



SPRING 2011

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CLINIC NEWS

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

TECH ALUMNI DONATES PLAQUE RECOGNIZING LAW STUDENTS FOR PRO BONO ACTIVITIES

In 2000 Professors Tim and Daisy Floyd created an award named the “*Elma Moreno Pro Bono Award*” which recognizes a law student whose pro bono activities best exemplify the lawyer’s obligation to ensure equal access to justice. At that time, the initial plans were to purchase a plaque and have it displayed at the law school along with all other plaques, however, it was not done prior to the Floyds leaving Tech Law. A local attorney, **Ron Sanders** (2002 recipient of the award) began funding the cash award in order to continue to honor and recognize students for their pro bono activities when Professor Daisy Floyd accepted a position as Dean of Mercer Law School. **Tamara Slosser Duncan** (first award recipient in 2000) began funding the award contribution in 2010 in addition to Ron Sanders. This year, Tamara and her husband Greg, decided to purchase and donate the plaque to be displayed and provided the cash award.

Finally, after 11 years, the plaque has been purchased and will be displayed at the law



school at a location to be determined. In addition to the names of all award recipients, the wording included on the plaque states:

This award recognizes a law student whose pro bono activities best exemplify the lawyer’s obligation to ensure equal access to justice.

Award was established by Professors Timothy and Daisy Floyd and is named in honor of Elma Moreno (PAI Coordinator for West Texas Legal Services 1989-2001) whose professionalism in service to clients is an inspiration to others.

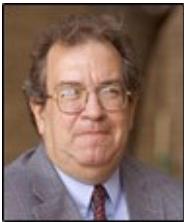
Award funded by Tamara Slosser Duncan (class of 2000) and Ronald Sanders (class of 2002)

The recipient of the 2011 “Elma Moreno Pro Bono Award” was **Joel DelaGarza** for his volunteer contributions to Legal Aid of NorthWest Texas.

Congratulations Joel!

Pictured above L to R:

Tamara Duncan (staff attorney at LANWT),
Joel DelaGarza (3L), and
Elma Moreno (Clinical Program Legal
Assistant/Office Manager)



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

During the spring semester, the following students were enrolled in Professor Spain's section of the Civil Practice Clinic: **Adam Blanchard, Steven Boening, Matthew Koos, Chelsea Lowance, Shaun Rainey, Erin Mai, Andrew Howell, and Jennifer Wertz.** I have been ably assisted by **Terri Morgeson**, our Clinical Fellow and Visiting Professor, who has supervised students on individual cases and is always available for questions and assistance for the students.

Over the course of the semester, in addition to 43 cases carried over from the fall semester, a total of 26 new client cases were undertaken, 32 cases were completed and closed and 21 cases remain open and will be carried over to the fall semester. Each of the students, in addition to being exposed to a variety of legal problems through the evening Pro



Pictured above is a will execution being conducted by Civil Clinic student Erin Mai and being witnessed by Tax Clinic student Anna Ford and Civil Clinic student Matthew Koos.

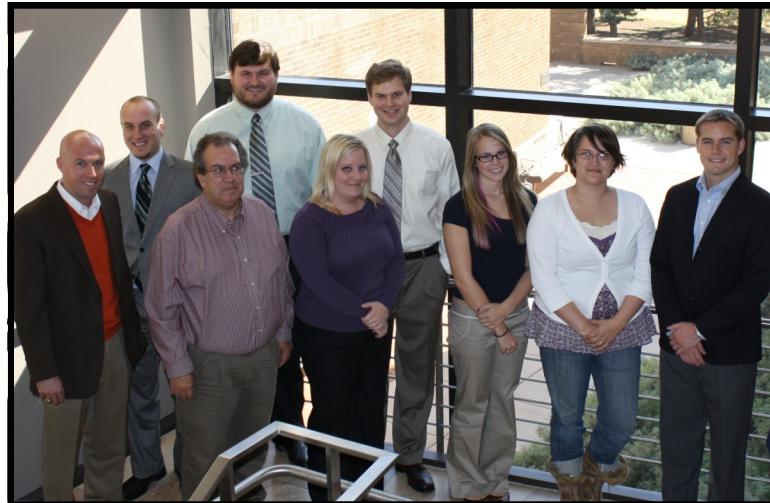
claims before an administrative law judge while **Matthew** also conducted a hearing before an administrative law judge in New Mexico on waiver of overpayment.

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 conducted at least one hearing before a court or administrative agency. **Adam Blanchard** and **Jennifer Wertz** wrote a brief and presented oral argument on a case in the 7th Court of Appeals in Amarillo in a child support case appealed by the Office of Attorney General. **Matthew Koos** and **Shaun Rainey** represented clients in hearings on disability

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.



Pictured L to R:
Andrew Howell, Matthew Koos, Professor Spain, Shaun Rainey, Jennifer Wertz, Steven Boening, Erin Mai, Chelsea Lowance, and Adam Blanchard

Congratulations to the following students selected for the **Civil Practice Clinic** for the 2011-2012 academic year:

Mikela Bryant, Lilia Doibani, Tammy Fisher, Allie Hallmark, Grant Matthews, Douglas Montgomery, Elizabeth Niblo, and Isaias Solorzano



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

This semester I had seven (7) students enrolled in my section of Civil Practice Clinic. These students were: **Akilah Bacy, Adam Brodrick, Shauna Fitzsimmons, Billy Hull, Jazmine Pelayo, Sarah Roberts, and Kyle Williams.** The majority of the cases worked on by the students were family law cases. We had a really



From the Desk of Terri Morgeson— Clinic Fellow and Visiting Professor

As any first year law student would tell you, the first few weeks of law school are extremely difficult. You are nervous and scared because you suddenly feel like you have lost the ability to read and understand the English language. I remember Professor Weninger trying to explain a special appearance, general appearance, personal jurisdiction and in rem jurisdiction. I remember believing I would NEVER understand these fundamental concepts. However, I did understand them and ten years later, I had the opportunity, to supervise two students who wrote an Appellee's brief on these issues.

