



FALL 2008

CLINIC NEWS

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

TEXAS TECH UNIVERSITY SCHOOL OF LAW RECIPIENT OF FIRST TEXAS ACCESS TO JUSTICE LAW SCHOOL COMMITMENT TO SERVICE AWARD

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The Texas Access to Justice Commission initiated two annual *pro bono* awards designed to encourage *pro bono* activity early in a new lawyer's career and to urge law schools to become more involved in the delivery of legal services to individuals who cannot afford the services of an attorney. Justice Harriet O'Neill presented the awards at the new lawyer admission ceremony on November 18, 2008 in Austin for individuals passing the July, 2008 bar examination. One student from each law school in Texas who has demonstrated a commitment to the delivery of legal services to the poor was selected and recognized at the ceremony. **Alma Gonzalez**, a student in the Civil Practice Clinic, was recognized from Texas Tech.

programs, student involvement and other initiatives was presented to **Texas Tech University School of Law**.



Pictured above is Associate Dean Wes Cochran accepting the award from Justice Harriet O'Neill and Jim Sales



ATJ Law Student Finalists (L to R): Alma Gonzalez (TTU Law); Evan Johnson (UH Law Ctr); Justice Harriet O'Neill; Alexis Hoff (TWU Law); and Jessica Cassidy (UT Law)

The inaugural **Law School Commitment to Service Award** recognizing a law school that most prominently advances the delivery of legal services through clinics, public interest

Congratulations to the faculty, staff and students of Texas Tech University School of Law! TTU School of Law has had a long tradition of providing *pro bono* legal services to low-income individuals in the community beginning with a formal partnership with the Equal Justice Volunteer Program of Legal Aid of NorthWest Texas (formerly known as the Private Attorney Involvement Program of West Texas Legal Services) in 1991. Over the past few years, TTU School of Law has significantly increased its commitment to access to justice issues and encouraged both students and faculty to contribute their time and effort to *pro bono* service benefiting underserved populations through a variety of programs, activities and accomplishments.

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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: **Andrew Anderson, Renee Brosch, Julie Caskey, Leslie Chaggaris, Britton Douglas, Jorge Leal, Suzanne Meredith, Victor Rodriguez and Aaron Shnider.**

Over the course of the semester, a total of 32 new client cases were undertaken, 8 cases were completed and closed and 34 cases remain open and will be carried over to the spring semester. Each of the students, in addition to being exposed to a variety of legal problems through the evening *Pro Bono* Clinics, participated in the *Night Court Divorce Project*, a



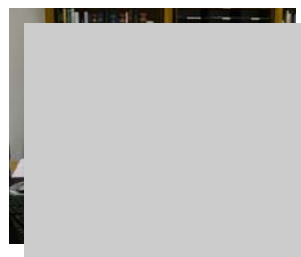
program offered in collaboration with the Lubbock County Courts to provide representation

to low-income individuals in simple divorces with hearings held before Judge Judy Parker in the evening at the Law School. In addition to these activities, each of the students has been kept busy carrying an individual caseload of 4-5 clients throughout the semester and assumed primary responsibility for representing clients in matters involving family law, disability

claims, civil rights claims, wills and estate planning, and consumer matters.

During the semester, most of the students had an opportunity to complete a divorce case from beginning to end and have a final hearing held before the court. Two students, **Renee Brosch** and **Julie Caskey**, had temporary hearings set before the court and were supervised by **Terri Morgeson.**

Suzanne Meredith has a divorce pending before the court involving claims for reimbursement and economic contribution when her separate property funds from receipt of life insurance proceeds received during the marriage were used to benefit her spouse's separate property estate. **Leslie Chaggaris** had filed a Deceptive Trade Practices Act (DTPA) claim against an individual who had engaged in misrepresentation and poor workmanship in replacing the roof on an elderly couple. After the defendant default, a judgment will be sought for actual damages, treble damages and attorney fees.



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).



Back Row (L to R): Julie Caskey, Suzanne Meredith, Andrew Anderson, Victor Rodriguez, Aaron Shnider, and Professor Larry Spain Front Row (L to R): Britton Douglas, Renee Brosch, Leslie Chaggaris, and Jorge Leal

CONGRATULATIONS PROFESSOR SPAIN ON BEING NAMED *PRO BONO CHAMPION* BY THE TEXAS ACCESS TO JUSTICE COMMISSION!!

"We are all proud of Larry for his commitment to providing legal services to persons who would otherwise be unrepresented – and who would not have access to justice – and this recognition by the State Bar of his dedicated service in the public interest is a fitting tribute. "

Walter B. Huffman
Dean and W. Frank Newton Professor of Law

From the Desk of Vaughn E. James Tax Clinic Director

We are approaching the end of a wonderful semester of working together in the Income Tax Clinic. We have taken on many cases, and helped many low income taxpayers. Indeed, our clients are largely happy with the services we provide. As a result, I am happy; I am satisfied.

I am aware, however, that none of this would be possible without

the wonderful team of students and support staff who make up the Income Tax Clinic. I am eternally grateful to them all: Brett Gilmore, our first ever Student

Administrative Director; the hard-working student lawyers who are in direct contact with our clients – Cory Boggess, Ryan Damiano, Alexandra Eaker, Dominica Moore, Traci Robison, Levi Siebenlist, Jack Starks, and Elizabeth Watson; the indefatigable Elma Moreno who manages our

office; and the equally indefatigable Samirah Abdalah who answers the phones, welcomes our clients, keeps us well-stocked with various supplies, and, of course, provides us with candy for that extra surge of energy.

Earlier this semester, my chest swelled with pride as I sat at the Tax Court watching **Brett Gilmore** and **Dominica Moore** representing a client before the court.

They did such an excellent job! Later on in the semester, **Jack Starks** participated in a conference with the IRS. Jack made us all proud. We look forward to even better things and more experiences in the next semester – and in the

Levi Siebenlist

New Year.

I wish you all a happy holiday season, and a very successful New Year. To the Tax Clinic team I say: rest and relax well, for we have greater things coming our way in 2009.



Teaches Elder Law, Federal Estate and Gift Taxation, Federal Income Taxation, International Taxation, Law and Religion, and Low Income Tax Clinic.

Professor James is admitted to practice in New York, Texas, United States Tax court, and the United States District Court for the Northern District of Texas.

