



# CLINIC NEWS

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



FALL 2006

## Partnerships Continue to Serve Community While Providing Students Hands-On Experience

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Pictured left to right: Professor James Vaughn (Wills and Trusts), Nancy Mojica (LANWT), and Professor Larry Spain (Civil Practice Clinic)

For the 5<sup>th</sup> year, students in the Wills and Trust Class taught by **Professor Vaughn James** participated in another successful *Wills Project* that provides students the opportunity to prepare Wills and Advance Directives for low-income individuals in the community under faculty supervision. A total of 59 students in the class drafted wills questionnaires, interviewed clients, prepared the Wills and advance directives, and carried out the executions of the documents.



After interviewing client, Geoffrey Puryear and Weldon Nixon finish up paperwork!

Four separate Wills Clinics were held during the month of October, two held in the Law School Clinical Offices and

two held at community centers in Lubbock. A total of 32 clients received services through this project.

Students were supervised in the project by **Professors Vaughn James and Larry Spain**. **Samirah Abdalah** and **Elma Moreno** from the Clinical Program assisted at the Wills Clinics, coordinated the scheduling of executions and provided notary services during the execution. **Nancy Mojica** from Legal Aid of NorthWest Texas coordinated the Wills Clinics and did preliminary screening of potential clients.

Stephanie Luce and Edward Granberry await their client at Maxey Community Center.



Thank You Clinic Students for Serving as Witnesses!

*"Being able to work with our client helped put all the theory in proper perspective. We were able to assess her needs, draft her will, and help her protect her assets. It was a rewarding experience."*

Jonathan Stovall  
Wills and Trusts



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

During the fall semester, the following students were enrolled in Professor Spain's section of the Civil Practice Clinic: **Laura Brock, Daniel Caudillo, Amanda Galbraith, Tonya Graser, Ross Horn, Desiree Larue, Robert Massey, Lori Ruiz, Ann-Marie Saleh and Tia Wilson.**

Over the course of the semester, a total of 37 new client cases were undertaken, 7 cases were closed and 34 cases remain open and will be carried over to the spring semester. Students, in addition to being exposed to a variety of legal problems through the evening *Pro Bono* Clinics, represented clients in divorces, disability claims, public benefits, and name changes as well as drafting Wills and Powers of Attorney.

The following students conducted hearings before an administrative law judge on disability claims of their clients: **Laura Brock, Daniel Caudillo, Amanda Galbraith and Tonya Graser.** Many of the students will also have completed a divorce case from the start to final hearing over the course of the semester.



**Pictured Standing:** Daniel, Ann-Marie, Robert, Ross, Laura, and Tonya  
**Sitting:** Amanda, Tia, Professor Spain, Lori, and Desiree

**To find out more about the TTU Clinical Programs, visit  
[www.law.ttu.edu/lawWeb/centersprograms/clinics/index.shtm](http://www.law.ttu.edu/lawWeb/centersprograms/clinics/index.shtm)**

## New Faculty Member Joins Clinical Program

Professor Glenn Roque-Jackson joined the law school faculty this fall. Professor Roque-Jackson graduated from Duke University in 1988. He received his J.D. from Harvard Law School in 1992.

In law school, Professor Roque-Jackson was the Trial Director of the Harvard Defenders, a student-run public defender clinic. After graduation, he worked as a law clerk for Chief U.S. District Judge Harry Lee Hudspeth in El Paso and then as a litigation associate with Fulbright & Jaworski, L.L.P. in Houston. From there, he joined the U.S. Justice Department and served as an Assistant U.S. Attorney

assigned to the Western District of Texas where he obtained extensive jury trial experience and prosecuted a wide variety of offenses including: computer crimes, drug trafficking, organized crime, public corruption, violent crime, and white collar fraud. As a result of his success as a prosecutor, he received awards for superior performance from U.S. Attorney General Janet Reno and U.S. Attorney General John Ashcroft and commendations from a wide variety of law enforcement agencies including: the Bureau of Alcohol, Tobacco, and Firearms; the Drug Enforcement Administration; and the Federal Bureau of Investigation.

**Welcome Professor Roque-Jackson!**



Teaches Civil Practice Clinic, Family Law, Professional Responsibility, and Advanced ADR Clinic.