Jennifer Wertz and **Adam Blanchard** were assigned to represent an indigent man from whom the Texas Attorney General was trying to collect child support which he allegedly owed

good semester where the students worked hard and completed several divorces and custody suits.

Additionally, we had a number of probate cases. We drafted a couple of wills. We also had three (3) probate cases for Determination of Heirship and a Muniment of Title case.

Finally, many of my students expressed an interest in doing one or two criminal cases. Therefore, Visiting Professor **Terri Morgeson**, supervised the students on learning to do criminal work.

FAMILY LAW and HOUSING CLINIC

This is a full-year 8 credit hours (4 per semester) course limited to 8 students. Students accepted into the clinic must be registered for both Fall and Spring semesters. Students assume primary responsibility under faculty supervision of all phases of representation in assigned cases in a variety of civil matters including, but not limited to, family law and housing matters. The course focuses on the development of professional skills and values in a closely supervised clinical setting, including interviewing and counseling, case analysis and planning, problem solving, fact investigation, negotiation and mediation, document drafting, written and oral advocacy.

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.

due to an Alabama child support order. The man had never lived in Alabama. The Texas trial court ruled against the Texas Attorney General, due to Alabama's lack of personal jurisdiction, and they appealed. In preparing to write their brief, these brilliant students, **Jennifer Wertz** and **Adam Blanchard**, had to research and understand the complicated issues of personal jurisdiction, full faith and credit and collateral estoppel. Jennifer and Adam wrote a compelling brief. Ultimately, they argued the case to the Seventh District Court of Appeals and we are waiting a ruling. I cannot brag on these

two students enough. They did an outstanding job. It is due to the great education that they received their first year at Texas Tech, particularly in Civil Procedure and Legal Practice, that they were able to handle this complicated case.



Congratulations to the following students selected for the **Family Law/Housing Clinic** for the 2011-2012 academic year: **Leslie Collins, Elizabeth Ellis (Fall Semester only), Michael Henry, Susanna Hovestol, Katharine Krottinger, Kimberly Quesada, Ashley Wolf, and Christina Woods**



From the Desk of Vaughn E. James - Tax Clinic Director

During the spring semester, the following eight students continued their work in the Tax Clinic: **Lindsay Canning, Anna Ford, Jessica Jackson, Christopher Jackson, Melia Jones, Charles Malolo, Gregory Martin, and Patrick Sicotte.** 11 cases were completed and closed during the spring semester. We accepted 9 new cases during this semester, which will be carried over to the summer along with 38 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 students contributed a total of 289.0 hours to the VITA program.

The LITC was also the primary stakeholder in planning an **EITC (Earned Income Tax Credit) Awareness Day** for January 28, 2011, and our Community Outreach Coordinator, **Lesley Nall Washington**, developed a flyer to promote the scheduled event. The other sponsors of the



Pictured: Patrick Sicotte and Gregory Martin at a presentation at the VITA Site

event included the *Coalition of Community Assistance Volunteers*, the *Internal Revenue Service Stakeholder, Partnerships, Education and Communication* (SPEC), and *Texas Tech University Division of Personal Financial Planning*. The Community Outreach Coordinator also developed educational brochure entitled *Earned Income Tax Credit* which was distributed during *EITC Awareness Day* and during tax filing season.

With the help of our Community Outreach Coordinator, a series of educational workshops were scheduled at Maxey Community Center and Maggie Trejo Community Center during the tax filing season. Although the workshops were not well attended, the topics included: *The IRS and You: What is Income; Who Needs to File a Tax Return; Getting Ready to File Your Tax Return; Exemptions, Deductions and Credits; Earned Income Tax Credit; Filing Status; and Income Tax Consequences of Self Employment*.

In order to expand our educational workshops, the students also made presentations at the VITA site and were able to reach many taxpayers and distribute lots of valuable information. **Elma Moreno**, Office Manager/Legal Assistant, attended each workshop and assisted the students in setting up for their presentations and was available in the event the audience consisted of Spanish speaking only taxpayers.

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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.



Pictured L to R:

Back Row: Chris Jackson, Greg Martin, Professor Vaughn James, Charlie Malolo, and Patrick Sicotte

Front Row: Jessica Jackson, Melia Jones, Lindsay Canning, and Anna Ford

Congratulations to the following students selected for the **Low Income Taxpayer Clinic** for the 2011-2012 academic year:

Amy Browning, Jorge Catumbela, Alvin Chang, Joshua Humphreys, Evan Jackson, Diana-Linh Le, Bradley Phillips, and Jonathan Sarager

From the Desk of Vaughn E. James -Tax Clinic Director

(continued from page 4)

We were unfortunate that the Community Outreach Coordinator left at the beginning of the year to accept a position with the newly created Caprock Regional Public Defender Office. Their gain, but definitely our loss! We truly miss her and her promotional drive that

brought the Clinic to the attention of many residents of our service area. As mentioned in the Fall 2010 clinic newsletter, because of her efforts, we have been featured on television, on radio and in the newspapers, and continue to be flooded with requests for our assistance.