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



Back Row (L to R): Dominica Moore, Alexandra Eaker, Elizabeth Watson, and Traci Robison

Front Row (L to R): Cory Boggess, Ryan Damiano, Jack Starks, Professor Vaughn James, Levi Siebenlist, and Brett Gilmore

Congratulations to Professor James on his new book, *The Alzheimer's Advisor: A Caregiver's Guide to dealing with the Tough Legal and Practical Issues* (New York, NY: Amacom Books 2008) which was published on October 1, 2008, and on receiving a **"Starred Review"** from Library Journal Xpress on November 12th.

Congratulations also to Professor James who received a **Lifetime Achievement Award** from FAME Dominica on October 24th and the **Pioneer of Calypso Music Award** from the Dominica Calypso Music Hall of Fame on the same day.

From the Desk of Wendy Tolson Ross Civil Practice Clinic Director

This semester I had eight students enroll in my section of Civil Practice Clinic. These students were: Alma Gonzalez, Alexander Kessler, William McCamish, Gilda McDowell, K'lisha Pace, Melinda Powell, Matthew Sapp, and Crystal Soria.

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.

In one of the divorce cases, we were able to obtain spousal support for a client. Additionally, we have a few adoption cases

that we have started working on this semester.

This semester we had a couple of landlord/tenant cases. We represented a client both at the Justice of



the Peace Court and on appeal to the County Court. We also have a security deposit case.

"... Mr. McCamish was very helpful, attentive, polite, caring and knowledgeable."

Civil Clinic Client

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



Back Row (L to R): William McCamish, Matthew Sapp, Alexander Kessler, Melinda Powell, and Professor Wendy Tolson Ross
Front Row (L to R): Crystal Soria, K'lisha Pace, Alma Gonzalez, and Gilda McDowell

"The Civil Clinic has been a rewarding learning experience. I am learning practical skills through hands on training which is not provided in the traditional classroom setting. The clinics allow us to seek assistance from knowledgeable attorneys who truly care about the work they do. It has been a great pleasure to work with the clinics staff and my colleagues—my classmates."

Alma Gonzalez

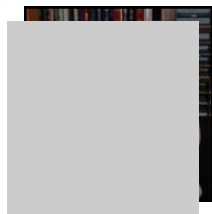


Teaches Civil Practice Clinic, Negotiations, and Race and Racism.

Prior to joining us at the beginning of the summer 2005, Professor Ross was a Clinical Instructor of Law at St. Mary's University School of Law. She served as a Clinical Instructor from 1999 thru 2005. She was also Acting Associate Director for the Office of Academic Excellence.

Professor Ross joined the faculty to teach a section of the Civil Practice Clinic and to teach negotiations in the Spring of 2006 which she continues to teach every Spring semester. She earned her B.A. from Texas Tech University and her law degree from University of Missouri - Columbia Law School. In addition to teaching one section of the Civil Practice Clinic, Professor Ross also teaches Race and Racism during the Fall semester.

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



"Being a part of the Civil Practice Clinic has afforded me the opportunity to engage in community service while gaining real world practical experience. No other experience in law school exposes you to the challenging situations that you encounter while in the Civil Practice Clinic. Like the pieces of a puzzle, the Civil Practice Clinic has helped me understand how the courses I have completed fit together to make a finished product. Under the supervision of Professor Spain, I have had the opportunity to correct and refine the skills necessary to succeed as a civil practice attorney."

Jorge Leal

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

Just a short note to let everyone know the students in the Criminal Defense Clinic are busy representing real people in real cases in real time. Since the beginning of this semester, students have handled or are handling 77 cases for 60 different

clients. Students handle all phases of representation from initial interview through appearance in Court. To date, of those 77 cases there have been 24 pleas of guilty and 6 dismissals. Having represented clients in the Magistrate Court,

the Lubbock County Courts at Law, and the District Courts are Sosa "Ann" Thomas, Gail Schroeter, Jason Rew-Hunter, Luz Martinez-Bernal, Melissa A. Moreno, Paul Harrell, T.J. Roberts, and Tifanee Baker. Five of the clinic students at the present time have or will soon have at least one case each set for a jury trial. Ann Thomas and Melissa Moreno each are set in January for an administrative hearing on a driver's license revocation. Please congratulate them all for their hard work. Also, Ann Thomas, Jason Rew-Hunter and Gail Schroeter attended the quarterly board meeting of the Texas Criminal Defense Lawyers Association in Austin in October. All students have the opportunity to attend a board meeting in Ft.



"The criminal defense clinic is one of the more practical and challenging opportunities that I have experienced at Tech Law. This program allows students to apply their knowledge and advocacy skills to represent people that would not otherwise be heard. The professors and staff provide a comfortable yet professional learning environment. From jail visits with clients to pre-trial hearings, I have learned so much about the criminal justice system and even more about myself. I cannot imagine graduating without having experienced everything that the Criminal Defense Clinic brings!"

Melissa Moreno

Worth in December and the 29th Annual Prairie Dog Lawyer Seminar here at the Law School in March and the TCDLA Board meetings to follow. All students are members of the Lubbock Criminal Defense Lawyers

Association and the Texas Criminal Defense Lawyers Association.

Cases currently pending include: 9 DWI's, 2 Failure to Identify to Police Officer, 3 Possession of Marijuana <2 oz, 3 Class B Theft, 1 Class A Theft, 6 Domestic Violence Assault, 1

Prohibited Weapon, 1 Unlawfully Carrying a Weapon, 1 Evading Arrest, 1 Criminal Trespass, 1 Traffic ticket, 2 Driving While License Invalid, 1 Felony Possession of a Controlled Substance, 1 Felony Tampering With a Governmental Record, 7 Burglary of a Motor Vehicle, 2 ALR Hearings, 1 Abuse of 911 Call, and 2 Class A Assault. Cases disposed of through pleas or dismissals include 1 Prostitution, 6 Domestic Violence Assault, 1 False Report to a Police Officer, 7 Failure to Identify, 1 Resisting Arrest, 2 Class B Theft, 3 DWI, 7 Possession of Marijuana, 1 Theft of Service, 1 Juvenile Detention Hearing, and 2 Evading Arrest.

