



SPRING 2010

CLINICAL PROGRAM RECOGNIZES STUDENTS DURING RECOGNITION EVENT

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The *2010 Student Recognition Event* was held on April 22nd in the Lanier Auditorium. A total of 96 students were recognized with a

Certificate of Appreciation for their dedication and participation in the clinical programs. Vice Dean Rick Rosen



addressed the students and guests with welcoming remarks. A slide show capturing former events and clinic students, faculty and staff was shown during the presentation of certificates.

Since the inception of the clinical programs approximately 1564 clients have been served through the Tax Clinic, Criminal Defense Clinic, and Civil Practice Clinic which include the 160 clients served by the Wills Project which began during the Fall 2002. This total does not include the total number of cases handled through the Innocence Project since its inception.

Since the inception of the clinical programs which began with the LITC in April 2000, a total of 640 students have participated in the programs and contributed thousands of student hours.

Students who were honored participated in the *Health Care and Bioethics Mediation Clinic, Low Income Tax Clinic, Civil Practice Clinic, Criminal Defense Clinic, Criminal Prosecution Clinic, Innocence Project of Texas Clinic, and Advanced ADR Clinic.*

In addition to clinic faculty and staff, we had several guests from the legal community and some faculty and staff attending.

On behalf of the Clinical Program Faculty and Staff we thank all the students for everything they have done!

Faculty, Staff, and Students can view the pictures taken during the event by visiting:

<http://mytechlaw.law.ttu.edu/course/cp/Student%20Appreciation%20Photos/Forms/AllItems.aspx>

To view as a slideshow, click the “Action” menu button (just above the list of photos) and select “View Slide Show.”

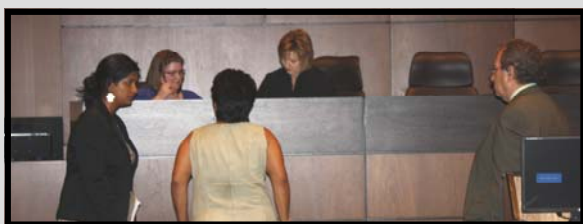


**From the Desk of
Larry Spain - Director
of Clinical Programs
and Civil Practice
Clinic**

During the spring semester, the following students continued their work in Professor Spain's section of the Civil Practice Clinic: **Brittany Baumgartner, Amanda Carter, Ivey Beals, Sophia Johnnykutty, Brad Kvinta, Mary Lisa Mireles, Paul Miller, Nate Peevey, Melissa Saenz, and Susan Watson.** It has been a pleasure working with each of these students over the past year and watching them develop their lawyering skills and gain confidence in their ability to practice law.

Over the course of the Spring semester, a total of 20 new client cases were undertaken, 27 cases were completed and closed and 33 cases remain open and will be carried over to the summer. 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



Divorce Night Court held on April 23, 2010. Student representing client is Sophia Johnnykutty with Clinic Director Larry Spain. Presiding Judge is the Honorable Judy Parker with Sarah Wagoner from District Clerk's office.

clients in matters involving family law, disability claims, wills and estate planning, consumer matters and miscellaneous civil claims.

I must also thank **Terri Morgeson**, our Clinical Fellow, who

provided invaluable supervision of the students on individual cases and was available to each of the students for questions and advice throughout the year.

**CIVIL PRACTICE
CLINIC**

- Focuses on development of professional skills and values in a closely supervised clinical setting
- Students will assume individual responsibility for representing actual clients in all phases of client representation in social security disability claims, family law, wills and advance planning, housing issues, consumer and civil rights claims and other civil cases of interest to students
- Classroom component will provide instruction in substantive and procedural law applicable to cases handled by the Clinic as well as ethical issues and professional values; professional skill development; and case rounds
- Students have individual supervisory sessions with faculty and maintain a reflective clinic journal.



Standing (L to R): Sophia Johnnykutty, 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 had nine (9) students enroll in my section of Civil Practice Clinic. These students were: **Matthew Brown, Adam Fulkerson, Daniel Gonzales, Mettie Judd, Priscilla Olivarez, Rachael Osaze-Ediae, Audrey Shakra, Tiffany Sheppard, and Alfonso Zambrano.**

The majority of the cases worked on by the students were family law cases. We

have had several adoption cases this year. We had several divorces, both with and without children and some custody suits. In these divorce/custody cases we had contested custody hearings and were able to get custody of the kids for most of our clients.

This year we had several landlord-tenant cases. In these cases, we were able to work out settlement agreements that allowed the tenants to stay in the apartments.

Finally, we had a number of probate cases. We drafted a couple of wills. We also had two (2) probate cases for Determination of Heirship and a Muniment of Title case.

Congratulations to the following students selected for the **Civil Practice Clinic** for the 2010-2011 academic year:

Professor Spain's Section:
Adam Blanchard, Steven Boening, Alyson Falk (Fall only), Andrew Howell, Chelsea Lowance, Matthew Koos, Erin Mai, Robert Rainey, and Jennifer Wertz

Professor Ross' Section:
Akilah Ashanti Bacy, Thomas Brodrick, Shauna Fitzsimmons, Matthew Harris (Fall only), Billy Hull, Jr., Jazmine Pelayo, Sarah Roberts, and Kyle Williams



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

WORDS FROM OUR CLIENTS

"...Mr. Peevey was very professional and courteous. He was prompt and consistent. I was very pleased!! I also had the privilege to consult with Mr. Spain and both these gentlemen were easy to communicate with and caring to my situation. They are both "Highly Recommended"!"

M. G.
Civil Clinic Client

"A job well done!" (Daniel Gonzales - student)

I.W.
Civil Clinic Client

"... Am well pleased with the outcome and they way Paul handled everything."

S.D.
Civil Clinic Client

CONGRATULATIONS!

***Professor Wendy Ross -
2009-2010 Mentor of the Year and
2009-2010 Match of the Year
presented by Mentor Tech***

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



The Innocence Project of Texas Clinic measures its progress not only by the number of people we exonerate but by the impact such exonerations have.



