



SPRING 2016

CLINIC NEWS

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

CLINICAL PROGRAMS HONOR STUDENTS DURING ANNUAL RECOGNITION EVENT

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The annual *Student Recognition Event* was held on April 19th in the Lanier Auditorium. A total of 65 students were recognized with a *Certificate of Appreciation* for their dedication and participation in the clinical programs. Dean Darby Dickerson welcomed and congratulated the students on another successful year.



This event marked the 11th year that students have been recognized by the Clinical Programs for their participation, dedication, and commitment to representing low income individuals in the community who cannot otherwise afford to retain the services of an attorney.

Since the inception of the clinical programs which began with the LITC in April 2000, a total of 1001 students have participated in the programs and contributed thousands of student hours.

Students recognized participated in the *Tax Clinic, Civil Practice Clinic, Family Law and Housing Clinic, Criminal Defense*

Clinic, Caprock Regional Public Defender Clinic, Capital Punishment Clinic, and Advanced ADR Clinic.

CHARLSIE MOORE ADR AWARD

The Dispute Resolution Center of Montgomery County, Inc., a non-profit, volunteer organization in Conroe, Texas originally formed by the Montgomery County Bar Association which provides mediation and



conflict resolution training to individuals, businesses, agencies, and the courts, funded a scholarship award in honor of a long-time member of their Board of Directors, Charlsie Moore, to recognize the top students in the *Advanced ADR Clinic* for their demonstrated mediation skills. The recipients of this award, selected by the faculty teaching the Advanced ADR Clinic, were *Marla Bratcher* and *Sara Thornton*.

On behalf of the Clinical Programs Faculty and Staff we thank the students for everything they have done and providing high quality representation to their clients!



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

During the spring semester, the following eight students continued their work providing legal services to individual clients in the community through the Civil Practice Clinic: **Fernando Candil, Andrew Cavazos, Alex Hyde, McKenzie Jordan, Anna Kincaid, Alex Morris, Melanie Rozbicki, and Sonya Subash. Terri Morgeson**, in addition to directing the Low Income Taxpayer Clinic, worked closely with each of the students; was available for questions, guidance, and individual assistance; and supervised their legal work on individual cases. Along with Terri's assistance, **Elma Moreno and Irma Shepler** provided valued administrative support to the students in their clinical work.

Over the course of the semester, a total of 12 new client cases were undertaken, 23 cases were completed and closed and 20 cases will remain

open and carried over to the fall 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.

Each of the students has been kept busy carrying an individual caseload of 3-4 clients at all times throughout the semester and assumed primary responsibility for representing clients in matters involving family law, disability claims, wills and other estate planning, consumer disputes, and other civil matters. Every student had an opportunity to complete one or more family law cases from start to finish over the course of the semester. **Alex Hyde and McKenzie Jordan** represented individual clients on disability claims before an administrative law judge with decisions pending in each.

It has been enjoyable working with each of the students on developing their professional skills over the course of the year. Good luck on the bar exam and as you enter the profession.



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:

Back Row: Fernando Candil, Alex Hyde, Andrew Cavazos, Professor Spain

Front Row: Anna Kincaid, Alex Morris, McKenzie Jordan, Sonya Subash, and Melanie Rozbicki

"The Civil Clinic has challenged me in so many ways. I have strengthened my advocacy skills, client counseling techniques, and research abilities. Gaining this experience by being part of the Clinical Programs was one of the best decisions I made while in law school."

McKenzie Jordan
Civil Practice Clinic

Congratulations to the following students selected for the **Civil Practice Clinic** for the 2016-2017 academic year:

Lauren Arredondo, Jenee Duran, Triana Gonzalez (Fall only), Frederick Hutterer, Nadine Ona, Kenia Ontiveros, Tiffany Pham, Blake Stone, and Cindy Vazquez

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

Eleven students participated in the Advanced ADR Clinic during the Spring Semester: **Marla Bratcher, Lucilla Clarke, Chelsie Kidd, Bryson Matthews, Scott Meara, Keeli Rogers, Abby Sanger, Jacob Swaab, Sara Thornton, Deirdre Trotter, and Michael Williams.**

The semester began with four full days of mediation training during the week before classes began for the spring semester. Completion of the course qualifies as 40 hours of classroom instruction in dispute resolution training for court appointment as an impartial third party under Chapter 154 of the Texas Civil Practice and Remedies Code.

During the semester, students had the opportunity to initially observe experienced mediators conducting mediations before serving as a co-mediator or solo mediator in a variety of disputes through the Office of Dispute



Resolution for Lubbock County. The cases mediated by students included divorces, suits affecting the parent-child relationship, civil suits, landlord-tenant disputes, collections, criminal complaints referred by the DA's office, pre-pleas, and miscellaneous disputes referred to the Office of Dispute Resolution. Over 200 hours of mediation services were donated by students over the course of the semester.

In addition to the mediation of actual disputes, every student videotaped an introductory statement for mediation for critique, prepared reflection papers on mediations that they participated in, and made an oral presentation in class on a mediation skill or topic related to alternative dispute resolution.

We enjoyed working with a group of enthusiastic students in developing their mediation skills which will prepare them in their future professional role either serving as mediator or as an attorney representing clients in mediation.

