



FALL 2009

TEXAS TECH UNIVERSITY SCHOOL OF LAW MAY 2009 GRADUATE RECIPIENT OF TEXAS ACCESS TO JUSTICE LAW STUDENT PRO BONO AWARD

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The Texas Access to Justice Commission initiated two annual *pro bono* awards in 2008 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. 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 programs, student involvement and other initiatives was presented in 2008 to **Texas Tech University School of Law**.



Pictured L to R: Harry Reasoner (Chair of the Commission), Associate Dean Wes Cochran, Justice Harriet O'Neill, Renee Brosch, and Jim Sales (Chair Emeritus of the Commission)

Each year, one student is selected from each of the 9

Texas law schools by the Texas Access to Justice Commission to be recognized for their *pro bono* work. From those students, one student is selected to receive the Law Student *Pro Bono* Award along with a \$2,000 stipend. This year, **Renee Brosch**, a 2009 graduate of Texas Tech University School of Law, who participated in the Civil Practice Clinic during her third year of law school, was recognized and presented the **Law Student Pro Bono Award** by Justice Harriet O'Neill on November 16, 2009 in Austin during the new lawyer admission ceremony for individuals passing the July, 2009 bar examination.

"....For us to be the only law school selected for the inaugural public service award last year, and then to have Ms. Brosch recognized this year from among all the law students in Texas is really a quite special – and quite significant – combined achievement."

"Please join me in congratulating Renee on this wonderful and important achievement – I am sure she will appreciate a break in studying for the Bar – and also join me in thanking Clinical Programs Director Larry Spain and the rest of our Law Clinic faculty and staff who do so much to make these awards – and the important contributions to society they represent – possible for our law school and our students...."



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

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: **Brittany Baumgartner, Amanda Carter, Ivey Gay, Sophia Johnykutty, Brad Kvinta, Mary Lisa Mireles, Paul Miller, Nate Peevey, Melissa Saenz, and Susan Watson.**

Over the course of the semester, a total of 43 new client cases were undertaken, 9 cases were completed and closed and 46 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 at all times throughout the semester

and assumed primary responsibility for representing clients in matters involving family law, disability 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. **Melissa Saenz** had a

temporary orders hearing before the court in a

divorce case and **Sophia Johnykutty** had a Protective Order hearing, both supervised by our Clinical Fellow, **Terri Morgeson**. **Brad Kvinta** completed a name change for a minor while **Nate Peevey** conducted a hearing before an Administrative Law Judge in a social security disability claim.



Divorce Night Court—November 23rd
Pictured L to R: Terri Morgeson, Amanda Carter, Alexandra Gongora (District Clerk's Office), client, and Judge Judy Parker

Paul Miller, Brad Kvinta and **Nate Peevey** are currently preparing to file suit under the Deceptive Trade Practices Act (DTPA) against a trade school on behalf of a former student in which additional state and federal claims will be made.



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).



Standing (L to R): Sophia Johnykutty, MaryLisa Merritt, Brittany Baumgartner, Ivey Gay, Brad Kvinta, and Professor Spain
Sitting (L to R): Melissa Saenz, Susan Watson, Paul Miller, Nate Peevey, and Amanda Carter

From the Desk of Wendy Tolson Ross Civil Practice Clinic Director

This semester I have 9 students enrolled in my section of Civil Practice Clinic. These students are: **Matthew Brown, Adam Fulkerson, Daniel Gonzales, Mettie Judd, Priscilla Olivarez, Rachael Osaze-Ediae, Audrey Shakra, Tiffany Sheppard, and Alfonso Zambrano.**

This semester the students primarily focused on family law cases. We had several divorces, both with and without children. We have several cases set for contested hearings. We also have an adoption case that will be completed this semester.

We have some eviction cases and other landlord/tenant cases. One of these landlord/tenant cases resulted in an hearing in the Justice Court and an appeal to County Court At Law, which we subsequently were successfully able to resolve in the client's favor. Additionally, we had another landlord/tenant case where we prevented an eviction suit from being filed. We were able to negotiate a settlement that allowed the tenant to remain at the apartment.

Finally, we have had a couple of probate cases. We have a will case, a determination of heirship case, and a muniment of title case.



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.



Standing (L to R): Professor Ross, Audrey Shakra, Tiffany Sheppard, Rachael Osaze-Ediae, Mettie Judd, and Priscilla Olivarez
Sitting (L to R): Daniel Gonzales, Adam Fulkerson, Alfonso Zambrano, and Matthew Brown

Sophia (not pictured), Melissa, Amanda, and Brittany were supervised by attorney Terri Morgeson during the *Divorce Night Court* on November 23rd in the *Donald M. Hunt Courtroom* as they finalized some divorce cases. Volunteering for *Divorce Night Court* were Alexandra Gongora (District Clerk's Office) and Judge Judy Parker.



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

On a daily basis we are bombarded with conflicting opinions on health care reform. In this discussion, there does not appear to be much consensus on what needs to be done to cure our health care ills. By contrast, numerous experts do agree that steps should be taken to improve conflict resolution mechanisms within health care organizations. These experts understand that health care delivery is fraught with conflict. The conflicts take various forms including patient-provider conflicts, provider-provider conflicts, and provider-administrator conflicts.

While the participants in the conflict may vary, most all health care conflicts have one thing in common—the conflicts take time and energy. Ineffective conflict resolution can also negatively impact patient care and drive away trained professionals.

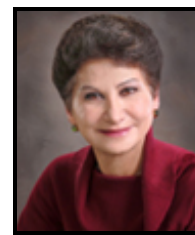
Recognizing the costs associated with poor conflict management, the Joint Commission, a body that accredits hospitals, adopted a new standard, effective January 1, 2009. The new standard requires that the health care organization establish policies and procedures for conflict management among leadership groups. Persons who implement the conflict resolution process should be trained in conflict management. At Texas Tech University School of Law our Health Care and Bioethics Mediation Clinic is playing a vital role in helping health care professionals and law students learn conflict resolution skills. When we started the clinic in the fall of 2006, our vision was to organize a program for law students to develop dispute resolution skills while learning about health care organizations and conflict. To enrich the program, we decided to invite area health care professionals to participate in the clinic. These professionals have served as co-teachers, sharing experiences and insights on health care. Since the program started, over 50 law

students and health care professionals have completed their mediation training.