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.

Texas Tech Law School Low Income Taxpayer Clinic is on



Ceremonial conveyance of the Robert H. Bean Professorship to Vaughn James, M.Div., MBA, JD by Paul Whitfield Horn Professor Victoria Sutton, MPA, PhD, JD following a lecture entitled *Interdisciplinarity* by Professor Victoria Sutton on April 28, 2011.

INTERNAL REVENUE SERVICE AWARDS TAX GRANT

The TTU Low Income Tax Clinic began its 11th year of operation in January with a partial tax grant award. Although the LITC director was informed that the LITC has been selected to receive a matching grant award for the 2011 LITC grant year, we have not been advised on our total grant amount since the Federal government is operating under continuing resolutions. Funding for the LITC grant program is determined by Congressional appropriations and as of this date, Congress has not passed the Treasury appropriation bill for fiscal year 2011. 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. Other organizations funded in 2010 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). In 2010 Internal Revenue Service awarded nearly ten million dollars in matching grants to Low Income Taxpayer Clinics (LITCs listed above) for the 2010 grant cycle (January 1 thru December 31, 2010). As we anticipate the remaining grant amount award, we are hopeful that the 160 organizations funded for 2010 will also be funded in 2011.

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 award funds the part-time Community Outreach Coordinator position, operating costs, as well as supplementing the LITC director's salary for the summer months in order for it to operate the complete grant period (January thru December).

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.

Congratulations to the following students selected for the **Low Income Taxpayer Clinic** for the 2011-2012 academic year:

Amy Browning, Jorge Catumbela, Alvin Chang, Joshua Humphreys, Evan Jackson, Diana-Linh Le, Bradley Phillips, and Jonathan Sarager

From the Desk of Jeff Blackburn - Director - Innocence Project of Texas



This spring semester Innocence Project of Texas (IPOT) students have continued their hard work in investigating both DNA and non-DNA claims of innocence. Each week, IPOT receives approximately 100-125 requests for assistance from inmates across Texas. These requests for assistance are reviewed and then assigned to IPOT clinical students. Due to the hard work of IPOT student investigators, three cases are currently in various stages of DNA review. We anticipate positive outcomes in each of these cases that will hopefully lead to exonerations of



innocent defendants.

During the spring semester, IPOT received several grant awards from various programs in Texas. In January 2011,

IPOT received a \$50,000 award from the Task Force on Indigent Defense. The Task Force works in conjunction with the Timothy Cole Advisory Panel (named in honor of the groundbreaking Timothy Cole case completed by IPOT in 2009-2010) to assist indigent defense across the state. This award has been used to fund DNA testing and for the purchase of new computers and equipment for student investigators.

In April 2011, IPOT received a grant from the Texas Bar Foundation in the amount of \$20,000. This grant will be used to further our investigation of non-DNA "junk science" claims of innocence.



Examples of junk science include dog-scent lineups, faulty arson investigation and comparative bullet lead analysis. This grant will allow our clinical students to travel to meet with experts and inmates about these intriguing cases. This funding will also be used to conduct scientific forensic testing and for the retention of expert witnesses at the litigation level.

FOR MORE INFORMATION VISIT: www.ipoftexas.org



Pictured L to R:

Sitting: Chelsea Tucker, Chelsea Schneider, Courtney Grafft, Rachel Presa, Tara Mulanax, Daniel Salas, Carissa Salvador, Kyla Kersh, and Carly Hardt
Standing: Audra Palacios, Greg Whitley, Sondet Parnell, Eric Painter, Jeff Blackburn, Lupe Ponciano, John Muniz, Clint Buck, Daniel Corona, Nick Vilbas, and Catherine Whitworth

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 Judy C. Parker.

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



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

As is our custom, the students in the 2010-2011 Criminal Defense Clinic were busy all year representing real people in real cases in real time. This year, the students handled 167 cases for 108 clients. Of these cases, 64 are still pending, 52 were disposed of through some type of negotiated plea, 51 cases were dismissed. Of the 64 still pending, 16 are currently set for pleas of guilty, 14 cases are set for dismissal, the felony appeal is pending, 12 are set for negotiation conferences, 6 cases are set for trial, 5 clients have failed to appear and warrants have issued, 6 have recently pled guilty, and 4 clients cases remain unfiled. Cases consisted of 137 misdemeanors and 30

felonies. This is an average student case load of 13.5 clients per student and almost 21 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 Municipal Court, before the Justice of the Peace, in the Magistrate Court, in both Lubbock County Courts at Law, in all three felony District Courts of Lubbock, in the District Court in Hockley County and before the Seventh Court of Appeals in Amarillo. Clinic students for this year were **Jessica Adair, Adam Alvarez, Alexis Butler, Chad Crowl, Zac Morris, Marianne Sanchez, Megan Wells, and Will Williams**. Please congratulate every one for all their hard work. These students are trained and ready for the practice of criminal law. During the school year, these students performed well in excess of 3600 hours of *pro bono* representation of the poor. With the tireless and invaluable help of Visiting Professor, **Terri Morgeson** and Instructor, **Donnie Yandell** - the Chief Public Defender for the newly formed Caprock Regional Public



Defender Office and Clinic - the following cases were handled, or are still being handled, by the clinic students:

Misdemeanors:

17 Possession of Marijuana <2 oz, 4 DWI's, 20 Class B Thefts, 13 Domestic Violence Assault, 1 Misdemeanor Fraud, 11 Class A Thefts, 7 Driving While License Invalid, 10 Misdemeanor Assaults, 7 Criminal Trespass, 10 Failure to Identify to Police Officer, 4 Criminal Mischief, 1 Resisting Arrest, 4 Juvenile matters, 3 Evading Arrest, 2 Burglary of a Motor Vehicle, 1 Terroristic Threats, 2 Possession of a Drug Without a Prescription, 2 Prohibited Weapon, 5 clients with citations in Lubbock Municipal Court (50+ violations), 1 Violation of Protective Order, 1 Use of Identifying Information, 1 Unlawful Restraint, 1 Tampering with Governmental Records, 1 False Drug Test, 1 Fictitious Inspection Sticker, 1 Class C Theft, 2 Theft of Service, 1 Class C Assault, 1 Failure to Leave Information, 1 Prostitution, and 1 Interference with 911 Call, a total of 137 misdemeanor cases.