"I really enjoyed my clinic experience in the Advanced ADR Clinic. Not only do I like the fact that I can conduct mediations and add that to my resume, but I really enjoyed everything that this clinic had to offer. You learn many skills throughout the clinic that translate to other aspects of the legal profession. Additionally, you get to meet many practicing lawyers, both when mediating their disputes, but also when co-mediating with them. And last but not least, the people down at the Dispute Resolution Center not only run everything very smoothly, but they are also great to be around!"

Bryson A. Matthews
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
- The course will provide students with the 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 2016 Fall semester:

Ben Agee, Ruby Boone, Shelbie Bradley, Melissa Brisco, Hailey Burroughs, Joseph Higgins, Julie Jaimes-Araujo, Meredith Larson, Simeon Leach, Matthew Merriott, Annie Northcutt, Amber Rich, Zirwa Sheikh, Andrew Smith, Chet Southworth, Keven Stratton, Melanie Uremovich, and Brianna Wilbur



Pictured L to R:

Back Row: Jacob Swaab, Scott Meara, Michael Williams, Bryson Matthews, Chelsie Kidd, and Marla Bratcher

Front Row: Gene Valentini, Keeli Rogers, Sara Thornton, Abby Sanger, Lucilla Clarke, Deirdre Trotter, and Professor Larry Spain



From the Desk of Terri Morgeson - Director, Low-Income Taxpayer Clinic

The Tax Clinic had another productive academic year. The 2015-2016 Low Income Tax Clinic was composed of **Melissa Arano, Shazeb Atta, Carlos L. Armendariz, Joseph Austin, Chase Barnhill, Abbey Cohen, Macy Cotton, Jeri Leigh McDowell** and **Spencer Peeler**. To date, this is one of the smartest group of students that I have had the pleasure of supervising. The positive results we had this year relates back to their hard work.

Chase Barnhill won the *Marilyn Phelan Award* which is awarded to the clinic student who performed the best in the low-income tax clinic. Chase Barnhill closed 5 cases with the taxpayers owing zero liability owed.

Joseph Austin settled an Offer in Compromise for \$183.00 saving the tax payer \$79,553.92. The taxpayer had hid from this problem since 2003. The taxpayer did not hold a legal job for 7 years. When he landed his dream job in 2010 he was too scared to file his income taxes. He was completely overwhelmed and did not know how to fix the problem. He found one of our flyers at a local library. When we told him the result of his OIC, he could not believe the result and had to call us back because he felt like he was going to faint. He was in complete shock and extremely grateful of the results. Joseph did an amazing job on this case fighting for this taxpayer.

Jeri Leigh McDowell also had a gratifying Offer in Compromise accepted for \$1.00. This taxpayer was responsible for aging parents. She worked two different jobs trying to keep a roof over her parents' head and food on their table. Her struggle providing

food was apparent to one of her employers and they allowed her to take the extra food from the job home. The taxpayer was duped by relative, who prepared tax returns, to claim a friend's children and receive earned income credit. As a result of this improperly claimed credit, the taxpayer owed the IRS \$9,608.02. The IRS was threatening to levy her wages. Jeri Leigh was able to stay the levy until the OIC was filed and reviewed. The IRS accepted the Offer in Compromise of \$1.00. The taxpayer proclaimed, "Jeri Leigh McDowell will be the best attorney in Texas!" We agree 100%.

Both **Shazeb Atta** and **Spencer Peeler** had tax cases settled with offers of compromise saving their taxpayers \$6501.69 and \$16221.79 respectively. **Macy Cotton** received a positive ruling on an innocent spouse claim and her client received \$4,685.02 total refunds for 4 different tax years.

Similarly, **Melissa Arano** was able to successfully argue with examination, allowing her client to receive her full refund of \$4,016.32. However, we have several more months of work for this client who was the victim of a neglected tax preparer.

Abbey Cohen has two complicated cases set for trial with United States Tax Court. Unfortunately, she will not get to see the results of hard work since the tax court only comes to Lubbock once a year in September. Based on her hard work, we are positive about the result of these cases once they are reviewed by general council. She has already received a partial result for one set of taxpayers who are the victims of identity theft, saving them \$6,279.00. We are waiting on a decision for a second tax year and just learned 2015 contains the same identity theft issues.

In addition to providing great representation to those taxpayers dealing with tax controversy, these students volunteered at the local Coalition of Community Assistance Volunteers VITA site for a total of 303.00 hours. Three of the tax clinic students were recognized for their service to CCAV.

LOW INCOME TAX CLINIC

This is a full-year 10 credit hours (5 per semester—2 for classroom component and 3 for case work) course limited to 8 students. 2-4 students are accepted for both summer sessions and students earn a total of 4 credit hours (2 per session).

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.



Pictured L to R:

Back Row: Chase Barnhill, Carlos Armendariz, Shazeb Atta, Spencer Peeler, and Joseph Austin

Front Row: Nancy Mojica, Melissa Arano, Jeri Leigh McDowell, Clinic Director Terri Morgeson, Macy Cotton, and Abbey Cohen



Congratulations to the following students selected for the **Low Income Taxpayer Clinic** for the 2016-2017 academic year:

John Fulgham, Alexis Gebhardt, Eric Matthews, Madison Murray, Adam Ondo, Kylie Rahl, Aqsa Siddiqui, Jana Simons, Frances Tubb, Mary Courtney (Spring only), and Joshua Ford (Summer only).