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

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

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



## From the Desk of Marilyn E. Phelan - Tax Clinic Director

Four students, Lila Garza, Ann-Marie Saleh, Charmaine Tupue, and Lee Wilson enrolled in the Tax Clinic during the summer sessions and nine students, Kara Blanco, Logan Burdine, Elizabeth Carter, Amy Cochran, Nicholas Davis, Geanna Day, Jason Laseter, Jeff Mealer, and James Suter enrolled in the Tax Clinic in the fall semester to help taxpayers in their controversies with the IRS. These students are helping two nonprofit organizations obtain tax exempt status from the Internal Revenue Service and are representing another charitable organization in an appeal of its tax deficiency. In addition, the students have been pursuing means to solve tax controversies for several taxpayers. Most of the issues confronting the students involved their clients' entitlement to the earned income credit, to dependency deductions, to head of household status, and to innocent spouse treatment. The students have been successful in obtaining noncollectible status for clients and have been successful in resolving issues relating to tax liability for others.

The students' work in the clinic on actual tax cases and the class sessions on rights of taxpayers and the procedures in place to contest tax deficiencies, which the students must attend, have proved very helpful both to the students and to their taxpayer clients.

The nine students should be well prepared to represent clients with tax problems when they begin the practice of law. In addition, the School of Law is providing a benefit to the community in representing, without charge, taxpayers who cannot afford the services of a tax attorney.



Pictured: Lee, Professor Phelan, Charmaine, Lila, and Ann-Marie



Pictured Standing: Elizabeth, Kara, Geanna, Amy, and Jason  
Sitting: Logan, James, Professor Phelan, Nicholas, and Jeff



Teaches Federal Income Taxation, Taxation of International Transactions, Estate and Gift Taxation, Museum Law, Advanced Income Taxation, Nonprofit Organizations.

As a student at the University of Texas, Professor Phelan was elected to the Order of the Coif. She has served as General Counsel for Texas Tech University and Texas Tech University Health Sciences Center and as Associate Dean of the Graduate School and of the Law School. She is the author of several books, including a casebook, *Nonprofit Organization Law and Policy*, published by West, *Nonprofit Enterprises: Corporations, Trusts and Associations and Museums and the Law*.

Professor Phelan is a member of the American Law Institute and a Texas Commissioner to the Commission on Uniform State Laws. She is a member of the Legal Affairs and Properties Committee of the Executive Council of the International Council of Museums. She is a member of the American Institute of Certified Public Accountants and is board-certified in tax law by the Texas Board of Legal Specialization. Professor Phelan is also Professor of Museum Science.

## Words from our Tax Clinic Clients

*"I had a total of 4 different students due to graduations, etc. I feel that everyone at the Tax Clinic was handling my case in a timely manner and that the lengthy time frame was due to waiting on responses from the IRS. I truly appreciate each and ever student that was assigned to my case although the bul of the work seemed to fall on Mathew Williams. I sincerely pray for long successful careers for each one of them! I thank all of you so much!"*

*"Nathan was very informative about my case. Also, every helpful. I am very thankful to have known such a caring individual. He informed me about my income tax for this year. I was mislead and he got me back on course. And now everything is good for me until another year. Thanks Tax Clinic for all you have done for me. A recommendation to others will be done?"*

*"Christina did a good job on closing my case. She was very professional and at the same time caring."*



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

This semester I had 9 students enrolled in my section of Civil Practice Clinic. These students were: Christian Buensuceso, Lila Garza, Kassi Horner, Chelsi Keever, Carrie Mills, Eric Navarette, Gabriel Meyerat, David Reuthinger, Jennifer Yi. We discontinued the placement of students with the various local agencies so that students could get more experience working directly with clients in the clinic and we converted the clinic to a year-long program.

The majority of cases worked on by the students were family law cases. We have accepted many divorces, both with and without children and some custody suits. A couple of these cases have been set for contested final hearings, one of which involved mediation.

We have expanded our clinic to provide legal representation for abused women at the Women's Protective Services Shelter. Students interview women at the Women's Protective Services Shelter, provide representation at the protective order

hearings, and provide representation with other family law matters.

Additionally, we have started taking eviction cases and other landlord/tenant cases in the Justice of Peace Courts. One of the cases accepted by my clinic, involved a landlord trying to evict a tenant in retaliation of her demand for repairs.

Finally, we have a couple of probate cases. These cases involve a will and a determination of heirship case. The determination of heirship case deals with an estate where one of the decedents has been dead for over twenty years.



**Pictured Standing:** Lila, Carrie, Jennifer, Chelsi, and Gabriel  
**Sitting:** Kassi, Christian, Professor Ross, Eric, and David



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

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

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

## Mountain West Regional Clinical Conference

Larry Spain, Elma Moreno and Janie Gonzales attended the Mountain West Regional Clinical Conference, *Interdisciplinary Perspectives on Clinical Education in the Western Frontier*, on November 17-18, 2006 at the William S. Boyd School of Law, University of Nevada, Las Vegas.