Felonies:

1 Felony Appeal to 7th Court of Appeals, 1 Felony Injury to a Child, 1 Felony Possession of Marijuana, 6 Felony Thefts, 1 Felony Aggravated Assault, 10 Felony Forgery, 1 Felony Credit Card Abuse, 2 Felony Burglary of a Habitation, 3 Felony Burglary of a Building, 1 Felony Failure to Stop and Render Aid, 3 Felony Unauthorized Use of Motor Vehicle, a total of 30 felony cases.

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 will tell you, when we have class,

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CRIMINAL DEFENSE CLINIC

This is a full-year 8 credit hours (4 per semester) course limited to 8 students. Students 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 be on academic probation, and have taken Evidence, Criminal Procedure, and Professional Responsibility.

Recommended 3L courses include Texas Criminal Procedure, Trial Advocacy, and/or moot court or mock trial experience. Students may not be concurrently enrolled in this class and another clinic or externship; all other qualifications being equal, students with no prior clinical or externship for credit experience are given preference for placement in the CDC; students may not have outside employment if enrolled in this clinic, however, exceptions can be made; and students may not sit for the February bar exam.

From the Desk of Patrick S. Metze

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

Several learning environments are available to the students. Mandatory office hours leading to collaborative learning while the students work in close proximity, sharing ideas and developing strategies while keying off the knowledge of their peers – a custom that will follow them into practice as the criminal defense bar freely shares knowledge and experience with younger attorneys. Additionally each week, the students spent time with one of eight different local attorney mentors. These mentors are criminal defense lawyers in Lubbock who volunteer their time, knowledge, experience and talents so that students can observe and learn the practice criminal law with their guidance. Mentors for the Criminal Defense Clinic for 2010-2011, all local attorneys practicing criminal law, were **Chuck Lanehart, Danny Hurley, 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



annual last day of class cook-out, the students expressed to each Mentor their appreciation for the time and energy given them so freely throughout the year. Thanks to the generosity of these mentors, just prior to school in August, the students of the Criminal Defense Clinic attended a twenty hour orientation and trial advocacy short course taught by the most prominent criminal defense lawyers in Texas, including Chuck Lanehart, Danny Hurley, Laurie Key, Charles Chambers, Robin Matthews, Dwight McDonald, Mark Snodgrass,

Steve Hamilton, Ted Hogan, with special sessions provided by English Professor, Dr. Jill Patterson on storytelling, Assistant District Attorney Rickie Cayton on negotiating with the DA's office, Professor Rob Sherwin on Cross-

examination, and Professor Metze on other advocacy and clinic skills. This was a wonderful start to the new school year and set the proper tone for the entire clinical experience.

Other experiential learning was courtesy of the criminal defense bar from throughout Texas and the United States. In October, because of the generosity of the Innocence Project of Texas, students attended a two day Forensic Science Seminar in Dallas, Texas. Also in October, students attended, free of charge, the

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Pictured L to R:

Professor Patrick Metze, Alexis Butler, Visiting Professor Terri Morgeson, Chad Crowl, Marianne Sanchez, Megan Wells, Jessica Adair, Zac Morris, Adam Alvarez, and Will Williams

WORDS FROM OUR STUDENTS

"The Criminal Defense Clinic has been the most rewarding law school experience. By the end, we'll have so much knowledge that we couldn't have found in a classroom, and we'll be ready to practice criminal law. We are so fortunate to have such amazing teachers in Pat, Terri, and our mentors. The Clinic has instilled a confidence in us that we couldn't have gained elsewhere."



Megan Wells
Criminal Defense Clinic



"This spring was the capital clinic's first semester, and the clinic is the very first of its kind in the state. I am honored to be a part of this groundbreaking experience. The capital clinic provides the student attorneys with a unique role in an area of law that can take even licensed criminal defense attorneys multiple years before they are qualified to try a capital case."

Calli Bailey
Capital Punishment
Clinic

From the Desk of Patrick S. Metze

(continued from page 8)

30th Annual Lubbock Criminal Defense Lawyers Association Prairie Dog Lawyer Advanced Criminal Law Seminar. In November, renowned DWI lawyer David Burrows of Dallas, Texas, at his own expense, came to the Law School to spend time with the students instructing them on the fine art of *Voir Dire* by using his 30 minute *Voir Dire* technique. To cap off their extra-classroom educational experiences, in March students were given the opportunity to attend a *Cross-Examination* Seminar in Houston, Texas, put on by the Texas Criminal Defense Lawyers Association, where the students were treated to the teachings of the guru of Cross-Examination Terry MacCarthy, executive director of the Federal Defender Program in the U.S. District Court for the Northern District of Illinois for more than 40 years prior to his retirement. Mr. MacCarthy spent extra time with the students after the seminar to inspire and encourage them to greatness. Finally, in April, the Criminal Defense Clinic took third place in the Law School's annual chili cook-off, boo-yah!