This year, the following law students are participating in the clinic: **Coleman Johnson, Mary Louden, Margaret Elizabeth Perry, Lisa Prather, Leah Robison, Kimberly Sias, Sybel Solorio, Jennifer Wertz, and Timothy Williams.** The participating professionals are: **Gwen Stafford**, Vice President of Public Policy and External Affairs for Covenant Health System; **Chris Shaver**, Assistant Vice President of Patient Experience for Covenant Health System; **Jeremy Mebane**, Assistant Vice President and Administrator of Covenant Specialty Hospital; **Rebecca Hellbaum**, Associate General Counsel, Texas Tech University System; **Ralph Nussbaum**, Assistant Professor, Department of Anesthesiology, Texas Tech Health Sciences Center; **Tammy Williams**, Vice President for Patient Care for University Medical Center; **Kim Judd**, Senior Vice President, University Medical Center; and **JoAnn Long**, Professor and Director of Research and Development, Lubbock Christian University.

The semester started with two day intensive mediation training. Thereafter, we met weekly for focused discussion of particular topics such as Agreement Writing and Ethics. During the semester, we also had special presentations dealing with health care and bioethics issues. This included a presentation by Nicie Pratt, the General Counsel of Covenant Medical System and Professor Juliann Scholl, an expert on health care communication. A special treat for the entire law school and university community was the session with Dr. Edmond Pellegrino, Professor Emeritus of Medicine and Medical Ethics at the Center for Clinical Medical Ethics at Georgetown University Medical

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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, the highest teaching award in the university. In 2007, she received the law school's Distinguished Researcher Award and was elected as a member of the American Law Institute. In 2008, Professor Fortney was named an "Extraordinary Woman in Texas Law".

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

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Center. Dr. Pellegrino is an international expert in medical ethics, as reflected by the fact that he served as the Chairman of the President's Council on Bioethics. He is also the father of virtue ethics in medicine.

Professor Pellegrino's remarks at the law school focused on bioethics dilemmas and conflict resolution. Dr.

Mark Boswell and Dr. Tom McGovern from Texas Tech Health Sciences Center were instrumental in bringing Dr. Pellegrino to our school. The semester wrapped with a panel on Health Care Culture and Conflict

Management. The following physicians graciously participated in the panel: Dr. Scott Robins, Chief Medical Officer for Covenant Medical System; Dr. Brad Snodgrass; Dr. William Shaver; Dr. Mark Boswell, Professor of Anesthesiology at TTHSC; and Dr. Patti Patterson, Professor of Pediatrics at TTHSC.



As indicated by the clinic programs, we enjoy the support of numerous professionals in our medical community. Most notably this semester, we have had the benefit of weekly assistance by Dr. John Hall from the Department of Anesthesiology at Texas Tech Health Sciences Center. Last year, Dr. Hall completed mediation training in our Clinic. This semester he has generously shared his expertise in assisting in our clinic sessions. Thanks to Dr. Hall for his valuable contributions.

Our Clinic and the related Health Care and Bioethics Mediation program, co-sponsored by Texas Tech University School of Law and the Lubbock County Dispute Resolution Center (DRC), offers free mediation services to anyone who is involved in a dispute related to health care and services. To schedule a mediation session, please call the DRC at 806-775-1720.



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.



Standing (L to R): Ralph Nussbaum, Rebecca Hellbaum, Gwen Stafford, Chris Shaver, Kimberly Sias, Leah Robison, Mary Loudon, Timothy Williams, Jeremy Mebane
Sitting (L to R): Kim Judd, Tammy Williams, Coleman Johnson, Sybel Solorio, Lisa Prather, Jennifer Wertz, and Margaret Elizabeth Perry

"I enjoyed learning something in class and then almost immediately being able to go apply it to a real-world situation. Aside from just reading the textbook, it was valuable to learn in person from the more experienced mediators."

Lisa Prather
Health Care &
Bioethics Mediation
Clinic

From the Desk of Michelle Kwon Associate Tax Clinic Director

Nine very qualified students have been staffing the tax clinic for the 2009 fall semester: **Ricardo Barrera, Jeremy Curtis, Brandon Fresard, Travis Hanson, Cliff Jessup, Trang Luu, Zach Stephenson, Scott Stratton, and Kendra Wiley.** These students currently manage 37 active cases and have closed 6 cases. The students provide legal services to low-income taxpayers in their tax controversies with the Internal Revenue Service. Students assist clients during all phases of federal tax disputes, including IRS examinations, administrative appeals, litigation in the U.S. Tax Court, and IRS collection activity. The students also assist organizations seeking non-profit status from the IRS. The tax clinic is designed to: (1) develop the students' lawyering skills and professional judgment; (2) facilitate students' understanding of certain substantive and procedural issues that arise with respect to low-income taxpayers; and (3) assist students in becoming aware of the importance of providing legal services to underserved populations.

I am tremendously pleased to report that of the seven tax clinic cases set for trial during the U.S. Tax Court's 2009 session in Lubbock, **Cliff Jessup, Trang Luu,** and **Scott**

Stratton obtained full concessions in three cases for a total savings for their clients of over \$11,000 and **Zach Stephenson** obtained a favorable settlement in another case, reducing the amount his clients owe by \$6,200 (the remaining 3 cases were settled before the Fall Semester began). Read more about these cases in "Recent Cases of Interest" on page 19. Other noteworthy accomplishments this semester include:

- **Ricardo Barrera** successfully convinced the IRS that one of his clients is unable to pay her tax debts and negotiated with the IRS to obtain "currently not collectible" status for his client. Currently not collectible status prohibits the IRS from levying on a taxpayer's property to collect amounts otherwise due. In addition to achieving a great outcome for the client, I am immensely proud of Ricardo's representation of this client. She expressed to me how grateful she is for the attention Ricardo has given to her case and to his kind and personable demeanor.

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Teaches Accounting for Lawyers and advanced tax courses such as Advanced Income Taxation and State and Local Taxation. Teaching the Tax Clinic during the 2009-2010 academic year while Professor James is visiting at Texas Southern University Thurgood Marshall School of Law.