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

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

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



Back Row (L to R): Luz Martinez-Bernal, Gail Schroeter, Melissa Moreno, and Ann Thomas
Front Row (L to R): T.J. Roberts, Tifanee Baker, Professor Patrick Metze, Paul Harrell, and Jason Rew-Hunter

From the Desk of Glenn Roque-Jackson Director, Criminal Justice Clinic - Prosecution Section

There are seven talented students enrolled in the 2008-2009 Prosecution Section of the Criminal Justice Clinic: Megan Batchelor, Meredith Coffman, Kathryn Kennon, Brandon Price, Joseph Rueda, and Benson Varghese. Judges, veteran prosecutors, and experienced law enforcement officials have provided these students with weekly instruction on the skills needed to practice criminal law. Prominent

defense attorneys have periodically addressed the students to supplement their instruction. They have learned quickly and, as a result, are beginning to serve as lead trial counsel on their own cases. It is expected that before the year is over each student will obtain a significant amount of trial experience and will learn what it takes to be an effective and ethical prosecutor.

"The prosecution clinic offers something most law school courses cannot: real cases and real courtroom experience. You learn first-hand from some of the best investigators, attorneys, and judges in Texas. It's pretty sweet."

Russell Frost



(L to R): Professor Glenn Roque-Jackson, Joseph Rueda, Megan Batchelor, Benson Varghese, Kathryn Kennon, Brandon Price, Meredith Coffman, and James Frost.

"By preparing and conveying plea offers to dozens of defendants and having tried 'real world' cases before a judge or jury, I have learned more about the art of lawyering in three months as a member of the Prosecution Clinic than I have in over two years of law school."

Joe Rueda

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

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Every three weeks the students spend 12 hours with one of eight different criminal defense lawyers in Lubbock rotating through each office, experiencing criminal practice by observing and by doing. Mentors for the Criminal Defense Clinic, all local attorneys practicing criminal law, are Chuck Lanehart, Danny Hurley, Dwight McDonald, Steve Hamilton, Trey

McClendon, Robin Matthews, Mike Brown, and Laurie Key. All mentors are members of the Lubbock Criminal Defense Lawyers Association, a financial supporter of the Texas Tech School of Law and the Criminal Defense Clinic. During the course of each semester each student will spend 220 hours representing their clients, working with their mentors and practicing law.

"The clinic has given me the confidence and experience that I need to practice in the area of criminal defense. There is no doubt that this is the work I was meant to do. I would be proud to be among the extraordinary defense attorneys that I have met in Lubbock County and throughout Texas."

Gail Schroeter



Teaches: Criminal Prosecution Clinic

In law school, Professor Roque-Jackson was the Trial Director of the Harvard Defenders, a student-run public defender office. 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 where he currently serves as an Assistant U.S. Attorney. He has extensive jury trial experience and has successfully prosecuted a wide variety of offenses including: computer crime, drug trafficking, organized crime, public corruption, violent crime, and white collar fraud. As a result of his success as a prosecutor, he has 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 Natalie Roetzel Innocence Project of Texas

This semester has been particularly successful for the Innocence Project of Texas Clinic ("IPOT Clinic"). We acquired a stellar group of 15 students who each have their own unique reasons for joining the clinic. Despite their various motivations for engaging in the clinical program, the students are all dedicated to providing the best possible investigative services for those seeking the clinic's assistance. Because of their commitment to the cause of seeking justice for the wrongfully convicted, they have made great strides in several IPOT cases.

Currently, Texas Tech IPOT Clinic students have three cases that are undergoing DNA testing. Initially, the students reviewed the clients' files, made recommendations for DNA testing to a review committee consisting of IPOT attorneys and representatives from the Dallas DA's Office, filed requests for the location of physical evidence, and ultimately succeeded in securing DNA testing for three men who claim innocence for the crimes of sexual assault, kidnapping and murder. The students are also in the process of drafting

Chapter 64 motions for DNA testing in other non-Dallas cases where DNA testing could conclusively prove an individual's guilt or innocence. These motions will later be reviewed by IPOT attorneys who will represent the students' clients on their post-conviction innocence litigation.

"This experience has given me knowledge about the Texas criminal justice system I would have never learned in a classroom. I feel my participation in the Innocence Project of Texas gives me the opportunity to change the world one case at a time."

Victoria Muniz

One noteworthy DNA case currently being worked on by IPOT Clinic students is that of Timothy Cole. Cole was a Lubbock man who died in prison serving time for

a sexual assault that DNA now proves he did not commit. As a result of the diligent efforts of clinic students, IPOT is now petitioning a Travis County Court for a Court of Inquiry into Cole's wrongful conviction. IPOT attorneys chose this route because normal avenues of post-conviction relief are unavailable to Cole because he is deceased. The petition, which was filed on behalf of Cole's surviving family members and the primary rape victim, is largely unprecedented. If IPOT is successful with the petition, Cole could become the first individual receiving a formal posthumous DNA exoneration recognized by the Texas courts.

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



L to R: Natalie Vanhouten, Victoria Muniz, Christina Conway, Michelle Jackson, Victoria Beles, Natalie Roetzel, Tania Ward, Kelli Stumbo, Stefanie Gonzalez, Joel Norris, Lara Tomlin, Alec Pourteau, Vanessa Burgess, Nick Vilbas, Amber Cash, and Paul Cash.



Summer Students included L to R: Sarah Hegi, Craig Cosper, Adam Tisdell, Stephen Coy, and Ray Lopez

For more information visit:

www.ipoftexas.org

From the Desk of Jeff Blackburn and Natalie Roetzel Innocence Project of Texas

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In addition to the DNA cases, the clinical students work regularly on investigating claims of innocence made by inmates who do not

have the luxury of DNA evidence in their cases. Over the past few months, they have had particular success investigating a Harris County capital murder case where an individual was convicted based on the theory of shaken baby syndrome. As part

of their investigation, the students have communicated with medical experts who are known world-wide for their research on shaken baby syndrome, they have met with attorneys who have successfully litigated shaken baby cases, and they have discussed investigation strategies with several IPOT attorneys who are assisting the students on

"I am 2L currently working in the Innocence Project Clinic. The amount of experience and knowledge that the clinic has provided me is invaluable. My classroom knowledge meets the real world. My work at the clinic has inspired me to become a defense lawyer and has showed me the impact attorneys have on people. It has made me realize what great power our profession possesses. Unfortunately I have seen how the misuse of power has imprisoned innocent people but with hard work and dedication we can provide hope and freedom to innocent people. While at the same time learn how to put our professions power to good use. Jeff Blackburn and Natalie Roetzel have taught me so much and I am thankful that I am able to work and learn from them."

Tania Ward

their research. The two students investigating that particular case have steadily moved the case toward the litigation stage, and they are

optimistic that a writ seeking the reversal of the inmate's conviction will be ready for filing in early 2009.