For us, the Timothy Cole case is a prime example of the type of cases our students work on and an indication of the amount of awareness we can raise by winning an exoneration and speaking out on behalf of the wrongfully convicted. In March of this year, Cole became the first person posthumously pardoned in the state of Texas. His case was initially investigated

by Tech clinical students, and his good name was restored as a result of hundreds of hours spent by clinic staff and students on the litigation of his case. In the wake of Cole's exoneration, a number of good reforms passed the Texas legislature including the Timothy Cole Compensation Act and the creation

of the Timothy Cole Advisory Panel. These advancements would not have happened absent the diligent work of our students on the Cole case in the IPOT Clinical program.

Several of this year's clinical students worked on Tim Cole's pardon application. Other students continued the investigations of more than 50 claims of innocence made by Texas inmates. As a result of their work on these cases, more than 20 cases were slated for litigation in 2009. These cases will continue to be worked on by future clinical students and will hopefully lead to more exonerations during the next year.

In addition to their work on individual cases, this semester clinical students continued their efforts to uncover and expose the use of junk science in Texas courtrooms.

They continued identifying cases where dog-scent lineups were used to obtain convictions, and they began work on several arson cases where experts have determined that the fires may not have resulted from an intentional

action on the part of the defendant.

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Pictured Left to Right: Natalie Roetzel, Whitney Stark, Lupe Ponciano and Jeff Blackburn

INNOCENCE PROJECT OF TEXAS CLINIC

This Project is a vital part of the Innocence Project of Texas. The mission of Innocence Project of Texas is:

- to identify, investigate and document claims of actual innocence
- to work to exonerate those persons who have been wrongfully convicted
- to educate students, citizens and public officials about wrongful convictions, how they occur and how they can be prevented
- to advocate for criminal justice system reforms to prevent wrongful convictions and achieve justice
- to assist the wrongfully convicted with their adjustment back into society

Each student is in charge of doing an investigation and determines if an inmate is innocent. From there it is determined how we can prove his/her innocence and how to get them out of jail. Finally, the student drafts an application for a writ of habeas corpus or a clemency petition.

**FOR MORE INFORMATION VISIT:
www.ipoftexas.org**

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

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While junk science cases make up a large number of the cases currently under review in our clinic, we are also moving forward on several DNA cases where individuals could be proven innocent via the use of advanced DNA testing technologies. Our organization currently has six cases in DNA litigation, and we

are optimistic that the number of DNA cases under review will increase dramatically over the next several months as a result of a new clinical grant aimed at identifying and investigating DNA innocence cases statewide.

We here at the Innocence Project of Texas clinic are immensely grateful for the hard work of all of our students during the last year, and we look forward to keeping up their efforts with a dedicated group of new clinical students this summer.



Back Row (L to R): Amanda Malone, Whitney McClendon, Chris Tolbert, JD Schmidt, Taly Jacobs, Frank Sellers, Matt Butler, and Natalie Roetzel

Middle Row (L to R): Lupe Ponciano, Clarissa Fernandez, Ryan Brown, Jessica Alexander, Lucia Ceaser, Paige Tambunga, Vanessa Benavides, Steven Baker, and Whitney Stark

Front Row (L to R): Kertisha Dixon, Danielle Badeaux, Shmyla Alam, Nick Vilbas, (Jeff Blackburn), Megan McHugh, Catherine Whitworth

WORDS FROM OUR STUDENTS

"The *Innocence Project of Texas* was a remarkable learning experience. I learned about the practical and legal elements of Criminal Defense. The lessons learned and experience gained were invaluable."

Kertisha Dixon

Congratulations to the following students selected for *Innocence Project of Texas Clinic*:

Summer Sessions

Ayeshah Castang, Bethany Hill, Carolyn McLaughlin, Dustin Brown, and Preston Streufert

2010-2011 Fall and Spring:

Brandon Beck, Clinton Buck, Mandeep Chatha, Christina Garcia, Courtney Grafft, Carly Hardt, Tara Mulanax, John Muniz, Audra Palacios, Sondet Parnell, Naval Patel, Rachel Presa, Chesea Schneider, Jennifer Stewart, Chelsea Tucker, and Thomas Whitley.

WORDS FROM OUR STUDENTS

"Participating in the *Innocence Project of Texas Clinic* was an amazing experience. It really opened my eyes to the injustice that can be found in our system and provided students an opportunity to actually do something about it."

Paige Tambunga

"The *IPOT* gave me a great opportunity to be mentored by some very talented practicing attorneys. The experience was a breath of fresh air from normal doctrinal law school courses. I highly recommend it the clinic programs as a way to get your feet wet while still in law school."

Jacob Schmidt



**From the Desk of
Michelle Kwon -
Associate Tax Clinic
Director**

During the spring semester, the following seven students continued their work in the Tax Clinic: **Jeremy Curtis, Brandon Fresard, Travis Hanson, Trang Luu, Zach Stephenson, Scott Stratton, and Kendra Wiley.** 11 cases were completed and closed during the spring semester. We accepted 12 new cases during this semester, which will be carried over to the summer along with 24 existing cases. In addition to providing legal services to low income taxpayers in their tax controversies with the Internal Revenue Service, Tax Clinic students participated in the IRS VITA program, which provides free income tax return preparation to low income taxpayers.

The Tax Clinic students worked hard to achieve results for their clients. Some of their accomplishments during the semester include the following:

- **Jeremy Curtis** secured an installment agreement for one of his clients to permit the client to pay off amounts owed to the IRS over time.
- **Brandon Fresard** successfully convinced the IRS that two of his clients are unable to pay their tax debts and negotiated with the IRS to obtain “currently not collectible” status for these clients. Currently not collectible status prohibits the IRS from levying on a taxpayer’s property to collect amounts otherwise due. Brandon was also able to coax two taxpayers who had not filed tax returns for many years to resume complying with the federal tax laws by filing their returns for the 2009 tax year.