From the Desk of Donnie Yandell—Caprock Regional Public Defender Clinic

The Caprock Regional Defenders Office has been gearing up for students since the later part of December. As Chief Public Defender and Instructor I have travelled multiple times to the twelve counties east and north east of Lubbock who have signed agreements with the office to represent their indigent criminal defendants. I have installed computers and teleconferencing equipment in court rooms and jails with **Uwe Beltz**, **Eric Martinez** and **Dan Dean** from the Law School IT department. Countless other persons in IT departments at the law school and on main campus also helped prepare the office for a program that will utilize video conferencing technology for efficiency and cost savings. I currently represent the clients in a caseload which has doubled in just the last part of April, representing defendants on misdemeanor and juvenile offenses in the rural court systems.

There was significant effort and professionalism shown this year by all members of the Clinic. I hope the experience was meaningful and a jumpstart 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. Remember this summer, no drama, pass the Bar and stay in touch. Come back often.

Congratulations to the following students selected for the 2011-2012 academic year: **Meghan Graham**, **Jack Hawthorne**, **Dustin Kellar**, **Jessica Nevarez**, **Eric Painter**, **Roland Soto**, **Maritza Stewart**, and **Leticia Trevino**

WORDS FROM OUR STUDENTS

"My participation in the Criminal Defense Clinic over the past year has allowed me to practice what I have learned while at the same time teaching me something new each and every day. It has been a reminder of the importance of our work and the impact it has in the lives of others."

The ability to be trained by our mentors whom are the best in the legal community has been instrumental in learning what it takes to become successful and how to achieve that success.

It has been a pleasure working with our wonderful faculty and staff whose knowledge has helped mold me into the attorney I will become. The relationships created with my fellow clinic students will never be forgotten and I could not have asked for a better group of individuals to have worked with. This special group of friends will always be a part of me and I have no doubt they will all become great attorneys in their practice."



Adam Alvarez
Criminal Defense Clinic

From the Desk of Jack Stoffregen - Co-Director, Capital Punishment Clinic

The Regional Public Defender for Capital Cases office welcomed the inaugural Capital Punishment Clinic this past Spring semester with active cases pending in a region exceeding 150,000 square miles, encompassing 127 counties in the State of Texas. Our clients are, each of them, in the unenviable position of prolonged incarceration, generally single-celled, alienated from family, and without hope of eventual release. Four student-attorneys (**Kama Lawrence, Sarah Rose, Jessica Leyva** and **Calli Bailey**) were immediately assimilated into the framework of not only the capital trial teams assigned to each case, but into the entire fabric of the office.

On day one, these students underwent an intense day-long orientation session which instructed them in various office protocols, as well as the roles of the fact investigators, the mitigation specialists, and the line attorneys. With that limited exposure, they were quickly utilized by all of the RPDCC staff and morphed immediately from observer to valued

contributor. Assignments included the mundane (research and drafting motions), the exhausting (automobile trips through West Texas to spend hours with clients in jails), the nerve-wracking (presentation of crucial ex parte funding motions to trial judges) and the exhilarating (resolution of a client's case with a sentence other than death).

Biweekly office staffings are a critical communication technique utilized by the RPDCC. Each case is thoroughly discussed, and various strategies vetted with all staff members participating. These student-attorneys not only attended the staffings, but were regular contributors to the development of our mitigation and litigation plans for each client.

The classroom component of the Capital Punishment Clinic melded nicely with the field component. Whereas the RPDCC focused on the "how to" aspect of defending the capital case, the classroom emphasized the "why" aspect; why the defense teams function in a particular way. Methodology and its underlying foundation is critical to the success of the capital defense practitioner, and literally a matter of life and death for the client.

Congratulations to the following students selected for the 2011-2012 academic year: **Carah Beth Bass, Charles Blevins, Xavier Charles, Shannon Crenshaw, Chris DeAnda, Liceny Espaillet, Temitope Ogunsemi, Mary Porter, Carl Robinson III, Patrick Sloane, Robert Sullivan, and Karla Valles Gonzalez**

WORDS FROM OUR STUDENTS

"The Capital Punishment Clinic was such an invaluable experience."



The knowledge I gained from working with the attorneys at the Regional Capital Public Defender's Office is something that will help me tremendously once I graduate and start practicing law. There is no better feeling than knowing you helped make a difference by saving a life."

Jessica Leyva
Capital Punishment Clinic



Pictured L to R: Sarah Rose, Kama Lawrence,
Professor Patrick Metze, Calli Bailey, and Jessica Leyva

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

Eighteen students participated in the Advanced ADR Clinic during the Spring Semester: **Kaitlyn Cichowski, Fin Erwin, Luis Gonzalez, Stephanie Isak, Aquila Jordan, Matthew Kendall, Mazelle Krasoff, Ezra Kuenzi, George Lane, Wendell Langdon, Hillary Luckett, John Maniscalco, Laura Martin, Philip McLemore, James Palomo, Kate Squires, Samantha Taber, and Leslie Wong.** 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.

*To learn more about the Lubbock County Dispute Resolution Center,
Please visit*

<http://www.co.lubbock.tx.us/department/?fDD=8-0>



Pictured L to R (back row): Mazelle Krasoff, Kate Squires, Laura Martin, Aquila Jordan, Hillary Luckett, Samantha Taber, Kaitlyn Cichowski, Stephanie Isak, and Leslie Wong

Pictured L to R (front row): Wendell Langdon, Matthew Kendall, George Lane, Ezra Kuenzi, Luis Gonzalez, James Palomo, John Maniscalco, and Fin Erwin

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 well as advise, counsel and prepare clients for mediation.