Professor Spain moderated a panel on *Immigration and Native American Clinics* at the conference.

*"I would like to say that the clinic experience is great. I'm thankful that I was selected for this opportunity. It's nice to be able to apply what I've learned, and see firsthand the challenges I'll face when I enter the practice of law. It's also great to have a "safety net," so to speak; an environment where questions are encouraged and you are allowed to make the occasional mistake. I think every law student should carefully consider the value of clinical experience when planning their advanced courses; more than any other course, a clinical course will force you to confront your weaknesses and acknowledge your strengths."*

Amanda Galbraith  
Civil Justice Clinic



## From the Desk of Glenn Roque-Jackson - Criminal Justice Clinic Director

The goal of the Criminal Justice Clinic is to prepare students to become effective and ethical criminal trial attorneys. There are eight talented students enrolled in the Clinic this year: Patrick Garcia, Tyscott Hamm, William Ivins, Stacy Marlin, Marcy Melton, Victor Rivera, Kristin Simms, and Monica Tolden. They are all well on their way towards this goal.

The students have received instruction on the skills needed to practice criminal law. Judges, prosecutors, and defense attorneys have addressed the students to supplement their instruction.

Pursuant to arrangements made at the beginning of the year, the Lubbock County Courts and the Lubbock Municipal Court have referred numerous cases ranging from theft to disorderly conduct to the Clinic. As a result, each student is handling several cases

and has interviewed clients, conducted investigations, filed pleadings, and negotiated with prosecutors. Two students, Marcy Melton and Victor Rivera, negotiated dismissals for their clients. Other students are preparing for suppression hearings. It is anticipated that several students will have trials in the coming months.

Overall, it has been an exciting and educational semester. We expect it to be even better in the spring.



**Pictured Standing:** Patrick, Victor, Ty, William, and Professor Roque-Jackson  
**Sitting:** Marcy, Stacy, Monica, and Kristin

**Patrick Garcia (Criminal Justice Clinic) was featured in an article in LawCrossing. You can access the article by going to <http://www.lawcrossing.com/article/index.php?id=1767>**



*"This is an experience every student should strive for. There is nothing like hands-on training. It is not only the most interesting course I have taken at Tech but the most valuable. The Criminal Justice Clinic (CJC) allows me to get a head start on what practicing law is really like. In addition, our new professor has such a vast amount of experience in the field of criminal law and he is going to take this clinic to new heights. I am happy to be a part of this team."*

Victor Rivera (3L)  
Criminal Justice Clinic



Teaches: Criminal Justice Clinic and Evidence

In law school, Professor Roque-Jackson was the Trial Director of the Harvard Defenders, a student-run public defender clinic. After graduation, he worked as a law clerk for Chief U.S. District Judge Harry Lee Hudspeth in El Paso and then as a litigation associate with Fulbright & Jaworski, L.L.P. in Houston. From there, he joined the U.S. Justice Department and served as an Assistant U.S. Attorney assigned to the Western District of Texas where he obtained extensive jury trial experience and prosecuted a wide variety of offenses including: computer crimes, drug trafficking, organized crime, public corruption, violent crime, and white collar fraud. As a result of his success as a prosecutor, he received awards for superior performance from U.S. Attorney General Janet Reno and U.S. Attorney General John Ashcroft and commendations from a wide variety of law enforcement agencies including: the Bureau of Alcohol, Tobacco, and Firearms; the Drug Enforcement Administration; and the Federal Bureau of Investigation.



## From the Desk of Jeff Blackburn and Heather McDonald - Innocence Project

This year, for the first time, students enrolled in the Innocence Project clinic for both the Fall and Spring semesters. This will vastly improve the amount of work the students will be able to do and provide continuity for the cases they investigate! We have eleven students this year who are extremely motivated and work very hard. This year's students include: **Nicholas Ball, Julie Bohrer, Leah Jameson, Leila Kallel, Stephanie Luce, Robyn Nance, Amber Reed Burdine, Erin Shinn, Russ Shinn, and Jenna Zebrowski.**

This semester the students have been hard at work on over 45 cases. Efforts have led to 8 cases being closed either due to lack of an innocence claim or lack of new evidence. The other 37 cases remain open and under investigation. Several of these cases are at the litigation stage. (Cases are highlighted in "Recent Cases of Interest on page 8 of this newsletter).