Professor Kwon received her J.D., summa cum laude, from TTU School of Law in 1998 where she was the Lead Articles Editor of the Texas Tech Law Review and was elected to the Order of the Coif. Following law school, Professor Kwon was a partner in the Dallas office of Thompson & Knight LLP, where she specialized in corporate tax. She is admitted to practice in Texas and before the U.S. Tax Court. She was a senior attorney in the IRS'S Office of Chief Counsel where she represented the IRS in U.S. Tax Court prior to joining the Texas Tech faculty. She was named a Texas Rising Star by Texas Monthly in 2004, 2005, 2006, and 2007.



Standing (L to R): Ricardo Barrera, Zachary Stephenson, Clifford Jessup, Travis Hanson, Scott Stratton, Brandon Fresard, and Jeremy Curtis
Sitting (L to R): Trang Luu, Professor Kwon, and Kendra Wiley

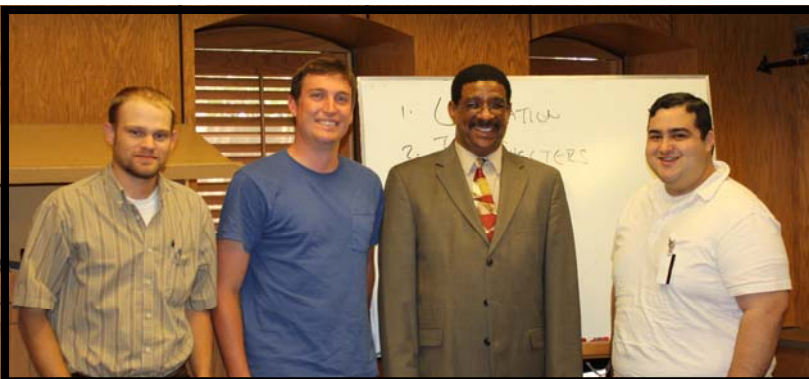
From the Desk of Michelle Kwon Associate Tax Clinic Director

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- **Jeremy Curtis** obtained currently not collectible status for two of his clients.
- **Brandon Fresard** had a conference with the IRS regarding his client's request for innocent spouse relief from amounts owed as a result of a jointly filed tax return.
- **Travis Hanson** has requested innocent spouse relief for one of his clients. We are awaiting the IRS's response.
- **Kendra Wiley** is assisting a client with an IRS audit of his tax return and is also assisting an organization with its application for non-profit status.

None of this excellent work could be accomplished without Elma Moreno and

Samirah Abdalah. I am, and I know my students are, grateful for their skilled and professional assistance this semester. Finally, let me just say that it has been incredibly rewarding for me to work with the tax clinic students, who are making a difference in the lives of our clients and making great contributions to the effective operation of the tax system in general.



Summer Tax Clinic class included L to R: Matthew Collier, James Baskin, Professor Vaughn James, and Ricardo Barrera

During the summer months the Tax Clinic accepted six new cases and closed a total of nine. Students worked diligently in trying to resolve cases scheduled for the November docket in Tax Court.

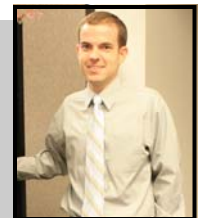
To find out more about the TTU Clinical Programs, visit
<https://www.law.ttu.edu/acp/programs/clinical/>

A WORD FROM OUR STUDENTS



"Being a part of the tax clinic has been a very rewarding experience. Not only are we able to help the local community, but being involved with the clinic has given me invaluable practical experience outside of a classroom setting."

Trang Luu
Tax Clinic



"Working in the Tax Clinic has provided a great hands-on learning experience. Working to manage the needs of real clients, case files, and deadlines has been very worthwhile. I would highly recommend participation in one of the clinics to every student who is interested in honing their practical legal skills."

Jeremy Curtis
Tax Clinic

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

Just a short note to let everyone know the students in the Criminal Defense Clinic are, as always, busy representing real people in real cases in real time. Since the beginning of this semester, through November 20th, students have handled or are handling 79 cases for 68 different clients. Of those 79 cases, students have already taken on 4 felony charges and 75 misdemeanors in three different counties. Students handle all phases of representation from initial interview through appearance in Court. The responsibility of representation falls entirely on the clinic students shoulders under the ever watchful eye of **Terri Morgeson**, Clinic Fellow, and the Clinic Director. Without the assistance of Ms. Morgeson, the heavy case load of the Criminal Defense Clinic would not be possible. This semester to date, of those 79 cases there have been 27 pleas of guilty and 11 dismissals, for a 29% dismissal rate.

Representing clients in the Magistrate Court, two Lubbock County Courts at Law, and the District Courts of Lubbock, Hockley and Yoakum Counties are **Benton Ross, Charlie Pelowski, Courtney Stamper, Rachel Nichols, Raymond Baeza, Sam Ackels, Sarah Preston, Stefanie Gonzalez, and Tania Ward**. **Sam Ackels** will soon have a case set for a jury trial and **Courtney Stamper** has a

case set for a non-jury trial during December. Please congratulate them all for their hard work. Space does not allow an individual account of all they have accomplished in only 3 months. Suffice it to say, these students are practicing law at the highest level for the benefit of their clients. They are learning the real life lessons of the practice of law every day.

All students are members of the Lubbock Criminal Defense Lawyers Association and the Texas Criminal Defense Lawyers Association. These students have the opportunity to attend monthly meetings of the local organization and this year the Prairie Dog Lite Seminar in December. As members, all students may also attend a board meeting of TCDLA in Houston in December, Austin in February and the annual San Antonio Rusty Duncan Seminar in June to network with the best criminal defense lawyers from throughout Texas. Thanks to the generosity of the Lubbock Criminal Defense Lawyers Association, in August, just prior to this semester, the students attended a four day intensive trial advocacy course held at the Center for American and International Law in Plano, Texas, to jump start and fine tune their advocacy skills.

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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.



