

Texas Tech University
School of Law
CLINIC NEWS



Fall 2003

**STUDENTS RECOGNIZED FOR EXEMPLARY
PARTICIPATION IN CLINICAL PROGRAMS**

Students who participated in the clinic courses during the 2003 Summer sessions and Fall 2003 semester were recognized at a Student Recognition Reception on Thursday, December 4, 2003, which was held in the clinic offices.

Distinguished guest speaker included the Honorable Judy C. Parker. Other distinguished guests who attended to honor the students included attorneys from Legal Aid of Northwest Texas and the District Attorney's Office.



The Honorable Judy C. Parker, Lubbock Associate Judge, said a few words of encouragement and appreciation. Judge Parker's courtroom consisted of several students at various times either observing her court or representing individuals through either the Family Law Counseling Clinic or the Civil Clinic.

Students were presented with Certificates of Appreciation from each clinic director.



LAW SCHOOL CIVIL CLINIC CO-SPONSORS SECOND ANNUAL WILLS PROJECT

A total of 33 clients were assisted through a "Wills Project". For the second Fall semester, Professor Vaughn James's "Wills and Trusts" class co-sponsored a "Wills Project" in conjunction with Legal Aid of NorthWest Texas and the TTU Civil Clinic in order to provide students some real life "hands on" experience. 121 students participated in the wills project this year. Four (4) clinic sites were established and held during the month of September. Two were held in the clinic offices and two were held at local community centers.

This year Professor James assigned 33 teams with 3 or 4 students on each team. The teams drafted the wills questionnaire, conducted the intake interviews, drafted the wills, and administered the execution of the wills.

Students who assisted at the wills clinics conducting the intake interview for low-income persons needing representation with preparation and execution of their Last Will and Testament. The students, under the supervision of Professor Larry Spain (Civil Clinic Director), conducted the interviews and obtained the necessary information.



Students **Andrew Culpepper** and **Chris Cannon** assisting with will

Thank you so much for all you have done. Thanks, also, to Elma and Samirah for their assistance. Of course, we must also thank Nancy and her staff for their help. The overwhelming majority of the students certainly appreciated the opportunity to work with "real human beings.".....

On behalf of myself and the Wills and Trusts students, I say, "Thanks, all. We couldn't have done it without you."

Vaughn James



The Coalition of Community Assistance Volunteers, a non-profit organization, is seeking volunteers to assist us during the upcoming income tax return filing season. CCAV has partnered with the Internal Revenue Service and has assumed the responsibility of overseeing the VITA (volunteer income tax assistance) sites in the community. The program is designed to assist low income, elderly, disabled, and non-English speaking taxpayers with the preparation of simple tax returns. Training is provided at no cost to volunteers and tax returns are prepared at no cost to taxpayers who meet the income eligibility guidelines.

CCAV provides free tax law and e-file training and all the materials needed to prepare basic individual income tax returns. Training classes will be held January 6th – 8th from 5:30 to 9:30 p.m. in Room 109. However, if you are unable to attend you can obtain a packet for self-study and turn in by due date. A separate e-filing training will be scheduled at a later date.

If you are interested in volunteering and attending the training, please call Elma Moreno at 742-3787, Ext. 222, or come by Room 108F (clinic offices).

FACULTY GRANTS TENURE TO CLINIC DIRECTOR

Our tenured faculty at Texas Tech has voted overwhelmingly to grant tenure to Professor Larry Spain and to promote him to full professor. Although final approval must come from the University administration and our Board of Regents, we anticipate no problems in that regard.

Professor Spain serves as co-director of our clinical programs and teaches the Civil Clinic (along with several other courses). We were fortunate enough to persuade Professor Spain to leave North Dakota for Texas two and one half years ago, and he has been a godsend in developing our new clinical programs. In three years, we have gone from no clinics to having four clinical courses (Civil Clinic, Criminal Prosecution Clinic, Family Law Counseling Clinic, and Low Income Tax Clinic), and we are exploring other new possibilities. I cannot imagine this progress without Professor Spain's hard work, wisdom, and experience.

"Congratulations to Larry from all of us at St. Mary's! We're grateful for all your hard work and pleased that it is being acknowledged."