Congratulations to the following students selected for the **Advanced ADR Clinic** for the 2012 Spring semester: Francis Adesina, Tiffany Au, Tyler Benting, Bradly Carlson, Heather Carson, Grant Cunningham, Chad Davis, Matthew Daws, Elizabeth Galas, Emily Hart, Christopher Kelley, John Larios, Kaitlyn Luck, Bryce Pearcy, Matthew Ribail, Lauren Velastro, and Joseph Young

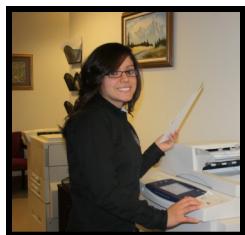
THANKS TO FACULTY AND STUDENTS SUPPORTING *PRO BONO*

Thanks to the following faculty and staff members who participated in Pro Bono Clinics held in conjunction with Legal Aid of NorthWest Texas during the spring semester of the 2010-2011 academic year: **Associate Dean and Professor Arturo Torres** (1 clinic); **Professors Dustin Benham** (1 clinic), **Vaughn James** (4 clinics), **Brian Shannon** (1 clinic), **Brie Sherwin** (1 clinic), **Larry Spain** (5 clinics); **Director of Career Services Dawn Payne** (1 clinic); and **DeShun Harris** (2 clinics).

The Law School faculty co-sponsored two *Pro Bono* Clinics held at St. John's United Methodist Church during the month of February and assisted with two *Pro Bono* Clinics during the spring 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 spring semester:

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 assisted with scanning documents for professors in order to archive some old files, as well as assisting with other administrative duties. The students who completing their rotation this semester were **Regina Cervantez**, **Samantha Infante** (pictured above), and **Asaph Juarez** (pictured to the right).



The preceptorship in the clinical program is the continuation of a partnership between the School of Law and the Estacado High School

Lindsey Canter, Luis M. Paredes, Jr., Audrey Rugg, Peyton Kampas, Claire Wiswell, Megan Fescenmeyer, Lindsey Cantu, Elizabeth Niblo, Leslie Collins, Robert Hundemer, Sean Buckley, Lilia Doibani, Kenneth Morris, Anna Rains, Cara Brewer, and Carl Robinson, II.

The Tech Law Military Association partnered with Legal Aid of NorthWest Texas to sponsor a Veteran's Legal Clinics on January 13 and March 10 as part of the State Bar of Texas initiative, Texas Lawyers for Texas Veterans. These *pro bono* clinics will be held in the future on a bi-monthly basis. Students participating in the Veteran's Legal Clinic included the following: **Valerie Finella, Chase Hales, Victor Marquez, and Joel DelaGarza**. **Professor Larry Spain** also assisted.

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

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 has 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.



If anyone has a project during the next academic year and needs assistance, please let contact Elma at elma.moreno@ttu.edu.

WORDS FROM OUR STUDENTS

"My time spent as a student attorney in the Criminal Defense Clinic has been the most rewarding and worthwhile experience over the course of my three years at the Texas Tech School of Law. I was able to actually practice law, and see the ins and outs of the legal system in regards to criminal law. Over the course of the past year I was able to gain insight and direction from practice and shadowing some of the most revered attorneys in not only Lubbock, but the State of Texas."

Over the duration of this school year I had the privilege to meet clients and their families while working on cases. The information and experiences gather from these meetings fueled the fire inside of me to zealously represent those who are often tossed aside or written off by society. By doing so, my perception of criminal law has been forever changed in a positive manner.

I thank all those involved with the Clinic for an amazing work environment and for leading me through the pitfalls many young attorneys must face alone. I am more than confident that I have the knowledge and ability to "hit the ground running" upon passing the Bar exam, and I have the Criminal Defense Clinic and all those involved to thank for that confidence."



Zac Morris
Criminal Defense Clinic

CLINIC STUDENTS HONORED DURING HONORS AND AWARDS PROGRAM

This year the Clinical Program recognized all its clinic students during the annual *Honors and Awards Program* which was held on April 14th instead of hosting a separate student recognition event. The students present were asked to stand and be applauded for their hard work and as a participant in one of the clinics by Clinical Programs Director and Civil Practice Clinic Director Professor Larry Spain. In addition to being formally



recognized, the names of each student was included in the printed program. A total of 90 students were recognized with a *Certificate of Appreciation* for their dedication and participation in the clinical programs.

Clinic students recognized with other distinguished awards by Interim Dean Susan Fortney included: **Calli Bailey** (Capital Punishment Clinic), **Aquila Jordan** (ADR Clinic), **Patrick Sicotte** (Tax Clinic), **Megan Wells** (Criminal Defense Clinic), and **Shaun Rainey** (Judge Ken G. Spencer Award).

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

HONORS AND AWARDS PROGRAM



Callie Bailey
Excellence in Service Award



Aquila Jordan
Conboy Ambassador Award



Patrick Sicotte
Professor Marilyn Phelan Tax Award

PRO BONO PROGRAM HONORS VOLUNTEERS

The *Equal Justice Volunteer Program of Legal Aid of NorthWest Texas* held its *26th Annual Pro Bono Awards Luncheon* in conjunction with the Lubbock County Bar Association on Friday, April 15, 2011, at the Scottish Rite Building. This event is held annually to recognize private attorneys, Professors of Law at Texas Tech University School of Law, law students, lay advocates and community volunteers for their dedication and commitment of providing services to help indigent individuals in their community and surrounding counties with their legal problems.