All in all, the IPOT Clinic staff consisting of Jeff Blackburn (Chief Counsel), Natalie Roetzel (Staff Attorney / IPOT

Executive Director), and Lupe Ponciano (Intake Coordinator) is immensely proud of the work that the IPOT Clinic students have put into their cases this semester. We look forward to an equally successful Spring term!

Natalie Roetzel
Executive Director



Natalie Roetzel is currently working as the Staff Attorney/Executive Director of the Innocence Project of Texas Clinic. She received her J.D. from the Texas Wesleyan University School of Law, where she served as a Founder and Director of the Wesleyan Innocence Project. While in law school, Natalie was a Notes and Comments Editor for the Texas Wesleyan Law Review, and she competed on several successful moot court teams. Natalie was recognized as the best oral advocate in the nation at the National Moot Court Competition where the American College of Trial Lawyers presented her with the Fulton Haight Award for excellence in oral argument. In addition to her work at the Innocence Clinic, Natalie also assists in the coaching of Texas Tech moot court teams.

Clinical Program Staff Installed as President of West Texas Paralegal Association

Elma Moreno, Clinical Program Office Manager/Legal Assistant, was inducted as President of the *West Texas Paralegals Association* for 2008-2009 on October 22nd at Texas Land & Cattle Steakhouse. WTPA (formerly The West Texas Association of Legal Assistants) was organized on October 8, 1983, and celebrated its 25th anniversary this year. The organization was formed primarily as a means of legal education for legal assistants.



Pictured are (L to R): **Mary Helen Valdez** (Secretary), **Elma Moreno** (President), **Kay Daniel** (Treasurer), **Jan Bufkin** (President-Elect), and **Rebecca Veach** (Second Vice-President). Elma has been a member of WTPA since October 2006, but has been associated with WTPA for many years as the former Private Attorney Involvement Coordinator for Legal Aid of NorthWest Texas. **For more information on WTALA you can visit our website at <http://www.wtparalegals.org/index.htm>.**

TEXAS TECH UNIVERSITY SCHOOL OF LAW HOSTS 3RD ANNUAL FACULTY UPDATE SEMINAR

Faculty from Texas Tech University School of Law offered a CLE program without cost to legal services attorneys and public interest practitioners on September 25th & 26th. Texas Tech University was the first law school in the state to offer such a program which arose out of recommendations of a committee of the Texas Access to Justice Commission as to how law schools can contribute to the delivery of legal services to the indigent. This will continue to be an annual event.



Professor Larry Spain, who serves as Director of Clinical Programs at Texas Tech Law School organized the program which showcased Texas Tech Law School's finest faculty on topics such as *The Effective*

Use of Technology to Improve Your Law Practice, The Basics of Texas Intestate Succession Law, Ethical Issues When Working with An Interpreter, Preparing Your Family Law Client for Mediation, Estate Planning with an Alzheimer's Orientation, Direct and Cross-Examination Skills in a Family Law Case, Family Law Update, Ethical issues in Dealing with Unrepresented Parties, and Opinion Testimony: Lay and Expert. The following faculty members from Texas Tech's law school participated in this program: Professors Larry Spain, Patrick Metze, Jorge Ramirez, Gerry Beyer, Gene Valentini, Vaughn James, and Robert Weninger.

Approximately 39 individuals attended the seminar either in person or via live webcast.

Participants included attorneys from Advocacy, Inc., Legal Aid of NorthWest Texas, Legal Aid Society of Lubbock, Inc., Lone Star Legal Aid, Texas RioGrande Legal Aid, and City Attorney's Office.

Several attorneys with private practices also attended.

This was the first year that the seminar was provided to individuals unable to attend in person. They were able to view the seminar via live webcast. Thank you to Beixin Ni and Eric Martinez who devoted both days to making it possible.

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

"Thank you for putting this program! It is always great to get some legal education directed specifically at the problems public interest and pro bono lawyers see every day."

CLE Attendee

"Mega-Congratulations to Paul W. Horn Professor of Law Susan Saab Fortney on her selection as an Extraordinary Woman in Texas Law. This selection reflects her status as one of the 30 female lawyers who have had the most impact on law and lawyering in the State of Texas over the last five years. This significant honor not only signifies Susan's personal excellence and reputation within the legal profession, but also is one more example of the exceptional strength of our faculty at the Texas Tech University School of Law."

Walter B. Huffman
Dean and W. Frank Newton
Professor of Law

WHERE ARE THEY NOW?

James Beam (Tax Clinic '07-08) is working for a general business law firm in Stephenville, Texas. He is currently working in a number of different practice areas including entity formation, oil and gas, corporate books, financial planning, litigation, etc.

Steve Forsberg (CJC '07-08) has passed the New Mexico bar. He is working in the Alamogordo office of the New Mexico Public Defender.

*To find out more about the TTU Clinical Programs, visit
<https://www.law.ttu.edu/acp/programs/clinical/>*

From the Desk of Gene Valentini and Nicie Pratt Health Care & Bioethics Mediation Clinic

The Health Care and Bioethics Mediation clinic and program is in its third year with a new crop of dynamic participants. In order to allow trainees to observe and conduct mediations earlier in the semester, the class “front-loads” the training with a three-day intensive program where participants obtain 24 hours of training before the start of the semester. In September, the clinic students began observing mediations and co-mediating cases. In addition to academic credit, the class participants obtain credentialing at the conclusion of the semester.

This year’s trainees included nine law students, as well as nine providers from the community (pictured on page 11). In addition to obtaining mediation training, the providers shared their rich experience and personal insights on health care delivery and conflict resolution. The professionals effectively serve as co-teachers, enriching the experience for all. The providers from the Lubbock area health institutions were:

- **Texas Tech University Health Sciences Center:** Glenda Helfrich, Sr. Associate General Counsel; John Hall, MD, JD, Anesthesiology; Thomas Tenner, Jr., Associate Dean for Faculty Affairs and Development Professor; Michael Blanton, Ph.D., Associate Professor, Department of Pharmacology
- **University Medical Center:** Greg Bruce, Vice President of Corporate Services; Jeffrey Hill, Division Director, Support Services
- **Covenant Health System:** Tavia Hatfield, Director of Mission Services; Doyle Patterson, Chaplain; Melanie Oblender, M.D., Pediatric Oncologist, Chief of Staff of Covenant Children’s Hospital and Medical Director of Palliative Care program.

In addition to learning about conflict resolution and developing mediation skills, the clinic gives participants an opportunity to learn about health care delivery and health law issues. A number of class sessions focused

on conflict in health care, with special emphasis on concerns related to communication, behavior, medical staff, administration and external stressors on health care delivery such as reimbursement, regulatory agencies and the uninsured.