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Pictured L to R: Travis Hanson, Kendra Wiley, Jeremy Curtis, Trang Luu, Professor Michelle Kwon, Scott Stratton, Brandon Fresard, and Zach Stephenson

**LOW INCOME
TAX CLINIC**

The Low-Income Tax Clinic was formed in April 2000 to provide professional skills training to law students and to provide law students the opportunity to gain practical experience in administrative proceedings before the Internal Revenue Service and in judicial proceedings before the United States Tax Court. The clinic serves residents in the West Texas Panhandle area of Texas and Eastern New Mexico by offering representation to taxpayers who are unable to obtain professional tax counsel.

Students develop important lawyering skills by interviewing and counseling clients, conducting factual investigations, legal research and analysis, negotiating compromises, drafting documents and litigating. Students are responsible for their own caseloads but are closely supervised by the clinic director. The director of the clinic assists the students in all phases of their clinical education.

From the Desk of Michelle Kwon - Associate Tax Clinic Director

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- **Travis Hanson** obtained innocent spouse relief for a client to release her from tax liability as a result of having filed tax returns jointly with her ex-husband.
- **Trang Luu** obtained an installment agreement for one of her clients. If an agreement could not be reached, the IRS intended to levy on the client's wages.
- **Zach Stephenson** participated in a collection due process hearing with the IRS to obtain currently not collectible status for one of his clients. Zach helped another client obtain non-profit status.
- **Scott Stratton** successfully obtained currently not collectible status for two of his clients. Scott also assisted a client by preparing 4 years' worth of prior year tax returns and is working with the IRS's Taxpayer Advocate Service regarding levies on the client's social security disability payments.
- **Kendra Wiley** convinced the IRS to completely concede a case that

was set for trial in the U.S. Tax Court, resulting in the removal of \$3,460 of tax that the IRS claimed that the client owed and an anticipated refund to the client of over \$3,500. Kendra also represented the same client in a collection due process hearing with the IRS for a different tax year and obtained currently not collectible status.

We could not have accomplished all that we did this semester without Elma Moreno and Samirah Abdalah. Thank you for helping us to provide first-class client service.

I have enjoyed my time directing the Tax Clinic this academic year while Professor Vaughn James has been a visiting professor at Texas Southern University's Thurgood Marshall School of Law. I hand back the reins to Professor James, having developed a new found respect for the clinical professors, who are some of the hardest working people I have had the privilege to work with. I will treasure the time I spent working side by side with my students. They have taught me a lot. I send them on their way with well wishes and look forward to staying in touch to hear about their successes in the future.

Congratulations to the following students selected for the **Low Income Tax Clinic**:

Summer:

Kristen Franks, Teresa Gutierrez, Matt Innes, Bryan Rathgeber, and Margaret Reece

2010-2011:

Lindsay Canning, Anna Ford, Jessica Jackson, Christopher Jackson, Melia Jones, Charles Malolo, Gregory Martin, and Patrick Sicotte

WORDS FROM OUR CLIENTS

"He (Scott Stratton) did a very good job for me and treated me in a responsible matter. Good job!! I would recommend the tax clinic to my friends and again thank you."

M.S.
Tax Clinic Client

"Thanks to everyone who helped me during ordeal with the IRS. I feel so relieved my case is finally over with. I will recommend your tax clinic to everyone I know with tax problems."

J.S.
Tax Clinic Client

CONGRATULATIONS!

***Professor Michelle Kwon
Recipient of the Hemphill Wells
New Professor Excellence in Teaching Award
Presented by the
Texas Tech Parent's Association***



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

The students in the 2009-2010 Criminal Defense Clinic were busy all year representing real people in real cases in real time. This year, the students handled 150 cases for 116 clients. Of these cases, 27 are still pending, 82 were disposed of through some time of negotiated plea, 40 cases were dismissed, and one case was disposed of by a jury verdict of not guilty. Cases consisted of 129 misdemeanors and 21 felonies. This is an average student case load of 12.9 clients per student and 16.7 cases per student, which is well in excess of the clients and cases promised in the clinic catalogue. Students handled all phases of representation from initial interview through appearance in court. Members of the clinic represented clients in the Lubbock and Idalou Municipal Courts, before the Justice of the Peace, in the Magistrate Court, in both Lubbock County Courts at Law, in two felony District Courts of Lubbock, and District Courts in Hockley County and Yoakum County. Clinic students for this year were **Benton Ross, Charlie Pelowski, Courtney Stamper, Rachel Nichols,**

Raymond Baeza, Sam Ackels, Sarah Preston, Stefanie Gonzalez, and Tania Ward. Please congratulate everyone for all their hard work. These students are trained and ready for the practice of criminal law.

During the school year, these students performed in excess of 4000 hours of *pro bono* representation of the poor. With the tireless and invaluable help of Clinical Fellow, Terri Morgeson, the following cases were handled, or are still being handled, by the clinic students:

21 Possession of Marijuana <2 oz,
12 DWI's (including 2 Class A Misdemeanors and 3 Felonies),
12 Class B Thefts,
12 Domestic Violence Assault,
7 Forgery (felony),
7 Class A Thefts,
7 Driving While License Invalid,
6 Misdemeanor Assaults,
6 Criminal Trespass,
5 Failure to Identify to Police Officer,
5 Criminal Mischief,
5 Resisting Arrest,
5 Juvenile matters,
4 Evading Arrest,
4 Disorderly Conduct,
3 Burglary of a Motor Vehicle,
3 Terroristic Threats,

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**CRIMINAL
DEFENSE CLINIC**

This is a full-year 8 credit hours (4 per semester) course limited to 8 students. Students who are accepted into the clinic must be registered for both Fall and Spring semesters.

The CDC provides a community service by representing defendants in criminal cases who would otherwise be unable to afford their own legal representation. Cases involve misdemeanors, felonies, and juvenile offenses in Lubbock County and the surrounding metropolitan area.

Prerequisites include: Students must be 3L status, not on academic probation, Evidence, Criminal Procedure, and Professional Responsibility. Recommended courses include: Texas Criminal Procedure, Trial Advocacy, and/or moot court or mock trial experience.