Certificates were awarded to all sites sponsoring clinics and all clinic sponsors including the **TTU School of Law** for hosting the Divorce Night Court clinics as well as sponsoring the pro bono clinics at Mae Simmons Community Center and St. John's United Methodist Church.

Tech Law continues to be a strong supporter of the Equal Justice Volunteer Program of Legal Aid of NorthWest Texas and has been doing so since the mid 1980's!

Congratulations to all Professors, students, and staff who were recognized during the Pro Bono luncheon!

“Volunteers don’t necessarily have the time, but they have the heart.”

Author unknown

RECENT CASES OF INTEREST

After nearly 3 years, **Matthew Koos** (Civil Clinic) was able to obtain a favorable decision for a 48 year old woman with history of seizures on a disability claim when she was awarded a closed period of disability resulting in an award of \$10,756. The case had resulted in two hearings before an administrative law judge as well as a reversal and remand from the Appeals Council before benefits were awarded. **Renee Brosch ('09)** conducted the original hearing before the administrative law judge while **Brittany Baumgartner ('10)** also worked on the case after remand from the Appeals Council.



Steven Boening (Civil Clinic) obtained a waiver of co-pay charges based on extreme financial hardship for an individual on co-pay charges for VA medical benefits that had been applied retroactively. This was a case referred by the Veteran's Legal Clinic.

Steven Boening obtained a default judgment on behalf of an elderly man who had been taken advantage of by an individual who had defaulted on a promissory note and an agreement to pay rent for the use of a room in the client's home.

Erin Mai (Civil Clinic) represented a graduate student that had been overpaid \$ 32,050 in social security benefits. After a personal

conference before the Social Security Administration, a decision was made to waive the entire amount after determining that the client was without fault in causing the overpayment and that it would represent an economic hardship for him to repay the amount of overpaid benefits.



Charles Malolo (Tax Clinic) completed a case which has been ongoing for a couple of years. Taxpayer had been denied the earned income credit for her grandson for 2006. After provided the requested documentation and affidavits, the IRS concluded that she was entitled to the refund and sent taxpayer a refund of \$2800 plus.



Melia Jones (Tax Clinic) represented a taxpayer who was assessed income for monies that she did not receive but that were wages paid to her boyfriend at the time. The matter was resolved and taxpayer received a refund of \$3914.90.



Matthew Harris and Alyson Faulk
on
Passing the February Bar!

HONORS AND AWARDS PROGRAM



Megan Wells
(pictured with Mike Brown)
Clifford Brown Lubbock Criminal Defense Lawyers Association Award



Shaun Rainey (pictured with Interim Dean Susan Fortney)
Judge Ken G. Spencer Award



Joel DelaGarza (pictured with Interim Dean Susan Fortney)
Elma Moreno Pro Bono Award

CLINICAL PROGRAM HOSTS INFORMATION SESSIONS

Two information sessions were held in early Spring to begin the student selection process for the 2011-2012 academic year. The current clinic students provided an information session to students interested in enrolling in a clinic during the next academic year on **February 3rd** in the **Lanier Center Auditorium**. A student from each of the clinics spoke about their clinical experience and were available to answer questions from a student's perspective.

Students included: **Katie Maxwell** (Advanced ADR), **Sarah Roberts** and **Matthew Koos** (Civil Practice Clinic), **Patrick Sicotte** (Tax Clinic), **Jessica Adair** (Criminal Defense Clinic), **Megan Wells** (Caprock Regional Public Defender Clinic), and **Kama Lawrence** (Capital Punishment Clinic).



A MANDATORY information session was held on **February 8th** at which time each clinic director provided additional information on their particular clinic and were available to answer questions. The application process, clinic selection and enrollment policies, and important dates were also be discussed at that time.



"The Tax Clinic has provided incomparable practical experience. As the year has now ended, I am leaving the Clinical with knowledge, experience, and a skill set of client counseling skills and how to handle a case load. The Clinic provided more than just tax practitioner skills. Through the presentations to the public on tax matters and working with VITA, the Clinic has been a rewarding public service experience."

Participating in the Volunteer Income Tax Assistance (VITA) program was the most rewarding aspect of the Clinic. In most cases, the people receiving assistance appreciated the work we were doing and assistance we were providing. On rare occasions, when I was paired with a difficult customer, the experience provided insight and skill on how to react and handle trying situations."

Lindsay Canning
Tax Clinic

The student selection process begins in February of each Spring semester to fill all slots available in the clinical program. A total of 62 slots needed to be filled for the 2011-2012 academic year. The Innocence Project of Texas will be changing from being a clinic to becoming of the externship programs during the next academic year and the Tax Clinic director decided not to fill any slots for the summer sessions, therefore, the number of slots available were limited in comparison to prior years.



Information was provided on the following clinics:

- Tax Clinic
- Civil Practice Clinic
- Family Law/Housing Clinic
- Criminal Defense Clinic
- Advanced ADR Clinic

Sixty-six (66) students submitted a total of 156 applications designating their first thru fifth choices. All offers, acceptances, and slots were filled and the selection process was completed on or before March 21st.



CONGRATULATIONS to the 2011-2012 clinical program students! We are looking forward to having you in the clinics.

WORDS FROM OUR STUDENTS



"I really enjoyed the Civil Clinic this year. I had many valuable experiences that were not available in a class room environment. Meeting with clients, handling a case load, and appearing before judges were some but not all of learning experiences that will carry over into my practice after graduation."