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

This semester we had one student, Michael Ada, who graduated in December, which left six students to continue on in the clinic: **Jaime Hernandez, Joseph McNulty, Stacy Riker, Alexis Sein, Jarrett Stones, and Marissa Young.**

Congratulations to Clinic Fellow, **Dwight McDonald** for being nominated for the Texas Tech University Diversity Award for staff members. He is truly deserving of this nomination. Thanks Dwight for all your hard work.

This semester we took on a variety of family law cases including divorces with children and some without children. The highlight of our

semester came when we were able to complete a couple of adoption cases. In both of these adoption cases, we were able to help two single women adopt the children they had raised since birth. This allowed the children to be permanently placed in stable homes and provide closure for these families.

We had one very unique case. We were able to represent a father in a paternity hearing. This was a case where the father was tricked into signing a paternity acknowledgment. Later, it was found that he was not the biological father through an unofficial DNA test. In court, the students were able to persuade the court to

order an official DNA test, which will undo the paternity order and rightly establish the paternity of the child. Additionally, we have continued our divorce night clinic and our landlord/tenant clinic at the Dispute

Resolution Center. At both of these clinics, we have been able to successfully represent and advise many clients.



"Clinic was my best experience during law school. It should definitely be a required course."

Jaime Hernandez, Jr.
Family Law/Housing Clinic



**Congratulations! Stacy Riker, Graduating Law Student
Award by Lubbock Area Foundation**

FAMILY LAW and HOUSING CLINIC

This is a full-year 12 credit hours (6 per semester—2 for classroom 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 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.



Pictured L to R:

Back Row: Jarrett Stone,
Joseph McNulty, Jaime
Hernandez, and Clinic
Fellow Dwight McDonald

Front Row: Professor
Wendy Ross, Alexis Sein,
Melissa Young, and Stacy
Riker

Congratulations to the following students selected for the **Family Law/Housing Clinic** for the 2016-2017 academic year:

Carissa Christensen, Emily Copeland, Stacy Grant, Brenda Johnson, Kendra Naranjo, Holley Owens, Emily Thakar, and Jeanette Moody (Fall only)



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

As is our custom, the students in the 2015-2016 Criminal Defense Clinic were busy all year representing real people in real cases in real time. This year, the students handled 144 cases for 80 clients. Of these cases, 60 are still pending, 28 were disposed of through some type of negotiated plea, and 56 cases were dismissed. Cases consisted of 103 misdemeanors and 41 felonies. This is an average student case load of over 11 clients per student and almost 20 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, and in all three felony District Courts of Lubbock.

Clinic students during the Spring semester were: **Trevor Brown, Jessica Eaton, Jim Goff, Samantha Jarvis, Matt Loving, William Ott** and **Tara Parker**. 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 2800 hours of pro bono representation of the poor. I am grateful for the tireless and invaluable help of Professors Dwight McDonald, Donnie Yandell and Terri Morgeson who helped guide the students all year. The wide variety of cases along with the collaborative nature of our clinics give the students exposure to the daily challenges of the criminal defense practitioner well in advance of graduation. Most students agree their clinical experience ranks among their best experiences in law school. 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, while learning to perform 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. Several learning environments are available to the students, including mandatory office hours leading to collaborative learning. The students work in

(continued on page 7)

CRIMINAL DEFENSE CLINIC

This is a full-year 12 credit hours (6 per semester - 2 for classroom 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.



Pictured L to R:

Back Row: Professor Patrick Metze, Clinic Fellow Dwight McDonald, Trevor Brown, Jim Goff, and Matt Loving

Front Row: William Strong Ott, Jessica Eaton, Tara Parker, and Samantha Jarvis

Congratulations to the following students selected for the **Criminal Defense Clinic** for the 2016-2017 academic year: **Rasha Abu-Zeyadeh, Benito Alonzo, William Brooks, Brent Debnam, Erin Garza, Cole Leonard, Cody Oldham, and Caitlin Sullivan**

From the Desk of Patrick S. Metze - Director, Criminal Defense Clinic (continued from page 6)

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 April, the CDC participated in the Law School's annual chili cookoff ~ a departmental tradition. The CDC continues with bragging rights that it produced the "best real chili" at the cookoff—even though the judges were wrong AGAIN. The Clifford Brown Award for 2016 was awarded to Jessica Eaton for her "excellence in the art and science of criminal defense advocacy."

This year the students and I elected to give a special award to **Sonya Herrera** who graduated in December 2015, for her outstanding service to the clinic and her clients during her time in the CDC. The award was entitled the "Talons of Justice" and expressed all our best wishes to

Sonya who passed the Bar and is now an attorney in San Antonio.

I only wish I had awards for all the students, they all deserve one. 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, all my students showed a real interest in *pro bono* work and I know that such a commitment to the poor will continue throughout their entire careers. 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. While studying for the Bar this summer, no drama, pass the Bar and stay in touch. Come back often.