To give participants different perspective, a number of experts visited the class for open panel discussions.

A physician panel explored how medical staff and hospital administration have a common goal of quality patient care, yet are quite autonomous and often have different interests that can lead to disputes. They also discussed how disruptive behavior and poor communication have a direct impact on the quality of patient care. Bradley Snodgrass, M.D., Internal Medicine and Former Chief of Staff of Covenant Health System; Obie Stalcup, M.D., Urologist of Grace Clinic; and Scott Robins, M.D., Chief Medical Officer of Covenant Health System.

Additionally an attorney panel offered their own personal experiences in the law of health care and their opinions regarding mediation and how it can be most effective in the delivery of healthcare. Roger Key of Key & Terrell, LLP and member of the Covenant Health System Board of Directors; Thomas Riney of Riney & Mayfield, LLP in Amarillo a health care litigator; and Grady Terrell of Craig, Terrill, Hale & Grantham, LLP who represents many physicians in the Lubbock community; Debbie Miller, RN, JD and AVP of Corporate Compliance for Rehabcare out of St. Louis, Missouri.

Private mediator s offered their experiences and gave their insight into mediating various disputes including health care disputes. John Simpson of Splawn, Simpson & Pitts, LLP; and Randy Pyles, a solo practitioner.



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 teaches and publishes in the areas of professional liability and ethics. In 2007 she completed with her co-author Professor Vincent Johnson Legal Malpractice Law: Problems and Prevention. This is the first law school textbook that focuses on lawyers’ professional liability.

Professor Fortney 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. In 2006 she was recognized as the Texas Tech University recipient of the Chancellor’s Distinguished Teaching Award. Most recently Professor Fortney was named an “Extraordinary Woman in Texas Law”.

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From the Desk of Gene Valentini and Nicie Pratt Health Care & Bioethics Mediation Clinic

(continued from page 10)

Dr. Juliann Scholl of the Texas Tech Communication Department conducted a session that helped define disputes and how people tend to deal with them and ways to respond to certain behaviors.

A Case Managers & RN panel gave the students insight into their daily routine and specifically focused on their duties as being central to all communication in a healthcare setting, whether it be physician to patient, family to physicians, administration to physicians, nurses and staff to physicians, etc. They also discussed

Nurse Practitioner at Grace Clinic.

In addition to hosting panelists, the class visited the Garrison Geriatric and Health Center where Kena Dubberley, Assistant Administrator gave the class a tour of the facility and discussed with the type of disputes that arise in such a special setting and how



Back Row (L to R): Matthew Rittmayer, Tom Tenner, John Hall, MD., J.D., Brett Gilmore, Michael Blanton, Kristin Avots-Avotins, and Andrew Ross, **Front Row (L to R):** Gene Valentini, Brandon Lipps, Jaime Canaves, Tavia Hatfield, Melanie Oblender, MD, Jennifer Bartnesky, Glenda Helfrich, Chelsea Kartler, Nicie Pratt, and Doyle Patterson.

how they coordinate and manage disputes that arise in the course of health care delivery amongst the various relationships. Ann Utterback, Professor at Texas Tech University Health Sciences Center School of Nursing; Darlene Bently, RN, BSN, CCM Manager, Case Management & Social Services of Covenant Health System; Joanie Wells,

the staff addresses various disputes including resident to resident matters, family to staff matters and even staff to staff matters.

We sincerely believe that this training has been worthwhile for the law students, the health care providers and the communities we serve. In addition to the wonderful networking opportunities for all involved, we are pleased that the completion of each semester produces a new "crop" of mediators that are prepared to mediate health care related disputes.



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

CLINICAL PROGRAM WELCOMES CLINIC FELLOW

Terri Morgeson, a practicing attorney, was hired as a Law Clinic Fellow in September 2008. Terri assists the directors of the Civil Practice clinic (both sections) and the Criminal Defense Clinic with a variety of responsibilities. Terri is a 2004 graduate of TTU School of Law. Prior to joining the clinical program, she ran her own private practice with an emphasis in family law including CPS defense and additional experience in misdemeanor criminal, probate and guardianship cases. Welcome Terri!

LITC Welcomes Administrative Student Director

Two new individuals joined the clinical program staff during the Fall 2008 semester. **Brett Gilmore**, a 3L who is scheduled to receive his J.D. in December, was hired as a Student Administrative Director for the Low Income Tax Clinic. Brett has assisted Tax Clinic Director Vaughn E. James in supervising the students. He was the "one" student enrolled during the summer sessions in the LITC. Brett represented twenty plus clients through intake, engagement, counseling, negotiation, petition, trial, appeal, settlement, resolution, and closure. Supervised eight student attorneys. Developed community outreach and educational programs and made presentations to the community. Provided tutorial instruction to law students. Prepared for organizational audits, contributed to grant writing, completed registration and exemption filing for nonprofit organizations, extensive research and writing, drafted and implemented policies, procedures, and forms. Brett has been a great asset to the Low Income Tax Clinic and we wish him well!

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

Estacado High School Law and Justice Magnet Program students have been very helpful to the clinical programs during the Fall semester. Students have started working on a large project of scanning and archiving closed files. They have also assisted with other administrative type duties. The two students completing their rotation this semester were **Teresa Rodriguez** and **Samantha Revilla**. An additional student, **Stephanie Silva** (pictured on the right) also joined Teresa on one occasion.

The preceptorship in the clinical program is the continuation 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 and Samirah Abdalah have been working closely with the students and the program instructor, Lucio R. Trevino, to make the preceptorship rotation visits a learning experience.



Nicie Pratt was a provider participant in the first Health Care & Bioethics Mediation Clinic taught by Professor Susan Fortney and Gene Valentini three years ago. This is the first year for Nicie to teach as an adjunct professor. She has a passion for introducing law students to the world of health law and enjoys hosting a student each semester through the externship program. Nicie was delighted when Professor Fortney extended an invitation for her to co-teach the clinic with Mr. Valentini this semester.

Nicie currently serves as Assistant Vice President and Corporate Counsel for St. Joseph Health System of Orange, CA. She received her Bachelor of Arts degree in Psychology from SMU in Dallas in 1996 and received her law degree from the Texas Tech School of Law in 2004. Before law school, Nicie began work with St. Mary Medical Group and Covenant Medical Group in 1996 as the Business Manager and then later the Compliance Director. During her employment with the Medical Group she administered the Compliance Program, provided CME to physicians regarding coding and documentation guidelines and offered guidance regarding HIPAA and CMS regulatory compliance including fraud and abuse and false claims. As AVP & Corporate Counsel, she now provides general legal services to Covenant Health System in Lubbock.