Andrew Howell
Civil Practice Clinic



"I think the services offered by the low-income tax clinic are invaluable to low-income taxpayers. Low-income taxpayers typically live month to month and have no extra income in the event they owe the IRS money. Therefore, being audited by the IRS and/or assessed a liability that was unexpected can be not only financially stressing, but an emotional struggle as well. In my opinion, the free services offered by the tax clinic allow the financial and emotional strains to be more manageable."

Jessica Jackson
Tax Clinic

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

The *Coalition of Community Assistance Volunteers* (a partner of the Low Income Tax Clinic) and staff from the Internal Revenue Service trained an estimated 100 volunteers with the assistance of **Elma Moreno**, Clinical Program Legal Assistant/Office Manager and member of the CCAV Board of the Directors and former Tax Clinic student Levi Siebenlist (Class of 2009 and an attorney at *Field, Manning, Stone, Hawthorne & Aycock, P.C.*), 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.

The Tax Clinic students continue to volunteer at the VITA site during tax filing season as part of their curriculum. During the 2011 Spring semester, these students contributed a total of **289.0** hours. Some of the students were promoted from tax preparers to quality reviewers based on their level of expertise. In addition to the law students, 40 plus students from the TTU Personal Financial Planning were also training and contributed hundred of hours as either tax preparers or quality reviewers.

As a result of the efforts of these volunteers a total of **2,736** taxpayers whose average gross income was **\$16,600** had their tax returns prepared for free either at the VITA site. This saved them approximately **\$410,000** in tax prep fees. The low income residents helped received an estimated 1.3 million dollars in Earned Income Credits and a total of 4 million were returned to families within the community. An appreciation luncheon was held on May 4th at the Skyviews Restaurant honoring all volunteers.

The volunteers recognized with *Certificates of Appreciation* included several law students who took time to assist in tax preparation and contributed a total of **312.5** hours. The law students who volunteered during tax filing season included: **Amanda Hanzl, Lindsay Canning, Jorge Catumbela, Natalie Cepak, Anna Ford, Kent Hansen, Jessica Jackson, Chris Jackson, Melia Jones, Susan Karingattil,**

Charlie Malolo, Brad Phillips, Jennifer Sibley, Patrick Sicotte, and Greg Martin.



Amanda Hanzl (3L) has been an Assistant Site Coordinator for CCAV for 2010 and 2011 tax filing seasons. CCAV Board President Steve Anderson presented her with a plaque for her years of service. We thank her for all her hard work!

Kent Hansen (1L) was recognized as the "Tax Preparer of the Year" for his contribution. Since he is an incoming 2L we are hopeful that he will continue to help out during the next two filing seasons! Congratulations Kent!

The "Student Volunteer of the Year" award went to **Britini Peoples** who is a Personal Financial Planning student. Other awards presented included the "Greeter of the Year Award", "Quality Reviewer of the Year Award", "Site Coordinator of the Year Award", "New Volunteer of the Year Award", and "Volunteer of the Year Award".



Judge Tom Head was also honored and recognized with a plaque for 10 years of service to the Board of Directors as President and as a founding member of CCAV.

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

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

WHERE ARE THEY NOW?

Adam Fulkerson (Civil 2009-2010) - is an attorney at Deck Jones in Fort Worth, Texas

Rachael Osaze-Edie (Civil 2009-2010) is practicing in Austin, Texas.

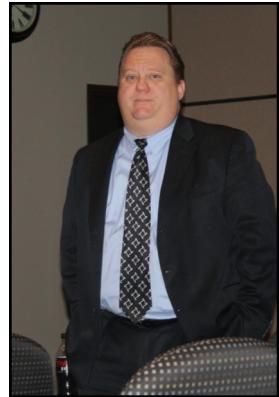
Melissa Saenz (Civil 2009-2010) is practicing criminal law in San Antonio, Texas.

Trang Luu (Tax Clinic 2009-2010) is practicing in Houston, Texas.

Alfonso Zambrano (Civil Clinic—2009-2010) is an attorney with Brown & Fortunato, PC, in Amarillo, Texas.

Crystal Soria (Civil Clinic 2008-2009) is practicing in San Antonio and has established her own law firm—*Law Offices of Crystal Soria*.

Snapshot Corner



TEXAS TECH U
School of

End of the Year Social



**CLINIC
DIRECTORS:**

Larry Spain
Civil Practice Clinic
ADR Clinic

Wendy Tolson Ross
Civil Practice Clinic

Vaughn James
Low Income Tax Clinic

Patrick Metze
Criminal Defense Clinic
Caprock Regional Public
Defender Clinic
Capital Punishment
Clinic

Jeff Blackburn
Innocence Project of
Texas Clinic

**CLINIC ADJUNCTS/
VISITING
PROFESSORS:**

Gene Valentini
ADR Clinic
Adjunct Professor

Terri Morgeson
Clinic Fellow/
Visiting Professor

Donnie Yandell
Caprock Regional Public
Defender Clinic
Chief Public Defender

STAFF:

Elma Moreno
Office Manager/
Legal Assistant

Samirah Abdalah
Legal Secretary/Senior
Business Assistant

Lesley Nall Washington
Caprock Regional Public
Defender Clinic
Director of Operations
and Communications

CONGRATULATIONS MAY GRADUATES! GOOD LUCK WITH THE BAR EXAM!

CLINIC FACULTY AND STAFF



CLINIC NEWS

Spring 2011 Edition

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<http://www.law.ttu.edu/acp/programs/clinical/>