In addition, students are collaborating with students from other Innocence Projects on arson cases. There are currently 674 people

in TDCJ on arson convictions. A recent re-evaluation of the "science" behind arson investigation has led to questions in several of these cases. Students will be researching the science involved, the common mistakes made in these cases, and screening for innocence claims in these cases.

Whether they have cases at the litigation stage or not, *all* of these students have done an amazing amount of work and showed a commitment to the project that makes us proud. Thanks to all of them for their hard work and dedication!



Pictured Standing: (back row) Amber, Joe, Russ, Robin (front row) Leah, Jackson, Nick, Jenna, and Jeff Blackburn  
Sitting: Erin, Stephanie, Julie, and Heather

For more information visit the newly launched website created by Russ Shinn at:  
<http://innocenceprojectoftexas.org/index.html>

## H.E.L.P. Program

A new legal outreach program, **H.E.L.P. (Homeless Experience Legal Protection)** has been started in Lubbock, modeled after similar programs in several other cities across the country. The program will provide legal consultation, advice, brief service and referrals for homeless individuals in the community who have legal needs that are not met through existing resources. Professor Larry Spain is coordinating this program locally.

Volunteers are sought to help staff this program to provide pro bono legal services to homeless individuals at a Clinic held at the Salvation Army

Homeless Shelter on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays of the month from 7:45 - 8:45 a.m. Local attorneys are being recruited to help with this program.

The following faculty members have already volunteered to assist with this program: **Professors Gerry Beyer, Christopher Bruner, Rosemary Dillon, Susan Saab Fortney, Angela Laughlin, and Larry Spain.** The following law students have volunteered to assist: **Leslie Chaggaris, Sarah Gardner-Cox, Jibbin Luke, and Michael Watson.**

If you are interested in participating in this new program, please contact Professor Spain, [larry.spain@ttu.edu](mailto:larry.spain@ttu.edu).

*"I have learned that preparation to work in the legal profession must include hands-on experiences. During the last year and a half, each of the briefs, motions or documents I have written and completed have been for Charlie Brown or Rainbow Brite. The good thing about Charlie Brown was that he never gave me his opinion and Rainbow Brite never opposed any of my decisions.*

*In preparing my client's will for the clinic I was able to communicate with a person who had opinions; opinions that consistently changed until moments before the final execution of his will. Obtaining titles and deeds, the correct phone numbers and addresses; information that I expected any person to have on hand, posed a myriad of challenges. These types of experiences make the paper education come to life and help to prepare students for the professional world."*

Elizabeth Lieb  
Wills and Trusts  
Class of 2008



**From the Desk of Susan Fortney and Gene Valentini - Health Care & Bioethics Mediation Clinic**

**Mediation and the Cooling of Health Care Fires**

When you hear the term “health care-related conflicts” you may immediately think of disputes between patients and physicians. Disputes involving alleged medical error by physicians often capture media attention. Occasionally bioethics disputes become headline stories. For example, the entire world seemed to be watching the Schiavo case as the parties fought it out in the courts, in legislative bodies, and in the media. Like medical malpractice cases, such end-of-life conflicts constitute a small fraction of health care disputes. Outside these medical error and end-of-life conflicts are the numerous conflicts that arise on a daily basis. Regardless of setting, conflicting interests result in a variety of disputes among providers, insurers, patients, and their families.

To provide a conflict resolution mechanism for these daily disputes, the Texas Tech School of Law and Dispute Resolution Center have launched a new Health Care Mediation and Bioethics Mediation Clinic. This Clinic trains students to handle care disputes when the students are in law school and then take the training and experience to communities where they practice .

To enrich and expand the training, we included in the program health care professionals from the Texas Tech University Health Sciences Center, the Garrison Geriatric Education and Care Center, the Covenant Health System, and the University Medical Center. This semester the first group of trainees include nine law students and nine providers, who meet weekly to develop mediation skills with a focus on health care disputes.

Although the participating institutions will be publicizing availability of services, the mediation services are available to the entire community and region. Anyone with a concern to be mediated should contact Dispute Resolution Center. To encourage participation, the mediation services are free of charge. Persons who are interested in referring a matter to mediation should call 866-329-3522 or 806-775-1720.



Left to right: Professor Susan Fortney, Mario Flores, Bradley Bush, Rachel Anthony, Jennifer Irlbeck, Geeta Yadav, Clair Rivera, Dawn Newell, and Gene Valentini. Not pictured: Allison Jones



Pictured left to right: Mario Flores, Dawn Newell, Brad Bush, and Rachel Anthony



Final will execution by Jeffrey Ford and Matthew Sherwood on November 9th wrapped up the end of the Wills Project.