Sue Bentch, St. Mary's University School of Law

"Congratulations to Professor Spain on receiving tenure and becoming a full professor of law. I believe that his hard work and dedication to students, the law school, and the community, has earned him this prestigious position. Another aspect about Professor Spain that makes him such a unique individual is his kindness and caring to clients, unselfishness, and perseverance to his profession."

Samirah Barona, TTU Clinical Programs

"Congratulations! I join those who appreciate your work and am glad that Texas Tech has recognized and rewarded it."

Margaret Martin Barry,

"Congratulations Larry!"

Angela M. McCaffrey,

"As a New Yorker new to Colorado, I confess that I was a little confused when I heard that Texas and Colorado were both part of the Rocky Mountain Region for regional clinical purposes. Not being totally sure of my Western geography, I wondered if unbeknownst to me, the Rocky Mountains ran through Texas. I decided to ask people how the two states wound up in the same region, but no one knew the answer."

Whatever the reason, the important answer is that here in Denver we are happy to be part of the same region as our talented colleagues from Texas, who put on a great regional conference at the University of Houston in November, as reported by all from DU who attended. I'm thrilled to hear that Texas Tech is showing its commitment to clinical education and to clinicians like Larry, by creating clinics and giving clinicians the status they deserve. Congratulations to Larry and all at Texas Tech."

Marcia Levy, University of Denver Law School



Dean Walter B. Huffman congratulates Professor Larry R. Spain and following tradition, presents him with a bottle of champagne.

**From the desk of LARRY
SPAIN..Director of Civil Clinic**

The following students participated in the Civil Clinic during the fall semester: **Connie Carter, Linda Cavazos, Justin Gilbert, Mogey Lovelle, Melinda Mitchell, Emily Roy, Magda Soto and Diana Valdez.** In addition to being responsible for handling individual cases assigned to them



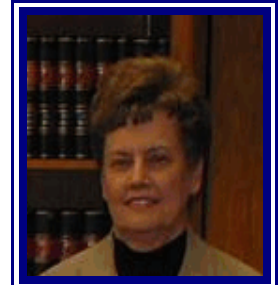
in the Clinic, each of the students also conducted new client intake through Legal Aid of NorthWest Texas and worked with practitioners in the offices of Legal Aid Society of Lubbock, Legal Aid of NorthWest Texas and the Civil Division of the Lubbock County Criminal District Attorney, providing them with an exposure to a wider range of civil cases than otherwise would have been possible. For example, **Diana Valdez** and **Magda Soto**, drafted a brief to the Seventh Court of Appeals in Amarillo for the Appellee represented by the Legal Aid Society of Lubbock in a case denying a Motion for New Trial in a default divorce case involving a property division; **Justin Gilbert** assisted in reaching a favorable negotiated settlement of a contract dispute with a pension plan administered on behalf of employees of Lubbock County; **Mogey Lovelle** handled a mental health commitment; and **Mogey** and **Magda Soto** handled some child protection cases.

Within the Clinic, students handled social security disability claims, prisoner civil rights cases, divorces and wills. **Magda Soto** and **Diana Valdez** each conducted a hearing before an Administrative Law Judge on social security disability claims. **Melinda Mitchell** and **Connie Carter** also completed a divorce from filing through final hearing within the course of the semester.



**From the desk of MARILYN E.
PHELAN Director of Low-
Income Taxpayer Clinic**

The following students were enrolled in the Tax Clinic during the summer sessions: **Maria Abercrombie, Brad Boyd, Nancy Carlton, Kreig Mitchell, Richard Queener, and Richard Smith.** We have eleven energetic students this semester



helping low income taxpayers in their controversies with the Internal Revenue Service. The following students participated in the LTC during the Fall 2003 semester: **Alexis Durham, Amanda Holliday, Dusty Wallace, Greta Cantwell, J. Bryan Stanfield, John P. Valdez, Kimberly Reasoner, Matt Ribitzki, Rachel Clark, Kreig Mitchell, and Chris Menczer.**

Our students have been successful in obtaining refunds for three taxpayers, in the amount of \$4,400 for one, \$1202.56 for another, and \$3,900 for the third. Our students were successful, after filing a petition with the Tax Court, in obtaining an agreement from the IRS that one of our clients is not liable for an alleged tax deficiency in the amount of \$3,865. Our students have filed offers in compromise for several of our clients and have submitted innocent spouse claims for others. They are representing low income taxpayers with respect to the IRS' disallowance of earned income credits claimed by these taxpayers. The clinic has been beneficial both for low income taxpayers, who are obtaining free representation with regard to their tax problems, and for our students, who are obtaining valuable practical experience in representing taxpayers before the IRS.