Thanks to Faculty and Students Supporting Pro Bono

Thanks to the following faculty members participated in *Pro Bono* Clinics held in conjunction with Legal Aid of NorthWest Texas and co-sponsored by the Law School faculty during the fall semester of the 2008-2009 academic year: **Dean Arturo Torres** (3 clinics); **Professors Gerry Beyer** (2 clinics), **Jarod Gonzalez** (2 clinics), **Wendy Humphrey** (1 clinic), **Brian Shannon** (1 clinic), **Brie Sherwin** (2 clinics) and **Larry Spain** (5 clinics).

The Law School faculty co-sponsored with Legal Aid of NorthWest Texas two *Pro Bono* Clinics held at St. John's United Methodist Church during the month of September and assisted with three *Pro Bono* Clinics during the fall semester organized by the Student Public Interest Initiative, Volunteer Law Student Association and Family Law Society. All students in both sections of the Civil Practice Clinic participate in the *Pro Bono* Clinics as part of their clinical work. In

addition, the following students from the Student Public Interest Initiative, Volunteer Law Student Association and Family Law Society assisted at the *Pro Bono* Clinics during the fall semester:

T. Kyle Bryant, Kayla Childs, Kertisha Dixon, Marisa Dunagan, Amber Gilchvest, Cynthia Henrie, Jonathan Henry, Natalie Hill, Jessica Holt, Katy Hopkins, Taly Jacobs, ShaMedria Jones, Tiffany Kamuche, Guillermo Lara, Mary P. Loudon, Katie Maxwell, Carolyn McLaughlin, Mary Lisa Merritt, Aaron Moncibaiz, Jean Moss, Sondet Parnell, Margaret E. Perry, Tyler Pitrat, Bertrand Pourteau, Sarah Preston, Marianne Sanchez, Lara Tomlin, Jody Warner, Meagen White, Megan Wells, and Jennifer Wertz.

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

Texas Tech University School of Law Recipient of First Access to Justice Law School Commitment to Service Award

(continued from page 1)

All of these pro bono efforts have been carried out without a full-time coordinator for pro bono activities. Additionally, these activities are widely communicated among the law school community to both recognize those individuals who have contributed their time but also to encourage others to participate as well.

A sampling of the projects and activities carried out through the Texas Tech University School of Law include the following:

- Since 2000, the Law School has initiated new clinical programs which provide practical skills training for nearly 100 law students annual while contributing critical legal services to low-income individuals in the community as well as other public service.
- Outreach to Women's Protective Services through the Civil Practice Clinic.
- Night Court Divorce Projected implemented in January 2007.
- Innocence Project Clinic instrumental in creating a consortium of other schools to create the Innocence Project of Texas.
- Extensive externship program placing students in a variety of public and non-profit offices for academic credit.
- The faculty of TTU School of Law have for nearly twenty years co-sponsored and staffed evening community-based *pro bono* walk-in take clinics for low-income individuals seeking civil legal services.
- Three faculty members have been honored as the recipient of the *John Crews Pro Bono Lawyer of the Year Award* given by the Lubbock County Bar Association and LANWT; several have been awarded the *Legal Clinic Volunteer Award*; and several have been recognized for meeting the 50 hour annual aspirational goal for providing *pro bono* services as recommended by the State Bar of Texas.
- One faculty member was also recently named a Texas Access to Justice *Pro Bono* Champion.
- A *Wills Project* was implemented during the Fall of 2005 which conducted community-based clinics for low-income clients to prepare their wills and other advance planning documents.
- In 2005 the Student Public Interest Initiative in cooperation with a faculty sponsor initiated a Homeless Experience Legal Protection (H.E.L.P) Clinic at the Salvation Army Shelter.
- Since 2006, the law school faculty have annually sponsored a free one and 1/2 day CLE program specifically designed for legal services attorneys, public interest practitioners and *pro bono* attorneys on topics of interest to their practice.
- The Student Public Interest Initiative annually sponsors a Public Interest Forum.
- SPII also raises funds from an Annual Auction to fund summer law student positions with public interest legal organizations.
- A number of student organizations actively support *pro bono* service and other community service projects.
- Each year the law school recognizes a law student for their *pro bono* contributions with the *Elma Moreno Pro Bono Award* named after the long-time *pro bono* coordinator of West Texas Legal Services.
- A faculty member volunteers weekly at the offices of Legal Aid of NorthWest Texas conducting client intake.
- The law school as well as various student organizations host a variety of speakers throughout the year that focus on access to justice issues and public interest careers.

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A WORD FROM OUR STUDENTS:

"I can only say great things about the



Clinic. It is an experience that I will never forget and that I have already learned so much from. Currently I had the opportunity to execute a Will, prove-up a divorce, have a temporary orders hearing, and so much more. Thanks, Professor Spain!!

Renee Brosch

"The Healthcare and Bioethics Mediation clinic has been an invaluable learning experience. The class structure involving both law students and health care practitioners made it possible to have class discussions that provided insight from a multitude of backgrounds. In addition, the hands-on experience gained from mediating actual cases through the Dispute Resolution Center allowed me to not only learn the mediation process, but also to see attorneys in action. As a future attorney, it was interesting to observe how attorneys handled their clients during a mediation. The skills I learned to become a mediator will undoubtedly be useful as I practice law because of the increase in the use of mediation as an alternative to trial."

Thanks!
Mandi Duncan

Clinical Program Experience Exceeds Expectations

By: Brett Gilmore



Participating in Clinical Programs is a tremendous professional development advantage. It allows the student to synthesize all of the theory obtained in the first years of law school and

practically apply their knowledge with real clients in actual courtrooms and other legal settings. One has to conquer the anxiety that accompanies them on their first trip beyond the bar before a court. I have discovered, through proper preparation and confidence in myself and my mentors, every time I step foot into a courtroom, mediation, negotiation, or client conference I feel more relaxed, knowledgeable, competent, efficient, and autonomous. I am prepared to practice law. Clinical Programs has been an invaluable experience putting me light years ahead of my peers right out of law school.