Standing (L to R): Charles Pelowski, Benton Ross, Courtney Stamper, Professor Patrick Metz, Raymond Baeza, and Samuel Ackels

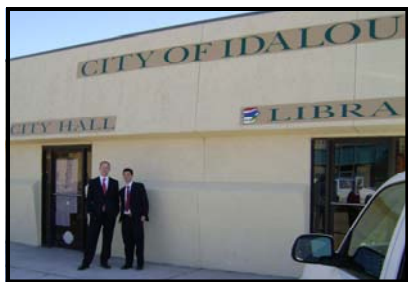
Sitting (L to R): Tania Ward, Rachel Nichols, Clinic Fellow Terri Morgeson, Sarah Preston, and Stefanie Gonzalez

From the Desk of Patrick S. Metzger

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3 Justice Court tickets,
 3 Possession of a Drug Without a Prescription,
 2 Felony Theft,
 2 Credit Card Abuse (felony),
 2 Unauthorized Use of a Motor Vehicle (felony),
 2 Prohibited Weapon (one misdemeanor, one felony),
 1 Public Lewdness,
 1 Possession of Volatile Chemicals,
 1 Robbery (felony),
 1 Speeding ticket in Idalou Municipal Court,
 1 Felony Graffiti,
 1 Furnishing Alcohol to a Minor,
 1 Racing on Highway,
 1 Burglary of a Building (felony),
 1 Felony Prostitution,
 1 Interference with 911 Call,
 1 Public Intoxication in Lubbock Municipal Court, and
 1 Divorce.

During the weekly two hour classroom component, students shared with each other their accomplishments on their cases, their goals, fears and concerns. By freely sharing and participating in these open class discussions, students assisted each other in the learning experience and helped formulate strategies, themes and theories of their cases, and performed very complicated and sophisticated legal analysis. Collaborative class discussions were often very spirited and were always an enjoyable exchange of ideas. As the others in the clinic would tell you, when we have class, everyone



hears us. We are there to learn and enjoy our work.

Each week the students spent time with one of nine different mentors. These mentors are criminal defense lawyers in Lubbock who offer their time so that students can observe and practice criminal law with their guidance. Mentors for the Criminal Defense Clinic for 2009-2010, all local attorneys practicing criminal law, were Chuck Lanehart, Danny Hurley, Jack Stoffregen, Dwight McDonald, Steve Hamilton, Mark Snodgrass, Robin Matthews, Charles Chambers, 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. At the yearly last day of class cook-out, the students expressed to each Mentor their appreciation for the time and energy they so freely give to the students throughout the year.

Thanks to the generosity of the Lubbock Criminal Defense Lawyers Association, in early August, 2009, the students of the Criminal Defense Clinic attended a Criminal Defense Trial Skills & Trial Law Program at the Center for American and International Law in Plano, Texas. This four day trial advocacy course included some of the most prominent criminal defense lawyers in Texas including

Barry Sorrels, Darlina Crowder, Reed Prospero, Tom Mills, Jeff Kearney, Tyrone Moncriffe, Dan Hurley, Gary Udashen, Reagan Wynn, Rick Hagen, Russell Wilson, Phillip Wischkaemper,

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CRIMINAL DEFENSE CLINIC

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Students may not be concurrently enrolled in this class and another clinic or externship; students may not have outside employment if enrolled in this court, however, exceptions can be made; and students may not sit for the February bar exam.

Congratulations to the following students selected for the 2010-2011 academic year:

Jessica Adair, Adam Alvarez, Alexis Butler, Charles Crowl, Zachary Morris, Marianne Sanchez, Megan Wells, and Will Williams

WORDS FROM OUR STUDENTS

"The Criminal Defense Clinic has given me opportunities that I otherwise would not have had in law school. The courtroom experience that I have gained through representing clients at all stages of their case is a valuable and marketable asset. I feel that the Criminal Defense Clinic has prepared me for immediate success after graduation."

Courtney Stamper
 Criminal Defense Clinic

From the Desk of Patrick S. Metz

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Heather Barbieri, and John Niland, among others, speaking on a variety of defense issues and working with the students in small break-out groups on *Voir Dire*, Opening Statements, Direct Examination, Cross Examination and Closing Arguments. This program allowed the students to learn by doing under the watchful eye of some of the most skilled criminal defense attorneys in Texas. It was a wonderful start to the new year and set the proper tone for their entire clinical experience.

There was significant effort and professionalism shown this year by all members of the Clinic. I hope the experience was meaningful and a jump

start to a successful practice in criminal law. Additionally, my students all showed a real interest in *pro bono* work and I know that such a commitment to the poor will continue throughout their entire career. Or, at least it better. Also, it is my sincere wish that each student remembers Texas Tech Law fondly with particular affection for their clinical experience. As I tell the students, practicing law is about treating each client as a valuable individual, doing their very best for each client one at a time, representing that client to the best of their ability, and ethically seeking Justice by holding the State to their burden. Preparation is the key. Remember to RGDS and all you need is that Gold Card. Good Job to all! Pass the Bar and stay in touch. I'll miss you all more than you will ever know. What a wonderful group!

HONORS AND AWARDS PROGRAM



Benton Ross (Criminal Defense Clinic) pictured with Dean Huffman
Excellence in Service Award



Raymond Baeza (Criminal Defense Clinic) pictured with Dean Huffman
Linda J. Kamp Service Award and Judge Meade F. Griffin Award



Trang Luu (Tax Clinic Student) pictured with Dean Huffman
Professor Marilyn Phelan Tax Award

CLINIC STUDENTS HONORED DURING HONORS AND AWARDS PROGRAM



Danielle Badeaux (IPOT Clinic Student)
John C. Akard Scholarship and The American Bankruptcy Institute Medal of Excellence Award
Pictured L to R: John C. Akard, Danielle Badeaux, and Robert Wilson

Courtney Stamper (Criminal Defense Clinic) pictured with Mike Brown
Clifford W. Brown Lubbock Criminal Defense Lawyers Association Award



Bertrand Alec Pourteau (former IPOT Clinic Student)
Elma Moreno Pro Bono Award
Pictured L to R: Elma Moreno, Dean Walter Huffman, Alec Pourteau, and donor Tamara Duncan



From the Desk of Sarah Gunter - Director, Criminal Prosecution Clinic

During the spring 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.

