner in Lubbock, Texas.

WORDS FROM OUR CLIENTS

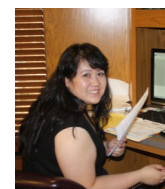
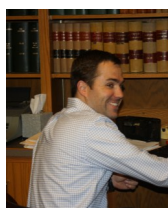
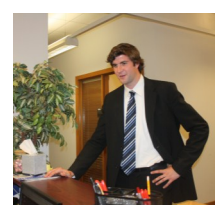
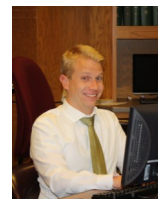
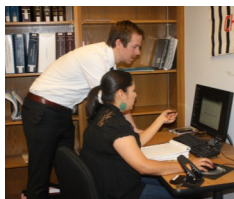
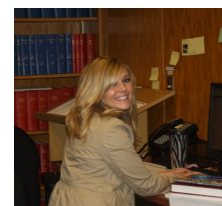
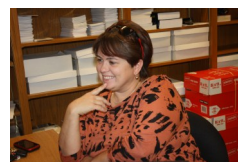
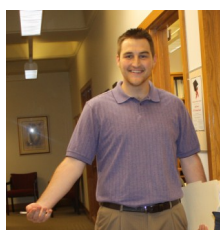
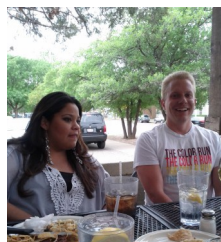
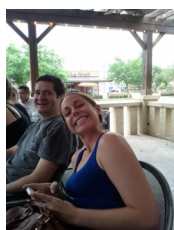
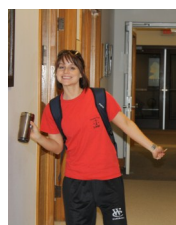
"I would like to thank Joshua for all his hard work on my case although I still got to pay the I.R.S. what they say I owe, can't argue with the I.R.S. I do believe he will make an excellent lawyer. My best wishes to him and to all the staff helping me out. Thanks."

J.H.
Tax Clinic Client

"Volunteers don't necessarily have the time, but they have the heart."

Author unknown

Snapshot Corner



CLINIC DIRECTORS:

Larry R. Spain
Civil Practice Clinic
Advanced ADR Clinic

Wendy Tolson Ross
Family Law and Housing Clinic

Vaughn E. James
Low Income Taxpayer Clinic

Patrick S. Metze
Criminal Defense Clinic
Capital Punishment Clinic
Caprock Regional Public
Defender Clinic

**CO-DIRECTORS/
INSTRUCTORS:**

Gene Valentini
Adjunct Professor
Health Care and Bioethics
Mediation Clinic
Advanced ADR Clinic

Terri Morgeson
Clinical Programs Fellow

Donnie Yandell
Chief Public Defender
Caprock Regional Public
Defender Office

Charles Pelowski
Assistant Public Defender
Caprock Regional Public
Defender Office

STAFF:

Elma Moreno
Office Manager/
Legal Assistant

Lesley Nall Washington
Director of Operations and
Communications
Caprock Regional Public
Defender Office

Meredith Nieto
LITC Administrative Student
Assistant/Community
Outreach Coordinator

Jennifer Martin
Sr. Business Assistant/Clinic
Secretary

CONGRATULATIONS MAY GRADUATES!

GOOD LUCK WITH THE BAR EXAM!

CLINIC FACULTY AND STAFF



CLINIC NEWS

Spring 2012 Edition

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