There is nothing more liberating than encountering a real world situation where a total stranger is relying on your judgment to help change their life as it currently stands and knowing exactly what to do. I had the pleasure several times during my Clinical Programs commitment to work with clients to resolve their issues very much in their favor. I traveled to Federal Court and left with my client triumphant and confident that their problems were behind them. I presided over

numerous mediations where parties left excited feeling like they both won. I negotiated settlements encapsulating my clients' wishes and resolving their disputes.

Clinical Programs significantly contributes to the community by providing legal services that otherwise may not be available or affordable. I sincerely acknowledge how fulfilling being an attorney can be by volunteering. Words cannot express looking into a mother's eyes when she believes she has nowhere else to turn and explaining how you can work to shoulder some of her burden knowing exactly how you are prepared to do the heavy lifting. Then to see her look down behind her right leg to the small child hiding there and say, "Everything is going to be alright, baby." The experience is truly priceless.

Texas Tech University School of Law has exceeded even my wildest expectations for a legal education. I had no idea how much I would be exposed to in the short time my professors, mentors, faculty, and staff had to influence my thinking and mold my character. Clinical Programs has helped me develop into a well-rounded attorney. I am leaving this program ready to substantially impact my community, support the legal profession, and make a significant contribution to society.

A WORD FROM OUR STUDENTS:

"I would just like to say that working at the Innocence Project of Texas has been a great experience. The clinic gives students an opportunity to advocate for a real cause and help those in need, while getting practical experience dealing with clients and criminal law. Jeff Blackburn is an awesome attorney and role model, especially for those of us who plan to practice criminal law in the future. HE sincerely cares about the students – not only our clinical work, but our whole law school experience. I would recommend this clinic to anyone with the slightest interest or curiosity, especially those students who plan to become prosecutors, as this clinic will be an eye-opener for many."

Stefanie Gonzalez

"I will be joining a law firm with a strong Inventorship Dispute Resolution practice in the fall of 2009. In the field of patent law, mediation is becoming the alternative of choice to solve complex disputes instead of costly litigation and arbitration. The Clinic has equipped me with the skills I need to hit the ground running, and it has been one of the most rewarding and exciting experiences during law school."

Best regards,
Jaime M. Canaves, Ph.D.

Selection process for Clinical Program will be held in late February and early March for the 2009-2010 academic year! Watch for announcements in mid-February and visit the clinic website for more information.

CCAV Seeks Volunteers for Upcoming Income Tax Season

By Elma Moreno



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

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

Because of law student and community volunteers, CCAV was able to assist more than more than 2,900 taxpayers to save approximately \$590,000 in tax prep and rapid refund loan fees, while bringing \$2.9 million in refunds into the local economy. Next year we expect to assist 3,500 taxpayers. As the Volunteer Income Tax Assistance (VITA) program continues to grow, so does the need for your participation.

If you can take the training (either in person or on-line), assist in the preparation of simple tax returns, and help make a difference in our community, we are in need of your help. Please contact me in the clinic offices at 742-3787, Ext. 222, or by e-mail (elma.moreno@ttu.edu) to let me know of your interest in this project. I will send you the necessary volunteer forms at that time.

Volunteers are needed to greet taxpayers or to prepare basic individual income tax returns on an easy-to-use computer program. Volunteers are trained by CCAV and the IRS, and enjoy protections under state and federal Volunteer Protection Acts.

Training for tax preparers will be held in January, 2009 at Texas Tech's Business Administration Building as follows:

Session I

Wednesday, January 7th
5:30 pm – 9:30 pm Room 154

Session II

Thursday, January 8th
5:30 pm – 9:30 pm Room 363

Session III

Saturday, January 10th
9:00 am – 3:00 pm Room 154

Session III (repeated)

Saturday, January 17th
9:00 am – 3:00 pm Room 154

(Lunch will be served both Saturdays.)

Tax preparers must either attend all three sessions or do on-line training and testing through the IRS Website. Volunteers who prefer to do on-line training are encouraged to attend a brief review session on Saturday, January 17 at 1:00 p.m. in Room 154 of Texas Tech's Business Administration Building or if there are enough law student volunteers, I will schedule a training session for you here at the law school sometime during the week of January 12th.

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

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 any questions or you would like the forms to be completed with additional instructions, please feel free to come by my office (108F - clinic offices) or send an email to elma.moreno@ttu.edu.

WHERE ARE THEY NOW?

Kyle Kovel (Tax Clinic '07-08) passed the Virginia bar and is working at a law firm in Bethesda, MD doing tax law and estate planning.

Patrick Garcia (CJC '06-07) is a prosecutor with the U.S. Attorney's Office in El Paso, Texas.

Alex Benavides (CJC '07-08) is a prosecutor with the Hidalgo County District Attorney's Office.

Oscar Mendez (Civil Clinic '07-08) is currently in El Paso working for Scherr & Legate doing Labor and Employment and Personal Injury cases.

Laura Tones (Civil Clinic '07-08) is the newest associate at Mayo Mendolia and Starr in Tyler, Texas, doing Estate Planning and Administration, Guardianships, Family Law and some Insurance Defense work.

LaShonda Taylor (CJC '07-08) is an Assistant Public Defender with the Kaufman County Public Defender's Office.

Savannah Meyer (Tax Clinic '07-08) is working at The Carlson Law Firm, out of the Temple office. The law firm has about 15 offices with the main office is in Killeen, Texas.

Texas Tech University School of Law Recipient of First Access to Justice Law School Commitment to Service Award

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- A number of faculty and staff serve or have served on a variety of boards and committees devoted to access to justice issues.
- A faculty member was an invited speaker at a national conference held at Columbus School of Law, The Catholic University of America in October 2007.
- Faculty have engaged in scholarship on access to justice issues.
- Access to justice issues are often raised in law school courses.
- Faculty, staff and students annually participate in the Volunteer Income Tax Assistance (VITA) program assisting low and moderate income individuals in preparing their income tax returns.
- Faculty and students have been active participants in the Texas Access to Justice Summer Internship Program since its inception.
- Finally, the Low Income Taxpayer Clinic, in partnership with LANWT annually conducts community education forums for low-income clients on tax issues, public benefits and legal problems commonly encountered.

"Major kudos go to our entire clinical faculty and staff, the students taking clinic courses, and all students and faculty members who have participated in the pro bono opportunities which the law school sponsors."

J. Wesley Cochran
Associate Dean for Academic Affairs and
Maddox Professor of Law

WHERE ARE THEY NOW?

Julie Bohrer (Civil Clinic '07-08) just finished working with the Travis County Elections Department, making sure the presidential election went smoothly in Austin. I was a technical troubleshooter - which means that she worked with the electronic voting equipment fixing anything that went wrong and ensuring that polling sites were functional.