WORDS FROM OUR STUDENTS

"I have enjoyed serving in the clinic, and I appreciate having had this wonderful opportunity to work for an underrepresented segment of our community. The support, encouragement, and guidance I have received will no doubt benefit me for many years to come!"

Chase Barnhill
Tax Clinic



"Being in the clinic has been an invaluable learning experience. I feel much more comfortable with interviewing and counseling clients, going before judges, and talking to opposing counsel all before going into practice. I highly recommend it!"

Melanie Rozbicki
Civil Practice Clinic

"Clinic provided me with the unique opportunity to serve and interact with the Lubbock community in a way I previously had not. This experience has been rewarding both professionally and personally, and I could not imagine my third year without it. I'm now entering the law profession with a year of experience, and it is a year I will never forget."

Jessica Eaton
Criminal Defense Clinic



WORDS FROM OUR STUDENTS

"I truly enjoyed my experience in the ADR clinic and am grateful for the experience. I plan on using the skills I learned to integrate mediation and other ADR techniques into my future law practice."

Abby Sanger
ADR Clinic

"First I was afraid, I was petrified, kept thinking I could not practice law without a supervisor by my side. But then I spent so many nights thinking about all that I have been taught and I grew strong and I learned that I am going to be just fine when I begin practicing thanks to the Clinic."

Trevor Brown
Criminal Defense Clinic

"I loved being involved in the ADR clinic. I was given the opportunity to meet local attorneys and mediators while getting hands on experience mediating. This also gave me a chance to experience a variety of practice areas that I might not get the chance to deal with otherwise."

Keeli Rogers
ADR Clinic

"I'm extremely grateful that the Caprock Regional Public Defenders Office gave me the opportunity to stand up for the rights of indigent individuals around Texas."

Nolan McConville
CRPDO Clinic

"I am so grateful for all that Clinic has taught me over the past year. I am excited to use the skills I've learned here in the future."

Samantha Jarvis
Criminal Defense Clinic



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

The Regional Public Defender
for Capital Cases office

welcomed it's seventh Capital Punishment Clinic this past Spring semester. The office is the only statewide defender for capital cases with eight regional offices throughout Texas. Our clients are, each of them, in the unenviable position of prolonged incarceration, generally single celled, alienated from family with little hope of eventual release. This semester only two students were chosen from those that completed the Fall 2015 Capital Punishment seminar. Completion of the seminar indoctrinates the chosen students into the unique world of the capital defender. The students chosen this year were **Kathryn Crocker** and **Lisa Hoge**. They 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. They were instructed in the 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), spending hours with clients in jails, the nerve wracking, and the exhilarating (resolution of a client's case with a sentence other than death). 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 the mitigation and litigation plans for each client. As a capital trial began this semester, students were utilized in the most important jury selection process and were able to watch the trial as it progressed into punishment. This is a very unique opportunity given to only a few to view a capital trial from the defense perspective. Whereas the RPDCC focused on the "how to" aspect of defending the capital case, many discussions 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.

As a result of winning the 2013 University Departmental Award for Teaching Excellence given by the University Teaching Academy and the University Provost, each year we treat the school to lawyers, teachers, storytellers, and activists committed to the rights of the individual. In October, the three Criminal Defense Clinics were honored to present Megan Wells Harkins and Adam Alvarez, former clinical students, to speak on their experiences in establishing their own criminal practice right out of law school. In April 2016, attorney Michael Mowla from Dallas, Texas, a Board Certified Specialist in Appellate practice came to work with the students and address the student body on what happens after the trial of a criminal case encouraging students to look at appellate work as their practice choice.

WORDS FROM OUR STUDENTS

"Although I have spent the last four years working with indigent and vulnerable populations, it wasn't until my time in the Clinic that I truly felt as if I was making a concrete difference. There is no substitute for the quality of experience that the Clinic provides. Moreover, I'm leaving with a strong understanding of what kind of attorney I want to be, as well as the kind of attorney I refuse to be."

Stephanie M. Ibarra
CRPDO Clinic

"The Capital Punishment Clinic is a unique experience that only Tech can offer. I was able to meet a death row inmate, help with the voir dire process by researching members of the jury panel, and do several small research projects. I'm leaving with increased compassion for people on death row and the knowledge that people are right to ask questions about the death penalty and its application."

Lisa Hoge
Capital Punishment Clinic

"My year long clinic experience has been remarkable. As a student attorney, Caprock Regional Public Defender Office allowed me the opportunity to genuinely perform the practice of law. From interviewing clients, negotiating with prosecutors, and advocating in the courtroom, Caprock has been an invaluable experience in shaping my future legal career."

Sydne Collier
CRPDO

"Clinic has given me real world skills that I can take to my law practice."

Carlos Armendariz
Tax Clinic



Pictured L to R:

Lisa Hoge,
Professor Patrick
Metze, and
Kathryn Crocker





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

The 2016 Spring Semester is complete and this semester the Caprock Regional Public Defender Clinic had six student attorneys: **Stephanie Ibarra, Patrick Overman, Nolan McConville, Stephen Chapa, Sydne Collier** and **Ron Miller**. The student attorneys were assigned 110 cases and closed 68 of those cases. Caprock Regional Public Defender student attorneys have handled 89 misdemeanors, 17 felonies and 4 juvenile felonies.