Teaches Legal Malpractice, Health Care and Bioethics Mediation Clinic, Bioethics, and Professional Responsibility

Prior to joining the faculty, Professor Fortney practiced law in both the public and private sectors. She developed her love of teaching, first as an instructor in the business schools at the University of Texas at Arlington and Dallas, and later as an adjunct professor at the University of Texas School of Law. She currently lectures and publishes in the areas of professional liability and ethics. She has developed a reputation as an expert in law firm governance and ethics.

Professor Forney has earned recognition for her contributions as a teacher, scholar, and public servant. In 2005 she received the Texas Tech University President’s Academic Achievement Award for excellence in teaching, service, and research. Recently in 2006 she was recognized as the Texas Tech University recipient of the Chancellor’s Distinguished Teaching Award.



## Recent Cases of Interest

### Innocence Project Clinic:

**Leila Kallel** has been helping prepare for the retrial of Death Row inmate Anthony Graves. Last spring, the 5th Circuit reversed his conviction and ordered the state to release or retry him. The State has opted to retry him sometime next spring.

**Stephanie Luce** created a great rapport with a client's trial attorney and discovered that DNA evidence presented at the original trial is available for re-testing. She is working on a motion to have this evidence re-tested using the new, more accurate testing.

**Amber Reed Burdine** is continuing the work of last year's student George Hoyt and working on a state writ of habeas corpus for an innocence client. In that case, the police officer lied on the stand and flatly contradicted his own police report, which was discovered after the trial. Amber will put the finishing touches on the writ of habeas corpus.

**Erin Shinn** is putting together a pardon for an innocent client. The trial court, after an evidentiary hearing, recommended that his writ of habeas corpus be granted after his ex-wife and son testified that they had been forced to make false accusations against him. The Court of Criminal Appeals did not grant relief, so Erin is working on getting him pardoned.



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

## Clinical Program Provides Preceptorship to Estacado High School Law and Justice Magnet Program

The clinical program suites became a familiar environment to three students with the Estacado High School Law and Justice Magnet Program during the Fall semester. Students were able to assist clinic staff and



administrative staff with various tasks, as well as sit and observe a couple of law courses. The first two students, Lakeisha Williams (pictured above) and Marneka White (pictured on the right), assisted with the reorganization of closed clients files and other miscellaneous tasks. The third student, Joshua Rodriguez (pictured

below), was able to sit and observe a couple of courses taught by Professors Lewis and Hatfield.



The preceptorship in the clinical program is the beginning of a five-year partnership between the School of Law and the Estacado High School Law and Justice Magnet Program which intends to provide additional educational resources and help guide students toward their goals of attending law school.

Elma Moreno, Legal Assistant for the Clinical Program, has been working closely with the students and the program instructor, Lucio R.



Trevino, to make the preceptorship rotation visits a learning experience.



Heather McDonald is the new Staff Attorney for the West Texas Innocence Project. She graduated from Texas Tech in May and just passed the Bar! Heather received her undergraduate degree from the University of Texas at Austin and started her position with the Innocence Project in August. She first became involved with the Innocence Project when she was a student in the clinic and loved it so much, she found a way to turn it into a job! Congratulations Heather & welcome!



## Low Income Tax Clinic Co-Sponsors Public Interest Workshop

Part of the requirement of the Low Income Tax Clinic Grant received from the Internal Revenue Services is to develop and conduct a workshop providing education to low income individuals in the community regarding tax law issues. In an effort to fulfill the requirement, Texas Tech University School of Law Low Income Tax Clinic and Legal Aid of NorthWest Texas co-sponsored the third annual "free" community Public Interest Workshop at Mahon Public Library on August 25, 2006. **Nancy Mojica** (EJVP Coordinator) and **Janie Gonzales** (LITC Community Outreach Coordinator) developed and coordinated the workshops and presenters.

Workshops consisted of tax law issues, social security disability (SSD/SSI) issues, update on

Medicare's Part D prescription drug program, and bankruptcy law and Public Benefits and the status of 211 in this area.

Presenters included **Peggy Guinn**, Taxpayer Advocate with Taxpayer Advocate Services in Dallas and **Janie Gonzales** with the TTU Low Income Tax Clinic. Bruce Bower, Texas Legal Aid Services Center, Austin TX presented Public Benefits and the Application Process including 211.