Standing (L to R): Benton Ross, Charles Pelowski, Samuel Ackels, Courtney Stamper, and Professor Metze
Sitting (L to R): Sarah Preston, Rachel Nichols, Tania Ward, and Terri Morgeson
(not pictured Raymond Baeza)

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

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Cases currently pending include: 3 Class B DWI's, 1 Class A DWI's, 2 Felony DWI, 2 Failure to Identify to Police Officer, 8 Possession of Marijuana <2 oz, 3 Class B Theft, 3 Class A Theft, 3 Domestic Violence Assault, 1 Criminal Trespass, 1 Furnishing Alcohol to Minor, 2 Driving While License Invalid, 1 Felony Forgery, 2 Misdemeanor Possession of a Controlled Substance, 1 Class A Criminal Mischief, 1 Class B Criminal Mischief, 1 Public Lewdness, 1 Racing on the Highway, 1 Resisting Arrest, 1 Public Intoxication and 3 Class A Assault.

Cases already disposed of through pleas or dismissals include 1 Felony DWI, 1 Class A DWI, 1 Class B DWI, 2 Possession of Dangerous Drugs, 1 Interference with 911 Call, 3 Domestic Violence Assault, 1 Burglary of a Vehicle, 1 Prohibited Weapon, 1 Class A Criminal Mischief, 1 Failure to Identify, 3 Resisting Arrest, 2 Class B Theft, 9 Possession of Marijuana, 1 Terroristic Threat, 4 Criminal Trespass, 3 Driving While License Invalid and 3 Evading Arrest.

As an additional advantage, every two weeks the students spend 8 hours with one of nine 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, Robin Matthews, Laurie Key, Charles Chambers, Mark Snodgrass** and **Jack Stoffregen**. 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. We appreciate so much the dedication of time and energy our mentors provide the clinic students. Our appreciation for the continuing support of the local criminal defense bar can never be overstated.

During the course of each semester each student will spend a minimum of 220 hours representing their clients, working with their mentors and practicing law. This equates to a total time investment during each semester of a minimum of 1980 hours of *pro bono* representation for the clinic clients. The Criminal Defense Clinic is proud to represent the indigent citizens of the South Plains by court appointment only and plays its part in the Law School's commitment to providing quality, ethical representation to the poor while educating each student of the importance of such work.



"Working in the Criminal Defense clinic has been an awesome experience. I feel like I am finally realizing my dream and doing exactly what I came to law school to do - helping others. We serve indigent clients, who hardly have money to buy groceries, much less pay for an attorney. I feel honored to be in the position to help these people."

"The practical experience I've gained by working in the clinic has been more meaningful than anything I have learned in the classroom. Professor Metzger, the clinic staff and our mentors have been such assets in offering us their years of experience. I think every student should be involved in one of the clinics or work outside of law school to gain experience in their field. I feel so much more confident about graduation and practicing law after working in the clinic this year."

Stefanie Gonzalez
Criminal Defense Clinic

A WORD FROM OUR STUDENTS



"The clinic has offered unparalleled experience and guidance on how to practice law - from the mentorship of those in the Clinic office, to the vast mentor program, to the insight offered by my fellow classmates. I feel confident that I will be prepared to practice criminal law upon graduation from this program."

Courtney Stamper
Criminal Defense Clinic



"The criminal defense clinic has provided me the opportunity to experience the practice of law. I have represented several indigent clients charged with misdemeanor offenses. My practical skills in representing clients have improved, and my fluency in Spanish has allowed for a stronger attorney-client relationship. I have learned so much and am eager to continue learning."

Raymond Baeza
Criminal Defense Clinic

From the Desk of Sarah Gunter Director, Criminal Prosecution Clinic

During the fall semester, the following students were enrolled in the Criminal Prosecution Clinic: **Jordan Bailey, Jacob Blizzard, Laura Durbin, Robyn Katz, Megan Loving, Coley Means, Ceren Unal and Cardine Watson.**

As a part of the Criminal Prosecution Clinic, the students are required to work for the City Prosecutor's Office for the City of Lubbock. In this capacity, these students are undertaking the prosecution of municipal Court tickets. The students, over the course of the semester, have already had a number of trials. Their trial experience began with bench trials; however, later in the semester, they graduated to jury trials. The students have had great success in prosecuting their cases. They have also learned how to analyze a case, how to negotiate a case, and how to

present a case, whether it be to a judge or to a jury.

While the students are learning to prosecute class C misdemeanors at the City Prosecutor's Office, the time spent in class focuses on prosecution of all types of cases. Class time is focused on all aspects of prosecution, from intake of a case to the trial of a case. Each student knows every grade of offense, from class C misdemeanor to capital felonies, as well as, the punishment ranges for each level of offense. They have also mastered enhancements, a complicated issue for any prosecutor to learn. Other topics have included: laying predicates, questioning witnesses, voir dire, issue spotting, ethical obligations and trial preparation. The goal of this class is to have each student ready to walk into a courtroom and prosecute a case.



Teaches the Criminal Prosecution Clinic as an Adjunct Professor. In addition to teaching the prosecution clinic, Professor Gunter is also a criminal defense attorney in private practice. She has had her own practice since January of 2007. The practice began as a general practice but has since narrowed to solely criminal defense.

Prior to beginning her private practice, Professor Gunter was an Assistant District Attorney for Lubbock County for 5½ years. While an Assistant District Attorney, she was an intake/grand jury attorney, misdemeanor prosecutor and a felony prosecutor.

Professor Gunter received her J.D. from Texas Tech University School of Law in 2001. She joined the clinic faculty during the Fall 2009 semester.

On behalf of the Clinical Program Faculty and Staff, welcome Professor Gunter!



Standing (L to R): Professor Gunter, Cole Means, Cardine Watson, Jordan Bailey, Jacob Blizzard

Sitting (L to R): Robyn Katz, Ceren Unal, Megan Loving, and Laura Durbin

"It is really beneficial to work at the Clinic because it gives me hands-on experience for my future in prosecution; it prepares me so that once I enter the field, I will be leaps and bounds above others due to the experience I am getting."

Robyn Fae Katz
Criminal Prosecution Clinic

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

During the Fall 2009 semester the Innocence Project of Texas Clinic welcomed 16 Law students, four Forensic Science students, and several independent researchers to our program. These students worked together to investigate claims of innocence made by Texas inmates, and they also conducted a significant amount of research in the area of dog scent lineups. This research led to the development of a comprehensive report on the use of dog scent lineups in Texas. That report garnered national attention and even resulted in a recent New York Times article that identified several Texas cases where individuals were incarcerated for crimes they did not commit based almost entirely on the word of a handler and his dogs.