Over the course of the spring semester, the students continued their work at the City Prosecutor’s Office for the City of Lubbock. Their workload included settlement negotiations on municipal Court tickets, trial preparation, and trials.

Jordan Bailey tried two bench trials, consisting of three charges. He received two guilty verdicts.

Jacob Blizzard tried five bench trials and received four guilty verdicts. He also tried two jury trials and received guilty verdicts on both of them.

Laura Durbin tried six bench trials and received five guilty verdicts. She also tried one jury trial and received a guilty verdict.

Robyn Katz tried one bench trial and received a guilty verdict.

Megan Loving tried one bench trial and received a not guilty verdict.

Coley Means tried 4 bench trials and received two guilty verdicts. One of his bench trials was taken under advisement by the Court, and there has not been a ruling by the Court at the time of printing.

Ceren Unal tried five bench trials and one jury trial. She received guilty verdicts on each of her trials.

Cardine Watson tried one bench trial and one jury trial. He received guilty verdicts on both of them.

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PRO BONO DIVORCE NIGHT COURT CLINIC

Project is co-sponsored by Texas Tech University School of Law Clinical Program, Legal Aid of NorthWest Texas, and Lubbock County Courts.

Law students meet with the qualified applicants and help them file for a divorce under the supervision of the Civil Practice Clinic professors. Law students prepare the paperwork, file it with the courts, and finalize the divorces before the Honorable Judge C. Parker.

Clinics are held the third Thursday of every month beginning in September and ending in April (no clinic in December). Clinic offices are used for the interviews and all prove-ups are held in the law school courtroom.

For an individual to qualify for these services they must meet the following requirements:

- Meet the income guidelines which are based on family size;
- Must not have children of the marriage;
- Minimal to no property;
- No physical abuse during the marriage; and
- Be a Lubbock County resident.

LANWT screens all individuals and schedules the appointments.



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

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

POEM WRITTEN BY SAM ACKELS AND COURTNEY STAMPER PREFACED TO THE TUNE OF "LUCKENBACH, TEXAS"



*There's only two things in life that make it worth livin' -
the Criminal Defense Clinic and cross examining women.*

*I don't need my name in the law review lights
I got my clinic manual and Patty Metze with me tonight
Maybe it's time we got back to the basics of law*

Let's go to Defense Clinic with Sam and Courtney and the boys

*This successful life we're livin' got us feuding
like the Hatfield and McCoy's
Between Rachel's crazy stories, Stefanie's tranny boys
and Raymond's rolling clients - oh what a shame,
out in the Clinic - ain't nobody feelin' no pain*

*So baby if you're in trouble, call on me
We got Sarah, Terri, Benton and Pelowski - to try your case*

*This coat and tie is choking me
And even with a felony - we win all day
Tania's so busy - we're keepin her on the fly
You won't go to jail for a DWI
Maybe it's time we got back to the basics of law*

From the Desk of Sarah Gunter - Director, Criminal Prosecution Clinic

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Each of these students worked very hard on the cases they prosecuted and got good results on all of them. They have learned that not all cases will be won at trial, and, thus, the importance of knowing the value of your case. They have also learned that their primary duty, according to the Code

of Criminal Procedure, is not to seek convictions, but to see that justice is done. The goal of this class was to have each student ready to walk into a courtroom and prosecute a case. We reached our goal, and I could not be more proud. It has been a pleasure and privilege to teach these students, and I look forward to seeing what the future holds for them. I know, unequivocally, that it holds success.

WORDS FROM OUR CLIENTS

*"I could not have been more pleased and feel that the clinic's intervention in my behalf was what resulted in a satisfactory resolution.....
.....My wife and I wish to thank you for your assistance and diligence in helping us with the IRS dispute with which we have recently been involved. Your assistance (Trang Luu), that of Matt Collier, Professor James and the entire clinical programs staff has resulted in a successful conclusion of this matter for us."*

J.Y.
Tax Clinic Client

WORDS FROM OUR STUDENTS

"The criminal defense clinic has been the most educational and rewarding aspect of law school that I have experienced. Through the attorneys I have had the honor to mentor with, the clients I have had the privilege to represent, and the classmates I have had the fortune to work with, I have learned a great deal about the law, society, and myself. We work with clients on a daily basis who live paycheck to paycheck, and don't always have money to even pay the bills. To be able to help them is truly an honor and an experience which has made me stronger as a person."

Sarah Preston
Criminal Defense Clinic

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

Eighteen students participated in the Advanced ADR Clinic during the Spring Semester: **Jonathan Armour, Ellen Brown, Sean Carey, Melissa Cook, Kimberly Culver, Kathryn Daniel, Christopher Elmore, Dana Gailan, Donmale Gbaanador, Jillie Gordon, Bryan Jensen, Tiffany Kamuche, Sondet Parnell, Ravenna Romack, Mac Smith, Christina Tippit, Meagan White and Katie Wood.** In addition to the

course satisfying the requirements for completing 40 hours of Basic Mediation Training, the students had the opportunity over the course of the semester to observe as well as to co-mediate or solo mediate a minimum of four disputes through the Lubbock County Dispute Resolution Center. The cases ranged from family law matters, consumer disputes, landlord-tenant issues, criminal cases, juvenile and other civil cases, among others. Every student also videotaped an introductory statement in mediation and completed a research paper and an oral presentation on a mediation topic of their choice.