Other presenters included Professor Larry Spain, Texas Tech University School of Law, who addressed the issues of social security disability (SSD/SSI) and its requirements. **Edda Pauduch** from the Social Security Administration update of Medicare Part D prescription drug program, and **Mike Calfin**, an attorney in private practice, addressed bankruptcy law.

## Thanks to Faculty Supporting Pro Bono

Thanks to the following faculty who have assisted Legal Aid of NorthWest Texas at their *Pro Bono* Intake Clinics during the fall semester: **Deans Walter Huffman and Brian Shannon**; **Professors Gerry Beyer**; **Christopher Bruner**; **Wes Cochran** (4 clinics); **Jarod Gonzalez** (2 clinics) **Michael Hatfield**; **Jennifer Horn**; **Vaughn James**; **Kimberly Phillips** (2 clinics); and **Larry Spain** (4 clinics).

The Law School faculty co-sponsor with Legal Aid of NorthWest Texas the *Pro Bono* Clinics held at St. John's United Methodist Church during the months of October and February. In addition, faculty assisted with two *Pro Bono* Clinics during the fall semester organized by the Student Public Interest Initiative and Volunteer Law Student Association.

All of the students in both sections of the Civil Practice Clinic participate in the Pro Bono Clinics. In addition, the following students from the Student Public Interest Initiative and Volunteer Law Student Association assisted at the Pro Bono Clinics during the fall semester:

**Kent Anderson, Julie Boyer, Leslie Chaggaris, Jacob Edwards, Vanessa Kelley, Josephine Lue, Katheen Nacozy, Carrie Nguyen, Shanon Stanfield, Ann Thomas, Phillip Urrutia, April Wiuff, Stephanie Wooley, Gabe Brake, Alex Eaker, Rebekah Herrmann, Jelena Kovacevic, Nancy Rotundo, Maxey Scherr, Shirlyn Solas-Edwards, Caitlin Thomas, Amber Thompson, and Monica Tolden**

If you are interested in participating in a future Pro Bono Clinic, contact Elma Moreno, [elma.moreno@ttu.edu](mailto:elma.moreno@ttu.edu).

## WHERE ARE THEY NOW?

**Erick L. Lucio** (Civil Clinic - Spring '05) works in Brownsville for Royston, Rayzor, Vickery & Wilkins LLP. The firm is a civil litigation firm based out of Houston. You can visit the firm's website at [www.roystonlaw.com](http://www.roystonlaw.com).

**Marci McClellan Curry** (Civil Clinic - Spring '05) got married over the summer! Congratulations Marci!! She has been in the Misdemeanor section of the District Attorney's office in Dallas since November of last year handling A and B misdemeanors.

**Wendy Walton** (Civil Clinic - Fall '04) has been working with Jones Day in Dallas since graduation in December 2004. She works in the Mergers and Acquisitions practice group.

**Amy Olivas** (Criminal Prosecution Clinic - Spring '04) is working with the Hidalgo County District Attorney's Office - Civil/Juvenile Department since January 2005. She handles protective orders for victims of family violence/sexual assault and juvenile misdemeanor and felony cases.



## CCAV Seeks Volunteers for Upcoming Income Tax Season

The Coalition of Community Assistance Volunteers assists the low income, elderly, handicapped, and non-English speaking taxpayers with the preparation of simple tax returns. Once again, we need you as a law school volunteer to give of your time for a cause that will greatly benefit our community. There are more than 5,000 families in Lubbock who do not have access to a quality income tax form preparation service, nor are they able to pay for such service each year. This may be due to income levels, language barriers, or other factors. The Internal Revenue Service has also noted that as much as \$8 million goes unclaimed in Lubbock County each year in the form of Earned Income Tax Credits and Child Tax Credits for which these taxpayers may not file a tax return. The Coalition of Community Assistance Volunteers (CCAV) has been established to help as many as possible of these 5,000 families with income tax preparation for 2006 returns.

In the preparation year of 2005, the volunteers of CCAV prepared over 3,500 tax returns and brought back into the Lubbock economy approximately \$2.8 million dollars. Many of those volunteers came from Texas Tech University School of Law and your help is needed again in 2007.