Offenses the students have handled include Domestic Assault, DWI, Possession of a Controlled Substance, Deadly Conduct, Possession of Marijuana, Criminal Trespass, Terroristic Threat, Theft, Abandoning or Endangering a Child, Criminal Mischief, False Report to a Peace Officer, Indecency with a Child, Burglary of a Habitation, Resisting Arrest, Interference with an Emergency Telephone Call and Failure to Identify. In addition, they assisted on a murder case.

The student attorneys were set for several trials during the year but only one went to a

punishment hearing where Ron Miller and Sydne Collier were able to obtain the punishment requested by the client. Another interesting case in which Patrick Overman and Stephanie Ibarra were ready to go to trial was dismissed the Friday before a Tuesday setting due to the teamwork of everyone in the clinic when Ron Miller drafted a writ to challenge the constitutionality of the law their client was charged with violating.

The students have worked very hard on these cases with great results for our clients. It cannot be said often enough how hard they work and how appreciative our clients are for their help.

As this semester ends, we are still waiting for and hoping to have a favorable ruling on the appeal our summer student attorneys, **Wesley Gould** and **Michael Bates**, filed in Eastland, which, if the ruling is in our favor, will probably require another trial on the matter.



In closing, I would like to say the Caprock Regional Public Defender Clinic was once again well represented by the students attorneys. I am excited to know that there will be six more trained criminal defense attorneys available to those charged with crimes in our communities in just a few months. Good luck on your finals and get ready for the real final exam. After that, have a great summer!

CAPROCK REGIONAL PUBLIC DEFENDER CLINIC

This is a full-year 12 credit hours (6 per semester - 2 for classroom component and 4 for case work) course limited to a maximum of 8 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 10 county region. Students are closely supervised by Donnie Yandell.

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.



L to R (front to back):

Sydne Collier, Stephanie Ibarra, Donnie Yandell, Ron Miller, Steven Chapa, Nolan McConville, Patrick Overman, and Patrick Metz

Congratulations to the following students selected for the ***Caprock Regional Public Defender Clinic*** for the 2016-2017 academic year:

Kylie Corson, Michael Debnam, Randy Lopez, Michael Ludvik, Derek Mergele, Rosalind Perez, Hilary Sanchez, and Tyler Stevens



CONGRATULATIONS CLINIC STUDENTS HONORED DURING HONORS AND AWARDS CEREMONY

Several clinic students were honored on April 20th during the Texas Tech University School of Law Honors and Awards Ceremony.

Recipient of the **Professor Marilyn Phelan Tax Award** and **Edward R. Smith & Norton Baker Tax Award** was **Chase Barnhill** (Tax Clinic). One award is given in honor of Horn Professor Emeritus Marilyn Phelan by Michael Denham ('99) to a graduating student who "has excelled in the Tax Clinic". The other award is an award presented to a student who intends to practice in the tax area and is permanently endowed by Karl Clifford ('72) and Steve Krier ('77).



The **Clifford W. Brown Lubbock Criminal Defense Lawyers Association Award** was presented to **Jessica Eaton** (Criminal Defense Clinic). Pictured are

Professor Metze, Jessica Eaton, and Clinic Fellow Dwight McDonald. This award recognizes excellence as a student attorney in the Texas Tech Criminal Defense Clinic and is funded by the Lubbock Criminal Defense Lawyers Association.



Jeri Leigh McDowell (Tax Clinic) was awarded the **Professor Dean G. Pawlowic Award** which recognizes a student who demonstrated interest, ability, or aptitude in any aspect of commercial law

and has potential development of keen legal analysis, based in part on classroom participation, interaction with other students or attorneys in the area of commercial law, and on applicable work outside of the class. The award was established by former students of Professor Pawlowic: Michael Denham ('99), R. Lee Barrett ('00), and Wade King ('03). **Jeri Leigh McDowell** was also the recipient of the **Student Academic Citizenship award**.

Stephanie Ibarra (Caprock Regional Public Defender Clinic) and **Alexandra Morris** (Civil Practice Clinic) were the recipients of the



Elma Moreno Pro Bono Award. This award was created in 2000 by Timothy and Daisy Floyd and is named in honor of Elma Moreno, original coordinator for the Private Attorney Involvement Program for West Texas Legal Services. This award recognizes a law student whose pro bono activities best exemplify the lawyer's obligation to ensure equal access to justice. The award is currently funded by the first award recipient and managing attorney at Legal Aid of NorthWest Texas, Tamara Duncan (2000).



The **George W. and Sarah H. Dupree Award** was presented to **Stephanie Ibarra** (Caprock Regional Public Defender Clinic). This award is an endowed award given to the member of the graduating class who, in the opinion of

the student's colleagues, best exemplifies the ability desired in one soon to join the legal profession. **Stephanie Ibarra** was also the recipient of the **National Association of Women Lawyers Outstanding Law Student Award** and was nominated as an inductee into the 2016 National Order of Scribes.