In order to prepare for the report, clinical students reviewed hundreds of pages of trial transcripts, news accounts detailing the use of dog scent lineups in criminal investigations, scientific research, and a number of appellate



court decisions in order to gauge the accuracy of dog scent lineups and to evaluate the methods used by a Texas dog handler currently engaging in the practice. They discovered that while dog scent lineups can be up to 85% accurate when conducted in sterile clinical conditions using procedures that minimize handler influence over the dogs, the procedures currently used in Texas fall far below accepted standards and are highly prone to error. These procedures have been used in hundreds (if not thousands) of criminal investigations in Texas and have likely led to a substantial number of convictions. Accordingly, the use of dog scent lineups in Texas could account for a significant number of wrongful convictions. Students are now focused on investigating claims of innocence made by inmates convicted by the use of this practice and other forms of junk science such as comparative bullet lead analysis and outdated arson investigation procedures.

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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.



Back Row (L to R): Amanda Malone, Whitney McClendon, Chris Tolbert, JD Schmidt, Taly Jacobs, Frank Sellers, Matt Butler, Natalie Roetzel
Middle Row (L to R): Lupe Ponciano, Clarissa Fernandez, Ryan Brown, Jessica Alexander, Lucia Ceaser, Paige Tambunga, Vanessa Benavides, Steven Baker, Whitney Stark
Front Row (L to R): Kertisha Dixon, Danielle Badeaux, Shmyla Alam, Nick Vilbas, (Jeff Blackburn), Megan McHugh, Catherine Whitworth

Congratulations to **Natalie Roetzel (Executive Director of the Innocence Project of Texas)** who spent countless hours (along with Rickie Cayton) helping to coach the moot court team (Kate Cross, Jason Jordan, and Clint Buck) which finished second at the Appellate Lawyers National Moot Court Competition in Chicago! Congratulations!

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

(continued from page 11)

Students also continue to investigate claims of innocence where inmates could potentially be proven innocent via the use of DNA testing technologies. In order to do this, the students first worked to identify those cases where biological evidence was collected from the crime scene. After doing that, they were each assigned several cases to evaluate in order to determine whether DNA evidence still exists and whether it could conclusively prove the inmate's innocence if subjected to modern forms of DNA testing. As a result of this process, the students have already recommended several cases for DNA testing. One student, Vanessa Benavides, is in the process of drafting a Motion for DNA testing that could be filed soon on behalf of a local defendant. We are optimistic that the work of the students on this project will lead to the filing of DNA testing motions in several



additional cases. We also continue to wait for DNA results in other cases where clinical students have greatly contributed to the investigations.

We here at the Innocence Project of Texas clinic are very proud of the work our students have done during the past semester. They are easily one of those most enthusiastic groups to come through our clinical program, and they continue to amaze us with their dedication to each of the cases they are assigned. We look forward to more good work during the Spring semester and are eager to see the release of more individuals wrongfully convicted of crimes here in Texas.

Natalie Roetzel
Executive Director
Innocence Project of Texas



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.

Elma Moreno Recognized as 2009 West Texas Paralegal Association Paralegal of the Year



Elma Moreno, Clinical Program Office Manager and Legal Assistant, was awarded the *2009 West Texas Paralegal Association Paralegal of the Year* on October 22nd at Harrigan's Restaurant during the membership meeting. WTPA was organized on October 8, 1983, and celebrated *Texas Paralegal Day* and installation of officers on the same day. The organization was formed primarily as a means of legal education for legal assistants.

Pictured (L to R) are newly installed officers: Sheila Veach (Treasurer), Debbie Aguirre (Secretary), Lola Smith-Gentry (2nd Vice President), Elma Moreno (1st Vice President), Cynthia Martinez (President Elect), and Jan Bufkin (President). **For more information on WTALA you can visit our website at <http://www.wtparalegals.org/index.htm>.**



For more
information visit:
www.ipoftexas.org

TEXAS TECH UNIVERSITY SCHOOL OF LAW HOSTS 4TH ANNUAL FACULTY UPDATE SEMINAR

After welcoming remarks from Associate Dean Wes Cochran, the faculty from Texas Tech University School of Law offered a CLE program without cost to legal services



attorneys and public interest practitioners on September 24th and 25th. Texas Tech University was the first law school in the state to offer such a program in 2005 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.

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 *Essential Websites to*



Improve Your Family Law Practice, The Grievance Process in Texas and How to Steer Clear of It, Child Sexual Abuse: Contested Custody and Other Issues

Informed by Research, Family Law Legislative Update, Evidence Update, Domestic Relations Office and Integrated Child Support System, CPS and Family Law Cases, Ethics in Communicating with Clients and Drafting Court Documents, and Ethics of Limited Scope Representation in Family Law Cases. The following faculty members from Texas Tech's law school participated in this program: Arturo Torres, Jorge Ramirez, Larry Spain, Angela Laughlin, Gene Valentini, Terri Morgeson, and Dale Jones. Also presenting

was Dr. Jeffrey N. Wherry, Director of the Institute for Child and Family Studies at Texas Tech University. Attorney Janis K. Vaughn, Crystal Jackson and Nikki Hernandez (both with Dispute Resolution Center), also assisted Gene Valentini with his presentation.

Approximately 36 individuals attended the seminar either in person or via live webcast.

Participants included attorneys from the Attorney General's Office, Legal Aid of



NorthWest Texas, Lubbock District Attorney's Office, Lone Star Legal Aid, Texas Rio Grande Legal Aid, TTU Student Legal Services, US Air Force Judge Advocate Office and several attorneys with private practices or law firms.

For the second year, the seminar was provided via live webcast to individuals unable to attend in

person. Six participants took advantage of the 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.

"Thanks to each of you for your willingness to participate and for your time and effort in contributing to a successful CLE program, the 4th Annual Texas Tech Law School Faculty Update for Legal Services Attorneys, Public Interest Practitioners and Pro Bono Attorneys, held over the last day and a half. This is an important public service that the Law School provides for the public interest community and for the bar generally.