All of the training is provided at no cost to volunteers and returns are prepared at no cost to the taxpayers. Training for the 2006 Tax Season will be held in three parts:

- **Basic (Part 1)**  
Thursday (1/4/07) or Thursday (1/11/07)  
Time: 5:30pm - 9:30pm  
Texas Tech Business Administration Building

- **Wage Earner (Part 2)**  
Saturday (1/6/07) or Saturday (1/13/07)  
Time: 9:00am - 1:00pm  
Texas Tech Business Administration Building

- **Pension (Part 3)**  
Saturday (1/6/07) or Saturday (1/13/07)  
Time: 1:30pm - 5:30pm  
Texas Tech Business Administration Building

Law students can either take the online Link N Learn training provided on the IRS Website at <http://www.irs.gov/app/vita/index.jsp> or students can attend each part of the training listed above. You are able to choose those times that are better for you to attend.

CCAV is requiring certification in all three areas of training: Basic, Wage Earner, and Pension. The certificate provided online (if you choose to take the online course) will need to be turned in to Elma Moreno in the clinic offices on or before January 12th.

Students who take the online training and testing on the IRS Website (IRS.gov), will be asked to attend a course on the Tax Wise software. Separate training will be conducted prior to the first day of tax preparation season. If you are a returning volunteer you must attend one of the sessions listed above for two hours to learn about the updates to the TaxWise computer software.

Volunteers need not have prior tax-return preparation experience. It's a very simple software program for electronic filing and you are trained on how to use it.

If you can take the training, assist in the preparation of simple tax returns, and help make a difference in our community, we are in need of your help. Please contact Elma Moreno in the clinic offices at 742-3787, Ext. 222, or by e-mail ([elma.moreno@ttu.edu](mailto:elma.moreno@ttu.edu)) to let us know of your interest in this project.

### WHERE ARE THEY NOW?

**Bryan Stanfield** (Tax Clinic - Fall '03) has been working on an L.L.M. in taxation from the University of Houston. He expects to receive his degree in Spring 2007. He just recently accepted a contract position with an oil and gas company researching and curing mineral titles.

**Leslie Searle** (Civil Clinic - Fall '01) is an associate with Hall & Green here in Lubbock.

**Kenneth Richey** (Criminal Justice Clinic '04-'05) is currently an associate with Hurd, Ziegler & Trevino, LLP in Lubbock.

**Tony Fidelie** (Civil Clinic - Fall '04) is currently the Assistant District Attorney (Civil Division) in Wichita County, Texas. He handles all the asset forfeitures for the county and handles a good part of the litigation that the County is involved in both in federal and state court.

**Marco Trevino** (Tax Clinic - Spring '02 and Family Law Clinic - Fall '02) is an Assistant District Attorney in Rio Grande City, Starr County, Texas.

**Katherine Everett** (Civil Clinic - Spring '03) is a Probate Assistant for Judge Winfree in Montgomery County. She goes through all the probate files and checks to make sure that they meet the Probate Code requirements and hopes to be a probate expert when she gets done working there which will be in another year.



**FOR MORE INFORMATION YOU CAN ALSO CONTACT CCAV AT 765-5828**

## Recent Cases of Interest

(continued from page 8)

### Civil Practice Clinic:

**Lori Cobos ('06)** represented a 50 year old individual with a 9<sup>th</sup> grade education and past relevant work as a welder before an administrative law judge on a disability claim. After a hearing, the ALJ determined that the individual was disabled effective January 1, 2006 as a result of diabetes mellitus, diabetic retinopathy with retinal detachment resulting in diminished vision, hypertension and osteoarthritis and musculoskeletal pain. The client received \$4,556 in retroactive benefits and \$1,069 per month in continuing benefits.

**Laura Brock** represented a parent on behalf of 4 year old child with neurofibromatosis, pseudoarthrosis, optic nerve glioma and a hypthalmic mass. These conditions were found by the ALJ after a hearing to cause marked limitations in the functional domains of moving about and manipulating objects and marked limitations in health and physical well-being. The ALJ consequently found the child disabled and eligible for childhood disability benefits.

Selection process for Clinical Program will be held in late February or early March for the 2007-2008 academic year! Watch for announcements in mid-February!

In a case that continued for nearly 5 years, involving 2 hearings before different administrative law judges and two reversals on appeal to the Appeals Council, a 54 year old client with multiple medical problems whose health condition deteriorated over the course of representation was finally awarded disability benefits retroactive. The client had the following impairments: Insulin dependent diabetes with peripheral neuropathy and retinopathy; hypertension with coronary artery disease, congestive heart failure, degenerative changes in the cervical and thoracic spine, major depression with borderline intellectual functioning. Subsequent to the last hearing before the ALJ but before issuance of the decision, the claimant suffered a major stroke which the ALJ failed to consider in making his decision, which resulted in the reversal and issuance of a favorable decision on appeal. Students who worked on this case included: **Michael Fitzpatrick ('01), Cord Borner ('02), Andrew Lloyd ('03), Justin Furnace ('03), Linda Cavazos ('04), Ashley Ellis ('04), Tony Fidelie ('05), Erik Lucio ('05), Tanya Buler ('06)** and **Ross Horn.**

In a decision issued this past summer, a favorable decision was issued in a case handled by **Jenna Zebrowski** who represented a 22 year old individual with a severe schizoaffective disorder and major depression with psychotic episodes. The client was found disabled as of July, 2003 and was awarded \$16,805 in retroactive benefits as well as \$500.00 per month in continuing benefits.