Joseph Austin (Tax Clinic) was the recipient of the **Fortney Award for Ethics**. The award is given in honor of Professor Susan Fortney to a student who exhibits outstanding moral and ethical conduct among his or her peers while attending law school. It is funded by Russell Devenport ('98), Lincoln Goodwin ('98), and Michael Holley ('99).

PRO BONO DIVORCE NIGHT COURT CLINIC

This 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 and Family Law/Housing Clinic professors. Law students prepare the paperwork, file it with the courts, and finalize the divorces before the Honorable Judy 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.

CONGRATULATIONS CLINIC STUDENTS HONORED DURING HONORS AND AWARDS CEREMONY

(continued from page 10)

The **Robert J. and Ann Burbridge Criminal Clinic Award** was presented to **Steven Chapa** (Caprock Regional Public Defender Clinic). This is an award created through an endowment given by Ann Burbridge who was a long-time registrar at the law school. It was created in memory of her husband and is given to a third year law student in a criminal defense clinic who has provided zealous advocacy for those accused of committing crimes in rural or underserved communities of Texas.



Clinic students recognized as **Phi Kappa Phi Inductees for 2016** include: **Shahzeb Atta** (Tax Clinic), **Bryson Matthews** (Advanced ADR Clinic), **Ron Miller** (CRPDO Clinic), **Jeri Leigh McDowell** (Tax Clinic), and **Tara Parker** (Criminal Defense Clinic).



Congratulations **Patrick Overman** (Caprock Regional Public Defender Clinic) who was recognized as one of the **Dean's Community Teaching Fellows** which assist with the law school's partnership with the Estacado High School Law and Justice Magnet Program.

The following students were recognized for completing the **Excellence in Legal Research** program: **Carlos Armendariz** (Tax Clinic), **Marla Bratcher** (ADR Clinic), **Lucilla Clarke** (ADR Clinic), **Keeli Rogers** (ADR Clinic), and **Alexis Sein** (Family Law/Housing Clinic).

Congratulations to the following clinic students for being recognized as **Who's Who Among Students in American Universities & Colleges for 2016**:

Advanced ADR Clinic: Chelsie Kidd, Bryson Matthews, Keeli Rogers, and Sara Thornton

Civil Practice Clinic: Andrew Cavazos, McKenzie Jordan, and Alexandra Morris

CRPDO Clinic: Stephanie Ibarra and Ron Miller

Criminal Defense Clinic: Trevor Brown, Jessica Eaton, Matthew Loving, Tara Parker, and William Strong-Ott

Family Law/Housing Clinic: Jaime Hernandez, Joseph McNulty, and Stacy Riker

Tax Clinic: Shahzeb Atta, Macy Cotton, Jeri Leigh McDowell, and Spencer Peeler

Finally, congratulations to all the students recognized by the **Law Journal Executive Boards!!!**

RECENT CASES OF INTEREST

Steven Chapa (CRPDO) had a client and mother of 3 who was charged with aggravated assault with a deadly weapon. She was looking at 2-20 years for the charge. After thoroughly examining all of the evidence, he decided to have a talk with the prosecutor. His client told him there was no way she could do jail time for this charge. Steven told the prosecutor that the evidence didn't add up to the charge and that if he persisted he was going to have to set the case for trial. After further negotiations with the prosecutor the state decided to dismiss the charge. The ensuing phone call he made to his client is why he has the greatest job in the world. The sheer jubilation in her voice lifted him up to a better place in that moment. Steven states "I am grateful for the opportunity and experience the Caprock Regional Public Defender's Office afforded me!!!"



Stephanie Ibarra (CRPDO) had her first felony case which dealt with a revocation. Her client had served several years in prison for various offenses and had a history of drug addiction. On paper, she was not a sympathetic client.

Regardless, Stephanie combed through the discovery, and noticed some discrepancies in filing stamp dates and signature dates. Case law and applicable statutes confirmed that the former nullified the court's jurisdiction in her case-irrespective of what the prosecutor insisted. When Stephanie told her client she had gotten her case dismissed, she was elated in a way she hadn't experienced with a client. She became emotional and said she was aware how easy it would have been to not care about her or her case given her history. Stephanie stated "I don't think I will ever forget her words and the handshake that followed."

Nolan McConville (CRPDO) had a client who was charged with Criminal Trespass, a Class B misdemeanor with a maximum punishment of 6 months in jail. After discussing the case with the prosecutor, the original offer was 15 days in jail. His client was pleased that Nolan got him such a low offer but Nolan still didn't think the evidence provided warranted jail time. After further negotiations, the prosecutor agreed to time served. Client was ecstatic that he wasn't sent to jail and could continue working and spending time with his family.

LOW-INCOME TAXPAYER CLINIC CONTINUES TO PROVIDE EDUCATIONAL WORKSHOPS AND COMMUNITY OUTREACH



Once again the spring semester roared in like a lion, conveying to us ready or not here I come. I know I felt that way and I am sure others felt the same, if not all. Well let me tell you it was all good even if we got our mane a bit messed up!