**From the desk of LARRY
CUNNINGHAM Director of
Criminal Prosecution Clinic**

In my inaugural semester as director of the Criminal Prosecution Clinic, I feel like I am the one who has learned the most. My excellent group of students taught me how much fun teaching is ... and how to correctly pronounce "Bexar County"! Coming from Northern Virginia, my students made me feel exceptionally welcome in Lubbock.



Eight students participated in the clinic this semester: Nancy Carlton, Brandi Grissom, Austin Jackson, Roy Ortiz, Allen Reaves, Dave Reeves, Todd Overholser, and Meredith Kaylor Sarchet. Four (Nancy, Allen, Dave, and Meredith) prosecuted misdemeanors in Lubbock County Courts at Law and before the Justices of the Peace. Roy and Austin prosecuted juvenile delinquency cases in Lubbock. Our two pioneers---Brandi and Todd---ventured to far-away counties (Brandi - Hockley; Todd - Dawson) for the opportunity to prosecute felony cases.

This semester, students litigated jury trials ranging in seriousness from seatbelt violations to serious assaults. They also assisted prosecutors with motions, hearings, and research. They learned the realities of plea bargaining. Some appeared before the grand jury. The classroom component of the course started off intensely with "boot camp"---three full days of trial advocacy, criminal procedure, and criminal law---before classes started. Judges Hall and Hansen gave warm welcomes to the students at the courthouse. During our seminar classes, we had guest speakers from Texas Appleseed and the Lubbock DA's Office give us their perspective on the criminal justice system. Students litigated each stage of a criminal misdemeanor trial. We also took a field trip to Montford State Penitentiary to see where some of our defendants could wind up.

A criminal justice system that is fair and effective necessarily requires that its prosecutors be good people who are educated in law and advocacy, and who have an appreciation and respect for the awesome power that they wield over their fellow citizens. I am proud of the work of my students in "seeking justice not convictions" and helping to insure that their communities are safer due to their efforts.

**From the desk of TIMOTHY W.
FLOYD Director of Family Law
Counseling Clinic**

The following students were enrolled in the Family Law Counseling Clinic during the semester: Amanda Knight, Brandt Thorson, Courtney Tremain, Heather Ackerman, Katy Hardin, Kimberly Houston, Lori Kohnen, and Maria Abercrombie.



Students were involved with client representation, class sessions, out of class activities, and written assignments. A total of eight (8) cases were accepted through the Family Law Counseling Clinic for representation and/or consultation. Cases involved divorce and custody issues. Students worked on cases in pairs; each team had two students who represented one or two clients during the semester. Students were given the opportunity to interview the clients, draft the necessary pleadings for filing with the courts, preparing for final hearing, and appearing before a judge to finalize a case.

Out of class activities included observing two or three practicum sessions at the TTU Family Therapy Clinic, at least 8 hours of observing hearings and trials of family matters in Judge Parker's courtroom, and attending at least two pro bono clinics sponsored by Legal Aid of Northwest Texas.



RECENT CASES OF INTEREST

CRIMINAL PROSECUTION CLINIC

Brandi Grissom represented the State before a special grand jury convened to investigate a capital murder case.

Dave Reeves, Meredith Sarchet, and Allen Reaves all litigated jury trials before the Justices of the Peace.

Austin Jackson and Roy Ortiz jointly prosecuted a juvenile assault case in a jury trial in Lubbock.

Todd Overholser successfully prosecuted a repeat DWI offender in a felony matter in Lamesa.

Nancy Carlton appeared before the Lubbock Grand Jury, presenting felony matters.



CIVIL CLINIC

Magda Soto and Diana Valdez each conducted a hearing before an Administrative Law Judge on social security disability claims.

Melinda Mitchell and Connie Carter also completed a divorce from filing through final hearing within the course of the semester.

LOW INCOME TAXPAYER CLINIC

Rachel Clark was successful in obtaining refunds for a taxpayers in the amount of \$4,400.