Back Row (L to R): Kimberly Culver, Katie Wood, Christina Tippit, Ellen Brown, Sean Carey, Ravenna Romack, Donmale Gbaanador, and Dana Gailan

Front Row (L to R): Gene Valentini, Mac Smith, Sondet Parnell, Jillian Gordon, Jonathan Armour, Chris Elmore, Melissa Cook, Kathryn Daniel and Professor Larry Spain

Pictured to the right: Tiffany Kamuche

WORDS FROM OUR STUDENTS

*"The **ADR Clinic** was the best experience I have had in law school. Fellow classmates were the most witty and capable, and practice mediations were a rewarding challenge."*

Ellen B. Brown
Advanced ADR Clinic

"It was a phenomenal real-world experience! It was so refreshing to practice legal skills in a non-law manner. I really enjoyed the flexibility: students can get as involved as they want, and really learn a lot!"

Ravenna Romack
Advanced ADR Clinic

ADVANCED ADR CLINIC

- Students receive intensive mediation and conflict resolution skills training and course qualifies as the 40 hour basic mediation training
- Students will have the opportunity to observe mediations, co-mediate and solo mediate actual disputes through the Lubbock County Dispute Resolution Center
- Class format will consist of a combination of lecture, class discussion and interactive participation, skills exercises, mediation role plays, videotape review
- Course will provide students with opportunity to develop skills essential to effective problem-solving that can be integrated in the practice of law as well as advise, counsel and prepare clients for mediation.

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 spring semester: **Dean Arturo Torres** (2 clinic); **Professors Gerry Beyer** (2 clinics), **Susan Fortney** (1 clinic), **Michelle Kwon** (1 clinic), **Patrick Metz** (4 clinics), **Brian Shannon** (1 clinic), **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 February and assisted with three *Pro Bono* Clinics during the spring 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 Spring semester:

Adam Alvarez, Bradley Anderle, Lauren Mikela Bryant, Malachi Daws, Joel DelaGarza, Aguila Graham, Julie Harbin, Susanna Hovestol, Olivia Nell, Audra Lee Palacios, Alex Pantig, Bertrand Alec Pourteau, Carl Robinson III, Ravenna Romack, Sean Taylor, and Arslan Umarov.

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

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 Spring semester. Students continued to help with scanning and archiving closed files. They have also assisted with other administrative duties. The students who completing their rotation this semester were **Elizabeth Rosillo, Kris Avelar, Adrianna Alaniz** (pictured above), and **Daniel Monterroso**.



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, since its inception to make the preceptorship rotation visits a learning experience.

Congratulations to the following students selected for the *Advanced ADR Clinic* for the 2011 Spring semester:

Kaitlyn Cichowski, James Douglass, William Erwin, Luis Gonzalez, Aguila Graham, Stephanie Isak, Matthew Kendall, Mazelle Krassof, Ezra Kuenzi, George Lane, Wendell Langdon, Hillary Luckett, John Maniscalco, Laura Martin, James Palomo, Katharina Squires, Samantha Tabor, and Leslie Wong

WORDS FROM OUR STUDENTS

The *Tax Clinic* has been probably my most rewarding experience in law school. I have gained actual experience in the field of tax practice, and you get the satisfaction of a job well done when you get a favorable outcome for your client. There's no better feeling."

Zach Stephenson
Tax Clinic

This past year with the *Criminal Defense Clinic* has made me prepared to take on the big world and the bar. I am thankful for all the memories that brought tears, laughter, and joy in my life. I will always remember the practical and personal lessons the clinic has taught me. Thank you Criminal Defense Clinic for everything!

Tania Ward
Criminal Defense Clinic

THANKS TO KAREN MORRIS FOR HER *PRO BONO* SERVICE AND SUPPORT OF THE CLINICAL PROGRAM



Karen Morris (Amarillo), President-Elect of the Texas Court Reporters Association, volunteered her services on a *pro bono* basis for a deposition in a

pending case for the Civil Practice Clinic recently. She traveled from Amarillo for a deposition scheduled in the Clinic offices, at 9 am on Good Friday no less, that lasted 3 ½ hours. She provided prompt and professional service and was

extremely complimentary of the students' performance. Additionally, her service was of great benefit to our client who otherwise would have been unable to financially afford the costs of a deposition.

For those that may need a court reporter in the future, we encourage you to contact Karen Morris, CSR, 2611 Mockingbird, Amarillo, TX 79109 (806) 282-9932 kdeem2@suddenlink.net

INTERNAL REVENUE SERVICE AWARDS TAX GRANT

The TTU Low Income Tax Clinic began its 10th year of operation in 2010 with a \$54,892.00 tax grant award. The Internal Revenue Service has awarded nearly ten million dollars in matching grants to Low Income Taxpayer Clinics (LITCs) for the 2010 grant cycle (January 1 thru December 31, 2010). A total of 160 organizations have been funded for 2010. Texas Tech University School of Law is one of eight organizations funded, as well as the only law school in Texas funded by the IRS. The other organizations funded include: Legal Aid of NorthWest Texas (McKinney), El Paso Credit Union HOAP, Inc. (El Paso), Texas Rio Grande Legal Aid, Inc. (San Antonio), Houston Volunteer Lawyers Program (Houston), Centro Familiar Cristiano, Inc. (Sugarland), Federal Tax Clinic (Midland) and Project Quest (San Antonio).

The clinic provides representation to low income taxpayers who may not be able to afford a tax professional when they have tax disputes with the IRS or are trying to comply with tax laws. The clinic also informs taxpayers for whom English is a second language or who have limited English proficiency of their tax rights and responsibilities.

The grant continues to fund a part-time Community Outreach Coordinator position which has helped promote the Tax Clinic in various outreach efforts. However, Janie Gonzales is no longer with the LITC, therefore we will begin the process of hiring another part-time Community Outreach Coordinator within the next few months. Janie was very instrumental in publicizing the clinic while conducting direct outreach efforts and establishing LITC partnerships with various community service agencies.

HEALTH CARE AND BIOETHICS MEDIATION CLINIC

This course and clinic gives students an opportunity to develop their communication, facilitation, and mediation skills. Through reading, simulated exercises, field work, and live co-mediations, students will learn the law, ethics, and procedures involved in mediating disputes. The study and work will focus on problems and disputes that arise in health care settings, including those that arise pre-admission, during hospitalization/residency, immediately before discharge, and post-discharge. The issues may relate to conflicts between patients, their families, and providers. The actual matters handled will depend on referrals and approvals from participating hospitals and nursing homes.