The semester participation of resource/health fairs and workshops along with direct and in-direct outreach in and around our service area has helped to increase our caseload. I had the privilege of initiating contact with over 20 taxpayers and submitting their information to our LITC Director for review and approval for referral to the clinic students. I believe having direct contact with all prospective clients helps obtain a better understanding of the individual and their tax matters.

I attended the McWhorter Elementary Family Book and Resource Fair in January and had the opportunity to interact with over 127 parents, students and family members to promote our program and the services we provide. I distributed over 500 English and Spanish LITC Brochures and over 250 LITC and Educational Workshop Posters in English and Spanish as well. It also gave me the opportunity at some PR with the various



social and health organization vendors on hand to inform them of our program and our 87 county service area.

The EITC Awareness Day 2016 Workshop was held on **January 29, 2016** at the Patterson Library. Each year, IRS joins partners nationwide to launch the EITC Awareness Day outreach campaign to ensure that millions of low-and moderate-income workers get the credit they deserve. The IRS invites community organizations, elected officials, state and local governments, schools, employers, and other interested parties to join and increase awareness among potentially eligible taxpayers at the time most are filing their federal income tax returns. The event is a joint venture between IRS and its many partners and stakeholders. This year marked the 10th Anniversary of EITC Awareness Day.



The LITC also held the Canyon Area Library Tax Law Workshop at the Canyon Area Library in Canyon, Texas from 6:00 to 7:00 p.m. on February 4th. Once again, we had the

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THANKS TO FACULTY AND STUDENTS SUPPORTING *PRO BONO*

Thanks to the following faculty who assisted at *Pro Bono* Clinics held in conjunction with Legal Aid of NorthWest Texas during the spring semester: **Associate Dean Arturo Torres** (2 clinics), **Professors Dustin Benham** (1 clinic), **Gerry Beyer** (2 clinics), **Bryan Camp** (1 clinic), **Cassie Christopher** (1 clinic), **Patrick Metze** (1 clinic), **Robert Sherwin** (1 clinic), **Larry Spain** (7 clinics), **Kristen van de Biezenbos** (1 clinic); **Law Library Faculty Jamie Baker** (2 clinics), **Marin Dell** (1 clinic); **Meryl Benham**, Associate Director for *Pro Bono* Projects (3 clinics); **Dwight McDonald**, Clinic Fellow (1 clinic); and **Danielle Saavedra** (2 clinics), Associate Director for Student Life.

The Law School faculty co-sponsored two *Pro Bono* Clinics held at St. John's United Methodist Church and a *Pro Bono* Clinic held at Mae Simmons Community Center during the month of September as well as assisting with three *Pro Bono* Clinics

during the fall semester that various law students participated in that were coordinated by **Meryl Benham**, Associate Director for *Pro Bono* Projects. In addition, all students in the Civil Practice Clinic and Family Law and Housing Clinic participate in the *Pro Bono* Clinics as part of their clinical work. In addition, the following law students assisted at the *Pro Bono* Clinics during the spring semester: **Jillian Beatty**, **Lucilla Clarke**, **Ashley Ellis**, **Triana Gonzalez**, **Amanda Gunn**, **Stephanie Ibarra**, **Brenda Johnson**, **Jason Judd**, **Leah Kosmitis**, **Chloe Reyes**, **Amber Rich**, **Shanae Salter**, **Sonya Subash**, and **Julia Wisenberg**.

If you are interested in participating in a future *Pro Bono* Clinic, contact **Meryl Benham**, meryl.benham@ttu.edu for more information.

FOR MORE INFORMATION ON THE CLINICAL PROGRAMS VISIT:

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

LITC PROVIDES EDUCATIONAL WORKSHOPS AND COMMUNITY OUTREACH (continued from page 12)

Privilege of providing the City of Canyon and its surrounding communities with valuable income tax information and resources. Clinic Director, Terri Morgeson did an excellent job educating the participants on the “Do’s and Don’ts of Filing Your Taxes”.



I participated in the 2-1-1 Day Event at the John Wilson Boys & Girls Club on February 11th. It was a great event with over 32 vendor booths from all different agencies and organizations in Lubbock and its surrounding counties. I had the opportunity to expand our program information by distributing almost 800 LITC brochures along with over 200 LITC and Educational Workshop Posters.

An educational workshop was also held for the Lubbock Stroke Club on March 15th at Furr’s Cafeteria. Tax Clinic Director, Terri Morgeson, educated stroke victims and their families about the importance of filing and who needs to file along with the basics on the Earned Income Tax Credit.

In order to provide educational workshops to taxpayers, twelve (12) IRS educational videos were presented at the VITA Site located at 5601 Avenue Q Lubbock, Texas from April 7th through April 18th. These videos educated and informed taxpayers about tax issues related to them and/or their family members. Over 300 taxpayers participated at these educational workshops during the month of April up to the final tax day.

WORDS FROM OUR CLIENTS

“He’s one great lawyer. He lifted a huge weight off my shoulder. I believe he will make an awesome lawyer one day. Thanks Chase!”

L.C.

“We found Macy to be very good at her job and very respectful. She was sensitive to our situation and would recommend to anybody that needs her services.”

R.R.

“Terri Morgeson had to handle the brunt of my case and was extremely helpful in getting it resolved. I can’t thank her enough.”