Rachel Clark was successful in obtaining a refund for a taxpayer in the amount of \$1202.56.

Dusty Wallace was successful in obtaining a refund for a taxpayer in the amount of \$3,900.

Kreig Mitchell was successful, after filing a petition with the Tax Court, in obtaining an agreement from the IRS that one of our clients is not liable for an alleged tax deficiency in the amount of \$3,865.



For more information on the TTU Clinical Program visit:

<http://www.law.ttu.edu/academics/clinic>

CONGRATULATIONS TO PROFESSOR CUNNINGHAM !

Professor Larry Cunningham took the most recent Texas bar exam in July and passed. He has also studied for and passed the bars of Virginia (2000) and New York (2001). Professor Cunningham joined the clinical program faculty in August 2003 as the director of the Criminal Prosecution Clinic. He has enhanced the Criminal Prosecution Clinic to a greater level and continues to offer great opportunities for his students. On November 12th Professor Cunningham conducted a session for all December 2003 graduates and discussed the structure and format of the Texas Bar exam and provided tips and suggestions for passing the exam. He will provide the same session in the Spring for May graduates. Once again, on behalf of the clinical program faculty and staff "Congratulations. Way to Go!"

ROCKY MOUNTAIN REGIONAL CLINICAL CONFERENCE

Samirah Barona, Elma Moreno, Tim Floyd and Larry Spain attended the Third Annual Regional Clinical Conference held at the University of Houston Law Center November 7-8, 2003. **Elma Moreno** was instrumental in organizing, coordinating and moderating a separate program held in conjunction with conference for Clinic Administrators and Professional Staff which was well-received and very successful. **Tim Floyd** made a presentation on student supervision while **Larry Spain** made a presentation on student recruitment and selection.

Next year's conference will be held at the University of Denver Law School as they celebrate their 100th anniversary.

"I want to take this opportunity to say "thanks" to Elma Moreno for asking me to attend the Rocky Mountain Clinical Conference in Houston. I really enjoyed meeting other clinical staff from different universities and having the opportunity to share ideas and learn new things that can be implemented in our clinics. It was a short, but knowledgeable and interesting trip. Thank you Elma."

Samirah Barona
TTU Clinical Program

"It was so good to meet everyone at the Administrators Workshop at the Rocky Mountain Regional Clinical Conference in Houston. I hope our Associate Dean lets us attend annually and we hope to host one year too. You did a great job moderating!Thank you so much. We truly did learn alot from that conference."

Lisa Montes,
SMU Civil Clinic

Where are they now?

*Marco Trevino
(former Tax Clinic
student) - associate
with Ramirez &
Garza, L.L.P., in Rio
Grande, Texas.*



*Brit Swanson (former Civil Clinic student) -
Staff Attorney - Legal Aid of NorthWest Texas,
Plainview, Texas*



*Jeff Chandler (former
Tax Clinic and
Criminal Prosecution
Clinic student) -
Assistant District
Attorney of Tom Green
County, San Angelo,
Texas.*



*Kim Smith (former
Criminal Prosecution
Clinic) - Assistant
District Attorney of
Collin County,
McKinney, Texas.*



*Andrea Klement - (former Criminal
Prosecution Clinic) - Assistant County Attorney
of Grayson County in Sherman, Texas.*



*Holly Church -
(former Civil
Clinic student) -
Clerking for
Federal Judge
Jorge A. Solis in
Dallas, Texas.*

*Armando Gonzales
- (former Civil
Clinic student) -
Living in Robstown,
Texas, and works
as an Associate for
The Lee Firm in
Corpus Christi.*



*Tina Tuccelli -
(former Civil Clinic
student) - practicing
in Arlington, Texas
doing commercial-
creditor bankruptcy
work.*



*Mike Anderson (former Tax Clinic student) -
Associate Advisor for the wealth management
firm of Evensky, Brown & Katz in Coral
Gables, Florida.*

*Leon Reed (former
Criminal
Prosecution and
Civil Clinic student)
- working as an
associate at Walker
Law offices in
Minneapolis doing
personal injury,
worker's
compensation, and
medical malpractice cases.*



*Sommer Walker
(former Civil Clinic
student) - working as
an associate at
Orgain, Bell &
Tucker, L.L.P. in
Beaumont, Texas,
doing insurance
defense work.*



*Robert Piwetz (former Tax Clinic student) -
working as an associate at the Law Offices of
Bernard Klimist in Victoria, Texas.*

*Danny Razo (former Tax Clinic student) - currently working on his
MBA - sworn in by Justice Brian Quinn on November 13, 2003.
Danny and Racy Haddad were sworn in on same day by Justice
Quinn.*



A WORD FROM OUR STUDENTS.....