*I also wish to express my appreciation to **Beixin Ni** and **Eric Martinez** for their technology support and facilitating the webcasting of the program, to **Samirah Abdalah** for her administrative support, and to **Elma Moreno** for coordinating the registration process and all of the administrative details associated with implementing this program. This program could not have been carried out without each of their contributions."*

-Larry Spain
Director of Clinical Programs and
Professor of Law

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 **Destinee Royal** and **Ruben Ojeda**.

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.

Thanks to Faculty and Students Supporting Pro Bono

Thanks to the following faculty members who participated in *Pro Bono* Clinics held in conjunction with Legal Aid of NorthWest Texas and co-sponsored by the Law School faculty during the fall semester of the 2009-2010 academic year: **Professors Gerry Beyer** (2 clinics), **Peter Hall** (1 clinic), **Jennifer Horn** (1 clinic), **Wendy Humphrey** (1 clinic), **Michelle Kwon** (3 clinics), **Brian Shannon** (2 clinics), **Brie Sherwin** (1 clinic), **Arturo Torres** (3 clinics), **Larry Spain** (6 clinics), and **John Watts** (1 clinic).

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 (SPII), Volunteer Law Student Association (VLSA) 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: **Alec Pourteau II**, **Chelsea Kartler**, **Gerard Martinez**, **Karla Valles**, **Laci Lawrence**, **Marissa Lozoya**, **Megan Wells**, **Sean Taylor**, **Audra Palacios**, **Ravenna Romack**, **Julie Harbin**, **Jillian Gordon**, **Alex Pantig**, **Ryan McLearnson**, **Carl Robinson III**, **Susanna Hovestol**, and **Lauren Mikela Bryant**.

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

WHERE ARE THEY NOW?

Aaron Shnider (Civil Practice Clinic 2008-2009) is currently interning at the Dallas County District Attorney's Office and also working part-time for an insurance defense firm.

Britton Douglas (Civil Practice Clinic 2008-2009) is in Dallas now and will start working at Haynes and Boone, LLP in Dallas at the end of November.

Melissa Moreno (Criminal Defense Clinic 2008-2009) started working at the law firm of Scott Hulse, P.C. in El Paso on September 1st. It's a civil corporate law firm; She is in the litigation section and loving it!!

Jack Starks (Tax Clinic 2008-2009) is currently working on a PhD in Personal Financial Planning at Texas Tech University. The earliest that I will be finished is May 2012. He completed a Masters' degree in Personal Financial Planning as part of my JD/MS joint degree.

LOW INCOME TAX CLINIC INCREASES COMMUNITY OUTREACH



A presentation on LITC services was made on October 15, 2009, at the South Plains Community Action Community Services in Levelland, Texas. The **Rural South**

Plains Coalition is a network of well over 350 members (85 organizations) whose common vision is to empower, through collaborating resources, rural South Plains Texans to reach their ultimate potential. The mission of the Coalition is to support programs and services that have a long-term positive impact on the lives of Texans when assisted toward transition out of poverty. Over 22 area counties are covered by SPCAA and several more through the coalition event which is held quarterly. Presenters are community non-profit agencies covering a multitude of services. The October event covered Goodwill Industries and their services which include but are not limited to temporary employment services and a retail outlet selling used clothing and various household items. SPCAA services include preschool head start programs, day care services, health and dental service, women's health services, transportation from rural areas to various appointments, housing services, such as Section 8, weatherization and home improvement needs, migrant worker services, and various other community needs.

I provided LITC program and information brochures to participants. Several of the community agencies showed interest in our program and presentation dates are still pending.

Another outreach effort during this semester included an event at the Bridge of Lubbock on Saturday, October 17, 2009 from 2 pm to 6 pm. The event included music from area musical groups including a group from Texas Tech University. TTU students participate in

the mentoring program. Also included were events for children and young teens, a cake walk and door prizes from local businesses and a raffle. The event was a fundraiser and all proceeds are for Bridge programs. I had the TTU LITC board displayed, as well as brochures, magnets, and book markers for individuals to pick up.

The Bridge of Lubbock is a nonprofit organization in east Lubbock whose mission is to empower teens and their families. One of the services the Bridge offers is a mentoring program called *Bridge 2 Success* for Junior and High School students offering tutoring, life skills, college preparation, and goal setting. The Bridge has been in existence since 1999 as a faith based 501c3 nonprofit organization located in the old Posey Elementary school in east Lubbock and has recently undergone a change in management and reevaluation of its programs. The organization also has a catering service, clothing, and various other community needs services. The facility offers meals at noon on Monday, Wednesday, and Friday at no charge. Some community organizations provide services or information such as health checks program services intake during this noon meal. The LITC Tax Clinic students made presentations during the noon hour on November 18th and December 3rd as part of our community outreach efforts. Topics have included an overview of services provided by the LITC, general tax return information and how to file, Earned Income Credit, and Refund Anticipation Loans. Information was also provided regarding free tax return preparation and e-filing through the Coalition of Community Assistance Volunteers.

More outreach efforts will be planned for the Spring semester.

Janie Gonzales

LITC Community Outreach Coordinator

WHERE ARE THEY NOW?

Leslie Chaggaris (Civil Practice Clinic 2008-2009) is enjoying some time off and traveling. She has taken a Caribbean Cruise, spent two weeks in Europe (Greece, Croatia, and Italy), and is currently in NYC. She will start working at Thompson & Knight, LLP in Dallas in their trial section in January.

Melinda Powell (Civil Practice Clinic 2008-2009) is a staff attorney at Legal Aid of NorthWest Texas in Amarillo, Texas.

Victor Rodriguez (Civil Practice Clinic 2008-2009) is currently working for Robert Hogan Law Firm in Lubbock.

Traci Robison (Tax Clinic 2008-2009) is clerking for Judge Robert L. Jones in the Northern District of Texas Bankruptcy Court, Lubbock, Texas.

Megan Batchelor (Criminal Prosecution Clinic 2008-2009) will be starting a job in January with the law firm of Gardere, Wynne, Sewell in the litigation section.