### WHERE ARE THEY NOW?

**Genaro Cortez** (Tax Clinic - Summer '02) has just recently opened his solo practice in San Antonio.

**Priscilla Camacho** (Civil Clinic - Fall '04) joined the firm of Deffenbaugh & Lange, P.L.L.C. in San Antonio.

**Micah Grant** (Tax Clinic - Fall '04) works for the Coffey Firm in Fort Worth. Handles mostly DWI cases but will begin taking personal injury and medical malpractice cases. Micah states "It has been interesting but certainly a far cry from the tax clinic."

**Lena Roberts** (Civil Clinic - Spring '03) works for Texas Commission on Environmental Quality in Austin, Texas. When asked what she does she answers "I'm a professional tree hugger!"

**Bonnie Hollier** (Civil Clinic - Fall '02) is an associate with Chambers, Templeton, Cashiola & Thomas, LLP in Beaumont, Texas.

**Bria Smith** (Civil Clinic - Fall '04) is working with her dad's law firm in Dallas as an associate attorney doing family law and helping out on legal and medical malpractice cases.

**Amanda Harris** (Civil Clinic - Spring '04) after spending a little over a year at Legal Aid of NorthWest Texas in Amarillo is now a partner of Miller, Johnston, Cross, Blakley & Harris holding down the fort in Borger. She practices primarily family and criminal law in Hutchinson County and loves the small town atmosphere!



# Snapshot Corner



## WHERE ARE THEY NOW?

**Jeremy Harmon** (Tax Clinic - Summer '04) is currently practicing law in the Forth Worth/Tarrant County area with the firm of Pope, Hardwicke, Christie, Schell, Kelly & Ray. He has been working extensively in commercial, oil and gas, and condemnation litigation areas.

**Cory Kneeland** (Criminal Prosecution Clinic - Fall '02) is currently the Misdemeanor Chief for Orange County. He and his wife Angela Mann Kneeland (TTU grad of '03) are expecting their first child in December!

**Joshua Nieto** (Civil Clinic— Fall -02) assists clients with cases involving medical malpractice, insurance and commercial matters as an attorney with Brin & Brin P.C. in Corpus Christi.

**Ashley Ellis Nadeau** (Civil Clinic - Spring '04) got married right after graduation. She is currently working in the Dallas office of Fulbright and Jaworski focusing on commercial and intellectual property litigation.

**Blair Fassburg** (Civil Clinic - Fall '04) works in the real estate litigation section of Allen, Stein & Durbin, P.C. in San Antonio.

**Brandon Dakroub** (Criminal Prosecution Clinic - Spring '02) is an Assistant County Attorney for Williamson County. He is assigned to the adult misdemeanor section where he primarily handles criminal jury trials and appellate matters. He is married and has two boys ages 5 and 3.



# CONGRATULATIONS STUDENTS ON PASSING THE BAR!

## CLINIC FACULTY AND STAFF

### Clinic Directors:

Larry R. Spain  
Civil Practice Clinic  
ADR Clinic

Marilyn E. Phelan  
Tax Clinic

Wendy Tolson Ross  
Civil Practice Clinic

Glenn Roque-  
Jackson  
Criminal Justice Clinic

Susan Fortney  
Health Care & Bioethics  
Mediation Clinic

Jeff Blackburn  
Innocence Project

### Co-Directors:

Gene Valentini  
Health Care & Bioethics  
Mediation Clinic and  
ADR Clinic

Heather McDonald  
Innocence Project

### Staff:

Elma Moreno  
Office Manager/Legal  
Assistant

Samirah Abdalah  
Legal Secretary

Janie Gonzales  
LITC Community  
Outreach Coordinator



Not pictured: Jeff Blackburn and Heather McDonald

## CLINIC NEWS

Fall 2006 Edition

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## CONGRATULATIONS DECEMBER GRADUATES!

## GOOD LUCK WITH THE FEBRUARY BAR!