"Participating in the Civil Litigation Clinic has been the most valuable learning experience I have had in law school. I feel very blessed to have had this opportunity."

Diana Valdez, Civil Clinic

"The clinic was a great hands on experience. I recommend it to every law student."

Linda Cavazos, Civil Clinic



"Client counseling skills are improved by getting to interact with clients and learning how to create solutions that best fit their needs. The clinic allows you to have the mentoring experience that is so needed but seems to be missing from many employers."

Mogey Lovelle, Civil Clinic

"Being a part of the tax clinic has made my law school experience much more worthwhile. Instead of spending time on hypothetical problems, I knew that my work each day was helping real people resolve real issues with the IRS."

**Alexis Dunham
Tax Clinic**



"The Criminal Prosecution Clinic has been an extraordinary experience. Through the clinic I have gained confidence in being able to stand in court and handle the issues that occur during hearings and trials. The clinic has also allowed me to gain valuable experience in preparing for and trying cases. Prior to my clinical experience the rules of evidence and procedure were just rules that I had memorized and tried to apply on exams; through my experiences at the District Attorney's Office I have been able to put the rules and procedures to practical use, and now understand how, when and where to apply them. I strongly recommend to anyone who is in the last year of law school to take a clinical course."

Allen S. Reaves, Criminal Prosecution Clinic

"If you want to feel the joy of a job well done, the frustration of the on again and off again trials, or the real life dealing with an office full of diverse personalities, then the Prosecution Clinic is the way to go."

Nancy Carlton, Criminal Prosecution Clinic



A WORD FROM OUR STUDENTS..... (continued)

"The clinical program at TTU has been a wonderful experience. It gives law students the opportunity to take what they have learned in the classroom and apply it to clients in need of help. I think every law student would benefit tremendously by being involved in a clinic, and hopefully, in the near future, the program will expand to allow more students to participate in the program."



Heather Leigh Ackerman, Family Law Counseling Clinic

"The Family Law Counseling Clinic has been a rewarding experience. Working on "real" cases and observing family therapy sessions has opened my eyes to the broader role of the lawyer. It is imperative to overcome barriers that prevent an effective lawyer/client relationship and this is accomplished only if the lawyer exercises active listening skills and develops a professional bond with the client."

The finest quality about the clinical program is that the professors allow us to use our own skill and judgment in making decisions in our cases. While they are there to guide us in the process, they are careful not to take over."

Kimberly S. Houston, Family Law Counseling Clinic

"I learned a great deal from my enrollment in the Civil Litigation Clinic. Professor Spain creates an environment that encourages learning, without making you feel ignorant for asking questions. In fact, questions are encouraged! I am grateful that I was permitted to participate in a clinic because it provided me with hands-on experience, therefore exposing me to the "practical" side of practicing law."

Connie Carter, Civil Clinic

SNAP SHOT CORNER

SUMMER 2003 TAX CLINIC



**FAMILY
LAW
COUNSELING
CLINIC**



CIVIL CLINIC



**CRIMINAL
PROSECUTION
CLINIC**



**TAX
CLINIC**



STUDENT RECOGNITION EVENT DECEMBER 4, 2003



*CONGRATULATIONS 2003
DECEMBER GRADUATES!
GOOD LUCK!*

*Texas Tech University
School of Law*

**Clinical Programs
1802 Hartford Avenue
Lubbock, TX 79409
(806)742-4312**

Faculty & Staff

**Timothy W. Floyd - Family Law Counseling Clinic
Larry R. Spain - Civil Clinic
Marilyn E. Phelan - Low-Income Taxpayer Clinic
Larry Cunningham - Criminal Prosecution Clinic
Elma Moreno-Office Manager/Legal Assistant
Samirah Barona - Legal Secretary**



*HAPPY
HOLIDAYS!*