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, during tax year 2008 CCAV assisted 2,765 taxpayers (with average annual incomes of \$15,063), and enabled approximately \$3 million in tax refunds to be funneled back into Lubbock and surrounding communities. Next year we expect to assist many more taxpayers. As the Volunteer Income Tax Assistance (VITA) program continues to grow, so does the need for your participation.

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.

While volunteer Tax Preparers may choose to train and test at three different levels (Basic, Intermediate and Advanced), they are **only required to train and test at the Basic Level**. Tax Preparers who prefer hands-on training and/or testing may attend sessions that will be held as follows in the computer lab (Room 154) of the BA Building:

REQUIRED TRAINING AND TESTING

Basic Training

- a) on-line training *OR*
- b) Tuesday, Jan. 5th 5:30 pm – 9:30 pm
- c) Thursday, Jan. 14th 5:30 pm – 9:30 pm

Basic Testing

- a) on-line testing *OR*
- b) Saturday, Jan. 9th 9:00 am – 3:00 pm
(Lunch will be served.)

OPTIONAL TRAINING and TESTING

Intermediate Training

- a) on-line training *OR*
- b) Thursday, Jan. 7th 5:30 pm – 9:30 pm

Intermediate Testing

- a) on-line testing *OR*
- b) Saturday, Jan. 9th 9:00 am – 3:00 pm
(Lunch will be served.)

Advanced Training - on-line training only
Advanced Testing - on-line testing only

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. A brief review session on use of the software will be scheduled at a later date and time at the law school. Students who prefer the online training and testing will be required to attend.

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.

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 on or before December 11th in the clinic offices at 742-3787, Ext. 222, or by sending an e-mail to elma.moreno@ttu.edu.

WHERE ARE THEY NOW?

Cory Boggess (Tax Clinic 2008-2009) is currently in Fort Worth preparing to start his own practice.

James Russell Frost (Criminal Prosecution Clinic 2008-2009) is a briefing attorney for the Honorable Sandee Bryan Marion at the Fourth Court of Appeals.

William McCamish (Civil Practice Clinic 2008-2009) is working for the firm Tuggey, Rosenthal, Pauerstein, Sandoloski, Agather LLP in San Antonio doing business litigation.

Gail Schroeter (Criminal Defense Clinic 2008-2009) and her husband are living in Del Rio, TX. She will be setting up an office there and working as a criminal defense attorney.

Alexandra Eaker (Tax Clinic 2008-2009) passed the California bar where she will be practicing law.

For more information on CCAV, please visit: www.freetaxprep4u.org or call 687-CCAV (687-2228)

A WORD FROM OUR STUDENTS



"We are responsible for resolving our cases, from initial interview through case closing. This type of practical, hands-on experience is extremely valuable in today's hyper-competitive legal market, where law firms want associates who can quickly get up to speed and immediately add value for their clients."

Nathaniel Peevey
Civil Practice Clinic

"My participation in the Health Care & Bioethics Mediation clinic has provided me with both specific knowledge of the health care industry and valuable training in mediation. I have an interest in health law and this clinic has really provided me insight into the unique sorts of disputes and conflict that arise in the health care industry, which will undoubtedly benefit me in my legal career. I very much enjoyed working with health care providers because their experience and input enriched my learning experience. In addition, I feel better prepared as a future lawyer to represent a client in mediation or to perhaps pursue mediation."

Jennifer Wertz
Health Care & Bioethics Mediation Clinic

"I cannot think of any better way to supplement substantive law taught as part of traditional law school coursework. The clinic is both an exciting and rewarding course that teaches you how to practice law."

Matthew Brown
Civil Practice Clinic



"The Health Care Mediation Clinic is a rewarding and enriching experience and a rare opportunity to learn alongside Lubbock's medical professionals. The mediations done through Lubbock's Dispute Resolution Center concern many of the legal issues that a new attorney will face, so this is a practical course that provides valuable insight into the practice of law."



Timothy Williams
Health Care & Bioethics Mediation Clinic



"The Civil Clinic has put my law school career into perspective. It is easy to lose your purpose in life when it is consumed with trying to learn all the information contained in casebooks, statutes, and supplements. Working in the civil clinic has allowed me to fulfill my passion of helping people while simultaneously learning how to actually practice the law."

Sophia Johnykutty
Civil Practice Clinic

"This is my second year participating in a Texas Tech School of law clinic. The professional and academic experiences I have gained from my clinic participation have been amazing. In particular, the Criminal Defense Clinic has provided me with real-world lessons like investigation techniques and court room experience. The clinic has given me the confidence and preparation I will need when I enter the legal profession.



Currently I have had the opportunity to work on cases like DWI's, drug possession, theft, racing, domestic assault, and criminal mischief. Professor Metzger and my fellow clinic members have taught me so much and I am so thankful that I am able to participate and contribute my time with the Criminal Defense Clinic."

Tania Ward
Criminal Defense Clinic



"The criminal defense clinic has given me the opportunity to not only improve my advocacy skills, but to use those skills to assist clients that could not otherwise afford representation. I do not have to worry about billable hours or making enough money to cover my overhead – instead the clinic allows me to focus all my energies on my clients, not only to resolve their legal issues, but

also to try and arrange for them to receive continued assistance to improve their quality of life."

Rachel Nichols
Criminal Defense Clinic

A WORD FROM OUR STUDENTS

"My experience in the clinic has been a truly rewarding experience. The past two and a half years of law school have given me the tools to be an attorney. But the clinic has taught me what it will mean to truly be an attorney. It has reminded me why I came to law school to begin with and what I have worked so hard for. The clinic is about helping real people who need it. It is about being able to be the voice for client who wants nothing more than to be heard and to be treated fairly. I am truly grateful for the opportunity to be a part of this experience."

Sarah Preston
Criminal Defense Clinic



"The Defense Clinic and Professor Metzger have taught me that I have the ability and drive to go work for myself and help clients while making a good living. My goal starting law school was to get a big-firm job in Dallas, and I can't even get an offer from a medium or small sized firm in Dallas. I've been terrified of "hanging out my own shingle" because I felt like it was too much responsibility; I felt like I needed someone there to run the business and tell me what to do. The Clinic has given me the confidence that even if no one hires me, I'll be fine. That makes my 3L year a lot sweeter."