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

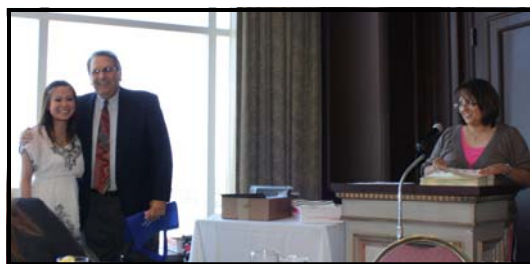
The Coalition of Community Assistance Volunteers (a partner of the LITC) and staff from the Internal Revenue Service trained an estimated 100 volunteers with the assistance of Elma Moreno, Clinical Program Legal Assistant and member of the CCAV Board of the Directors, in early January to assist with volunteer income tax preparation. Among those trained were law students recruited to assist with tax preparation for low-income taxpayers during tax filing season. CCAV purchased a building to be used for free tax preparation during tax filing season. As you will recall, during the past 7-8 years CCAV has been using buildings donated by generous folks in the community (i.e. Spears, Lubbock Housing Authority, City of Lubbock libraries, etc.) The new building is located at 5601 Avenue Q and it will house the VITA preparation for many years to come.

This was the first semester that LITC students were required to volunteer at the VITA site during tax filing season. However, due to the many volunteers, our tax clinic students were not able to contribute as many hours as we had hoped.

As a result of the efforts of these volunteers a total of **2,940** taxpayers whose average gross income was **\$15,825** had their tax returns prepared for free either at this VITA site or at the non-resident site at the International Cultural

Center. This saved them approximately **\$515,000** in tax prep fees. The low income residents helped received an estimated 1.2 million dollars in Earned Income Credits and a total of 3.8 million were returned to families within the community. An appreciation luncheon was held on May 3rd at the Lubbock Club honoring all volunteers.

The volunteer pool recognized with *Certificates of Appreciation* included several law students who took time to



assist in tax preparation. The law students who volunteered during tax filing season included: Natalie Cepak, Mary Margaret Croft,

Jeremy Curtis, Brandon Fresard, Travis Hanson, Sherida Hibbard, Josh Humphreys, Matt Innes, Christopher Jackson, Sophia Johnykutty, Trang Luu, Jacquelyn Lynch, Kathleen Lynch, Jonathan Nowlin, Rachel Presa, Lindsay Scaief, Patrick Sicotte, Zach Stephenson, Scott Stratton, and Kendra Wiley. Also volunteering time as an advisory Board Member and a tax preparer was Associate Tax Clinic Director, Michelle Kwon.

Several VITA sponsors, as well as luncheon sponsors, were recognized with a plaque or certificate.

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

HEALTH CARE AND BIOETHICS MEDIATION CLINIC

(continued from page 15)

Students who have received credit for the other ADR Clinic will not be able to enroll in this clinic. The students' training will satisfy the 40 hour requirement for Texas mediators.

This clinic is a 4 credit hour course held during the Fall semester and is limited to 9 students. 2L and 3L status students are welcomed.

Congratulations to the following students selected for the 2010 Fall semester:

Danielle Adams, Natalie Cepak, Kristen Franks, Sherida Hibbard, Jrywan Huang, Katie Maxwell, Marshall Meringola, Justin Pratt, Clinton Quisenberry, Margaret Tung, and Adam Whitten

RECENT CASES OF INTEREST

Susan Watson represented an 82 year old disabled woman who had been denied an increase in hours of essential home care by the Texas Department of Aging and Disability Services, despite a documented need for such services, on the basis that her personal care and home management needs were met through caregiver relatives. She appealed that determination.

After a hearing before the Texas Health and Human Services Commission, Appeals Division, the agency's action to deny appellant's request for increased paid personal care service hours was reversed on the basis that the appellant had a need for additional paid attendant service hours due to a decline in functional abilities and because she would otherwise lose her daughter's services for economic reasons.

Melissa Saenz recently represented a 24 year old individual with borderline intellectual functioning, depression and anxiety before an administrative law judge on a claim for disability benefits under the Social Security Act. She had the opportunity to conduct a direct examination of the claimant and another witness as well as cross-examine a vocational expert. The case was taken under advisement with a written decision expected in the future.



Brad Kvinta represented an individual before a Hearing Officer with the Texas Workforce Commission on a claim for

unemployment insurance benefits. The issue in the case was whether the claimant had been discharged for misconduct and was, therefore, disqualified from receiving benefits. Our argument was that the discharge was a pretext for a layoff because of a slowdown in work. In fact, shortly before the discharge, the employer had implemented a policy that employees would be required to show up for their regular shift but would only be paid if there was actual work to be done. After an unfavorable decision, an appeal has been filed with the Commissioners.



A wage claim has also been filed with the Texas Workforce Commission on behalf of the client for unpaid wages prior to his discharge.

Paul Miller, Brad Kvinta and **Nate Peevey** have been representing several students with claims against a vocational school resulting from their enrollment and subsequent expulsion. One suit has been filed with a trial date of October raising claims under the Deceptive Trade Practices Act, Texas Consumer Credit Code, Breach of Contract, Fraud and Defamation, among others. A deposition of one of the individual defendants was taken recently in which each of the students conducted a portion of the questioning with regard to various aspects of the claims. A Motion for Partial Summary Judgment is being filed on the basis of discovery completed thus far.

WHERE ARE THEY NOW?

Sammy Lucario, Jr. (Civil Clinic 2007-2008) started his own law practice as a solo practitioner - *Lucario Law Firm* in Houston, Texas.

Travis Rodak (Tax Clinic 2007-2008) is a solo practitioner in Bridgeport, Nebraska. He is practicing Bankruptcy, Business, Labor-Employment, Real Estate, Wills-Trusts-Probate, and Social Security Law.