Kacee Harvey (Civil Clinic '07-08) is working in Levelland at Ricker Law Firm handling family law and CPS cases.

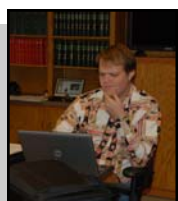
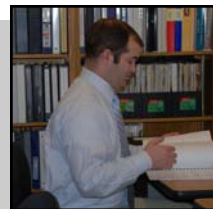
Ashley Smith (Civil Clinic '07-08) is in Dallas, Texas, working at The Blend Law Firm doing Real Estate Litigation and Bankruptcy.

Sheena Swift (Molsbee) (CJC - '07-08) is currently working at the Texas Court of Criminal Appeals with the Honorable Judge Tom Price as his briefing attorney. Now that she has passed the bar, she plans to start applying for an assistant district attorney position at the DAs office.

Joseph Baker (CJC '07-08) is working in Midland at Hinkle, Hensley, Shanor & Martin, LLP.

Stacy Marlin Street (CJC '06-07) is a prosecutor with the District Attorney's Office in Midland, Texas.

Snapshot Corner



Recent Cases of Interest

Tax Clinic—The most rewarding case for **Brett Gilmore** was when an elderly couple came in last summer because their bank account, where their social security checks are deposited, had been frozen. They were panicking because social security was their only source of income and they had medication and other healthcare expenses immediately due. Additionally, they were unsure where they were going to get money to eat or buy gas to get to the doctor. Brett was able to immediately get them access to their bank account and within days had their issues resolved by meeting in person with representatives from the State Comptroller's office. We settled their case for less than 10% of what the government claimed they owed during that meeting. Afterwards, Brett drafted correspondence to the State Comptroller asking for a waiver of all penalties and fees due to exigent circumstances and taxpayer health problems. Brett believes this couple actually ended up getting money back from the whole ordeal.

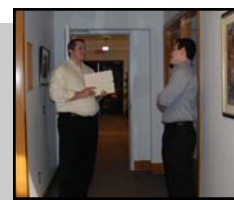
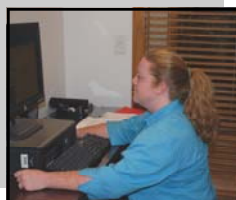
Levi Siebenlist (Tax Clinic) represented a grandmother who was denied an Earned Income Tax Credit on behalf of her new-born granddaughter. Client's daughter (the baby's mother) was diagnosed with a severe medical condition that required her to live with her mother. Client supported not only her daughter in 2005, but also her granddaughter and was entitled to the tax credit on their behalf. We were able to obtain enough legal support to convince the I.R.S. to change its position and allow my client to take the full tax credit worth over \$2,000.

Leslie Chaggaris (Civil Clinic) represented a couple who contracted with an individual to replace their roof and who

misrepresented that he had been engaged in the roofing business for many years and offered to replace their roof for \$500 in labor with the clients to furnish the materials at their cost. The roofing contractor subsequently asked for \$800 and, after beginning work, demanded an additional \$400. Despite guaranteeing the roof for 10 years, the roof began leaking three days after the job was completed during a rainstorm and a few weeks later many of the shingles were blown off the roof because of improper installation. This resulted in further damage to the interior of their home. After the contractor failed to make repairs or respond to a demand letter, suit was filed under the Texas Deceptive Trade Practices-Consumer Protection Act. A default judgment was recovered on behalf of the clients for actual damages of \$7,120.09, treble damages of \$21,360.27 and attorneys fees of \$905.00.

Suzanne Meredith (Civil Clinic) represented a client in a divorce in which the parties were married for approximately 6 ½ years. Five years into the marriage, she received approximately \$240,000 from life insurance proceeds after the death of her former husband. Within a year thereafter, the money had been exhausted and her husband abandoned her. Upon submitting a brief to the Court, the client was awarded a judgment and liens against the separate property of her husband for over \$11,500 for claims for reimbursement and economic contribution upon a finding that her separate property funds were used to benefit her husband's separate property residence by payoff of the existing mortgage, real estate taxes, and repairs and improvements. In addition, a motor vehicle had been purchased for the husband with separate property funds.

Snapshot Corner



CLINIC DIRECTORS:

Larry R. Spain
Civil Practice Clinic
ADR Clinic

Vaughn E. James
Low Income Tax Clinic

Wendy Tolson Ross
Civil Practice Clinic

Glenn Roque-Jackson
Criminal Prosecution
Clinic

Patrick S. Metze
Criminal Defense
Clinic

Susan Fortney
Health Care &
Bioethics Mediation
Clinic

Jeff Blackburn
Innocence Project

CO-DIRECTORS:

Gene Valentini
Health Care &
Bioethics Mediation
Clinic and ADR Clinic

Natalie Roetzel
Innocence Project

Nicie Pratt
Health Care &
Bioethics Mediation
Clinic

Terri Morgeson
Clinic Fellow
Attorney at Law

STAFF:

Elma Moreno
Office Manager/
Legal Assistant

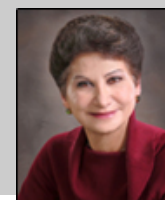
Samirah Abdalah
Legal Secretary

Janie Gonzales
LITC Community
Outreach Coordinator

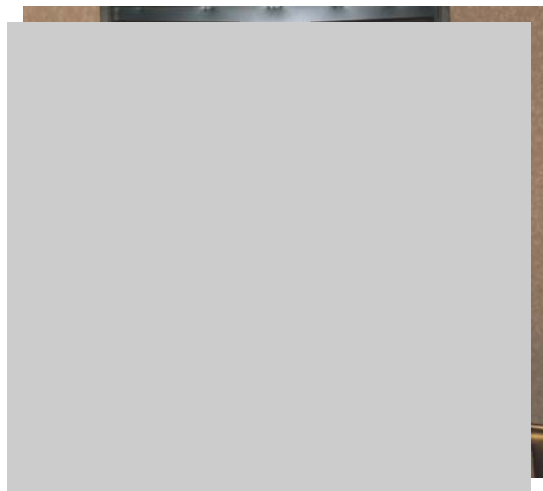
Brett Gilmore
LITC Administrative
Student Director

CONGRATULATIONS MAY GRADUATES ON PASSING THE BAR!

CLINIC FACULTY & CO-DIRECTORS



CLINIC STAFF



CLINIC NEWS

Fall 2008 Edition

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