Benton Ross
Criminal Defense Clinic

"The Criminal Clinic is a fantastic experience. You are put in charge of working your cases. The responsibility is on you to handle and run all of your cases, just like real practice. I highly recommend it to anyone interested in practicing criminal law."

Sam Ackels
Criminal Defense Clinic



"Working in the Civil Practice Clinic has given me the opportunity to take the theoretical knowledge of the law that I have learned in class and make the law come alive through practical application. It's very rewarding to know that I can use what I have learned to directly make a positive impact on the lives of my clients. The Clinic has given me a taste of what being a lawyer is all about."

Mettie Judd
Civil Practice Clinic

"The clinic has been an amazing experience. It's given me the opportunity to learn some of the basics that go into legal representation, e.g., client counseling, settlement negotiation, and making court appearances."

Melissa M. Saenz
Civil Practice Clinic

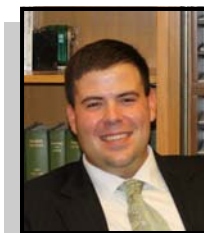


"The Prosecution Clinic is time consuming, but affords the opportunity for practical experience. I think trying misdemeanor cases is great analytical practice and helps immensely in learning how to approach legal problems. Moreover, learning to speak and think on your feet is an indispensable life skill. In sum, the Prosecution Clinic offers the opportunity to develop and refine an array of skills that should be helpful to any future attorney (or non-attorney for that matter)."



Coley Means
Criminal Prosecution Clinic

"The Clinic Program provides law students with a unique learning experience. The opportunity to engage in the supervised practice of law while attending classes is something I will always be grateful for and will be very beneficial for my future legal career. The Civil Practice Clinic is really all about service. It's a great way for students to give back to the greater Lubbock community while obtaining invaluable experience for our future legal careers. Clinic is a jumpstart on my future legal career. For me, the Civil Practice Clinic can be summed up in two words: service and experience."



Brad R. Kvinta
Civil Practice Clinic

CASES OF INTEREST

Cliff Jessup (Tax Clinic) represented a farmer from whom the IRS sought to recover \$500 for a child tax credit he claimed in support of his stepson during the 2007 tax year. The IRS also denied him a tax refund, rejecting an earned income credit he took for his stepson and the deductions he took in support of his wife and disabled sister. We were able to convince the IRS to change its position, relieving our client of the \$500 liability, and causing him to receive a refund worth \$3,000.



Trang Luu (Tax Clinic) represented a retired couple living on a fixed income. They were recommended to the tax clinic after they petitioned the federal Tax Court regarding their IRS dispute. The couple had filed their 2006 tax return and received a refund. Due to several moves, lost mail, and other complications, the couple had not timely reported all of their income on their tax return, causing an underpayment of tax. The IRS assessed over \$8,000 in tax deficiencies, interest, and penalties against the couple for the underpayment. Upon realizing the deficiency, the couple obtained a loan to repay the deficiency plus interest, but felt they should not be assessed penalties for the late payment. They believed they had exercised reasonable cause and good faith in determining their tax liabilities. Although the couple's legal argument did not seem well supported by case law, we were able to set up an appeals conference with the IRS and explain the facts and circumstances of the case. Ultimately the IRS conceded the entire penalty of almost \$1,500 and we were able to settle the couple's case.

Zach Stephenson (Tax Clinic) represented an elderly couple who took a variety of deductions on their 2006 tax return for the husband's work supplies and business expenses,

including a \$17,000 deduction for mileage incurred while working as a freelance photographer for a realty association. The IRS proposed to disallow all of the business deductions and mileage, leaving the clients with approximately \$9,600 in taxes and penalties. The clients filed a petition in the Tax Court and the tax clinic agreed to represent them. The IRS agreed to allow 12,000 of the 17,000 miles originally claimed based on documentation gathered by the tax clinic, and conceded most of the other deductions that the clients claimed on their 2006 tax return. The clients agreed to settle their case for a liability of only \$3,400, compared to the \$9,600 they faced coming into the tax clinic.



Scott Stratton (Tax Clinic) represented a great uncle who was denied an earned income tax credit (EIC) on behalf of his great nephews who, along with their father, lived in the client's home during the 2007 taxable year. The IRS had denied the EIC because, from their position, there was not sufficient proof to show that the great nephews actually lived with the client and that the client had provided more than half of their support during 2007. The IRS claimed that the client owed more than half of what he earns in a year of working. After exhausting every medium to resolve the case, it was ultimately set for trial in the Tax Court in the fall of 2009. However, before trial we were able to provide enough evidence to convince the IRS to settle and allow the client to claim the EIC for 2007, saving the client nearly \$6,000.



Selection process for Clinical Program will be held in late February and early March for the 2010-2011 academic year! Watch for announcements in mid-February and visit the clinic website for more information.

SNAPSHOT CORNER



CONGRATULATIONS MAY GRADUATES ON PASSING THE BAR!

CLINIC DIRECTORS:

Larry R. Spain
Civil Practice Clinic
ADR Clinic

Wendy Tolson Ross
Civil Practice Clinic

Vaughn E. James
Low Income Tax Clinic

Michelle E. Kwon
Low Income Tax Clinic

Sarah M. Gunter
Criminal Prosecution
Clinic

Patrick S. Metzger
Criminal Defense
Clinic

Susan Saab Fortney
Health Care &
Bioethics Mediation
Clinic

Jeff Blackburn
Innocence Project of
Texas

CO-DIRECTORS:

Gene Valentini
Health Care &
Bioethics Mediation
Clinic and ADR Clinic

Natalie Roetzel
Innocence Project of
Texas

Terri Morgeson
Clinic Fellow
Attorney at Law

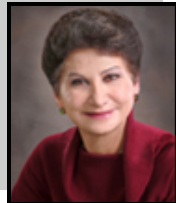
STAFF:

Elma Moreno
Office Manager/
Legal Assistant

Samirah Abdalah
Legal Secretary/Sr.
Business Assistant

Janie Gonzales
LITC Community
Outreach Coordinator

CLINIC FACULTY & CO-DIRECTORS



CLINIC STAFF



CLINIC NEWS

Fall 2009 Edition

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