Alma Gonzalez (Civil 2008-2009) - Staff attorney with Legal Aid of NorthWest Texas, Lubbock, Texas.

Gilda McDowell (Civil 2008-2009) Solo practitioner - Lubbock, Texas - practicing in immigration law.

Melinda Powell (Civil 2008-2009) - Staff attorney with Legal Aid of NorthWest Texas, Amarillo, Texas.

CLINICAL PROGRAM HOSTS INFORMATION SESSION

An information session was held on Thursday, February 25th, for students interested in applying to participate in one of the clinical courses during the 2010-2011 academic year including the summer 2010 Tax Clinic and Innocence Project Clinic. The student selection process begins in February of each Spring semester to fill all slots available in the clinical program. A total of 82 slots needed to be filled for the 2010-2011 academic year.

Clinic directors provided information on the following clinics:

- Tax Clinic
- Civil Practice Clinic
- Criminal Defense Clinic
- Advanced ADR Clinic

- Innocence Project of Texas Clinic
- Health Care and Bioethics Mediation Clinic

A record breaking 118 students attended the information session and by the end of the application deadline and the second round of students selections a total of **115 students applied** and turned in approximately **218 applications**. All slots were filled. 94 offers were made and 86 were accepted which filled all necessary slots for the summer sessions and academic year

CONGRATULATIONS to the 2010-2011 clinical program students! We are looking forward to having you in the clinics.

CONGRATULATIONS!



Samirah Abdalah for 25 years of service to TTU!

Pictured to the left are Cheryl Underwood (Unit Manager) and Samirah Abdalah

**Congratulations to Paul W. Horn Professor of Law
Susan Saab Fortney for her selection as the
Lola Wright Ethics Award winner
by the Texas Bar Foundation!**

WHERE ARE THEY NOW?

Dominica Moore McGowen (Tax Clinic 2008-2009) is working for the Texas Workforce Commissioner's Office in Austin, Texas, as a hearings officer. She conducts unemployment hearings and determines whether or not claimants should receive unemployment benefits.

Renee Brosch (Civil Clinic 2008-2009) is currently in Austin, Texas and has done a divorce, a few wills, and a couple power of attorney cases. She is looking for full-time employment and would love to stay in the Austin area!

Julie Caskey (Civil Clinic 2008-2009) is an associate with the law firm Garg & Associates in The Woodlands, Texas, just north of Houston. She is currently practicing family law primarily in Harris and Montgomery counties.

A WORD FROM OUR STUDENTS

"I have been very blessed to have been involved in the criminal defense clinic and I now feel prepared to be an attorney. I started the year as a young 3L student, the clinical program took my hand and dragged me head first, fearless, into the practice of law."



Sam Ackels
Criminal Defense Clinic

"The *Civil Clinic* experience is a great jumpstart to your career! I have learned invaluable lessons from my professors and staff. I now have the skills necessary to obtain a client and see their case through—from start to finish. If anything gets me a job in this depressed economy, entering the work force with a year of Civil experience will!"

Tiffany Sheppard
Civil Practice Clinic

"Thanks to Professor Metze, the mentors, and everyone involved in the criminal defense clinic, I know that once I graduate and pass the bar I will be fully prepared to represent the accused."

Charlie Pelowski
Criminal Defense Clinic

"The Clinical Program has been an amazing experience for me this year. I have enjoyed the opportunity to represent my own clients, get real courtroom experience, and interact with local judges. The *Civil Practice Clinic* is an invaluable tool that provides law students with a real attorney perspective. I feel confident that when I graduate and enter the legal field I will be a step ahead of everyone else!"



Alfonso Zambrano
Civil Practice Clinic

"The *Criminal Defense Clinic* and Professor Metze have ignited my passion for helping juveniles and those criminal defendants with mental health issues; this passion will continue throughout my practice of law."

Rachel Nichols
Criminal Defense Clinic

"While I learned a lot of law while working in the clinic, the most important things that the clinic taught me were about myself. My clinic experience helped me identify my strengths and weaknesses as a future lawyer. This will put me steps ahead of my colleagues going out into the workforce."

Mary Lisa Merritt
Civil Practice Clinic



"My experience in the *Low Income Tax Clinic* has been valuable in so many ways. I am confident I can enter the legal profession with practical knowledge in dealing with clients, drafting documents, and maintaining case files."

Kendra Wiley
Tax Clinic

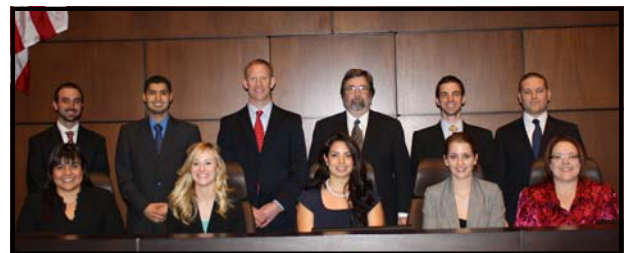
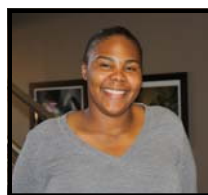
WHERE ARE THEY NOW?

CONGRATULATIONS TO CELESTE I. VILLARREAL



Celeste I. Villarreal (Civil Clinic-Spring 2005) was appointed by the Austin City Council to serve a four year term as Municipal Judge. The official swearing-in ceremony took place on February 5, 2010, in the Austin City Council Chambers. Because this is a part time judicial appointment, she will also continue to practice law in civil matters, federal court and government relations when not serving on the bench.

Snapshot Corner



CONGRATULATIONS MAY GRADUATES! GOOD LUCK WITH THE BAR EXAM!

CLINIC FACULTY AND STAFF

CLINIC DIRECTORS:

Larry Spain
Civil Practice Clinic
ADR Clinic

Wendy Tolson Ross
Civil Practice Clinic

Vaughn James
Low Income Tax Clinic

Michelle Kwon
Low Income Tax Clinic

Sarah Gunter
Criminal Prosecution
Clinic

Patrick 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/Senior
Business Assistant



CLINIC NEWS

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