D.B.

“Thank you again for everything you did to help us. There is no way we could resolved this without your help.”

J & M Mc

“I appreciate you all very highly, and I thank God. God blessed me and lead me to the Tax Clinic. I will never forget you all on the help you all gave me. I would truly contact you all again if need be. Thank you all so very much.”

V.D.

CONGRATULATIONS!

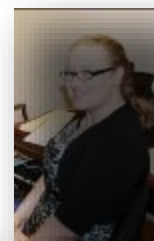


Jessica Eaton (Criminal Defense Clinic Student), Outstanding Articles Editor Award



Trevor Brown (Criminal Defense Clinic Student), MR. TECH LAW 2016

Jeri Leigh McDowell (Tax Clinic Student), American College of Bankruptcy Distinguished Law Student for the Fifth Circuit



Congratulations CRPDO Clinic for great article published at: http://lubbockonline.com/education/2016_02_02/texas_tech_law_students_represent_rural_indigent_clients



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



2016 marked the 14th year the *Coalition of Community Assistance Volunteers* (a partner of the Low Income Taxpayer Clinic) has administered the Volunteer Income Tax Assistance (VITA) program. An estimated 100 volunteers were certified using the online training provided thru Link N Learn which is an IRS provided training site.

As a result of the efforts of student and community volunteers a total of 3,111 families whose average income was \$16,542 had their tax returns prepared for free at the VITA site. This saved them approximately \$466,000 in tax preparation fees. The low income residents helped received an estimated \$2 million in Earned Income Credits and more than \$4 million in refunds were returned to families within the community. An appreciation luncheon was held on May 6th at Skyviews Restaurant honoring all volunteers.

With the assistance of **Stephanie Ibarra** and **Katherine Mendiola**, the law school partnered with the Coalition of Community Assistance Volunteers and provided a one day of free tax preparation and e-filing for students who needed assistance with having their tax returns prepared. This was an additional service provided by law student volunteers and we can only expect it to grow in years to come!



As an additional service, the volunteer law students and Tax Clinic students, director, and staff partnered with CCAV to provide services to "Virtual VITA" which is a project to prepare free tax returns and e-filing to taxpayers who meet the eligibility criteria and who live outside the Lubbock area.

Law students, Tax Clinic director, and staff contributed a total of 1,049 hours and were recognized with *Certificates of Appreciation* for taking 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 the following law students:

Adam Ondo, Alicia McCullar, Andrew Smith, Aqsa Siddiqui, Caitlin Sullivan, Chet Southworth, Garrett Oates, Hilary Sanchez, James Sparks, Jennifer Hartman, Jody Joss, John Davis, Joshua Ford, Katherine Koll Mendiola, Keeli Rogers, Kenia Ontiveros, Kristyn Urban Sorensen, Lea Kidd, Maira Gonzalez, Mary Courtney, Mercedes Torres, Tade Bolarin, Ryan Stradley, Sonya Subash, Spencer Salmon, Stephanie Ibarra, Sydne Collier, and Victoria Terrazas.



Congratulations to **Jeri Leigh McDowell** who was recognized with a special VITA volunteer award for volunteering all three years she attended law school and contributing 58 hours during the current year tax filing season.

Other awards presented to law students include the following:

"Quality Reviewer of the Year Award" presented to Joseph Austin (Tax Clinic Student - Class of 2016);



"Tax Preparer of the Year" presented to Maira Gonzalez (Class of 2017); and

"Law School Volunteer of the Year Award" presented to Spencer Peeler (Tax Clinic Student - Class of 2016).



All community partners, VITA sponsors (including the Low Income Taxpayer Clinic accepted by Clinic Director, Terri Morgeson) as well as luncheon sponsors (American Bank of Commerce, American National Bank, and Lubbock National Bank), were recognized with a plaque or certificate.



If you are interested in volunteering next year, please visit the CCAV website at:

<http://www.freetaxprep4u.org/index.php>



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

Snapshot Corner



CLINIC DIRECTORS:

Larry R. Spain
Civil Practice Clinic
Advanced ADR Clinic

Wendy Tolson Ross
Family Law and Housing Clinic

Terri M. Morgeson
Low-Income Taxpayer Clinic
Clinic Fellow-Civil Practice
Clinic

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

CO-DIRECTORS/
INSTRUCTORS:

Gene Valentini
Adjunct Professor
Advanced ADR Clinic

Donnie Yandell
Chief Public Defender
Caprock Regional Public
Defender Office

Dwight McDonald
Clinic Fellow
Family Law and Housing Clinic
Criminal Defense Clinic
CRPDO Clinic

STAFF:

Elma Moreno
Office Manager/Legal Assistant

Irma Shepler
Legal Assistant

Nancy Mojica
LITC Community Outreach
Coordinator

CONGRATULATIONS MAY GRADUATES!
Good luck with the Bar Exam!

***Congratulations to all students who passed the
February Bar Exam!***

Job well done!!!

CLINICAL PROGRAMS FACULTY AND STAFF



***SEARCH TTU SCHOOL OF
LAW CLINICAL PROGRAMS***

CLINIC NEWS

Spring 2016 Edition

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